

**HOUSING DEVELOPMENT AND CUSTOMARY LAND TENURE SYSTEMS IN
GHANA: A CASE STUDY OF PERI-URBAN KUMASI**

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A thesis submitted in fulfilment of the requirements for the degree of

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Abstract

This research examines the ways in which the rapid commoditisation of land in Ghana's peri-urban areas is transforming local customary tenure systems. The research focuses on two selected research sites in Ghana's peri-urban Kumasi, namely Aburaso and Kromoase. Rapid urbanisation has resulted in an increase in demand for housing land. Consequently, wealthy migrants are moving to peri-urban areas in search of relatively affordable residential land. This has accelerated the commoditisation of customary land in most peri-urban areas of Ghana. Customary forms of tenure are increasingly being converted into individual or private systems of land ownership. Evidence from this study shows that traditional authorities are increasingly alienating customary land without the consent of their subjects. The commoditisation of customary land in Aburaso and Kromoase has resulted in the decline of agrarian production as agricultural land is parcelled out to wealthy outsiders. This research used intensive and extensive research methods to gather data on how commoditisation of land is transforming customary tenure systems in Aburaso and Kromoase. The intensive research involved the gathering of data through 33 life history interviews, 14 in Aburaso and 19 in Kromoase, and 12 in-depth interviews with key informants. Data gathering in the extensive phase of the research involved administering a household questionnaire to 105 households, 57 in Aburaso and 48 in Kromoase. The study argues that urban expansion, specifically housing development has accelerated the commoditisation of customary land in Ghana's peri-urban areas. As a result of the widespread commoditisation of customary land, communal land ownership at clan levels is converted to individual land ownership in the form of freehold interest, and there is no accountability for money that land purchasers, mostly wealthy migrants, pay to traditional chiefs. There has been an increase in competing claims over land between the pioneer clans and other social groups (latter clans) that occupied land in subsequent years. Evidence from this study shows that indigenes are evicted from their farmlands by traditional authorities, and this has resulted in the decline of agrarian livelihoods in both Aburaso and Kromoase. Thus, agricultural land is increasingly converted to residential land to meet the rising demand for housing. In some cases, agricultural land is used for non-agricultural activities, for instance, the building of business premises by wealthy migrants. Thus, local land is sold to well-off migrants while the poor locals cannot afford the high land prices and therefore struggle to access land. These research findings challenge the conventional thinking that allocating traditional leaders more land administration powers will enhance equitable distribution of land and contribute to poverty alleviation. Instead, the exclusive recognition of traditional

authorities as the fiduciaries of customary land has enabled traditional leaders to redefine customs, evict indigenes from their farmlands and grab the common pool resources in most peri-urban areas like Aburaso and Kromoase. The study, therefore, recommends the adoption of a robust legal framework that recognises all key role players in customary land administration. This will assist in protecting customary land rights and halt the widespread grabbing of local land by traditional authorities and wealthy elites.

Key words

Land

Customary land tenure systems

Housing development

Traditional authorities

Households

Land ownership

Land acquisition

Land access

Land conflicts

Land guards

Peri-urban Kumasi

Declaration

I declare that *Housing Development and Customary Land Tenure Systems in Ghana: A Case Study of Peri-urban Kumasi* is my own work, that it has not been submitted before for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged as complete references.

Augustine Fosu



Signed:

December, 2020

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Chapter 1: Introduction: Housing Development and Customary Land Tenure Systems in Peri-Urban Ghana

1.1 Background to the Study

Housing is a basic necessity of humanity and a sufficient supply of housing promotes economic development, improves the health of people and the physical landscape of a country (Abusah, 2004; UN-HABITAT, 2012; Awuvafoqe, 2013; Kheni and Adzraku, 2018). Housing ownership is regarded as a fundamental human right of humankind (United Nations, 1948), which implies that every human being has a right to own a house. In Ghana, houses are supplied by the state, and households¹ and estate companies (UN-HABITAT, 2011a; Asante et al., 2017). However, Morgan, Kwofie and Afranie (2013:2) indicate that the state housing provision for Ghanaians is “virtually non-existent”. Thus, the state is failing to produce the required number of housing units needed to support the living condition of Ghanaians. As a result of this, households and estate companies help to relieve the housing pressure by undertaking various housing initiatives (Ghana Real Estate Developers Association, 2016).

The households and estate companies provide about 90 per cent of the total housing units in Ghana (UN-Habitat, 2011a; Awuvafoqe, 2013; Ministry of Water Resources Works Housing, 2015; Ghana Real Estate Developers Association, 2016). Out of the total 90 per cent of housing units provided by households and estate companies, the estate companies deliver 10 per cent and the remaining 90 per cent is provided by individual households (UN-HABITAT, 2011a; Morgan, Kwofie and Afranie, 2013). The households and the estate companies usually acquire a piece of land and develop the land into semi-detached houses, detached houses, condos, compound houses and flats and either occupy them as owner occupiers or let them to tenants for a certain number of years (UN-HABITAT, 2011a; Asante et al., 2017).

Availability of land is vital in the activities of housing developers (state, households and estate companies) as land is the fundamental material that assists the developers to begin their

¹ The term household has been defined in different ways. These definitions are usually based on household composition, economic activities and power dynamics. In the research sites, Aburaso, and Kromoase and Ghana in general, owing to the nature of the households’ economic activities and their composition, a household is recognised in this thesis as a group of people who eat from the same pot, conduct the same housing-keeping arrangements and stay together but some members of the household may be away from the household for some time.

investment (Boamah, Gyimah and Nelson, 2012). In Ghana, land is predominantly owned by customary authorities (stools, skins and clans). Together customary authorities² own about 80% of all lands and the state owns 20% (Kasanga and Kotey, 2001; Yeboah and Shaw, 2013). Customary lands are managed and allocated to housing developers mostly by heads of communities, clan heads and religious leaders in the case of Northern Ghana (Kasanga and Kotey, 2001; Kumbun-Naa Yiri II, 2006; Amanor and Ubink, 2008). Alternatively, the state lands are allocated to housing developers by the Lands Commission of Ghana.

In Africa and elsewhere in the world, escalating population growth emanating from high fertility rate, migration and globalisation has increased the demand for land for housing (UN-HABITAT, 2011b, 2012; Yeboah and Shaw, 2013; Banu and Fazal, 2016). In Ghana, the burgeoning population growth has increased the demand for housing which has created a housing deficit. The housing deficit in Ghana stood at 1.7 million housing units in 2010 which requires 170,000 housing units every year to bridge the gap (UN-HABITAT, 2011a; Ministry of Water Resources Works Housing, 2015; Ghana Real Estate Developers Association, 2016).

In urban communities in Ghana, the high population growth emerging from natural increase, globalisation and unchecked internal migration has occasioned congestion and overcrowding in houses (Cobbinah and Amoako, 2012; Yeboah and Shaw, 2013; Owusu and Oteng-Ababio, 2015; Akrofi, Avogo and Wedam, 2019). In 2010, about 60 per cent of urban households lived in single rooms and the household size was estimated at 4.4 (UN-HABITAT, 2011a; Ghana Statistical Service, 2012). The congestion and overcrowding in housing exacerbate prices of rental housing and land for residential and other uses in the urban areas, the urban lands become more expensive than the peri-urban lands (Mends, 2006; UN-HABITAT, 2011a; Appiah et al., 2014).

Urban dwellers who want to purchase land and build houses are often attracted by the low prices of land in the urban peripheries (Brook and Dávila, 2000; Simon, McGregor and Nsiah-Gyabaah, 2004). These urban dwellers migrate to the urban peripheries, acquire land mostly from customary authorities, build their houses and commute daily from the peri-urban communities to their workplaces in the urban centres (Amoateng, Cobbinah and Owusu-Adade,

² In this study, customary authorities or traditional authorities may be used interchangeably. In all cases, the two terms are recognised as chiefs and queen mothers only.

2013). The drift of urban residents to the urban peripheries in search of land for housing causes the peri-urban communities to be interwoven in the processes of urbanisation.

1.2 Research Problem

In Ghana, almost all peri-urban lands are controlled and managed within the customary land tenure systems (Kasanga and Kotey, 2001; Kumbun-Naa Yiri II, 2006; Owusu-Ansah and O'Connor, 2010). The migration of people from urban communities into the urban peripheries especially, due to rapid urbanisation, increases the demand for rental housing and lands in the peri-urban communities. The peri-urban lands gain value and the prices of the land and rental housing increase (Simon, McGregor and Nsiah-Gyabaah, 2004; Aberra and King, 2005; Owusu, 2008). As a result of the increase in prices of the land emerging from the drift of the migrants into the peri-urban communities, the customary authorities allocate land to households at high prices. Boamah and Margath (2016) argue that the customary authorities allocate the lands to the highest bidders. Thus, people who offer the highest prices obtain the lands from the traditional authorities. The commoditisation of the customary lands for housing development leads to introduction of urban land governance into the peri-urban communities, creating dual land tenure regimes (Boamah and Margath, 2016). Traditional authorities, insulated by the state through the dual land tenure systems, invoke their allodial land ownership and evict indigenous people from their farmlands (Amanor, 2008; Akaateba, 2018, 2019). The eviction of the indigenes from their farmlands affects their land ownership³, they become landless on their own lands and this continues down to the unborn generations (Ubink, 2007; Amanor and Ubink, 2008; Arko-Adjei et al., 2009; Arko-Adjei, 2011).

³ Land ownership is very complex in the context of customary land tenure systems in Ghana and Africa in general. In one parcel of land, there can be many different overriding interests and rights in, on, and over it. Officially, land ownership in Ghana is generally divided into proprietary ownership and territorial ownership (Da Rocha and Lodoh, 1999). Proprietary ownership is where a person or a group of persons have absolute rights of access, use and control over, on and in a given parcel of land. These people may be people who first settled in a community or first cleared a virgin forest in a community. Land ownership by pioneer clans, latter clans and clan members are regarded as proprietary ownership. On the other hand, territorial ownership is considered as ownership held by traditional authorities over communities under their jurisdiction. Land ownership by pioneer and latter clans in the research sites, Aburaso and Kromoase is recognised as proprietary ownership. However, in practice, the overriding interests and overlapping or multi-layered rights in customary tenure systems do not easily fit into the official notions of absolute ownership of property.

Moreover, the traditional authorities become land owners and neglect their subjects (Amanor and Ubink, 2008; Berry, 2009b, 2017, 2018). However, under the current 1992 Constitution of Ghana, Article 36(8), traditional authorities are fiduciaries. Nonetheless, due to the commoditisation of the customary lands for housing development, the traditional authorities do not discuss land acquisition with community members. On their own volition, they sell and provide allocation note⁴ and site plan⁵ to land seekers. Kasanga and Kotey (2001:23) argue that the fiduciaries manage the customary lands as their bona fide property “with little or no regard to the members of the broader group, who are the real owners of the land”. The conduct of traditional authorities in the periods of land commoditisation creates litigations among traditional authorities, beneficiaries and land purchasers (Ubink, 2007, 2009). As noted by Kasanga and Kotey (2001) and Bugri (2012), there are backlog of land cases in Ghanaian courts of which poor land delivery is the greatest contributing factor.

The commoditisation of the customary lands for housing development results in the creation of land guards in peri-urban areas in Ghana (Kasanga and Kotey, 2001; Nyasulu, 2012; Barry and Danso, 2014). The land guards take contractors’ shovels, cement, pick-axe and other constructional tools and at times beat workers at the construction sites (Ghana Real Estate Developers Association, 2016). The conduct of land guards makes developers curse, insult and incarcerate these vigilante groups. In peri-urban communities in Ghana, the land guards’ activities creates problems among chiefs, young people and housing developers (Kasanga and Kotey, 2001; Ubink, 2008a; Nyasulu, 2012; Ghana Real Estate Developers Association, 2016, 2019).

The ultimate results of the commoditisation of customary lands for housing development are that many indigenous people become poor and do not own any houses (Blake and Kasanga, 1997). The indigenous people cluster in clan compound houses while others build rooms and

⁴ An allocation note is a paper which a chief or a queen mother gives to a land purchaser for a specific land transaction. The document shows the name of the stool of the community, the chief’s/queen mother’s name, a witness from the traditional council, the land purchaser’s name and a witness for the land purchaser. In Ghana, an allocation note does not confer any title to the land purchaser. It is recognised as a receipt covering the transaction over a parcel of land made between the chief/queen mother and the land purchaser according to the Supreme Court.

⁵ A site plan is a paper which shows the size and the number of a plot of land transferred to a land purchaser. It indicates the adjoining plots, the name of the land purchaser, the stool of the community, and the use of the plot of land. The site plan is given with the allocation note by the chief/queen mother of a community where a land is purchased.

attach them to their clan houses (*ibid.*). The patterns of land and house ownership in the newly-developing areas are that migrant households predominantly own more of the houses than the majority of the indigenous households.

The indigenous households change their livelihood strategies from agrarian modes to mostly non-farming livelihoods (Aberra and King, 2005; Ubink, 2008a; Abass, Afriyie and Adomako, 2013; Adomako, 2013). Women often engage in petty trading while energetic people engage in constructional works, sand mining, luggage and bus attendants (Aberra and King, 2005; Ubink, 2008a; Abass, Afriyie and Adomako, 2013; Adomako, 2013). Communities' social cohesion is broken down and communal support is diminished (Kasanga and Kotey, 2001; Ubink, 2008a).

Moreover, the contemporary, conventional thinking among World Bank, donor countries and many scholars, is that strengthening the capacity of traditional authorities will support poverty alleviation, tenure security and sustainable economic development. However, in peri-urban areas in Ghana, the burgeoning urban expansion results in commoditisation of customary lands for housing development. The conduct of traditional authorities during commoditisation of customary lands leads to litigations, landlessness, poor land use planning, social disintegration and deepening of existing inequalities in peri-urban areas in Ghana. Therefore, this study sought to investigate how commoditisation of customary lands for housing development influences the customary land tenure systems in peri-urban Ghana.

1.3 Relevance of the Study

Studies on customary land tenure systems in Ghana highlight that the tenure systems support equitable distribution of land and other resources (Kasanga and Kotey, 2001; Berry, 2009a, 2018; Oduro and Adamtey, 2017). These studies suggest that the customary land tenure systems should be strengthened by supporting customary land secretariats (Kasanga, 2000; Blocher, 2006; Arko-Adjei, 2011). Moreover, other studies reveal that rapid urbanisation leads to conversion of agricultural land uses to more valuable forms of land use such as residential and commercial uses which affect the customary land tenure systems in peri-urban Ghana. These studies indicate that the change in the land uses affect social cohesion and agrarian modes of livelihoods in the peri-urban communities (Appiah et al., 2014; Bugri and Yuonayel, 2015; Siiba, Adams and Cobbinah, 2018; Cobbinah, Amoako and Asibey, 2019).

In Ghana, customary land tenure systems remain the predominant land tenure arrangements (Kasanga and Kotey, 2001; Ministry of Lands and Forestry, 2003; Larbi, 2008) and housing development remains the key land use that converts agrarian land uses in peri-urban areas in Ghana. Nonetheless, studies have not critically examined how commoditisation of customary lands for housing development affects the customary land tenure systems in peri-urban Ghana. Therefore, this study identified this gap and sought to examine how commoditisation of customary lands for housing development influences the customary land tenure systems in peri-urban communities in Ghana.

In this study, the researcher examined the extent to which ownership, access and control over land within the customary tenure systems in peri-urban Ghana were transformed as a result of the rising demand for housing land. The study further explored the changes in land use activities and the social inequalities that emerged due to commoditisation of customary lands in the research areas. Insights from this present research demonstrated that the customary land tenure systems are capable of supporting housing development in the absence of rapid urbanisation and dual land tenure systems in peri-urban communities in Ghana. Alternatively, the present study argues that the customary land tenure systems will be unable to support good housing systems in the existence of rapid urbanisation and dual land tenure systems, resulting in complex, customary land markets in peri-urban areas in Ghana. Evidences from the research informed public policy on key aspects of land governance and administration in peri-urban contexts where customary tenure systems remain the predominant land tenure arrangements.

1.4 Research Aim and Objectives

The main aim of the research was to examine the influence of commoditisation of customary lands for housing development in the context of rapid urbanisation on the customary land tenure systems in peri-urban Ghana. There was a set of specific objectives derived from the primary aim of the research. This research thus sought to:

1. Ascertain how commoditisation of customary lands for housing development is transforming the customary land tenure systems in peri-urban Kumasi, Ghana.
2. Examine the emerging patterns or changes in land ownership, control and access in the context of urban expansion and increased demand for housing land in peri-urban Kumasi, Ghana.

3. Analyse the extent to which housing development in peri-urban Ghana influences land use activities especially agrarian modes of livelihood among indigenous people in peri-urban Kumasi, Ghana.
4. Explore the nature and character of social inequalities resulting from the increasing commoditisation of customary lands for housing development in peri-urban Kumasi, Ghana.

1.5 Overarching Research Question

The general overarching research question in this study was: how and in what ways has the commoditisation of land in the context of housing development influenced the transformations of customary land tenure systems in peri-urban Ghana?

1.6 Sub-questions

The set of sub-questions flowing from the overarching research question are as follows:

1. How is the commoditisation of customary lands for housing development transforming customary land tenure systems in peri-urban Kumasi, Ghana?
2. What are the emerging patterns or changes in land ownership, control and access in the context of urban expansion and increased demand for housing land in peri-urban Kumasi, Ghana?
3. How is the expansion of housing development in peri-urban Ghana influencing land use activities especially agrarian production among indigenous people in peri-urban Kumasi, Ghana?
4. What are the emerging patterns of social inequality among indigenous people in the context of commoditisation of customary lands for housing development in peri-urban Kumasi, Ghana?

1.7 Research Methodology

The study employed the critical realism research paradigm and specifically used intensive (qualitative) and extensive (quantitative) research methods (Sayer, 1992) to examine how commoditisation of customary land for housing development influences customary land tenure systems in peri-urban Ghana. The research sites, Aburaso and Kromoase in peri-urban Kumasi, Ghana, were purposively selected. The research adopted the household as a unit of analysis.

The intensive data was gathered through in-depth interviews and life history interviews with selected household members in both Aburaso and Kromoase. The in-depth interviews were used to gather data on land ownership, land acquisition for housing, land control, land use activities, agrarian livelihoods and social inequalities with the traditional authorities, clan heads and government officials. The in-depth interview schedule was revised and additional questions were added to conduct the life history interview. The life history interview was used to obtain additional information on the history of the households and the changes in land administration and management emerging from the customary land commoditisation.

The questions from the in-depth interview schedule were reviewed to design the questionnaire. Preliminary analysis of the insights emerging from the exploratory intensive research were important in designing the households' survey questionnaire for the extensive phase of the research. The local households included in the extensive phase of the research (household survey) include both indigenes and migrant households. Thus, the extensive research entailed the gathering of data from households in the research sites, Aburaso and Kromoase. The questionnaire was used to collect extensive data on socio-economic and demographic characteristics of households, land ownership, land acquisition for housing, land use activities, livelihood strategies and social inequalities in this era of customary land commoditisation in Aburaso and Kromoase.

Both the in-depth interview schedule and the questionnaires were piloted in a nearby community, Akyeremade, located within the peri-urban Kumasi to determine the inconsistencies in the questions. The key informants and the household heads were enrolled into the study based on their availability and willingness to participate in the research. The households were accessed through house-to-house visit. The questionnaires were administered face-to-face by the researcher. Samples of the in-depth interview schedule and the questionnaire are attached in the appendices.

Table 1: Number of households sampled in household survey (n =105)

Settlement	No. of households surveyed	%
Aburaso	57	54.3
Kromoase	48	45.7
Total	105	100.0

The extensive phase of the research entailed administering a survey questionnaire to local households in Aburaso and Kromoase. The survey questionnaire was administered to 57 households in Aburaso and 48 households in Kromoase (see Table 1 above). In total, the household survey research covered 105 local households in both Aburaso and Kromoase. The intensive research involved the life history interviews with a selected sub-sample of 33 households, both indigene or local households and migrants or ‘outsiders’ (see Table 2 below). The sub-sample of 33 households was selected from the 105 households from the survey research.

Table 2: Life history interviews with selected sub-sample of households in Aburaso and Kromoase (n=33)

Research site	Life history interviews
Aburaso	14
Kromoase	19
Total	33

Through the life history interviews, the study gained more detailed accounts of the changes which have happened over time. Life histories generated more information on the pathways that different households have followed concerning ownership, access and use of land in Aburaso and Kromoase.

Table 3: In-depth qualitative interviews with key informants (n=12)

Type of key informants	No. of people interviewed
Traditional authorities	2
Government officials	5
Clan heads	5
Total	12

Intensive research also includes 12 in-depth interviews with key informants, namely traditional leaders, government officials and local leaders (see Table 3 above). The key informant interviews mainly sought to gain more understanding of key developments and changes from the narratives of people in different leadership positions who have played lead role in the transformations and broader changes happening in Aburaso and Kromoase concerning housing development and commoditisation. A purposive sampling technique was used to sample the

key informants, the selected household heads and the government officials, while convenience sampling technique was used to sample the households. The intensive data was analysed using thematic content analysis and the participants' responses were used to support the arguments and discussions in the data presentation and discussion sections (Chapters 5 and 6) of the study. The extensive data was analysed with the aid of Statistical Packages for the Social Scientists (SPSS). The tables generated from the SPSS were modified with the support of Microsoft Excel. All ethical considerations were duly adhered to during the field work and the writing of the thesis.

1.8 Organisation of the study

The study is comprised of seven chapters. The structure of the chapters and overall organisation of the thesis is shown below.

Chapter 1: Introduction: housing development and customary land tenure systems in peri-urban Ghana

Chapter One introduces the study and focuses on the background of the study. The key aspects of the research covered in Chapter One includes the following: definition of the research problem, the research objectives, the overarching research question and sub-questions the relevance or wider significance of the study, the research methodology, and the organisation of the study.

Chapter 2: Customary land tenure systems in Ghana

Chapter Two provides an overview of the key debates on customary land tenure in Africa, which forms the conceptual framework of the study. The study further reviewed the theoretical models on customary land tenure reforms in Africa and the historical perspectives of customary land tenure systems and land commoditisation in pre-colonial to post-colonial Ghana. The chapter also explored the outcomes of the implementation of the various customary land reforms on the customary land tenure systems in Ghana.

Chapter 3: Housing development and customary lands in peri-urban Ghana

Chapter Three provides insights on the landscape of housing development and the housing conditions in urban areas in Ghana. The chapter further investigates the processes of

commoditisation of customary lands for housing development and the outcomes of commoditisation of customary lands in peri-urban communities in Ghana.

Chapter 4: Background of the study area and research methodology

This chapter discusses the background of the study area and the selected research sites, namely Aburaso and Kromoase. The chapter also presents the research methodology which underpins this study. In addition, the chapter explores the ethical considerations which the researcher observed to access the data from the participants and the writing of the thesis. The challenges that impeded the gathering of the data and the use of the findings from the study were further explained within this chapter.

Chapter 5: Customary land tenure systems and land commoditisation for housing development in Aburaso and Kromoase, Ghana

This chapter presents the key research findings and situates them in the wider literature and research findings from related studies. The chapter specifically discusses the socio-economic and demographic characteristics of households in Aburaso and Kromoase in this era of land commoditisation. The chapter also examines the key features of customary land tenure systems in the early history of Aburaso and Kromoase. Finally, the chapter examines the nature of housing development in both Aburaso and Kromoase and how the communities' customary lands have increasingly been commoditised.

Chapter 6: Impacts of commoditisation of customary lands on land administration, land tenure systems and socio-political economy in Aburaso and Kromoase

This chapter examines the land administration institutions involved in the commoditisation of land in peri-urban Kumasi. A number of key actors in different land administration institutions are important in shaping the trajectory of land commoditisation. The chapter specifically explores the effects of land commoditisation on the land administration, land tenure systems and the socio-political economy in Aburaso and Kromoase.

Chapter 7: Conclusion: housing development and customary land tenure systems in Aburaso and Kromoase in peri-urban Kumasi, Ghana

Chapter Seven presents the conclusion of the thesis. The conclusion highlights the key research questions and identifies some key research findings and how these findings have addressed the

set of questions at the centre of this thesis. In addition to key research questions and related research findings, the conclusion also presents lessons for policy.

1.9 Chapter Summary

Chapter One has provided the background to the research, an overview of the research problem, the significance of the research, the overarching research question and sub-questions and the research methodology. In addition, Chapter One has briefly presented the overall structure and organisation of the thesis by highlighting the main chapters and the main contents of each chapter in the thesis. The next chapter will investigate the customary land tenure systems in Ghana and will further examine the conceptual framework of the study.

Chapter 2: Customary Land Tenure Systems in Ghana

2.1 Introduction

The chapter focusses on customary land tenure systems in Ghana and examines colonial and post-colonial land reforms and their outcomes. Customary land tenure systems are the prime land tenure arrangements in Africa (Alden Wily, 2011; Kingwill, 2013). However, due to colonialism, geo-political variations, socio-economic trajectories, post-colonial land reforms, and commercialisation of customary lands, the tenure arrangements are diverse across countries on the continent (Hall, 2011; Mai, 2014; Akaateba, 2018; Kalabamu, 2019). These diversities and variations are usually not accounted for in the common description of the customary land tenure, which are often skewed towards over-generalisation. Thus, the features of the tenure arrangements are usually described by considering the commonalities of the tenure practices that exist within the customary land tenure systems.

In this chapter, the first section examines the key features of customary land tenure and argues that customary land tenure systems in Africa are not open access systems or *terra nullius* as often argued by Western legal theorists. Western legal theorists have often failed to fully understand the nature of customary land tenure as a property system while colonial administrators distorted these property systems in ways that allowed them to pursue their narrow colonial interests. The second section examines the predominant theoretical models of customary land tenure reforms in Africa, whose main goals include, *inter alia*, the promotion of agricultural production, poverty alleviation and sustainable livelihood.

The chapter maintains that the adoption of the adaptive customary land tenure reform model offers possibilities for equitable land distribution. The adaptive land tenure model privileges the socially-embedded nature of customary tenure particularly the overlapping nature of land rights whereby different social units from the household, kinship, and clan have different rights and claims to different types of land within a 'community'. The recognition of the different claims to land by these different social units is inclusive and comparatively offers more protection from exclusion from customary lands and therefore promotes sustainable livelihoods, especially for the marginalised groups.

The final section of the chapter explores the historical perspective of customary land tenure in Ghana with particular emphasis on colonial and post-colonial land reforms. The wider literature

on colonial and post-colonial tenure reforms in Ghana confirms the adverse impacts of tenure reform policies based on biased Western legal theories which do not consider African commons as constituting property. The literature further reveals how land reforms in Ghana have intensified conflict over land and created new social divisions and exacerbated existing inequalities.

2.2 Western Distortions of ‘African Commons’

Colonialism largely distorted African land tenure systems or ‘African commons’ (Okoth-Ogendo, 2002) and most of these misconceptions have continued to shape government policies in contemporary times (Ezigbalike, Rakai and Williamson, 1995; Whitehead and Tsikata, 2003; Peters, 2004; Cotula, 2007). Distortion of customary land tenure systems was a key part of colonial policy in Africa, often meant to retain a version of customary land tenure that suited the needs of colonial administrators (Clark and Luwaya, 2017). However, scholars have increasingly critiqued the misconceptions of African customary land tenure systems and shown how these are rooted in the history of colonial land dispossession. A fundamental misconception of African customary land tenure systems is evident in the widely popular yet problematic concept of ‘the tragedy of the commons’ (Hardin, 1968).

In a critique of Hardin’s thesis on ‘the tragedy of the commons’, Okoth-Ogendo (2002) demonstrates how misconceptions by Western property theorists contributed to the pervasive misreading of customary land tenure systems in Africa. According to Okoth-Ogendo (2002), most misconceptions on customary land tenure systems emanate from the tendency to impose concepts from Western jurisprudence to analyse African commons. The predominant thinking in these conventional analyses is that “the commons are not and cannot be regarded as property systems” (Okoth-Ogendo, 2002:4). A key argument in these conventional narratives is that African commons “are mere *terra nullius* or open access resources” (Okoth-Ogendo, 2002:4). In terms of this thinking, “property exists only if it vests exclusive rights of use, abuse and disposition in individuals” (ibid.:4).

More specifically, the portrayal of African commons as open systems which do not constitute property is premised on the following misconceptions:

- a. Property rights must always derive if not directly but ultimately from a sovereign;
- b. Communities qua communities do not, as a matter of course, have a legal persona;

- c. A system according to access on the basis of inclusivity cannot define boundaries of exclusivity at the same time; and
- d. Decision-making rules applied by communities demand collective participation by members (Okoth-Ogendo, 2002:4).

However, this set of assumptions do not hold true insofar as the functioning of African customary land tenure systems is concerned. According to Okoth-Ogendo (2002:5), “many of these assumptions are rooted in inadequate diagnosis and/or incomplete understanding of customary land tenure and customary law”. Thus, the commons are not *res nullius* but are instead *res communis* (Okoth-Ogendo, 2002:5). In other words, the commons represent a species of public property but are essentially private property for the group who control it and whose members have access to it. It follows that individual members of the group have clear rights and duties when it comes to the resources of the commons. Accordingly, “the commons are, therefore, not open access systems, nor are they species of state, co-operative or socialist property” (Okoth-Ogendo, 2002:5). In short, African commons constitute property:

In sum therefore, if by ‘property’ it is meant a bundle of rights in specified *res* vested in a verifiable body of entities recognised by a legal system, then the commons were and always have been property. It was the failure or deliberate decision not to recognise the proprietary character of the African commons which led to their tragic deterioration and destruction in the last one hundred years (Okoth-Ogendo, 2002:5).

Thus, arguments about African commons being merely open access systems and not constituting property became the basis for colonial land dispossessions. African lands were therefore defined as *terra nullius* or unoccupied territories open for occupation by colonial powers. While this misrepresentation was an integral aspect of colonial dispossession, it is noteworthy that similar arguments are still applied in contemporary land dispossessions in Africa. Many critical scholars agree with Okoth-Ogendo's (2002) critique of Hardin's thesis on the ‘tragedy of the commons’ and argue for a more nuanced analysis of the key aspects of customary land tenure systems.

Another key distortion of customary land tenure is the disproportionate power given to traditional leaders in land administration matters. While traditional leaders have always played a key administrative role in customary land tenure systems, the version of customary land tenure promoted by colonial administrators is founded on undermining the role of key social units namely family and clan structures (Amanor and Ubink, 2008; Berry, 2018). In colonial times, chiefs were frequently accorded absolute power as custodians of customary land,

allowing them to make arbitrary decisions, often alienating land without the consent of families and clans, in ways that facilitated the colonial policy of 'indirect rule' (Mamdani, 1996).

Scholars have increasingly challenged the distorted version of customary land tenure and often show how this distorted understanding of customary land tenure is implicated in the colonial processes of dispossession and underpinned by imposed Western legal theories of customary land tenure (Okoth-Ogendo, 1989, 2002; Peters, 2004; Cousins, 2009). Some salient features of customary land tenure are usually identified in these analyses. It is therefore important to emphasise the features of customary tenure often overlooked by Western legal theorists and examine how these features are important in the way they augment inclusiveness or enable claims to land by different social groups.

Within the customary land tenure systems in Africa, the conception of land transcends beyond the material realm (Sarbah, 1903; Ollennu, 1962; Powelson, 1988; Gough and Yankson, 2000). Land is regarded as deity, the Mother god of the earth and the habitation of ancestral spirits. In pre-colonial Africa, people who pacified the Mother god of the earth in their agriculture activities were regarded to have bumper harvest while those who rejected her were seen to be doomed in their activities (Asante, 1965; Asiama, 1997). The sacredness attached to land demonstrates the religion and belief systems of people (Antonio and Griffith-Charles, 2019) and Asante (1965) argues that the traditional conception of land revolves around ancestral worship.

Other people also perceive land as an ancestral heritage handed down by the ancestors to the present generation for their use and must be preserved for the use by the future generations. Thus, land is considered as a heritage belonging to the dead, the living and the future unborn (Hayford, 1903; Sarbah, 1903; Ollennu, 1962; Asante, 1965; Asiama, 1997). The perception of land being divine and an ancestral heritage has been challenged by Okoth-Ogendo. Okoth-Ogendo argues that land must not be viewed as sacred or an ancestral heritage, but land must be regarded as belonging to both the present and the future generations (Okoth-Ogendo, 2008). He explains that the assumption of land belonging to the dead, the present and the future unborn will make it difficult for the customary land tenure systems in Africa to support the modern agrarian advancement (Okoth-Ogendo, 2008).

Furthermore, finding suitable vocabularies to describe the indigenous tenure systems in Africa is very contentious among scholars (Adams, Sibanda and Turner, 1999; Cousins, 2009;

Akaateba, 2018). The land tenure systems in Africa are often associated with terms such as tradition and custom and many scholars use terminologies such as customary, communal or traditional interchangeably to describe the tenure systems (Okoth-Ogendo, 2008; Cousins, 2009). Nonetheless, Walker argues that using the “terms ‘customary’, ‘communal’ and ‘traditional’ interchangeably does not necessarily have the same meaning: it is possible, for example, ‘to have communal tenure systems that support poor people’s livelihood strategies, that are not based on customary law, nor dependent on traditional institutions for their administration’.” ([Walker 2004:5] cited in Cousins, 2009).

In addition, Cousins further reveals that the use of the term “communal tenure” in the African context is very antagonistic “because it seems to imply joint or collective ownership and use of all land and natural resources, whereas in fact most African systems include clearly defined individual or family rights to some types of land and land use (eg. cropping land) as well as common property resources” (Cousins, 2009:2). He further comments that “in contemporary contexts marked by dynamic market relations, the commercialisation of production, large-scale population migration, growing social inequality and increasing institutional complexity, the term ‘customary’ with its connotations of unchanging social and moral order is clearly problematic” (Cousins, 2008:110). Therefore, Cousins argues “that ‘communal’ or ‘customary’ land tenure regimes are not static and tradition-bound, as sometimes perceived by unsympathetic outsiders, but dynamic and evolving” (Cousins, 2009:1).

Moreover, scholars who adhere to the evolutionary principle of customary land tenure reveal that the customs and traditions which are used to regulate land transactions and management, modify and transform as they meet social realities in events of transitions (Kalabamu, 2000; Lund, 2000; Nkwae, 2006; Cousins, 2008, 2009). Kalabamu provides a more detailed explanation of the evolutionary character of the customary land tenure systems in Africa. He describes that:

the customs and traditions which are used to govern the customary land tenure systems are social constructs whose essential elements are passed verbally, by way of example or practice from generation to generation belonging to a particular community or tribe. In the course of transmission over time as well as through experiments, good workable elements of the tenure system are retained and poor ones are dropped to suit socio-geopolitical and climatic conditions. Thus, the customary land tenure systems, like any other social constructs, are dynamic rather than static but retain key elements (Kalabamu, 2000: 305, 306).

In short, drawing from Kalabamu’s description of the distinguishing evolutionary feature of the customary land tenure, it demonstrates that the customary land tenure systems are not

necessarily static given the social, economic and political systems within which they exist are constantly changing.

Again, many scholars demonstrate that membership to a group determines a person's access and use of land in the context of the customary land tenure arrangements in Africa (Amanor, 2010; Arko-Adjei, 2011; Lund, 2011; Berry, 2018). According to the scholars, the group can either be a lineage, a clan or a community. People born to a lineage become automatic members of the lineage and can access the lineage lands once they avail themselves (Nkwae, 2006; Arko-Adjei, 2011). Property such as houses or any other improvements made by persons on land are regarded as their *bona fide* property which their successors are allowed to inherit upon their demise (ibid.). In the case of strangers, their acceptance into a community either through performance of outstanding duties or payment of allegiance to the head of a community enables them to access community's lands (Ezighalike, Rakai and Williamson, 1995; Nkwae, 2006; Arko-Adjei, 2011).

The understanding of access to land through membership by birth or acceptance into a group such as lineage or clan or community is recognised to exclude others who can contribute to land developments in Africa (Okoth-Ogendo, 2008; Lund, 2011). In a critique to the membership philosophy, Okoth-Ogendo provides a more logical membership framework and argues that within the customary land tenure systems, the way in which individuals on their own or in community with others relate to each other in respect of the *solum* is as important as their relationship with the *solum*. Accordingly, what the social order creates is not property rights over the land *per se*, but rather a set of reciprocal rights and obligations that bind together and vest power in community members over land. As a result, "it is the continuous performance of these rights and obligations that determine who may have access to, or exercise control over the land and associated resources" (Okoth-Ogendo, 2008:120).

Additionally, many studies reveal that land ownership under African customary land tenure systems is communal (Adams, Sibanda and Turner, 1999; Berry, 2002; Akrofi, 2013; Turner and Moumouni, 2018). The studies elucidate that the superior interest in land is vested in a lineage, a clan or a community and all members of the lineage, the clan or the community participate in decision-making in relation to land allocations and management (Mends, 2006; Amanor, 2010; Turner and Moumouni, 2018). The heads (of lineage, clan or community as the case may be) are clan heads, chiefs and priests and are recognised as titular holders who manage the lands for and on behalf of the people and ensure smooth access and use by all members of

their group (lineage, clan or community as the case may be) (Powelson, 1988; Kasanga et al., 1996; Kasanga, 2000; Berry, 2018).

However, in colonial Africa, colonial administrators interpreted the communal land ownership inherent in the customary land tenure as excluding individual rights (Cousins, 2008; Peters, 2009; Akaateba, 2018). Heads of communities were recognised as the only social group having the authority to alienate and control lands while traditional councils and community members were disregarded in alienation and control of lands (Berry, 2001, 2017, 2018; Amanor and Ubink, 2008). In Anglophone countries, uncultivated lands were regarded as waste lands and communities were perceived to have rights only over housing and agricultural lands (Payne, 1997; Walker, 2002; Cousins, 2009).

It is important to note that the customary land tenure systems in Africa are diverse as the socio-political spaces in which they are found are always evolving due to colonialism, geo-political factors, demographic dynamics, and others. Nonetheless, Cousins provides a more persuasive analysis of the distinctive features of customary land rights in Africa and argues that customary “land rights are embedded in a range of social relationships and units, including households and kinship networks and various levels of ‘community’. The relevant social identities are multiple, overlapping and therefore nested or layered in character” (Cousins, 2009:8). For instance, there could be “individual rights within households, households within kinship networks, kinship networks within local communities, etc”. Cousins further describes that the customary land rights are “inclusive rather than exclusive in character”. Thus, “the rights may include both strong individual and family rights to residential and arable land and access to common property resources such as grazing, forests and water”. Additionally, “the social, political and resource boundaries are flexible and negotiable and this occurs due to the nested character of the social identities, rights and structures” (Cousins, 2009:8).

In summary, drawing from Cousins’ description of the distinctive features of customary land rights cited above and other forgoing arguments illustrated in this chapter, the study characterises the key features of the customary land tenure in Africa as:

- a. Land is regarded as sacred and ancestral heritage and land belongs to the dead, the present and the future unborn;
- b. Land ownership and management are communal with distinct rights for individual land ownership;

- c. Access to land is through membership to a group (either a lineage, a clan or a community) and both indigenes and non-indigenes have access to communities' lands;
- d. Land rights and interests are inclusive rather than exclusive and they are multiple, overlapping and nested in character. The rights and interests are also negotiable;
- e. Land is controlled by a distinct social unit (either lineage, clan or community) with the head of the social unit acting as a titular holder. Land allocation is consented by members or a council within a social unit (either lineage, clan or community).

Accordingly, this study will draw on Okoth-Ogendo (2002) and Cousins' (2009) ideas on the social embeddedness of customary tenure, the multiple and overlapping rights, and the inclusive and adaptive nature of customary tenure to examine the commoditisation of customary lands for housing development in peri-urban Ghana. Drawing on Cousins' schema above, the research will explore the nature of changes happening in peri-urban customary tenure systems due to land commoditisation. Commoditisation of land in peri-urban Ghana is associated with broader transformation of rapid urbanisation and related increases in land demand as peri-urban areas expand to accommodate more people. In this study, the term 'customary tenure' is defined as any landholding arrangement between/among people in a given geographical area which is regulated by customs and traditions and the customs and traditions are transformed, modified and transmuted as they meet social realities.

2.3 Theoretical Models of Customary Land tenure Reforms in Africa

Interventions in African land tenure systems have a long and enduring history. This history includes the impacts of colonial land dispossession and related distortion of customary tenure (Mamdani, 1996; Okoth-Ogendo, 2002). This section analyses the different theoretical models that have been formulated to explain and understand the nature of transformations which have characterised African tenure systems. Broadly speaking, there are models that envisage the inevitability of change within African tenure systems. These strands of thinking have their roots in the evolutionary theory of land rights. These models generally characterise African tenure systems as inadequate in dealing with societal transformations such as urbanisation, rural-urban migration, economic growth and development. As these broader transformations or changes unfold, the 'communal' nature of African tenure systems, and the lack of clearly defined property rights become an obstacle to transformation. Accordingly, the strands of theory within this framework propose the modernisation of African tenure systems through increasing the role of markets with private property rights (as opposed to 'communal tenure) at the centre of

the property system. Besides the prominence of private property rights within a market-driven economy, evolutionary theories have generally promoted titling whereby the issuing and registration of titles is seen as key to securing rights and promoting economic activity. The widely known strands of the formalisation of land rights model are the Replacement model widely promoted by the World Bank under the auspices of Structural Adjustment Programmes (SAPs) and De Soto's titling thesis (World Bank, 1975; Deininger and Binswanger, 1999; De Soto, 2000). In addition, conventional titling also promotes the recognition of what are traditionally seen as 'illegal' land rights. According to de Soto, this is key to unleashing economic activity amongst the poor who constitute the majority of those engaged in illegal or informal economic activity.

In contrast to formalisation models of African tenure, there is the adaptive model of African tenure systems. The adaptive model and related strands of thought within this model argue that African tenure systems are adaptive, flexible and people develop more localised and socially-embedded practices concerning the ownership, access and utilisation of land (Cousins, 2007, 2008; Okoth-Ogendo, 2008). These socially-embedded practices and norms are constantly changing as people negotiate and adapt to the constantly changing wider environment. However, the predominant and conventional approaches often overlook the local practices. The following sections will examine the replacement models which emphasise formalisation through titling and promotion of market activity and contrast these with the adaptive model which prioritises the often-neglected diverse social tenures and local practices which emerge as people adapt to incessant changes and transformations in society (Cousins, 2008; Arko-Adjei, 2011; Hull, Babalola and Whittal, 2019).

2.3.1 The replacement model to land reforms in Africa

The protagonists of the replacement model aimed to replace the customary land tenure systems with the statutory land tenure system. Many studies argue that the advocates of the replacement model asserted that the customary land tenure systems cannot support agrarian advancement and modernisation in Africa (Platteau, 1996; Peters, 2009; Sjaastad and Cousins, 2009). In that regard, the advocates perceive that the individualisation of land rights will promote economic development and land seekers will be able to obtain secure titles which could be used to access loans from financial institutions (World Bank, 1975; Atwood, 1990; Shipton, 1992; Land Tenure and Development, 2015).

Critics of the replacement model argue that formalisation of land rights with titling and its cadastres is expensive and exacerbates land contestations (Shipton, 1992; Peters, 2004, 2009; Cotula, 2007; Cousins, 2007, 2009). They declare that the poor may not be able to afford to obtain secure titles for their lands resulting in dispossession of the poor from their lands by people who can obtain titles. Arko-Adjei (2011) argues that the outcomes of titling registrations are inequalities and differentiations in communities and promotion of individualisation of land rights which lead to breakdown of social and clan land relations.

The replacement land tenure model was extensively implemented in African countries in the 1970s and 1980s supported by the World Bank and IMF as part of the package of the Structural Adjustment Programme (SAP) (Arko-Adjei, 2011; Berry, 2017; Boone, 2019). Advocates of the SAPs believe that market liberalisation reforms can only be effective and efficient when land rights are clearly defined and constantly enforced. According to Berry (2017:107), “donor organisations as well as some groups of African citizens hard-pressed African governments to create national registers of land ownership and use them as a foundation for administering land acquisition and settling conflicts”.

Since the popularisation of SAPs, several initiatives have been introduced to support the implementation of the replacement models of land reform in Africa. These interventions have been in the form of titling programmes. The rationale for these interventions is that they can promote investment, reduce poverty and encourage better natural-resource management. However, in reality, the land titling registration programmes have proved to be slow, expensive and often biased in favour of rich households (Toulmin, 2008; Land Tenure and Development, 2015; Berry, 2017; Antonio and Griffith-Charles, 2019). In Cameroon for instance, Firmin-Sellers and Sellers (1999) found that the land titling programme benefitted few people who were typically male businessmen and politicians resident in urban centres. Toulmin (2008) reveals that most lands in sub-Saharan Africa still do not have formal documentation regarding who owns it or has rights to use it. According to Deininger (2003), in Africa, less than 10 per cent of the land is covered by formal land tenure. Ghana has not been spared the widespread adoption of titling programmes. A survey of the impacts and outcomes of titling programmes in Ghana reveals that these interventions have had adverse impacts on the poor and not promote agricultural investments or securing loans from financial institutions (Barry and Danso, 2014; Agyei-Holmes et al., 2020). Agyei-Holmes et al. (2020) reveal in their study that households that were affected by land title registration reduced the amount of their agricultural labour,

accompanied by a small reduction in agricultural production. Amidst increase in land valuation, households decrease their landholdings (Agyei-Holmes et al., 2020). These studies clearly demonstrate that the replacement model of land reform has not been effectively implemented to achieve the target goals in African communities.

2.3.2 Hernado De Soto's approach to land formalisation

De Soto's approach to land formalisation is also described as market-based as is the replacement model because the approach assumes that formal titles to land are needed in the form of title deeds, licenses, permits and contracts (Arko-Adjei, 2011). The replacement model as espoused by de Soto and the World Bank through its SAPS, are both rooted within the mainstream evolutionary theory of land rights which presumes that the 'informal' in this case, that would be African forms of tenure, are not sufficiently adaptive to unfolding social and economic transformations. As such it is imperative to foster this inevitable change or evolution through privileging private property rights within a market-based economy (World Bank perspective). While de Soto's strand of thought affirms the World Bank position, the Peruvian economist broadens this mainstream argument and advocates for the recognition of 'informal', 'extra-legal' property rights, arguing that these should be converted to legal property rights through formalisation and registration. According to De Soto, this will unleash economic activity by activating a large collateral base to enable the poor to participate in economic activity, accessing credit and finance ([De Soto, 2000] cited in Arko-Adjei, 2011).

Alternatively, critics of the approach argue that the implementation of titling registration is complex, very expensive, time-consuming, and bureaucratic, and in rural communities in Africa, the implementation of titling policies may destroy the existing well-established institutions (Sjaastad and Cousins, 2009; Arko-Adjei, 2011). The opponents of the de Soto's strand of thought further stress that the creation of pro-poor land institutions recommended by the approach may create opportunism for the wealthy and local elite instead of the poor which, according to the approach, proposes that land titling registration will enhance their wellbeing (Arko-Adjei, 2011; Simbizi, Bennett and Zevenbergen, 2014; Land Tenure and Development, 2015). The critics also argue that the approach presumes the poor to be undifferentiated and treated them as the same, however, even within the poor in societies, there are class dynamics. Other scholars also critique the approach on the basis of the nature of property rights. The critics argue that the approach neglects overlapping nature of property rights and assumes that

property rights are homogeneous and not nested (Cousins, 2008; Sjaastad and Cousins, 2009; Land Tenure and Development, 2015).

The critics further challenge the key argument of de Soto's line of thought of formalisation of land rights on the use of title certificate⁶ by the poor. The opponents argue that although the poor may use title certificates to access credit when it is required, the mere possession of title certificates does not create credit market (Cousins, 2007, 2008; Arko-Adjei, 2011). Thus, title certificates may be used by the poor to access credit when the need for a title certificate to access credit is created. Land Tenure and Development (2015:13) argues that "there is no mechanical link between land rights formalisation, tenure security, social peace and economic development".

2.3.3 The adaptive model to land reforms in Africa

The advocates of the adaptive model argue that indigenous land tenure systems are actually adaptive in response to changing customs, social relations and broader societal transformations. Proponents of this model argue that the promotion of land titling undermines social cohesion within social groups and fails to recognise complex institutional structures and multiple claims over land (Shipton, 1992; Cotula, 2007; Cousins, 2007; Land Tenure and Development, 2015). The supporters of the adaptive model disregard the use of the terms such as "communal, traditional, customary and corporate" to describe the indigenous land tenure systems in Africa; the advocates of the model believe that such terms make the tenure systems look like "unchanging and immutable normative systems" (Nkwae, 2006:36).

Within this model, many studies reveal that advocates campaign that customary land tenure systems must run concurrently with statutory land tenure systems in instances where this may be necessary (Lund, 2000; Cousins, 2007; Cotula, 2007; Land Tenure and Development, 2015). The underpinning assumption of this model is that the complete eradication of customary land tenure systems is ineffective. The supporters argue that the customary land tenure systems are prominent in rural communities in Africa and the systems have been found to support equitable

⁶ A title certificate in Ghana is a document that is prepared by the Lands Commission. It is given to a lessee, showing his/her lease agreement with a chief/queen mother in the case of customary land transaction. The title certificate confers a legal title to the lessee and the title can be enforced at court.

distribution of land among people compared with statutory land tenure systems (Platteau, 2002; Simbizi, Bennett and Zevenbergen, 2014).

Moreover, studies show that the advocates of the adaptive model further suggest that land policy must be formulated and executed to guide land administration and management as well as strengthening the capacity of customary land administration structures. The proponents indicate that land policies should make provision for the invention of a national land register where all interests, both direct and overriding, can be registered to support smooth land delivery and land conflict adjudications (Cotula, 2007; Peters, 2009; Simbizi, Bennett and Zevenbergen, 2014; Land Tenure and Development, 2015).

Alternatively, critics of the theory argue that the adaptive model assumes that the world is the same across communities. The antagonists highlight that the world is heterogeneous and land rights are shaped by a history of settlement and previous policies. The opponents further describe how land policy with titling registration leads to exclusion of the less privileged, inclusion of the local elites, and as strengthening the capacity of traditional authorities. The adoption of land policy also intensifies land struggles and contestations, neglecting the multiple claims over land and the complex institutional capacity under the customary land institutions (Amanor and Ubink, 2008; Arko-Adjei, 2011; Land Tenure and Development, 2015; Turner and Moumouni, 2018).

Antagonists of the adaptive model outline that the co-existence of statutory and customary land tenure systems creates complex land administration systems, especially in peri-urban communities in Africa (Boamah and Margath, 2016). The model intensifies contestations and insecurities among traditional authorities, indigenes and strangers (Cousins, 2009; Boamah and Margath, 2016). In the mid-1990s, an adaptive model with its tenure pluralism theory was highly embraced by many African countries with the perception to promote sustainable use of resources and development (Adams, Sibanda and Turner, 1999; Peters, 2004; Peters, 2007; Land Tenure and Development, 2015). In Africa, the majority of the countries including Uganda, Cote D'Ivoire, South Africa, Zambia and Angola have recognised the customary land tenure systems in their formal laws (Alden Wily, 2011b; Alden Wily, 2011a; Alden Wily, 2018) based on this model.

2.3.4 Impacts and outcomes of land tenure interventions

These different theoretical models have been influential in informing policies and practices in land and tenure reforms in Africa. Review of existing literature on the different models of customary land tenure reforms in Africa reveals widespread implementation of the different models over the past four decades, creating mosaic land rights in communities. While the mainstream approaches such as the World Bank's perspective for instance, inspired replacement or formalisation models have been influential, the results on the ground have been complex and uneven, often producing more complex land tenure arrangements than is often acknowledged. These land rights range from "fully registered land rights such as freehold, fixed period state grants, leasehold, common-law leases and customary grants to quasi-customary, unauthorised land transactions and squatter rights especially in the peri-urban communities" (Nkwae, 2006:11; Chimhowu, 2019:1). As shown above, there are different theoretical models on land tenure reform which are distinctively associated with certain policy interventions. African customary land tenure systems have been subjected to legislative and policy interventions with provenance in these different theoretical frameworks. Most colonial and post-colonial administrations addressed the issue of communal land rights as a purely administrative and political matter (Okoth-Ogendo, 2002). Accordingly, such interventions have failed to secure customary land rights and, in some instances, resulted in land dispossessions and exacerbated inequalities (Boone, 2019; Kalabamu, 2019).

Okoth-Ogendo cites examples from Tanzania, Kenya and South Africa to demonstrate that arbitrary models which merely characterise the protection of communal rights in African commons as a political and administrative issue are bound to fail. In the case of Tanzania, for instance, "the drafters of the Village Land Act, 1999 assumed that if radical title to 'village land' is vested in the President, and administration of such land was entrusted to 'village councils', security of individual and community rights in village land would be assured" (Okoth-Ogendo, 2002:14). However, a major weakness according to Okoth-Ogendo, is that "no rules setting out the principles upon which these councils would manage village land formulated, nor were the community values to which administration must conform prescribed" (Okoth-Ogendo, 2002:14).

In short, the adaptive model and the Hernado De Soto's approach to land formalisation are not mutually exclusive in relation to customary land tenure. Each model is designed partially or fully to recognise customary authorities and customary land tenure practices. In contemporary

Africa, the burgeoning urban growth, migration and globalisation have affected customary administration in many communities especially in peri-urban spaces. Therefore, effective and efficient implementation of any of the tenure reforms (either the adaptive model or Hernando De Soto's approach) require comprehensive understanding of the distinctive features of customary land tenure practices and the nature of customary authorities' activities especially in processes of commoditisation of customary lands in peri-urban interface. Accordingly, this thesis will seek to contribute to understanding about the nature of customary land tenure systems and the activities of customary authorities in the context of the incessant commoditisation of customary lands for housing development especially in peri-urban communities.

2.4 Historical Perspective of Customary Land Tenure and Land Commoditisation in Ghana

The following sections present scholarly arguments on late pre-colonial, colonial and post-colonial land dispossessions and related processes of land commoditisation in Ghana. In the late pre-colonial and early colonial periods, the customary tenure system allowed subsistence farmers to access land. However, this access to land was not unfettered, especially as colonial land occupation created rising demand for land. During the colonial period, traditional chiefs gained prominence as part of the colonial administrative architecture while the burgeoning colonial cash economy accentuated land dispossessions. Besides the traditional chiefs, other powerful groups gained prominence as they took advantage of the growing cash crop economy. The process of dispossessions and land commercialisation tended to be uneven with some areas, especially cash crop growing areas, experienced more dispossession and land inequalities. This colonial project of land dispossession has further been perpetuated in the post-colonial Ghana through implementation of land rights formalisation policies and laws resulting in the dispossession of the poor from their ancestral lands (Amanor, 2008; Onoma, 2010; Arko-Adjei, 2011).

Ghana (called Gold Coast during colonialism) has a land size of 238,533 square kilometres (Berry, 1995). The country is populated by many tribes of which the major ones are Guan, Akan, Mole-Dagbani, Ewes, Gonja and Ga-Adangbe (Ghana Statistical Service, 2012). Historically, most of the tribes in Ghana migrated to their present locations from the West African Sudanese States (Sarbah, 1903). Berry (1995) describes that by the end of the sixteenth century, all migrations of the tribes to their present locations had ended. In this section, the

researcher investigates the customary land tenure and highlights how development of agriculture, trade, colonialism and introduction of customary land tenure reforms intensified land commoditisation from pre-colonial to post-colonial Ghana.

2.4.1 Overview of customary land tenure systems in pre-colonial Ghana

In Ghana, like elsewhere in Africa, the concept of land transcends beyond the physical realm. Throughout Ghana all the ethnic groups attribute sacred significance to land (Asante, 1965; Asiana, 1997; Kasanga, 2000; Ministry of Lands and Forestry, 2003). Land is believed to be the heritage of ancestors, or the sanctuary of the spirit of ancestors and *Asaase Yaa* (Mother god of the earth). According to Awuah-Nyamekye and Sarfo-Mensah (2011), the land as the heritage of the ancestors makes the chiefs (the occupants of the seats of the ancestors) the owners of the land in stool land communities. However, Bourrett (1949) argues that such perception about land was created to fortify the chiefs' position as landlords during the colonial period.

In pre-colonial Ghana, land ownership was recognised as communal and there was no land without an owner (Sarbah, 1903; Tipple, 1987; Asiana, 1997). In Southern Ghana, the custodians of lands were chiefs and clan heads while in the Northern Ghana, *Tendamba*⁷ were the custodians of lands (Daaku, 1972; Kasanga, 1995; Yaro, 2012). In Southern Ghana, under the communal ownership, all members of a group (either a lineage or a clan) took part in decision-making in relation to land allocation and management (Arko-Adjei, 2011) and land allocation could not be done without the concurrence of a council or clan members (Hayford, 1903; Sarbah, 1903). In Akan communities, Hayford (1903) argues that the chief did not own all the lands within his jurisdiction. There were lands over which the chiefs had proprietary rights and could deal with them as they please with these lands, but with consent from their family. Also, there were lands which were attached to their stool and the chiefs could deal with these with the consent of their councillors. For the general state land, the chiefs exercised oversight responsibility of ratifying grants made by his subjects but not ownership thereon (Hayford, 1903). In contrast, in Northern Ghana, the lands were managed and allocated to strangers by *Tendamba* (Kasanga, 1995).

⁷ *Tendamba* are representatives of earth god and are descendants from pioneer settlers in villages and towns in northern Ghana (Kasanga, 1995).

Membership of a person determined the person's access to a community's land in pre-colonial Ghana. Membership was obtained either through birth into a lineage or acceptance into a community in the case of a stranger (Hymer, 1970; Berry, 2002; Austin, 2007; Awuah-Nyamekye and Sarfo-Mensah, 2011). Access to land was achieved through the clan head, chief or religious leader. In pre-colonial Ghana, land was abundant and as a result, there was no insecurity of land to people (Hymer, 1970; Kasanga, 2000; Arko-Adjei, 2011). Sarbah (1903) and Amanor and Ubink (2008) point out that there were grazing fields, water bodies and forests available for use by community members. Although these grazing fields, water bodies and forests belonged to clans, they were commonly used by the community members (Sarbah, 1903).

The traditional economy of the pre-colonial communities in Ghana revolved around trade, subsistence agriculture, handicraft works and the collection of fruits, snails, rubber and other items from the forests (Bourrett, 1949; Berry, 1995). In Akan communities, the traditional economy was based on gold, ivory, kola nuts, rubber, slaves, and palm oil, however, the kola nuts and the rubber were collected from the wild until 1880s (Daaku, 1972). Cultivation of cash crops such as cocoa and coffee and the development of commercial farming and manufacturing industries, emerged in the Akan communities in the twentieth century with the latter happening in the 1950s (Daaku, 1972).

In South-eastern Ghana, in the early part of the nineteenth century, the Krobos used military conquests to seize lands from the neighbouring Akyem communities to cultivate oil palm for export, however, in the middle- to late-nineteenth century, the Krobos and Akuapems began to purchase lands from the Akyem Abuakwa chiefs (Amanor, 2010). The land sales were recorded in similar fashion to the European land sales on the coast (Amanor and Ubink, 2008). In the development of cocoa production and the decline of oil palm prices in the late nineteenth century, the Krobos and the Akuapems used their wealth they had generated from their oil palm plantations to purchase more lands from the Akyem Abuakwa chiefs for cocoa production (Amanor, 2010; Onoma, 2010). The high demand for Akyem Abuakwa land led to the commoditisation of their customary land and the commoditisation benefited the Akyem Abuakwa chiefs. In some cases, chiefs sold land on which they had no proprietary ownership and such land sales generated contestations between the traditional authorities and their subjects. Moreover, Amanor (2010) reveals that the wealthy land purchasing farmers obtained labour mostly from their households and lands were granted to their wives, children and

nephews for their services in the cash crop farms. However, the size of the plots of land granted to the wives, children and nephews was small compared with the wealthy land purchasing farmers' lands (Amanor, 2010).

In Northern Ghana, the people were involved in subsistence farming and both indigenes and strangers titles were secure during the pre-colonial period (Kasanga, 1995; Bugri, 2008). Kasanga provides an account of the nature of the traditional economy in Northern Ghana during the pre-colonial era and argues that "in the past, land was abundant and all willing and able land users had access to it. With subsistence agriculture, no economic value was put on land, which had opportunity cost of virtually zero" (Kasanga, 1995:24). Thus, the availability of land in Northern Ghana made it possible for everyone capable of cultivating crops to obtain land without restriction.

In sum, in pre-colonial Ghana, the availability of land provided greater opportunities for subsistence farmers to cultivate crops without much interference from traditional authorities, although unequal land ownership patterns have also been documented during the later periods. For example, the development of export crops such as oil palm, coffee and cocoa in the middle-to late-nineteenth century resulted the commoditisation of customary lands especially in Akyem Abuakwa regions. The expansion of cash crop farming encouraged the drift of capitalist farmers into communities where they had no user rights to land. The influx of the wealthy migrant farmers increased the demand for land and the lands gained value. Traditional authorities insulated by the state allocated the lands to the migrant land seekers at high prices. The commoditisation of the lands precipitated contestations over lands between traditional authorities and subjects especially over lands of which traditional authorities had no proprietary ownership.

2.4.2 Customary land tenure in colonial Ghana

The first European nation which had an official relationship with Ghana (Gold Coast) were the Portuguese in AD 1471 (Claridge, 1905; Agbosu, 2000). In 1482, the Portuguese built the Elmina Castle and the land was allocated to them by Nana Kwamina of Elmina (Brown and Amonoo, 1961). Getting to the end of the 19th century, the Gold Coast became a British colony with Asante as a protectorate (Sarbah, 1903).

In 1895, the Public Land Bill was introduced to make all 'waste lands' crown lands (Bourrett, 1949). According to Noronha (1988), all unoccupied lands were considered by the colonial

masters as waste lands. However, the Gold Coast intelligentsia formed a movement called Aborigine Rights Protection Society (A.R.P.S.) to appeal against the Bill. Together with the English merchants at the Gold Coast, they stood against the Bill by appealing to the Queen of England (Boahen, 1990; Amanor and Ubink, 2008). In 1897, they succeeded in their appeal and the Public Land Bill was redrawn. In 1900, the Concession Ordinance was enacted which regulated concessions among the European Companies in the Gold Coast while the native lands were left to their native customs (Bourrett, 1949; Amanor, 2010).

Berry (1995) highlights that the colonial laws were passed to regulate places where there were economic booms. However, most local people did not know of the existence of such laws and only the privileged were able to use the laws to their benefits (Kasanga, 2000). In 1883, the Native Administration Ordinance was passed which strengthened the paramount and divisional chiefs and gave them wider powers with no recognition of native councils (Bourrett, 1949). In addition, Governor Guggisberg's quest to strengthen the office of traditional leadership culminated in the enactment of the Native Administration Ordinance of 1927. This ordinance aided the inclusion of Nana Ofori Atta I, the King of Akyem Abuakwa, into the legislative council to assist with the reconstruction of the administration by the traditional chiefs under the indirect rule system (Amanor and Ubink, 2008).

In Sub-Saharan Africa, the introduction of an indirect rule system during the colonial period led to the invention of allodial title which was fashioned according to the European customary land tenure systems (Kalabamu, 2019). In Ghana, the allodial title was vested in paramount chiefs and where there were no paramount chiefs, chiefs were created (Boni, 2004; Fiadzigbey, 2006; Amanor and Ubink, 2008; Amanor, 2010). In Northern Ghana, for example, there were no chiefs and Kasanga (1995) reveals that chiefs were created to act as a mouthpiece for the communities. The created allodial title made the paramount chiefs the only social group that were recognised as being able to control and transact in land while the other social groups were regarded as having user rights in land (Bourrett, 1949; Kasanga, 2000; Amanor and Ubink, 2008). Amanor (2010) and Berry (2001) underscore that the allodial title aided the chiefs to claim monopoly to alienate land, obtain revenue and evict land users with the support of the colonial government.

Chiefs became landlords and capitalists and servants of the British instead of being an intermediary between the people and their ancestors (Berry, 2018). With the introduction of cash crops such as cocoa and coffee, the restriction of other social groups by chiefs in land

transactions increasingly created contestations between traditional authorities and community members (Amanor, 2010; Arko-Adjei, 2011). In the colonial period, Ubink (2008) argues that chiefs redefined customs and checks and balances against chiefs' land allocations were removed.

In Akyem Abuakwa, for instance, the influx of mineral and timber concessionaires and migrant farmers in search of forest lands to cultivate oil palm and cocoa intensified the commercialisation of lands which had already evolved in the mid-1800s (Amanor, 2010; Onoma, 2010). According to Onoma (2010:107), “[p]redatory leaders exploited buyer’s trust to engage in fraudulent multiple sales of land or sales of land to which they had no right” (Onoma, 2010:107). The conduct of the chiefs created conflicts among paramount chiefs, lower chiefs and community members (Onoma, 2010). Similarly, in Ga communities, the expansion of trade and the movement of the capital city to Accra in 1877 exacerbated the commercialisation of lands. As with Akyem Abuakwa, the Ga chiefs exploited buyers’ trust through multiple sales of land (Onoma, 2010).

In other Akan communities such as Asante, new frontiers were opened to both migrant and indigenous cash crop farmers (Amanor and Ubink, 2008; Amanor, 2010). Alternatively, in Northern Ghana, the colonial government vested all the lands in the governor for and in trust of the people. Kasanga (1995:24) reveals that “the ordinances empowered the colonial administration to grant rights of occupancy to both natives and non-natives alike and to exact a rent in respect of the occupancy so granted”. Kasanga further argues that the vesting of the lands in the governor affected the development of good land market in the northern part of Ghana (Kasanga, 1995).

Moreover, in cocoa producing communities, wealthy land purchasing cocoa farmers obtained labour from their immediate households and extended family. Relatives, wives and children who assisted the land purchasing farmers in their farms were granted land for their services (Berry, 2008; Amanor, 2010). Amanor (2010:5) supports that “[a]mong the matrilineal Akan, land purchasing cocoa farmers frequently allocated cocoa farms to their sons, nephews, and wives in recognition of their services rendered in creating cocoa farms”. However, from the 1950s, the reduction in the supply of new frontiers for cocoa farming affected the granting of lands to the nephews, wives and sons by land purchasing farmers (Amanor, 2010).

In short, the introduction of indirect rule, the enactment of ordinances and the development of cocoa production opened greater opportunities for traditional authorities. Traditional authorities were protected by colonial administration and became capitalists and landlords instead of them being intermediary between the ancestors and the living. Traditional authorities continued to allocate land at high prices to wealthy migrant farmers due to the high demand for land for cocoa production. The existing inequalities were deepened and contestations over land continued to be predominant over land over which traditional authorities had no proprietary ownership. The incessant commoditisation of land led to a reduction in new frontiers for cocoa production and wealthy, migrant land purchasing farmers could not guarantee the granting of land to people who rendered services in their farms.

2.4.3 Post-colonial customary land tenure and land reforms in Ghana

Ghana attained her independence in 1957 and her first president, Kwame Nkrumah discredited the chiefly office (Berry, 2008, 2017; Onoma, 2010). Chiefs who did not side with Nkrumah's agenda were de-stooled and replaced by his loyalties (Berry, 2008). Land management and collection of taxes from stool lands were seized from chiefs and central government institutions were assigned such duties (Berry, 2008, 2017). Studies revealed that Nkrumah assumed that the collection of stool land taxes by chiefs will result in them getting money to support the opposition parties (Berry, 2008, 2017; Onoma, 2010).

In addition, legislations were passed at the early stages of independence and after the overthrow of Nkrumah's government. These various interventions were meant to support and modify land administration in Ghana. The key legislative interventions in relation to customary land tenure systems in post-colonial Ghana include: the Land Registry Act, 1962, Act 122; the Administration of Lands Act, 1962, Act 123; the Concessions Act, 1962, Act 124; the State Lands Act, 1962, Act 125; the Statutory Wayleaves Act, 1963, Act 186; the Conveyancing Decree, 1973, NRCD 175; the Land Title Registration Law, 1986, PNDCL 152; the Office of the Administrator of Stool Lands Act, 1994, Act 481; the Lands Commission Act, 2008, Act 767; and the Land Use and Spatial Planning Act, 2016, Act 925 with their amendments. Table 4 below illustrates the Acts, their rationale and purpose and the overall impacts and outcomes.

Table 4: Key legislations on tenure reforms in Ghana

Key legislations on land tenure and related reforms	Rationale and purpose of legislation	Overall impacts and outcomes of the legislation
Land Registry Act, 1962, (Act 122)	The Act was legislated to support the registration of instruments affecting land in order to prevent conflicts that emerge over a parcel of land due to poor land documentations.	The Act has disallowed oral transactions in land and has made it possible to register all instruments affecting land under the deed registry. The greatest challenge is that the Act runs concurrently with PNDCL 152 and this has affected effective land registration in Ghana. Many people who register their land transactions under this Act are protected by the law of Ghana.
Administration of Lands, 1962, (Act 123)	The Act abolished the management and control of stool lands by chiefs and vested all the powers of stool land management and control in the president for and on behalf of the people of the Republic of Ghana.	Act 123 has helped to reduce traditional authorities' control over stool land taxes and has allowed government land sector institutions to enter into stool land administration, management and control. This has reduced traditional authorities' power to obtain money directly from their subjects. However, traditional authorities are not happy with the way land taxes are collected and disbursed. In practice, traditional leaders continue to exercise great control in land administration and are involved in grabbing of the commons.
Concessions Act, 1962, (Act 124)	The Act was legislated to regulate concessions over resources in the Republic of Ghana.	This Act has provided greater opportunity for people to obtain concession to legally extract minerals, fish from water bodies and cut timber logs from Ghana's forest. However, the poor implementation of the terms and conditions in concessions especially mining concessions has adversely affected water bodies and left big holes in the ground in many mining communities in Ghana.

State Lands, 1962, (Act 125)	The Act was enacted by the president to compulsorily acquire lands with the payment of compensation.	Act 125 has made it possible for the president of Ghana to compulsorily acquire lands for public interest and purpose. However, in many instances where lands have been acquired using this Act, there has been lack of fair, adequate and prompt compensation payments to the affected people (Larbi, 2008).
Lands (Statutory Wayleaves) Act, 1963, (Act 186)	The Act 186 was enacted to support government to construct, install and maintain public utilities or create a right of way on both public and private lands without restrictions.	The Act has been used to expand transportation networks in Ghana; nonetheless, there are lands which have been acquired using this Act where compensation payments are still to be paid to the dispossessed people (Kasanga and Kotey, 2001; Larbi, 2008).
Conveyancing Decree, 1973, (NRCDC 175)	The NRCDC 175 was decreed to regulate all land transactions on both customary and public lands and also to reduce land disputes which arise due to poor transfer of interests in land among parties.	The Decree has helped in the drafting of legal, contractual agreements between land owners and tenants. However, the Decree cannot provide adequate security for the interest of land owners and tenants in, on or over their lands.
Intestate Succession Law, 1985, (PNDCL111)	The PNDCL 111 was enacted to deal with intestate succession in Ghana.	The Law has helped to reduce the quarrels between in-laws and surviving wives and children especially in Akan communities after the demise of husbands.
Land Title Registration, 1986, (PNDCL 152)	The PNDCL 152 was decreed to facilitate the registration of interests and rights in land with the provision of title certificates.	The Law has been used to register interests of people in land and has further prevented land conflicts in areas where people have multiple claims over land. However, many wealthy people and businessmen have hidden behind the Law to register lands which belong to the poor who cannot register their lands.

Office of the Administrator of Stool Lands, 1994, (Act 481)	The Act 481 was used to establish the Office of the Administrator of Stool Lands (OASL) and provided powers to the OASL to collect and disburse ground rent and royalties over stool lands.	The establishment of OASL has helped the collection of ground rent and royalties from stool lands. However, the OASL is unable to enforce the laws against traditional authorities on huge revenue derived from land allocations. Also, the funds allocated to district assemblies and traditional authorities are not effectively monitored by OASL as the institution does not have the jurisdiction to enforce the transparent and appropriate use of the money.
Lands Commission Act, 2008, (Act 767)	The Act was passed to empower the Lands Commission of Ghana to plan, survey, value and register interests in public and customary lands.	The Act has consolidated the four divisions of Lands Commission to ensure effective and efficient land administration in Ghana, however, the intended coordination among the divisions is yet to be realised.
Land Use and Spatial Planning Act, 2016, (Act 925)	The Act was passed to revise and consolidate the laws on land use and spatial planning, provide for sustainable development of land and human settlements, ensure judicious use of land, promote health and safety in respect of human settlements and to regulate national, regional, district and local spatial planning, and generally to provide for spatial aspects of socio-economic development and for related matters.	The Act repealed Town and Country Planning Act, 1945, CAP 84, and Towns Act, 1892, CAP 86, and Animals (Artificial Insemination) Act, 1955, Act 33, and established decentralised spatial planning departments in Ghana. Although the Act has delineated how the planning of parcels of land should be done, poor institutional capacity is affecting the effective implementation of the Act.
Local Governance Act, 2016, (Act 936)	This Act was enacted to repeal Local Government Act, 1993, Act 462 and restructure the local government administration. The Act has expanded the administration of land and other land uses at local levels.	The Act has supported the government of Ghana in the creation of new districts and effective implementation of decentralised local governance and administration. However, as a result of poor institutional capacity and inadequate funds at the local government level, most of the district assemblies' physical planning departments are unable to control unauthorised housing development. In Ghana, many people in communities build their houses without planning authorisation and this has resulted in buildings collapsing and killing innocent people.

Kasanga (2000) and Amanor and Ubink (2008) emphasise that after independence, no deep-seated reforms were made to reverse the colonial administration of customary land tenure systems under the Native Administration Ordinances. The objectives of laws and policies introduced in post-colonial Ghana aimed to “reconcile colonial land rights and indigenous land rights to promote poverty alleviation and development” (Arko-Adjei et al., 2009:2). After the overthrow of Nkrumah’s government in 1966, the chieftaincy institution resumed its authority (Amanor and Ubink, 2008). Chiefs’ position was further strengthened in the 1969 Constitution and subsequent Constitutions of 1979 and 1992 (Berry, 2009b).

2.4.3.1 Economic liberalisation and land tenure reforms in Ghana

In the 1980s, the collapse of Ghana’s economy compelled the country to seek economic relief from the World Bank and IMF (Amanor and Ubink, 2008; Berry, 2018). In order for the assistance to be granted, Ghana was asked to implement a Structural Adjustment Programme (SAP). The SAP promoted individual land titling, withdrawal of government subsidies and the reduction of government expenses (Amanor and Ubink, 2008; Adarkwa, 2012). To ensure effective and efficient land administration, Ghana inaugurated her maiden National Land Policy in 1999. The Policy identified the shortcomings in the land markets and suggested ways these shortfalls could be mitigated (Kasanga, 2000; Fiadzigbey, 2006). In section 2.2 of the National Land Policy of Ghana, the following shortfalls were thematically identified in the land markets.

- a) General indiscipline in the land market
- b) Indeterminate boundaries of stool/skin lands
- c) Compulsory acquisition by government of large tracts of lands
- d) Inadequate security of land tenure
- e) Difficult accessibility to land
- f) Weak land administration system
- g) Lack of consultation with land owners and chiefs in decision-making
- h) Lack of consultation, coordination and cooperation among land development agencies
- i) Inadequate coordination with neighbouring countries in the management of Ghana's international borders (Ministry of Lands and Forestry, 1999).

Additionally, between 1999 and 2001, Land Administration Project (LAP) was formulated to mitigate the shortfalls identified by the National Land Policy (Karikari, 2006; World Bank,

2018). In 2003, the NPP Government launched the LAP and its implementation was funded by the World Bank. The LAP was implemented in two phases – LAP 1 commenced in 2004 and ended in 2010 and LAP 2 began in 2011 and is expected to end in 2021 (Larbi, 2013; World Bank, 2020). The core objective of LAP is to “develop a sustainable and well-functioning land administration systems that are fair, efficient, cost effective, decentralised, and enhance land tenure security in the following ways:

- a) harmonising land policies and the legislative framework with customary law for sustainable land administration;
- b) undertaking institutional reform and capacity building for comprehensive improvement in the land administration system;
- c) establishing an efficient, fair and transparent system of land titling, registration, and valuation;
- d) developing community level land dispute resolution mechanisms; and
- e) issuing and registering land titles in selected pilot urban and rural areas” (World Bank, 2013:ix).

Moreover, the project established pilot customary land secretariats (CLS) to strengthen customary land administration in Ghana and computers were given to the CLS to assist them in their recording and registration of land transactions (Ubink and Quan, 2008; Bugri, 2012; Mireku, Kuusaana and Kidido, 2016). The LAP was placed under the auspices of chiefs and Ubink and Quan (2008) noted that placing the LAP under the authority of chiefs would greatly undermine the intended goals of the project. According to Ubink and Quan, the traditional leadership office is used by chiefs to enrich themselves (Ubink and Quan, 2008). In November 2008, the objectives of the LAP were restructured, although the restructuring of the objectives did not change the intended outcomes (World Bank, 2013). In 2008, the LAP 1 was rated as moderately unsatisfactory (Larbi, 2013; World Bank, 2013). Similarly, in 2020, the LAP 2 was rated as moderately unsatisfactory (World Bank, 2020). The revised closing date of the LAP 2 is 31st December, 2021 (World Bank, 2020), nonetheless, from the ratings of LAP 1 and LAP 2 between 2008 and 2020, it is fairly uncertain that the core objectives of LAP which were restructured in 2008 will be attained in 2021.

2.5 Outcomes of Post-colonial Customary land tenure Reforms in Ghana

The above legislative and policy interventions in post-colonial Ghana largely reflect efforts to formalise the customary tenure systems. In the main, the reforms are largely dominated by Ghana's World Bank inspired formalisation of customary land tenure systems where importance is attached to the market as the engine of economic activity. Related to the promotion of the market as part of the SAP and neoliberal policies, land titling and land registration initiatives were introduced. In the above sections, it is clear that the chiefs consolidated their power to administer land. Land inequalities increased as other powerful groups besides traditional chiefs also grabbed land. In rural and peri-urban communities, the increase in demand of land has led to the dispossession of the natives by traditional authorities supported by the state (Amanor, 2008, 2010). The implementation of customary land tenure reforms has resulted in categorisation of land rights and interests, division of lands in Ghana, harmonisation of statutory and customary land administration, changes in customary land administrations and increased land grabbing.

2.5.1 Categorisation of interests and rights in customary lands in Ghana

With the execution of land tenure reforms, land rights and interests under customary land tenure systems have been classified into four major kinds which can be registered under Land Title Registration Law, 1986, PNDCL 152. According to section 19 of PNDCL 152, the registerable land rights include allodial interest, freehold interest, leasehold interest and customary tenancies. The sections below define, describe and briefly evaluate these different types of rights.

2.5.1.1 Allodial interest

This type of interest is the highest and the ultimate title in customary lands in Ghana. It is usually vested in stools, skins and clans (Ministry of Lands and Forestry, 2003; Fiadzigbey, 2006). The occupants of the stools, skins, clan heads or religious leaders are the custodians of the lands and manage the lands for and on behalf of their people. The custodians of the lands cannot perform any dispositions on the lands such as a gift to a stranger without the concurrence of their members (Da Rocha and Lodoh, 1999). In Ga and Adangbe communities, the allodial titles are vested in stools as well as clans. In Akan communities, the allodial titles are vested in stools. In northern parts of Ghana, allodial titles are vested in skins, clans and earth priests (Yaro, 2010, 2012; Tsikata and Yaro, 2011). Kasanga (1995) argues that the vesting of allodial

titles in skins was foreign to the northern communities and it was carved out during colonialism. In Dagomba and Nanumba, for instance, “allodial titles are vested in Ya-Na and Bimbilla-Na respectively who have delegated their authority to their sub-chiefs to manage the lands within their jurisdiction” (Kasanga, 1995:24).

2.5.1.2 Freehold interest (customary freehold and common law freehold)

Under this type of interest, the freeholder holds the interest in the land for an indefinite period (Da Rocha and Lodoh, 1999). This type of interest is superior to all interests but the allodial interest (Kasanga and Kotey, 2001; Ministry of Lands and Forestry, 2003). Within the PNDCL 152, there are two categories of freehold interests – customary freehold and common law freehold.

Customary freehold interest has its origin from the allodial interest which is held by members of a stool or a clan (Asante, 1965; Da Rocha and Lodoh, 1999). This interest is usually created for an indefinite period as long as the customary freeholder duly acknowledges the allodial owner. Individuals with such interest have the right of beneficial occupation and such benefits may be devolved to their successors upon their death *ad infinitum* (Asiama, 1997; Mends, 2006). The failure of successors extinguishes the interest (Da Rocha and Lodoh, 1999). In stool land communities, the customary freehold interest is held by clans with the exception of the royal family which possesses the allodial interest. In addition, the quantum of clans’ customary freehold interest is exercised by the clan members. Thus, clan members’ land ownership is regarded as customary freehold interest in stool land communities (Da Rocha and Lodoh, 1999). Similarly, in clan land communities, land ownership enjoyed by clan members is recognised as customary freehold interest (Daaku, 1972; Tipple, 1987; Asiama, 1997; Tsikata and Yaro, 2011).

Furthermore, the common law freehold interest displays similar characteristics of the customary freehold interest, however, it is derived from common law (Ministry of Lands and Forestry, 2003). The interest is granted to strangers and members of a group such as subjects of a stool or members of a clan. The common law freehold is subject to the terms and conditions of the land owner (Da Rocha and Lodoh, 1999). When the 1969 Constitution and subsequent Constitutions of 1979 and 1992 came into force, non-Ghanaian common law freehold grants have been reverted to 50 years’ leaseholds which are subject to renewal (Ministry of Lands and

Forestry, 2003). However, the citizens of Ghana's common law freehold interests still persist in the lands granted to them.

2.5.1.3 Leasehold interest

Leasehold interests are granted by an owner of land called a lessor to another person (lessee) to occupy and use the land for a specific period (Mends, 2006). In stool land or clan land communities, the land owner can be either the allodial title or freehold interest holders and the lessees can be both natives and non-natives (Da Rocha and Lodoh, 1999). Moreover, a person can hold a leasehold interest for agricultural purposes for a maximum of 50 years for cultivation of cash crops, a maximum of 50 years for commercial purposes and a maximum of 99 years for residential uses (Blake and Kasanga, 1997). Lessees, furthermore, have disposition rights and they can either sublease or assign the whole lease to another person strictly based on their quantum of interest on the *nemo dat quod non habet* principle (Da Rocha and Lodoh, 1999, Agbosu, 2000). Additionally, leases have both implied and expressed covenants that bind the lessors and the lessees. The failure of parties to adhere to the covenants of the leases may result the forfeiture of the leases (Da Rocha and Lodoh, 1999).

2.5.1.4 Customary tenancies

Customary tenancies are leases that are granted by one with an allodial interest, a customary or a common law freehold, *inter alia*, to a person for a specific purpose (Da Rocha and Lodoh, 1999; Kasanga and Kotey, 2001). Customary tenancies can be granted to either a stranger or a member of a land-owning group (lineage, clan or community). The tenancies confer on people (tenants) the right to occupy and use land for special purposes for indefinite periods so long as the tenants continue to observe and perform the terms and conditions upon which they were let into possession (Ollenu, 1962; Asante, 1965; Da Rocha and Lodoh, 1999). Customary tenancies are classified as lesser interests in land and prominent examples are interests held in land under contractual or share cropping or other customary tenancy agreements such as licenses, pledges and gifts (Mends, 2006).

In farming communities in Ghana, the most predominant share cropping tenancies are *abusa* and *abunu* tenancies. An *abusa* share-cropping tenancy is created when a tenant is allowed to take care of an already-made farm (mostly cocoa or oil palm plantations) and the produce of the farm is shared, with the land owner getting two-thirds and the tenant receiving one-third. Similarly, if a farmland was given to the tenant to cultivate crops, the farm or the produce from

the farm is shared with the land owner receiving two-thirds and the tenant getting one-third. In the case of *abunu*, if the tenant was asked to take care of an existing farm, the produce is shared with the land owner gaining 50% and the tenant receiving same. On the other hand, if a farmland was given to the tenant to cultivate crops, the farm or the produce is shared on a half-half basis between the land owner and the tenant (Da Rocha and Lodoh, 1999).

Amanor (2008) argues that the definition of rights and interests, especially allodial interest, in customary lands is clearly defined when lands gain economic value. Amanor (2008) describes that since traditional authorities cannot sell lands to natives, allodial interest acquires significance when there is influx of migrants without use rights and lands are transacted with these group of people (Amanor, 2008). According to Amanor (2008), in areas where there is less commodification of lands especially in agricultural communities, natives' rights to use of lands are highly recognised. However, the security of natives' landholdings breaks when traditional authorities begin to sell lands to outsiders. Amanor, therefore, concludes that the "[a]llodial interests only arise at the juncture where land is being commodified." (Amanor, 2008:75). Thus, the categorisation of rights and interests under the PNDCL 152 is recognised and defined when lands attained economic value.

2.5.2 Classification of customary lands

The implementation of land tenure reforms contributed to the classification of customary lands into stool lands, clan lands and individual lands (Ministry of Lands and Forestry, 2003). In Ghana, traditional authorities own about 80% of the total land area and out of the 80% owned by traditional authorities, clans together with individuals own 35% and the remaining 45% are owned by stools (Kasanga and Kotey, 2001; Mends, 2006; Yeboah and Shaw, 2013; Siiba, Adams and Cobbinah, 2018).

2.5.2.1 Stool lands

According to Article 295 (1) of the Constitution of Ghana (1992), a stool land includes any land or interest in, or right over, any land controlled by a stool or skin, the head of a particular community or the captain of a company, for the benefit of the subjects of that stool or members of that community or company. In Ghana, stool lands include stool lands at the south and skin lands at the north. In the south, stool lands are common among the Akan-speaking communities such as Ashanti, Bono-Ahafo, and the Western and Eastern Ghanaian regions (Arko-Adjei, 2011; Tsikata and Yaro, 2011). The stool is the seat of traditional authority of the southern

tribes and the skin is the seat of traditional authority of the northern tribes in Ghana (Mends, 2006). In post-colonial Ghana, all farmlands owned by clans in stool land communities are regarded as stool lands (Daaku, 1972; Tipple, 1987; Ubink, 2008a). Users of stool lands pay annual ground rent to OASL to support the traditional leaders' offices and district development.

In addition, the legislation of laws has affected the creation of freehold interest by subjects of stools in stool lands in post-colonial Ghana. In Article 267(5) of the 1992 Constitution of Ghana, the creation of freehold interest in stool lands is forbidden. Clans and indigenes cannot assign their freehold interest in land to land seekers. The only interest clans and indigenes in stool land communities can create are lesser interests such as leasehold interests and customary tenancies. It is implied then, according to the 1992 Constitution, even if clans and individuals desire to create lesser interests in land, the allocations must be approved by traditional authorities in those communities as well as government land sector agencies.

2.5.2.2 Clan lands

Clan lands are communal lands owned by clans. Members within clans have a common ancestor and each member of the clan has a right to the land through the clan descent (Ministry of Lands and Forestry, 2003). The clan head is the leader of the clan who is normally a male in Akan communities and either a female or male in other tribes in Ghana (Akrofi, 2013). The clan head is the custodian of the lands who manages the clan land with a council of elders (Mends, 2006). The council of elders is normally made up of the oldest clan members within the clan. The clan lands are, by implications, free from government land management regulations as compared to stool lands under the 1992 Constitution of Ghana. In Ghana, clan lands are commonly found in Volta, Upper West, Upper East, Northern, some communities in Greater-Accra and Eastern regions (Kasanga, 1995; Kasanga and Kotey, 2001; Amanor, 2010). In patriarchal societies such as the Ewe communities in the Volta region, clan lands are inherited through the male descent of the clan (Tsikata and Yaro, 2011). Alternatively, in maternal societies such as the Akan communities, clan lands are inherited through the female descent (Tipple, 1987; Asiama, 1997).

2.5.2.3 Individual lands

Individual lands constitute grants originating from common law freeholds. These lands were held by both non-citizens and citizens of Ghana. However, as it has already been mentioned, when the 1969 Constitution and subsequent Constitutions of 1979 and 1992 came into force,

the non-Ghanaians' common law freeholds held in lands have been reverted to 50 years' leaseholds which are subject to renewal (Ministry of Lands and Forestry, 2003). Moreover, the individual lands were obtained from chiefs and the sale of lands made by Europeans when they were leaving Gold Coast during the establishment of independence. The people who obtained these lands were rich households, politicians and businessmen. Individual lands are common in the Greater-Accra region and subordinate interests such as leases, tenancies and pledges can be created in individual lands to land seekers.

The categorisation of lands resulting from implementation of land reform policies and laws has affected land administration and the enactment of laws to regulate lands. It is not surprising that individual lands and clan lands have been exempted from strict government control under the current 1992 Constitution of Ghana. Also, the payment of ground rent by only users of stool lands without users of clan lands is unfair. The reason is that the greatest proportion of the collected ground rent is used for district developments and people living on clan lands in a district may benefit from ground rent paid by only stool land users. Moreover, there could be more clan lands in a district than stool lands and only stool land users are exploited to support district developments exempting the greater percentage of clan land users who could have contributed extensively towards developments.

2.5.3 Harmonisation of statutory and customary land administration

The current 1992 Constitution and other statutes such as PNDCL 152, recognise dual land administration where statutory land administration runs concurrently with customary land administration. The dual land administration is highly manifested in customary land allocation and management, especially in peri-urban communities (Boamah and Margath, 2016). To promote effective land administration, under the current 1992 Constitution of Ghana, the creation of interests in stool lands by traditional authorities is not legally binding unless the created interest has been ratified by the Lands Commission of Ghana or its planning authorities at the districts. In Article 267(3) of the 1992 Constitution of Ghana, it states that:

There shall be no disposition or development of a stool land unless the Regional Lands Commission of the region in which the land is situated has certified that the disposition or the development is consistent with the development plan drawn up or approved by the planning authority for the area concerned. (Constitution of Ghana, 1992:147)

Thus, Article 267(3) empowers the Lands Commission of Ghana and its planning authorities to concur dispositions made in stool lands by chiefs before such developments can be

implemented. In practice, the Lands Commission and planning authorities enforce this provision in the Constitution by demanding allocation notes from developers (Mireku, Kuusaana and Kidido, 2016). In areas where lands have been subdivided, developers are required to add site plans (Blake and Kasanga, 1997; Kumbun-Naa Yiri II, 2006). An allocation note mostly contains name of stool, stool emblem, terms of land transactions and signing authorities while a site plan bears land use type, size of plot and number, name of developer, stool name and numbers of adjoining plots of land (Mireku, Kuusaana and Kidido, 2016). Owing to this requirement from Lands Commission and planning authorities, chiefs who want to subdivide and allocate their lands must have allocation notes and site plans.

Again, the customary land reforms have removed the collection of ground rent from traditional authorities to government land sector institutions. The 1992 Constitution of Ghana and other statutes such as Administrative of Lands Act, Act 123 with its amendments, stipulate that OASL must collect and disburse all revenues accruing from stool lands. These revenues include ground rent, royalties and proceeds generated from land allocations. According to the current 1992 Constitution, Article 267 (6), the revenue should be shared by OASL and 10% of the total revenue received should be taken by OASL for administrative expenses. The remaining 90% is shared with 55% to the district assembly in which the stool is situated, 25% to stool through its traditional council for the maintenance of the stool and 20% to the traditional authority. According to Kumbun-Naa Yiri II (2006), traditional authorities regard the sharing formula as an imposition on the customary land administration. Ubink and Quan (2008) indicate that chiefs evade this constitutional provision by describing the huge proceeds from land allocations as drink money. Chiefs often define the drink money as an appreciation to their kindness in their allocating lands to developers (Fiadzigbey, 2006). In this regard, OASL officers are unable to collect proceeds from land allocations as well as enforcing their constitutional mandate at law courts against chiefs.

2.5.4 Traditional authorities and land administration

The execution of laws and policies has made traditional authorities more powerful over their subjects with regard to land allocations. Clans' and individuals' land allocations are no longer recognised in communities which have stool lands during massive land allocations (Akaateba, 2018, 2019). According to Article 36(8) of the 1992 Constitution of Ghana, traditional authorities are recognised as managers of their communities' lands and are charged with the obligation of allocating and administering the lands for the benefit of their subjects. However,

customs and traditions illustrate that traditional authorities are not the only social group responsible for customary land allocations (Hayford, 1903; Blake and Kasanga, 1997; Kasanga and Kotey, 2001). Customary land allocations involve traditional authorities, traditional councils and community members (Hayford, 1903; Arko-Adjei, 2011). In this regard, the constitutional recognition of traditional authorities as the only managers of community lands undermines the customary rights of traditional councils and community members in customary land administration.

In addition, the legal recognition of traditional authorities as the managers of community lands restrains traditional councils and community members' ability to enforce customs against traditional authorities' land transactions during commercialisation of communities' lands (Fiadzibey, 2006; Land Tenure and Development, 2015). Amanor describes how “[t]he strengthening of chiefly control over land creates conditions for the expropriation of the peasantry. It enables chiefs to claim control over land and to redefine land relations”. He concludes that “[w]ithout tacit support and recognition from the state and support for their version of customary tenure, chiefs would have little power to enforce their versions of customary tenure.” (Amanor, 2008:78). Thus, traditional authorities invoke their allodial interests during commoditisation of lands, redefine the customary land tenure with the state's support and evict poor households from their ancestral lands.

In the northern regions, Yaro provides a progressive analysis about how ceaseless commoditisation of lands has occurred in communities due to the strengthening of the position of chiefs under the 1992 Constitution of Ghana (Yaro, 2010, 2012). Yaro (2010:201) reveals that the devastation of northern lands and giving the lands to the chiefs under the 1992 Constitution “paved way for capitalist relations in land transactions”. Middle classes, businessmen and local people entered the land market and demand for lands increased (Yaro, 2010). In peri-urban communities, he describes how “[t]he harmonious land relations [have] gradually become a thing of the past as peri-urban developments have resulted in high demand for land and its consequent translation into monetary values have generated conflicts between chiefs, clans, kinsmen and family members” (Yaro, 2010:201). Similarly, Yaro further describes how the commoditisation of the rural lands resulting from peri-urbanisation has affected the right of peasant farmers to control their lands: “Chiefs have become the owners of the land industry to the detriment of the citizenry, just as clan heads have dispossessed their

members of valuable farming land without compensation for people to start alternative livelihoods.” (ibid.). Yaro, therefore, argues that:

allodial title holders’ appropriate peri-urban lands by re-codifying tradition, enabled by state land policies and bureaucracies which disenfranchise ordinary land users irrespective of the type of traditional polity. Social relations are in a continuous flux and conditioned by power relations and external influences, making it difficult to pin down tradition which is interpreted in favour of those manipulating custom (Yaro, 2012:351).

In sum, the strengthening of the capacity of traditional authorities does not promote equitable land distribution and poverty alleviation as perceived by policy makers and international donors. Rather it insulates traditional authorities to redefine customs to evict their subjects from their farmlands, become winners and get rich while their subjects lose their intergenerational wealth derived from land and continue to live in abject poverty.

Moreover, in cocoa farming communities, the continuous commoditisation of new frontiers for cocoa farming in the post-colonial period affected the livelihood of the subjects of traditional authorities. The incessant drift of migrant land purchasing farmers into cocoa producing communities increased the demand for land and traditional authorities invoked their allodial interests and allocated land at high prices to the migrant farmers (Amanor, 2008; Berry, 2008). In the early 1970s and 1980s, the scarcity of land evolving from the massive land allocations exacerbated land contestations between natives and migrant farmers (Berry, 2008). Also, annual rent paid by migrant cocoa farmers was increased by traditional authorities due to the reduction in new frontiers for land allocations. Berry (2008) notes that traditional authorities exploited farmers by increasing the rent and the rent was fixed after a cocoa harvest in order for the traditional authorities to obtain higher revenue. This exploitative venture of increasing rent paid by migrant farmers affected most migrant farmers’ efforts to maintain their cocoa farms (Berry, 2008).

In addition, the reduction in new frontiers in cocoa producing communities affected the lands granted to nephews, wives and children for their services in the farms of land purchasing farmers (Amanor, 2010). Amanor reveals that in Akan communities, there were disputes between children, wives and matrikins in cases where the land purchasing farmers died before the cocoa farms matured (Amanor, 2010). He continues that the disputes between children and matrikins affected the supply of labour for the cocoa farms as sons abandoned their father’s farms when they noticed that they could be displaced by matrikins upon the death of their

fathers (Amanor, 2010). This affected social relations and increased inequalities, especially among women and the youth.

2.5.5 Implementation of economic liberalisation and land grabbing

The implementation of economic liberalisation policies in post-colonial Ghana has paved way for the influx of foreigners into the rural and peri-urban spaces in Ghana to seek for lands for investment. In Volta region, for instance, the establishment of Prairie Volta Rice Ltd Project involving the Government of Ghana, American Company (Prairie Texas) and Ghana Commercial Bank has affected the lineage tenure systems in the communities and has led to the dispossession of men and women from their commons (Tsikata and Yaro, 2011). Tsikata and Yaro describe lineage land tenure that existed before the establishment of the Project as:

all members of the lineage were entitled to portions of the land for farming and housing. On clearing virgin land, they secured a usufructory interest which they could pass on to progeny. As land clearing was traditionally men's work under the division of labour in farming, much of the usufruct had come to be held by men. Women's land interests as members of land holding lineages were reasonably well established and secured although they often had smaller plots than men, and this was often attributed to men's ability to afford mechanised technologies, whereas women continued to the use of hoe and cutlass. The commons were used for collecting firewood and burning charcoal, sand winning for construction and the collection of clam shells which were important activities for men and women in the community" (Tsikata and Yaro, 2011:7,12).

However, the establishment of the project has affected both men and women as they are unable to access the commons for their livelihoods. The Government of Ghana compulsorily acquired the communities' lands for the rice project in 1977 and the people were promised to benefit from the project, however, as Tsikata and Yaro (2011) noted, the project has not provided employment for the people because the people live far away from where the company is currently operating.

Similarly, Amanor reveals that the implementation of SAP policies resulted in the privatisation of a government oil plantation in Kwae in 1994 which supported CIAT from Belgium to own 60 % equity in the plantation (Amanor, 2010). Presently, the new strategies that are implemented by the company in the oil plantation have affected out-growers as the prices offered by the company to out-growers are lower than the prevailing market prices (Amanor, 2010). In addition, in the Brong Ahafo region, the opening of Ghana to free-trade policies has encouraged the influx of foreign investors to seek lands for large-scale cashew plantations (Amanor, 2008). Also, local bureaucrats and businessmen have entered into the market and are

purchasing large tracts of land for cashew farming. Amanor argues that this situation will eventually affect food crop production in the communities which will result in an increase in prices of foodstuffs (Amanor, 2008).

In fact, it is worth emphasising that the enactment of laws, implementation of the market liberalisation strategies, and the strengthening of the capacity of traditional authorities have immensely affected customary land tenure and administration in Ghana. Land commoditisation that emerged in the late nineteenth century in Akyem Abuakwa region and in the colonial period has been continued by traditional authorities in many rural and peri-urban communities in Ghana. Local bureaucrats, businessmen and foreign investors continually migrate to rural and peri-urban communities to search for land so as to accumulate capital. The drift of these land seekers into the communities has exacerbated demand for customary lands and traditional authorities, often protected by the state, redefine customary tenure and allocate lands to land seekers at high prices. The existing inequalities that were created in pre-colonial and colonial periods have been widened due to land commercialisation by traditional authorities. The livelihoods of the people, especially women and youth, are highly affected. The environment is extensively polluted and in mining communities, opened deep holes have become death traps due to poor implementation of concessions.

2.6 Chapter Summary

The chapter identified the customary land tenure system to be the predominant form of land tenure in Ghana and in Africa in general. However, as a result of colonialism and implementation of laws and policies in the post-colonial era, customary land tenure systems have undergone serious transformations. In Ghana, the transformations include privatisation of land rights through land titling, formalisation of customs and making traditional authorities more powerful than other social groups in land management and administration. Government land institutions have also encroached on the territory of customary land administration and interests in customary lands have been categorised. The strengthening of the capacity of traditional authorities and the influx of people into communities where they do not have user rights to land, has resulted in accelerated land commercialisation by traditional authorities. These traditional authorities are often protected by the state. The land commercialisation has affected the livelihood of the poor, while traditional authorities and investors are accumulating capital from the land. Presently, in peri-urban communities, the inflow of migrants into the communities in search of land for housing has resulted in accelerated commoditisation of

customary lands. In the next chapter, the study will explore how customary land tenure systems are being interwoven in the processes of commoditisation of customary lands for housing development in peri-urban Ghana, in the context of rapid urbanisation.

Chapter 3: Housing Development and Customary Lands in Peri-Urban Ghana

3.1 Introduction

Colonialism has modified and transformed customary tenure systems in very profound ways. Post-colonial governments, on the other hand, have often perpetuated the legacy of colonialism by devising policies that distort customary tenure and adversely affect people living under these property systems (Amanor and Ubink, 2008; Arko-Adjei, 2011; Hall, 2011; Kalabamu, 2019). The effects of colonialism and post-colonial land reforms have resulted in dual land-tenure systems in most African countries where customary land-tenure systems run concurrently with statutory land tenure (Akaateba, 2018; Kalabamu, 2019).

In contemporary times, the expansion of peri-urban areas in Ghana due to rapid urbanisation and land commoditisation has facilitated the prevalence of dual land tenure. The rapid urbanisation results in migrants moving to the peri-urban communities to seek land, mostly for housing. The increase in demand for land for housing development especially customary lands which are the major land types in peri-urban communities, renders the lands more valuable and this, in turn, precipitates in land prices. Traditional authorities, therefore, allocate the available lands at high prices. Although the customary land-tenure arrangements have been reshaped and modified by colonialism, post-colonial land policy reforms and land commercialisation, studies have found that the customary land-tenure systems have remained robust and resilient (Ezigbalike, Rakai and Williamson, 1995; Amanor and Ubink, 2008; Arko-Adjei, 2011).

This chapter broadly reviews the literature on housing expansion and commoditisation of customary lands in peri-urban Ghana. First, the chapter will specifically discuss housing development in Ghana and the condition of housing in urban centres in general. Second, the chapter will focus on the processes of customary land commoditisation for housing in peri-urban Ghana. Third, the chapter will highlight the implications of commoditisation of customary land in the context of housing development. The section on the implications of commoditisation of land for housing will focus on land ownership, tenure security, modes of land allocation and fiduciary roles of traditional authorities, land governance, livelihood changes, land contestations, social inequalities and social cohesion.

3.2 Housing Development in Ghana

Housing development is one of the key pillars of sustainable economic development of countries around the globe and sufficient supply of housing improves health of people and physical landscape of countries (UN-HABITAT, 2012; Awuvafoge, 2013; Kheni and Adzraku, 2018). The wider literature on housing describes housing development as the process of building houses for occupation under specific rules and regulations (Lombard and Wyk, 2001; Abusah, 2004; Stone, 2009). Houses are developed by housing developers and the developers are generally individuals and companies that build the houses to either sell, lease or occupy (Lombard and Wyk, 2001). In Ghana, a housing developer is referred to as a “person or company that develops real estate, especially by preparing a site for residential use” (Ministry of Water Resources Works Housing, 2015: v).

There are two forms of housing systems based on housing developers in Ghana, notably private and state housing systems (UN-HABITAT, 2011a; Agyemang and Morrison, 2018). The private housing system is made up of individual household developers and estate companies that mostly acquire lands from customary land owners and engage small-scale contractors to build their houses while the state housing system involves government housing institutions which obtain lands and develop housing units for people (UN-HABITAT, 2011a; Ghana Real Estate Developers Association, 2016).

In Ghana, private housing developers supply about 90% of the housing units and the remaining 10% is supplied by state housing developers (UN-HABITAT, 2011a). State housing developers supply houses to people who are typically high middle-class income earners and high income households (Abusah, 2004; UN-HABITAT, 2011a). According to Ghana Real Estate Developers Association (2016), state housing developers are dormant and their contribution to the control of the 1.7 million housing deficit in Ghana is very low. UN-HABITAT (2011a) supports that state housing developers are accounted as part of the Ghanaian housing systems based on their past contributions to the housing sector.

Housing facilitators also play roles in the housing sector of Ghana. These developers are not state housing developers; however, they could be considered as part of the state housing system. The housing facilitators normally assist in improving dwelling units of urban low-income households. These developers perform their activities in collaboration with government institutions and land owners (UN-HABITAT, 2011a).

In the private housing system, individual household developers deliver 90% of the total houses and estate companies supply the remaining 10% (Ghana Real Estate Developers Association, 2016). Individual household developers acquire land from their accumulated income or family support, engage small-scale contractors whom the developers normally identify through recommendations of others (UN-HABITAT, 2011a). Building designs are often not used to construct individual household developers' houses. Individual household developers often inform contractors to build their houses according to houses which are well-known by the developers (ibid.). The hired small-scale contractors also work with tradesmen. Both the small-scale contractors and the tradesmen are paid by the individual household developers, usually on daily basis (UN-HABITAT, 2011a). Individual household developers provide contractors with building materials and construction halts whenever the individual household developers are experiencing a shortage of funds (Owusu and Asamoah, 2005).

Individual household developers take several years before they are able to complete their houses for occupation (UN-HABITAT, 2011a). It takes between one and five years on average, before an individual household developer can complete a housing unit for occupation (Owusu and Asamoah, 2005; Arko-Adjei et al., 2009; Owusu-Ansah and O'Connor, 2010). Yeboah and Shaw (2013) found that the challenges of individual household developers are created by the land-acquisition process, complex and bureaucratic land title registration system, poor implementation of planning laws, high interest rates on loans, and low-income levels of housing developers to access mortgage.

In Ghana, housing units include: rooms in compounds, other types of rooms, separate houses (bungalows), flats/apartments, semi-detached houses, several huts/building, and tents/improvised housing (kiosks/containers) (UN-HABITAT, 2011a; Ministry of Water Resources Works Housing, 2015; Ghana Real Estate Developers Association, 2016; Kheni and Adzraku, 2018). Compound houses are the predominant types of housing units in Ghana. Recently, the building of compound houses has diminished in Accra and are no longer built in Kumasi, the capital city of Ashanti region (Ghana Statistical Service, 2012). Unlike Accra and Kumasi, compound houses have been found to dominate in all newly-developing areas in Tamale (UN-HABITAT, 2011; Ministry of Water Resources Works Housing, 2015). Individual household developers usually build detached houses, semi-detached houses, flats and multi-storey buildings which they either let to tenants or occupy as owner-occupiers (Ghana Real Estate Developers Association, 2016).

Estate companies are new, private housing developers that recently joined the Ghanaian housing sector not more than four decades ago (Ghana Real Estate Developers Association, 2019). These companies usually acquire customary lands from their generated income and loans obtained from financial institutions (Siiba, Adams and Cobbinah, 2018). Unlike individual household developers, estate companies build their houses by using building designs and normally import some of their building materials from other countries (Bank of Ghana, 2007a, 2007b). The companies build houses such as flats, condos, bungalows, multi-storey buildings, detached houses, semi-detached houses, and gated communities, and lease them to tenants with the prices for their houses quoted in dollars (Bank of Ghana, 2007a, 2007b; Adarkwa, 2012; Ghana Real Estate Developers Association, 2016). Estate houses are mostly patronised by high-income households, Ghanaian expatriates and foreigners in Ghana (Adarkwa, 2012; Ghana Real Estate Developers Association, 2019).

The supply of houses by estate companies is very low. The companies' challenges in their supply of estate houses are similar to individual household developers. Owusu-Ansah, Soyeh and Asabere (2019) revealed that complex land-acquisition processes, lengthy land-titling registration processes, complicated procedures for acquisition of building and development permits, high interest rates on loans, and a poor mortgage market are the restraints to the estate companies' ability to supply houses. According to Ghana Real Estate Developers Association (2019) land litigations of which some have prevailed in courts for over 15 years is another hindrance that restrains estate companies in their supply of houses in Ghana. Owusu-Ansah, Soyeh and Asabere, therefore, recommend that both market and institutional interventions should be executed to support estate companies in order for the companies to assist the controlling of the housing deficit in Ghana (Owusu-Ansah, Soyeh and Asabere, 2019)

3.3 Housing Conditions in Urban Ghana

Housing stock in Ghana stood at 3,392,745 and the total number of rooms in 2010 amounted to 11.5 million (Ghana Statistical Service, 2012). Rural areas contained about 57.7% of the housing stock and the remaining 42.3% was found in the urban communities (Ministry of Water Resources Works Housing, 2015). In urban centres, 4.6 million rooms were discovered to be inhabited by urban residents. The national housing deficit was estimated at 1.7 million housing units and 170,000 housing units were required every year to bridge the gap (UN-HABITAT, 2011a; Ministry of Water Resources Works Housing, 2015; Ghana Real Estate Developers Association, 2016). According to UN-HABITAT (2011a), if Ghana keeps the preferred

maximum occupancy of two persons per room, a total of 7.2 million extra rooms are required by 2020 to enable the country to correct the housing deficit and accommodate new households.

In 2010, urban population was more than half of the total national population representing 51.5% (Ghana Statistical Service, 2012). Approximately 60% of the urban population lived in Greater-Accra, Ashanti and Western Regions (UN-HABITAT, 2011a). With the high urban population and low number of housing units, congestion and overcrowding are created in urban houses (Cobbinah and Amoako, 2012; Owusu and Oteng-Ababio, 2015; Akrofi, Avogo and Wedam, 2019). About 60% of urban households lived in single rooms and the household size was estimated at 4.4 in 2010 (UN-HABITAT, 2011a; Ghana Statistical Service, 2012). The congestion, overcrowding, and the rapid population in urban centres have resulted in clustering of houses, poor sanitation, poor environmental conditions as well as high prices of rental houses and land (Adarkwa, 2012; World Bank, 2014; Cobbinah, Erdiaw-Kwasie and Amoateng, 2015).

3.4 Commoditisation, Customary Land and Housing Development in Peri-urban Ghana

The pervasive commoditisation of customary lands evident in many developing countries is a result of the global processes of capitalist accumulation. According to Yaro (2010:200) “globalisation has the tendency to commercialise traditional practices as it introduces or intensifies the capitalist notions of development rather than ethical moral considerations”. In the context of Ghana, ‘the structural adjustment regimes’ implemented under the auspices of the World Bank and International Monetary Fund (IMF) “effectively paved the way for the smooth infiltration of capitalist forces” (Yaro, 2010:200). As a result of economic liberalisation policies “the suppressed markets emerged free with high demand on the part of the middle class and business people who were soon joined by local people who tried to buy their own birth rights before they were forced out of prime lands” (ibid.). As Yaro argues elsewhere, “the modern era of neoliberal capitalism and scarcities of natural resources due to rising populations and market-induced demands” is a key driver of commercialisation of land in Ghana (Yaro, 2012:251).

In the context of Ghana, incessant commoditisation of land and the accompanying changes in land values have culminated in the ever-growing attempts to redefine land ownership and tenure and contestation of rights to land. A key outcome of these struggles over land is the

concentrated control of the economic benefits flowing from land in the hands of traditional chiefs and other powerful groups in society (Ubink and Quan, 2008).

Land grabbing by elites and private business interests represent an important phase of commercialisation of customary lands in Ghana. Debates on land grabbing have focused on transnational companies interested in agricultural land and resource extraction. However, national elites are also a key group with vested interests in both agricultural and peri-urban land. The 2008 land grabs precipitated by the global food and energy crisis represent a key moment in global capitalist accumulation. Among other things, the energy crisis saw an increase in the appetite for biofuels while sharp increases in food prices also saw more demand for arable land to grow food for world markets. However, large-scale land grabs have proceeded alongside an enduring demand for land by national and local elites, mainly politicians, salaried bureaucrats and business people who acquired rural land for farming and peri-urban land, mainly for housing. This process has been continuing apace since the opening up of land markets in the era of neoliberal structural adjustment programmes as shown by Yaro (2010; 2012).

In Ghana, peri-urban lands are highly commoditised due to high demand for land for housing development. Farmlands are routinely converted to residential uses (Ubink, 2008a; Abass, Afriyie and Adomako, 2013; Appiah et al., 2014; Eledi and Kuusaana, 2014). Owusu-Ansah and O'Connor (2010) argue that the high demand for land for housing development at the peri-urban areas in Ghana occurs due to urban land prices which are higher than the surrounding communities' lands. Other scholars argue that the high urban land prices emerge as a result of escalating urban population growth evolving from high birth rate, unchecked internal migration and globalisation in Ghanaian urban centres (Abdulai and Ndekugri, 2007; Awanyo, 2009; Cobbinah, Erdiaw-Kwasie and Amoateng, 2015; Kleemann et al., 2017). The scholars state that the expansion of the urban communities causes the peri-urban areas to be implicated in the processes of urbanisation. Owusu-Ansah and O'Connor explain that in Kumasi, for example, the high demand for lands for housing development in the peri-urban communities has created "mosaic housing structures" which are poorly spread across the communities (Owusu-Ansah and O'Connor, 2010:1).

Generally, urban dwellers who want to purchase lands and build houses are attracted by the low prices in the peri-urban communities. The urban peripheries, therefore, become the sanctuary for the urban spill-over (Simon, McGregor and Nsiah-Gyabaah, 2004; Amoateng,

Cobbinah and Owusu-Adade, 2013). Individual household developers, estate companies, state institutions and foreign investors are the drivers of change in land uses in peri-urban areas in Ghana (Wehrmann, 2008; UN-HABITAT, 2011a). Moreover, among the drivers of change in land uses in peri-urban communities, UN-HABITAT (2011) argues that individual households intensify more lands for housing than estate companies and state housing institutions. These individual households include high income civil servants, Ghanaian expatriates, rich households, and middle-income earners from urban areas with income to build their own houses (Arko-Adjei et al., 2009; Amoako and Korboe, 2011). Many studies show that as more urban dwellers drift to the peri-urban communities, demand for rental housing and land increases. As a result, land gains value and prices of land become high (Simon, McGregor and Nsiah-Gyabaah, 2004; Aberra and King, 2005; Owusu, 2008).

In Europe and North America, peri-urban lands are usually commoditised when there are changes in urban household size and development of transportation systems (Filion, Bunting and Warriner, 1999; Ford, 1999; Owusu-Ansah and O'Connor, 2010). In Canada, Filion, Bunting and Warriner (1999) found that the dispersion of urban dwellers into the urban peripheries was exacerbated by change in the income of households, household size and acquisition of automobiles. In Asia, the development of manufacturing companies and government policies in peri-urban communities increased the movement of urban dwellers into peri-urban areas (Webster et al., 2003). In Ethiopia, Adam (2014) revealed that the government used of eminent domain power in peri-urban areas intensified the demand for lands by people.

Unlike elsewhere in the world where policies and planning regulation influence peri-urbanisation, Yeboah and Shaw (2013) argue that policies and planning regulations rarely influence changes in land uses in peri-urban areas in Ghana. The scholars indicate that traditional authorities often allocate customary lands to people with less regard paid to planning laws and regulations (Kumbun-Naa Yiri II, 2006; Yeboah and Shaw, 2013; Siiba, Adams and Cobbinah, 2018; Akrofi, Avogo and Wedam, 2019). The high demand for land for housing development emerging from rapid urbanisation predominantly affects customary lands in peri-urban communities. Customary land owners allocate lands to housing developers at high prices which are usually equivalent to the open market value of the land (Kasanga et al., 1996; Asiama, 1997; Kasanga and Kotey, 2001; Fiadzigbey, 2006; Ubink and Quan, 2008). In this study, commoditisation of customary lands is regarded as the allocation of customary lands at

high prices to land seekers due to increase in demand for customary lands resulting from rapid urbanisation, migration and government policies.

3.5 Effects of Commoditisation of Customary Lands in Peri-urban Ghana

The previous section has identified the key aspect of commoditisation of customary land in peri-urban Ghana by situating these rapid changes in the wider processes of neoliberal capitalism. This section discusses the impacts and outcomes of commoditisation of customary lands in Ghana's peri-urban communities. In this section, the researcher specifically examines the effect of commoditisation on land ownership, modes of land allocation, land governance and planning regulations, power dynamics, land use activities and agrarian production, livelihood diversification and social inequalities. Finally, the researcher discusses some of the key changes in these social settings in relation to significant features of customary land-tenure systems in peri-urban areas in Ghana.

3.5.1 Changes in land ownership and tenure security of subsidiary interests

Commoditisation of lands in peri-urban communities moves land ownership from communal to exclusive ownership (Wehrmann, 2008; Arko-Adjei et al., 2009; Ubink, 2009). Commoditisation of customary lands causes traditional authorities to sell farmlands to the highest bidders who are predominantly migrants from urban communities, neighbouring rural areas of peri-urban communities, and foreigners (Wehrmann, 2008; Arko-Adjei et al., 2009; Amoako and Korboe, 2011; Appiah et al., 2014). These migrants convert the communal lands to private lands normally through titling registration (Blake and Kasanga, 1997; Land Tenure and Development, 2015). Asiama (1997) discloses that the traditional authorities break ancestral trust during commoditisation of land.

Chiefs and other traditional authorities also claim communities' lands as belonging to only the royal family when peri-urban lands are commoditised (Ubink, 2009). The traditional authorities claim that they are the rightful persons to transact in lands as they are the occupants of the royal families' stools. In Besease, for instance, Ubink (2008) found that the chief claimed land ownership on the premise that the community land belongs to the royal family during the allocation of Besease lands. In this regard, the chief pronounced that all the lands in Besease must be brought to the traditional leadership (chief) for him to allocate the lands to developers (Ubink, 2008a). Blake and Kasanga (1997) highlight that commoditisation of communities' land for housing development results all lands dissolving into stool ownership.

Tenure security of community members' interests in and rights they hold to their lands become affected. As it has already been indicated in Chapter 2, community members such as clans and indigenes hold customary freehold interests. These interest become insecure during commoditisation of communities' lands in peri-urban Ghana (Kasanga and Kotey, 2001; Ubink, 2008a; Yeboah and Shaw, 2013). Many studies demonstrate that traditional authorities convert the customary freeholders' interest and sell their lands to housing developers in leasehold agreements (Blake and Kasanga, 1997; Owusu, 2008; Arko-Adjei et al., 2009; Ubink, 2009). The customary freeholders become tenants with their interest transformed into a long-term leasehold (Ubink, 2009). The community members forever lose their rights such as the right to collect snails, firewood and mushrooms on lands (Arko-Adjei et al., 2009).

3.5.2 Land alienation and fiduciary roles of traditional authorities

The approaches of land allocation are transformed during commoditisation of customary lands. The drinks which are handed to traditional authorities to demonstrate an appreciation and seal of land transactions are converted to money (Asiama, 1997; Fiadzigbey, 2006). The money which in present times is referred to as 'drink money' is always equivalent to the market price of the customary land (Kasanga and Kotey, 2001; Sarpong, 2006; Berry, 2009b; Amanor, 2010). In a research conducted by Blake and Kasanga in Kumasi's peri-urban interface, the researchers found that there was preferential treatment where chiefs sell lands at lower prices to indigenes and higher prices to migrants (Blake and Kasanga, 1997). Oppositely, Arko-Adjei et al. (2009) also discovered in their research that traditional authorities allocate lands to both indigenes and migrants for the same 'drink money'. Thus, both indigenes and migrants can be charged the same depending upon the traditional leader who is allocating the lands.

Furthermore, clans and indigenes lose their power to allocate lands in stool lands' communities while only indigenes lose their authority to allocate lands in clans lands' communities. According to Blake and Kasanga (1997), when lands are predominantly used for small-scale farming activities, clans and indigenes are the social groups that allocate lands to prospective developers for farming purposes without even the consent of the occupants of stools. However, in post-colonial Ghana, the laws recognise only traditional authorities as the rightful people to allocate lands to developers. In this respect, when lands in peri-urban communities gain value, according to Ubink (2008), traditional authorities hide behind the formal laws and allocate lands to developers without the recognition of the community's interests. According to Yaro "[t]he mutations of customary land-tenure rules and exchange mechanisms is creating a

landscape of winners and losers rather than a fair playing ground for all land users in reflection of existing inequalities in power distribution in communities” (Yaro, 2010:201).

Yeboah and Shaw (2013) further point out that the traditional authorities dilute their roles as titular holders of community lands when community lands are converted to residential use with high amounts of drink money. Traditional authorities are recognised by both customary and formal laws to manage communities’ lands for and on behalf of the community members (Blake and Kasanga, 1997; Kasanga and Kotey, 2001; Ministry of Lands and Forestry, 2003). Premised on their titular roles, traditional authorities cannot allocate land to developers without the consent of the community. Also, proceeds from land allocations must benefit the entire community. Alternatively, commoditisation of customary lands corrupts traditional authorities, causing them to behave like land owners (Berry, 2009b). Traditional authorities allocate lands to housing developers without the consent of the community members (Amanor and Ubink, 2008; Berry, 2009b, 2017, 2018; Amanor, 2010). Yaro (2012:351) argues that “the ability to benefit from emerging opportunities depends on one’s position in the traditional ladders of power and state-assigned roles in management”. Asiama (1997) and Ubink (2008) highlight that the traditional authorities, principal elders in the royal family and in Kumasi, the *Asantehene*⁸ are the main beneficiaries of the proceeds from land allocations.

New developments such as the formation of plot allocation committees, are prevalent in communities allocating their lands for housing development (Blake and Kasanga, 1997; Kasanga, 2000; Ubink, 2008a; Arko-Adjei et al., 2009). These committees ensure that land allocations are not arbitrarily done and the community interest is prioritised against individual benefits (Ubink, 2008a). The members of plot allocation committees are made up of members from traditional councils, prominent elites in the local royal families and the general community (Arko-Adjei et al., 2009). There are no formal requirements people must meet before they can be part of plot allocation committees. Generally, people who can read and write and have knowledge about land-tenure systems have the greatest advantage of being appointed into a plot allocation committee (Blake and Kasanga, 1997; Arko-Adjei et al., 2009). Though plot allocation committees have emerged due to commoditisation of customary lands, their activities are often hindered by traditional leaders (Blake and Kasanga, 1997). At times, the

⁸ *Asantehene* is the traditional, highest king of the Asante people in Ghana.

failure of plot allocation committees to follow the instructions of traditional leaders lead to the dissolution of the committee.

3.5.3 Land governance and planning regulations in peri-urban Ghana

Commoditisation of peri-urban lands leads to the introduction of urban land governance and planning regulations (Simon, Mcgregor and Nsiah-Gyabaah, 2004; Amoako and Korboe, 2011). In peri-urban Ghana, site plan and allocation notes are introduced to communities during the allocation of their lands for housing development (Mireku, Kuusaana and Kidido, 2016). Traditional authorities allocate plots to developers and provide the developers with site plan and allocation notes (Kasanga, 2000; Mireku, Kuusaana and Kidido, 2016). For housing development, allocation notes usually specify that prospective developers should complete their development within two years (Asiama, 1997; Blake and Kasanga, 1997; Mireku, Kuusaana and Kidido, 2016). Abusah (2004) and Yeboah and Shaw (2013) underline that housing developers are required to add a site plan and allocation note to documents they present to the Physical Planning Departments for application of permits as well as Lands Commission for titling registration.

In peri-urban Ghana, commoditisation of land and statutory requirements show that land allocation cannot be done without a local plan. Land uses are controlled by local plans which are prepared by Physical Planning Departments in collaboration with the Survey and Mapping Division of the Lands Commission of Ghana (Akrofi, Avogo and Wedam, 2019). The local plans indicate the various plots and their respective uses. Land-titling registration is further introduced as part of the planning regulations and policies to the peri-urban communities during commoditisation of the communities' lands (Simon, Mcgregor and Nsiah-Gyabaah, 2004). Title certificates are given to developers who applied to the Lands Commission of Ghana. The title certificates are considered to provide the developers tenure security and support them to access loans from financial institutions (Amanor and Ubink, 2008). In peri-urban Kumasi, for instance, the assignors of title registration are *Asantehene* and the caretaker chief. The grantee is required to pay a signing fee to the caretaker chief, *Asantehene* and administrative charges to the Lands Commission of Ghana (Asiama, 1997). Blake and Kasanga (1997) mention that clans and individuals lose their interest in perpetuity as the leases are made in the name of a stool.

3.5.3.1 Poor land-use planning in peri-urban areas of Ghana

Simon, Mcgregor and Nsiah-Gyabaah (2004) unveil that the introduction of planning regulations and policies into the urban peripheries are mostly rejected by peri-urban residents. In Ghana, many studies reveal that planning regulations and policies are poorly implemented in peri-urban communities (Yeboah and Shaw, 2013; Agyemang and Morrison, 2018; Akrofi, Avogo and Wedam, 2019; Karg et al., 2019). Many communities commence land allocations before planning regulations and policies are executed (Owusu and Asamoah, 2005; Amoako and Korboe, 2011; Yeboah and Shaw, 2013; Akrofi, Avogo and Wedam, 2019).

Many studies attribute the poor land-use planning regulations and policies enforcement to weak institutional arrangements, inadequate logistics, personnel and funds of government land sector institutions (Yeboah and Shaw, 2013; Eledi and Kuusaana, 2014; Agyemang and Morrison, 2018; Karg et al., 2019). The studies highlight that these bottlenecks affect planning authorities in their performance of their statutory responsibilities. The inability of planning authorities to prepare plans for communities leads to traditional authorities hiring private surveyors to prepare local plans for them to allocate their lands to land seekers. Most of these local plans are not approved by the District Physical Planning Departments (Yeboah and Shaw, 2013; Kuusaana and Eledi, 2015). In communities where there are existing local plans, Yeboah and Shaw (2013) declare that some traditional authorities alter the local plans in order to obtain more plots of lands for residential uses. Forkuor, Kyei and Forkuor (2013) further support that some traditional authorities refuse to use the local plans because they feel that using the local plans means that they are being controlled by the planning authorities.

Housing developers again fail to obtain building and development permits as well as title certificates. Boamah and Margath (2016) outline that this situation arises due to the dual land-tenure systems in peri-urban communities in Ghana. They argue that the housing developers tend to comply with the rules (either customs or formal laws) which provide them with the greater benefits in terms of cost (Boamah and Margath, 2016). Housing developers normally complain that the procedures for acquisition of building and development permits as well as title certificate are complex and costly (UN-HABITAT, 2011a; Agyemang and Morrison, 2018). As a result of this, Mireku, Kuusaana and Kidido (2016) found that most housing developers rely on allocation note as good title to their land. In Ghana, it is not uncommon to find unauthorised housing developments in peri-urban communities (Amoako and Korboe, 2011; Akrofi, Avogo and Wedam, 2019). Amoako and Korboe (2011) illustrate that the

unauthorised buildings affect service providers such as water and electricity companies of Ghana to construct, install and maintain their facilities to provide good services to people in peri-urban communities.

Moreover, planning officers collaborate at times with traditional authorities to encroach places earmarked for uses other than residential. In Offinso, Boamah (2010) mentions that planning authorities connived with traditional leaders and encroached other land uses which were not meant for residential purposes. Eledi and Kuusaana (2014) reveal that the bad perception against planning officials makes housing developers rely on traditional authorities as planners and this situation has contributed to poor planning. In peri-urban communities in Ghana, the majority of houses are affected by poor planning regulations and most houses lack access to water, good roads and proper sanitation (Simon, McGregor and Nsiah-Gyabaah, 2004; Amoako and Korboe, 2011; Forkuor, Kyei and Forkuor, 2013; Osumanu, Kosoe and Dapilah, 2016). Boamah (2013) highlights that in older residential sites, housing units are in death-defying conditions and the aged, the poor, and the unemployed people normally suffer in such places.

The poor implementation of planning laws and regulation has also contributed to haphazard designs and land-use conflicts within the peri-urban areas. Schools are located close to church houses and manufacturing firms. The architectural designs of houses in peri-urban areas are mixed up and the designs are determined by number of factors. These factors include income level, occupation and the social status of the housing developers (Simon, McGregor and Nsiah-Gyabaah, 2004; Amoako and Korboe, 2011). The houses have different materials, designs and decorative features. In addition, the characteristics of a building demonstrate the income level and the social status of the owner. Some of the houses have thick concrete walls while others are wall-free (ibid.).

According to the 1992 Constitution of Ghana and other laws, traditional authorities are legally expected to collaborate with state institutions in their management and administration of customary lands. Planning authorities determine the use and customary authorities allocate the lands according to the uses to prospective developers (Blake and Kasanga, 1997). Contrarily, Siiba, Adams and Cobbinah (2018) point out that traditional authorities have assumed planning responsibilities due to the high demand for customary lands for housing development. Traditional authorities determine the kind of land uses planners can assign to plots of land during subdivisions (Siiba, Adams and Cobbinah, 2018).

Furthermore, due to the high demand for customary lands for housing development in peri-urban communities, traditional authorities allocate lands without informing planning authorities (Kuusaana and Eledi, 2015). Land allocations are arbitrarily done and traditional authorities alter local plans without informing planning authorities (Yeboah and Shaw, 2013). The politics in the land sector is such that planning authorities are unable to enforce the laws against the traditional authorities. Ubink (2008) indicate that government officials who question traditional authorities' land allocations are either transferred from the community or summoned by the traditional authorities to the palace to answer questions.

3.5.4 Changes in land use activities and agrarian modes of livelihood

Generally, agriculture is the backbone of Ghana's economy and employs more of the working population than any other sectors. Women constitute about 52% of the agricultural population of Ghana and out of the 52% of women in the agricultural population, over 70% of the women are smallholder farmers (Sarpong, 2006). In peri-urban Ghana, the major land use is agricultural, often prior to commoditisation of customary land for housing development. Nonetheless, as in India and Ethiopia, the commoditisation of customary lands converts farmlands to residential and commercial uses (Ubink, 2009; Adam, 2014; Appiah et al., 2014; Bugri and Yuonayel, 2015; Banu and Fazal, 2016). Peri-urban local plans mostly prioritise residential and commercial land uses and neglect other land uses (Yeboah and Shaw, 2013; Appiah, Forkuo and Bugri, 2015). New areas are subdivided without places earmarked for agricultural purposes. Presently, there are almost zero farming activities in peri-urban areas in Ghana (Blake and Kasanga, 1997; Kuusaana and Eledi, 2015; Abass, Adanu and Agyemang, 2018).

The conversion of agricultural lands to residential uses affects communities' agrarian modes of livelihoods. Community members lose their agricultural modes of livelihood such as collection of fruits, mushrooms, snails, firewood, hunting, cultivation of seasonal crops and cash crops and fishing in streams (Kasanga et al., 1996; Arko-Adjei et al., 2009; Abass, Afriyie and Adomako, 2013; Adomako, 2013). Blake and Kasanga (1997) point out that the conversion of agricultural lands affects the eating of *fufu*, the staple food among the Akan and especially those in the Ashanti region. According to Blake and Kasanga, the majority of the local people are unable to obtain the ingredients of the food and the staple food has become an occasional food for most peri-urban residents (Blake and Kasanga, 1997)

3.5.5 Livelihood changes in peri-urban Ghana

According to Mtero (2014), the change of land use from agriculture to any other uses due to urbanisation leads to households diversifying their modes of livelihoods from agrarian livelihoods to non-farming livelihoods. In peri-urban Ghana, the conversion of farmlands to housing developments compel indigenes to devise new coping mechanisms to survive in their new situation. Many studies have found that indigenous households diversify their livelihood strategies by combining farming activities with non-farming activities (Aberra and King, 2005; Abass, Afriyie and Adomako, 2013; Adomako, 2013). The farming activities include cultivation of vegetables such as lettuce, cabbage, carrot, etc. along the banks of streams. Abass, Afriyie and Adomako (2013) mention that the indigenous households reduce the size of their farmlands and adopt intensive farming system strategies. The crops cultivated are normally determined by the markets created in the urban centres (Abass, Afriyie and Adomako, 2013).

Ubink (2008) identifies that some of the indigenous households engage in non-farming activities such as petty trading in urban centres and construction work in peri-urban communities. Aberra and King (2005) outline how women are highly engaged in trading, fetching water, and carrying concrete for tradesmen at constructional sites. Men also engage in non-farm activities such as sand mining, ‘galamsey⁹’ and construction work (Blake and Kasanga, 1997; Aberra and King, 2005; Abass, Afriyie and Adomako, 2013; Adomako, 2013). Some indigenous households invest in their children through education in order for the children to become security for the parents in their old age. Others also encourage their household members to learn trades such as sewing, hairdressing, carpentry, etc. in the urban centres to support the households (Abass, Afriyie and Adomako, 2013).

3.5.6 Struggles over land and contestations in peri-urban Ghana

Land struggles and contestations are not uncommon among indigenous households and traditional authorities in peri-urban Ghana during commoditisation of customary lands for housing development. In Ghana, customs and the current 1992 Constitution require that traditional authorities must be transparent and accountable in their land transactions for the benefits of their communities. On the contrary, Fiadzegbey (2006) identifies how chiefs and

⁹ This is a local Ghanaian term meaning "gather them and sell".

clan heads allocate lands and collect huge sums of money but they fail to account the proceeds from their land disposals to their communities. They also never inform their community members about the land transaction receipts (Fiadzigbey, 2006).

Lack of accountability and transparency in land transactions develop agitations against traditional authorities by the youth and community members (Kasanga and Kotey, 2001; Fiadzigbey, 2006; Amanor and Ubink, 2008). In Besease, for example, Ubink (2008) found that the people were furious about the chief's attitude towards the community members during their land allocations. The people took the law in their hands and sold the community lands without the concurrence of the chief. Similarly, in Peki No. 2, the chief's conduct in land allocations caused the local people to chase the chief out of the community with stones (Ubink, 2008a).

Traditional authorities' failure to perform their roles as fiduciaries in land transactions creates disturbances and contestations in many peri-urban communities in Ghana. In Akokoamong, in 2001, the queen mother faced de-stoolment due to improper accountability of land transactions (Kasanga and Kotey, 2001). Barry and Danso (2014) point out that in communities where lands are contested, land guards are at times hired to defend different claims over land or move farmers away from their farmlands. This normally results in violence and, at times, the death of people (Blake and Kasanga, 1997; Aryee et al., 2011).

In other cases, people challenge traditional authorities' land allocations and seek every opportunity to resist the traditional authorities or benefit from the proceeds (Ubink, 2008a). In situations where traditional authorities cannot control people, they allow the people to sell their lands and pay signing fees to the traditional authorities (Ubink, 2008a). In a study conducted by Blake and Kasanga in peri-urban Kumasi, they found that some indigenes plant cash crops or timber trees to prevent traditional authorities from selling their lands (Blake and Kasanga, 1997). Amanor and Ubink (2008:56) state that traditional authorities' land ownership is not problematic, however, traditional authorities can dispossess land users before land reaches the market.

3.5.7 Exclusions and social inequalities in peri-urban Ghana

Social inequalities abound in every community located in peri-urban Ghana where lands are allocated at high prices to housing developers. Farmers are dispossessed without appropriate compensation (Amanor and Ubink, 2008; Ubink, 2008a). Farmers lose their farmlands and

become landless (Kasanga and Kotey, 2001). In cases where compensations are paid, the compensation payments are determined by the discretion of the grantees.

Many indigenous households are unable to purchase lands at the prevailing market price (Owusu, 2008). The migrant households are able to purchase more lands in the newly-developing places in peri-urban Ghana than the indigenous households. Asiama, (1997), Gough and Yankson (2000) and Ubink (2008) declare that the migrant households are able to purchase more of the lands because they have more money than the indigenous households in peri-urban areas of Ghana. Sarpong (2006) further argues that female-headed households are less likely to obtain more lands than male-headed households as the female-headed households normally do not have the means to access lands. The lack of money to purchase land to build houses results in congestion and overcrowding in clan houses in peri-urban communities. Blake and Kasanga (1997) demonstrate that a single room in a clan house accommodates between 6-8 people and about 50% of the women and youth in peri-urban Ghana do not own house.

Only traditional authorities and principal elders benefits from land transactions in communities in peri-urban Ghana. In peri-urban Kumasi, as it has been mentioned, chiefs share the proceeds from land transactions among the principal elders, *Asantehene* and themselves (Blake and Kasanga, 1997; Simon, Mcgregor and Nsiah-Gyabaah, 2004). Asiama (1997) declares that land ownership in Ghana has attained a new dimension. It appears now that land ownership promotes and supports the private interest of traditional holders rather than the members of communities (Asiama, 1997). Traditional authorities become richer and community members lose their livelihood sources and become poorer (Ubink, 2008a). During commoditisation of customary lands for housing development, the rich individual households, civil servants and middle-income earners from urban centres invest more in housing developments with little or no investment from the indigenous people (Blake and Kasanga, 1997).

In peri-urban Ghana, communities get smaller benefits from the proceeds of land transactions. The benefits are occasionally manifested in support to developments such as schools and toilet facilities (Blake and Kasanga, 1997; Ubink, 2008a). In instances where traditional authorities reside outside the communities, Gough and Yankson (2000) declare that the communities hardly benefit from proceeds from land transactions. Boamah (2014) demonstrate that clans that are recognised by traditional authorities' land rights are protected and they are sometimes allowed to sell their lands. Alternatively, clans that are not recognised by traditional authorities

are dispossessed from their lands and their lands are allocated by traditional authorities (Boamah, 2014).

3.5.8 Impacts of land commoditisation on social cohesion and cultural practices

Commoditisation of community lands affects customs and traditions which regulate land ownership. Customs and traditions are mutated and modified to promote the self-interest of traditional authorities (Asiama, 1997; Gough and Yankson, 2000; Arko-Adjei et al., 2009). Boamah and Margath (2016) state that customs and traditions are negotiated and renegotiated to support the allocations of lands in the peri-urban areas in Ghana. Sacred days and practices diminish from the peri-urban communities (Owusu, 2008; Arko-Adjei et al., 2009) and urban cultural practices such as pool party, night clubs, etc are introduced (Simon, McGregor and Nsiah-Gyabaah, 2004). Other benefits that peri-urban areas derive from commoditisation of customary lands for housing development in the context of rapid urbanisation include access to new information and assimilation of good urban lifestyles (Aberra and King, 2005; Abass, Afriyie and Adomako, 2013; Adomako, 2013; World Bank, 2014).

The injustices in land allocations cause apathy towards community development processes among the indigenes. Indigenes who could not obtain any form of compensations often become reserved in discussing matters related to the community (Ubink, 2008a). Social cohesion has collapsed as people have begun to prioritise their personal matters over community or clan problems (Kasanga and Kotey, 2001). The support that people obtain from their clan members and community eventually declines. Antonio and Griffith-Charles (2019) argue that the change in land relations affects the social identity and harmony among people in the communities. In summary, commoditisation of customary lands generally transforms social relations, land-tenure and the nature of customary land administration in peri-urban communities.

3.6 Chapter Summary

The above literature focused on the impacts of the increasingly high demand for customary land in peri-urban areas. One of the key drivers of the commoditisation of land is the ever-growing demand for land as urbanisation accelerates and peri-urban areas become an attractive option for many residents in need of land, especially for housing. These rapid changes affect local livelihoods and the tenure arrangements among people in peri-urban areas in Ghana. The literature review reveals that traditional authorities presently act as land owners instead of fiduciaries. Community members are evicted from their farmlands and members become

landless. Social harmony is broken down due to customary land conversions from agricultural lands to residential lands.

The land allocations are characterised by poor coordination between traditional authorities and government institutions. The rejection of urban land governance and planning regulations leads to poor land-use planning with housing lacking good roads, portable water and good sanitation. It is evident from the above that urbanisation continues at an accelerated pace and peri-urban lands are increasingly incorporated in processes of commoditisation. Accordingly, the land allocation process by traditional authorities must be checked in order to protect the livelihood of the less privileged households in Ghana's peri-urban zones. The next chapter presents the research methodology and design. The chapter will provide a detailed description of the selected study sites and provide an outline of the series of steps followed in executing this study. The selected research sites are two localities in peri-urban Kumasi in Ghana, namely Aburaso and Kromoase.

Chapter 4: Background of the Study Area and Research Methodology

4.1 Introduction

This chapter presents the socio-economic data of the study area and the research methodology that was deployed to execute the study. The study adopted critical realism as the research paradigm and mixed methods (both intensive and extensive research methods). The research process was iterative, as the researcher moved back and forth during the research process.

4.2 Background to the Study Area

The study area was chosen after extensive review of literature related to customary land tenure systems and housing development in Ghana and Africa at large. The researcher purposefully chose peri-urban Kumasi as the research since there is rapid peri-urban expansion and widespread commoditisation of customary lands occurring in the area. Peri-urban Kumasi (PUK) is defined as the area 40km in radius around the centre of the Kumasi Metropolis (Simon, Mcgregor and Nsiah-Gyabaah, 2004). However, this measurement is fluid because of the expansion of the Kumasi Metropolis towards other communities in peri-urban Kumasi.

Kumasi Metropolis is one of the Districts in the Ashanti Region, located between latitude 6°.35`N, 6°.40`S and longitude 1°.30`W, 1°.35`E. The Metropolis has a total surface area of approximately 214.3 square kilometres, population density of 8,075 persons per sq.km and an altitude of 250 to 300 meters above sea level (Ghana Statistical Service, 2014b). The population density demonstrates that the Metropolis is congested. The Kumasi Metropolis shares boundaries with Kwabre East and Afigya Kwabre Districts to the north, Atwima Kwanwoma and Atwima Nwabiagya Districts to the west, Asokore Mampong and Ejisu-Juaben municipality to the east and Bosomtwe District to the south. Kumasi is the capital of the Metropolis, the regional capital of the Ashanti region and the capital city of the Asante Kingdom (Abass, Afriyie and Adomako, 2013). The Kumasi Metropolis is approximately 270km north of the national capital, Accra and the second largest city in Ghana (Ghana Statistical Service, 2014b).

Owing to Kumasi's strategic location, most of the major roads in Ghana converge in the Metropolis (Adomako, 2013; Ghana Statistical Service, 2014b). The Metropolis plays a central role in the massive and lucrative commercial activities of distribution of goods in Ghana and beyond to other West African countries (Adomako, 2013). The Kumasi Metropolis provides

her citizens with many kinds of land uses, among them are commercial, residential, recreational, industrial, and agricultural uses (Ghana Statistical Service, 2014b; Appiah, Forkuo and Bugri, 2015).

From the 2010 Population and Housing Census, the population of Kumasi Metropolis was 1,730,249 which represents 36.2 percent of the total population of Ashanti Region. The annual population growth rate of the Metropolis was 2.6 which was slightly above the national growth rate of 2.5 and lower than the regional growth rate of 3.3. The Metropolis has a migrant population of 929,203 migrants, representing 53.7 percent of the population in the Kumasi Metropolis in 2010. Among the 929,203 migrants, 576,373 were born elsewhere in the Ashanti Region and the remaining 335,458 migrants were persons born in other regions, particularly the regions which share borders with the Ashanti Region (Ghana Statistical Service, 2012).

The Kumasi Metropolis has 440,283 households, with children constituting the higher proportion of the household members in 2010 (Ghana Statistical Service, 2014b). The average household size is 3.8 which is marginally lower than the average regional household size of 4.2. The housing stock of Kumasi Metropolis is 148,413 of which 16.4 percent are separate houses, 54.9 percent are compound houses, and 12.9 percent are flats or apartments (ibid.). With the high population resulting from migration and a high birth rate, the Kumasi Metropolis is unable to meet the housing pressure from her citizens. In this regard, the peri-urban Kumasi (PUK) serves as a sanctuary for the spilled-over urban population from the Kumasi Metropolis (Cobbinah, Gaisie and Owusu-Amponsah, 2015).

Recently, the PUK is undergoing dramatic changes including the emergence of multiple land use, influx of immigrants and the rise in housing rent due to rapid urban growth in the Kumasi Metropolis (Abass, Afriyie and Adomako, 2013). Agricultural lands are converted to residential use which has increased poverty, unemployment, social inequality and a decline in social cohesiveness (Ubink, 2008a). In this regard, the PUK became a viable area to be considered for a study to unravel how housing development is influencing the customary land tenure system in peri-urban Ghana.

The land tenure system that is predominant in the PUK is a customary land tenure system (Ubink, 2008a). All the communities in the PUK have chiefs and queen mothers who manage their communities' lands for and on behalf of their people. The PUK communities provide their residents easy access to the Kumasi Metropolis and most of the residents commute daily to their workplaces in the Metropolis (Aberra and King, 2005; Owusu-Ansah and O'Connor, 2010; Adomako, 2013). The PUK is a vast area and the researcher could not work through all the communities within the space of time and with the resources available for the study (see Figure 1). In this case, the researcher purposively chose Aburaso and Kromoase which are located within the Atwima Kwanwoma District as the case study areas. Aburaso and Kromoase are within the PUK. In addition, Aburaso and Kromoase are among the communities within the PUK which are currently experiencing massive housing development. As in other communities within the PUK, Aburaso and Kromoase have customary land tenure systems with chiefs and queen mothers who manage their communities' lands for and on behalf of their subjects.

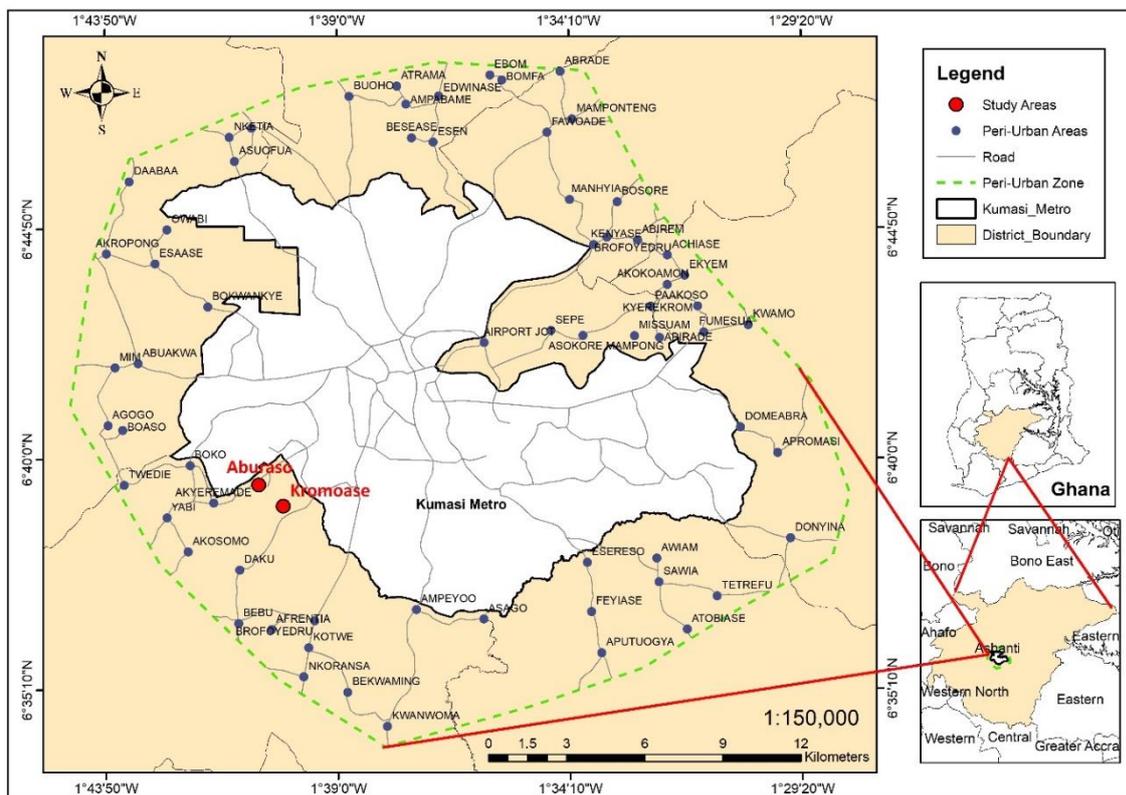


Figure 1: Map of Kumasi Metropolis and peri-urban Kumasi, Ghana

Source: (Geomatics Engineering Department, KNUST, 2019)

4.2.1 Description of the selected research sites, Aburaso and Kromoase in Atwima Kwanwoma District, Ghana

Aburaso and Kromoase are located within the Atwima Kwanwoma District in the Ashanti Region, Ghana. Atwima Kwanwoma District was established by LI 1852 in November, 2007 with Atwima Foase as the District capital subject to a pending court case (District Planning Coordinating Unit, 2018). The District had a total population of 115,193 in 2018 with an annual growth rate of 2.7 marginally above the Kumasi Metropolis (ibid.). The District major settlements include Ahenema Kokoben, Trede, Foase, Trabuom, Aburaso, Kromoase and Atwima Twedie. Aburaso and Kromoase had a total populations of 3,736 and 2,222 respectively in 2010 (Ghana Statistical Service, 2014a). The two communities are adjacent to the land of Kromoase, historically allocated to the head of the Kromoase by Aburaso Chief, Kwakorakwah. Aburaso and Kromoase are 6.20km and 5.88km respectively, from the centre of the CBD of Kumasi Metropolis. In Aburaso, there were a total of 829 households and there were 450 houses in 2010. In Kromoase, there were 540 households and 273 houses in 2010. The average household size of the two communities was 4.5 in 2010 (Ghana Statistical Service, 2014a). Figures 2 and 3 below illustrate the layouts of Aburaso and Kromoase respectively.

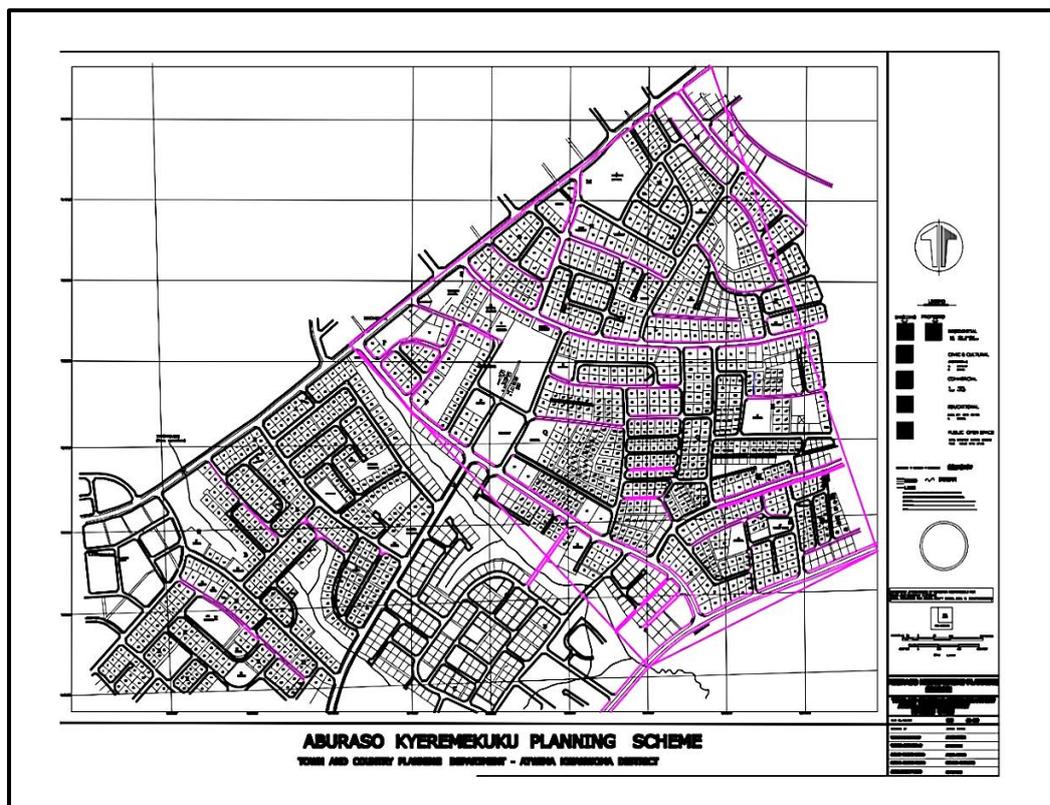


Figure 2: The layout of Aburaso in Atwima Kwanwoma District, Ghana

Source: (AKD Physical Planning Department, 2019)

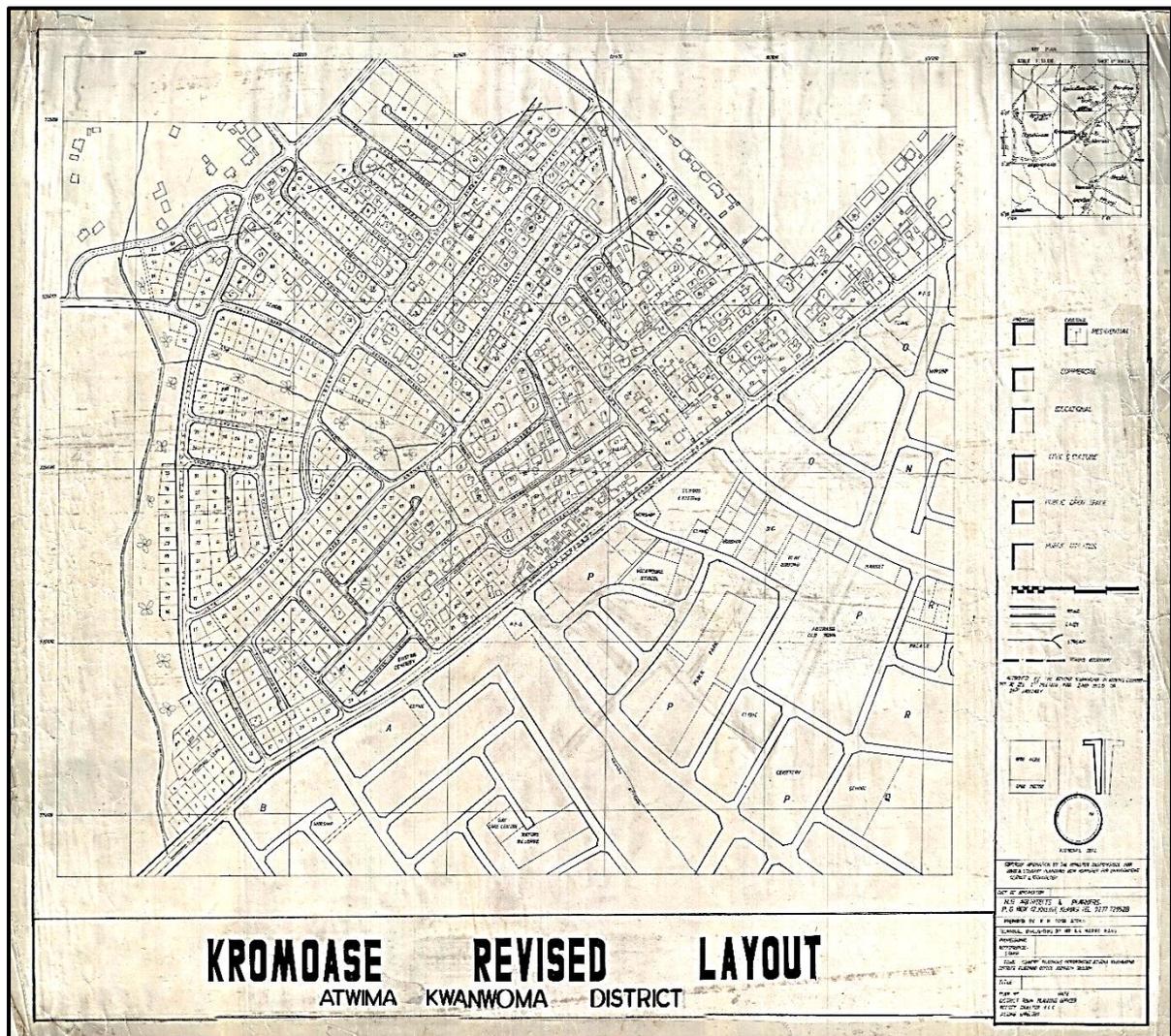


Figure 3: The layout of Kromoase in Atwima Kwanwoma District, Ghana

Source: AKD Physical Planning Department (2019)

4.3 Critical Realism as a Research Paradigm in Housing Development and Customary Land Tenure Systems Studies

Critical realists hold that what researchers think about the social world is an illusion of the reality of the world (Saunders, Lewis and Thornhill, 2008). Epistemologically, critical realists recognise that observable phenomena provide credible data and facts and phenomena create sensations which are opened to misrepresentation and must be examined within a context or contexts (Saunders, Lewis and Thornhill, 2008). Critical realists maintain an ontological stance that the mind is independent of the external world; and realities in the external world (things that happen around us) must be interpreted through social conditioning. Methodologically,

critical realists adopt either qualitative or quantitative or mixed method to examine realities in the external world (ibid.).

Housing development and customary land tenure systems are complex human phenomena within the social environment. These phenomena involve nested internal processes and complex social institutions. Researchers' views and perceptions cannot construct all the realities in the external world and suggest how realities must be comprehended on the premise of the researchers' perceptions. In this regard, critical realism was regarded as the most useful research paradigm which could assist the researcher in unpacking how commoditisation of customary land for housing development is influencing the customary land tenure system in Ghana.

In this study, critical realism enabled the researcher to maintain a subjective view on housing development and customary land tenure systems typically in fronts such as land allocation by land owners, construction of houses according to national regulations and customary land management practices. Although the researcher stayed in Aburaso for two years prior to the study, critical realism assisted the researcher to uphold an objective stance in the internal processes and the complex institutional set-up such as authorities and community interactions during land allocation, rationale for land acquisition for housing development and the enforcement of customs and national laws. The research paradigm helped the researcher to also avoid researchers' biases that often emerge from experiences and perceptions researchers may have about the study area.

4.4 The Research Methodology

The research methodology is comprised of the research methods, data sources, sampling techniques, data collection tools and the data analysis of the study

4.4.1 The research methods

In order to develop a customary land tenure system to support poverty alleviation, equitable distribution of land and good land governance in peri-urban spaces in Ghana, there is the need to critically investigate how housing development influences the customary land tenure systems in peri-urban communities. Housing development is the main driver of commercialisation of land in the peri-urban spaces in Ghana. In this respect, the researcher

employed both intensive and extensive research methods (mixed method) based on the research purpose, research approach and the research paradigm that reinforced the study.

The difference between intensive method and extensive method depends on a question of “scale” or “breadth versus depth” (Sayer, 1992:242). Intensive method generates data that are more in-depth but narrow in breadth as compared to the extensive method. In using an intensive method, the primary question concerns how a causal process works out in a particular case or limited number of cases (Sayer, 1992). The intensive method explores the processes, activities, relations and episodes of events. In this study, the intensive method helped the researcher to gain an in-depth understanding on land ownership, land allocation, land access, land management practices, the socio-political landscape and rights of people in the study areas. The intensive data was gathered with the use of in-depth interviews and life history interviews.

Although the intensive method provides an in-depth knowledge about a case, the number of cases is usually small and not representative enough to allow for generalisation. Accordingly, the researcher employed an extensive method which focusses on discovering some of the common properties and general patterns of a population as a whole (Sayer, 1992). Instead of focussing on causal processes, the extensive method builds taxonomic groups in the determination of a case. The extensive method assisted the researcher to cover a wider scope to include the differences among the respondents who may not form part of the causal groups of the study. The extensive method aided the researcher to ascertain the dynamics in land allocations, household characteristics, compliance with planning laws and regulations, livelihood strategies, and the challenges of house owners in Aburaso and Kromoase. The extensive data was obtained with the use of structured interviews (questionnaires).

4.4.2 Data sources

The sources of data were both primary and secondary. With the primary sources, data were gathered from household heads and key informants. The key informants include traditional authorities, clan heads and government officials. The traditional authorities were made up of a chief and a queen mother while the government officials comprised the head and an officer in the Physical Planning Department, the head of the Office of the Administrator of Stools Land (OASL) in Atwima Kwanwoma District, the head of the Public and Vested Land Management Division (PVLMD), and an officer in the Regional Lands Commission of Ghana, Kumasi. The unit of analysis for this study was households. Bernstein, Crow and Johnson (1992:91) describe

a household as “an identifiable social institution within which particular activities take place or a unit in which both production and consumption (as well as reproduction and residence) take place”. Bender (1967) also refers to a household as a social unit which carries out domestic functions and resides together. In Ghana, according to the Ghana Statistical Service, a household is defined as “a person or a group of persons, who live together in the same house or compound and share the same house-keeping arrangements” (Ghana Statistical Service, 2012:x). A household may consist of a man, his wife, children and some other relatives or a house help who may be living with them (Ghana Statistical Service, 2012). In this study, a household was regarded as a group of people who eat from the same pot, conduct the same housing-keeping arrangements and stay together but some members of the household may be away from the house for some time.

Households are an important unit of analysis since most decisions relating to land purchase, building of houses, compliance with planning regulations, and others are made at household level. These decisions at household level affected the changes in demand of the customary lands in both communities. Although households are key in matters relating to land tenure, other social structures, for instance, clans and traditional authorities, also play a key role in making decisions on land use and access. These other social structures were recognised as key informants. The key informants were the participants who had rich information and in-depth understanding of the social conditioning as well as the dynamics in housing development and customary land tenure arrangements in the study areas. Tables 5, 6 and 7 demonstrate the number of households, selected household heads and key informants who participated in the study. The extensive research involved 105 households and the intensive research involved 33 life history interviews with the selected household heads from the households who participated in the extensive research. The intensive research also comprised 12 in-depth interviews involving traditional authorities, clan heads and government officials.

Table 5: Households sampled in Aburaso and Kromoase (n=105)

Name of settlement	No. of households surveyed	%
Aburaso	57	54.3
Kromoase	48	45.7
Total	105	100.0

Table 6: Number of life history interviews with the selected household heads in Aburaso and Kromoase (n=33)

Name of settlement	Life history interviews
Aburaso	14
Kromoase	19
Total	33

Table 7: No. of key informants sampled in Aburaso and Kromoase (n=12)

Key informants	Government official	Aburaso	Kromoase	Total
Regent chief	0	1	0	1
Queen mother	0	0	1	1
Clan heads	0	3	2	5
Officers in District Physical Planning Department (DPPD)	2	0	0	2
Officers in Office of the Administrator of Stool Lands (OASL)	1	0	0	1
Officers in Lands Commission	2	0	0	2
Total	5	4	3	12

The secondary sources of data were both published and unpublished literature related to the subject. The sources included articles, journals, unpublished research works, information from the internet (online books, articles and journals), text books, and others. The materials that related to the subject were reviewed and the information was used in the study. The materials used in the study were appropriately cited to avoid plagiarism.

4.4.3 Sampling techniques

In this study, purposive sampling was used to sample the key informants (regent chief, the queen mother, clan heads and the government officials). A purposive sampling technique was used to collect data from participants who are considered by researchers to have the required information about a study (Kumar, 2011). The purposive sampling technique helped the researcher to sample the key informants who provided the researcher with rich data to build the historical reality of the study, data on land management practices, land ownership, access, control, livelihood strategies and social inequalities in the communities. The researcher was able to reach the regent chief, the queen mother and the clan heads through the assemblymen and friends in both communities. On the other hand, the researcher was able to access the

government officials through letters which were sent to their departments. In addition, the purposive sampling technique was used to select household heads who were considered by the researcher to possess rich information about the history of the communities and the changes that have occurred in land management and administration systems in the communities. These household heads were identified after the questionnaires were administered to the households.

Furthermore, a convenience sampling technique was employed to select the households due to the activities of household members and the patterns of settlements in the communities. The settlements in the communities were nucleated and spread over large areas. Each community had more than 900 houses. Also, the majority of the household members commuted daily to the CBD of the Kumasi Metropolis to conduct business activities and this made their availability in the house unpredictable. In this regard, the availability of a household determined its participation in the study. A household was accessed through a house-to-house visit. In a household that was available and agreed to participate in the study, the household head was allowed to answer the questions in the standardised interview (questionnaire). In a situation where the household head was not available, a household member who was next in command was allowed to participate in the study. In households with married couples, for instance, wives were predominantly the next in command. Furthermore, where a household head was met in the house but was busy, another time was rescheduled to meet the person for the interview. The house-to-house visit to the households supported the researcher to obtain enough data for broader understanding and generalisation of the study.

4.4.3.1 Determination of sample size

From tables 5, 6, and 7, it can be seen that the participants consisted of 12 key informants, 105 households and 33 selected household heads (14 in Aburaso and 19 in Kromoase). The number of key informants was determined by their availability in the research sites Aburaso and Kromoase and their willingness to participate in the study. The government officials were purposefully selected as they were recognised to have the required knowledge to participate in the study. The government officials were mainly the head of a department and other officer of the department or only the head of the department. In the Physical Planning Department, it was the head and an officer and in the Regional Lands Commission of Ghana, Kumasi, it was the head of the Public and Vested Land Management Division and an officer. In the case of the OASL, it was only the head of the department that was interviewed. As it has been indicated, the number of the selected household heads were determined after the questionnaires were

administered. These selected household heads had rich information about the history, the land management and administration in both communities.

For the households, the sample size was determined by obtaining a good representation of the household population of the research sites. It is empirically documented that a sample size of 30 out of a population can provide adequate data for a generalisation of a study (Kothari, 1990; Creswell, 2009; Bryman, 2012). In this regard, the sample size for the households in each selected research site was determined by taking at least 5% of the household population revealed in the 2010 Population and Housing Census data of the Atwima Kwanwoma District (Ghana Statistical Service, 2014a).

4.4.4 Data collection tools

As it was mentioned in section 4.4.1, the intensive data was gathered with the use of in-depth interviews and life history interviews. The in-depth interviews were conducted with the regent chief, queen mother, clan heads and the government officials. Life history interviews were conducted with the 33 household heads who were purposively selected.

The in-depth interview questions asked were about land ownership in the early history of the communities and during the commoditisation of the customary lands in the research sites. Further questions were asked about the land allocation process, land management practices, current land administration, the landscape of agrarian production and the livelihood strategies of the indigenes in the research sites, Aburaso and Kromoase. The themes and the questions for the interview schedule evolved from reading the literature relevant to the study. The interviews were face-to-face and the participants were allowed to participate in the study by reading the participation information sheet and signing a consent form. The in-depth interview schedule was piloted in a nearby community, Akyeremade, to ascertain the errors and the kind of data it will generate for analysis.

The in-depth interview schedule that was administered to the key informants was revised to take the form of life history interview. The questions that were added to the in-depth interview schedule to develop the life history interview of the selected household heads included the history of their family and the changes that had occurred in their livelihood strategies due to the commoditisation of the lands in Aburaso and Kromoase. As in the in-depth interviews, the life history interviews were face-to-face.

Similarly, the questions under the themes from the in-depth interview schedule were used to formulate the questionnaires to collect the extensive data. The questionnaires were administered to 105 households in the newly-developing areas of Aburaso and Kromoase. The questionnaire was used to collect data on socio-economic and demographic characteristics of households, land ownership, land acquisition for housing, land control, land use activities and social inequalities in Aburaso and Kromoase. The data that evolved from the questionnaire was used to triangulate the data that was obtained from the in-depth interviews and the life history interviews. The questionnaires were solely administered by the researcher. The questionnaire was also piloted in Akyeremade before it was administered in Aburaso and Kromoase. The first phase of the data collection took place between December and January 2018/2019 in the research sites. A follow-up was conducted between December and January 2019/2020. During the follow-up in December and January 2019/2020, more questions were added to the initial questions on livelihood strategies and land allocations in the original questionnaire due to the gaps that were identified during the analysis of the initial data collected in the first phase. Also, telephonic follow-up interviews were made after the second phase to the participants to verify certain information during the writing phase of the thesis.

4.4.5 Data analysis

The intensive data was analysed using thematic content analysis. The data collected was transcribed into text to obtain the transcript of the responses of the respondents. Themes were drawn from the reviewed literature and other key issues that emerged from reading the transcripts. The themes were used to develop the data presentation and analysis chapter of the thesis (Chapters 5 and 6). The responses from the participants were directly quoted in some instances to support the claims that were made.

On the part of the extensive data, the data was analysed with the aid of Statistical Package for the Social Sciences (SPSS). The questions in the survey questionnaires were coded and were entered into the SPSS. Tables were drawn using the SPSS and were presented with the support of Microsoft Excel. The tables were drawn according to the themes evolved from the analysis of the data. Both intensive and extensive data were presented and analysed together according to the themes developed. The literature reviewed were used to discuss the responses of the participants.

4.6 Ethical Statement

Ethical consideration is an important component of every research that aims to protect the researcher and the participants from harm. In this research work, as it has already been mentioned, the researcher obtained secondary data from the library, books, magazines, internet, unpublished dissertations and other relevant sources. All the sources were cited accordingly to avoid plagiarism.

The primary data were also obtained from the District Physical Planning Department, Regional Lands Commission of Ghana, Kumasi, District Office of the Administrator of Stool Lands (OASL), chief, queen mother, clan heads, selected household heads and households in both communities. The respondents were informed by the delivery of participant information sheet and consent form. The respondents were not forced to provide the researcher with any data. At any point during the interview, the interviewees were allowed to attend to emergencies such as respond to phone calls. During such moments, the recording machine was paused.

The privacy and the cultural practices of the respondents were highly esteemed. The names of the respondents were not disclosed. The participants in both selected research sites and the government officials were represented with pseudonyms. Although pseudonyms were used to represent the participants, there were instances where the participants could be easily identified. For instance, heads of the Physical Planning Department, Public and Vested Land Management Division and OASL, the regent chief in Aburaso and the queen mother in Kromoase were the only heads in the research sites. In such a situation, the title of the participant or the participant's first name were used instead of pseudonyms. The pseudonyms were names which were different from the original names of the respondents. This action was taken to minimise easy identification of the participants. Respondents were treated with the greatest respect and no incentives were given to them for their participation in the research.

4.6 Limitations of the Study

The study was conducted in communities where the institution of a chieftaincy is dominant. Therefore, the application of the findings in areas such as the north and coastal belts of Ghana where customary land institutions are so strongly dominated by clans, must be conducted with the greatest care. Some participants did not welcome the signing of consent forms as this was considered to be unfriendly. In some instances, there were some people who chose not to participate in the study due to the prospect of having to sign the consent form.

Chapter 5: Customary Land Tenure Systems and Land Commoditisation for Housing Development in Aburaso and Kromoase, Ghana

5.1 Introduction

This chapter presents empirical data on customary land tenure systems and administration in Aburaso and Kromoase and the commoditisation of customary land for housing development in the communities. Chapter 3, section 3.4 established that rapid urban expansion is associated with rural-urban migration and the related increase in urban populations, adoption of market-friendly neo-liberal policies and a related growing demand for land. Owing to population pressures within major urban centres, there is a growing outflow of people to peri-urban areas. Urban dwellers relocate to peri-urban areas and access either plots of land or houses in peri-urban communities and commute daily to their workplaces in the main urban centres. The migration of the urban dwellers to the peri-urban communities has seen an increase in demand for land. Consequently, there has been a relative increase in the value of peri-urban land resulting in land price increases. Accordingly, both indigenous people and migrant households access land at high prices.

In this study, there is rapid urban growth of the Kumasi Metropolis and related expansion of peri-urban areas. This has seen peri-urban areas such as Aburaso and Kromoase spreading out and merging in the process. The burgeoning urban growth of the Kumasi Metropolis has led to an increase in prices of land and housing in the Metropolis. The prices of plots of land and housing in the Metropolis tend to be higher than the prices of plots of land and housing in the peri-urban areas. This has influenced traders, Ghanaian expatriates, civil servants, and others to purchase plots of land, especially for housing in surrounding communities like Aburaso and Kromoase. The influx of these outsiders into the peri-urban areas such as Aburaso and Kromoase in search of relatively affordable land has resulted in rising land prices. As peri-urban land gain value due to rising demand, the traditional authorities, clan heads, and community members take advantage of the rising demand for local land and sell parcels of land to outsiders. Many of these outsiders need alternative housing land considering that land is even more expensive in the Metropolis.

The migration of the traders, civil servants, Ghana expatriates, and others into Aburaso and Kromoase led to the development of new residential areas and the houses in the new residential sites were predominantly occupied by the migrant households. The houses were generally

detached¹⁰ houses. The people principally built their houses by contracting known local masons and tradesmen often called *Debrafoɔ*¹¹. Most of the houses' designs were either drawn by these masons or the house owners inform the masons to build their houses according to houses known well by the house owners. The rapid inflow of outsiders and the rise in land prices affected most local people's ability to access land for housing. Local people's income, mostly generated from farming and trading activities, tends to be very low compared to the income of migrants, especially those in formal employment. Traditional leaders, with the support of the local government planning authorities, have been parcelling out land to well-off migrants. The selling of land to well-off migrants and other groups in need of land has precipitated evictions and these evictions have mostly affected what are termed 'latter clans'¹². The evictions of the latter clans have often led to litigations.

In addition, conflicts over land between the latter clans and the royal family¹³ or traditional authorities have become prevalent in the study sites and these conflicts usually involve local vigilante groups, the land guards. Thus, most of the land being sold belong to the latter clans. The latter clans were originally allocated land by the royal family or clans as compensation for their service which involved protecting the communities' lands in the service of the royal family. The research findings reveal that rapid urbanisation has occasioned the rapid inflow of migrants into peri-urban communities. Sustained demand for land precipitates accelerated commoditisation of customary lands. The research findings demonstrate that the prevalence of land commoditisation drives land dispossessions as local chiefs sell land to outsiders without the consent of local communities, especially the latter clans.

The first section of the chapter presents the socio-economic and demographic characteristics of households in Aburaso and Kromoase. The second section examines land administration, tenure systems and management practices in the early history of Aburaso and Kromoase. In the third section, the thesis analyses the prevailing housing conditions in both communities.

¹⁰ The detached houses are single-family homes. The houses are built by individual households mostly for their nuclear family use.

¹¹ *Debrafoɔ* are men and women who assist people to complete any form of work. The work includes farming, construction, manufacturing, etc. *Debrafoɔ* are always paid on daily basis. The word is a corrupt version of three words, "By day labourers". At construction sites, *Debrafoɔ* are ordinary brick layers, carpenters, plumbers, tilers, etc., and people who carry construction materials such as bricks, mortar, cement, etc.

¹² Latter clans are clans that joined the royal family to establish a community in the early history of the community. In the Ashanti Region, most of the latter clans joined the royal family during the Asante wars.

¹³ In this thesis, first arrival clan, first clan, pioneer clan and royal family are regarded as similar and can be used interchangeably.

The final section uses illustrative life history case studies to present a profile of some of the land purchasers in Aburaso and Kromoase and land commoditisation in the customary land markets.

5.2 Socio-Economic and Demographic Characteristics of Households in Aburaso and Kromoase

The socio-economic and demographic characteristics of households in peri-urban Ghana are very dynamic and change unceasingly due to rapid urbanisation. The research documented key features of the households in the study areas, namely: gender of household heads, marital status of household heads, identity of the households, household composition, educational level of household members, periods household members were present in the house and economic characteristics of household members.

In Aburaso and Kromoase, the research findings on household heads category reveal that there are more male-headed households than female-headed households (see Table 8 below). In Aburaso, out of the 57 households surveyed, 34 (59.7 per cent) households were headed by males and 23 (40.3 per cent) households were female-headed. In Kromoase, 35 (72.9 per cent) households of the 48 households sampled were headed by males and the remaining 13 (27.1 per cent) households were female-headed. Generally, there were more male-headed households in both communities, however, the proportion of male-headed households tended to be very high in Kromoase than Aburaso.

Table 8: Gender of household heads in Aburaso and Kromoase (n=105)

Gender	Aburaso		Kromoase		Total	
	n	%	n	%	n	%
Male	34	59.7	35	72.9	69	65.7
Female	23	40.3	13	27.1	36	34.3
Total	57	100.0	48	100.0	105	100

The prevailing patterns on gender and household heads category in Aburaso and Kromoase reflect the broader trends in the District. The 2010 census data of the District demonstrates that the household heads category was dominated by male-headed households representing 12,532 as against 8,202 female-headed households (Ghana Statistical Service, 2014a). The District Planning Coordinating Unit (2018) argue that the implication of the male dominance of the household heads category is that the females' view will be less heard in decision-making.

However, this study reveals that female members also initiate key decisions within households, for instance, the building of houses. For example, one female petty trader and smallholder farmer from Kromoase noted that:

My husband and I were renting rooms in Kromoase and I informed him that if my mother has given her children land, we should go and build one room on it. Initially, we built one room and later I got money and my husband assisted me for us to build our house. (Interview with Mrs Brakatu, Kromoase, 15/01/2020)

The findings further reveal that many married male household heads who were traders, conducted their trading with their wives. For instance, a married male household head in Aburaso mentioned that he sells bags in Kejetia and conducts the business with his wife¹⁴. Asiama (1997) also argues that females are highly recognised in the Asante tribe and in the Atwima Kwanwoma District, the Asante tribe is the dominant tribe (Ghana Statistical Service, 2014a). Asiama describes how the queens and elderly female matriarchs enstool the kings and clan heads respectively in their communities (Asiama, 1997). From the data, it can be established that many women may be allowed to make concrete decisions in households. The research findings demonstrate that female members were involved in key decisions related to building of household houses and wives partnered with their husbands in trading in the CBD of the Kumasi Metropolis to support their households.

In Aburaso and Kromoase, the findings on marital status of household heads display that there are more married household heads in both communities in this era of commoditisation of their lands. Table 9 below demonstrates the marital status of the household heads in both communities. From the table, 34 (59.6 per cent) household heads in Aburaso and 37 (77.1 per cent) household heads in Kromoase were married while a small proportion of the household heads, 8 (14.0 per cent) household heads in Aburaso and 3 (6.3 per cent) household heads in Kromoase were divorced. The married household heads were more in Kromoase than in Aburaso, nonetheless, the proportion of the widowed household heads in Aburaso were more than the proportion of widowed household heads in Kromoase.

¹⁴ Interview with Mr Agorampa, Aburaso (19/01/2020)

Table 9: Marital status of household heads in Aburaso and Kromoase (n=105)

Marital status	Aburaso		Kromoase	
	n	%	n	%
Single	3	5.3	4	8.3
Married	34	59.6	37	77.1
Divorced	8	14.0	3	6.3
Widowed	12	21.1	3	6.3
Separated	0	0.0	1	2.1
Total	57	100.0	48	100.0

The findings on marital status of household heads from this study corroborate the 2010 Census data of the Atwima Kwanwoma District. The census data on marital status of household heads shows that there were more married household heads in the District in 2010. The census data illustrates that out of the 89,249 total household heads, 47,780 (56.3 per cent) were married, 10,813 (12.2 per cent) were singles and 28,136 (31.5 per cent) were single parents, which included divorced and widowed persons (Ghana Statistical Service, 2014a).

Moreover, the findings on gender and marital status of household heads in the current study show that most of the household heads who were married were males in both communities. Table 10 illustrates the gender and marital status of the household heads in Aburaso. From the table, most of the male household heads, 30 (88 per cent) were married while only 4 (17 per cent) of the female household heads were married. Also, a higher proportion of the female household heads, 10 (44 per cent) were widowed while 2 (6 per cent) of the male household heads were widowed.

Table 10: Gender and marital status of household heads in Aburaso

Marital status	Male		Female		Total	
	n	%	n	%	n	%
Single	2	6	1	4	3	5
Married	30	88	4	17	34	60
Divorced	0	0	8	35	8	14
Widowed	2	6	10	44	12	21
Separated	0	0	0	0	0	0
Total	34	100	23	100	57	100

In addition, Table 11 illustrates the gender and marital status of the household heads in Kromoase. From the table, the majority of the male household heads, 31 (89 per cent) were married while 6 (16 per cent) of the female household heads were married. Interestingly, all the household heads who were widowed in the community were females.

Table 11: Gender and marital status of household heads in Kromoase

Marital status	Male		Female		Total	
	n	%	n	%	n	%
Single	3	9	1	8	4	9
Married	31	89	6	46	37	77
Divorced	1	2	2	15	3	6
Widowed	0	0	3	23	3	6
Separated	0	0	1	8	1	2
Total	35	100	13	100	48	100

The findings on gender and marital status of household heads in the current study reflect a similar trend to the 2010 Census data of the District. From the 2010 Census data, more male-headed households were married than female household heads. The 2010 Census data shows that out of the 43,116 total male-headed household population, 25,417 (59 per cent) were married, 6,134 (14.3 per cent) were singles and 11,565 (26.8 per cent) were single parents, which included divorced and widowed. Also, out of the 46,133 total female-headed household population, 23,883 (54 per cent) were married, 4,679 (10.1 per cent) were singles while 16, 571 (36 per cent) were single parents, which included divorced and widowed persons. From the findings, it is conspicuous that there were more *de jure* female-headed households¹⁵ than *de facto* female-headed households¹⁶ in both communities. The *de jure* female-headed households tended to be higher in Aburaso than Kromoase while *de facto* female-headed households were higher in Kromoase than Aburaso. From the research findings, it is evident that the majority of the heads of households in Aburaso and Kromoase and in the Atwima Kwanwoma District in general get married and within households, many husbands die earlier than their wives.

¹⁵ *De jure* female-headed households are those in which a woman is considered the legal and customary head of household. *De jure* households are usually headed by widows, who are often the grandmothers of the children in the household, by unmarried women, or by those who are divorced or separated.

¹⁶ *De facto* female-headed households are those where the self-declared male head is absent for a large proportion of time (usually at least half or 50%). In these households, husbands or other male relatives may still play a role in basic decision-making and make contributions to household incomes (Quisumbing, Haddad and Peña, 2001:230)

Furthermore, in both communities, there are both migrant households and indigenous households. In this study, due to the influx of outsiders into the communities, the households were segregated into migrants and indigenes based on their user-rights to lands in the communities. Chapter 2, section 2.5.1.4, has established that the definition of rights and interests in customary lands is clearly defined when lands gain economic value (Amanor, 2008). Amanor describes that since traditional authorities cannot sell lands to natives, customary lands gain economic value when there is influx of migrants without user-rights to lands in communities and the lands are transacted with these group of people (Amanor, 2008). He argues that the security of natives' landholdings breaks when traditional authorities begin to sell lands to outsiders (Amanor, 2008). Thus, the segregation of households into migrants and indigenes in this study is to understand the people who are able to access lands and build houses in the newly-developing areas in both communities.

The migrant households consist of those people who have user-rights to the lands in the communities not by birth but through the transaction of the lands to them by the traditional authorities. In this study, the migrant households either migrated from the Kumasi Metropolis or their hometowns to Aburaso and Kromoase owing to the rapid expansion of the Kumasi Metropolis. The reasons for their relocation varied but most of the households interviewed indicated that they relocated to Aburaso and Kromoase because the prices of land and housing in the Kumasi Metropolis were very high. During the fieldwork in 2020, in Aburaso, an average price of a 0.5 acre of land was GHS 30,000 and in Kromoase, an average price of a 0.5 acre of land was GHS 40,000. However, in the Kumasi Metropolis, an average price of a 0.5 acre of land was GHS 100,000¹⁷.

The majority of the migrant household heads were traders, Ghanaian expatriates, civil servants, masons, carpenters, and others. Most of the traders owned big and small shops in the CBD of the Kumasi Metropolis while others were petty traders. For the Ghanaian expatriates, most of them did not specifically live in the communities. The majority of the Ghanaian expatriates were still living in abroad, however, they built their houses, rented out part to tenants with other rooms inhabited by their relatives, while others allowed their relatives to live in their houses with rooms reserved for them. The teachers, nurses and other civil servants who owned houses in the communities were initially posted to the communities due to work and later purchased

¹⁷ In November, 2020, the foreign exchange rate was: GHS1 equivalent to US\$0.17

lands to build their houses. Alternatively, other teachers, nurses and civil servants migrated into the communities from the Kumasi Metropolis to search for lands for housing as a result of the high prices of land and housing in the Metropolis.

With regard to the indigenous households, they consisted of those people who are from the pioneer clans and the latter clans who established Aburaso and Kromoase. They are the people who have user-rights to the lands in the communities by birth. These indigenous households have clan compound houses in the communities. Many of the indigenous household heads were farmers, traders, drivers, bus attendants, tailors, seamstress, hairdressers, and others. Unlike the migrant traders who traded mostly in manufactured goods, the majority of the indigenous traders were petty traders and these traders principally traded in foodstuffs either in the communities or in the CBD of the Kumasi Metropolis (see Figure 4 below). The indigenous traders who were able to purchase lands had big and small shops either in the community or in the CBD of the Kumasi Metropolis. Others were also cocoa farmers who had their cocoa farms in communities far from Aburaso and Kromoase. In addition, the indigenes who were teachers, nurses and other civil servants and were not working in Aburaso and Kromoase purchased lands in the communities and built their houses.



Figure 4: A woman selling fruits in Kromoase for the past 30 years

Source (Fieldwork, 2020).

Table 12 below displays the identity of household in both communities. From the table, in Aburaso, 35 (61.4 per cent) households of the 57 surveyed households were migrants, people who drifted to the community to either rent a house or purchase land for housing, and the remaining 22 (38.6 per cent) of households were indigenes, people who are the original inhabitants of the community and have user-rights to lands by birth. In Kromoase, 31 (64.6 per cent) households of the 48 households sampled were migrants and the remaining 17 (35.4 per cent) households were indigenes. From the table, more indigenous households participated in the study in Aburaso than in Kromoase, nonetheless, more migrant households engaged in the study in Kromoase than in Aburaso.

Table 12: Identity of households in Aburaso and Kromoase (n=105)

Identity	Aburaso		Kromoase		Total	
	n	%	n	%	n	%
Indigene	22	38.6	17	35.4	39	37.1
Migrant	35	61.4	31	64.6	66	62.9
Total	57	100.0	48	100.0	105	100.0

In this study, some key informants mentioned that migrant households are attracted to the communities to either rent houses or purchase lands to build houses owing to the communities' proximity to the Kumasi Metropolis. This finding substantiates the data from the District Planning Coordinating Unit. The District Planning Coordinating Unit (2018) reveals that in the communities such as Aburaso and Kromoase which are close to Kumasi Metropolis, many households migrate to such communities and commute daily to the Kumasi Metropolis for business transactions. From the research findings of the present study, it can be established that the proximity of peri-urban communities and the low land and rental housing prices compared with the urban centres are the predominant factors which attract migrant households into the peri-urban areas in Ghana.

The research findings also reveal that the average household size is large in Aburaso and Kromoase. From Table 13 below, the average household size is 4.41. The minimum number of household members is 1 and the maximum number of household members is 11. The average household size of the current study is relatively lower than the household size (4.5) obtained during the 2010 Census in Aburaso and Kromoase. The reduction in household size might be attributed to the adoption of birth control measures and the impact of urbanisation of the

Kumasi Metropolis on the communities. A clan head in Kromoase mentioned that: “In fact, currently, people are modernised. We know new ways of living¹⁸”.

The World Bank (2014) argues that the rapid urbanisation in Ghana has assisted many communities to improve their living standards. In Aburaso and Kromoase, the reduction in household size can possibly be credited to the burgeoning urbanisation of the Kumasi Metropolis. The acquisition of new ways of living and urban lifestyle by households may have supported the control of the number of births within households. Alternatively, the change in household size may not result from adoption of birth control measures and urbanisation. This is because the change is not highly significant and the household size of the current study may follow similar patterns with the household size identified in the 2010 Census data. The reason is that the sample size for the current study is significantly lower than the sample size of the 2010 Census.

Table 13: Measures of central tendencies and dispersion of household composition in Aburaso and Kromoase (n=463)

	HH size	Adult 18 -60 years	Adult males	Adult females	Children <18 years	Generations
No. of responses	105	105	105	105	105	105
Missing	0	0	0	0	0	0
Mean	4.41	2.67	1.20	1.48	1.70	1.96
Median	4.00	2.00	1.00	1.00	1.00	2.00
Mode	6	2	1	1	0	2
Range	10	5	5	5	7	2
Minimum	1	1	0	0	0	1
Maximum	11	6	5	5	7	3
Sum	463	250	115	135	179	

Also, the findings illustrate that the household relationship in both communities is parent-child relationship. From the same Table 13 above, the generational mean of households is 1.96. This finding on household generation collaborates the 2010 Population and Housing Census data of the Atwima Kwanwoma District. The 2010 Census data illustrates that the households in the

¹⁸ Interview with Mr Manso, Kromoase (7/01/2019).

Atwima Kwanwoma District have skewed towards nuclear family system than the extended family system which used to be the case in the past decades (Ghana Statistical Service, 2014a). The major reasons for the dominance of the nuclear family system in household structure can be credited to the high level of migrant households and the changing face of compound housing in both communities. Most of the migrant households left their hometowns, where their extended families are located, and relocated to Aburaso and Kromoase. Also, these migrant households built detached houses¹⁹ purposely for their nuclear family consumption instead of building houses that can create opportunities for other extended family members to reside with them.

In addition, indigenous households that built houses in the communities also developed detached houses. The 2010 Census data on housing in the District reveals that the building of detached houses has increased in the District (Ghana Statistical Service, 2014a). Tipple (1987) argues that people do not want to stay in compound houses or have reduced the construction of compound houses because of economic reasons and enjoyment of privacy. He describes that people want to stay with their nuclear families and reduce the payment of extended family bills such as electricity and water bills. Furthermore, in compound houses, wealthy extended family members are often expected to pay the cost of bills incurred by other extended family members (Tipple, 1987). Thus, the migration of outsiders into the communities and the protection of resources of wealthy extended family members may have been the main factors for the dominance of nuclear family system in both communities.

Moreover, from the same table above, the means of children, adult males and females show that most of the households were dominated by children and within the adult population of the households, there were more females than males. The current findings on adult household population and gender of household members further substantiate the data obtained during the 2010 Population and Housing Census in the District. The 2010 Census data demonstrates that there were more adult females and more children within households in the Atwima Kwanwoma District (Ghana Statistical Service, 2014a). From the research findings, the implication of more children in households may lead to high dependency on the economically active adults. This means that economically active adults have more household members who rely on them for their survival. This further reinforces the 2010 Census data on household dependency burden.

¹⁹ The detached houses are built by individual households purposely for the household members unlike the compound houses which are built to accommodate the extended family members.

The census data illustrates that the age-dependency ratio in the District was 80.8, indicating a high dependency on the working population (Ghana Statistical Service, 2014a).

In Aburaso and Kromoase, the findings also show that more household members are attending basic school. Table 14 presents the educational levels of household members in Aburaso and Kromoase. The table demonstrates that 86 (34.8 per cent) household members of the 267 household members in Aburaso were attending basic school. In Kromoase, 61 (28.2 per cent) household members of the 216 household members were attending basic school. Also, 66 (30.6 per cent) household members in Kromoase and 65 (25.9 per cent) household members in Aburaso completed junior high school (J.H.S.)/middle school. Furthermore, from the same table, the number of household members who attended Senior high school (S.H.S) and tertiary school were very low in both communities. In Kromoase, 22 (10.2 per cent) household members had completed tertiary school while only 17 (6.9 per cent) household members had completed tertiary school in Aburaso. In addition, in Aburaso, 45 (18.2 per cent) household members and in Kromoase, 25 (11.6 per cent) household members did not have any formal education.

Table 14: Educational levels of household members in Aburaso and Kromoase (n=463)

Level of education	Aburaso		Kromoase		Total	
	n	%	n	%	n	%
Did not have any formal education	45	18.2	25	11.6	70	15.1
Attending basic school	86	34.8	61	28.2	147	31.8
Completed J.H.S./middle school	65	25.9	66	30.6	131	28.3
Completed senior high school (S.H.S)	34	13.8	42	19.4	76	16.4
Completed tertiary school	17	6.9	22	10.2	39	8.4
Total	247	100.0	216	100.0	463	100.0

The insights on the level of education of the current study reflect a similar pattern from the 2010 Census data. The 2010 Census data reveals that the majority of the household members were attending basic school with few people who had completed tertiary schools in the District (Ghana Statistical Service, 2014a). From the findings, the majority of the household members attended basic school because a large number of the household members were children who were still within the school going age. Moreover, with regard to the small proportion of household members who attended tertiary school, three research participants in Kromoase mentioned that the majority of the indigenes did not like attending school. The respondents

explained that most of the indigenes liked to trade in the Kumasi Metropolis more than attend school. An indigene and cocoa farmer in Kromoase revealed that:

A certain man from this community went to Nigeria and learnt how to make belts. He brought this idea here and all the men began to sell belts. Even, attending school was difficult for the people. It is recently that we have seen people in this community going to school. Those who are fifty and above, if you are looking for one graduate within these ages, you may not get one unless the person did not stay in this community. It is recently those who are below forties have gone to school as we realised that the trade we were engaged in it was not giving us anything. All the men were selling belts, carrying people's luggage (*Paa O Paa*) and the women were selling pineapples, oranges and others in Kejetia. If she is a young woman and her mother or her father cannot provide her basic necessities, she will go to Kejetia to sell pineapples and oranges (Interview with Mr Nkansah, Kromoase, 07/01/2019).

From the findings, it is evident that as there are few indigenous elderly people having formal education, this may mean that there may be a high rate of illiteracy among the indigenous elderly population in both communities. Also, the low level of tertiary education within the indigenous elderly population substantiates the findings on the profession of the indigenous elderly people. The research findings demonstrate that most of the indigenous elderly people did not engage in civil service such as teaching, nursing, and others which require tertiary education. The majority of the indigenous elderly people in both communities engaged in services such as smallholder farming and sales work.

The research findings further reveal that the majority of the household members in both communities were present every day in the house. Table 15 demonstrates the number of periods household members spent in the house. About 225 (89.9 per cent) household members of the 247 household members were present in the house every day in Aburaso. In Kromoase, 189 (87.5 per cent) household members of the 216 household members were present in the house every day. A small proportion of 24 (11.1 per cent) household members were present in Kromoase during vacation. Similarly, a small proportion of 17 (6.9 per cent) household members were present during vacation in Aburaso. About 3 (1.2 per cent) household members in Aburaso and 1 (0.5 per cent) household member in Kromoase were present every fortnight.

Table 15: Periods household members are present in the house (n=463)

Periods	Aburaso		Kromoase		Total	
	n	%	n	%	n	%
Everyday	225	89.9	189	87.5	414	89.4
During weekends	1	0.4	1	0.5	2	0.4
During vacation	17	6.9	24	11.1	41	8.9
During leave from work	1	0.4	1	0.5	2	0.4
Fortnight	3	1.2	1	0.5	4	0.9
Total	247	100.0	216	100.0	463	100.0

From the research findings, it can be concluded that the greater proportion of the household members present every day in the house is as a result of the high numbers of children in households and the occupation of the adult household members in both communities. The evidence from the study reveals that the majority of the children leave the house in the mornings for school and return in the afternoons. Also, most of the adult working population within households conduct their business activities in the Kumasi Metropolis. As has previously been mentioned, the people commute daily from the house to the Kumasi Metropolis to conduct their business transactions. Additionally, household members who were not present every day in the households were either attending senior high schools or tertiary institutions. Other household members who were not present in the house every day were working in communities far from Aburaso and Kromoase but within the Ashanti region, while others were working in communities outside Ashanti region. From the findings, the implication of many household members present every day in the house shows that household heads must have enough resources to maintain the stability of their households.

Moreover, the research findings illustrate that the majority of the household members are economically active and most of the economically active population are employed. Table 16 shows the economic characteristics of household members 18 years and older excluding students in Aburaso and Kromoase. From the table, a higher proportion of 204 (80.3 per cent) of the economically active household members were employed while only 50 (19.7 per cent) were unemployed in both communities. The high level of employment of the economically active population in the communities explains that the majority of the people in the newly-developing areas in Aburaso and Kromoase are generally not poor.

Table 16: Economic characteristics of household members 18 years and older in Aburaso and Kromoase (n=254)

Economic activity	Aburaso		Kromoase		Total	
	n	%	n	%	n	%
Farming	5	3.6	1	0.9	6	2.4
Trading	43	31.4	40	34.2	83	32.7
Teaching	9	6.6	16	13.7	25	9.8
Driving	4	2.9	7	6.0	11	4.3
Mason	10	7.3	6	5.1	16	6.3
Bus attendants	4	2.9	4	3.4	8	3.1
Pensioner	1	0.7	4	3.4	5	2.0
Other profession (seamstress, etc.)	26	19.0	24	20.5	50	19.7
Unemployed	35	25.5	15	12.8	50	19.7
Total	137	100	117	100.0	254	100.0

Please note: Adults, who were students, were excluded from this table.

The research findings further show that a significant proportion of the economically active people employed are engaged in trading. In Aburaso, from the above table, it is evident that a highest proportion of 43 (31.4 per cent) household members were trading and in Kromoase, a highest proportion of 40 (34.2 per cent) household members were trading. Other household members engaged in other professions such as seamstress, carpentry, civil servants, tailoring and hairdressing in Aburaso and Kromoase. From the table, in Aburaso, 26 (19.0 per cent) household members were engaged in other professions while in Kromoase, 24 (20.5 per cent) household members were involved in other professions. In both communities, a small proportion of 6 (2.4 per cent) economically active household members were engaged in farming.

As has earlier been mentioned, the households in Aburaso and Kromoase are dominated by the Asante tribe. Historically, the Asante households carried out a myriad land-based activities to support the livelihood of their household members (Fortes, Steel and Ady, 1947). The livelihood activities included, among others, farming, hunting, fishing, trading, collection of snails, mushrooms and fruits from the forest, palm-wine tapping and handicraft works (Daaku, 1972). In Aburaso and Kromoase, the insights from the study show that farming and non-farming activities were combined to support the livelihood of household members prior to the massive allocations of the communities' lands. Interviewees in Kromoase illustrated that the

majority of the people who were highly engaged in farming were the old adults while the young people were highly involved in trading. Those who were trading also combined their trading activities with farming. Sometimes, they went to farm early in the morning and in the afternoon, they went to the CBD of Kumasi Metropolis to do their trading. Indigenous household heads expressed that due to the size and the poor fertility of the lands in Aburaso and Kromoase, most of the young people who wanted to cultivate cash crops such as cocoa migrated to Western and Brong Ahafo Regions. This finding supports the insights on migration of cocoa farmers to new frontiers in Brong Ahafo and Western Regions in Ghana by Berry (2008). Berry describes that in the middle of the 20th century, many cocoa farmers in the Ashanti Region drifted to Brong Ahafo and the Western Regions to search for new land for cocoa cultivation due to the loss of soil fertility and the death of their cocoa trees.

The findings also revealed that lands were given to farmers on share cropping arrangements (*Abunu* and *Abusa*) in both communities. An indigenous household described the living condition of the people in Kromoase before the massive land allocations for housing below.

In Kromoase, we cultivated more cassava and plantain than cocoa. We cultivated cocoa but the cocoa trees died. The women harvested cassava or bought the cassava from farmers and sold the cassava in Kumasi. I was also involved in this business of buying cassava from the farmers and selling the cassava in Kumasi. I engaged in this lucrative business during the time I spent in Kromoase after dropping out from school. The young people also when they finished school and they did not have anyone to support them to learn either a trade or further their education, they went to Kejetia to trade. Moreover, people were still farming alongside their usual trading. They were doing peasant farming to obtain foodstuffs to feed their households. They weeded a small place and cultivated cassava, maize and plantain. If the land size was big, the person did not like it. This was because the farms were cultivated to get some foodstuffs to feed the household and they did not cultivate crops purposely for sale. The surplus after feeding the household was sold in the market. Palm wine tappers also sold their palm wine in Kejetia and Bantama. I did not have farm in Kromoase when I was staying here with my grandmothers. However, I assisted my grandmothers in their small farms they cultivated to feed us. When I left Kromoase to cultivate my cocoa farms, during farming seasons, I would come to Kromoase and cleared the bush for my grandmothers to cultivate food crops (Interview with Amoakohene, Kromoase, 16/01/2020).

The findings illustrate that food crop farming was the prominent farming activity in both communities and women were the people who were highly engaged in this type of farming. Scholars who advocate for sustainable livelihoods outline that the conversion of agrarian forms of livelihood normally leads people to diversify their livelihoods towards non-farming activities (Abass, Afriyie and Adomako, 2013; Adomako, 2013; Mtero, 2014). Aberra and King (2005) also found that in peri-urban Kumasi, the commercialisation of customary lands influences people to combine both farming and non-farming livelihood activities to survive

within their new environment. In this present study, the findings on livelihood strategies absolutely support the findings and the conclusions of these previous studies (Aberra and King, 2005; Abass, Afriyie and Adomako, 2013; Adomako, 2013). In Aburaso and Kromoase, the findings show that a small proportion of the community members combined both farming and non-farming activities to support their living conditions in this era of land commoditisation. The research findings reveal that the commoditisation of the communities' lands has extremely reduced the agrarian livelihood sources that households previously obtained from their lands. Only 5 adults reported farming as a livelihood activity in Aburaso and 1 adult reported farming as a key economic activity in Kromoase (see Table 16 above). This is a result of the ongoing dispossession of local clans whereby their farmlands are allocated to well-off outsiders by traditional authorities and other powerful groups such as the local vigilantes or land guards.

The insights from the findings on the economic characteristics of the household numbers in Aburaso and Kromoase display similar trends of the economic characteristics of household members in the Atwima Kwanwoma District. The 2010 Census data of the District shows that two thirds of persons 15 years and older were economically active in 2010. Out of the total economically active population of 36,793, about 34,502 (93.8 per cent) were employed while 2,291 (6.2 per cent) were unemployed. The majority of the economically active male population were employed more than the economically active female population. Furthermore, in Atwima Kwanwoma District, the 2010 Census data illustrates that 9,487 (27.5 per cent) were engaged as service and sales workers, constituting the highest percentage of the total employed population of 34,502. This was followed by 9,457 (27.4 per cent) skilled agricultural, forestry and fishery workers and 6,503 (18.8 per cent) craft and related trades workers. The 2010 Census data shows that females were highly engaged as service and sales workers, skilled agricultural, forestry and fishery workers while more males were engaged in craft and related trade works. In the District, a small proportion of households engaged in agriculture, which is the backbone of the Ghanaian economy.

From the study, the high involvement of household members in trading in both communities is due to the proximity of the communities to the Kumasi Metropolis. The Kumasi Metropolis is the hub of commercial activities which extends beyond Ghana to other West African countries (Abass, Afriyie and Adomako, 2013). The proximity of the communities to the Metropolis enables household members to commute daily to the Metropolis to conduct their business transactions. The findings also reveal that the trading was mostly involved by women (both

young and adults). The majority of the respondents illustrated that the women commuted daily from Aburaso and Kromoase to the CBD of the Kumasi Metropolis and returned in the evening. In addition, other women did their petty trading in the two communities (see Figure 4 above and Figure 5 below). For the men, some travelled to distant communities to sell second-hand clothing and the young men were highly engaged as bus assistants and in driving. As with the young women, some of the young men commute daily to Kumasi Metropolis to assist travellers with their luggage, locally called '*Paa-O-Paa*'. In both communities, many household members have multiple sources of livelihood. The other sources of livelihood included remittances from children or relatives, remittances from abroad and others combined different primary sources of livelihood such as farming, seamstress, carpentry and masons.



Figure 5: A woman engaged in petty trading in Kromoase

Source: (Fieldwork, 2020)

Moreover, the majority of the unemployed household members were the elderly household members in both communities. Most of the elderly household members stayed in the house and relied on remittances from their relatives, children and grandchildren as a source of their

livelihood. Foodstuffs such as plantain, cassava, cocoyam and yam were mostly obtained by households from the Kumasi Metropolis. Nonetheless, these foodstuffs were previously produced by farmers and were sold at affordable prices in the communities. In Kromoase, a participant expressed that:

Living conditions are bad. There is nothing that a person will do that does not involve the payment of money. Even when a person wants to throw rubbish away, the person has to pay money. Life is quite different from the olden days. We are suffering (Interview with Mrs Nsiawaa, Kromoase, 03/01/2019).

Similarly, in Aburaso, an indigenous household head who was a smallholder farmer expressed that:

It is either you go to market (Kejetia) to trade or do petty trading or hawking or you do somebody's work for him. Other than these, there is no job in this community. The living condition of us in this community is that we buy foodstuffs now. Previously, you can get these foodstuffs in your backyard garden or a farm close to the community and the only thing you will buy is meat. But this time, we buy everything. If you do not buy, you will not get food to eat (Interview with Mrs Koranteng, Aburaso, 01/01/2019).

The responses from the questionnaire administered on the current living conditions of the indigenous households in Aburaso and Kromoase demonstrate that the majority of the indigenous households are poor.

Table 17: Description of the current living conditions of the indigenes in Aburaso and Kromoase (n=105)

Living Condition	Aburaso		Kromoase		Total	
	n	%	n	%	n	%
Very good	2	3.5	0	0.0	2	1.9
Good	18	31.6	20	41.7	38	36.2
Poor	30	52.6	23	47.9	53	50.5
Very poor	7	12.3	5	10.4	12	11.4
Total	57	100.0	48	100.0	105	100.0

Table 17 above shows the current living conditions of the indigenous households in Aburaso and Kromoase. From the table it is evident that half of the participants, 30 (52.6 per cent) participants in Aburaso indicated that the indigenes' living conditions were poor. Similarly, in Kromoase, about 23 (47.9 per cent) participants expressed that the indigenes' living conditions were poor. A higher proportion of 20 (41.7 per cent) respondents in Kromoase and 18 (31.6 per cent) respondents in Aburaso stated that the indigenes' living conditions were good. From

the research findings, many economically active people in Aburaso and Kromoase are employed, revealing moderately wealthy household members. This occurs because the questionnaires were administered in the newly-developing areas of the communities and most of the migrant household heads were employed. However, from the table above, it can be stressed that the living conditions of the majority of the indigenes in Aburaso and Kromoase are fairly poor. The people who were affected by the drastic reduction in the agrarian forms of livelihood emerging from the commoditisation of the lands are the elderly women, as most of the food crop farms were cultivated by them.

5.3 Land Administration and Tenure Systems in the Early History of Aburaso and Kromoase

Land administration and land tenure systems encompass, among others, land ownership, land access, land allocation and land management practices. In this section, the researcher presents the customary land administration and tenure systems in the early history of Aburaso and Kromoase. The section specifically examines the findings on land ownership, access, allocation and management practices in the early history of the communities.

5.3.1 Land ownership

The evidence from the study illustrates that prior to this era of massive land commoditisation in Aburaso and Kromoase, clans owned distinct farmlands which were cultivated by their clan members absolutely. In Aburaso, the clans who established the community are the Wawaase, Domase, Krobo, Kurapaakuo and Odumase clans. The pioneer clan who started the establishment of Aburaso is the Wawaase clan. Later, the Domase, Krobo, Kurapaakuo and Odumase clans joined the Wawaase clan due to the Asante wars²⁰. From the research findings, in Aburaso, the clan lands were managed and controlled by the clan heads in conjunction with the clan members. An indigenous household head who was a petty trader in Aburaso stated that:

Each clan had a farmland for cultivating crops. Our place was called Odumase, the far end was Wawaase, here was called Domase and the other side was Krobo. The lands were divided and each clan had a place it was farming (Interview with Mrs Aboronoma, Aburaso, 15/01/2019).

²⁰ Interview with Regent Chief, Aburaso (28/12/2018)

In Kromoase, the community was established by the Betenase, Kotokuom, Bedensu, Benafiem and Faaman clans. Most research participants, including the Queen Mother of Komaose mentioned that the pioneer clan who established Kromoase was the Betenase clan and the other clans, the Kotokuom, Benafiem, Bedensu and Faaman later joined the Betenase clan²¹. Conversely, some research participants in Kromoase argued that the Betenase clan is not the pioneer clan who began the establishment of the community. These research participants mentioned that the Betenase clan migrated from Kwanwoma to Kromoase to look for children from the smaller gods of Kotokuom clan. These smaller gods helped people who could not give birth to get children. For instance, one research participant revealed that the pioneer clan in Kromoase is Kotokuom clan not Betenase clan and the Kotokuom clan obtained their land from Kwanwoma chief²². The misunderstanding over who is the pioneer clan in Kromoase led to the division of the community lands between Betenase clan and Kotokuom clan. According to a clan head in Kromoase, though the lands have been divided between these two clans, he explained that: “The Betenase chief is the one recognised as the caretaker chief of Kromoase²³”.

In Kromoase, the majority of the interviewees also revealed that the clans considered their farmlands to be their property. As in Aburaso, the clan lands were managed and controlled by the clan heads in conjunction with the clan members. An indigenous household head in Kromoase who is also a petty trader argued that:

In this community, every clan has a land. We have Betenase, Bedensu, Benafiem and Kotokuom, they all have their lands. Faaman does not have a land because they came to this community to search for children from a smaller god and later settled here due to intermarriages with the people in this community (Interview with Mrs Afriyie, Kromoase, 02/01/2019).

Land ownership is the possession of exclusive management, access and use rights in, on and over a parcel of land (Schlager and Ostrom, 1992). Land ownership provides a person with the power to control and direct the use of a given parcel of land (FAO, 2002). From the research findings, it is evident that land ownership in Aburaso and Kromoase in the early history of the community, reflects similar patterns as pre-colonial Akan communities. Hayford (1903) noted that the chief did not own all the lands within his jurisdiction in pre-colonial Akan

²¹ Interview with Queen Mother, Kromoase (06/01/2019).

²² Interview with Mr Kubi, Kromoase (22/01/2019).

²³ Interview with Mr Manso, Kromoase (07/01/2019).

communities²⁴. There were lands over which the chief had proprietary rights and could deal with them as he pleases but with consent from his family. Also, there were lands which were attached to his stool and he could deal with them with the consent of his councillors. For the general state land, the chief exercised oversight responsibility in terms of ratifying grants made by his subjects but not ownership thereon (Hayford, 1903). In Aburaso and Kromoase, the findings on land ownership show that all the clans controlled the lands they were farming absolutely and the clans regarded the lands to be their property. Land allocation, management and control over the clan farmlands were handled by the clan heads in collaboration with the clan members. The chiefs did not allocate the farmlands in the communities to people for their farming activities.

Arko-Adjei et al. (2009) argue that all lands in Ghana are owned and managed by clans. This finding is consistent with the findings on land ownership in the early history of Aburaso and Kromoase. This research also confirms that the communities' lands were owned and managed by clan heads in conjunction with clan members. However, the onset of peri-urban expansion has undermined the power and control that clan members exercised over their land through their clan heads. The subdivision and sale of land have seen traditional authorities wrestling away the control of clan lands for commercial gain. Thus, evidence from the research shows that traditional chiefs did not have absolute control of clan lands. From the findings, it is clear that the different social units including the clans (through their clan heads) exercised control in land administration as opposed to the absolute power exercised by traditional chiefs in contemporary times. Thus, clan heads and members (families within those clans) made decisions on land allocations and management over their clan lands. In addition, the findings on land ownership reinforce the idea that there is no land without an owner (Sarbah, 1903). In both communities, every inch of the communities' lands was owned and managed by a clan in their early history.

5.3.2 Land access

In the early history of Aburaso and Kromoase, the findings on land access established that access to land was through membership to a group. In both communities, most research participants stated that both clan members from the various clans and strangers could access

²⁴ See Chapter 2 of this thesis for a more detailed discussion on the role of traditional authorities in land ownership and administration in the pre-colonial and early colonial periods.

lands for both farming and housing purposes. Also, both women and men had equal access to land with women obtaining the greater proportion of the land through the maternal inheritance and food crop farming. The participants stated that a member of a clan could access clan lands either through the clan head or clan members for farming purposes. Also, members from different clans could access the lands of other clans through the clan heads or clan members for farming purposes. In addition, the respondents highlighted that strangers who joined the communities were allowed to farm on lands that belonged to the clans in the communities. The majority of the interviewees explained that the strangers were allowed to access the community lands because strangers were used to develop communities. An indigene and former assemblyman in Aburaso noted that:

Our forefathers gave lands to both strangers and indigenes in this community. We use strangers to develop a community. So, if a stranger joins your community, you need to give him a place to stay and a land for him to cultivate crops (Interview with Mr Kuffour, Aburaso, 31/12/2018).

Furthermore, the clan lands were given to members of other clans and strangers for farming purposes either on share tenancy arrangement or for the people to cultivate the lands and leave the lands after harvesting their crops. In the early periods, land rotation was also a common practice within the local farming system. The practice of land rotation often resulted in quarrels with and between clans. The conflicts were mostly around the control and access to fallow lands that had been unutilised during rotational periods. Clans who appropriated the virgin land claimed absolute ownership of that land. In this regard, when other clan members entered into those lands for farming without their consent during the fallow periods, it resulted in land conflicts. Also, when people were allowed to cultivate crops on other people's lands, they often made claims on that land based on their prolonged utilisation of that land. This situation often induced land conflicts among clans in both communities. For instance, in Aburaso, a clan member from the Domase clan was killed by a clan member from the Krobo clan due to misunderstanding emerging from continuous farming of one clan on another's land and the claiming of ownership thereof²⁵. Although these cases were minimal, in instances where they did occur, there were customary dispute resolution courts at clan levels and community levels

²⁵ Interview with Osei, Aburaso (28/12/2018).

to settle the cases unless the case was a criminal case, in which event it was referred to the district court at Twedie.

Land for housing purposes was accessed from the chief by both indigenes and strangers either through clan heads, family patriarchs or other elderly and respected people in the communities. According to the key informants, all the clans lived together in one place in order to protect themselves from robbers and wild animals. In Aburaso and Kromoase, each clan had a farmland either far or near the old-built up areas of the communities. The clan members left their settlement every morning for their farmlands and returned either in the afternoon or in the evening. The land these clans lived on belonged to the pioneer clans. Therefore, people accessed the lands in the old residential areas for housing only through the chiefs²⁶ and their elders in the communities.

Research findings on the nature of land access in Aburaso and Kromoase in the early history of the communities corroborate evidence on land access in pre-colonial Ghana as documented in the wider literature (Hayford, 1903; Daaku, 1972; Arko-Adjei, 2011). In pre-colonial Ghana, membership to a group determined a person's ability to enter and use a piece of land within the customary land tenure systems (Ubink and Quan, 2008; Arko-Adjei, 2011; Awuah-Nyamekye and Sarfo-Mensah, 2011) (see also Chapter 2, section 2.4.1). The group can be either a clan or the larger community. Indigenes obtain membership through their clans while strangers obtain membership via their acceptance into the larger community (Asiama, 1997; Arko-Adjei *et al.*, 2009; Arko-Adjei, 2011). The gender of people did not determine their access to land in the early history of Aburaso and Kromoase. In sum, people born to clans were allowed to cultivate the clan farmlands without restrictions. People accessed land for housing and agricultural uses from distinct authorities, namely chiefs, clan heads and clan members. The legal recognition given to traditional authorities through the 1992 Constitution and the concentration of land administration powers in the hands of traditional authorities do not reflect the customary land tenure governance systems in early history of Ghana. The current legal and policy instruments give prominence to traditional leaders as the only social group through which people can access land.

²⁶ The chief is the occupant of the stool and the representative of the ancestors of the first arrival clan. The chief allocates the land in collaboration with the first arrival clan head. The chief cannot allocate land without the consent of the first arrival clan head.

5.3.3 Land allocation

It is evident from the findings that the latter clans²⁷ did not have the power to allocate the lands in the old built-up areas to land seekers for housing purposes because those lands were owned by the pioneer clans. It was only the chiefs and their clan heads who allocated those lands for housing purposes. The latter clan members could make huts or build houses on their clan lands without the consent of the chiefs. The participants stated that chiefs allocated lands to people who requested them and the people gave ‘drinks’ to the chiefs. The respondents further indicated that the lands were not sold and the drink was a seal of the land allocation and appreciation of the chiefs’ kindness in giving the person the land. Asiama (1997) reveals that the drink could be a pot of palm wine or a bottle of schnapps. However, presently, the drink has been converted into money which is equivalent to the open market value of the land (Blake and Kasanga, 1997; Fiadzigbey, 2006). The interviewees in Aburaso and Kromoase mentioned that the drink was used to pour libation to ask for protection from the smaller gods and ancestors for the land seekers. An indigenous household head who is a member of the royal family in Kromoase noted that:

In the olden days, we loved ourselves more than today. So, all that you needed to do was to bring a drink like one schnapps²⁸ to the chief. The chief will appoint a person to go and show you a place to build your house (Interview with Mr Appiah, Kromoase, 9/01/2019).

In contrast, most research participants, in both Aburaso and Kromoase, stated that people did not send a drink to a chief to request land for housing. Research participants argued that by virtue of belonging to a family, clan or community, people in need of land were allowed to build houses on the communities’ land. Originally, the dwellings or residential structures were adjoined or very close to one another. Baeyens (2012) argues that the construction of the houses in this form occurred due to the nature of the forest belt in Ashanti Region. The people built compound houses and the houses were close to one another for protection against wild animals (Baeyens, 2012). In the early periods, there was relative receptiveness to outsiders seeking land. The incorporation of outsiders was a means for local chiefs to expand their chiefdoms and increase the number of subjects in their jurisdictions. Accordingly, the house of an indigene

²⁷ The latter clans did not have advantage over the control of the lands in the old built-up areas because those lands were for the pioneer clans.

²⁸ Schnapps is an alcoholic beverage mostly used for cultural rites or ceremonies in Ghana.

could either be adjoined to that of another indigene or to a stranger's house. In Aburaso, a clan head argued that:

Every chief wanted his community to expand. So, our forefathers were giving the lands free. At times, if you want a land to build a house, they can tell you to join your house to their house. (Interview with Mr Osei, Kromoase, 28/12/ 2018)

From the findings, it is evident that if land had remained abundant, drink would not have been given to community heads upon request of land for housing. The participants' claims of adjoined houses are illustrated by Figures 6 and 7 below. In these figures, pioneer clan members' houses and latter clan members' houses are joined together in Aburaso and Kromoase in the old residential areas. Research evidence demonstrates that the communal living system was prevalent in the early periods in both Aburaso and Kromoase.



Figure 6: Houses of first clan and latter clans built together in Aburaso

Source (Fieldwork, 2020)



Figure 7: Houses of first clan and latter clans built together in Kromoase

Source: (Fieldwork, 2020)

Most research participants in both Aburaso and Kromoase argued that access to farming land was mostly administered by clan heads. Clan heads facilitated the allocation of clan lands to both clan members and strangers in need of agricultural land. It was not imperative for clan leaders to seek permission from the traditional chief before allocating agricultural land. Some research participants argued that within clans, both men and women could allocate land. Thus, these participants portrayed an inclusive system of land allocation. An indigene and smallholder farmer in Aburaso mentioned that: “Even I, who is farming on a particular land, could tell a person to farm on the other side of the land²⁹”.

Similarly, a petty trader (who is also a farmer) from Kromoase stated that:

In the olden days, if a person wanted a piece of land for farming, the person needed to inform the clan head. The clan head would consult the clan members and the land would be given to the person. (Interview with Mrs Mansa, Kromoase, 13/01/2019)

The findings on land allocation for farming activities from Aburaso and Kromoase substantiate the findings obtained by Blake and Kasanga (1997) in their study. Blake and Kasanga (1997) outline that when land is predominantly used for agricultural purposes, land allocations are

²⁹ Interview with Mrs Ampafo, Aburaso (30/12/2018).

often controlled by clan heads and members in stool land communities. Hayford (1903) further reveals that land allocations were done by chiefs, clan heads and community members in stool land communities in pre-colonial Ghana. Therefore, the recognition of chiefs as the only social group to allocate lands in communities did not exist in both pre-colonial Ghana and the early history of Aburaso and Kromoase.

5.3.4 Land management practices

Research findings show that in the early periods, the people in Aburaso and Kromoase observed different land management practices. These land management practices include observance of sacred days, boundary identification, inspection of lands, communal labour and payment of taxes. In both communities, streams and *Ntomme*³⁰ were used to identify the boundary between the communities and the neighbouring communities. Also, *Peepee*³¹ was used to identify the boundary between clan lands as well as boundaries between parcels of lands for farmers cultivating crops on the same clan land. An indigenous household head, who is a member of the royal family in Kromoase detailed that: “We (Kromoase) share boundary with Aburaso and we have *Ntomme* on the boundary. The stream, *Buabena* is our boundary between Akyeremade and Anwa Afaseibon. In Agona Patase, now Agona Nzema, the stream, *Akokosu* is our boundary³²”.

On the other hand, few indigenous household heads from Aburaso and Kromoase stated that there was no distinguishable boundary between clan lands. The respondents explained that the clans were living together as one family so there was no need of boundaries. In Kromoase, an indigenous household head declared that:

We did not have identifiable boundaries. This is because we came to meet the wife of *Asantehene*³³ and we were living peacefully with her. So, the land we were given, we knew the boundaries. If you are living with a person in love, what is the need of a boundary? (Interview with Mr Asamoah, 07/01/2019).

Many studies have concluded that boundary identification is a major challenge in customary land tenure systems in Ghana (Mends, 2006; Arko-Adjei et al., 2009; Akrofi, 2013). The

³⁰*Ntomme* is a plant mostly used to identify boundaries between communities or clans' farmlands.

³¹ *Peepee* is a plant commonly used to identify boundaries between clans' farmlands or farms of clan members on a particular clan farmland.

³² Interview with Mr Appiah, Kromoase (09/01/2019).

³³ *Asantehene* is the highest king in the Asante nation and all other paramount, divisional and sub-chiefs are under him.

studies highlight that boundary identification has created contestations and poor land administration in many communities in Ghana. Owing to this challenge in the customary land administration, most advocates of land titling registration champion for cadastre maps for communities in order to identify their boundaries. Contrarily, the findings on land management practices of the current study highlight that boundary identification was not a major problem in Aburaso and Kromoase in their early history. The communities knew their boundaries and they used specific plants and streams to differentiate clan lands and communities' lands.

Moreover, sacred days were observed by the people in Aburaso and Kromoase prior to this period of massive land commoditisation. In both communities, all the key informants conveyed that farmers were not allowed to go to farm on Tuesdays. The participants revealed that Tuesdays were sacred days for the Mother god of the Earth, *Asaase Yaa* and the community members were expected to rest from their farming activities. Goats were also prohibited in both communities as the smaller god of Aburaso, *Kurapaakuo* and the smaller god of Kromoase, *Kwabrafo* disliked goats. In Aburaso, an indigenous household head who was a smallholder farmer outlined that:

Here, we don't go to farm on Tuesdays. Also, we do not bring goat into this community. My husband went to farm on one Tuesday. While he was setting up his traps, he heard a voice saying, "Give me way". When he came home, his leg swelled. He didn't know that it was the Mother god of the earth who wanted to reveal herself to him (Interview with Mrs Korankye, Aburaso, 27/12/2018).

Asante (1965) describes that the customary land tenure systems revolve around traditional worship. Certainly, this finding from Asante (1965) was supported by the findings on observance of sacred days in Aburaso and Kromoase in their early history. Both communities customary land tenure systems were modelled around traditional worship of smaller gods. Also, the observance of sacred days reveals that the founders of Aburaso and Kromoase understood the implications of continuous farming on the lands, the climate and the vegetation in the communities. Though the observance of the sacred days is presently regarded as ancestral worship, it can be concluded that the practice helped the communities' lands to replenish lost nutrients weekly. On the other hand, the prohibition of certain animals into the communities emerging from the worship of particular smaller gods affected goat rearing in the communities.

The evidence from the study further reveals that communal labour was predominant in both communities. The findings on land management practices show that members in the community who involved themselves in community development such as school building and

weeding around the community, were rewarded. An indigenous household head who was unemployed in Aburaso stated that: “People who massively supported community’s activities could be appreciated with a plot of land³⁴”.

Also, both traditional authorities and community members inspected the communities’ boundaries. The inspections were not done at specific days of the year; however, the traditional authorities and the community members did the inspections through their farming and other activities on the land. An indigenous household head who was a smallholder farmer in Aburaso mentioned that: “We farm close to the boundary between Aburaso and Nwamase. So, if there is a person from Nwamase who is weeding beyond the boundary, we inform the elders³⁵”.

Moreover, the traditional authorities deliberately visit the lands they give to people for housing development. The regent chief in Aburaso indicated that the inspections were done to prevent encroachment into the lands. In Aburaso, the regent chief revealed that:

When *Nananom* (elders of the community/traditional council) show you land, they will make sure that you do not add some of the land to the one you have been given. So, they will always visit the land to inspect if you have added some of the land to the one you were given. (Interview with Regent Chief, Aburaso, 28/12/2018)

Unquestionably, the findings on inspection of lands demonstrate that land management was communal in the early history of Aburaso and Kromoase. Members of the communities regarded the community lands as belonging to all of them and provided all the necessary support to prevent encroachers into the lands.

In both communities, taxes were also considered to be paid by the users of the communities’ lands to the chiefs. In Aburaso, the regent chief and an indigenous household head pointed out that people were paying ground rent to the royal family. On the other hand, in Kromoase, the queen mother and an indigenous household head stressed that ground rent was not paid by people who built houses but the cocoa farmers in the community. The queen mother declared that: “In the olden days, it was cocoa farms that the farmers paid ground rent every year. Those who built houses did not pay anything³⁶”.

³⁴ Interview with Mr Aduomi, Aburaso (28/12/2018).

³⁵ Interview with Mrs Odonkor, Aburaso (01/01/2019).

³⁶ Interview with Queen Mother, Kromoase (06/01/2019).

In colonial and post-colonial Ghana, Berry (2008) reveals that rents are paid by cocoa farmers, especially migrant farmers who do not have user-rights to lands in communities. In this current study, the findings on land management practices support that ground rent was paid by cocoa farmers; however, the payment of ground rent by both indigenous and migrant households that build houses in present-day Ghana did not exist in the early history of Aburaso and Kromoase. From the findings, it is evident that the customary land tenure systems in the early history of both communities revolved around traditional worship. Land ownership, access, allocation and management practices were developed along the belief systems of the communities.

5.4 The Landscape of Housing and Housing Development in Aburaso and Kromoase

In Aburaso and Kromoase, the communities are divided into old residential and new residential areas. The old residential areas are segmented by the names of the clans in the communities and the clans live together in the old residential areas. In Aburaso, the old built-up area has neighbourhoods such as Wawaase, Krobo, Odumase, Adwaase, Domase and Kurapaakuo. The Adwaase people were neighbours of Aburaso but migrated to Aburaso because of armed robbery attacks in their community in the early years of the establishment of Aburaso. In Kromoase, the old built-up area has quarters, namely: Betenase, Kotokuom, Bedensu, Benafiem and Faaman. Nearly all the old residential areas houses are compound houses owned by the clans. The compound houses were built by the forefathers of the clans and the houses were handed down to the present generation. The old residential areas' houses are not covered by building plans and other documents. Most of the respondents stated that the houses were built before the communities' lands were subdivided into plots.

In addition, the old residential areas houses are generally inhabited by the indigenes in both communities. Most of the houses lack sanitary facilities, water and good road networks. People who live in the old residential areas mostly use public toilets and public sanitary facilities. Boamah (2013) highlights that in old residential areas in communities in Ghana, most of the houses are in very poor conditions. This evidence from Boamah's (2013) study was supported by the findings on the conditions of houses in the old residential areas in both communities. In Aburaso and Kromoase, the houses in the old residential sites are dilapidated and poorly maintained. Figures 8 and 9 show the state of the old residential buildings in Kromoase and Aburaso respectively. The houses in the figures are not regularly painted.



Figure 8: The state of houses in old residential area in Kromoase

Source: (Fieldwork, 2020)



Figure 9: State of houses in old residential area in Aburaso

Source (Fieldwork, 2020)

Moreover, in both communities, the findings on housing reveal that the development of the new residential areas began in the mid-1990's and the new residential areas are popularly known as Newsites. During the mid-1990's, the communities had already been declared as planning zones and land commoditisation was emerging due to the drift of migrant households into the communities. The new residential areas were developed by the conversion of farmlands cultivated by the clans in Aburaso and Kromoase. During the fieldwork, in both communities, the greater proportion of the farmlands were already allocated, other farmlands were being allocated while a smaller proportion were yet to be allocated. Table 18 below illustrates the clans and the farmlands they cultivated before this era of massive land commoditisation in both communities.

In Aburaso, as can be seen in Table 18, the farmlands in Diawuoso, Dome, Baagoro and Yaaduabepoyaase were yet to be allocated, while farmlands in Aboaboso, Atimponnwa and Buabenaam were being allocated to land purchasers. Other farmlands such as Fufuwam, Ampem, Mpotopoto and Werewereso were already allocated mostly for housing. Additionally, a smaller proportion of the indigenes cultivated crops on the farmlands that were being allocated and the others that were yet to be allocated. However, a research participant who was a smallholder farmer in Aburaso revealed that the farmers were insecure. The respondent mentioned that the litigants in the chieftaincy dispute and the land guards in Aburaso allocated crop farms to land purchasers without the farmers' intention and mostly the crops were cleared by land purchasers without compensation payments³⁷.

³⁷ Interview with Korankye, Aburaso (27/12/2018).

Table 18: Clans and farmlands cultivated prior to the massive land commoditisation in Aburaso and Kromoase

Aburaso area previous cultivating clans	Farmland yet to be allocated	Farmlands already allocated	Farmlands being allocated	Brief explanation of land use changes
Wawaase		Fufuwam, Ampem, Mpotopoto and Werewereso		The Wawaase clan of Aburaso's farmland in Fufuwam, Ampem, Mpotopoto and Werewereso is already allocated for residential settlement. They do not have any land left for allocation.
Kurapaauko			Atimponnwa	The Karapaauko clan of Aburaso's land is being allocated for residential settlement.
Odumase			Atimponnwa, Aboaboso	The Odumase's of Aburaso's land is being allocated for residential settlement.
Krobo	Diawuoso, Dome		Buabenaam	The Krobo clan of Aburaso's land in the Buabenaam farmlands is being parcelled out for settlement while their farmland in Diawuoso and Dome is yet to be allocated.
Domase	Diawuoso, Yaaduabepoyaase, Baagoro		Buabenaam, Aboaboso	The Domase's land in Buabenaam and Aboaboso is being allocated for residential settlements while the farmland in Diawuoso, Yaaduabepoyaase, and Baagoro are yet to be allocated.

Kromoase area previous cultivating clans	Farmland yet to be allocated ³⁸	Farmlands already allocated	Farmlands being allocated	Brief explanation of land use changes
Betenase		Ampehe, Asuogya, Konnua, Nana Kɔkɔɔ, Amangoase	Akokosu	The Betenase clan lands in Kromoase namely Ampehe, Asuogya, Konnua, Nana Kɔkɔɔ, Amangoase farmland is already allocated for residential settlement.
Bedensu			Kwabrafom	The Bedensu clan of Kromoase's farmland in Kwabrafom is being allocated for residential settlement.
Benafiem			Buabenaam	The Benafiem clan farmland in Buabenaam is being allocated for residential settlement.
Kotokuom		Kotokuom		The Kotokuom clan of Kromoase's farmland in Kotokoun area is already allocated for residential purposes. They do not have any land left for allocation.
Faaman		Kotokuom		The Kotokuom clan of Kromoase's farmland in Kotokoun area is already allocated for residential purposes. They do not have any land left for allocation.

Furthermore, a respondent from the royal family revealed that all the farmlands in Aburaso were initially subdivided; however, due to the chieftaincy dispute and the injunction over the lands in

³⁸ From the table, it is evident that there is no farmland yet to be subdivided and allocated in Kromoase. All the farmlands are already subdivided and the queen mother is the person in charge of land allocations. From the findings, a retired military officer from the Betenase clan, who assisted the clan in their litigation against the Kotokuom clan, allocates some of the plots to land purchasers. The findings reveal that the retired military officer was given those plots of land as an appreciation for his support to the clan in their litigation against the Kotokuom clan.

the community, the parties in the chieftaincy dispute, the clan heads and land guards allocate the farmlands to land purchasers for housing without proper local plan³⁹. In Aburaso, the sizes of plot of land that are allocated to land purchasers are mostly 0.5 acres per plot, however, in a few cases, the researcher identified that land purchasers divided the 0.5 acre plot of land into 0.25 acres each. The findings reveal that those land purchasers who shared a 0.5 acre of land were unable to raise enough money to purchase the normal 0.5 acre of a plot of land.

In Kromoase, on the other hand, all the farmlands in Table 18 above were principally converted to residential uses to develop the Newsite except small parts of Akokosu, Kwabrafom and Buabenaam which were still being allocated to land purchasers by the traditional authorities and other community members. In Kromoase, the community's lands were divided between Kotokuom clan and Betenase clan (See section 5.3.1 of this chapter). This division of the lands led to the development of two Newsites, Kotokuom Newsite and Betenase Newsite. The Kotokuom Newsite was developed by the conversion of the entire Kotokuom farmland mostly into residential uses. During the fieldwork, there was no new plot of land in Kotokuom Newsite for allocation.

Alternatively, the Betenase Newsite was developed by the conversion of the farmlands in Ampehe, Asuogya, Konnuu, *Nana Kɔkɔ* Amangoase and parts of Akokosu, Kwabrafom and Buabenaam. During the fieldwork, in Kromoase, the farmlands that were being allocated to land purchasers were small proportions of Kwabrafom, Buabenaam and Akokosu. Also, those farmlands in these areas were subdivided into plots and the plots of land were cultivated by few indigenes especially clan members in the Betenase clan. Like Aburaso, in Kromoase, the sizes of plots of land that are allocated to land purchasers are generally 0.5 acres per plot, however, in a few instances, the researcher found that land purchasers bought a 0.5 acre of land and divided it into 0.25 acre each for housing. In both communities, indigenes used the marshy areas to cultivate rice and sugarcane. Also, all the interviewees stated that there was no statistics available on the sizes of the lands in the old built-up and the new built-up areas in Aburaso and Kromoase.

The insights on farmlands conversion from the present study corroborate the findings obtained by other scholars in their studies in peri-urban Kumasi (Abass, Afriyie and Adomako, 2013;

³⁹ Interview with Mr Yiadom, Aburaso (28/12/2018).

Adomako, 2013; Yeboah and Shaw, 2013). These scholars reveal that farmlands are mostly converted into housing when urban residents and people from other communities migrate to peri-urban areas in Kumasi. In Aburaso and Kromoase, most of the farmlands were converted principally to residential uses. From the study of the communities' local plan, no plot of land was earmarked for agricultural purposes. A respondent in Kromoase who was the former assemblyman argued that:

Kromoase lands cannot be used for agricultural purposes presently. The community's lands have attained an economic value for residential use due to the migration of outsiders into this community. Therefore, the lands cannot be used for smallholder farming. This smallholder farming does not give the farmers high returns as compared to the residential use (Interview with Kubi, Kromoase, 22/01/2019).

From the insights of this study, it can be established that when demand for housing increases in peri-urban communities, peri-urban residents convert their farmlands to residential uses due to the increase in the economic value of the lands.

In the new residential areas in both communities, the findings show that the houses were mostly owned by the migrant households who were traders, Ghanaian expatriates, civil servants, and others. These outsiders were well-off and were able to pay the required drink money demanded by the people who were selling the lands in Aburaso and Kromoase. This evidence from the present study substantiates the findings obtained by Owusu and Asamoah (2005) and Owusu (2008) in peri-urban Kumasi. The researchers illustrate that houses in the newly-developing residential sites are mostly owned by Ghanaian expatriates, civil servants, and others who are wealthy and are able to raise enough money to purchase lands from traditional authorities (Owusu and Asamoah, 2005; Owusu, 2008). Thus, in peri-urban Ghana, the main determinant of people's access to land is their purchasing ability. People who have money are able to purchase more lands while those who do not have money are unable to own a piece of land.

Moreover, in Aburaso and Kromoase, the houses are generally built with solid sandcrete blocks and the designs are made mostly by the masons or the people inform the masons to build their houses according to a house known well by them. In many cases, the person building the house is the contractor at the construction site. Contractors are less involved in the construction of household houses in Aburaso and Kromoase. Also, there are tradesmen that assist the masons at the construction sites. These tradesmen carry building materials like blocks, mortar, water, sand and others to the masons and other workers at the construction sites. Most of the households build their houses bit-by-bit and averagely, it takes house owners 5 years before

they are able to complete the construction of their houses. The findings display that the completion of the houses strongly depends on the income sources of the house owners. A respondent who was a petty trader and her husband a driver described how they built their house in Kromoase in this way.

My husband and I were renting a room in Kromoase and I told him that if my mother has given her children land, we should go and build one room on it. Initially, we built one room and later when I got money, my husband assisted me and we built this house. Whenever our funds were exhausted, we halted the construction of the building till the time we raised enough money and continued. We did not go to Lands Commission and no person came from the planning department to inspect the construction of the building. We did not hire any contractor; my husband was more or less the contractor. He hired a mason and men and he told the men how they should dig the trenches. My husband used his knowledge to draw the plan of the building. (Interview with Brakatu, Kromoase, 15/01/2020)

A respondent from Aburaso who was a teacher also explained how she and her husband built their house in this manner.

We bought our land of 0.25 acre from our accumulated income from the queen mother of Aburaso. The land was cultivated by a woman from Aburaso and we compensated her crops on the land and we built our house. We spent 3 years to build the house and we did not go to the Physical Planning Department for building and development permits during the construction of the house. We built the house purposely for our own consumption because our landlord was disturbing us in our rented apartment. Our house was built by a mason and he assisted us to design the house. The mason also was assisted by other workers to build our house. We built the house from our accumulated income and whenever our funds were finished, we halted the construction of the house till the time we were able to raise enough money to continue the building. (Interview with Mrs Attakorah, Aburaso, 15/01/2019)

In both communities, housing development was still ongoing in the new residential areas and the houses were typically detached houses which were commonly called ‘self-contained’. The findings on housing construction and housing type of the current study are consistent with the findings obtained by UN-HABITAT (2011) and the Ghana Statistical Service (2014a). From the 2010 Census data of the District, households in Atwima Kwanwoma build detached houses and sandcrete blocks are used to build the houses (Ghana Statistical Service, 2014a). Additionally, UN-HABITAT (2011) reveals that households in Ghana mostly build their houses without contractors, certified building designs and their houses are built bit-by-bit. From the findings of the current study, it can be argued that the less involvement of building experts and the non-compliance with building regulations may affect the strength and the durability of the houses in Aburaso and Kromoase.

In addition, in Aburaso and Kromoase, the houses' design and building aesthetics are mixed up. Houses with complex architectural designs and beautiful aesthetics are mostly owned by rich migrant households, who are generally Ghanaian expatriates and civil servants. Also, houses with beautiful aesthetics and concrete walls are surrounded by houses with poor aesthetics and this condition affects the beauty of the physical landscape of the communities. The findings on architectural designs of the present study corroborate the findings of Simon, McGregor and Nsiah-Gyabaah (2004) and Amoako and Korboe (2011). These scholars illustrate how in a peri-urban interface in Ghana, architectural designs are mixed up and the type of construction materials and building aesthetics determine the status of house owners. The scholars further indicate that rich households' houses in peri-urban communities are fenced with thick concrete walls while poor household houses are fence-free (Simon, McGregor and Nsiah-Gyabaah, 2004; Amoako and Korboe, 2011). In peri-urban Kumasi, Owusu-Ansah and O'Connor (2010:1) further describe the physical landscape as "mosaic structures spread haphazardly over large space". This insight from the study of Owusu-Ansah and O'Connor (2010) is supported by the findings on the physical landscape of Aburaso and Kromoase. The study argues that in peri-urban Kumasi, the physical landscape of the communities is very poor as a result of the poor control of the choices of different architectural designs and aesthetics of house owners by the Physical Planning Department and the traditional authorities. Furthermore, as is the case in the old residential areas, the new residential areas also lack tarred roads, public sanitary facilities and public water system. The findings show that the main sources of water were wells or mechanised boreholes dug by house owners (see Figure 10 below). A migrant household head who was a driver in Kromoase revealed that: "There is no water delivery system in this community. If you build your house and you do not make a well, you have to go and fetch water from another person's house, who has a borehole or a well⁴⁰".

⁴⁰ Interview with Mr Asumen, Kromoase (07/01/2019).



Figure 10: Well dug by a house owner in Kromoase

(Source: Fieldwork, 2020)

In Aburaso and Kromoase, the findings on housing development in the newly-developing areas reflect evidences obtained from studies conducted by other scholars in peri-urban areas in Ghana. These studies illustrate that in peri-urban Ghana, lack of basic services in newly-developing areas are often caused by poor planning systems. The studies show that development usually proceeds planning in newly-developing areas in peri-urban Ghana and the unplanned developments emerge from uncontrolled rapid urbanisation (Yeboah and Shaw, 2013; Appiah et al., 2014, 2015). In Aburaso and Kromoase, the newly-developing areas did not have good road and telecommunication networks. In both communities, the farmlands in the Newsites were subdivided by private surveyors mostly for residential uses with few plots being allocated for other land uses. These insights from the present study reveal that peri-urban residents mostly lack basic amenities such as sewage systems, good road networks and water delivery systems which support good living conditions.

The findings further show that there are different property rights which existed within households such as house owners, tenants, rent-free tenants (people living in family houses)

and caretakers. Table 19 presents the property rights of households in the newly-developing areas in both communities. From the table, 47 (44.8 per cent) households of the 105 households interviewed owned houses while a small proportion of 4 (3.8 per cent) households were caretakers of other people's houses. This finding displays that many house owners engaged in the study and this supported the researcher to obtain a wider overview of the dynamics in housing development and changes in the customary land tenure systems in both communities.

Table 19: Property rights of households in the new residential areas in Aburaso and Kromoase (n=105)

Property right	n	%
House owner	47	44.8
Tenant	28	26.7
Living in family house	26	24.8
Caretaker	4	3.8
Total	105	100.0

Table 20 reveals the identity and the property rights of households in the new residential area in Aburaso. From the table, it is explicit that most of the houses in the newly-developing area in Aburaso were owned by migrant households. Also, more migrant households were tenants than the indigenous households in Aburaso. The table further shows that all the caretakers of houses in the newly-developing area in the community were migrant households.

Table 20: Identity and property rights of households in the new residential area Aburaso (n=57)

Property right	Indigene	Migrant	Total	%
House owner	12	14	26	45.6
Tenant	2	13	15	26.3
Living in family house	8	5	13	22.8
Caretaker	0	3	3	5.3
Total	22	35	57	100.0

Also, Table 21 below shows the identity and property rights of households in the new residential area in Kromoase. The table shows that most of the migrant households surveyed owned more houses in the newly-developing site in Kromoase than the indigenous households. The table further reveals that only a migrant household head was a caretaker of another person's house in the newly-developing area in the community.

Table 21: Identity and property rights of households in in the new residential area Kromoase (n=48)

Property right	Indigene	Migrant	Total	%
House owner	8	13	21	43.8
Tenant	3	10	13	27.1
Living in family house	6	7	13	27.1
Caretaker	0	1	1	2.0
Total	17	31	48	100.0

In both communities, the caretakers lived in uncompleted houses and these caretakers were poor migrants who were masons, a carpenter and a plumber. In both communities, the migrant households owned more houses than the indigenous households in the newly-developing areas (see section 5.2 of this chapter). Many respondents argued that the prices of plots of lands were very expensive in both communities and most indigenes did not have the money to buy plots of lands while a smaller proportion of the respondents stated that the indigenes were not willing to purchase the lands to develop new houses at the beginning of the massive land allocation. The respondents explained that this occurred because the indigenes had clan compound houses. From the research findings, it may be that the prevailing market prices of plots of land were the main hindrance for the building of houses in Aburaso and Kromoase by the majority of the indigenes presently living there. An indigenous household head who was a petty trader in Kromoase mentioned that:

If the chief tells you the price of the land and you have the money, you can buy it. The indigenes who could not purchase lands here due to the prices of the lands have gone to Afrantwo and other places to buy lands to build their houses. This is because the prices of the lands in those communities are very affordable. Look at me! I may want land to build a house, but the work I am doing in this community, can I raise the money to buy the land at the prices the chief is selling the lands? (Interview with Mrs Kaakyire, Kromoase, 03/01/2019)

From the findings, few indigenous households purchased lands to develop them into housing in the newly-developing areas, while those who could not purchase lands either migrated to other communities or were still living in the clan compound houses during the fieldwork. In both communities, the majority of the indigenous people who dwelled in their clan compound houses in the old residential areas were very poor, especially the elderly people, and their houses were poorly maintained.

In this study, it can be argued that the low house ownership by indigenous households in newly-developing areas in peri-urban communities is as a result of the initial willingness of the indigenes to build houses in the early years of land commoditisation and the appreciable increase in land prices emerging from the incessant migration of outsiders into the communities. From the research findings, in the early years of land commoditisation in both communities, the indigenous households were unwilling to purchase more lands in the newly-developing areas to develop housing due to the availability of their clan compound houses. However, as years went by and their household sizes increased and the land prices also increased appreciably, the majority of the indigenous households who wanted to build houses could not raise enough money to purchase the plots of land in the newly-developing sites. This resulted in many indigenous households who wanted to own houses, migrating to other neighbouring communities where land prices were affordable. The evidence from this present study shows that in peri-urban areas in Ghana, the failures of traditional authorities to protect indigenous households in customary land markets in the later years of land commoditisation mostly leads to many indigenous households who want to build houses, migrating from their hometowns to other neighbouring communities where land prices are affordable.

The research findings on the purpose of building houses demonstrate that most of the households acquired plots of land and built their houses as owner-occupiers in Aburaso and Kromoase. This finding reveals that a rental housing system was not the primary objective of the majority of the house owners in Aburaso and Kromoase. The study argues that rapid urban expansion may improve the housing of a proportion of the indigenous households in peri-urban Ghana. Nonetheless, the percentage of the indigenous households whose housing may improve through rapid urban expansion is less than the percentage of the indigenous households that are negatively affected by the rapid urban expansion.

5.5 Commoditisation of Customary Land in Aburaso and Kromoase

In Chapter 3, section 3.4, it was recognised that the continuous movement of traders, Ghanaian expatriates, civil servants, businessmen, and others into the peri-urban interface in search of land for housing invariably increases the prices of customary lands. The increase in prices of the customary lands leads to traditional authorities dispossessing indigenes from their farmlands to make more lands available for sales to land purchasers. In this section, the researcher presents the actors in the customary land markets and the processes that resulted in the commoditisation of the customary lands in Aburaso and Kromoase for housing. In both

communities, the migration of traders, civil servants, Ghanaian expatriates, and others into the communities led to the allocation of the communities' lands to land purchasers at high prices. These land seekers build houses primarily for their own use as it has already been illustrated in this chapter. In Kromoase, the average price of a 0.5 acre of land in 1997 was GHS15.00, however, presently, it costs GHS 40,000.00⁴¹. Similarly, in Aburaso, while in 1996, the average price of a 0.5 acre of land was GHS 20.00, currently, the same land size stands at GHS 30,000.00⁴².

The succeeding section will present selected life history case studies of land purchasers. These case studies will show the different avenues land purchasers use to access land and how they negotiate with different gatekeepers, namely traditional authorities, local clans, local government actors and land guards. The presentation of land purchasers' life histories and their inter-relationship with various actors will be followed by an examination of the different actors involved in the commoditisation of land and the processes of land commoditisation in peri-urban Ghana. This focus on key actors will primarily emphasise the different and competing interests of these various groupings and the resultant conflicts and contestations.

The life histories of the three participants is based on qualitative research material collected during the intensive phase of the research in Aburaso and Kromoase. The three case studies demonstrate how the inflow of migrants from the Metropolis is a key driver of commoditisation of customary lands in peri-urban Ghana. Peri-urban expansion is a key feature of urbanisation in Ghana where urban growth is associated with rising pressures on and for land. The case studies present a social profile, the type of people who migrate to peri-urban areas, the different reasons for moving to peri-urban areas, and the gender dynamics within these selected households. The case studies also illustrate how these different households negotiated access to land in the local communities and how they have navigated the often contested and conflictual environment. In addition, the three case studies present the employment history of these different land purchasers. The land purchasers' employment history and sources of income are presented so as to approximate or ascertain their social class and how this influences their ability to negotiate and purchase land in peri-urban communities, often at the expense of poor locals or indigenes. The purchase of land by relatively well-off migrants has precipitated

⁴¹ Interview with Mr Kuffour, Aburaso (31/12/2019)

⁴² Interview with Dr Dankwah, Kromoase (06/02/2020)

contestations over land and is a key driver of the growing social inequalities in the local communities. The first case study focuses on a migrant trader who purchased land and built a house in Aburaso. The other two case studies include a migrant Ghanaian expatriate and a migrant medical doctor who obtained lands in Kromoase. The migrant Ghanaian expatriate built a detached house while the migrant medical doctor built a detached house and a clinic.

Case study 1: a migrant trader in Aburaso-land for housing for owner occupation

On 1 November 1970, Bio⁴³, a widow with two children, a son and a daughter, was born in Koroforum Adoinkwanta in Kumasi Metropolis, which is about 6km from Aburaso. Bio is a senior high school graduate and sells clothes in Kumasi Central Market. Bio bought her land in 2008 at a time when the contestation over the lands and the stool in Aburaso was almost a decade old. The other respondents in Aburaso mentioned that the contestation emerged from poor land allocations and the claiming of all lands under the traditional leadership administration with the support of the Physical Planning Department in the mid-1990s. Bio accessed her land through her church elder who was a brother of one of the litigants in the chieftaincy dispute. In Aburaso, the litigation over the lands and the stools led to a chieftaincy dispute and all the litigants in the chieftaincy dispute, the clans, community members and land guards sold lands to land seekers. Bio bought her 0.5 acre of land for an amount of GHS15,000.00 (Old Ghana Cedis 150 million) in 2008.

The price of the land was very expensive due to the influx of outsiders into the community seeking lands, principally for housing. Bio's plot of land was uncultivated as result of the eviction of the clans from their farmlands by the litigants in the chieftaincy dispute. The poor land allocations, evictions of clans from their farmlands and lack of accountability of proceeds from land transactions also led to the creation of land guards in Aburaso. Bio was not fortunate, she faced many challenges from the activities of land guards on her land. The land guards scooped her sand and destroyed her sandcrete blocks. She managed to build a three-bedroom house for her own occupation, which was still under construction during the fieldwork, at the edge of the land and left the greater part of the land undeveloped. Bio said that the undeveloped part of her land had been sold several times by the Kromoase chief to many people, although the land belongs to the Aburaso chief. According to Bio, her land is at the boundary between

⁴³ As with all respondents, the names of the people interviewed in these case studies is fictitious to preserve their anonymity.

Aburaso and Kromoase and there is no substantive chief in Aburaso due to the litigation over the lands and the stool. Bio said that one would face many problems in building a house in Aburaso and Kromoase and at times one would be insulted by the traditional authorities (Interview with Bio, Aburaso, 19/01/2020).

Case study 2: a migrant Ghanaian expatriate in Kromoase-land for rental and owner occupier

Mrs Atiamo, a 60-year-old energetic woman and her husband, Mr Atiamo, a 63-year-old dynamic man, live in Paris, France. The woman works for a pharmaceutical company and the man is a store assistant. They have six children, five of them are in France and one child is in Ghana. In Ghana, many expatriates like Mr and Mrs Atiamo usually purchase land to build houses in peri-urban communities where land prices are very affordable compared to the urban centres. Mr and Mrs Atiamo bought a 0.5 acre of land from Nana Atta, the immediate past chief of Kromoase with the assistance of Mrs Atiamos's friend for a price of GHS 15.00 (Old Ghana Cedis 150,000) in 1997. In Kromoase, when the chief subdivided the lands, all the farmers who cultivated crops on those lands were evicted and most agricultural lands have been converted to residential lands.

Mrs Atiamo stated that before they purchased their land for their house, the land was cultivated by the chief's relative and there were oranges and cocoa farms on the land. In Ghana, many expatriates send money to their relatives to build their houses for them in peri-urban communities. Mrs Atiamo explained that after they purchased the land, they gave her brother the task of constructing their house. In Kromoase, when the lands were initially demarcated into plots mostly for housing, land guards' activities and contestations over lands were very low. Mrs Atiamo said that they did not face any challenge from land guards or other clan members when building their double flats. Originally, Mr and Mrs Atiamo built their house for their children and Mrs Atiamo's mother. However, when their five children went to France and Mrs Atiamo's mother passed on, they started to rent out a two-bedroomed flat to a tenant and the other two-bedroomed flats have been given to her sister without requiring payment of rent. Other three-bedroomed flats have been reserved for Mr and Mrs Atiamo's use whenever they return to Ghana. The tenant pays his rent to Mrs Atiamo's sister and the money is deposited into their account in Ghana (Mrs Atiamo, 07/02/2020).

Case study 3: a migrant wealthy medical doctor in Kromoase- land for housing and clinic

Dr Dankwah, a 40-year-old industrious medical officer at Okomfo Anokye Teaching Hospital in Kumasi, lives in Santasi Anyinam in the Kumasi Metropolis with his wife, Mrs Dankwah, a 37-year-old senior high school teacher at Kumasi Academy Senior High School. They have three children, two daughters and a son. In Ghana, due to the differences between land prices in urban centres and peri-urban areas, prospective land purchasers who live in urban communities and want land especially for housing, commonly purchase land in peri-urban areas. Dr and Mrs Dankwah purchased two adjoining plots of land in Kromoase, each having a size of 0.25 acres, from their accumulated income in 2015. Dr and Mrs Dankwah have used one of their plots to build a single-storey house for their own occupation while the other plot has been used to build a two-storey house for a clinic. During the fieldwork in 2020, both buildings were still under construction. Dr and Mrs Dankwah bought their two plots of land from the Kotokuom clan head. This was after the division of the Kromoase lands between the Kotokuom clan and the Betenase clan. The division of the community's lands occurred as a result of a revival of a pre-existing litigation over the stool and the lands emerging from the recognition of all lands under the traditional leadership administration by the Town and Country Planning, now Physical Planning Department.

Dr and Mrs Dankwah were assisted by their friend who lives in Kromoase in obtaining the land from the Kotokuom clan head. Dr and Mrs Dankwah paid drink money of GHS 50,000 for their two plots of land. The subdivision of the lands in Kromoase led to the conversion of agricultural lands to residential uses, eviction of farmers from their farmlands and creation of land guards. Dr Dankwah stated that their plots of land were vacant lands and were covered by bush. He further explained that when they started the construction of their buildings, the land guards in Kromoase demanded *Amantem nsa*⁴⁴ from them. He explained that the land guards stated that they protected the land before he and his wife came to purchase it, so, they should pay the *Amantem nsa* for their service. Dr Dankwah illustrated that when land purchasers who refuse to pay the *Amantem nsa* to the land guards in Kromoase erect their building walls, the land

⁴⁴ *Amantem nsa* is money paid by people who join a group/a community after its inception or after massive communities' land allocations respectively. When communities begin allocating plots of lands, the *Amantem nsa* is referred to as *Mmerante nsa*. *Mmerante nsa* is money commonly paid by migrant land purchasers to young men in communities for their service of protecting the communities' lands.

guards demolish the walls during the night. Therefore, he and his wife paid the *Amantem nsa* to the land guards and they did not disturb them (Dr Dankwah, 06/02/2020).

From the above case studies and responses from other participants, land commoditisation in Aburaso and Kromoase can be divided into three phases based on the availability of land in the communities. Table 22 illustrates the phases of customary land commoditisation in Aburaso and Kromoase in relation to availability of lands for allocation.

Table 22: Stylised phases of land commoditisation in Aburaso and Kromoase

Land Commoditisation	Phase 1 – Relative access to land by local households	Phase 2- Rising pressures on customary land, prevalence of land sales and onset of conflicts	Phase 3 – Land dispossessions, evictions and intense struggles over land.
Availability of land	Land was abundant for allocation to land seekers.	There was enough land available for allocation to land seekers.	There were few plots of land available for land allocation to land seekers.
Prices of land in relation to demand of land for housing	Land prices were very affordable due to the low demand of land for housing.	Land prices were high as a result of the increase in demand of land for housing.	Land prices were extremely high due to the high increase in demand of land for housing.
Land guards’ activities and land conflicts	Land guards’ activities were not in existence and land conflicts were very low at this stage of land commoditisation.	Land guards’ activities and land conflicts were extremely high in this phase of land commoditisation. Latter clans and land purchasers litigated against pioneer clans and other land purchasers. Injunctions and court fines were common in this phase. Latter clans evicted from their farmlands were compensated with plots of land.	Land guards’ activities and land conflicts were minimal at this stage. In this phase, most of the land contestations that emerged in phase 2 were settled in the communities.
Eviction of indigenes from their farmlands	Few farmers were evicted but were compensated with other farmlands for continue cultivation of crops.	Most farmers were evicted from their farmlands but were not given other farmlands for continue cultivation of crops.	All farmers were evicted from their farmlands and those farmers who continued to cultivate crops were farming on undeveloped plots of land already purchased by people. Other farmers also cultivated crops on the banks of streams and marshy areas in the communities.

<p>Purchase of plots of land for housing by the majority of indigenous households</p>	<p>The majority of the indigenous households' purchase of plots of land for housing was low in this phase. This occurred because most of the indigenous households had clan compound houses and were mostly not bothered to purchase new plots of land to develop them into housing.</p>	<p>In this phase, the majority of the indigenous households' purchase of plots of land for housing was very low. This happened as a result of the high prices of land. Many indigenous households were willing to purchase plots of land for housing emerging from an increase in the size of their households, however, due to the increase in prices of plots of land, many indigenous households either continued to stay in the clan compound houses or rented new apartments in the community or migrated to other surrounding communities where lands were affordable.</p>	<p>The majority of the indigenous households' purchase of plots of lands in this phase was very rare. Most of the indigenous households who wanted to build houses mostly migrated to other surrounding communities where land prices were affordable and purchased lands for housing. Others who did not migrate either continued to stay in the clan compound houses or rented apartments in the communities.</p>
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From the table above, land was abundant for allocation to land purchasers in phase 1, there was enough land for allocation to land purchasers in phase 2 and there were few plots of land available for allocation in phase 3. From the findings, during the fieldwork, Aburaso was in phase 2 while Kromoase was in phase 3 of the customary land commoditisation. In Aburaso, the characteristics of the land commoditisation was that there were enough plots of land for allocation, injunction over the lands, high level of land guards' activities and chieftaincy dispute while in Kromoase, there were few plots of land for allocation, low level of land litigation and land guards' activities.

5.5.1 Actors in the customary land markets in Aburaso and Kromoase

The customary land markets in peri-urban communities in Ghana are dynamic due to the rising land demand. Land uses are regularly transformed from less-valuable to more-valuable land uses as a result of peri-urbanisation. Land purchasers mainly invest in residential sites for housing. There are also traces of commercial and agricultural land uses. The research findings show that most of the farmlands in Aburaso and Kromoase are being converted to residential land for housing and to some extent business stands for commercial activity. During the course of fieldwork, it became evident that most of the lands in both communities had been subdivided and allocated for housing and most land purchasers were building their houses. In Aburaso and Kromoase, the researcher identified different actors which included traditional authorities, the Physical Planning Department, land purchasers, community members and land guards in the customary land markets. The relationships between/among the actors in the customary land markets were very complex and the actors had different interests. In this section, the researcher shows the key actors and the roles the different actors play in land acquisition processes in the customary land markets. The research presents the voices of these different actors and shows their competing interests and the related tensions and contestations.

5.5.1.1 Traditional authorities, latter clans and land guards

In Aburaso and Kromoase, the findings reveal that allocation of lands were done by traditional authorities, latter clans and land guards. Evidence from this research (see Case study 1 above) shows that there was no substantive chief in Aburaso. During the fieldwork between 2018 and 2019, research participants explained that there was a chieftaincy dispute in the community which was almost 20 years old. The dispute involved two parties in the royal family and other clans in the community. Within the current 1992 Constitution of Ghana, traditional authorities

are recognised as fiduciaries. That is, the authorities are recognised as managers of their communities' lands and are required to manage their lands for and on behalf of their subjects. The traditional authorities are expected to give proper accounts of proceeds that accrue from any land transactions on the communities' lands to their subjects. However, in Aburaso, the regent chief revealed that the chieftaincy within the royal family emerged as a result of poor land allocations and accountability from the immediate past chief who was destooled. Owing to the chieftaincy dispute, the majority of the respondents mentioned that the *Asantehene*⁴⁵ had made an elder in the Wawaase clan, the pioneer clan in Aburaso, as a regent chief to manage the land till a substantive chief is enstooled. A member of the Wawaase clan in Aburaso mentioned that:

There is a litigation over the lands and stool in this community, but Otumfuo (*Asantehene*) has made Nana Frimpong the regent chief over the community. However, Nana Frimpong is very old and he is not very active, so he has appointed his nephew, Nana Brobbey to be his representative. Previously, the queen mother was the caretaker of the community, however, she has passed on (Interview with Ampafo, Aburaso, 30/12/2018).

In addition, in Aburaso, all the interviewees in the community stated that there was an injunction over the lands emerging from the chieftaincy dispute. This finding substantiates insights obtained by other studies in peri-urban communities in Ghana. These studies show that injunctions are often placed on land allocations by either a higher traditional authority or the law court in communities which are divided by chieftaincy disputes (Arko-Adjei, 2011; Bugri, 2012; Nyasulu, 2012). As a result of the injunction over the lands in Aburaso, the grantor of plots of land to land purchasers was the *Asantehene*. The regent chief explained that land purchasers that requested lands from the royal family were sent to the *Asantehene* for endorsement before the lands were allocated to them. The regent chief revealed that after the endorsement of the land allocation by the *Asantehene*, the land purchasers paid drink money and they were given an allocation note and site plan.⁴⁶

Furthermore, in Aburaso, case study 1 demonstrates that all the parties involved in the chieftaincy dispute tend to sell land to land purchasers. In Aburaso, research evidence shows that a land parcel sold by one party in the chieftaincy dispute can also be resold by other parties. As a result of this, the majority of the research participants in Aburaso revealed that each party

⁴⁵ *Asantehene* is the highest king in the Asante nation and all other paramount, divisional and sub-chiefs are under him.

⁴⁶ Interview with the Regent Chief, Aburaso (28/12/2018).

in the chieftaincy dispute has land guards who support, enforce and defend their allocations. Also, the poor enforcement of the injunction led to latter clans also getting involved in allocating land to land purchasers. According to the regent chief, the land transactions involving latter clans or other unauthorised people will be reversed once the chieftaincy dispute is settled. The land purchasers who acquired land through these unauthorised parties may have to pay for the second time for their land rights to be recognised. From the current study, it is evident that the failures of traditional authorities to perform their customary and constitutional obligations normally precipitate chieftaincy disputes and these conflicts tend to disrupt the smooth administration of customary land in local communities. The conflictual environment results in many unauthorised people taking advantage of the situation to unlawfully allocate land, especially to desperate land seekers.

The poor control over the lands in Aburaso led to the mushrooming of various grouping of land guards. These different land guards are different from the vigilantes established by the litigants in the chieftaincy dispute. In contrast, these land guards are not necessarily affiliated to the royal factions but have been parcelling land to buyers. These groups do not just sell community land but they also assist the land purchasers to build their houses, mostly at night. Also, the majority of the interviewees indicated that people who build houses pay money to the land guards before they can build their houses. The respondents stated that if a developer does not pay the money the land guards are demanding, the land guards beat the masons and the tradesmen on the building site. One house owner in Aburaso who also works as a trader in Kumasi Metropolis narrated his experience with land guards:

In fact, this house I am living in it, when I was building it, there were gunshots here by the land guards. They did that to frighten me to stop building the house. But the indigene who assisted me to get this land encouraged me that I should not fear. (Interview with Mr Anto, Aburaso, 30/12/2018)

Another research participant in Aburaso, a local school teacher also explained the activities of land guards on her land in this manner:

Land guards did not want us to build our house and there were several fights between the workers at the construction site and the land guards. On a certain day, I was in school teaching and received a phone call from the mason at the construction site that the land guards have come to the site, demanding that the workers should stop the building of the house or else they will kill them. The workers had begun working with their mortar ready. I left the school premises and went to Afaseibon police station to report the matter. When the police arrived at the building site, all the land guards ran away. The land guards disturbed us a lot, but we were not the only people facing such a situation in Aburaso. All the people who were

building houses in Aburaso faced a similar situation and this motivated us to build our house.
(Interview with Mrs Attakorah, Aburaso, 15/01/2019)

Moreover, in Aburaso, there were instances where land guards met militant land purchasers who either cursed the land guards or hired other men, ‘*Budos*’⁴⁷ from the urban centre to protect workers at the construction sites. A respondent in Aburaso described that a land guard demanded money from a migrant land purchaser who was building a house. The land purchaser could not meet the demands from the land guard immediately and requested that the land guard should give her few days to pay the money demanded. The respondent said that the land guard did not agree with the woman and destroyed the walls the woman had erected. According to the respondent, the woman cursed the land guard and the curse worked on him⁴⁸. Also, on Sunday afternoon, 15th December, 2019, the researcher witnessed land guards chasing construction workers away on a building site in Aburaso during the fieldwork. The workers said that the land guards were demanding money but the house owner did not want to pay the money. A respondent further declared that the land guards disturb land purchasers who build their houses, however, when the land purchasers give them money the land guards stop the disturbance and even turn to assist the land purchasers in building their house⁴⁹.

The findings on land guards’ activities in this study substantiate the evidences obtained by Nyasulu (2012). The researcher reveals in his study that land guards are hired to enforce land allocations, evict farmers from their farmlands and in many cases, they extort money from land purchasers who build houses (Nyasulu, 2012). In the current study, the chieftaincy dispute and poor enforcement of the injunction enabled land guards to extort money from house owners, sell lands to land purchasers and enforce land allocations of parties in chieftaincy dispute in Aburaso. From the insights of this study, it clear that land guards’ activities are common in communities where lands are contested by clans resulting from poor land allocation by traditional authorities.

In Kromoase, on the other hand, from the findings, there is a substantive chief and a queen mother. From case study 3, the absolute claim of all lands in Kromoase under the traditional authorities, supported by the Physical Planning Department, led to contestations over the lands

⁴⁷ *Budos* are young men who are body builders and are often used by wealthy men or politicians to secure their personal gains in Ghana.

⁴⁸ Interview with Mrs Korankye, Aburaso (27/12/2018)

⁴⁹ Interview with Mrs Kusi, Aburaso (15/01/2019)

between the Betenase clan and the Kotokuom clan. From the research findings, presently, the lands in Kromoase are controlled by the queen mother and Kotokuom clan head. The lands under the control of the queen mother are allocated by herself with the assistance of her chief and council of elders while the lands under the Kotokuom clan are managed by the Kotokuom clan head and the Awiam chief. The queen mother gives an allocation note and a site plan to land seekers who request lands from her and the Kotokuom clan head also provides an allocation note and a site plan to land seekers who request land from him. Within Kotokuom clan, the allocation note bears the name of the Awiam chief instead of the Kotokuom clan head's name. A respondent in Kromoase explained that the Kotokuom allocation note bears the name of the Awiam stool because the Kotokuom clan members are royals of the Awiam stool. In Aburaso and Kromoase, from the three case studies above, the residents of the community were the people who advertised the land sales to outsiders.

Additionally, many respondents mentioned that there were land guards in Kromoase also who disturbed land purchasers on their lands. Unlike Aburaso where land guards were formed by parties in chieftaincy disputes, from case study 3 and responses from other participants, the land guards here were formed by the community youth and young men from the royal family. These groups also extorted money from land purchasers especially those who built houses. In Kromoase, the research findings show that the activities of land guards were minimal due to the strong traditional authorities and the settlement of most of the disputes over lands among clans in the community. The insights on redefinition of land ownership rights in Aburaso and Kromoase in this era of commoditisation of lands are consistent with the findings obtained by Ubink (2008a) in Besease in peri-urban Kumasi. Ubink (2008a) describes how the recognition of all lands under the traditional authorities in Besease led to contestations between the pioneer clan and the latter clans. The latter clans 'took the law in their hands' and allocated their lands to land purchasers. In this study, the absolute claim of lands in Kromoase and Aburaso by the respective chiefs led to contestations between the pioneer clans and the latter clans. In Aburaso, the contestations led to a chieftaincy dispute and placement of an injunction on the lands, while in Kromoase, the community lands were divided between the Kotokuom clan and the Betenase clan. In this study, it is conspicuous that the redefinition of land ownership rights in the era of commoditisation of customary lands by traditional authorities, supported by the Physical Planning Department, results in contestations among clans in peri-urban communities.

Moreover, it is evident from the findings that latter clans were given plots of land by traditional authorities as compensation payments for protecting their farmlands for the pioneer clans in both communities. The latter clans also allocated these plots of land with the traditional authorities giving the land purchasers allocation note and site plan. In Kromoase, the queen mother stated that: “Even the plots of land we gave to the latter clans during subdivision, if they allocate the lands, we give them allocation note and site plan⁵⁰”.

Furthermore, the majority of the respondents mentioned that the latter clans used the money they gained from the sales of their lands given to them as compensation payments to develop either their clan houses, share the money among the elderly people in their clans or to support the travel of clan members abroad. The findings on compensation payments to latter clans substantiate the insights on land compensation to latter clans obtained by Blake and Kasanga (1997) in peri-urban Kumasi. Blake and Kasanga explain that latter clans’ land ownership dissolves into pioneer clans during massive land allocations and the latter clans are compensated with plots of lands. Their study reveals that the latter clans obtain the compensation payments through serial litigations (Blake and Kasanga, 1997). In the present study, most of the participants in both communities mentioned that all the latter clans in both communities obtained their compensation payments, which were plots of land, through a series of litigations with the pioneer clans. The allocation of the lands given to latter clans as compensation payments led to many social groups allocating lands in both communities. From the findings, it is evident that different social groups allocate lands in peri-urban communities when pioneer clans claim absolute ownership of all lands and compensate the latter clans with plots of land for their service of protecting their farmlands for the pioneer clans.

5.5.1.2 Physical Planning Department, Works Department, and other Departments

In Aburaso and Kromoase, the Physical Planning Department and the Works Department in Atwima Kwanwoma District assist the traditional authorities in managing the communities’ lands. From the findings, the Physical Planning Department in Kuntanase in old Bosomtwe Atwima Kwanwoma District, originally declared the communities as planning zones under Act 462 when the old Bosomtwe Atwima Kwanwoma District was not divided. In 2007, Aburaso and Kromoase were recognised under the new district, Atwima Kwanwoma District, which

⁵⁰ Interview with Queen Mother, Kromoase (06/01/2019).

was created out of the old Bosomtwe Atwima Kwanwoma. The Physical Planning Department in Atwimma Kwanwoma is presently responsible for the determination of the land uses in both communities. The Department provides building and development permits to land purchasers who want to intensify their lands for housing and other land uses.

In addition, the Department also assists the communities in managing their lands by providing names of people who have applied for building and development permits to the Works Department. The Works Department uses the names of the people who have applied for permits to prevent unauthorised developments in the communities. People who build houses without permits are served with notice by the Works Department and the Department usually write “Stop Work Produce Permit” on the buildings. House builders who do not comply with the notice are stopped by the Works Department’s taskforce. If the house builders continuously disobey the order, the Works Department send them to court.

The head of the Physical Planning Department in the Atwima Kwanwoma District mentioned that the Physical Planning Department determines the uses of the lands by drawing a local plan for the communities. Nonetheless, owing to inadequate funds and personnel, it is customarily the communities that initiate the drawing of the local plans⁵¹. This finding corroborates the insights emerged from a study conducted by Yeboah and Shaw (2013) in Ghana. The researchers describe that due to inadequate personnel, funds and logistics, Physical Planning Departments are unable to execute their legal responsibilities. From the findings, the communities did not have local plans which cover all their lands. The local plans were drawn bit-by-bit by the traditional authorities and the traditional authorities hired private surveyors to demarcate the lands. In Aburaso and Kromoase, the poor planning has affected the beauty of the physical landscape of the communities as has already been mentioned in this chapter. There other government institutions such as the Office of the Administrator of Stool Lands and Regional Lands Commission of Ghana that assisted in ground rent and title registration respectively. The Internal Revenue Department was also in charge of property rate collection.

5.5.1.3 Land purchasers and community members

The findings further show that there are land purchasers and community members in the customary land markets. The land purchasers include traders, teachers, nurses, doctors,

⁵¹ Interview with Mrs Ophelia, Physical Planning Department (16/01/2019).

politicians, government officials, seamstress, tailors, carpenters, masons, farmers, and others. These land purchasers were both migrants and indigenes in both communities and they invested in different land uses in the communities. In Aburaso and Kromoase, the prime land uses that land purchasers invested in were housing and traces of agricultural and commercial uses such as a clinic, private schools, hotels, shops and a filling station. As has previously been stated, the lands in both communities were predominantly purchased by the migrant traders, civil servants, Ghanaian expatriates and others who were able to raise enough money from their jobs to buy the lands at the prevailing market prices. From the case studies and other findings, it is evident that the migrant traders, Ghanaian expatriates and others who accessed the lands in both communities went to the traditional authorities either directly or via the residents who were their friends. A migrant trader revealed how he accessed his plot of land in Aburaso in this manner.

I was living in Koroforum in Kumasi Metropolis and the stress I was going through as a tenant, I wanted to build my own house. I discussed my plans with a friend who comes from this community (Aburaso). My friend told me that he can get a land for me in Aburaso. I came to look at the community and gave him money to buy the land for me (Interview with Anto, 30/12/2018).

Moreover, a proportion of the indigenous households purchased plots of land for different uses. As has been stated earlier, the indigenous traders who were able to purchase lands had big and small shops either in the community or in the CBD of the Kumasi Metropolis. Others were also cocoa farmers who had their cocoa farms in communities far from Aburaso and Kromoase. In addition, other indigenes who were teachers, nurses and civil servants and were not working in Aburaso and Kromoase purchased lands in the communities and built their houses. The research findings also revealed that there were indigenes who cultivated food crops on undeveloped lands. These undeveloped lands were plots of lands on which the land purchasers had not built their houses. In Aburaso, for example, there were clan members who were still farming on their clan farmlands which had not yet been allocated to land seekers due to the injunction over the lands. From Table 22 above, it can be seen how, in Aburaso and Kromoase, the appreciable increase in land prices affected most of the indigenous households who wanted to purchase lands in phase 2 and phase 3 of the customary land commoditisation. In this study, it is noticeable that the customary land markets in both communities are very complex. There are different actors investing in different land uses and most of the land purchasers invest in housing instead of agricultural land uses.

5.5.2 Process of commoditisation of customary lands for housing development in Aburaso and Kromoase

In this section, the researcher presents how customary lands were allocated at high prices to land purchasers for housing in Aburaso and Kromoase using the case studies above and the responses from other respondents. It is evident from the research findings that in the early history of both communities, chiefs were the only people responsible for land allocations for housing as it has already been specified in this chapter. Chiefs allocated lands to land purchasers and collected drink or no drink. As years went by, a token of money was added to the drink and presently, the drink has been turned into money (drink money) which is equivalent to the open market value of the land. The findings reveal that in the late 1980s, the two communities were declared as part of the government land titling registration zones in the Ashanti Region. Subsequently, when Ghana migrated from military rule to democratic governance in 1993, all the communities that were declared as land titling registration zones were recognised as planning zones by their respective districts under the Local Government Act, (1993), Act 462. Aburaso and Kromoase were, therefore, declared as planning zones by the old Bosomtwe Atwima Kwanwoma District under Act 462.

From the research findings, the chiefs were given base maps by the Lands Commission to guide them in drawing local plans for the communities; however, the chiefs did not draw the local plans and land allocations were made without local plans. In Kromoase, the local plan was approved only recently. In Aburaso, during the fieldwork, the head of the Physical Planning Department in Atwima Kwanwoma District indicated that the community did not have an approved local plan but a guide which supports the Department in managing developments. Before the mid-1990s, the findings show that the chiefs allocated the lands close to the old-built up area without giving the land purchasers site plans. Nonetheless, when many migrant households began to drift to the communities in the mid-1990s, the chiefs hired private surveyors to demarcate the farmlands close to the immediate surrounding lands of the old-built up area of the communities. Some of these farmlands were owned by latter clans. The chiefs began to allocate the plots of land with site plans and allocation notes.

The research findings reveal that the recognition of the communities as titling registration zones and the subsequent declaration of the communities as planning zones did not have any direct impact on the massive land allocations in both communities. In Aburaso and Kromoase, as can be seen from the cases studies and responses from other interviewees, the

massive land commoditisation in the communities began in the mid-1990s, when traders, Ghanaian expatriates, civil servants, masons and others immensely relocated into the communities from the Kumasi Metropolis and other neighbouring communities due to the expansion of the Kumasi Metropolis. An officer in the Regional Lands Commission of Ghana, Kumasi explained the major causal factor of the migration of people to Aburaso and Kromoase in this way:

The major factor is congestion. The CBD of Kumasi Metropolis and its surrounding environs are congested and the noise in the CBD is increasing daily. As a result of this, people are moving to get a quiet place. So, they move to the peri-urban areas. Also, the high cost of property in the first-class residential areas in the Metropolis forces people to get places they can access the same residential use at very affordable prices. (Interview Mrs Rhoda, Lands Commission, 25/01/2019)

Furthermore, an official in the Physical Planning Department of the District declared that:

Aburaso and Kromoase are now close to Kumasi. The lands in Kumasi are very expensive. So, the people look for places the land prices are affordable and they can still work in Kumasi. This is why Aburaso and Kromoase lands are being sought for residential use. (Interview with Mr Tutu, Physical Planning Department, 16/01/2019)

Unlike elsewhere in the world where migration of people into the peri-urban communities are motivated by government policies, infrastructural development, and increase in urban household size (Filion, Bunting and Warriner, 1999; Webster et al., 2003; Adam, 2014), the findings on the causes of the migration of outsiders into Aburaso and Kromoase were inconsistent with the findings obtained in these studies. The evidence from the current study corroborates the findings obtained by previous studies conducted in peri-urban Ghana. In these studies, the findings show that the major cause of migration of people into peri-urban interfaces in Ghana is rapid urbanisation (Kasanga and Kotey, 2001; Arko-Adjei, 2011; Akaateba, 2018, 2019). From the research finding, the rapid urban expansion of the Kumasi Metropolis increased the noise and the prices of land and rental housing in the Metropolis. The peri-urban communities like Aburaso and Kromoase where land prices are affordable and noise level is very low attracted many urban residents and others who wanted to build houses in the urban centres. The influx of the urban households into Aburaso and Kromoase to seek land chiefly for housing resulted in the conversion of agricultural lands to residential uses.

Furthermore, the declaration of Aburaso and Kromoase as planning zones led to the recognition of the traditional authorities as the only social group in charge of land allocations by the Physical Planning Department in old Bosomtwe Atwima Kwanwoma under the current 1992

Constitution of Ghana. The head of the Physical Planning Department in Atwima Kwanwoma District revealed that:

In Kromoase or Aburaso or the District, we do not deal with families. We deal with the traditional authorities like the chiefs and the queen mothers. I know that in Kromoase, the land belongs to the wife of Otumfuo. Even though there is a chief sitting there, the queen mother has more power than the chief. You do not need to deal with individuals who say they have lands which belong to their families. As long as there is a chief, individuals who have lands have to see the chief and arrange with him before they can sell their lands. For instance, if we are demarcating the land and we get to your family land, the interaction should be between the chief and you about your land if you want to sell. (Interview with Mrs Ophelia, Head of Physical Planning Department, 16/01/2019)

It is clear from the findings that the recognition of only chiefs as the social group in charge of all land allocations resulted in land contestations in the communities when the chiefs began to allocate the lands of the latter clans. In Aburaso, a respondent mentioned that the recognition of all the lands under the traditional administration of the chiefs occasioned litigations between the latter clans and the royal family (see section 5.5.1 above). The respondent said that the latter clans resisted the allocations of their farmlands and other latter clans hired private surveyors to subdivide their farmlands for them⁵². In addition, the regent chief declared that due to the poor land allocations of the traditional administration of the chief, elders in the royal family stood against the allocations of the lands by the chief and this led to a chieftaincy dispute within the royal family. Furthermore, another clan joined the chieftaincy dispute, claiming ownership of all the lands and the stool in Aburaso. At the time of the fieldwork, the dispute was still pending in Manhyia Palace with the litigants waiting anxiously for final verdict from the *Asantehene*.

In Kromoase, as can be seen from the case studies 2 and 3, all the lands were recognised under the office of the chief when the community was declared as a planning zone. The chief hired a private surveyor and demarcated parts of the lands in the community. The recognition of the latter clans' farmlands under the office of the chief led to litigation between the Kotokuom clan and the Betenase clan, the royal family. From case study 3 and responses from other interviewees show that the Kotokuom clan was allowed to control and allocate their clan farmlands by the *Asantehene*. A respondent mentioned that other latter clans followed the example of the Kotokuom clan and litigated against the royal family. However, they were not

⁵² Interview with Mr Yiadom, Aburaso (28/12/2018)

given their farmlands but were given plots of land as compensation payments for protecting their farmlands for the royal family⁵³.

Again, in Kromoase, when the immediate past queen mother passed on, the current queen mother resisted the allocation of the lands by the immediate past chief. The research findings illustrate that both the immediate past chief and the current queen mother were allocating the Betenase lands to land purchasers until the queen mother was declared the custodian of the lands in Kromoase. From the findings, it is clear that the extension of land allocation for housing from the immediate lands surrounding old-built up areas in peri-urban communities to farmlands cultivated by latter clans, evolve into land contestations between pioneer clans and latter clans. This often creates divisions within communities and regularly leads to chieftaincy disputes.

Moreover, the research findings reveal that the continuous movement of people into the communities to seek land principally for housing led to increase in the prices of land as demand for land increased and the supply of the lands became limited. A clan head in Aburaso stated that: “When the Bogars (Ghanaian expatriates) came here, the prices of land raised to millions. Today, I believe if you do not have about 150 million, you may not get land in Aburaso”⁵⁴. An indigenous household head who was a lumberjack in Aburaso also mentioned that: “Previously, it was just handing down a drink to Nananom (elders of the community) and they would allocate a place to you. Later, things started changing and they started to sell the lands”⁵⁵.

In Kromoase, an indigenous household head who was the former assemblyman further highlighted that: “In the olden days, in Kromoase, you collected only a drink for land allocation. We were not selling the lands. It is recently we started selling Kromoase lands”⁵⁶. Also, in Kromoase, a respondent indicated that there were indigenes who initially purchased land at low prices and did not develop the lands and later sold the land to land purchasers at high prices. This speculation attitude of the indigenes taught the royal family a lesson and land purchasers who requested lands from the chief was asked to pay high amounts of drink money⁵⁷.

⁵³ Interview with Mr Manso, Kromoase (07/01/2019).

⁵⁴ Interview with Mr Nimarko, Aburaso (31/12/2018).

⁵⁵ Interview with Mr Ohene, Aburaso (15/01/2019).

⁵⁶ Interview with Mr Kubi, Kromoase (22/01/2019).

⁵⁷ Interview with Mr Nkansah, Kromoase (07/01/2019).

In Chapter 3, section 3.4, commoditisation of customary lands was described as the allocation of customary lands at high prices to land seekers due to increase in demand of the customary lands emerging from rapid urbanisation, migration and government policies. In Ghana, as has now been established in this chapter, commoditisation of customary lands in peri-urban areas emerges from the high demand of customary lands by urban migrants and other households from neighbouring communities who commonly seek lands for housing. Agricultural land uses are continuously converted to residential uses and lands are allocated to people at high prices by traditional authorities.

In the current study, the findings reinforce the view that commoditisation of customary lands in peri-urban areas in Ghana occurs due to urban expansion leading to migration of people into these spaces. The findings illustrate that in Aburaso and Kromoase, the influx of traders, Ghanaian expatriates, civil servants, and others from the Kumasi Metropolis and other communities to search of lands for housing, initially increased the demand for the customary lands and development began to spring up. The traditional authorities supported by the Physical Planning Department claimed all the communities' lands under their administration and dispossessed all the latter clans from their farmlands. The traditional authorities subdivided the lands and allocated the lands to land purchasers predominantly for housing. The continuous movement of the households from the Kumasi Metropolis and other communities into Aburaso and Kromoase to seek lands for housing, made the customary lands gained value, and plots of land were allocated to land purchasers at high prices which did not exist in the early years of the communities. From the findings, the study argues that the nature of land commoditisation in Aburaso and Kromoase can best be described as 'traditional authorities land grabbing'⁵⁸. The research findings show that the traditional authorities regarded themselves as landlords instead of fiduciaries according to the current 1992 Constitution of Ghana. The lands which belonged to individual clans were grabbed by the traditional authorities with the support of the Physical Planning Department.

Furthermore, the quantitative research shows that many people migrated to Aburaso and Kromoase to search of either land for housing or rental housing. Table 23 below illustrates the

⁵⁸ Traditional authorities land grabbing can be defined as the dispossession of indigenes or clans from their farmlands/common lands, indirectly supported by the state due to increase in demand for lands emerging from the drift of migrants, who do not have user-rights to lands, into the community. The increase in demand of the lands emerging from the influx of migrants causes the lands to gain value and the traditional authorities allocate the lands to both the migrants and the indigenes at high prices in the community.

purpose of migration of the 66 migrant households, who were traders, civil servants, and others in Aburaso and Kromoase. It can be seen in the table that a higher proportion of 18 (51.4 per cent) migrant households of the 35 migrant households surveyed in Aburaso indicated that they migrated to the community to either rent a house or buy a land to build a house. Also, in Kromoase, a proportion of 15 (48.4 per cent) migrant households of the 31 migrant households sampled stated that they came to Kromoase to either rent or buy a land to build a house. From the table, it is explicit that the major purpose of migrant households' movement to Aburaso and Kromoase was in search of either a house or a land to build a house.

Table 23: Purpose of migration of migrant households into Aburaso and Kromoase (n=66)

Purpose of migration	Aburaso		Kromoase		Total	
	n	%	n	%	n	%
Marriage	8	22.9	8	25.8	16	24.2
Rent a house or buy land to build a house	18	51.4	15	48.4	33	50.0
I came here to work.	9	25.7	8	29.0	17	25.8
Total	35	100.0	31	100.0	66	100.0

The findings in this present study illustrate that the expansion of urban centres affects peri-urban areas in Ghana. The expansion usually makes prices and housing in the urban centres more expensive than the peri-urban communities. Urban households and others who want to purchase lands in the urban centres are often attracted to the peri-urban communities to seek land for housing owing to the low level of noise and the prices of land in the peri-urban areas. The movement of the migrant households into the peri-urban communities increases the demand for the customary lands and the customary authorities allocate the lands to land purchasers at high prices.

5.6 Chapter Summary

Firstly, this chapter presented the findings on the socio-economic and demographic characteristics and also examined customary land administration and tenure systems in the early history of Aburaso and Kromoase. Secondly, the chapter analysed the housing landscape, specifically the patterns of housing development in the two communities, especially in the early periods. Third, the chapter also presents data on key actors in the customary land markets and shows how the process of land commoditisation unfolds. Data on the demographic and socio-economic characteristics of households shows that there are more male-headed households than

female-headed households in both communities. The research data also shows that there are more females than males in the surveyed households while the number of children in households is more than the adults. This reflects a high dependency ratio in these communities. The level of tertiary education, university or college education within households is very low.

In addition, the customary land administration and tenure systems in the early history of Aburaso and Kromoase were underpinned by a set of spiritual and religious beliefs whereby smaller gods were seen as ultimate guardians of land. The customary tenure system was characterised by overlapping rights to land with different social units, in that the individual families and clans had different claims and access to clan land (Cousins, 2007, 2008). Also, the communities knew their boundaries and the boundaries were marked with specific plants and streams. Clan heads and members allocated lands for agricultural purposes to community members without seeking permission from the community heads. However, for housing purposes, the land allocations were solely done by the community heads with the giving of a drink to the community heads by the land seekers.

Furthermore, housing conditions were different in the old sites compared to the newly-developing sites. Houses in old sites were dilapidated and poorly maintained while the new residential sites had relatively new houses and some of these houses have perimeter walls. Also, both the old residential sites and the newly-developing areas lack appropriate infrastructure and facilities: potable water, proper sewage systems and tarred roads. In both communities, most land were purchased by individual households, especially those people who accumulated sufficient income to purchase land and build houses. Most property owners tend to build family homes with the aim of bequeathing these properties to their children upon their demise. In most cases, house owners relied on local masons and other tradesmen to construct their houses and very few people could afford the services of contractors. Households that built houses did not predominantly involve contractors.

It is also evident that the key driver of land commoditisation in peri-urban areas is the accelerated urban expansion with urbanites from the Metropolis relocating to the peri-urban areas. The influx of migrant households, mainly traders, Ghanaian expatriates, civil servants and other affluent groups into the communities led to an increase in demand for the customary lands. Rising demand for peri-urban land has precipitated land grabbing, with local chiefs, enabled by their strengthened legal status, parcelling out community land for commercial gain without consent from the local clans. Other powerful groups, state officials and in some

instances, military officers, have managed to access community land. The ensuing conflicts over land has created a fertile environment for opportunistic land grabbing by local vigilantes, the land guards. In the next chapter, the researcher will present land administration institutions and commoditisation of peri-urban lands in Aburaso and Kromoase.

Chapter 6: Land Administration Institutions and Commoditisation of Peri-urban Land in Aburaso and Kromoase

6.1 Introduction

This chapter discusses the impacts of commoditisation of customary lands for housing development on customary land administration and tenure systems in Aburaso and Kromoase. Chapter 5 examined the commoditisation of customary lands in Aburaso and Kromoase. The impacts of commoditisation include loss of farmlands, multiple land allocations, land conflicts. The struggle for land in Aburaso and Kromoase has been characterised by poor implementation of planning regulations. This chapter will specifically address land administration processes and practices in a rapidly changing peri-urban context where struggles for land have become intense. The chapter will examine processes of land acquisition, housing delivery, land use planning and regulations, the role of traditional leaders, and the relationship between traditional leaders and state actors. In addition, the chapter will examine the contestations and conflicts over land in Aburaso and Kromoase. Furthermore, the chapter will examine the questions of inclusion and exclusion, and specifically, present findings on who the winners and the losers are in the ongoing processes of land commoditisation in Aburaso and Kromoase.

6.2 Dynamics in Land Ownership and Tenure Security

Section 5.5 of the previous chapter has shown that the pioneer clans in each community have claimed absolute ownership over all the community land when these communities were declared as planning zones under Act 462. The traditional authorities began to allocate the lands at high prices to land purchasers for housing development. Studies show that land ownership is highly contested during commoditisation of customary lands for housing as clans and community members try to protect their land rights and prevent eviction from their farmlands by traditional authorities (Amanor and Ubink, 2008; Amanor, 2010; Arko-Adjei, 2011). Amanor (2008) argues that the strengthening of the traditional administration over lands by the state creates conditions for the expropriation of smallholder farmers in communities and the chiefs redefine relations in land tenure. This phenomenon is also evident in Aburaso and Kromoase. In both communities, social relations over land have been redefined. The land claims of latter clans have been greatly undermined. The pioneer clans see themselves as the legitimate owners of land and consider latter clans as caretakers of their farmlands. These views have become more entrenched with the commoditisation of land as

different groups seek to derive benefits from the sales of land. Narratives of belonging, particularly questions around who the legitimate owners of the land are, have gained prominence. The regent chief in Aburaso and the queen mother in Kromoase both argued that the latter clans were given lands for cultivation but not to extract minerals. They also argued that the latter clans are, by custom, not supposed to allocate the lands to people for housing. The regent chief in Aburaso remarked that:

If our forefathers gave you land, they did not give the land to you to be your property, they wanted you to farm on the land. When they are dividing the land as plots, they may give you some of the plots for protecting the land for them. (Interview with Regent Chief, Aburaso, 28/12/2018)

These contestations are a common occurrence in the context of land commoditisation, whereby dominant groups seek to exclude others from benefitting on the basis of their identity. For example, Ubink (2009) reveals that during commoditisation of customary lands, the royal families claim absolute ownership of communities' lands. In Besease, Ubink (2008) reveals that the chief claimed absolute land ownership during the massive allocation of the community's lands. As has been stated earlier, Blake and Kasanga (1997) further declare that clan land ownership dissolves into stool land ownership during commoditisation of community's lands. Similarly, in Aburaso and Kromoase, all the latter clans' farmlands were added to the pioneer clans' farmlands as stool lands. A member of the royal family in Aburaso explained that:

We had Wawaase land, Odumase land, Krobo land, Domase land; each clan had a place it was farming. But this time, we have put all the lands together as one, and it has been established that all the lands belong to Wawaase clan, the royal family. (Interview with Mr Yiadom, Aburaso, 28/12/2018)

In addition, some key informants argued that in the Ashanti Region only a stool has land. In this respect, the latter clans who joined the communities did not own land and could not allocate lands for housing development since they do not have stools. According to the participants, the only thing the other clans could claim was compensation payments for their service of protecting the lands for the pioneer clans in the communities. A government official revealed that: "In the Ashanti Region, all the customary lands belong to the chief. They allocate the lands for development⁵⁹".

⁵⁹ Interview with Mr Ato, Lands Commission (25/01/2019).

It is clear from the above that the latter clans tend to lose their so-called usufructuary interest in their lands to the pioneer clans during commoditisation of community's lands. Amanor (2008) argues that allodial interest is invoked at the juncture of commoditisation of lands when there is an increase in the demand for land (see also Chapter 2, section 2.5.1.4). This usually arises when there is an inflow of wealthy outsiders or other investors in need of land and are in a position to purchase land. The traditional chiefs in Aburaso and Kromoase are also claiming absolute ownership of land in an attempt to exclude the latter clans from the benefits of commoditisation of land. This research reveals that the inflow of wealthy migrant households (traders, civil servants, Ghanaian expatriates, and others) into Aburaso and Kromoase is the primary reason why the pioneer settlers are invoking allodial ownership over the lands in the communities. It is clear that during commoditisation of customary lands, traditional authorities, who are regarded as fiduciaries by the current 1992 Constitution of Ghana, become the sole beneficiaries of community lands. Latter clans are dispossessed by the traditional authorities with the support of the Physical Planning Department. This results in poor social relations between traditional authorities and community members emerging from the series of litigations that occur in the communities.

Furthermore, a significant number of the key informants in both communities highlighted that although the chiefs are the owners of the lands in their communities, the ultimate owner of the customary lands in Ashanti Region is the *Asantehene*. The participants described that the *Asantehene* is the highest traditional leader in the Ashanti Region and he is the only king who cannot be destooled while the *amanhene* (paramount chiefs) and *adikro* (caretaker chiefs) can be destooled by the *Asantehene*. A government official from the District Physical Planning Department stated that: "In Ashanti region, we say that the land lies in the bosom of the chiefs. All lands in Ashanti region is for *Otumfuo*⁶⁰. We know that there are paramount chiefs, but the ultimate land owner is Manhyia (the *Asantehene*)"⁶¹.

In both communities, the traditional authorities sent a part of the drink money to the *Asantehene* to inform him about their land allocations. However, Asiama (1997) and Blake and Kasanga (1997) outline that the recognition of the *Asantehene* as the owner of all lands in the Asante region is based on territorial authority which does not confer in the *Asantehene* proprietary

⁶⁰ *Otumfuo* is a royal title for the *Asantehene*.

⁶¹ Interview with Mrs Ophelia, Physical Planning Department (16/01/2019)

authority over all the lands in the region. Asante (1975) further supports that the formation of the Asante confederacy did not include the lands of the respective paramount chiefs. This study reveals that there are misunderstandings over land ownership in the Ashanti Region. The uncertainty surrounding land ownership in the local communities is evident in the responses to the question posed to the households about the categories of land in the two communities, Aburaso and Kromoase.

Table 24: Categories of lands in the period of commoditisation of lands in Aburaso and Kromoase (n=105)

Categories of land	Aburaso		Kromoase		Total	
	n	%	n	%	n	%
Stool land	25	43.9	40	83.3	65	61.9
Clan land	17	29.8	7	14.6	24	22.9
Stool land and clan land	4	7.0	0	0.0	4	3.8
Public land	0	0.0	1	2.0	1	1.0
I don't know	11	19.3	0	0.00	11	10.5
Total	57	100.0	48	100.0	105	100.0

Table 24 displays the responses to the question posed to the research participants on the categories of land in Aburaso and Kromoase. Looking at Table 24, it is clear that some people regard the land as belonging to the stool. In Kromoase, 40 (83.3 per cent) noted that the community lands were stool lands. Likewise, in Aburaso, 25 (43.9 per cent) of the households expressed that the community lands were stool lands. In addition, in Aburaso, 17 (29.8 per cent) households of the respondents mentioned that the lands were clan lands. However, in Kromoase, a smaller proportion of the households, 7 (14.6 per cent) households highlighted that the community lands were clan lands. From the table above, it is clear that households have different views about land ownership in Aburaso and Kromoase.

6.3 Modes of Land Delivery for Housing Development

Land allocations in Aburaso and Kromoase were made by chiefs, queen mothers, clan heads, community members and land guards (see Chapter 5, section 5.5). In Aburaso, for instance, the research participants stated that the immediate lands surrounding the old residential area were subdivided and shared among the latter clans for their service of preserving the community lands for the pioneer clan, that is, the Wawaase clan. From the findings, the latter clans obtained these lands through serial litigations with the chief in Aburaso at that time. Any

land allocation of the lands given to the latter clans was also endorsed by the chief through the issuance of an allocation note and a site plan. A migrant household head who was a petty trader in Aburaso mentioned that:

When the misunderstanding arose about the allocation of the lands for housing development, the chief divided the immediate land surrounding the old settlements and allocated plots of land to the local people in this community. So, if you want to get land, you have to see a member of this community before you can get a land. Even if a local member sells land to you, the chief has to provide you with an allocation paper. (Interview with Mr Anto, Aburaso, 30/12/2018)

In Aburaso, there have been misunderstandings over land allocations within the chieftaincy mainly involving the Wawaase clan (see Chapter 5, section 5.5.1). As a result, the *Asantehene*⁶² is the person who grants plots of land to prospective land purchasers. The regent chief indicated that:

For this time, because of the injunction Otumfuo (the *Asantehene*) has placed on the land, we the royal people, when you want land from us, we will not sell it to you unless we have gone to Manhyia for Otumfuo to approve it (Interview with Regent Chief, Aburaso, 28/12/2018).

Although the *Asantehene* was the person who grants plots of land to land purchasers, presently, all the participants in Aburaso declared that the clans and individuals allocate their farmlands to people for housing. During the fieldwork, the researcher found that the land guards always visit the newly-developing area of the community, disturbing land purchasers who did not pay money to them and enforced land allocations of other land purchasers who gave them money. According to one research participant in Aburaso: “The way they are selling the lands is not proper. The boys and the clans are selling the lands to people⁶³”.

In Kromoase, on the other hand (also revealed in Chapter 5, section 5.5.1), all the clans allocated lands to people for housing. The latter clans, except the Kotokuom clan, were given plots of land from the Betenase or royal clan’s land as payment for their service of protecting the community lands. As in Aburaso, the latter clans’ land allocations were supervised by the

⁶² The litigation over the stool land the land in the community has resulted in the placement of injunction over the land in Aburaso by court and the *Asantehene*. It is only the *Asantehene* who can allocate the lands to land purchasers in the community.

⁶³ Interview with Mr Ohene, Aburaso (15/01/2019).

queen mother through the issuance of allocation notes and site plans. An indigenous household head in Kromoase stated that:

Every clan was fighting to get a portion of the land. Originally, the Kotokuom clan started the fight and the Asantehene gave a portion of the land to the clan. Afterwards, the Benafiem clan (my clan) also started demanding a portion of the land and the Asantehene gave some of the plots to the clan. Except Kotokuom clan, even the plots of land the queen mother gave to the clans, before you can sell them to anyone, you have to go and see her (Interview with Mr Agyei, Kromoase, 3/01/2019).

The findings on different social groups allocating lands in Aburaso and Kromoase corroborate the insights from a study conducted by Ubink (2008a) in Besease in peri-urban Kumasi. Ubink reveals that different social groups allocate lands to land purchasers during the massive allocation of communities' lands in peri-urban Kumasi. Latter clans allocate the lands given to them as compensation payments to land purchasers while, when traditional authorities allocate the farmlands to land purchasers, they evict latter clans from their farmlands. In the current study, the emergence of different social groups allocating customary lands to land purchasers in the customary land markets evolved as a result of the enforcement of Article 36(8) and Article 267(3) of the current 1992 of Ghana by the Physical Planning Department of the old Bosomtwe Atwima Kwanwoma and the current Atwima Kwanwoma Districts. The enforcement of these articles by the Department led to the redefinition of land ownership by the traditional authorities as it has been mentioned in this chapter.

Furthermore, the poor accountability on land transactions by the traditional authorities' and their claim of being landlords instead of being fiduciaries under Article 36(8) of the 1992 Constitution led to contestations over the lands in the communities. The settlement of the contestations resulted in the payment of compensation in the form of plots of land to the latter clans and other prominent clan members who assisted in the settlement of the contestations. The allocation of these plots of land by the latter clans and other prominent clan members in Aburaso and Kromoase led to different social groups allocating lands in the customary land markets (see Chapter 5, section 5.5.1). In Kromoase, as has previously stated, a research participant who is a member of the royal family revealed that a retired military officer in the Betenase clan was given five plots of land in Akokosu as a gesture of appreciation to him for his support of the clan in the litigation between the Betenase clan and the Kotokuom clan. The research participant explained that these plots of land are presently being allocated to land

purchasers by the retired military officer⁶⁴. The research findings show that land purchasers who purchase plots of land from the latter clans and community members do not go the traditional authorities for allocation notes. This occurs because the traditional authorities request signing fees from the land purchasers over the plots of land given to the latter clans as compensation payments.

From the research findings, it is clear that multiple people are involved in the allocation of customary lands as land commoditisation accelerates in peri-urban Ghana. The authority to allocate land is contested and this has adversely affected the functioning of customary land tenure institutions. Some of the challenges include the prevalence of litigations and the rise of vigilantism with land guards opportunistically grabbing land and assuming land allocation roles. There are also fraudsters who extort money from unsuspecting land seekers. The same parcel of land can also be allocated to different people simultaneously and this further exacerbates social conflicts over land.

The responses to the question about people who allocate land to households presently reveal that different people allocate lands to land seekers in Aburaso and Kromoase (see Table 25). It is noteworthy that 30 (62.5 per cent) participants indicated that the lands in Kromoase are allocated by the queen mother. In contrast, in Aburaso there is no substantive queen mother. In addition, 15 (31.3 per cent) research participants expressed that the chief allocates lands to households in Kromoase and a smaller proportion of 13 (22.8 per cent) of the research participants mentioned that the chief allocates lands to households in Aburaso.

Also, 15 (26.3 per cent) respondents in Aburaso mentioned that clan heads currently allocate lands. Nonetheless, none of the respondents declared that lands are allocated by clan heads in Kromoase. This also happened because during the time of the fieldwork, there was no clan head in the Betenase clan and the Kotokuom clan head is not the person who grants the clan's lands to land seekers as it has previously been mentioned. In Aburaso, a greater proportion of 24 (42.1 per cent) respondents answered that lands are allocated by elders in the royal family and individuals. Conversely, a small proportion, 1 (2.0 per cent) respondent mentioned that lands are allocated by elders in the royal family and individuals in Kromoase.

⁶⁴ Interview with Mr Nkansah, Kromoase (07/01/2019).

Table 25: Authorities who currently allocate lands to households in Aburaso and Kromoase (n=105)

Authorities	Aburaso		Kromoase		Total	
	n	%	n	%	n	%
Chief	13	22.8	15	31.3	28	26.7
Queen mother	0	0.0	30	62.5	30	28.6
Clan head	15	26.3	0	0.0	15	14.3
Elders in the royal family and individuals	24	42.1	1	2.0	25	23.8
I don't Know	5	8.8	2	4.2	7	6.67
Total	57	100.0	48	100.0	105	100.0

It is evident from the above table that land allocations by elders in the royal family (instead of the chief) and individuals were more prevalent in Aburaso than in Kromoase. This occurs in Aburaso as a result of the absence of substantive chief and queen mother. A government official in the Physical Planning Department highlighted that:

Now, in Aburaso, there is no substantive chief. Everybody who has access to the land tries to find ways and means to sell it. Every family is claiming the part the family was farming as hers. This is because there is no chief. The trend it should have gone, it is not going that way. Every family is controlling her land (Interview with Mr Tutu, Physical Planning Department, 16/01/2019).

From the findings on land allocations, it is plain that land seekers find it difficult to identify the rightful grantor during commoditisation of communities' lands. All social groups are capable of allocating lands to developers. The study maintains that this situation creates land fraudsters who extort money from innocent land seekers.

In addition, this study reveals that the amount of drink money was very high in Aburaso and Kromoase (see Chapter 5, section 5.5). Research participants also noted that only those people who have money are able to purchase plots of land. Men, women, the widowed and the youth who did not have money could not purchase land to build houses. A petty trader (and farmer) in Kromoase stated that: "Previously, the land was not sold. When you give a drink to Nananom, they may give you land. Today, if you do not have 20,000 to 40,000 Ghana Cedis, you cannot buy land here"⁶⁵.

⁶⁵ Interview with Mrs Kosia, Kromoase (02/01/2019).

The findings on drink money substantiate the evidence from other scholars' studies in Ghana (Sarpong, 2006; Berry, 2009a; Amanor, 2010). These scholars argue that in peri-urban Ghana, the influx of outsiders into the communities leads to traditional authorities allocating lands to land seekers with the payment of large sums of drink money. The studies reveal that the drink money traditional authorities collect is often equivalent to the open market value of the land during commoditisation of the customary lands (ibid.). In the current study, the drink money increased when Ghanaian expatriates, traders, civil servants, and others migrated to Aburaso and Kromoase. It is evident from this study that when demand for land increases due to the incessant migration of outsiders to peri-urban communities, the drink money that is given to traditional authorities by land seekers also increases.

Moreover, in both communities the indigenes were not involved in land allocations by the traditional authorities. The land allocations were devoid of public participation and the traditional authorities allocated the lands privately. Likewise, the latter clans and the land guards allocated lands to land purchasers privately in the communities. However, customary land tenure practices in Ghana recognise that community members are expected to participate in land allocations and traditional authorities are required to account for proceeds of land transactions to the community members (Da Rocha and Lodoh, 1999; Amanor, 2008). In Kromoase, the queen mother stated that:

All the latter clans claimed their portion of the lands during the subdivision of the lands. For this reason, I do not discuss land allocations with the community. Even when they are selling the lands they obtained from us, they do not tell me. Why should I involve them in my land allocations? (Interview with Queen Mother, Kromoase, 06/01/2019).

The insights on participation of indigenes in land allocation reflects a similar trend to the findings from Ubink's (2008b) study in Pakyi No. 1, in peri-urban Kumasi. Ubink states that only the chief and his traditional council members were the people involved in land allocations in Pakyi No. 1 during the massive allocation of the community's lands. Recently, the Asanteman Council established that land allocations should be done by a plot allocation committee (see Appendix 1). Nonetheless, in Aburaso and Kromoase, there was no plot allocation committee. It is clear from these findings that land allocation processes in both communities are dysfunctional and very poor. Traditional authorities supported by the Physical Planning Department have more power to allocate lands without accounting for the proceeds from the land transactions to their subjects and the land allocations are arbitrary and lack transparency. It is obvious that the nature of land allocations in Aburaso and Kromoase always

put the land purchasers in danger because the land purchasers are unable to verify the rightful owner of the land from the general public. It is evident from the findings that there were many instances where a plot of land was allocated to two or more land purchasers in Aburaso by land guards and litigants in the chieftaincy dispute.

6.4 Land Acquisition by Indigenes and Migrants

In Chapter 5, section 5.2, the study shows that migrant households purchased more lands in the newly-developing areas of Aburaso and Kromoase compared to indigenous households. In principle, there are no significant restrictions for people to access the communities' lands. It was common for people to argue that in terms of customary tenure, men, women, the widowed, married, single, and divorced people, both locals and migrants, have equal access to land. However, in practice, a person's access to land is determined by the person's ability to purchase the land at the prevailing market price. This finding supports evidence from other studies conducted on land acquisitions in peri-urban Ghana. These studies illustrate that land tends to be accessible to people with the financial resources and influence to purchase land (Maxwell et al., 1998; Boamah and Margath, 2016).

Most of the research participants highlighted that the majority of the migrant households are able to purchase more lands than most of the indigenous households (see Chapter 5, section 5.2). The majority of the migrant households are more able to raise enough money from their jobs than many of the indigenous households who are mostly petty traders, drivers, and bus attendants, generally employed in low-paying menial jobs. A local petty trader in Kromoase argued that:

Everyone is entitled to purchase land if you have money. But if you do not have money like me, you cannot purchase the land. In this community, it is the migrant households who are able to purchase more land for housing development. The price of land here is very high. For a local member, he may not get the money to purchase land. (Interview with Mrs Kaakyire, Kromoase, 03/01/2019)

Similarly, a government official in the District Planning Department also illustrated that:

The migrant households have more access to the lands than most of the indigenous people. This is because most of the indigenous people do not have money to buy the land at the high prices. But for someone who has moved from his hometown to Kromoase may have a certain amount of money to buy the land. (Interview with Mr Tutu, 16/01/2019)

Wehrmann (2008) argues that urban sprawl increases the demand for land in peri-urban communities and the increase in demand for land pushes land prices up such that the poor in

peri-urban communities are unable to purchase land (Wehrmann, 2008). This research reveals that the majority of the indigenous households could not purchase more lands in both communities in phases 2 and 3 of land commoditisation (see Chapter 5, Table 22) as a result of the significant increase in the land prices. The findings show that the majority of the indigenous households who could not afford to purchase more land for housing relied on their clan compound houses for accommodation (Chapter 5, section 5.2). The increase in land prices means that access to residential site is not attainable for many of these poor locals with no access to adequate housing. Most of the indigenous households either had to migrate to other neighbouring communities where land prices are more affordable than Aburaso and Kromoase, or continue to stay in their clan compound houses or rented apartments. The failure of traditional authorities and the state to protect indigenous households from the competitive customary land markets, where land access is solely determined by the market approach, affects the access to land for the majority of indigenous households. Many indigenous households who want to own houses are unable to access land for housing, especially when land commoditisation is in phase 3 (see Table 22, Chapter 5).

6.5 Land-Use Planning and Regulation Practices

In Aburaso and Kromoase, the expansion of the Kumasi Metropolis towards the communities led to the introduction of urban land governance practices which manifested in land allocations and the collection of taxes. The head of the Physical Planning Department in the District stated that the Department works with the chief and the queen mother in Aburaso and Kromoase respectively. The head indicated that it is the Physical Planning Department that determines the uses of plots of land in the communities⁶⁶ (Chapter 5, section 5.5.1). Clans in the communities were not recognised to have the authority to allocate lands to prospective land seekers. The head of the Physical Planning Department mentioned that: “If a clan had land during demarcation of the community’s land, the clan had to negotiate with the community head⁶⁷”.

Furthermore, the current 1992 Constitution of Ghana states that no disposition or development on stool lands can be executed unless such disposition or development is authorised by the Lands Commission or its planning authorities in the districts. In Aburaso and Kromoase land

⁶⁶ Interview with Mrs Ophelia, Physical Planning Department (16/01/2019).

⁶⁷ Interview with Mrs Ophelia, Physical Planning Department (16/01/2019).

dispositions were authorised by the District Physical Planning Department with the issuance of permits. Permits were granted to developers who had allocation notes and site plans from the chief in the case of Aburaso and either the queen mother or the Kotokuom clan head in the instance of Kromoase. The heads of the communities and the head of the Physical Planning Department revealed that the allocation note indicates a legal transaction between the land seeker and the head of the community. The boundaries of the land seekers' plots of lands were marked with short concrete pillars (see Figure 11 below).

It is evident from the findings that leases were also introduced in Aburaso and Kromoase as a result of the expansion of the Kumasi Metropolis towards the communities. The two officers from the Lands Commission stated that the leases were made between the caretaker chief and the land purchasers with the *Asantehene* as the confirming party.



Figure 11: Short concrete pillar showing the boundary of a household plot in Kromoase

Source: (Fieldwork, 2020)

The Lands Commission officers outlined that the land purchasers further paid ground rent which was determined by the Lands Commission⁶⁸. The ground rent was paid by both indigenous and migrant households who built houses. The head of the OASL explained that the OASL accessed the ground rent based on the size of the land on which the house is situated⁶⁹.

The expansion of urban communities leads to the introduction of urban land governance practices to the peri-urban communities in Ghana (Simon, McGregor and Nsiah-Gyabaah, 2004) (see also Chapter 3, section 3.5.3). Boamah and Margath (2016) underscore that the introduction of urban land governance often leads to dual land administration where customary land administration runs concurrently with the state land administration. In Aburaso and Kromoase, dual land administration was introduced into the communities. The traditional authorities allocated the communities' lands while the land uses were determined by the Physical Planning Department in Atwima Kwanwoma District. Furthermore, Amoako and Korboe (2011) highlight that most indigenes are not recognised by government land sector institutions in peri-urban communities in matters related to land management and administration. This insight from Amoako and Korboe (2011) was demonstrated in the response to the head of the Physical Planning Department. The community members were not recognised in the land administration and management when the communities were declared as planning zones by the Physical Planning Department. In this study, it is obvious that during massive land allocations in peri-urban communities, the introduction of dual land administration affects indigenes' participation in customary land administration and management.

6.5.1 Compliance with land-use planning laws and regulations

In Aburaso and Kromoase, the findings on compliance with land-use planning laws and regulations demonstrate that the majority of the households who owned houses failed to comply with the laws and regulations which controlled the lands in the communities. The responses from the house owners demonstrate that most of the house owners did not possess a title certificate, building and development permits, allocation notes and site plans for their land. Simon, McGregor and Nsiah-Gyabaah (2004) argue that the introduction of planning laws and regulations into peri-urban communities is always rejected by peri-urban residents during peri-urbanisation. This insight from Simon, McGregor and Nsiah-Gyabaah (2004) is consistent with

⁶⁸ Interview with Mrs Rhoda and Mr Ato, Lands Commission (25/01/2019).

⁶⁹ Interview with Mrs Mercy, OASL Office Ofoase (16/01/2019).

the findings on compliance with planning laws and regulations by the house owners in Aburaso and Kromoase. The study shows that the majority of the house owners did not comply with the planning laws and regulations.

Table 26 reveals the documents that cover the lands of house owners in Aburaso. The table illustrates that all the house owners in Aburaso did not have a title certificate. A proportion of 14 (33.3 percent) house owners had an allocation note. Also, a proportion of 10 (23.8 per cent) house owners and 7 (16.7 per cent) house owners did have site plans and permits respectively. Moreover, 11 (26.2 per cent) house owners did not have any of the documents which cover land in Aburaso.

Table 26: Documents that cover the lands of house owners in Aburaso

Land document	Yes		No	
	n	%	n	%
Allocation note	14	33.3	12	13.6
Site plan	10	23.8	16	18.1
Building and development permit	7	16.7	19	21.6
Title certificate	0	0.0	26	29.6
None of the above	11	26.2	15	17.1
Total	42	100%	88	100%

Furthermore, Table 27 shows the documents that cover lands of house owners in Kromoase. It is evident from the table that 12 (29.3 per cent) house owners had both allocation notes and site plans. Also, about 7 (21.5 per cent) house owners did have building and development permits. Again, 9 (22.0 per cent) households did not have any of the documents which cover houses and lands in Kromoase. Unlike Aburaso (see Table 26 above), 1 (2.4 per cent) house owner had a title certificate in Kromoase.

Table 27: Documents that cover land of house owners in Kromoase

Land document	Yes		No	
	n	%	n	%
Allocation note	12	29.3	9	14.5
Site plan	12	29.3	9	14.5
Building and development permit	7	17.0	14	21.5
Title certificate	1	2.4	20	31.1
None of the above	9	22.0	12	18.4
Total	41	100	64	100

The findings regarding the reasons for the non-compliance with the laws regulating title registration and building and development permits did not significantly differ from insights which emerged in previous studies conducted by UN-HABITAT (2011) and Agyemang and Morrison (2018). The excuses the house owners gave were that they were unaware of the existence of land titling registration while others mentioned that the processes were bureaucratic and expensive. The head of the Physical Planning Department also revealed that most households who owned houses failed to have a title certificate because of the reversionary clause which states that after the expiration of the 99 years of the lease their houses and land will revert to the stool. The head of the Physical Planning Department described how the reversionary clause frightens most of the house owners⁷⁰.

Furthermore, a government official in the Lands Commission explained that house owners customarily rely on an allocation note as sufficient enough to confer titles to them. The official emphasised that the allocation note cannot confer titles to the people because in the case of Boateng No. 2 vs. Manu No.2 and Another, the Supreme Court of Ghana in 2008 ruled that the allocation note is a receipt of a transaction over land⁷¹. This response of the Lands Commission officer supports the insight from a study conducted by Mireku, Kuusaana and Kidido (2016). The scholars argue that the allocation notes do not confer any legal title which can be enforced at court.

The Lands Commission officials also revealed that land purchasers often register their interests when other people claim ownership over their lands⁷². The response of the Lands Commission officers about people registering lands when there are multiple claims over ownership was corroborated by a participant in Aburaso. The participant who was the former assemblyman in Aburaso revealed that:

Here, it is a village, we do not do any lease. Which person are you going to do the lease for, our chief or the *Asantehene*? If you like litigation, then you may want to do a lease. This place is not under Kumasi Metropolitan Assembly that you need to get a lease because at times, in Kumasi, house owners without lease, the authorities tell them that they will demolish their buildings. (Interview with Mr Kuffour, Aburaso, 31/12/2018)

⁷⁰ Interview with Mrs Ophelia, Physical Planning Department (16/01/2019)

⁷¹ Interview with Mr Ato, Lands Commission (25/01/2019)

⁷² Interview with Mrs Rhoda and Mr Ato, Lands Commission (25/01/2019).

In Ghana, access to land and registration of interests in land is not based on a person's gender, however, registration of interests in land is based on the ability of the land owners to prove their title to the land (also discussed in Chapter 3, section 3.5.3). Both women and men in Aburaso and Kromoase who owned lands and applied for permits at the Physical Planning Department used their names to apply for the permits. In Ghana, within households, interests in land can be registered in the name of older children or the wives of husbands or both wives and husbands. Normally, if husbands are the persons who purchased the lands, they often register the lands in their names. However, these lands usually pass on to their surviving wives and/or children when the husbands die intestate under the Intestate Succession Law, 1985, PNDCL 111.

Many studies show that the advocates of a replacement model of land reform and the Hernado De Soto's approach argued that title holders will use their certificates to access loans from financial institutions in order to reduce poverty and promote development (Peters, 2004, 2009; Cotula, 2007; Land Tenure and Development, 2015). Nonetheless, this proposition differs significantly from the findings of the present study on titling registration. From the findings, it is positive that the indigenes regarded title certificates to be important documents for lovers of litigations and urban residents. Even for urban residents, the findings show that most of them register their interests in land when they are coerced by authorities.

On the other hand, the pioneers of the adaptive model of land reform advocate that customary land rights must be recognised in a formal legal framework because the tenure is predominant in rural communities in Africa. The proponents of the model champion that where possible, statutory and customary land tenure systems must run concurrently (Adams, Sibanda and Turner, 1999; Cotula, 2007; Cousins, 2008). In Ghana, the adaptive model is practised in urban communities, however, in peri-urban interfaces, the model is implemented when lands are commoditised. From the case studies in Chapter 5 and other findings, it is evident that the statutory recognition of customary land rights and the running of statutory and customary land tenure concurrently in the era of customary land commoditisation in Aburaso and Kromoase resulted in complex land administration. Traditional authorities insulated by the Physical Planning Department expropriated farmlands from latter clans. Also, the running of both statutory and customary land tenure systems in both communities affected the compliance of planning laws and regulations. Land purchasers hid behind allocation notes as sufficient

enough to give them title and failed to comply with the registration of the interests in their lands at the Lands Commission of Ghana.

Also, the land purchasers did not acknowledge that a title certificate to be sufficient to protect them from eviction from their lands. In both communities, the research findings show that in other instances, traditional authorities allocated plots of land to multiple land purchasers and the wealthy land purchasers were able to build their houses quickly on the land to claim ownership thereon. The wealthy land purchasers in these cases did not register their interest in the land at the Lands Commission. The less privileged land purchasers were either given their money through a series of struggles with the wealthy land purchasers and the traditional authorities or other plots of land of less value were allocated to the less privileged land purchasers. In Aburaso, many ordinary land purchasers lost their lands to wealthy land purchasers who were supported by land guards to build their houses mostly during the night.

In this study, the researcher argues that the replacement model and Hernado De Soto's approach with their thesis stating that title holders will use their title certificates to secure loans in financial institutions is not the predominant purpose land purchasers in peri-urban communities in Ghana consider to register their interests in lands at the Lands Commission of Ghana. The major reason people register their lands is to secure their title and deter others who may have conflicting interests over the ownership of the lands. The study also maintains that the implementation of an adaptive model in peri-urban areas in Ghana must recognise all stakeholders, especially traditional councils and community members. The strengthening of only the traditional administration with the support of the state results in the eviction of latter clans and complex land administration in peri-urban communities in an era of land commoditisation.

Furthermore, the current 1992 Constitution of Ghana stipulates that freehold interest cannot be created in stool land. However, in Kromoase, a response from the queen mother suggested that residential houses do not need a title certificate because the interest created in terms of the house owners is equivalent to freehold interest. The queen mother outlined that:

A building in Kromoase, you the chief cannot take the land after the 99 years of the lease. This is because after the 99 years, you are a family. Even if the person is a stranger, it will be very difficult to claim the land (Interview with Queen Mother, Kromoase, 06/01/2019).

Also, officers in the Physical Planning Department specified that most of the households who owned houses are ignorant about development and building permits. The officers outlined that

if the people are informed about their legal obligations of building houses, most of the people enquire and obtain the development and the building permits. The officers mentioned that less than 45% of the households who owned houses had building and development permits covering their houses within the Atwima Kwanwoma District⁷³. This insight clearly indicates that land-use planning regulations are poorly implemented in Aburaso and Kromoase as well as the District in general.

The planning officials further mentioned that as a result of political influence, inadequate logistics and personnel, they were incapacitated when it comes to supporting the implementation of the planning laws in the communities. This finding did not also significantly differ from the findings obtained by other studies in Ghana on challenges of Physical Planning Department. Many studies attribute the inability of planning authorities to enforce planning regulations to weak institutional arrangements, inadequate logistics, personnel and funds of government land sector institutions (Eledi and Kuusaana, 2014; Agyemang and Morrison, 2018; Karg *et al.*, 2019). In Aburaso and Kromoase and the Atwima Kwanwoma District in general, the inadequate logistics, personnel and funds highly affected the Physical Planning Department in the performance of its legal responsibilities.

Table 28 shows the inspection of building sites before actual construction commenced in both communities. The table indicates that the majority of the households in Aburaso, 22 (84.6 per cent) and in Kromoase 19 (90.5 per cent) built their houses without an inspection of their building sites. When the Physical Planning Department inspected the construction sites of their buildings, the inspections were often done when the buildings were half-way completed (see Figure 12)

Table 28: Inspection of building sites before the commencement of actual construction (n=47)

Inspection of building site	Aburaso		Kromoase		Total	
	n	%	n	%	n	%
Yes	4	15.4	2	9.5	6	12.8
No	22	84.6	19	90.5	41	87.2
Total	26	100.0	21	100.0	47	100.0

⁷³ Interview with Mrs Ophelia and Mr Tutu, Physical Planning Department, (16/01/2019).



Figure 12: Building showing non-compliance to planning regulations in Kromose

Source: (Fieldwork, 2020) (Please note: The ‘STOP WORK PRODUCE PERMIT’ was dated 16/12/2019 when furnishes were being fixed by tradesmen on the building.)

The findings on the enforcement of building regulations and local plans substantiate the insights from other studies conducted in peri-urban Ghana. These studies show that land allocations begin before local plans are prepared for the communities to regulate the land uses (Owusu and Asamoah, 2005; Yeboah and Shaw, 2013; Akrofi, Avogo and Wedam, 2019). From the findings, as it has already been stated, in Aburaso, the local plans were not approved by the Lands Commission of Ghana. The head of the Physical Planning Department indicated that the District relied on an unproved local plan (see Chapter 4). The head of the Physical Planning Department stated that:

Although the local plan is not approved, there is a guide aiding us in terms of development. This is because people are building and if we leave them and say we will not accept, we will not accept, they will continue to build and the District will not get any revenue from it. The reason is that if you want to build, you need to have a development and building permits. (Interview with Mrs Ophelia, Physical Planning Department, 16/01/2019)

From the response of the head of the Physical Planning Department, it is plain that when the Physical Planning Department fails to perform its basic functions, it becomes a revenue generation department. Also, in Kromose, as previously mentioned, an indigenous household

head declared that the local plan of the community was approved after the enstoolment of the present queen mother⁷⁴. In both communities, most house owners revealed that they did not pay taxes because their plots of land were not integrated into the local plans of the communities. In Kromoase, a migrant household head who was a civil servant indicated that:

I will be prepared to pay my ground rent and obtain my permits but the place I bought my land, it is not within the local plan of Kromoase. The area has not been captured in the areas zoned by the Physical Planning Department in the District. (Interview with Mr Ten, Kromoase, 07/01/2019)

Table 29 presents the taxes paid by the 47 house owners in Aburaso and Kromoase. It is evident from the table that a higher proportion of the house owners in Aburaso; 15 (57.7 per cent) paid ground rent while only 10 (47.6 per cent) house owners paid ground rent in Kromoase. Also, 8 (30.8 per cent) house owners and 6 (28.6 per cent) house owners paid both ground rent and property rates in Aburaso and Kromoase respectively. The table indicates that 1 (3.9 per cent) house owner paid only property rates in Aburaso and 1 (4.8 per cent) house owner paid property rates in Kromoase. The table shows that the payment of property rates is very scarce in both communities.

Table 29: Taxes paid by house owners in Aburaso and Kromoase (n=47)

Taxes Paid with regard to Houses	Aburaso		Kromoase		Total	
	n	%	n	%	n	%
Ground Rent	15	57.7	10	47.6	25	53.2
Property Rate	1	3.9	1	4.8	2	4.3
Ground Rent and Property Rate	8	30.8	6	28.6	14	29.8
None of the above	2	7.7	4	19.1	6	12.8
Total	26	100.0	21	100.0	47	100.0

6.6 Coordination Between Government Officials and Traditional Authorities

The coordination between traditional authorities and government officials was very poor in both communities. The findings reveal that in Aburaso, the regent chief was not happy with the conduct of the Physical Planning Department in the District with regard to the issuance of

⁷⁴ Interview with Mr Appiah, Kromoase (09/01/2019).

building and development permits⁷⁵ to households. The regent chief stated that the department was facilitating illegal land allocations by indigenous people to households. The regent chief indicated that many house owners obtained building and development permits without the *Nananom*'s endorsement of their land allocations. The regent chief further remarked that:

When you go to the newly-developing area, the house owners will say we have District's permit or District's jacket. It has been a battle we have fought with the District for some time but they have also realised that if they do not get money from the house owners, they cannot run the District. (Interview with Regent Chief, Aburaso, 28/12/2018)

On the other hand, the government officials in the Physical Planning Department stated that the traditional authorities allocated plots of land to land purchasers without informing the Department. An official in the Physical Planning Department further mentioned that the traditional authorities changed other land uses to residential uses without the knowledge of the government officials. The official in the District declared that:

The department's major challenge in managing the lands with the traditional authorities is that the lands that have been earmarked for other purposes are turned into residential uses without our knowledge. When you look onto our planning scheme, maybe, it was earmarked as a school, market or hospital. But if you go there now, it has been turned into a residential area. The chief will not inform us until the land purchaser starts building and we go there and stop him. The chief doesn't care whether proper documents will be done for the land purchaser or not. He has sold the land and taken his money and the rest he does not care. (Interview with Mr Tutu, Physical Planning Department, 16/01/2019)

Within the current land administration system in Ghana, traditional authorities and government officials are expected to collaborate to manage customary lands in communities (Boamah, Gyimah and Nelson, 2012; Akaateba, 2018). However, the findings of the current study demonstrate that traditional authorities did not cooperate effectively with the Physical Planning Department in the management of their lands. This insight from the study corroborates the evidence obtained by Yeboah and Shaw (2013) and Kuusaana et al. (2015). The researchers reveal that many traditional authorities allocate lands without informing planning authorities in their districts. Yeboah and Shaw (2013) further outline that in many cases, the traditional authorities alter the local plans in order to obtain more plots of lands for residential uses. This evidence shows that the integration of statutory land tenure and customary land tenure in peri-

⁷⁵ In Ghana, building permit is a written permission which is given by a District Assembly to allow a builder to build a particular property on a specific land. A development permit, on the other hand, is a permit given by a District Assembly which allows a builder/developer to intensify a particular land for a specific land use.

urban communities in the epoch of land commoditisation does not effectively promote effective customary land governance.

In addition, the five government officials stated that chiefs and queen mothers report government officers to *Manhyia*⁷⁶ if the officers attempt to interrupt their land allocations. This finding supports an insight that emerged from a study conducted by Ubink (2008a). Ubink reveals that planning officials who intersected traditional authorities' land allocations could either be sanctioned by the palace or transferred from the district in which the stool was located (Ubink, 2008a). In fact, the current study demonstrates that the coordination between traditional authorities and government officials is very poor in peri-urban Ghana. The traditional authorities cooperate with government land sector institutions only in matters that the traditional authorities benefit directly. As a result of the poor coordination between the traditional authorities and the government officials, four government officials suggested that the government should acquire the lands from the traditional authorities and sell them to households that want land to build houses. The government officials argued that this will help to control poor planning in the peri-urban communities.

6.7 General Indiscipline in the Customary Land Market in Aburaso and Kromoase

In both communities, the research findings reveal that the customary land markets were rife with indiscipline such as land speculation, corruption of government officials, land guard terrorism and multiple sales of land. An indigenous household head in Kromoase remarked that the chief increased the prices of plots of land due to land speculation by the indigenous people (see also Chapter 5, section 5.5.2). The participant stated that:

Some people were buying the land and did not develop but were selling to people at high prices. This made us wise. Therefore, if you come to buy the land, the drink money that was deserving, *Nana*⁷⁷ will collect from you (Interview with Mr Nkansah, Kromoase, 07/01/2019).

Also, a clan head in Kromoase declared that government officials display corrupt practices in this period of the commoditisation of lands for housing. The participant stressed that: "For the

⁷⁶ *Manhyia* is the name of the place where the *Asantehene's* palace is located.

⁷⁷ *Nana* is the title for chiefs in Ghana.

Physical Planning Department Officials, corruption is a major problem. When they speak to the chief and the chief gives them two or three plots of land, they keep quiet⁷⁸”.

The finding on government land sector officials’ corruption does not differ significantly from the findings obtained by (Boamah, 2012) in his study in Offinso. Boamah found in Offinso that planning officials connived with traditional authorities and encroached lands which are earmarked for other uses and converted them to residential uses. Furthermore, as it has already been mentioned, there were multiple sales of land in Aburaso and Kromoase. In both communities, the participants explained that when the chiefs began to sell latter clans’ farmlands, the community members questioned the chiefs’ land allocation. As a result of that the chiefs hurried the land allocations to avoid disturbances from the community members. The participants revealed the land of land purchasers who delayed building houses were resold by the chiefs. In Kromoase, an indigenous household head highlighted that: “The local people, initially, purchased plots of land but did not develop and the lands were resold by the chief to other people. The chief wanted to sell the land to prevent any disturbance from people⁷⁹”.

In addition, the research findings and the three case studies in Chapter 5 show that land guards disturbed households who build houses. The majority of the respondents mentioned that house owners pay money to land guards before they can build their houses. In Kromoase, a migrant house owner outlined that: “The palace guards seized my construction equipment and I paid about 800 Ghana Cedis before my equipment was released to me⁸⁰”.

Another migrant house owner in Kromoase conveyed that:

There are groups called land guards. The rule is that when you are building your house, you have to pay *Mmerante Sa* [Youngmen’s drink] to them. They say they protected the land. We did those things for them and they did not come again to disturb us. (Interview with Mrs Magi, Kromoase, 13/01/2019)

In Aburaso, all the participants complained that land guards disturbed households who build houses. The land guards terrified the people by holding cutlasses and clubs at the building sites. The participants further revealed that due to the injunction on Aburaso land, land guards hid behind the injunction and extorted money from people who purchased land from clans. A clan

⁷⁸ Interview with Mr Manso, Kromoase (07/01/2019).

⁷⁹ Interview with Mr Manso, Kromoase (07/01/2019).

⁸⁰ Interview with Mr Asumen, Kromoase (07/01/2019).

head also mentioned that the parties in the chieftaincy dispute have resulted in land guards supporting them in enforcing their land allocations⁸¹ (also discussed in Chapter 5 section 5.5.1).

An indigenous household head further underscored that:

Because of the injunction on the land the boys are threatening the people who are building houses on the land. There is a guy here, if he sees you building your house, he can charge you a huge sum of money. He charges you according to his discretion. He collects from people 5000 or 3000 or 2000 Ghana Cedis. You have bought your land and building your house on it, look at this? It is because of the chieftaincy dispute. Even after him, another set of boys may come to collect money from you. (Interview with Mrs Ampafo, Aburaso, 30/12/2018)

The findings on land guards' activities in this present study significantly reflect the findings obtained by Barry and Danso (2014) on land guards' terrorism in peri-urban Accra. Barry and Danso illustrate that in peri-urban Accra, land guards are hired to defend different claims over land or move farmers away from their farmlands as result of contestations over customary lands. In the present study, the eviction of latter clans, the chieftaincy dispute and poor accountability over land transactions led to the creation of land guards in Aburaso and Kromoase. As it has been concluded elsewhere, land guards are commonly created when there are poor land allocations, eviction of indigenes from their farmlands and chieftaincy dispute.

Table 30 demonstrates the creation of land guards in Aburaso and Kromoase in this period of commoditisation of customary lands for housing. The table displays that the majority of the respondents 83 (79.0 per cent) in both communities were of the view that there were land guards in Aburaso and Kromoase.

Table 30: Land guards' creation in Aburaso and Kromoase (n=105)

Participant's response	Aburaso		Kromoase		Total	
	n	%	n	%	n	%
Yes	53	93.0	30	62.5	83	79.0
No	3	5.3	17	35.4	20	19.1
I don't know	1	1.8	1	2.1	2	1.9
Total	57	100.0	48	100.0	105	100.0

⁸¹ Interview with Mr Nimarko, Aburaso (31/12/2018)

About 53 (93.0 per cent) respondents agreed that land guards are in Aburaso while 30 (62.5 per cent) responded that land guards are in Kromoase. From the research findings, it is explicit that the nature of land guards' activities in Aburaso is more serious than in Kromoase.

6.8 Land Use Activities and Agrarian Modes of Livelihoods

The findings on land use activities and agrarian modes of livelihoods show that agrarian activities are drastically diminished in both communities due to the commoditisation of the communities' lands for housing (also mentioned in section 5.2. in the previous chapter). The research findings illustrate that the commoditisation of the lands in Aburaso and Kromoase led to the conversion of most of the farmlands in both communities to residential uses. The conversion of the agricultural lands to residential lands resulted in the reduction of the number of farmers and farm sizes, changes in farming systems and practices, and the introduction of different varieties of crops. In Kromoase, an interviewee responded that: "You cannot get land here to do farming. If we had land, I could have gone to farm. Where is the land? The allocation of the lands for housing has reduced farming activities here⁸²".

Similarly, in Aburaso, a participant who was the former assemblyman illustrated that:

Housing development has collapsed farming activities. If you examine this community, where can you get to farm? The upland over there has been sold. It was a thick bush but they have sold all the lands for housing. There were people in this community who used to farm there. Now, can the people farm there again, should they farm in the buildings? Farming activities is no more in this community. In the years to come, life will be very difficult for us. (Interview with Mr Kuffour, Aburaso, 31/12/2018)

In addition, except in Aburaso where farmers cultivated crops on land more than 0.5 acres on farmlands not subdivided into plots, all the farmers in both communities cultivated crops on undeveloped plots of land (see Chapter 5, section 5.4). The undeveloped plots of land were mostly given to the farmers without payment of money to the land owners. The farmers were allowed to cultivate the lands until the land owners needed the lands to build their houses. This practice was common on undeveloped lands to prevent encroachment and resale of the lands to other land seekers by traditional authorities. The crops that were chiefly cultivated on undeveloped plots included plantain, cassava, garden eggs, and others (see Figure 13 below). The participants specified that the farmers were insecure as the land owners of the undeveloped

⁸² Interview with Mrs Kosia, Kromoase (02/01/2019).

lands could claim their lands at any time. A respondent in Kromoase commented that: “You can get a place to cultivate crops when the land has not been developed. If the land owner wants to develop the land, he will tell you to clear the crops for him to take his land⁸³”.

Also, in Aburaso, an interviewee specified that: “If someone wants to farm, it has to be somebody’s plot he has not developed. Our grandfathers and grandmothers’ lands, they have sold them to people to build houses⁸⁴”.



Figure 13: Farming on undeveloped land in Kromoase

Source: (Fieldwork, 2020)

Also, house owners who did not develop all their plots used the undeveloped parts to do backyard gardening. This farming practice was very common among most of the house owners in the newly-developing areas in Aburaso and Kromoase (see Figure 14 below). In addition, there were varieties of crops that were cultivated in the backyard gardens; the common crops were cassava, maize, tomatoes, plantain and coconut.

⁸³ Interview with Mrs Bosuo, Kromoase (02/01/2019).

⁸⁴ Interview with Mrs Kusi, Aburaso (15/01/2019).

The farming on the undeveloped plots was principally mixed farming instead of land rotation which was the common farming system prior to the commoditisation of the lands in the communities. Also, farmers began to cultivate new crops such as cucumber, cabbage and lettuce on the undeveloped plots of lands close to the streams in the communities. These crops were cultivated mostly for the market in the Kumasi Metropolis. The undeveloped lands which were used to cultivate the cucumber, lettuce, cabbage and other crops like tomatoes, peppers, Okra and others were intensively used. Fertiliser application and other farming practices such as moulding and spraying were applied on the farms. Other farmers used the marshy areas and the banks of streams to cultivate rice and sugar cane (see Chapter 5, section 5.4.)



Figure 14: Backyard garden in Kromoase

Source:(Fieldwork, 2020)

Also, livestock and chicken (see Figure 15 below) were reared by households in Aburaso and Kromoase. These livestock and the chicken were for both home consumption and sales.



Figure 15: House owner rearing chicken in Kromoase

Source: (Fieldwork, 2020)

The insights on agricultural land uses in this study corroborate the findings obtained by previous studies on farming activities in peri-urban Ghana. The studies show that in the peri-urban communities, agricultural land uses dominated before commercialisation of lands reaches these spaces (Simon, McGregor and Nsiah-Gyabaah, 2004; Amoako and Korboe, 2011). However, the commercialisation of lands in the communities leads to the conversion of agricultural uses mostly to residential uses. In the present study, most of the lands in Aburaso and Kromoase were converted to residential uses. Blake and Kasanga (1997) and Arko-Adjei (2011) also found in their studies that agrarian livelihoods are lost during commercialisation of peri-urban lands. Their finding was significantly reinforced with the findings on agrarian modes of livelihood in this study. All the participants complained that the indigenous people have completely lost their sources of livelihood obtained from the collection of mushrooms, vegetables, firewood, fruits and herbs from the lands in Aburaso and Kromoase. The study of the local plans confirmed that agricultural activities were not the priorities of the communities (see Chapter 5, section 5.4). No place was earmarked for farming activities on the communities' local plans. An indigenous household head in Kromoase indicated that Kromoase lands cannot presently be used for farming. The respondent stated that:

No! No! Unless you want to use the land to build a house. We are above agricultural activities. A plot of land may go over 30,000 Ghana Cedis (300,000,000 Old Ghana Cedis).

Even if you get it at 30,000 Ghana Cedis, it is cheap. Would I use this to do agricultural activities? (Interview with Mr Kubi, Kromoase, 22/01/2019)

Furthermore, in both communities, there was no place earmarked for sanitary facility. The waste of households was collected by motorbike rubbish collectors and in many instances, the residents fought with the rubbish collectors (see Figure 16 below). This finding was significantly in agreement with the findings obtained by Yeboah and Shaw (2013). Yeboah and Shaw indicate that all land uses that have less economic value such as open spaces, sanitary areas and community football pitches, are converted to residential uses (Yeboah and Shaw, 2013). In Kromoase a migrant household head revealed that: “There is only one public toilet and no place to dump refuse. Where I am farming, every day there are polythene bags in the farm. Also, there is no market in this community”⁸⁵



Figure 16: Woman struggling with rubbish collectors in Kromoase

Source: (Fieldwork, 2019)

From the current study and mentioned earlier in this chapter, it is noticeable that land-use planning is very poor in Aburaso and Kromoase. The land uses are principally residential uses

⁸⁵ Interview with Mr Asumen, Kromoase (07/01/2019).

and other important land uses such as a sanitary site, place for electricity installation, and others were neglected by the traditional authorities.

6.9 Community Politics, Struggles and Societal Change in Aburaso and Kromoase

This section examines the broader community politics and the social and economic changes unfolding in Aburaso and Kromoase due to accelerated commoditisation of land. Firstly, this section will examine the fiduciary roles of traditional authorities, particularly the hegemony of traditional authorities over their subjects. Secondly, the section will discuss the local land contestations and struggles and the attempts by traditional authorities to ‘enforce’ customs and traditions, the land dispossession and payment of compensation. Thirdly, the section presents findings on land use activities and the role of agrarian modes of livelihood in a rapidly urbanising environment. Fourthly, this section will discuss key issues on congestion and the extension of clan houses to create more housing space. Finally, the section will present some insights on losers and winners in the context of land commoditisation in peri-urban Ghana.

6.9.1 Fiduciary roles of traditional authorities

The findings on fiduciary roles of traditional authorities demonstrate that the communities do not benefit from drink money received from land transactions in Aburaso and Kromoase. The majority of the research participants in Aburaso complained that they had not seen any projects which had been established using funds from land transactions or drink money. However, some key informants reported that some of the money from land transactions have been used to support the building of a school. Likewise, in Kromoase, a significant number of the research participants revealed that the community does not benefit from drink money obtained from land transactions. In contrast, the queen mother and a few research participants stated that the stool assisted with the construction of classrooms and other projects. However, they could not tell the exact amount of the drink money that had been contributed towards the building of the school and other community projects. At the time of the research, there were no community projects which were fully funded by the stools. In Aburaso, the majority of the research participants revealed that as a result of the chieftaincy dispute, the clans sell their clan lands and keep the drink money without accounting for the proceeds to the community. A research participant in Aburaso noted that:

When the clans sell the lands, they spend the proceeds. They do not inform the community that they have sold a plot of land and this is the amount they earned from it. Nobody sees the proceeds of the land allocation. (Interview with Mrs Kusi, Aburaso, 15/01/2019)

Also, in Kromoase, a respondent stated that:

When a person sells a land in this community, he does not use the proceeds to support development projects. When he collects the money, he sends it to his house. He uses it to support his family. In this community, what development projects are we doing? If the community roads need maintenance, if the government does not come and do it for us, nobody will do it. (Interview with Mrs Afriyie, Kromoase, 02/01/2019)

The responses from the qualitative interviews are consistent with the findings from the survey questionnaire. Table 31 shows the benefits the communities obtained from land revenue generated from land transactions. The table illustrates that the residents in the two communities did not benefit from the revenue generated from land allocations. In Aburaso, 39 (68.4 per cent) and in Kromoase, 30 (62.5 per cent) of the research participants indicated that local people do not benefit from the revenues generated from land allocations. Also, 6 (10.5 percent) respondents in Aburaso and 7 (14.6 per cent) respondents in Kromoase mentioned that the authorities used the revenue to support their own private affairs. In addition, in Aburaso, 6 (10.5 per cent) respondents and in Kromoase, 5 (10.4 per cent) respondents stated that they cannot tell what benefit was obtained by the community. The respondents explained that they do not even hear about the land allocations.

Table 31: Benefits residents in Aburaso and Kromoase obtained from land revenue generated from land allocations (n=105)

Benefits from land allocation revenue	Aburaso		Kromoase		Total	
	n	%	n	%	n	%
Use to expand and repair roads	5	8.8	0	0.0	5	4.76
Use to support the expansion of school classrooms	1	1.8	6	12.5	7	6.67
Use to support private affairs of the land owners	6	10.5	7	14.6	13	12.38
Community does not benefit from the revenue	39	68.4	30	62.5	69	65.71
I cannot tell	6	10.5	5	10.4	11	10.47
Total	57	100.0	48	100.0	105	100.0

The evidence from this research supports the insights that emerged from the studies conducted by Asiana (1997) and Ubink (2008a). These researchers reported that the drink money obtained from land allocations in peri-urban Kumasi is often shared amongst the traditional leaders, namely the chief, principal elders and the *Asantehene*. Blake and Kasanga's (1997)

study in Esereso shows that drink money from land transactions was often divided into four parts: chief's share, stool's share, principal elders' share and community development share. In the Ashanti region, the sharing formula found by Blake and Kasanga (1997) is prevalent in communities with plot allocation committees. However, in Aburaso and Kromoase, there was no sharing formula for drink money. The research findings illustrate that the drink money was shared and benefitted the eldest matriarchs in the clans. The eldest matriarchs' shares were determined by the discretion of either the chief or the queen mother or the clan head as the case may be, in both communities.

In addition, in both Kromoase and Aburaso, (see also section 6.2 in this chapter), part of the drink money was sent to the *Asantehene (Opemso)* to inform him about the land allocations. The current 1992 Constitution of Ghana expresses in Article 36(8) that traditional authorities must act as fiduciaries and account to their subjects for the benefits that accrue from their lands. However, many studies indicate that this constitutional provision is not enforced and traditional authorities mostly use the proceeds from land allocations to finance their private matters (Fiadzigbey, 2006; Amanor and Ubink, 2008; Ubink and Quan, 2008). The findings on fiduciary roles of traditional authorities from this research reinforce the evidence from these studies. Thus, this research confirms that the fiduciary roles of traditional authorities, enjoined by the current 1992 Constitution, are neglected during commoditisation of communities' lands.

6.9.2 Hegemony of traditional authorities over their subjects

In Aburaso and Kromoase, the research findings show that the traditional authorities control over their subjects was characterised by mistrust. Contestations for land result in a conflictual environment with minimal social cohesion. Most of the research participants revealed that the traditional authorities were not loyal and accountable to the people. In Kromoase, a research participant indicated that the people were confused about the person who controlled the community. The participant stated that when the assemblyman made announcements to mobilise communal labour, the queen mother would counter the announcements⁸⁶.

In Aburaso, the longstanding chieftaincy dispute affected the traditional authorities' control over their subjects. The respondents stated that each party in the chieftaincy dispute claimed to be the legitimate leader in the community. The current assemblyman and the unit committee

⁸⁶ Interview with Mrs Kosia, Kromoase (02/01/2019).

chairman stressed that the lack of a substantive chief had affected the development of Aburaso. The unit committee chairman further revealed that poor control over the subjects compelled the youth in the community to march to Otumfuo Osei Tutu II to request for a chief for the community on 12 June, 2018. The unit committee chairman asserted that:

In this community, we do not know the chief we can go to him for support. We have about three chiefs here and all of them claim to be the chief of this community. If one sees you with the other people, he becomes angry. This is affecting the development of this community. (Interview with Unit Committee Chairman, Aburaso, 30/12/2018)

Customarily, the chief is the unifier in the community and the mediator between the present generation and the ancestors (Busia, 1968; Awuah-Nyamekye and Sarfo-Mensah, 2011; Oware, 2017). The traditional administration of the chief is recognised as the first point of contact whenever any problem befalls a community. Blake and Kasanaga (1997) elucidate that communities revolve around the chieftaincy institution in peri-urban Kumasi. Chiefs settle litigations between subjects and or strangers in relation to social matters and land disputes. Evidence from this research shows that land grabbing and corruption by traditional administrators reduced the respect the community residents accorded the traditional offices. In turn, this has diminished the ability of chiefs to effectively lead the local residents. Most of the community members were unhappy about the land evictions enforced by the traditional authorities. In this study, it is clear that poor land allocations affect the respect rendered by community dwellers to the traditional administration.

6.9.2.1 Local land contestations and struggles

In Aburaso and Kromoase, local land contestations and struggles manifested between and within clans and between land purchasers and land guards. The research participants in Kromoase stated that the misunderstanding over land ownership in the community led to land conflicts between the Kotokuom clan and the Betenase clan (see Chapter 5, sections 5.3.1 and 5.5). The effect of this conflict resulted in the division of the community lands between the Betenase clan and the Kotokuom clan. In Aburaso, a clan head described that there was a land litigation between the Krobo clan and the Domase clan over land ownership. The clan head expressed that the litigation had been in court for more than five years⁸⁷. In addition, the other

⁸⁷ Interview with Mr Osei, Aburaso (28/12/2018).

clans, Kurapaakuo, Odumase, Domase and Krobo clans litigated against the Wawaase clan in Aburaso as a result of the eviction of the latter clans from their farmlands.

The findings on land conflicts also show that there were conflicts within clans. In Aburaso, a significant number of the research participants revealed that lack of proper accountability and transparency in land transactions led to contestation among clan members. Also (to reiterate what was mentioned in Chapter 5, section 5.5.1), the regent chief mentioned that poor accountability on land transactions led to land contestations and struggles within the royal family⁸⁸. According to the research participants, the contestations over land allocations led to the shooting of the immediate past queen mother's son. An indigenous household head who was a lumberjack stated that: "My uncle, when the gun shot incident happened, they said the *Gyaasehene*⁸⁹ should be in charge of the community in collaboration with the queen mother. But still we have not settled the case⁹⁰".

Furthermore, in Kromoase, the study reveals that there were contestations over land allocations within clans. As discussed in Chapter 5, section 5.5.2, the participants revealed that there was a misunderstanding within the Betenase clan over the person who was the rightful authority to issue allocation notes to land seekers. Although the queen mother was confirmed to issue allocation notes, many clan members are still at loggerheads with the queen mother. The research participants mentioned that the current queen mother did not invite the clan members to participate in decision-making related to land allocations. Again, an indigenous household head mentioned that the poor sharing of the proceeds obtained from the allocation of the lands given to the clans as compensation payments evolved conflicts within latter clan members. The research participant further lamented that:

When the queen mother was enstooled, she said she will give us 10 plots. We disagreed because we had a vast land and thought the 10 plots was a cheat on us. One uncle of us, who loves money, assisted the queen mother to demarcate the area into plots. The fight that arose in the family, presently, some of the young men are at loggerheads with some relatives. This is because they allocated a place they wanted to give to the young men. During that time the case went to the palace and the boys will fight in the palace. Due to the fight, Buffalo Police were brought here and as a result of that some of the boys were living in the bush. When the boys fought for the land, the family head sold the land and took GHS8,000 from the money. The boys were angry. (Interview with Mrs Afriyie, Kromoase, 02/01/2019)

⁸⁸ Interview with Regent Chief, Aburaso (28/12/2018).

⁸⁹ *Gyaasehene* is a sub-chief who is in charge of the chief's food or the chief's kitchen.

⁹⁰ Interview with Mr Ohene, Aburaso (15/01/2019).

The study also shows that there were struggles between land guards and land purchasers. To yet again underscore what was mentioned in the case studies in Chapter 5 and sections 6.3 and 6.7 above, the land guards extorted money from land purchasers and the land purchasers who refused to pay the money demanded by the land guards were disturbed. On the other hand, other land purchasers hired *Budos* to protect the workers at the construction site from land guards. The *Budos* and the land guards sometimes fought at the construction sites and the misunderstanding delayed the construction of the land purchasers' houses. The findings on land contestations and struggles between and within clans in this study reflect a similar trend of the insights obtained in previous studies. These studies reveal that land conflicts are rampant in all communities in peri-urban areas in Ghana where lands are highly commercialised (Kasanga and Kotey, 2001; Amanor and Ubink, 2008; Ubink and Quan, 2008). Kalabamu (2019) describes the land conflicts as including disputes, litigations, struggles, quarrels and fights over any rights in, on or over land. This study indicates that there were litigations, struggles, quarrels and fights between and within clans and between land guards and land purchasers in Aburaso and Kromoase. Land guards disturbed land purchasers and at times land guards' activities led to violence and death.

The research findings further show that the local land conflicts affected the clan cohesion and community solidarity in Aburaso and Kromoase. The majority of the research participants indicated that due to the stress and the trauma they went through during the protest against the traditional authorities, they were unwilling to discuss matters related to lands in the communities. This study clearly highlights that poor land allocations emerging from land commoditisation affects community togetherness and land guards' activities easily erupt in violence in peri-urban communities.

6.9.3 Enforcement of customs and traditions

The research findings reveal that the traditional authorities are unable to enforce the customs and traditions of the communities in this era of commoditisation of the communities' lands. In Aburaso and Kromoase, Tuesdays were the sacred days (see Chapter 5, section 5.3.4), however, the study displays that the sacredness of a Tuesday is no longer observed in both communities. A research participant in Aburaso explained that the community did not regard the traditional practices anymore due to conversion to Christianity and commercialisation of the lands. The research participant stated that: "Here, we don't go to farm on Tuesday but now it is not

observed because most of the lands have been turned into houses. Also, here are outsiders who do not understand our traditions and customs⁹¹”.

In addition, the movement of the migrant households into the communities led to the adoption of an urban lifestyle. In Kromoase, a clan head specified that the influx of migrants into the community has helped the community members to be enlightened in terms of modern ways of living⁹². Also, the head of the Physical Planning Department mentioned that facilities such as hotels, club houses and pubs have been built in the communities and these facilities have introduced new ways of living in the communities⁹³.

The findings on enforcement of customs and traditions agree with the evidence obtained in previous studies conducted in Ghana (Asante, 1965; Awuah-Nyamekye and Sarfo-Mensah, 2011). These studies describe how sacred days are observed by community members which are rooted in ancestral worship in communities in Ghana (ibid.) and the sacred days are mostly market days. Arko-Adjei et al., (2009) found in their study that as a result of commercialisation of lands in peri-urban communities in Ghana, people disregard the observance of sacred days. In Aburaso and Kromoase, the Tuesday sacredness was totally absent. In addition, other studies show that peri-urbanisation leads to the introduction of an urban lifestyle and the acquisition of new knowledge and skills by peri-urban residents (Amoako and Korboe, 2011; Adam, 2014; Banu and Fazal, 2016). The evidence from this study supports that an urban lifestyle was adopted by the residents in Aburaso and Kromoase and the adoption of the new lifestyles transformed the social relations among the residents in the communities. The study argues that peri-urbanisation changes pre-existing cultural practices regulating land tenure relations and this transforms social relations which exist among indigenous people in communities

6.9.4 Land dispossession and compensation payments to farmers

The latter clans were evicted from their clan lands and were given plots of land as compensation payments (see Chapter 5, section 5.5.1 and sections 6.2 and 6.3 above). The research findings show that most farmers who continued to farm on their clan farmlands after the compensation payments were paid to the latter clans, were evicted from their farms with/without

⁹¹ Interview with Mrs Korankye, Aburaso (27/12/2018).

⁹² Interview with Mr Manso, Kromoase (07/01/2019).

⁹³ Interview with Mrs Ophelia, Physical Planning Department (16/01/2019).

compensation to their crops. In Kromoase, many research participants stated that land purchasers cleared their crops on their clan farmlands they were cultivating crops on without their knowledge. Also, compensation payments for food crops were determined by the discretion of the land purchasers and land purchasers who were unkind did not give any compensation payments to the farmers (see Figure 17 below). In Kromoase, a research participant highlighted that:

If you have cultivated crops on the land and you get a compassionate land purchaser, he may give you money for the clearing of the crops on the land. Many land purchasers do not have compassion for farmers. They will tell you to clear your crops from the land. How can you clear your crops? Can you eat all the foodstuffs in a day? (Interview with Mrs Kaakyire, Kromoase, 03/01/2019)



Figure 17: Crops of an indigenous farmer cleared by a land purchaser in Kromoase

Source: (Fieldwork, 2020)

Furthermore, in Aburaso, many participants indicated that land guards sold farmlands to land purchasers and helped them to build their houses at night (see section 5.5.1 of Chapter 5 and section 6.3 above). In such cases, farmers do not obtain compensation for their crops on their farmlands. Moreover, a government official in the Lands Commission and three participants in Kromoase stated that when chiefs and queen mothers are enthroned, they evict people who have not developed their lands they purchased from the immediate past chief or queen mother.

An indigenous household head in Kromoase confirmed that: “Even lands, (about 12 acres) that were given as a gift to the old women to farm on them to get foodstuffs, the queen mother has seized them. This has led to the demise of most of them⁹⁴”.

In addition, an official in the Lands Commission mentioned that newly-enthroned chiefs ask house owners to bring their land documents for a review with a payment of money⁹⁵. In Kromoase, the researcher found that the newly-enthroned chiefs in both the Betenase and Kotokuom clans were collecting money from the house owners for a review of their land documents. Also, in Aburaso the regent chief declared that people who purchase lands from latter clans may repay another sum of drink money after the settlement of the chieftaincy dispute in the community (see also Chapter 5, section 5.5.1).

The insights from the current study on land dispossession and compensation payments to farmers in this period of land commoditisation in Aburaso and Kromoase support the findings obtained by many studies conducted on land dispossession and peri-urbanisation. These studies demonstrate that landlessness is a major disadvantage to indigenes in communities during commercialisation of their lands (Amanor and Ubink, 2008; Berry, 2009b, 2009a, 2017; Banu and Fazal, 2016). Also, studies highlight that from pre-colonial to post-colonial Ghana, the strengthening of the power of traditional authorities in land allocations without the recognition of other social groups leads to the eviction of clans and individuals from their farmlands (Amanor, 2008; Onoma, 2010; Akaateba, 2018). The traditional authorities insulated by the state power redefine customs and traditions in relation to land allocation and management and evict indigenes from their farmlands when lands gain value.

In Aburaso and Kromoase, this situation was clearly manifested in the eviction of clans from their clan lands emerging from the support the traditional authorities obtained from the state through the Physical Planning Department. The study illustrates that the Physical Planning Department supported only the traditional authorities’ land allocations. As result of that, latter clans who resisted the demarcation of their farmlands could not allocate their farmlands to land purchasers without the concurrence of the traditional authorities and the Physical Planning Department. The study further argues that the support of only traditional authorities as the social group in charge of land allocations by the state through its planning institutions, results

⁹⁴ (Interview with Mrs Mansa, Kromoase, 13/01/2019)

⁹⁵ Interview with Mr Ato, Lands Commission (25/01/2019).

in eviction of indigenes from their farmlands without appropriate compensation payments during land commoditisation in peri-urban communities in Ghana.

6.9.5 Congestion and extension of clan houses and migration of indigenous households to other communities

In this study, the research findings reveal that clan compound houses are overcrowded and congested emerging from the commoditisation of the lands for housing development. The research participants indicated that the majority of the indigenes could not own houses because of the large sums of drink money asked for a plot of land in both communities (see also Chapter 5, section 5.2). From the findings, the income most of the indigenous men and women generated from their daily livelihood activities was very small and the people could not save enough money to buy the plots of land at the high prices. In this regard, most of the indigenous households lived in clan compound houses.

Furthermore, the research participants declared that the high drink money for a plot of land caused many indigenous households to extend their clan houses. The extension was effected by the households building bedrooms and attaching the rooms to the old clan compound houses (see Figure 18 below). The extensions blocked streets and impeded passages in the old sites. Two research participants in Kromoase mentioned that:

When we sold our land, we had only one choice to be in our clan house. In our house, look at the number of people here. We are many and the space is small. However, we do not have a plot to build on it. For our living condition is very poor. (Interview with Mrs Akoto, Kromoase, 02/01/2019)

The local people are unable to buy the lands. This is the reason why if you look at Kromoase, cars cannot pass through the streets in the old site. We are not able to buy land. So, we do extensions of the old clan compound houses. (Interview with Mr Kubi, Kromoase, 22/01/2019)

Also, in Aburaso, an indigenous household head expressed that: “The local people are now doing extension of the old buildings. Our house in the old site got burnt. If there were no extensions, we could have saved it from fire⁹⁶”.

⁹⁶ Interview with Mr Ohene, Aburaso (15/01/2019).



Figure 18: A clan house extended by a clan member in Kromoase

Source: (Fieldwork, 2020)

Moreover (as stated in Chapter 5, section 5.2), the findings illustrate that many indigenes who could not afford to purchase plots of land at rate of the high drink money migrated to nearby communities where plots of land were affordable. Also, indigenous farmers migrated to other communities to continue their farming activities. A research participant in Kromoase stated that:

If the chief tells you the price and you have the money, you can buy it. Those who could not purchase land here due to the price have gone to Afrantwo and other places. This is because the prices of the lands in those communities are very low. (Interview with Mrs Kaakyire, Kromoase, 03/01/2019)

With regard to land for farming in distant communities, a research participant mentioned that: “The indigenes go to distant villages to get lands to cultivate cocoa and foodstuffs. They do this so that in their old ages they will have a source of income to rely on⁹⁷”.

The evidence on congestion and overcrowding in clan compound houses in this present research substantiates a study undertaken by Blake and Kasanga (1997). In their study, Blake and Kasanga (1997) display that clan compound houses are congested and single rooms in clan compound houses accommodate between 6 to 8 people in peri-urban Kumasi. The researchers further reveal that about half of the women and the youth population in their study sites did not own houses. In Aburaso and Kromoase, the massive land allocations and the appreciable increase in land prices affected most of the indigenous households’ abilities to purchase plots of land for housing. Many of the indigenous households who could not migrate to other communities to purchase lands or rent new apartments in Aburaso and Kromoase either continued to stay in their rooms in the clan compound houses or extended parts of the clan compound houses. The study maintains that land commoditisation may improve the housing of a proportion of the indigenous households (as argued in Chapter 5, section 5.4); however, the percentage of indigenous households whose housing improves through land commoditisation is lower than those indigenous households whose ability to improve their housing is negatively affected by land commoditisation.

6.9.6 Winners and losers

The findings of this study (see Chapter 5, section 5.5.1 and sections 6.2 and 6.3 above) demonstrate that the traditional authorities benefitted more from the proceeds which emerged from the land allocations than the community members. In Kromoase, a clan head illustrated that:

The traditional council has a rule that when a community develops towards a farmland, the land is divided into three. One for the person who was farming on the land, and the other two, one for the chief and the other share for the chief to take care of the cost of hiring a surveyor. You cannot share the land equally with the chief. In court and in chiefs’ palaces, this is the rule. But they do not buy electricity poles for us. They do not use it to support school. The only thing they do is to put the money into their pocket. If you go and talk about the conduct of the chief, the boys will beat you. For instance, if where a person is building is not authorised, the person will not listen to you. So, your wife and children will tell you not

⁹⁷ Mrs Mansa, Kromoase (13/01/2019).

to talk about the chief's conduct in land allocations. (Interview with Mr Manso, Kromoase, 07/01/2019)

Again, within clans, clan heads and principal elders obtained a greater percentage of the proceeds while the youth and young people were left with nothing or only a small amount to share. Migrants such as traders, civil servants, Ghanaian expatriates, and others invested more money in housing while the latter clans were dispossessed from their farmlands and many of the indigenous households lived in congested circumstances in clan houses. In Aburaso and Kromoase, most of the private schools and corner shops were established by migrants. Also, indigenous women and men lost their intergenerational wealth they derived from land. The plots of land that were given to the latter clans as compensation payments were registered in the name of the stool. The present generation in latter clans became landless and this will continue to be the case for the unborn generations.

The research findings in this present study substantiate insights which emerged in other studies conducted in peri-urban Ghana (Asiama, 1997; Blake and Kasanga, 1997). Blake and Kasanga (1997) found in their study that traditional authorities become richer and community members continue to be poorer during commercialisation of lands in peri-urban Ghana. Asiama (1997) also describes how customary land tenure systems have attained new dimensions which support traditional authorities more than their subjects. In many instances, scholarly literature in Ghana describe how chiefs use the traditional administration offices for their benefits with less regard being paid to communities' development (Amanor and Ubink, 2008; Ubink and Quan, 2008; Berry, 2009a, 2017, 2018). In Aburaso and Kromoase, the findings show that the chiefs, elders in clans and land guards benefitted more from the commoditisation of the communities' lands. The study maintains that the recognition of only the traditional authorities as the managers of communities' lands supported by the state through its planning institutions, insulates how the traditional authorities become landlords and beneficiaries of proceeds that accrue from land transactions. The traditional authorities disregard the indigenous customs and redefine land relations to suit their personal gains.

6.10 Chapter Summary

In this chapter, the researcher presented and discussed findings on the impacts of commoditisation of customary lands on housing development in Aburaso and Kromoase. The chapter showed that the customary land administration and tenure systems in both communities have been transformed due to the commoditisation of the customary lands for housing. Land

ownership, land access and control were highly dominated by migrant households. Both women and men were not restricted from access to land, however, a person's access to a plot of land was highly determined by the person's ability to pay the price of the land. The socio-political economy of the communities was less communal compared to the period before the massive commoditisation of the communities' lands for housing. There were land conflicts within and between clans and between land purchasers and land guards in the communities. The majority of the indigenous households could not purchase more lands than the migrant households because the daily income of most of the indigenous households generated from their economic activities was very small. The study reveals that traditional authorities benefitted more from the proceeds of land allocations than the community members. In the next chapter, the researcher will present the conclusion and recommendations of the study.

Chapter 7: Conclusion: Housing Development and Customary Land Tenure Systems in Aburaso and Kromoase in Peri-Urban Kumasi, Ghana

7.1 Introduction

This chapter presents the conclusion of the thesis and identifies the key findings of the research. The research sought to examine the extent to which rapid urbanisation and peri-urban expansion has transformed customary tenure systems in peri-urban Kumasi. Much of the land in peri-urban Kumasi has been subject to rapid commoditisation following the inflow of affluent migrants into peri-urban areas in search of relatively affordable land for housing. Other migrants have relocated to peri-urban areas for investment opportunities. The overarching research question in this thesis is: How and in what ways has the commoditisation of land in the context of housing development influenced the transformations of customary land tenure systems in peri-urban Ghana?

This study argues that rapid urbanisation leads to the movement of migrants into urban peripheries to seek land for housing. However, some land users require land for business activities. The high demand for land has resulted in an increase in land prices. Traditional authorities, therefore, allocate the lands to both indigenous and migrant households at high prices. Much of the land that is sold belong to latter clans who settled in peri-urban Kumasi after the pioneer clans had long become established in the area. With the assistance of government institutions in the land sector, latter clans are evicted from their clan farmlands by traditional authorities.

Chapter Five revealed that the escalating urban growth of Kumasi Metropolis has affected the peri-urban areas of Aburaso and Kromoase. Traders, Ghanaian expatriates, civil servants, and others who wanted to purchase lands in the Metropolis found the plots of land in Aburaso and Kromoase more affordable than the Metropolis. The differences in the land prices between the Metropolis and both communities attracted many urban residents and other households from other communities to relocate to Aburaso and Kromoase. The influx of the migrants into Aburaso and Kromoase increased the demand for the customary lands for housing and the traditional authorities allocated land seekers the customary lands at high prices.

The new residential areas are dominated by the migrant households and the houses in the newly-developing sites are typically detached or stand-alone houses. These new structures are

different from the adjoined houses in the old settlements. This chapter is divided into four sections. First, the chapter gives a brief overview of the key arguments on land commoditisation, housing development and customary land tenure systems in Ghana. Second, the chapter provides a brief summary of key findings on the impacts and outcomes of land commoditisation in Ghana. Finally, this chapter identifies some policy lessons for policy.

7.2 Overview of Key Arguments on Land Commoditisation, Housing Development and Customary Land Tenure Systems in Ghana

In Chapter One of this study, the researcher presented the background of housing development and how commoditisation of customary lands for housing is connected to rapid urbanisation. This has had a huge influence on customary land tenure systems in peri-urban Ghana. The major argument of the chapter was that rapid urbanisation leads to commoditisation of customary lands mostly for housing and to some extent business opportunities by the well-off. The chapter further reveals that traditional authorities evict their subjects from their farmlands and the evictions are indirectly supported by the state through legislation which concentrates power in the hands of the chiefs. In some cases, state officials are also engaged in unprocedural land allocations and other corrupt practices.

Chapter Two mapped the key debates on customary land tenure systems in Africa, major theoretical models on land reforms and the historical perspective of customary land tenure systems and land commoditisation in pre-colonial to post-colonial Ghana. The chapter revealed that the description of customary land tenure systems in Africa is very contentious as the tenure systems are different across countries and ethnic groups. Also, the differences of the tenure arrangements emanate from the ways the countries have been affected by colonialism, geo-political conditions, socio-economic trajectories and post-colonial land tenure reform policies (Bentsi-Enchill, 1965; Cousins, 2007, 2008, 2009; Akaateba, 2018). The chapter provides the framework of the study and identifies the key characteristics of the customary land systems in Africa.

Chapter Three explored housing development and how urban expansion is resulting in commoditisation of customary lands for housing in the urban peripheries. The chapter examined the effects of commoditisation of customary lands for housing development on the customary land tenure systems in Ghana. The chapter demonstrated that rapid urbanisation occurs due to the burgeoning urban growth emerging from a natural increase in population,

migration and globalisation. The chapter highlighted how, due to rapid urbanisation, the urban peripheries are affected by the processes of urbanisation leading to high demand for lands in the urban fringes. The high demand for land for housing development contributes to the increasing value of customary land in peri-urban areas. High land prices are not affordable for many local people in the affected peri-urban areas. Affluent migrants, for instance salaried civil servants, expatriates and business people, have access to land while the locals are excluded because they cannot afford to buy land. Traditional authorities, often assisted by state officials, evict their subjects from their ancestral lands. Land purchasers are also exploited by traditional authorities through multiple land allocation or sale of land.

The Chapter Four presents a detailed description of the study areas, the research design and methodology. The chapter outlined the way the study was conducted and the limitations that were encountered. The chapter argues that critical realism is the best research paradigm to examine the commoditisation of land and the customary land tenure systems. The research design combines intensive and extensive research approaches. The intensive research methods (life history interviews, in-depth key informant interviews) enabled the researcher to develop explanatory accounts of how commoditisation unfolds in the research context. The extensive research (household survey) allowed for the analysis of household features (household size, structure and composition) and the livelihood activities of the surveyed households, both agrarian and non-agrarian livelihoods.

7.3 Major Empirical Findings of the Study

The study sought to unpack how and in what ways the commoditisation of customary lands for housing development has influenced the customary land tenure systems in peri-urban Ghana. The specific research questions the study put forward to answer were:

1. How is the commoditisation of customary lands for housing development transforming customary land tenure systems in peri-urban Kumasi, Ghana?
2. What are the emerging patterns or changes in land ownership, control and access in the context of urban expansion and increased demand for housing land in peri-urban Kumasi, Ghana?
3. How is the expansion of housing development in peri-urban Ghana influencing land use activities, especially agrarian production among indigenous people in peri-urban Kumasi, Ghana?

4. What are the emerging patterns of social inequality among indigenous people in the context of commoditisation of land for housing development in peri-urban Kumasi, Ghana?

In the succeeding sub-sections, the major contributions of the study are highlighted by answering the research questions in a chronological order.

7.3.1 Transformation of customary land tenure systems and commoditisation of lands for housing development

From the literature review and the findings on the customary land tenure systems in the early history of Aburaso and Kromoase, it was evinced that the customary land tenure systems had communal land ownership, access to land was through membership, land allocation for housing was done by a social unit (either a clan or traditional authorities), land management was communal, plants and rivers were used to identify community boundaries and sacred days were observed prior to the massive allocation of the communities' lands. However, the study establishes that the customary land tenure systems in Aburaso and Kromoase underwent remarkable transformations as a result of the commoditisation of the customary lands for housing development.

Firstly, the most striking finding that the study established was that the communal land ownership existed at clan level rather than the popular view of community level prior to the massive commoditisation of the communities' lands for housing. The study establishes that clan land ownership within the customary land tenure systems was transformed and dissolved into pioneer clans' land ownership. The latter clans who joined the communities were recognised as having no interest in the lands they were farming on. The latter clans were considered to be caretakers of their farmlands for the pioneer clans. The study reveals that the only thing that was left for the latter clans was compensation payment which the clans obtained through a series of litigations and renegotiations. Although the 1992 Constitution of Ghana prohibits the creation of freehold interest, the study found that the interests that were created for house owners were recognised as freehold interest by the traditional authorities. The study argues therefore, that during commoditisation of land for housing, clans and community members, so-called customary freehold interest dissolves into pioneer clans, the latter clans and the community members lose their identity derived from land and freehold interest is created for house owners.

Secondly, the study revealed that land allocation within the customary land tenure systems was transformed in this era of the commoditisation of the communities' lands. Land allocation was sealed with the payment of drink money rather than ordinary alcoholic drinks which was given to the traditional authorities before the massive commoditisation of the communities' lands. The study showed that the drink money was equivalent to the market price of the land. Additionally, another remarkable finding of this study highlights that all the social groups in the communities were capable of allocating lands to prospective land purchasers. This situation emerged due to the compensation payments the clans received in the form of plots of land. The consequence of the compensation payments in the form of plots of land was that land purchasers could not determine the rightful persons who owned the lands. Also, the land transactions were done privately and this affected how prospective land purchasers were able to verify the chain of ownerships subsisting on the land. In view of this, the study maintains that commoditisation of land for housing leads to the payment of high amounts of drink money for a parcel of land and the development of poor customary land market emerging from the multiplicity of land allocations engaged by all social groups in the communities.

Thirdly, the study underscores how land management practices underwent tremendous changes as a result of the commoditisation of the lands for housing. Urban land governance practices such as preparation of local plan, building and development permits, boundary identification with concrete pillars as well as titling registration were introduced into Aburaso and Kromoase to reshape the customary land tenure systems. The study found that the introduction of urban land governance practices gave the chief and the queen mother more power than the clan heads and the community members. Land allocations could not be done without an allocation note and a site plan. The chief and the queen mother were the only people recognised by the District Physical Planning Authorities to allocate lands. Land purchasers, whose lands were not covered by allocation notes and site plan of the chief or the queen mother as the case may be, were denied building and development permits.

Individuals and clan heads who allocated their lands given to them as compensation payments, were ratified by the heads of their communities. Land management was found to involve only a chief, queen mother and government officials with no recognition of clan heads and community members. The study found that the coordination between the chief, the queen mother and the government officials was very poor. The study upholds that the introduction of urban land governance practices into peri-urban areas during commoditisation of land for

housing transforms customary land management practices, chiefs and queen mothers invoke their constitutional powers as fiduciaries and disregard clan heads and community members as part of customary land administration.

The study further underlines how commoditisation of lands for housing leads to non-observance of sacred days in peri-urban communities. The current study revealed that the observance of sacred days was integral in the regulation of agricultural activities in Aburaso and Kromoase in the early history of the communities. However, the study found that the communities' customs were rejected as a result of the change from agrarian land use to residential land use emerging from the commoditisation of their lands. Urban lifestyles such as pool parties, clubs and outings were introduced into the communities. The study stresses that the commoditisation of lands for housing development leads to change from agrarian land use to residential land use which affects the observance of sacred days in peri-urban communities.

7.3.2 Emerging patterns in land ownership, control and access in the context of urban expansion

The study reveals new patterns of land ownership, control and access in peri-urban communities. The present study demonstrates that all the lands in Aburaso and Kromoase were regarded as absolutely owned by the pioneer clans during the commoditisation of the communities' lands. It was found that most of the lands were allocated to migrant households and the households owned the lands in terms of freehold interest. The study shows that access to land is now determined by a person's ability to pay for the price of the land rather than the person's membership to a lineage or the community. The high amounts of drink money affected the access of the majority of the indigenous households to land, especially the widowed, single women and youth who could not raise enough money to pay for the expensive land prices. Migrant households were able to access more of the lands than most of the indigenous households as the migrant households were more able to pay the high amounts of drink money than the majority of the indigenous households.

Furthermore, the study found that a chief, queen mother and government officials were the only figures who controlled the lands in the communities. Indigenous people and clan heads did not participate in the control of land in the communities. The planning authorities determined the land uses through subdivision of the customary lands and the traditional authorities allocated the lands according to the local plans. The study found that the local plan

of Aburaso was not approved, however, the local plan of Kromoase was approved. All the local plans were drawn by the traditional authorities and the Physical Planning Department in Atwima Kwanwoma endorsed them before they were approved by the Lands Commission. The government officials collected ground rent, provided permits and prepared title certificates for land purchasers while the traditional authorities provided allocation notes and site plans.

The government officials also assisted the traditional authorities in controlling the communities' lands through the issuance of building and development permits. People who tried to resist a chief's and queen mother's land allocation could not succeed as they were not recognised by the government land sector institutions. The study maintains that commoditisation of lands for housing development results in land being absolutely owned by pioneer clans. Migrant households have more access to land than the majority of the indigenous households owing to the high amounts of drink money requested by traditional authorities. The migrant households, therefore, own more of the lands in the newly-developing areas. The lands are also controlled by chiefs, queen mothers and government officials with no recognition of clan heads and community members.

7.3.3 A decline in agricultural and land-based livelihood activities

The expansion of housing in Aburaso and Kromoase affected land use activities. The dominant land use in the newly-developing areas of the two communities is housing construction. All other uses such as forestry, industrial, commercial and recreational uses were absent in the newly-developing areas. Traces of agricultural land uses were found on undeveloped lands. The crops the farmers frequently cultivated included maize, cassava and plantain.

Agrarian livelihoods such as collecting mushrooms, fruits, herbs and hunting were eliminated from the communities. The study reveals that commoditisation of lands for housing negatively affects agrarian production among indigenes in communities in peri-urban Ghana. Also, the commoditisation of lands for housing further reduces all land uses to only residential use with traces of commercial and agricultural uses.

7.3.4 Social inequalities among indigenes and housing development

The study found that social inequalities are not uncommon among the indigenes in the two communities. Latter clans lost all their ancestral lands to pioneer clans and the pioneer clans became absolute owners of all the lands in the communities. The chief and the queen mother

benefitted more from land allocations while community members became landless and poor. Farmers received compensation payments from land purchasers over their crops and the compensation payments were assessed at the discretion of the land purchasers. People who purchased lands from immediate past chiefs or queen mothers could be dispossessed by the succeeding chief or queen mother. The newly-enthroned chiefs in Kromoase collected money from house owners for review of their land documents. Indigenes who could not purchase land at the high amounts of drink money migrated to other communities to buy land for housing.

The effect of the inequalities is overcrowding and congestion in clan compound houses. The most significant finding was the extension of clan houses by clan members, where rooms were built and attached to the clan compound houses. Old residential sites in the communities lacked proper planning and the houses were poorly arranged. Conflicts usually emerged among and within clans and between land purchasers and land guards as a result of the commoditisation of the customary lands for housing. The conflicts led to violence, death, chieftaincy disputes and quarrels among the clans in the communities.

Land guards were created by parties in the chieftaincy dispute in Aburaso to enforce their land allocations. Also, the young men in both communities organised themselves as land guards to extort money from land purchasers. Most indigenes engaged in non-agrarian livelihood forms of occupations such as petty trading, trekking to distant communities to sell second-hand clothing, mini-bus drivers and attendants, constructional work, and '*Paa-O-Paa*' (luggage attendants). The study found that the petty trading was strongly dominated by women in the community who commuted daily to the CBD of Kumasi Metropolis to trade. The study further revealed that farmers who wanted to continue farming in order to realize an inheritance for their children and security for their old age travelled to distant communities to cultivate cash crops and food crops.

Community cohesion and solidarity economy were broken down. People were inclined to look inward to their private affairs more than towards supporting others and the entire community. The elderly people who could not involve themselves in non-agrarian livelihood strategies relied on their relatives, children and grandchildren for assistance. The study maintains that land commoditisation for housing development leads to dispossession of community members from their farmlands, leading to land contestations, increased poverty skewed towards community members especially the elderly people, and the loss of communal living.

7.4 Lessons for Policy Makers

Africa has been identified as to be hosting most of the urban population in the world in the years ahead (UN-HABITAT, 2014; Pieterse, Parnell and Haysom, 2015; United Nations, 2019) and the rapid urbanisation indicates that more lands are needed for housing the urban population. In Ghana, customary authorities own the greater percentage of the total lands. This illustrates that more customary lands will be provided by the customary authorities to control the demand for land for housing development. In this regard, the study provides the recommendations below which are based on the reviewed literature and the analysis of the findings from the fieldwork.

Firstly, allodial interest should be vested in clans instead of pioneer clans in stool land communities in Ghana. The creation of allodial interest and vesting of the interest in pioneer clans in communities have been empirically revealed to be the product of colonialism. The pioneer clans usually invoke the allodial title during commoditisation of customary lands to exclude and include members of the community, creating conflicts among clans and the development of apathy within community members towards their community's developments. Therefore, the study argues that it will be futile for theorists during commoditisation of lands to promote the strengthening of capacity of customary land administration and the recognition of customary land rights by legal framework so as to support equitable land distribution and poverty alleviation. In this case, the study suggests that allodial interest should be vested in clans, and chiefs and traditional councils should have a supervisory role in land allocations by ratifying land allocations made by clans with a signing fee. Chiefs should allocate the lands that are attached to stools, however, the allocations should be ratified by the traditional councils.

Secondly, land allocation should be participatory and should include the chief and traditional council as supervisors, clan heads as grantors and clan members as the attendants who will show the plots of land to grantees. Traditional council and community members' responsibilities with regard to land management should be given full recognition within the statutory framework. In the current legal framework of Ghana, traditional council and community members' land management functions are partially recognised by formal laws leaving the council's and community members' roles normally to customs. As customs are currently highly formalised, traditional authorities redefined, and customs are modified in an era of commoditisation of communities' lands, the legal recognition of traditional council's

and community members' land management roles to support the supervisory work of chiefs in land allocations will reduce land conflicts and ensure proper accountability and transparency in customary land deals. Also, drink money should be determined by a traditional council and communicated to clan heads and community members. Clan heads must collect drink money and the money should be divided into four – Chief and traditional council's share (signing fee), clan development fund's share, clan members' share and community development's share.

Finally, planning of a community should be interactive involving the Physical Planning Department, community members, clan heads, the chiefs and the queen mothers. The planning of the community should be legally recognised under the chiefly administration supported by the Physical Planning Department, the queen mother, the community members, traditional council and clan heads. The community members must be educated about the importance of planning a community and the roles they must play to enforce the implementation of their local plans. Local plans should be made available to community members as well as posted on billboards in the communities. This will enable the community members to check unauthorised developments in their communities.

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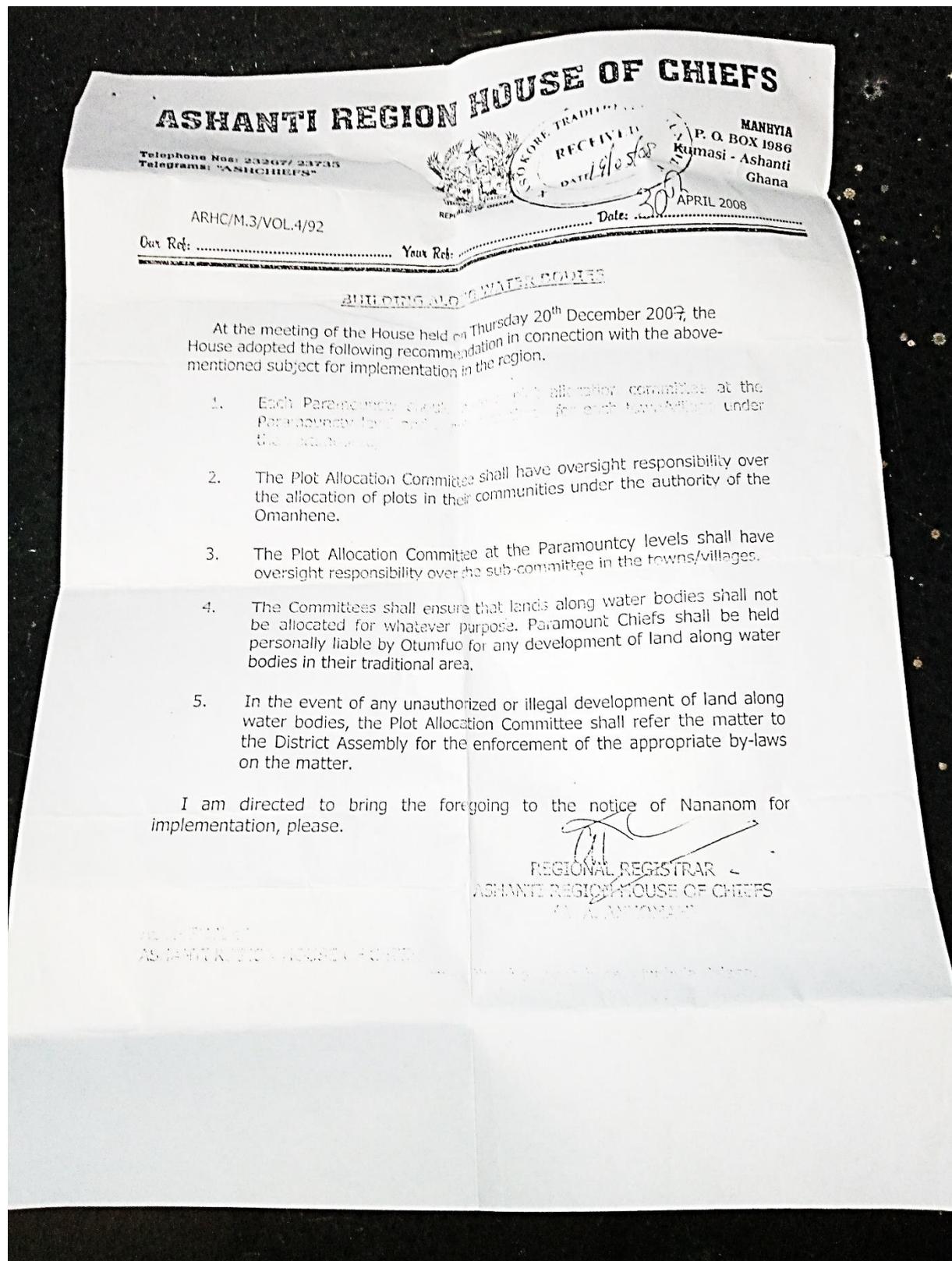
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Appendices

Appendix 1: Decision of Ashanti Regional House of Chiefs



Appendix 2: Cited interviews

Selected Household Heads				
Aburaso			Kromoase	
	Date	Pseudonym	Date	Pseudonym
1	31/12/2018	Mrs Aboronoma	07/01/2019	Mr Nkansah
2	15/01/2019	Mrs Kusi	02/01/2019	Mrs Afriyie
3	31/12/2018	Mr Kuffour	22/01/2019	Mr Kubi
4	30/12/2018	Mrs Ampafo	09/01/2019	Mr Appiah
5	27/12/2018	Mr Korankye	18/01/2019	Mrs Mansa
6	01/01/2019	Mrs Odonkor	07/01/2019	Mr Asamoah
7	15/01/2019	Mr Ohene	02/01/2019	Mrs Kosia
8	28/12/2018	Mr Yiadom	03/01/2019	Mrs Kaakyire
9	30/12/2018	Mr Anto	07/01/2019	Mr Ten
10	01/01/2019	Mrs Koranteng	07/01/2019	Mr Asumen
11	30/12/2018	Unit Committee Chairman	13/01/2019	Mrs Magi
12	19/01/2020	Mrs Bio	02/01/2019	Mrs Bosuo
13	19/01/2020	Mr Agorampa	03/01/2019	Mrs Nsiawaa
14	15/01/2019	Mrs Attakorah	02/01/2019	Mrs Akoto
15			03/01/2019	Mr Agyeiwaa
16			15/01/2020	Mrs Brakatu
17			16/01/2020	Mr Amoakohene
18			07/02/2020	Mrs Atiamo
19			06/06/2020	Dr Dankwah

Key Informants (Traditional Authorities and Clan Heads) in Aburaso and Kromoase				
1	31/12/2018	Mr Nimarko	07/01/2019	Mr Manso
2	30/12/2018	Mr Kumi	03/01/2019	Mr Nyame
3	28/12/2018	Mr Osei	06/01/2019	Queen Mother
4	28/12/2018	Regent Chief		

Key Informants (Government Officials)		
	Date	Pseudonyms
1	25/01/2019	Mrs Rhoda
2	25/01/2019	Mr Ato
3	16/01/2019	Mr Tutu
4	16/01/2019	Mrs Ophelia
5	16/01/2019	Mrs Mercy

Appendix 3: Sample of in-depth interview schedule for chiefs and clan heads

Interview Schedule number

UNIVERSITY OF THE WESTERN CAPE, SOUTH AFRICA
FACULTY OF ECONOMIC AND MANAGEMENT SCIENCES
INSTITUTE FOR POVERTY, LAND AND AGRARIAN STUDIES

IN-DEPTH INTERVIEW QUESTIONS DESIGNED FOR THE RESEARCH PROJECT

HOUSING DEVELOPMENT AND CUSTOMARY LAND TENURE SYSTEMS IN GHANA: A CASE STUDY OF PERI-URBAN KUMASI

IN-DEPTH INTERVIEW QUESTIONS FOR CHIEFS AND CLAN HEADS

This study is to aid the student analysis of the topic for academic purpose only and all information provided will be treated with utmost confidentiality.

Name of respondent	
Area of the study	
Cell phone number of respondent	

Particulars of visit to the study area

Particulars of visit	Date	Time started	Time ended
First visit			
Second visit			

Section 1: Customary Land Tenure Systems, Housing Development and Agrarian Activities in the Past

1. What is the extent and size of your community land?
2. How do you identify your boundaries with other communities around?
3. What are the clans and their locations in this community?
4. Why were the clans located in those places of the community?
5. What was the nature of land ownership in this community before the lands were commercialised for housing development?
6. How did people (indigenes and strangers) obtain land for agricultural purposes before the commercialisation of your land for housing development?
7. How did people (indigenes and strangers) obtain land for housing development before the commercialisation of your lands?
8. What were the various uses or activities your lands were used for before the lands were allocated for housing development?
9. Who were controlling and managing the lands in this community before the lands were allocated for housing development?

Section 2: Customary Land Tenure Systems and Housing Development Contemporary

10. Why are people highly buying lands in this community for housing development presently?
11. How do you allocate lands to people (indigenes and strangers) for housing development presently?
12. Which people are involved in allocating lands to housing developers for housing?
13. Which people (indigenes and migrants) mostly access the customary lands in this community for housing development and why such people?
14. What is the nature of ownership and control of land presently due to the high demand for land for housing development?
15. How does the community collaborate with the government institutions in implementing policies regulating housing development?
16. What benefits does the community obtain from the revenue accruing from the allocation of the customary lands for housing development?
17. What are the reactions of the youth against the community leaders in the conversion of the customary lands into housing development?
18. How are indigenes who are affected by housing development compensated?

Section 3: Housing Development, Agrarian Activities and Livelihood Strategies

19. What are the various land uses do you use your land for in this community presently?
20. How do the local people or migrant acquire land for agricultural purposes presently?
21. In what ways is housing development affecting the agricultural activities of this community?
22. What are the forms of occupations the indigenes currently engage to make a living in this community?

Section 4: Housing development and Social Inequalities

23. How does allocation of customary lands for housing development create various contestations within the royal family, clans and community in general?
24. How are indigenes (aged, women, men, children, youth and traditional authorities) lives affected by the allocation of customary lands for housing development?
25. In what ways is housing development affecting the communal living of indigenes in this community presently?

Appendix 4: Sample of interview schedule for government officials

Interview Schedule number

**UNIVERSITY OF THE WESTERN CAPE, SOUTH AFRICA
FACULTY OF ECONOMIC AND MANAGEMENT SCIENCES
INSTITUTE FOR POVERTY, LAND AND AGRARIAN STUDIES**

IN-DEPTH INTERVIEW QUESTIONS DESIGNED FOR THE RESEARCH PROJECT

HOUSING DEVELOPMENT AND CUSTOMARY LAND TENURE SYSTEM IN GHANA: A CASE STUDY OF PERI-URBAN KUMASI

IN-DEPTH INTERVIEW QUESTIONS FOR DISTRICT PHYSICAL PLANNING DEPARTMENT, DISTRICT OFFICE OF THE ADMINISTRATOR OF STOOL LANDS AND LANDS COMMISSION

This study is to aid the student analysis of the topic for academic purpose only and all information provided will be treated with utmost confidentiality.

Name of respondent	
Name of Institution	
Cell phone number of respondent	

Particulars of visit to the study area

Particulars of visit	Date	Time started	Time ended
First visit			
Second visit			

RESEARCH TOPICS	SPECIFIC QUESTIONS
1. Commoditisation of Customary Lands	<ol style="list-style-type: none"> 1. What are the categories of lands in peri-urban Kumasi especially Aburaso and Kromoase? 2. What are the factors causing an increase in demand for housing development in peri-urban Kumasi?
2. Customary Land Institutions and land administration	<ol style="list-style-type: none"> 1. Who are involved in land allocation of customary lands for housing development in peri-urban Kumasi? 2. How are customary lands allocated for housing development in peri-urban Kumasi? 3. What are the changes in customary land allocation due to the commoditisation of customary lands in peri-urban Kumasi? 4. What are the emerging patterns or changes in land ownership, control and access to customary lands as a result of the commercialisation of customary lands for housing development?
3. Statutory Interventions	<ol style="list-style-type: none"> 1. How do you enforce the laws regulating customary land allocations in peri-urban Kumasi? 2. What are the challenges your institution face in working with the customary land institutions? 3. Generally, how do housing developers comply with the laws regulating development such as building and development permits and titling registration in peri-urban Kumasi especially Aburaso and Kromoase?
4. Livelihood and Agrarian Activities of the People	<ol style="list-style-type: none"> 1. What are the emerging patterns of land uses due to commercialisation of customary lands for housing development in peri-urban Kumasi? 2. How is housing development affecting agricultural activities in peri-urban Kumasi especially Aburaso and Kromoase? 3. What are the forms of occupations the indigenes engage to make a living in peri-urban Kumasi? 4. How is housing development causing struggles and contestations within communities in peri-urban Kumasi? 5. How are the indigenes (aged, women, men, youth, children and traditional leaders) lives affected by the conversion of customary lands into housing development in peri-urban Kumasi?

Appendix 5: Sample of structured questionnaire

QUESTIONNAIRE NUMBER

**UNIVERSITY OF THE WESTERN CAPE, SOUTH AFRICA
FACULTY OF ECONOMIC AND MANAGEMENT SCIENCES
INSTITUTE FOR POVERTY, LAND AND AGRARIAN STUDIES**

IN-DEPTH INTERVIEW QUESTIONS DESIGNED FOR THE RESEARCH PROJECT
HOUSING DEVELOPMENT AND CUSTOMARY LAND TENURE SYSTEM IN GHANA: A CASE STUDY OF PERI-URBAN KUMASI

STRUCTURED INTERVIEW QUESTIONS FOR HOUSEHOLDS

This study is to aid the student analysis of the topic for academic purpose only and all information provided will be treated with utmost confidentiality.

Name of respondent	
Area of the study	
Cell phone number of respondent	

Particulars of visit to the study area

Particulars of visit	Date	Time started	Time ended
First visit			
Second visit			

Instructions

- a. Please tick the correct answer where alternatives are provided;**
- b. Write your answer in the spaces provided.**

Socio-economic and demographic characteristics of household members

Please, tell me the names of all the people who are members of your household. Members of the household who are schooling or working but come here during either vacation, holidays or weekends are part. However, do not include other members who have married and are staying with their family elsewhere.

Household head

1. Demographic characteristics of household members

Full name	Gender	Age	Highest level of education	Primary occupation	Does household member have other sources of income (Yes or No)	Marital Status	Relationship with person	How often is the person present here?

2. Income sources of household members (include more information on income sources mentioned in the table above)

Full name	Income source (1)	Income source (2)	Income source (3)

3. Are you an indigene or a migrant in this community?
 - a. Indigene
 - b. Migrant
4. If migrant, how many years have you stayed in this community?
 - a. 1
 - b. 2
 - c. 3
 - d. 4
 - e. 5

5. If migrant, please, why did you come to stay in this community?

.....
.....

SECTION 2: LAND OWNERSHIP, ACCESS AND CONTROL FOR HOUSING

6. Are you the owner of this house?

- a. Yes, house owner
- b. No, tenant
- c. No, living in a room in a family house
- d. No, I'm a caretaker

7. If yes, who allocated the land to you to build your house on it?

- a. Chief
- b. Queen mother
- c. Clan head
- d. Individual

8. If no, why do you not own a house?

- a. I do not have money
- b. Land prices here are very expensive
- c. I am not interested to be a house owner
- d. Others.....

NB: If you are not a house owner, please, do not answer questions 9, 17, 18, 19 and 20

9. What was the reason why you acquired the land to build the house?

- a. For rental purposes
- b. For residential purposes and bequeath it to my relatives upon my death.
- c. To improve my social status in this community
- d. Others

10. What were the types of lands here before the community lands were divided into plots?

- a. Stool land
- b. Clan land
- c. Stool land and clan land
- d. Public land
- e. I don't know

11. What type of land is in this community presently?

- a. Stool land
- b. Clan land
- c. Public land
- d. I don't know

12. Who allocates land contemporary for housing development in this community?

- a) Chief
- b) Queen mother
- c) Clan head
- d) Traditional council
- e) Others.....

13. Are the indigenes involved in the allocation of lands for housing development?
- a. Yes
 - b. No
 - c. I don't know
14. If yes, how are the indigenes involved in the allocation of lands for housing development?
-
-
15. Which people can own and have access to lands for housing development in this community?
- a. Indigenes
 - b. Migrants
 - c. Indigenes and migrants
16. What benefits does the community obtain from the revenue accruing from the allocation of the customary lands for housing development?
-
-
17. Please, tick the documents below you have that cover your land and house.
- a. Allocation note
 - b. Site plan
 - c. Building and development permits
 - d. Title certificate
 - e. None of the above
18. Did the Physical Planning Department in the District inspect your land before they gave you your building and development permits?
- a. Yes
 - b. No
19. If yes, how many times did the Physical Planning Department inspect the construction of your building?
- a. 1
 - b. 2
 - c. 3
 - d. Other.....
20. Please, tick the following taxes you pay over your house.
- a. Ground rent
 - b. Property tax
 - c. None of the above
21. What challenges do people face in building houses on the lands in this community?
-
-
22. How are the indigenes who are affected by housing development compensated?
-
-

Section 3: Housing Development, Agrarian Activities, Livelihood and Social Inequalities

23. Have you been a farmer in this community before?
- Yes
 - No
24. If yes, a). tick from the alternatives below the crops that you cultivated on your farm
- Plantain
 - Cassava
 - Cocoyam
 - Maize
 - Others
- b). what benefits did you obtain from the cultivation of the crops?

- c). what benefits did you obtain from the bushes and the forest around your farm?

25. Please, tick or indicate the agrarian livelihood activities you are currently engaged in them in this community
- Rearing of livestock
 - Rearing of fowls
 - Doing backyard garden on your plot of land
 - Farming on somebody’s plot of land
 - Farming on your clan land
 - Harvesting firewood for cooking food
 - Others
 - None of the above
26. If you are rearing livestock/fowl, please, indicate the livestock/fowl you are rearing in this house/community and the number in the table below

	Livestock/fowl	Number of the livestock/fowl
1		
2		
3		
4		
5		

27. If you are having a backyard garden, please, tick or indicate the types of crops you grow in your backyard garden.
- | | |
|----------------|-------------|
| a. Okra | e. Cassava |
| b. Tomatoes | f. Plantain |
| c. Garden eggs | g. Maize |
| d. Pepper | h. Other |

28. If you cultivate crops on someone's land or a clan land, please, tick or indicate the types of crops you grow on your farm.
- a. Okra
 - b. Tomatoes
 - c. Garden eggs
 - d. Pepper
 - e. Cassava
 - f. Plantain
 - g. Maize
 - h. Other
29. In what ways is housing development affecting the agricultural activities in this community?
-
-
30. Use I-Highly engaged, II-Moderately engaged and III-Less engaged to indicate the occupations which the indigenes are currently involved in them in this community due to the conversion of their farmlands too housing.
- a. Petty trading.....
 - b. Constructional works.....
 - c. Driving.....
 - d. Bus attendants.....
 - e. Semi-skilled profession (carpentry, mason, hairdressing, tailoring, etc.)
 - f. Skilled profession (nursing, teaching, etc)
 - g. Farming.....
31. How are the indigenes' lives affected by the conversion of their farmlands to housing?
-
-
32. How will you describe the current living conditions of the indigenes in this community due to the conversion of their farmlands for housing development?
- a. Very good
 - b. Good
 - c. Poor
 - d. Very poor
33. Do the youth form land guards to disturb housing developers in this community?
- a. Yes
 - b. No
 - c. I don't know
34. How do land guards disturb housing developers in this community?
-
-
-

35. Are there contestations between the community members and the royal family due to land allocation for housing development in this community?
- Yes
 - No
 - I don't know
36. If yes, tick the forms of contestations between the community members and the royal family members due to land allocation for housing development from the list below.
- Litigation
 - Violence
 - Quarrel
 - Others.....
37. Are there contestations within clans due to land allocation for housing development in this community?
- Yes
 - No
 - I don't know
38. If yes, tick the forms of contestations between the community members and the royal family members due to land allocation for housing development from the list below.
- Litigation
 - Violence
 - Quarrel
 - Others.....
39. How did the community members interact with one another before the demarcation of your lands for housing development?
-
-
40. How is the conversion of land for housing development affecting the interaction and the communal living in this community?
-
-
41. Tick the people who benefit more from the allocation of the lands for housing development in this community?
- Chief
 - Queen mother
 - Clan head
 - Community members
 - Others.....
42. Do you have problem with the way lands are allocated in this community?
- Yes
 - No
43. If yes, what are the problems you have against land allocations in this community?
-
-

Thanks for your participation