

**LOCAL CONTEXT OF CONFLICTS AND PEACEBUILDING:  
Local Power Struggles, Conflict and Conflict Resolution in Ghana**

**THE CAUSES, DYNAMICS AND POLICY IMPLICATIONS OF LAND-RELATED CONFLICTS IN THE GREATER ACCRA AND EASTERN REGIONS OF GHANA**

**By**

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**BACKGROUND: GHANA'S POLITICAL HISTORY AND REGIME TYPE**

Ghana is a unitary Republic with a Constitution based on the model of the United States of America. The 1992 Constitution stipulates that the state is based on a quasi-executive presidential system of government. However, unlike the American presidential system which maintains a separation of powers, the Ghanaian Constitution stipulates that a majority of ministers of state in Ghana be appointed from Parliament. The principle of separation of powers is nevertheless a central feature of the 1992 Constitution, and is supposed to promote checks and balances. However, as already indicated, the principle is undermined by the fusion of the Executive and Legislature in that the Constitution stipulates that the majority of ministers must be sitting Members of Parliament. The independence of the judiciary is also restricted because there is no upper limit to the number of Justices of the Supreme Court that can be appointed.

Five key principles are enshrined in Chapter 6 of the Constitution, collectively called, "The Directive Principles of State Policy". They are the realization of (a) basic human rights and popular participation; (b) a healthy economy; (c) the right to work; (d) the right to good health care; (e) the right to education. These positive rights, it must be noted, exist in theory rather than in practice. However, the government has taken steps to ensure their full and early realization. As subsequently spelled out by the government, the principles involve the following:

- (i) establishment and strengthening of a democratic state, values, processes and social order based on the ideals and principles of freedom, equality, regional and gender balance, justice, probity, accountability, transparency and competence;
- (ii) eradication of corrupt practices and the abuse of power;
- (iii) institution-building and reform;
- (iv) establishment of a sound and healthy economy, with a reduction in the role of the state in the economic life of the country through shifting of more responsibility to the private sector and an environment that encourages investor confidence;
- (v) decentralization of administrative and financial machinery of government to the regions and districts; and
- (vi) development of "value for money" public services (Republic of Ghana 1992; 1994; 1995).

Ghana has had significant experiences with democratic political life (see Box 1). It has vacillated between civilian and military rules. However, since the return to multi-party rule, there has been political stability as demonstrated by four successive national-level elections which were held in 1992, 1996, 2000 and 2004. The first two elections were won by Jerry Rawlings' National Democratic Congress (NDC) while the last two were won by New Patriotic Party (NPP) of incumbent president, John Kuffuor. The next elections are scheduled for December 2008.

**Box 1: Key Events in Ghana's History**

1957: Ghana gained independence from Britain.  
 1960: Ghana gained republican status with a republican Constitution (First Republic).  
 1964: Ghana became a one-party state under Kwame Nkrumah's Convention People's Party (CPP).  
 1966: Nkrumah overthrown in Ghana's first military coup and the setting up of the National Liberation Council (NLC) government.  
 1969: K.A. Busia elected as Prime Minister under the 1969 Constitution (Second Republic).  
 1972: Military coup led by General Acheampong to overthrow Busia's Progress Party (PP) government and setting of National Redemption Council (NRC) government.  
 1975: Replacement of NRC by the Supreme Military Council (SMC) as executive arm of Government.  
 1978: General Acheampong removed as Head of State in a palace coup led by General Fred Akuffo.  
 1979: First military intervention by Flt. Lt. J.J. Rawlings and the setting up of the Armed Forces Revolutionary Council (AFRC).  
 1979: Hilla Limann elected as President under the 1979 Constitution (Third Republic).  
 1981: Second military intervention by Rawlings with the overthrow of Limann's People's National Party (PNP) government and the formation of Provisional National Defence Council (PNDC).  
 1983: Introduction of Economic Recovery Programme by the PNDC.  
 1991: Setting up of Committee Experts to draft a Constitution.  
 1991: Setting up of Consultative Assembly to deliberate on draft Constitution.  
 1992: Referendum on 1992 Fourth Republican Constitution and lifting of ban on political activities.  
 1992: Rawlings elected as President under the Fourth Republic Constitution as candidate of the National Democratic Congress (NDC).  
 1992: Opposition parties boycotted the Parliamentary elections for alleged rigging of the Presidential elections.  
 1993: Rawlings sworn in as First President of the Fourth Republic.  
 1996: Rawlings and NDC elected for second constitutional term.  
 2000: NDC voted out of office; J.A. Kufuor and New Patriotic Party (NPP) form government.  
 2004: Kufuor and NPP elected for second constitutional term.  
 2008: Parliamentary and Presidential Elections due.

**The Land Question in Ghana**

Ghana appears an oasis of peace in a sub-region which over the last one and half decades has been better known for violent civil conflict than democracy and development. Behind this smokescreen of stability, however, there have been various forms of local conflicts some of which have turned violent. Indeed some of these violent local conflicts preceded independence and have waxed and waned with the politics of the time. But perhaps the intriguing thing is that none has assumed national dimension thus far.

In Ghana, land is an asset and a resource with economic, political, social and cultural ramifications. An important problem of land tenure systems is endemic conflict, which

has involved chiefs, family heads, government, individuals and groups in various permutations – (a) inter-ethnic and intra-ethnic; (b) between groups; (c) between chiefs and their people; (d) governments and communities; (e) communities and transnational corporations; and (f) between individuals, who have a claim or derivative rights in land such as strangers, tenants and migrant farmers, women, youths (Aryeetey et.al., 2007). The endemic nature of most of these conflicts suggests their embeddedness in local power structures and social group membership. Indeed, it has been argued that the:

... struggle over land and its control is [an] important aspect of ethnic conflicts and identity politics. There is general agreement in Ghana that the land tenure system and its administration are subject to serious problems that have exacerbated land tenure insecurity with negative implications for national development (Tsikata and Seini, 2004: 4)

Land conflicts entail many political, economic and social costs, including the costs of policing conflicts, loss of life, livelihoods and property, displacement and social and economic insecurity. It is estimated that over 1,000 people lost their lives and more than 150,000 were internally displaced in Northern Ghana as a result of land disputes which led to ethnic violence in 1994-1995. As a result of their debilitating effects, land conflicts have been a source of public concern as reflected in a study in which 16% of respondents cited boundary or land disputes (compared to 13% for traditional leadership disputes and 10% for political rivalries, leadership contests and exclusion) as the first most common cause of violent conflicts (CDD-Ghana, 2003).

Among several initiatives taken to address the conflicts and their underlying causes are an alternative dispute resolution system and the Land Administration Project (LAP) of 2003, which to date is the most comprehensive programme. These initiative have not been able to solve the problem of land management and its associated conflicts in Ghana

### ***Research questions***

As a contribution to the continuing debate over land tenure and its associated conflicts in Ghana, this study analyzes the causes of some of the land-related conflicts in selected towns in the Greater Accra and Eastern regions. It examines the role of the actors, the dynamics of land tenure, the conflict resolution mechanisms especially the role played by traditional institutions and policy recommendations. The following key questions will be addressed:

- (i) What are the causes of land struggles?
- (ii) Who originally owned the land and how was ownership assigned?
- (iii) How and why do the land disputes assume ethnic dimensions?
- (iv) Why do the land disputes tend to remain local?
- (v) What role do traditional institutions play in the land related conflict?
- (vi) What alternative conflict resolution mechanisms are feasible in specific contexts and in relation to particular types of conflict?
- (vii) What mechanisms can be deployed to curb disputes and conflicts associated with access to, and disposal of, land?

### *Sites of the study*

To answer these questions, the study selected the Greater Accra and Eastern regions. In Greater Accra, Osu and La traditional areas within the Accra Metropolis; and in the Ga West District, Amasaman, Sapeima and Pokuase. Land use in Accra, the capital, and its environs is influenced by urbanization and government take-over of land without adequate compensation. There have been mounting tensions and protests for some time now in Accra by the Ga, the traditional land owners, over what they perceive to be the unfair lease of government acquired lands for private development. Closely related is the multiple sales of land and the resultant growth in land guards<sup>1</sup>, which have precipitated violence.

The Afram Plains District in the Eastern Region was selected largely for the indigene-settler rivalry arising out of the Volta River Authority (VRA) resettlement programme in the 1960s following the creation of the Volta Lake. It has witnessed conflict between the Kwahu (indigenes) and Ewe (settlers). Both cases revolve around land struggles with ethnic/chieftaincy undertones. Land-based conflicts in the five towns took various forms, which as shown in Box 2, can be classified into nine basic types. Specifically, we will consider the following types of disputes because we think they are more rampant in our study sites:

- i) Disputes over multiple claimants to compensation payments;
- ii) Disputes between government institutions and subjects of particular stools/individuals, for example, sale of lands acquired by government for public purposes to private individual/corporate developers instead of original owners and expired leases (99-year leases in parts of Accra expired between 1989 and 1999 but there has been no notification to the original owners);
- iii) Disputes between private individual developers and stools/families/individuals; and
- iv) Disputes over ownership of resettlement lands.

While this study will take into account the unique nature of the selected local conflicts, it will also examine the national and regional (international) dimensions and how they impact on the modes of conflict resolution. We will undertake a brief review of the histories of the various conflicts and analyse their sources and nature to explore how their uniqueness could contribute to better methods of conflict resolution, while at the same time examining the commonalities that cut across all of them. We shall highlight those modes that have been successful and account for those that have failed, and in the end, distil lessons that can be applied to other local conflicts within and outside Ghana.

The cases have been selected to illustrate differences in land scarcity, in sources and intensities of land conflicts, and the manner in which they have or have not been resolved. Together, they serve to illustrate both the complexity of contemporary land

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<sup>1</sup> These are young men whose function is to enforce the land claim(s) of their employer(s) against all rival claimants. The activities of land guards led to the killing of two policemen, who went to inspect a disputed land in 1998 at Ablekuma and the shooting of a senior administrator of the Internal Revenue Service at Achaiman, near Amasaman, Ga West in December 2005.

conflicts in Africa, and their importance as sites of debate over the social meaning of property, and the place of the past.

### ***Land ownership in Ghana***

Land ownership may be classified into two categories, namely, state or public land and customary or private land. Article 257 of the 1992 Constitution recognizes the following as customary or private owners – stools/skins, families, clans and individuals. These constitute 78 per cent of the total land area compared to 20 per cent of land vested in the state for which compensation has been paid, and 2 per cent vested in the President on behalf of the stools/skins, families and clans. It has been pointed out that the co-existence of customary land tenure systems with formal legislation creates uncertainty in the administration of land rights. This is due to the fact that the two systems stipulate different conditions for the security of title, thereby engendering conflicts (Kasanga and Kotey, 2001).

#### **Box 2: Nine types of land conflicts/disputes**

- i) Boundary conflicts usually between different stools and/or between individuals;
- ii) Disputes between chiefs and individuals farmers over the rapid conversion of farm land into residential plots, without consultation and adequate compensation;
- iii) Inter-family and intra-family disputes over family land boundaries, the division of plots and proceeds from land sales, and the right to use certain parcels of land;
- iv) Disputes between chiefs and local people over land allocation practices and the lack of transparency and accountability in land transactions;
- v) Conflicts arising from delayed or inadequate payment of compensation payments for government acquisitions;
- vi) Disputes over multiple claims to compensation payments;
- vii) Disputes between government institutions and subjects of particular stools/individuals, for example, sale of lands acquired by government for public purposes to private individual/corporate developers instead of original owners and expired leases (99-year leases in parts of Accra expired between 1989 and 1999 but there has been no notification to the original owners);
- viii) Disputes between private individual developers and stools/families/individuals;
- ix) Disputes over ownership of resettlement lands.

## **RESEARCH PROBLEM, METHODOLOGY, DILEMMAS AND PROBLEMS**

### **Introduction**

There is no gainsaying the fact that the egalitarian and relatively free access to land that characterized Ghanaian and other African societies is a thing of the past. The land question and its related conflicts have therefore attracted scholarly work in most African countries. They have also not been ignored by governments because of the benefits of land as an important resource and as a resource for state revenue while the conflicts have at the same time resulted in high expenditure. To have a stake in land, reforms have been introduced in such areas as title registration and land demarcation by surveying and promotion of land markets to inject greater transparency and efficiency, increase security of tenure, and to some extent, greater fairness for those excluded by traditional system

from owning land, especially women (Herbst, 2000). In addition to this, donors have equally become interested in land and land-related conflicts and have invested funds for investigation their management. The interest in, and preoccupation with, land and its related conflicts by various stakeholders, have been necessary to address the intractable and divisive phenomenon of land conflicts to ensure social harmony, stability and socio-economic development.

It is against this background that this study examines the causes of land conflicts in the Greater Accra and Eastern regions by focusing on two sub-metropolitan areas, La, Osu and Ga West district (in the Greater Accra region) and Afram Plains district (in the Eastern Region. Scholarly work has tended to focus on those land conflicts that flare up into large scale civil strife, with little attention being paid to the far more common low scale cases involving rural communities such as those in which “households experience small-scale land conflicts with relatives, neighbours, landlords, or local governments” (Yamano and Deininger, 2005:1). The study of such “low intensity conflicts” is imperative if one is to understand the dynamics of identities, local power structures and social group membership.

### ***Methodology***

This study used a combination of related methods to ensure reliability and objectivity. Both qualitative and quantitative data from primary and secondary sources were used. Field work, which entailed mass survey, in-depth interviews with elites and focus group discussion with identifiable groups was conducted in 10 towns, 5 each in the Greater Accra and Eastern regions in May 2007. For the mass survey, 200 respondents were interviewed in the Greater Accra and Eastern regions. In Greater Accra, a total of 100 questionnaires were administered at Osu and La, Amasaman, Sapeima and Pokuase. In the Eastern Region another 100 respondents were interviewed at the Afram Plains District 100 in five settlements, namely, Donkorkrom, Tease, Ekye Amanfrom, Forofori and Amankwakwakrom. The last two are resettlement communities. The electoral register was used to locate the 200 respondents.

Interviews were conducted with some of the elites in the Greater Accra Region. They were the Ga West District Chief Executive, Secretary of Ga West District Chiefs Association, Chief of Mayera –Faase, Secretary of the chief of Osu (Osu Mantse), and Secretary of La Traditional Council. Different groups were also interviewed in the Greater Accra Region. These were the La Traditional Council, Land and Chieftaincy Dispute Resolution committee of Ga West District, family heads and Land Owners Association of Sapeima, Amasaman Youth Association and Ga-Adangbe Association. In the Afram Plains District in the Eastern Region, elites interviewed were the District Chief Executive (DCE), the MP of Afram Plains North, native and settler chiefs, Assembly members, the Acting Secretary of the Kwahu Traditional Council and the Deputy Eastern Regional Minister. The groups interviewed included the Security Committee of the Afram Plains District Assembly, Afram Plains Development Organization, Lands Committee of the Kwahu Traditional Council and Amankwaakrom Youth Association.

We also explored secondary literature which allowed us to address the larger context and complexities based on the comparative empirical data.

Our methods were to enable us seek answers to the following questions:

- (i) What are the causes of land struggles?
- (ii) Who originally owned the land and how did the ownership come about?
- (iii) How did the land dispute assume ethnic dimensions?
- (iv) Why did the land disputes remain local?
- (v) What role did traditional institutions play in the land related conflict?
- (vi) What alternative conflict resolution mechanisms are feasible in specific contexts and in relation to particular types of conflict?
- (vii) What mechanisms can be deployed to curb disputes and conflicts associated with access to, and disposal of, land?

The theoretical, empirical and policy relevance of the study is therefore clear. It provides deeper insights by not only engaging with theoretical questions around land and conflict but also hopes to enrich the empirical literature. In addition, it makes policy relevant recommendations that will hopefully curb, if not eliminate, land related conflicts in Ghana.

### **Dilemmas and Problems**

A number of problems were faced in data collection. The most notable were accessibility to respondents and sensitivity of land issues which prevented some respondents from open comments. In some instances, especially with the elite interviews, interviews were re-scheduled at short notice. Poor communication in the Afram Plains District delayed the setting up of interviews. In other instances, particularly in the Ga West and Afram Plains districts, verification of supporting documents on land such as land titling and registration was lacking. In some of the rural areas of Ga West and Afram Plains districts, the researchers found it difficult to interview women because of the cultural practice that forbids women from making pronouncements on burning issues like land without the presence of men. These problems did not however compromise the reliability and validity of the findings of the study.

## **SPECIFIC PROBLEMS LINKED TO THE RESEARCH: THE VOICES AND ANALYSIS OF DATA**

### **Introduction**

The focus of our investigation is land and land-related conflicts. Given the importance of land to everybody and its attendant commodification, there are several problems linked to it. This section therefore examines some of the specific problems linked to research on land and some of the voices in the land question. The land question evokes sentiments and emotions among the stakeholders. The examination starts from the premise that the

land environment is a turbulent and complex one, with several stakeholders and actors staking claims over land. This situation is generally conducive to conflict and disputes.

### **Problems and constraints of Ghana's land sector**

The National Land Policy of 1999 which was discussed at a national workshop in 1997 has identified the key problems and constraints in the land sector (see Box 3).

#### **Box 3: Problems and constraints of Ghana's land sector**

- i) General indiscipline in the land market characterized by encroachments, multiple sales, etc.
- ii) Indeterminate boundaries of stool/skin lands, resulting directly from the lack of reliable maps/plans, and the use of unapproved, old or inaccurate maps.
- iii) Compulsory acquisition by government of large tracts of land, which have not been utilized and for which compensation has been delayed.
- iv) Inadequate security of land tenure due to conflicts of interest and slow disposal of cases.
- v) Difficult access to land agricultural, industrial, commercial and residential development purposes due to conflicting claims to ownership, and various outmoded land disposal procedures.
- vi) Weak land administration system characterized by lack of comprehensive land policy framework.
- vii) Lack of consultation with landowners and chiefs in decision making for land allocation and development.
- viii) Lack of consultation, coordination and cooperation among land development agencies.
- ix) Inadequate coordination with neighbouring countries in the management of international borders.

*Source:* Ministry of Lands and Forestry, *National Land Policy*, pp. 3-4.

### **The state**

From the colonial and post-colonial days in Africa, the state has continuously expropriated and appropriated land ostensibly for the public good. In Ghana, the State Lands Act, Act 125 of 1962 stipulates that the state can acquire land in the national interest and other purposes. In addition, the Act empowers the President of the Republic to expropriate any land in the public interest by the publication.

### **Traditional authorities**

It has been pointed out that the "land tenure system underscores the position and authority of the chief in the Ghanaian traditional system" (Oquaye, 1997:88). The importance of land to chieftaincy has led to the call by a number of leading traditional rulers for the return of all state-acquired lands to chiefs. In the view of the Okyenene, Osagyefo Amoatia Ofori Panin, for example, traditional authorities have enormous responsibilities towards their people, and yet they do not have much control over the use of lands and resources in their jurisdictions. He has therefore urged all chiefs to "come together to fight to get control over our resources because future generations would not be happy with their chiefs, if they could not associate them with any development projects in their communities" (Daily Graphic, April 30, 2005:20). Similarly, the Asantehene, Otumfuo Osei Tutu II in May 2005 complained to the visiting Zambian President Levy Mwanawasa about politicians' use of state powers to take lands which

were acquired by government for public purposes but never used as such (The Chronicle, August 12, 2005: 5).

Wehrmann (2002) has argued that as a result of the position of traditional leaders in the land sector, their participation in land administration has the value of creating trust and confidence in land administration, thereby reducing all kinds of conflict between them, the landowning communities at large, and the state. Even though this may be true in some cases, in general, owing to the pecuniary interests that the chiefs in Ghana have developed in the land sector, they have not been amenable to the Land Allocation Committees established in some peri-urban areas, especially in Kumasi, Ashanti to assist the chiefs in the allocation of land and ensure transparency in land management. Some chiefs have continued to engage in land transactions, normally outside the purview of the Office of Administrator of Stool Lands, and been able to appropriate huge sums of money accruing from the sale of land. In monopolizing the decision-making structures pertaining to land transactions, traditional leaders have often benefited from the configuration of power within their domain, the dynamic of local politics and the vagueness of traditional procedures that have survived social change (Booth et. al., 2004).

The involvement of traditional authorities in land management has left communities unable to participate in decisions to allocate, sell or demarcate land. As a result of the scramble for land for non-agricultural purposes, particularly in La and Osu and Amasaman, three of our case study areas, traditional authorities have assumed de facto ownership of communal land instead of restricting themselves to the exercise of custodial rights over such lands. They have become less transparent and accountable in their handling of land transactions. Consequently, the problems of weak accountability and lack of transparency in land administration have persisted, and account for the escalation of conflict between traditional leaders and their people over land allocation and revenues.

### **The maze of formal and informal land sector agencies**

One of the principal obstacles identified by the 1999 National Land Policy is the lack of effective coordination, consultation and cooperation among the land sector agencies. In Box 4, there is a maze of “formal” and “informal” institutions. The formal institutions are those which either have primary responsibility for land or are called upon to deal with land issues and disputes. The informal agencies refer to those agencies that have an indirect responsibility for dealing with land issues and disputes. The multiplicity of land agencies engaged in different but complementary processes regarding a single land transaction has led to the growth of centralized and bureaucratic structures, particularly in the collection of stool land revenue, transfers of customary land, title registration and planning control (Aryeetey et.al., 2007).

The centralization has created problems such as missing documents, high transportation costs, title documents taking 2-15 years or more to process, non-regularization of titles to land by developers and landowners by way of taking leases through the Land Commission Secretariat and substantial arrears in respect of ground rent and development charges for those who have had leases and files opened in their names and frustrations

and cost implications of delays for potential investors and financial losses for the government, district assemblies and landowners/owners (Kasanga, 1999).

As a result of the multiplicity of agencies, the Land Administration Project (LAP) has conducted a series of stakeholder workshops since August 2007 to rationalize the number of agencies. This initiative has not gone down well with some of the land sector agencies such as the Survey Department, whose staff have worn red arm bands to draw government's attention to their dislike of the rationalization exercise.

**Box 4: Land Sector Formal and Informal Agencies**

***Formal agencies***

- i) Ministry of Lands and Forestry
- ii) Lands Commission
- iii) Survey Department
- iv) Land Title Registry
- v) Department of Town and Country Planning
- vi) Stool Land Administrator
- vii) Land Valuation Board
- viii) Land Administration Project Unit
- ix) Forestry Commission
- x) Regional Coordinating Councils
- xi) District Assemblies
- xii) Regional Lands Commission
- xiii) Stool Land Boundary Settlement Commission
- xiv) Joint Border Commissions and Minerals Commission

***Informal agencies***

- i) National House of Chiefs/Regional House of Chiefs/Traditional Councils/Individual Chiefs
- ii) Ghana Institute of Surveyors
- iii) Ghana Real Estate Developers Association
- iv) The Judiciary
- v) Ghana Bar Association
- vi) Environmental Protection Agency
- vii) National Association of Farmers and Fishermen
- viii) Ministry of Food and Agriculture
- ix) Commission for Human Rights and Administrative Justice

**Source: Aryeetey et.al. 2007: 67**

### **The phenomenon of land guards**

The phenomenon of land guards, that is, the recruitment of youth from within and outside community to patrol and protect contested lands, has dogged the land sector in the Greater Accra region. It has largely resulted from the commodification of land as well as the lack of trust among the various stakeholders and the inability of the courts and security agencies to ensure order. The activities of land guards have been detested by the police and law abiding citizens. In addition, the use of land guards is also seen as a means of protestation from the Ga, who are under the impression that their lands have been expropriated by “foreigners and therefore depriving them of sources of revenue”. In the Afram Plains District, the use of land guards is minimal because there is not much pressure on the land. On the other hand, the cosmopolitan nature of Accra as the capital

city with its concentration of facilities makes it attractive to most people, and this elicits pressure on land acquisition and distribution.

### **Contradictory laws**

One of the problems with the land sector is the contradictory laws that govern the sector. In the words of the World Bank (2002: 6):

Some 180 state laws that regulate land administration and establish mandates for different agencies exist in the statute books. Many of these laws and regulations conflict with one another and some are outdated and irrelevant. Their existence is often used to confuse issues, delay implementation of programmes and prolong land litigation in courts.

One objective of the August 2007 stakeholders workshop organized by the Land Administration Project was to harmonize all the laws in the land sector into a common document to ensure clarity and consistency and assist in the resolution of land disputes.

## **FINDINGS FROM FIELDWORK**

### **Introduction**

This section is devoted to the findings of the field work conducted in May 2007 in five towns each in the Greater Accra and Eastern regions. The towns are La and Osu (Sub-metropolitan district areas), Pokuase, Amasaman and Sapiema (Ga District, all in Greater Accra Region) and Donkorkrom, Tease, Ekye Amanfrom, Forofori and Amankwakwakrom (5 settlements in the Afram Plains District of the Eastern Region). The findings are discussed based on our research questions.

Before we discuss the findings, it is necessary to give a brief history of our study sites as a backdrop for understanding the findings.

### **Brief history of the study sites**

#### **The Afram Plains**

The Kwahu have been recognized as the traditional landowners of the Afram Plains which for a long time served as the hunting reserve for their chiefs who live on the Kwahu Plateau to the west of the plains. As a result, the Afram Plains remained virtually unpopulated until the 1920-30 when cocoa had become an important economic crop (Wallis 1953:24), and even then it was the forested patches of the plains that attracted the settlements (Boateng 1955: 161).

Writing in the 1950s, E.A. Boateng captured the factors that did not make the Afram Plains attractive to the Kwahu, the traditional owners. According to him, compared to the Kwahu Plateau, the Plains had lower rainfall, a more pronounced dry season from

November to March and a vegetation composed mainly of tall elephant grass and bush, with patches of forests in specially favoured localities (Boateng 1955: 157). In addition to water shortage, tsetse flies were rife and there was not yet pressure on the forested part of the Kwahu state to compel the Kwahu people to the less favorable Afram Plains on a large scale. As a result, the plains were very thinly populated. Farming took place in isolated patches and apart from a few established cocoa farms, was of a subsistence type. Other important occupations were hunting and fishing from rivers and many of the settlements were hunters' camps and the plains as a whole were largely undeveloped (Ibid: 161).

This initial attitude of the Kwahu to the Afram Plains has been at the roots of the recurrent contestation of their ownership by neighbouring ethnic groups particularly the Ewe and to a lesser extent Ashanti. For instance, in 1926, the Kwahu litigated over land in the western side of the Afram Plains but lost the case in 1928 to Kumawu (Ashanti). (Wallis 1953:24) J. R. Wallis has intimated that the dispute between the Kwahus and the Ewes 'had arisen out of the slack manner in which the (Kwahu) King looked after his territory and allowing the (Ewes) to come there for years and setting themselves up as independent chiefs (Wallis 1953:15-16). This situation had arisen because along the west bank of the Volta River were Ewe settlers originally from Wusuta who after crossing over to the Kwahu side retained their allegiance to the chief of Peki on the other side of the Volta River and not the paramount stool of the Kwahu state (Ibid: 22)

The inconsistency of the colonial authorities also did not help matters. Whereas the Commissioner of the Eastern Province had ruled in 1930 that all disputes arising out of the land West of the Volta River should be heard in the Kwahu Native Courts, in 1931 a new Commissioner reversed a decision of a Kwahu Native Court and gave judgment to two Ewe farmers (Ibid: 24).

The dynamics of the conflict in the Afram Plains can be gleaned from petitions by the Kwahu Traditional Council (KTC) to various governments since 1988 to change the name of the District to Kwahu North District. Beyond the mere change of name, it amounted to a demand of the Kwahus to reassert their ownership of their lands on the plains. The following excerpts from the petition sent to the NPP government as late as March 2006 (Appendix A) is illustrative.

The petition asserted that until it was split into two in 1988, the current Kwahu South District and the Afram Plains District formed the Kwahu District Council. The KTC had expected that like other parts of the country, the new Kwahu South District should have had its northern counterpart, the Kwahu North District (and not the Afram Plains District). The KTC was particularly aggrieved that it had not been consulted over the naming of the district by the PNDC government which at the time ruled by decrees.

The petition admitted that the Afram Plains as a geographical area covers areas in Eastern, Ashanti and Brong Ahafo regions, but emphasized that the Eastern Region portion of the plains, the Afram Plains District, belongs 'absolutely and exclusively' to

the Kwahuhene, the paramount chief. The petition further revealed that some sixty years ago, the Kwahus had to go to war against Ewes who had laid claim to the land.

The petitioners were insistent that the name Afram Plains District had sent wrong signals and created the wrong impression that the Kwahus were no longer owners of the land. This perception had been particularly strong among some Ewe settler farmers and fisher folks who had preferred to pay tributes to Ewe chiefs in the Volta Region, rather than the Kwahu chiefs on whose land they are settled.

The petitioners reiterated their determination not to cede an each of their territory to the settlers and to protect the territorial integrity of Kwahu lands but 'advisedly without resort to the use of force'. The petition drew attention to the fact that several petitions to the Provisional National Defence Council (PNDC) and the National Democratic Congress (NDC) governments either fell on deaf years or simply ignored. Though not specifically expressed in the petition, the Ewe-ethnic background of the head of state in the PNDC/NDC era, Jerry Rawlings, has been an important nexus to the conflict. Throughout the eleven years of the PNDC government headed by Rawlings (1981-1992), he mounted several platforms insisting that 'nobody brought land by birth', which tended to sharpen the native-settler differences in several parts of the country, particularly in the five Akan regions. Against this background, the Kwahus have always held the belief that the Rawlings-led administration had deliberately designated the name of Afram Plains District to favour his native Ewe settlers, and not for the official reason of making the area attractive for investment and development. And for the Ewe settlers, it was a signal that they could own the Afram Plains.<sup>2</sup>

Also, from the start of the Fourth Republic, the successor to the PNDC, the NDC, also led by Rawlings, avidly mined for votes among the migrant/settler communities in rural areas. (Gyimah-Boadi 1999:418) In the Afram Plains in particular, the NDC had played on the fears of the Ewes and other settlers that a victory for the opposing New Patriotic Party (NPP) would lead to their eviction from the Kwahu lands. It is from this perspective that the persistent demands by the Kwahu chiefs for the change of name have been an important rally point for the settlers in support of the NDC.

Given that the settlers are in a majority, the impact of this state of affairs on the electoral politics of the district has been significant. Historically, the Afram Plains, like the rest of Kwahu had been supportive of parties from the Danquah-Busia tradition.<sup>3</sup> Since 1992, however, the two constituencies in the district, Afram Plains North and South, have stayed through thick and thin with the NDC. In all the four presidential elections since 1992 in the two constituencies the NDC has won by more than 70 per cent. In the parliamentary polls not only have NDC candidates emerged winners but also independent candidates or candidates of lesser parties have often performed better than the NPP, the

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<sup>2</sup> These perceptions were confirmed in an interview on 18 May at Mpraeso, the Kwahu South District capital, by Maxwell Asante, Ag. Registrar of the Kwahu Traditional Council (KTC)

<sup>3</sup> In 1969 and 1979, B. B. Ofori, had won the then Afram Constituency on the ticket of the Progress Party (PP) and the Popular Front Party (PFP) respectively

successor Danquah-Busia party (Frempong 2001; 2006). This stands in sharp contrast to the voting patterns in the Kwahu which have remained solidly behind the NPP.

Perhaps to confirm Ewe fears of the NPP, the party on assumption of office in 2001, appointed the Okwahuhene, Daasebre Akuamoah Boateng, the chief protagonist in the struggle over the ownership of the plains, as Chairman of the Ghana Cocoa Board. Under the NPP administration however, it took six years and, for a largely different rationale, to effect the name change. Somewhat ironically, that rationale was also couched in terms of development. According to the Parliamentary Committee on Subsidiary Legislation, the change of name had become necessary not to confuse the name of the district with the Afram Plains Development Area under MCA project. It is significant however to note that the report cautioned the Local Government Minister to ‘manage the change of name cautiously through intensive diplomacy and education to avoid any conflict in the District’ (L. I. 1826, 2006).

The partisan rivalry over Afram Plains rages on. In an interview Deputy Eastern Regional Minister, Sussie Mensah, herself a Kwahu, saw the change of name to Kwahu North District as a step in the right direction, which would enable the Kwahus to reassert their ownership of their bona fide property, the Afram Plains; while at the same time opening up the area for development under the MCA project.<sup>4</sup> The NDC MP for Afram Plains North, Hon. Agbenu, an Ewe, saw the issues differently. He saw the change of name as an MCA conditionality which would be of no consequence if there were no corresponding change of structures in the district. He was also insistent that the change of name was a recipe for conflict because, in his view, if the Kwahus who are in a minority, decide to claim ownership of resources in the area, the other groups might resist.<sup>5</sup> It is significant that for the generality of people in the district sounded on the matter, the name change did not much to them; all they desire is the development of the area, which has eluded them all these years. Interestingly, the same view had been expressed during an earlier fieldwork in 2000 (Frempong 2001).

### **The Sub-Metropolitan Districts of La and Osu**

La and Osu are old towns of Greater Accra. While Osu houses the seat of government, the Castle and is therefore highly cosmopolitan, La has a large concentration of indigenous Gas. The two towns were created as sub-metropolitan districts of the Accra Metropolitan District as a result of further decentralization to ensure the manageability of Accra as a district.

Osu lands are generally owned by the Osu Stool. Both Osu heartlands and the villages are supposed to be under the Osu Stool. In recent times, there has been a redefinition which makes a distinction between Osu Village Lands and Stool Lands. The difference is that the families in the village control the village lands, but generally Osu lands are owned by the Osu Stool. Before settlement they had war leaders who were given portions of Osu

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<sup>4</sup> The interview with Ms Sussie Mensah took place at her office at the Eastern Regional Coordination Council, Koforidua.

<sup>5</sup> Interview with Hon. Agbenu at Parliament House, Accra, 5 June 2007

land to settle on, which subsequently became their property, because they had done good job. Others acquired land from weaker families.

Government acquired Osu lands by instruments through three methods:

- Permanent appropriation (outright, for public good-police station, roads, hospitals)
- Joint management e.g. Osu Mantse lay out.
- Limited or temporary acquisition. The occupants recognize that they are tenants and after 50 years the land is reverted to the stool. This is where there are controversies today. Although government claims it still needs them, it refuses to negotiate with the people, and goes ahead to appropriate the lands. Examples here include Ridge, Airport residential area, airport west, Roman Ridge.

### *Acquisition of Osu lands*

Generally, there are three ways of acquisition, namely,

- Purchase
- Gift (for example to lawyers who handled cases for Osu)
- Inheritance (blood relations, or by conquest and passed it on to their children)

The Gas especially in Osu and La complain about the promulgation and implementation of three particular laws in Ghana that have worked against them. These laws are:

- *Land Development (Protection) of Purchaser Act, 1960 (Act 2)*: this law requires anybody who develops a building to lintel level in Accra and its environs to become automatically the owner of the plot on which the building stands. This law applies only to Accra and its environs and therefore affects only Ga Lands. The law has been widely abused by public officers and private individuals as well and caused much conflict and litigation in Accra. This is directly responsible for the protection of land guards and violence with regards to lands.
- *Administration of Lands Act 1962, (ACT 123)* By virtue of section 10 of this law, the president may authorize the occupation and use of any land 'which in his opinion, is conducive to the public welfare or the interest of the state.
- *State Lands Act, 1962, (Act 125)*. Section 1(1) of this law gives the president of the Republic authority, whenever it appears to him to be 'in the public interests so to do' to declare any specific piece of land 'to be land required in the public interest' and he may, by executive instrument, acquire such specified land. By the combined effect of Acts 123 and 125 therefore, the president is authorized to compulsorily acquire stool lands and non-stool lands for no explicitly stated purpose other than 'public interest', 'public welfare' or 'interests of the state'. Although these two laws do not apply only to the Ga lands, the Gas have borne the brunt of these acts of compulsory acquisition.

### *Other Trends and Policies*

- In recent times lands compulsorily acquired for ‘public purposes’ are being sold to non-indigenes and foreigners. This is seen as contrary to the law and spirit of acquisition of lands for ‘public purposes’ and therefore illegal.
- Government policy of acquiring Ga lands for private residential purposes, it has proven inimical to the interests of the Ga people. The residential areas at Airport, East Legon, Labone, Cantonments, Roman Ridge, Dansoman and North Kaneshie.

### **Cases of disputed lands at Osu and La**

A number of cases are cited here to support some of the unresolved issues in Ga lands such as expired leases and government’s inability to use the land for which it was acquired, namely, “public interest or purpose”.

#### ***The Former Star Hotel***

The former Star Hotel, situated in the Cantonments area, was acquired by Government for the purpose of building the erstwhile Star hotel- a state hotel. For some inexplicable reasons, some residential buildings have sprung up on the site. Star Hotel, situated in Cantonments area, formerly acquired by government for the purposes of building a State Hotel, has been transformed from the stated public purposes to private real estate purposes, by a private entrepreneur who has been granted a 50 year-year lease to put up residential buildings/apartment, which are being sold for hundreds of thousands of dollars.

#### ***La Beach Hotel***

In November 1990, a portion of the land acquired by government for the Ghana International Trade Fair Centre was allocated to Hotel Investments (Ghana) Limited to build the Labadi Beach Hotel. According to the GaDangme council, when the government realized that it did not require all the lands acquired for the Trade Fair Centre for that public purpose, it should have, in all fairness and in good conscience given it back to the Ga people concerned or should have given them the first option.

However, ignoring them and giving away the land for the construction of the Labadi Beach Hotel amounts to ignoring their rights over the land with impunity. The allocation according to them offends against the letter and spirit of the State Lands Act and the Administration of Lands Act and the title to the land should be reversed to the Ga people concerned in the interest of justice.

#### ***La Palm Royal Beach Hotel***

The land on which the La Palm Royal Beach stands, or the greater part of it, is also part of the land acquired for the Ghana Trade Fair Centre. This large tract of choice land was allocated to the La Palm Royal Beach Hotel in 1995 for a term of 50 years. This allocation according to the Ga Dangme Council is also a clear violation of the relevant laws governing acquisition for “public purpose”. It is another case of compulsory acquiring land for a “public purpose” and re-allocating it for a private purpose in total

disregard of their interest. The Council is therefore demanding that the land be reverted to the GaDangme people concerned.

### ***Airport***

A sizeable portion of the land acquired in March 1936 for the Amaryl Aerodrome, now Kotoka International Airport, is being inhabited by two hotels, namely, Granada and Shangri-La, and the Accra Polo Club. The two hotels and the Polo club are private entities and therefore any sub-leases made for these purposes could not have been made in the “public interest” or the “interest of the state and cannot by any process of reasoning be so construed.

The unutilized portions inhabited by these three entities should have been given back to the Ga people or the allodial custodians to manage it. According to them, the allodial owners do not benefit in any way from the commercialization of these lands. This according to them is yet another case of land taken from them under the banner of “public purpose” and later given out to private bodies, for private profit. The Gas contends that the portions of the land not used for the “public purpose” should revert to the people concerned.

### ***Airport City***

The projects for which plots have been allocated for the proposed Airport City are all private projects to be undertaken by private foreign companies. The business centre which comprises shopping malls, hotels, casinos, private hospitals, among others, are not projects associated with civil aviation activities. Here also the Gas think that their interests have been treated with disdain.

### ***Government Bungalows on 4<sup>th</sup> and 5<sup>th</sup> Circular Roads in Cantonments***

In 1989, a number of government bungalows on the 4<sup>th</sup> and 5<sup>th</sup> Circular Roads in the Cantonments area were demolished and the land was re-allocated to a public institution which put up a large number of estates and sold them to private persons, companies, institutions and bodies. That public institution therefore made billions of Cedis on the land, which was originally acquired for “public purposes”.

This is yet another example of re-allocating their land, compulsorily acquired by law for “public purposes”, for private benefit in total disregard of the interest of the Ga people. In the allocation of these estates, nobody-government or the public institution-considered the interests and nothing has been paid in the form of compensation for misapplying the land acquired for “public purpose. They are therefore demanding that these lands should be reverted to the original owners.

### ***Expired leases in Accra Central, Osu, Roman Ridge, Airport, Ringway and, Independence Avenue***

A number of 99-year leases in the Accra Central, Osu, Roman Ridge, Airport, Ringway, Independence Avenue (Dodowa), the Ring Road and other areas duly expired between 1989 and 1999. These were Ga lands acquired for locally based foreign private companies and for some other companies, bodies and individuals. Instead of the

appropriate authorities notifying the concerned stools and families of such leases, they rather chose to assume ownership of the properties involved, and allocated them to individuals and corporate entities without any reference whatsoever to the Ga people.

### **The Ga West District**

The Ga West District used to be one district until it was split into two, Ga West with capital at Amasaman and Ga East with capital at Abokobi with the creation of new districts in 2004. As a result of their proximity to Accra (about 15 kilometres), the demand for land in the District has increased greatly.

#### ***Land Ownership in Ga West District***

There are three types of land ownership in Ga West:

- Stool Lands,
- Family Lands and;
- Individual lands.

Stool lands are owned by divisional chiefs based in Accra, while family stools are based in the villages. In the Ga West, the seven Divisions in Accra have their communities there, and a subsidiary of Osu and Teshie. In addition, individual families also have their stool, hence family lands. Amasaman town proper is a family land, as it belongs to the Akroa family. Individual lands are lands individuals have bought either from the stool or family some years back.

Pokuase, on the other hand, is a unique area. Part of Amasaman lands belong to Pokuase. Amasama does not own all the lands in the area called Amasama, the Kpako Oti Family of Otublohoo owns part of the lands. In Pokuase, the Dodoo Clotey Otubloho family is the chief and owns the lands, and then the Nii Djan family also owns part of Pokuase. The rest is owned by the Asene people. At Sapeiman, Nii Sapei – Agbetekor from Gbese Accra, i.e. Gbese division of Accra, came and settled there first and therefore owns the land. Most of the lands are owned by family, hence family stools. Most of the lands are family lands, the stools are mostly family stools, notwithstanding that the founder of the community may have possessed the lands.

#### ***Methods of acquiring land in the Ga West District***

The original settlers may have acquired the lands through-

- Settlement, including farming, cultivation and hunting
- Purchase
- Gift or donation

#### ***Acquisition***

To acquire land, the potential buyer must first see the chief or family concerned. If it is stool lands then the chief of the area concerned or family head.

Originally, there were three main modes/types of purchase:

- Outright purchase
- Leasehold
- Deed of Gift/ donation

However, the Lands Department has cancelled outright purchase and Deed of Gift and processes applications for leasehold. Even when one's document is prepared as outright purchase, registration will change it to leasehold.

### **What are the causes of land struggles?**

#### ***Afram Plains District***

Generally there are tensions among some groups with regard to access to land, land ownership and grazing land for herdsmen. However, there is peaceful co-existence among members of the various groups and the casual observer will not notice any tension over land. Dispute has been between natives and settlers, chiefs and settlers, herdsmen and farmers and in a few cases, chiefs and chiefs.

#### ***Ekye Amanfrom***

Ekye Amanfrom lies at the bank of river Afram and serves at the port of entry from the Kwahu South District. The town attracts a lot of migrant workers: farmers, fishermen, traders and transporters. Interviews with the Assemblywoman, chiefs and some community leaders revealed that migrants form the larger proportion ((about 80 percent) of the population. Migrant groups include Ewes, Adas, and Northerners.<sup>6</sup> According to the Assemblywoman and settler chiefs interviewed, problems relating to land centers on boundary disputes/ trespassing<sup>7</sup>, unfair terms and conditions governing land use and the activities<sup>8</sup> of herdsmen. The herdsmen wield guns and cutlasses, rape, kill and maim innocent farmers. They connive with native chiefs<sup>9</sup> who allow their cattle to graze over farm lands because the chiefs are said to profit more from the herdsmen than the farmers. The vicious activities of herdsmen were confirmed by the spokesman for the Ewe community whose brother was shot by a herdsman in 2002.

While there has not been violent conflict between the herdsmen and the community, the general feeling of the people is that the chiefs are not being fair to them. They suggested the need to find a lasting solution to the problem to avert future conflict. The native chief<sup>10</sup> in an interview, however disagreed with this view and claimed there was no tension whatsoever in the community.

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<sup>6</sup> The term 'Northerners' is used loosely to cover people from the three northern regions of Ghana –Upper East, Upper West and Northern – though there come from different ethnic backgrounds.

<sup>7</sup> Improper boundary demarcation and documentation are responsible for boundary disputes.

<sup>8</sup> The destructive activities of herdsmen include grazing the animal on farm land thereby destroying farm products and reported attempts to rape women and shot at those who confront them.

<sup>9</sup> The chiefs in question include the Nkwatiahene who is the overlord of the lands at Ekye Amanfrom.

<sup>10</sup> The native chief in the community is the representative of the Nkwatiahene.

### ***Forifori***

Forifori is a resettlement town created for people who lost their land as a result of the construction of the Akosombo dam. Traditional owners of the land are, the Nkwatiahene, Aframhene and Pitikohene.<sup>11</sup> Like Ekye Aman from the migrants outnumber the native Akans (Kwahus). Migrants are generally from the Northern Region – the Kokombas, Dagartis and Kusasis are more noticeable.

As a resettlement town, a distinction is drawn, in Forifori, between Substantial/Reserved and Acquired lands. The *Substantial land* is the one that was not actually taken over by the government, while *Acquired land* is land taken over by government and distributed to the individual families who lost their lands as a result of the construction of the Dam.

While natives and migrants live in harmony, there is subtle dispute between the chiefs of Peteku and Nkwatia over the rightful owner of some portions of the *substantial land*. A related problem is the instruction from either chief that natives who want to develop part of the reserved land should seek their permission. The people feel that the chiefs have no rights over the reserved land although they recognize them as the traditional owners of the land. In the 1990s the introduction of payment by chiefs for migrants who wanted to farm on reserved land created apprehension among migrants but was resolved through a committee set up by the VRA and related government agencies in 1997 with the introduction of a flat fee of fifty thousand Cedis per acre of land.<sup>12</sup> The nagging problem of cattle herdsmen is also prevalent in the community.

### ***Tease***

Interviews with chiefs and elders conducted separately reveal that there is no dispute or conflict between the people. Tease also hosts a number of migrants, but there is a balance between the migrants and the natives. There are Ewes, Ga-Dangbe and Northerners, living in peace with the natives. Tease is also not spared the problem of cattle rearers which is rampant in the district.

### ***Donkorkrom***

Donkorkrom is the district capital and hosts different groups of people including government workers. The visible groups are Akans, Ewes, Northerners Ga-Adangbes. Except for a few individual complaints of unfair conditions governing land use, we heard of no violent conflict over land in the town. We had group discussion various community heads including the northern community who are mostly farmers. It is interesting to note that most of the migrants were born in the district.

### ***Amankwakrom***

Amankwakrom, the hottest spot of the towns visited, is also a resettlement location. The population of migrants outnumbers the natives. Some of the migrant groups are Ewes

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<sup>11</sup> Interview with Nana Karikari of Forifori., 11 May 2008

<sup>12</sup> Interview with Elders of the Forifori, 11 May 2007

(about 60 per cent of the population), Ga-Dangbe, and people of northern origin. The major source of conflict is over the ownership of land between the Akans and the Ewes. While the Akans claim ownership of the land, the Ewes claim it belongs to them or the government. Claims and counter-claims over who has the right to access reserved land is the greatest source of conflict between the two groups. Group discussion with the migrants and natives revealed high sentiments that can possibly explode into violent conflict.

Attempts by Ewes settlers to claim ownership of the lands in the community sparked off conflict in the community. Till date, this conflict has not been resolved, as the case is still pending before the Supreme Court. The recent name change of the district from Afram Plains to Kwahu North is also a source of worry for the natives.

### **Ga West District and Osu and La**

There are two main types of disputes here

- External Conflict: Inter-boundary conflict/dispute, mainly arising over common boundary either between two or more families or communities. A community or family shares boundary with another community/family and they have conflict over the exact boundary lines
- Internal conflicts – conflicts from within the same community or family over (ownership), typically over who has the right to be the custodian. This arises out of lack of accountability and transparency in the disposal of land. This brings about numerous chieftaincy disputes since chiefs and family heads are the custodians of lands.

We found that there are three major causes of conflict in the district, namely,

- Lack of Transparency and accountability in land acquisition/titles within the same community or family.
- Inter-boundary-trespassing or encroaching on adjoining lands.
- Multiple sales of lands

Internal conflicts are largely due to lack of transparency and accountability and they are the prevalent form of conflicts because people see the head of the community disposing of lands, they see that buildings are mushrooming, but they do not see any development in the community. They then perceive that the heads enjoying the benefits without sharing with other members of the community or family who own the land, so they also start doing their own thing, and conflict arises out of this.

There is no law affecting the chief. Where the chief is the custodian of the family lands there is a problem, where the family head is the custodian there may be a problem, especially where the people do not have the money to hire the services of a lawyer to pursue the case in the law courts.

### ***Multiple Sales of Lands/ Land guard***

This is largely caused by conflict over who is the custodian of the land. In Pokuase, the late chief gave out some lands and those calling for his destoolment also gave out lands. Pokuase is well known for the land guard phenomenon. Some call them “Asafo Bi”. They mobilize the youth to protect family lands. This practice is also common in so many areas-Chantan, Ablekuma, Weija, Aplaku, Amasaman. They recruit people from other areas such as Nima, Ashiama, Sukura and Zongo communities. Sometimes, the opposing faction in the conflict also engages the services of the people living in the community, to attack them. (They are people engaged by litigants from outside to support local people to protect their lands).

### ***Who originally owned the land and how did the ownership come about?***

Lands in La are mainly owned by families. However, the various clans gave out portions of land to be held under trust by the La Stool. Land can be acquired mainly through acquisition. Like Osu, the La Traditional Area has until recently been embroiled in a protracted chieftaincy dispute, of which land is the underlying cause. The parties in the dispute are the La Mantse and the Chief Priest (Wulomo) of the area land. The two parties have been cited for wanton disposition of lands.

On the other hand, there are serious conflicts between the La Stool and some families over the rightful ownership of some lands in the area. The La Stool has claimed ownership of some lands and has already disposed some of the lands to private estate developers, but has been challenged by some families over the disposition of such lands. Some of the cases are before the courts. The La Traditional Council has taken the government to court over what they consider as unauthorized disposition of lands in the Cantonment area (e.g La Wireless) to Private Estate Developers.

### ***Land dispute between the Government and the people of Osu***

The dispute with government is mainly over lands where lease period has expired. Government continues to hold on to the lands and do the allocation, contrary to the law which provides that they should revert to the people. Government does not account for funds realized from the sale of such lands.

### **Causes of land conflicts at Osu**

- Trespass/Boundary dispute with neighbors Osu and Teshie
- Unauthorized disposition of land rights by Land Commission/Government
- Unauthorized disposition of land held under trust by Chiefs (chiefs versus Families)
- Multiple sales of land

### **How did the land disputes assume ethnic dimensions?**

Evidence from our case study sites indicate that the land disputes have not assumed the character of full-fledged ethnic conflicts. However, in the Afram Plains District, some of the disputes are between Kwahus and settler Ewes and Kumawus, while in Osu and La the disputes are mainly between the government and the Gas and in some cases between Gas and land developers who are seen as “strangers” and therefore the resentment generated among Ga youth.

The disputes between the Gas and the government needs further explanation because they emanate either from the underutilization of compulsorily acquired land or has been used for purposes other than those intended, while the Ga community face land scarcity. As has been observed:

3030.64 hectares (5.6%) of Accra total lands have changed from the purpose of acquisition and similar changes have taken place in other regions. ... The relationship between the state and expropriated owners is at its lowest ebb, evidenced by several petitions by expropriated owners ... sale of compulsorily acquired lands by the expropriated owners as happened with the land acquired for the police depot and the Olympics complex as well as the use of land guards by the expropriated owners to prevent the development of some of the compulsorily acquired lands by the beneficiaries (Larbi, 2004: 124-125).

One of the implications of the inability of the state to put land to the intended use is the unauthorized use of the land by encroachers, those who want to put them to economic uses (for example as farmlands, garages and stalls) or to provide shelter for themselves. Failure to arrest initial encroachments creates an incentive for others to move on to state lands, thereby leading to an escalation in the political cost of removing these people when the problem becomes complicated by the number of people who need to be ejected. The ejection has sometimes led to loss of lives. For instance, in April 2006, 10,000 illegal residents of Digyah Island (designated as a national park) in the Afram Plains, who had lived there for over three decades were forcefully evicted by the Game and Wildlife Department of the Forestry Commission and other security agencies. One hundred and fifty (150) people and their personal belongings were crammed in a boat which eventually capsized leading to the loss of lives.

### **Why did the land disputes remain local?**

Most of the land disputes have remained local and latent. There has not been an escalation of the conflicts mainly because they are caused by land ownership status in Afram Plains and Ga West District and compulsory acquisition at Osu and La. In addition, in the Ga District, which has peri-urban communities, conflicts pertaining to land are also attributable to boundary disputes. These conflicts are mainly concentrated at the boundaries separating land owning clans and families. In some cases, tenants caught in-between the disputing parties have to make double payments to the contesting parties. This situation undermines the security of tenure in the peri-urban land. It also encourages the development of land without the developer going through the appropriate process of acquiring building permit and authority. It is a fact that in the peri-urban areas of the Ga West District, the land conflicts may also be attributed to the weaknesses in the system of land administration. In the absence of strong institutions to regulate land administration

in situations of rapid changes in the peri-urban areas, some people collude with offices of the statutory land sector agencies to engage in illegal land sales.

### **What role did traditional institutions play in the land related conflict?**

The role traditional institutions play in the related conflict differed because of the varying issues and contestations. In the Afram Plains, there was mutual mistrust between chiefs/land owners and settlers/migrants overland agreements. In the Ga West District, newly installed chiefs or family heads have the power to annul purchase agreements of their predecessors, while in places like Sapeiman where the chiefs are not directly involved in the multiple sale of land, they are more effective in handling land disputes compared to areas like Amasaman where the chiefs are themselves part of the sales. Similarly, in Osu and La, the major land disputes involved the traditional authorities and the government over lands acquired by the latter. Where the chiefs are not part of the contesting parties (Osu and La), they are able to adjudicate in the disputes.

### **What alternative conflict resolution mechanisms are feasible in specific contexts and in relation to particular types of conflict?**

A number of methods have been used in the study sites to settle land disputes. They include traditional courts/chiefs/elders, state courts, settlement between the parties themselves, informal arbitration, district assembly government official and the police. A majority of respondents indicated that the methods were not as effective as they had expected, hence the frequency of the conflicts.

The frequent use of the alternative dispute resolution mechanism (ADRM), referred to earlier on as “informal arbitration” has gained ground in the study sites. The ADRM entails a commitment by the parties engaged in the dispute to recognize that is in their interest to seek third-party intervention. It also ensures direct participation and ownership of the decision making process, quick disposal of disputes and respect for the outcome.

Specifically, the following methods of resolving disputes were located in our study sites:

- In Ga West, the District Assembly has the Land and Chieftaincy Dispute Resolution Committee to find out-of court settlement for civil cases. In addition, the Ga West District Chiefs’ Association which meets regularly is also geared to finding means of resolving their differences.
- In Osu and La because of their exposure to Christianity and education, the parties prefer to use dialogue.
- Lack of unity between the two chieftaincy factions in Osu has prevented concerted effort against government and against the encroachers.
- In Afram Plains, the general inclination among tenants, share croppers and migrants not to litigate with their land owners has had a moderating influence on land conflicts.

### **What strategies can be deployed to curb disputes and conflicts associated with access to, and disposal of, land?**

A number of mechanisms can be deployed to curb land related disputes and conflicts. The first is the establishment of specialized land courts. They have the potential of expediting action on land cases and ease pressure on the regular system. Such courts can also be established in all the districts to dispose cases on schedule rather than rely on the traditional courts which take time to dispose their cases.

Second, government intervention in the disputes must be timely and appropriate with emphasis on prevention of the conflict and not management or resolution. The values of legality, non-partisanship and equity in such interventions are critical to ensure credibility and acceptability. Furthermore, early warning systems at the regional and district levels need to be put in place that will constantly inform the government on potential sources of conflicts in the land sector.

Third, a vigorous public education programme on land issues and legislation should be undertaken by the National Commission for Civic Education (NCCE) and other public education agencies, which will make the public more conversant with legislation, policies and processes governing land acquisition, ownership, and mechanisms for any conflicts that might arise.

Fourth, there must be a vigorous public consultation and engagement on land and its related issues. One of the problems in the relationship between the state and land-owning groups is lack of consultation in acquisition and administration of state lands. The Land Administration Project has begun the process of consultation and engagement through workshops, seminars and conferences and needs to be sustained. Stakeholder participation in discussing land issues is the first step to the prevention and management of land disputes.

### **CONCLUSIONS: TOWARDS RESOLUTION OF THE PROBLEMATIC ISSUES**

#### **Introduction**

This study has shown that land is an important resource in Ghana that has been accompanied by disputes and conflicts. The contentious nature of land largely as a result of its commodification has led to increased demand for it, especially in the newly developing settlements within the Ga traditional area. The multiple sales of these lands by individuals and families, and the unfortunate involvement of some chiefs in these dubious land dealings have led to many cases of violent confrontations resulting in the destruction of buildings under construction and sometimes, even death as land guards armed to the teeth are employed by feuding factions. The commodification of land has also led to the Ga traditional authorities calling for commensurate compensations for stool lands taken by the government and also, a call for the return of stools lands acquired by the

government but lying fallow or being used for other purposes other than their original intent.

On the question of land tenure, many respondents believe that documentation is a problem in Ghana, which has led to multiple sales of land. They suggested that governments should ensure proper documentation of all lands at the local level. It was also suggested that the dubious involvement of chiefs in land sales puts the chieftaincy institution into disrepute and so, appropriate guidelines should be put in place to streamline the sale of lands by chiefs. On the question of land administration, it was revealed that the numerous land agencies currently in existence make land processing cumbersome, sometimes frustrating land owners to the extent that they give up on registering their lands.

The lack of compensation by government for lands acquired from the traditional authorities as well as the diversion from the original purposes for which these lands were acquired was also of a major concern to the respondents. They suggested that even though government may have a right to acquire lands for whatever developmental purposes, the traditional owners should be adequately compensated, and also, the lands should be used for purposes for which they were acquired.

Conflicts over land hinder efficient and sustainable land use and undermine existing social relationships; while the mode of resolving land conflicts are a reflection of existing power structures and land tenure systems.

The study reveals that the land sector is faced with several challenges, some of which are as follows:

- A large portion of lands in Ghana are not mapped to indicate appropriate land boundaries, hence people sell land way into other properties unknown to them and thus creating room for disputes.
- Double registration and sale of the same parcel of land to different people continue to be among the recurrent complaints of land developers, property owners and business entities. Such circumstances lead to protracted litigation.
- Those who depend on land conflicts are playing a major role in escalating conflicts. Groups like land guards, some lawyers purposefully and intentionally fuel and cause conflicts to their own advantage.
- The laws that govern land administration and the institutions to enforce them are numerous – Lands Commission, Survey Department, Land Title Registry, etc, play a significant role in land administration in the country. However, inconsistencies in their operations exist as these operations are not synchronized to obtain the level of efficiency that minimizes land conflicts
- The state jurisdiction is overtaxed in finding solutions to conflicts on the regional and local levels despite recent reforms in the economic and legal systems. Too few courts of first instance jurisdiction over land exist in the rural areas.

- The people's trust in the jurisdiction of the law and the path to the courts is avoided at all costs, also in the face of fees, transport costs and money necessary for bribes.
- Insecurity of tenure affects a greater proportion of society than is generally recognized. There is no automatic link between land title and security of tenure. This means to achieve security depends on the context and parties involved. Although it is often possible to identify 'win-win' strategies, hard choices have to be made
- Ensuring security for farmers and other land users is emerging as a fundamental economic and social issue and also as a key issue of citizenship. This raises institutional questions such as the nature of rules and sources of authority which need to be legal and legitimate and be able to ensure regulation in rapidly changing social and economic contexts
- Loss of rights is widely occurring because both customary and statutory mechanisms for securing rights are insufficiently effective to protect the full range of land interests in modern circumstances. The state itself is a source of insecurity in the manner in which it acquires private property. The manner of the VRA resettlement in Afram Plains is a clear testimony in this respect.

## **Recommendations**

Based on our findings, the following recommendations are made to bring order into an already chaotic and turbulent land environment:

- The sources of insecurity are more complex than generally acknowledged. Government therefore needs to adopt strategies that reflect the complex character of land rights and improve tenure security.
- The causes of land conflicts are many and involve many actors. Solving land tenure conflicts and finding possibilities for reconciling differing interests must therefore follow respective cultural-specific norms and guidelines and include institutions at different levels.
- Centralized land administration must give way to locally organized and sustained systems. Big bang approaches which seek to solve problems all at once should give way to incremental and learning-by-doing approaches.
- Government should assist communities to set up and manage their own systems within broadly laid out parameters of fairness and accountability.
- Government must pay adequate compensation for lands acquired by the state to avoid itself becoming a source of land conflicts.
- Lands acquired by the state for must be used for the purpose of acquisition. Otherwise, the original owners should be given the first option of re-acquisition.
- Since approximately 80% of lands in Ghana are owned by traditional communities and ethnic groups, it is expected that the custodians of these land should spearhead the search for solution that minimize land conflicts in the country.

- There is the urgent need to establish special courts to try land case expeditiously or at least specific days should be set aside by the existing courts for land cases.
- Logistics and resources are needed to roll out the process of equipping traditional leaders to be the front liners in the resolution of land conflict.
- Current contradictions between customary practice and statutory codes need to be resolved, to mitigate the uncertainty and insecurity which result from such dualism.
- District Conflict Resolution Committee in the Ga West District must be strengthened and given necessary logistics to function effectively. Based on its success, it can then be replicated. People of integrity must be appointed to serve on the committee so as to function as an Alternative Dispute Resolution (ADR) mechanism. Under the ADRM technicalities will be minimized
- Capacity of traditional rulers must be built. They should be trained on alternative dispute resolution measures. In view of new trends in land administration, they should be educated.
- Land guards must be checked.
- The state ought not intervene directly in the land tenure issues, its role should be to define the rules of the game and lay down procedures, while allowing a degree of local autonomy in the way they are implemented.
- There is the urgent need to reform land acquisition to ensure easier access and most efficient land ownership and title processes.
- Government also needs to retain important functions with such processes as the provision of broad framework and principles underlying the rules of tenure and access and ensuring transparency and accountability of local structures.

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