



The  
University  
Of  
Sheffield.

**Peri-urban Development:  
Land conflict and its effect on housing development in peri-urban  
Accra, Ghana**

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degree of Doctor of Philosophy

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## **Declaration**

I hereby declare that the thesis, presented to the Department of Urban Studies and Planning at the University of Sheffield is solely my work, except for the work of others, which has been duly acknowledged.

No part of the work or in its entirety has been presented elsewhere for any other form of degree.

Divine Mawuli Asafo  
December 2020

## Abstract

Rapid urbanisation, alongside increasing housing deficits, is compelling many individuals to acquire land to build their houses in peri-urban Accra. The relative availability and cheaper costs of land in peri-urban areas also account for this phenomenon. This development has caused significant transformative impacts on the land market, tenure systems and ultimately on the peri-urban spaces of Accra. Tied to this, is the increasing forms of land conflict, which have become evident given the dynamic processes of development in peri-urban Accra. These conflicts, in turn, are shaping housing development in multiple ways. However, few studies have been conducted on the impact of these transformations and its associated contentions on housing. Therefore, the study investigates the relationship between land conflicts and individual housing development processes in peri-urban Accra.

The thesis adopts a situated Urban Political Ecology (UPE) approach as the overarching theory to investigate the everyday politics of access to land and its effect on housing development processes in peri-urban Accra. To explore these in-depth, concepts and ideas of access theory, institutional multiplicity, the significance of the past and the idea of space draws on a key theme of situated UPE (everyday politics), to provide an integrated approach to understanding how land conflict impact on housing development in peri-urban Accra. Using the cases of four communities in peri-urban Accra, namely Abokobi, Oyibi, Oshiyie and Achiaman, the research was conducted through a qualitative lens to gain in-depth insights into the lived experiences of how individual house builders navigate through land conflicts. Interviews were conducted with four main categories of participants: land sellers, housebuilders, state actors and others, such as the Ghana Real Estate Development Association. Additionally, observations were conducted at various police stations, law courts, building sites and land registration centres to understand the day-to-day struggles of individual house builders.

The study found that the transformational processes in peri-urban Accra are accompanied by uneven access to land and unequal power relations, which are causing several forms of contentious tenure issues. Significantly, the study shows that the privatisation characterising land is increasing the number of actors in the land market, shaping the everyday access to land and compounding tenure insecurities. The study argues that the interplay of these contentious tenures is creating what the study conceptualises as *fragile and compromised housing*- a housing development process characterised with intense politics of land access, violence, fragilities, and uncertainties. Consequently, many houses and housing development processes in peri-urban Accra are experiencing '*capital lockdown*', '*cyclical building*,' and '*compromised housing*'. These housing development processes further compromise the wellbeing of individual housebuilders.

The study concludes that the transformation processes of peri-urban Accra have created contested spaces with a complex interplay of uneven access to land, inequality, and intense politics shaped by historical and contemporary development trajectories through privatisation and capital accumulation. In the context of customary land, transformation processes remain inconsistent and unpredictable due to the multifaceted interaction between forces of demand and supply, coupled with the continuous neglect of state interventions in the land market. While land plays an important role in peri-urban housing, demonstrated uncertainties continue to deepen existing housing challenges, particularly, among individual housebuilders, who contribute the largest percentage to housing development.

## Dedication

*To my mother, Josephine Dzodzomenyo, for your prayers, love and sacrifices*

&

*To my brother, Prince Kafui Asafo, for your love and encouragement*

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*All praises to God! in whom I live and move and have my BEING (Acts 17:28)*

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## Acronyms

ADR	Alternative Dispute Resolution
AMA	Accra Metropolitan Area
AOSL	Administrator of Stool Lands
AU	African Union
BOG	Bank of Ghana
CAHF	Centre for Affordable Housing Finance Africa
CBD	Central Business District
CID	Criminal Investigations Department
CiLT	Chartered Institute of Logistics and Transport
CLS	Customary Land Secretariat
CSAU	Client Service Access Unit
DVLA	Driver Vehicle and Licensing Authority
ERP	Economic Recovery Programme
FGBS	First Ghana Building Society
GAMA	Greater Accra Metropolitan Area
GDA	Ga District Area
GDP	Gross Domestic Product
GREDA	Ghana Real Estate Association
GSS	Ghana Statistical Service
HFC	Home Finance Company
LAP	Land Administration Programme
LUSPA	Land Use Spatial Planning Authority
MDAs	Municipal and District Assemblies
MLNR	Ministry of Land and Natural Resource
MMDAs	Metropolitan Municipal and District Assemblies
MDAs	Municipal and District Assemblies
MWH	Ministry of Water and Housing

MWRH	Ministry of Water Resource and Housing
OECD	Organisation for Economic Co-operation and Development
PNDC	Provisional National Defence Council
PUAs	Peri-urban Areas
SAP	Structural Adjustment Programme
SDG	Sustainable Development Goals
SHC	State Housing Corporation
SSA	Sub-Saharan Africa
TDC	Tema Development Corporation
TMA	Tema Municipal Assembly
UK	United Kingdom
UN	United Nations
UNCHS	United Nations Centre for Human Settlement
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNFPA	United Nations Funds for Population Activities
UN-HABITAT	United Nations Human Settlement Programme
UNOPS	United Nations Office for Project Services
UPE	Urban Political Ecology
USAID	United States Agency for International Development

## CHAPTER ONE

### GENERAL INTRODUCTION

*'...Buying land here (peri-urban Accra) is not an easy thing. A year after I bought my land, I started building a four-bedroom house and got to the lintel level. One faithful day, I came to the site and the whole building was pulled down. They even excavated the foundation. What happened was a matter of life and death! Land guards chased us from the plot with cutlass, chains and clubs...and this was the third land I had bought in Accra' (Resident- Abokobi, 2018)*

#### **1.0 Introduction**

The above quote highlights the complex and dynamic processes associated with housing developments in peri-urban Accra, Ghana. Significantly, it reveals the daily experiences of individuals, and how they navigate through land conflict to build their houses. The land conflict here refers to the competitive struggle between individuals or groups over the control or benefit that can be derived from land (McMichael, 2016; Wehrmann, 2008a; John and Karol, 2013). During informal conversations with some residents of four peri-urban communities in Accra in 2017, it emerged that relatively available and cheap land was compelling many people to build in this area, however, land conflict has become the biggest problem facing the building process. Additionally, an individual must be ready to face 'land guards', spend most of their time on building sites and negotiate the land transaction process with different owners of land. Given these situations, little is known about these questions: how do housebuilders get involved in land conflict? how do they navigate through land conflict in everyday building processes? and what are the varied impacts of these conflicts on housing development?. It is against this backdrop that this study sets out to investigate how the transformation of peri-urban Accra and its related land conflict is shaping housing development.

Peri-urbanisation and peri-urban development remain one of the most significant phenomena occurring in cities of sub-Saharan Africa (SSA) (Cobbinah et al, 2015; Appiah, 2014; UNFPA, 2008; Satterthwaite, 2009; UNDESA, 2015). Many scholars (see Webster and Muller, 2009; Ravertz et al., 2013; Fazal, 2013) have argued that the increasing urban population, resulting from rural-urban migration, coupled with the outward growth of cities into adjoining communities, are factors accounting for the rapid growth of peri-urban spaces. That is, urban sprawl, which constitutes a major feature of urban growth in SSA is observed to be increasing the



interconnections between urban centres and their adjoining settlements. Population projections, for instance, indicate that, while a high percentage of the world's urban population will live in Asian and African countries, its associated growths will occur in smaller cities and adjoining peripheries (UN, 2016; UNFPA, 2008; Satterthwaite, 2009; UNDESA, 2015).

There is no universal terminology for the peri-urban (Fazal, 2013; Ravertz et al, 2013; Bogaert et al, 2015; Mbatha and Mchunu, 2016), however, its changing ideologies over time highlights the significance of spatial transformation resulting from the integration of urban and rural settlements. Until recently, peri-urban areas were defined based on their geographical location. That is the settlements or a geographical space located at the edge of the city or in between the urban and the rural settlements (Beegle and Schroeder 1955 cited in Kurtz and Eicher (1958). Given the complex interaction and flow of resources between the peri-urban and other settlements, particularly the urban, Buxton and Choy (2007) argued that peri-urban areas are currently perceived as a structural and functional zone. According to Buxton and Choy (2007), while the structural zone depicts the geographical location and other physical characteristics, the functional zone reveals the interaction and dynamic interplay between the structure and the urban environment. Peri-urban areas exhibit spaces of transition, integration and heterogeneity given the flow of economic goods, services, and people (Iaquinta & Drescher, 2000; McGregor, Adam-Bradford, Thompson, & Simon, 2011; Amoateng, Cobbinah, & Owusu-Adade, 2013). Supporting this notion of the peri-urban space, Simon et al (2004:239) revealed that the peri-urban area is 'an extension of the city rather than as an area entirely separate because, city-regions function in a more or less integrated way not only of its ecological footprint but also, its economic and demographic processes'.

Given the significance of peri-urban areas, scholarly interest has been growing in the dynamic development, institutions, and processes that shape them (Mercer, 2018; Ravertz et al., 2013). Particularly, operating within a capitalist economy, the competition for access and control of resources is embedded in inequality, uneven access, and complex power relations. A case in point is the increasing commodification and privatisation of customary land, which translates customary land from a social good to an economic good with significant value and price change (Chimhowu, 2019; Aryeetey, 2009). This development is compounded by the increasing demand for customary land by most urban dwellers, particularly for housing purposes. Customary land in this regard

refers to land controlled, used or occupied by indigenous families or communities and administered through customary laws (Obeng-Odoom, 2016; Ubink, 2008; Wehrmann, 2008a; Kansanga et al., 2012). Consequently, given the competing interests among different actors including state institutions and non-state institutions, individuals and private investors among others, over control of land, the peri-urban is said to exhibit different forms of contestation resulting in dispossession (Chimhowu, 2019; Obeng-Odoom, 2016; Gillespie, 2016; Ubink, 2008; Ravertz et al., 2013). Alongside this dispossession are processes of possession, claiming ownership and new habitation of land by particular individuals and organisation, which also result in conflicts (Bartels., 2020; 2018).

Nonetheless, peri-urban areas over several decades have become the centre of new developments (Cobbinah et al., 2015; OECD, 1979). That is, peri-urban areas exhibit footprints of socio-economic activities such as residential and transport infrastructure, service centres, commercial and industrial activities, and these have become major forces of attraction to both urban and rural populations (Cobbinah et al., 2015; Ravertz et al., 2013; Nkwae, 2006). Emphasising the importance of peri-urban areas, the OECD (1979), revealed that

*‘...the peri-urban areas are the centre of almost all new developments and a great deal of the transformations in economic activities. Economic expansion in all its forms gives rise in these areas to lively competition for land, which is also in demand to meet the housing requirements since the population continues to increase in these areas’* (OECD, 1979: 1).

Following the foregoing debate, peri-urban spaces in the global south are mainly characterised by housing and to some extent, manufacturing, and commercial developments (Ravertz et al, 2013; Doan and Oduro, 2011). Owing to increasing housing deficits in most SSA cities and the deteriorating urban services (sanitation, security etc), a large number of people including the rich, the middle class and the urban poor are moving into the peri-urban areas to build (Bartels, 2019; Mazzolini, 2016; Topalovic, 2012). Additionally, the relatively cheaper and available land in most peri-urban spaces is further compelling many people to reside in peri-urban areas (Allen et al, 1999; Wehrmann, 2008a; Masanja, 2003) This departs from the perception that the peri-urban in SSA is a deprived space inhabited mostly by the urban poor, who create informal settlements (Mazzolini, 2016; Mbatha and Mchunu, 2016). Mercer’s (2018), work on Dar er Salam in Tanzania, for instance, highlights the middle-class population as significant actors shaping the development of suburban communities. Similarly, a study by Mbatha and Mchunu (2016), in

eThekwini, South Africa, also point to the numerous urban middle classes who move into the peri-urban to build as it is perceived as a region of opportunities.

It is important to emphasise that Ghana's peri-urban development follows SSA dynamics considering its increasing urbanisation record from 23.1% in 1960 to 50.9% in 2010 (Cobbinah et al, 2015; Ghana Statistical Service, 2013; Owusu, 2008), and with an average growth rate of 4.2 per cent (Ghana Statistical Service, 2013). Similarly, the country's housing deficit of 1.8 million, (CAHF, 2016) has forced many of the urban population to reside in informal settlements and slums due to high rent charges (Owusu, 2008). Although real estate companies contribute to the housing delivery statistics in the country, most people are unable to afford these properties, given the exorbitant price charges (Bansah, 2017; CAHF, 2016; Mahama and Antwi, 2006). Consequently, self-built housing developers, who are known to contribute 90% to the housing stock in Ghana (Gillespie, 2018; World Bank, 2015; UN-Habitat, 2011) are compelled to move to peri-urban areas where land is relatively cheaper and readily available (Bansah, 2017; Acheampong and Anokye, 2013; Lawanson et al, 2012). According to Bansah (2017), the decision to embark on self-built housing is also attributed to its affordability and flexibility involved in the building process. This attempt to meet the housing demand has resulted in the influence on, and transformation of, land tenure systems especially, in peri-urban Accra. Of much significance are the increases in land commodification and privatisation and the change in perception of land from a collective resource to an economic good (Wehrmann, 2008b; Aryeetey et al, 2007; Mends and De Meijere, 2006). This has seen the emergence of many actors including real estates companies, land agents, individual housebuilders, and land sellers who compete for land access and control. In this same regard, state agencies are also increasing their role in this transforming economy to ensure that there is sustainable and guided development.

The interaction of the above actors and their actions is, therefore, altering the control and management of customary land (Arko-Agyei, 2011; Wehrmann, 2008a). Particularly among land-owning families, a recent increase in the value of land is resulting in increasing and haphazard land allocation. Besides, there is the emergence of new owners and new boundaries to land as a response to meeting the demands of the land market. The effect is the problem of tenure uncertainties and land conflicts, which is affecting all forms of land use. Although housing is the dominant land use

activity in peri-urban Accra, evidence on the effects of land conflict on housing has not been substantially documented. Anecdotal evidence and media reports are the common documents evidencing this recent development. That said, given that the fundamental steps to housing development, which involves land acquisition and registration, designing and mobilising building materials among others (Agbola, 2003; Beyer, 1965), this study examines how land conflict is shaping these housing development processes. The existing housing challenges such as inadequate credit and mortgage facilities, increasing cost of building materials (CAHF, 2019; Teye et al., 2015), which continue to hinder housing development are acknowledged. Nonetheless, examining how the effect of land conflicts and tenure uncertainties is creating new processes in shaping housing development is relevant. This will unpack the everyday experience and challenges that compound housing development in peri-urban Accra.

## **1.2 Problem statement**

Building a house in Accra or its peri-urban communities is influenced by several constraints such as ineffective mortgage and credit facilities, increasing cost of building materials, and bureaucratic spatial planning regulations (Bansah, 2017; Tagoe, 2014; UN-Habitat, 2011; BOG, 2007). Of much significance to housing development in peri-urban Accra is the ambiguity surrounding access to customary land and tenure security. Some scholars have observed (see Bansah, 2017; Ayee et al, 2008), that acquiring and registering land in peri-urban Accra for residential development in recent times has become very complex, resulting in land conflicts. McMichael (2016:2723), defines land conflict as the ‘competitive struggle between individuals, communities, state authorities and commercial or other interests for access to or control over benefits that can be obtained from a specific area of land’. Confirming this, Ubink (2008), reveals that peri-urban areas are ‘tenure hotspots’ which subjects properties to intense contestation with rapid change in access and authority.

The dominance of land conflicts in peri-urban Accra is largely attributed to the ‘coexistence of different modes of supply’, poor documentation, illegal and informal land transaction practices, cumbersome and bureaucratic procedures in land registration, coupled with corrupt, weak and ineffective state institutions (Gough and Yankson, 2000, p. 2487; Darkwa and Attuquayefio, 2012; Appiah et al, 2014; Cobbinah et al., 2015). Zevenbergen (2002), for instance, revealed that the

improper survey of most cadastral plans by unprofessional and unlicensed surveyors accounts for the difficulties in identifying boundaries, leading to multiple registrations of the same parcel of land. Again, operating within a zone characterised with multiple institutions, Accra's peri-urban areas are characterised by the co-existence of statutory and customary laws, public and indigenous institutions, traditional values and communal norms, with some overlapping responsibilities, intensifying land conflicts (Narain and Nischal, 2007; Arko-Agyei, 2011). Evidence of this is seen from the clash between municipal planners and some land sellers (chiefs and family), who ignore planning regulations and transfer land to individuals for housing. Again, the inability of governments to pay compensation for customary land compels some landowners to resell these lands to private individuals (Gough and Yankson, 2006; Kasanga et al, 1996). Other land sellers also take advantage of the increasing land value and engage in clandestine sales without any form of consultation (Kasanga et al, 1996; Gough and Yankson, 2000; Ubink, 2007). Considering these factors, it is not surprising that about 85% of civil cases in Ghana reported annually at the court constitute land cases (Quaye et al, 2015), with Accra and its peri-urban areas experiencing a relatively higher number of conflicts.

Accordingly, Yankson and Gough (1999), in their study on the environmental impact of urbanisation in peri-urban Accra highlighted how tenure insecurity in peri-urban areas created financial constraints for most housebuilders, where monies meant for the building was reassigned for fighting land cases in court. Darkwa and Attuquayefio (2012), also pointed out how individual housebuilders also channelled their finances into informal levies to land guards for land protection services. Housebuilders are also vulnerable to the acts of landguardism. This is an arrangement where groups of people, mostly the youth, are armed with weapons and paid to provide land protection services to landowners (Darkwa and Attuquayefio, 2012). These land guards, whose activities are characterised by physical harassment and violence, often inflict injury and threats to housebuilders, which affect their wellbeing. The consequence has been the presence of several housing processes delayed and the structures trapped at different stages of construction (Bartels et al., 2020; Abusa, 2004; Yankson and Gough, 1999).

The aforementioned studies highlight some of the impacts of tenure insecurity on housing delivery processes, however, these impacts were not explored in depth given that their focus was on

environmental and social development issues of peri-urban spaces. Similarly, other studies on peri-urban land problems (Nkwae, 2006), peri-urban land governance (Gough and Yankson, 2006; 2000; Shaw, 2005; Gough, 1999) and residential development in peri-urban areas (Liu and Robinson, 2016) did not focus explicitly on the nexus between land conflict and housing development. In a study by Darkwa and Attuquayefio (2012), for instance, the focus on landguardism explored an outcome of tenure insecurity, which had generated private but illegal security services towards land protection. Exploring the housing market in peri-urban areas of Accra, Gough and Yankson (2011), focused on the dynamics of caretakers in the peri-urban space. Even though tenure insecurity was highlighted as one of the driving forces for people to hire caretakers, the study did not explore further to examine the actual impact of tenure insecurity on housing development. That is, questions on the aspect of changing land tenure; institutional response to changing tenure, and the widespread nature of land conflict and its effect on housing development in peri-urban areas, remains unanswered. Housing development by private individuals, in this context, is the process of putting up a housing structure from the first step of land acquisition, to the last step of completing the house. In SSA, housing is considered as a process and a product because it involves housebuilders, first acquiring the land, hiring labourers, and funding the project to its completion (Agunbiade, 2012 p.18; Agbola, 2012; Turner, 1976; Beyer, 1965).

Therefore, having received less academic attention, the current study probes more deeply the interplay of land conflicts and its relationship with individual housing development processes. The study focuses on individual housebuilders because they account for the majority of housing producers in Accra and its peri-urban areas (as highlighted above). Drawing from the idea of situated Urban Political Ecology (UPE), the thesis argues that the transformations occurring within the peri-urban as frontiers of urbanisation is characterised with uneven access, unequal power relations and privatisation of land (Bartels, 2020; 2018; Valencia, 2016). Additionally, these transformations are embedded in broader socio-historical, economic, and political processes, which shape everyday access and use of land in peri-urban areas. Particularly, with customary land, the increasing interaction of peri-urban communities with urban Accra situates the peri-urban within a capitalist and privatised economy, coupled with the evolution of different actors with competing interest in access to and use of land (Silver, 2017; Kaika, 2005). A case in point is the

transformation of land from a community to an economic property, characterised with uneven power relations among actors.

To this end, the thesis adopts the situated UPE approach to unpack how every day uneven access, unequal power relations, privatisation of land, and land conflicts characterising the transformation of peri-urban Accra, shape housing development processes. Using the situated UPE, the thesis conceptualises housing development processes and outcomes in peri-urban Accra as fragile and compromised, given the uncertainties associated with access and use of land. That is, land conflict is producing highly political, violent, fragmented, fragile, and compromised processes, which is compounding existing housing challenges in peri-urban Accra. These processes do not operate in isolation but are embedded in the socio-economic, historical, and political processes shaping the transformation in peri-urban areas. Significantly, exploring these complexities of housing development through situated UPE allows for a ‘bottom-up approach’ to understanding processes shaping housing development in peri-urban Accra. As argued by some scholars, the situated analysis provides the advantage of revealing how processes evolve to transform nature, rather than using existing theories to explore these processes (Bartels et al, 2020; Cornea et al., 2017).

With the situated UPE notion and the transformations embedded in everyday power relations in land control, the study further adopts other concepts and ideas including access theory, institutional multiplicity, the significance of the past, and the idea of space as analytical tools to unpack how land conflict impact on housing development in peri-urban Accra. The thesis, therefore, draws on the above analytical tools to develop the idea of fragile and compromised housing, which is characterised specifically by capital lockdown, cyclical building, and compromised wellbeing of housebuilders. This ultimately allows for an in-depth and contextual analysis of land conflict and housing in peri-urban Accra.

Positioning the research in a wider urban development context, the study recognises that effective management in the land sector is an essential intervention in ensuring sustainable peri-urban development in a non-conflictual way. Likewise, the study contributes to the debate on approaches to achieve the Sustainable Development Goal (SDG) 1, target 1.4.2, which focuses on equal access to ownership and control over land, secure tenure rights and legal documentation, and goal 11

target 1, which emphasises ensuring access to adequate, safe, affordable housing and basic services, with slum upgrading by 2030 (UN, 2016). Finally, framing the effect of land conflict on housing uncovers the intense politics and fragilities associated with housing development in Ghana and the global south. These are emerging conceptual issues that have not received significant attention.

### **1.3 Aim of the study**

The main aim of the study is to investigate how peri-urban development and its associated land conflict are unfolding, and how they shape the processes of housing development in peri-urban Accra.

### **1.4 Research Questions**

1. What are the current changes associated with land tenure and the land market, and what is accounting for these dynamics in peri-urban Accra?
2. How are actors and institutions responding to the changing land market and its associated tenure complexities in peri-urban Accra?
3. What are the factors accounting for the evolution and increase of land conflicts in peri-urban Accra?
4. Which actors are engaged in land conflict processes in peri-urban Accra and how do they navigate through these conflicts to maintain access and control over land?
5. How does land conflict affect individual housing development in peri-urban Accra?

### **1.5 Thesis Structure**

This thesis is structured in two main parts comprising eight chapters in total. The first part (Chapter 1 to Chapter 4) provides a holistic discussion on peri-urban development and the role of land conflict in housing development processes. It further highlights the existing literature, theories, concepts and methodology. The second part (Chapter 5 to 7) presents the empirical findings and analytical discussions of the study. The discussion investigates how everyday processes of land



tenure transformation in peri-urban Accra are unfolding, and have shaped housing development processes. The structure of the thesis is as follows:

**Chapter 2** explores the various concepts used in the thesis. Building on existing concepts of the peri-urban, the chapter identifies peri-urban Accra as a contested and fragile zone because of the competing interests of actors and everyday politics of accessing land. The chapter argues that understanding the outcome of the peri-urban transformation in shaping housing development processes can best be understood through the lens of situated UPE. The chapter uses access theory, institutional multiplicity, the significance of past, and the idea of space to explore the themes of situated UPE, which focuses on uneven access, and unequal power as both drivers and outcomes of particular forms of peri-urban development, that is, the peri-urban as a contested space. This underpins the development of fragile and compromised housing. The chapter also discusses the relationship between land and housing, and how land conflict processes have evolved.

**Chapter 3** provides a contextual overview of the development of the Greater Accra Metropolitan Area (GAMA), which includes peri-urban communities. Attention is given to the historical development, population, and spatial growth, coupled with changing land tenure dynamics and housing development in the urban core and the peripheries of Accra. The chapter argues that the interplay of different socio-economic and historical factors at a different scale (global, national and local) constitute the forces behind urban sprawl and rapid peri-urban development in Accra. Furthermore, the failure of successive governments to meet the housing demand of urbanites underpins the response of increased building by individual housebuilders in peri-urban Accra.

**Chapter 4** presents the research design and methodology, justifying that an interpretivist approach and the use of a qualitative methodology helps in understanding the experiences of housebuilders in navigating through land conflict and housing development processes in peri-urban Accra. A variety of methods including interviews, visual images, and observations were applied to understand: the factors driving peri-urban land transformation, how institutions are responding to these transformations, how land conflict evolves, and finally how this conflict affects housing development processes.

**Chapter 5** begins the empirical discussions by addressing research question one, which investigates the current changes associated with peri-urban land tenure and the land market, and

the factors causing these changes. It also responds to a part of research question 2, which examines the outcome of interactions between state and non-state actors in responding to the changing land market in peri-urban Accra. The main arguments of the chapter highlight the point that commodification and privatisation associated with Accra's peri-urban transformation has shaped power relations to land access, land transaction, and the composition of land delivery channels. Additionally, gaining access and control to land by various actors is dependent on interrelated factors called bundles of power. These bundles of power eventually become necessary for maintaining access to land. The chapter further argues that the interaction and outcome of state and non-state actors in managing land have created inconsistent patterns of land management with diverse impacts. Significantly, although these transformations are creating access to land, they are equally creating uncertainties and insecurities.

**Chapter 6** addresses research question three and four, which focuses on the triggers of land conflict and the actors involved in the land conflict processes. It also addresses a part of research question two, which investigates how state and non-state actors respond to land conflicts. The chapter argues that different actors and their competing interests underpin the increasing and uneven power relations in access and control of the land. Accordingly, various actors rely on socio-economic, legal, and unsolicited mechanisms as factors that enhance their ability to sustain the control of land in conflict situations. Also, though on the surface level, land conflict is perceived to result from multiple sales and boundary issues, the study found more complex and interrelated factors fuelling land conflict in peri-urban Accra. These include: contested ownership and discourses about the past, intra-family and intergenerational differences, multiple institutions and institutional inefficiencies, and increasing commodification and demand for land. Additionally, the management of land conflicts by state and non-state actor also exhibit complex tendencies and outcomes, where there is evidence of hybrid patterns of managing land conflict and at the same time compromised and discordant patterns resulting from ineffective coordination among other factors.

**Chapter 7** addresses research question five, which explores the nexus between land conflicts and housing in peri-urban Accra. The chapter argues that housing development processes associated with the transformation of peri-urban Accra are embedded in intense politics, insecurities, and fragilities. The chapter frames these outcomes as fragile and compromised housing to capture the

complex everyday experiences of housing development. These include multiple financial commitments, delays in the building process, frequent demolition of housing structures and landguardism. This result in compromised housing outcomes. Consequently, several housing development processes result in conditions such as *capital lockdown*, and ‘*cyclical building*’. The impact of these processes on the health of the housebuilders is ‘*compromised wellbeing*’, where physical abuse and threats characterise the housing process. Nonetheless, housebuilders continue to negotiate through alternative methods such as fencing or building makeshift structures, hiring caretakers or land guards as social legitimacy tools for maintaining control and access to land.

**Chapter 8** presents the major findings of each research question by concluding on the implications of the nexus between land conflict and housing development in peri-urban areas. Overall, the chapter concludes that housing development amid peri-urban transformation and land conflict unpacks the dimension of housing development processes and outcomes, embedded in intense politics and insecurities.

## CHAPTER 2

### CONCEPTUAL AND THEORETICAL FRAMEWORK

#### 2.0 Introduction

The previous chapter examined the debate on the rapid transformation of peri-urban areas from an agrarian space to a built-environment, with housing development as the major land use activity. The chapter argues that the complex processes associated with peri-urban transformation are creating new processes shaping housing development. Following the overall aim of the study, which investigates the interconnection between land conflict and housing development processes in peri-urban Accra, this chapter, unpacks the key concepts underpinning the study. Given the sprawl of urban Accra and its functional interaction with the development of peri-urban Accra, the chapter argues that peri-urban areas present a new form of identity as ‘contested spaces’ due to the competition over the control of land. In furtherance to the debate about land conflicts, this chapter argues that existing explanatory frameworks focused on scarcity, resource abundance, and institutional inefficiencies are insufficient to fully understand the complexity of peri-urban land conflict. Therefore, a shift in focus to explore the interplay of everyday politics of land within wider socio-economic, political, and historical factors provides a holistic understanding of land conflicts in peri-urban areas. The chapter further argues that housing is better understood when conceived as a process and a product. Significantly, some works have been done on housing challenges in SSA including Ghana, however, little attention is paid to the everyday politics associated with access to land for housing. The chapter proposes the concept of fragile and compromised housing to examine the lived experiences of housebuilders in navigating through tenure uncertainties in their housing development processes. Unpacking this concept, the chapter adopts a situated urban political ecology (UPE) approach as an overarching framework to examine how privatisation and changing power relations associated with peri-urban transformation shape housing development processes and its outcome. With a focus on the everyday politics of land, the chapter reviews the idea about the past, access theory, and institutional multiplicity as key ideas employed to understand how land conflict informs and shapes housing development in peri-urban Accra.

## 2.1 Defining the Peri-urban

The need to shift academic attention from other forms of settlements (urban and rural) to peri-urban settlements and its development has recently become necessary, given its rapid changes and dynamics. Ravertz et al (2013: 14), noted that ‘the peri-urban area may become the most common type of living and working situation in the world in the 21<sup>st</sup> century’. Hence, the need to look beyond the conventional division of settlements as urban and rural is necessary considering the transformation peri-urban areas are experiencing. The term peri-urban, emerged as a concept primarily from urban geographers in the 1940s to describe how peripheral areas or fringes around cities were undergoing spatial changes in America and the western world (Adell, 1999; Fazal, 2013). Accordingly, American Geographers coined the term *urban fringe* to explain the changes that occurred in the population structure of Louisiana (Johnson, 1974 cited in Adell, 1999). This was used in academia to further describe the growth of suburban areas experiencing a mixture of urban and rural land use (Johnson, 1974 cited in Adell, 1999).

Theorising the peri-urban has been faced with terminological and conceptual difficulties, despite its wide usage (Mbatha and Mchunu, 2016; Bogaert et al, 2015; Fazal, 2013; Ravertz et al, 2013). Consequently, several terminologies (see Table 2.1) are applied, often interchangeably, to describe peri-urban spaces. Noticeably, Table 2.1 highlights the diverse but similar terminologies that are used to describe peri-urban spaces, however, one can attribute this to contextual differences in the subject of study and its geographical location within which the study was carried. The emergence of these terminologies is attributed to attempts to define the peri-urban from the perspective of the urban side (Fazal, 2013; Adell, 1999). In contrast, other terminologies such as *rural-urban* and *rurban fringe*, have been coined with the argument that the changing landscape within the urban and rural areas does not necessarily result from urban processes (Fazal, 2013; Adell, 1999). Despite this criticism, the use of peri-urban Accra in this study suggests the stimulation of growth of peri-urban areas as a result of urban sprawl and the increasing movement of urban populations into peri-urban areas, seeking land for housing.

**Table 2.1 Common terminologies use to describe PUAs**

<b>Terminology</b>	<b>Usage by sample scholars</b>	<b>Application</b>
Peri-Urban areas	Agrawal et al, 2003; A. Allen, et al., 2006; Allen, 2003; Kombe 2005; Lanjouw, et al., 2001; Nkwae, 2006	One of the most common terms. It is used particularly in research and policy discussion on countries in the Global South.
Desakota systems	Mcgee 1991; Pelling and Mustafa 2010; The Desakota Study Team 2008	The term desakota comes from Indonesian: desa (village) and kota (city). It was coined by urban geographers in the 1990's (Mcgee 1991) in reference to Asian PUAs; in later years it has also been used in African and Latin American contexts.
Metropolitan Periphery/fringe	Bontje and Burdack 2005; Taaffe, et al., 1992	Used in both Global North and South countries; used significantly in Europe.
Peri-urban hinterland	Aguilar and Ward 2003	Used particularly in the Global South country context, the example is from Mexico
Peri-Urban Interface	Adell 1999; Brooks 2003; Mandere et al., 2010; McGregor et al., 2006; Tacoli 1998	Used particularly in the Global South country context. One of the few books with a peri-urban focus uses this terminology (McGregor et al. 2006)
Peri-Urban Landscapes	Gockowski et al. 2003; Williams et al. 2005	Used in both Global North and South, used in Europe particularly in geography-related research.
Urban periphery	Clonts 1970; Leeds 1996; Wacquant 1993	Used in research centred in both the Global North and South. “[T]he periphery signifies a relationship of interdependence in an apparatus of domination but it also refers to a specific topographical location: the peripheral neighbourhoods of the urban poor” (Roy 2011:232)
Urban-Rural Continuum	Micciolo et al. 1991	Used in medical literature
Urban Fringe	López et al. 2001; Heimlich and Anderson 2001	Used in Global North and South country context, in both physical geography and urban planning
Urban-Rural Fringe	Carrión-Flores and Irwin 2004; Treitz et al., 1992; Weaver and Lawton 2001	Often used in cited papers related to land use mapping. Simon describes it as the “outer edge or transition zone between urban and rural areas” (2008b:170); used mostly in Global North country context.
Urban-Rural Interface	Simon 2004; Shark and Clark, 2008	Most cited papers using the term relate to physical geography research
Wildland Urban Interface	Radeloff et al., 2005; Theobald and Romme 2007	Mostly used for research related to fire risk, forestry, and planning

Sub-urban	Mabin et al, 2013; Keil, 2011; Harris, 2010 Mercer, 2017	Used to describe locations outside the core city, characterised with low density, economic growth, temporality and some relative modernity
Postcolonial suburb	Mercer, 2017	Used to explore the colonial and post-colonial policies shaping the everyday processes and development of urban fringes
Urban frontiers	McGregor and Chatiza, 2019	Used to explore the politics shaping the lawlessness and illegalities of informal settlements at the city edge
Third space	Allen, 2003; Gallent and Shaw, 2007	Used to describe the space between urban and rural areas with distinctive features and functions

**Adopted and modified from Valencia, 2016**

### *2. 1. 1 Conceptualising PUAs*

The conceptual difficulties surrounding the definition of peri-urban are established within several levels of spatio-temporal analysis. Earlier definitions of the peri-urban emphasised their geographical locations coupled with their changing features. Beegle and Schroeder (1955), for instance, defined peri-urban as a transitional zone located within a rural and urban area (cited in Kurtz and Eicher (1958). Kurtz and Eicher (1958: p.36) further defined it as the ‘location beyond the limits of the legal city, in the ‘agriculture hinterlands’ exhibiting characteristics of mixed land use, with no consistent pattern of farm and nonfarm dwellings’. These locational definitions of peri-urban have been used interchangeably with suburbs, which are areas located outside the core of the city, characterised with low density, economic growth, temporality and some relative modernity (Mabin et al, 2013; Keil, 2011; Harris, 2010).

Nevertheless, current definitions of peri-urban have transcended geographical locations suggesting that development within peri-urban areas define it rather than location. Ratvertz et al (2013: p.13), affirms that ‘the peri-urban cannot be identified only as a fringe within rural and urban spaces or equated to a zone of transition, rather it is ‘a new kind of a multi-functional territory’. Underpinned by the above notion, recent conceptualisations of PUAs advocate for spatial interaction, heterogeneity and linkages as key elements in research on PUAs (Amoateng, Cobbinah, & Owusu-Adade, 2013; McGregor, Adam-Bradford, Thompson, & Simon, 2011; Mbiba and Huchzermeyer, 2002). To this end, PUAs can be defined from a structural perspective, which considers locational

attributes such as population density, settlement structure, employment, and land use pattern, and a functional perspective, which examines the interaction between the structural elements and the urban environment (Buxton and Choy, 2007). Similarly, Narain and Nischal (2007 p. 261), also conceptualised PUA to denote a 'place', a 'process' or a 'concept'. As a place, it refers to the 'rural fringe areas surrounding a city'; as a concept, it is the 'interface of rural and urban activities and institutions'; and as a process, it is the 'two-way flow of goods and services and a transitional stage between rural and urban'. Valencia (2016 p.22), argues that the peri-urban should be considered as a dynamic transitional zone where a 'variety of landscapes, socio-economic, institutional, and cultural identities are convening in both harmonious and conflicting manners driven by internal and external economic, political, and environmental drivers and flows'. Following the above, the central feature defining PUAs is the dynamic features and interaction with both urban and rural settlements coupled with its transformation processes (Bartels et al., 2020; Woltjer, 2014; Bocz 2012; Webster, 2011; Buxton and Choy, 2007; Iaquina and Drescher, 2000). These features distinguish PUAs from the ideas of exurban and suburban, which largely focus on settlements at the urban fringe, that are already urban, rather than their dynamism (Simon, 2008; Simon et al., 2004).

Nonetheless, these functional integrations create concerns for the transformations of peri-urban areas and their associated impacts. The outcome of these functional integrations is the uneven development processes characterising different aspects of peri-urban areas (see Bartels, 2019; Mehta et al., 2014; Simon et al, 2004). Therefore, there is a need to investigate how these rising inequalities evolve and influence processes such as access to land and housing development. Against this backdrop, this study hereinafter adopts the term peri-urban area (PUA) to explore how incremental development in the peripheries of Accra, informed by capital flows and interactions of different actors in the management of land is evolving into land conflicts. Additionally, the term is significant in demonstrating the foreclosures and complexities of peri-urban transformation, especially housing development.

The concerns involving the contestation and control of resources, particularly land, seems less considered in the discussion of peri-urban areas. To this end, this study conceptualises the peri-urban as a '*contested space*', produced by the complex interactions of factors such as urbanisation, land management practices, the transformation of the peri-urban land market and the competing



interests of different actors. As argued by Ubink (2008 p.23) 'PUAs have become tenure hotspots, where property relations are subject to intense contestation and where access to wealth and authority is undergoing rapid change'. The increasing interaction and uneven power relations exhibited by different actors such as state agencies, traditional authorities, families and other private individuals in the control of customary lands (Chimhowu, 2019; Obeng-Odoom, 2016; Ravertz et al., 2013) further highlight the uneven development characterising PUAs. Additionally, the increasing activities of housing development in these areas constitute the drive for intensive land control and more significantly, how power relations among actors create conflicts over these lands.

## **2.2 Defining Land Conflicts**

Land is one of the natural resources contested for centuries and continues to dominate discussions on global insecurity (UNEP, 2012). Its evolution and interplay with many other socio-economic factors including livelihood, economic growth, property rights, and housing development have resulted in complex outcomes such as land conflicts. Land conflict is complex and highly diverse, and scholars have offered several different definitions. According to McMichael (2016 p.2723), land conflict refers to 'competitive struggles between individuals, communities, state authorities and commercial or other interests for access to or control over the benefits that can be obtained from a specific area of land'. The benefits mentioned by McMichael relates to basic needs such as shelter and communal living as a social and a cultural benefit. Corroborating this point, Wehrmann (2008a p.9), described land conflict 'as a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land: the right to use the land, to manage the land, to transfer it, and the right to compensate it'. Wehrmann, (2008a), further suggests that such a conflict may worsen particularly in situations where there is a wide gap between the social positions of the parties.

Within the general idea of land conflict, scholars have distinguished between three forms of varying intensity: disputes, conflicts, and violence (Obala and Mattingly, 2013; John and Karol, 2013; Jimu, 2012). The first, which is land dispute involves 'conflicting claims to rights in land by two or more parties, focused on a particular piece of land, which can be addressed within the existing legal framework' (John and Karol, 2013 p.1). Land conflict, in contrast, involves

‘competing claims to larger areas of land by groups, of breadth and depth not easily resolved (John and Karol, 2013 p. 1). Jimu (2012) also distinguished between disagreement, disputes and conflicts as intensities of land conflict. Accordingly, disagreements are minor grievances over land, which happen over a short duration, while disputes are serious grievances over land, which requires a third-party mediation. The conflict, however, evolves when disputes degenerate and involve confrontations and aggression (Jimu, 2012). This resonates with Obala and Mattingly’s (2013), classification of conflict as non-violent opposition, intimidating opposition and violent opposition.

The third form of land contestation involves violence. Although Moser’s study (2004) does not explicitly distinguish between the various degrees of land conflict, the generic definitions of violence provide further clarification on the concept of land conflict and violence. In her submission, conflict and violence both involve power-struggles, however, conflicts do not inflict mental or physical harm on competitors, but violence does exhibit such characteristics. The violence involved the deliberate use of physical force, which results in injury (Lombard, 2016; Wehrmann, 2008a; Moser, 2004). That is, while conflict can be handled through resolutions processes and negotiations without the use of force, violence, on the other hand, results in the use of force, which includes fighting and murder (Moser, 2004). Although there are established differences between the intensity of land conflicts, the boundaries between these intensities are fluid and blur as the competition over land can result in dispute, conflict, and if not managed well, escalate to violence (John and Karol, 2013, 2013; Jimu, 2012; Obala, 2011). Given the different definitions and intensities of land conflict, this thesis adds to the existing literature by providing a contextualised analysis of land conflict in peri-urban Accra, based on empirical evidence from the field (see chapter 7).

### ***2.2.1 Theorising land and conflict nexus***

The increasing and dominant nature of land conflict has raised intellectual enquiries into the role of land in conflict (Van Leeuwen and Van Der Haar, 2016). This has led to numerous land and conflict literature seeking to explain the role of land in conflict incidences (see Lombard and Rakodi, 2016; McMichael, 2016; Wehrmann, 2008a). Regardless of these different approaches to the explanations of land conflicts, there is the central objective, which involves people’s readiness

to fight over land when their livelihoods and rights of ownership and use are threatened (Van Leeuwen and Van Der Haar, 2016). Some mainstream analyses of these land-violence conflicts are discussed in an attempt to locate the debate on the relationship between land and conflict. These debates include resource scarcity and abundance, institutional challenges, and socio-economic, political, and historical processes.

The resource scarcity, otherwise called environmental security is one of the mainstream schools of thoughts that has theorised land conflict. Advocates of this school of thought (see Anseeuw and Alden, 2010; Deininger and Castagnini, 2006; Deininger, 2003; Homer-Dixon, 1999), found a positive relationship between land scarcity and conflict, arguing that land is a valuable and limited resource, which is scarce, hence there is usually competition over its access. This notion follows the neo-Malthusian line of argument, which postulates that the growth of population outruns resources leading to resource scarcity, which ultimately triggers conflict (Simmons, 2004; Lund, 2006; Mildner, Lauster and Wodni, 2011). As such, the practice of depriving people of their livelihood, especially land, leaves them no other choice than to fight or struggle for survival (Mildner et al., 2011). This scarcity is complemented by the assertion that scarcity can also be triggered by the lack of access due to legal limitations, skewed distribution or an ‘absolute shortage of land in relation to demand’ which creates deprivation and competition over land (John and Karol, 2013 p.2).

The environmental security debate has been criticised on the basis that it is too ‘resource-deterministic’ (Van Leeuwen and Van Der Haar, 2016 p.94). That is, attributing the cause of conflict to the scarcity of resource (land) alone is deficient as it does not allow room for examining other intervening factors such as socio-political, historical and economic factors, which instigate land conflict (Le Billon, 2001; Giordano, Giordano and Wolf, 2005; Brown, 2010). Considering that access, use, and control of land involve power relations and other socio-cultural factors (Valencia, 2016; Bryant, 1998), relying exclusively on scarcity does not provide a holistic understanding of land conflict processes. In the case of peri-urban areas, where there is evidence of an increasing number of actors involved in land control, the rapid transformation of tenure systems, among other factors is vital in understanding land conflict processes.

A school of thought in sharp contrast to the ideas of the environmental scarcity is the resource abundance advocates (see Le Billon, 2001; Fairhead, 2000; Collier, 2004), who posit that

circumstances of resource wealth are capable of instigating conflicts. Accordingly, conflict occurs in areas with abundant resources characterised with high economic value (Fairhead, 2000). These resources are ‘easily and heavily taxable’ therefore, they become attractive to political elites and other competitors who instigate contestations within states and between state territories (Le Billon, 1997; Le Billon, 2001: p. 564; Collier, 2000; Fairhead, 2000). The resource abundance-led conflict is attributed to two issues; ‘grievances’ – caused by depriving people of their basic needs amid abundance and ‘greed’ – caused by the selfish and opportunistic appropriation of resources to enrich oneself (Mildner, et al., 2011).

Attention has also been drawn to how institutions interaction and government structures generate land conflicts (Ostrom, 1990; Turner, 2004). Although scarcity is acknowledged, land conflict is more attributed to the failure of regulatory institutions in managing access and use of land (Hasan, 2015; Rakodi, 2006; Giordano et al, 2005; Appendini, 2001). Accordingly, the risk of conflict increases when institutions are non-existent, ill-defined or are unable to keep up with developmental changes of land (Giordano et al., 2005). While some of these institutions are not adequately equipped to manage the changing land economy, studies by Rakodi (2006), suggest that interactions between formal and informal institutions serve as catalyses in land conflict processes.

Criticisms levelled against the above conceptualisations, reveal the failure of taking into account economic, political, historical, cultural and social factors, which contribute to resource conflict (Simmons, 2004; Mildner et al., 2011; Van Leeuwen and Van Der Haar, 2016). That is, the excessive focus on scarcity, the abundance of resources, and institutional failure reduce the explanatory power of the nexus between resource and conflict. Le Billon (2001), argued that there is also the failure to consider that resources are socially constructed. This notion follows the idea that the creation of resources from nature is related to and dependent on human’s needs, desire, and practices (Le Billon, 2001; Harvey, 1996). Therefore, locating the source of conflict within the wider context of socio-economic, political, historical, and cultural perspective helps the understanding of the in-depth production of conflict (Lund, Odgaard and Sjaastad, 2006; Van Leeuwen and Van Der Haar, 2016). This informs the connections of this study’s everyday politics of land to wider socio-economic, political, and historical processes to enhance a holistic

understanding of land conflicts. The next section briefly discusses the triggers of urban land conflicts.

### ***2.2.2 Triggers of urban land conflicts***

The mainstream literature discussed above sets the background for exploring urban and peri-urban land conflicts in recent times. Similar to the general literature on land conflict, the urban and peri-urban land conflict has been analysed from different perspectives including land governance (Kombe, 2010), inequity (Obala, 2011), corruption, and ethnicity (Obala and Mattingly, 2013; McMichael, 2016). These diverse but related perspectives highlight the fragmented literature on the issue (Lombard, 2016; Marx, 2016). Considering the aim of the study (which examines land conflict and how it affects housing delivery in peri-urban Accra), three themes of urban land conflict literature are discussed, namely, tenure (in)securities, land administration and management, and urban land markets. The focus on these three key literature highlights the central theme of land conflicts in relation to peri-urban development and the changing dynamics in the land sector.

#### ***2.2.2.1 Tenure (in) security and land conflicts***

One of the major elements that have defined and shaped the management of land in urban areas is tenure, defined as a bundle of property rights, including rights to occupy, use, develop, exchange, transfer, bequeath and inherit land and property (Durand-Lasserve and Selod, 2007; Lombard and Rakodi, 2016). It is perceived as a ‘social relation’ because of its involvement in complex set[s] of rules that govern land use and ownership (Durand-Lasserve and Selod, 2007 p.4). Although much of the work on tenure insecurity and land conflict is captured in studies on rural areas, several studies (see McMichael, 2016; Lombard, 2012; UN-HABITAT, 2010; USAID, 2005) have noted that the phenomenon in urban areas particularly accounts for increasing urban insecurities and land conflict. In most communities in SSA, land serves as a source of livelihood, food and shelter. Beyond that, land also has a socio-cultural dimension, that defines the cultural identity, power and authority of people, and serves as an asset for past, present and future generations (Lund, 2006; UNEP, 2012). Therefore, any form of urban development practice (acquisition of land for planning and infrastructure development) and competition over land that threatens the relationship or

ownership of land by the people usually results in tenure insecurity or conflict (Moser and Rodgers, 2005; Olima & Obala, 1998).

Tenure insecurity can be considered either as a causal factor of conflict or as a consequence of conflict (Marx, 2016). As a cause of conflict, tenure insecurity plays a role when urban residents, particularly the vulnerable, struggle to upgrade their insecure property or tenure rights to increase their resilience to 'arbitrary evictions' (Marx, 2016 p. 2782; Cabannes, Yafai and Johnson, 2010). Tenure insecurity becomes a consequence when a group of people are displaced from a particular land and there is the loss of their social connections or uncertainty of tenure to the land they occupy (Marx, 2016; Augustinus, Lewis and Leckie, 2007; Myers, 1994). In the PUAs where there are increasing uncertainties and complexities, these dimensions of tenure insecurity as a cause of land conflict are significant.

Further to the debate on tenure insecurity, the historical and current application of spatial planning laws in most cities in SSA (mostly from Western origins) by planning authorities do not consider the socio-cultural values attached to land by urban communities. This often results in the altercation between city authorities and mostly landowners over tenure rights and land use conflicts (Kunzman, 2005). For instance, attempts by city authorities to introduce planning and development control measures such as zoning, often instigate conflict because these laws mostly do not favour the practices of the people (Durand-Lasserve and Selod, 2007). Furthermore, although city authorities usually claim to be promoting tenure security, in reality, this is usually undermined for many inhabitants through evictions and forms of urban redevelopment, which results in protests (Durand-Lasserve and Royston 2002).

Although the multi-dimensional nature of tenure systems makes it difficult to propose generic frameworks toward land security, the primary objective of all land formalisation models is to resolve tenure insecurities (Durand-lasserve et al., 2007). The De Soto model, for instance, is one of the frameworks that have gained grounds with the aim of land regularization or formalization towards resolving land conflicts. However, these arguments have met with lots of objections and predictions that, titling does not necessarily lead to tenure security (see Arnot et al., 2011; Jacoby and Minten, 2007; Platteau, 1996). As suggested, tenure formalisation may result in speculation in the land market; allow the rich and powerful to engage in the appropriation of land at the cost of the marginalized; deny the poor from attaining security because they are unable to provide all

required documents for registration (Lastarria-Cornhiel, 1997; Durand-Lasserve and Selod, 2007; Deininger and Feder, 2009). With regards to land use, formalisation can be considered in itself as a source of conflict resulting from some stakeholders managing to secure land rights at the cost of other owners, mostly the economically weak who usually face eviction (Durand-Lasserve and Selod, 2007; Gignoux et al., 2013). While it is still significant that one acquires tenure regularisation to enhance housing security, examining the politics surrounding tenure security, and how this shapes housing development in peri-urban Accra is relevant.

#### ***2.2.2.2 Land management practices and land conflicts***

The role of land management institutions has been identified as a potential catalyst for the generation of urban land conflicts (Marx, 2016; Farvaque & McAuslan, 1992). These institutions constitute ‘the statutory, customary, religious and other informal organisations, rules or procedures that regulate access to, control over, or transfer of land and related resources’ (UNEP, 2012 p.25). A major feature associated with these land management institutions in urban areas is the existence of numerous rules and regulations at different levels of land administrations (Farvaque & McAuslan, 1992; UNEP, 2012). Evidence of land administration from urban areas in SSA, therefore, suggests different origins and co-existence of these institutions, including statutory and customary laws, public and indigenous institutions, traditional values and communal norms, with some overlapping responsibilities (Narain and Nischal, 2007; Arko-Agyei, 2011).

It is however suggested that although most urban areas had customary land management institutions, the introduction of statutory laws and urban planning policies in the colonial era, account for the increasing number of institutions in the control of the land. Accordingly, these modern institutions are said to have taken over the management of land from the customary institutions (Ayee et al, 2008), making their existence dormant or extinct in some urban areas. This, however, differs in most PUAs where there is often the continuous existence of customary laws functioning side by side with modern laws, an indication of a clear case of institutional multiplicity (Goodfellow and Lindemann, 2013; Unruh, 2009; Wehrmann, 2008a; Di John, 2008; Nkwae, 2006). These multiple institutions do not necessarily cause land conflict, especially when they operate in mutual-co-existence, termed as concordant institutional multiplicity (Goodfellow and Lindemann, 2013).

Nonetheless, in land conflict cases, multiple institutions are found to have overlapping responsibilities, coupled with ineffective coordination in land management processes (Farvacque and McAuslan, 1992; Larbi, 1995; Wehrmann, 2008a; UNEP, 2012; Mathys and Vlassenroot, 2016). This result in discordant institutional multiplicity (see section 2.4.3) (Goodfellow and Lindemann, 2013). A case in point is the lack of coordination by traditional authorities managing land with customary laws, city authorities regulating access through statutory and administrative laws and the informal land management institutions (particularly in PUAs) controlling access and use, which makes land management complex and full of uncertainties (UNEP, 2012). Consequently, as land conflicts increase amid discordant institutional multiplicity, new tenures evolve and institutions to some extent lose their legitimacy (UNEP, 2012; Unruh, 2009).

Aside from the existence of multiple institutions inducing conflicts, there is also evidence of poor land management systems which equally result in land conflicts. The lack of transparency, weak and dysfunctional land management institutions constitute some of the factors accounting for land conflict (Kombe, 2010). Additionally, different levels of institutional corruption, nepotism, disregard for rules and lack of effective regulations guiding informal land acquisitions are other challenges contributing to land conflicts in urban areas (Wehrmann, 2008a). Advocates of land management have argued that it promotes tenure security, creates a legal framework for the land market and ensure equal rights and access to land (Reerink and Gelder, 2010; De soto, 2000). However, their ineffectiveness as stated above have negative implications including inequalities in access and land conflict (Chimhowu, 2019; Obeng-Odoom, 2016; Cobinnah et al, 2016; Payne et al., 2015). Specifically, on housing development processes, large parcels of unregistered lands have resulted in the inability of many housebuilders to secure tenure. Other conditions that compound housing problems include lack of access to serviced land, poor financing strategies, and high cost of labour and building materials (CAHF, 2019; Teye et al., 2015; UN-HABITAT, 2011; Beltas, 2008). The resulting outcome is incremental housing that involves individual housebuilders acquiring land, assembling small-scale contractors as well as building materials for housing development (CAHF, 2019). This is usually financed through alternative sources such as savings, income and loans from family and friends. Consequently, the incremental building can often take a period of over 10 years to complete the housing structure (CAHF, 2019; 2017; Tipple et al., 1999).



Multiple institutions further provide a variety of legal platforms for individuals or groups to resolve their conflict. In peri-urban areas, the existence of multiple institutions translates tenure security into two dimensions of legitimacy over land. On the one hand is the legal legitimacy or formal tenure security, which is obtained from land registration or tenure formalisation (World Bank, 2007; UN-Habitat, 2003; De Soto, 2000). On the other hand is customary or social legitimacy involving land transactions validated based on traditions and social structures (Cotula, 2007; Leduka, 2006; Pottier, 2005). This form of legitimacy is entrenched in social relations and alliances, including diverse groups of networks such as chiefs and their elders, clans and families who endorse land transaction processes. Leduka (2006), terms this as social legitimacy given the social networks involved in the land transfer and authentication processes.

However, the possibility of distrust and loss of confidence in any of the institutions consequently compel disputants to use alternative forms of conflict mediation means (Mathys and Vlassenroot, 2016; Unruh, 2009). Such mechanism is termed by Jessop (2002) as a ‘flanking supporting mechanism’, established through civil society organisations to offer platforms for assisting people to register their land (Chimhowu, 2019; Jessop, 2002). This mechanism among other alternative measures of conflict mediation is what this thesis examines in more detail in its findings. In the context of housing development processes, it is argued, for instance, that housebuilders adopt strategies from erecting housing structures and fence walls to hiring private security as new forms of tenure security and legitimacy. As mentioned in the previous chapter, there is also the hiring of private armed individuals (land guards) by disputants to protect their land. These land guards and their activities, which normally lead to violence and injury spark fresh conflicts between disputants or revive old conflicts (Bansah, 2017; Darkwa and Attuquayfio, 2012; Darkwa, 2010; Badong, 2009). Even though the act of landguardism has been highlighted in some studies (see Bansah, 2017; Darkwa and Attuquayfio, 2012; Darkwa, 2010; Badong, 2009), the focus only highlights a certain aspect of land guard practices such as their evolution and role in land management. Little work has examined the effect of these land guard activities on individual housing development processes. This thesis, therefore, provides a detailed insight (see empirical chapters) into how housebuilders employ these alternative mechanisms to protect their land.

### ***2.2.2.3 The Urban land market and land conflicts***

As mentioned above, the land market in most cities of SSA is a social and communal good (Lund, et al, 2006; UNEP, 2012). It also served as a social bond for communities, defining their strength and authority. While these practices have been successful in times past, the commodification, coupled with privatisation of land, have transformed urban lands from the state of social good to an economic good, characterised by value and pricing (Chimwohu, 2019; Ravertz et al, 2013). Aryeetey et al (2009), noted that the commodification of land in most African cities replaced the socialist land economy with the neoliberal and capitalist market economies, allowing the increase in the value of the land. The period during which the commodification of land occurred was relatively short, compared to how it happened in America and Europe, and consequently, this did not allow ample time for people to adapt to the change (Syagga, 2006; Olima and Kreibich, 2002). A major feature associated with this era has therefore been the slow evolution of institutions to manage these land transformations.

While there are positive reactions to the contribution of land commodification to land management, which includes, planning and formalisation, some scholars have spelt out the consequences of the phenomenon, referring to various forms of grievances and conflicts resulting from ineffective rules and regulations in managing the transformational market. That is, in terms of land conflict evolution in urban areas, the effects of land commodification and privatisation cannot be overemphasised. The shift of the land market to a neoliberal system has been complemented by western-based land use and management regulations (with no regard for existing customary regulations) accounting for impoverishment, disorientation, disenfranchisement and persistent land conflicts (Obala, 2011; Ubink, 2008; Olima & Obala, 1998).

The contribution of land commodification to urban land conflict is further associated with the growth of urban spaces, a development characterised with increasing demand for land for housing and infrastructure development. Commodification does not happen in isolation but is associated with global trends such as modernization, globalisation, the spread of global capital, neoliberalism, speculative property investments coupled with other factors such as culture, the shift in religious beliefs and transformations that are beyond government (Chimhowu, 2019; Obeng-Odoom, 2016; Ayee et al, 2008; Lund et al., 2006). Commodification allows for expropriation of land from customary tenures for infrastructure development by the government. This is in contrast to other

cases where the customary institutions control larger parts of the land. This means that state institutions could only acquire these lands through eminent domain and compensating the original owners. This practice is capable of degenerating into conflict particularly when compensations are not paid or the land is not used for its intended purpose (Wehrmann, 2008a; Gough and Yankson, 2006; Rakodi, 2006).

The net effect is the conversion of agriculture lands for residential and commercial purposes, speculation, urban sprawl, displacement of people and their sources of livelihoods, marginalisation and distortion in tenure. Of significance is the lack of effective governance and accountability by elites and the increasing political patronage and corruption, working together to increase land conflicts (Obala, 2011). The unregulated and unguided commodification and privatisation of land see the officials and elites abusing power over people without adequate tenure security to own their lands. Resistance to this leads to persistent conflicts (Lund et al., 2006). Observably, these uneven power relations among various actors including the rich and vulnerable, state officials and citizens create power dynamics, which influence the process of access and use of land.

### **2.3 Defining Housing**

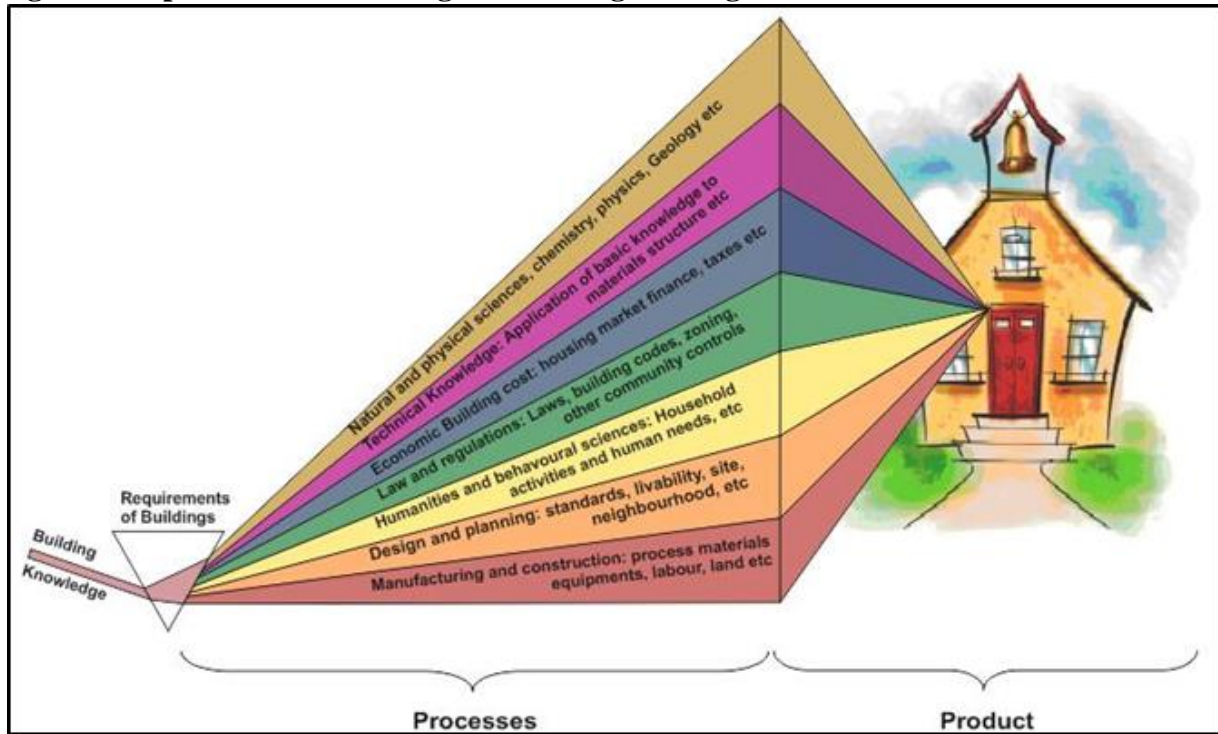
This section introduces a clear definition of the concept of housing to be able to discuss how it is affected by land conflict. Interpretations of housing have moved beyond the physical structure (shelter) to a more robust perspective to include its environmental dimensions and all other factors, which influence its production and enhance the social, and mental well-being of people (Agunbiade and Kolawole, 2016). This resonates with the UN's notion of adequate housing (General comment No. 4, 1991, Article 11 (1) of the UN covenant), which includes the 'physical structure (shelter), infrastructure, services, legislations, and community amenities that are vital for human wellbeing' (Agunbiade and Kolawole, 2016 p.5). Housing by inference, therefore, constitutes all the steps and processes involved in putting up a structure, coupled with its function of generating an atmosphere, which promotes mental, social and physical wellbeing.

Accordingly, housing is both a process and a product (Agbola, 2003; Turner 1976). As a process, housing considers the various stages involving the designing, construction, material, finance, layout, and the physical planning of a structure (Agbola, 2003; Turner, 1976). It takes into account all the inputs and factors of housing production, which are embedded in socio-economic, political

and cultural structures of society (Agunbiade, 2012). As a product, housing is a built structure or a ‘tangible entity that includes the amount and allocation of space, resources, and facilities’ (Agunbiade, 2012 p.18; Agbola, 2012; Turner, 1976). Housing as a product has a significant impact on the quality of life of people as well as defines their social status (Osei-Tutu et al., 2018; Agbola, 2003). Additionally, housing as a product protects people from extreme weather conditions and serves as an economic investment where house owners can rent the structure out for income or hold onto the house as a financial asset for future capitalisation (Payne et al., 2015; Agunbiade, 2012). In sum, housing is characterised with multi-dimensional forms of use and involving a complex product put together through complicated processes (Agunbiade, 2016; Agbola 2003).

Illustrating the processes through which housing becomes a product, Beyer (1965), in his book, *Housing and Society* (1965) demonstrated this through a prism with a spectrum of housing knowledge (see Fig. 2.1). This revealed the interrelated processes, which constituted the requirements of housing development. Indeed, gains in multiple forms of knowledge lead to housing development and one goes through a series of processes to arrive at a house. Nonetheless, Beyer’s illustration of the different bits of knowledge required to facilitate housing suggests a linear process. This overview of knowledge does not appear to incorporate understandings of setbacks, destructions, and stoppages that constitute housing processes. For instance, emerging uncertainties such as multiple land sales, and indeterminate boundaries constitute significant challenges to housing in peri-urban areas. Beyer’s illustration further lacks acknowledgement of the politics that underlie and shape housing processes. It also says remarkably little about the land, which in a peri-urban African context especially is extremely limiting. To this end, this thesis employs the concept of fragile housing and compromised housing to illustrate how these uncertainties shape both the process and product of housing, particularly those in peri-urban Accra. Fragile and compromised housing points to the risks and violence that housebuilders are exposed to during the process of acquiring land to build. It captures both the processes and outcomes of the difficulties encountered by housebuilders in navigating access to land for housing in peri-urban Accra. A detailed conceptualisation of fragile and compromised housing is captured under section 2.3.2.

**Figure 2.1 Spectrum of knowledge concerning housing**



**Source: Beyer (1965)**

Investigating the process and outcome of housing development through the fragile housing concept is relevant because in peri-urban Accra, self-built housing remains the dominant form of housing development (as discussed earlier) and it involves various stages, including land acquisition and registration, building design, and construction through to the completion of the structure. The thesis argues that other unexpected stages such as land conflicts exist, and this results in fragile housing processes particularly, in the context of acquiring housing security. The compromised element of the concept, for instance, reflects how the housing process and product is shaped, in ways which prove to be different from what housebuilders intended or desired. Importantly, peri-urban development is associated with an increasing number of actors and their interaction in land control. This interaction influences the political dynamics of housing processes by highlighting how housing becomes a tool for securing land ownership and facilitating tenure security processes. Contributing to the housing literature, housing, therefore, becomes a tool for enacting power, ownership or claim over land. As revealed by Leduka (2006 p.203), ‘a housing structure act[s] as a physical indication of an active claim of land’.

### ***2.3.1 Land and Housing, a correlative relationship***

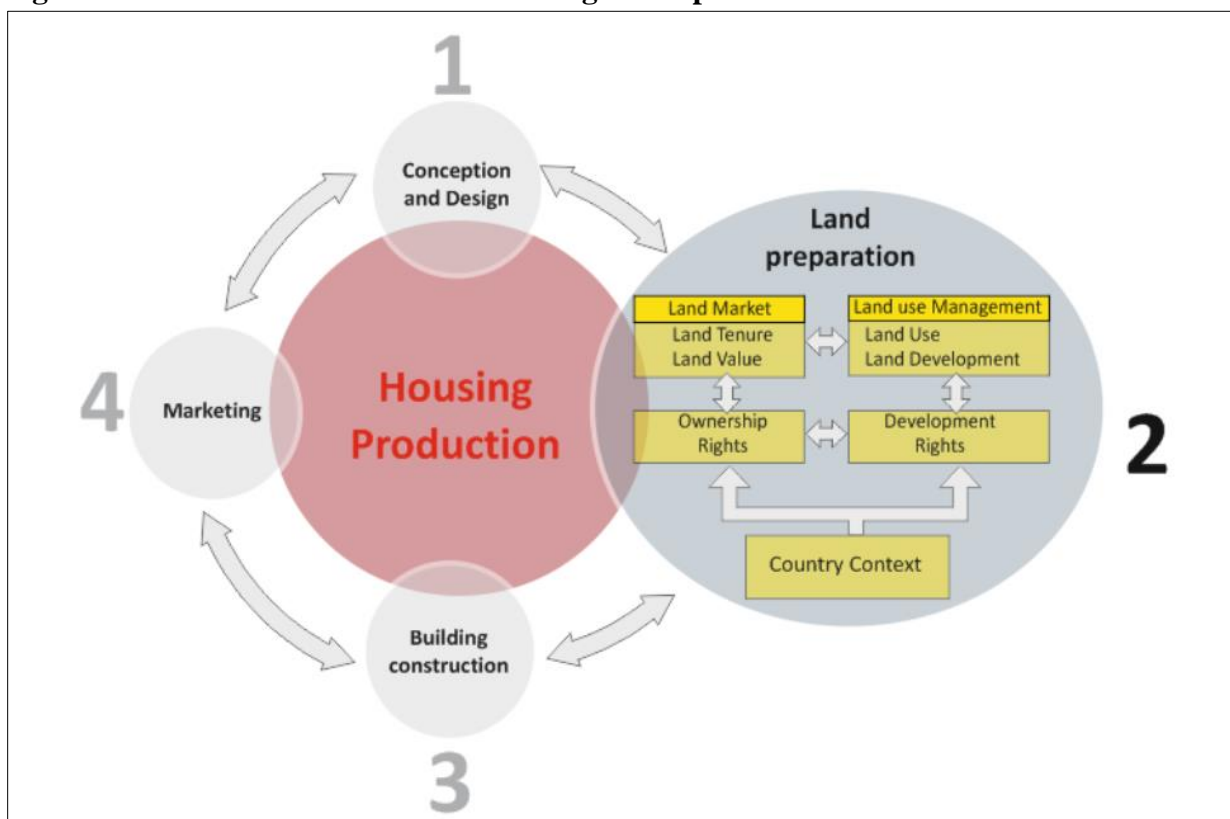
Land plays a significant role in housing development among other inputs such as labour, building materials and finance (Agunbiade and Kolawole, 2016). According to Agbola (1987), the pre-occupation of every housebuilder is the need to have access to a piece of land, given that every housing structure irrespective of the type or use is situated on land. This reveals the significant relationship between land and housing development. Mainstream literature on the relationship between land and housing is embedded in the concept of land administration and the subsequent discussion in this section highlights how housing is situated in land administration.

The current perspective of land globally, with a focus on comprehensive planning, environmental protection, tenure security, landscape improvement and sustainable development has led to the restructuring of land administration into four main functional components (Agunbiade, Rajabifard and Bennett, 2014; Williamson, Enemark and Wallace, 2010). These are land tenure (rights and title registration), land value (revenue accumulation through lease, sales and compensation), land use (zoning, control and regulation) and land development (development of infrastructure) (Agunbiade, Rajabifard and Bennett, 2014; Williamson, Enemark and Wallace, 2010). Although these components interconnect, it is usually not the case in countries in SSA, because state actors manage each component in isolation and this results in land administration challenges (Williamson, Enemark and Wallace, 2010; Agunbiade, Rajabifard and Bennett, 2014). The myriad of factors accounting for the ineffective land administration includes colonial and post-colonial land policies, which have been seen as slow in evolving to meet the changing land tenure systems (UNEP, 2012; Obeng-Odoom, 2016; Sackeyfio, 2012). The decentralised nature and institutional restructuring due to the weakness of central states in SSA further plays a role in the dynamics of land administration (Fourie, 2002). Additionally, peculiar characteristics of land tenure system in SSA such as the existence of customary institutions and the ineffective integration into the formal governance systems account for the challenges of land administration practices.

Following the current paradigm of land administration, it can be inferred that housing in most SSA countries engage the various components of land administration at every phase of development (see figure 2.2). Particularly, where individuals undertake housing development, the process includes the conception and design, land preparation and finally the construction of the building (Agunbiade et al, 2014). Given that most individuals build their own houses to inhabit or at most

rent out, the last phase, which is marketing, is uncommon – except for the real estate companies and the government who engage this phase as part of their housing development processes. Consequently, individual housing development depends considerably on the land preparation phase of land administration (see figure 2.2), which involves navigating through the economic functionalities of the land market (search and acquisition of land) and the institutional arrangements (securing tenure and building permit) for land use. This thesis focuses on this stage as individual housebuilders in peri-urban Accra engage in the search for land and legal frameworks for tenure security and building permit.

**Figure 2.2 Land administration for housing development**



**Source: Agunbiade, Rajabifard and Bennett (2014)**

Similar to Beyer’s housing knowledge, Agunbiade et al’s building construction stage also suggest a linear process of land preparation without considering tenure uncertainties that are capable of hindering both the land preparation and housing development process. Again, this pays little attention to the complex politics that characterises land preparation for housing. Against the backdrop of increasing urban sprawl, weak institutions, and the continuous control of large parcels

of land by the customary institutions, the land preparation stage for housing is more complex than suggested. In most PUAs where urban sprawl expands into peri-urban areas, the effect includes the increasing demand for land, evolving of networks of actors, conditions of uneven access to land and the uncertainties surrounding the ownership and legitimacy of land. These factors undeniably, influence land access and housing development processes. Additionally, the existence of different institutions with different regulations and implementation practices result in ambiguities in land access and land use practices, which have a direct influence on housing. These complexities account for most housing structures in urban areas of Ghana existing without building permits (CAHF, 2017; 2019; UNEP, 2012).

The above processes and perspectives highlight the understanding of the relationship between land and housing development processes. In contemporary peri-urban development processes, however, other components of land such as uneven power relations among actors and social groups, socio-cultural and past narratives about land, and increasing commodification are key to examining the nexus between land and its associated conflicts, and housing development. These factors resonate with the tenet of UPE, which considers the transformation of nature in PUAs (as discussed earlier) informed by historical, socio-natural, political and socio-economic processes. Additionally, the roles and interconnections between emerging actors and social groups involved in the transformation of nature and the control of land are equally significant. Broadening the scope of the relationship between land and its associated conflicts and housing allow for a more holistic conceptualisation such as the fragile and compromised housing, proposed by this thesis. These add to the idea of incremental housing, by introducing the idea that finished houses, if they ever get finished, remain insecure, and are also a compromised compared with what the housebuilders were aiming to achieve.

### ***2.3.2 Fragile and Compromised housing development in peri-urban areas***

As mentioned earlier, housing development challenges in SSA including Ghana have widely been conceptualised in the context of undeveloped housing financing and mortgages, decreased state engagement in housing provision, high cost of land and deficiencies in housing policies and their implementation (see CAHF, 2019; 2017; Teye et al., 2015; Arku, 2009; Jenkins et al., 2007; Asiedu, 2007). Observably, these existing notions do not capture in-depth and explicitly, the



fragility and compromised nature of the housing processes and the product simultaneously. Besides, these housing literature hardly ask questions on whether the finished housing product is, what an individual housebuilder hoped or planned to build, nor does it discuss the negative impact on their wellbeing. Particularly, in many peri-urban areas in SSA where tenure insecurities are widespread, the need to examine the lived experiences of individual housebuilders in navigating through these insecurities in the building process and the impact of these on the house (product) becomes relevant. Some significant works on housing in SSA peri-urban areas have focused on the preferences for gated communities (Ehwi et al, 2019; Obeng-Odoom et al, 2014) as well as middle-class housing development (Mercer, 2016), among others. However, less attention has been given to the everyday lived experiences of how housebuilders navigate through the transformation of the land market, and the politics of land, and how it informs housing processes and the housing product in peri-urban areas.

Following the above discussion, the thesis proposes that housing development processes and outcomes in peri-urban Accra are better understood as *fragile and compromised*. This concept captures both the building process and the nature of the final product, which is the house. The significance of this concept of *fragile and compromised* housing is that it aims at unpacking the effects of the changing tenure, transaction processes, and politics of land on housing development. Providing literal context to these terminologies, the Oxford University Press (2020), defines ‘fragile’ as an easily broken or damaged object while ‘compromise’ is defined as accepting lower standards than what is desired. ‘Fragile’ and ‘Compromise’ further consider actions that are vulnerable and pose a threat to objects or situations that ultimately function ineffectively or inefficiently.

In the context of peri-urban housing development, fragile and compromised housing are conceptualised as a lens through which the impact of everyday politics of access to land and its associated uncertainties on housing is examined. Considerably, fragile and compromised housing captures the processes and outcomes of land conflict and the uneven power relations of access to land on housing development. It also investigates the everyday vulnerable conditions such as navigating through complex land registration, building on unregistered land and institutional corruption, which shape housing development. The adoption of alternative and informal methods of securing land, such as landguardism further constitute other vulnerable conditions which expose

the house building process and outcome to risks of violence, property demolition, and the production of unsatisfactory housing structures. These among others constitute the processes and outcomes of fragile and compromised housing. Besides, the many houses built without permits constitute a significant housing fragility given that housing security is not guaranteed. It is worth noting that the 'fragile' aspect of the concept unpack both the processes and the outcomes of the housing while the 'compromised' aspect, unpack the outcome of the housing, which is the product. Additionally, the compromised aspect also captures the impact of the aforementioned conditions on the wellbeing of housebuilders.

Given the complex interplay of different processes shaping land conflict and everyday politics of land, fragile and compromised housing take many different forms or aspects. On the one hand, are the vulnerable conditions and processes discussed above, and on the other hand, are the impact on the outcome of the housing. Consequently, while navigating through the complexities of acquiring the land for housing is regarded as the most widespread and significant factor in producing fragile and compromised housing, the complete loss of land, which subsequently leads to the inability to build and compromised wellbeing, constitutes the extreme form of fragile and compromised housing. More broadly, conceptualising fragile and compromised housing directs attention to the contemporary factors including commodification and rapid land use change, which are embedded in broader socio-economic, political and historical processes driving the transformation of peri-urban areas (Bartels et al., 2020; Bartels et al., 2018; Mercer, 2017).

In sum, fragile and compromised housing processes and outcomes should be considered as a complex interplay and outcome of unequal power relations, uneven access to land and everyday politics and conflicts over land, which drives housing development in peri-urban areas, such as Accra. Given that these processes occur within broader socio-economic and historical processes associated with peri-urban transformation, there is the deepening of these fragile and compromised housing processes over time. These processes, therefore, shift to new and emerging peri-urban areas where the land and space begins its transformation.

## 2.4 Situated Urban Political Ecology and PUAs

Although this thesis does not focus directly on the ecological consequences of land conflict, Urban Political Ecology (UPE) provides a useful framework for understanding some of the other consequences of land use and associated conflicts. As a key natural resource, peri-urban land is finite in supply and is subject to contestation and contested outcomes. UPE, therefore, offers this study the ability to explore how nature is transformed in urban spaces through political-economic and historical processes. While the thesis draws on situated UPE as the overall theoretical framework underpinning this study, brief attention is paid to UPE as the theoretical point of departure. Following this, the situated UPE approach, discussed as the theoretical point of entry investigates the everyday practices and politics of land access, embedded in broader socio-economic, cultural and historical factors informing housing development in peri-urban Accra.

To begin with, UPE primarily evolved from urban geography to respond to how socio-political, economic and historical processes influence urban transformation (Lawhon et al., 2014; Zimmer, 2010, 2009; Heynen et al., 2006; Moffat and Finnis. 2005; Kaika, 2005; Swyngedouw, 2004; 2006). UPE is concerned with the ‘urbanisation of nature’, which results from the interaction between socio-natural processes and unequal power relations, which transform urban areas into uneven spaces (Lawhon et al., 2014 p.500; Kaika and Swyngedouw, 2012; Heynen et al., 2006; Swyngedouw, 2006). Considering these transformations, Heynen et al., (2006: 1), concluded that ‘cities are dense networks of interwoven socio-spatial processes that are simultaneously local and global, human and physical, cultural and organic’. As PUAs serve as frontiers of urbanisation, understanding the socio-natural and power relations shaping its transformation to urban settlements, particularly, in areas of access and use of land for housing becomes relevant.

Grounded in the Marxist tradition of historical materialism, UPE considers the dynamic role of capital as a key element in restructuring the transformation of nature (capital urbanisation) in urban and PUAs (Silver, 2017; Keil, 2003; Lawhon et al., 2014; Mee et al., 2014; Kaika, 2005; Swyngedouw, 2006). In the context of capitalist economies, UPE uncovers the politics and power relations that produce uneven access to resources in the urbanisation process of urban and PUAs (Cornea, 2017; Mee et al., 2014; Kaika and Swyngedouw, 2012; Marvin and Medd, 2006). These power relations reflect how some actors (for example the rich) gain control and access to resources

while others (for example the poor) become vulnerable in accessing these resources (Kaika, 2005 p.25). The (un)even power relations driving these exchange accounts for complex conditions for land use and access, coupled with the creation of dual urban landscapes where some land is served by infrastructure while others are not (Benjaminsen & Svarstad, 2019; Rademacher, 2015).

Some scholars however criticised UPE for its excessive attention on the city, an approach termed as ‘methodological cityism’ (Angelo and Wachsmuth, 2014 p.20; Heynen, 2013; Bryant, 1998). Angelo and Wachsmuth (2014 p.16), observed that ‘while UPE has done an exemplary job of investigating environmental questions in cities, it has been curiously quiet on the very feature of the contemporary urban world that should make it so relevant: the dimensions of urbanisation processes that exceed the confines of the traditional city’. Angelo and Wachsmuth (2014) further suggest that the future of UPE should reorient itself as political ecology of urbanisation other than political ecologies of cities. Contributing to this call, this study overcomes this intellectual-methodological limitation by examining the everyday urbanisation processes in peri-urban Accra, as a frontier experiencing intense land transformation for housing development. This shift in focus by the study sets UPE in a new spatial direction by investigating the everyday processes of urbanisation, with regards to land transformation and housing development. That is, the thesis follows Angelo and Wachsmuth (2014), in exploring UPE processes beyond the confines of the city itself.

Furthermore, UPE focus on the ‘denaturalization’ of nature embedded in structural power and power-laden processes guiding the control and reproduction of resources in urban areas (Lawhon et al., 2014; Valencia, 2016). Using the Marxist approach, UPE considers the adoption of the network infrastructure as objects and units of analysis to investigate material flows in city-making (Cornea et al., 2017; Lawhon et al., 2014). This is evident in studies conducted on water, climate change and energy (see Edwards and Bulkeley, 2017; Silver, 2016; Castan Broto and Bulkeley, 2013; Swyngedouw, 2006). In the context of land, UPE has been used to examine access and control over land, land reforms and land degradation among others (see Bartels., 2020; Andersson et al., 2011; Myers, 2008). Observably, the UPE studies on land focus on the evolving characteristics of land, however, with limited focus on how land interrelates with other infrastructure. Although housing is the central infrastructure around which all other infrastructure and transformation evolve in urbanisation processes, it has received less academic attention and

analysis from UPE. Even in the few studies conducted on housing (Mee et al, 2014; Biehler, 2009), more emphasis had been placed on the relationship between physical factors, such as climate and other factors affecting housing (Edwards and Bulkeley, 2017; Biehler, 2009).

Against this backdrop and departing from this mainstream UPE, this thesis adopts a more recent 'situated UPE', which focuses on 'micro-politics and everyday practices of city-making' in peri-urban Accra (Cornea et al., 2017 p.4; Lawhon et al., 2014). This situatedness is a shift towards understanding how core uneven power relations, knowledge, and socio-natural processes of urbanisation of peri-urban areas are politicised, contested and shaped (Lawhon et al., 2014). Significantly, situated UPE helps to unpack, in local and contextual terms, how processes inform the transformation of nature underpinned by uneven power, inequality and uneven access (Bartels et al., 2020; Cornea et al., 2017 p.4; Lawhon et al., 2014). Following Bartels et al (2020), the thesis considers de facto privatisation of land as an emerging outcome of the transformation of peri-urban Accra, where land management control is privatised against existing institutional structures (customary institutions). It further considers the transformations as embedded in socioeconomic, historical, and political factors, which shape the transformation of peri-urban Accra (Bartels et al., 2020; Cornea et al., 2017; Lawhon et al., 2014). Contributing to a situated UPE, the thesis examines how uneven access, inequality, everyday relations and networks of power in access to land and its related conflict create new experiences of housing development in peri-urban Accra. Specifically, attention is given to understanding how this emerging de facto privatisation of land (entrenched in wider factors) creates commodification, unequal power, landguardism, and conflict over land in producing fragile and compromised housing as outcomes of everyday housing development experiences in peri-urban Accra.

Furthermore, by examining the lived experiences as a source of narrative towards housing development, one can better comprehend why and how state and non-state institutions, and particularly, housebuilders navigate and respond to peri-urban transformation and the land market in sometimes unpredicted and contradictory ways. This bottom-up approach does not only enhance an understanding of how uneven power relations shape individual house builder's access to land. It also highlights the additional challenges facing housing development in contested spaces.

Within this situated approach, and considering the complexity of the elements of study, situated UPE provides an effective overarching framework, which uncovers more generally, how the

transformation of peri-urban Accra shapes land access through uneven power relations with ultimate implications for everyday housing development. As argued in the previous chapter, land conflict expose housing development processes to multiple impacts, which are categorised as fragile and compromised housing. This makes housing development processes more complex. To unpack these complexities, the thesis draws on situated UPE and engage other concepts including access theory, institutional multiplicity, the significance of ‘past’ and idea of ‘space’ as analytical tools to provide understanding to how individual house builders navigate through everyday access to land and housing development. Exploring these experiences from a bottom-up approach provides theoretical understanding through the lens of the majority of residents who appropriate the city for their benefits (Lawhon et al., 2014; Pieterse, 2008). The integration of these concepts into UPE as a lens and bottom-up approach for analysis reorient the theoretical debate on housing challenges with a focus on everyday processes that create politics around peri-urban land. Again, providing insight into the eclectic approach of UPE, Benjaminsen and Svarstad (2019), and Zimmer (2010), affirms that the processes that lead to the transformation of nature should be studied with existing concepts to provide in-depth knowledge of the elements studied and the actors examined. The subsequent sections discuss the individual but interrelated analytical tools that this thesis used within the overall situated UPE approach.

#### ***2.4.1 The Theory of Access***

As stated earlier, power plays a central role in situated UPE (Svarstad et al., 2018; Ahlborg and Nightingale, 2018). This power constitutes everyday relations and networks, as well as micro-politics that inform and shape the experiences of actors in the control of land in the urbanisation of peri-urban Accra (Ahlborg and Nightingale, 2018). Given this backdrop, the theory of access is adopted to investigate peri-urban Accra as a site of power and as a component of wider socio-natural processes where land is intensely contested and somehow unevenly distributed. Additionally, the theory of access is productive when examining uneven resource distributions through a situated approach, given that it allows for unpacking several factors informing access other than outlining predetermined factors (Bartels et al., 2020). The theory of access, proposed by Ribot and Peluso (2003 p.153), concerns ‘the ability to benefit from things – including material objects, persons, institutions, and symbols’. Emerging within everyday power structures and processes, access theory conceptualises the ability of actors to derive benefit from resources and

analyse the processes through which these resources are acquired. Ribot and Peluso (2003), define 'ability' as *power*, which facilitates or limits people from benefiting from resources. These powers (termed as bundles of power) are embedded in social relations, which influence a person or an actor's capacity to draw benefits from resources.

This is in contrast to the notion of property rights, which focuses on rights (bundles of right) to claim resources (Myers and Hansen, 2020; Williams, 2013; Ribot and Peluso, 2003). That is, actors can access resources in some cases where there are no rights. Williams (2013), observed that adopting property rights as a tool for analysing resources access is limiting and entrenched in complex forms of property rights. Accordingly, Sen's (1981) work on the notion of entitlement to land and access to resources, provided one of the foundations of access theory (Myers and Hansen, 2019; William, 2013). Consequently, understanding property rights is necessary for mapping actor's access to resources, but there is a need to expand and frame access more broadly to include social and structural relations (Ribot and Peluso, 2003). In their words, Ribot and Peluso (2003 p. 157), stated that the 'move from concepts of property and tenure to access locates property as one set of factors (nuanced in many ways) in a larger array of institutions, social and political-economic relations, and discursive strategies that shape benefit flows'. Importantly, although customary land is largely embedded in inheritance and entitlements (Arko-Ageyi, 2011; Pottier, 2005), its transformations, including increasing presence of actors in its management (Arko-Ageyi, 2011; Rakodi, 2006; Leduka, 2006) calls for a broader perspective in understanding how different actors negotiate, form relations and benefit from the control and access to contested land for housing in peri-urban Accra. This enhances the understanding of the fundamental power dynamics and social dimensions to which people use and control land (Williams, 2013).

Ribot and Peluso (2003), further adopt the terms *access control*, *access maintenance* and *gaining access* as key terms to denote: the ability to mediate and negotiate other people's access, the ability to sustain an actor's access and the ability to create access respectively. Identified as social actions and positions, access control and maintenance complement each other and enhance how actors construct the value and perception of access in the contest and control over resources (Ribot and Peluso, 2003). As such, these elements are employed in this thesis to unpack how different actors, particularly housebuilders, gain access, and establish legitimacy and security of tenure over contested land in everyday housing development practices. Ribot and Peluso (2003) maintain that

the bundle of powers that shape the ability of actors to derive benefit from resources also referred to as mechanisms of access, are categorised in two ways: Rights-based mechanisms of access and Relational/ Structural mechanisms of access.

#### ***2.4.1.1 Rights-based access – legal and illegal mechanisms of access***

Rights-based mechanisms of access are categorised into two scopes: the legal and the illegal mechanisms of access. Legal mechanisms of access involve legal entities such as statutory and customary laws, which influence an actor's ability to benefit from resources (Ribot and Peluso, 2003). This category of mechanisms is shaped by institutional policies or traditional customs, which create either opportunities or limitations for actors to access resources. The legal aspect of the mechanisms of access according to some writers (see Aguirre, 2013; Ribot and Peluso, 2003), evolves from the formulation of statutory laws mostly characterised by uncertainty and ambiguity, coupled with overlapping customary regulations. The statutory institutional transformations characterising land, key among them including land registration and spatial planning laws (Chimhowu, 2019; Obeng-Odoom, 2016; Ubink, 2008) create avenues for many actors by backing their access to resources. For instance, given that tenure formalisation provides security for people, the rich and wealthy are mostly identified as actors who take advantage of the high cost and bureaucratic processes to control more land at the expense of the poor and vulnerable (Wehrmann, 2008a; Ubink, 2008; Leduka, 2006). Besides, some actor's affiliation and social networks with non-state actors such as Chiefs and family heads provide security for access and control of the land.

Associated with rights-based mechanisms are other means of legitimation or security of access, which are not sanctioned by either state or customary institutions. Ribot and Peluso (2003 p.164) classified these as illicit or illegal means and describe them as 'the enjoyment of benefits from things in ways that are not socially sanctioned by the state and society'. Illicit or illegal access is said to involve theft and the use of force, violence, corruption and bribery as a mechanism of access (Ribot and Peluso, 2003; Aguirre, 2013). This illicit mechanism either enhances people's ability to establish or to control access to resources, which otherwise they cannot access. Observably, the actors involved are usually powerful and influential individuals or groups who use their position to abuse other actors in resource access. This mode of access is usually considered illegitimate because its modus operandi is mostly in contradiction to existing laws and customary regulations.



Studies by scholars (see Lombard, 2016; Wehrmann, 2008a, Ubink, 2008, Obala, 2011) highlight some of the empirical cases where individual actors use coercion, violence and corrupt practices to access land. The implication of these actions is the exclusion and displacement of other actors, particularly the vulnerable and poor, from access to resources (Cobinnah et al, 2016; Payne et al., 2015).

#### ***2.4.1.2 Structural or relational mechanisms of access***

In contrast to rights-based mechanisms of access are the structural/relational mechanisms of access, which highlight the cultural and socio-economic factors that support or constraint an individual's access to resources (Ribot and Peluso, 2003). Some of the structural or relational factors identified to influence access include technology, capital, market, labour opportunities, knowledge, authority, social identity and social relations or social capital (Ribot and Peluso, 2003; Wehrmann, 2008a; William, 2013). Structures and relational mechanisms such as capital, knowledge and social relations give some sort of bargaining power and situate actors in a favourable position to influence access (Ribot and Peluso, 2003; William, 2013). More significantly, structural mechanisms such as technology, knowledge, capital, social capital, and authority are used as mechanisms to either gain control or maintain access. Ribot and Peluso (2003) observed that these mechanisms do not operate in isolation, and they also influence the rights-based mechanisms of access.

Reviewing the theory of access, Myers and Hansen (2020), stated that there is some level of connection between the mechanisms of access identified through this theory, and the powers of exclusion proposed by Hall et al., (2011), although the powers of exclusion depict the reverse of access. In their argument, they pointed out that both concepts highlight the dynamic factors contributing to the ways different actors are either allowed or excluded from accessing land and other resources. That is, Hall et al's (2011) powers of exclusion argument, including a focus on regulation, force, market and legitimation are parallel to the mechanism of access, be it right-based or structural mechanism. In most PUAs where there is increasing demand for land and uncertainties of tenure (Cobbinah et al., 2015; Ubink, 2008), both access mechanisms and powers of exclusion are evident in peri-urban development processes but this study focuses more on access mechanisms. The rising number of new and different actors including real estate companies,

welfare associations and land guards, and their ability to access and control land based on factors rather than rights, for instance, justify the reliance on access theory. Additionally, the struggle to acquire and maintain access contested land by individual housebuilders allows the study to examine the multiple factors that aid a housebuilder to sustain access to land. Nonetheless, the other side of access, which deals with excluding people from land especially in conflict situations, is examined. The theory of access further postulates that the mechanisms that allow one to benefit from resources are not static. Rather, they shift over time because of socio-cultural, historical, and political changes in power and social relations at different locations and times (Ribot and Peluso, 2003). These factors consequently can result in an actor gaining and controlling access at one point in time and potentially losing control at another point in time.

Although the theory of access is criticised based on ambiguity in defining the bundle of power, and the lack of clarity in the sources of power (Koch, 2008; Westermann, 2007), this current study adapts it to allow for the exploration of dynamic sources of power that possibly support access to land by different actors in peri-urban Accra. This is important as the key tenets of the theory help to identify actors, mapping their mechanisms of gaining, controlling, and maintaining access to land. Myers and Hansen (2019), argue that as a heuristic concept, the theory of access provides conceptual tools in understanding access to resources by different actors. Considering the increasing number of actors involved in land management (Gough and Yankson, 2006; 2000; Amanor, 2008), the theory provides insight into investigating how the perception, politics of land controls, the transformation of the land market and its related conflict in peri-urban Accra shapes everyday access to land among individuals, state and non-state agencies. Also, its broad and flexible conceptualisation of power provides a platform for the study to explore many other variables including social capital and relations influencing access to land in peri-urban Accra. While the above discussion argues that multiple bundles of power rather than rights enhance access, the next section argues that narratives about the past and the ideas of how land is perceived play a significant role in the ownership and access to land.

#### ***2.4.2 Past and Space narratives as tools for land legitimation***

As discussed earlier, situated UPE considers how socio-historical factors shape the processes of everyday city making under complex capital accumulation processes. Noticeably, history is

relevant in peri-urban land research because it explores how land was used and understood in the past, and more importantly, how the past informs access and control of land in the present and the future (Kansanga et al., 2019; Obeng-Odoom, 2016; UNEP, 2012). Ideas about the past and space are informed by existing power relations (embedded in UPE) that shape actors' attitudes, responses and actions towards the control of land. Accordingly, these ideas further produce new forms of social power, which most actors rely on to contest land ownership and boundaries, and appropriate land transfers in conflict situations. Establishing how different actors perceive and apply 'past' and 'space' as a narrative tool is, therefore, relevant to understanding how land control is shaped, particularly, from the community. Benjamin (1968), on the relevance of the past, observed that 'to articulate the past historically does not mean to recognise it as it really was...it means to seize hold of a memory as it flashes up in a moment of danger' (cited in Bohn, 2019 p.5). Lund (2013) further argues that although the past refers to ancient history, it most certainly engages the present and future.

Several studies (see Kansanga et al., 2019; Berry, 2000; Ubink, 2008) therefore highlight how various actors such as indigenous and migrant (new settlers) communities, individual landowners, traditional authorities, and family heads rely on different histories in attempts to legitimize claims to land. A study conducted by Lund (2013), on land controls in Northern Ghana, for instance, highlights two forms of 'pasts' evoked by people in their claims to land. These are, the 'past' based on tradition, that is 'how things have always been done' and the 'past' evoked through historical events (Lund, 2013 p.15). This resonates with the claim of Berry (2009), that in an attempt to convince state actors and claim entitlement of land ownership, people draw on past narratives of local history, ancestry and cultural heritage, which are usually difficult to disprove.

The past evoked on tradition is perceived as a 'timeless past', which stretches over time and lacks a starting time and an end time. This is in contrast to the past based on historical events and consisting of occurrences that happened through specific times (Lund, 2013). For instance, in a study conducted in three communities in the Upper West Region of Ghana by Kansanga et al., (2019), the results revealed that while indigenous people or first settlers depend on tradition and ancestral pasts to legitimize land ownership, new settlers depended on historical events to make claims over the contested lands. A major attribute of this account is the competing claims to land-

based on different past narratives. The lack of written documents covering the ownership and boundaries of customary constitute the evolution of different pasts as mechanisms for legitimising claims to land (Kansanga et al, 2019; Lund, 2013; Ubink, 2018; Berry, 2000). In recent times, the increasing economic value of land and its associated politics, and the underlying factor of the entrenched tradition of land, further account for the growing reliance on the idea of the past in land legitimisation (Cotula, 2007; Toulmin et al., 2002; Berry, 2009). Observably, referring to the past in urbanisation processes calls for attention and insight into how multiple factors influence power and importantly, the means through which ‘historical power imbalances’ create uneven resource access and cities (Cornea et al., 2016). Particularly, in the everyday process of acquiring land for building purposes, past narratives on how a parcel of land is acquired, significantly influence tenure security, and land registration exercises. Exploring the ‘past’ therefore expands situated UPE’s tenet of analysing how the flow of power and power relations among actors is shaped through the lens of tradition and narratives, especially in conflict situations. Additionally, this is a useful complement to access theory since understandings of the past are central to explaining both rights-based and relational mechanisms of access.

Similar to the ‘past’ concept is that of ‘space’, which is also presented as an additional framework used by different actors to validate claims to contested lands (Lund, 2013; Berry, 2009). Lund (2013 p.16) revealed that people’s relation to space, herein considered as land control and management is diverse, such that, while some actors ‘may claim that a particular space belongs to them, they may also claim to belong to a particular ‘space’’. That is, multiple interpretations of the land result from attempts by groups and individuals to influence access to land as well as control the geographical boundaries of the land (Lund. 2013; Berry, 2009). Besides, the ineffective implementation of statutory regulations and the application of different customary practices account for the evolution for several intermediate regulations, which are evoked to regulate land rights in either the same or the different territories (Cotula, 2007; Cousins and Hornby, 2006). Highlighting the role of power in the control of land, Lund (2013), reveals how territorialisation is adopted as a tool to regulate access to land and validate the spatial extent of influence over the land. Consequently, territorial strategies and control mechanisms including, registration, classification and mapping go beyond the physical attribute of land to include social powers, which shape the socio-political and cultural dimension of land (Kansanga et al., 2019; Lund, 2013). That

is territoriality enhances both state and non-state (customary authority) actors to express their authority and control over land. As stated by Lund (2013), territorial strategies shape the idea of entitlement to land, citizenship and territorial belongingness (see also Berry, 2017; Vandergeest and Peluso, 1995).

Similarly, Lund (2013), identifies two forms by which people conceive space as a mechanism to argue for claims to contested lands. These are land as ‘political territory’ and land as property’. Lund (2013), explains that land as a political territory is usually governed but not owned while land as a property is owned but not governed. On the one hand, land as a political territory is characterised by elements of governance from political authorities. According to Lund (2013), these include taxation and planning policies, particularly from formal governments and some traditional authorities. On the other hand, land as a property is evoked based on rights or any publicly or legally recognised backing, exercised by actors, which enable them to access and control the use of land. These rights take different forms such as titles, cultural activities or physically demarcated boundaries of land (Kansanga, 2019; Berry, 2009; Lund, 2013). In the context of most African communities, customary lands are characterised with histories, communal ownership and contested boundaries, particularly, between indigenous or natives (autochthons) who first settled on the land and immigrants or foreigners (allochthons) of a community (Cotula, 2007). Evoking the past and the conceiving land in particular ways are therefore significant and interrelated mechanisms used by various actors to control the access and use of land.

As indicated earlier, the PUAs of Accra continue to demonstrate traditional and historical features such as customary practices in the transfer and management of land. Significantly, with PUAs exhibiting complex forms of development and comprising diverse populations (indigenous and new settlers), this study attempts to investigate how narratives of the past and the interpretation of land are formed and used to justify land claims. Additionally, the thesis examines why actors rely on these socially produced ideas to gain social legitimation to land in conflict situations, and ultimately how housebuilders navigate through different narratives in their building process. Observably, these past and space ideas are less considered in city-making processes. As a contribution to situated UPE, the thesis highlights how accounts of the past and interpretations of land co-produce power relations, which equip or undermine actors such as land sellers and

especially house builders in their housing development processes. Critically unpacking these interpretations uncovers the source and flow of power within situated UPE in the management of land development processes.

### ***2.4.3 Institutional Multiplicity***

Situated UPE, as discussed earlier, focuses on the micro politics and the everyday practices of how power is diffused among different actors, and how power relations shape uneven social-natures (Cornea et al., 2016; Lawhon et al., 2014). This micro politics is underpinned by the interaction between multiple institutions that frame and negotiate power, using dynamic regulations for resource management. Unlike other spaces such as urban centres, PUAs, for instance, exist under more than one administrative jurisdiction, and this result in the creation of different resources, capacities and institutions (Narain and Niscal, 2007; Simon et al., 2004). With a focus on land management, PUAs exhibit features of legal pluralism or parallel institutional structures, which emanate from the co-existence of customary and metropolitan institutions (Narain and Nischal, 2007; Shaw, 2005; Simon et al., 2004). The resurgence of many traditional authorities in the 1990s and 2000s in many parts of Africa, some of which were either integrated into the formal governance system or allowed to coexist alongside the formal institutions, account for the presence of multiple institutions governing most settlements, particularly, PUAs in SSA (Goodfellow and Lindemann, 2013; Englebert, 2002).

The thesis recognises that exploring power within situated UPE is extensive and cuts across different hierarchies of institutions and governance structures. Shifting from this broad approach, the thesis embarked on an in-depth insight into the everyday governance of customary land, to establish how power relations and its dynamics create and shape uneven access and control of land. The focus on state and non-state institutions at the local scale uncovers a major characteristic of city-making in the global south, where there is a plurality of different local institutions, whose actions and inactions shape all forms of development. Particularly, in peri-urban land management, although there are higher state institutional hierarchies that formulate land laws, local institutions such as traditional authorities, housing associations, and youth groups have significant influence over how access is controlled. As a result, the thesis explores these everyday land governance institutions through the lens of institutional multiplicity to ascertain how they function and their

impacts within the evolving peri-urban land market. Furthermore, it examines the interaction of multiple institutions noting how their actions and inactions create uneven access to land as well as shape customary land management in conflict situations. Examining the actions and inactions of these multiple institutions remain relevant as they are rooted in different and often conflicting ideas about land.

Institutions in this context refer to ‘rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction’ (North, 1990 p.3). According to North (1990 p.4), these institutions could be formal constraints, that is ‘rules that human beings devise or informal constraints, such as conventions and codes of behaviour’. Confirming this idea of formal and informal institutions, some researchers identify the diverse institutional frameworks operating in PUAs as either formal (state) or informal (customary), which co-exist in the management of peri-urban land (Ubink, 2008; Wehrmann, 2008b; Gough and Yankson, 2000; Gough, 1999). Commenting on institutions as an analytical framework for understanding resource (land) governance, scholars argue that these institutions must be conceptualised in relation to the actors or organisations that they are associated with (Goodfellow and Lindemann, 2013 p.21; Rakodi, 2006; Pottier, 2005).

In the context of discussing the interconnection between formal and informal institutions, institutional hybridity and institutional multiplicity have become key concepts used in land and spatial governance in most African settlements, particularly PUAs (see Goodfellow and Lindemann, 2013; William, 2010; Buur and Kyed, 2006). On the one hand, Institutional hybridity is defined as a situation where the state (formal) and non-state (informal) institutions merge to manage or govern resources such as land (Goodfellow and Lindemann, 2013; William, 2010, Beall et al., 2005). It involves the integration or assimilation of customary values and traditions into state enacted laws to reconcile diverse principles of governance. A recent case in point is the implementation of Land Administration Programme (LAP) in Ghana, which has seen the establishment of a Customary Land Secretariat (CLS), which harmonizes the authorities of state agencies and customary institutions in the management of customary lands (Obeng-Odoom, 2016; Gyapong, 2009; Ubink and Quan, 2008). On the other hand, institutional multiplicity highlights the complementary or coexistence of formal and informal institutions in governance processes. Importantly, their application goes beyond explaining the interaction of formal and informal

institutions to further highlight how they enhance effective or ineffective governance (Goodfellow and Lindemann, 2013; Schmid, 2001). Although these institutional concepts (institutional hybridity and institutional multiplicity) differ in concepts and operate on a different trajectory, Goodfellow and Lindemann (2003), observed that they are often ‘misapplied’. An example is describing every co-existence and interaction between state and non-state institutions as ‘hybrid’. This according to Goodfellow and Lindemann (2013), renders institutional analysis ‘meaningless’ because some institutional interfaces exist where there is no integration of state and non-state institutions. Such interfaces must be defined as institutional multiplicity.

Consequently, the work of Goodfellow and Lindemann (2013), conceptualises institutional multiplicity into two forms; discordant and concordant. That is, while concordant institutional multiplicity develops on the terms of state and non-state institutions having well-defined roles, which do not overlap, discordant institutional multiplicity develops as a result of non-state institutions having their roles overlap with state institutions (Goodfellow and Lindemann, 2013). These concepts emerged as a need to distinguish between other forms of institutional multiplicity, which some existing literature classifies together as hybrid institutions. Considering the kind of complex interaction characterising the land market and conflict management in peri-urban Accra, Goodfellow and Lindemann’s (2013) binary conceptualisation seems simplistic and limiting to unpacking the everyday land management practices of actors. Additionally, although there is evidence of some hybrid form (CLS) of land governance in Ghana, attention to these functional hybrid forms has meant that research has neglected the ongoing institutional multiplicity that exists through the role of land guards (whose activities are illegal but socially acceptable) and other non-state institutions such as the housing associations who operate outside the CLS.

The thesis recognises some limitations in the potential of institutional multiplicity and hybridity to address the complexity of land, however, it draws insight from these concepts to examine how the institutions function within the complex evolving land market. This helps to investigate in more in-depth, how the land market shapes the impact of these institutional interactions and vice versa. The idea of institutional multiplicity further relates to the question of access through different institutions embodying different ideas about rights and mechanisms of access. It also relates to the multiple narratives of the past about land. Having discussed the analytical tools and their relevance to the study, the next section examines how these tools draw on situated UPE and come together

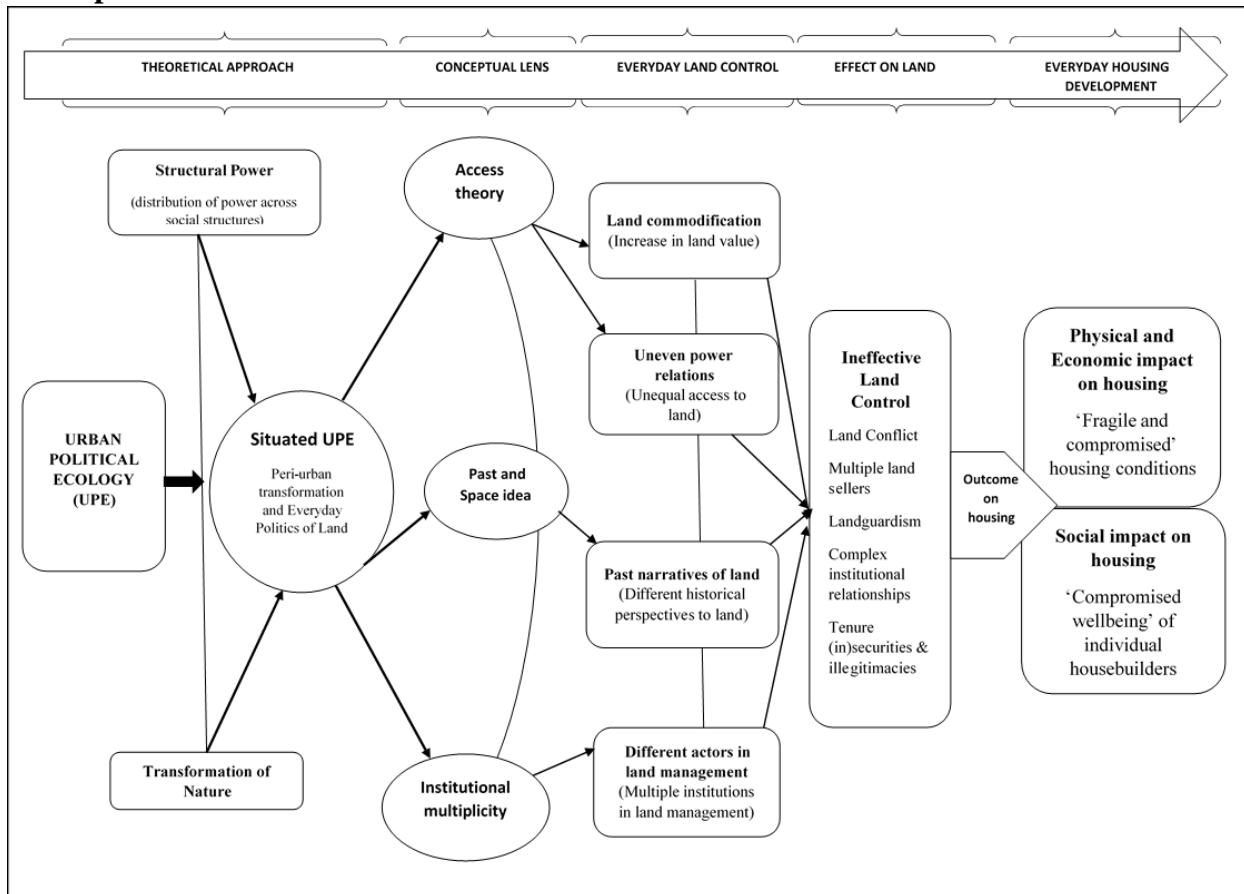


to unpack how peri-urban development and its associated land conflict unfold, and how they shape the housing development in peri-urban Accra.

## 2.5 Towards an integrated framework to explaining land conflict and its impact on housing development processes in peri-urban Accra through the lens of situated UPE

The discussion above reveals how situated UPE approach along with other concepts can be employed to examine how peri-urban development and the land transformation shape housing development. Figure 2.1 illustrates the intellectual relationships between these abstract concepts by identifying an integrated approach to understanding the relationship between land conflict and housing development in peri-urban Accra. It uncovers more closely, the changing ideologies and privatisation of land, uneven access, land management practices, and land conflicts rooted in broader socioeconomic, historical, and political processes.

**Figure 2.1 Situated UPE Approach to understanding the effect of land conflict on housing development in Peri-urban Accra**



Source: Author's construct (2019)

Following the interplay of the aforementioned factors, historical dimensions to peri-urban development in Accra constitute a significant factor that enhances the understanding of recent patterns of power relations over land. Correspondingly, the historical connotations attributed to land allow the framework to explore how land actors use narratives of the past and the conception of land to gain control over land. Colonial and post-colonial land policies adopted by subsequent governments in Ghana constitute some of the historical factors that have influenced land management and land access. Additionally, histories of ownership, beliefs, and perceptions associated with land tenure also constitute the narratives associated with current land management practices among land actors, particularly land sellers. These narratives constitute sources of power and authority that are evoked in pursuing interests in land. As mentioned earlier, the narratives of the past and the interpretation of land considered as sources of power resonates with the tenets of access theory, which focuses more on external factors that enhance land control rather than rights. These sources of power do not only determine the level of land control but also the ability to maintain the legitimacy of the land, especially for housing purposes. Similarly, these ideas of the past and the conceptions about land derived from histories, beliefs, and past government policies further influence the institutional responses to the management of land. Poor documentation and issues of non-registration of land in the past, for instance, further emphasise the underlying challenges that underpin the conflicting interests of multiple institutions in managing land in peri-urban Accra.

Furthermore, the recent transformation of land in peri-urban Accra has seen the emergence of new land actors such as real estates companies, land brokers, other private groups (welfare associations), and most importantly, land guards in the control of land. The activities of these actors do not only influence tenure security and legitimacy but also housing development processes. Access theory, therefore, facilitates the assessment of how different actors get equipped with bundles of power such as economic capital, social relations, knowledge, and legal backing in navigating access and use of land. A case in point is that the ability of a housebuilder to experience an ‘uneventful’ building process largely depends on the level of network with other actors and adequate economic capital. Integrating access theory with the idea of the past traces the trend and dynamics of tenure security especially, in contemporary times where the perception of land and land use have taken different trajectories. The interplay of these factors unpacks the understanding of how fragile and compromised housing are produced (see section 2.4.2).

The co-existence of both state and non-state actors in managing land in peri-urban Accra produces multiple forms of outcome for land management and land conflict management. These practices, especially from the municipal authorities, the Lands Commission, the law courts, and the police, coupled with the chiefs and family heads have complex influences on land and housing development processes. Institutional multiplicity, therefore, allows the study to explore the nexus between the ambiguous practices of customary actors and the strict and standard practices of state actors in handling issues of legitimacy and spatial planning. Similarly, these different institutional practices complement and shape the actions and experiences of land actors in navigating through the politics, access, and use of land. Of much significance is multiple institutions further providing overarching but complex management frameworks, which shape the perceptions of land and how land is accessed.

Existing challenges to housing development across cities in sub-Saharan Africa continue to limit housing provision potentials. As a contribution to housing literature, this integrated theoretical framework unearths wider situated challenges of peri-urban development, specifically, how land conflict contributes to the challenges of housing development. Explicitly, it unpacks more closely, the everyday politics of access to land and its creation of fragile and compromised housing in peri-urban areas. The addition of this relatively new dimension of housing challenges deepens the theoretical and empirical discourse on housing development in peri-urban areas of the global south.

## **2.6 Conclusion**

This chapter reviewed the existing literature on the theory and key concepts underpinning the research. The literature reveals that the conceptual framing of PUA in recent times transcends beyond its geographical location to include its functional interconnections with other settlements, mainly urban areas. Recent developments however suggest that PUAs have become contested spaces with evidence of struggles over land and multiple institutions clashing over the control and management of land. Consequently, the thesis in addition to perceiving PUAs as transitional zones also identifies them as ‘contested space’. This allows the thesis to investigate the factors that contribute to contestations over land in PUAs and further examine its effect on housing development. The chapter argues for the adoption of the situated UPE, to allow for an investigation into everyday politics of land, which is relevant in influencing the day-to-day experiences of

housing development processes. Access theory, institutional multiplicity, ideas of past and space are analytical tools that draw on the theme of situated UPE (everyday power) to explore how land conflict shapes housing development processes. To this end, the effect of land conflict and other uncertainties on housing development processes is conceptualised as fragile and compromised housing.

Housing is perceived as a process involving conception, design and construction, and a product, serving as a social prestige and environmental protection. Nonetheless, this linear conceptualisation fails to take into account the more destructive practices such as land conflict, which shape these trends and ultimately result in fragile housing. Particularly in PUAs, which are characterised with competition over land, and uneven power relations in access and use of land, the study fills the gap by investigating how these factors cause distractions in the building process to produce fragile and compromised housing processes. Similarly, existing studies have not taken into account the increasing and evolving land legitimisation and alternative practices that people engage with in house building. Particularly, in complex institutional frameworks, how individuals navigate through multiple institutions in obtaining tenure security is relevant in housing processes.

The involvement of different actors with competing interests over land points to the various degrees of intensity of land contestations. These include disputes, conflicts, and violence. The chapter argued that despite mainstream literature on environmental scarcity, resource abundance and institutions failures as triggers of land conflict, a holistic approach, which considers interrelated and intervening factors are relevant to understanding land conflict. This approach underpins the adoption of the situated UPE as a theoretical lens, which considers all-inclusive factors that are capable of causing land conflict. Additionally, given that urban spaces exhibit complex spatial development processes, the triggers of land conflict are conceptualised around tenure security, institutions, and the land market. Nonetheless, in PUAs which exhibit similar tendencies, if not more complexities, an all-encompassing approach to understanding the cause of land conflict is adopted by this thesis to provide additional context to the conflict literature. The next Chapter provides a contextual background of Accra, the capital of Ghana, and highlights the processes of peri-urban development. The chapter argues that the rapid development of Accra is

associated with complex processes, which provide multiple outcomes of land use, land control, and housing development.

## CHAPTER THREE

### PERI-URBAN ACCRA: CENTRE OF NEW DEVELOPMENTS

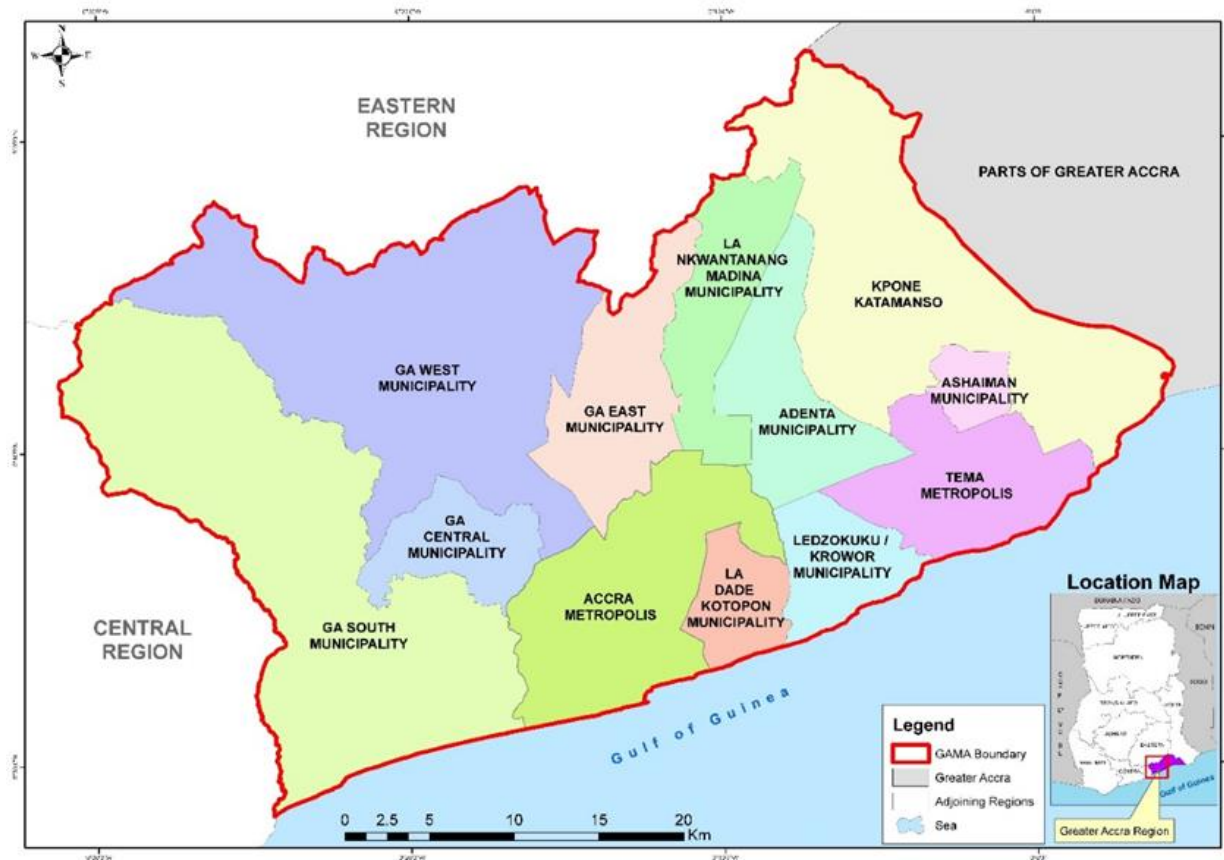
#### 3.0 Introduction

In Chapter 2, it was argued that the complex processes leading to the transformation of peri-urban areas account for it being conceived as a functional, transitional and in recent times a contested space. This chapter explores the processes and outcomes of development in the peripheries of Accra, which is conceptually known as the Greater Accra Metropolitan Area (GAMA). Divided into two sections, the first section focuses on investigating the historical development and factors driving the growth and sprawl of GAMA. The second section examines the outcomes of this growth on the land market, tenure systems, and housing development processes. This situates the study in the context of the rapid spatial developments facing many peri-urban areas in the global south, including peri-urban Accra, Ghana.

#### 3.1 Composition of Greater Accra Metropolitan Area

Greater Accra Metropolitan Area (GAMA) was conceptualised as a much wider area of Accra Metropolitan Area (AMA), given its physical, economic and functional linkages with other municipal areas and regions (Songsore et al, 2015; Oteng-Ababio et al., 2013; Songsore, 2010). Originally made up of three main administrative areas namely, the Accra Metropolitan Area (AMA), Tema Municipal Area (TMA) and the Ga Districts (GDA), GAMA by 2012 ‘metamorphosed into twelve autonomous but physically and functionally integrated administrative divisions’ (see Figure 3.1) (Agyeman, 2015 p.66; Oteng-Ababio, 2010; Songsore, 2005). GAMA currently constitutes the largest urban agglomeration in Ghana (Oteng-Ababio, 2013; Songsore, 2010; Songsore et al., 2005). Accordingly, the increasing urban population and the partitioning of the various administrative divisions as a response to Ghana’s decentralisation to devolve governance is said to account for the development of GAMA (Agyeman, 2015). A key governance implication of this development is that, although the administrative regions are politically autonomous, governance by the various city planners are faced with the need to develop strategic planning policies that incorporate the development of other municipal areas. Most of these administrative divisions, however, lack the capacity to ensure efficient and coordinated governance (Songsore, 2010).

**Figure 3.1 Administrative Map of GAMA**



**Source: Author's Construct (2019)**

These administrative divisions (see Figure 3.1) host the majority of the peri-urban communities in the Greater Accra Region, and are characterised by rapid population growth coupled with increasing housing development. It is worth noting that, some of the municipalities, which were once peri-urban have now developed into consolidated urban areas. Observably, the peri-urban areas within GAMA are found in municipalities including Ga South, Ga East, Ga West and Kpone Katamanso. Most of these municipal areas are located between 22-25 km<sup>2</sup> from AMA. The study communities selected within these municipalities and districts are discussed in section 4.7. The dynamics of peri-urban development in GAMA, and its associated land and housing issues can best be understood from a historical viewpoint. The next section examines the historical development of GAMA and discusses how its growth translates to the rapid spatial transformation of peri-urban areas in the Greater Accra region.

## **3.2 Historical Background of GAMA**

### ***3.2.1 Pre-colonial and Colonial Era***

Accra is the national capital of Ghana and functions as the largest metropolitan area in the country. Located in the Southeastern part of the country, GAMA also doubles as the regional capital for the Greater Accra region. A historical account of Accra's evolution reveals that it developed as a small fishing village in the latter part of the 16<sup>th</sup> century (Sackeyfio, 2012; Gough and Yankson, 2011; Acquah, 1972). In the 17<sup>th</sup> century, the Europeans including the Portuguese, the Dutch, the Swedes and subsequently, the British arrived in Accra where some forts (Christiansborg Castle, Ussher Fort and James Fort etc) were built to support trading activities during the trans-Saharan trade. Accra at that point was significantly a trading post and had no network connectivity with other major trade routes in the Gold coast (Kea, 1982).

The subsequent development of Accra as an urban town became significant when the colonial capital of Ghana, the then Gold Coast was relocated to Accra from Cape Coast on 19<sup>th</sup> March 1877 (Sackeyfio, 2012; Grant and Yankson, 2003; Dickson, 1969). The relocation was said to be a response to some socio-economic and political issues such as; Accra's initial nature of being a non-commercial space, hence capable of hosting the British colonial administration. Additionally, the need to rebuild Accra after the 1862 earthquake, coupled with the quest for a new space to accommodate and protect Europeans from native illnesses constituted other factors that triggered the transfer of the capital to Accra (Grant and Yankson, 2003; Tipple and Korboe, 1998). This development was the beginning of the spatial, socio-economic and political transformation of Accra.

Accra became the focal point for economic and political power because of its national capital status and the presence of many large-scale trading operations (Grant, 2001). This new role opened up Accra for infrastructural development; key among them was the Supreme Court and the Cable office (Acquah, 1972). Additionally, foreign investments, merchandise and numerous commercial activities coupled with the new factories and warehouses were established (Grant and Yankson, 2003; Dickson 1969). Commenting on this development, Dickson (1969), revealed that Accra had become the host of the largest number of warehouses and location of the busiest port in the then Gold Coast. Affirming this, Sackeyfio (2012), also noted that Accra's commercial status as a port city was heightened after attaining its national capital status. The colonial ports were not built in



isolation from indigenous people rather, it involved engagement between Akans, the Ga people and the Europeans (Sakeyfi, 2012). Labelling the dynamics of Accra's development, Grant and Yankson (2003 p.67) described it as a 'warehouse city' rather than a 'factory city'. That is, Accra's urban development trajectory was found to be more commercial and trade-oriented than manufacturing. Agyeman (2015 p.71) noted that these developments within Accra saw the commencement and concentration of 'high-value activity points' in Victoriaborg, Christiansborg, Usher Town and James Town complexes, known in present-day as Accra Central.

Associated with the commercial and infrastructural development of Accra was the segregated forms of spatial planning undertaken by the colonial administration. Grant and Yankson (2003), identified four main spatial features characterising the development of Accra during the colonial period. Firstly, the city developed around the Accra port, serving as a link between Gold Coast and England, while military camps and the colonial administration were built within the city. Secondly, the European central business district was zoned and planned for commercial activities among foreign companies. The third spatial feature was the traditional market (Makola No.1) that served the native towns. Fourthly, the separation of European residences such as Cantonments and Ridge from the native or indigenous communities was evident. This development was a major landmark that characterised most colonial cities and underpins its current spatial features.

A major factor responsible for advancing spatial segregation during this era was the strict land use planning and zoning regulations adopted within the European settlements (Grant, 2001; Songsore, 2003; Larbi, 1996). The implementation of spatial development practices in European areas and the neglect of this in non-European areas was a common phenomenon within the then colonial cities, justified through discourses of imperialism and racial authority (Silver, 2016; Myer, 2006). The application of eminent domain to access land under the Town Ordinance in 1892 by the colonial government further allowed for the effective planning of state-owned lands and European communities, leaving the native communities unplanned (Agyeman, 2015; Tipple and Korboe, 1998; Larbi, 1996). This segregation of spatial planning is attributed to the fact that over 80% of land in Accra and the entire country was under the management of customary institutions. As observed by Larbi (1996), only state-owned lands received some sort of planning with gross neglect of customary lands (stool and family lands). The discussion on customary land tenure systems is captured in section 3.3.

Accra's first spatial plan was put forth in 1944, followed by the establishment of the Town and Country Planning Ordinance (CAP 84) in 1945 (Agyeman, 2015). The primary aim was to plan, direct and manage spatial development in the entire nation through the Development Control Unit, which was under the Town and Regional Planning Authority. Other regulations formulated later included the 1958 Plan and the Master Plan for Accra-Tema metropolis developed in 1961 (Agyeman, 2015). The country continued to use the spatial planning laws of 1945 until the establishment of the Local Government Act in 1993 (Act 426), section 46, which entitled all Metropolitan, Municipal and District Assemblies (MMDAs) as planning authorities with the mandate of initiating and regulating planning policies. A key challenge with the implementation of these policies as discussed is attributed to the land tenure system and the inadequate capacity to implement the policies. Similarly, new areas continued to develop without adequate planning. Confirming this, Larbi (1996), noted that by 1956, a little over one third (40%) of Accra had been planned.

Housing provision by the colonial authorities was limited to the European communities by meeting the demands of the civil and public servants of the administration (Gillespie, 2018). A case in point is the housing estates, which were built at Abbosey Okai, Christianborg, Kaneshie, and South La for the Europeans after the 1939 earthquake in Accra, neglecting the native communities (Acquah, 1972). These houses were well-planned and adequately built with quality building materials, with features of good drainage and sewerage systems, while the native communities were characterised by haphazard development with mud houses and thatched roofing (Grant and Yankson, 2003; Tipple and Korboe, 1998). MacDonald (1989, p. 199 - 200) captured this from an observer who stated that a look at these European settlements with such magnificent homes, polo, golf and racecourse coupled with a 'racially segregated hospital' was 'a piece of England grafted into the townscape of Accra' (cited in Grant and Yankson, 2003 p.67). These housing policies favoured the colonial administration but failed to provide any affordable housing for indigenous people. The consequence of this was the genesis of future housing shortfalls for indigenous people and the many new settlers who were moving to the city to seek economic freedom.

### ***3.2.2 Independence and Post-colonial Era***

Accra's urban growth after independence (6<sup>th</sup> March 1957) saw a rapid increase in its population and size as a result of subsequent government policies and the focus on making Accra the 'growth

pole' of the country (Grant and Yankson, 2003). According to Grant (2001 p.1999), economic development policies adopted by the then government within this era (1957 - 1982) were embedded in socialist ideas with a particular interest in 'Ghananisation of industries'. Evidence of increasing manufacturing activities was seen sprouting across the city of Accra, coupled with increasing road infrastructure, social services, residential and commercial structures, as well as government buildings. This political and economic transformation had seen the rapid growth of Accra's population, which was 19,582 in 1911, 41,762 in 1921, and 60,726 in 1931. It was further recorded that on the eve of independence (6<sup>th</sup> March 1957), Accra's population had risen to 190,000 (GSS, 2002).

Four specific factors resulted in the growth of Accra after independence (Grant and Yankson, 2003). The first was the change in power where educated elites of the country took over the control of administrative, military, and economic functions of the Europeans. The Central Business District (CBD) was opened up and nationalised. This paved way for indigenous people to transact businesses. State institutions such as the central bank and other state-owned companies also emerged in this era. Secondly, the growth of markets particularly, the Makola market in the CBD led to an increase in the market population. An account by Robertson (1983) stated that over 25,000 people attended the markets daily in Accra in 1966. The consequence of this development was the increasing congestion that characterised the CBD. In terms of spatial development, Grant and Yankson (2003), recounted how the growth and expansion of the market resulted in blurring the boundaries between the European CBD and the indigenous market. The third factor pointed out by Grant and Yankson (2003), was the development of Tema as a satellite town in 1962 aimed at reducing the pressure in the centre of Accra. Consequently, Accra harbour, which once served as a commercial port was neglected (Grant, 2001). The fourth factor accounting for the development of Accra after independence was the government's initiatives to provide housing infrastructure (bungalows) for senior civil and public officials. However, exponential growth in population and rural-urban migration became a major challenge to housing provision in GAMA (Grant and Yankson, 2003). An extensive discussion on housing in GAMA is captured in section 3.5.

### **3.3 The sprawl of Accra and Peri-urban growth**

As discussed earlier, the growth of Accra dates back to the colonial era. However, recent and large-scale development is traced to globalisation and more importantly, Economic Recovery Policies

(ERP) under the Structural Adjustment Programme (SAP) initiated in 1983, which supported African countries including Ghana to come out of economic recessions (Owusu, 2013; Yeboah, 2003; Grant and Yankson, 2003). This SAP was implemented through a two-phase economic policy namely; Economic Recovery Policy I (1983 to 1986) and Economic Recovery Policy II (1987-1989) (Boafo-Arthur, 1999). As noted by Yeboah (2003), the physical expansion of GAMA took effect during the SAP, with significant development occurring during late and post-SAP (1992 and 1997), particularly, within the peri-urban communities rather than the central Accra (AMA), which had already experienced development. Major policies implemented during this period included the removal of government subventions to social programmes such as housing, trade and foreign currency liberalisation (Yeboah, 2000; 2003). This resulted in corporations moving into Accra, wholesaling and retailing, expansion of domestic transport and also the increasing number of population and housing in the city, which opened up the city for development (Yeboah, 2000; 2003).

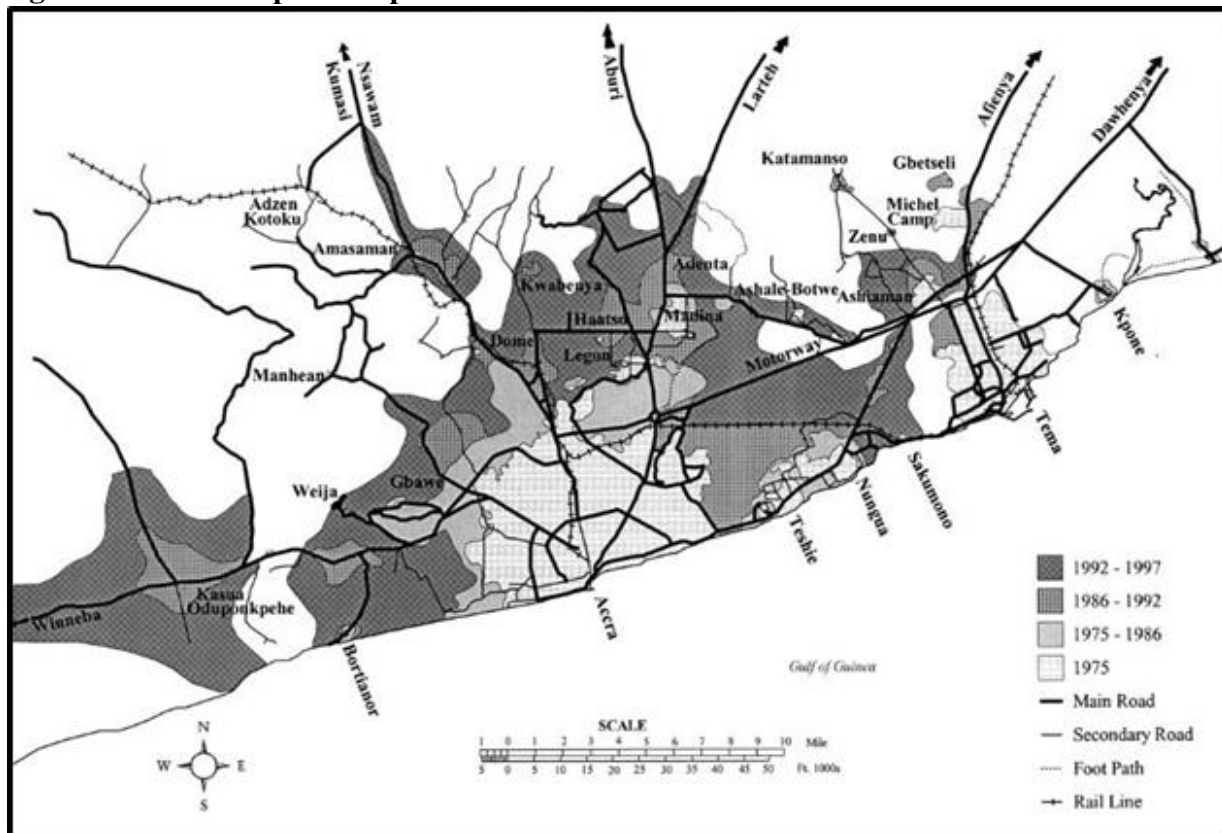
According to Yeboah (2003), the foreign currency liberalisation, which saw the proliferation of forex bureaus coincided with the trade reforms, which for instance led to the importation of vehicles, mainly, used vehicles called '*Eurocarcas*' into the country. The import of used vehicles, for instance, expanded the transportation network of Accra as these vehicles were used as commuter buses (*trotro*) and taxis to transport people between Accra and the peri-urban areas (Owusu, 2013; Grant, 2003; Yeboah, 2003). That is, the availability of these commuter transports influenced many people to reside in peri-urban areas (where rent is relatively cheaper). Available statistics show that the number of vehicles imported into the country in 1982 increased from 11,448 to 21, 499 in 1988 (Yeboah, 2003).

Additionally, the primacy of Accra, which resulted in the growth of its population and expanding middle-class population created a potential market for housing infrastructure in the city (CAHF, 2019). This led to an increase in the demand and supply of building materials and, subsequently a high importation rate of materials such as cement, floor tiles, and electric cables under the economic reforms. Although Ghacem (Ghana's leading cement production company) was in existence since 1967, it is estimated that the importation of cement into the country driven by the SAP increased from 235 bags in 1984 to 1,548 bags in 1996 (Yeboah, 2003). The demand-side for

housing was also attributed to the culture of many Ghanaians who sought to build because a house signifies an achievement.

Confirming the growth of Accra during this era, Yeboah (2003) in his study compared Accra's expansion before and after the implementation of SAP. Figures of the overall development showed that Accra had increased by 318% (200.7 square miles) between 1975 and 1997 (see Figure 3.2). Specifically, Accra's actual expansion (built-up) increased by 46% (28.8 square miles) before the implementation of the SAP (between 1975 and 1986) and further increased by 186% (171.9 square miles) after post-SAP (between 1986 and 1997).

**Figure 3.2 Accra's spatial expansion between 1975 and 1997**



**Source: Yeboah (2000)**

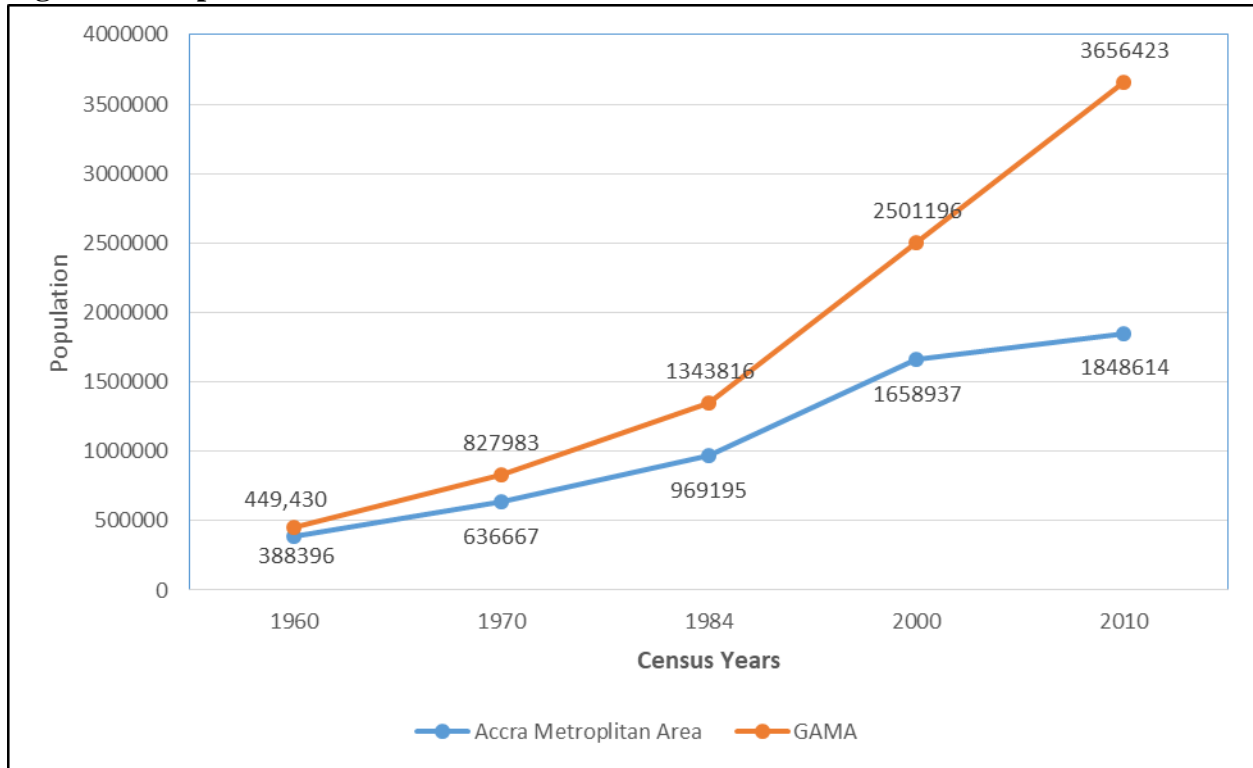
As indicated above, much of this expansion occurred on the fringes of AMA, towards the western boundary of the city into communities such as Gbawe, McCarthy Hill; and then towards the motorway extension (Northern part), which include East Legon, North Dzorwulu, South Legon,

Abeka and North Achimota (Yeboah, 2003). Finally, the expansion also covered the immediate communities surrounding Teshie and Nungua (Yeboah, 2003). Accordingly, Yeboah (2003), further identified that the post-SAP expansion was mostly characterised by the occupying of vacant land within the following communities; Teshie, Nungua, Spintex, Haatso, North Legon and Papao. In recent times, all these aforementioned communities, which were once peri-urban areas are now built-up and consolidated as urban areas.

Subsequent studies by Owusu (2013), reveals that the physical expansion (built-up) of Accra had not only occurred within AMA but also in the peri-urban areas, which comprises GAMA. According to Owusu (2013), GAMA then included AMA and the then rural Ga district. However, in less than two decades, the rural Ga district had been sub-divided into Ga East, Ga West and Ga South for political and administrative purposes. The implication of these subdivisions is the decrease in the administrative boundary of AMA. Noticeably, while these administrative boundaries are demarcated, the integration and connectivity of the city with other municipal and district areas generated planning challenges for city planners.

A major feature associated with the trend of Accra's spatial development has been a steady but uneven rise in the population of AMA and GAMA (see Figure 3.4). For instance, in 1960, the population of AMA increased from 338,369 in 1960 to 969,195 in 1984, and subsequently, 1,848,614 in 2010. The population of GAMA also increased from 449,430 in 1960 to 1,343,816 in 1984 and subsequently to 3,656,423 in 2010. According to Owusu (2013), the average annual growth rate of GAMA between 2000 and 2010 was 3.8% as compared to 1.1% in AMA, indicating a decrease in population in the Metropolis. It is estimated by urban scholars (see Owusu, 2013; Gough and Yankson, 2011), that considering the availability of large parcels of land in GAMA among others factors, much of the growth of the population and conversion of agrarian into residential spaces will occur in peri-urban Accra. Figure 3.3 shows the trend of population growth of AMA and GAMA from 1970 to 2010.

**Figure 3.3. Population trend of AMA and GAMA from 1970 to 2010**



**Source: Analysis is by the author based on data from Owusu (2013) and Songsore (2009)**

The footprints of the liberalisation policies (as discussed earlier) which contributed to the growth of GAMA from the 1980s are still evident in current times. Accra's socio-economic and political status as the national capital, largest metropolitan economy in the country coupled with government's conscious effort to develop the city makes it the most preferred destination for expatriates and rural-urban migrants or new settlers (Grant, 2003; Owusu, 2008). Several scholars (see Owusu 2013; Yeboah, 2012; Grant, 2003; Grant and Yankson, 2003; Songsore, 2003; and Oteng-Ababio, 2013), have further given recent accounts on the rapid development of Accra and its peri-urban areas (GAMA). To start with, the development and upgrade of double-lane roads along major corridors are identified as a major factor contributing to the sprawl and growth of GAMA (Owusu, 2013; Yeboah, 2003). These roads have opened up GAMA and enhanced an easy network of goods, services and people from the peri-urban areas to the city and vice versa. More importantly, a lot of the population coming to the city prefer to reside in these peri-urban areas to escape the high cost of rent characterising housing in the metropolis.

The major roads (Figure 3.4) contributing to this development include the Central Business District (CBD)-Madina-Aburi Corridor (connecting the North-east of Accra); the CBD –Mallam-Kasoa Corridor (connecting the Western part of Accra); and the CBD- Kwame Nkrumah Circle-Nsawam Corridor (connecting the Eastern part of Accra) (Owusu, 2013; Yeboah, 2003). The South of Accra (areas adjacent to the sea) is, however, experiencing limited development, and this is due to the existence of the sea (Gulf of Guinea). As argued by Owusu (2013), the intensity of peri-urban development is evident along major road networks, which link the city to other urban areas and rural settlements. To prove the rising use of these roads, available statistics reveal that the importation of vehicles into the country had increased from 132,051 in 1991 to 1225754 in 2011, that is an increase by 828.2% taking into consideration annual vehicle write-offs (Hesse and Ofose, 2014). The Chartered Institute of Logistics and Transport (CILT) (2017) further revealed that the Driver Vehicle and Licensing Authority (DVLA) registered 19,931 vehicles in January 2017, an indication of 7.7% increase in comparison to 2016 (January) figure of 18,401. It was further noticed, that Accra recorded the highest number of these vehicles, at 5883, followed by the second largest metropolitan area, Kumasi recording 3006 within the same period.

**Figure 3.4 Major road corridors of GAMA**



Source: Author’s construct (2018)



Accordingly, despite the generally inadequate infrastructure and social services in peri-urban areas, the land in peri-urban Accra is rapidly becoming a site for accumulation following the increasing presence and diverse investments of state, private companies and private individuals. While the interests of the state in peri-urban land is towards infrastructure development, spatial planning and land administration, those of private companies such as real estate companies include development of gated communities and other forms of real estate such as office infrastructure and malls. The private individuals on the other hand focus on housing development (often for individual use or small-scale rental gains), which constitute more than 90% of all infrastructure accumulation on peri-urban land. The processes and implications of these varied forms of capital accumulation are shaped by the interplay of socio-economic factors such as increasing housing deficit in Accra, rising land value in Accra, rapid urbanisation and urban sprawl processes. The wider socio-economic and political transformations occurring in large cities in Ghana and by extension Accra further drives the capital accumulation occurring in peri-urban Accra. For instance, the changing housing consumption pattern from compound housing towards gated communities due to land administration challenges (Ehwi et al., 2019) across the country has seen the rise in real estate as key site for profit generation. Furthermore, recent increase in land and house ownership as critical assets for most people, particularly the rising middle-class is changing the the perception and value of land in peri-urban Accra. Noticeably, although land commodification and privatisation can be traced to colonial and postcolonial era, recent developments, as indicated above has seen a largescale rise in privatisation of land and housing assets and the rise in land values which is rapidly shaping the accumulation in peri-urban Accra.

### ***3.3.1 Contribution of Land Tenure to the sprawl of Accra***

The land tenure system in GAMA contributes and influences the sprawl and development of peri-urban areas. This is attributed to the underlying factor that the majority of the parcels of land in GAMA are in the possession and management of customary institutions (Boamah and Walker, 2016; Owusu, 2013; Gough and Yankson, 2000; Ubink, 2008, Grant and Yankson, 2003). This is justified following the argument that settlements in Accra where land is state-owned, are well-planned, and these include Cantonments, Ridge and Tema. That notwithstanding Yeboah and Shaw (2013 p.24), refuted the claim indicating that ‘state land ownership has not proved to be a success in facilitating planning in all cases’. Central to this underlying factor is the weak implementation of planning policies and more significantly, rapid development that precedes

planning implementation in the peri-urban areas, which translates to haphazard development (Owusu, 2013; Yeboah and Shaw, 2013; Grant and Yankson, 2003; Yeboah, 2003). It is however highlighted that some customary actors have been identified as having contributed to effective spatial planning process through the Customary Land Secretariat (discussed in section 3.4) at Gbawe in Accra and other parts of the country, such as Kyebi (Arko-Agyei-2011; Gyapong, 2009).

The 1992 constitution of Ghana, Article 36 (8), outlines that customary institution (stools and chiefs) are trustees in the management of customary land. However, the competing views of land sellers who want to make economic gains from land sales, and the interests of municipal authorities to ensure effective planning, cause uncoordinated spatial planning (Grant and Yankson, 2003). For instance, Yeboah and Shaw (2013 p.29), identified that some chiefs distort the municipal's land-use plans by unilaterally allocating land to potential developers with the help of 'self-styled surveyors' or sometimes planners who improvise municipal plans in speculation of development. This breaches Section 61 (I) of the Local Government Act (Act 462), which states that

*'a landowner shall sub-divide or allocate any land for use, development or occupation in a town or city or the suburb of it or in any area where there is an approved planning scheme prepared under an enactment in force, except with the concurrence of the District Planning Authority or a sub district body acting on behalf of the district planning authority'* (Local Government Service-Ghana, 2020a).

Furthermore, many developers who speculate on land prices and the provision of services such as roads, electricity, and water in the peri-urban areas acquire and develop their lands in anticipation of these social services (Grant, 2003; Yeboah, 2003). Moreover, the delay of planning authorities in issuing building permits and land title certificates influences many individuals to take advantage of the inefficiencies of the system to develop lands (Yeboah and Obeng-Odoom, 2010; Owusu, 2008). The consequence of this is the haphazard building of housing structures on available bare land including fragile lands such as flood-prone areas or alongside transportation hubs causing irregular expansion and unplanned development in GAMA in recent times (Owusu, 2013; 2008).

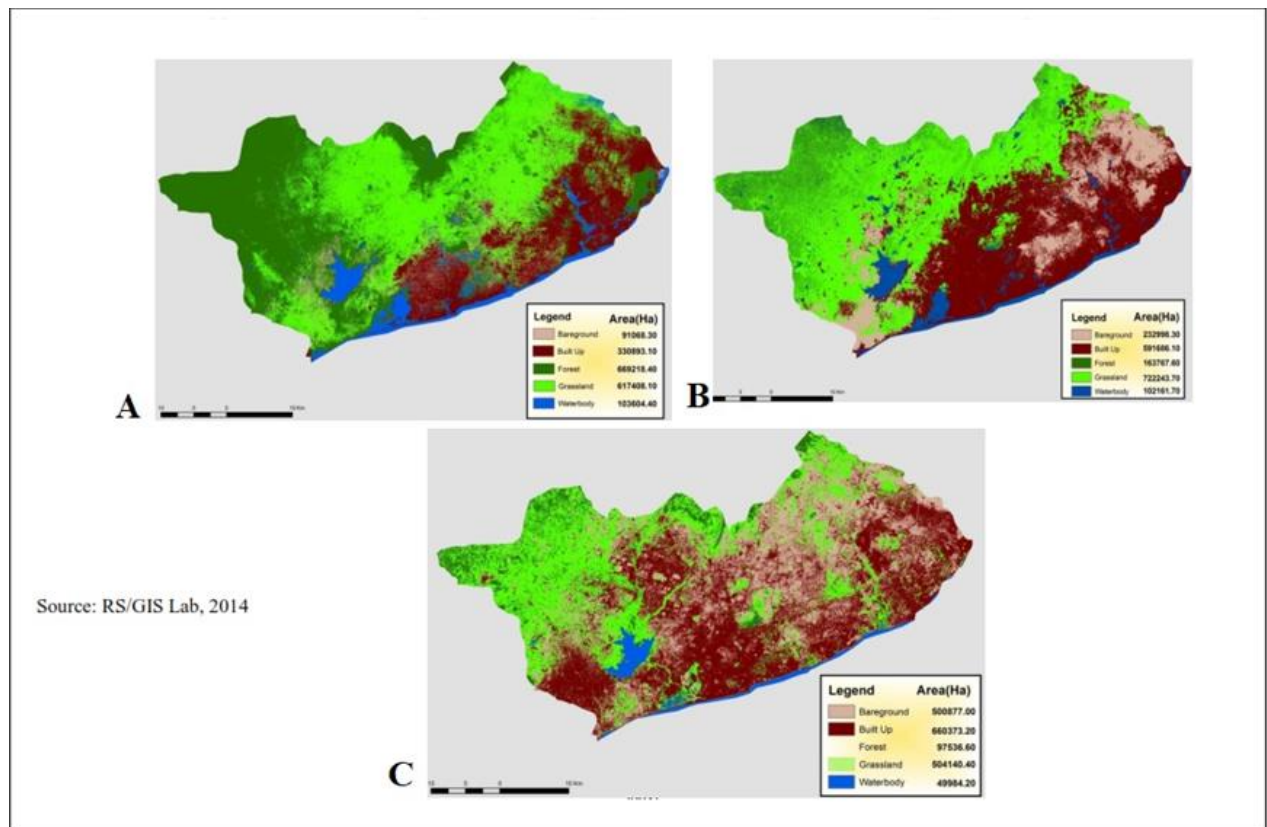
Associated with land tenure challenges are the ineffective urban governance and the use of outdated planning policies contributing to urban sprawl and peri-urban expansion (Owusu, 2013; Doan and Oduro, 2011; Oteng-Ababio, 2013; Farvacque-Vitkovic et al, 2008; Songsoore, 2009; Gough and Yankson, 2000). Until recently, GAMA was still using the Town and Country Planning

Ordinance of 1945 to plan and develop layouts in the city. This act, which was partially relevant in the era of its promulgation, is outdated and hence overlooked current spatial development processes (Owusu, 2008). Also, the absence of a national urban policy until 2012 further deepened urban sprawl as major cities did not have a plan to tackle the 21<sup>st</sup>-century phenomena of urban growth and its associated challenges. However, derived from the erstwhile Town and Country Planning Ordinance, 1945 (Cap 84) and the Local Government Act, 1993 (Act 462) among others, the Land Use and Spatial Planning Act, 2016 (ACT 925) was established to generally formulate and guide spatial planning and human settlement development, create zoning schemes and ensure the review of planning policies.

There have also been some urban containment policies captured in a 10-year Strategic Plan (1995-2005) for Greater Accra Metropolitan Area (volume 1&2) and framed within the broader context of the existing planning policies for the development of GAMA. This plan prepared by three agencies, namely United Nations Development Plan (UNDP), Accra Planning and Development Programme (APDP) and United Nations Centre for Human Settlement (UN-Habitat), outlined several strategies such as the creation of satellite towns, twin cities, laissez-faire development, urban consolidation and multi-city structures to control the growth of Accra. According to Owusu (2013), the implementation agencies observed that given the multiple processes driving urban growth in Accra, a mixed-concept strategy was the ideal approach to contain the sprawl of Accra. These included engaging in practical strategies such as harmonizing Accra and Tema as twin-cities, ensuring urban infilling of vacant lands and adopting the use of greenbelt concepts to provide a development buffer for the boundary of Accra.

However, Owusu (2013) reveals that despite the implementation of GAMA's strategic plan over two decades, sprawling growth of GAMA continued to occur into peri-urban areas where very little planning and development controls are applied. Regardless of these laws and strategies, a recent study on the spatial expansion of GAMA by Agyeman (2015), using Landsat images of 1986, 2000 and 2014 (see Figure 3.5) reveals that GAMA has experienced extensive urban growth. In 1986, the built-up area of GAMA was 330,893.10 hectares. This increased to 591,686.10 hectares in 2000 and subsequently to 660,373.20 hectares in 2014. Observably, the sprawl of Accra and the development of its peri-urban areas has almost doubled from 1984 to 2014.

**Figure 3.5: Satellite images showing the expansion of GAMA in 1986 (A), 2000 (B) and 2014 (C)**



**Source: Agyeman (2015)**

The fragmentation of the metropolitan area into municipalities and districts by governments to enhance decentralisation of policies further hindered coordination between the inter-government agencies responsible for planning and development controls in GAMA (Owusu, 2008). Inadequate municipal planners, ineffective monitoring and evaluation systems, the corrupt attitude of some city officials, the lack of political will, in addition to inadequate resources to support new municipalities further contributes to the recent unguided and unplanned developments in GAMA (Songsore et al, 2015; Owusu, 2013; Owusu, 2008).

### **3.4 Land Tenure Systems and the Land Market in Greater Accra Metropolitan Area (GAMA)**

In Ghana customary institutions (stools and families, clans) own and controls larger portions of land (almost 80%) with the state owning and controlling 18 percent acquired through eminent

domain (Ubink and Amanor, 2008; Kasanga and Kotey, 2001). The remaining 2 percent are vested land, which are held in trust by the state and on behalf of the customary institutions (Kasanga and Kotey, 2001). The typology of land tenure and its associated interests in Ghana and by extension GAMA is outlined in Table 3.1. These tenure systems and its associated interests have been shaped by different colonial and postcolonial policies, which are discussed in section 3.4.1 and 3.4.2. Similarly, the ownership of land in GAMA is also largely customary, with the state and controlling a small portion of the land (Yeboah and Shaw, 2013; Ayee et al, 2008; Ubink, 2008; Kasanga and Kotey, 2001). According to Sackeyfio (2012 p. 296), the ownership of land by families and stools dates back to pre-colonial days, where Accra (indigenous Ga communities) ‘managed the land it occupied along with property considered to be hunters’ land, that is originally inhabited by hunter groups’. ‘Hunters land’ are parcels of land located inland of farming communities and were the property of some families who were residing in Accra Township and the progenies of hunter groups (Sackeyfio, 2012). Following the history of Accra and its peri-urban areas, it is estimated that under the customary tenure, families and clans own more land than the Stools.

**Table 3.1 Typology of land tenure and its associated interests in Ghana and GAMA**

<b>Land tenure system</b>	<b>Type of interest</b>
<b>Customary</b>	Allodial
	Usufructuary
	Leasehold (Tenancies and farming rights)
<b>Statutory</b>	Freehold
	Leasehold

A major feature of the customary land system in GAMA is the co-existence of different interests in land (see Table 3.1). These include the allodial title, the usufructuary estate, the tenancies and farming right (Ako-Agyei, 2011; Kasanga and Kotey, 2001). The allodial interest is identified as the highest form of interest in land under the customary ownership of land with features of absolute and ultimate authority with the management of land (Kasanga and Kotey, 2001). Families and

communities own this right for being the first settlers on the land. The family head or chief becomes the steward of the land and is responsible for its management including, arbitration during conflicts (Kasanga and Kotey, 2001). The usufructuary estate are entitlements owned by members of the family or community who inherit or request to use any portion of the land for farming, building or any other activity. With legitimacy from the family head or chief, usufructs only lose possession when he or she abandons the land (Arko-Agyei, 2011; Mahama and Dixon, 2006). This right can be extended to interested persons for use however, outright allocation to other individuals by the usufructs ought to be sanctioned by the family head or chief (Arko-Agyei, 2011). The tenancy or farming rights according to Arko-Agyei (2011), are ‘contractual arrangements’ established between allodial or usufruct titleholders and new settlers, who are mostly farmers. This right is characterised by a defined time, which allows a stranger to cultivate a parcel of land and give a defined portion of proceeds to the landowners as ‘rent’ on land use or affirmation of allodial or usufruct right over the land (Arko-Agyei, 2011). The two well-known tenancy arrangements are the *abunu* (where a farmer divides the yield into two equal parts and give a portion to the landowner) and *abusa* (where the farmer divides the yields into three portions and keep two and give the other portion to the landowner) (Arko-Agyei, 2011 p.60). In recent times, where land use has extensively transformed, this tenancy or farmer arrangements is fading as more people are acquiring the land for housing.

The aforementioned rights (particularly, allodial and usufructuary estates) are transferrable through gifts, rents, grants, inheritance, pledges, sale and lease under the customary tradition (Sarkeyfio, 2012; Ubink, 2008; Agbosu, 1990). However, current constitutional provisions of the country permit customary leasehold as the legal form of land transfer. Leaseholds are time-bound and require legal legitimacy through land registration from state institutions. Statutory land tenure as shown in Table 3.1 indicates the ownership and management of land by the state. Statutory tenure evolved following the introduction of colonial and postcolonial land ordinances, which validated the state ownership of land for public use. As discussed in subsequent sections, colonial policies and postcolonial led the state to possess freehold interests on land towards the development of public infrastructure and utility. Under statutory tenure, the general public can only obtain land through leasehold interest for up to 99 years and 50 years for Ghanaians and foreigners respectively.

In the Greater Accra region, most families follow the patriarchy system. Hence, the transfer of land through inheritance is through male members of successive generations (Arko-Agyei, 2011). Furthermore, historical account reveals that the cost of land transfers in the past did not involve a monetary transaction, rather the presentation of customary drinks as a way of acknowledging the owners of the land (Kusaana and Gerber, 2015; Ubink, 2015). Also, most of the rules and regulations guiding land transaction were oral and based on cultural values (codes and conducts of the community) until 1830, when written transactions were introduced (Sackeyfio, 2012). The recent transformations occurring on customary land in GAMA are discussed in subsequent sections.

### ***3.4.1 Land Tenure in the colonial era***

The introduction of colonial ordinances redefined the meaning, value and acquisition process of land (Sackeyfio, 2012), particularly in Accra, where the colonial administration and governance was more intense. This was as a result of the introduction of ordinances and laws to guide the transaction and management of customary land during the colonial era. Significant among these ordinances include the Public Lands Ordinance in 1876, which allowed for the compulsory acquisition of land for public use. As highlighted in Table 3.1, the compulsory acquisition of land from stools and families provides the state with a freehold interest in land, which enable the state to utilise the land for infrastructure development as well as lease it to individuals and other actors. The provision of compensation for the families and stools whose land was compulsorily acquired by the colonial government therefore set out the monetary value of land. As such, the commodification of land became a significant feature within the land market as a result of the competing interests involved (Appadurai, 1986; Sackeyfio, 2012).

The influence of the British colonial rule further created some levels of tension between parties with various interests in land. Common among these were the intrafamily conflicts, emerging from inheritance problems and the evolution of social relations within families. There were also pockets of chieftaincy and land conflicts resulting from the compulsory acquisition of land and the problem of non-payment of compensation, as well as the quest to control land within state structures (Sackeyfio, 2012). Conflicts over land however increased steadily in GAMA within three decades into the twentieth century (Sackeyfio, 2012). Given that Accra does not have any mineral resources

and reserves such as gold, diamond, bauxite among others, the Ga people, therefore ‘capitalise on land as a resource with cash value’ (Sackeyfio, 2012 p.303).

### ***3.4.2 Land tenure in the post-colonial era***

Even though post-colonial laws on land (started in the 1950s) did not explicitly target land management in GAMA, its national scope influenced customary land management in Accra and GAMA. Key among these laws include the Local Government Ordinance 1951, Stool Lands Control Act of 1960 (ACT 79), coupled with reforms such as the Administration of Lands Act of 1962 (ACT 123), State Land Act of 1962 (ACT 125) and the Land Title Registration Law (PNDCL 152). These laws among others contributed to the setting up of organisations and government agencies, which managed land in the country. These laws targeted the equipping of the state with significant powers to manage the land at the same time weakening the financial powers of the chiefs in the transaction of land (Arko-Agyei, 2011; Aryeetey et al., 2007). Among these powers included acquiring public lands for freehold interests (see Table 3.1), collecting land revenues and providing security for land transactions through land registrations.

The colonial era can be said to have commenced the co-existence of formal and customary institutions in the management of land in Accra, however, the introduction of aforementioned state regulations can be identified as the period that heightened the co-existence of multiple institutions in the management of land in GAMA (Boamah and Walker, 2016). That is, even though the land is largely managed (ownership, pricing and allocation) by customary institutions, the state and city authorities are also responsible for granting security, legal legitimacy and planning frameworks and strategies in GAMA. For instance, a land buyer who buys land from a family head or chief is required to undergo a registration process for a land title at the land registration institution of the state (The Land Commission). As highlighted in Table 3.1, leasehold has become the legally recognised form of land transfer within the customary land transaction process. Various studies (see Boamah and Walker, 2016; Arko-Agyei, 2011; Arku, 2009) argue that the different orientations of both the customary and the state institutions and more importantly, the complexities in land registration processes, highlights and deepens the problems of the dual institutional framework in land management. The SAP further heightened the commodification and privatisation of land in GAMA. This was advanced by rapid infrastructural development, which characterised Accra’s growth (Yeboah, 2003). More importantly, the rise of middle-income



Ghanaians, who required housing infrastructure further led to the increasing housing development in Accra (Arku, 2009).

Ghana as a multi-party state has experienced a number of different political ideologies that has directly or indirectly shaped land administration. Colonial legacies for instance, allowed customary institutions to have the power in land administration and this has been intact over the political periods and has generally not been challenged by political parties' ideologies. Also, postcolonial periods between the 1980s and 1990s witnessed the emergence of a social democratic ideology under the Provisional National Defence Council (PNDC). This era saw a pro-market shift in land policy and management, which led to the replacement of deed registration with land titles in 1986 (through the Land Title Registration Law) and the introduction of land policy in 1999 to ensure the efficient use of state land for development (Obeng-Odoom, 2016).

Similarly, in the 2000s (2001-2008), the New Patriotic Party (NPP) proposed the idea of property owning democracy and implemented the National Land Policy through a number of programmes (Obeng-Odoom, 2016). Significant among these was the launching of the Land Administration Programmes in 2003. The programme was in two phases; the Land Administration Project I (2003-2010) and Land Administration Project II (2011-2014). The implementation of the LAP had four main components. The first included institutional reforms which consolidated the four land sector agencies into the New Lands Commission, established Customary Land Secretariats, the Specialised Land Courts in 2012, the Alternative Dispute Resolution centres (2010) and the Land Act, 2016 among others. The second component sought to harmonising existing land policies with the third involving effective monitoring and evaluation practices. The last component sought to make the Lands Commission a market oriented one with the state removing itself from the control of stool land (Obeng-Odoom, 2016). Therefore, it is evident that different political parties did impact land administration practices, however, their ideologies generally focus on land reforms and land management rather than redefining tenure systems. As observed by Obeng-Odoom, (2016 p.667), that 'while political parties have largely differed in orientation and recently in rhetorical stance, there are hardly any major difference or plans to change Ghana's land economy'. Accordingly, the ineffective implementation of these reforms is the result of the uncertainties and complexities facing land administration in current times.

The increasing focus on peri-urban lands in GAMA in recent times have drastically altered the land use, land value, land market and the tenure systems in peri-urban areas. Following the increasing demand for land, it is observed that these peri-urban lands, which are largely agrarian, are under rapid conversion into residential and to some extent, commercial uses (Ubink, 2008; Owusu, 2013; 2008; Gough and Yankson, 2000). Similarly, customary tenure is also being significantly transformed. Some studies have evidenced growing private ownership of tenure resulting from the increasing rate of leasehold for housing development (Owusu, 2013; Wehrmann, 2008a; Yeboah, 2003; Gough and Yankson, 2011; 2000; Kasanga, 1999). Durand-Lasserve (2005) argues that increasing demand for land resulting from commodification accounts for the evolution of new customary tenures such as private individual tenures, dominated by new settlers. Additionally, increasing land prices resulting from commodification has further increased the sale of land in GAMA. A survey by one of the electronic media, Citi Newsroom (2018) reveals that the cost of land (one plot) in Accra and its peri-urban areas has increased by 450% within the past decade. A case in point is the current prices of one plot of land (100 × 70 feet) which ranges between C8000 (£1,300) - C40000 (£6,200).

It is therefore argued that the recent transformation of tenure and the land market, in general, is accounting for increasing conflicts over the ownership, sale and use of land (Barry and Danso, 2014; Ubink, 2008; Gough and Yankson, 2000; Owusu, 2013; Ayee et al, 2008; Sackeyfio, 2012). The numerous chieftaincy disputes dotted across GAMA, resulting from competition over who becomes the next chief (after the incumbent one passes on) have been identified as outcomes of tenure transformation (Barry and Danso, 2014; Ubink, 2008; Ayee et al, 2008). Consequently, the quest by different actors to safeguard land from other competing interests has led to the emergence of land guards in most of these peri-urban areas (Bansah, 2017; Badong, 2009; Darkwa and Attuquayfio, 2012; Tettey et al, 2008). A study conducted by Darkwa and Attuquayfio (2012), in the Greater Accra region, reveals different categories of land guards whose activities go beyond land protection to extortion and destruction of property (see Table 3.1). A fundamental difference between the categories is that while some of the land guards evolve from the community and are legitimised by the stool or family, others originate from outside the community. A key similarity among them is that they all engage in land protection, demolition of property and extortion.

**Table 3.2 Classification of Land guards**

<b>Land guard Categories</b>	<b>Origin</b>	<b>Characteristics</b>
Community land guards	Stool/family or clan	Defenders (aimed at protecting their communal property) Contend with the illegitimate sale of land, particularly by chiefs or family heads Temporal existence No remuneration
Amateur land guards	Community youth or youth from other communities	Exploit landowner and developers extortionists - Impose levies (digging fees)- as remunerations Acts of vandalism
Warriors of the land (Asafo)	Traditional authority	Assist traditional institutions in land demarcation Collection of levies as remunerations
Land guards under identifiable hierarchies	Usually, originate from elsewhere (usually versatile)	VIP protection Elimination of threats (opponents) Ruthless and fearful

**Source: Analysis is by the author based on data from Darkwa and Attuquayfio (2012)**

Despite the fact that political parties are not found to be directly involved in land conflicts, empirical evidence suggests how some well-connected politicians use their social relations with political parties either in power or in opposition to influence land conflict processes including land adjudication practices (see Bansah, 2017). It is further suggested that some politicians also use their position to hire landguards (landguards of identifiable hierarchies) to intimidate landowners and other housebuilders, with periodic support from state security (Bansah, 2017; Darkwa and Attuquayefio, 2012). These exploitative practices and political interferences deepen the uncertainties associated with land access and significantly, frustrate the state interventions in mitigating land conflicts and its associated problems such as landguardism.

Recently, the Vigilantism and Related Offences Act (2019) has been established to disband political vigilantism and the problem of ‘landguardism’. The passing of this act to some extent highlights the close interrelatedness of political actors and land conflicts. That notwithstanding,

and observing this development from an ideological point of view, the combination of both cases of political vigilantism and landguardism under one act does not effectively solve the latter given the composition, complexities and dynamics underpinning the development of landguardism. For instance, while political vigilantism is associated with political parties and derives its support from these parties, landguardism on the other hand is associated with a myriad of causes such as poor land management, unemployment and weak institutions (See Bansah, 2017; Badong, 2009). As argued by Darkwa and Attuqyaefio (2012), the illegal nature of landguardism is causing some individual landguards to present themselves as community watchdogs. Therefore, presenting both cases in the same act may limit the effective implementation strategies to eliminate landguardism.

The Land Administration Programmes as discussed earlier has also enhanced the process of land title registration. Ehwi and Asante (2016), reveals that the turn-around time for land registration process has been reduced from 36 months to 3 months. Also, the Vigilantism and Related Offences Act (2019) for instance states explicitly in Clause 6 that ‘a person is prohibited from facilitating, organising or promoting the organisation of land guards for the purposes of protecting or guarding land or property or engaging a land guard to protect or guard the property of that person or any other person’. However, inadequate resources, the ineffectiveness of these institutions, coupled with bribery and corruption on the part of state officials have resulted in exacerbating land conflicts in most peri-urban areas of Accra (Darkwa and Attuquayfio, 2012; Ayee et al, 2008). The interplay of customary laws and modern laws in the management of peri-urban lands, coupled with the ineffective coordination of land administration and management institutions have further created more difficulties in ensuring an effective land market in peri-urban Accra.

### **3.5. Housing development in GAMA**

Similar to other parts of the country, housing development in GAMA is largely by private individuals (self-built housing), followed by real estate developers and government. Although state-provided houses have been in existence (in both the colonial and postcolonial era), these have not been adequate, and even so, very specific population groups such as civil and public servants have been the target (Arku, 2009; Tipple and Korboe, 1998). Consequently, about 90 per cent of housing developed in Accra and Ghana as a whole is self-built (Gillespie, 2018). According to Yeboah (2003), the culture of individuals putting up their own houses in Ghana comes from a

societal configuration whereby building your own house provides some sort of fulfilment and adds prestige to an individual. This has characterised most of the indigenous population living in Accra, as many families build large compound houses (a shared house with many rooms and large compound) to accommodate their families.

Although the country lacked a comprehensive urban housing policy framework during the post-colonial era, the establishment of the State Housing Corporation (SHC) in 1956, and the Tema Development Corporation (TDC) in 1952, to increase housing units in Ghana, is described as the active period of government's intervention in housing provision (Gillespie, 2018; Ghana Statistical Service, 2014; Tipple and Korboe, 1998). Additionally, the First Ghana Building Society (FGBS) and the Bank for Housing and Construction (BHC) were established as government-owned financial institutions to enhance public housing financing and provide cost-effective houses in administrative capitals including Accra (GSS, 2014). Tipple and Korboe (1998) states for instance that about 24,000 housing units were built between 1957 and 1990. Nonetheless, individual housing development continued to increase.

As discussed earlier, the SAP in the mid-1980s to early 1990s affected the state's engagement in housing development given its withdrawal from social housing provision (Arku, 2009). Evidence of this neglect, among other factors such as increasing corruption on the part of public officials and inadequate financial capacity to run the institution, led to the privatisation of the State Housing Corporation to become State Housing Company in 1995 (see State Housing Company, 2019; Gillespie, 2018). The current State Housing Company aims at providing housing units for local authorities, government agencies and private individuals (State Housing Corporation, 2019). The SHC website reveals that currently, there are only 27 estates under its management (State Housing Company, 2019) in the Greater Accra region. At the same time, the SAP paved the way for real estate developers, particularly in GAMA to join the housing market in producing housing infrastructure for the population (Grant, 2001). A major company that has contributed significantly has been Regimanuel Gray Estates, which was one of the first real estate developers in Accra (Yeboah, 2003). Much of the houses built however were targeted at the high-income earners.

Housing policy in the post-SAP era, particularly from the mid-1990s until present had largely remained the same with significant emphasis on the private sector in housing development (GSS,

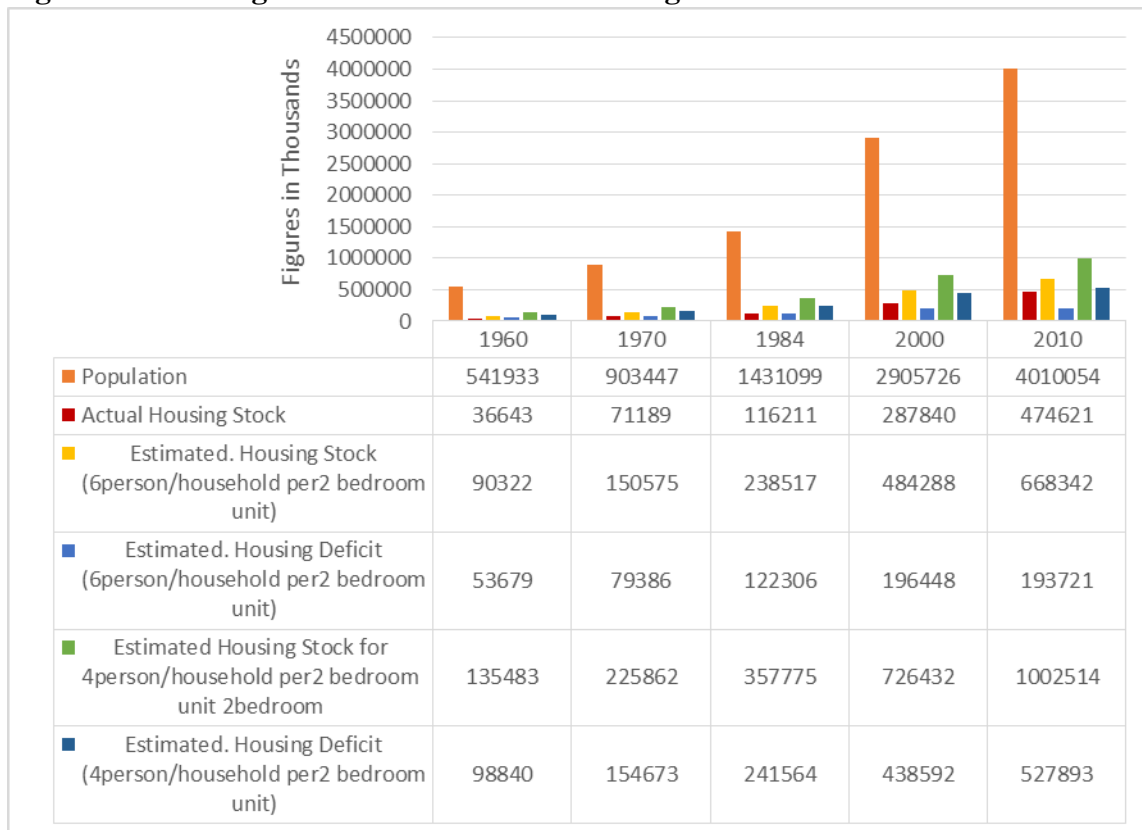
2014). However, the National Shelter Strategy formulated by the Ministry of Works and Housing in 1993, was established to enhance the accessibility of shelter to the poor, promote private sector engagement in housing and improve the quality of shelter through upgrading (Yeboah, 2005; Tipple and Korboe, 1998). The policy was however criticised for not meeting the needs of the poor as it focused on the private sector housing providers including the real estate companies and individuals by providing an enabling environment for housing development (Yeboah, 2005).

The Ghana Real Estate Association (GREDA, 2018), reveals that the demand for housing in GAMA has led to the increase in the number of private real estate companies in the country, particularly, Accra. A number of them include Apollonia Development Limited, Castle Gate Estate Ghana Limited, Christian Estate Developers, Devtraco Limited, Top Kings Limited, Manet Housing International, Murphy International and Trassaco Estate Development Company Limited among others. These companies range from small to big local and multinational companies who are developing numerous units of housing for people. Given that the houses developed by these real estates are expensive, coupled with the lack of mortgage facilities, access to these forms of housing largely remain out of reach for the majority of the city's population (CAHF, 2019; Arku, 2009). The cheapest newly built houses delivered by some real estate companies such as Blue Rose Limited and Damax Construction Limited cost ₵108,800 (£ 15,106.34) and ₵136,000 (£ 18,882.92) respectively (CAHF, 2019). In a speech delivered by the Vice-President of the Republic of Ghana on mortgages in Ghana, he revealed that 'in terms of the affordability to income ratio, we (Ghana) have some of the highest cost of housing to income in the world..., our mortgage market is however very rudimentary, it is not developed' (Citibusinessnews, 2017). This statement sums up the key challenges and underdevelopment of housing financing in Ghana.

The National Housing Policy of 2015 is the main policy guiding housing development in Ghana including Accra (Ministry of Water Resource, Works and Housing, 2015). Its key aim includes creating an 'enabling environment for housing delivery' especially for the low and middle-income population (CAHF, 2019; Ministry of Water Resource, Works and Housing, 2015 p.7). Similar to the era just after colonial rule, the current housing strategies are fragmented and characterised with target-specific projects for civil servants and the security services. In the 2019 budget statement, for instance, 320 housing units had been earmarked to be developed for the Security Agencies to

augment the already completed 368 (CAHF, 2019). Additionally, funds have been secured by the Government of Ghana from the United Nations Office for Project Services (UNOPS) to provide 100,000 housing units over the next five years for civil servants. A recent affordable housing project known as the Saglemi Housing project was started in 2012, aiming at providing 5000 units of affordable housing, which will be mortgaged to the public. Although completed, this has not been occupied yet. The plight of government’s inability to provide affordable housing and the high cost of housing on the part of real estate companies over the years has contributed to the deepening housing deficit in GAMA, Greater Accra region and at the national level (See Figure 3.6)

**Figure 3.6 Housing Deficits in Greater Accra Region 1960-2010**

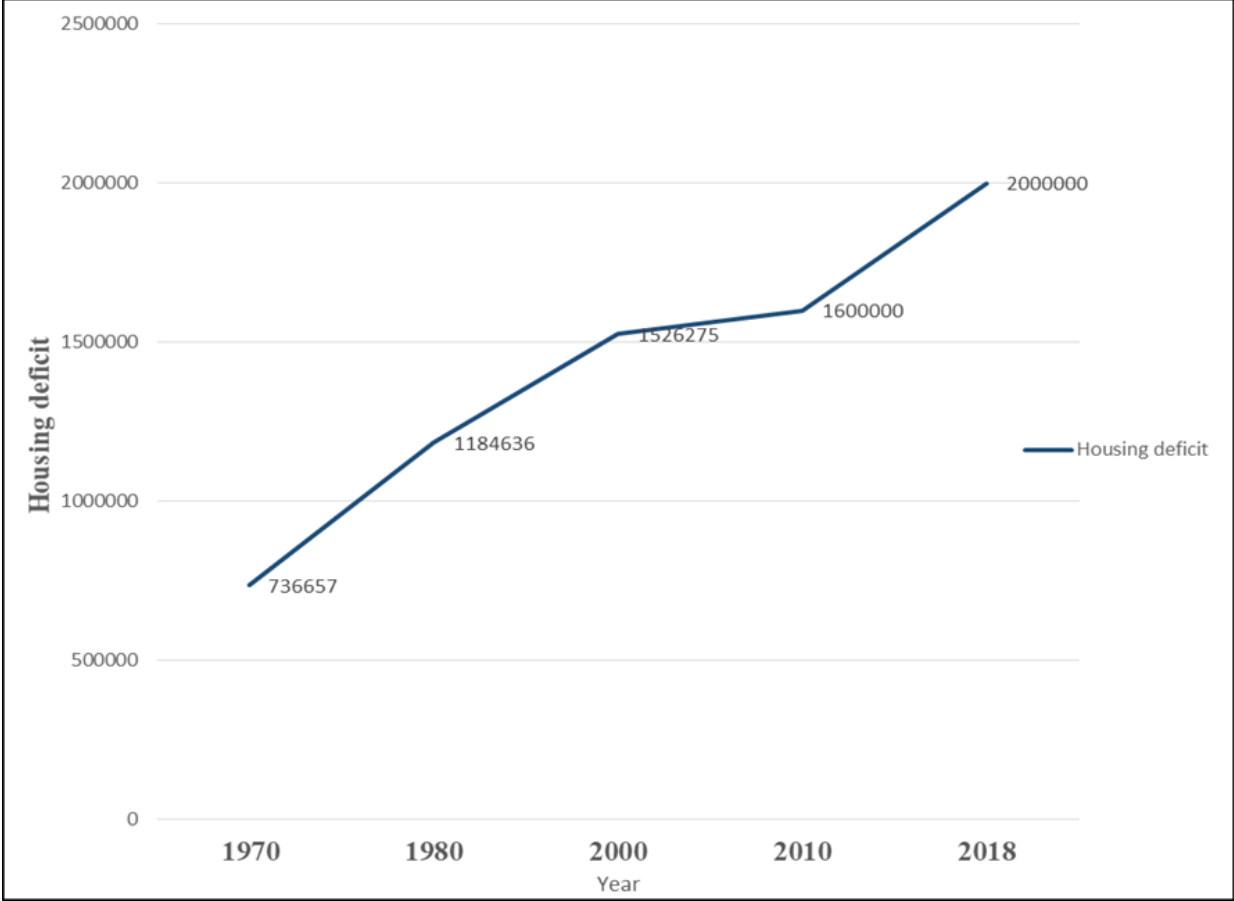


**Source: Analysis is by the author based on data from GSS (2014)**

Figure 3.6 shows the housing stock and housing deficit in relation to population increase in the Greater Accra region, which includes the AMA and GAMA. Observably, the region is experiencing consistent housing deficit. That is, the data reveals a steady trend where the actual housing stock provided over the years is not at par with the increasing population. The increasing housing deficit in the Greater Accra region is consistent with national figures as the overall

cumulative housing deficit of Ghana (see Figure 3. 6) has been experiencing a rapid increase from 736,657 in 1970 to 2,000,000 in 2018 (MWH, 2018; Awuyafoge, 2013). The various factors discussed above constitute the cause of both regional and national housing deficits. It is estimated by the GSS (2014), that shelters that are not habitable due to inadequate conditions and with the high dilapidating state, such as slums, are not considered in the housing deficit computation, hence existing figures could be underestimated.

**Figure 3.6 Ghana’s Housing Deficit Between 1970 to 2018**



**Source: Author’s construct with data from Awuyafoge (2013), UN-Habitat (2010), GSS (2005), citinewsroom.com (2019).**

Consequently, the peri-urban areas of Accra have largely become the target for housing development for individuals due to the availability of land and its relatively cheaper cost. Additionally, the increasing cost of rent in the city and the dominant practice requiring payment



of one to two years rent advance as against the legal six-month rent advance (Rent Act 220 of 1963 (CAHF, 2019) has compelled most individuals to acquire land and build in peri-urban Accra. Of much significance to the development of housing by private individuals is the increasing cost of building materials and limited credit facilities in the country, which hinders individuals from acquiring their houses (Asiedu, 2007; Teye et al., 2015). The few available credit facilities in the country have high interest rates, and unfavourable loan conditions such as high-value collaterals, which discourage private individuals from accessing these financial facilities (Teye and Asiedu, 2015; Asiedu, 2007). A study by Warnock and Warnock (2008) on housing financing systems in 62 countries including Ghana revealed that Ghana ranked the lowest in areas of housing finance, proportionate to the Gross Domestic Product (GDP). Consequently, the majority of housebuilders depend on personal savings, and informal loans from families and friends coupled with support from local artisans and contractors in building their houses (CAHF, 2019; Yeboah, 2005). The consequence is the incremental nature of housebuilding, where individuals take between 5 and 15 years to build a house (CAHF, 2019). The incremental building continues to dominate housing development due to its affordability and convenience (CAHF, 2019).

The above-mentioned factors undeniably highlight the challenges of housing development in GAMA, especially, among individual housebuilders. Nevertheless, this thesis argues that conflict over land has become a significant factor adding to these challenges and deepening the problems associated with housing development. Therefore, the thesis adds to this set of debates by exploring how land conflict and its associated problems such as landguardism constraint housing development processes among individual housebuilders in peri-urban Accra (Ayee et al, 2008; Owusu, 2013; Darkwa and Attuquayfio, 2012; Ubink, 2008). Tenure security is said to enhance quality housing development and ensures the protection of housebuilders against forceful eviction, loss of land, corruption and intimidation from state officials (UN-Habitat, 2003). However, tenure insecurity in GAMA continues to be a major challenge to housing development causing delays in the building process and resulting in poor housing qualities (Obeng-Odoom, 2011; Wehrmann, 2008a; Gough and Yankson, 2011; 2000). Consequently, a large percentage of houses found in peri-urban Accra are found at various stages of development (Gough and Yankson, 2011; 2000; Yeboah, 2003; Owusu, 2008). The empirical section of the thesis explores these issues further.

### 3.6 Conclusion

This chapter discussed the historical, spatial, institutional and governance structures and processes that have guided and shaped the geographical space, population, land tenure systems and housing development in GAMA. It argues that the footprint of colonialism has greatly altered the spatial development, planning processes, land management and to some extent, housing development in present GAMA. A major post-independence policy, the ERP under the SAP among other political factors accounted for rapid population growth, economic development and spatial expansion of GAMA. Given the neoliberal orientation of the policy, various aspects of the economy were privatised. The chapter further argued that trade liberalisation and foreign direct investments, for instance, resulted in the emergence of private companies and the proliferation of forex bureaus. This among many other policies transformed almost every aspect of GAMA.

Land in GAMA, which is largely controlled by customary institutions chiefs, families and clans, have transformed in terms of land use practices, planning and tenure systems. It was observed that colonial and post-colonial policies transformed the land from a communal resource to a commodity, giving the land market an economic value. To this end, individual land ownership (particularly new settlers) has become the new form and dominant tenure, a development that departs from the communal land tenure system. Although several planning policies have been formulated, ineffective implementation and inadequate capacity to contain the growth of GAMA has resulted in haphazard development and increasing urban sprawl in peri-urban Accra.

Increase in population of GAMA is associated with increasing housing deficits. Since the State took a backstage position in housing development from the SAP era onwards, some real estate companies have emerged to increase the housing stock in GAMA. Nonetheless, the high costs of these houses, amid underdeveloped mortgage facilities have deterred many people from patronising it. Also, fragmented state housing strategies and target-specific policies do not meet the needs of the poor and low-income people, who form a significant part of GAMA's population. Consequently, self-built housing continues to dominate the space of GAMA, even though its development processes are faced with financial constraints and tenure insecurities. This thesis builds on these arguments to examine the role of conflict over land in shaping housing

development. The next chapter discusses the research methodology informing the research and arguments of this thesis.

## CHAPTER FOUR

### METHODOLOGICAL OVERVIEW

*‘Social science is not an experimental science in search of laws but an interpretative science in search of meaning’ – Clifford Geertz (1973:5)*

#### 4.0 Introduction

With the study’s aim of investigating the relationship between land conflict and housing development in peri-urban Accra, this Chapter discusses and justifies the methodological approach and methods that were adopted to conduct the study. With a focus on the processes of individual housing development, the Chapter discusses how social constructivism as a philosophical approach underpins an exploration of the lived experiences of individual housebuilders in navigating through land conflict in their building processes. Additionally, the chapter justifies the use of a case study approach and qualitative methods including interviews and observations as the appropriate strategies applicable to investigating the nuances of land conflicts and how they affect housing development in peri-urban Accra. It also discusses how the data generated was analysed. Furthermore, a brief history and socio-economic characteristics of the case study communities are highlighted. Finally, the Chapter addresses the reflexivity and positionality of the researcher, as well as the ethical issues raised in the entire process of data collection.

#### 4.1 Methodological Approach: *The Philosophical Perspective*

The quest to understand knowledge, its composition and how it is generated in social science research has largely been debated using several research paradigms, defined by Guba and Lincoln, (1994: 105), as ‘the basic belief system or worldview that guides the investigator, not only in choices of methods but in ontologically and epistemologically fundamental ways’. Understanding research paradigms and their ability to inform and guide research enquiry evolves around three closely related queries; ontology – which enquires the nature and form of reality; epistemology – which queries the nature of knowledge; and methodology – which examines the process of obtaining knowledge (Guba and Lincoln, 1994). Accordingly, gaining insight into these queries about what elements to research and how to research them guides against ‘persistent sceptical doubt which raises argument to the effect that we can never truly know anything about the real,

external world, can never legitimately, and with full confidence, claim to know anything' (Hughes and Sharrock, 1997:4). As such, reduction in this scepticism is enhanced by the possibility of researchers to use appropriate methodologies in conducting scientific enquiries. Additionally, the possibilities of research being judged as valid, coherent and having integrity are established.

The challenges of housing provision are one among the many global challenges facing city authorities and governments in the world. As a subject, the heterogeneous nature of housing provision systems, coupled with multiple policy domains and the multiplicity of institutional structures broadens the scope of housing studies and further create huge challenges to housing research (Maginn, Thompson and Tonts, 2008). As such, different approaches reflecting diverse ideologies have been adopted by policymakers and researchers to study and resolve housing problems (Maginn et al., 2008). Drawing on the methodologies of housing research, Maginn et al., (2008: p.6), asserts that housing problems in their simplest term orbits around three 'basic inter-related factors-*quantity, quality and accessibility*'. This, according to their research, positions housing studies within the perspective of quantitative research, focusing on areas such as demand and supply (quantity), (un)affordability (accessibility) and proportion of housing stock considered inhabitable (quality). Given that other analyses are oriented towards qualitative research, Maginn et al's (2008) classification present only one of the interpretations of how housing research is categorised.

Concluding on the above, Maginn et al., (2008: p.9) reveals that such approach (i.e. one that is largely quantitative) to solving housing problems (though important) is unlikely to attain 'universal impact across all target groups afflicted by the various housing problems'. This is because, the complex nature of the housing problem is beyond just numeric evaluation and requires a thorough analysis to understanding the housing phenomenon (Maginn et al, 2008). This call for a holistic evaluation and approach to housing issues, taking into account the socio-economic, cultural, and political contexts to housing development. Particularly with the focus of this thesis, adopting a holistic approach ensures an in-depth understanding of how factors such as land conflict influence housing development. It is therefore critical to examine the socio-political issues surrounding housing since much of the studies conducted have historically and largely been quantitative.

Given the uncertainties and multiple factors surrounding housing issues, particularly in the global south, the adoption of a different approach such as a qualitative method to examine individual housing development processes unpacks the complexities and detailed conditions associated with building in peri-urban Accra. Accordingly, the study draws on the interpretive approach as a philosophical lens to understanding the nuances and lived experiences of residents in their quest to provide housing for themselves and their families. The interpretive approach is underpinned by the ontological stance that there is no single reality or truth in the world (in this case, no single approach to understanding individual housing development processes in peri-urban spaces) rather, there are multiple realities embedded in the actions of social actors, i.e. stakeholders involved in land and housing development practices (Bryman, 2012). That is, scientific knowledge is not independent of the human mind, rather it is relative and constructed through everyday values, culture and lived experiences of people (Creswell, 2013; Guba, 1990).

Following this ontological stance is the principle of the epistemological position of the social construction of realities, where the emphasis is placed on the comprehensive understanding of reality based on the beliefs, practices, and lived experiences of social actors (Bryman, 2012; Gray, 2014). This stance allows the study to probe the uncertainties surrounding housing development in peri-urban Accra taking into consideration the belief systems and lived-experiences of individual house builders, which are shaped by socio-economic, cultural, historical, and political factors. This resonates with Weber's central claim of *Verstehen*, which hypothesises that engaging the subjective understanding of people about phenomena (individual housing development) is embedded in their beliefs and the interpretations of their actions (Goran and Goldkuhl, 2012).

This interpretive stance permits the study to capture the wealth of experience and understanding of housing development processes in peri-urban Accra, a space characterised with an aggressive land market system, multiple land management structures and complex power relations and interests. It also enhances the researcher's ability to interpret and construct meanings embedded in the views of the research participants (Creswell, 2013) who include housebuilders, land sellers, chiefs, state actors, and other stakeholders in the land and housing sector. The interpretive approach resonates with the overall UPE theoretical framing given that processes of urbanisation in peri-urban areas do not only produce physical transformations but also, the meaning and social constructions that people create from the changes and processes of peri-urban transformation

(Zimmer, 2010). Against this backdrop, the study adopts a qualitative approach, which focuses on using narratives and non-numeric methods for data collection and analysis. This provides the thesis with a more detailed explanation and account of how the various research participants (actors) navigate through land management and its associated housing development practices. Moving forward, the next section discusses the case study approach to the study and justifies the qualitative methods used for data collection.

## **4.2 Research design and strategy**

### ***4.2.1 The Case Study Design***

The involvement of several actors and their complex interactions in the management of land and housing units in peri-urban Accra underpins the choice of using a case study approach for the study. This resonates with the idea of scholars (Gray, 2014; Muir 2008), that case studies are most useful in understanding and generating diverse perspectives of phenomena (in this case the peri-urban environments) due to their spatial focus, ability to use multiple research methods, the experience of multiple perspectives on a case and the depth and richness of data obtained. The study thus draws on the lived experiences, opinions and practices of diverse participants including state actors, traditional authorities, land sellers, housebuilders (developers) and other stakeholders such as the real estate developers influencing the land and housing sector in peri-urban Accra in relation to particular cases. The emphasis of a case study approach on ‘analysing complex and spatially based subjects’ (Muir, 2008 p.105) such as land, reinforces the focus of the research in responding to the transformation of the peri-urban and its associated developments.

The rapid development of GAMA positioned the study to select some cases, in the peri-urban communities for the research. This had become significant owing to the study’s aim of having an understanding of the ‘why’ and ‘how’ land conflicts evolve in peri-urban Accra. To this end, an embedded multiple-case approach (using multiple units of analysis) (Gray, 2014) was applied to select four peri-urban communities (the characteristics of these case study communities are discussed in section 4.7). This approach allowed the study to select the most similar cases (peri-urban communities) although with some notable differences. The similarities were based on locational characteristics and uncertainties of land tenure systems. The key differences identified among these cases include the diversity in tenure system (stool, family and religious land) and the

element of chieftaincy disputes within some of the cases. The dependence on similar multiple cases is intended to magnify the scope of the study, which examines peri-urban housing development processes. Although the role of the differences between the cases is less obvious in the study, highlighting its significance in the analysis unpacked the dynamics of how diverse peri-urban spaces with different features influence housing development. That is the selection of four cases was not towards making explicit comparisons, rather exploring the main unit of analysis that focuses on the experience of housebuilders in navigating through land conflict in peri-urban Accra. A major weakness of the approach is that the sub-unit analysis may become the focus of embedded designs (Gray, 2014). In this case, concentrating on the individual cases in this study was capable of overriding the broader analysis, which focuses on peri-urban Accra. This potential challenge was overcome in this research by significantly focusing on the broader analysis and arguments, and highlighting the differences as and where necessary. Considerably, an advantage of adopting an embedded multiple case study has been the ability of the study to replicate the findings across cases outside the study and also support the findings of studies in peri-urban areas in Ghana and beyond (Yin, 2009; Creswell, 2013; Gray, 2014). Additionally, using multiple case studies enhances the credibility of the samples adopted for the study (Patton, 1990).

GAMA was selected as the geographical area because of its national capital status, the largest urban agglomeration, and subsequently with high demand for land to accommodate the growing population. As discussed in Chapter 3, the intense transformation of GAMA is resulting in it becoming a contested space with extensive problems of landguardism. Though almost all peri-urban communities of Accra experience similar growth process and tenure insecurities, some communities are more intensive and persistent. As such, a standard criterion was set to select the communities that best describe the nature of these peri-urban areas for the study. These criteria were set to reflect the primary aim of the study thus, examining how peri-urban development and its associated land conflict are unfolding, and how they shape the processes of housing development in peri-urban Accra. These criteria included;

- the existence of diverse tenure systems such as stool lands, family lands and individual lands
- increasing residential development, particularly, individual housing delivery



- the rapid transformation of the land market and increasing sale of land to individual developers
- growing urban influence including the expansion of transport corridors, the establishment of educational facilities (particularly, universities), the opening of shopping centres (malls) and political upgrade of areas from districts to municipalities.
- the multiplicity of land management institutions – parallel management of land by traditional authorities and state actors
- Persistent cases of land conflicts – that are evidence of different types of land conflict
- increasing cases of land guard activities; the presence of land guards in the community and their footprints of causing threats and destructions of housing properties.

Based on these criteria, four communities namely; Oyibi, Abokobi, Achiaman and Oshiyie were selected among several communities in GAMA (See Figure 4.1). Settling on these communities was determined using the set criteria. This was done in consultation with the LUSPA Directors of the four municipal assemblies within which each of the communities are located, and with two geography professors at the University of Ghana. These were experts on urban and peri-urban issues in Accra and Ghana as a whole. In all these discussions, it emerged that the pattern of peri-urban growth in Accra was occurring in four broad zones; the southwestern, western, eastern and southeastern part of Accra and along four major transportation corridors (as discussed in Chapter 3). This does not mean that transport development is the only cause of peri-urban growth in Accra (see chapter 3). This informed this study to select the communities within the zones and along the transport routes. That is, Oshiyie was selected from the southwestern zone; Achiaman, from the western zone, Abokobi, from the eastern zone, and Oyibi, from the southeastern zone (Figure 4.1). It is worth noting that these zones fall within the broad administrative districts GAMA. A feasibility study was then carried out within the case communities to establish the viability of the cases.

**Figure 4.1 Map of GAMA showing the selected study communities**



**Source: Author’s construct (2019)**

### **4.3 Methods – a qualitative approach**

The study engaged the use of a qualitative approach for data collection and analysis, drawing on the triangulation of methods including interviews, visual images, observations and document analysis. Employing a number of these methods become necessary to unpack the increasing complexities associated with housing development, land ownership, land management and the process of land conflict. As Lund argued (2002), researching contested elements such as land is not about the actual object (land), or custom in itself but the meanings and arguments people make about these objects. This enhanced the contextual and in-depth understanding of how key actors within the peri-urban spaces interact and influence the land market and how their actions and inactions resulted in tenure insecurities (Muir, 2008 and Yin, 2009; Creswell, 2013; Gray, 2014). Going beyond the simple snapshot of land conflict events, the methods generated results on how land conflicts evolve and the motivation, prejudices and lived experiences of how individual

housebuilders navigated through the daily challenges of land acquisition for housing (Charmaz, 2006). Although tenure insecurities are not new in Ghana, the use of the qualitative method in this current study to investigate the transformation of peri-urban Accra provides additional insight and perspective to land and housing research in Ghana. As emphasised by Strauss and Corbin (1990), qualitative studies are useful in situations where comparatively little is known about a phenomenon.

The entire fieldwork for the various data collection process lasted for nine (9) months, and this was structured in two phases. The first phase spanned 7-months between September 2017 and April 2018. A significant amount of work was done during this phase and this included reconnaissance surveys of the communities, scheduling meetings with participants and the conducting of interviews and observations. The second phase happened between December 2018 and February 2019. This involved a follow-up on research participants. An in-depth discussion of the individual methods adopted for data collection is detailed below.

#### ***4.3.1 Interviews***

Semi-structured interviews with open-ended questions (see appendix 1) were employed to generate data on the knowledge and lived experiences of respondents (Mason, 2002a), to explore their views and interpretations of the realities surrounding housing development. Probing these experiences ensured the satisfaction of both the ontological and epistemological principles that legitimise the process of generating knowledge within qualitative research (Mason, 2002a; Gray 2014). The heterogeneous nature of the key actors (landowners, housebuilders, traditional authorities, state institutions, and other stakeholders) within the land and housing sector required the development of different strands of questions but with a general focus on land ownership and transaction practices, land administration, land conflicts and housing development practices.

In this stead, the interviews were conducted among five (5) categories of participants (see Table 4.1). The categories include; landowners hereafter called land sellers, individual land buyers hereafter referred to as housebuilders, state actors, traditional authorities (chiefs), and other stakeholders. In all, 70 interviews were conducted. Participants were given an information sheet (see Appendix 3). Upon agreeing to partake in the interview, a consent form (see Appendix 3) was given to the participant to sign. On average, many of the interviews took about forty (40) minutes

as the minimum duration and one hour, twenty minutes (1hour 20minutes) as the maximum duration. All interviews were audio-recorded except one, which involved a top-level state security official who declined the audio recording of the interview. In this vein, the discussion was recorded in a field notebook.

**Table 4.1: Category of interviews**

<b>Category of respondents</b>	<b>No of Interviews</b>
Land sellers	14 (at most 4 from each community)
Housebuilders	27 (at least 6 from each community)
Traditional Authorities	4
State Actors	24
Other Stakeholders (Ghana Real Estate Developers Association)	1
<b>Total number of interviews</b>	<b>70</b>

**Source: Field Data, 2017**

All participants in the research were first contacted through formal gatekeepers, namely individuals who were in official positions to permit the interviews to be conducted (Ahern, 2014). Gatekeepers at the state institutions included Chief Directors, Police Chiefs, Judicial Secretaries, and Municipal Directors who first received letters of the research activity and later assigned it to the respective officers for assistance. This allowed access to policy documents, datasets, and respondents in the various state institutions including the law courts, the police stations, the municipal assemblies, and the ministries. The gatekeepers in each of the community were Assembly and unit committee members who form the lowest unit of the decentralised system of governance in the community. These gatekeepers facilitated access to the community, especially the traditional leaders. Settling on the Unit committee and Assembly members as gatekeepers to the traditional authorities and other respondents was important given the sensitive nature of the research, which required some form of familiarity in the communities. Gatekeepers enhance access to vulnerable people when they observe researchers attaching respect and sensitivity to the entire research process and the participants (Ahern, 2014). The selection process of each of these

categories of respondents and the issues raised by these processes of selection are discussed in subsequent sections.

#### ***4.3.1.1 Land sellers***

This category of respondents encompassed traditional leaders, family heads, or clan representatives who are usually appointed by other family or clan members to be the custodian of community, family, or clan land respectively. The dominance of men in this role reveals the patriarchal nature of the Ghanaian societies, particularly GAMA where men control and manage family properties such as land. Affirming this, all land sellers interviewed were males. In recent times where the value and demand for land are high, these land sellers represent the communities, families, or clans in the sale of land to prospective clients.

Information on the land sellers was compiled from the traditional authorities in each of the four peri-urban communities. The study selected four (4) families within each of the communities to enable access to the family heads (Land sellers). However, in Oyibi, only two land sellers were responsive, that is the Chief and one other family head. The interview with the family heads took place in their private residence in the community. In other situations, where the participant was not available in their homes, a follow up was made to their workplace for the interview to be carried out. Issues that were discussed with the family heads focused on the history of land ownership, registration, and transaction processes. Cases of the current dynamics of the land market; how tenure insecurities evolved; the coping and adaptive strategies employed to safeguard land were also explored.

#### ***4.3.1.2 Housebuilders***

This category of respondents formed the majority of the research participants, given that the central aim of the study examined how housebuilders navigate through land acquisition and land conflicts to develop their houses. The focus on individual housebuilders further reflects their dominance in the housing development processes in GAMA, as discussed in Chapter 3. To this end, they become the most affected category of housing providers by the persistent and widespread land conflicts in peri-urban Accra.

Even though land conflicts among housebuilders are widespread, its sensitive nature, coupled with socio-cultural connotations (it is usually seen as shameful for one to engage in land conflict) in Ghanaian communities, meant that this sample population was not readily identifiable in the communities. Consequently, a typical case sampling method drawn from a purposive sampling technique was employed to recruit housebuilders who have faced or are facing land conflicts in their building process. The adoption of purposive sampling technique is appropriate for selecting particular populations who are known to provide vital and rich information on a phenomenon or particular event or experience (Gray, 2014; Maxwell, 1997; Patton, 1990).

The difficulty in identifying housebuilders through a single point of contact (way of access), resulted in the creation of several other points of contact to enhance access to these participants. At least four (4) points of contact to the housebuilders were established during the data collection process. The first point of contact was sampling housebuilders (clients) from land sellers. These land sellers provided the details of housebuilders who had bought parcels of land from them and subsequently resulted in conflict. A major challenge faced with this approach was the refusal of some housebuilders to participate in the study. These housebuilders were of the view that the land sellers actions had caused the insecurity to their land and therefore had no right to introduce anyone to probe them on the issue. That is, some of the housebuilders found the situation as absurd and a form of mockery by the land sellers hence refused to participate in the study. Housebuilders who raised the above concerns but ultimately gave consent to participate in the study were interviewed.

The second point of contact was at the various Police stations where a list of housebuilders with reported land cases was generated. The individuals were contacted on the phone and interview dates were scheduled with them. This access point was mostly adopted in Abokobi because information on these individuals was readily available. A personal approach to access individual housebuilders was also employed during observation sessions at the police station. This same approach was replicated at the court premises as the third point of contact with the assistance of the Court Clerks. The participants involved plaintiffs and defendants who have land issues in the study communities. The fourth point of contact involved a more ad hoc approach, which involved walking through the communities and into people's homes to introduce myself and inform them about the research. In instances where an individual affirmed their participation (i.e. a housebuilder in conflict or having experienced conflict), an information sheet was given out and subsequently,

the interview was carried out. Among these four points of contact, the approach that produced most of the participants was the ad hoc approach, followed by the introduction by land sellers, then the Police station and lastly, the courts.

Issues that were discussed with these participants centred on three key areas; land acquisition and registration processes; land conflicts, adaptive and coping strategies in protecting land and the effects of land conflicts on housing development. These discussions took an average of 35 minutes in the private homes of the developers. While at least five (5) participants were required from each community, seven (7) participants were gathered from Abokobi and Achiaman because of resident's willingness to participate in the study. The majority of the respondents in this category were males (21), with very few female housebuilders (6). Similar to the patriarchal system shaping land management, the lower number of women can be attributed to the dominance of male-dominated household heads in Ghanaian societies.

#### ***4.3.1.3 State Actors***

State actors in this context comprised of different government officials from the lower level to the top-level governance structure of the land and housing development sector. These include officials within the Ministries, Municipal and District Assemblies (MDAs) and Agencies. As such, participants were drawn from the Ministry of Land and Natural Resources, Ministry of Works and Housing, the Lands Commission and the Land Use and Spatial Planning Authority (formerly, Town and Country Planning Development). The interviews were held with Chief Directors, municipal and district planners within the ministries and MDAs respectively. The discussions centred on state policies covering urban and peri-urban land management, housing development policies and frameworks guiding spatial planning and development in GAMA. Furthermore, the challenges facing the MDAs in the implementation of these policies and the way forward for efficient land and housing development in Ghana were considered.

With the study involving elements of criminal and civil cases, the judiciary and some state security agencies were equally involved in the study. Specifically, the institutions contacted were the Judicial Reform Department, Monitoring and Evaluation Department, the Land courts established within the High court, and the District and Circuit courts. The participants included two Directors of the Ghana Judicial service, two Judges and two Court Registrars. The judges and the court

registrars were selected from the High court and a District court. The discussion with the judges focused on the changing civil cases and the current dynamics of land cases reported at the court. The challenges faced by the court in handling civil cases such as land were also discussed.

The final group of state actors interviewed were officers within two state Security Services in the country, the Criminal Investigations Department and the Ghana Police Service. Among the participants was a senior official of Land Issues within the Property Fraud Unit of the Criminal Investigations Department; two Crime officers of the Divisional Police Command and two Chief Inspectors of the District Police Stations across the study area. It is worth noting that while Oyibi and Abokobi had police stations located in the communities, residents in Achiaman and Oshiyie had to visit adjoining communities to access the services of the police.

The discussions with these state actors centred on the criminal aspect of land conflicts that are commonly experienced by land sellers and housebuilders. The discussions explored the ways the Ghana Police Service are adapting and managing the criminal related issues associated with land such as trespassing, causing damage to property, assault and murder. A major discussion was also held on landguardism and strategies set up to mitigate and eradicate the problem.

#### ***4.3.1.4 Traditional Authorities (Chiefs and Regents)***

Each of the four peri-urban communities visited has a traditional system of governance superintended by chiefs and their elders. These traditional leaders are usually responsible for the management of the community's resources such as land. The chiefs were visited with the help of the gatekeepers. In most Ghanaian communities, custom demands that no one goes to the Chief's Palace with empty hands, hence, a bottle of local gin (*Kasapreko dry gin*) and an amount of Ghs 50 (£8.00) was given to each of the Chiefs as a request to engage their attention in the research. A major challenge encountered in two of the communities (Oshiyie and Achiaman) was the problem of chieftaincy disputes. In Oshiyie, the legitimately enstooled chief had been exiled from the community and resides in one of the adjoining communities. A follow-up was made to this Chief and the interview was conducted in his private home. Attempts to speak to the 'current' chief in the community proved futile. In Achiaman, the chief continues to rule and live in the Palace although it is alleged that he has been distooled, resulting in many residents disregarding his authority. Nonetheless, he was interviewed. The interviews with all the chiefs focused on the



history of the community, land ownership, changing tenure systems, dynamics of the land market, land conflict evolution and the coping strategies adopted to reduce land conflicts in the community.

#### ***4.3.1.5 Other Stakeholders***

A major stakeholder within the land and housing sector in peri-urban Accra is the Real Estate companies. As discussed previously, the real estate companies engage in the housing sector mainly through the development of gated housing complexes for the urban population. In this regard, they primarily provide housing for the wealthier urban residents. Similarly, as it will be discussed in the empirical chapters, the role of real estate companies in relation to land conflict is complex and varied. They play a dual and at times contradictory role in relation to land administration. First, they provide positive support through largescale purchases of land, which they then arrange to be spatially planned, serviced and sold to individual people. Second, they contribute and deepen existing land conflict cases through instances of breach of trust with prospective land purchasers and housing developers. An example may be the inability of the real estate companies to fully pay for the cost of land acquired from families and stools, despite the complete development of the or subdividing it and selling it to their clients. This breach of trust result in stools and families reselling the same land to other people. The development of land in peri-urban spaces by real estate companies also contributes to the rise in costs of land and housing in these parts of the city. Their control of relatively 'low conflict' parcels of land also means that individual land buyers are faced with a smaller pool of land to choose from. Despite these roles within the land conflict processes (see Chapter 5 and 6), the thesis does not focus on these actors following two reasons. The first is because individual housebuilders constitute a more significant number of actors engaged in land transformation and its associated conflicts. Secondly and most importantly, the modus operandi of real estate companies, such as operating on high-level management and standard practices, compared to the informal and everyday practices of individual housebuilders in land transformation demand an independent and a holistic study.

Nonetheless, a visit was made to the national office of the Ghana Real Estate Development Association (GREDA), a private institution which brings together the real estate companies in GAMA. Here, an interview was held with the public relations officer of the Association to highlight the general roles, problems and uncertainties of the real estates in land transformation and housing development. The discussion centred on the role of the Association in housing

development in GAMA and the nation as a whole. Additionally, issues of how members of the Association (individual real estate companies) contribute to land conflicts or are affected by these conflicts as well as how they manage its impact were probed. Some Real Estate Companies approached within the study communities declined to participate in the study because of the fear of contempt of court. That is, many of these companies were faced with ownership and land transfer challenges, which have been reported at the courts. Hence, they were unwilling to engage in any conversation on the issue. A few individuals including foremen, contractors, masons, and opinion leaders were also interviewed to discuss their experiences with the process of building on conflicted lands.

#### ***4.3.2 Visual images***

The study further relied on visual methods such as pictures and photographs gathered from websites, blogs, electronic newspapers and reports to complement other forms of data such as the interviews. These were images related to land and housing structures found in reports and news items. Importantly, photographs of uncompleted houses belonging to housebuilders, abandoned land and demolished structures (fenced walls and houses) were captured during the field visits. There was also a compilation of photographs of building plans of housebuilders, court judgements, and maps of conflicted land owned by land sellers obtained from participants during the interview sessions. Most participants, however, declined to share their photos and documents because of the confidentiality and sensitivity of the documents. Photos of demolished structures, uncompleted buildings and abandoned land were obtained during observation at the building sites of some housebuilders. These photographs and pictorial documents drew out memories and experiences of respondents and gave a graphical presentation and confirmation of the interplay of land conflict and housing development in peri-urban Accra (Harper, 2002). Particularly, photographs taken on demolished structures during site visits captured the day-to-day struggles of housebuilders at the hands of land guards. Analysis of these photos informs arguments presented in the subsequent chapters.

### ***4.3.3 Observation***

The study employed a non-participant observation method to gather data from the High court and District court, Police Stations, building sites and the Lands Commission. First-hand information was obtained from building sites and scenes that could not be generated through respondent's shared opinions and experiences. A two-week visit was made to the high and district courts, and scenes observed included the number of land cases called at the court at a particular sitting. The various kinds of land cases that were called and the general court proceedings were also observed. There was also a periodic visit (over a timeframe of two weeks) to the various police stations (Divisional and district offices) where there were observations on people reporting land-related cases, bailing of arrested local artisans (mostly contractors, labourers and masons) and police responses in effecting arrests over land-related cases. A week-long observation was also carried out at the Lands Commission. Here, how individuals navigated the institutional processes was captured. The observation at these institutions took place during weekdays and working hours.

There was also a periodic visit (over three months) to various building sites owned by individual housebuilders in the four communities. Cases observed included the day-to-day activities of housebuilders at the building sites, the demeanour of workers on the site and the engagement of land guards during the building process. The outcomes of activities of land guards (pulling down of housing structures and fence walls) were also observed in each of the communities. Accordingly, observation offers the opportunity for a study to go 'beyond people's opinion and self-interpretation of their attitudes and behaviours, towards an evaluation of their actions in practice' (Gray, 2014:413). The observations were mainly recorded in field notes with a brief description of the elements observed. The field note served as a backup for gathering data and capturing observed elements deemed significant to the study (Gray, 2014).

### ***4.3.4 Document Analysis***

The study analysed data from several state policy documents, strategic plans and reports on housing and land management from the ministries and agencies. These were reviewed to highlight the state and the city's role in housing development and land management (including land conflict

management). Importantly, data from the Ghana Police service on land conflicts and its related offences over the past seven years (2012-2018) were collected and analysed to understand the trend and dynamics of land-related cases in peri-urban Accra. Similarly, statistical data on reported land cases in GAMA were collected from the Dispute session of the Lands Commission to evaluate the trend of tenure insecurities. These documents contextualise, verified, predicted and supported the primary data gathered from the interviews and observations (Mason, 2002b). Significant documents collected in the interest of the study are listed in Table 1.2.

**Table 1.2: Documents on Land and Housing in Ghana**

<b>Institution</b>	<b>Title of Document</b>	<b>Date</b>
Ghana Statistical Service	Census data of Accra Metropolitan Area and Greater Accra Region	From 1960, 1970, 1984, 2000 and 2010
Ministry of Water Resource, Works and Housing	National Housing Policy	2015
Ministry of Land and Natural Resource	Colonial policies on land and housing	Colonial-era till 1957
	Ghana Land Policy	1999
	Land Administration Project (Phase 1)	2003 – 2010
	Land Administration Project (Phase 2)	2011 – 2015
	Land Act	2016
	Vigilantism and Related offence Act	2019
Ghana Police Service	<b>Cases of trespassing on land in Accra and its peri-urban areas</b>	2012 – 2018
Government of Ghana	Constitution of Ghana	1992
Disputes Section (Survey Department),	<b>Referral cases of land disputes from Courts in Accra</b>	2012-2018

#### 4.4 Data Analysis

As discussed above, policy documents obtained from different sources, photos and field notes from observations were reviewed and analysed to validate the findings of the thesis. The data generated from the interview transcripts were subjected to a six-phase thematic analysis adapted from Braun

and Clarke (2006). These phases included; reflexivity and familiarisation with the data, coding, searching for themes, reviewing themes, refining the themes, and writing up. Gathering data from different categories of interviews in each of the four communities (as discussed earlier) generated a pool of complex data. To this end, NVivo software (version 12) was used to facilitate the organisation and analysis of the data (transcripts). This further enhanced the coding, theming and mapping out of relationships and linkages of the responses. The reflexivity and familiarisation phase involved a thorough reading of the transcripts. This facilitated the reflections on my values and positionality within which the study was situated. Also, the conception of the general idea of the content, pattern and scope of the data generated was established at this phase. The second phase involved categorising the data into meaningful groups such as land sellers, housebuilders, customary and state institutions to enhance easy identification of participants and their responses (Tuckett, 2005). The coding of the responses into descriptive ideas using the software was also done at this phase.

At the third phase, themes were generated from the codes through a more inductive lens and a deductive lens, which was informed by the aim, objectives and theoretical approach of the study. This allowed new themes to be generated inductively. The explicit position on the theme generation approach (deductive approach) is informed by the idea of Braun and Clarke (2006) that though thematic analysis is flexible with the adoption of any of the philosophical approaches, clarifying the epistemological position adopted enhances understanding and determination of how meanings are theorised and conceptualised. Subsequent phases involved the reviewing of the themes, with the aim of either separating, joining, renaming or creating new themes. These themes were finally defined at the next phase where explanations or interpretations were given to themes generated. The engagement of these phases was iterative rather than linear given that it involved back and forth process across these phases. The overarching aim of the thematic analysis was to interpret and derive meaning from the data, drawing on wider discourses to explain respondents' understandings and lived-experiences in the process of housing development within conflicted spaces of peri-urban Accra (Braun and Clarke, 2006).

#### **4.5 Researcher's reflexivity and positionality**

Is it well established that the relationship between the researcher and the researched is never purely

objective in qualitative studies (Adu-Ampong and Adams, 2019; Creswell, 2013; Smith, 2006). Therefore, a conscious reflection on the positionality of the researcher enhances credibility and clarity of the claims to knowledge (Yin, 1994; Smith, 2006). According to Bourke (2014), the positionality of a researcher is influenced by several factors including belief systems, cultural background, gender, class, socio-economic and political status, and educational background. Although these factors played a role in defining my positionality, socio-cultural and educational background played the most significant roles in defining and influencing my positionality during the fieldwork process. That is, my positionality during the fieldwork was that of a Ghanaian studying for his PhD degree in a foreign country (United Kingdom), and with the quest to investigate the relationship between land conflict and housing development processes in peri-urban Accra.

Although my original identity as a Ghanaian enhanced my relationship with my research participants, my additional status as a PhD student in the United Kingdom resulted in my positionality becoming fluid and shifting between research participants. That is, while on the one hand, I was perceived as an outsider, especially within state institutions, on the other hand, I was identified as an insider in the communities. As argued by Adu-Ampong and Adams (2019 p.9), ‘a researcher’s identity as an insider and or outsider is never a settled status but one in constant flux and negotiations’. This insider-outsider status ultimately influenced my trustworthiness as a researcher and my ability to obtain information from my research participants. Understanding how my shifting positionality influenced trust and access to data in the field is therefore discussed within the framework of credibility and approachability, a concept proposed by Mayorga-Gallo and Hordge-Freeman (2017).

According to Mayorga-Gallo and Hordge-Freeman (2017), credibility and approachability in relation to research are conceptualised as performed and perceived behaviours undertaken by the researcher and the researched respectively. That is, credibility and approachability as elements of defining researchers in the field are both social constructs of researchers themselves and the researched. This departs from the classical framing of credibility and approachability, which was limited to performance-based behaviours initiated by the researcher (Lofland et al., 2006). While credibility describes the trustworthiness accorded to a researcher, approachability deals with safety and nonthreatening characteristics of the researcher (Mayorga-Gallo and Hordge-Freeman, 2017).

Mayorga-Gallo and Hordge-Freeman (2017), further argue that credibility considers whether the time dedicated to the request of the researcher is worthy. Against this background, the researcher establishes his or her credibility through a cultural orientation that is, identifying oneself with the context of the research, while perceived credibility deals with being vouched for by the researched. Similarly, Mayorga-Gallo and Hordge-Freeman (2017 p.381) operationalised approachability as ‘acceptable incompetent’ (avoiding sharing information or being judgmental) and ‘comrade’ (sharing common identity) as ways to create a non-threatening environment, initiate and sustain cordiality and openness during the interviews.

#### ***4.5.1 Credibility***

During my data collection process within both state institutions and residents, I established credibility with the research participants using multiple approaches: professional and cultural credibility. My first approach in establishing trust involved the submission of an introductory letter from my department (performed credibility) to the heads of the institution. To authenticate my trust, most heads of institutions (Chief Directors, the office of the Inspector General of Police, the Judicial Secretary and Executive Director of the Lands Commission) requested my physical presence before they would direct me to the appropriate personnel or office to obtain the information needed. In one of such meetings, a head of an institution stated that *‘I needed to see you personally to know if you are a Ghanaian born and bred here before going to the UK or you were born in the UK’*. Another also asked, *‘are you doing the programme in the UK or it is through long-distance?’*. Upon indicating that I was a Ghanaian born and bred in the country before travelling to the UK, I was perceived as an insider and subsequent conversations with these heads of institutions became informal with questions about my ethnic background, educational history and knowledge on current issues in the land sector. Taylor (2011), for instance, maintained that insider status of a researcher ensures deeper levels of understanding. Observably, not only did the introduction letter established my professional credibility but also my Ghanaian identity (cultural credibility). The request for my physical presence and ‘semi-formal interrogation’ on land issues accounted for the heads of institutions guaranteeing that (perceived credibility) the time committed to assisting was worthwhile (Mayorga-Gallo and Hordge-Freeman, 2017).

Further engagement with junior officers, who were asked to assist me in obtaining the data revealed a hierarchy of credibility. For example, while the same approach to establishing trust had been

adopted at the lower level, especially with reference from the head of the institution, junior officers often created a situation where my positionality as an insider was shifted to that of an outsider. For instance, before the interview with a junior officer started, a junior officer indicated *'I know my boss has given me the go ahead to give you information, but you will not record everything because some of the issues are very sensitive and I don't think I am in the position for my voice to be documented on these issues'*. Nonetheless, I documented the information that was not recorded in my field notebook. This situation does not in any way resonate with my credibility rather, the sensitive nature of the subject of study, in this case, land conflict. Seemingly, although the head of the institution has given the directive to obtain any information needed, the junior officer used his discretion to provide me with the information I needed. A case in point was at the police station where I could not access all the data even though I have clearance from the Police Headquarters. Though the nature of research and its impact on a researcher's credibility is not explicitly highlighted in Mayorga-Gallo and Hordge-Freeman's (2017), the evidence above shows how my positionality shifted from an insider to an outsider across levels of authority and more significantly, how the sensitive nature of research could affect the amount and type of information obtained.

Similarly, establishing credibility within the communities was also varied, with evidence of performed and perceived credibility. Starting with the Chiefs who served as an entry point into the various communities, the assistance of the community gatekeepers (as discussed in section 4.3.1), who introduced me as a Ghanaian student abroad gave me an insider status. Confirming this, a chief enquired *'woye Ghana ni a, wote twi?'* ('if you are a Ghanaian, do you speak Twi?'). To this, I responded in affirmation. Even though there are numerous local languages spoken in Ghana, Twi is the most widely spoken language. The popularity and role of the gatekeepers as liaison officers between traditional authorities and state authorities contributed to the chiefs vouching for my credibility. Among land sellers and housebuilders in the community, my perceived credibility resulting from referring to either the chief, police chief or court clerk reinforced my trust. The purposive approach adopted for data collection in this study facilitated perceived credibility given that there is always a reference point to establish trust. This gave me an insider status. Observably, after every introduction, land sellers and housebuilders would ask again *'so you mean you were directed by that man (names or titles were usually mentioned) to come and speak with me?'*. This resulted in most of the participants offering me a place to sit to start the interview. Although much of the discussions were based on personal experiences, the perceived credibility created a cordial



environment where private and sensitive issues about land conflict and housing development were discussed. This reflected in an opening remark to an interview where a participant indicated ‘*you have come at the right time on this land issue, we are suffering*’.

#### **4.5.2 Approachability**

A major concern during the fieldwork was how I was going to approach participants, especially land sellers and housebuilders to discuss my research with them without me being perceived as a threat or a spy. Considering the sensitive nature of the research, which involved questions of conflicts and landguardism, it was expected that participants would either welcome or reject me. This is also because of the socio-cultural characteristics of most Ghanaian communities where such private and sensitive issues are seldom discussed with ‘strangers’ (the researcher). Indeed, this perception was the key reason why I had to change my fourth case study community from Danchira to Oshiyie as the traditional leader of this abandoned community perceived me as a threat from his contender’s camp.

Nonetheless, during the fieldwork process with my insider-outsider dichotomy, key factors that informed my participants about my approachability included my physical appearance and demeanour, coupled with consciously playing ignorant and eager to learn (acceptable incompetent). Ensuring that I was not a threat to my participants, I was very conscious of my appearance and demeanour. In the institutions, where I was mostly perceived as both insider and outsider, I dressed formally from my first visit until the last. Also, I always carried my backpack and folder (which contained all my information sheet, consent form and introduction letter) to reflect my researcher status. Importantly, I put up a friendly and reverent demeanour, which created a cordial atmosphere through the various levels of interaction within the institution. Consequently, I was mostly referred to as ‘*the gentleman doing his PhD in the UK*’. My appearance did not only make me fit in the institutional environment but also, it created some form of familiarity between myself and participants I was referred to meet. For example: ‘*oh! you are the PhD student my boss talked about?*’ was an affirmation that I was not a threat. The consent form, in particular, helped safeguard my status as non-threatening as some of my participants nurtured the assurance of protection through both of us signing the form. Although at a point I was perceived as an outsider, this feeling of nonthreat played a major role by enhancing deep discussions and maintaining cordiality during the interviews (Adu-Ampong, 2019; Mayorga-Gallo and Horge-

Freeman, 2017).

In the communities, however, my appearance was usually casual (sneakers, with a polo shirt and backpack) but with the same demeanour, I exhibited within the state institutions. Most interviewees, especially the chiefs and land sellers, including some housebuilders were initially sceptical and cautious in order not to give information to their opponents. In my first encounter with a land seller, he quizzed that *'Boss!, Who sent you? I hope you are not here to report that we are the cause of this land guard issue and we are selling land to many people since that's the talk of the town.* (Land seller, Achiaman, 2018)'.

Nevertheless, referring to the points of contacts that linked me to these interviewees made me a nonthreatening person. Furthermore, most land sellers and housebuilders addressing me throughout the interviews process as *'my brother'* (comrade), as indicated in Mayorga-Gallo and Horge-Freeman's (2017) framework translate to sharing one identity, that is 'brothers' of the same country and facing the same problems. Affirming this point, a housebuilder stated that *'my brother, thank God someone like you is looking into this serious issue of our community. Though you are coming to seek my views, let's share ideas so that I also learn something from you'*. Significantly, my ability to follow custom, that is going to the Chief's palace with gifts (as discussed in section 4.3.1) provided comfort and subsequently, cordiality during the interviews. My ability to relate with most of the customary beliefs and being cautious of not being judgmental further sustained the interview process. For instance, some of the participants accused their opponents (some of whom I had already interviewed) of causing tenure insecurities. In such cases, I simply asked follow up questions rather than affirming or disagreeing on the point raised. My approachability, therefore, was beyond appearance and demeanour to include avoiding passing judgements (Lofland et al., 2006).

One other approach I adopted within institutions and communities was the 'acceptable incompetent' and the eagerness to learn. That is, although I was exposed to the literature and daily news on land conflict issues, I reserved my contributions and opinions on the topic. That is apart from answering questions that I was asked, I refrained from making comments, which could inform the researcher that I already knew the answers. Notably, not only did the interviewee feel relevant and trusted to provide the needed information but also, saw my eagerness to access more information. This enhanced the in-depth discussions and engagement with the participants. While

this situation indicated a partial redistribution of power from the researcher to the participants as knowledge producers, the trustworthiness and safety of both the researched and the researcher was important in the data acquisition process (Mayorga-Gallo and Horge-Freeman, 2017).

The duality of my positionality as an insider on one hand and an outsider, on the other hand, did not only influence my access to information but also highlighted how and why participants of various categories responded to me (Adu-Ampong and Adams, 2019; Mayorga-Gallo and Horge-Freeman, 2017). Particularly, dealing with a sensitive research topic such as land conflicts, establishing trustworthiness and creating a 'safe space' on both sides (researcher and the researched) is vital in gaining access to participants and negotiating access to information during the interview process. This diverse encounter and coexistence of credibility and approachability mirror the theoretical debate by several scholars that insider/outsider positions of the researcher are dynamic and depend on several factors (Muhammad *et al.*, 2016; Mullings, 1999). Importantly, reflecting on how this enhanced access to data improves transparency in qualitative research (Mayorga-Gallo and Horge-Freeman, 2017).

#### **4.6 Ethical issues**

Ethical issues surrounding social science research are complex and multifaceted, highlighting moral challenges, which are most often difficult to resolve (Learning, 2012). Accordingly, there is the need for researchers in social science to establish a balance between the demands of methodological positions and the human rights and privileges to reduce potential threats by the researcher (Creswell, 2008; Bryman, 2008). Additionally, paying attention to ethical issues emanating from social research further enhance the integrity and trustworthiness of research outcomes (Boeije, 2010). Following these, there are general principles regarding consent, anonymity, voluntary participation, confidentiality, and privacy guiding ethical clearance in research. As such, the commitment to all these principles in the field improves engagement, openness and builds trust between the researched and the researcher (Bryman, 2012). Based on these principles, the research acquired ethical clearance from the University of Sheffield Ethics Committee after a rigorous evaluation of the research methodology. Although there were components of sensitive issues such as exposing criminal activities including demolition and multiple sales of land, the assurance of confidentiality and anonymity of participants reduced the concern of this sensitivity. More significantly, pseudonyms were used to represent participants to

protect their identity. For individual responses that were easily identifiable in the study, the research captured their identity under generic portfolios within the institutions they represented. This, therefore, does not pose any threat to future publications.

#### **4.7 The Study Communities**

This section presents the key characteristics of the case study communities namely, Abokobi, Oyibi, Achiaman, and Oshiyie in peri-urban Accra (see Figure 4.2). Specifically, the section highlights the location, historical development, political, spatial, and socioeconomic features of the communities. It also discusses some of the key challenges associated with the growth of these communities. Given that secondary data on individual communities remain scarce, the thesis relied on information gathered from traditional authorities during the fieldwork in 2018-19. Additionally, considering that these communities are located within political jurisdictions, discussions herein are extended to cover the municipal areas within which they are located. Although these communities share some similarities such as multiple institutions in land management, other features including, land tenure practices distinguish them from each other. This provides a starting point for later analysis in the empirical chapters of the thesis.

**Figure 4.2 Map of GAMA showing the selected study communities**



**Author’s construct (2018)**

**4.7.1 Abokobi: Location and History**

Abokobi is a small town located at the northern part of Accra and about some 29 kilometres from the central business district. It is perceived as a Christian town given the relocation of the Basel Missionaries led by Zimmerman into the then village in 1854. The relocation of the missionaries was informed by the bombarding of Osu (one of the indigenous communities in Accra) by the British colonial government in 1954 for the refusal of inhabitants to pay a poll tax. A farmer and a hunter named Numor Okwagyie Agyei, who was a resident of Abokobi but from Osu received these missionaries, who then started evangelizing and converting residents to Christianity. This development led to the establishment of the Zimmerman Presbyterian Church in Abokobi. According to the traditional authority, the indigenous population is made up of people originally from Osu, La and Teshie, following the escaped from the bombardment. These people constitute some of the families holding allodial interest on the land. However, an increasing number of people into the community has resulted in a heterogeneous population with people of different ethnic background such as Akans, Ewes, Fantis and the Mole Dagbani.

### *Land ownership and its related conflicts*

The presence and activities of the missionaries and subsequently, the church, influenced land tenure in Abokobi. Typical of indigenous communities in Accra, the land was largely owned by families, until the Basel mission acquired some large portions of land from individual families as well as adjoining communities (Brekusu) for coffee plantation (Maxwell et al., 1998). The coffee plantation did not continue because the Basil Mission feared that the missionaries would be criticised for enslaving local labour. Consequently, the missionaries were recalled to Basil and the land was then resold to the local congregation (Zimmerman congregation). To this end, and aside from family land, there is also religious land managed by the local congregation in Abokobi. There are also several adjoining communities such as Brekusu, Boi, Akporman, Seseme, Teiman and Pantang, bordering Abokobi where various landowners share boundaries with these religious and family lands in Abokobi.

The church further plays a significant role in the governance of the community. The church enstools the Chief and establishes a governing body that ensures development and oversees land management in the community (Maxwell et al., 1998). This set up presents a unique form of chieftaincy practice, which departs from the dominant traditional form, established by families and kingmakers in other indigenous communities in Ghana. Until recently, members of the Zimmerman congregation were the only people entitled to the religious land. However, given the growth of population in the town, tenure rights currently extend to new settlers who seek to build in the community. Family lands are however managed by the head of the family on behalf of other family members.

A major problem threatening developments in Abokobi is the recurrence of existing land conflicts and the emergence of new ones. Of much significance of these conflicts has been the struggle over boundary and land ownership between the Presbyterian Church and the stool of Brekuso. The traditional authority in Abokobi disclosed that the first land conflict started in 1903 and subsequently, 1938 when two family heads took the Church to the Supreme Court over the ownership of the religious land acquired by the missionaries. These cases were, however, won by the Church. Subsequently, in 2004 and 2007, conflict over land resurfaced between the traditional authority of Abokobi and the stool at Brekuso. In 2015 for instance, a court order restricted Abokobi and Brekuso stools from either selling or developing a parcel of land whose ownership

was contested (Ghana News Agency, 2016). Nonetheless, the indeterminate boundary among families, individuals and stools, have been identified as new forms of land conflict. A case in point was in 2016 when the Aduoso family of Osu and Parakuo Greenfield Estates in Abokobi Adansi clashed over the development of a parcel of land which was given to a real estate company by Nii Odartey Sro Family (Ghanaweb, 2016).

### ***Governance and spatial growth of Abokobi***

Typical of most peri-urban communities, Abokobi is governed by multiple institutions: the Ga East municipal assembly on the one hand and the customary authority on the other hand. Following the Local Government act 2016, the Assembly ensures the provision of public infrastructure, creating and enforcing spatial planning schemes and building regulations. Alternatively, the customary authority, including the chief and his governing body, and family heads ensure the management of land and the settlement of land conflicts.

Abokobi is classified as part of the second-largest settlements in the Ga East municipality among others. This results from the existence of larger settlements in the municipality such as Dome and Kwabenya, which has a large population threshold and relatively more basic social services (GSS, 2014). Nonetheless, Abokobi serves as the administrative capital of the Ga East municipality. Representing the characteristics of most communities, including Abokobi, the municipality, with a population 147, 742 (GSS, 2014) is said to have 35.1% of the population engaged in service and sales work, while 22.6% are craft and related trades workers. The rest of the population is said to be unemployed and constitute students.

The sprawl of Accra is a major influence on the rapid development of Abokobi. At first sight, Abokobi appears rural due to the existence of the indigenous community. However, new areas, which were once agricultural, are undergoing rapid housing development and merging with the indigenous cities (GSS, 2014). This is new areas are evident, especially within the borders of adjoining communities such as Boi, Seseme, Pantang among others. Very few local real estate houses seen being developed at the time of the study in the community.

As mentioned in Chapter 3, the expansion of the major road infrastructure from a single to a double lane (Accra-Adenta-Aburi road) is a contributory factor that has to enhance the interaction of Abokobi with Accra. Besides, the relatively cheap and available land evidenced on posters, fence

walls and signboards in the community further reveal the increase in demand for land by new settlers. This accounts for the increasing settlement of people in Abokobi who commute to the central business district of Accra to undertake their economic activities. Typical of peri-urban areas in Accra, there is evidence of inadequate provision of social infrastructure and services. Most of the roads connecting Abokobi and its adjoining communities remain untarred and difficult to access especially during the rainy seasons. The process of extending potable water, electricity, solid waste and sanitation facilities into the new settlements are slow. However, aside from the municipal offices, there is also a district police station located within the community, which enforces law and order, especially concerning land conflict situations.

#### ***4.7.2 Oshiyie: Location and History***

Oshiyie is a small coastal peri-urban community located in the south-western part of Accra. It is about some 24.7 kilometres from central Accra. Oshiyie is an indigenous Ga community, though it currently has new settlers from other ethnicities. The traditional authority revealed that their ancestors from the Afadianor lineage, originally from James Town found the village and settled in to engage in fishing. Subsequently, families who moved into the community, later on, were given land by the Afadianor family, who doubled as the stool and custodian of the land. These lands according to narratives from the traditional authority were given to these families on leasehold.

#### ***Land ownership and its related conflicts***

Following the settlement of the Afadianor family, the land in Oshiyie largely remains a stool land, with very few families owning other parcels of land. Most of these lands are located onshore, with a road network dividing the indigenous community (who settled along the shore) from the onshore areas. It was revealed that while some of the families owning land got it through gifts from the stool, others largely acquired it through leasehold. The stool and family lands in Oshiyie share boundaries with adjoining communities such as Bortianor and Kokrobite.

The uncertainties characterising land ownership and boundaries in Oshiyie are attributed to poor documents and distortions of history, which underpins the current chieftaincy dispute in the community. It was revealed during the fieldwork that the first land conflict evolved in 1999 when



the ruling chief of the community passed on. Subsequently, the Akrasi family, one of the families who settled in Oshiyie in the past, installed a substantive chief as the paramount chief and custodian of the land. This is said to be against the tenets of the community where a paramount chief can only be installed from the royal family. This act was said to be the genesis of chieftaincy dispute in Oshiyie. It was disclosed during the fieldwork that this chieftaincy dispute is the major source of land conflict in the community, given that both families claimed ownership and control of the land. Accordingly, each family is claiming the control of the land and this has lingered until recent times. The effect has been the increasing number of land guards, who have been tormenting new housebuilders. Currently, the original family (Afadianor) from which paramount chiefs are installed are in exile from the community as a result of the conflict. Aside from this, pockets of indeterminate boundaries characterise other forms of land conflict in Oshiyie.

### ***Governance and spatial growth of Oshiyie***

The Ga South municipality governs Oshiyie, with a population of 411, 377 according to the 2010 population and housing census (GSS, 2014). The housing and population census held in 2010 recorded a population of 2,634 in Oshiyie (GSS, 2014). The municipal assembly oversees spatial development and planning in the community. Although Oshiyie has a cadastral plan, the chieftaincy dispute has made it difficult for its adherence in terms of land transfer and development. As a result, there is haphazard development spotted along the gentle slopes of the onshore land. Typical of most coastal communities in Ghana, the indigenous community established along the coast is characterised with old housing structures, built so close to each other. This indigenous area is built up, hence all other new developments are taking place across the road. These new areas have electricity connected to most completed and partially completed homes. However, their sanitation, potable water and passable roads are key social services lacking in the community.

The rapid spatial development of Oshiyie is attributed to its geographical factor, where the new areas overlooking the sea has become a compelling factor influencing people to move into the community. As a result, the area is evidenced by a lot of new houses belonging to all kinds of people with different income status. Also, the beach is serving as an investment hub for new settlers. Narratives from land sellers reveal that there is a rush for land along the shores for business

and recreational activities. This was evident given some hotels, leisure centres, and restaurants dotted along the coast at the time of the study.

A significant development occurring with the growth of Oshiyie is that the chieftaincy dispute is compelling many new settlers to move to adjoining communities such as Bortianor and Kokrobite. An adaptive mechanism established by some new residents in Oshiyie is the establishment of the Seaview Residential Association. This association serves as a mouthpiece for all members who face tenure uncertainties and issues of landguardism. This association is very effective as compared to the other study cases given that Seaview Residential association members have a common problem of chieftaincy-induced conflicts and landguardism. This implies an active social relation, which equips housebuilders, particularly the poorer ones who are not capable of fighting over the land with their meagre resources. The disputes have also affected the once vibrant beach tourism, which kept the community active and served as a source of employment for many of its youth. Oshiyie does not have a police post, hence people who need the services of the police travel to Kokrobite when in need.

#### ***4.7.3 Achiaman: Location and History***

Located in the North West, and about 22 kilometres away from Accra is the Achiaman community. Similar to the case of Oshiyie, Nii Achia I established Achiaman as the first family to settle in the community. The community is named after Nii Achia, with Achiaman meaning Achia's community. According to narratives from the traditional authority, the land was given to Nii Achia I following a request from the then Ga Mantse (Paramount chief of the Ga state), Ayi Kushi. Subsequently, many other new settlers (families) joined the community and were given land by Nii Achia for farming purposes. This movement of new families into the community accounted for the growth of the community in the past.

#### ***Land ownership and its related conflicts***

The land in Achiaman is owned by the stool (Achia's family) and five other families. Given that the stool established the community, they control a larger portion of the land, with other families also managing their family land. A major characteristic of the land in Achiaman is that, while some

families have registered their land, other families do not have titles. As a result, some families were in the process of registration. A major contention over land in the community is boundary and ownership conflict. Different narratives on how the land was transferred in the past remains a major cause of land conflict especially, between the stool and families, and between families in Achiaman. These conflicts also extend to include adjoining communities, which share a boundary with the families in Achiaman. It is alleged that the indiscriminate sale of land by the stool has been the trigger of chieftaincy dispute within the stool family. The effect has been the increase in the activities of land guards hired by families and the stool to manage land in the community.

### ***Governance and spatial growth of Achiaman***

The Ga West municipal assembly manages Achiaman and its adjoining communities within the municipality. Representing a typical peri-urban, Achiaman is experiencing significant spatial expansion given the movement of new settlers into the community. It can be inferred that its proximity to the Ga west district capital, Amasaman account for such a rate of expansion as many people are settling in this community and working in the district capital. Additionally, the availability of land and its relatively cheaper cost as compared to some other peri-urban communities account for the increasing movement into the community. This is reflected in the display of 'land for sale' signposts across the community. Frequent interruptions by land buyers during the interview processes with family heads reflect the increasing demand for land in the community. The consequence of this development has seen the pushing back of farmlands further away from the community.

Due to the rapid development, new areas of settlement are emerging at the boundaries of the indigenous settlements. Observably, empty lands within the indigenous area are being developed, hence giving some sort of a facelift to the old settlement. While there are houses of different sizes and at differing stages of development, the community lacks tarred roads, resulting in dusty conditions. Similar to other cases, there is a lack of potable water provision in new settlements although most residents have managed to have access to electricity.

#### ***4.7.4 Oyibi: Location and History of formation***

Oyibi is one of the rapidly developing peri-urban communities located about 30 kilometres north-east of Accra with a land cover of 9 square kilometres. It is located off the Accra-Adenta-Dodowa

highway. The town shares borders to the northwest with Adomorobe community, southwest with Amrahia, southeast with Sasaabi and Appolonia.

The establishment of the town evolves around a hunter, one Nii Borlabi Djenge (from Nungua, an indigenous community in Accra), who is said to have first settled in the community following his quest for a fertile land (Senanu, 2018). This discovery occurred on one of his usual hunting journeys. The name of 'Oyibi', is attributed to his generosity towards his close friend, Nana Okotope Odza, who usually asked for favours. In response, Nii Borlabi says 'o yi bi' an Akan language translated in English as 'o have some' (Senanu, 2018 p.180s ). This saying of 'o yi bi' eventually became the name of the community.

### ***Land ownership and its related conflicts***

Following Nii Borlabi's establishment of the community, his siblings from Nungua followed him and also settled in the community. Having established the Djenge family and serving as the custodian of the land in Oyibi, Nii Borlabi transferred land to each of his siblings on a freehold basis. These families included the Borkwe, Bortey, Nii Moe, Mantse, Ajin, Oofu and Teshie families. While all these families have their lineages from Nungua, the Teshie family, however, originated from Teshie, also an indigenous community in Accra (Senanu, 2018). Accordingly, all these families manage their land independently. This accounts for the general perception that Oyibi is largely characterised by family land (Senanu, 2018). While this is true, the Djenge family acknowledges that as the royal family from which chiefs are enstooled, they manage stool land.

While land conflict in Oyibi has not been evident in the past, recent forces of urban sprawl from Accra amid poor land documentation account as factors causing land conflicts in Oyibi. Some of these conflicts have been the boundary dispute between Oyibi and other communities such as Otinibi, Appolonia, Adomarebe among others. Additionally, there is also conflict between some of the families within the township. All these conflicts mutate to influence new settlers who move into the community to settle.

### *Governance and spatial growth of Oyibi*

Oyibi is currently under the Kpone Katamanso municipal Assembly and currently considered as an urban area given its population of about 7000 people (Senanu, 2018). In Ghana, an area qualifies to become urban with a population of more than 5000 people (GSS, 2014). Nonetheless, Oyibi continues to exhibit some rural characteristics making it appear peri-urban. As mentioned earlier, the customary authorities including the divisional chief, sub-chiefs and his elders, as well as family heads also manage the peri-urban area in the process of land allocation and adjudication processes.

The transformation of Oyibi from its rural status to a peri-urban was predicted following the rapid, uncertain and complex developments taking place in the then Ga districts, located in the western part of Accra (see Owusu, 2008; Yankson and Gough, 2001). The relative availability and cheaper cost of land also account for the growth of Oyibi. Significantly, speculation by individuals and more importantly real estate companies has contributed to the rapid development of Oyibi. These speculations and increasing demand have recently resulted in increased cost of land and the community becoming one of the more expensive peri-urban areas in terms of cost of land.

Additionally, the relocation of the Valley View University in 1989 ([www.vvu.edu.gh](http://www.vvu.edu.gh), 2020) from Adenta to Oyibi has significantly influenced the development of the town as many students and related services have evolved. Furthermore, the road connecting Accra-Adenta-Dodowa also made interaction between the town and Accra easier as lots of people can connect to work in urban Accra. Given these drivers of development, new settlements have revolved around the indigenous community. In addition to these is the presence of real estate companies such as Mayfair estates, UT properties and Kertcity, among others. These settlements' characteristics are highlighting the gradual spatial and socioeconomic difference unfolding among the population in Oyibi. However, similar challenges facing peri-urban areas, including slow infrastructure development against rapid expansion is also evident in Oyibi. Poor roads connecting the communities, lack of adequate sanitation services are among the challenges facing new settlements. There is, however, a police post, and the Oyibi water system, which provides and enhances access to water for the community, and its adjoining communities.

## 4.8 Conclusion

This chapter discussed and justified the methodology, research methods and data analysis adopted to conduct the study. The positionality of the researcher and how it influenced the research process was also discussed. Due to the aim of the study, the study argued that adopting an interpretive approach allowed for deriving meanings from the experiences of housebuilders and other stakeholders. Underpinned by this philosophical approach, the case study adopted allowed for the use of multiple methods in data collection. Four cases were selected across GAMA to support existing studies and replicate the findings across communities outside the study area.

Qualitative methods in the form of interviews, visual images, observations and document analysis were used to collect data from four key categories of the research participants. These included the housebuilders, land sellers, state officials, and other stakeholders such as GREDA. These multiple methods created a pool of data based on lived-experiences of people navigating through the daily routine of building, working documents and photos showing physical evidence of housing structures on contested spaces. The use of these multiple methods provide different perspectives to the results of the study and further corroborate the data generated from individual methods.

Discussing the reflexivity of the researcher, the chapter argued that the multiple positionalities (Ghanaian PhD student in a foreign university) of the researcher influenced ‘how’ and ‘why’ research participants granted interviews audience. Considerably, the sensitive nature of the research required establishing credibility and approachability to ensure trust and nonthreatening situations respectively in the data collection process. The coexistence of these elements further guaranteed a smooth interview process. The ethical approval process discussed in the chapter highlighted and legitimised the process of data collection. Discussing the characteristics of the case study areas, the chapter maintained that while customary land ownership was similar with few differences, the growth process of these communities is similar to urban sprawl playing a significant role. The next chapter, which presents the first, of three empirical chapters, argues that the transformations of customary land in peri-urban Accra is creating multiple and evolving outcomes, which is a shift from existing tenure systems and its associated practices.

## CHAPTER 5

### PERI-URBAN DEVELOPMENT AND THE LAND MARKET

#### 5. 0 Introduction

This chapter presents the empirical results to the first research question that investigates the transformations occurring on customary land in peri-urban Accra. Additionally, it partly answers the second research question, which investigates the actors' and institutions' responses to the transformation of land in peri-urban Accra. The chapter argues that while several aspects of customary land have changed, the major areas experiencing significant transformations include tenure, land pricing and transaction processes, as well as changes in land delivery channels. Underpinned by the interplay of socioeconomic, political and cultural processes, the outcome of these transformations include unequal access, uneven power relations, and inconsistencies in the land market, which ultimately shape access and control of the land. The chapter further suggests that the emergence of new actors due to de facto privatisation and its associated everyday politics of land control is shaping access to land and at the same time, deepening tenure insecurities. Additionally, although some socio-economic factors increase access to land, these factors are largely significant in maintaining access to land, especially in conflict situations. In response to managing the land associated with the transformation of the peri-urban, the chapter argues that the interactions between the state and customary land actors are producing complex and varying institutional outcomes in the management of peri-urban land in Accra. To this end, the chapter draws on the analytical tools underpinned by situated UPE to examine land transformation and the interactions between different actors in everyday land management.

To understand the context under which the land market is transforming, the chapter opens with an analysis of the dynamics land ownership, it then examines the changing tenure systems and transfer rights, the changing land prices and transactions, and the evolving land delivery channels. The chapter closes with an analysis of how state and customary actors manage the evolving peri-urban land.

## 5.1 Land Ownership in Peri-urban Accra

As discussed in Chapters 3, ownership of land in Ghana and many countries in sub-Saharan Africa is largely embedded in customary systems, with the state controlling very small portions (Locke and Henley, 2016; Owusu, 2008; Wehrmann, 2008a; Ubink, 2008; Larbi, 1996). Similar to other peri-urban areas in Accra, families predominantly own land. This includes the royal families who own and control stool land in the study communities. The traditional leaders of the study communities namely; Abokobi, Oyibi, Achiaman, and Oshiyie recounted and affirmed that the majority of the parcels of land in their communities are owned and managed by families. The principal ownership of land by families is attributed to historical factors, which establish that families moved from their original settlements in Accra and settled in the present communities where they control the land (see section 4.7). In addition to this were colonial legacies, which significantly informed the possession and ownership of land, particularly by the Presbyterian Church in Abokobi (see section 4.7.1). This confirms the statement by Mends & de Meijere (2006), that land ownership arrangements are embedded in complex structures and processes of migration, civil conflicts, colonial legacy and economic factors among others. Accordingly, the family heads and chiefs become the custodian who manages the land on behalf of the entire family or community (Sackeyfio-Lenoch, 2014). This custodian role is performed in consultation with other family members or the council of elders in the community.

The difference in historical occurrences leading to the establishment of the communities constitutes a significant factor accounting for distinctive features of land ownership types in the study communities (See Table 5.1). As discussed in section 4.7.2, Oshiyie, for instance, has the stool possessing and controlling significant parcels of land in the community with very few land-owning families managing other land parcels. While in Oyibi and Achiaman, families control larger portions of the land. In Abokobi however, the Presbyterian Church of Ghana (Zimmerman Congregation) owns a significant portion of the land (Mission land) with other portions owned by families. As discussed in section 4.7.1, this mission land doubles as the stool land given that the Church appoints the Chief and sets up the traditional council of elders in consultation with the community. The traditional authority in Abokobi revealed that



*‘...regarding the mission land in Abokobi, it is the congregation, the Presbyterian Church of Ghana, who are the trustees of all the properties (land) acquired by the former Basel missionaries and handed over to the Scottish mission who then handed it over to the Presbyterian Church when we attained independence. So the church manages this land under lease agreements while the other land belonging to families are managed by the family’*

**(Traditional Authority, Abokobi, 2018).**

**Table 5.1 Land ownership in the four study areas**

<b>Community</b>	<b>State land</b>	<b>Stool land</b>	<b>Family land</b>	<b>Religious land</b>
<b>Oyibi</b>	X	X	X	
<b>Abokobi</b>	X		X	X
<b>Achiaman</b>	X	X	X	
<b>Oshiyie</b>	X	X	X	

**Source: Fieldwork (2018) (compiled by Divine Asafo, 2018) \* X indicates the majority of land ownership identified in the community**

The above disparities in land ownership across peri-urban communities affirm the assertion that though family, clan and stool lands are broadly categorised under customary tenure, there exist variations in its composition and institutional frameworks that guide its management (Cotula, 2007; Leduka, 2006). These variations nonetheless have implications for tenure (in)security, especially, in situations where there is little consensus in land management practices.

Customary land ownership in the study communities are built along the lines of social relations, where interests and rights to land use are collectively defined rather than individually established (Arko-Agyei, 2011; Wehrmann, 2008a; Ubink, 2008). In Achiaman, Oshiyie and Oyibi, ownership of family land has created a socio-cultural bond among individuals within the family, where members see themselves as one unit with a common interest. In contrast, the community members of Abokobi (apart from the land-owning families) have their interests and land use right entrenched within the authority of Church and the stool. Subsequently, the study identified the co-existence of three major tenure rights to land in the study communities. These are the allodial interest, usufructuary estate and leasehold. Discussions with some land sellers and chiefs revealed that the

possession of an allodial interest is a result of their families becoming the first settlers in the community and subsequently, the original owners of the land. As Kasanga and Kotey (2001), noted allodial interest is the highest form of interest in customary land characterised by perpetual and complete ownership of land. Some family heads also reported on how they acquired allodial interests following the allocation of the land to their families by other close relatives of the past generation. The case of Oyibi, particularly evidence how a close relative allocated land to his siblings who afterwards became large families with allodial interest (see section 4.7). While this was the common practice, few other families in Achiaman indicated that their ancestors acquired the land from existing families as gifts or through leasehold transfers or outright purchase, as it was in the case of Abokobi. A significant finding of the study revealed that while some families have land titles to these lands, many others were now in the process of obtaining titles to their land as at the time of the study. The consequences posed by the dynamics of these (in) securities are examined in Chapter 7.

The usufructuary estate remains an extension of allodial interest in land to individual members within the land-owning families. While past demands for the land by family members were primarily used for farming, current trends reveal that members of the family demand these land for housing purposes or lease (sell) it to new settlers for economic gain. According to the family heads in the four case study communities, leasehold is the interest extended to new settlers who sought to acquire land purposely for farming. It is worth noting that the systems defining the interests and land use rights under the customary lands for Oyibi, Oshiyie and Achiaman are similar to those applied to the religious land in Abokobi. The diversity of existing interests identified in the above discussions further affirm the view that customary lands are characterised with various and different interests to land, which are mostly interrelated (Wehrmann, 2008a). The quote from the traditional leader of Oshiyie highlights the dynamics of land ownership and its associated interests in a typical peri-urban area.

*'in my community, the stool holds the ultimate right of ownership to land and if you go to the lands commission, you will see our name there. So as a traditional leader of the community, any family member who comes to me and request for land for any development is given a portion. I do not do this alone but make sure I meet my council of elders to make such decisions. The same*

*applies to strangers (new settlers) or people who are not from my family'* (Traditional leader, Oshiyie, 2018).

The narratives above present the ideal situations of land ownership and its associated rights in the study communities. As stated earlier, these ideal situations resonate with the ownership and features of customary land across the country, though there are identifiable variations. However, in recent times where increasing population and urban sprawl in Accra is evident, customary land in the study communities is observed to be undergoing rapid transformation. These sectors experiencing such transformation include tenure and transfer rights, pricing and transaction processes, and the changing land distribution channels. Examining the changing land tenure and transfer rights, the succeeding section argues that other than partial state interventions, more complex factors are accountable for the recent outcomes characterising the transformations of land in peri-urban Accra.

## **5. 2. Changing land tenure, and transfer rights in peri-urban Accra**

A major feature associated with the customary land market in the study communities is the changing land tenure rights. Following Wehrmann (2008b p.75), the land market in peri-urban areas remain 'the most dynamic and most diverse in sub-Saharan Africa'. Although allodial interest and usufruct rights continue to exist in the four communities, the study found that increasing economic value of land due to urban sprawl and commodification, as discussed in section 3.4.2 is modifying land ownership and transfer rights. This is ultimately changing common property regimes to private property regimes. To start with, an inheritance to family members was the commonest form of land transfer right in the study communities. Additionally, evidence of leasehold, customary mortgage, freehold grants, rents, sale, and gifts also constituted the modes of land transfers in the past. Nonetheless, the current mode of transfer in the four communities is restricted to leasehold agreements (Sakeyfiio, 2012; Arko-Agyei, 2011). The limitation to this mode of land transfer is further sanctioned by the state, who recognises it as the primary mode of land allocation (Ubink and Quan, 2008). Separate discussions with land sellers including chiefs and family heads in the four communities confirm that the leasehold agreement is the only recognised form of land transfer by the Lands Commission. In a narrative on the changing land transfer rights, a Chief revealed that

*'...now if you look everywhere, the demand for land has become very high, especially in this part (peri-urban) of Accra. Because of this, we are selling (leasing) our land to new settlers, specifically to those who want to build houses. The families who own land here are also selling theirs to the strangers who are relocating here. This is now different from the past when our forefathers gave out the land for free or rented it out for farming'* (Chief, Oyibi, 2018).

In a related discussion, a family head also stated that...

*'...I have lived here for 47 years and in the past, it was the family members that used the land for farming and houses. Now, because of the pressure from people to build, we are all (families) selling the land to strangers. You know rent in Accra is 'killing' people so when they gather the money, they come here to buy land and build. All the new and big buildings you see when on the other side of the town belong to strangers (new settlers)'* (Family head, Abokobi, 2018).

The increasing use of the word 'sell' during the process of land transfer in these peri-urban communities does not mean the outright sale of land to buyers. Rather, in principle, families and chiefs give out these parcels of land under a leasehold agreement. This is usually between 45 years to 99 years depending on the arrangement of the land sellers. Despite housebuilders having knowledge about the fact that the land acquired for housing is based on leasehold agreement, housebuilders perceive that the building of a permanent structure (house) on the land signifies a permanent ownership of the land. Besides, the usage of the term 'buying' and 'selling', as commonly used in land transaction processes in the study communities, including obtaining a land title certificate further endorses the notion of the land becoming a permanent property. This contrasts the notion of allodial interest which requires that families and stools resume ownership of the land after the leasehold contract expires. Nonetheless, the idea of perpetual ownership of land further resonates with the idea that the evolution in meaning of land purchase is due to the growing emphasis on the market value at which the land is given out. That is, the market value at which buyers acquire land by paying significant sums of money is causing many individual housebuilders to consider the transaction as signalling perpetual ownership. As observed by Cotula (2007 p.2), that 'the monetisation of customary forms of land transfers' is the cause of emerging and new practices of land transactions such as sales. Expounding on this, Wehrmann (2008b p.

81), in her view on the dynamics of peri-urban land markets in sub-Saharan Africa described the case of Accra that

*‘...although urban dwellers in Accra officially lease land, they talk about buying and selling...and the perception of buying the land is supported by the fact that there is only one-time payment for the land, which corresponds to the current market value of the land. ...it is further enhanced by the common belief that as the house on the land is and remains private property the land below cannot be taken away and returned to the state or clan when the lease expires’*

This perpetual ownership perceived by housebuilders is altering and threatening the composition of existing tenure such as allodial interests. This is reflected in the actions of most housebuilders who acquire land from families and stools and either resell it to other individuals or change the land use plan without the knowledge of the original owners. A social interpretation of the increasing possession of land and housing development further validate the statement of scholars such as Diko and Tipple (1992) and Yeboah (2003) that Ghanaians have a strong socio-cultural attachment to owning a house and this is undeniably contributing to the perception of having absolute ownership to the land. In several discussions with housebuilders during the fieldwork, the constant reference to the land and the house as ‘as property for my generations’ further affirms this perceived allodial status. Reinforcing this claim of changing allodial interest, the chief in Oyibi lamented that although in principle, customary tenure arrangements are against permanent transfer (freehold grant), the activities of buyers reselling the land and using it for whatever they wish makes them believe the land is their permanent property.

The transformation occurring in the peri-urban land market has further seen a rise in land transfer (leasehold rights) to new settlers. Although this practice existed in the past, its rapid nature constitutes the new dynamics of leasehold rights. Family heads and chiefs of the study communities revealed that in recent times, they transfer land to new settlers more than before, and this can be explained by the increasing value of land in the peri-urban communities. They added that the rapid transfer of land to new settlers is further driven by the increasing demand for land. Observably, this dynamics is resulting in new forms of tenure such as the *neo-customary delivery system*, which allow individuals holding usufruct rights to extend such rights to other people,

particularly new settlers who are mainly housebuilders (Durand-Lasserve, 2005). A case in point was in Achiaman, Oyibi and Oshiyie, where families and chiefs indicated that their members who have been given land under usufruct estate are now selling it (leasing) to new settlers for housing purposes. This was similar to the case of Abokobi where some congregants of the church were found to be transferring their land to new settlers who move into the community. Noticeably, the value of land is increasing across major cities and their peripheries in Ghana, however, Sackeyfio (2012 p.303) reveals that the increasing case in Accra can be attributed to the city's lack of natural resources such as gold, timber and diamond, hence families owning land 'capitalise on the land as a resource with cash value'.

Along with the changing ownership and transfer rights, is the shift from communal to private property regimes in the four communities. That is, common property regime involves the communal ownership of land and the preservation of land rights for past, present and future generations (Wehrmann, 2008a; 2008b; Kasanga, 1999). However, recent times have seen many individuals especially, new settlers in possession of land rights in the study communities. Of much significance is the absence of social connection of these individuals with the peri-urban communities. That is, the private property regime is not tied to the interests of the community, but rather, to the individual's interests. Accordingly, the right does not involve the transfer of land but 'a bunch of property rights on a given piece of land which is handed over from the previous or current owner to the current use, possessor or owner' (Wehrmann, 2008b p.77). Mends and de Meijere (2006) observe this as a common phenomenon characterising peri-urban land and resulting from increasing urbanisation. Furthermore, this change in property regime is closely reinforced by increasing education, migration, legal frameworks and influence of urban lifestyles, which ultimately enhance access to land (Arko-Agyei, 2011; Kasanga and Kotey, 2001). The transformation of property regime, therefore, reflects Boserup's (1965) thesis on the agricultural land market and land right evolution theory, which points out the notion that social factors such as land scarcity and population increase serve as a 'catalyst', responsible for transforming customary land tenure to a more privatised and commercialised tenure rights. According to her, 'each new step on the road to private property in the land may well create less and not more security of tenure, and a vast amount of litigation is the obvious result' (Boserup, 1965 p.82).

The shifts to more capitalist and privatised forms of property regimes have contradictory impacts on access. On the one hand, indigenous members of families are gradually losing access to land despite their social connection to the family and the land. According to some family heads, the commodification and the increasing value of land is compelling land sellers to transfer more parcels of land to new settlers for economic gain. This is creating uneven access to land within the community. On the other hand, there is an increasing number of new settlers who are gaining access to land in the community. These groups of people do not need any social connection, rather they rely on their economic ability (ability to pay for the land) to gain access to land. Importantly, specific groups of people, in this case, wealthier women, are able to access land. For instance, four out of the six women interviewed indicated that they acquired their parcel of land using the general means of approaching a land seller and paying for the land after price negotiations. The two other women, however, had engaged in a joint acquisition of the land with their husbands. This development departs from existing arrangements, where women in the indigenous and patrilineal Ga communities in peri-urban Accra, hold subordinate rights to land (Obeng-Odoom, 2012; Joireman, 2008; Whitehead and Tsikata, 2003). These arrangements, however, resonates with new settlers rather than indigenous women in the community who still live under existing customary laws, which are patrilineal. This reflects in land control among land-owning families, as all the custodians of the land in the communities are males. Complementing the theory of access, the study argues that economic power (ability to pay for land) is the most important, and primary element that informs access to land (Bartels et al., 2020; 2018), particularly, among women. Additionally, this economic power does not only enhance access but also ensure the maintenance of access to the land, particularly in conflict situations. Besides, following the idea of situated UPE, while the capitalist environment of the peri-urban is creating contradictions to access, the element of economic power is deepening uneven access and breaking down social relations associated with access to land.

As stated earlier, examining the ownership of land in the study communities sets the background for the subsequent sections and empirical chapters to discuss the dynamics of customary land transformations. The discussion above thus focused on the changing land tenure and land transfer arrangements in peri-urban Accra. Additionally, the analysis of how the transformation of the peri-urban is informing access to land in diverse ways, especially for women. The above discussion,

therefore, partly answers the overall aim of this chapter. Following how the transformation of the land market, the subsequent sections argues that parcels of land are increasing and these are largely informed by socio-economic factors. Similarly, the emerging actors in the land market are causing the evolution of diverse and multiple methods of transactions.

### **5.3 Changing Land Prices and Transaction Processes**

As discussed in Chapters 2 and 3, the economic viability of land in Accra can be traced to the colonial legacies that changed the perception of land from a communal property to an economic resource (Sackeyfio, 2012; Wehrmann, 2008b; Appadurai, 1986). Chimhowu and Woodhouse (2006 p.359), revealed stated that ‘a key indicator of commoditisation of land is the transition from the ‘gift’ historically expected as tokens of acknowledgement of customary authority and anticipated reciprocity, to payments more closely related to exchange values of the land’. Similarly, changes in land prices and land transaction processes constitute another major aspect of land transformation driven by commodification and other socio-economic factors unfolding in peri-urban Accra. Arguably, these changes, especially in pricing is caused by an interplay of complex conditions given the marginal participation of the state in the land market. These arguments are unpacked in the succeeding section.

#### ***5.3.1 Land Pricing***

Historical accounts from the four study communities revealed that customary land transfers did not involve any form of monetary transaction. According to the chiefs and family heads, land transactions in the past involved the presentation of drinks and gifts as a form of acknowledging customary authority. Accordingly, drink monies were symbols of allegiance a new settler shows to the chief or a community for the use of land (Kusaana and Gerber, 2015). This norm has been a common practice characterising customary land in most communities in sub-Saharan Africa, especially in the peri-urban and rural areas where traditional authority persist (Leduka, 2006; Wehrmann, 2008). Nonetheless, recent developments in the peri-urban communities (as discussed above) have resulted in a shift of land transaction acknowledged by gifts to one now involving the payment of money.



Land transaction between chiefs and family heads and their clients (land buyers) reveals an exchange of a substantial sum of money, which is equivalent to the market value of the land. In several discussions with chiefs and other family heads, it emerged that the old practice of taking drinks in a form of appeasing the ancestors for giving out the land was not in existence any longer, rather, the land is sold in ‘hard cash’. This resonates with the idea of Locke and Henley (2016 p.27) that the increasing demand for land has generated a situation where land sellers, particularly chiefs ‘request for a cash payment of much higher monetary value’. Accordingly, the study found that a parcel of land (1plot = 70m\*100m) is currently sold between the price of C6000 (£778.51) and C55,000 (£7,136) (see Table 5.1) across the four communities. This departs from previous prices, which was between C1,000 (£140. 00) and C3,000 (£420. 00) some decades ago.

**Table 5.1 showing the range of prices of land in the study communities**

<b>Community</b>	<b>Price of land (Ghana cedis, C)</b>	<b>Price of land (British Pounds, £)</b>
Oshiyie	6000 – 20,000	778.51 – 2,595
Achiaman	7000 – 35,000	908.26 – 4,541
Abokobi	9000 – 40,000	1,167– 5,190
Oyibi	15000 – 55,000	1,946 - 7,136

**Source: Fieldwork, 2018 (Compiled by Divine Asafo, 2018)**

Spatial characteristics were identified as elements causing the major variation in land prices in peri-urban Accra (see Table 5.1). The differences in the levels of development, increasing demand, and the growing interaction of peri-urban communities with urban Accra account for the difference in land prices between these communities. Comparing the levels of development and spatial interaction with urban Accra, the study found that Oyibi and Abokobi were more developed and consolidated as compared to Oshiyie and Achiaman. In terms of location, the proximity of Abokobi and particularly, Oyibi to the major roads as compared to Achiaman and Oshiyie (see Chapter 3 & 4), which are located off the major road to Accra influence land prices across the study communities. Additionally, although the distance from Abokobi (25km) and Oyibi (32km) to Accra is farther as compared to Oshiyie (24km) and Achiaman (26km), recent urban sprawl towards the eastern part of Accra, which includes Oyibi and Abokobi (see Figure 3.4) justifies the

high land prices in these areas. This affirms the earlier projection made by some studies that the increasing development of peri-urban communities in the Eastern part of Accra would result from the rapid urban sprawl towards this direction (Owusu, 2013; Yeboah, 2003; Gough and Yankson, 2000). Again, the political status of Abokobi as a municipal capital (as highlighted in section 4.7.1), which is causing speculative development further compels land custodians to respond by increasing land prices. Similarly, the increasing proliferation of gated communities in Oyibi is also driving speculative development and a rise in land prices. To this end, while land prices in Abokobi and Oyibi range from C9000 (£1,167.77) - C55,000 (£7,136.37), parcels in Achiaman and Oshiye cost between 6000 (£778. 51) and 35,000 (£4,541.33).

The variations in land prices are not limited to communities alone but also within communities as there is evidence of price differences for the same size of land within the communities (intra-community or inter-family). The variation in price between families was dependent on three locational factors; the proximity to road networks, the proximity to the old indigenous community and the density of development in a particular location. A discussion with a land seller in Achiaman revealed that though there seem to be many factors driving the price of land in the community, the amount of money a buyer pays for a parcel of land is dependent on the choice of location; whether the land buyer wants the land closer to the community or along a road network. He narrated that...

*'...though Achiaman is one community, the price of land differs and depends on where it is located. Within the community, it cost between C20,000 and C35,000 and when it is along a road, I sell it between from C30,000 to C45, 000. And for the ones located in newly developed areas, I normally sell it for C7000. (Land seller, Achiaman, 2018).*

In a similar discussion, a land seller in Abokobi disclosed that

*'our family land extends from the roadside inward and covers a very large area. So land within is sold for C15,000 and if it is roadside, it's C30,000 because builders in future build shops in front of their houses and make money. This is why we charge high when your land is close to the roadside' (Land seller-Abokobi, 2018).*

Land closer to the indigenous community are perceived as more valuable and are more expensive than in new areas due to its development advantage over new areas. This advantageous location does not demand much effort in accessing infrastructural and social amenities such as water, electricity, transportation and convenient shops as compared to relatively new areas. Nonetheless,

some new areas managed by real estate companies exhibit high land prices given that the land is registered, planned and serviced (Rakodi, 2006). Additionally, the land located along road networks of new areas is equally expensive because of their potential economic and livelihood opportunities. In contrast to all the other communities where there is the absence of a coast, land sellers in Oshiyie, for instance, indicated that land along the coast was more expensive than the ones on the mainland, due to its business viability. As highlighted in section 4.7.3, the rush for land along the coast of Oshiyie is intended to increase tourism through the provision of leisure infrastructure. These opportunities compel many land sellers to add the cost of prospective businesses to the cost of land before selling it to prospective buyers. During one of the interview sections, a land seller pointed out some houses with retail shops at their frontage, indicating that it was a major driver of high land prices. These development characteristics further point to how the changing pattern of land value, the rise of tourism and business investment (in the case of Oshiyie) facilitate urbanisation of peri-urban communities. While this development highlights the economic potential of the peri-urban and of housing (Payne et al., 2015; Agunbiade, 2012), its implication on equal access is the case of some wealthy and elite housebuilders using their social and economic status to forcefully acquire these lands from the vulnerable actors (housebuilders). This creates uneven urbanisation processes in the peri-urban and ultimately instigates land conflict, particularly in cases where there is resistance from the vulnerable individual actors such as the housebuilder.

Furthermore, the minimal participation of state institutions in the land market, especially in the postcolonial period informs price variation in Accra's peri-urban land market (Mahama and Antwi, 2006). Observably, the several institutional (discussed in Chapter 3) transformations on land in Ghana focuses largely on land administration, tenure formalisation and consolidation of formal and informal institutions. For instance, the LAPs, which have been a significant institutional framework, focused more on revamping the Lands Commission, promoting coexistence between state and customary institutions and ensuring an effective bottom-up approach to land conflict prevention through the CLS. This development leaves the land market to the forces of demand and supply and the interplay of physical and socio-cultural factors as discussed above. Nevertheless, land ownership, predominantly by customary systems could further account for the neglect of state policies and laws in managing the land prices. The result of this is the continuous and rapid increase in land prices in peri-urban Accra. The World Bank (2015), for instance, revealed that land prices in Accra and Kumasi within a decade (1995-2005) increased from 460% to 1,300% respectively.

A subsequent report on urban development and economic growth in Ghana by the World Bank in 2007 discovered that the price of land in Accra and Kumasi (the two largest cities in Ghana) were high compared to European standards. A recent report by Citinewsroom (2018), a multimedia institution in Ghana, suggested that the increased cost of land by 450% in the past 13 years (2005-2018) constitute one of the major challenges of land acquisition in Accra and its peri-urban areas. Although this percentage is lower than the World Bank reports, the import of the argument points to the continuous rise in land prices in Accra and its peripheries.

### ***5.3.2 Negotiated payments for land***

Closely related to changing land prices is the evolving variations in the duration for land payments. As discussed in section 3.4 and 5.3.1, past arrangements for payment of land involved a one time provision of drinks and some cash or shared farming where land buyers periodically shared their produce with the land seller. Given that recent transactions of land involve a huge amount of cash, the duration of payment range from outright payment to instalment plans and in some cases, exchange of land with other personal properties (barter trade). The adoption of any of these arrangements is dependent on a land buyer's ability to negotiate with a land seller. These modes of payment are closely tied to the duration of payment. That is, aside from making outright payments, the other durations for most payments in the study communities ranged from 6 months to 2 years depending on which land delivery channel allocates the land. These channels (discussed in detail in section 5.4) include family heads, chiefs, individuals, welfare associations, and real estate companies. Besides, the duration for payment is further dependent on the cost of land, in that, high prices are associated with longer payment duration, while low prices are associated with shorter payment durations. The study argues that the ineffective housing financing sector (Teye et al., 2015; Asiedu, 2007; Asare and Whitehead, 2006) equally affects the financing of land purchase. Similar to modes of funding for individual housing development, land buyers use their savings alongside, high interest loans to service their land purchases.

The nature of land delivery channels further plays a significant role in the negotiation and payment duration process of land. The study found that chiefs, family heads, and individual land sellers who constitute the informal land delivery channels provided up to 6 months for buyers to complete

their payments. In contrast, the real estate companies and welfare associations, who constitute semi-formal institutions, provided a longer duration of up to two years or more for payment of the land. Observably, negotiations of payment with informal land delivery channels were more flexible than the semi-formal land delivery channels. Transactions between chiefs and family heads, for instance, did not have any formal structural payment method, as the requirements for land transactions (negotiation and payment) was based on word of mouth and trust between the seller and the housebuilder. While some land sellers kept payments in receipts books, a few others indicated, they document payments in logbooks. These more rudimentary practices in the payment process support the claim that customary land is characterised by flexibility and usually built on trust (Ubink, 2008; Leduka, 2006). Notwithstanding this practice, some chiefs and family heads revealed that their current approach to land transaction processes involves the engagement of lawyers. This had become necessary considering the breaking down of trust and increasing land conflicts in the peri-urban communities.

In contrast, the real estate companies and welfare associations, however, have a more formal and well-structured payment plan (see Figure 5.2) for negotiated payments. A key distinction between the formal and informal payment is the longer and structured time for payment (as observed in Figure 5.2.), which comes with interest charges. This diverged from the informal institutions, which allowed short payment time and without interest. Some housebuilders are opting for these structured payments and duration methods due to their longer periods, but more significantly, because land obtained from this outlet is considered to be more secured as compared to the other outlets.

Figure 5.2 land sale and duration of payment

 <b>KAS ESTATE GHANA LTD.</b> REAL ESTATE DEVELOPERS, LAND SALES, BUILDING CONSTRUCTION		LOCATION:	OUTRIGHT PRICE	INSTALLMENT PRICE	DEPOSIT	DURATION
		<b>GREATER ACCRA</b>				
1	ASHIFLA-OBOM JUNCTION (GREAT CITY 11)	GH¢ 5,000.00	GH¢ 5,500.00	GH¢ 300.00	24 MONTHS	
2	OBOM DIVINE COMM. 3 - 4	GH¢ 5,500.00	GH¢ 6,000.00	GH¢ 300.00	24 MONTHS	
3	DANCHIRA - BALAGONNO (ROYAL CITY 7B)	GH¢ 8,000.00	GH¢ 9,000.00	GH¢ 300.00	12 MONTHS	
4	KOFFI KWEI (GOLDEN CITY 10)	GH¢ 10,000.00	GH¢ 11,000.00	GH¢ 1,000.00	12 MONTHS	
5	ASHALAJA-AMASAMAN (R-C 10A & B)	GH¢ 13,000.00	GH¢ 15,000.00	GH¢ 4,000.00	6 MONTHS	
6	DODOWA (LUOM ROAD) (DIAMOND CITY 2)	GH¢ 14,000.00	GH¢ 15,000.00	GH¢ 1,000.00	18 MONTHS	
7	DOBLO GONNO (GATED COMM.) PLOT SIZE 70/50	GH¢ 18,000.00	GH¢ 20,000.00	GH¢ 5,000.00	8 MONTHS	
8	NTAFRAFRA (KPOTA) & DOBLO GONNO	GH¢ 22,000.00	GH¢ 25,000.00	GH¢ 6,000.00	6 MONTHS	
9	ALL OLD SITES PACKAGE <small>Must Start Project Before One (1) Year</small>	GH¢ 10,000.00	GH¢ 12,000.00	GH¢ 2,000.00	12 MONTHS	
		<b>CENTRAL REGION</b>				
1	CAPE COAST-AYENSUDO ON <small>The Elmina Road (Jay City Comm. 2)</small>	GH¢ 3,000.00	GH¢ 3,500.00	GH¢ 300.00	24 MONTHS	
2	SENYA - KWEI KROM (VILLA CITY 6) OFF OLD WINNEBA ROAD	GH¢ 3,000.00	GH¢ 4,000.00	GH¢ 300.00	24 MONTHS	
3	POTSIN ON THE WINNEBA (VILLA STAR 1,2)	GH¢ 7,500.00	GH¢ 8,000.00	GH¢ 500.00	24 MONTHS	
4	BENTUM-JEIKRODU (LEB.6)	GH¢ 6,500.00	GH¢ 7,000.00	GH¢ 500.00	24 MONTHS	
5	KASOA JEIKRODU ( LEBANON CITY 3 )	GH¢ 9,000.00	GH¢ 10,000.00	GH¢ 2,000.00	12 MONTHS	
6	POTSIN JUNCTION (NHYIRA CITY)	GH¢ 12,000.00	GH¢ 15,000.00	GH¢ 1000.00	24 MONTHS	
7	ALL OLD SITES PACKAGE <small>Must Start Project Before One (1) Year</small>	GH¢ 10,000.00	GH¢ 12,000.00	GH¢ 2,000.00	12 MONTHS	
		<b>EASTERN REGION</b>				
1	(NSUOBRI) DIVINE CITY COMM. 1	GH¢ 7,500.00	GH¢ 8,000.00	GH¢ 500.00	24 MONTHS	
2	ASUTWARE-ON AKUSE ROAD (DIAMOND CITY 1)	GH¢ 4,500.00	GH¢ 5,000.00	GH¢ 500.00	24 MONTHS	
3	NSAWAM - KWESI NYARKO (VIRGIN CITY 2)	GH¢ 6,500.00	GH¢ 7,000.00	GH¢ 500.00	12 MONTHS	
4	ALL OLD SITES PACKAGE <small>Must Start Project Before One (1) Year</small>	GH¢ 10,000.00	GH¢ 12,000.00	GH¢ 2,000.00	12 MONTHS	
		<b>NORTHERN REGION</b>				
1	TAMALE	GH¢ 9,500.00	GH¢ 10,000.00	GH¢ 500.00	24 MONTHS	

Source: kasestateghana.com (2019)

In a rather non-traditional form of development in the land market, some land buyers who do not have actual cash to pay for the cost of land engage in ‘barter trade’ by permanently exchanging their valuable properties for land. It emerged in Abokobi and Achiaman that a couple of land buyers exchanged their cars, Corolla S (2013) and a Ford Explorer (2010) for two and five plots respectively. A family head recounted that the desperation of some people to own land drives the decision to trade their personal belongings. The number of plots acquired through this means is largely dependent on the market value of the property in exchange. While this development helps to explain the number of land parcels one could get through an exchange, there are further indications that such large parcels of land are used beyond housing development to also include other forms of business developments such as building to rent. This development has become a

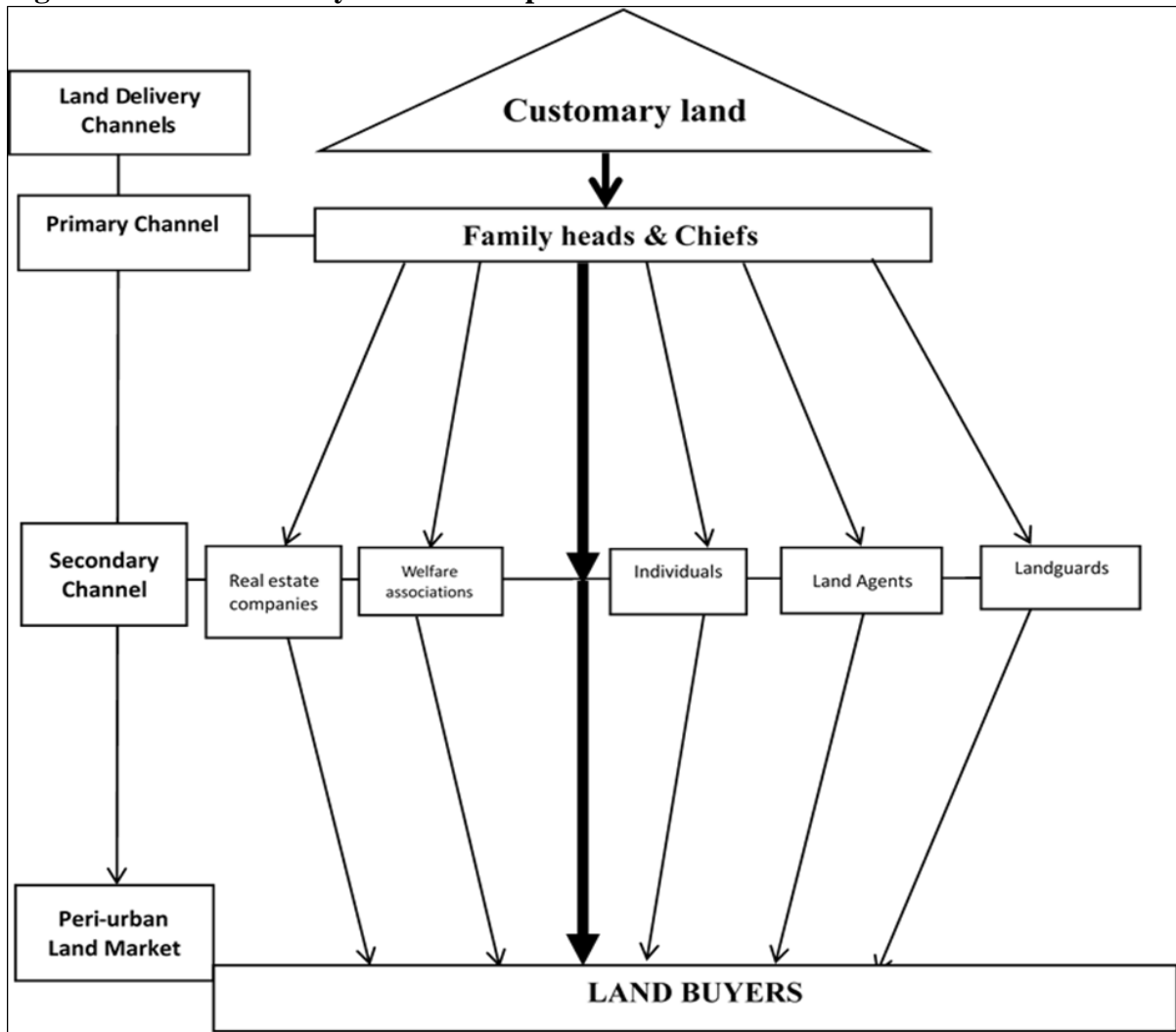
very common phenomenon for housebuilders who wish to acquire land but do not have adequate funds to pay outright or through instalments. Explaining why land sellers agree to this development, one of the family heads who received the car indicated that sometimes, they need the car for the land business because it facilitates mobility and the quick transaction of land.

The relevance of these new initiatives of payment and the duration for fulfilling financial obligations bring to the fore dynamics to land access and overall contribution to the access theory literature. Ribot and Peluso (2003) indicated that the dynamics of socio-economic and cultural factors continue to evolve to influence capacity in resource access. This reflects in this thesis given that, these different transaction initiatives provide alternative forms and opportunities for housebuilders to access land in peri-urban areas. Importantly, it allows different housebuilders to gain access to and control of land based on their economic ability. Besides, some forms of social relations established between land buyers and the sellers support access to land. A case in point is the increasing number of housebuilders who prefer to engage with family heads and chiefs for land transaction rather than the state where the process of land acquisition is highly structured and bureaucratic (UNEP, 2012; Rakodi, 2006). Having discussed the current multiple modes of land payment in the study areas, the next section argues that the increase in evolving land delivery channels, on the one hand, is influencing access to land and on the other hand, and impacting on tenure security in complex ways.

#### **5.4 Changing land delivery channels**

The ongoing transformation of peri-urban land is changing the composition and structure of land delivery in the land market in peri-urban Accra. Building on the notion of de facto privatisation of land as stated by Bartels et al., (2020), the thesis further argues that land transaction is not only resulting in chiefs or family heads detaching themselves from the customary institutions to sell land. Rather, it is also creating new and privatised land delivery channels (see Figure 5.3). Ultimately, this composition and structural change is observed to be influencing the power dynamics surrounding land and access to land.

**Figure 5.3. Land Delivery Channels in peri-urban Accra**



**Source: Author’s construct (2019)**

These relatively new channels are composed of different actors including real estate companies, welfare associations, individuals and land agents. Observably, scarcity and high prices (for economic gain), and the flexible nature of customary land tenure constitutes the compelling factors that are influencing the engagement of new actors in the land delivery process. Significantly, some actors, such as welfare and real estate companies emerge within the delivery channels in an attempt to mitigate conflicts associated with land in peri-urban Accra. A land seller, whose view represented many other land sellers, captures the emergence of these new actors in the land delivery system:



*'...if you look at Oyibi today, we the chiefs and families are not the only people selling land. The land has become a big business and everyone is selling it. The real estate companies, workers' associations, agents, the youth and even some landguards are all selling the land'* (Traditional leader, Oyibi-2018)

From the above quote, the thesis identifies and categorises the past (traditional) and present (new) land delivery channels in peri-urban Accra into primary and secondary delivery channels (see Figure 5.3). The primary channels, constitute the original owners who hold allodial interests to land, while the secondary channels constitute emerging actors who acquire the land through leasehold agreements from the primary providers and subsequently sell (leased) it to potential buyers in the land market. In addition, are landguards who illegally sell land to unsuspecting housebuilders. Although these two channels provide access to land in the land market, the primary channel remains the commonest source of land delivery in all the four study communities.

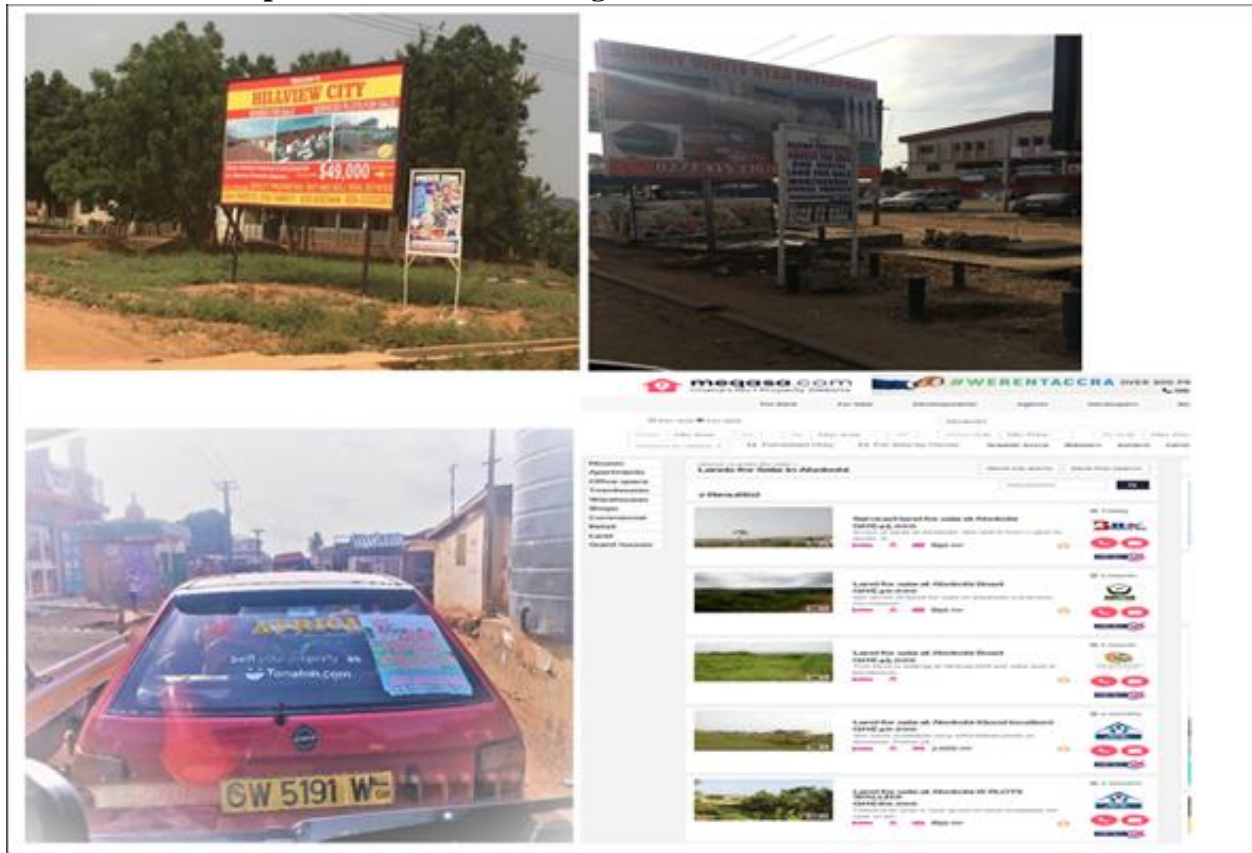
The evolution of secondary land delivery channels has created a more active land market which has improved access to land for housing purposes (Wamukaya and Mbathi, 2019; Wehrmann, 2008b). Given that land is at the heart of housing development, the different options have provided housebuilders with the opportunity to choose between land delivery channels. Interviews with housebuilders with different income levels, for instance, reveal that the land market meets the needs of all categories of land buyers including low-income people. This is evident in other studies (see Holden and Otsuka, 2014; Jin and Jayne, 2013; Deininger and Mpuga, 2008), where active and widespread land rental markets were found to be pro-poor and enhancing equity in land access. Even though Ribot and Peluso (2013) focus on the abilities of individuals as factors that influence access to resources, the active and widespread land channels in peri-urban Accra reveals how the transformation and changing composition of land markets equally influence large-scale access. A case in point from the field highlights how real estate companies and welfare associations create avenues for mostly high-income earners to acquire land. At the same time, individuals, families, and even landguards equally provide avenues for low-income earners to access land.

The increasing number of channels and their structures interfere with the power relations guiding the land market. The study found that the emergence of relatively new secondary channels has resulted in a shift of monopolistic power to land control, which was once concentrated in the primary channels. Consequently, this power has been diffused across secondary channels thereby

creating various degrees of power relations in the control of access in the land market. That is, within the peri-urban land market, various secondary channels are able to engage in access control, which involves the negotiation and mediation of a housebuilder's access to land (Ribot and Peluso, 2003). This was revealed in a narrative by a family head who indicated that there is no longer absolute power for original landowners (chiefs and family heads) in determining who gain access to land. This power is currently shared with the real estate companies and other land sellers who now have the capacity and power to control how land is given out and used.

A major implication of these distributed and dispersed power relations among the land delivery channels is the rising level of competitiveness accompanying the land delivery process. The study observed that internet spaces, electronic and print media spaces, billboards, flyers, social media and vehicles (see Plate 5.1) have become platforms set up to advertise land sales. These new marketing strategies are a response to the increasing economic value of land coupled with the increasing demand for land. These platforms expand the market base of land sellers, and at the same time, create easy access to information on land. These approaches depart from the traditional mode of land advertising, which included but was not limited to, word of mouth and referral. Even though these traditional modes are still in use, the advent of technology and social media have become significant tools for swift dissemination of information on land sales. Nonetheless, the lack of coherence of information within these platforms is creating all forms of irregularities in the land market such as increasing cost of land and fraud (Leduka, 2006).

**Plate 5.1 Different platforms for advertising land sales**



**Source: Fieldwork, 2018 (Photo taken by Divine Asafo, 2018)**

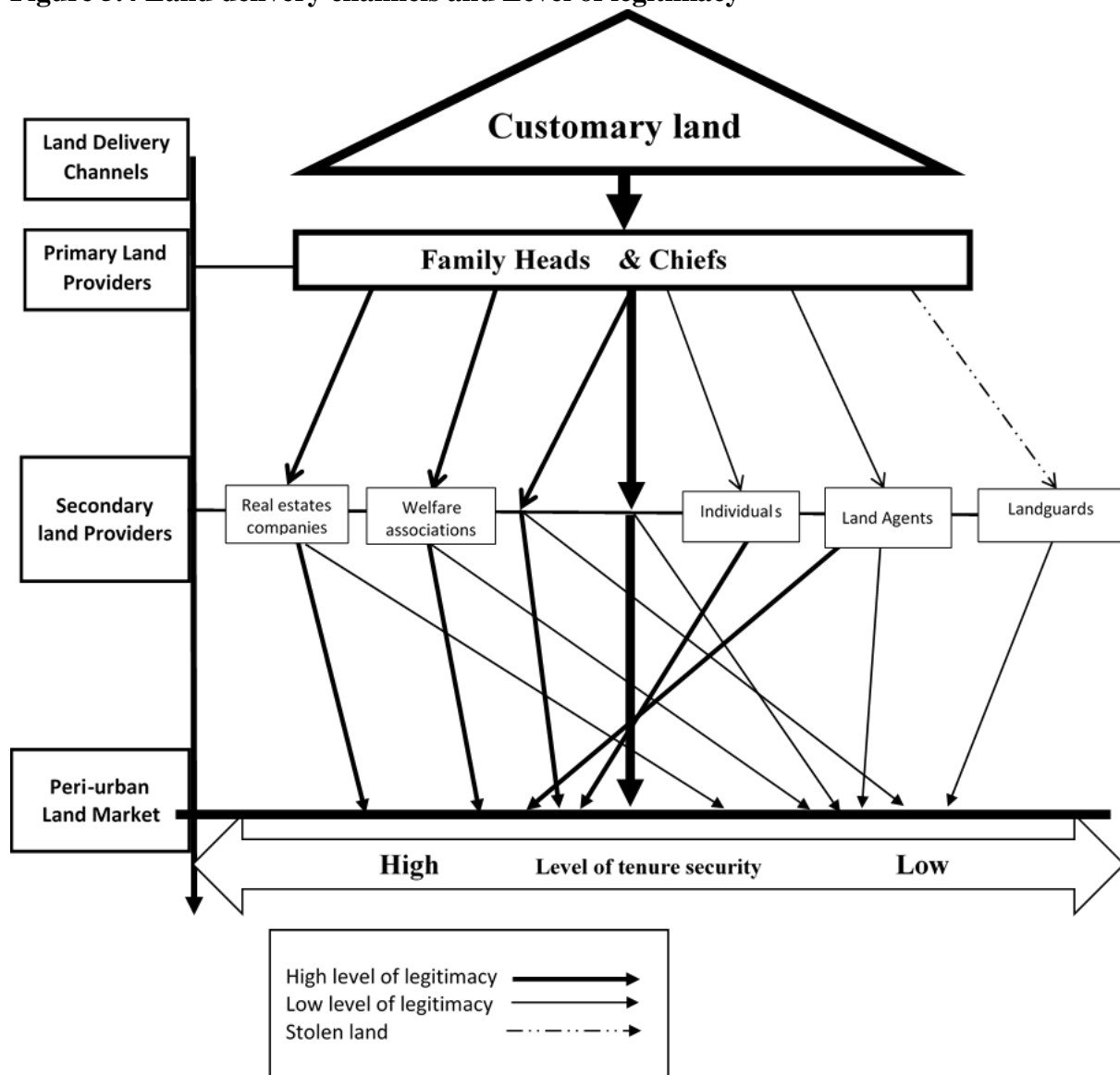
Furthermore, Figure 5.3 reveals that the land market in the study communities remains largely informal with a few semi-informal channels. A significant dichotomy between the informal and semi-formal channels is that the informal (chiefs, family heads, land agents and individuals) are non-state controlled, and characterised with no defined framework of operation, while the semi-formal channels including the real estate companies and welfare have laid down structures for land transfer and are sanctioned by the state. Notably, the dominant element of trust, which guides customary land, constitutes one of the key reasons for the increasing informal land delivery channels in peri-urban Accra. It emerged from the study that some family heads and chiefs transfer parcels of land to some secondary channels based on trust, which accepts that payments will be made in the future. Although land title is key to tenure security, the recognition of social legitimacy associated with peri-urban land further advances the growth of the informal land market in peri-urban Accra.

The partial engagement of state actors in the land market further contributes to the rise of secondary and informal land delivery channels in peri-urban Accra. The study observed that the laws guiding customary land markets in peri-urban Accra (as discussed in Chapter 3), focus mainly on land administration, and management practices, particularly, planning and land title registration. Recent land regulations including the LAP (I & II), the Land Law, the Vigilantism and Related Offences Act and others, all emphasise ensuring tenure security, as against playing an active role in determining standard prices of land and outlining guidelines for land transactions in the land market. Besides, the time-consuming, corrupt, and bureaucratic procedures involved in engaging the state, especially in accessing state land (Urban Landmark, 2011; Rakodi and Leduka, 2004) compels individuals to depend on the informal land market; a development that increases the number of actors in the informal land market. This possibly accounts for why all the housebuilders interviewed acquired their land from the informal land market. Additionally, the delay in paying compensation for land acquired from families and chiefs further accounts for the increasing informal land delivery channels (Gough and Yankson, 2000). For instance, a chief explained that the government's inability to pay compensations for the land acquired accounted for why many land sellers prefer to sell their land to real estate companies and individuals in recent times. Rakodi (2006 p.279), summarises this development by stating that 'informal land delivery is a response to the failures of formal tenure and land administration systems'.

#### ***5. 4.1 Land delivery channels and the question of legitimacy in peri-urban Accra***

A major advantage of the evolving land delivery channels in the study communities is the improvement in access to land. This supports the idea that secondary land delivery channels serve as intermediate channels between the primary channels and the peri-urban land market (Rakodi and Leduka, 2004). However, this thesis argues that the evolving land delivery channels particularly, the secondary channels and their related activities, are raising the question of uncertainty, insecurity, and legitimacy in land transaction processes (see Figure 5.4). These issues are further shaping the power-laden processes of land ownership and transfers within the channels.

**Figure 5.4 Land delivery channels and Level of legitimacy**



**Source: Author's construct (2019)**

Indicatively, Figure 5.4 shows that on the one hand, both the primary channel and some actors within the secondary channels (real estate companies, welfare associations, individuals, and land agents) have high levels of tenure security associated with land delivery in the land market. The study points to social legitimacy as a major tool used to secure tenure in the land delivery processes. This social legitimacy originates from the primary channel who holds allodial interest, which enables them to extend land rights to secondary channels (except landguards) on a leasehold basis. A case in point is the transfer of land to welfare associations and real estate companies by some families in Abokobi and Oyibi. Although some parcels of land are not registered with the

Land Commission, these family heads and chiefs gave it out based on their status as holders of allodial interest. Notwithstanding this, given that land title (legal legitimacy) remains the ultimate form of tenure security, several actors within both primary and secondary channel have acquired land titles to enhance their level of security in the land market. As can be seen from Figure 5.4, the level of tenure security from actors who have social legitimacy and more importantly, legal legitimacy have high tenure security in the land market. This high level of tenure security from both the customary and statutory actors intensifies the trust in the land market. The study observes that in the above situation, these tenure security processes create some sort of equal power in land control as both channels are backed by dual legitimacies. Considerably, maintaining access and control of resources such as land involves several factors including socio-cultural and political factors (William, 2013; Aguirre, 2013; Ribot and Peluso, 2003). The dual legitimacies have the potential of enhancing housing security given that the land acquired by housebuilders is devoid of any form of uncertainty. This supports the idea of proponents of land titles that dual legitimacies increases the sale of land, improves housing security, productivity and financial development as registered land could be used as collateral (Chimhowu, 2019; Payne et al., 2015; Field, 2005; Agunbiade, 2012).

One the other hand, these same land delivery channels also generate low levels of tenure security given the complex interplay and uncertainties of social and legal legitimacy in the market. This also influenced the power relations within the land channels as the power to control land shifts between actors. Considerably, while almost all channels ‘inherently’ have social legitimacy, land sellers saw this as inadequate and unreliable until legal legitimacy was acquired through land registration. It emerged from the study that the lack of consistency of social legitimacies among families and chiefs contributed to insecurity of land tenure in the land market. In Achiaman and Oshiyie for instance, the problem of chieftaincy disputes and multiple ownership within the family posed a huge challenge over which individual (family head or chief) was recognised and authorised to approve and legitimise land transaction. Although there was no chieftaincy dispute in Abokobi and Oyibi, the problem of multiple individuals posing as family heads within families created tensions of tenure insecurity on land transfers. This leadership challenge is coupled with indeterminate boundaries, partial registration of land and land conflicts, which creates more unreliable social legitimacy and intensifies the level of uncertainty within the land market in the four communities. Additionally, the challenges associated with land registration including

corruption, complex bureaucracies, high costs of registration processes and excessive delays (UNEP, 2012; Ubink, 2008; Wehrmann, 2008a) have resulted in some actors unable to register their land. Consequently, the land, especially within the primary channels become characterised with tenure insecurity and uncertainty. Observably, this breach of trust and uncertainty has resulted in the primary channels losing the power to control the land market. This power is gradually settling within the secondary channel because of the characteristics of fewer uncertainties and relatively structured modes of operation as argued in section 3.2. Considering the shift in power and structured mode of operation in the land market, land sold by these secondary channels become relatively costly as compared to that sold by the primary channels.

Although some of the insecurities such as unregistered land are transferred from the primary to the secondary channels, the abuse of trust on the part of the secondary channel during land transfer was also found to create low levels of tenure security in the land market. This was found in cases where although primary channels had high tenure security, the transaction process between these two channels was characterised with breaches of trust and inconsistencies. A land seller in Oyibi, for instance, lamented about how some real estate companies acquired large parcels of land but could not pay the cost of the land in full and on time. This breach of trust had caused the reallocation of the same land to new buyers. Similarly, within some families in Achiaman and Abokobi, some individuals were found to have clandestinely transferred more parcels of family land to housebuilders than they were assigned. The outcome has been intense conflict over the land. In all the four communities, some landguards, who were mostly hired to protect land, also engaged in indiscriminate and clandestine sales of family and community land. This act of land sales by landguards is not new (see Bansah, 2017; Badong, 2009; Darkwa and Attuquayefio, 2012); what is new, however, is how this illicit practice is producing mistrust and fraud in the land market. Nonetheless, it emerged from the study that such illicit sales were sometimes preferred to other legitimate sales because of the constant protection offered by landguards to these particular housebuilders during the housing development.

The inconsistencies in tenure security have changed the approaches adopted within the land channels in gaining and sustaining access to land in the peri-urban land market. As mentioned earlier, the actors in both channels adopt all available strategies (social, legal and illicit) to obtain legal legitimacy. These approaches are largely dependent on economic power (money) and social

connections, particularly with state actors who shape the control of land in the peri-urbanisation process of Accra (Ahlborg and Nightingale, 2018; Ribot and Peluso, 2003). In many other cases of maintaining access, there is also the reliance on oral history and tradition as a component of power in land control. The relevance of these past narratives holds memories of land ownership and transfers hence, are used to engage the present to legitimise land in conflict situations (Kansanga et al, 2019; Lund, 2013; Berry, 2000). The historical inconsistencies associated with these narratives shape the power relations existing between actors in that, families who had more witnesses (older family members) alive, seemingly wielded more power in land control than families where witnesses were deceased. This method does not always suffice as competing parties engage other methods such as the courts in complex legal battles, which take long durations to solve. Under such intense insecurities, therefore, the power to control land and the trust in the land market keeps shifting to actors who have multiple and alternative backing of legitimation and security as compared to actors who have just a single source of legitimacy.

The growing situation of tenure insecurities and inconsistencies in land legitimation is causing serious uncertainties to the housing process and resulting in aspects of fragile and compromised housing. Given that some of the parcels of land were partially registered and others not registered at all, many housebuilders had become exposed to threats of demolition by city authorities or landowners. The engagement of landguards also reflects some of the impact of these insecurities on housing development processes. These components of fragile and compromised housing and other aspects are discussed in detail in Chapter 8.

#### ***5.4.2 Gaining access and control in the peri-urban land delivery channels***

A major change within these channels is the increasing number of actors in the peri-urban land market. Although this is creating access for land buyers, particularly housebuilders, it is at the same time creating inequality in land access (see also Bartels et al., 2020; Bartels et al, 2018). It is argued in this section that actor's relevance in the land market is significantly dependent on factors that enhance and shape access and control of land. Although several factors were identified, the most significant ones included socio-economic, legal, as well as illicit factors. These interrelated factors do not only enhance or undermine access to land by the actors within the channel but also influence tenure security. Additionally, the section argues that while these factors are ensuring that different actors have access to land, the factors are more relevant to maintaining access to land,



particularly during complex contestations over land. Significant attention is paid to secondary delivery systems because of their recent evolving state in the peri-urban land market. This sets the background to understanding the next two empirical chapters, which focus on land conflicts and housing development respectively.

#### ***5.4.2.1 Socio-economic and legal factors shaping access***

The engagement in land sales, particularly within the secondary channels (see Figure 5.2) is beyond property rights linkages. This is affirmed through the access theory (as discussed in Chapter 2) that the ability of actors to derive benefit from resources, in this case, access and sale of land, goes beyond rights to involve socio-economic and legal factors among others (William, 2013; Ribot and Peluso, 2003). These factors enable mostly actors within the secondary channels in the study communities to gain access and tenure rights to land although they do not belong to landowning families.

One of the key factors that enable actors within the secondary channels to gain access and control to land is the purchasing power required to pay for the cost of land. This economic factor was identified to be very common among individual house builders, real estate companies, and welfare associations who acquire large parcels of land from the primary channels and subsequently transfer it to buyers. The welfare associations are relatively new in the field of land sales as compared to the real estate companies, who primarily were focused on housing, but in recent times engaged in the sale of land. This additional role is attributed to the increasing demand for land, particularly among individuals who prefer to build their style of houses, which are presumably affordable as compared to real estate houses. Additionally, as an attempt to save members from land conflict, welfare associations also acquire land and subdivide it for their members, who pay the cost over a period of time. During some site visits, certain parcels of land were identified as belonging to welfare associations and institutions such as Teachers' land in Oyibi and Social Security and National Insurance Trust (SSNIT) in Oshiyie, as well as other groups of individuals. Explaining the experiences of land transfer to secondary channels, a land seller in Oyibi for instance noted...

*'now, we (land sellers) are no longer the only people selling in the community. Some groups of individuals buy the land from us and resell it to their members. At first, real estate companies*

*only build houses and resell but now they are all paying large sums of money to land sellers to get the land and resell to people'* **(Land seller, Abokobi, 2018)**

Furthermore, some family heads revealed that the sale of land to real estate companies and welfare associations saves time over the search for buyers and prices negotiating given that these entities buy multiple plots in one go. This study, therefore, suggests that the uneven economic power of these actors, which aids the acquisition of large parcels of land does not only enhance control but also, could increase scarcity of land in peri-urban Accra. This is because, land from these sources are mostly expensive given their characteristics of being registered and serviced with basic social infrastructure such as water, roads, security and electricity (Ehwi et al., 2019; Obeng-Odoom et al, 2014; Arku, 2009). Consequently, the thesis argues that this process is producing more differentiation in the land and housing market, and in the experiences of housing developments. This is because the expensive cost of such land benefits wealthier housebuilders who speculate and buy multiple plots as compared to poorer housebuilders who are unable to afford this parcel. This affirms the argument that apart from environmental factors, scarcity of resources including land can be induced by the interaction of demand and supply, institutional practices and socio-economic processes such as price speculation of land and land grabbing (John and Karol, 2013; Simmons, 2004; Turner, 2004; Peluso and Watts, 2001).

Closely related to capital is also the element of social networks, which enhanced access and control of land within the secondary channels. The thriving of these social networks is influenced by the flexibility of customary land (Chimhowu, 2019; Obeng-Odoom, 2016; Ubink, 2008). For instance, actors within the secondary channel were able to acquire land and pay for the cost at a later date. Nevertheless, several forms of uncertainties and conflicts have evolved in this transaction process given that there is sometimes a breach of trust. As discussed in section 5.4.1, while on the one hand, some secondary channels do not complete payments for the land on time, others, on the other hand, take advantage of the flexible customary land and engage in fraudulent transactions. Some chiefs and family heads complained about how some real estate companies use their knowledge and resources (economic influence, personal surveyors) to alter agreed boundaries of the land and sell it to their clients.

Legal requirements involving land registration plays a significant role for actors within the secondary channel in gaining and maintaining access to land. As indicated in the legislative

framework of the country (see section 3.4.2), every land transaction (in principle) requires registration with the Lands Commission. This had warranted both the primary and the secondary channels to undertake land registration as a form of staying relevant in the land market. It was revealed, for instance, in Abokobi by some families that the sale of land was put on hold in order to complete the land registration process. The Zimmerman congregation, which owns large parcels of land in Abokobi also mentioned the attempt of the church to complete all partial land registrations before it continued to transfer it to secondary channels. This was similar in the case of Achiaman, Oyibi and Oshiyie, where families and stools were found at different stages of the land registration process. A land seller revealed

*‘Though this is our family land, our name is not at the Lands Commission because we have not registered it. We are now mobilizing to get our titles’ (Land seller, Achiaman, 2018)*

This legal requirement has not only become a necessity but also a tool that enhances the effectiveness of land transactions in the peri-urban land market. Some actors within the secondary channel, however, ignore the legal legitimacy of the land title process and rely on social legitimacy because of the cumbersome and bureaucratic process involved (Obeng-Odoom et al., 2014; Urban Landmark, 2011; Arku, 2009). A recent study on the evaluation of land registration in Accra by Ehwi and Asante (2016), revealed a much more efficient time for land registration (from 36 months to 3 months). However, this thesis, during an interview with a senior official at the Lands Commission, found that the current duration for land registration has worsened to between 4-7 months. This was attributed to the increasing pressure of land registration amidst inadequate logistics and human resources at the Lands Commission. Besides, increasing problems of indeterminate boundaries and multiple ownership were highlighted during the interview as accounting for the increasing duration in land registration processes.

Land agents also play a significant role in land delivery using their economic and social agencies. In the study communities, land agents served as intermediaries between buyers who need land and sellers who need clients (buyers). The ability of land agents to engage in land transaction was largely dependent on the mutual trust they both have for each other. This enables family heads and chiefs to allow land agents to advertise the land in the market. Although some land agents were found to acquire land by themselves and transfer it to other buyers, this was not common within the study communities. The relevance of these land agents within the land market is largely

dependent on the local knowledge they have about the land and the popular support they get from the community.

These land agents are individuals, who are indigenes of the community or reside elsewhere and move from one community to another, coordinating transactions in the land market. In Achiaman and Oshiyie, the increasing number of these land agents in the communities was because of the mistrust of the transaction processes and the increasing land conflict within the primary channel. These causal factors differ from the collective assertion that, the increasingly informal land transaction is the result of the emergence of middlemen in peri-urban areas, a situation similarly common to that found in Nigeria (Ikejiofor, 2016; Arko-Agyei, 2011). However, cases of land agents were not present at the time of the study in Abokobi and Oyibi. This can be attributed to the relatively low level of uncertainties within the primary channel. In contrast, in Oshiyie and Achiaman, land agents were present and were mostly young males and old men who take advantage of the uncertainties of the land to provide secured land for people. These agents know the land sellers in the community and beyond. However, chiefs and family heads in Oshiyie and Achiaman indicated that these land agents were largely dominated by young males unlike in Nigeria where the land agents are older men. This generational difference reveals an important digression from the case in Enugu in Nigeria where ‘middlemen’ according to Ikejiofor (2006 p.147) are ‘probably as old as the city itself’ and know all the available land and their respective families. The engagement of young people as land agents as discussed in previous sections serve as a form of employment created or facilitated by the informal land sector.

#### ***5.4.2.2 Illicit and unsolicited means of access to land***

Aside from the land delivery channels adopting direct and indirect mechanisms in gaining and maintaining access to land, the use of illicit and unsolicited mechanisms such as the hiring of landguards and bribery was used to advance access and control of land in peri-urban Accra. As discussed in Chapter 2 and 3, these landguards are hired to protect land under contestation. All the study communities have at least four of the landguard groups (see Table 3.2). Although these land delivery channels possess and control land, the uncertainties characterising the process compels them to seek the services of these landguards to protect the land (Bansah, 2017; Darkwa and Attuquayfio, 2012; Kasanga, 2002). Additionally, the reliance on landguards in maintaining access to land was found to be facilitated by the ineffectiveness and allegations of corruption of the

security forces (specifically the police) (Bansah, 2017; Darkwa and Attuquayfio, 2012). Although several land sellers in the four communities did not explicitly reveal their engagement of landguards, others admitted that it was a common phenomenon in the land market to safeguard one's land. This illegal but socially acceptable phenomenon of landguardism builds social legitimacy for landowners in the market as it ensures some level of security to landowners (Leduka, 2006). At the same time, some actors in both channels disclosed the bribing of land registration officials who facilitate the acquisition of land titles. With the ultimate aim of obtaining land title, a family head in Achiaman explained that the engagement in bribery was an approach to facilitate the registration process. Although engaging landguards and bribery are temporal approaches to land access, they equally serve as 'incentives' for future land controls.

The act of landguardism itself did not only involve the protection of land but also the sale of land. As discussed in previous sections, some landguards, particularly, in Oshiyie, Abokobi and Achiaman were reported (by land sellers) to engage in the sale of land during the process of offering protection. These were mainly community, amateur and landguards under identifiable hierarchies. The access mechanism adopted in gaining control is the fraudulent sale of land to unsuspecting buyers. A family head revealed that out of 150 acres of land entrusted to the care of landguards, close to 50 acres have been sold by these landguards. To complicate the issue further, the landguards have subsequently aligned themselves with the rival families with whom they were fighting over the land. Lamenting on the activities and operations of the landguards, a Land seller indicated...

*'...as I speak with you, the landguards I hired to protect our family land have sold most of our land and even that of other people. When I challenge them, they threatened me rather and wanted to harm me. And when it happens like that, they relocate from the land and go elsewhere for another job or they will acquire land somewhere and build'* (**Land seller-Abokobi, 2018**)

Aside from the sale of land is the use of threats, coercion, violence and destruction as other forms of access mechanisms in gaining control of the land market (Bansah, 2017; Darkwa and Attuquayfio, 2012; Kasanga, 2002). Other auxiliary roles include the collection of building levies, extortions, destruction of housing properties and causing harm to people. The implications of these practices are examined in Chapters 7 and 8. Discussing the statistics of fraudulent sale of land and activities of landguards in Accra, a senior officer revealed that about 60-70 cases of fraudulent

land sales were recorded every week at the Property Fraud Unit of the Ghana Police Headquarters. This figure might not reflect the reality on the ground, as there may be cases that are not reported at this unit, meaning the number of fraudulent sale of land could be higher than the recorded. Explaining the increasing number of fraudulent sales, a senior officer of the Property Fraud unit indicated that increasing land conflicts in the peri-urban communities account for this as well as the quest to make economic gain by these landguards.

A major characteristic of land sold by landguards is the shifting of their transaction activities from one location to another where land conflict is rife. This means the relevance of landguards in the land market is not sustainable and is highly dependent on the presence of land conflicts. That is, land sale by landguards thrives in situations of land conflict. Consequently, landguards move to other locations where there is evidence of land conflict and use the same tactics to gain control and sell land. While the movement to new areas is induced by land conflicts and intentions to make a profit, this thesis argues that these landguards also serve as agents of conflict among land sellers in these new areas. For instance, their precarious activities such as extortion, coercion, threats and vandalism, are incited against land sellers or between land sellers and buyers. These occurrences generate new forms of conflict and deepen the existing one in such areas. The use of fraudulent means to gain access to land poses a threat of insecurity to housing development processes. Despite the relatively insecure tenure and legitimacy associated with land sold by landguards, some housebuilders revealed that they prefer this option since it provides constant protection of land by landguards and there is the assurance of completing the building process.

Given the continuous flexibility of customary land and the increasing informality of the peri-urban land market, factors including capital, social relations and networking, and illicit measures were found to dominate legal factors (land registration) in enhancing access and control of land (Kepe, 2008). As discussed in earlier paragraphs, these mechanisms ensure that different actors gain access to land but most often, these mechanisms do not guarantee the absolute security of access. As a result, many actors largely adopt these mechanisms as tools that enhance the sustenance of access to land, especially in conflict situations. The thesis, therefore, contributes to the theory of access by arguing that mechanisms of access termed as bundles of power (Ribot and Peluso, 2003), goes beyond just enabling access to resource and further consider access maintenance, especially in contested situations. These mechanisms are, therefore, not absolute, rather they are interrelated

and with varying degrees of interactions. This accounts for the unclear boundaries within these mechanisms. Lastly, the impact of these mechanisms of access on housing development is dependent on their level of security and legitimacy. Following the various aspects of land transformations occurring in peri-urban Accra, the next section examines how both state and non-state institutions are responding and managing these transformations.

## **5.5 Managing Peri-Urban Land in Accra**

As discussed in Chapter 2, peri-urban areas exist under more than one administrative jurisdiction resulting in the creation of different resources, capacities, actors and institutions (Mwatu, 2013; Narian and Niscal, 2007; David et al, 2004). In land management, for instance, state and non-state or customary actors operate alongside each other (Bartels et al., 2020; 2018; Kansanga et al., 2019; Wehrmann, 2008). While this is evident in the study communities, the study argued that the relationship between the state and non-state actors in land management practices is producing a complex mosaic of interaction, which is shaping the everyday management of the land. To understand these interactions, the next section unpacks the composition of actors playing direct roles in the transforming land markets of peri-urban Accra.

### ***5.5.1 Composition of actors in the peri-urban land management***

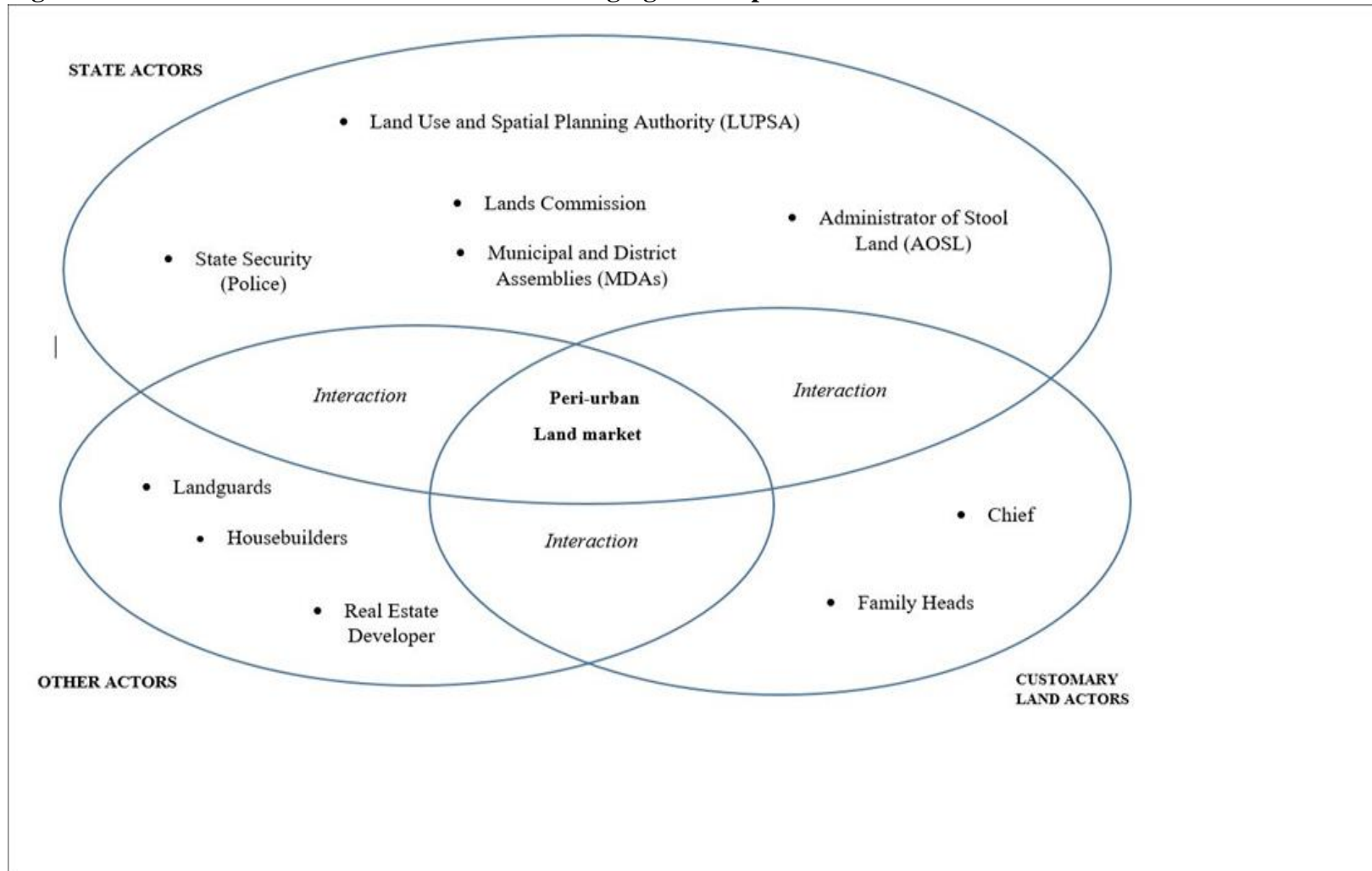
The state interacts with peri-urban communities in different forms (Fazal et al., 2015), however, its engagement with the peri-urban in the aspect of land management practices can be classified into three main clusters: land registration, spatial planning and development, and maintenance of law and order. Based on these three categories, several state actors with different hierarchies and interests are found to directly or indirectly operate in processes of land management. For instance, at the national level, the Ministry of Land and Natural Resource has a core function of formulating policies on equitable access to land, developing effective institutional capacity to land management, promoting sustainable management and utilisation of land and other resources such as forests and wildlife resources in Ghana (MLNR, 2019). Other ministries such as the Ministry of Science and Environment; Ministry of Chieftaincy and Religious Affairs; Ministry of Local Government; Ministry of Justice and Ministry of Interior equally formulate national policies, which in different ways supports land management.

At the intermediary (regional) level are two key state agencies namely, the Ghana Lands Commission and the Land Use and Spatial Planning Authority (LUSPA), established by law to ensure tenure security and spatial planning respectively. The Lands Commission, established by the 1992 constitution under Article 258 – 265, and accentuated by Act 767 of the Lands Commission Act (2008), is the chief agency responsible for the management of public and vested lands. It is also responsible for providing key land services such as surveying, land title and deeds registration, land value determination and mapping and maintenance of national boundaries (Lands Commission, 2019). LUSPA, also established by the Land Use and Spatial Act (2016), Act 925, has the responsibility of preparing spatial plans (spatial development framework, structure plan, local plans) and engaging in other services such as zoning, processing of development and building plans as well as certification and provision of development permits (LUSPA, 2019). Other agencies at this level include: the Regional House of Chiefs (Greater Accra) which oversee the activities of all chiefs with regards to land; the Ghana Police Service (Regional and Divisional Headquarters), which handle land-related cases; and the Law Courts, whose role include arbitration of conflict over land.

At the local level is the Metropolitan, Municipal and District Assemblies (MMDAs), established under the Local Government Act, 963 and responsible for spearheading social developments, and the formulation and implementation of overall development strategies (Local Government Service-Ghana, 2020b). The chiefs and family heads, constituting non-state actors are also found at the local level and are directly responsible for the transfer and management of land in the peri-urban communities. Other non-state actors include the housebuilders, the real estate companies, and the landguards. With the focus on the everyday land management processes in the study communities, the thesis explores the interaction between the key state and non-state actors in the land management process (see Figure 5.4).



**Figure 5.4: Interaction between core actors in managing land in peri-urban Accra**



Source: Author's construct (2019)

Although other actors, including housebuilders and real estate companies, have specific role relating to transaction processes, they do not play a significant role in land management. Nonetheless, they are still relevant to the analysis hence included in Figure 5.4. Additionally, although landguards are considered illegal actors, they significantly shape the politics of land in the peri-urban communities. Observably, none of these actors work in isolation, rather they interact in varying ways and to different degrees. Given that the state and the customary actors remain the core players in managing the peri-urban land market, the subsequent discussions examine the interactions and outcomes of these actors in managing land in peri-urban Accra.

### ***5.5.3. Hybrid land management practices***

Non-state actors, particularly, the customary actors remain the dominant players in managing land in peri-urban Accra. This was evident particularly in the pricing and transfer of land. Nonetheless, evidence from the study communities suggests that the entry of state actors (see Figure 5.4) into the peri-urban communities and their interactions with customary actors are creating hybrid outcomes in managing the transformation of land in peri-urban Accra. This was significant in the areas of spatial planning and land registration. A more recent hybrid form of land management, through the Customary Land Secretariat (a bottom-up approach led by primary land sellers in managing customary land transactions) (Arko-Agyei-2011; Gyapong, 2009) was however absent at the time of the study in all the study communities. Nonetheless, evidence from the four study communities reveals some initiatives, which have seen municipal assemblies creating the platform for chiefs and family heads to collectively develop planning schemes for the transfer and management of land in the communities. A case in point is the education of various land sellers to allocate lands in compliance with the layout and planning scheme of the municipality. A discussion with a Spatial Planning Officer revealed that...

*‘... Abokobi is located within the Ga East municipal assembly and per our mandate; every land seller (chiefs and family heads) ought to make sure they have a site plan, which must be in agreement with the municipal assembly’s master plan before they can sell their land. But as you may know, many of these land sellers disregard this law and sell the land without matching their site plan with the master plan or layout of the city’ (Official, LUSPA, 2019).*

Supporting the above statement, an official at the Lands Commission indicated that *'land acquired from a chief or family head can only be registered when it has all relevant documents including indenture and site plans developed within the context of municipal planning scheme'* (Official, Land Commission, 2018). Accordingly, some customary actors found this regulation effective and therefore adopted the strategy in land transfer and allocation. For instance, some chiefs and family heads in the four communities revealed that following municipal spatial plans enhance the allocation of land without distorting the local plan of the community.

Additionally, the creation of the Client Service Access Unit (CSAU), as part of the reform within the Lands Commission (under the auspices of LAP I and II programmes), has created a one-stop-shop for all clients seeking to register their land. Observably, this development constitutes a major accomplishment, which has seen the effective coordination of both state and customary actors in land registration practices. This is reflected in the responses of some chiefs and family heads who revealed that the CSAU has encouraged them to verify and validate their social legitimacy with legal legitimacy from the state. Most importantly, the CSAU facilitates land registration processes by streamlining the process and improving on the turn-around time for land registration as discussed in section 5.4.2. In Abokobi and Oyibi, the chiefs and some family heads highlighted the above development as major steps that have improved the engagement between customary and state actors in managing land. Additionally, the establishment of the OASL by the state to oversee the management of stool land in the area of land sale and collection of rent and revenues further evidence a hybrid form of land management in peri-urban Accra. Yet, this hybrid approach is undermined due to various factors and during conflict situations. Section 5.5.4 provides a detailed analysis of the factors accounting for these outcomes. This hybrid institutional interface mirrors the colonial and postcolonial efforts of subsequent governments to recognise and incorporate customary law into state regulations (Goodfellow and Lindermann, 2013; Delville, 2007; Englebort, 2002). In relation to access theory, the engagement of both customary and state actors producing a hybrid institutional approach suggests that the control of land (bundles of power) do not reside completely with one group of actors (Velzeboer et al., 2018; Ribot and Peluso, 2003). Accordingly, this supports an equitable form of land management and access. That is, it reduces power imbalances between the state and customary institutions.

The interaction of state and customary actors is not only creating a hybrid institutional interface in spatial and tenure security but also, the mode of land transaction. Many land sellers revealed that their engagement with formal services such as surveyors, who map out the land for allocation according to municipal plan, and lawyers, who draft legal documents (indenture) to cover transaction processes, constitute other hybrid forms of land management. Arguably, the adoption of modern strategies in land transfer by customary institutions is not only to enhance land administration but to also facilitate efficient property transactions (Chimhowu, 2019; Lemmen et al., 2017; Boone, 2017). The interest in engaging the services of lawyers and surveyors was captured in a discussion with a family head who revealed that

*‘...you know that most of us have boundary issues and this is leading to multiple sales and so many conflicts. So for me, I have made sure every land I give out is measured and demarcated by my surveyor and my lawyer helps to write the indenture for me. I keep this as proof for the future so no one comes to say he sold the land to another person’ (Land seller-Abokobi, 2018).*

Engagement of the services of surveyors and lawyers conforms to the formal institutional agenda of ensuring effective planning and land administration. However, complex, expensive and often rigid bureaucracies hinder much of these practices (Chimhowu, 2019; Obeng-Odoom, 2008; Wehrmann, 2008; Ubink and Amanor, 2008). Consequently, a few of the customary actors continued to demarcate land without the services of lawyers and surveyors. A major factor deepening these practices is land conflicts, which renders land ineligible for registration. To this end, some land sellers quickly dispose of the land to buyers without following established regulations and processes. Most land sellers in Oshiyie and Achiaman communities, where chieftaincy disputes were present amid increasing land conflicts (discussed in-depth in Chapter 7), were found to evidence these practices. That is, land conflict is capable of undermining hybrid forms of land management, which can result in exploitative or unethical sales of land. Although this is technically offering access to land, in practice, it is undermining access because the presence of conflict is an indication that land is not truly owned by the buyer. This situation creates power inequalities by sellers, which ultimately transcend to the buyers. How these situations influence the interaction and outcome of actors in producing compromised and discordant land management practices is further discussed in the next section.

#### ***5.5.4 Compromised and discordant land management practices***

As mentioned above, despite the evidence of some effective hybrid patterns of land management, land conflicts, coupled with the deepening interests of actors is creating patterns of compromised and discordant land management practices. These patterns are further motivated by the inefficiencies of state institutions and the informal nature of customary institutions. For instance, the rise of informal actors in the land delivery channels (see Figure 5.2), many of who do not follow municipal planning regulations, accentuates these compromised and discordant land management processes. Pointing to how expanding land delivery channels (see Figure 5.2) contribute to discordant land management, a land seller narrated...

*'When you have a land market where landguards, the youth, other family members and even some dubious family heads operate, it always creates a problem for the buyers, and between us the family and the municipal assembly. You know, because these people steal the land and sell, they don't follow the planning scheme of the area. They encourage the buyers to start building on the land even before they start thinking of registration and building permits. This always causes a problem for the municipal assembly. That is why everywhere you pass, there is 'stop work' written on people's houses' (Land seller-Achiaman, 2018)*

The above quote highlights the alternative and informal approaches to legitimising land in peri-urban areas. As indicated, warning signs such as 'STOP WORK! PRODUCE PERMIT' were seen inscribed on many new buildings in the study communities by municipal authorities. The disregard for tenure registration and obtaining building permits, encouraged by customary actors is widely regarded as safer than seeking legal legitimation, especially in conflict situations (Amanor, 2006; Leduka, 2006). Although this practice is socially accepted, it departs from the legal framework of land management, which requires the registration of every parcel of land before use. This overlapping role of customary actors depicts a discordant institutional multiplicity, where customary actors assume the role of the state in providing tenure security (Goodfellow and Lindemann, 2013). This further indicates a compromised land management approach as customary actors rely on alternative practices including developing a parcel of land as a way of securing legitimacy. Framing this within situated UPE, such situations create forms of uneven access and control (Bartels et al., 2020; Bartels, 2019; Cornea, 2017) as customary actors discredit the efficiency of state actors in providing tenure security. Furthermore, the transformations occurring

on peri-urban land in Accra do not only produce new actors (Bartels et al., 2020; 2018), rather, they create the upsurge of informal alternatives to land management practices.

A major consequence of this development is that uncoordinated and piecemeal developments characterise the transformation of these communities (see Sawyer, 2014; Adam, 2014; Palmer et al., 2010; Toulmin, 2008). Additionally, these compromised land management approaches are the result of many housing structures developed without building permits. An official of the LAP affirmed that the alternative ways of legitimising land especially in land conflicts situations account for only 20% to 30% of residents possessing building permits. Chapter 7 investigates in detail the implications of discordant and compromised land management on housing development.

The absence of homogeneity in traditions and practices between customary actors, against clearly defined rules of state actors, undermine effective coordination and further complicates compromised and discordant land management practices in peri-urban Accra. For instance, the frequent change in leadership among customary actors was identified as a major contributing factor to discordant and compromised land management practices. Some municipal planning officers lamented that despite the periodic training given to customary actors, the recurrent change in the leadership of families impedes the effective management of land among state and customary actors. Consequently, some of these new leaders remain unaware of the municipal directives while others ignore these municipal plans. This leads to the continuous transfer of land to prospective housebuilders without adhering to local planning regulations. Furthermore, the lack of consistency in issuing land documents (indenture) to capture land sales further evidence the heterogeneity in customary practice, which ultimately affects coordination with state actors in the land management process. For instance, while some chiefs and family heads record land transactions in receipt books and create associated indentures, others revealed that only receipts are issued as evidence of purchase. The receipts are for their records and are usually not amalgamated into wider land records system located within their communities or the municipal assemblies. This confirms the statement that customary practices are ambiguous and fluid (see Ubink and Amanor, 2008; Lentz, 2006; Berry, 1993) and this affects its ability to effectively integrate with state institutions. Accordingly, municipal authorities find it difficult identifying the lands that are sold and are being developed.

Compromised land management practices are further produced by the inefficiencies of state institutions coupled with the corrupt practices of some individuals within state organisations. This results in some customary actors taking advantage of these limitations and usurping municipal powers in land management (Juul and Lund, 2002). Some individuals within the municipal assembly were alleged to have extorted monies and sometimes demand parcels of land from the land sellers thereby allowing these land sellers to allocate land without following standard procedures. Commenting on this act, a land seller revealed that

*‘...sometimes the problems we have with the assembly and especially surveyors is not our fault.*

*These assembly people come around asking us for money so that they alter our boundary or allow us to sell our portions of our land, which are contested in court. Then after, you see their colleagues coming to attack us that we sold the road to people’ (Land seller-Achiaman, 2017).*

An encounter with a land seller during a field visit confirms the assertion made in the quote. The land seller was demarcating a parcel of land to a potential buyer (see Plate 5.2). Upon enquiry about whether the land was earmarked for a road or not, the land seller boldly responded *‘do you know the number of times the authorities have shifted this road? I own the land so keep quiet and walk away’*. While this case may be unique, it mirrors the interaction of customary actors with corrupt state officials in land management practices. Wehrmann (2008) reveals that a major institutional challenge in the management of land results from individuals within state institutions putting their economic interests ahead of municipal interests. As such, this compromises the effective coordination and adherence to standard land management practices. Particularly, in contested areas such as Oshiyie where the land conflict, coupled with chieftaincy disputes persist, land sellers recounted taking absolute control of land. Customary actors thus possess high levels of power to control land in situations where state actors are often powerless to secure control that is binding. Such a shift in power dynamics of land control reveals an aspect of the inequalities that shape peri-urban transformation, especially in the area of land.

**Plate 5.2 Part of the road under demarcation for sale**



**Source: Fieldwork, 2018 (Photo taken by Divine Asafo, 2018)**

The late entry of the state in the transformation process of peri-urban communities (Owusu, 2008, Gough and Yankson, 2011) constitutes another factor creating the avenue for compromised and discordant practices in peri-urban land management. Some chiefs and family heads revealed that the land is usually allocated to housebuilders and sometimes developed before the presence of municipal authorities. This implies that these peri-urban communities already experience some level of development before the creation of municipal spatial plans. In the case of Abokobi, municipal authorities revealed that the later development of municipal planning and zoning schemes, which were superimposed on an already developed community, faced challenges of non-adherence and difficult implementation. This allows continuous allocation of land with little or no adherence to municipal planning schemes. Nonetheless, in the case of Oyibi and Abokobi, some customary actors indicated their support for land management (allocation) through municipal schemes. However, bureaucratic challenges and rigid procedures associated with this practice were



cited as hindrances to such an approach (UNEP, 2012; Ubink, 2008; Wehrmann, 2008). Consequently, municipal authorities lose control of enforcing planning regulations. As discussed earlier, this allows for the increasing recognition and operation of social legitimacy practices, which serves as an alternative to state legitimacy practices of land management.

The interaction between state and customary actors producing dynamic outcomes as discussed above reveals the politicised and contested environment characterising peri-urban transformation (Ubink, 2008). Observably, these dynamic outcomes, especially compromised land management practices suggest a shift in decision-making from state actors to customary actors, who control significant avenues of access and management of land. Following the idea of situated UPE, unpacking the roles of these actors captures how these management outcomes are produced, contested and controlled (Cornea et al., 2017; Blundo and Le Meur, 2009).

## **5.6 Conclusion**

The chapter provided an overview of the transformations on customary land in peri-urban Accra. It argued that although different facets of customary land are changing, four key areas including tenure rights, pricing and transaction processes, land delivery systems and changing institutions have experienced significant transformations in the peri-urban land market. Collectively, these transformations are a response to increasing urban sprawl, rising land values, demand for land for housing and institutional dynamics characterising peri-urban development in Accra. Accordingly, leasehold rights have become the commonest transfer right in land transaction, shaping access to land especially, for housing purposes. The chapter further argued that the increasing capital-based peri-urban economy of Accra coupled with the leasehold tenure has not only guaranteed increasing access to land for new settlers but also, women who were once given land only with the support of the husband or male family relation.

Although the transformation of the peri-urban land market is increasing access, it is at the same time deepening uneven power relations and creating unequal access among actors. These developments reflect the informal and flexible nature of customary land. Closely associated with the transformation is the inconsistencies in the transaction process and pricing of land in peri-urban Accra. Accordingly, variations in land prices across communities and within communities have been identified to be largely driven by factors such as proximity to road networks, built-up

communities and the forces of demand and supply. As argued in the chapter, the minimal participation of the state in the land market constitutes a major factor driving these inconsistencies. Consequently, while this phenomenon is enhancing access to land for some individuals, it is at the same time denying others of access.

The thesis, however, found that the proliferation of semi-formal actors, such as real estate companies and welfare associations in the land market was intended to ensure tenure security and develop a well-structured land market. Nonetheless, the chapter argued that the expansion of the land delivery channels with its associated actors is creating multiple patterns of (in)securities and uncertainties in the land market. Irrespective of the tenure security produced by these new actors there is the creation of new tenure uncertainties, as well as deepening existing insecurities. This is born out of competition between different actors in land control, breach of trust, and as mentioned earlier, the informal features characterising transactions processes in the land market. Accordingly, the land market is characterised with complex power relations, which influences who controls land in the market. Therefore, given the quest to stay relevant and competitive in the land market, the chapter argued that socio-economic mechanisms such as capital, legal factors, social relations and illicit factors constitute bundles (sources) of power employed to override land registration processes and facilitate the gaining of access to land. For instance, although landguards are considered illegal actors, their use of illicit force gives them the capacity to access and profit from the land, which also generates some form of power for them. Extending the idea of access theory, these bundles of power enhance the maintenance of access to land rather than the ability to gain access to land. That is, in a complex and uncertain land market such as in the peri-urban, gaining access to land is inadequate, rather the ability to sustain access through different mechanisms is most relevant.

The entry of state actors and their co-existence with customary actors, which form part of the transformation of peri-urban areas, has created a complex and inconsistent pattern of land management practices. This reflected in land registration practices and more significantly in spatial planning practices. On the one hand is the effective coordination between both state and customary actors, which has created hybrid institutional outcomes to land management. This hybrid pattern is evident in land registration and spatial planning practices. On the other hand are patterns of

compromised and discordant institutional patterns that hinder effective land management practices. The chapter argues that the ineffectiveness of state institutions, corruption, and divergent traditions and practices of both state and customary actors account for the compromised and discordant practices of land management. Following these developments, the power to control land in peri-urban Accra is shifting from state actors to customary actors. In securing legitimacy over land, for instance, customary actors encourage their clients to disregard state practice of registering the land and rather adopt alternative methods such as erecting fence walls to secure their land. This accounts for the increase and deepening of compromised land management practice in peri-urban Accra. Having provided a background to the outcomes of the transformation of land in peri-urban Accra, the next chapter argues that land conflicts associated with these transformations Accra evolve from the interplay of interrelated factors shaped by the everyday power relations and competing interest of different actors.

## CHAPTER SIX

### LAND CONFLICT IN PERI-URBAN ACCRA

#### 6.0 Introduction

This chapter presents the findings in response to research question 3, which investigates the processes of land conflict in peri-urban Accra. It also responds partly to research question 2, which examines how state and customary actors manage land conflicts in peri-urban Accra. The chapter is structured into four major sections: definition of land conflict and other forms of land struggles, the role of actors in land conflict, factors that trigger land conflict in peri-urban Accra, and the management strategies adopted by state and non-state actors to manage these conflicts. The chapter argues that given the evolving and multifaceted nature of struggles over land, land conflict is best understood as a process and not as an event. The intensity, magnitude and temporal dimension of these land struggles account for the different forms of land struggle including conflict, disputes and violence.

It is further argued that the increasing number of actors and their role in conflict does not only reveal immediate benefits but long-term interests shaped by everyday politics of land, changing social relations and the interplay of other economic, historic and cultural factors. To this end, the bundles of power employed by different actors in land conflict situations focus on maintaining access rather than only gaining access to land. The chapter then argues that land conflicts in peri-urban Accra evolve from an interplay of multidimensional and interrelated factors shaped by the competing interests and everyday power relations of different actors. Similar to the inconsistent patterns of land management practices, the chapter argues that the interaction between state and non-state actors is producing complex patterns toward managing land conflict. Aside from state ineffectiveness, the different interpretation assigned to land by both state and non-state actors deepens the complexities associated with managing land conflicts. The thesis, therefore, draws on various analytical tools to examine the everyday processes of land conflicts and the responses to managing these conflicts.

## 6.1 Defining land conflict in Peri-urban Accra

As was evident in Chapter 2, definitions of land conflict are very diverse, which reflects the complexity and diversity of land conflicts themselves (see McMichael, 2016; Obala, 2011 and Wehrmann, 2008b). However, a clear definition is required to understand the process constituting land conflict in peri-urban Accra. Adapting from McMichael (2016) and Wehrmann (2008a), the thesis defines land conflict as the *competitive struggle over land by two or more parties (individuals, families, communities, state institutions and private entities) who have competing interests in land (right to own, transfer and use), informed by underlying processes including socio-economic, historical, institutional and cultural factors over a period of time*. The inclusion of a temporal dimension to the definition establishes the timeframes over which these conflicts can occur. For instance, this study found that land conflict occurred over days, weeks, months, and years with changing magnitude, intensity and actors involved. Importantly, the thesis argues that land conflict can best be analysed as a process rather than an event. This follows the argument that series of uncertainties and actions over land, result in land conflict. This argument departs from the notion of land conflict as an event that occurs as a planned and a single occurrence. Arguably, this notion of process enhances the explanatory power of analysing the set of actions and occurrences that constitute land conflicts. A case in point is land conflict characterised with misunderstanding over boundary, payment processes, land ownership dilemma and violence activities. Additionally, time enhances the understanding of how these struggles over land transform into other forms of conflict such as disputes and violence in peri-urban Accra. The definition further highlights the point that competing interests by actors are not in isolation to other underlying factors, which collectively drive the land market and development processes in peri-urban areas. This confirms the assertion by Obala (2011) and Gausset (2005) that multifaceted processes, which drive the interests of actors, trigger land conflicts.

The conflicting interests between actors and their various levels of engagement in land control have resulted in the struggles over land manifesting in different forms and degrees in peri-urban Accra. Observably, these struggles range from minor misunderstandings and grievances over boundary demarcations, breach of payment terms, and legitimacy of land transfer, to multiple and fraudulent sales of land and landguardism, which often results in violence. Against this background, this study categorises the struggles over land in peri-urban Accra into three main

forms: land disputes, land conflicts, and land violence. This categorisation adopted from John and Karol (2013) enables this thesis to unpack the complex forms of land conflict characterising peri-urban Accra. While land disputes, conflicts and violence characterise the different forms of land struggle in the study communities, the most commonly experienced land struggle was land conflict. This is usually termed as *land litigation* in the study communities and across. Observably, the engagement of legal actions over land cases accounts for the common use of the term land litigation to describe land conflicts. The involvement of the court (legal action) accounts for the common use. While land conflict dominates the analysis, other forms of struggle including disputes and violence are addressed in the discussion where necessary.

The boundaries of land dispute, land conflict and violence are blurred given the complexities surrounding the multiple interests of actors (Lombard, 2016; John and Karol, 2013; Jimu, 2012). Nonetheless, there are inherent characteristics that distinguish between land dispute, land conflict, and violence. Based on the data from the fieldwork, land disputes are a form of minor misunderstanding or grievance, mostly between two or more parties over access, use, transaction, and control of the land. A case in point from all the study communities includes a breach in the payment for the cost of land, trespassing, and non-adherence to building regulations. These disputes mostly occur at interpersonal levels involving parties such as individual land sellers and housebuilders. Other forms of dispute involved the challenge over the right to sell land within families, otherwise called intra-family disputes. Land disputes, therefore, occur when there are conflicting claims to rights in land by two or more parties, focused on a particular piece of land and can be addressed within the existing legal framework (John and Karol, 2013). Given that these disputes are minor misunderstandings, there is usually subsequent mediation by third parties, mostly chiefs, opinion leaders, and state institutions including the Lands Commission, the police and the court.

This thesis further argues that land disputes escalate into conflicts when aggrieved parties envisage tension hence engage in serious confrontations with the offending parties over the land (Lombard, 2016; p.2688). Accordingly, the lack of consensus on the mediation of land disputes results in parties seeking alternative measures in fighting for their land (John and Karol, 2013; Jimu, 2012). This was evident in the study communities given that most actors resort to altercations and confrontations, rather than going to the court, when mediation fails. The parties involved in these

conflicts are mostly individual housebuilders, families, communities, and sometimes the real estate companies. The case of conflicts involving real estate companies is peculiar to Abokobi and Oyibi, due to their significant activities. Accordingly, there are about 10 different types of land conflicts including, intra-family, inter-family, inter-stool conflicts, family versus stool, family versus individual, individual versus stool, between individuals, stools versus real estate companies, families versus real estate companies and individuals versus real estate companies.

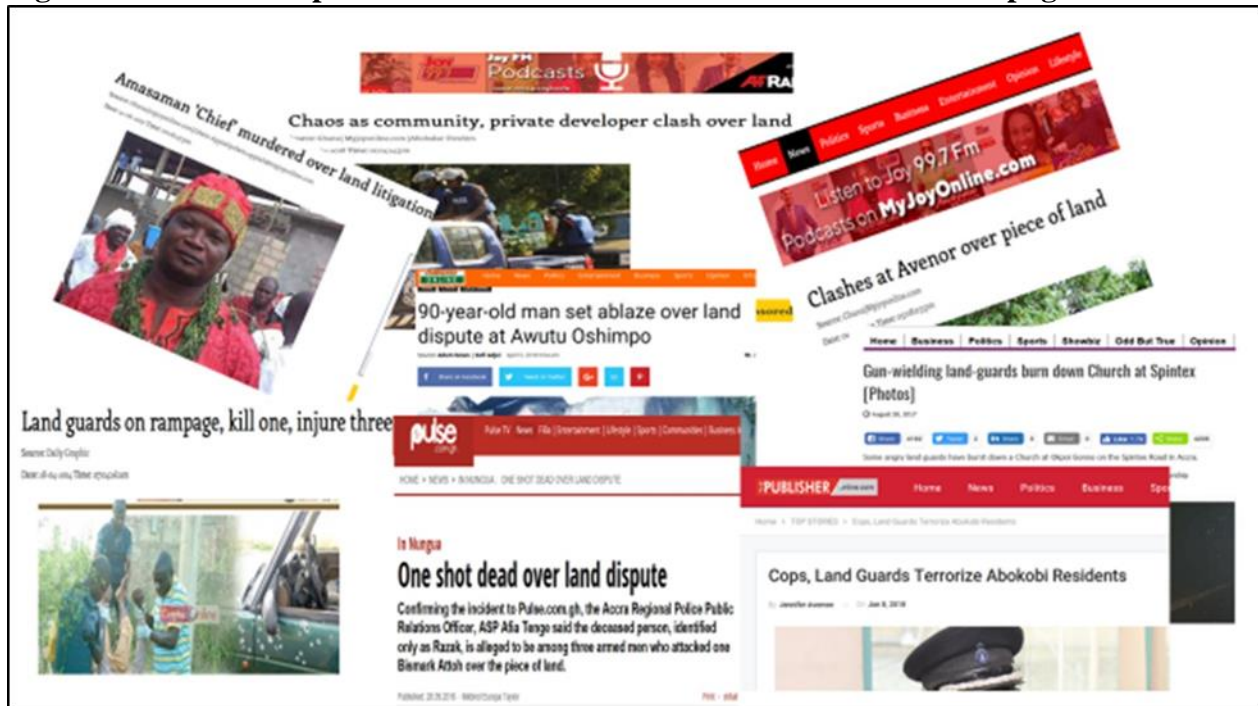
These classifications, first, provide a context-specific case of land conflicts occurring at a particular geographical location, in this case, peri-urban areas and secondly identifying the actors involved in the conflict. This differs from Wehrmann's (2008a) conflict classification, which is too generic and not context-specific. His classification identified 35 types of land conflict with 50 sub-types under four main categories namely: conflicts occurring on all types of property, special conflicts over private property, special conflicts over common and collective property, and special conflicts over state property. This significant dependence on the thematic classification to some extent overshadows the role of actors and their influence in the land conflict. The focus of this thesis, identifying land conflict based on actors enhance the understanding of how actors and their unequal power in land control shapes and informs land conflicts.

The reliance on destructive strategies to maintain access to land shifts the struggle over land from conflict to violence. Within the four study communities, cases of demolition of building, destruction and stealing of building materials at construction sites, threats, abuse and injury of people, and death mostly caused by land guards were the most common form of land violence. These sometimes result in complications such as displacement and evictions, which ultimately lead to broader social unrests (Lombard, 2016). Residents of Achiaman and Oshiyie had revealed extreme cases of land violence (leading to the displacement of the chief in Oshiyie and deaths in both communities), however, most of the violence in recent times was related to activities of land guards in the four communities. The reliance on these alternative and destructive strategies results from factors ranging from mistrust to the ineffectiveness of state institutions directly responsible for managing land conflicts as discussed in Chapter 5. The boundaries between these forms of land struggles, as indicated earlier, are porous hence, the study's observation that some actors were shuttling in-between land disputes, conflicts and violence.

### 6.1.1 Increasing numbers of conflicts in peri-urban Accra

Land conflict is taking on a more complex structure given the actors involved and the factors driving its progression. Particularly in peri-urban Accra, land conflict has become one of the most prevailing social problems, gaining attention in both print and electronic media in the country. It is also captured in frequent conversation at taxi ranks, eateries, workplaces, religious and other social gatherings. In effect, cases of land conflict are very frequent (see Figure 6.1). Land conflicts are not only increasing but also becoming more complicated given the increasing number of parties involved and their competing interests. Furthermore, landguardism is expanding the scope of land conflict to include a criminal dimension due to illegal activities.

**Figure 6.1: Selected reports on land conflicts on various electronic media pages in Accra**



Compiled by Divine Asafo (2019).

**Sources:** (dailygraphiconline.com, 2014; myjoyonline.com, 2017; pulse.gh.com, 2016; publisheronline.com, 2018; citifmonline.com, 2017; myjoyonline.com, 2017, 2018; Adomfmonline, 2018)

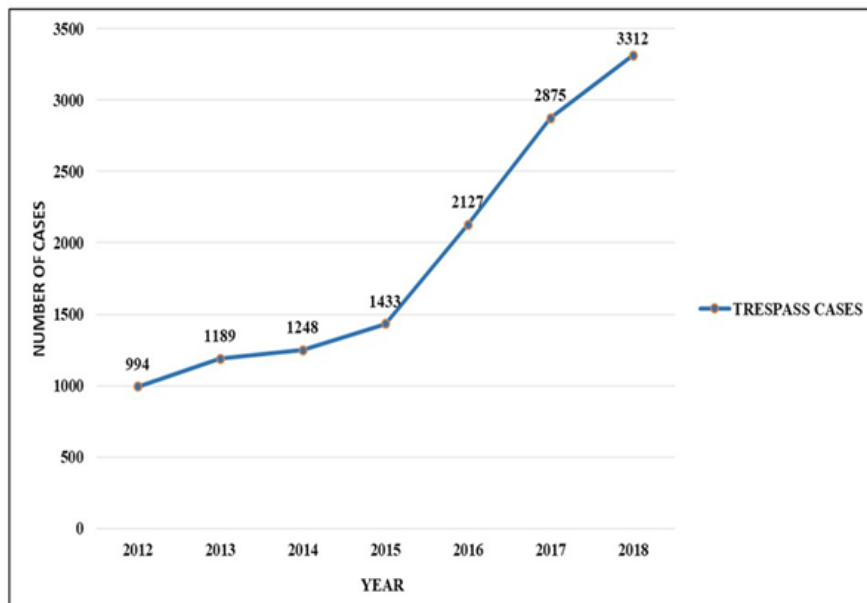
The evolving nature of land conflict has led to a corresponding surge in the numbers of cases reported to the police. These include fraudulent sales, trespassing, land-related assaults and land thefts. Affirming this, a Chief Inspector in Oyibi revealed that



*‘ the dominant cases that used to be reported were stealing, robbery, assault, threatening and land-related problems, but as a matter of fact, I can say without fear or favour that now land conflicts have taken over. And statistics indicate this. Anytime I come here (office), the cases that come before me are mostly comprised of land problems. I can say that 98% of the cases that are reported are on land’ (Police officer-Oyibi District Police Station, 2018).*

Indicatively, land-related offences exist however, what is new is the increasing number of these cases reported every day. Accordingly, one of the most reported land cases in Accra, recorded by the Greater-Accra regional headquarters is trespassing, a generic term which includes cases of encroachment, demolition and injury over land (see Figure 6.2). The high number of trespassing cases is partly a result of the record covering Accra and its peripheries as well as the inclusion of other related cases mentioned above.

**Figure 6.2: Cases of trespassing on land in Accra and its peri-urban areas**



**Source: Greater Accra Regional Police Headquarters (2019).**

The graph shows trespassing cases on land in the entire Greater Accra Region. It also constitutes land-related cases such as encroachment. Data before 2012 are however fragmented hence could not be released.

These figures, however, are not a true reflection of the realities in Accra, given that many of these conflicts are not reported to the police because of the lack of trust and their perceived ineffectiveness. Similarly, the law courts are not exempted from the evolving and the increasing number of land conflicts in peri-urban Accra. A senior officer at the High Court in Accra, for instance, stated that *‘although I cannot speak with empirical evidence, I can tell you that the number of land cases continues to dominate all the cases that are reported in our courts’*. This reflects on the workload of most judges, and during discussions with judges across the levels of the court system, it was revealed that close to 8 to 10 dockets of land cases are worked on daily. This departs from previous practices where the number used to be 3 to 5 dockets a day.

This chapter further argues that new forms of land conflict are emerging, while existing ones are being intensified due to the activities of unqualified surveyors. Regardless of the state-led reforms (discussed in Chapters 3 and 5), inadequate logistics and human resources remain a general challenge in the land management process, especially checking the veracity of land documents. For instance, unqualified surveyors take advantage of the active land market and engage in inaccurate demarcation and fake documentation of land for unsuspecting clients. The data (see Table 6.1) from the Dispute section of the survey department at Lands Commission points to increasing land registration problems as a new form of land conflict in peri-urban Accra. This Dispute section was originally incorporated within the framework of the survey department, however, considering the increasing court referrals and the new trend of conflicts, it was reconstituted in 2015 to give more attention to referral cases from the court. That is, a physical office was created to authenticate site plans referred from the courts. This according to the head of the dispute section facilitates the determination of landowners, accuracy of land measurement and general arbitration of land conflict.

**Table 6.1: Land Disputes in Accra referred to Disputes Section (Survey Department), from Law Courts**

<b>YEARLY</b>	<b>CASE RECEIVED</b>	<b>CASE COMPLETED</b>	<b>CASE PENDING</b>
<b>2015</b>	27	***	***
<b>2016</b>	196	***	***
<b>2017</b>	300	114	186
<b>2018</b>	276	121	155
<b>TOTALS</b>	<b>766</b>	<b>235</b>	<b>531</b>

**Source: Dispute Section, Survey Department, Accra (2019)**

\*\*\* Information on cases completed and cases pending in Court between 2015 and 2016 could not be retrieved

The data in Table 6.1 reveals that between 2015 and 2018, the number of land cases received to authenticate contested site plans increased from 27 to 276. In an interview with the head of the unit, the increasing record is due to the limited number of surveyors in the country, which is causing a rise in the use of uncertified surveyors who subsequently have created a series of errors during land transactions. For instance, coordinates taken by most of these uncertified surveyors end up either in the sea or outside the contested land. The inadequate resources, to carry out requests by the court, contribute to the backlog of 155 pending cases. These developments affirm the argument that although tenure formalisation promotes tenure security, the cost involved coupled with weak implementation results in new forms of land conflicts (see Chimhowu and Woodhouse, 2019; Obeng-Odoom, 2016; Yamano and Deininger, 2005). The impact of these aforementioned challenges shapes housing development in two ways. First, the inability of some landowners to afford the services of qualified surveyors, resulting in the increasing reliance on unqualified surveyors who provide an inaccurate measurement of land for housing development. Such lands are exposed to future tenure insecurity and all forms of conflict and violence including demolition and landguardism. Secondly, poorer housebuilders become more vulnerable as they are unable to pay court fees in the adjudication process, as compared to the richer housebuilders who

use their economic power and influence to either get the land or obtain a judgement in their favour. This unequal power dynamics also exposes housing development to insecurity especially in relation to the loss of land for housing

## 6.2 Actors' interests and roles in land conflict

As highlighted earlier, identifying the actors, their interests, and position of power in shaping access to land helps in understanding the dynamics and the nuances of land conflicts in the peri-urban areas of Accra (Lombard, 2016; Miall et al, 1999). Following Jimu (2012), the study argues that actors involved in land transactions 'make choices that translate into purposeful actions in their own perceived interests; subject to wider social relations and sometimes structures'. These choices, which translate into the actions taken shape their interest and degree of access and control to land. Table 6.2 highlights the competing interests of the different actors in land conflict in peri-urban Accra.

**Table 6.2 Interest of various actors in peri-urban land conflict in Accra**

<b>Actors</b>		<b>Interest</b>
<b>Non-state actors</b>	Traditional Authority (Chiefs)	Sell land to develop community and make profit Protection of family and community legacy Power to control Secure tenure
	Family Head	Economic gain Protection of family legacy Secure tenure
	Real Estate Companies	Acquire more land and resell or develop housing structure and sell for profit Secure tenure
	Land guards and Youth Groups	Make money from land protection or gain access to land for housing
	Housebuilders	Self-esteem Investment in family and future

		Building of house to accommodate oneself and family Social recognition from housing
	Land Agent	Economic gain
<b>*State actors</b>	MDAs LUPSA Lands Commission Court Police	Ensure tenure security Enforce fair and sustainable layout and land use planning regulations Make profits from approving building permits Adjudicate or mediate conflict Enforce law and maintenance of peace Ability to waive planning regulations through bribery

**Source: Author’s construct, 2019**

\*Primary state actors with a direct interest in land in peri-urban Accra

These interests underpin the adoption of different means in fighting for land in conflict processes. Within the context of land conflicts in peri-urban Accra, the strong reliance on socio-economic, legal and cultural factors, other than bundles of rights, to gain access and sustain their interest to land emerged as highly significant. As discussed in Chapter 2, these factors, termed as bundles of power in access theory, inform and shape the power relations of actors (Svarstad et al, 2018; Ribot and Peluso, 2003) during the conflict processes. This differs from section 5.4.2 which examined how actors gain and maintain access to land in the land market. Accordingly, the major sources of power shaping actors’ interest in land conflict processes include legal backing, knowledge, social connectedness, and economic power.

**6.2.1 Legal backing to maintaining access**

In land conflict situations in peri-urban Accra, statutory and customary regulations are tools that different actors rely on to negotiate access and maintain their interest in land. Findings of the study revealed that actors who mostly rely on these means to sustain their interest in land include both state and non-state actors: the MDAs, LUPSA, Lands Commission, housebuilders and land sellers. The constitution makes provision for MDAs and other state agencies to manage land by developing planning schemes and zoning peri-urban spaces for development. Also, the provision of land title certificates by the Lands Commission for land sellers and housebuilders further support people’s interest and claim to land. Similarly, the provision of social legitimacy by customary institutions

serves as a means for actors to maintain their interest in land. Accordingly, these legal backings and customary regulations provide a sense of entitlement to these actors in pursuit of their access and control of the land (Ribot and Peluso, 2013).

Notwithstanding that land in peri-urban areas is managed under multiple institutions (Rakodi, 2013; Ratvertz et al, 2013) many of these actors depend significantly on statutory laws rather than customary regulations in land conflict processes. Actors believe that legal backing from the state guarantees legitimacy, in contrast to customary regulations, which are mostly ambiguous. Additionally, state actors, in particular, argue that although customary regulations are recognised by Ghana's constitution, an ultimate verdict on a land conflict is mostly embedded in a court of law. This was reflected in a discussion with housebuilders who revealed that even though land transactions in peri-urban Accra are surrounded by uncertainties, the possession of a land title certificate safeguarded one's interest in accessing land. Likewise, most planners in the various MDAs noted that it is only the constitutional provisions that support their management of land in peri-urban Accra. The significant reliance on statutory laws over customary regulations by different actors confirms the assertion by several scholars that although multiple institutions exist in the management of peri-urban lands, statutory instruments remain the ultimate and dominant mediator in land adjudication processes (Ribot and Peluso, 2003; Jimu, 2012; Rakodi, 2006; Unruh, 2009). The implication of this is the increased reporting of land cases in the police stations and various law courts, particularly in Accra, where land conflict cases have become prevalent (as discussed in section 6.3).

The study further argues that the involvement of different strands of regulatory institutions during land conflict results in actors selectively relying on multiple institutions as a means of support in a land claim. As discussed in the previous chapter, the expansion of the scope of land conflict from civil to criminal case has seen the participation of the police. Similarly, most land actors especially land sellers depend on more than one institution in support of a land claim. A case in point was a land seller, who disclosed that,

*'...looking at how land conflicts have become very complicated, I needed to have support from all areas so that my opponents will not take me by surprise from any angle of the law'* (**Land seller-Oyibi, 2018**).

Observably, this land seller and many other actors selectively report their claim over land ownership to the police for protection, the court for adjudication and at the same time, the Lands Commission for land title. This situation was common among land sellers in Achiaman and Abokobi, where most parcels of land are not registered. Similarly, given that unregistered land are sold to unsuspecting buyers, most housebuilders were also found to have engaged the police, the court, Lands Commission and family heads or chiefs to support their land to claim at different levels. Although these actors are unable to predict the outcome of land adjudications, especially with the law court, the perception of having multiple supports to the land is adequate to maintain the relevance of their interests. This situation of selective reliance on institutions in support of land claims, termed as forum shopping is common in many land conflict cases because actors are mostly unaware of which institution is appropriate to meet their interest (Mathys and Vlassenroot, 2016; UNEP, 2012; Unruh, 2009). Significantly, forum shopping is an outcome of legal pluralism, which is a feature of land governance in peri-urban Accra. The consequence of adopting several legal backings as a tool to maintain access to contested land was however identified as a cause for the duplication of land cases at the court and the various police stations across the study area. A court judge remarked that the lack of a synchronized data system on land has resulted in many duplicated land cases. Additionally, although some cases are adjudicated by the court, they are not updated at the Lands Commission hence, causing a refiling of cases at the court. This reveals a clear case of uncoordinated land institutions.

Multiple supports also have a financial implication for its users, given that the engagement of various legal institutions incurs a cost. Findings of the study further revealed that financially constrained actors who, although may have the right to legal provisions, were affected by this mechanism of power (statutory backing) because they are unable to afford the administrative costs involved in using these services. A case in point was a land buyer who stated that his inability to engage the services of a legal counsel or pay the police for frequent protection, alongside inadequate finance to secure a land title from the Lands Commission, made him susceptible to losing his land two years ago. This development reflects the key challenges to the formalisation of customary land, which include increasing inequality in land access and the accumulation of land by the more wealthy and elite, because the poorer housebuilders usually lack the financial capacity to meet administrative requirements for land title registration (see Chimhowu and Woodhouse, 2019; Agunbiade et al., 2014; Payne and Tehrani, 2005).

### ***6.2.1.1 Illicit means of access***

Aside from the legal engagement with statutory laws, some actors, mostly land sellers and housebuilders create informal networks with individuals working within state institutions to maintain access to land in conflict processes. This is achieved when actors engage some personnel of the police and military institutions to use their powers illicitly to influence and intimidate other actors over land control (Ribot and Peluso, 2013). Some actors gain access to these individual persons by ‘paying their way through’ (bribery) or rely on family or acquaintances working in these institutions. These individual security persons, who act in their interest or outside their institution’s interest, use coercive power to claim contested land for their clients. In Achiaman and Abokobi for instance, some land sellers and housebuilders revealed that one of the quickest ways to maintain access to contested land was to establish rapport with some security officers. The reliance on this individual security personnel is similar to the social relations built within the context of landguardism. That is an individual need to establish strong social relationships with some individual police officers and land guards to be able to access their services. Actors who are unable to engage these security persons however, employ land guards to offer protection for the land (see section 5.4.2.2). As a contributing factor to fuelling conflicts, these informal networks, undermine the legal process of land adjudication and more importantly, increase the prevalence of landguardism in peri-urban Accra (Bansah, 2017; Badong, 2009; Wehrmann, 2008). These illegalities, which mostly thrive in informality, override legal requirements, which would otherwise exclude some competitors from gaining access to land. Given that these illegalities are socially accepted, the power to sustain claims to land largely resides in both the capacity of the social and economic capital of actors.

### ***6.2.2 Knowledge as power for maintaining access***

Knowledge about access, use, and control of land is another means of support, which maintains actors’ interests in the land during conflicts situations. The various forms of knowledge possessed by the different actors were derived from traditional knowledge, statutory knowledge, and social practices, which were applied as tools to influence access to land. Among most of the family heads and chiefs, the traditional knowledge about land, perceived as a family legacy, underpinned the persistent conflict over land (Obeng-Odoom, 2016; Sackeyfio, 2012). In Oshiyie and Achiaman



where cases of chieftaincy dispute were common, chiefs who perceived the land as a symbol of power used past narratives and indigenous knowledge to protect the land. As argued by Kansanga (2019) and Lund (2013), the past continues to be a relevant tool for landowners to claim land in recent times given its relevance in tracing the truth about ownership of land. This knowledge from traditional settings is recognised as rights of indigenous people, which maintain and protect the traditional way of life as well as preserve ecological resources such as land (William, 2013; United Nations General Assembly, 2007). However, multiple narratives, some of which are inconsistent deepens existing conflicts. Section 6.3.1 expands on how multiple narratives induce conflicts.

Contemporary knowledge about land as an attainable resource with economic power, coupled with formalisation, further shapes access to land during conflicts. This was found to have taken a central stage in tenure security processes. As discussed in previous chapters, obtaining a land title was the ultimate means of securing land. As such, various actors were found at different stages of land registrations in an attempt to protect their land. While this favoured most elites, actors with less exposure to formal knowledge including some land sellers and housebuilders had to rely on social practices such as depending on anecdotal evidence and engaging local knowledge from other actors on how to protect the land. Consequently, housebuilders, in particular, do not only rely on single sources of knowledge, rather, on multiple information such as belief systems, social practices and technical knowledge in fighting over lands. Some housebuilders with knowledge about the family that owns the land; who is authorised to sell; land registration processes and planning regulations equips them to maintain control of land during conflicts. Observably, having diverse knowledge about the history, transaction process, and registration of land in peri-urban areas is an added advantage to sustaining access to land and other resources (William, 2013).

### ***6.2.3 Social connectedness and economic power as a tool for maintaining land access***

Social identities embedded in and expressed through wealth, level of education, and status constitutes the dominant power that shapes the interests of actors maintaining access to land. These social factors give a sense of entitlement, motivation and privilege to some actors over others in the control of land (Ribot and Peluso, 2003; William, 2013). The consequence of this has been the increasing competition and conflict between actors given the exclusion of poorer actors from land control. The ideological shift in land tenure, from a communal to an economic perspective (Sackeyfio, 2012; Rakodi, 2006; Gough and Yankson, 2012) underpins the struggle for access

using broader social factors to maintain the control of land. Besides, in a normal land market where economic logic rules, the land market in the study communities is distorted by various practices including landguardism, and this necessitates these social factors as tools for sustaining land control.

Actors' profession and wealth in a community play a significant role as a means of support in land claims during conflicts. Military officers and some wealthy individuals in the Achiaman for instance were identified as significant actors who used their status to influence land conflict processes. The study observed that such professional status positioned actors in a competitive and privileged status over other others who did not have any profession. This situation was also similar in Oyibi and Abokobi, where respondents stated that some police personnel and other private businessmen living in the community use their professional status to challenge their competitors during altercations. While these professions and wealth ensure a sense of privilege, it equally serves a tool of intimidation against other vulnerable competitors. An opinion leader in Achiaman disclosed that

*'...during most conflicts, you will not see the 'big men' fighting with Land guards on the land. All you will see is a police or military vehicle with many policemen or soldiers who will just come and arrest anyone involved in the conflict. The big men you see are very connected and they have the money to bring all these soldiers' (Opinion Leader-Achiaman, 2018).*

Likewise, the length of stay in the community alongside other power relations was also a key mechanism, which supports actors in their quest for land in conflict processes. In Oshiyie, a housebuilder pointed to a magnificent building, disclosing that the owner was an Immigration officer with a high rank, and doubles as one of the first settlers to build in the community. As a result, it was revealed that despite the intimidation of land guards and issues of multiple payments for land, this resident (officer) was exempted from any form of harassment or demolition. An interview with the officer, later on, affirmed the claim and he indicated that,

*'...as one of the oldest settlers in the community, I have earned respect and that is why when land guards are disturbing other housebuilders, I am never part of it. Maybe, it's because I am also the resident chairperson of the residents association of the community' (Housebuilder, Oshiyie, 2018).*

From the above quote, the resident chair status reveals the other social relations that operate alongside the length of stay in the community. This results from the significant respect associated with the elderly in a typical Ghanaian community, first as a cultural value and second as an opportunity for reference when one is in need. Therefore, intimidating elderly individuals is considered as grossly disrespectful. Besides, given his connectedness, land sellers, or land guards seeking favours at some point in the future, risk being denied. The vulnerable and people without any significant status in the communities, however, lamented about how their status exposed to them extortions, frequent demolitions and harassments from land guards and other land sellers. In such scenarios, vulnerable housebuilders and family heads, in particular, lose either a portion or their entire land.

Closely associated with social connectedness is economic power, which shapes access and maintenance to land in conflict situations. This economic power drives and sustains the level of social relations. Many actors revealed that maintaining networks of police officers, lawyers, surveyors, officials at the lands commission and land guards requires that an actor is rich enough to make occasional payments to sustain one's interest in the conflict process. This resonates with Wehrmann's assertion that some state officials encourage institutional corruption because they put forward their selfish interests to make economic gains from conflicts rather than pursuing the interests of the state (Wehrmann, 2008). A trending social knowledge currently embraced by most housebuilders in all the study communities was that multiple payments for land were the current most secure way of maintaining access to conflicted land. As such, this act favours wealthier housebuilders who are capable of making multiple payments to different families contesting the ownership of land. A detailed discussion on multiple payments for the land is captured in the next chapter. Similar to the discussion on statutory backing, the elites and rich are identified as more powerful actors as they use their economic status to exploit those who are poorer and often less educated and more vulnerable.

The study argues that although the above means of support are the key mechanisms identified in the communities, there might be other distinct support systems peculiar to individual actors in securing their access to land, which did not emerge during this study. Also, although the means of support in securing access to land are presented as isolated, they intersect and advance each other.

Against this background, the wider an actors' social identity, the stronger their ability and power to maintain a claim to land during conflicts.

### **6.3 Drivers of Customary Land Conflicts in Peri-urban Accra**

Having discussed in the previous sections, the trend of land conflicts and actors' ability to maintain access to land during the conflict, this current section examines the factors that *trigger* land conflicts in peri-urban Accra. On the surface, conflicts over customary lands in peri-urban areas appear to result from factors such as multiple sales and ill-defined boundaries (Kansanga et al., 2019). These are significant, however, there are underlying factors deep-rooted in socio-cultural, historical, institutional, and economic conditions, which account for land conflicts in peri-urban Accra. The study argues, that the key drivers of land conflicts in the study communities include; contested ownership and discourses about the past, intra-family and intergenerational differences, multiple institutions and institutional inefficiencies, and the increasing commodification and demand for land. These factors though distinct are interrelated and account for the complexities of land conflict in peri-urban Accra. Imperatively, the study draws insight from the theoretical framework in Chapter 2, to explore the everyday politics of land in shaping land conflicts processes in peri-urban Accra.

#### ***6.3.1 Contested ownership and discourses about the past.***

The lack of accurate boundaries and poor documentation of land, resulting in competing interpretations of the past regarding land claims, is one of the major cause of land conflict in peri-urban Accra. As discussed in Chapters 4 and 5, much of the customary land in the study communities remains either unregistered or partially registered. As a result, the study found that several land sellers relied on oral history and natural landscape features, such as anthills, rivers and trees in determining the ownership and boundaries of land. In recent times, however, the near extinction and loss of these landscape features due to rapid developments have resulted in land conflicts. This was evident in a narrative by a traditional authority who lamented that

*'... if you visit every family selling land, they will tell you boundary demarcation is their major problem. Our forefathers used rocks, trees, rivers and anthills to demarcate land and everyone respected this. Now all these things have vanished so people are struggling with the actual*

*boundaries of their land. A river, which served as a boundary to our land has dried up because people fell the trees along the banks and filled the valley with stones to build. As I speak with you now, I am in court with three other families because two have encroached into my land and the third family says I have entered their land. That is the problem we are facing now'* (**Traditional Leader-Oyibi, 2018**).

The steady loss of basic boundary landmarks corresponds with the gradual demise of older generations (community and family elders) who were once witnesses to these boundaries and abreast with the history of land ownership. While this knowledge of land is passed to generations, its poor documentation, mostly through oral histories, have become diluted and skewed by current generations to suit their 'interests'. As Berry (2001) asserts, people tell stories of land that is most suitable and is capable of making a case in their favour. A land seller recounted that

*'...in our culture, the elderly in the community talk about land because they know the stories of how families came to own land in Achiaman. Now, they are dead and gone so their younger generations have taken over in narrating the stories of land ownership. But trust me, a lot of these people have changed the histories to suit them so that they can make more money from selling the land and other people's land* (**Land seller-Achiaman, 2018**).

Following the ill-defined and improper documentation of boundaries, competing interpretations of the past are seen as a major tool causing land conflicts. Similar to the studies by Kansanga et al (2019) and Lund (2013), the sources of past narratives are multiple and include settlement histories, traditions and chieftaincy disputes. In Achiaman, Oyibi, and Oshiyie, these sources of past narratives for land claims were very common given the circumstances of first settlers (the stool) and new settlers (other families) inhabiting the community. For instance, in Achiaman, while the stool who depended on ancestral pasts as first settlers, founders and administrators of the community including the land, the new settlers relied on historical events, which included moving into the community and acquiring land through freehold. Given that these narratives are difficult to disprove (Berry, 2009), conflicts erupted based on different sources of information and the fabrication of history. Narrating the history of the establishment of the community, the traditional authority revealed;

*'if I take you back to history, my great grand grandfather, called Nii Achia was the first to settle in this area, after he married one of the daughters of the then Ga Mantse's (Ga Paramount*

*Chief), he was given land in this area, which is now a large community called Achiaman to settle and establish his family. He became the landowner of the entire area until other families came in and he apportioned part of the land to them to farm. This is how we became the royal family and rulers of the community and as you can see, I rule over the whole community' (Traditional leader-Achiaman, 2018).*

Families owning land in Achiaman do not contest the narrative above. However, what is contested is the claim by the stool that, the land given to these families was not on freehold rights rather leasehold. As a result, the current generation of new settlers cannot sell it to new settlers. Presenting a different interpretation of the past, one of the families in contention with the stool noted that existing documents from his deceased father proved that the stool land was transferred under freehold (as a gift) to the family. He indicated that...

*'...my father told me that our forefathers came to the then chief of Achiaman and secured some acres of land for farming. Those days, they threw stones and wherever it falls, they plant trees to map the boundaries. Several generations have lived on the land but did not care to register it. Recently, when I took over from my father as the one to control the land, I attempted to formally register it but some other families are contesting the boundaries. Even the chief claims his grandfather did not give the land to us on freehold so I can't register it in my family name. But this has been the property of my family and I will do everything to protect it for posterity' (Land seller-Achiaman, 2018)*

Aside the above contention, both parties have been deepening the conflict through the altering of boundaries given that they hold different account of the dimension of the land under contention.

In contrast to the case of Oshiyie, where the land is largely a stool land, boundary cases are not significantly evident. Rather, the evolution of conflict is associated with chieftaincy disputes in the community. Similarly, the stool family and family of new settlers are dwelling on different past narratives as a claim to the chieftaincy role. This had become significant because the control of stool land is embedded in the chieftaincy. The former chief who was sent into exile by the current chief (due to the chieftaincy dispute) lamented that the dispute erupted as a result of the distortion of history from another family, who serve as sub-chiefs. This according to him was a deliberate attempt to gain access to the stool land given its increasing economic value. This is the most common form of land conflict in Oshiyie.

Although in Abokobi the phenomenon of the first and new settlers did not pose any of these challenges due to the church owning large portions of land, there was evidence of competing narratives between the Church and another stool in a different community. The traditional authority of Abokobi indicated that the former Basel missionaries acquired some portion of land from the original owners (Brekusu community) in the past. Having experienced some dispute with other families in 1903 and 1938 respectively, an attempt was made to properly register the land in 1998. However, these original owners (Brekusu) with a different interpretation of the past are contesting the ownership and boundary of the land, revealing that current boundaries do not reflect what the old transaction indicates. This development is the cause of the persistent conflict between the church and other families in Abokobi and the Brekusu community. Besides, the increasing and complex interpretation of different pasts as a tool for securing land account for the long duration of land cases in the law courts.

Referring to past narratives highlights the fact that land has a relation with the past but more significantly, it produces new forms of power in present time for actors in the land management process (Cornea et al., 2016; Lund, 2013; Berry, 2009). Observably, these powers are embedded in social structures such as the tradition of the community. Contributing to the situated UPE approach to peri-urban land conflict, the study argues that past narratives in peri-urbanisation processes create 'historical power imbalances' (Cornea et al, 2016) among landowners such as chiefs and family heads, which ultimately creates uneven access and use of land. Besides, it highlights the flow of power between the different actors in the land management process. A case in point is the reliance on these community and family narratives by housebuilders to intensify their claim to land. Also, new layers of the past emerge as housebuilders rely on the date of land transaction, the amount paid and the individual who sold the land to them as new mechanisms to contest the ownership and boundary issues. These historical differences are further supported by existing laws, such as the law of adverse possession captured in section 10 of the Limitation Act of PNDC law in Ghana. This law supports land claims from past events. It states that a person in possession of land for more than 12 years without a claim from anyone becomes the owner by adverse possession. As such, most families of new settlers rely on this as a tool to fight first settlers. The reference to this modern law highlights the interplay of social legitimacy, which is based on tradition, and legal legitimisation, which depends on the statutory law. Importantly, it also reveals that different dimensions of time and occupation are critical to legitimising land claims.

Similar to the past narratives, the binary interpretation of land as property and political territory further accounts for the evolution of land conflict in peri-urban Accra. This was particularly, evident in Achiaman and Oshiyie, where both traditional authorities were alleged to have extended their governance to include the control of land possessed by other families within the community and in adjoining communities. An example is Achiaman where some families accused the stool for using territorial powers to control their land even though this land is outside Achiaman (in '*Doblogono*', a suburb of Achiaman). Similarly, in Oshiyie, some families equally accused the current traditional authority for encroaching on their land and selling it to housebuilders. These developments have been met with fierce resistance from the families, resulting in endless conflicts and violence. The interpretation of the land is based on two notions; land as a political territory and as a property. Lund (2013: 14) argued that space land interpreted as 'territory is governed, but not owned by its governing agency' (Lund, 2013: 14). The case in Achiaman and Oshiyie, however, reveals otherwise, as the territorial control of the community is translated as ownership of the entire land. Consequently, families also reject this control on the basis that the land remains a family property hence can only be controlled by the family members. Beyond the rights to land, registering the land remains a major strategy in the fight for land. As discussed in previous sections, land registration is a source of power for actors in the control of land (Berry, 2017; Vandergeest and Peluso, 2017). Nonetheless, registration of land remains difficult for both chiefs and family heads because contested land cannot be registered. This lengthens the land conflicts in the community.

The contested land ownership and indeterminate boundaries among land sellers are resulting in the rising number of new boundary conflicts between individual housebuilders. As discussed above, much of the land transferred to housebuilders are unregistered and facing various levels of ownership and boundary conflicts. These transferred lands, therefore, expose housebuilders to the risk of boundary conflicts, most of which are not known to the housebuilders. In Oyibi, Abokobi and Achiaman, where boundary conflicts are dominant, this phenomenon has become more of an inherited problem for housebuilders. Furthermore, the challenge of unqualified surveyors as discussed earlier compounds these indeterminate boundary challenges. A housebuilder in Achiaman lamented that,



*'you see, the land that belongs to families here do not have proper boundaries and they are selling it to us like that. I currently have a boundary problem with two families who claim the land that the other family has sold to me is within their boundaries. So you see, I have more like inherited land conflict (boundary dispute) from the family that sold the land to me'*

**(Housebuilder-Achiaman, 2018)**

In contrast to the three cases, chieftaincy disputes in Oshiyie have become the major cause of land conflict between individual housebuilders. Consequently, individual housebuilders are faced with a double challenge of multiple payments for land to different owners and at the same time fighting over the boundary. A housebuilder stated that *'for we the land buyers in Oshiyie, our major problem is the chieftaincy issue among the families. They all claim they are responsible for selling land and because of that, we are paying twice to each family'* (Resident, Oshiyie, 2018).

A major factor accounting for housebuilders engaging in the purchase of contested land is partly due to the conditions in the land market. It emerged that although the Lands Commission encourages housebuilders to verify the owners of the land before purchase, the time involved was not favourable. A check at the CSAU at the Lands Commission revealed that searching for ownership of land takes an average of three months. This does not favour most buyers because the high demand compel land sellers to sell the land to the housebuilder who is ready. Additionally, housebuilders also add a new and personal conception of land by stating that the land in question is their property given that they have paid for it. The above narratives also point to the new form of power in determining land underpinned by local structures such as the family, the community and legal structures such as the Lands Commission. To this end, the level of power exhibited in the fight over land is dependent on how many local structures and agencies support such claims.

### ***6.3.2 Intra-family and intergenerational differences***

Changing social relations among the actors responsible for the sale of land is also central to the evolution of land conflict in peri-urban Accra. Significantly, the changing tenure systems and land delivery channels, as discussed in Chapter 5, reflects the transformation of social structures and relations managing peri-urban land. Customary traditions, which permitted family heads and chiefs to control land are becoming diluted and eradicated. Against this background, contested leadership

roles and intergenerational differences constitute the forces accounting for land conflicts within families, otherwise called intra-family land conflict.

The study argues that contested leadership causing land conflict in peri-urban Accra is deeply rooted in the lack of accountability on the part of family heads and the struggle for authority by other family members. As discussed in Chapters 3 and 5, land is largely owned by families and stools hence, its management by family heads and chiefs. While the constitution supports this structural arrangement, the Head of Family Law (Accountability Law), PNDC Law 114 further calls for accountability on how family properties such as land are managed by these family heads. The study, however, found that some of the family heads were unaccountable to their members on how land was transferred and how much was realised from these transactions. The resulting factor has been protests and removal of family heads, which is usually met with resistance. A representative appointed by family members to replace a family head narrated...

*‘As I told you earlier, I am not the family head of my family. I was appointed by the elders of the family to manage our lands because our family head became very selfish and greedy. Since the price of land increased in this area, he has been selling the land without consulting other members of the family. As I speak with you, he has built a huge storey-building, has three cars, and his children are all attending private schools. All these are from the sale of family land. So we demoted him and now I am in charge of the family lands’ (Land seller-Achiaman, 2018)*

This narrative represents the case of many other families within the four communities where family heads are accused of mismanaging land. In Abokobi, a family head was also accused of selling family land to new settlers without the family consent. Similarly, traditional leaders in Oshiyie and Achiaman were also accused of the indiscriminate sale of community land without any form of accountability. This finding validates earlier studies where chiefs and family heads in peri-urban Accra were identified as catalysts of peri-urban land conflicts due to the transfer of stool lands to their cronies without any form of accountability (Ubink and Amanor, 2008; Wehrmann, 2008a; Yankson and Gough; 2008). Although the Ashanti region is said to have a well-managed and controlled land tenure system (Ubink, 2008), as compared to Accra, a sub-chief was distooled by the Paramount Chief, Otumfour Osei Tutu II, for gross insubordination, which includes the illegal sale of land (myjoyonline.com, 2019). The situation among others highlights the widespread involvement of chiefs and family heads in land conflicts. Furthermore, the fragmented nature of

chieftaincy in some parts of Accra, particular in Oshiyie (as discussed earlier) accounts for the ineffective discipline of chiefs who engage in illegal land sales.

The resistance of many demoted family heads has seen the increase in landguard activities, which further deepens land conflicts. These individuals have some family members who continue to support them in the continuous allocation of land against the will of the family. Given that such land transactions cannot attain land title, transfer and allocated is usually based on a fragile social legitimisation. That is, although these land sellers hold tenure rights, their activities of land sale are not sanctioned by the family, hence perceived as illegal and socially unrecognised. The consequence of this development is the collapse of family bonds resulting in social divisions in communities and particularly, families and as well as insecurity for housebuilders. In similar studies on land conflict, (see Arko-Agyei, 2011; Wehrmann, 2008a; Simmons, 2004), intra-family conflicts constituted a major cause of social division and land fragmentation. Ultimately, these social divisions within families account for the multiple sales of land. That is, while new family heads are selling land legitimately, resistant family heads also continue to allocate the same land or other parcels to unsuspecting buyers.

Aside from poor land management and lack of accountability, intergenerational differences were found to play a more vital role in the evolution of intra-family land conflicts in peri-urban Accra. Intergenerational differences shape social relations and served as a catalyst in intra-family land conflicts through divergent values and beliefs shared by past and current generations. It is further maintained that these values, behaviours and identities between generations predispose different generations to conflicts even before there is any form of interaction (Urick et al, 2017). Similarly, within land-owning families in peri-urban Accra, divergent beliefs, values and perceptions about land trigger intra-family conflicts.

As a known fact, customary land is sacred and illustrates the source of power, wealth and dignity for families and communities (Kansanga et al, 2019; Chimwohu and Woodhouse, 2019; UNEP, 2012; Ubink, 2008; Wehrmann, 2008b). As a result, family heads and chiefs in all the study communities revealed that they continue to uphold the aforementioned perceptions on land. Notwithstanding the pressure to transfer land for housing development, there is the continuous interest of preserving parcels for generations yet unborn. This perception, however, is challenged by some younger generations in the families and communities who are rather more interested in

the current economic value of the land. These competing interests between older and younger generations have resulted in a series of intra-family conflicts regarding the control and management of land. Lamenting on this development, a land seller, indicated that

*‘if you look at how the demand for land is increasing and the money that comes with it, you will sell all your family land if not careful. But as a family head, I must preserve the land for my grandchildren so they don't suffer in the future. But the young ones (youth) in the family do not understand this tradition. Their focus is all about selling the lands, making money, driving big cars and showing off. I reserved about 50 acres to keeping bees, rear livestock and cultivate plantation to invest in our children, but the family boys came fighting me and as we speak, they have illegally sold more than 20 acres of this land. If our forefathers had sold these lands, will we have come to meet it?’ (Land seller-2018, Abokobi)*

Observably, the struggle for land control between older and younger generations within families is embedded in unequal, exploitative relations and quests for wealth (Kobusingye, 2018). As a result, the attempt by family heads and sometimes chiefs to maintain tradition and the family legacy of protecting land reflects territorial power, which is in contrast to the younger generation who perceive the family land as property (Lund, 2013). While these contrasting views create unequal power between the old and young generation, other socio-economic factors and a desire to survive further deepen intergenerational differences, which ultimately result in land conflict.

As discussed in previous chapters, increasing conversion of farmland to residential enclaves is resulting in the loss of farmland and livelihood mainly among the indigenous youth (Obeng-Odoom, 2016; Cobinnah et al., 2016; Owusu, 2008; Yeboah, 2003). This exploitation through the sale of agriculture land by the older generation is compelling the youth to take advantage of the current capitalist economic processes of land sale. Closely associated with this is the quest by most youth to acquire material wealth to show and command respect among their peers. The study argues that this current wave of wealth creation, where the display of wealth and money is interpreted as evidence of power and a ‘sign of good living’ among the youth constitute the driving force underpinning the identity and behavioural differences which contrasts with those of the older generation.

The attitude of the youth indicated above does not only highlight their economic pursuit but also, the disregard for customary traditions over land. This disregard for tradition is further shaped by

relational practices, where the lack of accountability on the part of some family heads and chiefs force the youth to ignore existing customs and engage in land sale. This was most evident in Achiaman, Oyibi, and Abokobi community. For instance, in Oyibi, the traditional authority disclosed that

*‘we had a river in the community where the banks served as a sacred place for worshipping the gods. But can you imagine that some of the youth in the community cleared the trees along the banks of the river, filled the river with stones and sold the land to individuals? They don't respect our tradition one bit’ (Traditional Leader, Oyibi, 2018).*

There are competing interests of preserving cultural values (reserve land for future generations and preserve tradition) against enhancing the economic component of land within a context of rising livelihoods insecurity. Again, the competing interests of the younger generation further challenges the power and authority of the older generation (primary land channels) as the legitimate channel of land transfer. Consequently, the study argues that this generational difference, with regards to competing interests, accounts for the indiscriminate sale of land in the communities by the youth, who mostly constitute amateur land guards.

Despite these intergenerational differences, the study found that some families were adopting some forms of negotiation and consensus building over opposing interests in the management of land. That is, there is an emerging approach to maintaining the social order and social relations relating to land control in peri-urban Accra. The term *‘intergenerational alliance’* is proposed here as a way to conceptualise a situation where family heads and chiefs (past generations) negotiate their interests in ways to control land with the youth. Responding to how the changing social relations concerning land control is currently being managed, a land seller revealed that

*‘the only way I am trying to take back the authority as a family head in managing our land is to engage any youth who comes to question me on the sale of land. So the trick is, I ask them to look for buyers so they can get a commission when the sale is done or I show them the boundary of the land so they guide the surveyor during sales or protect the land when land guards are disturbing. Also, I allow them to take foundation fees from builders to support themselves’ (Land seller-Abokobi, 2018)*

While the family head in Abokobi was the only land seller who revealed a collaborative sale of land with the youth, all other land sellers in the study communities engaged in partial alliances where they permitted the youth to take building levies from housebuilders (discussed in the next chapter) or engage in land protection (community landguard). Community land guards as discussed in Chapter 4 are the youth within families or the community who seek to protect family land. Observably, while this act highlights collaborative measures in mitigating intergenerational differences, it further reveals how the youth (community landguard) are positioning themselves or changing their roles in the community, either as land agents or land guards (see Chapter 5), in response to the transformations taking place in peri-urban Accra. Nonetheless, family heads and chiefs who are unable to adopt an ‘intergenerational alliance’ approach, use alternative means such as engaging in the sale of land and ignoring ideas of posterity. An example is one land seller who revealed that

*‘...if I say I won’t sell the land, the boys (youth) are rapidly selling it, so I have also changed my mind. They are not the only people who need money. I also need it. They sell, I sell, we all sell, that’s it’ (Family head-Abokobi, 2018)*

In the context of deriving benefits from the land and maintaining the social relations over the control of land, older generations managing the land are shifting their focus and their interests towards the practices of the youth in order not to be left out of making economic gains over land. This shift from the past generation can be attributed to the increasing pressure from the youth. That notwithstanding, intergenerational conflicts, induced by divergent values continue to cause conflicts as a result of the changing nature of customary lands and more importantly, the increasing and dynamic interests of the youth. As discussed earlier, a hybrid form of conception of ‘space’ emerges as both the older and younger generations equally see family land as property and at the same time a territory, which needs to be protected.

### ***6.3.3 Multiple institutions and institutional inefficiencies***

As discussed in previous chapters, the geographical location of peri-urban areas and its complex interplay of institutions produce all kinds of transformation including contentions over land (Cobbinah et al, 2015; Goodfellow and Lindemann, 2013; Ratvertz et al, 2013). Accordingly, disputes and conflicts evolve when land becomes a subject of manipulation or is not guided by

‘adequate legal, institutional and traditional/customary protection’ (John and Karol, 2013 p.1). This section argues that constant interference, weak and ineffective partnership between statutory institutions and customary institutions in managing land in peri-urban Accra is serving as a catalyst fuelling existing land conflicts and creating new ones.

Based on empirical evidence from the fieldwork, some activities of the Lands Commission and planning authorities contribute to land conflicts in peri-urban Accra. As discussed in the earlier chapter, although the Lands Commission is responsible for issuing land titles, its lack of consultation in the process results in deepening existing boundary disputes between land sellers in peri-urban Accra. In Achiaman and Oyibi for instance, land sellers lamented about how the Commission engage in land registration characterised by boundary disputes. Recounting an experience, the traditional authority in Oyibi revealed;

*‘you see, the main problem we have on our lands is boundary issues. But the Lands Commission and government do not pay attention to this. They register lands for any family that comes to them with a document on the land. Two families were fighting over a boundary and ‘government’ constructed a road within these boundaries. After that Lands Commission just registered the lands of both families using the road as the boundaries of the land. Up till now, the two families are fighting with each of them claiming their lands are beyond the roads (Traditional Leader-Oyibi, 2018).*

Although the Lands Commission does not interfere with customary land issues (Kansanga et al, 2019), such actions of using a road as a boundary to the land in dispute show a clear case of lack of consultation and disregard for customs in the management of customary land. Also, although the action seems to have a positive motive of ending boundary conflict, it has instead intensified the dispute. Importantly, chiefs and family heads have interpreted such actions of redefining boundaries as an imposition and interference of the state in the affairs of the customary institutions. Findings from Oyibi support those of Kansanga et al (2019), that the state interference of imposing new landowners on peri-urban communities constitutes a major source of land conflicts.

Similarly, the activities of municipal planners create new forms of conflicts and deepening existing ones in the four peri-urban communities. This occurs when municipal authorities superimpose their planning and zoning schemes on land without any form of proper consultation or input from landowners. Besides, compensations that are supposed to be paid on land taken for development

are either delayed or not paid at all. This results in resistance from land sellers. A land seller revealed that it is usually better to sell lands to individuals than to the Assemblies, where you receive far less compensation or sometimes nothing at all. The planning authority at the Ga East municipal assembly, within which Abokobi is located revealed that the resistance and non-adherence to planning schemes is the cause of over 10 existing land conflicts between families and the Assembly. Increasingly, the imposition of spatial plans and schemes, considered as a legal limitation on communities is not only causing disputes over land use but also limiting the power of land sellers (John and Karol, 2013). Explaining this development, a land seller indicated that

*‘before the Assemblies started coming into the community, we were selling our lands. But now, the Assembly has a master plan we have to follow when selling land. Unfortunately, they themselves don’t follow these plans. Sometimes they change the plan and this affects us. Can you imagine there was no road passing through my land but all of a sudden, they have created one here when I have already sold this land’ (Family head-Abokobi, 2018).*

The narrative illustrates the frustration and tension between statutory and customary land governance processes. That is, there is evidence of diverse politics of land control as land sellers perceive the land as their property while planners also perceive it as a territory that needs spatial planning. In cases (Achiaman and Abokobi) where these diverse politics over control persists, land sellers continue to allocate the land to individuals buyers without following planning regulations. Indicatively, the exhibition of diverse forms of authority over land control reveals how everyday politics of land is shaping and threatening the authority of customary institutions by sharing the power of land control with state institutions; a power, which was largely embedded within customary institutions. Consequently, this power struggle influence housing development and housing security as many housebuilders end up building without permit and land titles. It is estimated (by an official of Lands Commission) that only 20 to 30 per cent of houses in peri-urban Accra have building permits.

The dispute between state agencies and families reveals the broader challenge of spatial development in most areas of Accra and across the SSA region where development precedes planning (Songsore et al, 2015; Gough and Yankson, 2011; 2000; Owusu, 2008). The outcome has largely been the development of slums and informal settlements given the lack of planning regulations. As pointed out in Chapter 6, the inability of state institutions to evolve faster to meet



the transformation of customary land further accounts for these persistent land conflicts in peri-urban Accra. Some scholars (see Obala, 2011; Olima, 1998), argue that the shifting markets of customary lands from a fairly egalitarian, albeit patriarchal system to a neoliberal system, complemented by ill-established western land-use regulations and disregard for customary laws, accounts for impoverishment, disorientation and persistent land conflicts.

Increasingly, reports of corruption and bribery, associated with both state and customary institutions are other major factors contributing to land conflicts. While these acts of corruption are linked to state agencies, individual officers within these institutions were the culprits as they put their interest before that of the institutions. Wehrmann (2008a p.24), noted that ‘dysfunctional institutions only act as catalysts for land conflicts rather, selfish individual interests being the deeper cause’. While this statement individualises corruption over institutions, the study argues that evaluating institutions cannot be effectively done in isolation of the people involved as their activities shape these institutions. Highlighting the relationship between corruption and land conflict, a farmland seller explained;

*‘most of us cannot register our land because of the boundary and ownership issues. But you will be sitting down and your competitor will just have a land title. Where did he get it from if it’s not through corruption? At the lands commission, you will need to give a ‘brown envelope’ if you want to register land that is under conflict or get your title within few months’ (Land seller, Achiaman, 2018)*

Corroborating the case of corruption at the Commission, a key respondent stated that

*‘Here in Lands Commission, you cannot register land if your plot is under litigation or not clearly demarcated or even if you don’t have complete documents. But, some land which is under serious litigation are registered and we know some people among us take money from these desperate land sellers and register the land’ (Key informant-Lands Commission, 2018).*

The response by land sellers in the form of bribery, therefore, shows their vulnerable state where there is the need to part ways with money to meet legal requirements. Even though these acts of bribery and corruption are considered illegal, its role in land conflicts is the creation of illegal and unsolicited avenues for land actors to gain and maintain claims to land (Lund, 2013; William, 2013). That is, the corrupt activities of individuals within the Lands Commission translate the

institution's role into a weak platform, which aids all forms of illegal land transactions and ownership. The extent to which this 'weak platform' (Lands Commission) was deepening land conflict caught the attention of the president in 2017 who stated that

*'...after receiving the details of the search, and satisfying oneself about the genuineness or otherwise of the land, then comes another nightmare – registration of the land title. We have heard on several occasions about mysterious disappearances of indentures and other land title documents from the Lands Commission, only for them to be replaced with documents belonging to others.....This is not right, and this has to end'* (**Akuffo-Addo-President of the Republic of Ghana, quoted from myjoyonline.com, 2017**)

These corrupt practices, the study found, were not limited to the Lands Commission only, rather it was deeply rooted in other state agencies, particularly the police force. In the four communities, the study found that one cannot report a case of land conflict at the police station without first paying money to the officers. Many land sellers disclosed that families that are rich and wealthy have an advantage over poorer families due to their ability to give huge sums of money or parcels of land to these police personnel. In Abokobi for instance, a publication in a print media (The publisher), dated Monday 18<sup>th</sup> January 2018 (page 3), evidenced the alleged engagement of some police officers in corrupt and compromising practices over land. This reflects in the evidence of police engagement in land conflict in the other three communities. Consequently, the outcome of these acts includes the continuous operation of land guards and police harassment. This finding supports those of Kanyinga (2000), where political elites and the wealthy take advantage of weak institutions and engaged in bribery and corruption to influence access to coastal lands for tourism in Kenya. Benjaminsen and Sjaastad (2002) also highlighted in their studies how peri-urban areas of Mali's Cotton zone was patronised by the rich and political figures through corrupt practices.

#### ***6.3.3.1 Role of the Courts in land conflict***

The gradual loss of credibility in customary institutions, due to the misconduct of some land sellers in the land market has compounded the recent patronage of the court system in solving land conflicts. All the land sellers interviewed, including the chiefs and family heads, had at least one land case filed at one of the various levels of the law court. A significant number of these land sellers across the four communities also have more than three court cases either filed by themselves

or filed against them by their contenders. Explaining the widespread court cases over land, a land seller noted that

*'I took my case to court because that is the only legal way to get my land issues resolved. As I speak with you now, I have three cases pending at the high court. Gone were the days when the Chief's palace was trusted and well-respected to handle land cases but now, even the Chief himself goes to court to fight over his land so why would I send my case to him to handle?'*

**(Family Head-Achiaman, 2018)**

Despite the several judicial reforms (see section 3.4.2) to equip the law courts in solving the increasing land cases, this study argues that the procedures of the courts are a major contribution to land conflict in peri-urban Accra. The court procedures, usually characterised with delays in passing judgements, interlocutory injunctions, and overturning of judgements is creating new conflicts and deepening existing ones. The factors accounting for delays of the court solving land cases were attributed to the increasing complexities of land conflicts, the rising number of court cases, and the inadequate logistics, which hinder the court to function effectively. Pointing to operational challenges, a high court judge revealed that the filing of inadequate evidence by individuals, poor documentation, absence of witnesses, and multiple filing of land cases underpin the delay of the court arbitrating land cases.

Closely related to the delays of the court is the issuance of interlocutory injunctions on contested land. An interlocutory injunction in this context is a court order that prevents parties involved in the land conflict from developing the conflicted land until the case is arbitrated. These injunctions are however disregarded by competing land sellers, subsequently leading to continuous conflicts. It was revealed by several land sellers in the communities that the delays and the injunctions do not offer effective arbitration as some disputants continue to develop the land before the court's judgement. Consequently, land conflicts are deepened as land sellers resort to using landguard to protect and fight over the land, ignoring the court orders. A land seller revealed;

*'the court is also causing all these conflicts. On one of my land, an injunction was issued by the district court so that we, including the family we are fighting with, don't tamper with the judgement of the case. But it's been three years and the case is still in court, the other family members have been selling the land without our knowledge so I called my boys (Landguards)*

*and we went to fight them. Now we can't sit down and watch them sell so we are also selling portions of it' (Land seller-Abokobi, 2018).*

Similarly, cases of overturned court judgements constitute another major cause of land conflicts in peri-urban Accra. Particularly with Abokobi, several families had won land cases against their contenders in the past. In recent times, however, new conflicts have evolved on these lands. This is because the past disputants, who lost the land case in court, appealed against the rulings on their case and a number of these judgments have been overturned. The implications of these overturned judgements have been complex since much of these lands have already been sold and developed. Besides, the past winners of the case are also not willing to hand over the land to the newly established owners. This situation causes an arousal of old conflicts, which had already been solved. A land seller narrated;

*'The first time our land was contested in court was 1942. We won the case against the complainants. Then in 1976, another family from Eastern region filed a case against us and we won again. So since that time, we have been giving out the land and no one came to challenge us until 2015 when the same family that lost against us in 1976 went on an appeal and all of a sudden, we have been told that the land does not belong to us so we have lost. Can you imagine? How can land be shifting from one owner to another like that?. So we have decided to also go on an appeal and as I speak, we have been to the court at least 3 times this year. The unfortunate thing is that the people we sold the land to are now suffering since they are being disturbed by the land guards of new owners' (Land seller-Abokobi, 2018)*

The thesis, therefore, maintains that inconsistencies in the judgement of land cases in most peri-urban areas are awakening old conflicts and generating new forms. The implication of this development is the 'shifting ownership' of land between families and communities. As a result, land buyers suffer the ordeal of multiple payments to new landlords 'legitimated' by the court.

#### **6.3.4 Increasing commodification and demand for land**

Increasing commodification and demand for customary land is causing uncertainties and different forms of land conflict in peri-urban Accra. As discussed earlier, customary land was once largely perceived as a communal good without any significant economic value (Chimhowu and Woodhouse, 2019; Obeng-Odoom, 2016; UNEP, 2012; Rakodi, 2013). In recent times, however,

the increasing demand for land due to rapid urban expansion, increasing rent charges and housing deficits in Accra, among other factors has translated peri-urban lands into a valuable resource with significant economic value (see section 5.3). Particularly in Accra and its peri-urban spaces, the lack of natural mineral reserves, such as diamond and gold, implies that families capitalise on the increasing value of the land to make economic gains (Sackeyfio, 2012). Based on these, the thesis argues that the underpinning cause of land conflict resulting from the commodification of land can best be understood in terms of these changing ideologies about land in peri-urban Accra. Accordingly, the increase in the economic value of land has resulted in the growing competition and conflict between land sellers including members of the same family (intra-family conflict), between different families (inter-family conflict) and between communities (inter-stool conflicts). Explaining this development, a traditional authority remarked that;

*‘...some few years ago, no one cared about what you do on a piece of land. Even we had forests where nobody wanted to go. But since people are moving here from Accra to build, the land has become a source of business and wealth. Every land now has an owner, even the ones in the bush. And as you can see it is because of this that we are all fighting’* **(Traditional leader-Oyibi, 2018)**

In an attempt to meet the high demand of the land market, some families in the four study communities encroach on one another’s land to have more parcels of land to sell. In some other cases, families who have almost sold all their lands employ forceful tactics to sell land belonging to other families. In Achiaman and Oshiyie where family and chieftaincy conflicts are dominant respectively, the traditional authorities were accused by individual families for fabricating stories about land ownership (as discussed in section 6.3.1) to enable them to gain access and sell the lands belonging to other families. Summarising these developments, a family head indicated that conflict erupts between families or between families and stools when one party has sold all their land, but for the recent increase in the economic value of land, they forcefully encroach on other empty lands. These aspects of socioeconomic perceptions about land imply a limited availability and scarcity of land for sale in the land market due to its associated conflicts. Given the illicit nature of these sales, land sellers engage the services of land guards to aid in the land transaction processes. Consequently, the attempt to resist such imposition results in clashes between land guards, which translate to endless conflicts between families or between stools.

Increase in land speculation by the wealthy and rich as well as real estate companies further contributes to land conflicts between land sellers. Given that land is largely commodified in the study communities, individual buyers and the real estate companies used their influence to accumulate large parcels of land. While some obtained these parcels for speculation, other buyers such as the real estate companies obtained the land for housing and reselling to private individual housebuilders. The major challenge posed by these huge purchases was the influence on some land sellers to sell their land and that of others to increase their profits. Revealing how this plays out in the land market, a land seller indicated that

*‘... because these big men and the real estate use a huge amount of money to get large parcels of land, some families go beyond their boundaries and sell land belonging to other families to these people... and because their clients are rich, they are able to fight this in the courts’ (Land seller-Abokobi, 2018).*

Underpinned by these large transactions, land sellers continue to engage in multiple sales and even in fraudulent transactions resulting in tensions and conflicts between families. There is also the exhibition of uneven power relations given that where cases end up in court, families with high economic influence as well as wealthy clients team up by putting resources together to win the case. An example was in Oyibi, a land seller who was fighting another family over land engaged their client, a real estate company and they won the fight over the land in court. These conflicts do not only occur between sellers but also between buyers due to multiple sales. This was evident in Abokobi where two wealthy individuals fought over the same parcel of land with two different owners. Similarly, uneven power is illustrated in this case as wealthier clients use their influence and support from land sellers, such as a supply of land guards to maintain access to the land. Commenting on the intricacies of land sales resulting in persistent conflict, a High Court judge explained;

*‘usually, when cases come to the court, the two parties in conflict, mostly the two individual buyers sue each other so it is difficult to probe and prosecute the people who out of greed sold these lands. This is one of the reasons why many of the greedy land sellers get away with their deeds’ (Judge, High Court, 2018)*

The inability of the court and the police to punish these actual culprits (land sellers) involved in multiple sales and the general ineffective implementation of statutory regulations have resulted in

the proliferation of what this study calls '*land conflict entrepreneurs*'. These are families, individuals or groups of people who pursue their selfish economic interests and the interest of their family networks by fuelling land conflicts using various fraudulent and offensive mechanisms. Their activities usually aim at sabotaging statutory institutions in the control of land and creating uncertainties in the land market making it dysfunctional. These conflict entrepreneurs differ from Wehrmann's (2008a), 'social gatekeepers', who are usually low paid public sector individuals who use their position to manipulate the land market to meet their interests. That is, while land conflicts entrepreneurs create and deepen land conflict, social gatekeepers rely on their position and other social characteristics to access land and make economic gain. Similarly to the gatekeepers, the 'tools' usually used by these land conflict entrepreneurs; land sellers, civil servants, political elites and the rich in the society include; nepotism, disregard for rules, bribery and corruption (Wehrmann, 2008a). The land guards associated with these groups however, use aggression, violence, fraud and theft as their major 'weapons' to manipulate the land market to meet their interests and enrich themselves.

Following the above discussions, the interplay of meeting the high demand for land due to peri-urbanisation, coupled with legal limitations and speculations, therefore, highlights the scarcity-induced land conflicts characterising peri-urban Accra. Accordingly, this scarcity is produced beyond population increase to include intervening conditions such as the aforementioned socio-economic factors (Brown, 2010; Giordano et al, 2005; Le Billon, 2001). Additionally, the compelling role and deep-seated interests of land sellers in peri-urban areas do not only compound these conflicts but also, illustrate the rapidly transforming nature of the peri-urban land market. In response to these transformations, uncertainties and increasing complexities surrounding housing development processes (discussed in the next chapter) become the consequence of Accra's peri-urban development

#### **6.4 State and customary actors in land conflicts management**

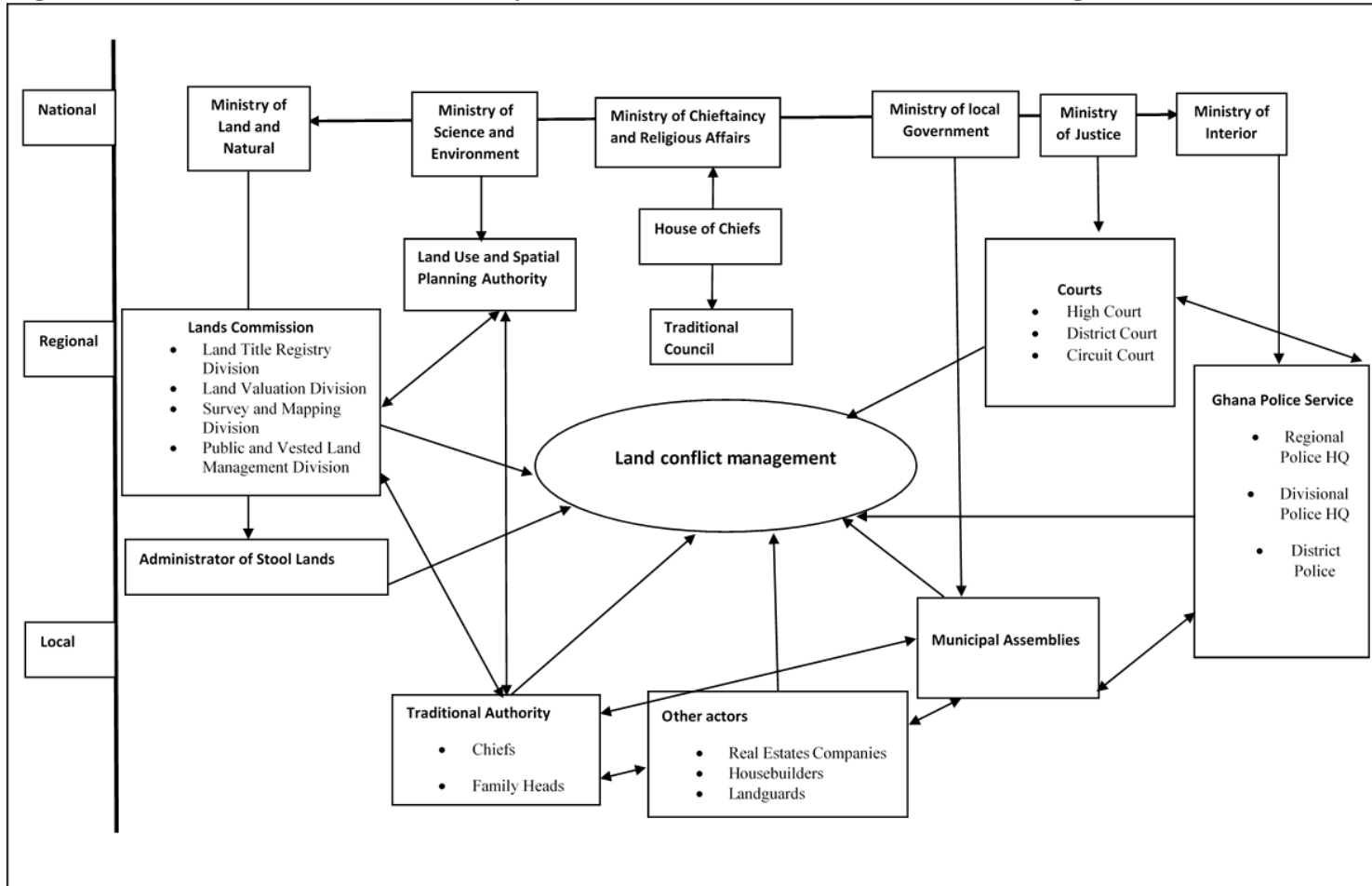
Delville (2007) argues that multiple actors and institutions are not entirely problematic and that this arrangement offers the opportunity to adapt power relations and economic changes. This thesis, however, argues that the interactions between multiple actors toward land conflict management in peri-urban Accra have frequently evolved into more complicated relationships. That is, on the one hand, the interaction between state and non-state actors (customary) is

generating effective efforts to managing land conflicts, while on the other hand, these same interactions are causing new conflicts and deepening existing ones. Particularly in the processes involving the security services and law courts in managing criminal and civil land cases respectively, customary actors perceive threats of state powers as undermining their role as landowners and arbitrators of land conflict issues.

The management of land conflicts in peri-urban Accra involves a complex number of actors in both state and non-state institutions (see Figure 6.2). The widening of the scope of land conflict, to include criminal cases such as physical abuse, threats and in some cases murder, account for the interplay of many other actors such as the police. Similar to land management, state institutions in land conflict management involve actors at the national, regional, and municipal or district level. For the purpose of the thesis, which includes a focus on everyday politics of land, the analysis of land conflict management is limited to state actors with direct roles in the peri-urban community. These include the MDAs, LUPSA, the Police and the Law courts. Nonetheless, state actors with significant but indirect roles found at either the national or regional level, are included in the analysis, where necessary. The customary actors with direct roles in land conflict management include chiefs and family heads. Although other non-state actors, including real estate companies, welfare associations and especially, housebuilders are involved in land conflicts, their role in land conflict management is limited but is nonetheless acknowledged. The subsequent section examines how the interactions and outcomes of the state and customary actors, shape the management of land conflict in peri-urban Accra.



**Figure 6.3: Interaction between statutory and non-state actors in land conflict management in Peri-urban Accra.**



Source: Author's construct (2019)

#### ***6.4.1 Hybrid approach to managing land conflicts.***

An AU framework on land policy in Africa proposes that management of customary land is effective when customary institutions play a leading role in its governance (Chimhowu, 2019). This also implies that customary actors leading the management of land conflict could also be effective. Nonetheless, land policy reforms towards effective land conflict management in Ghana are still led by the state. Significantly, these reforms are enhancing effective management of land conflicts, but at the same time creating uncertainties between the role of customary actors and state actors.

Observably, the interaction between the state and customary actors managing land conflict is exhibiting some positive outcomes. As discussed earlier, the creation of the CSAU, for instance, is said to have enhanced land registration procedures (Ehwi and Asante, 2016). This to some extent reduces the duration and multiplication of conflicts given that land buyers are able to verify the genuineness of land availability on time. For instance, some land sellers in Abokobi, Oyibi, and Achiaman now resort to using the CSAU to facilitate the registration of their land. Importantly, they signpost land buyers to the CSAU to make personal verifications of the ownership before acquiring it. The establishment of the CSAU and the general restructuring of the Lands commission indicates an attempt by state actors to unify and reconcile with customary institutions, a development, which typifies a hybrid form of land management (Williams, 2010; Beall et al., 2005). This reconciliation, revealed in the patronage of land registration and the signposting of other actors by customary actors indicates some level of trust and confidence between the actors.

The rising dominance of specialised land courts and its related services is another form of institutional interaction geared towards land conflict management. As indicated in Chapter 3, reforms in the judicial service have led to the establishment of specialised land courts, which deals specifically with land cases. More significantly, the Alternative Dispute Resolutions (ADR) institutionalized in 2005 within various courts creates the platform for non-state actors to seek redress through mediation processes characterised with the flexible procedure and effective cost (Ghana Judicial Service, 2016). Some family heads and housebuilders, for instance, referenced the ADR as a major unit in the court, which handles land cases more flexibly. Similarly, the increasing land-related offences in peri-urban Accra have also triggered some reforms within the Ghana

Police Service towards mitigating land conflicts. At the national level, the Land section of the Property Fraud Unit (PFU), instituted in 2012 purposefully deal with fraudulent sales of land and other related offences. This augments the operations of the police in dealing with cases of high magnitudes. Some family heads and chiefs revealed the patronage of these services in solving a number of their cases. Aside from the improvement in logistics and periodic training, the day-to-day operations of the police in handling land conflict currently involve mediations with customary actors. Some family heads, for example, recounted how the police mediated and resolved land conflict between them and their opponents without proceeding to the court. During a discussion with one of the divisional police stations, one police personnel narrated...

*‘as you can see (pointing to a crowd gathered in front of the station), all these people are coming to complain about land issues. In a day, we record about 90% land cases with 5% cases on chieftaincy and other 5% on other issues. Sometimes, we invite the two parties and solve the case for them. Other times, the parties themselves withdraw the case to solve at home’ (Police officer, Divisional Police Command- Amasaman, 2018)*

Although mediation is not regarded as an official mechanism for handling land conflict cases, the police personnel indicated that it was a necessary mechanism designed into the daily operations of the police to help reduce the numbers of land conflict cases that are processed for court hearings. While the outcome of these practices has been successful, there were some cases, which did not achieve positive outcomes. In such situations, as identified in Oshiyie and Oyibi, disputants either proceed to the court or use alternative methods such as landguardism to fight over the land. The incorporation of customary practices such as mediation in the operations of the police as well as ADR services reveals the persistence of customary practices in the governance process of peri-urban areas. Additionally, the deliberate, rather than spontaneous practices of the state and customary institutions in land conflict management can be seen to intersect socio-cultural practices in peri-urban Accra (Beall et al., 2005). As discussed above and in Chapter 5, the coordination and hybrid patterns herein point to evidence of some level of equal power relations between state (court and police) and customary actors in land conflict management. This development shapes access to land by creating enabling conditions, particularly for housebuilders who are at the receiving end of these conflict management practices.

#### **6.4.2 Compromised and discordant practices**

Clearly, there is evidence that hybrid patterns of land conflict management have been effective. However, cases of the ineffectiveness of state actors, complex bureaucracies, corruption, inefficient coordination between state and customary actors, and different ideas about land are also evident. These are creating compromised and discordant patterns to land conflict management (see also Ubink and Amanor, 2008; Lenz, 2006; Berry, 1993). Given the above situations, the thesis argues that compromised and discordant practices are produced when there are overlapping and clashing responsibilities of both state and customary actors in managing land conflicts. In addition to this, the alternative actions, taken by mainly customary actors, undermine and comprise the standard and legal practices of land conflict management.

To this end, the disregard for the legal process in land conflict arbitration by customary actors presents one of the major causes of compromised and discordant practices in managing land conflict. The disregard is informed by the delays of the court systems, which result from two interrelated factors: perceived ineffectiveness of the court systems; and the threat of judicial power to customary authority. Commenting on the ineffectiveness of the court, which causes delays, a traditional authority revealed that

*‘as chiefs and people who sell land, we have our way of solving land issues. If you take your issue to court, it takes several years before your case is solved. You can even lose in the long run. Therefore, for me, I encourage my clients who get involved in multiple sales of land to come so we all sit down and talk. Even the last time my nephew sold a land (I had already given to someone) without my knowledge, the man came, we gave him another piece of land, and it settled the case. Imagine if he took the matter to the police or the court, we will be moving up and down’ (Traditional leader, Achiaman, 2018).*

As discussed above, judicial reforms on land issues have aimed at reducing the turnaround time at the courts, however, these have not significantly improved. A high court judge revealed, that although the courts have shifted from verbal witness to ‘written witness statements’, to facilitate court procedures, this has had little impact on the time taken to adjudicate land cases. Among other factors, the judge indicated that the turnaround time for solving land cases has reduced from 4 years or more, to between one to two years, depending on the case. That notwithstanding, the

increasing complexity of land conflicts, such as the engagement of more actors and fraudulent sales of land are identified as other factors resulting in judicial delays. The implications of these delays is the case of customary actors compromising on court orders such as interlocutory injunctions and setting up alternative ways of protecting contested land (Wehrmann, 2008; Ubink, 2008; Deville, 2007). A case in point is customary actors withdrawing land cases from the court or encouraging their clients to develop the land as a form of securing it. This practice is reflected in a statement by a land seller who noted that

*‘...if you want to rely on the court, you will lose money. I don’t trust the court so when I sell land to you and another family says it belongs to them, I make sure I advise my customer to develop the land because if he loses the case, I will lose twice... I will have to find another land for the person’ (Land seller-Achiaman, 2018)*

In addition to the loss of trust is the challenge of financial burdens, which result from corruption and high cost of accessing judicial services such as hiring lawyers and paying for administrative fees (Ubink, 2008; Wehrmann, 2008a). A discordant pattern of conflict management becomes evident given that customary actors usurp the powers of the court as indicated in the quote above. As discussed in Chapter 5, such actions ensure access to land, nonetheless, this form of access remains unsustainable for buyers as the conflict over the land is perpetuated.

The threat of judicial powers to customary authority, which is embedded in historical and cultural norms further deepen compromised and discordant practices of land conflict management. That is, following the fear of losing control, most customary actors in the four study communities continue to exercise their control over land to stay relevant, and more importantly to protect the family’s heritage. Even in situations where the court is already in the arbitration process, customary actors engage in activities such as landguardism, which in practice, override court procedures. This further delays court judgements, as new complaints are added to already existing ones. Lamenting over the disrespect for the law, a District Court judge stated that,

*‘one of the biggest problems we encounter when we are dealing with land cases is the non-compliance of court orders by land sellers. When you issue a court injunction that no one should develop the land, you will find some land sellers encouraging their clients to clandestinely build on the land. Usually, it is for the interest of the land sellers. When a buyer loses a case, the land*

*seller has to give out another parcel of land to him, so they force the person to build on the land. This drags our proceedings and makes our work more complex' (Judge, District court, 2018)*

The scenario above presents one clear case of how competing ideas about land inform and shape the management of land conflict. Using the interpretation of land in relation to situated UPE, the courts, on the one hand, perceive land and its adjudication process as their political territory and legal influence respectively. On the other hand, and in contrast, chiefs and family heads interpret the land as a property with an allodial right to control its management. These varied interpretations of the land by the land sellers and the court are observed as tools to validate and influence land control (Lund, 2013; Berry, 2009; Sack, 1986). At the same time, these varied views can be identified as mechanisms of power possessed by respective actors in the access and maintenance of land. These contrasting views translate to the overlapping roles of land conflicts management, which ultimately result in discordant outcomes. While the court with their practice poses threat to customary actors, it is argued that the ambiguity of customary rights to some extent is deliberate to provide opportunities for multiple negotiations, which strives to satisfy different interests (Lentz (2006), Ubink and Amanor (2008)). These interests are usually not situated within the framework of formal institutions and hence result in the lack of coordination in response to land conflict.

The clash between the police and customary actors also present another unique form of compromised and discordant patterns of managing land conflict. Although the police are usually the first port of call when land conflicts escalate into a criminal case, the gross mistrust in their services, acts of corruption, inadequate logistics (see section 6.3.3) to manage land conflicts equally compels customary actors to engage in landguardism as another form of land conflict management. Following the passing of the Vigilantism and Related Offences Act (2019), the activities of landguards have been rendered illegal, however, land sellers continue to patronise their services. Although some land sellers did not disclose their engagement with landguards, the few who hired them indicated that they preferred the services of landguards as compared to the police. Explaining the significance of landguards over the police, a land seller disclosed that landguards offer longer hours of services in protecting land as compared to the police who only visit the land for a short period (Bansah, 2017; Darkwa and Attuquayfio, 2012; Badong, 2009). Similar to the operations of the court, the mandate of the police, backed by law further accounts for the police seeing land as their territory, and their response to land conflict as their legal

obligation. In contrast, the customary institutions perceive the land as their legitimate property hence have the rights to manage its associated challenges. This further implies that allowing the police to mediate over land conflict is an indication of limiting the powers of customary authority. These threats compound the role of customary actors to engage in an alternative form of managing land conflict.

As discussed earlier, the control over the same space with varied interpretations (Lund, 2013) results in an overlap of interests, which ultimately causes institutional discordant practices in land conflict management (Goodfellow and Lindemann, 2013). Extending the debate within situated UPE, the study argues that the increase in the use of land guards reveals how privatisation, associated with peri-urban transformation create informalities in land management practices (Bartels et al., 2020; Bartels, 2018). This restructures the existing power relations, which guide land by means of shifting the power of control to new actors such as landguards, and their owners who employed them. Besides, excessive power concentrates in one group of actors, in this case, customary actors because of their historical backgrounds. This power embedded in customary actors continuously shape and inform access to land in peri-urban areas.

## **6.5 Conclusion**

This chapter answered research question three, which sought to understand the processes of land conflict in Peri-urban Accra. It also responded to part of research question two, by examining how land conflicts are managed. Following the lack of a clear definition of land conflict, this study proposed a working definition and revealed the significance of the concept of time in interpreting land struggles. Accordingly, land conflict is best considered not as an event but as a process with evolving actors, and changing intensity and magnitude over time. More significantly, land conflict constitutes multiple uncertainties or series of complex events over land, which unfolds over time. Indicatively, peri-urban land struggles evolve in different forms including land disputes, conflicts, and violence. The chapter argued that although these forms of land struggle have their distinct characteristics, the boundary between them remains blurred, revealing their interconnectedness.

The transformations of the peri-urban unpack the evolving number of actors and their competing interests in land. As the chapter argued the competing interests of actors, including economic gains,

land control and housing development (for investment or family), particularly, in conflict situations disorient the power relations guiding access to land. The evidence of this is the deepening of unequal access to land. Significantly, gaining access to land in conflict situations is not absolute, hence actors adopt statutory powers, knowledge about land, social connectedness and illicit engagements as mechanisms to maintain access to land. Given that different actors possess different capabilities in the land market, actors with multiple mechanisms override the interests of actors with few or no mechanisms of power. The implication of this is the abuse of power and the deepening of uneven power relations in the access and control of land.

The functional integration of Accra and its peri-urban areas, resulting from rapid urban expansion, has altered the power relations between actors and reconfigured the socio-economic, historical, and political processes guiding land in the peri-urban communities. More importantly, these processes are shaped by a complex interaction of everyday politics of land that occur between various actors in peri-urban areas. The chapter argued that the interplay of these transformed systems and processes on access and use of land underpins the triggers of land conflicts in peri-urban Accra. The contested ownership and discourse about the past; intergenerational differences; multiple institutions and institutional inefficiencies and increasing commodification and demand for land constitute the interrelated factors that trigger land conflict in peri-urban Accra. This finding shifts the attention from existing theories of land conflict, which focuses extensively on scarcity, resource abundance, and institutions as causes of land conflict. These notions limit the explanatory power of land conflicts.

The interaction and outcome of state and non-state actors in managing land conflict in peri-urban Accra exhibit complex patterns, similar to land management practices. Effective hybrid patterns of land conflict management were identified to be underpinned by the quest to reduce land conflict through efficient land registration processes and judicial reform. Additionally, the coordination between state and customary actors constituted other elements that inform hybrid patterns of land conflict management in peri-urban Accra. Nonetheless, evidence of compromised and discordant patterns characterises the management of land conflict because of delays in court procedures, bureaucracies, and inefficiencies on the part of state actors. These compromised and discordant patterns of managing land conflict shape the power dynamics in the access and control of land. Significantly, actors who ought not to have the power to control land are doing so. Besides, while



this shift in power is creating access, these forms of access, however, remain unsustainable. Furthermore, diverse interpretations of the ideas of land further create compromised and discordant patterns of land conflict management in peri-urban Accra. This was evident between members of the same family as well as between customary and state actors. The interpretation of land by customary actors as property, in contrast to the interpretation by state actors as legal territory, poses threats to conflict management practices and more importantly, to customary actors. This has allowed the introduction of alternative approaches such as landguardism to land control. This makes the power relations between actors more complex, with subsequent and more challenging impacts on land access.

The issues raised in this chapter set the background for the next empirical chapter, which argues that the implications of land conflicts on housing can best be understood from the lens of fragile and compromise housing development. This fragile and compromised housing development specifically captures the shortfalls of both the housing development process and the house as the outcome in itself. Given that housing is the most dominant land use activity around which all other developments occur in peri-urban areas, understanding the housing development processes in conflict situations in peri-urban Accra unpack the emerging challenges facing urban development in contemporary times.

## CHAPTER SEVEN

### THE LAND CONFLICT AND HOUSING DELIVERY NEXUS

#### 7.0 Introduction

The previous chapter argued that the changes in everyday politics of land control embedded in socio-economic, historical, and institutional processes account for land conflicts in peri-urban Accra. This current chapter responds to research question 5, which examines the effect of land conflict on housing development in peri-urban Accra. Underpinned by the theoretical framework (discussed in Chapter 2), the thesis proposes the idea of ‘fragile and compromised housing’ to unpack the politically violent conditions associated of land conflict, which shape housing development processes. Additionally, the notion of ‘cyclical building’ is adopted to unpack the repeated building processes resulting from conflicts. Against this backdrop, the chapter puts forward that various aspects of fragile and compromised housing processes range from multiple financial commitments, property violence, and delay in housing development processes to complete loss of land. Other aspects include the change in building designs and unsatisfactory outcomes as well as compromised wellbeing of housebuilders. Consequently, the inefficiencies of land management institutions to control land is further compelling housebuilders to employ alternative adaptive strategies to safeguard their housing processes. The next section examines the fragilities of housing development processes in peri-urban Accra.

#### 7.1. Land Conflict, Fragile and Compromised Housing Development in Peri-urban Accra

Ideally, housing development by private individuals in peri-urban Accra begins from the search for and acquisition of land, followed by land registration, building permit and engaging in the building process (Agunbiade and Kolawole, 2016; Agunbiade et al, 2014). These processes, however, are not straightforward in peri-urban Accra, given that they are complicated by the uncertainties of land conflicts. It is worth noting that housebuilders face ‘double-barrel’ consequences in the building process. On the one hand, individual housebuilders inherit land conflict from their buyers, while on the other hand, they face the implications of these conflicts on their housing development process. Underpinned by the idea of fragile and compromised housing, the subsequent sections investigate the various aspects at which land conflict is frustrating housing

development processes and the nature of houses constructed. While multiple payments constitute the commonest and least of these fragilities, the complete loss of land is identified as the extreme case of fragile and compromised housing. Additionally, although these aspects of fragility and compromised housing are discussed distinctively, they are interrelated, and a housebuilder could face multiple fragilities during the housing development process.

### ***7.1.1 Housing Development Process and Multiple Financial ‘Entrapments’***

As discussed in Chapter 3, housing financing is not well developed in Ghana, hence individual housebuilders depend on alternative informal funding sources such as personal savings, informal loans from friends and loans with high interests from banks (CAHF, 2019; Boamah, 2010; Yeboah, 2005). Following these challenges, the thesis argues that land conflict is compounding the existing financial problems associated with housing development in peri-urban Accra. Individual housebuilders are entrapped in different forms of financial commitments, ranging from multiple payments for acquired land, payment of illegal building levies, and bribery and corruption. This financial ‘entrapment’ occurs at two major phases of the housing development process, namely, the land acquisition phase and the housing construction phase. While multiple payments for acquired land largely take place at the land acquisition phase, illegal building levies, bribery and corruption occur at the housing development stage. That notwithstanding, there are isolated cases where a number of these financial entrapments occur across phases. The next section unpacks how multiple financial entrapments result in fragile and compromised housing development.

#### ***7.1.1.1 Multiple payments for acquired land***

As discussed in Chapter 6, ownership disputes and indeterminate boundaries between land sellers among others is one of the many causes of land conflicts in the study areas (Oyibi, Abokobi, Achiaman and Oshiyie). Accordingly, housebuilders become victims of these conflicts by making multiple payments for the cost of land to two or more families or stools. This usually occurs when after acquiring land from the first family, a second family disregards the transaction and demands another payment from the housebuilder. Unpacking this further, the majority of the housebuilders revealed that, for one to successfully purchase, secure and build peacefully, double payments or multiple payments for the land acquired are crucial. This was common in Oyibi, Abokobi and Achiaman where ownership and boundary disputes between families and/or stools were dominant.

In Oshiyie however, the case of multiple payments was associated with the chieftaincy dispute where the new traditional authority was accused of selling land that had already been sold by the first traditional authority (see Chapters 4 and 6). Narrating the ordeals of how housebuilders commit to multiple payments for land, a housebuilder's account, which mirrors the views of many other housebuilders follows;

*...I bought two plots of land from family A at C 9,000 (£1,448) cedis per plot in 2010. So I paid C18,000 cedis (£2,896), in all. In 2012, the head of family B came to me with a judgement document that they are the current owners of the land. So I have to buy the land again for C20,000 per plot (£ 3,217). I bargained to pay C10,000 (£ 1,608) per plot and also in instalment. So I made the first payment of C5000 (£804,473) so I can have my peace of mind, and they also gave me the documentation covering plots (Housebuilder-Abokobi, 2018)*

The judgement document reveals an existing land ownership conflict where a judgement has been passed to new owners. Similarly, there were also cases of new landowners emerging as a result of the overturn of court judgment (see Chapter 6). Observably, many of the housebuilders who had become victims of this situation revealed the necessity to make these new payments in order to attain social legitimacy (Leduka, 2006; Rakodi, 2013). This quest for tenure implies that social legitimacy was perceived as the first and vital step to obtaining legal security on land in peri-urban Accra. The demand of another payment by the second family, however, reveals the ambiguities of customary land (Chimhowu, 2019; Obeng-Odoom, 2016; Leduka, 2006) and presents another instance of multiple institutional systems evident within customary institutions; where individual families or stools operate using different laws and approaches.

Similarly, the intra-family conflict also constitutes key avenues for the multiple payments for land in peri-urban Accra. Given the poor accountability of some family heads and chiefs, coupled with poor land documentation (see Chapters 5 and 6), multiple people within the same family sell the same parcel of land to different housebuilders. In such situations, housebuilders are made to pay new prices for the land. While illegitimate family members, such as demoted family heads, are the major cause of this problems, other family members take advantage of the demise of the family head and clandestinely sell the land to unsuspecting buyers. Besides, legitimate family members mistakenly resell some of the land due to poor documentation or hidden transactions undertaken

by the deceased family heads (Ayee et al., 2008). Negotiating through such an ordeal, a female housebuilder disclosed that...

*...long after I paid C6000 (£ 965.37) to the family head I bought my land from in 2008, who died later in 2013, his son called Okoh came to me and took another C3000 (£ 482. 69) from me. He told me I needed to pay because his father never mentioned that he had sold the land to me. I had to pay because he was about selling the land to some other people (Housebuilder-Achiaman, 2018).*

A major problem associated with these additional payments is the fact that subsequent payments for land to second claimants are usually high, deepening the financial burdens of housebuilders. For instance, a female housebuilder in Oyibi who purchased an acre of land (100 × 100) for C 6000 (£ 965.40) in 2006 was asked by the second owner to pay C35, 000 (£5,631) in 2018, although she completed and assumed full occupancy of the house. In Oshiyie, housebuilders paid between C3000 (£ 482.68) and C5000 (£ 804. 47) for a parcel of land (one plot) between the year 2008 and 2016. However, as at the time of the fieldwork in 2018, some housebuilders were asked to pay US\$7,000 (C40,400) as the new cost of the land or face demolition. The amount demanded suggests the increased value of the land given that these areas are currently developed, serviced and located at prime areas. Besides, in Oyibi, where real estate companies are increasingly becoming new owners, prices of land are increased to either make an economic gain or compel housebuilders to abandon land for subsequent resale. This development reveals the exploitation of real estate companies using their influence of status and economic capital. At the same time, the current high cost of land reveals the interplay of market forces and other socio-economic factors (locations) as major factors influencing the peri-urban land market.

Recounting these unending financial constraints, the majority of the housebuilders mentioned that, they rely on personal savings, salaries, remittances, welfare contributions<sup>1</sup>, friends' support and credit from other financial services (microfinance companies) as their primary source of finance to purchase land. These same sources serve as channels for raising funds to make double or multiple payments when such demands arise. The reliance on these largely informal sources

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<sup>1</sup> Welfare contributions are monies accrued from welfare groups aimed at supporting members. These contributions are done on rotational basis and some housebuilders who are members of these groups rely on their share to purchase their lands and engage in the construction of their building.

highlights the porous nature of formal housing finance policies and mortgages in the country (Teye et al., 2015; Asiedu, 2007; Asare and Whitehead, 2006; Yeboah, 2003). For instance, while interest rates on the dollar for some mortgage services was 13% for non-resident Ghanaians, the interest on the cedi was 30% for resident Ghanaians (Teye et al, 2015). While an explanation for this disparity was not given, the interest rate could be a factor accounting for the variation. Although some housebuilders concluded the only way to escape these financial hurdles is by purchasing a real estate house, the inadequacies of their salaries become the biggest obstacle. These assertions resonate with the nature of mortgage (in terms of affordability to income ratio), which is described as rudimentary and characterised with the highest cost (Citibusinessnews, 2017). Considering these challenges associated with housing finance market and the problems of land acquisition, it is not misplaced for housebuilders to point to the fact that they are entrapped with buying non-real-estate land in peri-urban Accra for housing purposes.

#### ***7.1.1.2 Informal or Illegal Building Levies***

The financial requirements of housebuilders in the study communities do not end at the land acquisition stage. The study argues that land conflict creates further avenues of different informal levies (Table 7.1) during housing development processes. Informal levies including foundation, walling, roofing, and painting fees are monies demanded by land guards from housebuilders during the process of housing construction (see also Bartels, 2018). Although these levies do not have any legal backing, some family heads and chiefs were found to support these actions. These levies, known as '*development fees*' were ones collected by the *Asafo* in the past for development purposes in the community (see also Darkwa and Ataquayefio, 2012). However, its purpose has been defeated given the actors involved, the mode of collection and the purpose it serves. All categories of land guards (see Table 3.2), are involved in the collection of informal fees, however, amateur land guards were the major actors who facilitated the pricing and mode of payment of these levies. The mode of operation (collection) usually takes the form of organised groups (all males), who visit building sites and collect these fees. While some groups issue receipts to housebuilders, others do not provide any form of proof of transaction.

**Table 7.1: Types of informal levies in peri-urban Accra**

Category of levy (per plot)	Oyibi C	£	Abokobi C	£	Achiaman C	£	Oshiyie C	£
<b>Foundation/digging fee</b>	1000-1500	160.00-241.00	500-15000	80.00-241.00	500-1000	160.00-241.00	500 - 1000	80.00-160.00
<b>Walling fee</b>	200-500	32.00-80.00	200-1000	32.00-160.00	200-800	32.00-128.00	200-500	32.00-80.00
<b>Roofing fee</b>	200-500	32.00-80.00	200-500	32.00-80.00	100-500	16.00-80.00	100-500	16.00-80.00
<b>Painting fee</b>	200-400	32.00-64.00	200-400	32.00-64.00	150-400	24.00-64.00	200-400	32.00-64.00

**Source: Compiled by Author (2018).** These are average amounts paid by individual housebuilders in each study community.

Observably, the fees required by the groups vary between the four communities and even within land guards in the same community. The reason for the variation between the communities is dependent on the stage of their development as discussed in section 5.3.1. All the housebuilders interviewed within the communities have paid either one or more of these levies, depending on the stage of development. A female housebuilder in Achiaman revealed;

*...In 2016, my husband and I bought two plots of land here in Achiaman and we paid for it at once. But before we started building, land guards came to the site and said we have to pay the digging fee. I know that whenever you want to build, they will ask for the digging fee, so we paid it to them. That was C2,200 (£353.97) for the two plots (Housebuilder, Achiaman, 2018).*

In a supporting statement on payment of levies, another housebuilder also lamented that

*...even when they see you painting your house, they will come for painting fee and even roofing fees. So everything you do on your land, they will come for money for that. All they are saying is that the land belongs to them so any development or changes on the land attract a fee and you have to pay (Housebuilder, Oshiyie, 2018).*

Similar to the double and multiple payments encountered during the land acquisition phase, some housebuilders make multiple payments for these informal levies to different land guards who make daily trips to the construction sites. In Achiaman, for instance, a housebuilder recounted how he

had to pay C 1000 (per plot) to a group of land guards associated with his initial landlords, followed by another payment of C 1500 to a different group of land guards from his second sellers. It further emerged that housebuilder who buys land from two sellers end up paying double informal levies to different land guards through the entire building process. This situation was evident particularly in Oshiyie, where land-induced chieftaincy conflict caused land guards of current chiefs to demand informal levies from housebuilders who had already paid to the land guards of the previous chief. In Achiaman, Oyibi and Abokobi also, land guards of different families were found to take these levies from housebuilders.

The responsive and conforming attitudes of housebuilder toward the payment of informal fees reveal their desperation to secure multiple social legitimacies and protection during the housing development process. At this stage, social legitimacy becomes the most vital mechanism of maintaining land access. Although acquiring land title is straightforward and a one-off arrangement, the cumbersome nature of acquisition deters housebuilders from acquiring them (Bartels, 2018; Ehwi and Asante, 2016). Besides, having formal titles to land does not prevent the collection of informal fees. The study, therefore, argues that these payments of informal fees, in addition to multiple payments of land at different levels of housing result in unequal power relations and aspects of fragile and compromised housing. For instance, in the case of land conflict between two housebuilders, poorer housebuilders revealed how their inability to pay these fees resulted in the loss of land to richer housebuilders who were able to pay off these levies. Additionally, the increasing physical harassment and abuse (discussed in detail in section 7.2.1) meted out to poorer housebuilders, which subsequently results in a delay in building further, constitutes the dimensions of fragile and compromised housing.

The politics associated with the payment of informal fees are considered as socially acceptable acts although it is legally and morally wrong. Based on this, a more disturbing situation concerning informal fees is the endless extortions housebuilders experience from individual members within land groups. A housebuilder in Abokobi lamented that after paying a digging fee of C1,000 (£160.00) each to two groups from different families, he had to give a small amount such as C50 (£8.00) or C20 (£3.00) to individuals who come to the site daily to ask for money for their daily upkeep. Housebuilder indicates that they have to continue to pay this because of the fear of violence and loss of social legitimacy. This action is explained by the high levels of unemployment



among the youth in these areas. As a result, many of them take advantage of the poorly managed land systems and devise different strategies and channels of making money from the conflict characterising the lands (Darkwa and Attuquayfio, 2012; Ayee et al., 2008; Ubink, 2008) and insecurity facing residents.

The engagement of the land guards in the collection of informal fees further reveals the deepening of social inequality in the families and communities as discussed in Chapter 6. Following land commodification, the de facto privatisation of land and the lack of accountability on the part of land sellers, the youth who form the majority of land guards are compelled to collect these levies because of their loss of livelihood (Ubink, 2007; Yankson and Gough (2000). Furthermore, the inability to rely on social relations to access land in recent times due to commodification and high land values (Vaughan and Stewart, 2008) has denied many of the youth access to these lands. This implies that ‘bundles of rights’, which enable access to land by the youth is currently limited, whereas bundles of powers have become the mechanism of access (see also Bartels, 2018). The youth in these peri-urban areas have become victims (having been denied access to livelihood) of land sales and land conflicts but more significantly, as catalysts for fuelling conflict (see Chapter 6) in peri-urban Accra (*see* Vaarst, 2013; Agbosu et al., 2007; Vigh, 2006; Obi, 2006).

### ***7.1.1.3 Bribery, Corruption and housing development***

Bribery and corruption are identified by the study as other major financial hurdles affecting housebuilders during their building process in peri-urban Accra. Corruption in this context is when individual persons within land management institutions abuse and compromise public office for their personal gains (World Bank and IMF, 2007; Transparency International, 2007). This results from the everyday engagement of housebuilders with state actors who are directly or indirectly involved in land management processes. These state actors including the Land Commission, the Law Court, the Police and sometimes the Military, were found to play vital roles in land registration and maintaining law and order during land conflicts. However, different accounts of housebuilders from extortion, facilitating land title registration, document forgery, bribery to corruption were some of the wide assertions made toward these actors. This resulted in deepening inequalities of housebuilders and mistrust on the part of state actors. Although there are different state actors, the Lands Commission and the Police service were found to be the main actors that housebuilders deal with during building on conflicted land in the study communities.

#### 7.1.1.3.1 Lands Commission

Although social legitimacy is perceived as the most vital form of security, the quest to obtain land title remains an important element for land and housing security (Obeng-Odoom, 2016; Rakodi, 2006; Leduka, 2006). The study found that very few housebuilders have registered their land while some others were also at different stages of registration. However, the majority of housebuilders were unable to register their land due to court injunctions, unreliable land documents or conflicts between land sellers (see also Bartels, 2018). Bribery and corruption associated with housing development in peri-urban Accra is deeply rooted in land registration processes. For instance, it emerged during the interviews that housebuilders have on multiple occasions paid monies (aside from the formal registration fees) at the Lands Commission to facilitate the process of acquiring land titles. Narrating such experience, a housebuilder noted that

*‘Let me say that because of the many problems at Lands Commission, we had to pay a bribe to facilitate the registration processes of the land during that time. So we had our certificate in two months. And for someone I took to register the land, he refused to give bribe so it took a very long time for him to get his land title certificate. I can’t tell the duration but when I checked on him after three months, he had still not gotten it so you can imagine’ (Housebuilder-Oyibi, 2018)*

Affirming these practices, another housebuilder revealed that

*When I attempted to register my land in 2003, I was facing many problems. Every time I went there, I was told it was not ready until one day I went again and one of the men told me they cannot find my documents. So in 2016, my friend told me that it will take more than a year to register my land if I don’t make my documents ‘heavy’ (add money). So that same year, I took some money and sweet potatoes to the registration officer at lands commission and he facilitated the registration for me. My title certificate took about 2 months and I got it. (Housebuilder-Oyibi, 2018)*

As discussed in Chapter 6, the main trigger of bribery and corruption at the land registration centre is individuals within institutions who put forward their personal interests above that of the state (Wehrmann, 2008a). Significantly, these individuals take advantage of the bureaucracies, inefficiencies and dysfunctions of the organisation to make economic gains (Wehrmann, 2008a;

Oballa, 2011). Confirming this, a senior official at the Commission revealed that, due to the numerous challenges faced as a Commission in areas of continuous use of paperwork, and with too much workload with too few staff, some documents end up going missing and some officers take advantage of the system to enrich themselves. While these are common attributes of corruption, the narratives further point to the perceptions of housebuilders, which implies the loss of trust and integrity in these institutions. Hence, paying bribes and corruption has become the norm in acquiring land titles.

Similar to the implications of other financial entrapments, these institutional challenges aggravate the cost of building and delays in the housing development process. Significantly, multiple narratives from the field reveal these corrupt practices results in the giving of land to the wealthy and well-connected individual housebuilders, who otherwise will not have access. This further reveals that having economic power, strong social connections among other factors continue to shape access to land, particularly in the access maintenance phase (land registration) (Kansanga et al., 2019; Ribot and Peluso, 2013; Bartels., 2019; 2018). Consequently, poorer housebuilders either lose their land or risk their housing processes thwarted with court orders and landguardism.

An adaptive mechanism adopted by some housebuilders for acquiring land titles is engaging the services of surveyors (mostly acquaintances or recommended surveyors) to facilitate the process. Nonetheless, this was discovered as another platform of bribery and corruption, where housebuilders pay huge sums of money, first to surveyors to facilitate the registration process and second to officials at the registration centres to ‘provide’ the title certificate. A major reason accounting for the reliance on surveyors and acquaintances was to bypass the bureaucratic process and also save productive time. For instance, a housebuilder who relied on a Surveyor friend revealed that

*‘up till now, I don’t have title certificate to the land. I started the registration in 2015 and my document got missing. I started another process later in the year, so now, I have asked my friend who is a Surveyor to follow it up for me. And mind you, he is not doing it for free. I pay him anytime he tells me the document has moved from one level to another, and he always asked for money to give bribe the people there. That is the only way you can put weight on your document*

**(Housebuilder-Achiaman, 2018).**

The study further discovered that although titles are not necessary in themselves, they are significant in facilitating court cases at the law court. Particularly, it is used as a form of evidence in court during land conflict. Given this scenario, some housebuilders reveal how they paid bribes at the Commission to backdate land transaction documents. Disclosing this, a housebuilder said,

*‘...someone told me that if you have money, you can do anything at Land Commission and because many people use the years to judge rightful owners, lots of people backdate the year they bought the land. So when I went there, one officer told me that the land we bought in 2003 can be backdated to the 1980s and all I need is to pay money. (Housebuilder-Abokobi, 2018)*

Though the housebuilder acknowledged that the act was bad and morally wrong, he was quick to add that, he would have lost the land he bought with so much money if there were no such people to help or the system was very efficient. He continued by disclosing that irrespective of the changes at Lands Commission, the existence of greedy and selfish people will not allow the ‘system’ to work. The possibility of this occurrence is the slow impact of the policy reforms at the Commission (see Chapters 3 and 5), which to some extent shifts the problem of corruption from one unit to another within the institutions. For instance, an official at the Lands Commission disclosed that the CSAU aims at ensuring that clients, mostly, housebuilders reduce their engagement with ‘middlemen’, locally called ‘*Goro boys*’<sup>2</sup> and also reduce bribery and corruption at the Lands Commission. It seems, however, the officers at the Commission have rather assumed the role of the ‘*Goro boys*’ hence, the continuous persistence of bribery and corruption.

#### *7.1.1.3.2 The Police*

Given the expanded scope of land conflict, the study found that the police had become the most significant institution in maintaining law and order during conflicts. Supports demanded by housebuilders from the police service include tackling encroachments and land-related offences such as fraud, assault, stealing of building material, demolition of structures and physical abuse by land guards. Nonetheless, housebuilders in all the study communities revealed that engaging the

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<sup>2</sup> ‘*Goro boys*’ in this context are individuals who parade themselves as middlemen capable of facilitating the acquisition of land titles for housebuilders. Usually found at land registration centres, they liaise with officials within the institution in the provision of the land titles.

police during conflicts equally translate to bribery and corruption. The study found that this engagement with the police involves bearing the costs of transportation and paying ‘per diems’ to officers any time their services are needed. Narrating the experience of paying the Police for their services, a housebuilder in Abokobi noted that:

*‘when land guards came to my plot, I brought the police. When the police came to the site, they took money from me. They took C150 (£20.10) from me. The vehicle they had wasn’t all that big so I had to add a taxi. And it wasn’t one day, we went to the site like 3 to 4 times and all I had to pay for each trip’ (Housebuilder-Abokobi, 2018).*

Closely related to the above encounter was the account of another housebuilder. He revealed that

*‘...when myself and two other brothers reported to the Police that some people were working on our land, they told us they will go to the field with us, but we need to settle the Boss and the officers who will go to the site, first. So they made us pay C1000 (£160.00) for fuel. Later when we got to the land, they refuse to step out of their cars until we gave them C700 (£112.00) again. This is aside from the 1000!. They took this money before stepping out of the Police station. (Housebuilder-Oyibi, 2018)*

These payments, according to some housebuilders, are not limited to the local police stations in the communities but cut across the police hierarchy. Additionally, it was observed that these monies increased with the hierarchies. A case in point is a female housebuilder in Oshiyie who paid C200 (£32.00) at the District office for an arrest of some land guards, a C1000 (£160.00) and 10,000 (£1,600.00) to some personnel of the Divisional and Police Headquarters respectively for the same reason. Discussions with the Police Service across the hierarchies (District, Divisional and Regional) on the ‘allegations’ generated differing stories. One section of personnel rejected outright the extortion of money from housebuilders. Another group, however, revealed that whenever a housebuilder desperately needs their services, some officers ask them to tip them for fuel costs of either the police vehicle or personal vehicle belonging to the police personnel. This group did not rule out the existence of ‘bad cops’ who dwell on land conflicts to make money from desperate housebuilders. Following these, some housebuilders lamented that these activities breach the public trust of the police and increase the vulnerability of the poorer housebuilders during land conflict. However, others stated that, given the increasing land conflicts and the high

demand for the police, payment to the police is the safest way to get their attention. This corrupt practice reveals the extent to which public services such as the work of police have become a ‘commodity’, and only the rich can afford such services. The current shortfall of police personnel in the country, which is 1:900 as compared to the UN acceptable ratio of 1:500 (Businessghana.com, 2019) reveals some of the inefficiencies in responding to land conflicts.

A major implication of paying the police and engaging in all other financial commitments amid land conflicts discussed above is the issue of ‘*capital lockdown*’ faced by housebuilders. The thesis uses the term to imply the situation of housebuilders committing excess money into different phases of the building process during which time they cannot expect any returns on investment, as a result of being unable to complete their house. As recounted by many housebuilders, either these houses do not get started at all or they get to a phase where they are inhabitable. Framing this within situated UPE, these circumstances mirror the capitalist and privatised transformation of the peri-urban (Bartels et al., 2020; Lawhon et al., 2014), which results in individual housebuilders navigating through different strands of power amid intense capital flow to maintain access to land. Such stalled investment amid lack of money results in fragile or compromised housing where housebuilders partially complete a portion and inhabit it for the time being or abandon the building until the time they are capable of completing it. Nonetheless, in an attempt not to lose the entire piece of land, which is the extreme case of housing fragility, housebuilders engage in alternative methods of securing the land.

### ***7.1.2 Housing Process and Property Violence***

Landguardism and property violence presents other challenges facing housebuilders in their everyday housing development processes. These challenges are the result of the different dimensions of conflict (see Chapter 6), exposing housebuilders to different aspects of fragile and compromised housing including frequent demolition (see Plate 7.1 and 7.2), loss of building materials, harassments and physical abuse. All the categories of land guards outlined by Darkwa and Attuquayfio (2012) were present in the communities. However, the study found community and amateur land guards as the dominant category in Oyibi, Abokobi and Achiaman due to the dominance of family land. In contrast, Oshiyie had mainly *Asafo* land guards because of the widespread presence of stool land.

**Plate 7.1: A fence wall demolished in Oshiye**



**Source: Fieldwork, 2018 (Photo taken by Divine Asafo, 2018)**

**Plate 7.2. A fence wall demolished in Abokobi**



**Source: Fieldwork, 2018 (Photo taken by Divine Asafo, 2018)**

Frequent demolition of houses and fence walls characterise one of the major outcomes of building on conflicted land in the study communities. Findings of the study reveal that demolition of house and fence walls are caused by opposing housebuilders land guards and court orders. A significant number of these are however caused by opposing housebuilders competing over land. While these demolitions can be carried out anytime, they are frequently carried out at night to avoid the public. Recounting the demolition of his structure a housebuilder narrates,

*I was on-site with my workers last 3 months when this landguard came and insisted that we stop the work, and I told him I can't stop else the workers that I brought will get paid with no work done and the cement will now spoil. He went and brought about 8 to 10 people to the site. I tell you that day, the kind of damages that they caused to my property, you can imagine it!. They pulled down the whole building, which we have built to the lintel level. They removed the*



*doorframes, broke them up, someone's wheelbarrow I hired, they destroyed it, someone's tank, they burst it, and 15 bags of cement we were mixing as concrete all got spoilt in front of me. My brother that day was not easy for me at all. When we quantified the destruction, it was more than C3000 (£482.00) and over (Housebuilder-Achiaman, 2018)*

The case above is one that the land guards were hired by an opposing housebuilder who owns the same land from another seller, a clear indication of multiple sales. This mirrors the day to day experience of housebuilders who are fighting over land with other housebuilders, families or stools. For instance, many housebuilders, particularly in Oyibi, Oshiyie and Abokobi lamented about how on frequent occasions, their fence walls have been pulled down by land guards of their opponents. The fence walls offer different forms of protection on land; from indicating that the land is occupied and also, as a mechanism for protecting the boundaries from encroachment. These walls ultimately offer the housebuilder the opportunity to raise money and commence building in future (see Gough and Yankson, 2011; Asare and Whitehead, 2006). Some literature (*see* Bansah, 2017; Obeng-Odoom, 2014; Abdulai and Ndekugri, 2007), on landguardism reveal the extent to which people disregard title certificate and continue to battle for ownership of land using landguardism as an alternative and because they feel customary transfer is equally recognisable and quicker. Additionally, the mistrust and inefficiencies on the part of land management institutions compel most housebuilders to engage the services of land guards for the demolition (Bansah, 2017; Darkwa and Attuquayfio, 2012; Badong, 2009). Affirming this, Bansah (2017 p.9), stated that landguardism is 'filling a security vacuum left by state and represents a symptom of larger governance issues in Ghana'. Nonetheless, some of these land guards personally demolish people's houses and fence walls when they refuse to pay the informal fees levied them.

In contrast to the above, court-induced demolitions were commonly found in Achiaman as another problem facing housebuilders. This resulted from individuals who had won court cases and obtained a warrant from the court to engage in demolishing. A case in point was a landowner who bought land in 1988 and fully registered it. However, this was left undeveloped until 2015. Upon return, the land had been resold to some housebuilders. This resulted in a court ruling granting demolition on the land. Narrating how this demolition unfolded, a victim revealed that;

*...I was at home when I heard many people talking outside so I came out, I met the owner of the land with many people crying and begging him, and there was a Bulldozer. So he said he was not*

*ready to leave without his money for the land. But we were begging him to spare us some time to raise the money. He didn't listen so he asked the one driving the bulldozer to come and we quickly packed our things out and he demolish all the houses on his land. So all my five-bedroom house was demolished to the ground before my very eyes. That's all I remembered because I was told I collapsed. That is what I remembered. After the demolishing, he now said he will resell the land to us' (Housebuilder-Achiaman, 2018)*

The implication of these frequent demolitions results in an aspect of fragile and compromised housing, which this study calls '*cyclical building*'. This is defined as the repeated construction of a particular section of the housing structure that has suffered demolition, or the repeated reconstruction of the entire housing structure as a result of demolitions. This cyclical building extends the duration of housing development among housebuilders in peri-urban Accra. This presents a new dimension of a piecemeal or incremental building (CAHF, 2019; 2017; Gough and Yankson, 2000; Sawyer, 2014; Tipple et al., 1999), given that the repeated development of the same side of a housing structure is done gradually hence, causing delays.

### ***7.1.3 Housing Development and Delay Processes***

In land conflict situations, the process of accessing land is one of the major hindrances among other factors, causing delays in housing development. These delays present another dimension of fragile and compromised housing as it suggests most houses end up stalled (see Plate 7.3) or built incrementally (CAHF, 2019; 2017; Sawyer, 2014; Gough and Yankson, 2011; 2000; Tipple et al., 1999), or occupied in an unfinished state. Accordingly, the study identifies two major factors causing significant delays in housing development processes.

First, the study argues that inconsistencies in land allocation are a major factor contributing to long durations of housing development. In cases of intensive conflicts, land sellers offer to relocate housebuilders to another parcel of land, which is assumed to be conflict-free (see also Bartels., 2020). More often than not, this land is also subject to conflict hence the continuous transfer to multiple locations. Narrating the ordeal of navigating through inconsistent land allocation practices, a housebuilder noted...

*...when the land was first given to me in 2002, I went there later and realized that someone has dug a foundation on that very land that I have an indenture on. So I approached the land seller and he said it was one of the family members who dug it so I shouldn't worry. In 2004, I came back ready to start building and I was shown another portion of land. I showed interest but the next moment someone has also gone there and started building. This continued on the third and fourth plots. The current place I am building now, which is a subject of conflict between me and another housebuilder is the fifth plot which was given to me in 2017 (Housebuilder-Achiaman, 2018).*

In a related development, another housebuilder recounted ...

*...so where I am now was not the initial land that was given to me. I was given the first plot in 2010 and I paid for it. I started digging a four-bedroom foundation on it. Later on, a landguard came to inform me that the place belonged to someone. They destroyed the foundation and I was moved to a different land. This second land was also sold by 3 different people from the same family to different individuals. Luckily, I didn't do anything on the land so I was moved again. On the third land, I decided to build a single room to protect it but the uncompleted house was destroyed by land guards. I was given another plot making the fourth time I have moved location. So you can imagine, since 2010 that I planned to build, even as at 2018, I am yet to start. If I had started building in my village, I would have finished long ago. (Housebuilder-Oshiyie, 2018).*

Observably, these irregularities in land allocation process mirror the transforming communal land ownership system where every family member assumes responsibility for control over land. Particularly, in cases of land conflict, family members haphazardly allocate land to anyone readily available to buy (see also Bartels, 2019; Gough and Yankson, 2006; Amanor, 2006). This can be accounted for by the changing ideologies as discussed in Chapter 7. This case was more significant in Achiaman because of the high rate of multiple sales, particularly, within land-owning families. While these inconsistent land allocation practices were highlighted as irritating, housebuilders indicated they had no choice other than to agree to these changes. This is because, land sellers seldom return the transaction costs, hence to ensure one benefits from the transaction, delays must be endured.

**Plate 7.3 An abandoned housing structure in Abokobi**



**Source: Fieldwork, 2018 (Photo taken by Divine Asafo, 2018)**

**Plate 7.4: A neglected structure due to a court injunction in Achiaman**



**Source: Fieldwork, 2018 (Photo taken by Divine Asafo, 2018)**

Closely related to inconsistent land allocation is the referral of land conflict cases to the law court, which either impedes the start or continuation of the building (see Plate 7.4). A high court attributed the complex nature of the land and the interests of multiple actors as factors, which did not permit land cases to be adjudicated within a stipulated period. Accordingly, housebuilders who rely on the law courts to solve their land cases spend between 2 to 5 years to secure a judgement, and this judgement could either be in their favour or otherwise. Given the reality of court injunctions halting building work, a housebuilder detailed...

*'I have told you the two main effects that this whole conflict has brought on me. The stress that I go through everyday... I am called unawares to come to the site. I send workers to go and work and they are stopped. I have to pay them because they have reported. So something they could have done in 5 days, they end up taking like 1 month to do it. This has delayed me big time. As for the court cases, as I'm talking to you now, my issue is at the court and we are battling with it every day. I spend the whole day in Court and at the end, the case is adjourned. This is a waste*

*of time, my brother!. How can I buy land in 2002 and up until now (2018) I cannot boast of a house on it? (Housebuilder, Abokobi, 2018)*

The directives of planning authorities who demand that housebuilders stop work until building permits are produced compound these court delays. Although a building permit is required during housing development, the study gathered that most of these housebuilders are unable to provide the necessary and accurate documents such as land title, the architectural design of the house and the site plan of the area among others. Many housebuilders indicated that due to land conflicts, they are unable to obtain a land title and without this, one cannot register the land. Most housebuilders further disclosed that they do not engage Architects to provide engineered housing plans hence, lack the technical documents to apply for a permit. This study resonates with many other studies, which point to the lack of funds, necessary documents and the set of rigid requirements by the government in issuing building permits as major challenges hindering the acquisition of building permits for building (Agyeman et al., 2014; Yeboah and Obeng-Odoom, 2010). These among other factors account for over 80% of buildings in Accra and its peripheries not having building permits (Owusu, 2013; Yeboah, 2003). A compounding problem associated with these delays is the loss and destruction of building materials on the building site. Land guards were accused of stealing these materials and reselling it to other housebuilders. A housebuilder recounted,

*‘...immediately I got the land, I bought 1000 concrete blocks and 25 bags of cement and kept them with the caretaker at the site. I left the site for about a month because I had to see to the problem that my land had also been sold to someone else. When I came back, the caretaker told me all the 1000 blocks and the 25 bags of cement were stolen by land guards. All of it. They stole all of it!’ (Housebuilder-Abokobi, 2018).*

Considering this narrative, housebuilders have to defer the building process, spend more time to mobilise funds and buy new building materials for the continuation of the building. In some cases, the transfer to different land comes with an additional cost given that the value of the current land had appreciated or located within prime areas. This compounds the financial burden on housebuilders. Following the notion of access, housebuilders who have the economic power, in addition to effective social relations, such as maintaining contact with land sellers get the opportunity to navigate through these challenges and proceed with their building process.

Although it seems that building delays occur mostly at the land acquisition phases, and court injunctions and landguardism impedes the process during actual development, these factors could occur at any stage of the development process. Given the aforementioned problems, coupled with other conflict-related challenges, the study found that their effect has been the neglect of most housing structures at different stages of completion in these peri-urban communities (Gough and Yankson, 2011).

### ***7.2.1 Change in building design and Housing Dissatisfaction***

Aside from housing development processes, land conflicts also shape the structure of the house (output). Discussing these within the notion of fragile and compromised housing, the study argues that the architectural design (either self-determined or produced by a professional) of a house, including the plan, the number of rooms and building materials constitute the most significant part shaped by land conflict. Although in Ghana, the majority of housebuilders do not engage architects in developing building plans due to cost, the ideas about the housing design are conceived by the housebuilder and communicated to the local artisan. This confirms the assertion by housing scholars (CAHF, 2017; 2019) that many self-built houses in Ghana are not built to acceptable standard due to the inability to engage technical expertise. Alongside this practice, the study found that land conflict denigrated the plan of the house if not completely altering it. The account of the following housebuilders highlights how activities of land guards affect the housing structure. A female housebuilder at Oshiyie who was building on a double plot disclosed;

*'The first time we bought the land, my husband and I had plans to build a one-storey building with shops inclusive. But because another man was trying to take the land from us, we quickly built this two-bedroom for ourselves and our two children'. My husband always complains that this does not fit us but because we have wasted a lot of money on fighting over the land, we are living in it like that. (Housebuilder-Oshiyie, 2018)*

Similar to the above story, another housebuilder also recounted that,

*'I had wanted to raise a two-chamber and halls house with an upper apartment. But based on the advice of the police about the land conflicts, I had to rush and dig a one-bedroom foundation in the middle of the land. If you go to the land now, you will see that the house is in the middle of*

*the land with large spaces around it. Though I am not happy about this, I am ok because I am able to house my family' (Housebuilder-Oyibi, 2018).*

Aside from the changes to the initial plan of the building, housebuilders further lamented about the number of rooms they were able to develop. For instance, in an attempt to safeguard peace, two competing housebuilders agreed to divide the land they were fighting over to enable them to build other losing the land completely. Consequently, this affected the size of the house but more significantly, reduced the number of rooms in the house. Confirming this, a housebuilder indicated,

*'I was fighting over one plot with another man but at the end of the day, we both realised the land sellers had left us to our fate. So we agreed to share the land by half and because the size of the land had reduced, I also reduced the number of rooms to 2 instead of 4 which was my initial plan. Apart from my children and my wife, how do we keep family members who want to visit or spend the night at my house in the future? (Housebuilder-Oyibi, 2017).*

From the above narratives, the study argues that the satisfaction derived from the type of houses put up in conflict situations were far from what was desired. This notion follows the definition of housing satisfaction as the gap between a consumer's aspiration and actual need (Galster, 1987; Galster and Hesser, 1981). Although the study did not explicitly discuss housing satisfaction, the quotes suggest housing satisfaction in this context lies within the anticipated building plan, which was never achieved. This resonates with other studies (Addo, 2016; Baiden et al., 2011; Mohit et al., 2010; Amole, 2009) that highlight the design, physical characteristics of the dwelling, location, and environment as aspects of housing satisfaction. The narrative further implies that housing form an integral part of the individual's identity and sense of achievement. Additionally, housing is perceived beyond its shelter provision to include an element of investment and economic asset (Yeboah, 2003; Mercer, 2018), where some of the rooms are rented, and designated spaces for shops given out to generate income for families.

The idea of fragile and compromised housing becomes significant given that housebuilders are compelled to build houses, which they are immediately capable of funding. Framing this within wider situated UPE approach, the study affirms the statement that the transformation of peri-urban areas creates inequality and uneven power relations (Bartels., 2020; Cornea et al., 2016; Lawhon et al., 2014) in housing development processes. For instance, the ability of a housebuilder to navigate through these conflict situations to succeed in and putting up a compromised building is



highly dependent on the adequate economic capital and level of social connections. Housebuilders who were able to build on conflicted land indicated they had to negotiate with all actors involved in the conflict process to meet their individual needs. The extreme case of fragile or compromised housing is the loss of land and the abrupt end to the housing development. Accordingly, some housebuilders who lost their initial plots recount how the lack of money and most importantly, ineffective social networks accounted for such situations.

### ***7.2.2 Compromised wellbeing***

*‘As I am staying in this house now, I am not at peace and every day, my children ask me if they (landguards) are going to take the house from us’ (Housebuilder-Oyibi, 2018).* In this case, the woman acquired her land in 2006 and completed the building in 2012. Several years on (12 years in 2018), a new court judgement ruled against the family that sold the land to her. As a result, she was asked to either leave the land or make a new payment to the new owners. This scenario reveals the emotional anxieties, threats, injury and in extreme cases, death, that characterises housing development in peri-urban communities (Barry and Danso, 2013). The study found that many housebuilders had suffered from health-related conditions from psychosocial illnesses such as depression and insomnia to hypertension and strokes. In a distinct case, a female housebuilder, who was three months pregnant, miscarried due to the physical harassment she received from land guards. Their lack of emotional capacity to respond and cope with the stress of conflict, court issues and landguardism constitute the vulnerable wellbeing of housebuilders. Wellbeing in this context implies the state of complete mental, physical and social wellbeing (WHO, 2012) of housebuilders, which enhance their ability to undertake their housing process.

The study observed that the threats and fears, affecting the wellbeing of housebuilders originate from two main sources. Firstly, uncertainties from court orders and municipal authorities, which requires a stop to the building process and second, the frequent harassments from land guards, who threaten and injure housebuilders, and further cause damage to the housing. For instance, a High Court Judge disclosed that on average, it takes between a year and two to pass judgment on a land case. This could, however, extend to several years when the case is very complex and has many dimensions requiring multiple witnesses (High Court Judge, 2018). This prolongs the conflicts and negatively influences the wellbeing of housebuilders. A lived experience of a housebuilder who narrated her ordeal noted...

*‘...ever since my husband and I started fighting (going to court) over this land, I have never been able to sleep. Every day I am sad and depressed. Even my husband’s own [mental health] is worse because the thinking gave him high blood pressure, which led to a mild stroke. So as you can see, I am taking care of him while fighting the land too. Its not easy but our God is alive and will save us’ (Housebuilder-Achiaman, 2018).*

Secondly, harassment from land guards as discussed earlier constitutes other sources of threat and future uncertainties of housebuilders. Consequently, housebuilders tend to live in constant fear due to the frequent and unending harassments from these land guards. While few of the housebuilders have escaped physical abuse from land guards, many of them in the four communities indicated they have been beaten more than once on their plot. These physical abuses are usually extended to local artisans who work on the building. Narrating the experience of visiting his building site, a housebuilder indicated that *‘these land guards are evil so anytime I want to visit my plot, I am always scared and I keep praying that I do not meet them because they might beat me again’ (Housebuilder-Oshiyie, 2018).*

The existence or non-existence of police stations in a community does not have any significant impact on land conflict and the housebuilder. Residents in Abokobi and Oyibi who have police stations within the community did not see any impact compared to communities without any police station, such as Oshiyie and Achiaman. Accordingly, the ineffective strategies by the Police to stop these acts of landguardism, amid cases of bribery and corruption has given an advantage to landguardism to be perceived as a lucrative business and employment for most youth (Bansah, 2017; Darkwah and Attuquayefio, 2012; Badong, 2009). These negative impacts of land conflict on the wellbeing of housebuilders present another dimension of fragile and compromised housing, where the health status of housebuilders shape the pace of the housing development process. This suggests that fragile and compromised housing goes beyond the housing structure to include the wellbeing of the housebuilder. Indicatively, while the literature on peri-urban transformation focuses on contestations over tenure, property and authority (Bartels., 2020; 2019; Simon et al., 2004; Ubink, 2008), this thesis adds that these transformations are equally having diverse and adverse effects on individual housebuilders.

Overall, the use of different concepts, including fragile and compromised housing, cyclical housing and capital lockdown among others contribute to housing literature in the global south in

two distinct ways. First, these concepts advance the notion that contemporary housing development processes in the Global south are not linear in nature as conceived by a number of scholars (see Agunbiade et al., 2014; Beyer, 1965). For instance, the politics of access to land and its associated problems such as landguardism and demolition of housing property creates conditions for housing reconstruction, which is usually cyclical in nature. Additionally, the struggle over the ownership of land as discussed above further stall housing development processes (capital lockdown). Arguably, these complex conditions do not only present the non-linear housing development process but also a situation of uncertainties characterising housing development.

Secondly, current literature on housing development in the Global south continue to have limited acknowledgment of the politics of land and how this shape housing development process, especially in the context of land conflict (see Sawyer, 2014; Adam, 2014; Palmer et al., 2010; CAHF, 2019; 2017). Additionally, aside from the significant focus on the housing structure, which is largely conceptualised as informal, little attention is focused on the building processes, which is precarious in nature. Accordingly, these concepts such as the fragile and compromised housing explicitly unpack the processes and outcomes of the power relations and uncertainties that characterise the housing development process. Such uncertainties including multiple sale of land and indeterminate boundaries result in tenure and housing insecurities. Ultimately, these precarious situations bring to the fore the contemporary challenges of housing development which is not captured in Beyer's (1965) spectrum of housing knowelgde (see Figure 2.1).

### **7.5 Adaptive and coping strategies of housing development in peri-urban Accra**

Tenure formalisation through land titles acquisition is argued to be the surest and safest means of securing land rights (Delville, 2010; De Soto, 2000; Durand-Lasserve and Selod, 2007). However, given the challenges of land conflicts, court injunctions, bureaucratic hurdles (Bartels, 2018; Ehwi and Asante, 2016), most housebuilders in the four study communities have not been able to register their lands. Even the few housebuilders who have acquired land titles lamented about its gross disregard and persistent conflicts over their land. Against this backdrop, housebuilders conceive of the alternative methods of land protection to actual land registration. Findings of the study in all the four communities reveal that housebuilders employed three major tactics to secure their

tenure rights. These approaches included: the hiring of caretakers, land guards and building concrete walls around the land or small structures on the land among various other methods.

One of the key approaches to maintaining access to land during conflicts in peri-urban Accra is through hiring a caretaker. Observably, housebuilders rely on caretakers when they live outside the community in which they are undertaking the building. Similar to the findings of Gough and Yankson (2011), the majority of the caretakers were males. The dominance of males as caretakers suggest the dangers of landguardism, which can have a dire impact on female caretakers. In the study communities, two types of caretakers were identified; caretakers who are hired and neighbours who act as caretakers. In some parts of Abokobi and Achiaman, where developments are relatively new, caretakers are hired to live on the land. Such caretakers are paid monthly stipends for their services provided. In contrast, in Oyibi and Oshiyie where levels of development are high, housebuilders relied on their neighbours to watch over the land. These caretakers are mostly not paid but shown appreciation through gifts. These neighbours ensure that periodic updates on the land are given to the housebuilder. On the use of caretakers, a housebuilder shared his experience...

*‘...because I don’t stay in Oyibi and I am scared my land will be stolen and resold, I asked one neighbour who shares a boundary with my land to watch over it for me. Anytime people come on the land, she calls me quickly to come over. Though I don’t pay her, anytime I come around, I give her money just to say thank you’ (Housebuilder-Oyibi, 2018).*

Other housebuilders also depend on caretakers who are hired from the community or are brought from other communities. The engagement of caretakers in land protection reveals trust as key element on which such relations are established (Gough and Yankson, 2011). This situation mirrors and extends the features of customary land tenure systems where the mode of engagement is built on trust (Ubink, 2008; Cotula, 2007; Amanor, 2006; Leduka, 2006). Importantly, engaging caretakers reveal the role of social networks in building in peri-urban areas. In Oshiyie however, these social ties are consolidated through the formation of a residential association, namely the Seaview Association of Landlords in Oshiyie. A significant role performed by this Association was ensuring that housebuilders collectively negotiate their way through multiple payments, landguardism and ultimately, acquisition of land titles. This depicts the process of civil societies fighting for a collective goal such as the acquisition of land title during the land conflict, otherwise

termed by Jessop (2002) as flanking support mechanism. Although Oyibi, Achiaman and Abokobi had residential associations, these were not active. This is because, housebuilders had different land sellers with particular challenges as compared to Oshiyie, where housebuilders have common land sellers and challenges.

The use of land guards forms another set of approaches engaged by housebuilders in land protection. In situations where there is intense conflict over a parcel of land, individuals who can afford the services of land guards employ them to protect the land. Housebuilders who hire the services of land guards revealed land guards are more reliable and offer 24/7 land protection as compared to the police who only visit sites. For instance, it was disclosed by a housebuilder that, *'currently, if you need peace of mind in protecting your land, land guards are the best because they are always on the land'* (Housebuilder-Achiaman, 2018). Observably, reliability, which is one of their distinctive feature of landguardism account for their increasing patronage by competing actors (Bansah, 2017; Darkwa and Attuquayfio, 2012). Accordingly, their services include, fighting encroachers, protect building materials and ensure the building processes continue. Most of these land guards are paid significant sums of money for their service, as a result, wealthy and well-connected individuals hire them.

The erection of concrete walls and the building of makeshift structures on conflicted land constitute another significant form of land protection in peri-urban Accra. This results from the trapping of housebuilders in multiple financial challenges, especially at the land acquisition or building stage. Accordingly, housebuilders erect fence walls or build makeshift structures on the land as a form of security and claim of legitimacy (see Plate 7.5 and 7.6). This affirms the popular acclamation that when you buy a land in the peri-urban area, *'you must make your physical presence felt on the land if you want to secure it'* (Housebuilder-Oshiyie, 2018). Sharing the experience of developing the land, a housebuilder revealed that,

*...I had two plots but due to conflict, I am left with one. I don't even know what I'm going to do on the one plot yet. I have just decided to wall it and put a gate in front of it so that I can protect it from encroachers and other sellers* (Housebuilder- Oshiyie, 2018).

Supporting this point, another housebuilder in Abokobi disclosed:

*'...because of how the land guards and the other family were disturbing us on the land, I decided to quickly build a small one-room house on the land to protect it. In the evening, I come to sleep*

*in the structure to monitor things, or sometimes, I get someone to sleep in it and monitor the rest of the building materials' (Housebuilder-Abokobi, 2018).*

**Plate 7.5. A wall built around a parcel of land as a form of protection**



**Source: Fieldwork, 2018 (Photo taken by Divine Asafo, 2018)**

**Plate 7.6 A single room house built on a parcel of land as a form of protection**



**Source: Fieldwork, 2018 (Photo taken by Divine Asafo, 2018)**

Among these three approaches, the building of walls and small structures on the land was the most dominant approach to land protection followed by hiring caretakers and land guards. As discussed earlier, the aforementioned actions of these housebuilders depict the perception people have towards formal security. Certainly, this development re-conceptualises the concept of tenure from people's perspective. As argued by Amanor (2006; 118) 'physically developing the plot [of land] is regarded as a safer investment in securing the plot than attempting to register it, particularly since the land may be given out to others before the cumbersome process of registration is completed'. Consequently, adoption of informal tenure security to protect land is observed as a socially motivated act. That is, though these are legally wrong, it is a form of gaining recognition over control of land, hence socially accepted.

Positioning the above discussion within situated UPE, the study affirms the transformation of peri-urban areas as a process that creates and deepens uneven and unequal access to land for housing (Bartels., 2020; 2018; Cornea et al., 2016). In response to these, competing actors such as housebuilders adapt various sources of power, which enhance their access and especially, their retention of land in their building experience. This follows the assertion that the power that equips individuals in gaining and maintaining access does not reside in one element or one actor but can be drawn from different sources (Bartels., 2020; Velzeboer, 2018; Ribot and Peluso, 2003). Additionally, following privatisation as a key outcome of peri-urban transformation (Bartels et al, 2020), the thesis highlights how land protection is privatised through the services of private caretakers and land guards. This further deepens the inequality divide in the housing process.

## **7.6 Conclusion**

This chapter examined how land conflict has shaped the processes and kinds of housing development in peri-urban Accra. It explored how the transformation of the peri-urban, which resulted in privatisation and uneven access to land, shaped the building process and outcome among individual housebuilders. Following already existing housing challenges, the chapter argued that these transformations, which eventually cause land conflicts compound and deepen housing development challenges in peri-urban Accra. These challenges are captured by the study as fragile and compromised housing development. The involvement of multiple actors in the transformation process further suggests intense and competing claims in the access and maintenance of land for housing. Framing these complexities within the idea of fragile and compromised housing, the chapter argued that multiple financial commitments, property violence, delays, and compromised wellbeing constitute the challenges facing housing development in peri-Accra.

Privatisation and rising capital associated with the transformation of land in peri-urban Accra offer the opportunity for many actors to become active land sellers. This confirms the literature on how some actors serve as catalysts of conflict by pushing their personal interests for economic gains. This impacts negatively on housing development as housebuilders make multiple payments for land to different actors including landowners, state actors, and land guards. As argued by the chapter, these multiple financial commitments constitute the widespread aspects of fragile and compromised housing. The housing process, therefore, faces ‘capital lockdown’ given the loss of



the financial investment in the building process. This ultimately stalls the building process or at worsts the non-achievement of the building outcome (house).

The inequality in land access and its associated conflict in peri-urban Accra further manifests in housing delays and ‘cyclical’ building processes. Although the incremental building is largely associated with individual housing in SSA, the chapter argued that land conflict presents a new underlying trigger of incremental building, which results from the demolition of a portion or an entire building by land guards. The lack of land title to protect these the land and the house further uncover the depth of fragilities associated with the peri-urban housing processes. The implication of these situations results in compromised housing, which captures the dissatisfaction of the desired outcome of the house. The chapter further argued that the notion of a compromised housing process extends beyond the impact on housing structure to encompass the wellbeing of housebuilders. Frequent harassment and physical abuse from land guards, which translates to emotional, psychological, and physical injury, compromised the wellbeing of housebuilders. This ultimately slows the pace of the housing process. Lastly, the inconsistency in land allocation and court injunctions constitute other factors causing delays and incremental building in peri-urban Accra.

The chapter further argued that compliance of housebuilders in responding to multiple financial requirements suggest the preference for customary legitimacy as compared to legal legitimacies. Significantly, adopting coping strategies such as hiring caretakers, land guards and especially, erecting fence walls, and rapidly developing the land constitute other factors perceived as safer ways of maintaining access to land for housing purposes. These factors reveal the multiple mechanisms of power adopted by housebuilders in protecting their land. Overall, the everyday experiences of individual housebuilders in peri-urban Accra bring to the fore, how evolving power relations guiding access to land, complex tenure insecurities, and uneven land access interrelate with broader socio-economic, political, and historical factor to inform and shape infrastructure development, particularly, housing in peri-urban areas. The next chapter presents the conclusion of the research.

## CHAPTER EIGHT

### CONCLUSION

#### 8.0 Introduction

This chapter provides the conclusion to the study, which examined the relationship between land conflicts and individual housing development in peri-urban Accra, Ghana. The chapter recounts how the overarching research aim has been met and how the main research questions have been addressed. The key findings of each research question and the conceptual contributions drawn from the debates on land conflict and housing development processes in peri-urban Accra are evidenced. Finally, the chapter proposes new areas for future research.

As revealed in the literature, a key phenomenon associated with urbanisation of cities in the global south is increasing urban sprawl, which has among other factors, resulted in the rapid transformation of the peri-urban space (Owusu, 2013; 2008; McGregor et al., 2011). The case of Accra provides similar evidence given the transformation of peri-urban areas from agrarian spaces to residential areas with little commercial activities (see Bartels, 2018; Ubink, 2008; Owusu, 2013; 2008; Gough and Yankson, 2011; 2000). The research found that the response of peri-urban communities in Accra to the increasing demands for land for residential development has altered the existing power relations guiding land. Additionally, the change in both practice and perception of peri-urban land from a communal property to a commoditized property is raising challenges of land transfers and property rights (Aryeetey et al, 2007; Mends and De Meijere, 2006). The implication of these transformations is producing de facto privatisation of land (Bartels., 2020), with a rising number of actors, unequal access, uneven power relations and complex tenure uncertainties, which is shaping housing development, particularly among individual housebuilders. Other implications of these tenure uncertainties are the problems that arise for ensuring effective land governance and sustainable spatial planning in peri-urban Accra.

It is against this complex backdrop that the research aimed at investigating how peri-urban development and its associated land conflict are unfolding, and how they shape the processes of housing development in peri-urban Accra. Establishing this relationship is significant, given that

housing is the dominant activity around which all other infrastructure evolves in peri-urban Accra. With this aim, the research posed and addressed the following questions:

1. What are the current changes associated with land tenure and the land market, and what is accounting for these dynamics in Peri-urban Accra?
2. How are actors and institutions responding to the changing land market and its associated tenure complexities in peri-urban Accra?
3. What are the factors accounting for the evolution and increase of land conflicts in peri-urban Accra?
4. Which actors are engaged in land conflict processes in peri-urban Accra and how do they navigate through these conflicts to maintain access and control over land?
5. How does land conflict affect individual housing development in peri-urban Accra?

The research took a qualitative approach due to its adopted ontological and epistemological stance of constructivism and interpretivism respectively. The research was informed by the fact that there are different perceptions and meanings of land and housing development. This gives the study the platform to explore the multiple realities shaped by the actions of different actors in the land and housing sector. Importantly, the study relied on the lived experiences of state and non-state actors, and more substantively, housebuilders and how they navigate through housing development in contested spaces such as peri-urban Accra.

With an interest in examining the changes in land tenure and the land market, coupled with its impact on housing development, the study interviewed five main categories of actors in four communities across peri-urban Accra. These included land sellers, housebuilders, state actors, non-state actors (traditional authorities), and other stakeholders such as the real estate companies. The study made use of four different cases and using the situated UPE approach enhanced the understanding of the dynamics of each case. A key limitation of the study was that while the land guards were significant in land transformation and housing development processes, the study could not gain access to this group of actors, because this was too risky given their violent tendencies. Understanding their motivation from their point of view would have deepened analysis of their contribution to peri-urban conflict and housing. Nonetheless, gaining insight into their activities from other actors enhanced the discussion on landguardism. The unit of analysis is peri-urban

Accra due to common similarities of development. However, the reference to individual cases in the analysis was significant in understanding specific contexts of land management and related housing development processes. Following the notion that peri-urban areas are frontiers of capitalist urbanisation and privatisation (Bartels et al., 2020; Valencia, 2016), a situated UPE approach was adopted to investigate the interplay of uneven power relations, unequal access, increasing number of actors, and institutional framework in shaping housing development processes. A focus on everyday politics of land as a theme of situated UPE allowed the thesis to use access theory, ideas of past and space, and institutional multiplicity as analytical tools to unpack the everyday politics of land and its influence on housing. The implications of these everyday politics of land on housing, discussed in relation to broader socio-economic, historical, and political factors have resulted in what this study calls fragile and compromised housing development.

The thesis therefore makes two major contributions to existing debates in UPE and situated UPE. First, the thesis's adoption of UPE as a lens was used beyond exploring the social and environmental processes that shape the 'socio-nature' (Swyngedouw, 1996; Zimmer, 2010) of peri-urban areas to further capture the outcome and implications of these processes. Specifically to peri-urban land, the thesis highlights how the varied interests of different actors over land use amid increasing values has produced unequal access to land and at the same time created politically violent conditions of building development process termed as fragile and compromised housing. That is, using UPE to explore land conflict process and its outcome on housing departs from many UPE studies which focuses on either the process (see Bartels et al., 2020, 2018; Swyngedouw, 2006) or outcomes of the transformation of nature in urban areas (See Cornea et al., 2016; Silver, 2016). Additionally, despite UPE's original focus on capitalist production of nature in cities and the creation of unequal power relations over access to resources (Lawhon et al., 2013; Cornea, 2020), the emphasis of the thesis on land presents an original case of how land, which is at the heart of urbanisation processes in the Global south, shape and informs capital accumulation processes especially in peri-urban areas. Arguably, the focus on land and housing as static infrastructure adds to existing UPE literature, which has largely focused on 'fluid infrastructure' such as water and energy among others.

Second, the thesis contributes to situated UPE by presenting new empirical evidence and arguments, which calls for attention on processes rather than theories in explaining urbanisation processes (Bartels et al., 2020; Lawhon et al, 2013). This is not to say that theories are not significant, but rather drawing attention to analytical frameworks that helps to generate meaning towards the processes that shape urbanisation in situated contexts (Bartels et al., 2020). The context of Accra therefore presents an ideal case of how peri-urban areas become a site of accumulation through everyday practices and processes of access and control of land, which connects to broader socio-economic and political transformations. As argued in the thesis, housing is the infrastructure around which all other infrastructure evolves and at the same time constitutes a significant portion of our infrastructure in peri-urban Accra. Additionally, a significant amount of these houses are developed by private individuals who negotiate everyday politics of land in housing development processes. To this end, while the thesis follows the debate of ‘situated’ in UPE as a methodological approach to avoid the premeditation of factors of peri-urban transformation (Bartels et al., 2020), the thesis on another hand, presents a new dimension of ‘situated’ as an analytical tool to establish the interrelatedness of everyday practices of land access and how this shapes peri-urban transformation. For instance, establishing the relationship between housebuilders, landowners and state actors informs the prevalence of land conflicts and the political violence associated with land access for housing development. The thesis therefore supports this approach as a new empirical evidence of presenting the processes and implications of peri-urbanisation.

The subsequent sections discuss the key findings of the study in relation to the research questions and further highlight the conceptual contributions of the study.

### **8.1 Changes in land tenure and the peri-urban land market in Accra**

Customary land transformation in the global south has received significant academic attention over the years (Obeng-Odoom, 2016; Sakeyio, 2012; Ubink, 2008; Amanor and Ubink, 2008). However, the study posed the research question of how the land market is transforming to investigate the recent changes in customary land in peri-urban spaces. This sets the background to understanding evolving land tenure and its associated conflicts, and how this shapes fragile and compromised housing. The study found that although several aspects of customary land in peri-

urban Accra are changing, the main components undergoing rapid and intense transformation include tenure, land pricing and transaction processes, and land delivery systems.

The transformations occurring within the peri-urban land market are characterised by uneven access, privatisation, and unequal power relations (Bartels et al., 2020; Simon, 2015). A key finding of the study argued in Chapter 5 is that the ownership of land in peri-urban Accra is rapidly shifting from communal (family, community) to individually owned, with leasehold agreement as the most dominant form of land transfer. The interplay of urban sprawl, land commodification with flexible customary tenure, in particular, account for the increasing land value and widespread leasehold, which ultimately translate to individual property rights in the communities. The increase in leasehold transfers, particularly in peri-urban Accra resonates with the 1992 constitutional provision of the country, which requires land transfer under leasehold.

The gradual change from communal to an individual property right is the major shift (to some extent) towards land access. As discussed in Chapter 5, many new settlers, who are not indigenous people of the community, are able to access land. Particularly in relation to gender, the increasing monetisation of land has increased access and control of land by women. Wealthy women in the study communities, for instance, were able to access land and build. This contrasts with the past where women's access was limited as it was channelled through a male relative, usually their husband or brother. Accordingly, the monetisation of the peri-urban land economy, which is increasing access, defies a major feature of customary tenure where access to the property is strongly embedded in inheritance and entitlements. Rather, in current times, the scope of access and control of land is largely underpinned by economic capabilities (ability to pay), among other factors (Ribot and Peluso, 2003). Nonetheless, this same shift to individual property rights is also creating uneven access, as those who are poorer are unable to afford land. In land-owning families and communities for instance, family members and indigenous people respectively, have become disempowered, as land is sold largely to new settlers for economic gain.

The increasing commodification and the commercialisation of land transfers have resulted in locational factors such as proximity of the land to transportation routes and level of built-up area increasingly becoming a commonplace in determining land prices. Compared to the past, these

factors were uncommon given that land did not have the current commercial value associated with it. The consequence of this situation is the inconsistencies in land prices between communities and even between land-owning families in the same communities. Data gathered on the price of land from the four communities revealed that land prices were not consistent and this ranged between C6000 (£900.00) to C55000 (£8000). The influence of the factors such as location in shaping land and housing prices is a common phenomenon across the world, however, its significance in peri-urban land transformation reflects the ad-hoc decisions about land pricing. Consequently, coercion and extortion have become non-economic factors employed by land sellers to make economic gains from the increasing value of land. That is, although a parcel of land may be priced at a particular level, land sellers tend to increase these prices further, especially, when there are many interests involved. These differences in land price determination further mirror the flexibility of customary lands (Rakodi and Leduka, 2004), entrenched in power dynamics, violence, amid non-existence of state regulations guiding land prices. This results in land sellers exploiting the vibrant land markets and selling land to the highest bidder.

Transformation occurring in peri-urban Accra has seen evolving land delivery channels (secondary land delivery channel), underpinned by the quest to create more access to land and to reduce uncertainties in the land market. Consequently, new land delivery channels including real estate companies, welfare associations, land agents, and individuals among others have emerged in addition to existing land delivery channels (chiefs and families) in the land market. The ability of these new land delivery channels to gain and most importantly, to maintain access to land in the land market is dependent on multiple interrelated factors. While economic means (ability to purchase) remains the dominant mechanism to access land (Bartels et al., 2020), other factors, including social connections, legal factors, social status and trust, were sources of power in gaining land access. This differs from the primary land delivery channels, who rely on allodial interests and entitlements in controlling land in the peri-urban land market. Some actors within the new land delivery channels however employed illicit practices such as bribery and corruption, and landguardism as mechanisms, particularly in gaining and maintaining access to land.

Contributing to access theory, the thesis argued that given the intensity of land conflicts associated with peri-urban development, the mechanisms of access become significant sources of power in

maintaining access in addition to the initial gaining of access to land in peri-urban Accra (Bartels, 2018). Furthermore, gaining control of resources such as land transcend beyond property rights and entitlements to include the interplay of multifaceted mechanisms underpinned by power relations, particularly in contested spaces (Myers and Hansen, 2020; William, 2013; Ribot and Peluso, 2003). Framing this within situated UPE, the thesis argued that the transformation of peri-urban land is expanding access to land, however, there are associated tendencies of rising inequality and uneven access to land by actors who are unable to rely on other alternative bundles of power to either gain or maintain access to land.

The transformation of the land market also informs and shapes tenure security and legitimacy of land in peri-urban Accra. This results from the different conceptions of land where customary actors and institutions continue to persist in the control of land in the peri-urban as their property and in some cases territory, while state actors and institutions perceive the peri-urban as a territory under statutory governance (Lund, 2013). Accordingly, customary institutions enhance tenure security through social legitimacy, which is largely built on trust, compared to the state, which considers land registration as the ultimate approach to legitimacy (Rakodi and Leduka, 2004). While social legitimacy largely guides land transactions within the channels, land conflict associated with the transformation of land is deepening tenure insecurities. A case in point is the transfer of indeterminate boundary and ownership uncertainties from chiefs and family heads, constituting the primary land delivery channels, to actors within the secondary land delivery channels. Accordingly, actors within the secondary channels rely on several mechanisms of power to secure and legitimise their land. These mechanisms including socio-economic and legal supports, coupled with illicit practices become most significant in maintaining access to land in peri-urban Accra. This implies that legal legitimacy, which is perceived largely as the ultimate form of tenure security is disregarded. Factors including bribery and corruption, inefficiencies in state institutions further account for the disregard of legal legitimacy. To this end, land transaction in peri-urban Accra is characterised by deepening uncertainties resulting from multiple sales, indeterminate boundaries, ownership problems and a clash between social and legal tenure security practices. Land guards, for instance, have low or zero legitimacy as neither the state nor customary institutions sanction their activities.



The study, therefore, argued that the interplay of complex legitimacy and illegitimacy of land delivery channels leaves the peri-urban as a contested and fragile space. In practical and material terms, the insecurities within the land market put housing developments at risks of eviction, demolition, and dispossession. Underpinned by the situated UPE approach, the development of the peri-urban, highlighting the everyday politics of land and its implications on housing contributes a different insight to peri-urbanisation, which is a shift from other approaches, which begin the analysis with theories of urbanisation (Bartels et al., 2020; Connolly, 2019; Pieterse, 2008). More significantly, the situated UPE approach further enhanced the analysis of the dynamics of each case study within peri-urban Accra. For example, although the study was not a comparative one, drawing on the idea of UPE helped to examine the unique features of each case, how the transformation of the peri-urban influence different tenure systems, be it religious land, family land or stool land. Furthermore, these everyday processes highlight how unequal and uneven access to land evolves within the wider socio-economic, political, and historical processes, which informs peri-urbanisation processes.

## **8.2 State and non-state actors' response to peri-urban land transformation and its associated conflicts**

This section highlights the key debates put forward in response to research question 2, which examined actors' interactions and responses to the transformation of the land market in peri-urban Accra. This question was addressed in two Chapters: The first part, discussed in Chapter 5 examined the approaches to land management while the second part discussed in Chapter 6 investigated the approaches to land conflict management.

Accordingly, the increasing transformation of peri-urban land, and the general growth of peri-urban Accra, has seen the interplay of state and non-state actors, particularly, customary actors in the management and control of land (Obeng-Odoom, 2016; Cobbinah et al., 2016; Wehrmann, 2008b). This interplay of actors also reflects in the management of land conflicts in peri-urban Accra. While customary actors largely manage the land market, the entry of state actors in the management of land took three main dimensions: land registration, spatial planning and development, and maintenance of law and order. With the focus on everyday politics of land

management, discussion of state actors emphasised their direct roles in land control practices and land conflict management.

In response to the transformation of the land market, the study argued that the interaction of state and customary actors is producing complex and inconsistent patterns to land management and land conflict management. On the one hand, the interactions produced hybrid forms of land management (Williams, 2010; Ubink, 2008; Beall et al., 2005), which had positive effects on land control and land conflict management. On the other hand, the interactions took the form of compromised and discordant patterns, creating new uncertainties and deepening existing conflicts (Goodfellow and Lindemann, 2013). The study argued that effective coordination between state and non-state actors is driven by the attempt of state actors to reconcile with customary actors based on trust and efficiency in land management and land conflict mitigation. This was evident in all the four study communities, as effective collaboration in areas of land registration and spatial planning was evident. The creation of the CSAU, in particular, is a major outcome, which has enhanced land registration and built trust in the customary actors. Similarly, the CSAU was identified as a major system that mitigates land conflicts as many land sellers now register their land before selling, while land buyers ascertain the legitimacy of these lands before patronising it. Following the debate on hybrid institutions reducing conflict (Williams, 2010; Beall et al., 2005), the CSAU, in addition to the incorporation of land sales into the municipal planning schemes, is identified as a key contributing factor to the reduction of land conflict.

Nonetheless, cases of corruption and inefficiencies on the part of state actors have resulted in compromised and discordant patterns of managing land and mitigating land conflict. Particularly in land conflict management, the threats to power and authority by customary actors underpin these tensions. The thesis, for instance, highlights how the role of the law court and the police were identified as posing limitations to the powers of the chiefs and family heads. The attempt by customary actors to remain relevant in land transformation processes and the mistrust of state authorities is the cause of overlapping roles creating compromised and discordant patterns of land management and land conflict mitigation.

Consistent with Lund's (2013) idea of space, the different interpretations of space by state and customary actors further shapes the land and land conflict management. While state actors including the courts and police perceive the peri-urban as a legal territory, the customary actors perceive it as property, which they have the authority to control. Besides, the difference in operations where state institutions have clear and established procedures in contrast to customary institutions with ambiguous procedures compound these differences (Ubink and Amanor, 2008; Leduka, 2006). This results in customary actors compromising on the statutory regulations and adopting alternative and informal approaches to managing land conflicts. To this end, customary actors disregard court orders such as injunctions and court rulings and engage in alternative ways of land adjudication including landguardism. Additionally, developing the land against the court and municipal orders further highlights the overlapping of roles, which creates compromised and discordant patterns of land and land conflicts management. Contributing to the conceptualisation of institutional multiplicity, the study argues that examining the role of actors in managing the complexities of peri-urban land, through the lens of compromised and discordant patterns adds to mainstream institutional literature, by unpacking the complex interactions and outcomes of different actors in land management. Furthermore, analysis of the role of actors in land management further augments the debate that conceptualising institutions can best be effective when examined in relation to the organisation and individual.

### **8.3 Land conflicts in peri-urban Accra**

This section highlights the findings to research question three and four, which examined the forms of land conflict and the various actors involved in peri-urban Accra. It further discusses the factors that drive land conflicts in peri-urban Accra. As highlighted in the literature, the different definitions of land conflicts disclose its complexity (McMichael, 2016; Lombard, 2016; Obala, 2011). That notwithstanding, this study adapted the definition of conflict from Wehrmann (2008a) and McMichael (2016). That is, land conflict is a *competitive struggle over land by two or more parties (individuals, families, communities, state institutions and private entities) who have competing interests in land (right to own, transfer and use), informed by underlying processes including socio-economic, historical, institutional and cultural factors over a period of time.*

The thesis further contributes to the land conflict literature by arguing that land conflict can best be analysed as a process rather than an event. Framing land conflict through these temporal concepts of process and event follows the argument of Scheffer (2007) that ‘events’ are planned and single occurrences of a process while ‘processes’ ‘emphasise temporal stretch that include several events, independent of their characteristics’ (Scheffer, 2007 p.173). Also, processes involve functions and a set of actions that produce a result (Webster’s Dictionary, 2005). Following this notion, land conflict as a process is embedded with different levels of uncertainties such as misunderstanding, misinformation, application of force and use of resolution mechanisms such as talks and court arbitrations over a period of time. Although these uncertainties are sometimes classified as forms of land struggles (see John and Karol, 2013; Jimu, 2012), they best capture the myriad of events that are created within a land conflict situation over time. Consequently, perceiving land conflict as an event loses out on the explanatory power which is derived from capturing the holistic activities of land conflicts. Importantly, land conflict as a process is not assumed to be linear, but rather characterised and open to multiple trajectories, which include those that result in fragile and compromised housing development.

The emphasis on the role that time plays in defining land conflict further helps to unpack the different forms of land struggle including disputes, conflicts, and violence. Furthermore, the various categories of land struggle reveal how the transformation of peri-urban Accra, as frontiers of urbanization, are embedded in increasing and deepening social and uneven power relations over time. Although land conflict is the dominant form of land struggle in peri-urban Accra, this is not clearly distinct from other forms of land struggle due to the blurred boundaries distinguishing these forms of land struggle (John and Karol, 2013; Lombard, 2016; Jimu, 2012). This reflects in some cases in the study communities where at a point; dispute resulted from a violation in the payment for the cost of land by a potential land buyer.

The transformation of the peri-urban land market as discussed earlier does not only give rise to new actors but also creates uneven access, unequal power relations embedded in socio-economic, political, and historical processes (Bartels et al., 2020; 2018; Wehrmann, 2008). The competing interests of these different actors also deepen these outcomes across the study communities. The interest of state actors in ensuring spatial and sustainable planning, against the interest of chiefs and families in the sale of land constitutes an example of everyday power relations in land access.

Similarly, the interests of land sellers in making economic gain from the increasing value of land against the interests of housebuilders further unpacks the unequal power and everyday politics of land in peri-urban Accra. Consistent with Ribot and Peluso's (2013) idea of bundles of power, the actors rely on alternative bundles of power rather than bundles of rights in maintaining access to land. Significantly, maintaining access to land in conflict situations in peri-urban Accra revolves around legal and economic factors and social connectedness. The growing illegalities and illicit behaviours of corruption, bribery and landguardism constitute other unsolicited approaches to maintaining land access during land conflict (Ribot and Peluso, 2003). Particularly in chieftaincy situations in Achiaman and especially Oshiyie, landguardism becomes the most pervasive approach to maintaining land access.

Among the non-state actors, however, the dependence on strong social relations, statutory agencies, economic power, and knowledge were the main support systems that sustain access and control to land in a conflict situation. An important feature of these multiple supporting systems of land access was the fact that the more an actor relies on multiple supporting tools, the stronger the defence to sustaining conflicted land. A key implication of this situation is that it widens the gap of unequal access, as actors (particularly housebuilders) who do not have purchasing power or strong social relations end up losing their land (Bartels, 2018). Similar to previous discussions on gaining access, the bundles of power employed by various actors is crucial in maintaining access rather than gaining access. The dependence on these power bundles (Ribot and Peluso, 2003) or power resources (Svarstad et al, 2018) departs from the debate that property rights drive access and maintain interest to land (Ribot and Peluso, 2003; Geisler and Daneker, 2000). Additionally, unpacking the dynamic factors shaping access highlights the flexibility of access theory in analysing resource use (Myers and Hansen, 2020; Williams, 2013). Land conflict is well-known to have existed over a long period in Ghana. In recent times, however, the phenomenon, as found by this study, and in response to research question 4, appeared to have taken on a new dimension in space (peri-urban Accra). Characterised by complex causal factors, the study argued that the central causal factor of land conflicts is unequal access, uneven power relations underpinned by incompatible interests of actors in the quest to access and control land. These competing interests are further embedded in socio-economic, cultural, historical, and institutional factors, which play different roles in the cause of conflicts in peri-urban Accra

(Lombard, 2016; Wehrmann, 2008a; Ubink, 2008). Importantly, the role of capital in the transformation of land and development of housing in peri-urban Accra mirrors the uneven power relations of actors, which is ultimately creating repression, domination and exploitation (Kaika and Swyngedouw, 2012; Heynen et al., 2006). On the surface, the triggers of land conflict in peri-urban Accra focus on contested ownership and indeterminate boundaries. Nonetheless, these conflicts are entrenched in intergenerational differences, different narratives of the ideas of past and land, multiple institutions and institutional inefficiencies and increasing commodification of land.

The complex engagement of these triggers further highlights the changing ideologies of land from a communal to an economic property (Chimhowu, 2019). This reflects in the intergenerational differences within families, which trigger different interpretation of land. This is similarly evident between the interaction of state and non-state actors where different ideas of land are generating competing interest over land. The difference in ideas about land within families as well as between state and non-state actors do not necessarily overlap considering the competing interests of these individual actors. Following Lund (2013), the multiple and often divergent interpretations of land sellers on what constitutes the past and land remains a contentious issue deepening land conflicts. Widespread unregistered and poor land documentation by various chiefs and family heads across the study communities mirrors the idea of conflicting past narratives as a cause of land conflict. The multiple institutional approaches to guiding peri-urban Accra, which are embedded in institutional ineffectiveness, coupled with the rapid capital transformation of the peri-urban constitute other triggers of land conflicts. Additionally, the slow evolution of both state and customary institutions in responding to the rapid urbanisation of peri-urban Accra, especially in the built environment constitute institutional deficiencies that trigger land conflicts. The study resolves that land conflict could increase given the increasing demand and the invasion of different informal actors into the land management structure. Actors such as land guards, who have identified institutional weakness and ambiguities in responding to the transformation of the land market, highlight some of the dynamics of peri-urban land conflict (Bansah, 2017; Darkwa and Attuquayfio, 2012; Darkwa, 2010; Badong, 2009). While these conflicts continue to deepen inequalities and uneven access, it is also creating new processes of fragilities and compromised conditions, which is shaping housing development in peri-urban Accra.

#### **8.4 Impact of land conflicts on individual housing development processes**

The study answered the fifth research question by analysing the opportunities and risks associated with housing development on conflicted land in peri-urban Accra. This is framed within the idea of fragile and compromised housing development, which examines how evolving processes of land conflict shapes individual housing development processes in peri-urban Accra. The increasing development of housing in peri-urban Accra resonates with the interplay of national and city-level factors such as increasing housing deficits, high rent and rent advance charges (Cobbinah et al., 2016; Owusu, 2013; Gough and Yankson, 2006). While this highlights the push factors, the factors pulling new settlers into peri-urban Accra include the rapid transformation of the area and the relative availability and cheaper cost of land. The interplay of these push and pull factors accounting for the transformation of peri-urban Accra create complex environments of unequal power relations, uneven access to land and land conflicts for housing processes. Compounding these challenges are the existing housing development problems such as poor housing finance (CAHF, 2019; Teye et al., 2015). The outcome of these interrelated challenges manifests in forms of fragile and compromised housing, which is generally creating new processes and outcomes of housing development.

Following the uneven access to land, everyday politics of land and land conflicts characterising peri-urban Accra, housing development has been plunged into deep multiple financial entrapments. These financial entrapments manifest in all levels of housing development, including the land acquisition, land registration and housing construction stages. Indeterminate boundaries, tenure uncertainties, corruption, and landguardism among others account for the factors creating financial challenges to housing development in peri-urban Accra. Some housebuilders, for instance, have to pay at least twice or more for land in order to start their housing process. The case of Oshiyie mirrors this multiple payments for land as the conflict in the community has compelled new owners to demand new payments. At the same time, housebuilders encounter land guards and cases of corruption at land registration centres and municipal assemblies, which increase the financial capital they have to invest in the building process.

With the impact of insufficient finances from costly and unreliable sources such as loans, savings, and salaries (Teye et al., 2015; Asiedu, 2007), housebuilders become significantly more indebted, and arguably for some, in an unsustainable way. This has led to many stalled housing construction processes and in extreme cases loss of land by vulnerable housebuilders. The study terms this as *capital lockdown* – a situation of committing money into housing processes and forgoing returns on investment without attaining any housing outcome. This form of fragility results in housebuilders becoming more indebted and at the same time, facing stalled development. This indebtedness further results in compromised housing output as housebuilder are unable to fund their anticipated house hence put up houses that are below what they had planned. Additionally, while paying multiple owners could safeguard a housing process, it is highly delicate as there may not be any beneficial outcome such as maintaining the land. Individual cases in all the four case study areas manifest the numerous housing processes at different levels of completion (Bartels, 2019; Gough and Yankson, 2006). In some distinct cases in Achiaman and Oshiyie where the conflict is relatively intense, some housebuilders lost their land, which indicates the extreme form of fragile and compromised housing.

Intensifying these challenges is also the case of increasing frequent demolition of houses by land guards, which cause delays in the building process. Delays in the court's adjudication of land cases, interlocutory injunctions, and mistrust in the court system were common underlying factors fuelling demolition (Bansah, 2017; Darkwa and Attuquayfio, 2012; Darkwa, 2010; Badong, 2009). In several cases, housebuilders who do not comply with court injunctions or could not wait for judgement on the land case, instead hire land guards to embark on the demolitions of structures belonging to their contenders on contested lands. The frequent demolition results in *cyclical building*, where victims continue to rebuild the demolished portion or the entire house each time demolition occurs. This cyclical building implies the lack of land or housing security in the building process. Aside from the increasing number of uncompleted buildings, many housebuilders remain dissatisfied with the outcome of the house. As mentioned earlier, housing outcomes become compromised because land conflict compels many people to either build a temporary structure or different structure on the land, which most often differs, from the anticipated design or plan. These compromised housing outputs are triggered by attempts to safeguard land from encroachers or contenders. Such houses are eventually inhabited by their



owners. Aside from the compromised housing output, the impacts of land conflict undermine the wellbeing of many housebuilders. Given the assault, violence, and injury meted out by land guards, some housebuilders get injured and subsequently develop physical disabilities. The cases of a female housebuilder in Oshiyie losing her foetus, and a male housebuilder in Achiaman bedridden with a stroke, reveal how fragilities associated with housing development in peri-urban Accra extend beyond the house. To this end, some housebuilders are unable to continue their housing process, resulting in further delays.

Existing concepts explaining the challenges of housing development, especially in the Global South evolves around informality, lack of finance, piecemeal and incremental approaches to housing development (Sawyer, 2014; Adam, 2014; Palmer et al., 2010; CAHF, 2019; 2017). While these concepts largely focus on the housing development processes, and often with little attention on the housing as a product, they are not always effective at capturing the specific power relations and dynamics associated with housing development processes in the context of land conflict. Furthermore, aside from a strong focus on the material qualities of informal housing, much of this literature does little to detail the housing product or construction process, nor the impact on housebuilders. The various terminologies and concepts used in the thesis including capital lockdown, cyclical building and fragile and compromised housing work to address this limitation in existing research. They unpack first, the highly political and violent conditions associated with land access for housing development. Secondly, they capture the outcome of these processes on the housing structure, which are usually deplorable. Given that housing development in the Global south entails significant steps such as land acquisition, designing, financing, mobilising building materials among others, these concepts further highlight the challenges that are possibly encountered at each stage of development. A case in point is while capital lockdown is associated with land access, cyclical building resonates with the building process. Similarly, compromised housing also resonates with the housing structure, which is the outcome of the housing development process. While these concepts are matched with the different stages of housing development, it is worth noting that they overlap in explaining the occurrences within the building process. This can be attributed to the complex processes of housing development as well as the overlapping nature of the building process. Finally, in relation to housing development in the Global south, these

concepts unveil the interrelationship between land administration challenges, which is a bane of metropolitan planning authorities in peri-urban areas, and housing development practices.

Fragilities and compromised outcome of housing due to conflict has resulted in multiple adaptive strategies of securing land. The erecting of fences around the land, putting up temporal structures, hiring caretakers, and hiring land guards are common strategies adopted by housebuilders in the protection of land. The most common among these strategies is the temporary development on the land, which is perceived as safer (Bartels et al., 2020; Amanor, 2006). While the above-mentioned actions of housebuilders portray that social legitimacy is safer and more powerful than legal legitimacy, it also presents too informal and more risky situation of future uncertainties and with significant costs. This creates the possibility of recurring fragilities and compromised housing processes. Understanding fragile and compromised housing as processes and outcomes of peri-urban transformation within a situated UPE approach unpacks more fundamentally, the everyday political and violent conditions shaping housing development. This situated approach, which explores peri-urban Accra as a transformation of nature adds to a situated analysis, which investigates the linking of everyday politics of land, uneven access and inequalities in housing development to wider socioeconomic, historical and political processes (Bartels et al., 2020; Lawhon et al., 2014).

## **8.5 Final concluding comments**

The thesis has used a situated UPE approach to contribute to analysing housing development in Peri-urban Accra by unpacking the fundamental processes embedded in wider socio-economic, political and historical factors shaping it. Given that the peri-urban transformation is capital-driven with levels of privatisation and intense politics, peri-urban Accra has become a contested space where there is the interplay of competing interests from state and customary institutions, private entities such as the real estate companies and individuals. The study concludes that housing becomes the most affected infrastructure given that it is the dominant infrastructure, around which all others evolve. With housing processes characterised with fragility and compromise, its impact is capable of transcending to the wider urban space to create broader forms of fragility in areas of peri-urban infrastructure development, including road networks, sanitation, water and public

spaces. That is, the increasing development of housing infrastructure without formal security of tenure and characterised with landguardism could shape the peri-urban space negatively. These negative outcomes include haphazard development, building without land title or building permits, which may result in new and complex forms of settlements, including informal settlements. Already, such developments of informal settlements manifest in older peri-urban areas of Accra, which have become consolidated and integrated with urban Accra.

## **8.6 Future research**

The overall aim of this study explored the interconnections of changing land tenure and its effect on housing in peri-urban Accra. Other significant issues emerged during this study, especially during the fieldwork, but they could not be discussed in-depth. To this end, the study proposes the following areas for future exploration. This will enhance a broader scope of understanding land and spatial transformation of peri-urban areas and its impact on social systems.

1. The study found that although land conflicts in the peri-urban areas involved a series of actors such as land sellers, individual house builders, state actors and real estate companies, the youth are a distinct group whose actions could generate land conflicts, stimulate, or intensify existing ones. Observably, the role of the youth in land conflicts is seemingly limited to landguardism and property violence. Importantly, future studies expanding on the scope of the youth will deepen and provide a comprehensive understanding of the youth as actors in conflict processes. Given that most of the youth involved in land conflict are males, a gendered study will help unpack the gender dynamics of the youth in land conflict.
2. In recent times of changing the perception of land from a communal to economic commodity, many people including women have been able to access land to build. Though the study did not go in-depth in assessing gender dynamics of accessing land, a further study on how gender influences access to land, and how access to land shapes gender relations, and how gendered dynamics shape conflict processes will be relevant to unpack the various forms of tenure transformation in the peri-urban area. A further dimension is exploring the role of class divisions in these spaces to understand the spatial dynamics of peri-urban development.

3. While the majority of the housebuilders in the peri-urban areas were resident in Ghana, a good number of housebuilders were also residing in the diaspora. It is important to also explore the challenges of managing land conflict while absent. Additionally, exploring the how land conflicts shape the process of housing development for people living abroad will help reveal new and different vulnerabilities (and bundles of power) in housing in peri-urban Accra and reveal more fully global patterns of accumulation.
4. Lastly, this current age of sustainable development has been proposed in various fields to ensure the building of resilient settlements, especially cities and peri-urban areas. Against this backdrop, it is important to examine the sustainable component of housing development in peri-urban areas. This will enhance exploring how land conflict is shaping new urban forms and the implication this has on overall urbanism in SSA.

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## **APPENDICES**

### **APPENDIX I**

#### **INTERVIEW GUIDE FOR STATE ACTORS**

##### **1. Ministry of Land and Natural Resource**

###### **SECTION I: Land Policy**

1. What are the existing policies guiding land in Accra and its peri-urban areas?
  - a. To what extent have these policies changed and what has accounted for the change?
2. What policies are guiding the sale of lands in Accra and its peripheries, and how are these changing?

###### **SECTION III: Land Transformation and its associated challenges**

3. What are the emerging advantages and challenges associated with the land market in Accra and its peripheries?

###### **SECTION IV: Institutional Management**

4. How is the ministry managing current land transformation processes in Accra and its peripheries?
5. How does the ministry interact with other stakeholders in the land sector and what are the outcomes of these interactions?
6. Do the current statutory arrangements restrict/conflict with the customary tenure arrangements?
7. What can be done to ensure sustainable housing production in peri-urban Accra?

## **2. Ministry of Works, and Housing**

### **SECTION I: Housing Policies**

1. What are the policies guiding housing development in Accra and Ghana?
2. What roles do you play in the following sectors of housing?
  - a. Social housing development
  - b. Private real estate development
  - c. Self-built housing development
3. What policies guide self-built houses and to what extent have these policies changed?

### **SECTION II: Individual Housing development in peri-urban Accra**

4. What factors are driving self-built housing in Accra and its peri-urban area?
5. What are the major challenges facing individual housebuilders in the process of developing their houses in peri-urban Accra?

### **SECTION III: Land conflict and implication on Housing and way forward**

1. What role is the current transformation of land playing in housing development in Accra and its peri-urban areas?
4. What role is land conflict playing in self-built housing in peri-urban Accra

### **SECTION IV: Institutional Management**

6. How is the ministry responding to current housing challenges faced by individual housebuilders?
7. How does the ministry interact with other stakeholders in the housing sector and what are the outcomes of these interactions?
8. Do the current statutory arrangements restrict/conflict with the customary tenure arrangements?

### 3. The Ghana Lands Commission

#### **SECTION I: Land Acquisition and Registration Process**

1. What are the current procedures of land registration and how are have these changed over the years
2. How is the Lands Commission responding to current land transformation and tenure practices in Accra and its peri-urban areas?

#### **SECTION II: Land conflict and land registration**

3. How is land conflict affecting the following:
  - a. Land registration processes
  - b. Housing development

#### **SECTION III: Institutional Management and Way forward**

4. What role does the Land Commission play in the mitigation and prevention of land conflicts in peri-urban Accra?
5. What challenges do you face in the implementation of your roles?
9. How does the Lands Commission interact with other stakeholders in the housing sector and what are the outcomes of these interactions?
6. Do the current statutory arrangements restrict/conflict with the customary tenure arrangements?
8. What can be done to ensure effective and efficient land registration practices?

#### 4. Land Use and Spatial Planning Authority & District Assembly

##### **SECTION I: Land transformation and spatial planning**

1. What are the various planning regulations guiding spatial planning in the municipality?
  - a. What are the aspects of customary land experiencing transformation in the municipality?
  - b. How are the spatial planning policies responding to the land transformation in the municipality?

##### **SECTION II: Land conflicts and spatial planning**

2. How is the transformation of land influencing the evolution of land conflicts in the municipality?
3. What are the various forms of land conflict in the municipality?
4. How is land conflict affecting the following:
  - a. spatial planning
  - b. housing development processes

##### **SECTION IV: Institutional Management and Way forward**

6. How is the planning authority responding to the land conflicts in your municipality?
7. How do planning authorities interact with other stakeholders in the housing sector and what are the outcomes of these interactions?
8. Do the current statutory arrangements restrict/conflict with the customary tenure arrangements in spatial planning measures and land management?
9. What can be done to ensure sustainable housing development in peri-urban Accra?

## **5. The Law Courts**

### **SECTION I: Land transformation and Court Cases**

1. How is the transformation of land in peri-urban Accra influencing the cases reported at the law court?
2. What are the types of civil cases reported to the courts?
3. Which of these civil cases are dominant?

### **SECTION II: Land conflicts and court procedures**

4. What are the underlying factors causing land conflict in peri-urban areas?
5. How is the court responding to land conflict within its jurisdiction?
6. What are the challenges facing the court in dealing with land conflicts?

### **SECTION IV: Institutional Management**

7. What mechanisms have the court put in place to mitigate or manage individual land conflict in the peri-urban area of Accra?
8. How does the court interact with other stakeholders in the housing sector and what are the outcomes of these interactions?
9. Do your current statutory arrangements restrict/conflict with the customary tenure arrangements in managing land conflicts?
10. What can be done to ensure sustainable housing development in peri-urban Accra?



## **6. Ghana Police Service**

### **SECTION I: General Land Cases**

1. What are the emerging issues associated with land transformation in the peri-urban area?
2. What are the types of cases reported to your institution?
3. Which of these cases are dominant?

### **SECTION II: individual land conflict and implication on Housing and way forward**

4. What are the underlying factors causing land conflict in the municipality?
5. How is the police responding to land conflict within its jurisdiction?
6. What are the challenges facing the police in dealing with land conflicts?

### **SECTION IV: Institutional Management**

7. What mechanisms have the court put in place to mitigate or manage individual land conflict in the peri-urban area of Accra?
8. How do the police interact with other stakeholders in the housing sector and what are the outcomes of these interactions?
9. Do your current statutory arrangements restrict/conflict with the customary tenure arrangements in solving land cases?
10. What can be done to ensure sustainable housing development in peri-urban Accra?

## APPENDIX II

### INTERVIEW GUIDE FOR NON-STATE ACTORS

#### 1. Traditional Leaders (Chiefs)

##### **SECTION I: Land Ownership**

1. Who are the owners of land in this peri-urban community?
  - a. What rights/interest do these subgroups have in the management (sale and use) of land in this community?
2. Describe the values indigenes attach to customary land in the community?
3. Have there been any changes in the way indigenes currently value the land in this area?
4. What rights of use to land do indigenes and settlers possess and are there any restrictions?
  - a. What is the tenure duration for indigenes to hold their land rights?
  - b. For what period (duration) do you give land to settlers for housing development and for other developments?

##### **SECTION II: Tenure and Land acquisition**

5. What are the modes of transfer in land (sale) to indigenes and settlers, and what are the associated restrictions and challenges to these modes of transfer?
  - a. Have there been any changes in the mode of transferring land (sale) in the past years?
6. To what extent has the following aspects of customary tenure and land management practice **changed** in this area and what are the underlying factors accounting for the change and what are its associated restrictions?
  - a. Land ownership
  - b. Use rights
  - c. Mode of transferring land
  - d. Land use pattern
  - e. Land acquisition
  - f. Customary laws guiding land

##### **SECTION III: Land and Institutional Management**

7. What customary institutional arrangements exist for:
  - a. Allocating or selling land for residential purposes?
  - b. Registration, recording and tracing lands that have been allocated?
  - c. Which aspects of these institutional arrangements have changed over the past 20 years?
8. What role do you play in the modern land management systems in Peri-urban areas?

- a. What other institutions do you collaborate with in the management of peri-urban lands?
  - b. Do the current customary arrangements restrict/conflict with the statutory tenure arrangements in the management of land?
9. What challenges do you face in the implementation of your roles?

**SECTION IV: Land conflict and implication on Housing and way forward**

10. What are the underlying factors resulting to the private individual (housebuilders) land conflict in the area?
11. What are the implications of these conflict on
  - c. Housing development
  - d. Housebuilders
12. What mechanisms have you put in place to manage these individual land conflicts?
13. What can be done to ensure sustainable housing development in peri-urban Accra?

## **2. Land sellers**

### **SECTION I: Ownership and value of land**

1. Who are the owners of land in this customary area?
  - a. Is there any sub-group ownership in the customary area? and what is it's composition?
  - b. Do other people (settlers/migrants) and the State own land in these study areas?
2. To what extent have land tenure systems undergone changes in this area?
3. What are the factors accounting for this change?
4. Describe the values indigenes attach to customary land in this area?
5. Have there been any changes in the ways indigenes value their land?
6. What rights of use to land do indigenes and settlers possess and are there any restrictions?
  - a. What is the major land use type in this customary area?
  - b. To what extent has this land use changed over the past 20 years?
  - c. What is the tenure duration for indigenes to hold their land rights?
  - d. For what period (duration) do you give land to settlers for housing development and for other developments?

### **SECTION III: Land Sale and Registration**

7. Who are mainly responsible for selling land in this customary area?
  - a. Are there other people who sell land in this customary area?
8. What is the requirement for selling lands in this customary area?
9. What role do you play in the private individual's land registration process in this area?
10. To what extent has this role changed and what factors have accounted for this change?

### **SECTION IV: Land Conflict**

11. What are the fundamental causes of individual land conflict in this area?
12. How does individual land conflict affect;
  - a. housing development
  - b. housebuilder?

### **SECTION V: Management and Institutional Collaboration**

13. How do individual land buyers solve land conflicts in this area?
14. what measures have you put in place to prevent or mitigate individual land conflict in this area?
15. What challenges do you face in carrying out these duties?
16. Which other institutions do you collaborate with in the management of peri-urban lands and its associated conflicts?

17. Does your current arrangements in the sales of land restrict/conflict with the statutory tenure arrangements?
18. What can be done to ensure sustainable housing development in peri-urban Accra?

### **3. Housebuilders**

#### **SECTION I: LAND ACQUISITION AND LAND REGISTRATION PROCESSES**

1. Who did you buy your piece of land from and how much was it?
2. What process was involved in the purchase of land from this person/family/chief?
3. What process did you go through to register your land?
4. What challenges did you face in the registration of your land?

#### **SECTION II: LAND CONFLICTS**

5. How did you get into land conflict with your competitor?
6. What were the causes of this land conflict?
7. How and where did you manage to resolve your conflict?

#### **SECTION III: Effect of Land Conflict on Housing Production**

8. To what extent has the following aspect of your housing development being affected by the land conflict?
  - a. Architectural plan of the house
  - b. Building materials
  - c. Financing the building
  - d. Time of construction
9. How has your wellbeing been affected by this land conflict and building process?
10. How did you manage to complete your house amid the conflict?
11. How did the registration of your land also affect your building process?

#### **SECTION IV: Mitigation measures**

12. In your opinion, what can be done to prevent land conflict among individual house builders in this area?
13. In your opinion, what can be done to enhance the effective registration of land by housebuilders?
14. In your opinion, what can be done to ensure housebuilders have a non-violent environment to complete their houses?

## APPENDIX III

### Interview Forms

#### 1. Participant information sheet



### **PARTICIPANT INFORMATION SHEET**

#### **Research Project Title**

Peri-urban Development: Land Acquisition, Land Conflict and its effect on Housing Production in Peri-urban Accra, Ghana.

#### **Invitation paragraph**

You are being invited to take part in my research project conducted as part of my PhD programme. Before you proceed, it is important for you to understand what the project is about and what is required of you as a participant. Please take the time to read carefully the following information. Also, take the time to decide whether or not you wish to participate in this project. Thank you for reading this.

#### **What is the project's purpose?**

Peri-urban areas in most African cities, particularly Accra, are in recent times experiencing rapid physical and economic development. Significant among this transformation is the increasing residential development characterising the peri-urban space. However, the problems surrounding land acquisition processes, coupled with associated land conflicts in most peri-urban areas of Accra are having a diverse effect on how houses are produced, in terms of the time spent in building and the type of houses put up among others. The overall aim of my PhD research is to investigate and analyse the interconnection between these land acquisition processes, land conflicts and the extent to which they affect housing construction in peri-urban Accra. I am particularly interested in understanding the how peri-urban land tenure systems are undergoing changes; the institutional roles in managing these changing land tenures, the risks faced by housebuilders and lastly, how land acquisition processes and land conflict is affecting the nature of houses produced in peri-urban Accra. Finally, the study will help inform land and housing development policies to focus on creating a sound environment for individual housebuilders, who form the majority of housing providers in Ghana.

#### **Why have I been chosen and do I have to participate?**

This project involves interviews which will be conducted for individual housebuilders, land sellers all totalling about 40 and expert interviews from government institutions, traditional institutions and other private institutions in the community involved in the land and housing sector. A total of about 20 experts from these institutions will be interviewed. It is up to you to decide whether or

not to participate. You do not have to participate, however, if you decide to take part, you will be given a consent form to sign. You are however free to withdraw at any point of the interview. If you decide to withdraw, then your responses to the questions up to that point will be discarded unless you give me explicit permission to use them.

**What does participation in this project involve?**

You do not require any special preparation to take part in the research. Upon agreement to partake in this research, an interview date will be scheduled with you. The date and location selected will all be of convenience to you. Participation in this research will involve a 40 minute to 1hour interview. You are required to respond to questions by sharing your experiences, opinions and ideas about the processes involved in the acquisition of land and its registration, how land conflicts are generated among housebuilders and land sellers, and the challenge housebuilders go through in building their houses in Peri-urban Accra. Again, you may withdraw from the interview at any given time and you do not have any obligation to provide reasons for your decision

**Are there any risks to taking part?**

Taking part in this research does not pose any major and significant threat to you. However, you might face some discomforts when you recall past events of some encounters you might have had when dealing with land issues especially how fighting over the ownership of the land threatened your welfare.

**What are the possible benefits of taking part in the research?**

Whilst there are no immediate benefits for the people participating in the research, it is hoped that the results of this work will help inform, advice, educate, advocate and advice government and other stakeholders in the land and housing sector to come out with effective and efficient land tenure policies in order to guide land acquisition and individual housing development.

**Will the interview be recorded?**

Based on a given consent and approval by the participant, the interviews will be an audio recorded and additional notes will be taken during the process. This audio recording will be transcribed, analysed and used for research purposes, including academic presentations and publications. There will not be any other use without your written permission. Also, apart from me, no other person will have access to these recordings

**Will my taking part in this project be kept confidential?**

All information given by you during the course of the research will be kept strictly confidential. Your name will not be directly linked with responses in the final PhD thesis or in other academic publications. All the audio recordings will also be kept confidential and these will be accessible to only me.

**What type of information will be sought from me and why is the collection of this information relevant for achieving the research project's objectives?**

The major information that will be sought from you will include your experiences, experiences and ideas about land tenure in peri-urban Ghana, land acquisition processes, land conflict and how

housebuilders are affected by these issues in an attempt to build their houses in peri-urban Accra. This has become necessary as your response will help introduce new perspectives to the research. Also, since land and housing issues are complex and involves lot of stakeholders, your contribution will help the research to understand how various stakeholders interact with other stakeholders in the land and housing economy of peri-urban Accra, Ghana. Overall, the primary aim of the study, which examines various aspect of land and housing will be met.

**What will happen to the results of the research?**

Results of the research will be published in the final thesis document submitted to the Department of Urban Studies and Planning, University of Sheffield and in other academic publications such as journals. The final thesis document is likely to be published in September 2019. A copy of this can be obtained online from the thesis repository of the University of Sheffield upon request. Your responses shall remain anonymous hence you will not be identified in any report or publication. As a result of the nature of this research it is very likely that other researchers may find the data collected to be beneficial in answering future research questions on peri-urban land and housing. I will write to ask for your consent for your data to be shared in this way and approve, I will ensure that the data collected about you is untraceable back to you before allowing others to use it'

**Who are the funders of the research?**

This research is funded by the Economic and Social Research Council, United Kingdom and the National Research Fund, South Africa.

**Who has ethically reviewed the project?**

This research has been ethical reviewed and approved by the University of Sheffield Ethics Review Panel

**Who do I contact for further information?**

For further information and complains please contact:

Divine Mawuli Asafo (Doctoral Researcher)

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**Finally, a copy of this information sheet and the consent form will be given to you for proof of participant and for future reference.**

**Thank you for your time and willingness to participate in this research**



## 2. Participant consent forms



**Department of  
Urban Studies &  
Planning**

### ***Participant Consent Form***

Title of Research Project: Peri Urban Development: Land acquisition, Land conflict and its effect on Housing Production in Peri-urban Accra, Ghana.

Name of Researcher: Divine Mawuli Asafo

**Participant Identification Number for this project: .....**

**Please tick box**

1. I confirm that I have read and understand the information sheet/letter (delete as applicable) dated *[insert date]* explaining the above research project and I have had the opportunity to ask questions about the project.
  
2. I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason and without there being any negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline. *Insert contact number here of lead researcher/member of research team (as appropriate).*
  
3. I understand that my responses will be kept strictly confidential (only if true). I give permission for members of the research team to have access to my anonymised responses. I understand that my name will not be linked with the research materials, and I will not be identified or identifiable in the report or reports that result from the research.
  
4. I agree for the interview to be audio recorded
  
5. I agree for the data collected from me to be used in future research
  
6. I agree to take part in the above research project.

\_\_\_\_\_  
Name of Participant  
(or legal representative)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of person taking consent  
(if different from lead researcher)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

*To be signed and dated in presence of the participant*

\_\_\_\_\_  
Lead Researcher

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

*To be signed and dated in presence of the participant*

Copies:

*Once this has been signed by all parties the participant should receive a copy of the signed and dated participant consent form, the letter/pre-written script/information sheet and any other written information provided to the participants. A copy of the signed and dated consent form should be placed in the project's main record (e.g. a site file), which must be kept in a secure location.*