

**LAND GOVERNANCE AND COMPETITION FOR SPACE IN GHANA'S  
EMERGING OIL CITY, SEKONDI-TAKORADI.**

**DENCHIE OHENEWAAH ERNESTINA**



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### **Dedication**

To my beloved brother, Obed Kwasi Asamoah who took care of my siblings and me ever since our parents passed on. We will always love you brother. I equally dedicate this to my beloved and friend, Kwame Owusu-Boateng, for your great support and encouragement.

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## **Abstract**

Expectations have been high in Ghana since the discovery of oil and gas in 2007 in the Jubilee Field, located about 60 kilometers off-shore near Sekondi-Takoradi. Owing to the potential economic growth, the city of Sekondi-Takoradi is experiencing a massive influx of both local and foreign labor migrants and investors, leading to a high demand for land for business activities and housing. However, the increasing land value that rapid urbanization has brought about presents challenges. One of these challenges is the competition for space to accommodate the influx of people seeking land for offices, shops, billboards, warehousing and housing in the metropolis, which can result in conflicts over land rights.

Land tenure in Sekondi-Takoradi is characterized by legal pluralism which involves the coexistence of customary and statutory land administration which often leads to multiple ownership of land, land claims, conflicts, frustrations, and competition.

This study adopted the political ecology approach together with the concept of discourse, institutions and power to investigate how actors involved in land governance and dispute resolutions seek to resolve the increasing number of land conflicts in the expanding oil city, Sekondi-Takoradi and to study the outcomes for various groups of these land conflict resolution processes. The mixed method approach was used in data production for the study.

This study found that land governance and procedures of accessibility are influenced by institutions which have been legitimized over time. It was also revealed that land conflicts are amongst the unpleasant effects of the city's expansion due to multiple sales of the same piece of land as well as a plurality of interest in land. This study found that in the event of resolving these land conflicts, economic power alone may not be the influential factor, but a combination of state power with informal institutional status. Hence, the individual or groups with a combination of both economic and traditional or state power can win a case of land conflict. The study suggests that power is not all about following formal procedures, but also other informal norms in which actor's actions are embedded. Thus, land governance and conflict resolution in Sekondi-Takoradi is embedded in both formal and informal practices.

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## **Abbreviations**

ADR: Alternative Dispute Resolution

GSS: Ghana Statistical Service

LC: Lands Commission

LAP: Land Administration Project

MLF: Ministry of lands and forestry

MCE: Metropolitan Chief Executive

NGOs: Non-Governmental Organizations

OASL: Office of Administrator of Stool Lands

PE: Political Ecology

RLC: Regional Lands Commission

STMA: Sekondi-Takoradi Metropolitan Assembly

TCP: Town and Country Planning

WRHC: Western Regional House of Chiefs

NOTE: Ghana Cedi to USD rate – 3.819

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background of the Study

Oil and gas was discovered in 2007 in the '*Jubilee Field*', located about 60 kilometers off-shore near Sekondi-Takoradi. The name '*Jubilee Field*' resonates with the celebration of Ghana's 50 years of independence which coincided with the oil discovery. Oil production started in late 2010, and further spurred hopes of rapid employment creation and other development opportunities for Sekondi-Takoradi, the city's surrounding regions, and Ghana at large.

Owing to the potential economic growth, the city of Sekondi-Takoradi city is experiencing a massive influx of both local and foreign labor migrants and investors, leading to a high demand for land for business activities and housing (Ghana Business News, 2012). Sekondi-Takoradi is the capital city of the Western Region and the third largest city in Ghana. The population of Sekondi-Takoradi Metropolis, according to the 2010 Population and Housing Census, is about 559,548 representing 23.5 percent of the western region's total population (GSS, 2012). Rapid urbanization has potential for economic growth in the city as multiplier effects are generated by upstream and downstream activities (Obeng-Odoom, 2012). However, rapid urbanization has also brought about increasing land values that present challenges such as competition for space to accommodate the influx of people seeking land for offices, shops, billboards, warehousing and housing in the metropolis. These challenges result in conflicts over land rights.

Land tenure in Ghana, and by extension Sekondi-Takoradi, is characterized by a complexity of networks and relationships, reflecting the unique traditional and political organization and attributes of the various ethnic groups, clans, and families, who through conquests and assimilation and early settlement came to acquire ownership of land (MLF, 2003). Hence, chiefs, family heads, and elders are in effect land managers, allocating plots and running customary courts for the settlement of land and other disputes, even where statutory systems do exist (Crook, 2009: 131). Statutory land tenure coexists with the customary tenure, which results in overlapping rights, contradictory roles, and competing authorities. Studies have shown that Ghana, including Sekondi-Takoradi, has more than 100 statutes on land ownership, tenure, planning and use, in addition to the different customary laws that pertain to specific localities (Larbi, 2006). The coexistence of

customary and statutory land administration often leads to multiple ownership of land and land claims in cases where access to wealth and authority are undergoing rapid change (Ubink, 2008b), which mostly results in conflicts, frustrations, and competition (Agbosu et al., 2007). Thus, competition over land brought about by increasing urbanization in Sekondi-Takoradi is likely to affect and be affected by the already complex land ownership and administration systems present in Ghana.

In the event of conflicting interest over land, power may be wielded by influential actors such as chiefs, family heads, government officials and others with authority, to enrich themselves, often to the detriment of other weaker land users (Ubink, 2007). Many people therefore lose their land, their employment and their income base, with little or no benefit from the leasing out of land; they are rarely and inadequately compensated for land loss (Ubink, 2007; Kasanga and Kotey (2001:18). Thus, the competition for space resulting from the oil production creates contestations and land claims, as well as clandestine land markets and land disputes between supposed owners of the land. Boundary disputes and self-allocation of plots among family members have a greater chance of proliferation. This is a phenomenon widely known to generate conflicts in Ghana (Kasanga, 1996). This phenomenon can obstruct land-related development projects by investors, the government, and individuals. These phenomena are in conflict with some of the positive expectations of people about the potential economic benefits resulting from the expansion of Sekondi-Takoradi as an oil producing city.

Since land is a key asset, land governance is of fundamental importance for economic activity, poverty reduction, sustainable development, and the well-being of households (Songsore, 2003). However, in this context, where both the state and traditional rulers are involved in land administration and conflict resolution, it is important to examine the land-related conflicts that may result from the competition for space and the institutional procedures in settling these conflicts with a particular focus on Sekondi-Takoradi. Hence, the main aim of this study is to investigate how actors involved in land governance and dispute resolutions seek to resolve the increasing number of land conflicts in the expanding oil city, Sekondi-Takoradi and to study the outcomes for various groups of these land conflict resolution processes.

## 1.2 Study Area

This study was conducted in the Sekondi-Takoradi Metropolis, the regional capital of the Western Region of Ghana. It is a twin city and the third largest city in Ghana and the most urbanized among the 22 districts in the Western Region (GSS, 2012). Sekondi-Takoradi Metropolis is located in the south-eastern part of the Western Region. The metropolis is bordered to the west by Ahanta West District and the east by Shama District. At the south of the metropolis is the Atlantic Ocean and at the northern part is Wassa East District (See Map 1.1; Points used for communities in the map are the central spots from which coordinates were taken). The area of the metropolis is 191.7 km<sup>2</sup> and Sekondi-Takoradi is the regional administrative capital.

**Map 1. 1. Map of Sekondi-Takoradi Metropolis.**



Source: Modified from Google Earth.

### **1.2.1 Population and Education and Economic Activities**

The population of the metropolis increased from 1,924,577 in the year 2000 to 2,376,021 in 2010 (GSS, 2012). Of the population 11 years and above, 89.5 percent are literate, and 10.5 percent are non-literate. The proportion of literate males is higher (94.0 %) than that of females (85.1%).

The Takoradi Harbour was established in the metropolis in 1928 by the British colonial administration under Governor Sir Gordon Guggisberg administration as the first port of Ghana, handling both imports and exports of minerals, forest products, and semi-processed foods. Exports and import from landlocked countries in West Africa are channeled through Takoradi harbor (Sekondi-Takoradi Metropolitan Assembly, 2014; 2010; GSS, 2012).

Sekondi-Takoradi is also amongst the hubs of industrial activities in Ghana. The metropolis is one of the most industrialized in the country and the most developed among the 22 districts in Western Region. About 60% of all industries in the Western Region is located in the Sekondi-Takoradi Metropolis. The major industrial sectors in the metropolis include mining and quarrying, electricity power generation (thermal) and metal fabrication and manufacturing (examples include Agro/Forest products processing, West Africa Mills, Cocoa processing companies and Dupaul Wood Treatment Plant and other small scale businesses) (Ministry of Food & Agriculture, 2011; GSS, 2012; Sekondi-Takoradi Metropolitan Assembly, 2010).

Service and administration drive the economy of the metropolis. Tourism and fishing are other key economic activities. Only 9.6 percent of households in the metropolis is engaged in agriculture. The private informal sector is the largest employer in the metropolis, employing about 69.3 percent of the population (GSS, 2012).

The building structures of the metropolis can be summarized in the following manner. The housing stock of the Metropolis is 60,705 representing 16.0 percent of the total number of houses in the Western Region. Private Individuals own Forty-two percent of the dwelling units in the Metropolis, and household members own 32.8 percent. Only 1.3 percent of the dwelling units are owned through mortgage schemes.

### **1.2.2 Socio-Cultural and Political Administration**

The indigenous people of Ahanta and Fante exhibit a high degree of cultural homogeneity in areas of lineage organization, inheritance and matrilineal inheritance system of succession. The

distribution of the proportion of ethnic group in the Sekondi-Takoradi Metropolis is as follows: Fantes, 46.5 percent; Ahantas, 12.2 percent; Asantes, 12.2 percent; Nzemas, 3.8 percent; and Wassa, 3.0 percent. The proportion of the remaining ethnic groups is below 3 percent (GSS, 2012). Fante is the widely spoken language in the Metropolis, in addition to Ahanta and other local languages. The indigenous people are predominately Akans (Ahantas). Traditional administration of the metropolis rest on three areas: Sekondi, Essikado, and Takoradi, each headed by a paramount chief (Omanhene) followed by other sub-chiefs and community leaders each together with a queen mother (not the wife of the chief but a respected female chosen from the royal family lineage).

The political head of the Metropolitan Assembly is the Chief Executive (MCE) appointed by the president of the republic in-line with the 1992 constitution, and the Chief Executive is supported by a presiding member and 72 Assembly members. The administrative set-up comprises all 16 decentralized departments. To ensure effective administration, the Metropolis has been divided into four sub-metropolitan areas called 'sub-metros,' namely; Sekondi, Takoradi, Essikadu/Ketan and Effia/Kwesimintsim. There are five (5) constituencies in the Metropolis namely Effia, Kwesimintsim, Sekondi, Takoradi and Essikadu/Ketan.

The recent influx of migrants due to the oil activities has led to the conversion of houses, open spaces and other fields to host the industrial and residential structures with diverse consequences on land governance in the metropolis. This study, therefore, explored the effects of these changes on land governance and how land disputes are resolved.

### **1.3 Problem Statement**

Following the discovery and production of oil, many people anticipated that oil production in the country would make Ghana a net exporter of crude oil and crude oil products, leading to increased revenue through taxes and royalties (Ofosu-Appiah, 2007). Others posited that oil production would promote development in Ghana as has been seen in other oil producing countries like Norway and United States of America (BBC News, 2007; BBC, 2010; BBC Africa, 2011; Ministry of Energy, 2010).

In contrast, some observers worry that the oil activities may have detrimental effects such as inflation, political instability, and increased inequality (Breisinger, et al., 2009; Nkrumah, 2010; Ofosu-Appiah, 2007; Zotorvie, 2010).

Therefore, some experts have offered suggestions to the Ghanaian government to help balance the anticipated problems for the oil industry in the country (UN Integrated Regional Information Networks, 2010; Yalley & Ofori-Darko, 2012).

Several attempts have also been made in the area of infrastructure development, petroleum revenue management, and Ghana's oil policy, to ensure the smooth operation of the oil activities and national development. (Abuabey-Dortey, 2009; Halcrow Engineers, 2010; Oil and Gas Policy 2008). Anticipation related to mineral resource development is not new in Ghana. Cities such as Obuasi, Tarkwa, and Prestea's development are closely related to the development of mineral extraction (Songsore, 2003; Owusu, 2005; Songsore 2009). However, amidst the discussion about the emerging oil industry, there has been a lack of attention to the role that land governance and the conflicts that are generated in relation to the oil activities could play in the actualization of the nation's developmental objectives. For instance, the complex procedures involved in land acquisition have the potential to delay the execution of projects of individuals and other investors, and yet there is a dearth of literature on land competition and conflicts resulting from the high demand for land for both residential and industrial purposes. This study seeks to fill this gap in the literature by examining the land governance structure, land conflicts, and how land conflicts are resolved in Sekondi-Takoradi.

#### **1.4 Research Objective**

The main aim of this study is thus to investigate how actors involved in land governance and dispute resolutions seek to resolve the increasing number of land conflicts in the expanding oil city, Sekondi-Takoradi and to study the outcomes for various groups of these land conflict resolution processes. Specifically, the study answered the following research questions:

1. What are the evolving land-related conflicts and differing opinions of interest groups about access, user rights and ownership of land?
2. Have existing land tenure patterns changed as a result of the competition for space in Sekondi-Takoradi?
3. How do the formal and informal institutions of land governance handle emerging land governance challenges and resolve land-related conflicts?



4. How and why do particular social groups and individuals become winners and losers in the land claims and competition for space?

To answer these questions, fieldwork was conducted between May and August 2015 in Sekondi-Takoradi. Data for the study was produced through the mixed method approach. The study is equally informed by the political ecology approach together with the concepts of discourse, institutions and power.

### **1.5 Organization of Chapters**

The manuscript is divided into eight chapters. Chapter one presents a general overview of the study, the problem statement and a justification for the study; it equally gives brief background information about the study area. In the same chapter, the research objectives and research questions for the study are presented. Chapter two looks at the theoretical approach and concepts that shaped the study. Chapter three explains the methodological approach and the ethical considerations used in data production. Chapter four provides a historical overview of land governance in Ghana, using Sekondi-Takoradi as a case study. Chapters five and six provide an analysis of the data produced. Chapter seven discusses the empirical findings in relation to the theories and concepts used in the study. Chapter eight summarizes the findings of the study in relation to the research questions. It also provides a general conclusion for the study in relation to the research objectives.

## **CHAPTER TWO**

### **THEORETICAL FRAMEWORK**

#### **2.1 Introduction**

Theories and concepts influence the structure of research and guide the perception of social scientists and how empirical research is undertaken. Theoretical underpinnings serve as the lens through which social scientists explain, observe, organize and conceptualize social phenomena. This study adopts the political ecology approach to analyze the processes of land governance, land accessibility and conflict resolution procedures. The concepts of discourse, institutions, and power also serve as the conceptual framework for exploring land discourses as well as the politics and power surrounding land ownership and accessibility in Sekondi-Takoradi. These concepts (discourse, institutions, and power) are also studied using the political ecology approach. In this chapter, I will discuss these theories and concepts and explain how they relate to my research objective.

#### **2.2 Political Ecology**

Political ecology (PE) studies the “complex relations between nature and society through analysis of social forms of access and control over resources” (Peet and Watts, 2004: 4). PE is based on the premise that, environmental problems may be perceived in a variety of ways or may be considered socially constructed (Blaikie, 1985 in Peet and Watts, 2004; Greenberg and Park, 1994). In research, PE lay emphasis on the political and economic structures and institutions in which human transformation of natural resources are embedded (Neumann, 2005:9). PE also focuses on the analysis of multilevel connections as well as decision-making and hierarchies of power (Adger et al., 2001). The phrase ‘political ecology’ “combines the concerns of ecology and a broadly defined political economy. Together this encompasses the constantly shifting dialectic between society and land-based resources, and also within classes and groups within society itself” (Blaikie and Brookfield 1987: 17 cited in Robbins 2004).

PE is mostly credited to Eric R. Wolf based on his article entitled “Ownership and Political Ecology,” in which he discusses how local rules of ownership and inheritance “mediate between the pressures emanating from the larger society and the exigencies of the local ecosystem” (Wolf 1972: 202 in Environment and Ecology, 2016).

Historically, the focus of PE has transition from a 'structuralist' approach through the 1970s and 1980s where ecology was the major focus to a 'poststructuralist' approach which lays emphasis on politics (Walker, 2005: 74)

Early research in PE often utilized the framework of political economy "primarily, to understand the political dynamics surrounding material and discursive struggles over the environment in the third world" (Bryant 1998: 89). This was due to a growing concern and interest in the numerous agrarian revolutionary movements in the 1960s and 70s and interest in farmers in the developing world (Greenberg and Park, 1994; Robbins, 2004). However, proponents of political economy viewed the rural peasantry of the developing world as irrational and inefficient and reduced everything to social constructions. They insisted on the need to link the distribution of power with productive activity and tended toward overly structuralist explanations (Robbins, 2004; Greenberg and Park, 1994; Perry 2003: 123). This was spurred by a neo-Marxist school of thought who focused on describing exploitive first/third world relationships, class inequalities, and explanations to environmental resource degradation in the developing world (Bryant 2001; Robbins, 2004). For instance, 'The Political Economy of Soil Erosion in Developing Countries by Piers Blaikie in 1985, traced land degradation in Africa to colonial policies of land appropriation, rather than over-exploitation by African farmers (Environment and Ecology, 2016).

This reductionist view and the disregard for the non-human aspect of society were met with criticism from researchers adhering to what later became known as peasant studies and ecological analysis (Greenberg and Park, 1994; Robbins 2004). Their criticisms were based on the premise that culture depends on and is influenced by, the material conditions of society (Greenberg and Park, 1994; Robbins 2004). For example, cultural ecologists attempted to explain the evolution of specific cultural practices and institutions regarding adaptations to ecological systems, and to explain how internal dynamics within systems can lead to change and development through time (Bateson 1972 in Greenberg and Park, 1994). They, therefore, emphasized that nature and society are both socially constructed, but both are determined to some extent by system-like constraints that are neither the deliberate nor inadvertent products of purposive human activity (Greenberg and Park, 1994). An example of this was the critique offered by common property theorists, a school of thought which studies collective ways of managing common pool resources (Robbins 2004). They criticized Hardin's article on Tragedy of the Commons (Hardin 1968 in Robbins

2004:52) which argues that, the collective use of natural resources is bound to result in over-exploitation and resource depletion. By such contention, Hardin and other tragedy proponents concluded that the solution to the tragedy of the commons is state control or private market solutions to common pool resource management (Hardin 1968 in Robbins 2004). Common property theorists rejected the simplified tragedy explanations to resource degradation as well as its suggested solution. They turned to empirical examples of ‘collective stewardship’ where common pool resources are managed sustainably, and argue that failure of collective management of resources was the result of failures in the specific structure of rules that govern the collective property (Robbins 2004: 53). They thus suggested ‘that the recovery of sustainable management is a task of crafting new and better rules, not one of slicing up the commons into private bits, nor imposing strong-arm central authority’ (Ostrom 1990, 1992 in Robbins 2004: 53).

Thus, theorist of cultural ecology incorporated ecology and environment into PE (Perry 2003). Yet, they were criticized for “separating economic from other aspects of life” and tended to ignore the impact of environment on political and economic factors (ibid: 157).

Recognizing these flaws in political economy and cultural ecology, scholars such as Wolf, Blaikie Greenberg & Park and others worked with the strengths of both to form the basis of political ecology (Environment and Ecology, 2016). Hence, research within political ecology focused on how and why institutionalized beliefs about environmental change come into place, and on finding an alternative, more inclusive, ways of addressing environmental problems (Greenberg and Park, 1994). Their approach focuses on issues of power, recognizing the importance of explaining environmental impacts on cultural processes without separating out political and economic contexts (Environment and Ecology, 2016). Hence PE brought together political economy’s analyses of the structural power relations occurring between societies and human ecology’s focus on the interrelations between human societies and the biophysical environments (Bryant 1998:80; Peet and Watts 1996: 6; Greenberg and Park, 1994: 1; Sheridan, 1988; Stonich, 1993).

Political ecology has been influenced by cultural ecology by rejecting simplified explanations to resource use and instead combines ecological concepts and frameworks that engage cultural and political activities (Greenberg and Park, 1994). As Biersack (2006: 5) puts it, “Political ecology in its first generation and the cultural ecology that preceded it, tended to think in terms of structures, systems, and interlocking variables and had little to say about actors and their agency.

Today's political ecology, to some degree, engages with 'practice theory' that attends to the constraints of structure but also to the indeterminacies of agency and events". Political ecology, thus, brought together human ecology's focus on the interrelations between human societies and their respective biophysical environments and political economy's analyses of the structural power relations occurring in various societies (Stonich, 1993 cited in Greenberg and Park, 1994).

Political ecology assumes that "environmental change and ecological conditions are the product of political process" (Robbins 2004: 11). PE, therefore, utilizes a contextual approach that aims to explore the origins and consequences of human-environmental relationships, with special attention given to underlying political processes. It takes a "hatchet" to dominant apolitical explanations to environmental change and resource degradation by deconstructing the explanations and revealing their political context (ibid: 12).

Although political ecology is "power-laden rather than politically inert" (Biersack 2006: 5), it lacks a grand theory, a meta-narrative, or a comprehensive theoretical underpinning. Political ecology is rather a specific lens through which one can examine the interactions between the environment and society. It provides conceptual tools for analysis rather than an encompassing theory of human-environment relations (Schubert, 2005). Thus, theoretical frameworks of political ecology vary depending on what the scholar is seeking to emphasize. While some approach will take both the political/economic and the ecological into account in interpreting relations between humans, society and nature, others place more emphasis on the political or the ecological perspective (Environment and Ecology, 2016).

However, research in PE is based on the common notion that changes in the environment do not affect society in a homogenous way: political, social, and economic differences account for the uneven distribution of costs and benefits (Bryant and Bailey 1997 in Environment and Ecology, 2016). This unequal distribution, on the other hand, reinforces or reduces existing social and economic inequalities. The unequal distribution of costs and benefits and the reinforcing or reducing of pre-existing inequalities holds political implications in terms of the altered power relationships that may result from the alteration (ibid).

Three major current approaches of political ecology have been identified as central to questions concerning environmental change; "a post-structuralist, mostly deconstructivist approach that

questions predominant discourses of environmental change and policies; the analysis of concepts of ‘people’ and ‘nature’, mainly the analysis of gender as a constructed category defining human-environment interactions; and a more rights-based body of research concerned with questions of access, rights, entitlements and environmental justice” (Schubert, 2005:17).

This study considers the post-structuralist approach to PE as appropriate since land governance in Sekondi-Takoradi is surrounded by discourses, policies and embedded in political and economic relations (Neumann, 2009). The post-structuralist approach to PE, recognizes that environmental conflicts on land may revolve around material conflict as well as knowledge and meaning (Peets and Watts, 2004). Thus, the post-structuralist approach lens of PE will be used to explore the underlying relations and historical processes that sprang from everyday interactions in relation to land governance. The post-structuralist approach to PE will be used to understand how actors and individuals co-construct discourses and narratives about land ownership through discourse identification and analysis.

To understand the factors that determine winners and losers in land dispute resolutions in the study, an analysis of discourses, institutional regulations and power relations between the various actors in land governance becomes necessary. Thus, insight from the third approach to PE, concerned with questions of access and entitlements is applied (Schubert, 2005:17). In this regard, the concept of institutions will be used to understand the regulative and mediating role of both formal and informal institutions in land governance. Additionally, the study recognizes that land governance and dispute resolution involve the interaction of a variety of actors from the state and traditional leaders through to individuals in society with unequal power relations and diverse interest in land. Thus, the concept of power will be used to understand land conflict resolution outcomes in Sekondi-Takoradi.

As with any theoretical approach in the social sciences, some criticisms have been labelled against PE. For instance, Bryant (1998) criticize that much research in the field of PE has focused on the role of the state, but less on the role and capacity of other local organizations. He, therefore, suggests a focus on the link between the organizational attributes of actors and their capacity to act in political-ecological conflicts.

Other scholars such as Vayda and Walters (1999:167) also contend that most research in PE privileges the political dimension in the explanation of environmental changes of events at the expense of other dimensions, such as the biophysical dynamics of society. They suggest an inclusion of detailed study of actual environmental changes or what they refer to as ‘event ecology’, focusing on human responses to environmental events with an eye on political reactions to the events instead of presupposing the impact of political processes on environmental events (ibid:169). Other criticisms of PE question the constituent of ‘ecology’ and ‘environment’ since PE considered the ‘environment’ as being socially constructed (Peet and Watts, 2004). This study will, therefore, attempt to bear such criticisms in mind while using PE. It attempts to include an analysis of local institutions, other local organizations and their role in land governance.

### **2.2.1 The Concept of Discourse**

Neumann, (2005) contends that material analyses in political ecology cannot be conducted in the absence of, or separated from, discourse analysis. Political ecology approaches dominant discourses through deconstruction (Robbins 2004: 12). Discourse is defined as “systems of knowledge and beliefs” (Svarstad et al., 2008: 118) or shared and expressed ways of understanding a phenomenon (Benjaminsen & Overå 2011). Discourse expresses meaning about social phenomena and has a great impact on knowledge production. Foucault, an important theorizer on discourse, asserts that powerful discourses establish truths through “careful, rationalized, organized statements made by experts” which in turn support “responsible action” (Peet and Hartwick 2009: 205). It is, therefore, essential to analyze how meaning is expressed in discourses about social phenomena since hegemonic discourses are often translated into policies and laws, which affect local resource users (Benjaminsen & Overå 2011). Poststructuralist Discourse analysis also includes the analysis of representations of social facts or what is commonly thought of as “material reality” (Escobar 1996, in Schubert, 2005).

To identify discourses, Foucault used a historico-analytical approach called ‘*genealogy*’ in his study of power and knowledge. Genealogy is “the form of history which can account for the constitution of knowledge, discourses, (and) domains of objects” (Rabinow, 1984: 59). Genealogy deals with the relationship between changes in discourse, power and empirical outcomes of the changes in legal institutions (Foucault 1977). Through genealogy, Foucault argues that the history of human society must be perceived as something that is undergoing constant change, but not in

any specific direction (Peet and Hartwick, 2009: 206). Genealogy looks for “discontinuities rather than great continuities in history” (ibid: 205).

Deconstruction of land governance discourses in this study will be achieved by focusing on the historical and cultural influences on the evolution of [tenure structures], concepts and political forces (Rocheleau, 1995; Leach and Mearns, 1996; all cited in Forsyth, 2004). A focus on underlying relations in land governance discourse is relevant in understanding the political and cultural systems that produce tenure structures and the various actors who perpetuate the production of discursive truths on land tenure and land distribution in Sekondi-Takoradi. The concept of discourse is also relevant in understanding processes of land claims and why particular interest groups emerge as winners or losers in dispute resolution. The historical background of land governance is traced (see chapter four of this thesis) by drawing on the concept of discourse to illuminate the current trend of land administration and claim-making over land ownership and tenure in the study area. Attention was equally paid to the ways in which discourses were constructed, as well as the underlying reasons for the discourse and, the beneficiaries and losers following a particular land tenure discourse.

### **2.3 The Concept of Institutions**

An analysis of institutions forms a crucial part of PE which is also important to this study. Institutions are the sets of formal and informal rules and norms that describe and shape interactions between humans (Agrawal and Gibson, 1999). Leach et al. (1999), viewed institutions not as the rules themselves, but as regularized patterns of behavior that emerge from underlying structures or sets of “rules in use.” They further contend that these “rules” are constantly made and remade through people's practices rather than existing as a fixed framework (ibid: 225). The regularized practices performed over time, eventually constitute institutions (Leach et al., 1999), or they are maintained through people's active “investment” in social relations and identity (Berry, 1989: 51). Institutions operate through organizations. As noted by North, (1990: 5) if institutions are thought of as “the rules of the game in society,” then organizations may be thought of as the players, or “groups of individuals bound together by some common purpose to achieve objectives”. This suggests that organizations exist only because there is a set of “working rules” or underlying institutions that define and give those organizations meaning (Leach, et al., 1999).



Institutions can be formal or informal. Formal institutions may be thought of as rules that require exogenous enforcement by a third-party organization (Leach, et al., 1999). An example could be ‘*The rule of law*,’ which is usually upheld by the state through such organizational means as law courts, prisons and so on (ibid: 238). Informal institutions, however, may be endogenously enforced; they are upheld by mutual agreement among the social actors involved or by relations of power and authority between them (ibid). Both formal and informal institutions may be involved in resource governance (Cleaver (2001: 29). For example, it is observed that both formal property rights legitimized by the state and customary property rights legitimized by social norms are important in mediating access to and control over Maracantae leaves in rural Ghana (Leach et al. 1999: 237). Traditionally, women had the right to and control over the collection of these leaves which is used for various purposes. The women sell the leaves at the local market for income. However, the introduction of formal laws to protect woodlands on which the leaves were located prevented the women from collecting the leaves, thereby losing their source of income (Leach et al., 1999:235 in Schubert, 2005:24).

Other scholars also point to the socially embedded nature of informal institutions, or the multiplicity of institutional relations in which people are engaged in at one time (Mearns, 1996 in Leach et al., 1999). Institutions as legal rules may be embedded in deep, informal social structures, involving such factors as trust, duty, and obligation, which have to be studied substantively (Harris 2006). This suggests that individuals may encounter both formal and informal institutions when they use or attempt to access land in Sekondi-Takoradi, making an analysis of institutions necessary for this study.

The multiple involvements of formal and informal institutions in land governance may promote mutual assurance, cooperation and collective action amongst social actors (Leach et al., 1999). However, land has different meanings for different actors and the value attached to land by one actor may differ from that of another. For instance, Chiefs’ interest in land may be connected to power, authority, and cultural and religious practices through an ancestral lineage that must be safeguarded. The government or political institutions, on the other hand, may be interested in the ability to possess land in order to control investment, minerals and to direct political interest. Families may attach economic value or prestige to land. Leach et al., (1999) further explained that “a view of institutions as simply coexisting in benign complementarity may be misleading.” To them, different actors’ perceptions of the “collective good” depend very much on their social

position and actor's involvement in some groups may be a response to their inequity. They gave an example that women's investment in resource-sharing networks with neighbors, may in part be attributed to the need to compensate for their lack of power within the household (ibid). This was confirmed by Boamah (2014) who observed that Chiefs' motivations for land deals was related to the economic importance in creating jobs for citizens (ibid: 415), or to promoting their own power (ibid: 421, 422). Consequently, to understand how different actor's practices are embedded, Leach et al., (1999) suggested a consideration of an actor-oriented approach to the understanding of institutions through an analysis of differences and power relations. This study, will therefore, analyze the embedded nature of formal and informal institutions in Sekondi-Takoradi through an analysis of interest and power relations in land governance.

Resource management at the local level needs the exercise of authority and control by local actors (Agrawal and Gibson, 1999). Authority exercised over land may involve institutional regulations that describe and prescribe human actions (ibid: 638) or that facilitate and constrain human action (Agrawal, 2001). According to Agrawal and Gibson, (1999), "institutions describe and prescribe human actions" in three domains: (1) making rules on resource management, conservation, and use; (2) accomplishing the created rules; (3) settlements of dispute (ibid: 638). This suggests that institutional arrangements are very important in understanding decision-making processes (Agrawal and Gibson, 1999: 639) in land governance. Land governance in Sekondi-Takoradi may involve both governmental and local institutional actors in the regulation of accessibility. Thus, institutions can either facilitate access to land or hinder people's access to land, or even put a hold on people's projects on land. As observed in a study by Berry (1989), to gain access to resources, including land, in certain parts of Africa of which Ghana is no exception, people had to either obtain permission or join the land holding group through institutional arrangements such as marriage, fostering, purchase etc. (ibid: 42). Thus, institutions may regulate access to land through culture and norms that govern land accessibility and determine who has access to environmental resources. This practice may serve as a check on resource use and to ensure sustainability of the resource.

Parsons contended that institutions "regulate the relations of individuals to each other" and define "what the relations of individuals ought to be" (Parsons, 1990 in Hersoug et al., 2004:207). The definition of relations between individuals could take the form of assigning statuses, ranking and defining subjects. Institutional regulation could also involve a stipulation of processes that one

must follow in land accessibility. For example, the relation of a paramount chief to subjects, or to land-holding families, may require the latter to apportion some percentage of land lease benefits to the chief.

In the event of land conflict, institutions become “the primary mechanisms available to mediate, soften, attenuate, structure, mold, accentuate, and facilitate [the] outcomes and actions” (Agrawal and Gibson 1999: 637). Institutions are seen as “mediators of people and environmental relations and as such, people rely on them to make claims on environmental goods and services” (Leach et al., 1999). An example of the mediating role of institutions was highlighted in a study by Crook et al., (2007) who observed that both formal and informal institutions were simultaneously engaged in land administration and conflict resolution, a situation often considered as legal pluralism.

### **2.3.1 Legal Pluralism**

Land governance in Ghana is characterised by legal pluralism, which involves the co-existence of both customary and statutory land administration in a complex mix and range of institutions claiming rights and authority over land and the existence of multiple bodies for resolving land conflicts (Lavigne-Delville, 1998, cited in Agbosu et al., 2007; Larbi, 2006). Therefore, “the various laws, rules and obligations governing the holding and ownership of rights and interest in land” involve both formal and informal institutions (Kasanga 1988 cited in Kasanga 1999). This form of land tenure is usually portrayed as customary/traditional or state/statutory depending on the characteristics and forms of management involved (Benneh 1975 cited in Agbosu et al., 2007: 30).

Customary or traditional tenure of land is characterised by unwritten codes based on local practices and norms that are flexible, negotiable and location specific (Agbosu et al., 2007: 30). Traditional authorities are headed by a chief, “a person, who, hailing from the appropriate family and lineage, has been validly nominated, elected or selected and enstooled, enskinned or installed as a chief or queen mother in accordance with the relevant customary law and usage” (Constitution of Ghana, 1992). The chief holds the allodial title of communally owned land (Nukunya 1992:98). Traditional political institutions claim control over defined territories identified by shared culture and language (ibid:5).

The incorporation of Ghana into the globalized world through colonialism altered the pre-modern form of land administration leading to the management of about 20% of land by the state (Kasanga

and Kotey, 2001:13). The Ghana government acquires state land through the State Land Act, 1962 (Act 125), which permits the state to take over customary land compulsorily for purposes of national development. Statutory land tenure is codified with written regulations based on laws stemming from the colonial power that outlined the limits and penalties for use and contradiction (Agbosu et al., 2007: 30). Management of statutory tenure is under the control of government institutions with delegated authority. Land rights in this avenue are acquired through registration of ownership (Bentsi-Enchil 1964 cited in (Agbosu et al., 2007).

The coexistence of state and traditional land administration often leads to multiple ownership of land and land claims in situations where access to wealth and authority are undergoing rapid change (Ubink and Quan, 2008, Ubink, 2008b). Studies have shown that most lands in Ghana are subjected to conflicts, frustrations, competition and overlapping claims by different kinds of social agents in defending their rights of ownership against rival claims (Agbosu et al., 2007; Berry, 1997). In defending their claims over land, “several competing normative orders may be brought to bear to legitimize a specific claim, and several groups and institutions may compete over who has the jurisdiction to settle disputes and set norms by precedent” (Lund, 2011a). For example, in a study by Gough and Yankson (2000) in Accra, it was observed that land acquirers are often frustrated with both the chiefs and state organizations in land dealings. This is because processes of land acquisition are not limited to one institution. Contact with the customary bodies (the chief and elders) is mainly in the early stages of acquiring a plot, which is to be followed by contact with state institutions in the latter stages for legal registration (ibid). Thus, the mediating and regulative role of both formal and informal institutions on land use and accessibility will be analyzed in this study to understand the nature of land governance and accessibility.

#### **2.4 The Concept of Power**

Land accessibility and conflict resolution outcomes revolve around the level of an actors’ power. In the event of conflicting land claims, “politico-legal institutions tend to compete for authority” (Sikor and Lund, 2009). Actors also struggle to acquire power to influence others, or seek to turn power into authority by gaining and sustaining legitimacy over resources (ibid:10). In an attempt to sustain their legitimacy, “claimants seek out socio-political institutions to authorize their claims, and socio-political institutions look for claims to authorize” (ibid). Thus, political ecology stresses on an analysis of decision-making processes and hierarchies of power in resource governance

(Adger et al., 2001). An analysis of power forms and power relations is necessary to understand the evolving land conflicts and the conflict resolution outcomes in Sekondi-Takoradi.

Power is the control that one party has over the environment against another party (Bryant and Bailey, 1997), or ‘the capacity to bring about consequences’ (Lukes 1977:4). A meaningful understanding of land governance and the outcome of conflict resolution requires an analysis of power. This is because an unequal power relation may exist amongst different social actors in terms of land governance, and this may dictate the pattern of land accessibility and conflict resolution outcomes. “Institutions, organizations and relations of governance are inherently power-laden, and analysis of this governance should, therefore, aim at uncovering these power-geometrics and examine their origins and implications” (Bridge and Perreault, 2009:492). The actual exercising of one’s power in land governance may be carried out through various "mechanisms of influence" or "forms of power" (Teye, 2008; Bachrach and Baratz, 1970; Lukes, 2005). These mechanisms can take the form of force, practices, processes and relations (Sharp et al. 2000: 21).

Through the use of force, some actors can impose obstacles, thereby restricting others’ freedom and inflicting pain or discomfort in the pursuit of their interest in land (Fairholm, 2009:16). Such force can be expressed through an ‘enforceable claim, acknowledged and supported by society through law, custom, or convention’ (Ribot and Peluso 2003). Thus, individuals may be compelled to abide by these laws, whether such laws are favored or not, due to their recognition that the power holder has authority or the legitimacy to command (Scott, 1994). Power can also take the form of coercion, where the power holder acquiesces the subjects willingly under threats of forcible sanction (Fairholm, 2009:15). This form of power relates to “the capability—exercised or not—to produce the intended effect (Cohen 2006: 235). Coercion is ‘accomplished without the actual infliction of force to influence the behavior of another. The mere threat of its use, when believed, can be sufficient to obtain compliance (Dobrijević, 2010). An example of coercion can be eviction or relocation of land users by the government or traditional leaders. Through coercion, individuals and groups are made to accept a decision due to fear of punishment for noncompliance. In contrast, other subtle forms of power may be exercised through the processes of inducement, manipulation, and persuasion. Through inducement, land users are made to comply with power holders based on expected reward from the one exercising the power (DeCrespigny, 1968:198). Such reward can be

in the form of monetary compensation, new land, a position in the community or accessibility to other facilities within the community. Land users can be manipulated by power holders based on the latter's ability to mask the behavior of the subject directly (Fairholm, 2009). Also, power may be exercised through the use of strategic knowledge within a particular situation (Sharp et al., 2000:21). An example of such practices could take the form of narratives and discourses in making claims over land rights and ownerships.

Power may also be relational (Lund 2008; 2011b), cultivated through social, economic, cultural and political connectedness and networks within and between groups and institutions (Sharp et al., 2000:21). This suggests that one's position can determine the level of power held, and the limit to which power can be exercised (influence) in relation to other actors. On this subject, Foucault (1980; 1982) contends that actors construct knowledge and truth in accordance with their social, political, and economic stance in order to dominate and control others. This form of asymmetrical relation can influence the outcome of a dispute over land. This was demonstrated in a study conducted by Ubink (2008a; 2008c) in the Ashanti Region of Ghana, where sales of residential land had disproportionately benefited the traditional elite at the expense of small-scale farmers and stranger buyers. Thus, the decisions on land dispute can be moderated by powerful actors due to their position in society. This suggests that an individual's ability to access, maintain or win a land claim depends on the level of power held in society.

Power is also a web of social interaction (Foucault, 1988). Thus, the changing means by which different social groups gain or lose access to land may be related to social connectedness. A study on land governance by Berry (1997) revealed that an individual's claims fall with the recollections and reputations of their witnesses; thus, land tenure security depends on a person's standing with his or her relatives and neighbors more than on the way in which a claim was originally acquired. One's relationship to community members, involvement in community activities, respect for authority and attendance of social events and services can influence the outcome of dispute resolution during land claims (Boamah & Overå, 2015). This is because community members can either support or oppose one's claim depending on their relations. Thus, power could create constraints or opportunities for communities, households, and individuals in land accessibility and in winning a land dispute.

Therefore, the analysis of interactions that people have with wider power regimes in Sekondi-Takoradi is essential in understanding processes of land accessibility and outcomes of conflict resolutions. Also, this study will draw on the idea of power as a force, as a process, as relational, and as a web of social interactions in analyzing the processes of eviction, and in understanding the reluctant reactions of land users in securing rights to land in Sekondi-Takoradi. The varied forms of power will also be relevant in analyzing why evicted tenants agree to relocation, something that ordinarily they would not choose to do.

## **2.5 Chapter Summary**

In summary, this thesis examines the case of land governance and competition for space in Sekondi-Takoradi using the political ecology approach, which lays emphasis on underlying processes and context. I therefore draw on discourse in PE to illuminate the historical processes that shaped the current land governance structure. The mediating and regulative role of both formal and informal institutions on land use and accessibility is also discussed using the concept of institutions. Finally, a discussion of how power relations define actor interaction in relations to resource access and control is also presented.

## **CHAPTER THREE**

### **RESEARCH DESIGN AND METHODOLOGY**

#### **3.1 Introduction**

This chapter presents a discussion of the research methods, tools and techniques through which data on the issues of land governance and land dispute resolution were explored in the study area. It provides reasons for the choice of methods and decisions that influenced the entire research process. It begins with a discussion and justification for adopting the mixed method approach. It further presents the strategies as well as ethical issues I considered in obtaining adequate information in the field. It equally looks at the processes of the data analysis.

#### **3.2 Research Approach and Design**

In this study, both quantitative and qualitative approaches (Triangulation) were used to carry out an intensive study on land governance and competition for space in Sekondi-Takoradi. Triangulation involves the use of “more than one method or source of data in the study of social phenomena” (Bryman 2012: 392). Quantitative and qualitative approaches in research differ regarding the constitution of knowledge (epistemology) and how reality is constituted (ontology) (Bryman, 2012). The quantitative method uses a deductive approach based on positivist epistemology and objectivist ontology. On the other hand, the epistemological and ontological orientations of the qualitative method is underpinned by interpretivism and constructionism (ibid.). However, the use of both methods in a study is promoted (not entirely without critique) since both methods complement each other by drawing on different sources or perspectives in the process of research (Clifford, French and Valentine, 2010).

Thus, the mixed method approach is appropriate for this study because the study is aimed at complementing different sources of information by producing both qualitative and quantitative data (White, 2010). An *intensive research design is chosen* to place emphasis on a number of illustrative cases of typical land conflicts in the study community. The phenomena under study (land governance and conflicts) require sensitivity to values, power, and politics which can best be unraveled through detailed interviews and understanding of the context within which conflicts occur. I, therefore, gave priority to the qualitative method in data production and analysis to help address the issue of land governance and competition for space in Sekondi-Takoradi.



### **3.3 Sources of Data**

Data for the study was obtained from both primary and secondary sources. Primary data was gathered from respondents through the conduction of in-depth interviews using interview guides, informal discussions and participant observations.

Secondary data was also used in this study. Secondary data is information that has already been collected for another purpose but which is available for others to use (White, 2010). Secondary data for this study was obtained from a literature review of relevant documents, Sekondi-Takoradi Metropolitan Assembly, court reports, Ghana Statistical Service, Town, and Country Planning Department, Lands Commission, professional journals and magazines.

### **3.4 First Phase of Fieldwork**

I started my fieldwork in May 2015 in Sekondi-Takoradi. It was not my first time visiting the city since I stayed there on few occasions during my early teenage years. After a confirmation of my accommodation, which had been arranged by a friend, I headed to town to purchase a few items for my room. I then proceeded to familiarize myself with the area by taking a tour around the Metropolis to observe land use activities and areas of physical expansion. Through my rounds, I established some contacts which helped me in locating my informants and interviewees. My visit to the Western Regional House of Chiefs (WRHC) helped me to gain access to the three Paramount chiefs of the Metropolis. This was possible because WRHC deals directly with paramount chiefs of the region. They confirmed my identity by photocopying my identity card and an introductory letter prepared by my Supervisor. WRHC then asked me to come in a week's time for confirmation of appointments to the Chiefs. I also visited the office of Administration of stool lands (OASL), Lands Commission (LC) and STMA for interview appointments. Just like the WRHC, they confirmed my identity from my accompanying identification forms. They gave me telephone numbers of the representatives of the institutions to arrange for the interviews.

I later visited the regional high court at Sekondi to seek permission to listen to court hearings and also to read past cases of land conflicts. The regional high court at Sekondi granted me the permission after showing them my ID card and introductory letter and answering a few queries about my project. I also visited the headquarters of Lands Commission and Town and Country Planning Department in Accra for data on STMA.

Following my observation of issues and informal discussions with people in the study area, I carried out a pilot study with two Assemblymen; one evicted tenant, one divisional chief and one family head to test my interview guide for potential challenges and results before the actual study. I made a few amendments to my interview guides to capture issues raised during the pilot study.

### **3.5 Issues about role and status during fieldwork**

As a student researcher, I had several statuses assigned to me in relation to others and different conditions in the fieldwork context. One's status is described as the position he/she occupies in relation to the total society in which he or she lives (Linton 1936:113). Attached to status are rights and responsibilities. When one puts the assigned right and duties attached to status into action, he/she is said to be performing a role (ibid: 114). Statuses can be assigned (ascribed) to an individual without reference to innate abilities. However, statuses can be achieved by an individual based on special abilities (ibid: 115).

I had the following statuses assigned to me by my informants during the fieldwork. I was regarded as a Ghanaian, a daughter, an Akan and a researcher by the family heads I interviewed. This was partly due to my ability to speak the local language and my middle name, 'Ohenewaah' that was regarded as a typical Akan name, which literally means Princess. This gave them the assurance that I was one of them, and that enhanced meaningful conversation on issues I wanted to understand. On the other hand, the evicted mechanics and some litigants at the court saw me as either a spy for the government or an oil company. Others saw me as a visitor or a journalist for the TV/radio station looking for stories to write. To the Assemblymen, shop owners, traders, drivers and building workers I interviewed, I was a '*borga*' (i.e. one who has lived abroad and has been eating burgers) or student.

Each of these statuses came with role expectations of which I needed to act out. I, therefore, needed to verify the desirability of information acquired through those statuses. I wasn't content with the information from assigned statuses such as a spy, visitor, journalist, and borga; thus, I acted in contradiction to the role expectations by showing my ID card and my introductory letter in order to help informants see me through the right lens and to enable me to achieve my interview objectives. Regarding my status as a '*borga*', I was expected to be acting rude, giving out money easily, and behaving as a foreigner who knows little about the customs in the area. This would have posed a threat to the quality of data, so I showed my level of humility by using "please"

during interviews to reverse their expectation of a rude Borga. Additionally, I addressed informants with titles like uncle, mum, dad, Nana etcetera, as expected of youths in Akan communities. I equally used the local language in discussions to show my status as a native and not a foreigner. I equally avoided the unethical practice of giving money to interviewees, and this led to the following remarks:

*“How come a borga like you do not give money out?”*

*“You don’t behave like one who lives abroad.”*

*“Borgas have money, and they show off, but you seem to be close-fisted”.*

I laughed together with informants upon hearing such remarks, and it provided an enabling atmosphere for discussions.

### **3.6 Issues of positionality: outsider and insider perspective**

Positionality in the field relates to how researchers’ positions affect access to and interaction with informants shaped by norms and structures of power (Carling, Bivand and Ezzati, 2013). The positioning of a researcher depends on characteristics of the researcher as well as on the nature of the relevant insider–outsider divides (ibid). An insider researcher is considered as belonging to the group under study and has the advantage of using prior knowledge to gain insight into issues raised (Mullings, 1999). On the other hand, an outsider is not considered to be part of the group and is provided with detailed information which would be taken for granted by an insider or perceived as known to an insider (ibid).

Insider–Outsider divides are relationally constructed in the encounter between researcher and informants (Carling, Bivand and Ezzati, 2013). Both assign meaning to the other by specific markers or characteristics of mental inventory of pre-existing social categories, which determine similarities or differences (ibid: 6). The specific markers establish the level of power held by the researcher, and it affects both substantive and practical aspects of the research process. However, such positions are not fixed and can be altered to ensure the reliability of information through the creation of positional spaces of trust and co-operation between the researcher and informants (Pratt and Hansen, 1995 in Mullings, 1999:341). To create positional spaces during my fieldwork, I needed to identify the specific markers that define my position in a particular interview context. I looked out for markers that relate to my occupation title as a student, gender, age group, physical appearance, clothing style, language skills and cultural competence.

As I student researcher studying in Norway, I was considered as one with little or no knowledge about the land governance and tenure practices by chiefs, officials of lands commission, Town and country planning, Office of Administration of stool lands, court officials, investors and stakeholders in the metropolis. My being an outsider or a student learning about land governance granted me a greater opportunity to obtain in-depth information (Mullings 1999).

My ignorance of presenting the right alcoholic drink to most Chiefs led to the assignment of outsider status by the chiefs. Many of them saw it as their duty to teach me about the norms and traditions and the land governance and tenure system in the area by providing me with series of lectures, which took almost three full working days with series of breaks depending on their schedule. As a student, I acted out my role expectation by listening with less interference, taking notes since I was not allowed to record, and asking questions for clarification. On one occasion, the chief only got to know about my interview guide after lecturing me for two days with breaks on land issues and history. This is because I couldn't interrupt his historical narrative to inform him about my interview guides and the questions I was seeking answers for. He later fixed a different date for me to ask the questions that were not addressed during his lecture/narration. My ability to display knowledge of land tenure and Chieftaincy by reference to some customs I knew of was of great significance in such discussions. However, some officials were suspicious, for they questioned my intentions and purposes for information collection. Their suspicion might have restricted access to some information. To clear their suspicions, I established a level of trust by constantly visiting them and also discussing the norms of land governance during informal conversations with them. They later came to understand that I was aware of issues they deemed as "*inside knowledge*" and that led to meaningful discussions.

In business settings with investors and managers, I was a total outsider because they saw me as a spy for the government or a journalist. I gained their relative trust by showing them my ID card and an introductory letter from my supervisor. In situations where my gender poses hindrances, I display general knowledge of procedures in land acquisition and the potential challenges land acquisition posed to business. This changed their view of me being an outsider. Consequently, I was granted the permission to interview them. Others also took copies of my interview guide to fill in instead of a face-to-face discussion. Despite these efforts, I was not allowed to record any

conversations with them. On one occasion, the manager made a photocopy of my introductory letter for future confirmation of my identity.

Communication in Akan, the local language of the community, was of much advantage in gaining the trust of evicted tenants during interviews. This was aided by my encounter with a representative of The Ghana Association of Garages, (*See case study I*), who introduced me personally to some its artisans who have been affected by forced relocation. He, therefore, acted as a gatekeeper during my interviews with the artisans. A gatekeeper in the research context is anyone who has the power and authority to grant or deny access to the researcher to a set population (Bound, 2012). The evicted tenants, therefore, felt safe to discuss issues with me with no anxiety. However, a few of them saw me as a spy for the government or journalist. In such situations, I presented my student ID card and introductory letter to prove my identity and to assure them of my high regard for ethics in my research.

In establishing a level of trust and co-operation during court hearings and follow-up interviews, I acted out my statuses that I thought would be appropriate such as; a curious student, a researcher of land cases, or as some of them named me, “*ohwafɔ*“(uninvited guest) to enable me obtain information from parties involved in land conflicts. This was done with high regard for ethics by listening skills and telephone etiquettes so as not to endanger my informants in the process. On some occasions, I sought permission from lawyers to interview their clients.

### **3.7 Sampling Strategies**

Stephen Rice defined sampling as the acquisition of information about a relatively small part of a larger group with the aim of making inferential generalization about the larger group (Rice, 2010). Sampling is important in research because it is often not possible to obtain information from an entire group (ibid). In this study, purposive, snowball and random sampling strategies were used in identifying key informants. Purposive sampling involves the selection of respondents based on researcher’s prior experience and judgement (Rice, 2010). Key informants were identified based on my research objectives as well as my informants’ position and role in land acquisition procedures, knowledge about the land tenure regimes and involvement in dispute resolutions.

To identify respondents with land-related disputes, I adopted the snowball sampling strategy. Gobo defined snowball sampling as a means of picking subjects who feature necessary characteristics of

the research and through their recommendations, finding other subjects with the same features (2004:449). I first approached the Regional House of Chiefs' Secretariat, and that helped me in locating the three paramount chiefs of the metropolis. The chiefs in turn recommended areas of their jurisdiction and sub-chiefs who reports cases of land conflicts. Evicted tenants were located through recommendations from the Town and Country Planning and Lands Commission. Other relevant participants were located through informal conversation with taxi drivers during my rounds and followed up cases of conflicts from the court hearings.

The above interviews with chiefs, government officials, family heads, evicted tenants, assemblymen, were complemented with informal discussions and a simple random sampling of 10 survey of the general population using a semi-structured questionnaire to obtain the general perception of people about land issues and conflicts.

In all, I interviewed seven family heads who were located through the recommendation of some chiefs I had interviewed. Apparently, these families were into land leasing and had reported series of land cases to either the court or the Chiefs. Ten investors/business managers were interviewed about the procedures involved acquisition of land for their businesses, challenges encountered, and motives for setting up businesses in the metropolis. Twelve evicted tenants, two of which were farmers, eight artisans (mechanics, fitters, sprayers, welders, etc.) and two traders were interviewed using different interview guide suited to their situation to help ascertain the complexities in land tenure, mode of compensation and how land disputes are settled.

### **3.8 Case Studies**

A case study is an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context (Yin, 2003). Case(s) are used to help illustrate the phenomenon under study (Stake 2000 in Silverman, 2010:138-140) and can be intrinsic, collective or instrumental (ibid). An intrinsic case study is based on one/specific case, while a collective case study involves the selection of a number of cases. The third category, the instrumental case study provides a deeper understanding of the issue under study (ibid).

To enable me explore the impact of urban expansion on land governance and land competition in Sekondi-Takoradi, I used the instrumental Case study that provides a deeper understanding of the phenomenon under study. Thus, Illustrative cases of land conflict have been sampled with the

consent of informants using pseudonyms in this write-up. These illustrative cases are equally chosen to meet my research objective and to help inform the overall case study of land governance in Sekondi-Takoradi.

One criticism labeled against case studies relates to generalization. Generalization in research refers to the degree of applicability of the findings of a research beyond the confines of the particular context in which the research was conducted (Bryman, 2012). Generalization refers to the degree of applicability of the findings of a research beyond the confines of the particular context in which the research was conducted (Bryman, 2012). That is the extent to which a study can be replicated in another setting, the extent to which a study can be replicated in another setting. According to Yin (1994) case studies are only “generalizable to theoretical propositions and not to populations or the universe” (ibid:10). That is generalizations made to prove or disprove existing theory. Thus, the cases used in this study do not accentuate generality but are used to make an analytical generalization in relation to theory. There is also uncertainties about the generalization of case studies that use qualitative methods (Bryman, 2012). However, it is suggested that providing “thick descriptions” of the research process will help to replicate the study in other similar context (Geertz, 1973 cited in Bryman, 2012:401). Thick description involves a description of the social setting, events and the individuals of the study (Bryman, 2012). I have therefore presented a description of the general setting within which the study was conducted. The methods used in producing the data have also been explained. Given these conditions, the results of this research can provide grounds for generalizations about the case under study and to other similar cases.

### **3.9 Individual Interviews**

Qualitative data through interviews, informal discussions and participant observation were applied to clarify and ascertain the truth of issues raised by respondents. According to Dunn (2005:79 cited in Longhurst 2010: 105), interviews are verbal interchanges where one person, the interviewer, attempts to elicit information from another person.

A semi-structured interview was used. It involves some measure of predetermined questions but ensures flexibility in the way issues are addressed by the informants (Longhurst 2010: 105). The interviews were conversational and on a one-on-one basis, which enabled my informants to express their opinions on land governance, land tenure, and land dispute resolutions.

Face-to-face interviews were chosen to help me ask questions in complex sequences, to clarify vague responses and to probe so as to reveal hidden meanings (McLafferty, 2010) behind the evolving land-related conflicts and differing opinions of interest groups about access, user rights, and ownership of land. The personal contact between my respondent and me resulted in more meaningful answers (ibid).

This was enhanced using the same language (Akan) with my informants. Although my questions were typed in English I translated to Twi and in some cases using both English and Twi to enable a mutual understanding of questions during discussions. Respondents were given the assurance that their answers would anonymise in data analysis. Demographic data such as age, educational status, income, and gender were recorded.

### **3.10 Key Informants Interviews**

Key informants were chosen based on their position and role in land acquisition procedures, knowledge of land tenure regimes and involvement in dispute resolutions. Interviews were conducted with the three paramount chiefs of the metropolis, three divisional chiefs, three assemblymen, an official from STMA, and three land officers from Lands Commission, Town and country planning and the office of stool lands in the study area. Due to differential backgrounds, different interview guides were used for each category of informants.

The use of interviews was appropriate because the above category of people had busy schedules especially government officials and chiefs. It also helped to generate depth of information regarding personal opinions about land governance and dispute resolutions in the study area (Longhurst, 2010).

### **3.11 Informal Conversations**

Informal conversation was often used with court officials and lawyers and parties involved in cases during recessions of court hearings to understand the nature of land conflicts and narratives used in court proceedings. I also engaged in conversations with mechanics, taxi drivers and individuals in public transports ('tro-tro') during my visits to relocation sites and visits to residences and workplaces of informants (See Photo 3.1).





**Photo 3. 1 Informal conversation with a mechanic**

Questions were tactfully asked about the perception of the general situation of land conflicts and conflict resolutions and through such conversations, some affected individuals were identified. On some occasions, I would point at new structures or warehouses along the routes to seek their opinions. The duration of such conversations lasted between 10 or more minutes depending on the purpose of my rounds and the distance to the visit site. This enhanced my understanding of some observations I had made and issues raised in some interviews. For instance, after an interview with an official from Town and Country Planning Department, I decided to follow up on the problem of some evicted mechanics who were brought up during the interview. I asked a taxi driver to take me to the supposed relocation site. To my utmost surprise, the taxi driver only looked me in the face and asked, “*Are you the only stranger in this town?*” He later explained that the mechanics are not on the site but are scattered around the metropolis due to misunderstandings among the Ghana Association of Garages and the government and chiefs involved in the relocation plan. Through his assistance, I was able to locate the secretary of the Association and many evicted mechanics.

### 3.12 Observation

I engaged in observation through the sitting in the court hearing of land conflicts related cases. My presence in the hearing of such cases gave me much insight into the issues of power, narratives, and discourses surrounding land governance and conflict resolutions. I also followed up on some striking cases that I found relevant to my research. One crucial limitation of this method relates to the time frame of my fieldwork. More time would have been needed to follow up on adjourned cases at the court to gain a better understanding of the many aspects of conflict resolutions.

I also carried out transect walks to sites of land conflicts with informants. My three months stay in Sekondi-Takoradi enabled me to make personal observations of land competition and land use change and to clarify issues that had been raised by respondents. I visited construction sites, areas of physical expansion, sites of relocation, and sites of boundary disputes (See Photo 3.2; Photo 3.3, Photo 3.4). These visitations provided me with first-hand information on issues related to claims of land use, to confirm claims of land conflicts and land competition resulting from the expansion.



**Photo 3. 2 Visit to the supposed site relocation for evicted mechanics (See case study 1).**



**Photo 3. 3 Site to the site where artisans containers were moved (See Case study 1)**



**Photo 3. 4 Visit to a site of boundary dispute**

### 3.13 Data Analysis

To bring order to the gathered data, I translated (from Akan to English) and transcribed the Interviews by typing out all the audio recordings and written notes I made in the field. This gave me a fair idea about my data and to organize them into desirable themes for further scrutiny.

I read through my transcripts several times to identify recurring themes. Dunn (2010) defined transcript as a written reproduction of interview. By re-reading and cross-checking of issues through telephone conversations with some of my informant's, I gain adequate insight into issues. I later analyzed the transcribed documents by assigning interpretive tags based on my research objectives (Cope, 2010). This was not an easy task since almost every aspect of the interview was seen as relevant. I, therefore, created topics and sub-topics through the theme building to enable me to assemble recurring issues that were relevant to my research theme. I identified *categories* and *patterns* by relating them to my theoretical framework. I sorted out the relevant themes and cases by keeping them in a separate folder for writing. The other themes were not left out since I re-visited several of the issues to ensure consistency and to make sure I do not leave any important information out of my writing.

Aase and Fossåskaret (2007) contends that the context or the cognitive categories people place an observation in and the way they relate these categories are important in research. Data is an observation plus category and by overlooking this contextual knowledge such as historical and cultural practices, the meaning of an individual's comment can be distorted (ibid). Consequently, local contexts and informants' categories were highly considered in this study. Poststructuralist Discourse analysis associated with Foucault was used in tracing the roots of land governance in the study area. Poststructuralist Discourse analysis has been described as using a more normatively neutral perspective of ideologies (Dittmer, 2010). I used Discourse analysis to identify the status of respondents during interviews by location the underlying meaning behind statements made by informants (Aase and Fossåskaret, 2007). A textual analysis was also carried out through an analysis of symbols with attached connotations which the informants used to describe things (Aase and Fossåskaret, 2007). I also analyzed various structural metaphors used by informants in the study community. For example, palace and courts were equated to authority by informants, and this was relevant in understanding their choice of resolution in the event of land conflicts. This

form of analysis helped me to identify the underlying relations that propagated the land governance discourse in the Sekondi-Takoradi and the country at large.

### 3.13.1 Land cover change analysis

One aspect of my research was to analyze the rate of city expansion following the oil discovery. The change analysis used in this study was highly dependent on secondary data. I used Landsat satellite images (2008 and 2015) downloaded from the official website of U.S. Geological Survey (USGS). See Table 3.1 below for details of the images used.

**Table 3. 1: Features of the Landsat Images Used for the Land Change Analysis**

Year	Acquisition Date	Sensor	Cloud Cover
2008	2008-02-01	Landsat 7 ETM	0.00
2015	2015-04-25	Landsat 7 ETM	30.00

Source: USGS, 2015

I used Google Earth to get some ideas about the recent land cover change patterns in the metropolis. The Landsat satellite images (2008 and 2015) were used for preparing the base maps for land cover change detection using ArcMap 10.3 with ENVI Toolboxes.

The image was modified to enable the capabilities of human vision to identify and select regions of interests (Billah & Rahman, 2004). I ignored the scan gaps in the images since the Region of Interest (ROI) was not affected. The images used were stretched, filtered and resampled to 15 x 15 using the panchromatic band, 8, to enhance spatial resolution.

Image classification refers to a grouping of image pixels into categories or classes to produce a thematic representation (Canada Centre for Remote Sensing, 2010). Image classification comprehends various operations that can be applied to photographic or image data. There are two basic methods of image classification: supervised and unsupervised (Eastman, 2009). Supervised classification relies on the prior knowledge of the study area. On the other hand, unsupervised is classification relies without knowledge of the study area (Canada Centre for Remote Sensing, 2010). Therefore, for this research, a supervised classification method has been used. This was done by developing a statistical description for various known land cover types which is often refer

to as signature development. I later identified similar pixels/signature for different land cover types for the whole image.

### **3.14 Ethical Considerations**

Ethical research in geography requires that I behave with integrity and act in ways that are just, beneficent and respectful (Hay, 2010). Ethical behavior requires sensitivity to the expectations of people from diverse moral communities and acknowledgment of the webs of physical and social relationships within which my study was conducted (Ibid). Priority was given to ethics in this study by acting in accordance with the notions of right and wrong in the study community, and by being thoughtful, informed and reflexive throughout the research process (Mitchell & Draper, 1982, in Hay, 2010:35).

To accomplish the ethical requirement of showing respect outlined by Hay (2010), I provided information to all participants on purpose, type of information required, time involved, and purpose to which their information was to be used in the study. In cases of chiefs and officials, informed consent of the research purpose through my introductory letter from my supervisor was used. Informants were made aware of their freedom to participate in or withdraw from the study. I sought their consent to the audio recording of interviews and pictures.

Considering the sensitivity of land governance and tenure systems in my study area, most of my interviews were written with great discretion instead of recording. Although this was time-consuming, it helped to put my informants at ease when talking about confidential issues. Bearing in mind the ethical principle of beneficence or avoiding harm to informants with diminished autonomy (Hay, 2010), I refused to record sensitive information provided by evicted tenants as I perceive the danger involved in using such information.

I avoided writing names of Chiefs with chieftaincy disputes, pictures and the names of their jurisdictional areas in this thesis although I took those details during fieldwork. In business territories, I avoided company/business names by writing only the activity or type of business they engage in. I gave informants the assurance of not making available my field notes and recorded interviews to third parties during and after the research. The identity of participants in the study and any description that could lead to identification or locations of informants anonymised in the discussion of results. I used pseudonyms to present cases. I was also told that the court records

read were for “*my eyes, ears and for this research only*” (Court official, 2015). I, therefore, did a summary of cases in my notes instead of writing every detail. I complied with the court rules by not taking pictures or audio recording of court hearings. All court cases used in this study were hand written by me.

### **3.15 Validity and Reliability**

Validity is defined as the establishment of truth and authenticity of the research (Young-Hee 1998 in Kapborg and Berterö, 2001). Of course, I cannot conclude that this study is value free, but I took appropriate steps to minimize threats to validity. I did this by ensuring a mutual understanding of questions asked by explaining in the local language (Akan) to generate the right answers. Questions asked were rephrased to verify previous answers.

My prolonged stay and time spent with informants in the study area helped to clarify issues and to gain the trust of informants that encouraged access to detail accounts of events (Holloway and Wheeler 1998 in Kapborg and Berterö, 2001: 54).

I paid attention to body language and other cultural expressions that were not congruent with the spoken words during interviews to determine the truth of assertions (Brink 1991, cited in Kapborg and Berterö, 2001:53). This was very much applied during interviews with mechanics on the topic of refused relocation. The facial expressions of informants when talking about the government and posters around informant’s workplace were observed to understand their political stance.

Several threats to reliability, defined as the degree of consistency or the trustworthiness of data produced (Hammersley, 2013a; 2013b; Cohen, Manion, & Morrison. 2013)) were encountered during the fieldwork and were enhanced to the best of my ability. For instance, during my pilot study, I observed that some of my informants (chiefs, officials, and family heads) were trying to portray a positive image of themselves and the opposite for people with opposing stand. Seeing the danger involved, I prepared for measures to ensure trustworthiness of information by rephrasing questions asked to check for similarities in previous answers provided or to probe for explanations.

I also triangulated information through the use of more than one source of data to validate claims made by informants (Bryman, 2012). This was done by comparing court hearings with verdict



readings in order to unravel the hidden power in the narratives at the court. I also carried out interview triangulation by asking about the activities of chiefs from government officials and vice versa. The same procedure was used in asking about government officials, chiefs and family heads from evicted tenants and vice versa.

Triangulation of data regarding the eviction of artisans from their workplaces was carried out to understand the politics surrounding the tenure practice and compensation procedures in land governance. I complemented my interviews with observation and informal discussions to check for claims and assertions made by informants. The next chapter presents a historical overview of land governance in Ghana

## **CHAPTER FOUR**

### **TRACING THE ROOTS OF LEGAL PLURALISM IN LAND GOVERNANCE**

#### **4.1 Introduction**

Land in Ghana is governed by the co-existence of customary and statutory law, a situation often considered as ‘legal pluralism’ (Agbosu et al., 2007; Crook et al., 2007; Sarpong, 2006; Runger, 2006). Land laws surrounding legal pluralism are made and reasserted through everyday practices (Crook et al., 2007; Juul and Lund, 2002). This chapter, therefore, illuminates the historical stages that have shaped the current context of land governance characterized by legal pluralism using Sekondi-Takoradi as a case study. It delves into the factors that led to the perpetuation of everyday cultural practices that shaped the current trend of land governance. Finally, a brief background of the current land-related institutions in the metropolis and their associated functions in land governance have been discussed.

#### **4.2 Governance and land administration in Sekondi-Takoradi before the colonial era**

Before the colonial era, the current traditional states/kingdoms in Sekondi-Takoradi were made of two fishing settlements on what later became known as the Gold Coast (present day Ghana) under Prussian names originally pronounced as “Taccarary”, and “Secundis” currently known as “Takoradi” and “Sekondi” respectively (Obeng-Odoom, 2012). These names were given by the then Prussian traders along the coast. Within these communities were the people of Ahanta, Fante, and a few Nzema speaking settlers.

Like the Ashanti kingdom, Ahanta and Fanti branches of the Akans had created well-defined governance structures with a high degree of political cohesion with headship arrangements clearly specified before coming in contact with the Europeans (Nukunya, 1992). For example, it was the chiefs who first granted the first Europeans on the coast, a portion of land to build castles, forts and trading centers (Odotei and Awedoba, 2006). Hereditary systems of succession and inheritance were recognized in the Gold Coast but were subjected to traditional democratic principles. Hence, chiefs could not decide on an issue without the consent and approval of his councilors, who were the acknowledged representatives of the people (ibid 15; Alhassan, 2006). The democratic culture was also reflected in the processes of destoolment by the elders and the people of an autocratic and dictatorial ruler.

The formation of the current three traditional areas/territorial divisions (*aman*) of Esikado, Sekondi and Takoradi, was the result of ethnic identification of language and culture. Each territory was composed of several communities with the paramount chief (*omanhene*) as the overall lord.

Traditional institutions and governance were established along the values, norms and traditions of the areas (Alhassan, 2006). '*In the olden days,*' as explained by one local chief; '*the strongest and bravest man of war was chosen as a leader or chief of a group, and that led to the formation of royal families as we see today*' (interview, 2015). Communities were headed by these chiefs who owe their allegiance to the next overall powerful king called the '*omanhene*.' Lands managed under traditional leaders of these territories were acquired through war conquest and first clearance or first settlement by ancestors (Nukunya, 1992). Land was virtually free and was acquired through acknowledgment of receipt in the form of drinks and foodstuffs to chiefs and family heads. Since the area was less populous and quite scattered, no clear demarcation was made except with reference to the main landmarks in the form of rivers, trees and the like.

Military conquest in these times was given high priority, and states were well organized by their leaders who exercised control over affairs. Victorious warriors were given land areas as gifts by chiefs and gold jewelry in return for their services, and that explains the roots of ownership of some family lands. Strong cultural ties were well manifested in the form of everyday social relation, traditional rites, and rankings within families. Succession and sharing of inheritance were also made with regard to first born children.

#### **4.3 Colonial Masters Enter the Scene (Late 19<sup>th</sup> century - 1957)**

The British found the traditional organized form of governance appealing. Consequently, they formed the colony, Gold Coast (*present day Ghana*) through the administration of indirect rule using the existing traditional political units (Odotei and Awedoba, 2006). Indirect rule is a system of administration whereby the traditional rulers of the people were allowed to rule their people under the direction and control of the British officials (Odotei and Awedoba, 2006). Chiefs were then presented with the challenge of taking instructions from colonial authorities in governance, i.e., losing their independence (Nukunya, 1992) but the system increased the economic power of chiefs due to their control over customary land rights (Ray 1986). This is because land in colonial times was free and accessible based on traditional customs. Later, the colonial masters introduced

payment for land through the chiefs and also through their introduction of British currency into the colony in replacement with the cowries and jewels used by the locals (Nukunya, 1992).

The British colonial administration further merged traditional governance and the chieftaincy institution for the political convenience of the colonial authorities with a more European-oriented administration through a series of legislative ordinances such as the Native Jurisdiction Ordinance (1883), Chief's Ordinance (1904), Native Administration Ordinance (1927), and Native Administration Treasuries Ordinance (1939). Elders of Descent groups<sup>1</sup> and Lineage<sup>2</sup> heads (commonly known as family heads in the Ghanaian society. Hence both terms are used interchangeably throughout this thesis unless clearly stated otherwise) suffered along with the Chiefs (Nukunya, 1992) regarding their control over land and their people. Hence, the traditional structure of land governance was equally shaken (ibid:120).

Traditional leaders manifested strong resistance through a series of actions. Notable amongst them was the formation of the Fante Confederation in 1868 and the Aborigines Rights Protection Society (ARPS) in 1897 which prevented the execution of the Lands Act of 1897. The role of coastal chiefs was very significant, and this was reflected in their involvement in the signing of the famous Fanti Bond in 1844 under which the chiefs contributed to a stable society by participation in the settlement of serious crimes alongside the British Queen's judicial officers (Bennion, 1962). This led to a merging of the customs of the locals with the colonial procedures in governance. Also, certain matters were left to the chiefs and the traditional council to handle (Nukunya, 1992).

Subsequently, the introduction of western education by the colonial administration led to the emergence of an elite class in opposition to the merged colonial and indigenous governance (Nukunya, 1992). Thus, rising competition of power was witnessed in the territories leading to the emergence of political parties with opposing interest, which resulted in a gradual reduction in the influence of chiefs over citizens (Kimble 1963).

Nonetheless, as the popular adage amongst the Akans says; '*Obiara nni ho a ode ne nsa benkum bekyere nenkyi*' which literally means '*one does not disregard one's roots*' became evident as citizens refused to give in to such persuasions due to their attachment to customs. To the citizens,

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<sup>1</sup> People with direct genealogical connection (Nukunya, 1992).

<sup>2</sup> Segment of the Descent group found in one locality (Nukunya, 1992).

narrated by a local chief ‘*culture is everything and must be upheld with integrity*’ (interview, 2015) and this further gave much support to traditional rulers to push forward with strong resistance to a change in the system of governance which gave the traditional rulers control over land.

#### **4.4 Post-independence era**

Following the transfer of power from the colonial masters to political elites after a general election in 1951, and a full transfer of power in 1957 resulting in Ghana’s independence, attempts at institutional restructuring for land administration was carried out.

Despite the resistance of chiefs to such reformation, they were restricted under the 1957 Constitution of the newly independent nation from active participation in political affairs. From 1966 onwards, constant change in governance by military and educated elites in Ghana resulted in a struggle for control between politicians and traditional authorities over land administration. Traditional authorities had the backing of their citizens due to cultural norms that threatened politicians in governance over support of the public. This phenomena has been described as ‘a deeper rooted debate over the degree to which traditional authorities have claimed not only to their bases of legitimacy but even to remnants of their precolonial sovereignty’ (Ray 1999:131).

Such fear may have influenced the politicians as they resulted in the recognition of traditional authorities. Chapter 22, Article 270 of the Constitution of Ghana states that “The institution of chieftaincy, together with its traditional councils as established by customary law and usage, is hereby guaranteed.” The constitution established ‘Councils of State’ and ‘Houses of Chiefs’, and this led to ‘another merging of state-traditional governance’ that resulted in a ‘pluralistic’ form of land administration. Due to the merging of ‘state-traditional governance’ the political government has made several attempts through the law to limit the legal force of customary rules and practices (Berry 2001).

Subsequently, Ghana has witnessed a number of attempts at reformation in land governance through legal mechanisms (Administration of Lands Act, 1962; The Land Title Registration Act in 1986 and the 1962 Concessions Act ) that restricted the autonomy of traditional leaders over land. Also, the 1992 Constitution of the Republic of Ghana vested all public lands in the trust of the President on behalf of the people.

Another attempt was made through the introduction of the National Land Policy of 1999 in 1999 by the Government of Ghana. The Policy outlined long-term land administration reform processes with the aim of stimulating economic development, reduce poverty and promote social stability. This policy further gave recognition to traditional authorities and their right to land administration by stating that:

*“All traditional sources of land tenure and rights as well as those derived from common law, that is, the allodial title, customary law freeholder, an estate of freehold vested in possession or an estate or interest less than freehold under common law, leasehold interest, interest in land by virtue of any right contractual or sharecropping, or other customary tenancy arrangement, are recognized as legitimate sources of land titles and are to be classified as such”* (Ministry of Lands and Forestry, 1999).

Further reformation took place in 2003 through the introduction of Land Administration Project (LAP) with funding from the World Bank, the International Development Association, Nordic Development Fund (NDF), Canadian International Development Agency (CIDA), the UK Department for International Development (DFID), the German Bank for Reconstruction (KfW), the German Agency for Technical Cooperation (GTZ), and the Government of Ghana. The Ministry of Lands and Natural Resources was given the overall responsibility for implementation of the long term 15-25 years’ reforms in the Land Sector in five-year phases (MLF, 2005).

The first phase of the reforms, under the label LAP-1, was implemented from 2003 to 2010 which took longer than the proposed five years’ duration. LAP 1 laid the foundation of the project by reviewing the statutes on Land, carrying out institutional reforms and undertaking pilot projects on some initiatives such as Customary Boundary Demarcation, the establishment of Customary Lands Secretariats, Digitizing Land Records, Establishment of Land Courts, Systematic Title Registration, among others. Amongst the accomplishment under LAP 1, was the establishment of the Lands Commission Act, 2008 (Act 767) which led to an institutional restructuring in the land sector in the country. Amongst the challenges encountered during the implementation of LAP 1 were the interplay of customary systems and institutions for land tenure, the legal plural environment and the multiplicity of institutions for land administration in Ghana (Larbi, 2006).

The second phase of the Project under the label of LAP 2 was launched on September 14, 2011, and was intended to implement the key Policy actions recommended in the Ghana Land Policy of 1999 (discussed above), and to address critical issues militating the effective and efficient Land Administration in the country. The goal of LAP 2 was to consolidate and strengthen land administration and management systems towards efficient and transparent service delivery through reviews and enactment of appropriate land administration laws and regulations, capacity building for Land Sector Agencies, Land Owners and relevant NGOs, and to streamline business procedures within the Land Agencies.

#### **4.5 Formal Land related Organizations in Sekondi-Takoradi.**

This section presents a brief background of the current land-related institutional organizations in Sekondi-Takoradi. It also accounts for their role in land governance and the legal mechanisms for their establishment.

##### **4.5.1 The Metropolitan Assembly (Sekondi-Takoradi Metropolitan Assembly)**

The Constitution of Ghana and the Local Government Act of 1993 (Act 462) established a decentralized governance system in Ghana with the objective of facilitating the involvement of local people in decision-making. This decentralization resulted in the establishment of local governments in the form of Metropolitan, Municipal, and District Assemblies.

A city with a population of over 250,000 inhabitants was regarded as a metropolitan assembly leading to the formation of Sekondi-Takoradi Metropolitan Assembly (STMA) and other metropolis in the country. A metropolitan assembly has a 4-tier governance structure, and it is the decision-making body of local government<sup>1</sup> (Kotey et al., 1998). It is made up of nominated members (by the government in power) and elected representatives in the form of Assembly members from all the communities within the metropolis. STMA's administrative headquarters is located in Sekondi and consist of four Sub-Metropolitan Assemblies. It also has a number of town/Area council<sup>3</sup> Councils and Unit Committees<sup>4</sup>.

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<sup>3</sup> Settlements with populations above 1500, 5000-15000, and 30000 inhabitants are grouped into Urban, Area, and Zonal councils.

<sup>4</sup> Unit committees are formed for populations of 500-1000 and 1500 inhabitants in rural and urban areas.

#### **4.5.2 The Regional Lands Commission**

The Lands Commission was established by Article 258 of the 1992 Constitution of the Republic of Ghana, and the Regional Lands Commission was mandated to regulate land transactions in their areas of jurisdiction and to ensure consistency with local development objectives (Article 267 of the 1992 Constitution). A new Lands Commission Act, 2008 (Act 767) followed the implementation of the Land Administration Project (LAP). The new Lands Commission formed under this act merged the Survey Department, Land Title Registry, Land Valuation Board and Lands Commission Secretariat into one unit under the name of ‘Lands Commission’ with the national headquarters in Accra while the RLC remains in each regional capital throughout the country. Further divisions of the Lands Commission including the RLCs were made under the Act and classified into the following divisions: The Survey and Mapping Division; the Land Valuation Division; the Land Registration Division; and the Public and Vested Land.

The Lands Commission was established to manage public land and any other land vested in the President by the Constitution or by any other law and any land vested in the Commission (Lands Commission Act, 2008). It was also to advise the government, local authorities, and traditional authorities on the policy framework for the development of particular areas of the country to ensure that the development of individual pieces of land is coordinated with the relevant development plan for the area concerned (ibid). It was to formulate and submit recommendations to Government on national policy with respect to the suitability of land use; and assist in the execution of, a comprehensive program for the registration of title to land throughout the country (ibid).

#### **4.5.3 The Office of Administrator of Stool Lands**

Article 267 (2) of the Fourth (4th) Republican Constitution of Ghana established the Office of Administrator of Stool Lands (OASL). The Administrator of Stool Lands Act, 1994 mandated the Stool Land office to establish a stool land account for the stool(s)<sup>5</sup> within its territory, collect annual stool land revenue, and manage rents and royalties in respect to stool land from companies and individual land lessees<sup>6</sup>. OASL disburses the revenue to the appropriate traditional authorities. The office consult with the Lands Commission, chiefs and other traditional authorities in all

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<sup>5</sup> The stool is the symbol of Authority that legitimizes the reign of a chief/king.

<sup>6</sup> An applicant or one to whom a land is given



matters relating to the administration of stool land and make available to them all relevant information and data.

Under the constitution, OASL is entitled to 10% of the total stool land revenue for its administrative expenditure, 25% is paid to the landholding stool for the maintenance of the stool's authority, 20% is given to the traditional authority/council, and 55% to the Metropolitan or the District Assembly in the area.

#### **4.5.4 Town and Country Planning Department**

The Town and Country Planning Ordinance, 1945, Local Government Act, 1993 (Act 462), National Development Planning Commission Act, 1994 (Act 479), National Development Planning (Systems) Act, 1994 (Act 480), and the National Building Regulation, 1996 (LI 1630) mandated the Town and Country Planning Department (TCP) to engage in preparation of planning schemes and setting of planning standards and regulations in Ghana. TCP is a decentralized department that works under STMA and is also known as the Physical planning department. It engages in land planning and zoning.

All the above land-related institutions have regional offices in STMA with their headquarters at Accra. They operate as independent bodies but work hand in hand with each other in land administration in Sekondi-Takoradi.

#### **4.6 Chapter Summary**

This chapter took us through the stages of land administration development in Ghana, which can be described as “a deliberate policy of sustaining not just the communal basis of government but also the primordial basis of social solidarity and territorial organization” (Ninsin 1989).

Amongst the factors that led to the resistance of relegation by traditional land governance was the promotion of traditional political units by the colonial masters through the indirect rule and the merging of traditional and western governance. Subsequent quest for support from citizens by political leaders led to the the recognition of traditional authorities and their power. This, in part, is attributed to the allegiance of citizens to culture and identity. The current attempts at land governance reformation and the merging of traditional land administration through the introduction of LAP have equally led to a perpetuation of legal pluralism. Thus, the current land

governance structure and the land related institutions described in this chapter are a reflection of the historical processes and plurality of interest in land by various actors.

Despite several attempts of land reformation, land conflicts and contradictory role of state and traditional rulers prevails in the country, including Sekondi-Takoradi. Land conflict in Sekondi-Takoradi is further heightened as a result of urban expansion and investments following the discovery and production of oil in the Western Region. The subsequent chapters of this write-up illuminates the land tenure structure, emerging land related conflicts, and processes of conflict resolution in Sekondi-Takoradi.

## CHAPTER FIVE

### LAND TENURE AND ACCESSIBILITY IN SEKONDI-TAKORADI

#### 5.1 Introduction

This chapter presents an account of the types of land tenure system, land acquisition procedures, and administration. It also looks at the land use pattern, duration of land lease, pricing and sizes of leased land in Sekondi-Takoradi.

Like many Ghanaian societies, there are two broad categories of land ownership identified in the study area; customary and public land ownership (Nyame and Blocher, 2010). However, land ownership in Sekondi-Takoradi can further be grouped into stool land, lineage land (Abusua Asaase), state land, and private lands respectively.

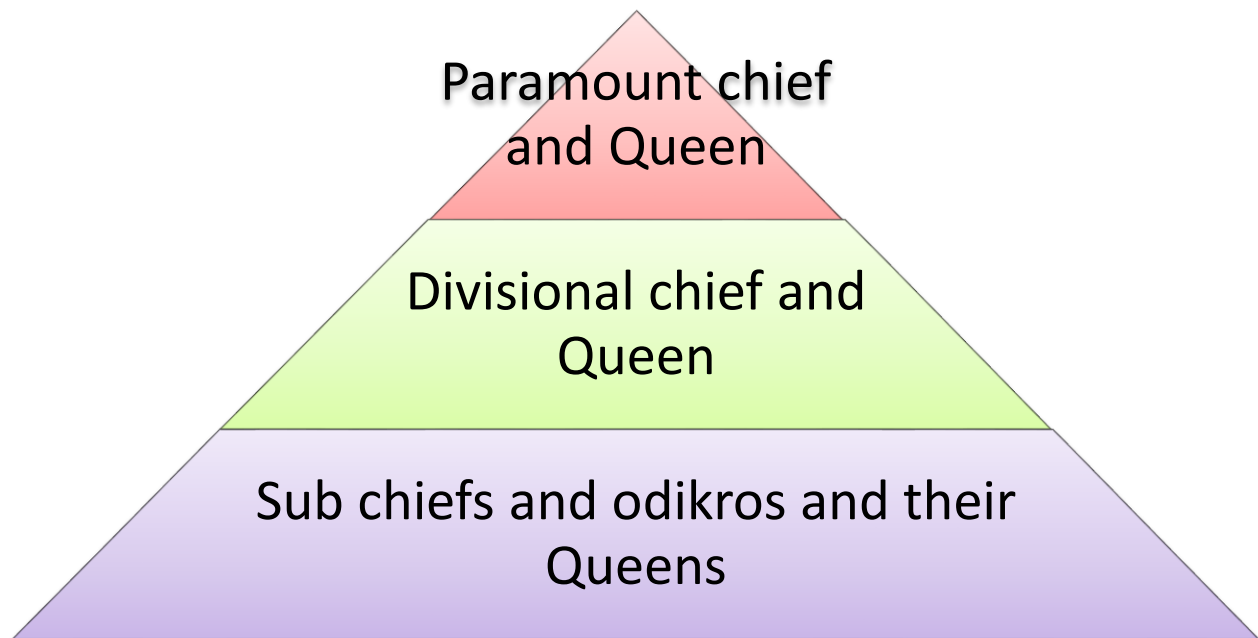
#### 5.2 Stool land

Stool lands are held through customary law by chiefs as custodians of lands and is legally backed by the 1992 Constitution and the national land policy of 1999. The paramount chiefs of the metropolis have the allodial title vested in the stool they occupy. An allodial title grants the Chiefs the overall capacity as custodians of land in their areas of jurisdiction. The allodial title is enshrined in Act 267 of the 1992 constitution of Ghana: *“All stool lands in Ghana shall vest in the appropriate stool on behalf of and in trust for the subjects of the stool in accordance with customary law and usage.”*

There are three paramount chiefs in the Sekondi-Takoradi Metropolis with each Paramount chief (*omanhene*) exercising autonomous control over the administration of land under his jurisdiction and overseeing the affairs of a number of communities under their traditional jurisdiction/area. Within each traditional jurisdiction, there are divisional chiefs and sub-chiefs who oversee the affairs of their communities.

It was observed that the land tenure patterns of stools were hierarchical. A jurisdictional ruling, made up of a number of towns that are ruled by sub-chiefs who owe allegiance to the Paramount Chief (*Omanhene*), has been established. The highest order of this hierarchy is the paramount chiefs, followed by the divisional chiefs and sub-chiefs (each with their queens) of each community, who owe allegiance to the next higher order through to the paramount chief.

Land tenure runs along this pyramidal rulership or governance (See figure. 5.1 below) which sprung from the ancestral lineage of first settlers. Some of the chiefs interviewed made remarks like this: *‘The land and stool we occupy are the results of the shed blood of our ancestors’* (Interview, 2015). Chiefs also believe that their ancestors acquired and owned the land through war conquest, first settlements and first clearance (farming and hunting).



**Figure 5. 1 Hierarchy of traditional land governance.**

Though by legal law and by custom, the paramount chief is the overall custodian of stool land, chiefs refer to themselves as *‘caretakers of the land,’* that is holding and managing the land on behalf of their ancestors, the current and the future generation along their lines of lineage. Thus, the allodial title to stool land can only be transferred to the next chief after enstoolment<sup>7</sup> and cannot be held by a distooled<sup>8</sup> chief. Although land is vested in and owned by the paramount chief in trust of the people, sub-chiefs are given the right and capability to manage and lease land after which a

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<sup>7</sup> The enstoolment is the raising of a chief to power.

<sup>8</sup> Distoolment is the deposing of a chief from his office

portion of the lease benefit, in the form of money, is given to the paramount chief for the upkeep of what they refer to as ‘traditional needs/expenses’.

### **5.3 Lineage land (*Abusua Asaase*)**

Lineage land (*Abusua asaase*) in Sekondi-Takoradi is held by individuals or groups with unlimited rights of ownership and management of land. Lineage land is legally recognized under the 1992 Constitution and the national land policy of 1999 which gives headship of title to lineage heads of tenure groups. The possession of family land is based on first clearance by their ancestors. It was realized that families and clans (within the tribes of Ahanta and Fante) have the actual right of possession of most lands even when the Chiefs are recognized as the custodians. One paramount chief confirmed this by saying that: “*Family lands constitute the highest percentage of real ownership of lands in the metropolis*” (Interviews, 2015).

This is because chiefs are chosen from ‘*adehyee abusua*’ (royal families). Despite the influence of families in land ownerships, family heads (*Abusuapanyinfo*) of such lands submit to the chiefs in land transactions. This is done by giving a certain percentage of the land transaction benefit to the chief in their communities, who in turn gives about 30% to the next order of chief they submit to benefit the entire society. Family land ownership is a collective possession and cannot be used in the interest of one individual.

### **5.4 State/Public land**

Another category of land (considered to be about 10% by the RLC) in the metropolis has been identified as state land. State land is considered to be for the general public but under the management and control of the government. State land equally recognized under the Constitution of the Republic of Ghana and the national land policy. State land is either compulsorily acquired or bought from chiefs and families for government projects and plans for the state in line with the State Lands Act, 1962 (Act 125), the Administration of Lands Act, 1962 (Act 123) and the State Lands (Amendment) 2005, Act 586. Also, Article 20 of the 1992 Constitution of the Republic of Ghana provides individuals and stools from which state lands were acquired to be compensated. The state land in Sekondi-Takoradi is managed and leased by the RLC on behalf of the government to applicants. Just like the allodial or stool lands, state lands are neither inheritable nor transferable, but lessees are allowed by the conditions of land acquisition laws to sub-lease when necessary.

Another category of land managed by the state is known as *vested land*. These are lands managed by the government for a group of communities due to conflicts on ownership. Vested lands are mostly owned by families/stools but managed by the government until a final verdict is provided by the court. Although this type of landholding was mentioned by the chiefs, not much of it was confirmed by the court during my field work.

### **5.5 Private and individual land.**

The last category of land is known as private lands. These are lands given to particular groups of people or individuals as gifts by chiefs to families based on their good deeds to the community or the Chiefs. Such land is known not to be transferable but is transferable by those to whom the lands was given. According to one private landholder, *‘It was a gift given to my grandparents by the chief and I have inherited it from my father.’* (49 years’ male farmer)

### **5.6 Land Administration, Accessibility, and Procedures of Registration**

Family members and what Boamah and Overa (2015) call ‘loyal subjects’ were found to have been granted user rights on stool and family lands. These lands were discovered to have been given verbally and were found to be seldom registered. One family member narrated:

*“The Abusuapanin [family head] gave me two plots of land but later my cousin came to claim ownership of those same plots. This happened because I did not register the land.”*

Family land is given as a gift, and the recipient demonstrates acceptance by giving a token of money, Alcoholic drink and other valuable items to the Lineage head. Family land transaction is witnessed by key members of the family and can be transferred to the next generation. It must be noted that, with the exception of the family members who have usufructuary right, which confer on them a ‘certificate of group ownership’ (Aryeetey et al. 2007 cited in Boamah, 2014) the above categories of identified lands (Lineage, Stool, and State lands ) in Sekondi-Takoradi can be acquired by every individual, group or businesses regardless of gender, race or nationality in monetary terms. One of the chiefs interviewed made this assertion; *‘Everyone is entitled to land; all you need is the ability to pay.’* Land can thus be acquired by all when the necessary land acquisition and purchase requirements are met.

Acquisition of stool land requires a visit to the chief of the area by the applicant. Such visits are made through the Linguist/Spokesperson of the chief with two alcoholic drinks and a non-

refundable knocking fee in a form of cash presented to the chief. This is a customary practice that grants one an access to speak to the chief. The amount varies from one chief to another, and it also depends on the position of the chief in the chiefly hierarchy. The chief, together with his palace elders, after accepting to lease a land, tasks a surveyor to accompany the applicant to the site of the land for verification and suitability of the land for the intended project before the land is given out to the lessee. The lessee is asked to apply for a “*search*” from the RLC, which is a document that confirms the right owner of the land and the land’s vacancy. However, one chief interviewed acknowledged that:

*“Most people fail to make this search application due to the duration of the application period and the stress involved.”*

A cadastral site plan is prepared after the search declaration from the RLC, and the lease is effected with a final payment of the land made to the landholder/lessor<sup>9</sup>. Following the payment, an indenture/contract is prepared by the chief, signed or thumb-printed and sealed together with the principal elders of the palace and the queen mother as a proof of land lease. The indenture bears the name of the lessor (property owner), the lessee, names of the people with the signatories, date of the lease, type of land use and the duration of the land lease. The indenture is given to the lessee after acquiring all the signatories. However, it was alleged that, the payment for indenture preparation was not considered as part of the lease. Hence, an additional fee ranging from GHS 300 to 600 (USD 75 to USD 150) or even more may be incurred by the lessee in obtaining the indenture.

The same listed procedures are carried out in the acquisition of family land except that the indentures for family land are signed by the family head together with family members with the right signatories, and sometimes the chief or the queen mother of the area are asked to serve as signatories. Another difference between the acquisition of stool land and family land is that no knocking fee and drink is offered to the family head, except in cases where the family head is also a chief of an area/community. It was also observed that, the procedures in the acquisition of family lands are not smooth due to different signatories involved in the indenture preparation. On this topic, one Lessee interviewed told me that: *“The indenture preparation can take the duration of*

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<sup>9</sup> Land owner or one who holds the allodial title to land.

*one day to several years depending on the applicants' status and one's ability to pay extra money to the signatories.*" (39 years old Farmer).

Another lessee added that; *"It's all due to unnecessary bribes along the signing processes, if you pay more, you can get it even the same day"* (42 years old Trader).

Another lessee said, *"it took me more than three years to get all the signatories for my indenture, but it only took three weeks for my colleague because he was well known and connected to the palace elders and the parties involved in the signatories."*

In contrast to the above assertions, investors noted that their indenture preparation happened within a shorter duration. Such contrast in the duration of indenture acquisition clearly shows that, wealth and rank was a driving factor in the acquisition of the right signatories in the indenture preparation. However, some chiefs alleged that, the delay in indenture preparation is related to other factors like time constraints and different schedules of people with the right signatories.

It was also observed that, the lease were mostly granted to applicants before indenture preparation. As a result, it was common for applicants to develop their land before acquiring an indenture. One informant told me, *'To be honest with you, young lady, I built my house up to window level before processing an indenture; even that was due to encroachment from a neighbor which necessitated a proof of my plot boundary'* (54 years old Mason).

This suggests that unless a lessee is threatened or requested to present a confirmation of lease, an indenture may not be considered necessary. Request for proof of lease/indenture is mostly carried out by the TCP through STMA with a threatening message written on new buildings. A common example observed was;

*"STOP WORK, PRODUCE PERMIT, BY STMA."* This is usually followed with a deadline for the supposed building owner to show a permit and title to land. It was alleged that, failure to present an indenture/proof of lease could lead to legal measures through the court.

In the acquisition of state land or vested land, transactions/lease are carried out by the RLC. In this situation, no drinks or knocking fees are offered. The Lessee is accompanied by a surveyor to see the land for acceptance. A cadastral site plan is prepared, indenture is issued, and the lease is effected with payment to the RLC.



In the acquisition of stool and lineage land, a copy of the site plan is kept by the Lessor while the Lessee keeps the indenture together with the original copy of the site plan. Regardless of the source of the land acquisition, all indentures are sent to the RLC by the Lessee for Title registration and to the Physical Planning department of STMA for building permit at an extra cost/fee. It is the title registration that gives the Lessee the legal ownership of the land. However, title registration was mostly avoided or postponed by Lessees due to the additional time and the money involved. One informant confirmed this by saying:

*“My lady, is not that I don’t know the importance of the registration, but thinking of the extra cost, time in processing and the ‘go and come later hurdles,’ I’d rather postpone till I am free, but seriously I am never free” (47 years old Mechanic).*

However, since Lessees could develop their lands after payment, title registrations and permits acquisition are rarely made. The challenge associated with unregistered lands is that, they are regarded as ‘vacant’ by the RLC which means that such plots may be leased to other applicants and this often generates conflicts.

### **5.7 Land use and duration of land lease**

It was observed that land was mainly leased by the chiefs and families for housing, agriculture, and industrial purposes even before the discovery of oil. Currently, lands are being leased by the above parties in addition to other family members who have user rights and other sub-Lessors for residential and industrial (warehousing, fuel stations, resort and conference centers, shopping mall) purposes. Hence, the only significant change in land tenure involves the leasing of land by family members and sub-Lessors. This act is however considered unacceptable by the traditional and state authorities.

When it comes to the duration of the land lease, it was discovered to be dependent on the land use activity. Residential land is leased for 99 years after which the lease has to be renewed or returned to the Lessor. On the other hand, industrial and agricultural lands are leased for 50 years after which the lease can be renewed or terminated. Regardless of the source from which land was leased, Lessees are given a period of five years to make substantial development on the land. Lessors explained that, failure to develop one’s land within the specified period would require the lessee to ‘re-enter,’ as it is commonly called. Re-entry involves the re-application for the same plot of land by the lessee otherwise the Lessee may have to forfeit the land. In the application for

re-entry, additional fee may be charged by the Lessor. One chief explained that, no refund is made to a Lessee who fails to re-enter, but in some cases, the Lessor may extend the period for re-entry to about ten years or more provided there is no demand for the land. However, it was observed that such extensions were rarely granted on plots, considered by the lessors, as being situated at strategic locations (Plots close to the major roads, to the city, areas with basic infrastructures). Infrastructure provision is often considered to be the responsibility of the government, but are seldom in tandem with city expansion. Hence, existing areas with such provision are always preferred by applicants in the process of land acquisition. This suggest that an application for re-entry for a plot by an applicant for plot in well serviced locations may be turned down. Another concern is that; new applicants are always willing to pay higher prices for the land which will favor the Lessor involved. It was therefore common for most lessees to lose their land with little or no compensation. On this topic, one of the chiefs I interviewed made this remark: *“If you don’t find the land useful, I will give it to another; I need to develop my community.”* Other Lessors would replace the land with a plot at the peripheries for the old land upon the decision on re-entry.

When asked about other reasons for the law on re-entry, informants alleged that, due to the expectation of the oil production and its perceived effect on land value, many have acquired land with the purpose of selling it in the future for better prices. To the Lessors, such land leases hinder development and city expansion. Thus, the re-entry serves as a check for land hoarding in the metropolis.

### **5.8 Pricing and sizes of land in the metropolis**

Land values are not fixed. Several factors determine the price of land in the metropolis. Amongst them are the location of the land (as explained in the previous section), type of land use and the type of Lessor involved in the lease. Some informants stressed that land that was leased by families and stools were moderately priced compared to land leased by the state. However, a discussion with some Lessees interviewed suggested that the pricing was virtually the same (See Table 6.1).

**Table 5.1 Comparison of land leased from different sources**

<b>Land acquired from Family/Stool by Lessee A</b>	<b>Cost USD</b>	<b>Land acquired from government by Lessee B</b>	<b>CostUSD</b>
Knocking fee	50 (plus two alcoholic Drinks to Chiefs)	-	-
Search fee	25	-	-
Lease payment	1300	Lease payment	1550
Indenture preparation	100	-	-
other unofficial tips	100	-	-
Title registration payment	25	Title registration payment	25
<b>TOTAL</b>	<b>1600</b>		<b>1575</b>

Source: Fieldwork, 2015.

As can be inferred from the table, the pricing of land in relation to the source of the lease was found to be almost the same. The similarities in prices are achieved when the knocking fee, cost of the alcoholic drinks, indenture and the unofficial tips involved in the acquisition procedures were accounted for.

The sizes of residential plots vary from that of industrial and agricultural land. When asked about the sizes of plots, Lessors provided a reduction in the standard size of a plot of land from 100 X 100 feet to 80 X 90 feet for one residential plot. An agricultural or industrial plot size was said not to be fixed but could take a range of four or more residential plot size depending on the location, purpose, and price.

In general, a range of USD 1000 to USD 5000 was given as the price for a plot of residential land depending on the location. An industrial and agricultural plot were given a range of USD 2500 to USD 7500. However, some chiefs acknowledged to having leased Agricultural lands at a relatively lower price.

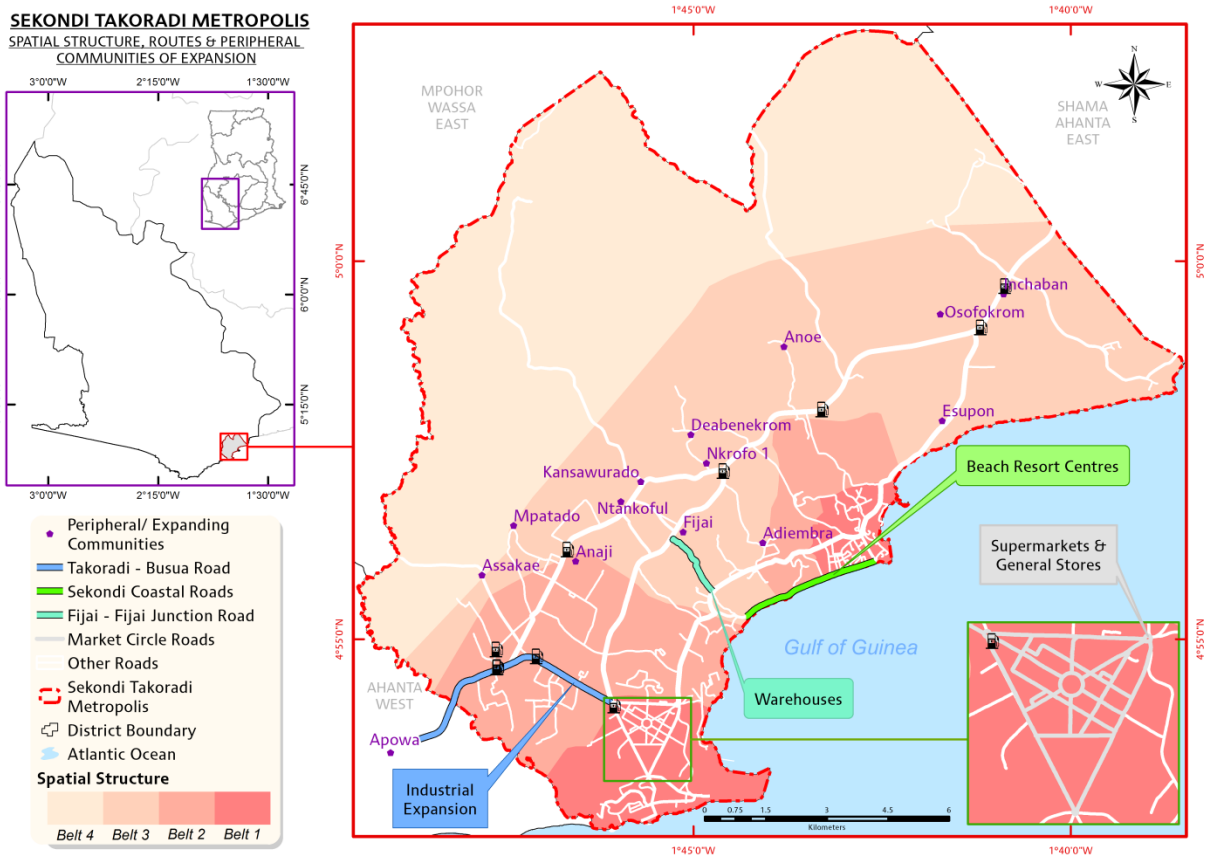
# CHAPTER SIX

## LAND DEMAND AND CITY EXPANSION

### 6.1 Introduction

The discovery and actual production of oil in the jubilee field have led to rising demand for land for the building of residential and industrial facilities, recreation centers and infrastructural expansion in Sekondi-Takoradi. This form of expansion has resulted in rapid urban growth in the city (See Map 6.1).

**Map 6. 1 Communities and activities for city expansion in Sekondi-Takoradi.**

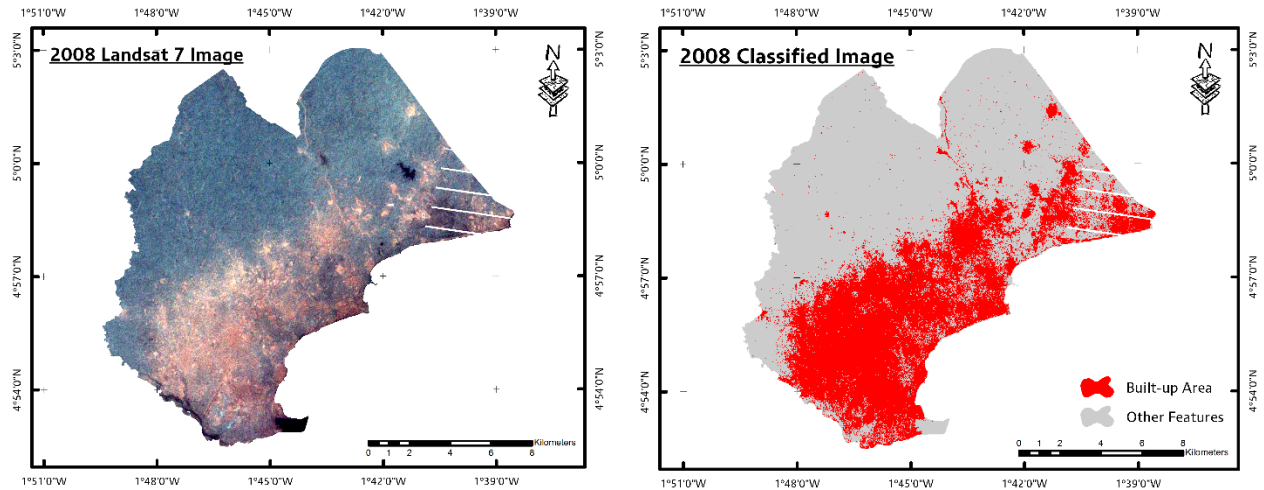


Source: Modified from Google Earth

It is worth noting that, belts used on the legend of Map 6.1 indicates the density of areas. For example, Belt 1, represents a high density area, Belt 2, represent a medium density area, Belt 3 and 4 represent low populous areas respectively. As shown from the map (6.1), the growth of

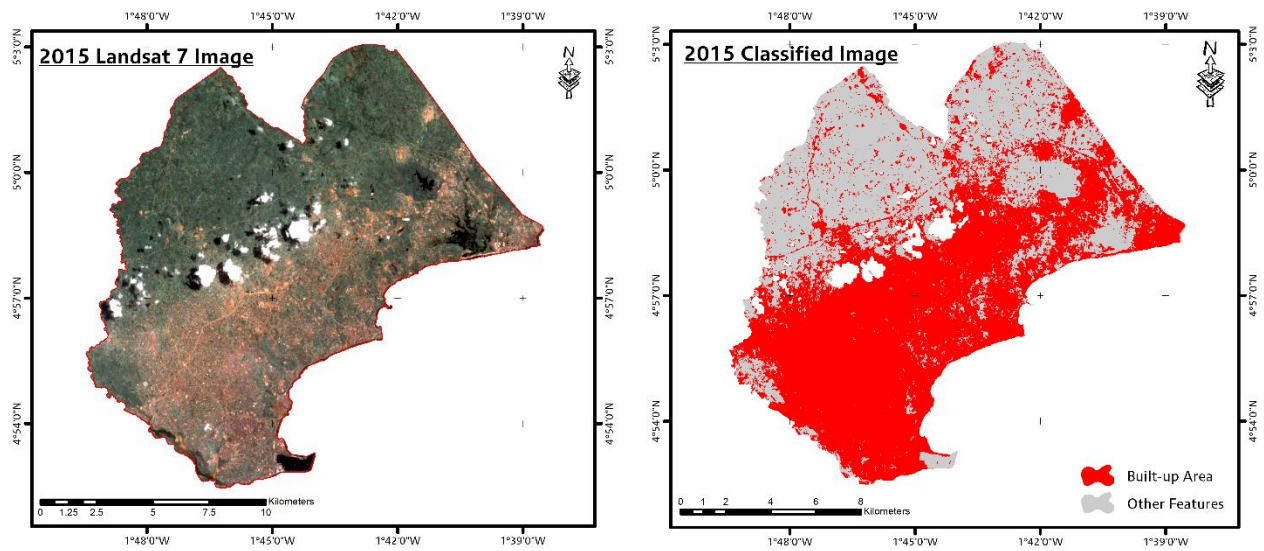
industries and warehousing is taking place along the major roads, beach resorts are constructed along the coast as well as residential expansion in the peripheries. For the purpose of this research, I used an analysis of change to determine the rate of expansion between 2008 and 2015 to give a visual view of the city's growth (See Figures 6.1 and 6.2).

**Figure 6. 1 Landsat and classified image of physical expansion of Sekondi-Takoradi in 2008**



Source: Modified from Google Earth

**Figure 6. 2 Landsat and classified image of physical expansion of Sekondi-Takoradi in 2015**



Source: Modified from Google Earth

As demonstrated in the above change analysis, it appears that there has been a marked expansion in the built up area from 2008 to 2015, (up to the period of my fieldwork), indicating an expansion of the metropolis following the oil discovery and production. Amongst the factors that has contributed to this expansion are construction of estate and individual residential facilities, industrial and business structures (fuel stations, warehouses, hotels, restaurants) construction of new roads and electricity extension to new sites. It was also observed that some roads had been renovated due to the city's expansion. It must be emphasized here that, Sekondi-Takoradi is already urbanized; thus, this change is only an increase in the existing facilities. However, new features in the form of luxurious residences, export services for the mines and marketing of foreign products has also been introduced.

## **6.2 General Perception on the City's Expansion and Effects of the Rising Demand for Land**

One would expect the people of Sekondi-Takoradi to welcome the above expansion in the city with much delight. However, interviews with informants show that the effects of the rising demand for land and city expansion is either positive, negative or neutral depending on the category of informants.

When asked about a general perception of informants about the city's growth and the rising land demand, some of the chiefs attributed the growth of the city to the oil boom and individuals perceived benefit of the oil in the years to come. Some Informants in the government departments ascribed the rising land demand to the increasing influx of migrants (both local and foreign) who have entered the city to search for jobs, businesses, and other ambitions. Some family heads interviewed were of the view that, the city's expansion is related to the need for residential facilities, fuel stations, restaurants, hotels, warehouses and conference centers. They told me that, applicants allude to the above reason for land acquisition. Amongst the individuals interviewed, some, alleged that, the city is expanding because of the label, 'oil city.' Apparently, 'Oil city' is a common term emerging as another name for Sekondi-Takoradi, due to its proximity to the Jubilee field. Some individuals are of the view that, 'oil is very precious to every country so people are moving into the city to reap the benefit and that is why the city is expanding'

Regarding the effects of the city's growth on individuals and groups, some land Lessors (Chiefs, family heads) explained that, the land demand has been a great benefit to the communities from which plots of lands were leased. One of the chiefs interviewed made this remark; "Every

*community needs physical expansion to develop. If you are stagnant in physical growth, so is your level of development. So the city expansion and its associated land demand is a positive outcome of the oil production, and we are very proud of it.”*

Some of the Lineage/Family heads made similar ascertainment that, development of a town depends on the buildings and the purpose to which the buildings are used. They alleged that, since most Lessees were demanding land for businesses, it will as well promote employment and other subsequent benefits in the entire community.

Some investors were particularly in support for the rapid change, especially the rising population due to the influx of people. One business owner in the field of construction informed me about how great business has been for the past few years following the oil production, and he said:

*‘I can confidently say that my sales have gone up over 70% of what I used to make in the previous years. I have now expanded my business as well as two more branches in this metropolis.’*

Other informants were equally in support of the city’s growth which in part relates to the benefit they derive from it. For instance, a trader/shop owner told me: *‘now they buy things than before, and that is good for business.’*

The rising demand for housing associated with the city’s growth is also favored by some of the Landlords. As the economic saying goes; ‘The higher the demand, the higher the price’. Some of the Landlords have taken advantage of the situation of high demand and have increased the prices of rooms rented. One of them boastfully gave this remark: *‘No matter the charge for rent, people are still interested in acquiring the room, it wasn’t like that before’* (46 years’ Landlady).

Other service providers like drivers, food vendors, hotel managers and estate agents were particularly happy about the influx of people into the city due to the demand for their services which has improved their earnings. Concerning the positive outcome for individuals, the following responses were offered by some of the informants:

*“Well, I have had the opportunity to work on several construction projects as a mason due to the increase in building projects. Before we used to struggle to win a project but now we are overloaded. So in all, I will say the outcome has been good for me. I don’t know of other people’s experiences though”* (Awuni, 55 years, Building Contractor).

*“I own this cement shop, and if you ask my sister here [referring to a lady sitting next to her] she will tell you my experience. Before this oil discovery, one trip of cement could last for weeks or months without potential buyers. But for the past three years, I almost request for a new trip every week due to greater demand for cement” (Boateng, 33 years).*

*‘The materials [aluminum roofing sheets, iron rods, wires, etc.] were getting rusted some years ago, but now it doesn’t happen anymore, so is not bad. This is what we were hoping for when we heard about the oil and its happening’ (Obeng, 35 years, Trader in building materials s).*

Contrary to the above informants, government officials expressed mixed feelings about the rapid change due to the associated pressure on their services. Concerns were raised about road traffic congestion, forced eviction, pressure on social amenities, introduction of deviant behavior and foreign culture. Some of the informants told me there has been an increase in their workload and yet the government has made no provision for new recruits. Thus, they have to work at a double pace to catch up with the demand for their services. The concern here is that, government workers in Sekondi-Takoradi and by extension Ghana, are not paid per the number of working hours, but a fixed monthly salary, hence, any overtime service may not be accounted for.

Other individuals whose land are directly affected by the land demand were of the opinion that the city’s growth was nothing to jubilate over. Some of them asserted that, the city’s growth is a curse on them since they have lost their land. One Mechanic made the following remark:

*“This so-called oil is the cause of my eviction. The land I worked on has been sold to a foreign investor. I don’t care anymore about this city. Let the leaders favor the rich always, but they should remember that God is watching” (Kwame, 47 years old Mechanic).*

The above responses suggest that, the city’s growth has promoted both positive and negative effects. As some people derive benefits from the city's growth through an increase in income generation, employment opportunities, and improve living standards, others had unpleasant situations to handle. One of such unpleasant situations relates to land conflict, which is presented in the next section of this chapter.



## **6.2 Conflicts and Disputes on Land**

The emergence of land conflicts was amongst the attributed unpleasant effect of land demand and city expansion. This section discusses the types of land conflicts that are generated following the oil production, parties involved in the conflicts, reasons for the conflicts and their associated effects. A number of conflicts were identified in relation to the city's expansion. The case study presented below offers insight into the situation of affected individuals.

### ***Case Study 1 : Ghana National Association of Garages (Narrated by a representative of the Sekondi zone on behalf of the Association)***

*The Ghana National Association of Garages, Sekondi zone was established in 1983 with objective of offering welfare services to members, maintain unity, harmony, and discipline among members of the Association and to engage in dialogue with the government on favorable policies to favor their business and negotiate with government financial assistance to its registered members.*

*We are made up of about 1010 registered members composed of 884 males and 126 females. Our members are into the specialization of auto sprayers, auto mechanics, auto body welders, auto brake/clutch liners, electrical works, black smiting, vulcanizing, spare parts trading and much more.*

*The Association and its members were granted large tracts of land around Tanokrom close to the airport from the Aviation department on a rental basis for which rent were paid in quarterly installments over a period agreed upon after which a new negotiation was to be made. We were told that the area is lying along the air route so no permanent development was to be made and would therefore not be disturbed.*

*Aside from the quarterly payment on the land, levies to STMA through revenue collection bodies are made by business owners. We equally engage in training of youths and technical students on apprenticeships and internships.*

*However, the recent demand for land has led a forced relocation from our site by the Sekondi-Takoradi Metropolitan Assembly and authorities in the metropolis as the site is to be used for the construction of a shopping mall by a company under the name 'Western Consortium' owned by some foreign investors but who have formed an alliance with some key leaders in the metropolis as potential shareholders.*

*We are to be relocated to a new land at Mampong registered in the name of the association. The relocation was agreed upon by STMA, the Traditional Authority and the executives of the*

*Association of garages. According to STMA, the relocation has been part of its major goal of decongestion. The proposed site of relocation was acquired by the foreign investors in exchange for our original site of work. But we know that the investors have form alliance with the chiefs and some royal members in this city, so they have gotten power more that we the citizens. The majority of us (artisans) have refused the proposition deeming it as an unfair eviction. Reasons given for such claims include: inadequate consultation with members on eviction, lack of proper notice before eviction, court bias for the authorities toward their eviction, political support of Association executives just to mention a few.*

*Also, we think, the new location present challenges such as lack of adequate electricity supply as the transformer located on the site is too small for the nature of our job. Other challenges relate to the distance of the new location to the city center and to the major road. To us the distance is too long for any client to visit; the new area has poor roads and can lead to the loss of our clients. Despite our resistance, the authorities upon winning a court case against us carried out 'drastic' measures to evict us. Many of us have lost our containers [movable metal or wooden shop from which they operate], tools, machines and other valuable items as the containers were moved with bulldozers under the guidance of military men to the new site without prior notice.*

*So far only 4 masters [business owners who are in favor of the relocation] are stationed in the new site. The rest of us [artisans] are scattered throughout the metropolis either by perching with a colleague or working from home.*

From the case study, and a follow up interview with some of the affected individuals, the artisans alleged that the new site allocated to them is not suitable for their business because the location is not convenient due to its remoteness from the city. They also alleged that the land is overgrown with weeds, marshy and lacks facilities such as electricity and access to other social amenities. Other evictees of similar cases were farmers, squatters, and roadside shop owners, who have had an agreement with landowners but were asked to move because of a new demand for land. A follow-up interview was made to some affected individuals of the eviction to find out their reasons for vacating the land. Amongst the reasons given by the evicted tenants who accepted to move was that, the State, as well as the traditional leaders, have authority to command them to move and as such they could not contest the law after the court's ruling. Some also told me that their equipment was taken because of the presence of the Soldiers during the time of eviction. Others also attributed

their refusal to appeal the court's ruling because of fear of punishment since the court banned them from entering the previous land, others too were afraid to go against their chiefs' orders.

A follow-up interview was also conducted with the four Masters mentioned in the above case study to ascertain their reasons for the move. They told me the new land is far more spacious than the previous land. They also told me that no one can fight the authorities [chiefs and the state], so if one is evicted, one has no option than to comply. Some also told me that it was a sign of respect to authority. Some people also thought of the chiefs as representatives of the gods. Thus, the outcome of the decision of the chiefs was left to the gods to judge.

*Family dispute* between different sides of a family over unauthorized lease of family land was another type of land conflict identified. This type of conflict occurred when family members with usufructuary right to land (the right to use land) were leasing out land without the concern of the family head or without acquiring the right family signatories. In addition, family disputes over boundaries were equally prevalent and this was partly related to the lack of boundary definition and registration of ownership. Family conflicts were mostly related to lands lying on the outskirts of cities which had little value to its owners compared to those located close to the city. However, following the oil production and its associated land demand, there has been an increase in value of land in the peripheries of the city. Hence family members are now leasing such lands to land seekers without the notice or signatories of the Lineage heads. In some cases, the original family member with the user right to a particular land are not even consulted. One informant explained that, he only got to know about the lease of the land to which he has been granted user right, when the Lessee had almost completed the building. Members whose land had been leased without consent usually confronts the unauthorized Lessor and this often result in conflicts. There were also few instances of disputes at the court between siblings over land left behind by deceased parents. Another form of dispute was witnessed between family members against family heads over the distribution of lease money, encroachment, land rights and usage.

*Inter-lineage land conflicts* involving two or more separate families over boundaries and the right of ownership were also witnessed. These kinds of conflicts, according to, one informant have existed decades before the oil discovery, however, such disputes have intensified. Similar to the conflict generated on peripheral lands discussed in the preceding paragraph, it was observed that most lineages had lands lying on the outskirts of cities which were less valued. However, following

the oil production and a rise in value of peripheral lands, the various lineages are now fighting for right and ownership in order to lease such lands out to land seekers. Associated with these conflicts are multiple sales of the same piece of land by different lineages claiming ownership over the land. One potential cause identified was a lack of proper records on demarcation and a lack of proper documents on ownership by the lineages involved. Most of such lands are therefore vested in the State represented by the LC by the high court for leasing. The benefits of such lease are shared to the lineages involved in the conflict. One court official explained that, until the case is settled, the State will exercise control over the lease of such disputed lands.

Another type of conflict identified involves two or more land use activities. An example of such conflicts includes competition for space between agriculture and housing developments in the peripheries (see Photo 6.1). Competition for space between housing and industries/offices occurred at the city center and among slum settlers. In addition, city expansion requires a number of extension of roads, electricity, and other projects which equally competes with existing land use activities. A number of cases witnessed at the court involved conflicts between two or more chiefs over territories. This form of conflict was a major cause of multiple sales of land since the different Chiefs claimed ownership to the same piece of land. Notable amongst such cases was lands located close to boundaries and transition zones from one jurisdiction to another.



**Photo 6. 1 Land use conflicts in the urban periphery between agriculture and housing**

Land conflict between ‘*evicted land users and business investors*’ was also identified. These forms of land dispute involve displaced settlers or previous land users and investors. These temporal land users were found to have been granted user rights by landowners for a temporal use of land for farming, putting up of shops, mechanical works among others, etc. Conflict arises when the land is leased out to investors with late notice or no notification. In cases of late notification, limited period for relocation and little or no compensation are offered. I asked about the reasons for disputes against investors, and some evictees told me:

*I have been living on this land with my three children after my boyfriend run away to Accra as a squatter. I used the right means to acquire this plot. The land owner takes monthly rent for my stay. I somehow protect the land from encroachment by my occupancy. So for another buyer to come and tell me to move within a month is unfair. At least a proper notification of six or more months would have been better that is why I am refusing to move. It will take time to get a new land. Besides this container needs to be moved to the new site I will find and that comes at a cost (Esi, 43 years).*

Another evictee said the following: *Is not that I don't know I am a temporal resident on the land, my problem is the lack of adequate notification to move. It happened overnight and the investor is in a haste to start his project. But I am not ready to move now. I need to first find a place* (Kojo, 52 years Farmer).

One important contributing factor to the above situations of land conflict was lack of contracts between temporal land users and land owners on temporal lease. The above evictees seem to have a point, but had no documented proof for their claim. Another triggering factor for conflicts involves the renting of unauthorized land by second and third parties or caretakers. This was more pronounced in peri-urban areas with the popular “*land for rent advertising boards*” (See Photo 6.2). Land acquired by relatives living abroad and investors for future projects were left in the care of second parties. These caretakers take advantage of the current demand by ‘*sub-leasing mechanisms*’ in the form of temporal rent to squatters, vegetable farmers, and artisans. Original land owners are not informed about the act of sub-leasing, hence, any notice on the return of the original land owner to the country would mean force eviction of tenants with or without compensation by caretakers. This leads to many verbal and physical arguments.



**Photo 6. 2 Advertising boards for land renting.**

Other forms of land conflict identified include, conflicts between traditional land owners and the state over the right ownership, issuing of double indenture to different lessees by traditional land holders, and lack of proper compensation to families and stools for the acquisition of state lands. Other types of conflicts also relate to multiple leases of the same piece of land, which leads to ownership disputes between Lessees and between Lessors and lessees.

### **6.3 Conflict Resolution Centers**

Land conflicts are resolved through formal and traditional means, depending on the nature of the conflict. This section presents findings on how conflicts are resolved and the reasons for choosing such mode of dispute resolution by parties involved.

#### **6.3.1 Lineage/Family heads**

Conflicts within families are handled by the Lineage/Family heads, who are mainly the older male members of the family. Family heads are highly respected due to their age and experience in handling disputes. In resolving family conflicts, the parties involved are brought to the family house (*Abusuafi*) to present their cases in front of the elders of the family, including older women of the families. Land related conflicts within families are usually on the sharing of land transaction benefits, disputes over boundaries, selling of unauthorized land to outsiders and using the wrong signatories on land transactions. In the event that conflicts and accusations are directed toward the family head, the issue is resolved by heads of each household as representatives. If an agreement is reached, the family head decides on the case or settles the conflicts between the parties involved by re-apportioning money from land transactions, by redefining land boundaries or by payment of compensation.

When asked about the determining factors in winning a case at the family level, one informant narrated;

*You know, families are supposed to be there for each other in times of crisis and merry. If you are good to me by giving your time, energy and assets when needed, I am likely to defend you on a case. But if you are close-fisted in the family, you should know that you are tagged and that label will affect the outcome of the case especially if the decisions of all are sought other than the key family elders (Oppong, 48 years, Family elder).*



This suggests that social relations within the family are a determinant factor in winning or losing a case. This includes relation to other family members, involvement in family activities like outdoorings, funeral, wedding and attending other dispute resolution cases other than one's own. Associated with such conflict resolution within the family are some challenges pertaining to biases on the part of family heads in favor of some members. One informant narrated her perceived reason for losing a case at the family level as follows;

*In the family, we have the rich, the poor, women against men, the educated alongside the illiterate, people who are influential in the family affairs versus the less noticeable ones. There is no way for the less favored ones to win against the other powerful and influential ones in the family. So to seek a fair judgment, I sought for the court (Abena, 53 years, Trader).*

The above case indicates that one's status within the family is a contributing factor in determining an outcome of a case. Many cases are therefore sent to the court or other alternative resolution bodies by the less influential members for fair treatments of cases depending on the nature of the case and the preferences of the parties involved. Thus, family disputes were amongst the most likely conflicts to be brought to the Court either because the parties involve feel they need an 'external force' or neutral arbiter to enforce a solution, or because they arouse the most bitter emotions. For example, declaration of land title by the court system is considered ultimate. Others simply choose the court's ruling because they feel it is feasible or impartial.

### **6.3.2 The Palace**

The palaces of both divisional and paramount Chiefs handle land cases. However most land cases are handled by the paramount chiefs. Land cases that are brought to be resolved at the palace are boundary disputes between families or between sub-chiefs and other individual forwarded cases. The land conflict cases are usually heard by the chief together with the palace elders, or the traditional council; that is a body of elders headed by the paramount chief of a stool. On the subject of determining the outcome of a case at the palace, one chief narrated:

*The person with the right proof of ownership [formal documentation of title and or convincing and acknowledged narratives of ancestry occupancy of land] usually wins. But if both lack proof, then discernment must be used in favor of what I refer to as 'omanba pa (the good citizen). A good citizen does not hide when I have a durbar, funeral, community project/communal labor or any other social gathering.*

*Some families feel they are the overall bosses in this community, and as a wise ruler I need not fight my subjects, but I will not permit injustice to other subjects who are loyal to my throne.*

Thus, one's commitment to the society through participation in community projects, funeral attendance, weddings, and festivities are regarded as important. A community member's presence in community gatherings is regarded as a display of communal commitment, good character, and exemplary attitude. Also, showing respect for chiefly authority is an important maneuvering factor in winning a case (Boamah and Overå, 2015). As the chief mentioned, some families consider themselves bosses but they are still subjected to chiefly authority.

Alternative Dispute Resolution (ADR) is used by OASL, Lands Commission, and other institutions in the settlement of disputes. ADR means the collective description of methods of resolving disputes other than through the normal trial process (ADR Act, 2010). This method of land conflict resolution, although mentioned, is beyond the scope of my study.

#### **6.3.4 The High court**

In Sekondi-Takoradi, land related cases are handled by the Land and Commercial Division of the High Court located in Sekondi. Preliminary processing of such cases is usually done by either the police, the Metropolitan assembly, chiefs, OASL, LC, or by individual families. After processing of the case, the courts seat to hear and judge. Proceedings on land cases at the High Court require that litigants employ the services of a lawyer, though litigants may opt to defend themselves. I asked litigants their reasons for choosing the court as the means of resolving conflicts. Below are some responses:

*“At first, I wanted to settle the issue with my cousin through the family head, but you know, within the family we all have our close ties, and as such there is likely to be biases in judgments, but the court system is fair, none of us is related to the judge” (Araba, 43 years).*

*“I am ohoho (Ghanaian but of different tribe) in this community so winning a case at the palace against a native will be difficult. So I chose the court although the court is expensive” (Amuzu, 51 years, Driver).*

*“I first took the case to the family head, but I didn't like his judgment, I later discussed the issue with my husband who advised me to take the case to court since the court rules by justice” (Abena, 33 years, Trader).*

*“Well, naturally I don’t like the court system, but I was brought here by force due to a submission against me by a neighbor on a supposed encroachment” (Nketia, 58 years, Teacher).*

As quoted above the choice of the court system by litigants was associated with the courts externality to the case by not having any form of relation to parties involved. Other litigants saw the court as a last option for justice. On the other hand, some defendants were compelled based on a submission by a plaintiff. Courts officials informed me that there is a rise in land cases during the past few years. I probed for their perceived reason, and several factors were mentioned. Notable amongst them were an increase in land value, urbanization, oil businesses and its associated demand for land. Litigants informed me of some challenges associated with the court’s resolution of land cases. And this can best be illustrated with the case study below:

### ***Case Study 2: The three brothers***

*We are three brothers from the northern part of Ghana. We have lived in this city for the past 11 years. On our initial arrival, we engaged in ‘Kayaye’ [head potting of heavy loads in markets for traders] but decided to venture into crop farming. We approached one of the chiefs around 2007 for land which was granted for a period of five years since we did not purpose to have a permanent structure. The agreed yearly rent has been paid since we started farming on the land for the past two years. We grow vegetables and maize on the land. We lost our father back home and traveled away for two months. Upon our return, we met our land with a new supposed owner asking us to vacate the premises within two months. Upon our refusal, the new owner started the foundation of his building and uprooted our crops without prior notice.*

*We went to the chief to inquire on the truth of the matter only to be told to comply. They offered us GHS 600 as compensation to which we refused. This is because the crops on the land is worth thousands of cedis and not GHS 600.*

*Since the chief did not want to listen nor agree to our reasons, we took the case to the high court upon the advice of police. We had a lawyer at the beginning of the hearing but decided to talk on our own after four consecutive hearing with no indication of judgment. Our lawyer happens to agree to an adjournment without our consent but we are the one that bears the cost. Sometimes either the witness or the defendant doesn’t shows up. It has been a year and a half now, and no final judgment has been passed. We are planning to abandon the case and return home or better yet find somewhere else to farm because we have lost more than enough money on this case but to no proper closure.*

From the above case study, it is evident that resolving land cases at the court is difficult due to adjournments and delays in hearings. I personally witnessed such adjournments and delays on some land cases I was following. Through informal discussions, I asked court officials and parties involved in land cases for their perceived reason for the long duration of case hearings and whether it had to do with the rising number of land cases. Some court officials told me that the main cause can be attributed in part to the rising number of land cases, but also to the inadequate number of personnel to match the increase in land litigations. Others alluded the delay to inadequate office space, the attitude of some lawyers and absenteeism on the part of litigants involved in the cases. Another challenge involved in resolving disputes at the court inferred from the above case study was financial ability. It was evident that the cost involved in resolving land cases at the court dissuaded the three brothers and other litigants with similar cases from continuing with the court hearing, and this suggests that justice is not affordable for the poor in society. Some affected individuals told me:

*“In the high court, the winner has the best lawyer and hiring the services of a lawyer is in itself a price for another plot of land. Not to forget the number of times I had to appear at courts only for the case to be adjourned. I’d rather discontinue the hearing (Tawiah, 51 years, Trader).”*

*“I was using a lawyer when the case started, but not anymore because the case is always adjourned or the defendant doesn’t show up. But the lawyer will still take his money” (Kwesi, 38 years).*

Thus the cost involved and the subsequent adjournment of cases contributed to abrupt discontinuity of cases in the court by litigants. However, some Lawyers told me that the adjournments were necessary to allow them to do more research on the case.

Out of the 12 land cases I followed up from the court, nine of the respondents involved had employed a lawyer while the remaining three had discontinued their use of lawyers due to the cost and the series of adjournments. Also, I asked informants about the expenses they had incurred so far since most of the cases had not ended. The table below provides their estimated cost, status and the duration of the cases. The estimated cost was used for hiring the services of a lawyer, registering a case, transportation services, and other expenses.

**Table 6. 1 Cost and duration of court cases**

<b>Category of respondent</b>	<b>Type of land case</b>	<b>Estimated Duration of hearing</b>	<b>Status of case</b>	<b>Current use of lawyer</b>	<b>Estimated cost(USD)</b>
Plaintiff	Compensation	1 year, 3 months	Ongoing	Yes	365
Plaintiff	Ownership	2 years	Closed/Solved	Yes	652
Plaintiff	Ownership	8 months	Ongoing	Yes	156
Plaintiff	Ownership	3 years	Ongoing	Yes	782
Plaintiff	Ownership	1 year	Closed/Solved	Yes	-
Plaintiff	Encroachment	6 months	Ongoing	Yes	104
Defendant	Compensation	1 year, 2 months	Ongoing	No	260
Defendant	Boundary	9 months	Ongoing	No	156
Defendant	Ownership	2 years, 7 months	Closed/Solved	No	469
Defendant	Boundary	3 years, 8 months	Discontinued	Yes	260
Defendant	Encroachment	6 months	Ongoing	Yes	156
Defendant	Ownership	1 year	Closed/Solved	Yes	313

Source: Fieldwork, 2015.

From the table, it is evident that resolving land cases at court requires time, money and energy. Litigants without these resources had to abandon the case or consider other forms of conflict resolution. Some litigants withdrew from the cases by settling the dispute informally through negotiations with defendants. Business investors told me they had to pay huge compensations to enable them carry out their projects on the land to avoid court delays.

### **6.3.5 Other forms of resolution**

Aside the above structured modes of conflict resolution, parties involved in conflicts were found to have resolved a case on their own terms. Amongst such forms of resolution was compensation, terms of eviction and personal boundary disputes. Parties involved usually used verbal forms of negotiation to reach a consensus. Some informants told me:

*“I was not willing to go through the time-wasting system of hearings, so I approached the new owner to reach an agreement on compensation without the interference of the land lessor. Since the investor wanted to start immediate development, he agreed and things were settled” (Foreign investor, 49 years).*

*Another investor told me: “I needed to start my project but the prolonged court settlement was not favorable for me. So I paid the opponent twice the price of the land to withdraw the case from the court” (Business Investor, 48 years).*

Other victims of land conflicts had equally resolved cases through Assemblymen of their areas, through the assistance of friends, and through dialogues without institutional interferences.

## **CHAPTER SEVEN**

### **THEORETICAL INSIGHT ON LAND GOVERNANCE AND CONFLICT RESOLUTIONS IN SEKONDI-TAKORADI**

#### **7.1 Introduction**

This chapter presents a discussion of the major empirical findings on land governance, land competition and dispute resolution outcomes in relation to the theoretical concepts used in this study. The interests, politics, power and land conflicts are discussed using the political ecology approach. I also discuss the land governance system through the lens of discourse. Also, the chapter examines the power dynamics in land accessibility and ownership in the light of institutions. The chapter further discusses the processes of conflict resolution and eviction in relation to the concept of power.

#### **7.2 Historical and Cultural Influence on the Evolution of Land Governance.**

In this study, the post-structuralist approach to PE which lays emphasis on a contextual approach, was used to explore the origins, underlying relations and the consequences of these relationships on land governance. This was carried out by focusing on the historical and cultural influences on the evolution of land tenure structures and the role of political forces (Rocheleau, 1995; Forsyth, 2004).

By focusing on the underlying relations and the historical stages of land management, the study found that, the current land tenure structure is shaped by historical development of governance. The study noted that, before the colonial era, land was managed by traditional institutions headed by chiefs. Lands managed under these traditional leaders were acquired through conquest, first clearance or first settlement by ancestors. Since claimed areas were less populous and quite scattered, no clear demarcations were made except with reference to key landmarks in the form of rivers, trees and other landmarks. The organized form of administration was appealing to the British colonial masters and led to the establishment of the administration of indirect rule, which allowed the traditional rulers to rule their people under the direction and control of the British officials. The introduction of indirect rule in turn perpetuated the power of chiefs over land administration and dispute resolution.

The introduction of western education by the colonial masters led to the emergence of an elite class in opposition to the merged colonial and indigenous governance, leading to resistance and

the emergence of political parties. Following Ghana's independence, attempts at institutional restructuring of land administration were made which restricted the power of traditional authorities over land administration. However, cultural norms were adhered to by local citizens, preventing the extinction of chiefly power over land. The fear of losing popularity amongst citizens and other resistances from chiefs resulted in the recognition of traditional authorities in the Nations Constitution.

Nonetheless, the government has made several attempts through the law to limit the legal force of customary rules and practices (Berry 2001) through a number of land governance reforms. However, these reforms gave recognition to the plural form of land governance with both traditional and state structures operating side by side. Therefore, land administration in Ghana, and by extension Sekondi-Takoradi, is the result of "a deliberate policy of sustaining not just the communal basis of government but also the primordial basis of social solidarity and territorial organization" (Ninsin 1989). The current trend of land governance, land conflict and the contradictory roles of state and traditional rulers can be seen as undergoing constant change, but not in any specific direction (Peet and Hartwick 2009: 206). The current land governance structure in Sekondi-Takoradi is therefore characterized by legal pluralism with both formal and informal institutions in its administration. This presupposes that history is not only an element of analyzing or understanding current land governance mechanisms in Ghana, but an element constitutive of them. The land tenure structure can also be seen as a product of political processes (Robbins 2004:11). As a result, land governance in Sekondi-Takoradi is characterized by challenge and negotiation and filled with symbolic and discursive meaning.

### **7.3 The Mediating Role of Institutions in Land Governance**

The concept of institutions lays emphasis on how the formal and informal institutions mediate and regulate land use and accessibility. In Sekondi-Takoradi, both formal/state and informal/traditional institutions play a key role in land management and accessibility.

This study found that land governance practices in Sekondi-Takoradi emerged from historical practices and have been regularized or maintained through people's active investment over time (Berry, 1989:51; Leach, et al., 1999). An example is the chief's active role in land governance, which has been maintained from the pre-colonial period through to the current modernized state. Lineage lands have also been actively maintained by families in safeguarding their authority and identity. In addition, the pattern of land lease which involves the seeking of permission from chiefs



through the use of offering drinks, or from family heads, has also been maintained. Hence the historical forms of land ownership and the processes of acquisition have been incorporated into the modern land management system. Despite the attempts of various governments to reform these practices, traditional forms of land accessibility and ownership still constitute the dominant modes of land access in Sekondi-Takoradi.

This study also found that both formal and informal institutions are involved in land governance. For example, the practice of land lease by chiefs and families conforms to the social norms in the early phase of land acquisition. However, the leases require exogenous enforcement by a third-party organization (Leach, et al., 1999), which is the state, in the form of the Regional Lands Commission. In addition, the need for acquisition of building permits from the TCP confirms the state's involvement in land governance. The involvement of both formal and informal procedures equally confirms the socially embedded nature of informal institutions in land governance, or the multiplicity of institutional relations in which people are engaged, in their quest to access land (Harris 2006; Mearns, 1996 in Leach et al, 1999). For example, the study noted that, lessees are obliged to approach the customary land holders to effect payment, after which an indenture will be issued by these traditional land holders. The indenture is then forwarded to the LC to conform to the formal institutional rules for validation. This in effect may promote what Leach et al., (1999) refer to as 'mutual assurance, cooperation and collective action amongst social actors'.

However, as discussed in chapter five, the process of land acquisition is not smooth due to conflicting interest in land ownership from different actors. To understand the embedded practices in land acquisition, an actors-oriented approach was used to analyze how different actors' practices are embedded in their interest in land and the value they attached to land (Leach et al., (1999). In this study, it was observed that lineage land always had economic value to families, but land on the outskirts of the city, owned by Lineages was not scarce, nor highly priced. However, the oil discovery and the associated land demand has increased its value for families. Hence, family land is now contested and has suddenly become an attractive asset, leading to multiple sales of the same plots to different lessees by various lineages. Family members with usufructuary rights and those with knowledge of the existence of peripheral family lands are also leasing it out to land seekers without the approval of the lineage head. The forging of signatures on land-related documents was also observed, all due to the increasing economic value attached to land by these parties.

Similarly, the study observed that chiefs' motivation for land deals was related to economic importance or to promoting their own power over land and citizens as demonstrated in their attempts at resistance to reformation through time. However, the study found that the chiefs' interest in land is also connected to the establishment of authority, cultural and religious practices through ancestral lineage that needed to be preserved for both the previous and coming generations. As noted earlier, the informal institution of chieftaincy emerged from a cultural context, hence despite the economic importance of land, the cultural codes are adhered to in order to ensure the sustainability of the chieftaincy institution and its authority over citizens. The promotion of cultural interest by chiefs was revealed through this study: exemplified by struggles for land ownership with neighbors, with formal government for control over land, and boundary struggles with their neighboring chiefs to preserve their heritage and cultural norms.

The formal institutions on the other hand, have developmental, economic and political interest in land, and this came to light through the study: the use of State Acts and the use of constitutions to compulsorily acquire land as well as the vesting of some portions of land in the president were testaments of the interest of formal institutions in land. The complexity of institutional involvement in land is well captured in this study as cautioned by Leach et al (1999): "a view of institutions as simply coexisting in benign complementarities may be misleading."

As noted by North, (1990:5) institutions are "the rules of the game in society" while organizations may be thought of as "the players", or "groups of individuals bound together by some common purpose to achieve objectives. This study found that land governance organizations operate through institutional mechanisms and set of "working rules" that define and give those organizations meaning (Leach, et al., 1999). The informal institutional unit of chieftaincy is one of the means through which informal land governance norms operate. The social norms in land governance are enforced by the chiefs and their elders in a pyramidal manner from the *Omanhene*, through the sub-chiefs of various communities. Under the chieftaincy institution, a lease or indenture is not valid without a signature from the chief, which in essence ensures the payment of lease benefit to the chief by lineage land owners. The family institution is equally important in relation to the lease of lineage lands. Rules upheld in the family include the acquisition of signatories and permission from family heads to validate land lease. Another important feature of the family institution relates to the alternate family heads who serve as a check on the lineage heads to avoid misuse of lease benefits. Formal institutions represented by the LC, TCP, OASL

STMA are equally active in land governance. The acquisition of land searches, land titles, and building permits from these organizations indicates an active role of formal institutions in land governance. Failure to comply with these institutional processes affects the progress of one's building projects. For example, a warning sign was commonly observed on various buildings in the form of; 'Stop work, produce permit, by STMA.' Thus, institutions can either facilitate access to land, or hinder people's access to land, or even put a hold on people's projects. These regulative measures are consistent with the assertion that "institutions regulate accessibility" (Paudel, 2006) This study has equally shown that both formal and informal institutions are in effect regulating accessibility to land by making rules on resource management, conservation, and use through the established procedures in land lease and the validation processes. Both formal and informal institutions were 'accomplishing the created rules' by enforcing these rules through checks such as permits, indenture preparations and title registrations. Also, the settlement of various land disputes are carried out by both formal and informal institutions (Agrawal and Gibson, 1999:638). These institutional arrangements are very important in understanding the decision-making processes of lessees, as they feel obliged to follow the procedures to secure their right to land. The informal institutions regulate access to land using cultural procedures such as visiting the chiefs with drinks and obtaining indentures. This regulative practice equally serves as a check on haphazard land planning, encroachments on reserved areas and river routes, and in ensuring sustainability of the land. The active role of informal institutions through these practices equally suggests that land governance in Sekondi-Takoradi cannot be understood without a consideration of the social and cultural embeddedness of the traditional institutions.

Institutions equally "regulate the relations of individuals to each other" and define "what the relations of individuals ought to be" (Parsons, 1990 in Hersoug et al., 2004:207). For example, it was observed in the study that lineage heads regulate the use of lineage land by family members through the acquisition of signatures from the principal family heads. Hence, any family land leased without the right signatories are not valid. Chiefs were also regulating their subjects, including lineage heads, by requesting a percentage of land leases from lineage heads through the signing of indenture. Another form of regulation identified in this study is the law on 're-entry' that stipulates the period from which land lease can be terminated by landholders. Re-entry regulates the behavior of individuals who purposed to lease land to investors in later years for higher prices. The requirement of a search before land lease and the acquisition of building permits

in land lease confirms that institutions regulate social actors' behavior on land use and accessibility (Leach et al., 1999). In this regard, institutions regulate the city's land acquisition and management practices to avoid the double sale of the same piece of land. Another aspect of regulation requires that families submit indentures to chiefs for signatures, thereby maintaining the authority of the chief. Through these processes, subjects and masters were defined in the traditional setting. Formal institutions regulated the relation of citizens including chiefs through the rule of law that requires the traditional land lease to be validated by the LC.

This study, however, reveals that there is a limit to the regulative aspect of both traditional and formal institutions. For example, individual family members forwarded their cases to either the palace or the court when dissatisfied with settlements at the family level. Cases at the courts were also withdrawn by litigants who negotiated their own terms of settlement in land disputes.

This study also confirms the role of institutions as “the primary mechanisms available to mediate, soften, attenuate, structure, mold, accentuate, and facilitate [the] outcomes and actions” (Agrawal & Gibson 1999;637), or as “mediators of people and environmental relations’ (Leach et al., 1999) in claims-making. For example, disputes over family land were handled by lineage heads/Abusuapanin. Land boundary conflicts between lineages and other land disputes were handled by the chief and his palace elders. Likewise, formal institutions represented by the court were equally engaged in the settling of land disputes in Sekondi-Takoradi.

#### **7.4 Mechanisms of Power in Land Conflict Resolution**

A meaningful understanding of land governance and the outcome of conflict resolution revolves around power. However, as explained in the previous section, an unequal power relation exists between different social actors and the different institutions involved in land governance. The existence of these unequal power relations dictates the pattern of land accessibility and conflict resolution outcomes. Thus, an analysis of how power relations define actor interaction in relation to land accessibility and control was carried out. In defending their rights and interest in land, actors used various forms of power in the form of force, practices, processes and relations (Sharp et al., 2000: 21).

In defending their interest in land, actors such as chiefs and the state used force to gain control over land. An example was seen in the situation of the artisans (Case study 1) who were compelled to abide by the relocation decision of the state. Their refusal to vacate the land led to a forced

eviction by the military and the fencing off of the land to prevent them from accessing it. Through the process of eviction, the artisans lost many of their tools, equipment, and other valuable items, since the eviction occurred without their compliance. This form of eviction was thus expressed through an “enforceable claim” acknowledged and supported by society through the law (Ribot and Peluso 2003). This reiterates the assertion that actors used their power to obstruct, restricting others’ freedom and inflicting pain or discomfort in the pursuit of their interest in land (Fairholm, 2009:16). In the same case study, it was revealed that powerful actors in the form of the state and chiefs were interested in the shopping mall construction more than the welfare of the mechanics. They used the state power represented by the court ruling to force the artisans from the land. Also, state power, represented by the soldiers, was used to remove the belongings of the artisans from the contested land.

The mechanics, upon losing the case at the court, had to comply and vacate the land although this decision was not favorable to them. Thus, they complied due to their recognition that the State (represented by STMA) and the chiefs had authority or the legitimacy to command them and to determine what to do on a particular piece of land (Scott, 1994). In the same case study, we observed that coercion as a form of power was evident. The threat of taking the mechanics to the court for punishment, should they return to the land from which they were evicted, as well as the presence of the military on the contested land, was enough to prevent the mechanics and artisans from reoccupying the land. Thus, the interest of the state and chiefs was accomplished without the actual infliction of force to influence the behavior of the artisans. The use of threat was sufficient to obtain the artisans compliance to move off the land. In this situation, the rule of law by the state was a powerful tool in securing interest in land.

In contrast to the above situation, other, subtler forms of power through the processes of inducement, manipulation, and persuasion were used by some actors in defending their interests in land. For example, land users agreed on compensation packages from investors and other landholders. These packages were mostly in the form of new land as were seen in the case of the four masters amongst the artisans who were stationed on the relocated land during the study. Other land users requested monetary compensation from investors or other landholders. Some land users agreed to eviction due to the fear of incurring the wrath of their chiefs. These cases reiterate the point that resource users can be manipulated by power holders based on their ability to mask the subject’s behavior directly (Fairholm, 2009).

This study also found that decisions on land disputes were moderated by powerful actors due to their social position. For example, it was observed that chiefs used their social position to determine who had access to land by agreeing to relocate the artisans on Tanokrom land. Their justification was that the shopping mall would create jobs for the unemployed youth in the community. However, some citizens were scattered and lost their livelihood through this act of eviction. This unforeseen setback confirmed the assertion of Foucault (1980; 1982) that actors construct knowledge and truth(s) in accordance with their social, political, and economic stance to dominate and control others. The master-subject relationship between chiefs and community citizens, between the state and citizens, was a determining factor in the outcome of a dispute on land. This confirms the observation of Ubink (2008a; 2008c) that the lease of land disproportionately benefits the traditional elite at the expense of others in society.

Power is also *relational* and is cultivated through social, economic, cultural and political connectedness and networks within and between groups and institutions (Lund 2008; 2011b; Sharp et al., 2000:21). In the same case study 1, networking and economic superiority through the purchasing power of the investors was evident. For example, the foreign investors who purposed to use the land from which the artisans were evicted, were able to form alliances with local power holders such as chiefs and royal family members through business partnership. And obviously, they would provide a higher price for the land compared to the monthly payment of the artisans. They thus acquired power through their economic means, a form of power that the artisans lacked. The social identity aspect of power, through one's favored standing with chiefs or being a local citizen did not matter in this case because the chiefs favored the investors who were neither subjects to their rule or citizens of the country. This suggests that one's economic position in relation to other opposing actors is a significant factor in winning a case of land conflict.

It was also observed that the outcome of conflict resolution was dependent on witnesses of the case. The opinion of the majority (witnesses) was considered significant in giving a judgment on a land conflict case at both the family level and at the chiefs' palace. Thus a person's standing with his or her relatives and neighbors, involvement in community activities, respect for authority and attendance of social events were crucial in winning a case of land dispute (Boamah & Overå, 2015; Berry, 1997). As noted in the study, individual family members supported other family members who needed assistance as witnesses. This suggests that family members who have troubled

relationships with other key witnesses are likely to be opposed in land claims against a favored member. Thus, one can either gain power or lose power depending on one's relation to other members of the family or within the community. This relation, in turn, can either create constraints or opportunities for individuals in terms of land accessibility and in cases of land dispute resolution.

## **CHAPTER EIGHT**

### **CONCLUSION OF STUDY**

#### **8.1 Introduction**

The main objective of this study was to investigate how actors involved in land governance and dispute resolution seek to resolve the increasing number of land conflicts in the expanding oil city, Sekondi-Takoradi, and to study the outcomes of these land conflict resolution processes for various groups. This chapter will conclude on each of the following research questions that were used to achieve the above research objective: what tenure patterns exist and are emerging as a result of the competition for space in Sekondi-Takoradi? What are the evolving land-related conflicts and differing opinions of interest groups about access, user rights, and ownership of land? How do the formal and informal institutions of land governance handle new challenges and resolve land-related conflicts? How and why do particular social groups and individuals become winners and losers in the land claims and competition for space? The study was guided by the political ecology approach and the concepts of institutions and power.

#### **8.2 What Are the Evolving Land-Related Conflicts and Differing Opinions of Interest Groups About Access, User Rights and Ownership of Land?**

Findings from the study indicates that, land conflicts were amongst the unpleasant effects of the increased demand for land and city expansion in Sekondi-Takoradi. One example of the unpleasant effect of demand for land was conflict between evictees (artisans, farmers, squatters, roadside shop owners etc.) who had had an agreement with landowners but were asked to relocate upon new demand for land by business investors and other wealthy individuals. In this situation, land users were found to have been granted user rights by landowners for a temporal use for farming, putting up of shops, and mechanical works etc. Conflict arises when the lands are leased out to investors with late notice or no notification to the current tenants. Another form of conflict involves the renting of unauthorized land by second and third parties or caretakers.

Other effects of demand for land in Sekondi-Takoradi are family disputes between different sides of lineages over unauthorized lease of lineage land, disputes over boundaries, encroachment, land rights, disputes among siblings over land inheritance, and disputes against lineage heads over lease money distribution. Inter-Lineage conflicts involving two or more separate families over boundaries and the right of ownership were also present. Associated with these conflicts are



multiple sales of the same piece of land by different families claiming ownership of the land. Another interesting conflict identified involves two or more land use activities. An example of such conflict includes competition for space between agriculture and housing developments in the peripheries. In the city center, there was competition for space between housing, industrial and commercial use of land. The study notes that, city expansion requires a number of extensions of related infrastructure and other projects and these projects were equally competing with existing land use activities.

Another category of land conflict involves two or more chiefs in dispute over territories. This form of conflict was a major cause of multiple sales of land since both chiefs claim ownership over the same piece of land. Notable in such cases were lands located close to boundaries and transition zones from one jurisdiction to another. A number of conflicts were identified between traditional land owners against the state over the right of ownership, concerning the issuing of double indenture to different lessees by traditional landholders and lack of proper compensation for state lands that were acquired from families and stools. Affected individuals of land eviction or relocation are of the view that the state, as well as the traditional leaders, has the authority to command. However, some aggrieved evictees, who hesitated, had to leave the land because of the presence of military personnel. Also, some evictees moved after a court threat, for they were afraid of punishment from the court; this is a sign of respect for authority. Other evictees agreed to relocation due to the opportunity for better land or monetary compensation.

Individuals and groups had varying opinions on the rising demand for land. Chiefs and some family heads attributed the demand for land to the oil boom and the perceived benefit of the oil in the years to come. Government officials, on the other hand, attributed the cause to the increasing influx of migrants, while individuals attribute it to what they refer to as the 'oil city'.

As some people experience joyful moments in relation to the city's growth, others have unpleasant situations to handle. Chiefs, family heads, and Assemblymen are of the view that rapid increase in the demand for land has been of great benefit to the communities despite the associated challenges. Investors, traders, land owners, drivers, and shop owners were in support of the rapid change, especially the rising population due to the influx of migrants. According to them, the influx of people promotes business growth. Contrary to the aforementioned views of informants, government officials expressed mixed feelings about the rapid change, mainly due to the

associated pressure on their services. Other individuals saw the city expansion as a curse since it results in unpleasant conditions like forced eviction and pressure on existing infrastructure.

### **8.3 Have Existing Land Tenure Patterns Changed as a Result of the Competition for Space in Sekondi-Takoradi?**

Findings from the study show that, land in Sekondi-Takoradi is owned by the various stools, lineages, the state and private individuals and groups. Stool and lineage land, under the control of the traditional/customary tenure, constitute the highest percentage of land area. Stool land has ancestral origin and is under the custody of three paramount chiefs. It is legally recognized by the National Constitution held through customary law. Land tenure patterns of stools are hierarchical; the highest order within this hierarchy are the paramount chiefs, followed by the divisional chiefs and sub-chiefs (each with their queens). This study also found that the allodial title to stool land can only be transferred to the next chief after enstoolment, and cannot be held by a destooled chief. Acquisition of stool lands requires a visit to the chief of the area, through his linguist or spokesperson, to perform the customary duties before an indenture is issued for formal registration. Individuals who were considered loyal subjects by chiefs were granted user rights on stool lands, but such rights to plots were given verbally and were found to be rarely registered.

Lineage land (*Abusua asaase*) in Sekondi-Takoradi is legally recognized by the National Constitution and is held by families with unlimited rights of ownership and management of the land. Lineage land ownership is a collective possession and cannot be used in the interest of one individual. Lineage heads submit to chiefs to effect any transaction on land through indenture preparation. This study found that family members had user rights on family land but were not allowed to lease the land to third parties without the approval of the lineage head.

State or public land is either compulsorily acquired or bought from chiefs and families for government projects and plans for the state, and it is considered to be for the general public held in trust by the government in line with the Constitution. The state land in Sekondi-Takoradi is managed by the RLC. Also, some portions of land were vested or managed by the government for a group of communities due to conflicts over ownership. Regardless of the source of the land acquisition, all indentures are sent to the RLC by the lessee for Land Title Registration and to the Physical Planning Department of STMA for a building permit for an extra fee. It is the title registration that gives the lessee the legal ownership of the land.

Private lands in Sekondi-Takoradi were owned by particular groups of people or individuals as gifts by chiefs of families based on their good deeds to the community or to chiefs.

The study found that land is mainly leased by the state, chiefs and families in Sekondi-Takoradi, but currently land is also being leased by other family members who have user rights, other individuals, and sometimes caretakers of land. Thus, the land tenure pattern has not changed, but there are more people leasing out land without following the institutional procedures, which leads to conflicts.

Findings from the study show that, individual, group or business, can acquire the categories of land identified (lineage, stool, and state) in Sekondi-Takoradi, regardless of gender, race or nationality. However, a lessee must have the purchasing power to acquire the land. With regard to the duration of land lease, the purpose of land acquisition was a determinant. Residential lands are leased for a period of 99 years, after which the lease has to be renewed or returned to the lessor. Industrial and agricultural lands are leased for 50 years, after which the lease can be renewed or terminated. Lessees are given a period of five years to make substantial development to the land otherwise the lessee may have to re-enter or forfeit the land without compensation.

The study equally noted that land value is not fixed, nor is its lease price. Factors that determine the price of land in the metropolis include the location of the land, type of land use, and the type of lessor involved in the lease.

#### **8.4 How do the Formal and Informal Institutions of Land Governance Handle Emerging Land Governance Challenges and Resolve Land-Related Conflicts?**

Land conflicts are resolved through formal and traditional means depending on the nature of the case. The study found that conflicts within lineages are handled by the lineage and elders of the families, including older women. The family elders often resolve these conflicts by re-apportioning money from land transactions, by redefining land boundaries or by payment of compensation. Unresolved cases are forwarded to the chief or the court depending on the nature of the case and the preferred method of conflict resolution of the parties involved. The palace of chiefs handles land cases, the majority of which are handled by the paramount chiefs. Land cases at the palace are usually heard by the chief together with the palace elders and the Queen. Alternative Dispute

Resolution, OASL, Lands Commission and other institutions were employed in the settlement of land disputes.

Land cases are also handled by the Land and Commercial Division of the Sekondi High Court. Proceedings on land cases at the high court may involve the services of a lawyer, but litigants had the option to defend themselves. The choice of the court system by litigants in land conflict was associated with the courts externality to the case, and used as a last resort for justice by individuals who lost cases at the traditional resolution level. However, resolving land cases at the court is not a smooth process due to adjournments, delays in hearings, and financial constraints. Consequently, most litigants either abandon the case or settle the dispute informally through negotiations with defendants.

Besides these aforementioned modes of conflict resolution, parties involved in conflicts were found to have resolved cases on their own terms by agreeing on compensation, terms of eviction and boundary issues. Parties involved usually used verbal forms of negotiation to reach a consensus. Others resolved land cases through Assemblymen, through friends, and dialogues without institutional interference.

### **8.5 How and why do Particular Social Groups and Individuals Become Winners and Losers in the Land Claims and Competition for Space?**

The study found that an outcome of land conflict resolution revolves around power, since unequal power relations exist amongst different social actors and the different institutions in land governance. Power relations amongst these social actors and institutions dictate the pattern of land accessibility and conflict resolution outcomes.

In defending their interest in land, actors such as chiefs and the state used force to gain control over land. Other social actors also used subtle forms of power in defending their interest in land through the processes of inducement, manipulation and persuasion.

The study also found that powerful actors moderated the decisions on land dispute due to their social position. Other factors that determine the outcome of land disputes are the master-subject relationship between chiefs and community citizens and power relations between the state and citizens. One's economic status significantly determines the outcome of a land dispute case; in

most cases, investors win land dispute cases against local land users. In winning a case at the court, one's economic ability to hire the services of a lawyer is crucial.

It was also observed that the outcome of land conflict resolution was dependent on witnesses to the case. At the family resolution and chief palace resolution levels, having more witnesses contributes to winning. A person's standing with his or her relatives and neighbors, involvement in community activities, respect for authority and attendance of social events were crucial in determining a case of land dispute. Thus, one can either gain power or lose power depending on his or her relation to other members of the family or members of the community. Economic status within the family, age and gender were also contributing factors in determining an outcome of a case. One's commitment to society through participation in community projects, funeral attendance, wedding attendance, and festivities attendance was equally regarded as important in determining a case at the palace. Showing respect for chiefly authority was also an important factor in determining a case. Foreign investors are able to form alliances with local power holders to access land and win a case.

## **8.6 Concluding Remarks**

This study has shown that following the oil discovery and consequent production, there has been increased competition and demand for land in Sekondi-Takoradi. This is in part attributed to people's high expectations for the city. However, land in Sekondi-Takoradi is owned by the various stools, lineages, the state and private individuals and groups. Furthermore, family members who have user rights and other individuals and caretakers of land have been leasing land due to the rapid increase in demand, leading to multiple leases of land and land conflicts. The high demand has also led to land conflicts and disputes between chiefs, lineages, individuals and investors. In the event of resolving these land conflicts, economic power is not the only influential factor. However, economic power is certainly helpful in combination with formal and informal institutional statuses in the process of dispute resolution. Hence, the individuals or groups with a combination of both economic and traditional or state power can win a case of land conflict. The study suggests that power is not all about following formal procedures, but also other informal norms in which actor's actions are embedded. Thus, land governance and conflict resolution in Sekondi-Takoradi is embedded in both formal and informal practices.



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## **APPENDIX ONE**

### **INTERVIEW GUIDE FOR CHIEFS (THEIR SPOKESPERSON) AND FAMILY HEADS**

Brief history of the area (first settlers)

What are your hopes for this community with regards to the oil exploitation?

What do you expect of the government in terms of development?

What type of land tenure do you practice in this area?

What was the major land use activities before the oil discovery and exploitation in this area?

What are land used for currently?

Do you think there is an increase in demand for land?

Who owns land in this area?

Who is entitled to land?

Who can lease out or sell land?

How land is leased (steps taken by an individual to acquire land) out and for how long?

Does the same process applies to migrant and indigenes?

Can you tell me the price for a plot of land?

What is the size of one plot?

Is the price fixed?

Have you (the chief) sold or transferred land from farmers or local users (family members) to investors?

How did the investor get to you?

Was the land vacant or used by others, Eg farmers?

Were the previous users/members consulted before the lease?

Did they approve to vacate the land?

What were their user rights?

Were the land users/family members compensated?

How?

What was your reason for leasing out land to investors?

What are the conditionalities of leasing land to investors/companies?

In what form was the contract?

Has it been forwarded to the lands commission for permit?

What was the form of payment?

How did your people/other family members reacted to lease of land to outsiders?

Do you experience cases of land disputes?

What are some of the common cases and who are mostly involved?

Have you encountered cases of conflict between a local and an investor (i.e. chiefs)? How are such disputes resolved?

How do you choose winners of the case?

If cases are not solved here, how do you go about it?

Do you submit it to another chief or the court?

Were you experiencing such cases of land disputes before the oil activities?

Are you happy about the rate of the city expansion and land demand?

If yes, why? If no, why?

Have you encountered disputes over land with the government or other neighbors?

If yes, can you tell me about it and how it was settled?

Do you think you have enough authority to handle similar cases of land disputes?

## **APPENDIX TWO**

### **INTERVIEW GUIDE FOR CUSTOMARY LAND SECRETARIAT AND LAND COMMISSION**

What does your work involve?

Can you tell me about land tenure practice in this area?

Who owns land in this area?

What are the steps involved in land acquisition in this area?

Who are your main clients?

Do you have the same procedure for both individuals and companies/investors?

Do you encounter cases of land disputes?

How are such cases settled?

Were such cases common in this area?

Do you think the demand for land is high, and would you attribute such phenomenon to the oil activities?

Do you have enough authority to handle future cases of land conflicts?

### **APPENDIX THREE**

#### **INTERVIEW GUIDE FOR INVESTORS/COMPANY OWNERS**

Can you tell me about your company?

How long have you been working here?

Why did you choose to establish your business here?

How did you access the land for your business and from whom?

Can you tell me about the procedures or steps taken in acquiring this land?

Did you encounter any challenges in acquiring the land?

What was the payment method?

Who were involved in making the contract?

In what form was the contract?

Were there occupants on this land before you started building?

What were they doing on the land?

What was their reaction to your presence on the land?

Did you pay any compensation to them?

Have you encountered any dispute on this land or another with local people?

What was their reason and how did you react?

Do you think the locals will benefit from your business?

If yes, can you explain?

**APPENDIX FOUR**  
**INTERVIEW GUIDE FOR STMA PHYSICAL PLANNING AND DEVELOPMENT**  
**PLANNING DEPARTMENT**

What does your work involve?

Can you tell me about land tenure practice in this area?

What are the steps involved in land planning in this area?

Who are your main clients?

Do you have the same procedure for both individuals and companies/investors?

Do you encounter cases of land disputes?

What do you do when you witness cases of land disputes?

Were such cases common in this area?

Do you think the demand for land is high, and would you attribute such phenomenon to the oil activities?

Has the rising land demand affected your work?

If yes, can you share the experience with me?

How are you able to adjust to the new challenges?

Do you have enough authority to handle similar cases of land disputes in the near future?

**APPENDIX FIVE**  
**INTERVIEW GUIDE FOR KEY INFORMANTS (QUEEN MOTHERS,  
ASSEMBLYMEN, COMMUNITY LEADERS)**

**Demographic Data**

Age

Gender

Occupation

Place of birth (migrant / indigene)

If migrant, for how long have you stayed in Sekondi-Takoradi?

Marital status

Household size (number of dependents)

Level of education

Ownership of land or house/Tenant

How was the land or house acquired, and from whom?

**Perception on oil exploitation, before and after**

What was your expectation about the oil activities in the metropolis when the oil was discovered?

Do you think such expectations have changed after a few years of actual exploitation? why do you say so?

Does local people have opportunity for jobs in the oil industry?

If so, where and how?

**Land tenure system and land use in the community**

Who owns land?

Who can sell/lease land?

What are the major traditional and government land institutions in the metropolis?

How was land leased before?

How is land leased now?

Has there been an institutional change in land lease?

Land use patterns before oil activities?

Land use patterns after oil activities?

Involvement of land users/farmers in the decision to sell land to a company or government?

What was the method of Compensation?

**Land conflicts and power**

Cases of conflict between the people and chiefs/investors

Have you encountered any challenges pertaining to land disputes?

If yes, how was it resolved?

Are there some groups or categories of people with the power to influence disputes resolution favorable to themselves?

Are there some groups or categories of people with little influence or say in dispute resolution?

What counts in terms of having power?

What do you think is the reason for leasing out lands by the chiefs to companies?

Were leasing out land to companies common before the oil activities?

In your opinion, which institution (traditional or government) are best at handling land disputes?

Why do you so answer?

## APPENDIX SIX

### INTERVIEW GUIDE FOR LAND USERS (FAMILY MEMBERS, EVICTED TENANTS ON LAND)

#### Demographic data

Age

Gender

Occupation

Place of birth (migrant / indigene)

If migrant, for how long have you stayed in Sekondi-Takoradi?

Marital status

Household size (number of dependents)

Level of education

Ownership of land or house/Tenant

How was the land or house acquired, and from whom?

#### Perception on oil exploitation, before and after

What was your expectation about the oil activities in the metropolis when the oil was discovered?

Do you think such expectations have changed after a few years of actual exploitation? why do you say so?

Does local people have opportunity for jobs in the oil industry?

If so, where and how?

#### Land use, tenure and power

Ownership of land or house/Tenant

What is the tenure practice in the area?

How was the land or house acquired, and from whom?

What was the conditionalities for use of your previous land?

What were you using the land for?

Why was the land taken?

What was your reaction to that decision?

Were you compensated?



In what form was the compensation?

Was the compensation enough compared to the benefits derived from the land and also getting a new land?

How is the previous land being used now?

What do you do now?

Do you have a new land?

How did you get it?

Was it easy and by what means?

What is the size compared to the previous land?

What was the cost and efforts involved in preparing the new land for use?

Are you using the new land for the same activity as before? Why?

Do you derive the same benefit from the new land?

Has the sale of the previous land you worked on affected your livelihood?

If yes, please explain.

Do you think the land tenure arrangement in this community is changing?

If so, how?

Are there some groups or categories of people with the power to decide on land lease and use?

Are there some groups or categories of people with little influence or say?

What counts in terms of having power?

What do you think is the reason for leasing out lands by the chiefs to companies?

Do you still view land investment as something good to Sekondi-Takoradi?

What can you say about your case and others in a similar situation?



16. Are you aware of the oil drilling activities?

.....  
.....

17. What are your hopes in relation to the oil production?

.....

18. Do you think the oil production can bring development to this metropolis?

.....

19. If yes, what kind of developmental activities

20. If no, why do you say so?

.....  
.....

21. What can you say about the oil activities and the springing up of activities in this metropolis?

.....

***Land lease and accessibility***

22. Is the population of this metropolis increasing?

.....

23. Do you think there is an increase in demand for land in this metropolis?

.....

24. In your opinion, does the metropolis have land for further expansion in size and population?.....

25. What is your opinion about the transfer of community land to private investors?

.....  
.....

26. Do you think the current land sales will affect access to land in the future?

.....

**Land tenure system and land use in the community**

27. Who owns land? .....

28. Who can sell/lease land? .....

29. How was land leased before? .....

30. How is land leased now? .....

31. Has there been an institutional change in land lease?  
.....

32. What were the major land use activities before the oil activities?  
.....

33. What are the current Land use activities?  
.....

**Land conflicts and power**

34. Have you experienced or witnessed cases of conflict between the people and chiefs/investors?  
.....

35. If yes, how was it resolved? .....

36. Are there some groups or categories of people with the power to influence disputes resolution favourable to themselves? .....

37. Are there some groups or categories of people with little influence or say in dispute resolution?  
.....

38. What counts in terms of having power? .....

(A) Gender (B). a person's status (C) money (D) authority (E). lineage

39. What do you think is the reason for leasing out lands by the chiefs to companies?  
.....

40. Was leasing out land to companies common before the oil activities?  
.....

41. In your opinion, which institution (traditional or government) are best at handling land disputes? .....

42. Why do you so answer?  
.....  
.....

THANKS FOR YOUR PARTICIPATION.