

**LAND ALLOCATION AND ITS EFFECTS ON THE SPATIAL PLANNING
AND DEVELOPMENT OF KUMASI METROPOLIS**

By

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DEDICATION

This thesis is dedicated to my elder brother Mr. James Mabery Forkuor who had to suspend his education and marriage in order to take care of me and my younger brothers when our father retired in 1998. May God richly replenish all that he has lost for the sake of our family.

ABSTRACT

The thesis discusses the problems associated with land allocation by examining the effectiveness or otherwise of the operating system of land administration and how the administration of lands is affecting spatial development in the Kumasi metropolis. A conceptual framework on land administration in Ghana was used as the basis of the research problem. Two propositions were tested.

The stratified, simple and purposive sampling techniques were used to select 343 respondents made up of government land administrators, traditional authorities, building owners and other interest groups. The research concentrated in ten (10) suburbs of the Kumasi metropolis. The suburbs were carefully selected to represent the three classes of communities as well as their geographical locations. Analyses were basically comparative in nature and the Geographical Information System was the main analytical tool used.

The research encountered three methodological problems and biases. Firstly, traditional authorities in all the study communities were to be interviewed. Unfortunately, neither the chiefs nor their representatives from two of the study communities-Buokrom and Nhyieso could be interviewed. Secondly is the bias in the data on physical structures collected. In all the study communities, residential structures far out numbered other land uses such as education, business, religious etc. It was therefore difficult to select equal number of land use structures in all the study communities. Therefore approximately 88% of physical structures forming part of the sample were residential.

Thirdly, GIS analyses on maps were based on satellite photographs taken on Kumasi in 2005 and perhaps changes might have occurred between 2005 and 2008 when the research was undertaken.

Examination of the system of land administration in the Kumasi metropolis revealed that, the system is weak with very little relationship among the institutions responsible for land administration. These institutions are the Traditional Authorities, the Survey Department, the Town and Country Planning Department, the Lands Commission, the Land Title Registry and the Office of the Administrator of Stool Lands. Also the government land institutions (made up of all the above institutions except the traditional authorities) are facing serious challenges of human resource, funding, logistics and outdated land laws most of which they are powerless to handle. Also, traditional authorities in the process of allocating lands are not fully guided by layout plans prepared for their communities. The inefficiency in the administration of lands has resulted in the wrong placement of several structures in the metropolis and the problem was high in second class communities than the first and third class communities. The wrong placement of such structures has resulted in poor spatial development leading to inadequate basic social amenities and environmental decay.

Certain measures to enhance the administration and management of lands in the metropolis are proposed. Prominent among them is to decentralize the land administration system and also establishment of Customary Lands and Revenue Department to replace the Office of the Administrator of Stool Lands. A further research about decentralization and land administration is proposed.

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LIST OF ABBREVIATIONS

Abbreviation	Meaning
BI	Building Inspector
C	Cemetery
DCU	Development Control Unit
EPA	Environmental Protection Agency
G	Garage
GIS	Geographic Information Systems
GWCL	Ghana Water Company Limited
KMA	Kumasi Metropolitan Assembly
KSPC	Kumasi Statutory Planning Committee
LAP	Land Administration Project
LC	Lands Commission
LI	Legislative Instrument
LP	Lorry Park
LTR	Land Title Registry
LVB	Lands Valuation Board
M	Market
NR	Natural Reserve
OASL	Office of the Administrator of Stool Lands
OG	Ornamental Garden
PF	Playing Field
POS	Public Open Space
PNDC	Provisional National Defense Council
SAP	Shopping And Parking
SD	Survey Department
SC	Shopping Center
SPD	Spatial Planning Department
SS	Sanitary Site
TA	Traditional Authorities
TCPD	Town and Country Planning Department
WL	Wetlands

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CHAPTER ONE

GENERAL INTRODUCTION

1.0 BACKGROUND OF THE RESEARCH

Land serves as a crucial resource in any development process. The land resource serves as the microcosm for all aspects of development because every investment (real estate, financial, educational, transportation, farming, etc) is in one way or the other related to land. In other words 'land represents the main form of wealth accumulation and the principal source of economic and political power' (Odame- Larbi, 1998).

Land is however fixed in its supply. It is a fact that less than 30% of the earth surface area of 510.1 million square kilometers is land (Miller, 1996:453, Blij and Muller, 1997:12). However, not all the 30% can be readily used for development purposes because considerable proportion of the land is desert. The fixed supply of land coupled with the ever-increasing world population, which currently stands at about six and half (6.5) billion people (Population Reference Bureau, 2006), reduces the availability of land for development purposes. This calls for the need to manage the land resources of the world on a sustainable basis because in any development planning, the basic consideration should be the land resource. It is, therefore, the responsibility of every nation to ensure the existence of an effective and efficient land administrative structure or system to support economic growth and development.

But the management of land resource to aid orderly spatial development and economic growth has been a source of problem in developing countries (Getis *et al.* 2006:424), especially, in Africa and the situation is more prevalent in urban communities compared to rural areas. This situation is probably due to the fact that lands in Africa are predominantly owned by traditional authorities (chiefs, clan heads, families etc.) while its management is in most cases the responsibility of the central government. A conflict is therefore created since those owning the land are not those administering its management.

Orderly spatial development of Ghanaian cities has been found by the government to be crucial in aiding socio-economic development. The government of Ghana has therefore established, maintained and resourced for a long time several departments and agencies charged with the responsibility to plan and control the disposal of lands as well as the physical arrangement of structures in all cities in the country.

The current spatial development of Kumasi, the second largest city in Ghana, is nothing to be proud of. Physical structures for domestic, industrial, commercial and other purposes in the city, to a large extent, have haphazardly been developed and there is a gross violation of the approved master plan of the city. In the estimation of Tipple and Willis as cited by Koop (1998: 59), over 50% of all structures developed in Kumasi have been placed in wrong locations. Unfortunately, residents of the city, including developers, are ignorant of the extent to which structures deviate from the approved master plan.

Chiefs and family heads in the city who are the owners or custodians of the land in trust for the people possess strong traditional, political and economic authority which the city planners and government land administrators cannot contain. As such, the land owners have the free will in disposing of land anywhere and anyhow within their traditional boundaries to developers without reference to the layout plan of their areas of jurisdiction. This serves as one of the main causes for the haphazard spatial development currently prevailing in the city with its attendant economic, environmental and health problems.

In this study, the researcher looked mainly at the effects of the system of land ownership and land allocation on land-use pattern of the city and its effects on the spatial planning, environment, and socio-economic development of the city of Kumasi.

1.1 STATEMENT OF THE PROBLEM

In Kumasi, there are two systems of land ownership. These are the public lands and stool/family lands, (Edmundson, 1975:6). Stool/family lands constitute a greater percentage of lands in Kumasi. The management of the stool/family lands had been a major problem to city planners and therefore has had effect on orderly spatial development in accordance with the plan of the layouts of communities in the city. This problem had arisen probably because land rent and the 'sale' of land both constitute a main source of revenue for the stools in Kumasi. Since land rent is difficult to be collected by the Office of the Administrator of Stool Lands, coupled with the reluctance of people to pay, the sale of land becomes the only major source from which traditional

authorities get revenue to finance their expenditure on the administration of their areas of jurisdiction.

In present day Kumasi, almost all demarcated residential or industrial sites had been developed or acquired by potential developers. Since the stool has no reliable and sustainable source of funding to finance their expenditures, the sale of available sites like undeveloped public land, river and stream banks, areas designated for roads, sanitary sites, markets, lands under electric high tension, nature reserve etc. remain the only option to them. Today, there is an alarming rate of development of structures along the banks of all water bodies in Kumasi (Asare-Boadu, 2006:29).

This had led to the situation where planned layouts professionally designed are grossly violated by developers, which affects the beauty of the city in terms of the pattern of distribution of land use and destroys aquatic life in areas where physical development occurs on river banks, threatens the existence of the water bodies as well as reducing the water table and limiting the availability of fresh water. This haphazard development of structures along river banks and valleys most of the time results in loss of vegetation that protects the water bodies and further causes flooding during rainy season with its attendant problems such as loss of properties, outbreak of cholera and sometimes even death. One area facing such a problem in Kumasi is the Sisa Akyi, a community near Oforikrom. Residents here are faced with serious flooding any time it rains because many residential structures have been developed in the valley of the Sisa River. In addition, domestic wastes, both liquid and solid are dumped into the river, which leads to pollution of the river as well as breeding of mosquitoes especially, during the dry

season. The situation is no different from other river bodies such as Subin and Aboabo rivers in the metropolis. The combined effects of the situation mentioned above threaten the availability of fresh water for the people of Kumasi in particular and Ghana in general.

Though the layout plans of communities have provisions for sanitary areas, many communities in Kumasi have no proper sites for disposing of refuse especially from domestic source. This has resulted in haphazard disposal of refuse at any available place especially in community rivers and streams. A typical example is the Aboabo stream, which has considerable portion polluted with refuse and other solid waste from Akwatia Line and Anloga wood industry till it joins the Sisa river at Asokwa. The Subin, Nkradan and Sisa rivers are no exception to this problem as industries at Suame Magazine, Ahinsan and Kaase use these rivers as means of disposing of both liquid and solid wastes.

Another example is a suburb called Ayigya, which is close to KNUST on the Kumasi-Accra trunk road. The whole community (Ayigya Ahinbronom, Ayigya extension and Ayigya zongo) has just two official places for refuse collection, which are small sites compared to the vastness of the community. The sites that were allocated for such purpose had been allocated to private developers and this was partly confirmed by a unit committee member who was interviewed (May 2006). According to him one of the sites had not yet been allocated to a developer but they stopped the dumping of refuse there because of a hotel that had been built close to the area. Because the two existing sanitary sites are farther away from most residents and the fact that the sites are unable

to accommodate the refuse generated by the community, most domestic refuse is disposed in bushes, streams and especially at the Ayigya cemetery site. Such practice has the tendency of breeding mosquitoes; cholera and other environmental hazard such as destruction of the soil, especially, since refuse are not sorted to separate the biodegradable from the non-biodegradable waste.

The indiscriminate allocation of lands by landowners has also affected transportation lands (roads). Transportation lands, especially those laid through communities, are blocked or made narrow by unauthorized extension and development of buildings. A very good example is the Oforikrom-Asokwa by-pass, which is about to be constructed. This by-pass had been planned since 1963 when the master plan of Kumasi was prepared. At present, physical structures for residential, religious, educational and commercial purposes had been developed along the entire route. The situation is even worse at the Anloga (Oforikrom extension) portion of the by-pass. Since plans are underway to construct the by-pass to ease the increasing traffic congestion in the city, properties that have been developed along the route of the by-pass have been marked for demolition. However, some of the buildings have been valued and due compensation is about to be paid to those property owners to be affected. According to an officer at the Department of Urban Roads, the justification for the compensation is that owners of those affected structures acquired the land from the rightful owners (traditional authorities) and also the government through the appropriate agency granted building permits to the developers. Therefore, the government has no legal and constitutional rights to demolish such structures without compensation.

Similar instances can be cited of the Kumasi-Sunyani dual carriage and the Sofoline Round About-Asokwa by-pass that are about to be constructed. According to the officer at the Urban Roads, both transportation routes have along them several unapproved physical structures including a major hospital and this has contributed to the delay in its construction.

These are clear evidences of the existence of a problem (absence of coordination between landowners and land administrators) in the administration of lands in Kumasi and have great impact on the spatial development and socio-economic aspects of the city. For example, those whose structures are to be affected by the construction of the two bypasses have to be relocated probably farther away from their place of work. Established commercial and other businesses must find new site at a high cost or even go out of business for sometime while looking for an alternative place. Above all, the huge compensation to be paid by the government affects the already worsened financial position of Ghana.

In January 2006, the Kumasi Metropolitan Assembly through the Development Control Unit demolished unauthorized structures at Asawase. The demolition was to enable the emptying of a public toilet (KVIP), which had not been emptied for the past eight years because of the absence of vehicular accessibility to the facility. The toilet had been full for many years and was causing a serious health and environmental threat to the inhabitants (Deputy Development Control Officer, Kumasi: 2007). The question to be answered is, Can the demolished structures be developed without permission from anyone? How many people had suffered health complications or even death as a result

of the inability to empty the KVIP for the past eight years? What had been the health cost to the Asawase community?

Another problem that arises from the indiscriminate allocation and development of lands is that, utility lines become difficult to be laid and in areas where they are laid, there is much pressure on them because the additional inhabitants occupying unapproved sites were not taken into consideration in planning and in laying the utility lines.

The involvement of traditional authorities in land administration has also been creating litigation involving developers and either the traditional authority or a government agency (Kasanga, 2006:27-28). In a publication, Mustapha (2006:9) estimated a total of thirty-five thousand (35,000) land disputes pending in the law courts countrywide as at July, 2006. A typical example of land related cases pending before the Kumasi High Court involve a plaintiff and a District Assembly, which share a boundary with Kumasi. The fact of the case is that, the plaintiff contends that he acquired a land from the queen mother and had developed a residential structure to roofing level. The District Assembly had caused the demolition of the structure on the grounds that it is located on an access road. The plaintiff, supported by the traditional authority, had therefore taken the matter to the Kumasi High Court for redress. Another case involves a stool and a plaintiff. The plaintiff contends that he acquired a plot from the stool and built an 8 bedroom flat. A recent construction of a trunk road has affected the plaintiff's structure, which is about to be demolished. The plaintiff is therefore seeking compensation from the stool.

Linked to the above point is the Customary Boundary Disputes (CBD) that exists in most parts of the country and have bedeviled the land market for a long time. In most cases, development over the disputed land is halted by the law court for many years. Both parties to the disputes unofficially allocate plots of land on the disputed land recklessly without recourse to the plan layout or at times the area might not have been zoned because of the litigation. A typical example is the long standing boundary dispute between the Kaase Stool Land and the Daban Stool Land.

Most schools in Kumasi have had their compounds encroached upon by private developers who have acquired the land from the stool owners, thereby, limiting the expansion of educational institutions especially first and second cycle institutions. The continuous sale of parts of the land originally earmarked for the construction of an Inland Port at Fumesua in Kumasi eventually reduced the available land for the project and forced the government to re-locate the Inland Port at Boankra which is farther away from Kumasi. Such situation definitely serves as an economic cost to the city because the commuting cost between the CBD and the Inland port increases and the extent to which the port would influence economic growth of Kumasi is reduced.

Recently, the Queen mother of Bomso, a town close to KNUST, sold a stretch of land earmarked for a community market and lorry park on the sector plan but was currently used for community funerals to a private developer to build a student's hostel. The location of the hostel itself causes serious environmental hazard because, it is located next to the admission block of the Bomso Clinic and the incessant noises from the hostel can affect the healing process of the sick people in the clinic. Moreover, greater portions

of the two sites earmarked as Open Space in Bomso had been encroached upon. Once again the questions to be asked are: From whom did these private developers acquire the lands? Who gave the developers building permits? Was an Environmental Impact Assessment for the site of the hostel and other structures approved and by whom?

It is surprising to note that the Department of Town and Country Planning in Kumasi had as at 2006 not developed a sector plan for a newly developing community called Agogoso (west of Breman), though spatial development in the community had reached an advanced stage. The community has roads and other utility lines such as electricity, water and telephone laid. The questions that need to be answered are, Who sold the lands to the developers? Who planned the area to demarcate the roads and other utility lines? Why are the city authorities allowing spatial development to go on in this community without permission? What are the short and long term socio-economic and environmental effects of such spatial development without professional advice?

These and many more of the above listed problems have economic, environmental, health and development implications on the inhabitants of the city. Some of the problems include pollution of river bodies with its attendant problems such as increasing cases of malaria, typhoid and to some extent cholera as a result of indiscriminate disposal of refuse in rivers and streams. These problems mentioned are more pronounced in communities such as Atonsu, Nkontwema, parts of Breman, Apatrapa and Duase, all suburbs of Kumasi.

To summarize, poor land management in Kumasi has direct effects on spatial development, natural environment, transportation, and availability of freshwater and indirectly results in litigation, poor health as well as poverty. These problems outlined above have prompted the researcher to investigate into the causes of the problems. This study seeks to establish how these problems occur (whether they are caused solely by traditional authorities' involvement in land administration or the laxity of government land administrators), the current spatial effects of these problems, the effects on planning, environment, health and socio-economic development. The study will also look at how these problems can be rectified in areas where they exist and prevent same in communities where the problem had not occurred.

1.2 RESEARCH QUESTIONS

The research was guided by the following questions:

1. Are owners of structures located at wrong places aware of the wrong positioning of their structures?
2. Does the wrong positioning of structures have specific spatial patterns?
3. If yes, would the owners of such structures be willing to move out of such structures in the name of ensuring orderly spatial development?
4. Are landowners aware of lands they can dispose off for development and those they can not?
5. How is the Metropolitan Assembly able to track down structures that have been wrongly sited?
6. Why is the Metropolitan Assembly unable to enforce adherence to the layout plans of the city?

7. How do structures at unapproved sites get building permits from the Kumasi Metropolitan Assembly?
8. Is the absence of sanitary sites in many communities in Kumasi due to the sale of such sites by landowners?
9. Is haphazard land development caused solely by traditional authorities or by the interplay of the team players in land management and administration?
10. What are the environmental, economic and social costs of developing unapproved sites?

1.3 OBJECTIVES OF THE RESEARCH

The general objective of the study is to examine how land administration and management affects spatial planning and development of Kumasi metropolis. The specific objectives of the study are to:

1. examine the nature of land administration in the Kumasi Metropolis.
2. establish the degree to which present physical development complies with or deviates from the approved layout plans of the Kumasi metropolis.
3. establish the role or involvement of traditional authorities in creating such compliance or deviation.
4. establish whether the location of unauthorized structures have specific spatial patterns.
5. ascertain the effects of uncontrolled development on the environment as well as the socio-economic lives of the people in the metropolis.
6. identify problems facing the land institutions in their attempt to implement or enforce the land use plan of Kumasi.

7. make appropriate recommendations to the various stakeholders in land management.

1.4 RESEARCH PROPOSITIONS

Based on the problem statement and the objectives of the research, two propositions were tested:

1. The construction of structures on public lands is high in third class than first and second class communities in Kumasi.
2. The absence of basic social services and amenities in many suburbs of Kumasi is largely the result of traditional authorities' involvement in land administration.

1.5 RESEARCH METHODOLOGY

This section describes the design for the research, which was carried out from May, 2006 – September, 2008, though field work spanned between May, 2007 and May, 2008. The section looks at the techniques used in determining, obtaining and analyzing both secondary and primary data. It gives an insight into the type of research that was used in this study.

1.5.1 Type of Research and Research Design

A combination of qualitative and quantitative research methods was employed in this research. Qualitative research employs inductive approach to raw data and emphasizes developing insights and generalizations out of the data collected (Neuman, 2000:122).

Quantitative research on the other hand employs deductive approach and “uses statistical analysis to show findings. They follow stringent set of rules to make them as objective as possible” (Neuman, 2000:122, Glicken, 2003:129). Therefore, the design of the research was descriptive and analytical.

1.5.2 Sources of Data

Primary and secondary sources of data were collected in this research work. The primary sources of data included interview of stakeholders in land management and administration in Kumasi such as officers at the Town and Country Planning Department, Lands Commission, Development Control Unit of the Kumasi Metropolitan Assembly, the Environmental Protection Agency, the Land Administration Project and Traditional Authorities. Also, questionnaires were administered to building owners. Unit Committee members of some of the study communities were also interviewed. The aim was to solicit their opinions about the spatial planning and development of their communities and such opinions expressed were used to supplement the findings from the questionnaire administered. Again, observations formed part of the primary data collection process.

Secondary sources of data included layout plans of Kumasi from the Department of Town and Country Planning, data from the Lands Commission and the Kumasi Metropolitan Assembly. Relevant works from Journals, published and unpublished academic works were also used as secondary source of data.

1.5.3 Types of Data Collected

A wide variety of data was collected for description and analysis. This included data on sources of land acquisition, documentation on lands, cost at which land was purchased by its users, availability and adequacy of utility and social facilities, staffing situation of the government land institutions, structures that have been wrongfully located, traditional authorities relationship with government land institutions and approval and revision dates of layout plans. Also, data on environmental decay and economic cost of poor land management were collected. These data were collected with the help of two field assistants who were given training to administer the questionnaire.

1.5.4 Sampling Design

The sampling design used was a combination of stratified random, simple random and purposive sampling methods. Stratified random sampling is the act of subdividing the entire population into strata and the researcher drawing samples randomly from each stratum (Neuman 2000:208). A simple random sampling is where every individual in the sampling frame has an equal chance of being selected as part of the sample (McGrew and Monroe, 2000:89). With purposive sampling, specific units are intentionally selected to form part of the sample.

The Kumasi Metropolis has been stratified into first, second and third class communities by the Lands Commission, Kumasi (Lands Commission 1992). Although the basis for this classification is not indicated in the document, further investigations with the Deputy Commissioner indicated that, the classification was based on two factors. These are the:

1. demand for land
2. state of infrastructure (road network and essential services)

Based on this classification, three communities each were randomly selected from the first and second classes while four communities were selected from the third class. The justification for this is that the number of communities in the third class far exceeded that of the first and second classes. The selected communities were:

A. First Class communities

1. Nhyiaso
2. Daban
3. Bomso

A community each was randomly selected from first class category A, B and C

B. Second Class Communities

1. Buokrom
2. Kentinkrono/Nsenie
3. Apatrapa

They were randomly selected to represent the Northern, Eastern and Western parts of Kumasi

C. Third Class Communities

1. Nkontwima
2. Anyinam
3. Ayigya (exclude Ayigya Residential Area)
4. Denkyemuoso

They were randomly selected to represent the Northern, Southern, Eastern and Western parts of Kumasi.

The selection of these study communities was to ensure the spatial representation of the Kumasi metropolis. The locations of these study communities are shown on Figure 1.1

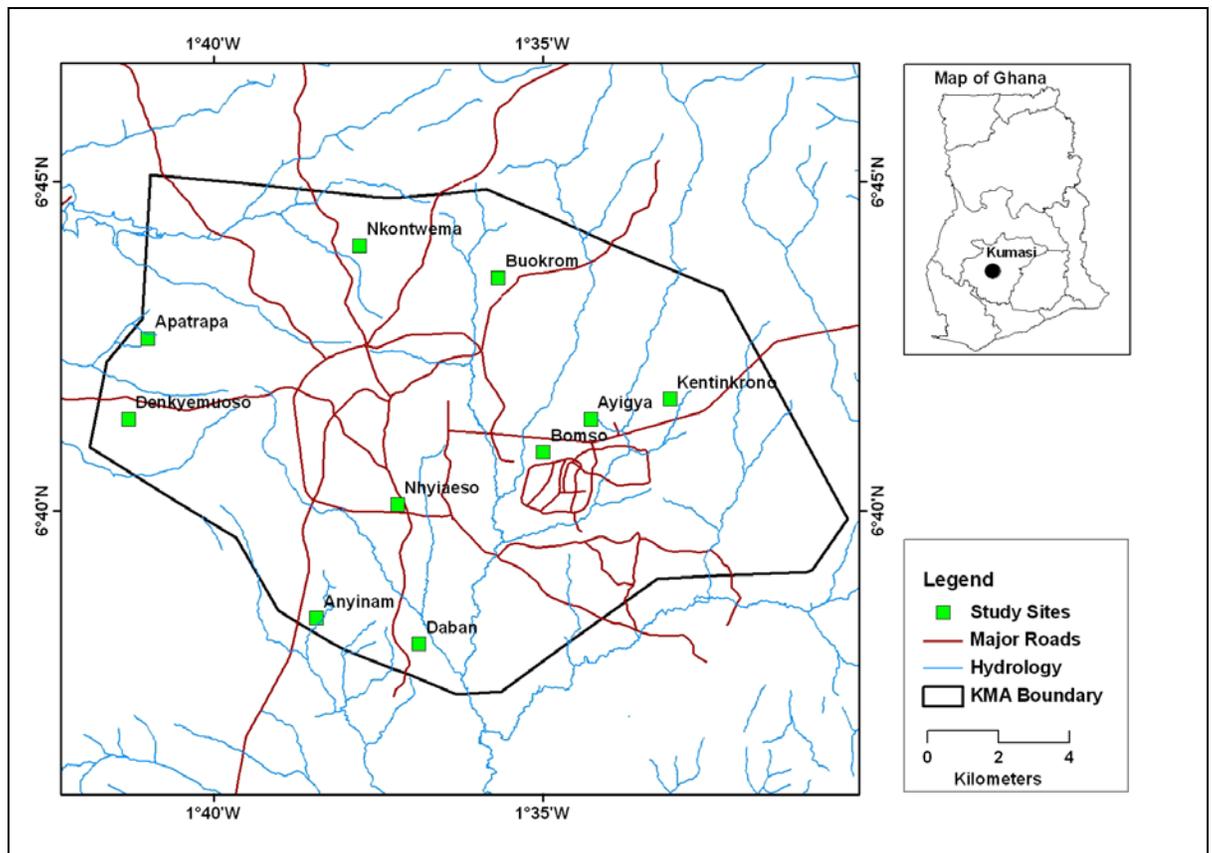


Figure 1.1 Location of Study Communities

Source: Town and Country Planning Department, Kumasi, 1963.

1.5.5 Sample Size

A sample size of three hundred and forty-three (343) was used in the research. Table 1.1 shows the target population from which the sample was taken.

Table 1.1 Targets and Sampled Population

Unit of Inquiry	Target Population	Sampled Population
Buildings	14,179	*311
Government Land Institutions	8	8
Caretaker Chiefs	12	10
Asantehene Lands Secretariat	1	1
Unit Committee in study community	10	4
Building Inspectors	10	10

Source: Author's field survey, October, 2008

* A sample size of 33 buildings comprising residential, religious, commercial and educational buildings were selected from each of the ten communities. This would have totaled 330, however, at Nhyiaeso 14 building owners were obtained after three field visits to the community.

The government institutions that formed part of the sample were:

1. The Town and Country Planning, Kumasi and Accra.
2. The Lands Commission, Kumasi.
3. The Office of the Administrator of Stool Lands, Kumasi
4. The Survey Department, Kumasi.
5. The Development Control Unit of the Kumasi Metropolitan Assembly.

6. The Environmental Protection Agency, Kumasi.
7. The Land Administration Project, Accra.
8. Land Title Registry.

The traditional authorities interviewed were:

1. The chief of Anyinam (II)
2. The chief of Denkyemuoso
3. The queen mother of Daban (have no chief)
4. The queen mother of Bomso Panin (have no chief)
5. The queen mother of Bomso Kumaa
6. The Abusuapanin of Nsenie
7. The Abusuapanin of Anyinam (I)
8. The abusuapanin of Nkontwema
9. The abusuapanin of Ayigya
10. An elder of the royal family of Apatrapa (The town has no chief and the queen mother who is the head of the town had traveled abroad)

1.5.6 Selection of Respondents

The heads of the selected land related institutions; Chief/Queen mother/Family Head of the study communities and the officer in charge of the Asantehene Lands Secretariat were selected as part of the respondents of this research. The other groups of respondents were structure/ building owners in the study communities. The buildings were made up of residential, religious, commercial and educational buildings.

1.5.7 Data Processing and Analysis

The data collected as enumerated above were processed by using qualitative and quantitative techniques. Relevant statistical techniques like graphs, charts, frequency tables, Micro Soft Excel and Statistical Program for Social Science (SPSS) were used in the analysis of the data. Geographical Information System was also employed in the spatial analysis particularly with respect to land use.

The analysis concentrated on the procedure land users adopt in the acquisition of their land, social facilities available in respondents' homes and community, the nature of the operations of each of the land institutions, the relationship that exist among them, the sources of funds to Traditional Authorities and how such funds are used and the land allocation procedures in each study community. Respondents graded between 0 and 10, the status of spatial development of Kumasi and/or their community. The research defined a grade of 0-2 as Very poor, 3 & 4 as Poor, 5-Average, 6 and 7-Good, 8 & 9- Very good, 10- Excellent.

1.5.8 Scope of Coverage

The study covered the geographic boundary of the Kumasi metropolis as indicated by the Department of Town and Country Planning.

1.6 JUSTIFICATION FOR THE RESEARCH

The significance of this research lies in the fact that, as a developing nation, the way and manner land is used and also how physical structures in our cities are arranged can either accelerate or retrogress the development of our nation.

Several literature (published and unpublished) work on land use, land ownership, land acquisition and land management in Ghana have been written. Some of the works include “Land and Economic Development by Edmundson (1975), “The Land Question Since the 1950s by Ninsin (1989)”, and “Land Management in Ghana, Building on Tradition and Modernity by Kasanga and Kotey (2001)”. However, little work has been done on the effects of land allocation on spatial planning and spatial development.

It is for this reason that the research was undertaken and it is hoped that the findings made will yield the following advantages:

- a. Bring to fore, the effects traditional authorities have on the country’s economy, environment and health through their involvement in land administration in Ghana.
- b. Help government institutions and city planners to reconsider the existing policies and procedures relating to land acquisition, land use and land administration. Again the findings made are expected to help restructure and redefine the functions of government institutions associated with the administration and management of lands in Ghana.
- c. The research results are to help improve the planning of cities, promote economic and social development and support environmental monitoring in both urban and rural areas.
- d. Propose a strategy to monitor and minimize considerably the occurrence of land related problems in the Kumasi metropolis.

1.7 LIMITATIONS OF THE RESEARCH

The researcher faced a lot of challenges in the course of carrying out the research that efforts were made to overcome. The primary limitation was financial constraints. More funds went into preparation and administration of the questionnaire and maps contained in this report. Also the hiring and training of Research Assistants to assist in the collection of relevant data was costly. To facilitate the research, a Lap Top computer, digital camera and a recorder had to be acquired. These placed huge financial burden on the researcher and contributed to the delay in the submission of the thesis.

Access to secondary data was also a problem. Most of the secondary data needed from the government land institutions were not readily available and those that were available were not easily accessible. For example, the researcher had to comb round the city before laying hands on the residential classes of communities in the Kumasi Metropolis. In some cases, officials of government institutions and also landlords were reluctant to provide needed information concerning land acquisition and management to the researcher.

The researcher also encountered unco-operative attitude of officials in the collection of primary data. Also, because layout plans have few provisions for land use other than residential, most of the building owners selected to form part of the research sample were mostly residential structures.

In spite of these challenges efforts were made to minimize their effects on the research so that all the objectives and questions of the research would be realized.

1.8 ORGANIZATION OF THE THESIS

The study is organized into six (6) chapters and an appendix attached as shown below:

Chapter one – General Introduction

This chapter covered the background of the study, statement of the problem, research questions, objectives, proposition, research methodology, justification of the research and limitations encountered.

Chapter two – Literature Review

Relevant literature under various themes is reviewed in this chapter. A conceptual model used is also discussed in this section.

Chapter three – Historical Survey of Land Administration in Ghana and the Study Setting

Here, the researcher presents the history of land administration in Ghana from the pre-colonial period to the present era (21st century) and also introduce the area where the research was conducted with appropriate maps.

Chapter four – Land Administration System in Kumasi

In this chapter, the first part of the field data collected is processed to describe and analyze the land administration structure existing in the Kumasi metropolis.

Chapter five – Land Allocation, Spatial Planning and Development of Kumasi

In this chapter the second part of the field data is processed and an in depth analysis of the spatial planning and development of the Kumasi is made.

Chapter Six – Summary of Research Findings, Conclusion and Recommendation

This chapter is the concluding chapter where a summary of the research findings, conclusion and recommendation is presented.

CHAPTER TWO

LITERATURE REVIEW

2.0 INTRODUCTION

This chapter examines existing literature on land ownership, land allocation, land administration and related materials and their impact on spatial planning and development. The gaps and/or shortcomings of the existing literature on the various themes from the geographical perspective are highlighted. Literature on the following themes has been reviewed:

1. Geography, land and spatial development
2. Interface between land, population and land use planning
3. Spatial development and environmental sustainability
4. Land ownership
5. Land administration and management
6. Land Administration and Management in Ghana
7. Land management and socio-economic effects

This chapter therefore presents a holistic view about the problem being investigated and the need to adopt pragmatic efforts to solve the problem in order to experience the desired spatial development.

2.1 GEOGRAPHY, LAND AND SPATIAL DEVELOPMENT

Geography is an academic discipline that studies the universe as a whole with emphasis on the earth as the home of man. Indeed, geography is one academic discipline that has the closest and strongest relationship with the land compared with other disciplines. This is supported by the name of the subject, which was invented from two Greek words by Eratosthenes (c273-192) one of the fathers of Geography. The word 'ge' means earth and 'graphein' means description (Nelson et al. 1995:5). Immanuel Kant (1724-1804), a German geographer and philosopher is reported to have described geography as "a study of the earth, it uses a spatial approach" (Nelson et al. 1995:11). Fellmann et al. (2005:4) also described geography as a discipline that is basically concerned with the use of space and that geographers in their study of the use of space are interested in how things on the earth are interrelated. It stands to reason therefore that geography studies mainly the earth of which land (water and soil) forms a significant percentage and also how the things of the earth (terrestrial and celestial bodies) are interrelated to benefit the human race. So there is a strong interrelationship between geography and land use planning. A number of geographic models and theories about land use such as multiple nuclei, sector and concentric zone theories (Johnson, 1972:170-179, Miller, 2001:725) have been developed to help the geographer effectively plan the use of land for the benefit of present and future generations.

Land is one natural resource that defies a single definition. Most often the definition of land depends on the orientation, training and field of study of the definer. Literally, land

is conceived by the Akans of Ghana as the solid or physical portion of the earth's surface (Aterkyi II, 2006:2). This conception by the Akans, according to Rattray, (1929:340) can be interpreted in three ways. These are the soil or earth, the usufruct or the right of occupation and the property that subsist on the land. The Akans therefore have a holistic interpretation of the land to include the soil or earth, rivers, minerals, trees and all natural features that are obtained from the land as well as the properties that exist on it. To the classical economist, land is defined as "being all the free gifts of nature which yield an income" (Balchin and Kieve, 1982:3). Free gifts of nature include the soil, water bodies, the forest, minerals etc and all these to the economist are considered as land once it is able to yield an income to the individual. This means that to the economist, even if the physical land is unable to be used to earn an income, it cannot be regarded as land. The focus of the economist's view of land is linked to its ability to yield income. The Ghana Interpretation Act of 1960 defines land as "Land includes land covered by water, any house, building or structure whatsoever, and any estate, interest or right in, to or over land or water" (cited in Asante, 1975:3).

A broad definition of land is given by the Law of Property Act 1925, 205(1) (ix) as "Land includes land of any tenure and mines and minerals, whether or not held apart from the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments also a manor, an advowson, a rent and other incorporeal hereditaments and an easement, right, privilege, or benefit in, over or derived from land... And mines and minerals include any strata or seam of minerals or substances in or under any land and power of working and getting the same" (Bray 2004:1).

From the above definition, in the legal sense, land is considered to include both the physical portion of the earth plus different aspects and rights. These aspects and rights include the physical and tangible characteristics of land (corporeal hereditaments) such as buildings, minerals, mines, oil, trees etc., as well as rights enjoyed over or in respect of land (incorporeal hereditaments) such as walking on land, collection of snails, mushroom, sale of land etc. In short, a law student will consider land to include:

1. The surface of the earth plus all the physical features (either natural or artificial) on the surface
2. The rights and privileges to be derived from the physical land.

Hardly do people conceive land to include the structures and natural resources like minerals and vegetation that may be on it but the legal definition gives such interpretation.

In the context of this research, land is defined based on the Akans conception of land. In other words, the study considers land as the solid or physical portion of the earth's surface (Aterkyi II, 2006).

All the various conceptions of land suggest that "land is elemental: it is where life begins and it is where life ends" (Gray and Gray 2001:2) and it also forms the material resources and the basic consideration for human and development planning. In fact, because of the pivotal role land plays in the lives of mankind, the major ethnic groups in Ghana apply spiritism to the land object. The Akans for example regard the land as a female (Asase Yaa) from whom all living things get their sustenance from. The ethnic

groups in the north also regard the land as belonging to the earth spirit who gives life through the land (Asante, 1975:3).

In modern times, land is acquired and used for a number of developmental purposes, which includes agriculture, mining, forest conservation, housing and recreation. For true development to be felt by the human population, the arrangement of these phenomena across the earth surface (spatial development) must yield the desired spatial interactions among the phenomena. There is always a close link between land use, socio-economic development and environmental sustainability. If the use to which land is put is unplanned, uncoordinated and poorly managed, other natural resources like forest, water bodies and biodiversity suffer and human life is affected because spatial development will be impaired. In the words of Buch, (1993:17) “because, all human settlements subsist on land, it is land which constitutes the single most important component of the total environment”.

2.2 INTERFACE BETWEEN LAND, POPULATION AND LANDUSE

PLANNING

As was noted under section 1.0, land constitutes about one-third of the total earth surface (Miller, 1996:453, Brij and Muller 1997:12). However, not all of the land can be inhabited because parts of the land are desert, others are mountainous and icecap (Bradshaw et al. 2004:25). These negative land areas further reduce the land size of the world. But, the world’s population has been increasing at an alarming rate particularly in urban areas. According to Miller, the number of people projected to live in urban areas worldwide by 2025 is 5.5 billion, almost equal to the world’s current population

(Miller, 2001:721). In Ghana for example, the country is becoming more urbanized such that as at 2003, the number of metropolis had been increased from three to four. Likewise, municipal cities were also increased from three to ten (Executive Instrument 9, 2003). By 2007, the number of metropolis had increased from four (4) to six while the municipal had also increased to twelve (12). These alarming statistics prove that the world is gradually becoming urbanized with increasing population and therefore the need to place crucial emphasis on land use planning, other than that, in the near future the available land would not be enough to contain and support the human race. Beatley (1991:5) expressed this concern in the following words, “land is a finite resource and if not conserved and wisely used can be totally exhausted before reaching very distant generations ...” A similar sentiment was expressed in the following words: “Because land is immobile, finite and absolutely necessary to human existence, control of land obviously is of crucial importance” (Davis, 1976:13). These sentiments are being expressed because, increased population and urbanization put much pressure on land, because, urbanization bring along it, increased in the demand for land for a number of purposes including housing, industrial, commercial, transportation and recreational, among others, (Asenso-Okyere et al. 1993:2). Therefore, if measures or policies are not put in place to guide the distribution of land-use, the increased demand for land basically as a result of increased population can affect orderly spatial planning and development. For example, according to the 2000 Population and Housing Census of Ghana, Accra was the most urbanized community in the country, (Ghana, 2000 Population and Housing Census). It is therefore not surprising that, in Ghana, Accra is perceived to have the greatest land conflicts and land-use problems than other urban communities in the country.

However, in Sub-Sahara Africa, despite increased population, there are still abundant lands (Brink et al. 2005) compared to advanced communities like Europe and North America. That is, the man-land ratio is still low in Sub-Sahara Africa compared to other parts of the world especially Europe where high population has made land an extremely scarce resource. The increasing population in the sub-region is unable to put pressure on land now compared to developed countries probably because of high poverty being experienced in this part of the world. It had been estimated that about 70% of the urban population in Sub-Sahara Africa live in slums (Toumlin, 2006:3). In Kenya for example, 25% of the 31 million population live in Nairobi and other urban areas. Out of the urban population about 60% live in slum settlements (Yahya, 2001). The situation is no different from other countries in the sub-region.

This argument echoes the fact that, the human population as a factor cannot be ignored in any geographic studies. This is because, the human population (a key factor in geographic studies) in their numerous endeavors makes the greatest impact on the broader environment of which land forms part (Nelson et al. 1995: 448). Mather and Needle (2000:2) agrees with this assertion and noted that, “Population is often assumed to be primary driver of environmental change in general, and change in land use/cover in particular”. Reverend Thomas Malthus’ (1766-1834) theory on the principles of population propounded in 1798 called scholars’ attention to the important relationship between population - an increasing resource and land - a limited resource. He therefore called for careful planning in order for the land resource to be able to support and sustain both the present and future human population. These arguments place emphasis on the

fact that, in seeking for an effective land use, the impact of human population in achieving such an objective must not be ignored.

For this reason, there is, therefore, the need for an effective land use planning if judicious use of land is to be made in the face of increasing human population. Land use planning has been explained by Miller as a means “to decide on the best present and future use of each parcel of land in an area” (Miller, 1996:265). The Wikipedia internet free encyclopedia (2007) also defined the term as “a branch of public policy which encompasses various disciplines which seek to order and regulate the use of land in an efficient way”. Whilst the import of Miller’s definition emphasized on using land to benefit both present and future generations, the Wikipedia encyclopedia emphasized on orderliness and regulations to ensure efficiency in the use of land at each stage of human development. In 1993, a wider and more detailed definition of land use planning was given by the FAO and has been cited in Young (1998:84) as “Land use planning is a systematic assessment of land potential, social and economic conditions and alternative patterns of land use, for the purpose of adopting land use options which are most beneficial to land users, without degrading natural resources together with the selection of measures most likely to encourage such uses of land...”.

Based on these three definitions on land use planning, a conclusion can therefore be drawn that in planning the land use of any region, much technique, skills and knowledge must come into play to ensure efficiency in land use in order to benefit both future and present generations. First of all, there must be a land use policy that has to guide the allocation and development of lands in an area. Secondly, according to Beatley (1991:3-

8) any land use policy must be guided by eleven (11) principles. That is, any land use policy must:

1. strive to promote the interests of the least-advantaged in society.
2. protect the minimum environmental and other rights due to every individual irrespective of income or social position.
3. sustain and protect natural ecosystems, that is, small human footprints
4. acknowledge that man is not the only specie on the planet and that there are other non human lifes.
5. hold those causing land use harms accountable for them.
6. acknowledge important obligations to posterity and to peoples and generations yet to come.
7. acknowledge that no political jurisdiction is freestanding.
8. assist individuals in pursuing their own fundamental life plans.
9. ensure that public land use authorities keep the promises they make.
10. provide the opportunity for all interested and affected parties to participate.
11. not allow for any development that radically change the environmental integrity of the land.

These broad ethical principles when included in any land use policy would ensure a coherent and coordinated land use and also lead to a proper planning of land. This is because, these eleven principles cover the interest of all groups in land matters - present and future generations, the environment, the land owners, the land administrators, the violators of land use plans and the vulnerable in society.

Virtanen (1992:87-91) introduces flexibility as a third factor that has to be incorporated in land use planning. He explained flexibility in land use planning as “(1) the ability to tolerate unexpected disturbances or changes in circumstances, and (2) the ability to produce new or amended plans quickly when necessary. By Virtanen’s explanation of the term, the reason for incorporating flexibility in land use plans is to take care of shocks or deviations that may arise in spatial development of a region. This would ensure that, spatial development is always brought in conformity with plan layout of a region such that the aesthetic beauty of towns and cities are not compromised.

Based on discussion of the FAO definition of land use planning, Young (1998) identified ten (10) steps in land use planning. These are:

1. Establish goals and terms of reference: Here, decision makers and planners jointly set out the goals or problems that the plan is intended to solve.
2. Organize the work: Here, the planning team strategize as to how they will achieve the goal of the planning. It also involves preparing the time schedule.
3. Analyze the problem: Where the planner goes to the field to observe the topography of the area to be planned and also interact with the inhabitants.
4. Identify opportunities for change
5. Evaluate Land Suitability: Here, the planners assess the possibility of the nature of the topography (land) to fit into the plan drawn.
6. Appraise the alternatives: Based on the actions in steps four and five, the planners stress on the environmental, economic and social consequences of the land use plan designed.

7. Choose the best option: Based on step six, the planning team formulates proposal plans for the approval of the decision makers.
8. Prepare the land use plan: Here the land use plan is drawn with all the justifications.
9. Implement the plan: At this stage, the land use plan drawn is implemented and the planners continue to meet with the local people to review progress.
10. Monitor and revise plan: The plan being implemented should be monitored and the plan must be capable of being revised when necessary.

It is important to make a distinction between spatial planning and land use planning. The former is a broad term that includes the latter. The European Spatial Planning Observation Network (ESPON) (2007) defined spatial planning as “the methods used largely by the public sector to influence the future distribution of activities in space”. Similarly, the Wikipedia free encyclopedia (2007) also defined spatial planning as “methods used by the public sector to influence the distribution of people and activities in spaces of various scales”. From these two definitions it could be concluded that spatial planning encompasses the efficient distribution of activities (environmental, economic, social, cultural and land use) in space in order to achieve sustainable development. In other words, land use planning emphasized on the best use of land by assessing competing demands like environmental, social, cultural and economic demands. It is important to note that spatial planning is one of the core concepts in geography and it is the context of our analysis that makes the discipline unique.

As attempts are being made to reduce poverty in Sub-Saharan Africa through programs such as the Poverty Reduction Strategies, Millennium Development Programs, African Growth and Opportunity Act, (AGOA), and other programs, coupled with the ever-increasing population, there is the need to plan land use in the sub-region particularly in Ghana. Land use plans in the sub region must include Young's ten steps as well as the three key factors – land policy, the eleven ethical principles and flexibility. This will ensure that adequate measures are put in place before increased demand for lands as a result of improvement in the economy and population growth make land a scarce commodity, with its attendant problems.

2.3 SPATIAL DEVELOPMENT AND ENVIRONMENTAL SUSTAINABILITY

Development is a term that is open to several interpretations and has therefore been variously defined. The term can also take several dimensions. There can be physical development, social development, economic development, environmental development etc. However, the Oxford Dictionary of Geography (1997) edited by Mayhew defined development simply as “the use of resources to improve the standard of living of nations...” The term is also defined by Fellmann et al (2005:355) as “the extent to which the resources of an area or country have been brought into full productive use”. From these two definitions, it must be noted that, whatever aspect it is looked at, development simply means using the resources which are obtained from the environment to improve the lives of people, (Cunningham & Cunningham, 2002:313). For the purpose of this research, development is limited to physical development of structures in space (spatial development) and how it threatens the sustainability of the environment.

Spatial Development has been defined as “changes in the distribution of activities in space and the linkages between them in terms of the use and development of land” (ESPON 2007). Therefore, spatial development includes all development (changes) that take place in space which may include buildings, utility lines and cables, transportation networks, farmlands, nature reserves etc. Spatial development occurs in the environment (space). The Oxford dictionary of geography (1997) edited by Mayhew defines environment simply as ‘surroundings’, but there can be the natural surroundings, cultural surroundings, artificial surroundings, social surroundings etc. For the purpose of this study, the environment (surrounding) shall be limited to the natural environment. The natural environment is made up of resources that include land, vegetation, fertile soil, water bodies, minerals, gas, petroleum, etc, and these resources are in limited supply (Miller, 1996: 12, 667). It is because of the limited supply of environmental resources that necessitates the call for development in general to be sustainable. Sustainability connotes the idea that resources must be used judiciously such that it would be able to support both present and future generations, (Cunningham & Cunningham, 2002:313). Sustainability in recent times has become a central theme of environment and economic development.

Development and environment are considered by Pandey (1999:1) to be two sides of the same coin. This is because, physical development for example goes on in the environment and as physical development advances, more resources in the environment are used before the physical development could benefit people. That is, “the physical and natural environmental factors interact to create a setting for man’s activities and

therefore, the misuse of land by over- exploitation or by eradication of particular resources may render an area unusable or it being able to support fewer people”, (Beer, 1990:120). But, the more resources used in the environment, the greater the threat to the sustainability of the environment.

For this reason, physical development must be guided by plans, and plans drawn take into consideration protection of the environment. Whenever physical development violates the plan of an area, then environmental degradation is obvious and the degradation impairs sustainability of the environment. Some of the harmful effects of haphazard physical development on the environment include pollution (soil, water, air), vegetation and soil destruction etc, (Pandey 1999:333).

There is therefore the need to ensure that spatial development of structures conforms to the plan layout of towns in order to protect the environment within which man lives. It is only when this is realized that the environment becomes sustained for present use and generations yet to come.

2.4 LAND OWNERSHIP

Land is often treated as one of the common or communal property resource in most parts of Africa (Asenso-Okyere et al. 1993:1). Because of its economic and social values, land everywhere is owned by an individual, family, tribe, clan, government etc and it is from these owners that land is acquired for development. The system of land ownership in sub-Sahara Africa is not different from what pertains in Ghana where greater percentage of land is owned by the traditional authorities (customary ownership) and not

by the government. In the estimation of Karikari (2006), the Ghanaian customary sector (stools/skin, clans and families) owns about 78% of the total land area while the state owns 20% with the remaining 2% held in dual ownership. The 20% of land owned by the government consists of nature and forest reserve, open spaces, roads and railway lines and some lands for housing, educational and health purposes. The 78% of customary lands comprises mainly residential, industrial, commercial and farm lands. This means that lands to support spatial and socio-economic development are mainly in the hands of the traditional authorities and not the government. In view of the above, and because land is the critical natural resource on which all human activities subsist, it becomes important not to ignore the views, concerns, perceptions and powers of traditional authorities in the spatial planning and other kinds of development.

In most places in Ghana, the land is deemed to belong to a community, which is defined as a large family of which many are dead, few are living and countless members are unborn (Ofori Atta as cited in Ollenu 1962). This system of ownership supports the need for a careful use or disposal of lands by the custodians of such property such that the countless members yet unborn could also utilize the land. However, it is perceived that in practice, the disposal of land particularly in Kumasi is done with very little reference to this traditional belief on the ownership of land.

In the context of the English Common Law, land ownership is defined as a set of rights in land held by the owner (F.A.O., 2003:19). The 'set of rights' means that apart from owning the land, there are other privileges held by the owners of lands such as the right to dispose the land. This brings out the idea of absolute and partial ownership of land.

Absolute ownership is the kind where the owner has the selling right as well as the right to determine how the land has to be used. Partial land ownership on the other hand is the situation where there are strings attached to the property. For example, a landowner may not be required by law to build on the land but only farm on it or to build a specific type of structure on the land. That is, though an individual owns the land, there are specific uses to which he or she can put the land to. In Ghana, traditional authorities who own greater percentage of the lands have partial ownership of their lands. This is because as stated in the Local Government Act 1993, Act 462 (46), the government of Ghana through the Metropolitan, Municipal and District Assemblies (MMDAs) determines how to use lands in the country. The MMDAs achieve this function through the Town and Country Planning Department that has been placed under the District Assemblies.

In section 19 of the PNDCL 152, there are three types of land ownership that can be registered under law in Ghana. These are the

- a. allodial title
- b. customary freehold title
- c. lease

2.4.1 Allodial Title

This type of land ownership is regarded as the highest title to land that can ever be held in Ghana (Da Rocha and Lodali 1999:7, Kasanga and Kotey 2001:13). Because of the nature of this kind of land ownership, it is sometimes called the ‘absolute title’ or ‘ultimate title’, (Woodman1996:52). Here, ownership of lands is vested in a larger

community and any body born into that community becomes partial owner of the property. The land owning community is represented by the stools/sub stools; skin/sub skin, clans and families (Da Rocha and Lodali 1999:4) and they administer such lands on behalf of the larger community. In other words, the stool or skin in which such lands are vested has the absolute powers or legal rights to dispose of the lands according to the existing traditional and civil laws (Josiah-Aryeh and Armah, 2005:45). This is to ensure that the land that belongs to both the present and future generations and also a symbol of the worth of the community is judiciously utilized and sustained for future generation. So the occupant of the stool/skin becomes the manager and chief administrator of the lands within the territory of the community.

A good example of an allodial title is the lands of the Kumasi Metropolis that have been vested in the Golden Stool, represented by the Asantehene (King of the Asantes). Allodial ownership of land normally comes about as a result of early discovery or conquest by the ancestors of the owning community, by gift, by purchase or combination of them (Kasanga, 2006:17).

2.4.2 Customary Freehold Title

“It is an interest in land held by subgroups and individuals in land acknowledged to be owned allodial by a larger community of which they are members” (Da Rocha and Lodali, 1999:5). Literally, customary ownership is defined to be those land owned by sub-chiefs, clans, families and occasionally individuals. The customary freehold title to land is therefore a subset of the allodial title and every member of the owning community has the right to a portion of the land and can dispose their interest at will

according to the existing traditional and civil laws. Such holders have perpetual usage of the land as long as they recognize the allodial title holder as a superior owner who has the powers to allocate or take back the land. The implication for such recognition by the customary freeholder is that if any property such as mineral, oil, salt etc is found on the land, the allodial title holder has to be informed first before an attempt is made to use the property found.

It should be noted that the allodial and customary freehold types of land ownership are original owners of lands and are entitled to the beneficial interest in the land. It is from such owners that land is acquired for development purposes and the owners have their own traditional guidelines for the allocation of lands for development.

2.4.3 Lease

This type of ownership is temporary compared with the allodial and freehold ownership. Here, right (ownership) to the land is over a fixed period. Da Rocha and Lodali defined this type of ownership as “an interest in land which is created to last for a fixed period” (Da Rocha and Lodali 1999:5). Lease ownership is granted by either the allodial title holder or customary freehold title holder and the owner has the right to use the land in conformity to the planned layout throughout the lease period.

It must be noted here too that most land users in Ghana are under the lease ownership. Also under the land ownership system in Ghana particularly among the larger Akan community, land cannot be sold to an individual or group but rather leased to such user(s). The reason is that the land belongs not only to the present but the past and

future generations and that the present generation is just a custodian of the land which must be handed down to the next generation. The complex system of land ownership had made it difficult for the government to secure land and ensure its proper management. The situation had created the current dichotomy of the government on one hand and the traditional institutions on the other hand to co-exist in the management and administration of lands in Ghana. The existing administration of lands has undoubtedly created many problems in the land market which had necessitated the land reforms in Ghana since 1999.

2.5 LAND ADMINISTRATION AND MANAGEMENT

Land administration and land management differ in context and in meaning though there is a thin line between the two. As such, the two terms are often used interchangeably in most articles, journals and books (Odame-Larbi, 2006:1). According to Wily (2003:1), the two functions overlap and are frequently performed by the same body or institution. The International Federation of Surveyors as cited in the F.A.O. thesaurus on land tenure defined land management as “the process of managing the use and development of the land resources” (F.A.O., 2003:68). Wily gave an extensive definition of the term as “land management refers to land use regulations such as associated with zoning, placing a ceiling upon the size of holding, conditions and environmental protection measure. It will also examine measures taken to protect the land interests of selected vulnerable groups, women, children, pastoralist and hunter gatherers” (Wily, 2003:1). These two definitions emphasize the point that land management deals with the day to day running of land use that must ensure its sustainability. Young (1998:179) identified sustainability, that is, the combination of production with conservation as the

fundamental principle in land management. This opinion expressed by Young is consistent with the definitions of land management. This is because all the definitions of land management aimed at ensuring the careful use of the land resources for both present and future generations.

Zaney (2007) defined Land Administration as “the building of infrastructures of tenures, rights, registration, planning and valuation to support the operation of the land market”. The term was also defined and distinguished from land management by Wily (2003:1) as, “land administration covers institutions and processes associated with land rights, regulation and among which the recording of rights is prominent”. This definition can be expanded to include those strategies and activities mainly by government agencies to control and direct the valuation, planning, utilization, transfer and development of lands. Aryeetey et al. (2007:21) also defined the concept as “land administration refers to the processes of determination, recording and dissemination of information about the ownership, use, and value of land”.

From these three definitions, land administration could be interpreted to involve coordination and running of the various aspects (planning, utilization, development etc) of the land resource in order to create conducive atmosphere for a proper spatial development. The administration of land creates the institutional framework within which the management of land is performed. Land management hence forms part of land administration but the administration of lands must precede land management.

In Ghana, as in many parts of the world, the demand for land is greater in the urban centres or cities than in the rural areas. In rural areas, land is acquired mainly for agricultural (productive) purposes. That is, the rural person considers the cost-benefit analysis of land by assessing how much output to be obtained from a piece of land and unproductive lands are obviously avoided. On the contrary, in the urban centers, land is acquired for profit motives (businesses of all kinds, residential, educational and religious) purposes without thinking about the future environmental and developmental consequences. That is, every piece of land in an urban centre is highly demanded for personal interest and every effort is made to obtain it. This put much pressure on urban lands and its administration and the skills to handle this challenge become critical. Odame-Larbi (1998) expressed similar sentiments when he said “as a result of the high competition for land in cities, the management of such competition is critical to the success or otherwise of any economy”. Since land use follows land acquisition, the processes and rules governing the disposal of land become critical to developmental processes. In the words of Odame-Larbi “the operation of the land market is central to the processes of economic growth and development, structural adjustment, careful use of the environment and the achievement of satisfactory level of social equity” (Odame-Larbi,1998). This means that economic growth, sustainable environment and social equity is a function of the land market and if the land market is poorly administered and managed, economic growth and sound environmental condition will be retarded. Likewise, if the land market is efficiently managed and administered then a sustainable growth and economic development is assured.

2.6 LAND ADMINISTRATION AND MANAGEMENT IN GHANA

The various governments of Ghana since colonial times have established a number of institutions, agencies and departments responsible for the administration and management of lands. A number of Acts/Decrees have also been enacted to govern access to land and land management. Presently, there are over 26 Acts/Decrees (including amendments of some of the Acts/Decrees) governing land acquisition, land use and land management in Ghana (Ghana, 1999:20). There are also over seven government departments and agencies charged with the responsibility of ensuring orderliness and coordination in land disposal, land acquisition and land use planning.

These institutions/agencies/departments include the Town and Country Planning founded in 1945, the Lands Commission established in 1969, the Environmental Protection Agency founded in 1994 and the Office of the Administrator of Stool Lands founded in 1996. The existence of these numerous land administration and management agencies are by itself a problem to ensuring effective and efficient land management. This is because their functions are closely related and overlap, which leads to duplication and conflicts of interest, which further worsen land administration problems in the country (see chapter 4). According to Asiama (2006:23), “the operations of the Lands Commission and the Office of the Administrator of Stool lands overlap, while the Lands Commission as well as the Forestry Department duplicates the operations of the Land Valuation Board in relation to assessing the royalties”.

Until the Ghana Land Policy was enacted in 1999, land management and administration had been on an ad hoc basis in spite of the numerous laws and institutions concerned

with land management (Ghana, 1999). In other words, until 1999, land management and administration was performed without any formal policy guidelines and this perhaps had contributed immensely to the land ownership and spatial development problems in Ghana.

Eight years (1999-2007) after the adoption and operation of the Ghana Land Policy, not much has been achieved with respect to the minimization of land problems such as the indiscriminate sale of land, haphazard development and encroachment of public and private lands.

For example, sub-section 4.3 (k) of the Land Policy of Ghana requires that all buildings/structures or substructures without building permit should be demolished at the cost of the developer, but this has not been enforced. Again, the whole of section 4.4 of the Land Policy document that is to ensure sustainable land use has grossly been overlooked by the Ministry of Lands and Forestry. Moreover, sub-section 5.2 (I) that is to collaborate and minimize the adverse effects of the practices of traditional authorities with respect to the disposal of lands has failed in implementation. Investigations by the researcher revealed that apart from the Asantehene none of the paramount chiefs in the Asante region has an established Lands Secretariat. But, the National Land Policy states clearly to help the various independent traditional authorities to establish land secretariat to coordinate the disposal of lands in their traditional areas. As at May 2007, that is just a year to the end of the first phase of the Land Administration Project, only ten (10) autonomous traditional communities/areas nationwide had Land Secretariats established or strengthened by LAP, one in each region. They are the:

1. Asantehene Lands Secretariat in the Ashanti Region.
2. Okyehene Lands Secretariat in the Eastern Region.
3. Gbawe Kwartey Lands Secretariat in the Greater Accra Region.
4. Wassa Amenfi Lands Secretariat in the Western Region.
5. Dormaa Lands Secretariat in the Brong Ahafo Region.
6. Tabiase Lands Secretariat in the Upper West Region.
7. Sandema Lands Secretariat in the Upper East Region.
8. Golkpenaa Lands Secretariat in the Northern Region.
9. Kete Krachi Lands Secretariat in the Volta Region
10. Odukpon Kpehe Lands Secretariat in the Central Region.

It should be noted that the Asantehene, Okyehene and Gbewe Kwartey Lands Secretariats had been in existence before the LAP was established.

In summary, the question that needs to be answered is, have the numerous government institutions in Ghana whose functions are related to land management and administration failed in performing their functions? Government land administrators are dispersed in different government offices with poor personnel and inadequate resources. The Acts/Decrees on land acquisition and management are not being enforced. Moreover, most of the Land Acts and Decrees in Ghana do not regulate the activities of traditional authorities but focus on land management and administration. The Ghana Land Policy since its enactment in 1999 has also not had the desired impact in the land market. The problems, which the policy aimed to solve, still exist, making the land administration system in the country weak and filled with outmoded laws. The haphazard land use and planning resulting from weak institutional functions and laws is in no little way affecting

the socio economic as well as the environmental development of Ghana. However, if the Land Policy of Ghana were to be followed and implemented to the latter, then discipline would be introduced into the land market and orderly spatial development and accelerated economic growth would be achieved.

Today, governments in Sub-Sahara Africa have begun reforming the land sector through the introduction of new laws, policies and programs that address most of the problems facing land administrators and hinder orderly spatial development.

Countries like the Congo D.R., the Republic of Congo, Tanzania, South Africa, Rwanda, Mozambique, Botswana, Burkina Faso and Mali are all in the process of reforming the land systems in their countries, (Ogendo, 2006). Ghana, with the assistance of the World Bank, has established the Land Administration Project (LAP) charged with the mandate of reforming the land sector in Ghana. So far, the Land Administration Projects (LAP) in Ghana has recognized the participation of traditional authorities as essential to sound policy and administration of land. It is hoped that these land reforms would make land management institutions in Ghana to live up to expectations in order to bring a new hope and discipline in the land market.

2.7 LAND MANAGEMENT AND SOCIO-ECONOMIC EFFECTS

Land has both economic and social values. The management of land therefore has effects on the economy as well as the society. Sub-Saharan Africa has been described as the poorest region in the world (World Bank, 1996:8) though the region has abundant land resource (Brink, et al. 2005). Poverty in the region manifests itself in

unemployment and low income, poor spatial development, poor environmental management, high rate of illiteracy and low life expectancy among others. This situation tends to be a paradox because, land is a key resource in developmental efforts and if the region is poor in spite of the abundant lands, it means the region is not maximizing the full benefits of the abundant lands. In other words, the poverty in Sub-Saharan Africa, including Ghana, can be attributed wholly or partly to the system of land ownership, land management and access to lands.

As an economic resource, land is central to the organization of sustainable livelihood. For Africa therefore, the goal of reduction of poverty and extreme hunger will not be achieved unless a full capacity of the land sector is harnessed and productively managed (Ogendo, 2006). For the fight against poverty to be successful, a careful and conscious planning of the land factor must be considered. Though, in Africa in general and Ghana in particular, unfavourable trade conditions, natural phenomena, illiteracy, litigations, lack of technology are contributory factors to poverty, the situation has been worsened by the poor management and administration of lands.

The increasing land related conflicts, as a result of poor land management, affect societies through litigation between either land owners and the government or investors and productive hours are lost in settling land disputes. Moreover, the development of local communities in terms of provision of water and other utility services, sanitation, health, sound environment and access routes are slowed down as a result of the violation of laid down plans through unauthorized extension, slum and structure developments.

One of the negative effects of poor land management on societies manifest itself in litigations and poor community development that affect the health and shorten the life expectancy of community members which results in more orphans and for that matter more street children, moral decay, armed robbery, commercial sex workers and other social vices. Such acts further retard social and economic development and wealth creation. Therefore, ensuring effective land management can solve and prevent most of the social cankers penetrating into the Ghanaian societies.

2.8 CONCEPTUAL FRAMEWORK

From literature reviewed, orderly spatial development depends largely on the effective operation of a structure for the administration of lands. In searching for a model for the administration of lands in Ghana, two models are discussed and compared. These are Grant (2004) analytical framework on land administration in Ghana presented as figure 2.1 and the existing structure of the administration of lands also presented as figure 2.2.

With Grant's model, the administration of lands should be headed by a commission that is made up of independent members with a Chairman. The commission is to report to the office of the President of Ghana and is to be assisted by two units – the Land Policy Council that recommends policy direction to the council and the Re-engineering, Implementation Unit recommends appropriate changes to the operations of the structure.

FRAMEWORK ON LAND ADMINISTRATION IN GHANA

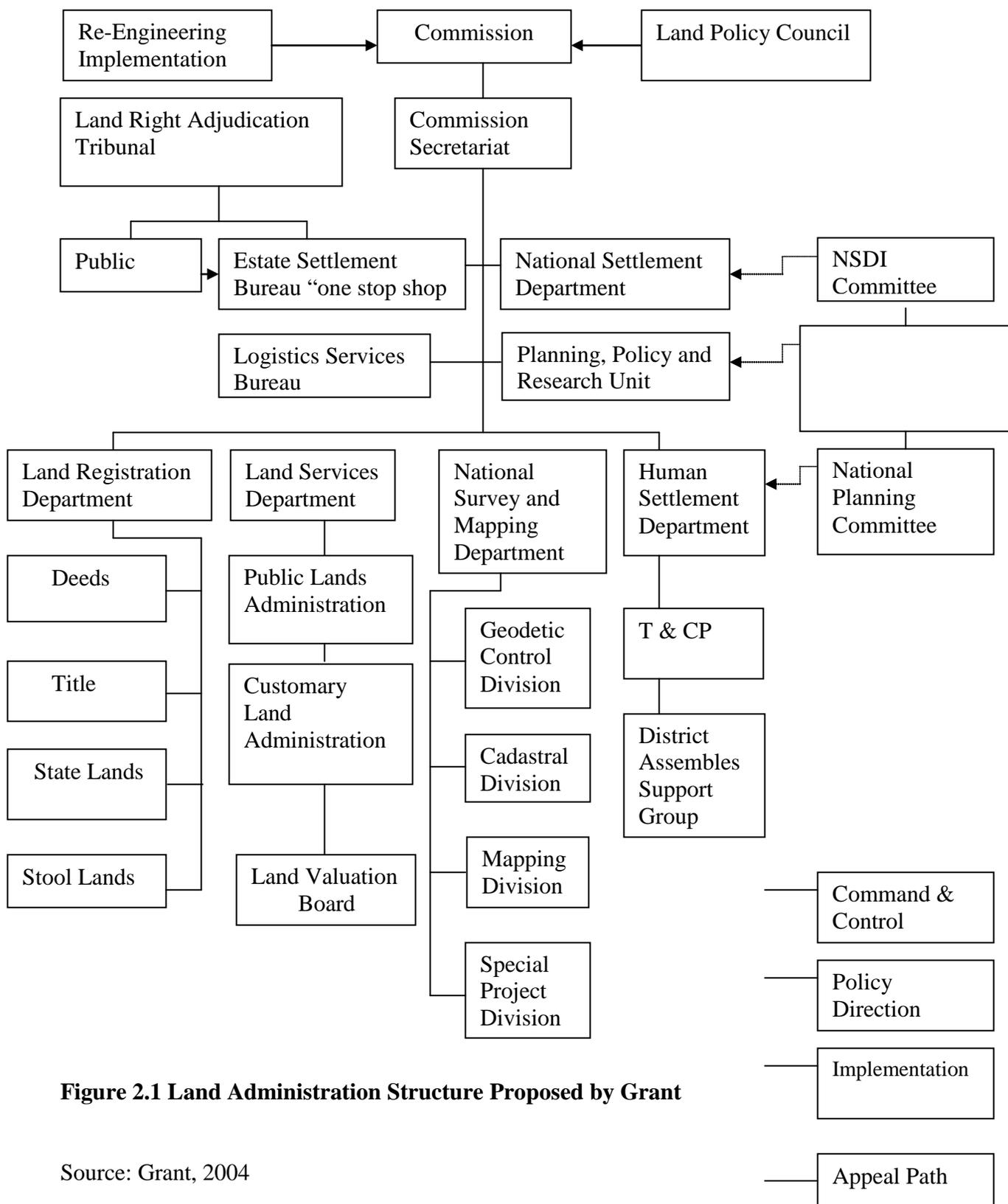


Figure 2.1 Land Administration Structure Proposed by Grant

Source: Grant, 2004

Directly under the commission is a secretariat. The secretariat, assisted by a six units is responsible for the day to day administration of four departments. The units provide assistance to the secretariat in the area of public relations, finance and logistics, legal and research. The four key departments are the Land Registration Department, the Land Services Department, the National Survey and Mapping Department and the Human Settlement Department.

The role of the Land Registration Department is to record all property rights. A property right is defined to include Deeds, Title to State lands and Stool lands. The Land Services Department is responsible for the administration of public lands, customary lands and also value land and related property. The National Survey and Mapping Department is responsible for surveying and development of maps. Finally, the Human Settlement Department is responsible for the preparation of layout plans that dictates land uses. In the model, the TCPD is to work closely with the District Assembly and the National Development Planning Commission.

The existing framework for the administration of lands in Ghana shown in figure 2.2 is slightly different from Grant's model. The difference lies in the fact that the Secretariat that handles the day to day management of lands is assisted by ten units instead of Grant's six units. Also the Human Settlements Department in Grant's model that handles the preparation of layouts to guide physical development is replaced by a Valuation Department.

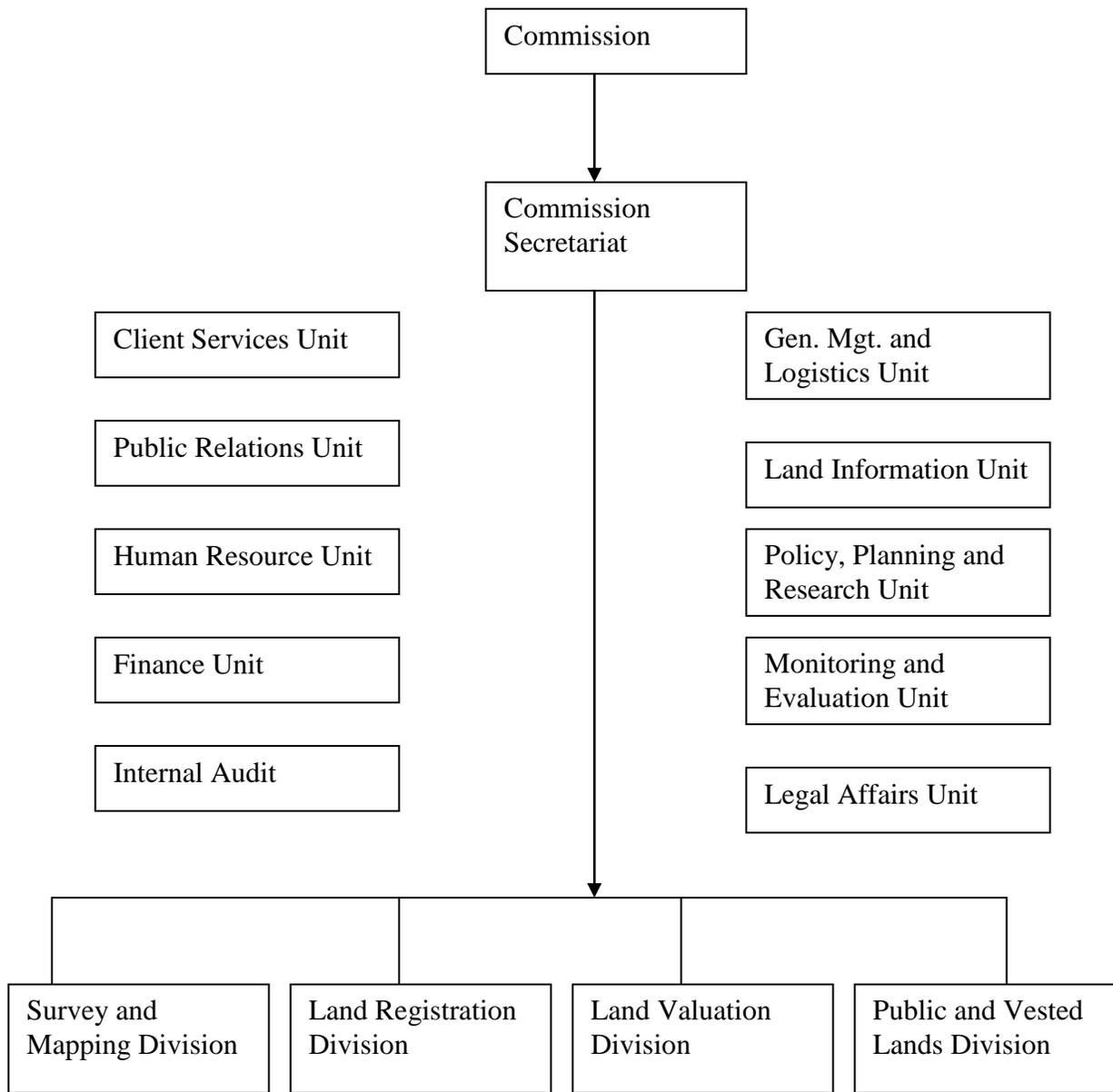


Figure 2.2 Existing Land Administration Structure in Ghana

Source: Lands Commission Act 767, 2008

The Valuation Department is to be responsible for the valuing of compensation to be paid by government upon acquisition of lands including property rented, sold or leased among other related functions. Grant placed this function under the department of Land

Services. It should also be noted that under the existing model of administration of lands in Ghana, the management of customary lands is left to traditional authorities through the establishment of Customary Land Secretariat but transactions by this secretariat must be certified by Lands Commission. The formal structure manages only public and vested lands. Finally last bit of Grant's model (disjointed part) is not considered in figure 2.2

However, in relating the two models to the literature reviewed, important aspects of the land market of Ghana are missing. The land resource that is being administered is not represented in both models. Again, the models focused on the government land institutions ignoring other principal stakeholders in the administration of lands (land owners and land users) in the model. These stakeholders have the tendency of disrupting the structure of administration through their activities in the land market. Also, a department to see to the collection of land rent is missing in both models but, based on the available literature, land rent is an important aspect of land administration in Ghana. Also, the models do not show lateral relationship among the four operational departments. In a functional manner, there should be a flow where the output of one department becomes the input of another. Also, placing the management of customary lands outside the formal structure of land administration in the existing model of administration in Ghana has the tendency of creating lapses in the coordination of the functions of management. Further more; the last part (command and control, policy direction, implementation and appeal path) in Grant's model is disjointed.

Based on these limitations, a modified version to suit the literature reviewed is proposed in Figure 2.3. In this model, land property can be owned by the public or traditional

authorities. Traditional authorities here are defined to include the stool, families or clans. Irrespective of the source of ownership, lands should be administered and managed solely by the government, which is represented by a Lands Advisory Board under which should be a Lands Secretariat. Under the Lands Secretariat, there should be the:

1. Survey Department
2. Land Title Registry
3. Spatial Planning Department
4. Land Valuation Department
5. District Assembly
6. Rent Collection Department

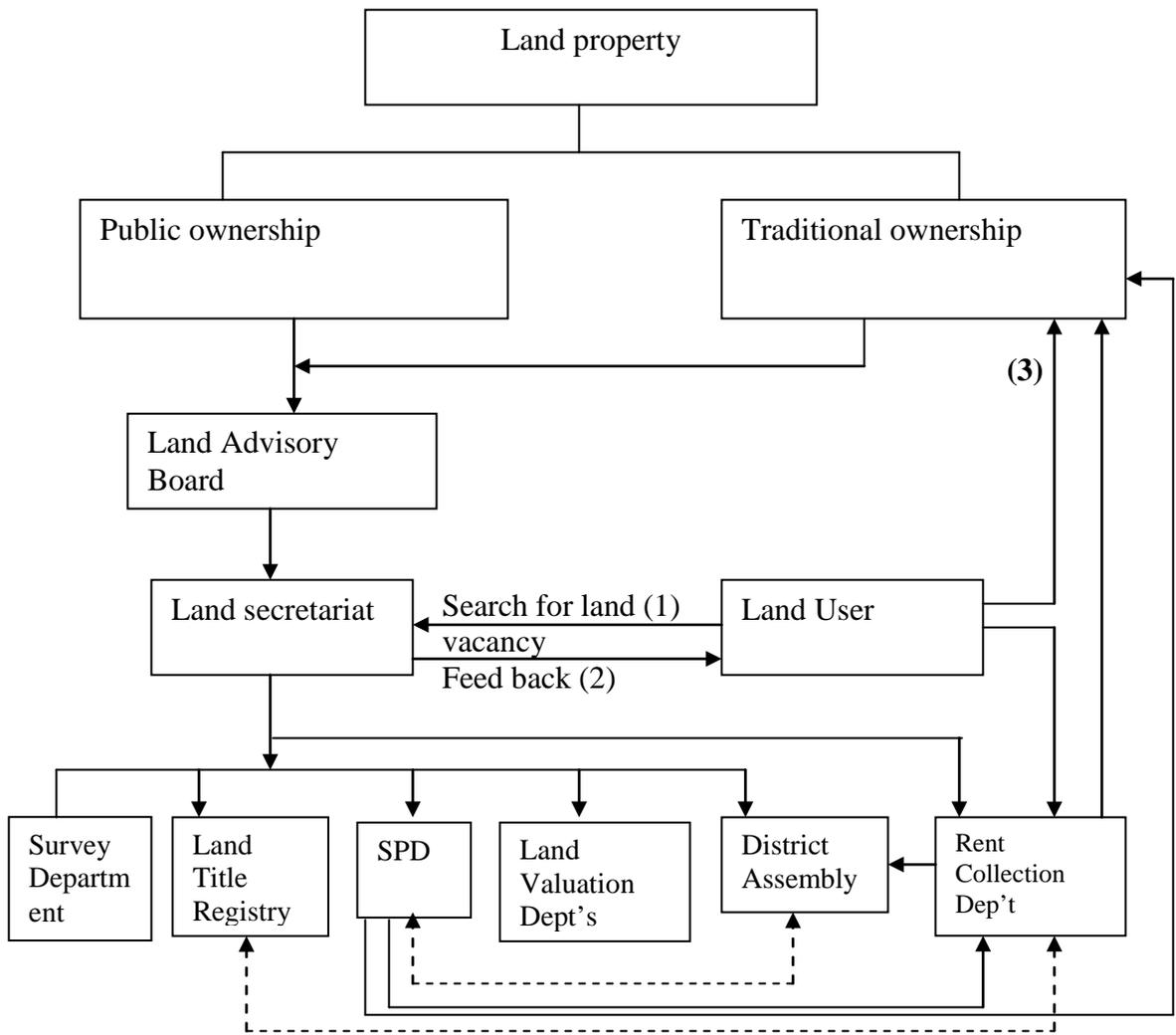


Figure 2.3 Land Administration Structure Proposed By Researcher

Source: Author's Own Derivative

Legend

----- Indirect link

SPD – Spatial Planning Department

(1)- Land user (applicant) search for the vacancy of plot through an application to the Lands Secretariat.

(2) After certifying the vacancy or otherwise of the plot, the Lands Secretariat gives a feed back to the applicant.

(3) Based on the feed back, the applicant either makes payment for the plot or refuses to buy the plot.

Survey Department

This department should be responsible for surveying lands and producing base maps and cadastral plans for communities. The output of the Survey Department serves as an input to the Spatial Planning Department (SPD).

Spatial Planning Department

Upon the provision of base maps by the survey department, the Spatial Planning Department shall be responsible for spatial planning on the land that is ‘where to put what structure’. This shall include the demarcation of lands as transportation routes, where to lay utility lines, nature reserve, etc. Copies of the spatial plan of an area must be given to the landowners of that locality which shall guide them in the allocation of lands to prospective land users. Also copies must be given to the District Assembly that shall be used to enforce the compliance of the plan. Another copy of the spatial plan of a community must be sent to the Rent Collection Department so that they would know potential tenants on land from whom rent would be collected for the government and landowners.

Land Title Registry

This department exists with the sole responsibility to register titles and other interests in land. This shall minimize insecurity in land holdings and support orderliness in land transactions such that land users and land owners shall enjoy the security of their lands without fear.

Valuation Department

The function of this department is to value lands and determine compensation to be paid to landowners concerning lands acquired by government and its agents for developmental purposes. They shall also value and determine the land rent to be paid by land tenants or users. Thus, this department shall provide information about land or landed property valued to the Land Rent department. This shall make it easier for Land Rent department to function effectively in its mobilization of revenue from lands.

District Assembly

The function of the local assembly in the model is to enforce the spatial planning as shall be determined by the Spatial Planning Department. The Assembly shall have the powers of issuing building or structural permits and demolish structures that are inconsistent with the plan layout recommended by the Spatial Planning Department. Thus there shall be an indirect link between the Spatial Planning Department and the District Assembly. The District Assembly can be a Metropolitan, Municipal or District Assembly. The Assembly shall be provided with copies of all plans of all areas within its jurisdiction and the Assembly shall routinely enforce the spatial plan.

Rent Collection Department

There shall be a separate department charged with the responsibility of collecting rent as shall be determined by the Valuation Board and disburse it to landowners and the government. The Lands Secretariat shall provide indirect supervisory control of this department in the form of advice, co-operation and assistance in order to function properly. The District Assembly shall assist this independent body by ensuring that land tenants pay their rent. The rent raised by the department must be shared between the government (District Assembly), the Landowners (Traditional Authorities) and the Rent Department itself using an agreed formula.

When all these structures are put in place and the various departments are adequately resourced, when an applicant is allocated a plot of land for development by the landowner, the applicant can search for the vacancy or otherwise of the plot of land from the Land Secretariat. By then, the area should have been surveyed and spatial plan of the area prepared. A feedback is then given to the applicant as to his or her ability to use the allocated land. If the land is not supposed to be developed and the applicant goes ahead to do that, the District Assembly rectifies it by demolishing the structure. Landowners are assured of rent to run their affairs and orderly spatial development is assured.

2.9 CONCLUSION

The land resource does not exist in isolation but interrelate with man, natural environment and physical environment. The administration and management of land has effects on the natural environment and socio-economic development of societies.

Good governance in land administration and management system is the key to orderly spatial and sustained development. This is because, socio-economic development cannot be realized without reference to the land that serves as the microcosm of man's activities.

It is therefore important to establish a strong land administration unit to plan and coordinate land use in the face of increasing world population and rapid spatial development.

CHAPTER THREE

HISTORICAL SURVEY OF LAND ADMINISTRATION IN GHANA AND THE STUDY SETTING

3.0 Introduction

Land administration in Ghana, like decentralization, has a chequered history (Kasanga, 2006:6). Until the late 1990s there was no well defined document or policy that was responsible for ensuring good governance in land administration in Ghana (Amoako-Nuama, 1999). Various governments including the colonial government therefore had to pass ‘convenient land laws’ to guide the administration and management of lands and this has led to the promulgation of countless laws on land. For example within fifty (50) years of the creation of Ghana, she has over twenty six (26) Acts and Decrees governing land administration in Ghana most of which are outdated (Ghana 1999:20).

The essence of this chapter is to provide a historical account or picture of the nature of Ghana’s land administration and management system through time. This will ensure a better appreciation of how far Ghana has come in her struggle to ensure good governance in the land market. This historical survey covers the pre-colonial, colonial and post colonial eras. For simplicity, the whole period has been divided into seven (7) eras.

These are:

1. The pre-colonial era (before 1902)
2. The colonial era (1902-1957)
3. The period of emergence (1957-1965)
4. The period of struggle (1966-1981)
5. The period of recovery (1982-1991)
6. The period of consolidation (1992-1999)
7. The period of take off (2000-2006 and beyond)

Also, special attention is given to the structures and institutions put in place under the various governments to protect the land resources through its management and how land is captured in the national development plans and used to induce orderly spatial development in Ghana.

This chapter ends with an attempt to introduce the geographical area where the research took place in terms of its location, size, population, administration, its land market and spatial development of the area.

3.1 THE PRE-COLONIAL ERA (BEFORE 1902)

Before and long after the first contact with the Europeans in 1471 (Buah, 1998:65), the people of Ghana existed as independent or autonomous states each under a chief or leader and the chiefs were the political heads of the states (Asante, 1975:143). Each of these states had their own perception on land and their system of land administration was based on how they perceived the land. In other words, the administration of lands

during this period depended on the perception of natives of the land. Because most Ghanaians ascribe spiritism to the land, they were careful about the use to which land was put. This was to ensure the sustenance of the land resource to support lives of both present and future generations. For example, among the Akans, the land is perceived to be a female (Asase Yaa) from whom all living things get their sustenance (Asante, 1975:4,10, Aterkyi II, 2006:3). Customary land laws among the Akans, therefore, were geared toward sustaining land for the present and future generations. The ethnic groups in northern Ghana also see the land as a spirit that gives life to man (Asante, 1975:3). The Tindaanas (Earth priest and caretakers of the land) therefore, had to continually perform rituals to pacify the land spirit to enable it continue to give 'life' to its inhabitants. 'Life' refers to the earth providing food, clothing, shelter, medicine etc to the inhabitants. Among the Ga-Adangbe also, land is believed to belong to the lagoon spirits (Asenso-Okyere et al. 1993:7). Despite these different perceptions on land, what was common among these independent states was that, the land was vested in either the stool or skin (Asante, 1975:1,3) and the administration and management of the lands were strictly in the hands of the occupant of the stool in the case of people in the southern part of Ghana or tendaana in the case of the people in the northern part of Ghana (Busia, 1951:44,56). The occupants of such stools and tendaanas were required by customary law to administer and manage lands in the interest of their subjects in accordance with the laid down procedures contained in the customary law (Josiah-Aryeh and Armah, 2005:46). Ntreh (2008:22, 23) pointed out that the perception on land by many of the ethnic groups in Ghana and for that matter Africa is similar to the ancient Israel conception on land. That is, the Israelites also believed that the land is for the family, clan, ethnic group or nation in perpetuity (I Kings 21:1-3).

It is important to note that, during this period, though there were structured customary land laws, the administration and management of lands were greatly intertwined with religion and one cannot be separated from the other (Busia, 1951:40). The land laws were imprinted in the minds of the people who religiously followed and complied with these land laws. For example, during this period, land was demanded basically for subsistence farming to cater for one's family. Demanding land for such a purpose required seeking the permission from the occupant of the stool or the tendaana with a drink or kola and after following this procedure, the applicant is allocated the land (Aterkyi II, 2006:4; Rattray, 1929:350). Documentation of records on land transactions as well as policy on the control of lands was minimal and at times virtually absent in the land administration process during this era (Josiah-Aryeh and Armah, 2005:92).

Individual or group ownership of land during this period was based on the usufruct type where the user could use a land allocated to him or her once he or she recognize the stool/tendaanas as the allodial owner. Some of the customary land laws developed and intertwined with religion during this period included:

1. All lands belong to the whole community and were held in trust by the stool or tendaanas and no individual could have absolute ownership of a land.
2. No individual (whether native or foreigner) could use a land for any purpose without express permission of the occupant of the stool/tendaanas.
3. The land must be allowed to rest during certain days of the week.

The administration of lands during this period also ensured the demarcation of land boundaries though the boundaries were arbitrary made using streams, trees, rocks and other natural features to demarcate one customary land from the other.

3.2 THE COLONIAL ERA (1902-1957)

Though the Europeans first arrived in Ghana in 1471 (Portuguese) colonization began in the mid 1870s when the then southern portions of the Gold Coast was declared a British colony after the Danes and Dutch left the country (Dickson and Benneh, 1988:5). By 1902, the whole of the present day Ghana had been declared a British colony under the British colonial administration (Buah, 1998:1, Aryeetey et al., 2007:8). Until this period, the administration and management of lands was in the hands of the stool, clans and tendaanas. However, with the quest to exploit the nation of its resources most of which were kept in the land, land soon became a controversy between the colonial rulers and the traditional authorities. In the absence of written laws on land administration and management, attempts were made by the British to vest all Ghanaian lands in the British Crown and in 1876; the colonial rulers enacted the Public Lands Ordinance (CAP 134) to vest and regulate the acquisition of lands in Ghana in the British Crown (Kasanga, 2006:6). This law was the first attempt by the colonial government to ensure their control and management of lands in Ghana. When this land law was lightly taken by the natives, more and outrageous bills followed and the natives had to protest against such land laws. For example, the Land Bill of 1897 was passed to declare all unoccupied lands in Ghana as public lands but this bill was dropped as a result of opposition from the Aborigines Rights Protection Society (Buah, 1998:93, Kasanga, 2006:6).

These land laws had to be opposed by the natives because as Buah (1998:93) explains, those laws were “contrary to the concept of the land ownership in the country”. In the opinion of the researcher, the colonial rulers had to pass these Land Bills to enable them have the rights to exploit all the resources there is in the land but not to protect the land for its proper usage in terms of its economics and spatial development.

Apart from the enactment of land laws by the colonial government to govern transactions in the land market, institutions were established to perform specific aspects of the administration of lands in Ghana. The first of such institutions is the Survey Department established in 1901 as part of the Mines Department, though according to Osei as stated by Fosu and Derby (2008), land survey in Ghana started in 1880. The initial function of this department was to survey mineral concessions before mining in an area commences. The Survey Department became a full fledged department in 1907, (Kasanga and Kotey, 2001:11). It was not until the early 1940s that a survey department was established in Kumasi to oversee surveying in the northern territories of Ghana (Chief Commissioner, Kumasi, 1944).

Surprisingly, the famous ten (10) year Development Plan by Sir Guggisberg (1919-1929) that focused on the socio-economic development of Ghana did not contain a strategy for the proper administration of lands to boost spatial development (Buah, 1998:110-115). After the Second World War when city planning assumed high prominence in Europe as a result of the destruction of cities (Carter, 1972:5), the colonial government also became concerned about the spatial development of towns in the country.

In 1945, the Town and Country Planning Department was established under the Country Planning Ordinance 1945 (CAP 84) (Asiama, 2006:23). This department was mandated to undertake the spatial planning and land use in both rural and urban areas in Ghana and also ensure that the physical development and arrangements are consistent with approved land use (Asiama, 2006:23). The establishment of the Town and Country Planning brought to two (2) the number of government institutions related to land administration and management. The Survey Department provided base maps while the Town and Country Planning Department does the spatial planning on lands.

The Planning Department prepared a ten (10) Year Development Plan for Kumasi (1949-1959). The objective of this plan was 'to make provision for the orderly and progressive development of lands, towns and other areas, whether urban or rural, to preserve and improve the amenities thereof, and for other matters connected therewith' (Kumasi Town Planning Board, 1947). In a letter dated 20th April, 1943 and addressed to the Asantehene (King of the Asantes), the Commissioner of Kumasi appealed to the King to be guided by the approved building regulation in the allocation of lands (Chief Commissioner, Kumasi 1943). This shows the seriousness of the colonial government to ensure conformity to spatial plans. As such, suburbs that were planned and were developed by the colonial government have the aesthetic beauty and most of them especially in Kumasi are classified as first class communities at the moment. These suburbs include Danyame, Nhyiaeso and Bomso all in Kumasi.

Kumasi lands that were alienated by the colonial government were returned to the Asantehene in 1943. This transfer excluded residential areas, lands occupied by government and open spaces vested in the Kumasi Health Board. The transfer made it possible for the traditional authorities (Asantehene and his sub chiefs) to get deeply involved in the administration of lands in Kumasi with regards to land allocation, collection of land rent and the issuance of lease. The Asantehene immediately established an Estate Office now called the Asantehene Lands Secretariat in 1943 and was initially attached to the government Lands Department until 1944 when it became independent from the government Lands Department (Lands Department, Kumasi, 1943). It is important to note that since 1943, lease on land properties in Kumasi are issued by the Asantehene through the Asantehene's Land Secretariat.

3.3 THE PERIOD OF EMERGENCE (1957-1965)

This period marked the birth of Ghana and self governance began under Prime Minister and later President Kwame Nkrumah. The government of the Convention Peoples Party (CPP) drew the five (5) year Development Plan that had a lot of ambitions (Buah, 1998:168). In achieving these ambitions, the government had to acquire large tracts of land for the establishment of industries, farms, educational institutions, health centres, recreational centres, forest reserves, housing etc (Buah, 1998:181, Ninsin, 1989:169).

The need for conscious efforts to carefully plan land use in the country was there and spatial planning became a necessary concomitant to national development. The government of the CPP therefore promulgated a number of land laws within this period to allow the government the free hand to use any land desired without any encumbrances

particularly from chiefs. These land laws armed the government to control and manage stool and public lands plus its related resources in the country to facilitate the socio-economic advancement of Ghana.

It must be noted that 'land administration during Nkrumah's government was based on the socialist ideology' (Kasanga, 2006:6, Ninsin, 1989:167). This is because Nkrumah is believed to be a communist and 'state ownership of land was fundamental to communist ideology' (Waugh, 1995:425). Therefore, all lands were regarded to belong to all Ghanaians and traditional rulers custody of lands in their jurisdictions was pushed to the background in favour of government ownership. The Nkrumah's government therefore vested all stool/skin lands in the President under four (4) main Acts. These were:

1. The Ashanti Stool Land Acts of 1958
2. The Akim Abuakwa (Stool revenue) Act No. 78 of 1958
3. The Stool Lands Acts 1960, Acts 27
4. The Administration of Land Act 1962 (Act 123)

The Compulsory Land Acquisition Act, Act 125 of 1962 was also enacted during this period which allowed the government to use any land at any time in the interest of the public. Under these laws, land administration and management became the sole prerogative of the government (Kasanga and Kotey, 2001:2, 2006:7) and traditional authorities were pushed to the background in so far as land administration and management was concerned. As Kasanga and Kotey (2001:2) noted, the Ashanti and Akim Abuakwa stool land Acts had to be passed to prevent the two stools from using revenue from lands to finance the opposition party of the National Liberation Movement

(N.L.M.) and also enable the government have easy control of spatial development that was prevailing in the country. This assertion was also corroborated by Ninsin (1989:167-168).

Apart from the enactment of land laws to make transactions in the land market easier, the CPP government also established new institutions and strengthened existing ones. For example, the Survey Department established during the colonial government was given additional responsibility of providing base maps to facilitate the spatial planning of rural and urban areas of Ghana by the Town and Country Planning Department. The new role of the Survey Department was contained in the Survey Act, Act 127, 1962 (Asiama, 2006:22). Another impressive contribution of the CPP government to the land administration process in the country was the strengthening of the Town and Country Planning Department to design and monitor spatial development to ensure that the approved land use pattern was respected.

It can be argued that compliance to spatial planning during the later part of the colonial government and the CPP government was high. This was probably because population was low and demand for land was minimal. Also there were few land administration agencies and the degree of centralization of land administration processes was high. The CPP government total control of lands was also a contributory factor.

It should therefore be appreciated that if the four (4) Acts that allowed the government to control and manage lands had not been repealed by the National Liberation Council that ousted the CPP government, perhaps the indiscipline in the land sector with reference to

the allocation, development as well as distribution of revenue would not have been a problem now.

3.4 THE PERIOD OF STRUGGLE (1966-1981)

This period can best be described as the ‘dark period’ in the political and economic history of Ghana. During this period, the country went through a period of struggle because national development deteriorated at an accelerated rate. This period that spanned for fifteen (15) years witnessed six (6) governments, most of whom being military. The various regimes are as shown in table 3.1 below.

Table 3.1 Political Regimes in Ghana Since 1966

Year	Ruling Government	Head of State/President
1966-1969	National Liberation Council	General J. A. Ankra/A.A. Afrifa
1969-1972	Progress Party	Dr. Kofi Abrefa Busia
1972-1978	National Redemption Council (SMC I)	General Kutu Acheampong
1978-1979	Supreme Military Council (SMC II)	General Akuffo
1979	Armed Forces Revolutionary Council	Lieutenant Jerry John Rawlings
1979-1981	People’s National Party	Dr. Hilla Limann

Source: Author’s Own, 2008

The Lands Department established by the colonial government was changed to the Lands Commission under the Lands Commission Act, 1971 (Act 362) (Kasanga and Kotey, 2001:3).

The creation of the new Lands Commission and its new role was necessary because according to the Akuffo Addo Constitutional Review Report (1969) as quoted by Kasanga and Kotey (2001:2) “the excessive abuse of state power in respect of land administration necessitated the creation of the Lands Commission”. A gradual attempt was made by the Busia’s government to liberalize government total control of the country’s lands and as such the Lands Commission under Article 164(2) of the 1969 constitution was charged to open an account for each stool/skin into which shall be paid the stool/skin share of land rent, royalties and other revenue accruing from land. Again, Article 164(1) of the 1969 Constitution re-vested stool/skin lands into the appropriate stools and skin.

In spite of this attempt, there was still strong government involvement in land matters of the country. The Lands Commission for example was placed directly under the President of Ghana and its major function as was stated in the 1969 constitution under Article 163(5) was to hold and manage, on behalf of the President, lands and land resources that were vested in the President by the constitution. As such the Chairman of the Lands Commission plus two (2) other members were to be appointed by the President. Unfortunately, this system of appointing the Lands Commissioner perpetuated in all the subsequent constitutions of the Republic and the system has in no uncertain terms contributed to the mess in the land market of Ghana. This is because, in the opinion of

the researcher, government appointees have to be loyal to the government and as such lose their independence in the execution of their responsibilities which may not be in accordance with professional ethics in land administration and also in the interest of the general public.

The military governments that took over the administration of the country from 1972-1979 did not do much in terms of the development of structures for the effective and efficient management of lands. The only thing that can be credited to the military governments during this period was the enactment of laws and decrees on land administration and management. Some of the decrees passed during this period included:

1. Public Lands (Protection) Decree, 1974 (N.R.C.D. 240)
2. State Lands (Amendment) Decree, 1974 (N.R.C.D. 307)
3. State Lands (Revesting) Decree, 1979 (S.M.C.D. 227)
4. Administration of Lands (Amendment) Decree, (A.F.R.C.D. 61), 1979

Source: Republic of Ghana, 1999:20

The Survey Department, the Town and Country Planning Department and the Lands Commission were still the existing government land institutions and they did not see much improvement in terms of human, material and financial resources. Though these departments were under resourced during this period, it should be stressed that this was the period where cities in Ghana began to spring up and most of the sector plans drawn by the Department of Town and Country Planning (see table 5.1). In Kumasi for example, areas like Bomso, Asafo, Asokwa, Bantama, Ashtown and Nhyiaeso

residential areas saw most buildings being developed in conformity to the land use plan. This is evident from the present layout of these communities. In fact, spatial development during this period was far better than at present.

3.5 PERIOD OF RECOVERY (1982-1992)

This period saw the Provisional National Defence Council (PNDC) taking over the administration of the nation through a coup d'état on December 31, 1981. Because of the worsening economic situation in the country, the new government embarked on policies to redeem the Ghanaian economy from its downward trend. Backed by the World Bank and the IMF, the government in 1983 embarked on the Economic Recovery Programme (ERP) and the Structural Adjustment Programmes (SAPs). These programs/documents became the development guide of the government up till the late 1980s. The focus of these programs targeted mainly economic variables such as reduction of government expenditure, improved tax collection, diversification of state properties, etc (Country data, 1994). A cursory look at the two documents reveals that, land issues were not given prominence in these documents in spite of the critical role of land to national development.

During this era in the history of land administration in Ghana, there were only three land institutions handling all the land affairs in the country. These were the Survey Department, the Town and Country Planning Department and the Lands Commission. This regime however, passed several independent laws and established three more land institutions. These were the Office of the Administrator of Stool Lands, the Land Title Registry and the Lands Valuation Board. These institutions were created with the

intention of improving governance in the land market. For example, it was during this period that the Lands Commission was designated as the principal authority responsible for all land affairs and also the authority of chiefs in the control of lands was reduced (Asenso-Okyere et al. 1993:11).

There was the creation of the Office of the Administration of Stool Lands (OASL) in 1982 under section 48 of the PNDCL 42. This new office that was a secretariat under the Lands Commission was charged with the responsibility of collecting land rent and royalties and distributing them to beneficiaries with a greater chunk going to the government. It was not until 1994 when the OASL became autonomous from the Lands Commission. Chiefs were therefore unable to use all the revenue accruing from land but a reasonable amount was given to the government for development purposes. Again, for the first time in the lands administration process of the country, the PNDC government established the Land Title Registry in 1986 under PNDCL 152. The purpose of this registry was to register titles and other interest in lands (Kasanga, 2006:13). The Lands Valuation Board was also established in the same year under section 43 of the PNDCL 42. The purpose of this new department was to serve as a government valuer including valuation for compensation (Kasanga, 2006:12). This function was initially performed by the Lands Commission. The establishment of the OASL, Land Title Registry and the Valuation Board brought to six (6) the number of government principal land agencies.

It should be appreciated that the major contribution of the PNDC era to good governance in the land market was the breaking up of the numerous functions of the Lands Commission into autonomous departments (OASL and Lands Valuation Board) for

effective administration. That is the function of the OASL and the Valuation Board was hitherto the function of the Lands Commission.

But this contribution has turned out after many years to be a paradox because the splitting of the functions of the Lands Commission for its efficient operation has led to several problems in the administration of lands such as delay in processing land documents, bureaucracy and frustrations of clients to these departments as well as complications that go with autonomy. The new Lands Commission Bill awaiting approval of Parliament is therefore seeking to re-unite these departments into One – Stop- Shop (OSS) where all documents on lands could be accessed or processed.

3.6 PERIOD OF CONSOLIDATION (1993-1999)

This period marked the turning point in the downward trend of the political and socio-economic lives of Ghanaians. It marked the end of military rule in Ghana and a return to constitutional governance. The immediate past eleven (11) years had witnessed a period of political and socio-economic stability under the military government of the Provisional National Defence Council (PNDC). The 1992 Constitution of Ghana articulated land ownership, administration and management issues which served as the basis for consolidating the previous enactments and laws on the subject matter. It was because of the consolidation made in this period that made it possible for proper procedures in the administration and management of lands to take off in the new millennium. Kasanga (2006:8) described this period as marking “a watershed towards righting the wrongs of the past”. Pragmatic measures were enshrined in the 1992

constitution (Chapter 21) to guide the ownership, administration, and management of lands in Ghana.

The most impressive headway made during this period was the development for the first time in the history of Ghana, a national land policy in 1999. Before the development of the land policy, land administration and management were based on individual laws and statutes enacted and also customary laws and beliefs. These individual laws were enacted to deal with specific problems in land administration and management. But the land policy provided a single document that was to deal with the complex issues in land administration and management. The land policy was to address three key issues in the administration and management of lands in Ghana. These were: land use issues, tenure issues and institutional issues (Odame- Larbi, 1998:4). The specific problems the Ghana Land Policy aimed at solving included

1. Avoiding the encroachment of wetlands and other lands
2. Avoiding multiple sale of land
3. Avoiding and solving land litigations
4. Preventing the use of unapproved development schemes
5. Preventing haphazard development

Source: Republic of Ghana, 1999:6-7

During this period, the function of collecting land rent and royalty for the stools/skins and the government was taken from the Lands Commission and this gave birth to the Office of the Administrator of Stool Lands (OASL) as an autonomous body. The

establishment of this independent land institution is backed by Section 267 of the 1992 constitution. The core function of the OASL is to:

1. Create an account for each stool/skin into which land rent and royalties are paid.
2. Collect on behalf of land owners and government land rent and royalties and account to the beneficiaries.
3. Disburse the amount collected according to an agreed formula provided by the 1992 constitution.

The Lands Commission established in 1969 was maintained in the 1992 Constitution under Article 258 (1) and it operated under the Lands Commission Act 1994, Act 483 (Kasanga and Kotey, 2001:8). The core function of the Commission which was to manage on behalf of the government of Ghana all public lands and vested lands and also keep records of all allocated lands in Ghana was not changed.

This period in the history of land administration in Ghana cannot be discussed without mention of the Vision 2020 document developed during the National Democratic Congress (NDC) government in 1995. This document was to serve as the national development document from 1995-2020. The vision of the document was to make Ghana a middle income country by the end of the vision year (Ghana 1995:1) and it had certain specific themes and tools to be used in achieving the vision. Though the document acknowledged lapses in the land administration procedures that discouraged orderly spatial development (Ghana 1995:25), it failed to provide a conscious strategy to develop the land sector as the pivot of national development in spite of its

acknowledgement of the lapses. That is even if the document had been carried through, it would not have helped solve the mess in the land sector.

It must be noted however that included in the strategy to develop the rural communities were measures to enhance land use administration and management and make land available to the rural poor. But as to 'how' the land use was to be administered was missing in the document (Ghana 1995:38).

It is worth noting that under this period, the Town and Country Planning Department became decentralized under the Local Government Act 1993, Act 426. In this direction, a department is to be established in each district and was charged with the spatial planning of the district in consultation with the people of the district and the Metropolitan, Municipal or District Assembly. This was a step in the right direction because spatial planning will become fast and the citizens in each district had a voice in whatever spatial plan drawn and approved for use in the district. However, it is sad to note that not all the districts as at 2006 had offices of the Town and Country Planning Department. Only eighty four (84) out of the one hundred and thirty-eight (138) districts had offices of the Town and Country Planning Department (Ghanaian Chronicle, 2007).

It must also be noted that up till this period (period of consolidation), the operations of all the land agencies with exception of the Town and Country Planning department was centralized. Permission need to be sought at the centre (Accra) in all matters before any activity could be executed at the peripheral areas. Similarly, material, human and

vehicular resources have to be supplied by the centre (national/regional) areas and the centre must give approval to all documents that have to be processed at the periphery.

For example, a lease being prepared by a developer must be signed only by the Lands Commissioner in Accra. This centralization of authority among the numerous land institutions has in no means contributed to the inefficiencies in the land administration processes in the country and anarchy in the development of buildings. The Town and Country Planning Department that is supposed to be decentralized is even not enjoying a perfect decentralization. In most instances consultations and permission had to be sought from the national headquarters in Accra. Another factor that compounded the problems of the land sector and has continued to the present is the dualism in the land allocation and documentation process. That is, the allocation of lands is done principally by the local authorities (Chiefs, queen mothers, clan heads etc) while the legal title to lands is provided by the government through its agents.

3.7 THE PERIOD OF TAKE OFF (2000 ONWARDS)

This period witnessed for the first time in the history of Ghana, a change of government where a civilian government handed over governance to another civilian government. The country was therefore recovering from the instability and the bad political and economic atmosphere that had prevailed in the country for a long time. As characteristic of African governments, the Vision 2020 document developed by the National Democratic Congress (NDC) was done away with and replaced by the Ghana Poverty Reduction Strategy (GPRS) I (2003-2005) and GPRS II (2006-2009). The aspect of the document that deals with good governance (GPRS I: 119-123) has some aspects on good

governance in the land sector and the document recognized the numerous problems in the governance of lands in the country as well as the pivotal role land plays in the reduction of poverty. The document therefore called for the need for reforms in the land administration system in the country as one of the catalyst to the reduction of poverty. Though GPRS II is blind to land issues, what is contained in the GPRS I portrays a strong commitment by the government to develop or suggest a strategy for streamlining the problems in the land sector. This strong commitment by the government is translated in the establishment of the Land Administration Project (LAP) in October, 2003 (LAP 2005). Indeed, this period in the history of land administration in Ghana can best be described as the 'period of take off'. This is in view of the attempt by the government of the New Patriotic Party (NPP) to right all the wrongs and confusion that had existed in the land market for decades.

The National Land Policy already prepared in 1999 provided a platform for a take off towards an enhanced and coordinated land administration in the country. Indeed, LAP serves as the single land project ever to begin in Ghana since time past and the project is seen as a 'saviour' to the mess that had engulfed the land market for a long time. This project was necessary in view of the rapid growth of the economy, the rapid urbanization sweeping through most towns, the indiscipline and corruption in the land market which had risen to uncontrollable levels and the apparent failure of the numerous government land institutions and agencies.

The general objective of the LAP is to address the problems and issues identified in the National Land Policy (LAP, 2006:8). However, the specific objective is to "lay a

foundation for a sustainable and well functioning land administration system that is fair, efficient, cost effective, decentralized and that enhances land tenure security” (LAP, 2007). In achieving its objectives, the LAP has been divided into three (3) phases spread over fifteen (15) years (2004-2018). The period in each phase is as shown in table 3.2 below.

Table 3.2 Phases of Ghana’s Land Administration Project (LAP)

Phase	Period
One	2004 – 2008
Two	2009 – 2013
Three	2014 – 2018

Source: LAP, 2007

The first phase of the project is the piloting phase that seeks to lay a foundation for proper reforms of the legal, customary and land administration processes in the country, (Republic of Ghana, 2006:13). As at the time of writing this report, the first phase had not elapsed and therefore it is too early for a meaningful assessment of the project. What is however more revealing is that there is a gradual shift from the individual land administration unit to a more united one often referred to as the One-Stop-Shop (OSS). A pilot project of the OSS has been established at Madina in Accra to test the feasibility of processing all land documents at one office building. Also plans are far advanced to pass a new Lands Commission Bill into law. The law shall place five major land institutions (Lands Commission, Survey Department, Land Title Registry, Land Valuation Board and Office of the Administrator of Stool Lands) under the Lands

Commission Board. The reason behind this unification is to simplify the processes and procedures land users follow in processing and documenting land property and also ensure effective coordination of the facets of documentation.

Though the idea to merge the efforts of these departments is laudable, its success depends on the attitudinal change on the part of staff working in these departments and agencies. As shall be discussed in the next chapter, most customers to these land agencies complain of delays, bribery and unprofessional attitude of staff working in these lands departments and agencies.

At the moment, the LAP has established customary land administration secretariats in each of the ten (10) regions of Ghana, (see section 2.6). The significance of this customary land secretariats is to document and coordinate the allocation of lands and ensure both traditional and government acceptance of spatial plans and land use. It is important to make it clear that three (3) of these customary land administration secretariat (Asantehene, Okyehene and Gbewe Kwartey lands secretariats) were in existence and was therefore strengthened by the LAP.

It is important to note again that, though the LAP project is being hailed to be the solution to the land administration problems in Ghana, whether its good intentions and objectives could be sustained and carried through is another question that needs to be answered. This is because the project has to overcome a lot of challenges. Apart from the difficulty in reforming the complicated and cumbersome land tenure and administration system, the project is heavily funded by external sources. The funding

agencies are International Development Association (IDA), Department for International Development (DFID), Nordic Development Fund (NDF), Kreditanstalt fuer Wiederaufbau (KFW), German Technical Co-operation (GTZ), Canadian International Development Agency (CIDA) and Government of Ghana (GoG). As characteristic of external donors, strings are attached to the help that may wipe away all the good side of the project. Again, if the funds are not released on time by the donors, it could seriously affect the time table and LAP activities. The donors have already shown signs of this problem (LAP, 2006:5, 57, 60).

3.8 STUDY SETTING

3.8.1 Founding and Growth of Kumasi

Kumasi has since the creation of the Ashanti Kingdom in the 17th century been its capital. The city was established by King Osei Tutu I with the help and advice of Okomfo Anokye, a fetish Priest and a friend of the Asantehene (Korboe 2001:41). Torn between choosing Kumasi and Kumawu as the capital of the future Ashanti Kingdom, oral history has it that, Okomfo Anokye planted two 'kum' trees-one at Kumasi and the other at Kumawu - with the agreement that the village where the tree survives shall be the capital. The tree at Kumawu died while that planted in Kumasi survived and Kumasi was therefore accepted by the Asantes as the unified and undisputed capital of the Ashanti Kingdom.

Kumasi has from the time of its establishment served as the seat of the Asantehene-King of the Asantes, who also doubles as the chief of Kumasi (Korboe, 2001:55). With its strategic geographical location and also being the capital of the powerful Ashanti

Kingdom, the city grew in size in terms of population because people used the city as a safe haven to escape wars or death in many parts of Ghana and also as a trading post. The city occupies an area of 254 sq km (KMA, 2006:36) though Korboe, (2001:48) quotes the size of the city as covering an area of 150 sq km but the size quoted by the Kumasi Metropolitan Assembly (KMA) is normally accepted. With the passage of the Town and Country Ordinance (CAP 84) and the subsequent declaration of Kumasi as a statutory planning area made Kumasi a City Council in 1945 (KMA, 2006:23) but attained a metropolitan status in 1987 with the advent of the District Assembly Concept. In an interview with the Public Relations Officer of the K.M.A. (2007,) it was revealed that the city's sub-metropolitan units had been increased from four (4) to ten (10).

The city is also experiencing rapid population growth with urban poverty being prevalent. This is evident from the numerous beggars on the major streets and traffic lights in the city and the 'kaya yee' that operates in the CBD as well as the countless number of hawkers.

At present, Kumasi is an important administrative nerve performing a host of functions to its inhabitants, the Ashanti region and even beyond. Currently, the city has the following infrastructural facilities:

- One airport
- Six public and private universities, one polytechnic, two teacher training colleges, a nursing training college and countless number of first and second cycle institutions (KMA, 2006:47).

- Seven (7) public hospitals and a number of mission and private clinics (Kunfaa, 2001:162-163).
- One major sports stadium.

3.8.2 Geographical Location and Size

Kumasi is located in the middle belt of Ghana and about 300 kilometers north of the equator and approximately 250 kilometers North West of Accra, the capital of Ghana and it lies approximately within Latitude 6.35° - 6.40° and Longitude 1.30° - 1.35° , (KMA, 2006:18).

Kumasi is the capital of the Ashanti region which, according to the 2000 Population and Housing Census, is the most populous region in Ghana. The metropolis is bordered at the north by the Kwabre district, south by the Bosomtwe –Atwima Kwanwoma district, east by the Ejisu-Juaben district and west by the Atwima-Nwabiagya district (Figure 3.1).

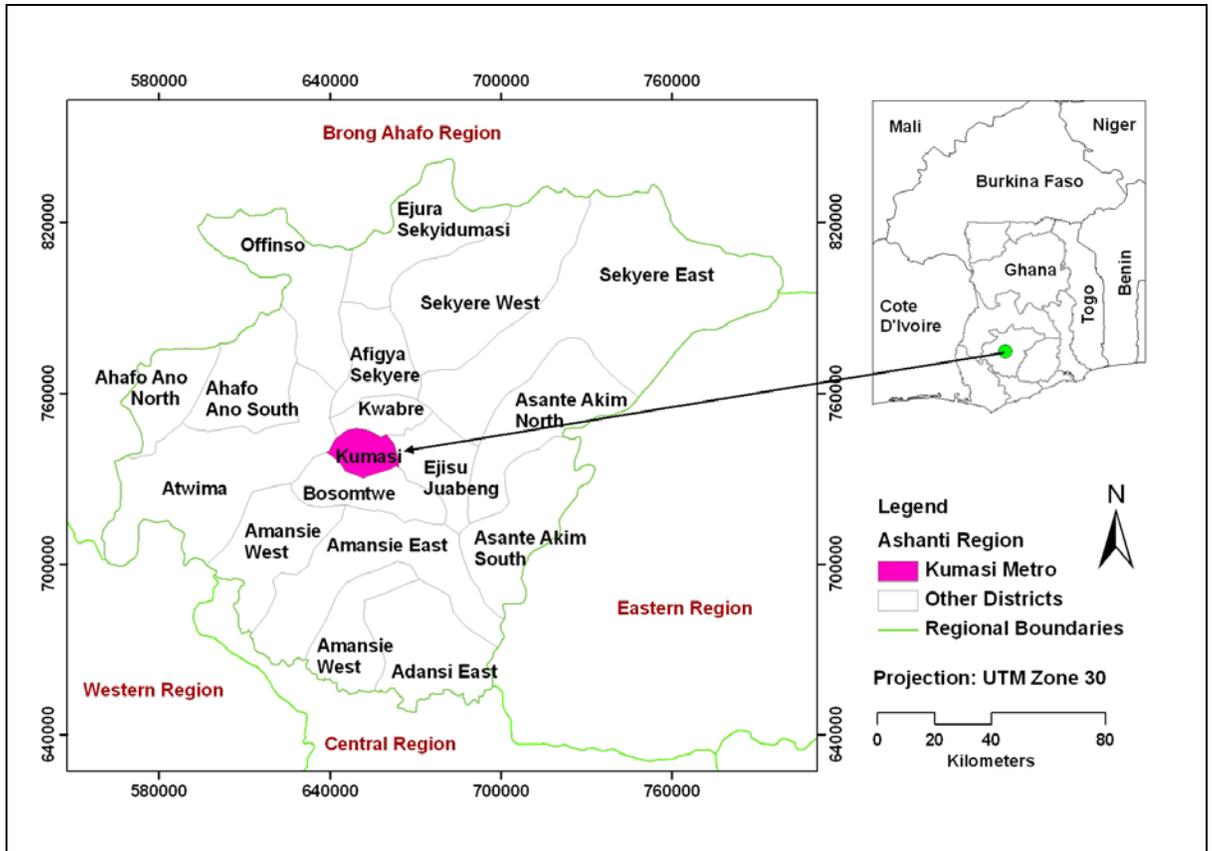


Figure 3.1 Location of Kumasi.

Source: Town and Country Planning Department, Kumasi, 2002

The city's strategic location stems from the fact that it is located within important road and rail transport routes and the fact that it is a nodal town (Hueber and Veer, 2001:194). The KMA (2006:19) estimates that the city comprises ninety suburbs among them being the ten (10) study communities.

3.8.3 Geology, Topography and Drainage

The Ashanti region, within which Kumasi is found, falls mainly within the Precambrian rocks of Birrimian and Tarkwaian rock formation zones. However small parts of the region fall within the Voltaian rock formations of Ghana (Dickson and Benneh, 1988:8).

This explains why the region as a whole abounds in economically rich minerals such as gold and bauxite mined mainly at Obuasi, Konongo and Nyinahini, though the mines at Konongo and Nyinahini are not in active operation.

The topography of Kumasi is generally plateau type with undulating surface and an average elevation of between 250 meters to 300 meters (KMA, 2006:18,20). Mountainous zones are virtually absent. The plateau is however, dissected because of the abundance of rain and the absence of sheet erosion as a result of the thick vegetation (Dickson and Benneh, 1988:12).

Kumasi is drained by numerous rivers and streams that include the Subin, the Sisa, the Wewe, the Aboabo rivers etc, (KMA, 2006:20). The city also has the Owabi and Barekese dams that provide treated water for its inhabitants.

The low-lying topography of Kumasi together with its numerous drainage network, should serve as a natural opportunity for the planning and development of a beautiful city. This is because the favourable natural condition should support the arrangement and coordination of phenomena like roads, buildings, open spaces etc on the surface to provide an aesthetic city. Unfortunately, this is not so at the moment. The arrangements and developments taking place on the surface show that there is no proper planning and coordination of development and this has led to congestion in the city. The abundant rivers and streams draining the city have all been polluted through domestic and industrial activities (KMA, 2006:20). Because of the extensive pollution, most of the rivers and streams draining the city are at present either dried or drying up. Typical

examples are the Sisa, Aboabo, Subin and Wewe rivers. The volume of water in both the Barekese and Owabi dams has reduced considerably as a result of massive encroachment on the catchment areas of the dams, (Acheampong, 2004:33, 43).

3.8.4 Climate and Vegetation

The city experiences the wet semi equatorial climate type (Dickson and Benneh, 1998: 27). Average minimum and maximum temperatures are 21.5°C and 30.7°C respectively (KMA, 2006:20). Typical of a wet semi equatorial climate type, the city also experiences an average annual rainfall of 1500mm. As characteristic of equatorial climate, Kumasi has two rainy seasons, from May to June and September to October. November to April is a dry season period where high temperatures are experienced in the city. Relative humidity is about 60 percent (KMA, 2006:20).

The city's vegetation is part of the moist semi-deciduous type with several species of trees and plants (Dickson and Benneh, 1988:32). The predominant species of trees are the Ceiba, Triplochlon, Celtus among others (KMA, 2006:20). It is important to note that at present, the impressive vegetation of Kumasi has degenerated into scrubs with the depletion of most of the plant species due to rapid urbanization, poor planning and indiscriminate development of structures and felling of trees for other purposes.

3.8.5 Population of Kumasi

The population of Kumasi has been growing since its establishment. The city's population was estimated at 1000 in 1819 (Adarkwa and Owusu-Achaw, 2001:199). The 1970 Population and Housing Census put the population of Kumasi at 346,336 and by

1984 the city's population had risen to 496,628. By 2000, the population had reached 1,170,270 (Ghana, 2000). The city is projected to have a population of 1,625,180 in 2006 and reach 1,889,934 by 2009 (KMA, 2006:19). These statistics, by Ghana's standards, show that in terms of population growth, Kumasi is an urbanized community. The current population plus the economic growth makes it the second most urbanized city and the second ranked city in Ghana, second only to Accra (KMA, 2006:18, Ghana, 2000) with a growth rate of 5.47% (KMA, 2007). Compared with the city's population in 1970 and 1984, the population has grown rapidly due to a number of reasons such as the favourable climate and its centrality that makes it easier for people to migrate to the city. The rapid population growth had contributed in no uncertain terms to the numerous problems that the city's authorities are unable to contain (Hueber and Veer, 2001:187). Some of these problems are overcrowding of people and structures, environmental decay, transport problems, pollution, filth, haphazard development of physical structures etc.

3.8.6 Administrative Structure

Being one of the districts in Ghana, the Kumasi Metropolitan Assembly (KMA) headed by a Chief Executive is responsible for the day to day administration of Kumasi. The Metropolitan Chief Executive is assisted by eighty six (86) assembly members who serve as a legislative organ for the city. The legislative body makes laws and takes decisions concerning the welfare of the city and its inhabitants. The administrative staff headed by the Chief Executive Officer executes such laws and decisions. In accordance with the Local Government Acts 1993 (Act 462), the local legislature in Kumasi, like other districts, is composed of:

1. One-third of members appointed by the President of Ghana in consultation with traditional authorities and other interested groups in the city.
2. Two-thirds elected by universal adult suffrage.
3. All Members of Parliament whose constituencies fall within the metropolis.
4. The Chief Executive Officer who is appointed by the President (Songsore, 2003:218).

Because of the growth of the city and the need to effectively administer it through the decentralization process, the KMA has divided the city into ten (10) sub-metropolitan units. The KMA is receiving funds from the central government through the District Assembly Common Fund. However, the city has the powers to raise its own revenue through taxes and dues levied on businesses and properties in the city.

3.8.7 Traditional Authorities

The Manhyia Palace, that is the seat of the Asantehene (King of the Ashantis) cannot be ignored in the administration of the city. The monarch exercises indirect role in the administration of the city because the monarch has representatives in all statutory bodies such as the Kumasi Statutory Planning Committee and the Local Legislature. Traditionally, the Asantehene is the owner of the city and as such he wields so much power and influence especially when it comes to the allocation of lands in the metropolis. In one of his recent inspections in the city, he instructed the KMA to demolish all structures developed along water courses in the city (Asare-Boadu, 2006).

3.8.8 Land Ownership in Kumasi

In Kumasi, as in most parts of Ghana, land is considered as a resource owned by both the dead, living and the generation yet unborn. Therefore, no individual or group can absolutely acquire or purchase a land but rather the lands are held in trust for the dead, the present and future generations (Ofori Atta as cited by Ollenu, 1962:4; KMA, 2006:28). By custom, all lands in Kumasi are kept in the care of the Asantehene. The King therefore has allodial title to lands in the Kumasi Metropolis.

Ownership of the Kumasi lands is categorized into two main parts. There is the part I and part two lands (Hammond, 2001:80-81). Part I lands are vested lands while all other lands (public or stool lands) constitute the part II lands (Figure 3.2).

Part I lands or vested lands are stool lands vested in the President of Ghana on behalf of the people of Kumasi (Kasanga, 2006:29). These lands are vested for several reasons, which may be political, economic, or any other reason that the government deems fit and considers as of peculiar interest to the inhabitants of Kumasi. Under this ownership, the land owning community represented by a stool receives rent and other royalties on the land but it is the government that manages the land through the Lands Commission. The Commission allocates such land and also determines its usage. Part I lands (vested) in Kumasi covers the CBD, portions of Amakom and Asokwa Estate (KMA, 2006:27).

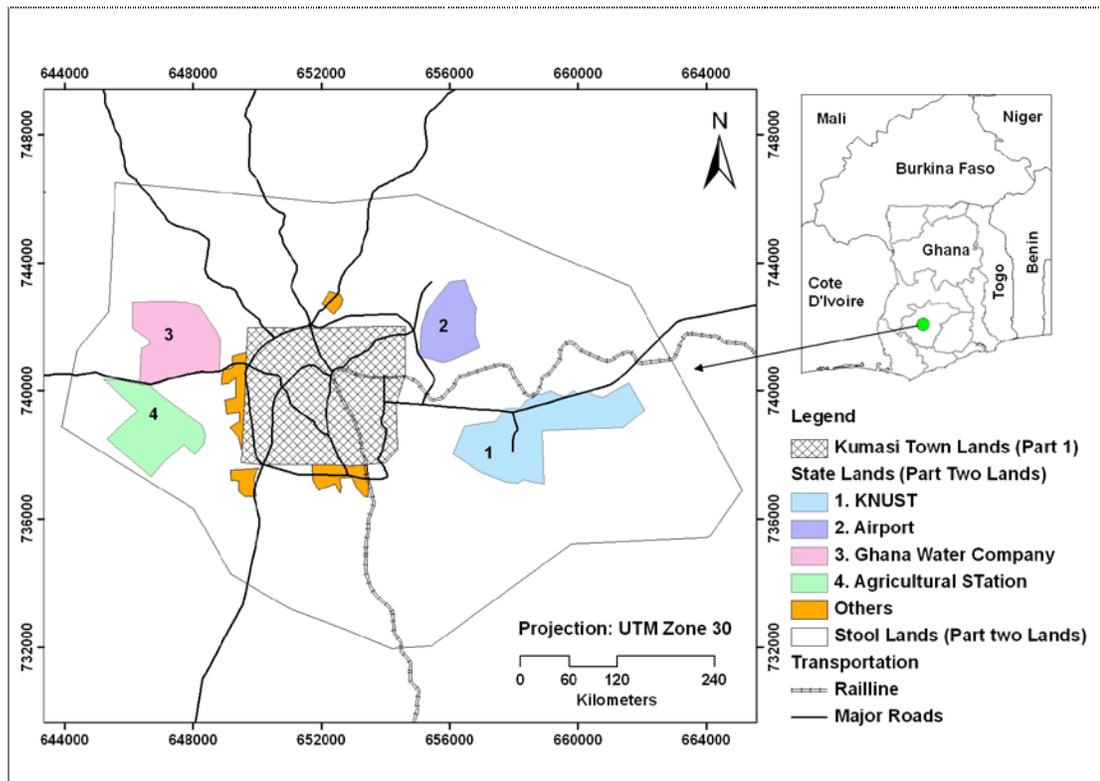


Figure 3.2 Ownership of Lands in Kumasi

Source: Edmundson as used by Hammond 2001

Part II lands are stool lands that are owned by communities from which custodians of such lands collect rent and royalties. Stool lands by far constitute greater percentage of lands in Kumasi and are kept in the custody of caretaker chiefs who, according to Hammond (2001:81) are the sub-paramount or divisional stools in the Kumasi traditional area. The caretaker chiefs or queen mothers together with either their elders or the abusupanin (family heads) allocate and lease stool lands to interested applicants for development purposes. At the expiry of the lease, the land reverts back to the caretaker chiefs.

In certain instances, stool lands are acquired either by outright purchase or compulsorily acquired by the government. Such lands are often referred to as public lands. The KMA considered such lands as Part III lands (KMA: 2006:27). In an interview (May, 2007), the Deputy Lands Commissioner of Kumasi estimated public lands to constitute about 10% of lands in Kumasi. Public lands are therefore the bonafide property of the state and the land owning community loses their interest in the land for the benefit of the entire nation. In other words, no stool can receive rent or royalty on public lands. Public lands are acquired for specific government projects like education, health, recreation, and transportation etc, (KMA 2006:28). In Kumasi, public lands include the KNUST campus, the Airport, the Agricultural Station and Ghana Water Company lands, (see Figure 3.2).

3.8.9 Land Allocation Procedures in Kumasi

The allocation of lands in Kumasi, especially stool lands, involves cumbersome procedures. Whereas public lands are allocated by the Lands Commission on behalf of the government of Ghana, stool lands are allocated by caretaker chiefs. Because stool lands are not sold, prospective applicants request for the usage of any desired parcel of land from a caretaker chief. The applicant has to pay “drink money” as the price for the usage of the land. The amount of the “drink money” depends on the location of the desired plot of land that is either a first, second or third class community or industrial site and other factors.

Stool lands are leased for 99 years in the case of residential and 50 years in the case of commercial usage. Foreigners (non Ghanaians) are also given a maximum of fifty (50) year lease as enshrined in Article 266 (4) of the 1992 constitution. In the case of Kumasi as in the case of Accra, after the lease has been prepared, the document must be sent to the Lands Title Registry for the title to the land to be registered in the name of the owner.

Land Allocation Procedures for Public/State Lands

The allocation of state lands is done by the Lands Commission, which by statute is the custodian of government lands (Kasanga and Kotey, 2001:8; Asiama, 2006:21). The allocation of state lands in Kumasi follows the following steps as shown in Figure 3.3 and these steps apply to all state lands elsewhere in Ghana,:

1. Application for the use of a public land is made through the Regional Lands Officer at the Kumasi Secretariat. Upon receipt of an application for the use of a parcel of state land, the application is vetted by the Lands Commission to check the vacancy or otherwise of the land in question.
2. When it is established that the parcel of land is vacant, a detailed site plan is prepared and attached to the application, which is then sent to a sub-committee of the Lands Commission for discussion and subsequent acceptance or approval. When accepted, the Regional Lands Commissioner must approve the minutes from that meeting.
3. A letter is then sent to the applicant to communicate the intention of the commission to grant his request.



Figure 3.3 Land Allocation Procedure for Public Lands

Source: Author's construct, 2007

4. The applicant must in turn communicate his/her acceptance of the offer to the Commission. All the charges relating to the land are then paid by the applicant to the Lands Commission after which a proposed lease containing the conditions for the allocation of the land is given to the applicant to study.
5. Upon acceptance of the conditions, steps for the preparation of a lease then commence.
6. Finally, the lease prepared is sent to the Land Title Registry for the title to the land to be registered in the name of the owner.

3.8.9.2 Allocation Procedures for Stool Lands

Figure 3.4 depicts the procedure for the allocation of stool lands which is in three phases. The first phase involves interactions mainly with the stool; the second phase is the preparation of the lease while the third phase involves seeking title to the land. The procedure for the allocation of stool lands in Kumasi requires the following steps:

1. Application for the use of a piece of land is made to a caretaker chief and his elders. The caretaker chief/queen mother allocates the desired size of the land to the applicant, sometimes in consultation with the elders or head of families etc.
2. The applicant checks the vacancy of the allocated plot(s) at the Lands Commission in Kumasi.
3. When satisfied, “drink money” is paid to the caretaker chief. The applicant is given an allocation note. The allocation note is a sign of the consent of the caretaker chief or queen mother to lease the land to the applicant for a specified period.
4. The allocation note plus three (3) copies of the site plan approved by the Survey Department, a statutory declaration and one-third of the “drink money” is sent to the Asantehene for approval.
5. The Asantehene Liaison Officer sends the documents to the Lands Commission, Kumasi for the Commission to confirm the vacancy or otherwise of the plot(s).
6. The Lands Commission also consult the Town and Country Planning Department to also check whether the proposed land use (structure) to be developed on the allocated plot conforms to the approved land use.
7. When the vacancy is confirmed, the Asantehene signs to approve the allocated land or the right to use the land for a stated period.

8. A second phase of the allocation procedure, which is the preparation of a lease, then has to commence. The applicant attaches an application to the allocation note and sends it to the Lands Commission, Kumasi for the preparation of the lease.
9. The lease when prepared is signed by the caretaker chief, the Asantehene and the chairman of the Lands Commission (representing the government). The lease legalizes the right for the applicant to occupy the allocated land for a specified period. Normally, commercial, industrial and non-Ghanaians lessees are given 50 years while residential lessees are given 99 years. The lease must be renewed after its expiry.
10. The third and final stage is where the lease is sent to the Land Title Registry for the registration of the allocated land in the name of the lessee. The title to the land serves as the highest legal document in terms of the ownership of the allocated land.

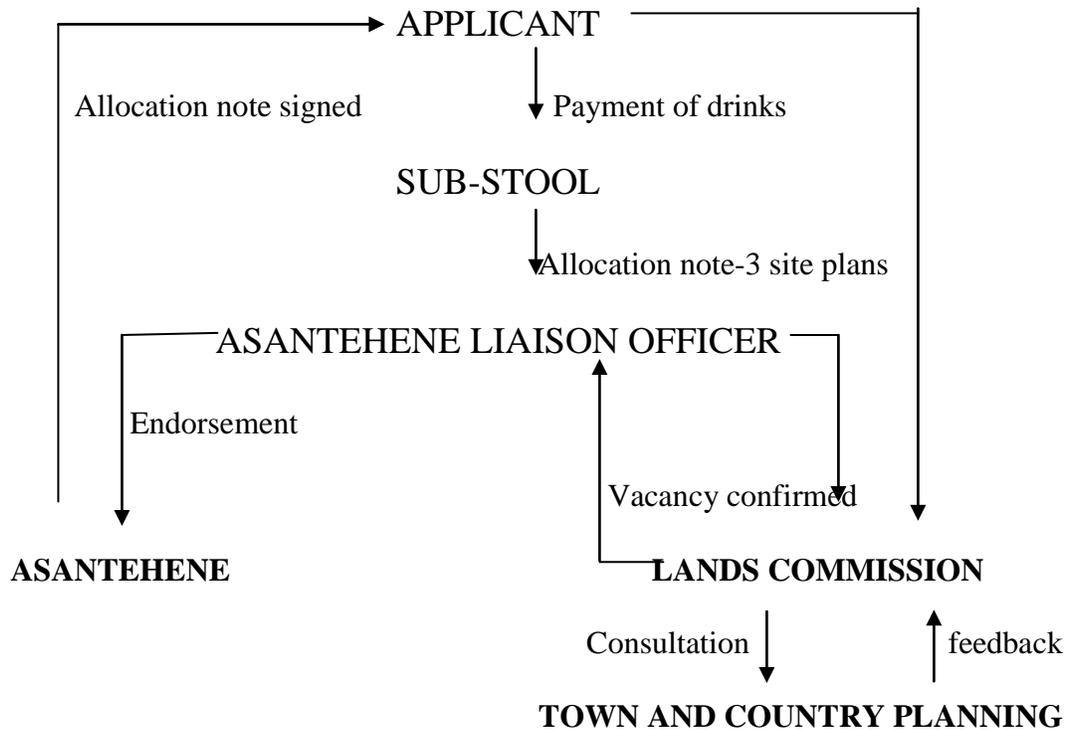


Figure 3.4 Land Allocation Procedure for Stool Lands

Source: Modified from LARC as used by Donkelaar and Derlaan, 1994

3.8.10 Land Use and Spatial Development in Kumasi

Land use simply refers to the use to which a land is put to. Best (1981:20) defined land use as an activity that “deals essentially with the spatial aspects of all man’s activities on land and the way in which the land surface is adapted or could be adapted to serve human needs”. Stamp (1961) also defined the term as “the use which is made by man of the surface of the land...” Kumasi lands are put into several uses including residential, commercial, educational, transportation, industrial, recreational, cultural, open spaces etc. Obviously the most predominant land use is residential (KMA, 2006:46).

Whereas the traditional authorities provide by far, the greatest percentage of lands for spatial development (Hammond, 2001:82), the land use in the city is determined by the Town and Country Planning Department through a 25 year development (master) plan drawn in 1963 (Hueber and Veer, 2001:183). In an interview with the Deputy Director of the Town and Country Planning Department in Kumasi (2007), it was confirmed that, since the expiry of the development plan in 1988, a new one had not been approved though plans were underway to approve one.

In the absence of a new development (master) plan plus other factors such as the attitude of the team players in the land market, the spatial development of the city had decayed and at present it is nothing to be proud of. There are several unauthorized structure developments located at all corners of Kumasi and every available space or land has been developed (Adarkwa and Owusu-Achaw, 2001:204). These unauthorized structures had contributed in no uncertain terms to the problem of both human and vehicular traffic. Because of the gross violation of the spatial development of the city, the KMA had to embark on a decongestion exercise in May 2007 to remove a lot of temporary and permanent business and commercial structures along major roads in the city. Hueber and Veer (2001;183) identified “poor delivery of basic services, inadequately planned and badly accessible areas and poor living conditions for low income groups” as some of the problems emanating from the bad nature of spatial development in the city.

The KMA, represented by the Kumasi Planning Committee, is responsible for the management of the spatial development of the city. This committee is chaired by the

Metropolitan Chief Executive and it is composed of representatives from bodies like the Town and Country Planning Department, the Survey Department, the Department of Urban Roads, the Development Control Unit of the KMA, the Environmental Protection Agency etc. But this body has failed in this function because of the lack of coordination among the land agencies and the political strings attached to their positions. Hueber and Veer (2001:188-189), identified much weakness in the management of spatial development of Kumasi. According to them, the reason for the weakness is as a result of the weak coordination among the spatial management team of the city represented by the Kumasi Planning Committee. To correct this negativity in the spatial development of Kumasi, there must be a re-organization of the land sector agencies that will ensure the effective functioning of all stakeholders in the land issues.

3.9 CONCLUSION

This chapter has made a survey into the background of the study in terms of the history of land administration in Ghana and presented the study area. With this fore knowledge, a better understanding about the issues to be discussed in the next two chapters where the findings from the field has been established.

CHAPTER FOUR

LAND ADMINISTRATION SYSTEM IN KUMASI METROPOLIS

4.0 INTRODUCTION

This chapter presents and describes the land administration system as pertains in Kumasi and examine its strength and weaknesses. Information for this chapter was provided from interviews or questionnaire administration to institutions involved in land administration in Kumasi as well as observations. Information was obtained from the following institutions:

1. Traditional Authorities in the study communities.
2. Asantehene Lands Secretariat
3. Survey Department, Kumasi
4. Town and Country Planning Department, Accra and Kumasi
5. Lands Commission, Kumasi
6. Development Control Unit, KMA
7. Office of the Administrator of Stool Lands, Kumasi
8. Environmental Protection Agency, Kumasi
9. Land Administration Project, Accra
10. Land Title Registry, Kumasi

The chapter is divided into four main sections. The first section describes the nature of land administration in the Kumasi Metropolis. The second section outlines the functions of the individual institutions involved in the land administration in Kumasi.

The third section provides a detailed analysis of the weaknesses of the land administration system in Kumasi while the final section presents a conclusion of the discussions made in the chapter.

4.1 NATURE OF LAND ADMINISTRATION IN KUMASI METROPOLIS

Land administration in Kumasi revolves round two (2) broad institutions. These are the traditional institution on one hand that own most of the lands and the government institutions on the other hand (See section 3.8.8). The major function or role of the traditional institution in the administration process is to allocate lands for development and also facilitate the documentation of records on the allocated land such as the issuance of allocation note to land developers and signing of lease. The allocation is done on behalf of the Asantehene by caretaker chiefs at the various communities in Kumasi but approval of the allocation made and also the signing of the lease is executed by the Asantehene through his Lands Secretariat.

The remaining functions of the land administration process that comprise planning, utilization, valuation, control, documentation, revenue mobilization etc. are undertaken by the government through its land institutions. The principal government land agencies in Kumasi whose functions are related to the spatial planning and development are the Survey Department, the Town and Country Planning Department, the Lands Commission, the KMA and the Land Title Registry. There is also the Office of the Administrator of Stool Lands that collects revenue for both the government and the landowners. These government land agencies are discussed at the subsequent sections. There is also the Kumasi Statutory Planning Committee (KSPC) that among others

approves and issues building and development permits. The Land Valuation Board is the other government land agency but this study was interested in those institutions directly related to the allocation, planning, documentation and development of lands. The existing framework of land administration in Kumasi as conceived by the researcher is presented in Figure 4.1.

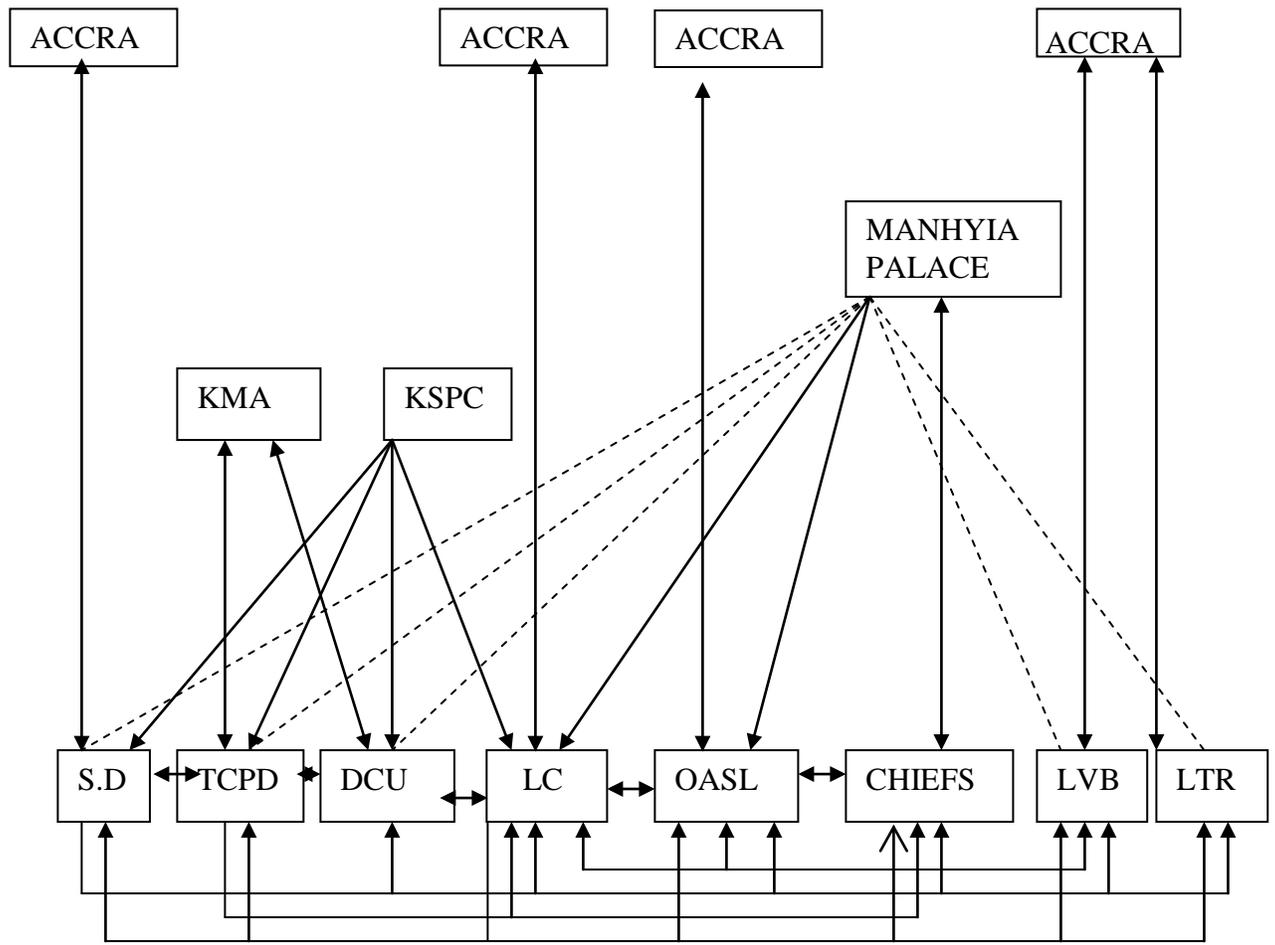


Figure 4.1 Existing Framework of Land Administration In The

Kumasi Metropolis
 ←→ Strong Relationship
 - - - - - Weak Relationship

Source: Author's own construct, October, 2007

- SD - Survey Department
- TCPD -Town and Country Planning Department
- DCU -Development Control Unit
- LC -Lands Commission

OASL	-Office of Administrator of Stool Lands
LVB	-Lands Valuation Board
LTR	-Land Title Registry
KSPC	-Kumasi Statutory Planning Committee
KMA	-Kumasi Metropolitan Assembly

4.1.1 Survey Department (SD)

The functions of the SD as contained in the Survey Act, 1962, Act 127 is primarily to provide base maps and cadastral plans upon which layout of communities are prepared by the Town and Country Planning Department, (TCPD). This department is also responsible for demarcating layout plans prepared by the TCPD on the ground. These two functions serve as the department's contribution to the land administration process in Kumasi. The SD has a representative at the Kumasi Statutory Planning Committee.

The SD in Kumasi falls under the Ministry of Lands, Forestry and Mines and it is headed by a regional surveyor. The department is not autonomous in its functions but centralized and therefore takes instructions, resources and logistics from Accra, the national capital. Because of the centralization of its operations, the department has limited powers to initiate, execute and recruit.

4.1.2 Town and Country Planning Department (TCPD)

The basic function of the TCPD as contained in the Town and Country Planning Ordinance, 1945, CAP 84 is to be responsible for the 'orderly and progressive development of land, towns and other areas, whether urban or rural, to preserve and

improve the amenities thereof, and for other matters connected therewith.’ (Ghana, 1945). Other laws regulating the operations of this department are the Local Government Act, 1993, Act 462, the National Development Planning System Act, 1994, Act 479, and the National Development Planning Commission Act 1994, Act 480 (LAP, 2003:10). By the existing Local Government Act, the TCPD falls directly under the KMA though it still has links with the Head Office in Accra. A staff from the TCPD serves as the secretary to the Kumasi Statutory Planning Committee.

The contribution of the TCPD in the land administration process in Kumasi is that after receiving input from the SD in the form of base and cadastral maps, they prepare a layout plan for the area surveyed. The department therefore determines and plans the land use (residential, religious, educational, recreational, sanitary area, public open spaces etc) in the area surveyed. The layout when prepared and approved by the KSPC is given back to the SD for interpretation on the ground. Where necessary, the TCPD undertakes re-zoning of parcels of land within the metropolis. It is also the responsibility of this department to ensure that layout plans of communities are approved by the Kumasi Statutory Planning Committee.

4.1.3 Lands Commission (LC)

The LC operates under the Lands Commission Act, 1994, Act 483 and Article 258 of the constitution of Ghana. The Commission performs three (3) main functions as their contribution to the land administration process:

1. To allocate public lands to applicants and also facilitate the acquisition of lands by government agencies. The commission also ensures that fair, adequate and

prompt compensation is paid for lands compulsorily acquired for the government or its agencies.

2. To manage public lands for and on behalf of the government. Public lands include wetlands, public open spaces (P.O.S.) and lands for other government agencies. Managing such lands include protecting government lands from encroachment, ensuring public lands are used in the most profitable way, etc.
3. To serve as a land records bank by keeping records of lands either public or private in the Kumasi Metropolis. Records kept include sale of land transactions in the form of mortgages from banks, court rulings on lands, stool land boundaries, individual plot boundaries, transactions on government land acquisition, etc.

The LC is centralized in its function and therefore the regional office depends on the headquarters in Accra for directions, logistics, human resources and even final approval of certain land documents such as lease. The LC works under the Ministry of Lands, Forestry and Mines and by statute a member of the Kumasi Statutory Planning Committee.

4.1.4 Land Title Registry (LTR)

The contribution of this institution to the land administration process in the metropolis is to register titles and other interest in lands. The functions of the LTR are spelt out in the Land Title Registry Law, 1986 (PNDCL 152). Like the other institutions, the operation of the department is centralized with its head office in Accra.

The LTR is under the Ministry of Lands, Forestry and Mines. The Kumasi office which has been in active operation since 2003 is headed by a Chief State Attorney acting as District Title Registrar. The department has no representation on the KSPC.

4.1.5 Office of the Administrator of Stool Lands (OASLs)

The OASLs operates under the OASLs Act, 1994, Act 481 (Asiama 2006:2). The main function of this department in relation to land administration is to collect land revenue (rent and royalties) and distribute them to the government and land owners. The formula for disbursement is contained under article 267 of the 1992 constitution. Their function was found to be semi-decentralized in the sense that the office has the powers to mobilize and disburse rent or royalties accrued to the beneficiaries according to the approved formula. However, when it comes to recruitment, logistics and human resources, the OASLs in Kumasi depends on the national office for supplies. The Office in Kumasi is headed by a Regional Director and does not have a representation on the Kumasi Statutory Planning Committee.

4.1.6 Kumasi Metropolitan Assembly (KMA)

In terms of land administration, the KMA is represented by its Development Control Unit, (DCU) in the Works Department under the direction of the Metropolitan Engineer. The operations of the unit are guided by Legislative Instrument (LI) 1630. In an interview with the Deputy Development Control Officer, he outlined the functions of the unit to include among others:

1. To ensure that the right kind and correct proportion of building materials are used in any construction work within the metropolis.

2. To ensure that physical structures (whether temporal or permanent) in all communities in Kumasi are rightly located in accordance with, the approved layout plan.
3. To demolish or remove any structure (whether temporal or permanent) that is not located at the right place.
4. To facilitate the processing of building permits.
5. To ensure that all permanent structures have building permits before construction commences.

The Unit has building inspectorate offices at the ten (10) sub metros and the inspectors go to the field to ensure that the above instructions are adhered to by developers. The inspectors take instructions from the Metro Development Officer who is the head of the unit. The unit has a representation on the Kumasi Statutory Planning Committee.

4.1.7 Kumasi Statutory Planning Committee (KSPC)

The committee is made up of representation from all the major land stakeholders in Kumasi. Membership is drawn from the Kumasi Traditional Council, Development Control Unit, SD, LC and TCPD. Other members are the Metro Medical Officer of Health, engineer of the Public Works Department, Assembly members, Fire Service, Environmental Protection Agency (EPA) and Urban Roads. KSPC is chaired by the Metropolitan Chief Executive while the TCPD serves as a secretariat and also provides a secretary to the committee.

The role of the KSPC in the administration of lands in Kumasi is to assess, approve and issue layout plans, development and building permits through the appropriate agencies upon application and also co-ordinate efforts of the land agencies.

4.1.8 Environmental Protection Agency (EPA)

The EPA is not directly involved in the administration of lands but by the nature of their operations, this agency is to assist the Metropolitan Assembly to ensure sound use of the environment in the process of national development (Acquah, 1996:4, 8). As a result, the agency has a representative at the Kumasi Statutory Planning Committee (KSPC). They offer sound environmental advice to assist in the planning and physical development of the metropolis.

The functions of the EPA are contained in the EPA Act 1994, Act 490. The agency is governed by a Board that sees to the discharge of the functions of the agency. The EPA works under the Ministry of Local Government, Rural Development and Environment (MLGRDE).

The administration of lands in Kumasi with respect to the planning, allocation, development, documentation etc is executed principally by the named agencies. These institutions are supposed to work closely to ensure the proper administration and management of lands in Kumasi. The subsequent sections examine the co-operation and potency of such institutions in ensuring effective and efficient planning and development of lands within the metropolis.

4.2 INSTITUTIONAL CO-OPERATION IN LAND ADMINISTRATION IN KUMASI

The government institutions described in section 4.1 and the Traditional Authorities (TAs) represented by the Asantehene Lands Secretariat and caretaker chiefs are the institutions found to be involved in the allocation, planning, development and documentation of lands within the Kumasi metropolis. These institutions are expected to collaborate to ensure the collective goal of proper and sustainable use of lands in Kumasi. All the government land agencies interviewed admitted to have some level of co-operation and coordination with either all or some of the land agencies. The land agencies in this context are DCU, TCPD, SD, LC, TA, EPA, LTR, OASL and Lands Valuation Board (LVB).

From the interviews conducted as revealed in table 4.1, the SD and the LC admitted to have interaction with all the above named agencies. The TCPD interacts and cooperates with all except OASL, LTR and LVB while the OASL interacts with all except the EPA. The DCU also interacts and cooperates with all except the LTR and LVB. The EPA and the LTR have the least working relationship with the other land agencies. Whereas the EPA interacts with the TCPD and the DCU the LTR interacts with the SD,LC and the TA.

Table 4.1 Relationship Among Government Land Institutions

Gov't Inst. Land Insts.	SD	TCPD	LC	OASL	DCU	EPA	LTR
SD	-	√	√	√	√		√
TCPD	√	-	√	√	√	√	
LC	√	√	-	√	√		√
OASL	√		√	-	√		
DCU	√	√	√	√	-	√	
EPA	√	√	√		√	-	
LTR	√		√	√			-
LVB	√		√	√			
TA	√	√	√	√	√		√

Source: Author's field survey, October 2007

Gov't - Government
Insts. - Institutions

It is important to stress that all the seven (7) institutions interviewed admitted that though they co-operate among themselves, the frequency of interaction and co-operation depended on the necessity of the meeting. That is, they meet as and when the need arises to solve particular problem(s) after which the co-operation ceases till such a time when the need arises again. For example, in the payment of rent to stools, if there is a dispute between two or more stools with respect to the custodian of a land, the OASL informs and invites the LC and the SD to solve the boundary dispute among the stools and when the dispute is solved, the OASL gives the rent to the appropriate stool.

The researcher therefore found no established or statutory periods where either two or more of the land administration institutions meet periodically or frequently to assess, co-ordinate and seek ways to improve their work. The KSPC that is expected to play this

role is not effective in this endeavor. This is because not all the land agencies are members of this committee and more importantly, the chairman of this committee who is the Metropolitan Chief Executive is a politician and according to the Deputy Director of the TCPD who serves as the Secretary to the KSPC said in an interview that *“the chairman does not get much time to chair meetings of the committee and the situation is affecting the effective operation of the KSPC”*.

The weak co-operation among the government land agencies creates many gaps in the administration of lands in the metropolis. For example, in an answer to a question as to why developers are able to build in spite of demolition notices, a Building Inspector (BI) said, *“at times an area might have been rezoned without the knowledge of the BI in charge of the community and when the developer is able to produce the necessary documents, the developer has to be allowed to continue development in spite of the earlier instructions”*. This shows a clear evidence of inadequate information flow among the land administration institutions. Surprisingly, all the government land institutions showed satisfaction with the present nature, level and frequency of interaction among them.

This shows an alarming situation because strong working relationship among these government institutions would have revealed common problems and the adoption of a unified strategy and commitment to address or minimize the problems in the land administration process in Kumasi. But where the institutions themselves do not see the need for improvement in the level of co-operation, the lapses in the land administration

system will exist and probably worsen with the passage of time unless something drastic is done to encourage greater co-operation among these institutions.

Another serious issue is that though the government land institutions have weak working relationship among themselves, the traditional authorities in the study communities also has weak relationship with the government land institutions. The only exception was the LC that the almost all the traditional authorities had some relationship. This was contained in a response by the traditional authorities to questions on the level of interaction with related government land institutions. It is evident from table 4.2 that almost all the TA interviewed had interaction with the LC but their relationship with the others is not encouraging. This is probably so because of the fact that, the LC as was said earlier keeps records on all lands.

Table 4.2 Traditional Authorities Relationship with Government Land Institutions

TA Gov't Land Insts.	Anyinam I	Anyinam II	Denk.	Daban	Bomso Panin	Bomso Kumaa	Kent/Nsenie	Nkontwema	Ayigya	Apatrapa
S.D	√	√	-		-		√			√
TCPD	-	-	√		√		√		√	√
LC	√	√	√		√		√	√	√	√
OASL	-	√	-		√		√			√
DCU (KMA)	-	√	√		-	√	√			√

Source: Author's field survey, October 2007

But the cause of the weak co-operation among the land sector agencies can be attributed to a number of factors and prominent among them is the statutes establishing these institutions. Each of the government land institutions was established by a separate Legislative Instrument (LI) and this makes the institutions highly autonomous in its operations. Moreover, as has been noted earlier, the government land institutions belong to two separate ministries – Ministry of Lands, Forestry and Mines and the Ministry of Local Government Rural Development and Environment. This situation further worsens the level of co-operation and co-ordination among them. This is because each Ministry may have its own vision and agenda which may not necessarily conform to those of the other ministry.

A second reason for the high level of autonomy is that, all the government land institutions in Kumasi, with exception of the TCPD, have their functions highly centralized in Accra. Even with the TCPD it is not enjoying a perfect decentralization because the department still maintains some links with the head office in Accra.

It is in line with the weak institutional co-operation and co-ordination efforts that the LAP proposed a bill to unify five of these institutions under one umbrella. One of the major reasons for such unification is to enhance the level of co-operation among these institutions. Information from the field as depicted in figure 4.2 shows that the institutions are in agreement with such an initiative. Out of the seven institutions interviewed, six, representing 86%, welcomed the attempt to unify them with only the TCPD saying no to the initiative. This is, however, not surprising because, the TCPD is the only government institution which is not included in the unification initiative as

contained in the new Lands Commission bill awaiting approval by Parliament. This is perhaps due to the fact that the TCPD operates directly under the District Assemblies as contained in the Local Government Act 1994, Act 462.

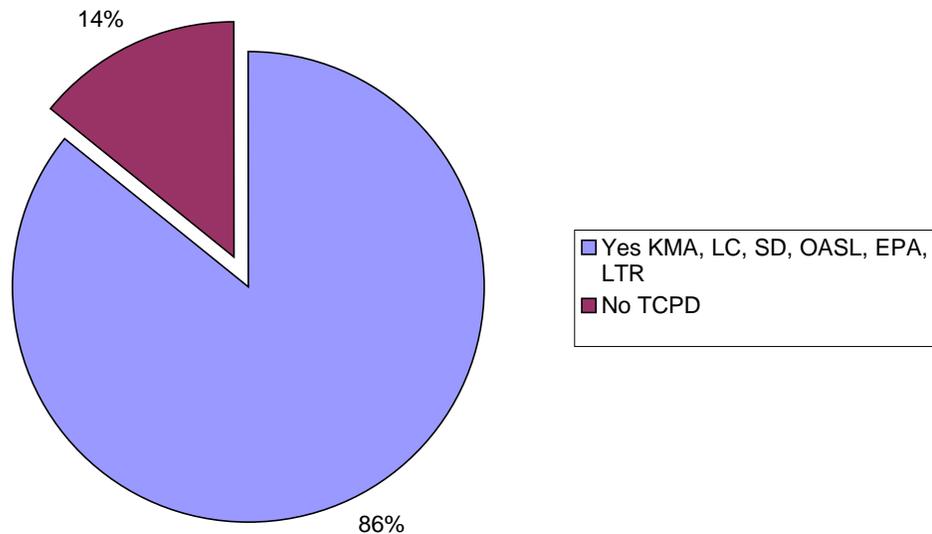


Figure 4.2 Uniting Land Institutions under One Ministry

Source: Author's field survey, October 2007

4.3 INSTITUTIONAL WEAKNESSES IN LAND ADMINISTRATION IN KUMASI METROPOLIS

The research revealed administrative deficiencies in the administrative processes of all the government land institutions and the traditional authorities. Evidences of the deficiencies are highlighted in this section and they must be addressed for improved services to the nation.

4.3.1 Survey Department (SD)

As described in section 4.1.1, the primary function of this department is to provide base maps and cadastral plans as inputs to the TCPD. The department has not been efficient in the performance of this function. As at the mid 2008, the department admitted that not all suburbs of Kumasi had base maps prepared by the department. Example of communities cited not to have base maps were North Tanoso and Apatrapa.

Because of the SD's inability to produce these base maps on time in accordance with the statutes establishing it, at times other bodies, persons and companies have to intervene to arrange with the SD for such maps to be prepared for the communities where the companies or persons have interest. Information available to the researcher cited as an example Nkoranza and Kotwe communities where, as a result of the inability of the SD to provide maps for the two communities on time, the Asantehene had to personally engage surveyors to do the job to enable the King solve a land boundary dispute in the two communities (Assistant Surveyor, Kumasi 2007). It was also found that as a result of the inability of the department to produce base maps to aid the preparation of a community's layout plan, certain land owners (chiefs) in Kumasi engage some individual licensed surveyors to survey their lands at a fee or in lieu of payment some number of plots are given out. Though this practice, according to the officer at the SD exist, it was difficult for him to give an example to support his claim. The SD, however, attributed their inability to provide base maps on time for communities to inadequate funds but the officer who provided information for this report refused, upon request, to disclose their annual budget to the researcher.

Another weakness identified in the operations of the SD is its inability to deal with quack surveyors. A quack surveyor literally means a person who is not professionally trained as a surveyor but practices as a surveyor. Legislative Instrument 1444 and the Survey Act 1962, Act 127, empowers the SD to cause the arrest and facilitate the prosecution of quack surveyors. But according to an Assistant Survey Officer (2008) at the SD, in most cases such quack surveyors are unable to be traced, identified, arrested and prosecuted. This assertion by the officer was supported in an interview (January, 2009) with a former director of the Building and Road Research Institute (BRRI) and now the Chief Executive Officer of Optimum Shelter, an Estate Development Agency. The explanations both officers gave were that, such quack surveyors work for powerful chiefs in the metropolis and as such the chiefs normally describe such surveyors as nephews or relatives who perform the survey for them free of charge. So such unprofessional surveyors are shielded by the chiefs and it becomes extremely difficult for the SD to 'clean' the environment of such surveyor. Therefore, quack surveyors have become an indispensable tool for the land owners basically because of the failure of the departments to prepare base maps or the high price the licensed surveyors charge for the preparation of base maps for the landowners when engaged to do so. Therefore, in cases where the land owner is unable to pay for such services and his land so small that he cannot trade some off for a good survey to be made, they tend to depend on quack surveyors.

4.3.1.1 Human Resource Capacity

The staffing situation at the Kumasi office of the SD was identified to be inadequate. In an interview with the Technical Survey Officer, it was revealed that, the SD in Kumasi as at June, 2008 had ten (10) surveyors. These surveyors are responsible for the Ashanti Region as a whole. The surveyors according to the source are over stretched in the performance of their duties. The department has no powers to recruit except to engage the services of national service persons, and for reasons that the department cannot explain, it cannot get regular and timely supply of staff from the headquarters in Accra to perform the ever daunting task.

4.3.1.2 Funding for the SD

Added to these problems above is the inadequate funding from the government which naturally makes the department inefficient in the performance of its duties. The research revealed that funds are released to the department on quarterly basis and the amount is not specific. According to the Technical Survey Officer (2008), the amount of funds ranges from nine hundred to one thousand eight hundred Ghana cedis (Gh¢900 to Gh¢1,800). This fund is supposed to be used for the running of both Kumasi and the Regional Offices of the SD. It must be noted that the SD has no internally generated funds.

The weaknesses in the operations of the SD have in no means contributed to the mess in the spatial development of Kumasi and a deficit within the land sector (LAP, 2003:9-10). The other implications of these weaknesses are that, there is the possibility of

encouraging shabby spatial development, bribery and corruption to prevail in the land market in Kumasi as well as loss of revenue to the government. This is because if a private investor or a caretaker chief for example engages a surveyor other than the SD to perform a task, the reward of surveying goes to the individual and not the government.

4.3.2 Town and Country Planning Department (TCPD)

This department is responsible for the spatial planning aspects of land administration process. This aspect is the most critical in the land management process because it deals with economization and sustainability of the land resource. By virtue of its functions the TCPD interacts frequently with the SD, KMA and TAs.

But the research revealed that this department is facing numerous challenges most of which the department is powerless to solve. In fact, the TCPD was found to be the most frustrated government land institution. The frustration is as a result of the fact that, in spite of the internal administrative problems, the department is also blamed by every one for the poor spatial development in Kumasi. Details of the TCPD frustrations are discussed below.

4.3.2.1 Outmoded Laws and Legislations

In the first place, the statute establishing this department (CAP 84), passed in 1945, has become outmoded. It is outmoded in the sense that, with the passage of time, several issues and challenges have occurred which needed to be incorporated into the Act in order to enable the department to be more useful to the country. For example, with the CAP 84, the functions of the TCPD are limited to the preparation of layout plans and the

determination of land use. The ordinance does not give the department powers to monitor and enough legislative powers to cause demolition of unapproved structures or to control development. This situation has encouraged many distortions in layout plans prepared and approved.

4.3.2.2 Loss of Direction

Another factor that has affected the effective operations of the TCPD is a lack of clear sense of direction. Unlike the other land institutions that operate under a single Act, the TCPD deals with three (3) Acts- CAP 84, Local Government Act 1993, Act 462, and National Development Planning Act 1994, Act 480. These parallel Acts obviously create confusion in the operations of the department. A typical example is the approval of layout plans prepared. Whereas the CAP 84 says the approval should be made in Accra and by the responsible Minister, the Local Government Act says the approval should be made by the Metropolitan, Municipal or District Assemblies. Since none of the two laws have been repealed, which one supersedes the other? And where should layout plans prepared get approval? Also when the approval by one body (eg. the district) causes the demolition of structure(s), does such structure owner(s) sue the body on grounds that it was not the appropriate authority to have approved the plan? When such suits are made, how long would the court take to judge this already confused action? These possibilities are puzzles that the TCPD is grappling with.

Another cause of concern is the continual shift of the department from ministry to ministry. In fact, it is the only land institution that has suffered that fate. Among the ministries that the department has worked under are Local Government, Works and

Housing, Lands, Forestry and Mines, Finance and Economic Planning, Health, and Environment and Science. Under the present government (2001 – 2008), the department has moved twice, first under Environment and Science and now Local Government. This continual movement is probably because of the fact that the department's functions are multi faceted and can easily be put under any ministry. However, one of the effects of such continual shift is the inability of the department to carry through, initiatives or project it begins with a particular ministry and also unnecessary delays in the approval of programs or projects. This is because a new ministry that the department works with must first be convinced of the viability of a program or project previously began by the department before approval can be given for its continuation or otherwise. Moreover, the frequent shift of the department among ministries also discourages the department itself to be committed to any program or project. The reason is that when the department anticipates a change of ministry that may halt or cause the review of the department's programs it will affect their commitment level.

It is interesting to note that initially the TCPD was excluded in the LAP that is charged to reform the land sector. However, the department was later drafted into the project after sourcing a separate fund for it – Nordic Development Fund. Again the attempt to fuse the government land institutions together excludes the TCPD. The discussions above show a clear picture of the confusion and poor direction for the department which obviously is central to the land management process in Kumasi in particular and Ghana in general.

4.3.2.3 Human Resource Capacity

The department in Kumasi is over stretched in its staffing situation that further compounds its problems. As at January 2008, an interview with the Deputy Director revealed that, the Kumasi office had six (6) planning officers. Given the KMA 2008 population estimates of 1,813,176, there is a planning ratio of 1 planning officer to 302,196 people, (1:302,196). On the other hand, going by the 2000 population census that gave the population of Kumasi as 1,170,270, the ratio becomes 1 planning officer to 195,045 people, (1:195,045). Which ever way one looks at it gives a bad staffing situation considering the fact that Kumasi is a second order city in Ghana with complex and challenging problems. As at January 2008, the department's research unit was non-existent because of staffing problems and had no expert in Remote Sensing and Auto Card all of which are critical to land use preparation and analysis. Also it had one expert in Geographical Information Systems (GIS) but stand the chance of losing him because of absence of software packages and good computers. Again the study revealed that most of the staff lacked knowledge in basic computer applications (Microsoft Word, Excel, and Access etc).

The staffing problem is also compounded by the fact that the department is not supported to make their own recruitment. With the decentralization of the planning aspect of land administration, improvement in its staffing situation is the responsibility of the KMA. It must be noted that the problems experienced at the Kumasi office is not unique to it but similar to what is being experienced at the national level (LAP, 2003:10).

4.3.2.4 Inadequate Inputs or Logistics

Another factor that has bedeviled this department is inadequate inputs needed in order to operate efficiently. The investigation revealed that, often, base maps, that are primary inputs for the operations of the TCPD is not available for the office to work with. Few communities that have been without base maps include Pankrono, part of Breman, part of New Apatrapa and Tanoso North.

Again, the absence of up-to-date base maps for most communities in Kumasi makes it difficult for the department to revise layout plans regularly as required by the profession. In an interview (2007), the Deputy Director at the Kumasi office of the TCPD stated that:

“many communities in Kumasi have never had their layout plans revised since they were prepared. However, upon request, certain portions of the plans may be revised”.

The officer admitted that such piece meal revision exercise is not the best because according to the officer *“ideally, layout plans must be updated every five (5) years”*. The researcher’s investigations revealed that this is not done. As shall be seen in the next chapter, the study communities in this research were not exception to this problem of revision.

In an attempt to find out why such shortcomings exist in the operations of the department, it was found that though the SD is supposed to supply the TCPD with relevant maps free of charge, the TCPD is charged for such services. Because the TCPD is also not adequately funded, it is unable to pay the SD for the cost of such maps.

Therefore, the cost of providing such base maps in certain instances is shifted to the traditional authorities (land owners) and so it is the chief who pay for such services who would have his community plans prepared or revised. This explains why many communities have not had their layout plans revised for decades. This has resulted in many distortions from the original plans.

In addition to this input problem is the fact that the department in Kumasi lacks a lot of operational logistics. Alhassan Mohammed (2006) has identified the following inadequate logistics as existing at the TCPD in Kumasi, and the situation has not changed after two (2) years. A comparison of the available logistics at the department in 2006 and 2008 is shown in tables 4.3.

Two years after the report by Mohammed Alhassan, this research revealed that the above inadequate logistics at the TCPD in Kumasi had not changed much. The seven (7) computers were either Pentium 2 or 3 and the 30 year old vehicle had also been abandoned because of high cost of maintenance leaving no vehicle for the operations of the department.

It was also revealed that the department had no satellite images and topographical sheets to work with. The logistic inadequacy affects the effective operation and efficiency level of the department in the land administration process. During the research, several visits were made to the department and it was observed that in most of the visits, the workers were idle appearing to have nothing to do. But their idleness could be attributed to the fact that inputs and logistics to work with are unavailable.

Table 4.3 Logistics at the TCPD Between 2006 and 2008

Types of Logistic	Quantity as at 2006	Quantity as at 2008
Computers	7	7 (Pentium 2 & 3)
Normal Printers	-	1 (supplied by sister city relation)
Amonia printers	1	1
Photocopier	1	1 (used for a project after which the copier was donated to the Department)
Manual drawing equipments	Several	Several
Official vehicles	2	*1

Source: Mohammed Alhassan (2006), Author, Oct. 2008

* One of the vehicles was not in good working condition by 2008

The findings made in this research with respect to the TCPD have confirmed the outcome of a study executed by Karin Kaldrup on behalf of LAP. The problem unearthed through his study necessitated the sourcing of the Nordic Development Fund (NDF) as part of the Land Administration Project to help streamline the weaknesses that the department is facing (LAP 2003). Again, the lapses in the administrative functions of the SD and TCPD provide a justification for the conclusion that state institutions are to be blamed for the haphazard and uncontrolled development in Kumasi.

4.3.3 Lands Commission (LC)

As enshrined in Article 258 (1) of the 1992 Constitution of Ghana, the task of the LC among others is to keep records of lands either public or traditional and in addition manage all government lands including vested ones. By the nature of its task, the LC interacts directly and frequently with all the land institutions forming part of this research and also traditional authorities (refer table 4.1 and 4.2). This is basically due to the fact that the commission keeps records of all land matters in Ghana.

The research revealed that the LC is given copies of layout plans of all suburbs of Kumasi and therefore in their documentation process the Commission ensures that only approved parcels of lands are allocated and further, refuse processing documentation on lands that are not to be used. However, in spite of this complementary effort to the Development Control Unit of the KMA, layout plans as shall be discuss in the next chapter are violated greatly in Kumasi especially with respect to wetlands and public lands. It was surprising that most respondents including those occupying wet lands and public lands answered in the affirmative to the question whether they have documents on their land and building properties or not (see table 4.5 and 4.6).

Table 4.4 Possession of Building Documents

Description	Frequency	Valid Percentage	Cumulative Percentage
Yes	247	91.8	91.8
No	22	8.2	100.0
Total	269	100.0	
Unanswered	42		
Total	311		

Source: Author's field survey, October 2007

Table 4.5 Possession of Land Documents

Description	Frequency	Valid Percentage	Cumulative Percentage
Yes	282	95.9	95.9
No	12	4.1	100.0
Total	294	100.0	
Unanswered	17		
Total	311		

Source: Author's field survey, October 2007

It was revealed further that public lands are poorly managed by the Commission. This is because, such lands are easily re-allocated for other purpose by traditional authorities in whose community such lands are located. The most abused public lands in this respect are the wet lands of the study communities. See plate 4.1-4.4 showing wet lands allocated to users at Anyinam, Bomso, Nkontwema and Ayigya. Surprisingly, though few of such occupiers claimed to have documents to cover their usage of the lands, most of them admitted that they do not have permit to occupy the structures on such lands.



PLATE 4.1 *Wetland developments at Anyinam*



PLATE 4.2 *Wetland development at Bomso*



PLATE 4.3 *Wetland development at Nkontwema*



PLATE 4.4 *Wetland development at Ayigya*

A typical example is at Anyinam, one of the study communities, where large tracts of land acquired by the Volta River Authority (VRA) to build staff quarters and was clearly demarcated on the layout plan (see polygon 22 on map 5.9). However, a visit to the site showed that the land had been allocated to private users and the family head who played a key role in the allocation process of the community explained that the VRA abandoned the land before it was allocated to the developers. However, investigations at the VRA Kumasi office proved otherwise. The administrator of the Kumasi office informed the researcher that, “*the land was acquired and compensation duly paid by the VRA, but before I assumed office in Kumasi, the institution had to abandon the land as a result of massive encroachment at the time we had wanted to develop the land*”. That is, the portion of land left was too small to accommodate the quarters they had wanted to build for their staff. Surprisingly, as was found by the research, no action has been taken against the traditional authority at Anyinam for allocating such a public land. The reasons, though not exhaustive, given by the Lands Officer of the Kumasi Office of the Lands Commission for their ineffective management of public lands were as follows:

BOX 1 Reasons for Ineffective Management of Public Lands

1. Acquired or purchased public lands often lie undeveloped for a long time and in the face of increasing demand for land, chiefs are tempted to re-allocate such lands.
2. Compensation or full payment from government for lands compulsorily acquired or purchased is not paid for promptly. The delay in such payments or compensation to land owners coupled with the undeveloped state of such public lands encourage the chiefs to either allocate all or parts of such land. In such a situation, the Commission becomes incapacitated to institute legal actions against such chiefs.
3. The LC that manages public lands has no legal powers to prevent traditional authorities from allocating or causing the vacation of occupants who illegally occupy government or public lands. This reason explains why wetlands, playgrounds and other open spaces in all the study communities were found to be extensively allocated to land users.
4. Prolonged court cases on land and offenders' ability to go round the law often discourage and wane the commission's interest to pursue or take other cases to the courts.
5. Logistical inadequacies also demoralize the Commission in the performance of its duty of managing the government lands.

Source: Interview with Lands Officer, Kumasi, Tuesday, 29th May, 2007

Apart from the poor management of public lands, another area of weakness found in the operations of the LC is in their records keeping. Information on lands at the records

room is not stored electronically. Retrieving information on land for land developers takes a long time and this discourages many land users from processing their land documents.

One impressive achievement of the LC worth mentioning is their ability to classify all communities in Kumasi into first class, second class and third class communities, something which KMA or TCPD should have done. It was from this classification that the study communities for this research were selected.

4.3.4 Kumasi Metropolitan Assembly (KMA)

Under the Local Government Act 1993, Act 462, each District Assembly is responsible for the spatial planning of its areas of authority. It is also the responsibility of the local government to ensure that the approved layout plans are respected by land owners and land users. In Kumasi, the KMA achieves these two responsibilities through the TCPD and the Development Control Unit (DCU) of the KMA respectively.

The function of the DCU among others is to ensure that spatial development conforms to approved layout plans. However, it was revealed that while the TCPD is the most frustrated among the land administration institutions, the DCU is the weakest and most ineffective among the land sector agencies. In fact, based on provisions contained in the Local Government Act 1993, Act 462 (52), it can be stated that, the DCU under the direction of the KMA is the cause of the continual existence of unauthorized structures in Kumasi. A cursory look at Figure 4.3 to 4.5 indicates development of buildings (shown in yellow) on public or community lands at Bomso (first class community),

Buokrom (second class community) and Ayigya (third class community). Note that few polygons of Figures 4.4 and 4.5 exhibit linear patterns in the development of structures on public lands. However, that of Bomso does not show any spatial patterns.



Figure 4.3 Bomso showing development of buildings on public lands

Source: Author's Own Derivative, January, 2008 based on approved plan of Bomso, 1959.



Figure 4.4 Buokrom showing development of buildings on public lands

Source: Author's Own Derivative, January, 2008, based on approved plan of Buokrom, 1975

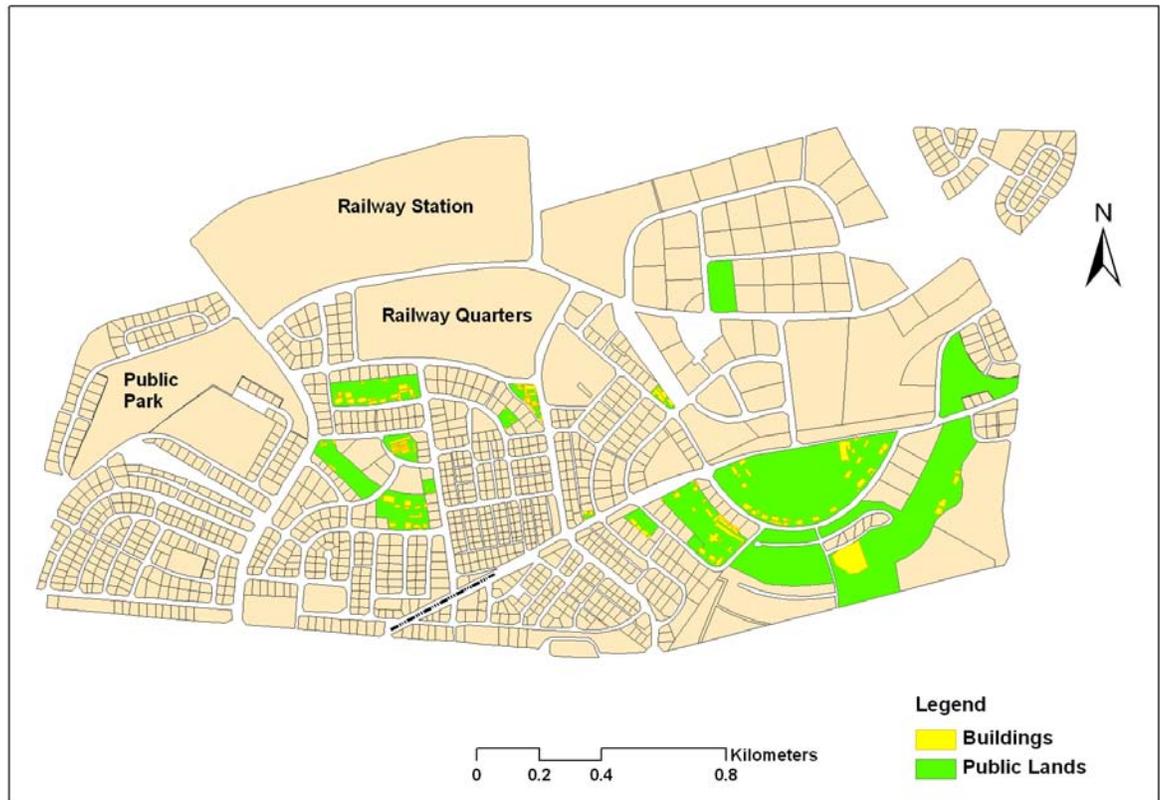


Figure 4.5 Ayigya showing development of buildings on public lands

Source: Author's Own Derivative, January, 2008, based on approved plan of Ayigya, 1978

Land users and traditional authorities also demonstrated their knowledge about the bad spatial development of Kumasi by grading the city very low (See table 4.7 and 4.8). From table 4.7, almost half of the 263 building owners graded the spatial development below average with approximately 20% grading it averagely. Table 4.8 that shows the grading by TAs is indifferent from that of the building owners.

Table 4.6 Grading of Spatial Development of Kumasi by Building Owners

Description	Frequency	Valid Percentage
Very poor	55	20.9
Poor	71	27.0
Average	53	20.2
Good	61	23.2
Very good	16	6.1
Excellent	7	2.7
Total	263	100.0
Unanswered	48	
Total	311	

Source: Author's field survey, October 2007

Table 4.7 Grading of Spatial Development of Kumasi by Traditional Authorities

Description	Traditional Authority	Frequency	Valid Percentage
Very poor	Apatrapa, Anyinam II, Kent./Nsenie	-	28.6
Poor	Ayigya, Anyinam I,	2	28.6
Average	Bomso Panin, Daban	2	28.6
Good	Nkontwema, Dekyemuoso	2	14.3
Very good	-	-	-
Excellent	Bomso Kumaa	1	100.0
Total		7	
Unanswered		3	
Total		10	

Source: Author's field survey, October 2007

Like the other land institutions, the DCU is performing abysmally because of a number of factors discussed from sections 4.3.4.1 to 4.3.4.3.

4.3.4.1 Logistic Inadequacies

The research revealed that the whole DCU has one (1) vehicle for monitoring. This vehicle rotates among the ten (10) sub-metros. In effect, the Building Inspectors (BI) in the sub-metros use the vehicle for monitoring once every two (2) weeks. The implications for such prolonged routine inspections are obvious. The situation becomes worse during periods where the vehicle is sent for maintenance. This prevailing situation partly explains why developers are able to develop unapproved plots to completion. One of the BIs at the sub metro had this to say:

“I am not mobile as I have wanted to be. This is because at times when there is a complaint about a structure being developed at an unapproved site, I have two options. Either I walk to the site where the structure is being developed to act on the complaint or wait till it’s my turn to use the vehicle by which time the structure might have advanced in development. I am therefore not effective in my inspection of buildings as I have wanted to be. But I cannot be blamed for my ineffectiveness in view of the logistical inadequacy”.

Another BI in another sub-metro expressed similar concerns that *“though ideally a BI must go for inspection every day, I am unable to do so because of the logistical needs”.*

In addition to the inadequate vehicles, the DCU has no bulldozers and cranes to facilitate demolition exercises. Most often they use hammer to demolish any unauthorized structure and in the case where the structure is big, the unit has to hire bulldozers to accomplish such a demolition. Also, out of the five (5) sub metros visited none had computers. The relevance of computers to their work is that Geographic Information System software and other inputs relevant to their work could be installed to track down unauthorized structures from the office without necessarily going to the field. All these

lapses partly explain why several structures have been marked 'to be demolished' but the structures still stand after many years. Such a situation makes developers who violate plans go unpunished. For example, at Daban, a first class community, a house had its wall marked 'To be demolished'. When the house owner was asked why the wall had not been demolished, he explained that *"krachi (meaning scholar) this inscription was made five (5) years ago and if the KMA has not come to demolish it, how can I demolish something I used my money to build?"* See plates 4.5 to 4.7 for some of such marked structures that had not been demolished for years.



PLATE 4.5 A Church building on the wetland at Buokrom marked for the owner(s) to stop work (order)



PLATE 4.6 Unauthorized structure at Nkontwema left undemolished as at October 2007 though was to be demolish before August, 2006.



PLATE 4.7 Unauthorized structure at Nyiaeso wetland marked

In expressing his disappointment, a Unit Committee member at Ayigya, one of the study communities, said that he knows of many unauthorized structures in the community some of which had blocked roads thus impeding road development in the community. According to him, the KMA turned deaf ear whenever the unit committee makes a complaint about unapproved structures being developed in the community. He cited an example where the unit committee went to stop a contractor working on one of such structures being developed on a road course. *“At long last, explained the man, the Metro Engineer’s Office granted permit for development to continue and the Unit Committee was greatly embarrassed”*. In the opinion of this Unit Committee member, the KMA has to involve the Unit Committee in spatial development controls.

Indeed, the research found that some of the structures marked have not been demolished because the structure owners had taken their grievances to court and in view of the delay in the court system, the structures are still standing pending the outcome of judgment.

4.3.4.2 Human Resource Capacity

The DCU is lacking in its human resource needs. As at December 2007, the DCU had only fifteen (15) BIs in the Kumasi metropolis who are distributed over the ten (10) sub metros. That is, there are no more than two (2) BI in each sub metro overseeing an average of between 10-20 suburbs. The scenario shows the extent to which the DCU is overstretched in terms of human resource. It was only at Suame sub metro that the BI said it had been able to increase its staff by requesting for national service personnel as well as tertiary students on attachment and at times with KMA task force. Unless the

staffing situation is improved, the situation shall negate any good program or strategy to make their operations effective.

4.3.4.3 System of Monitoring

The system of monitoring was found to be weak with lot of lapses. In notifying building owners about the wrongful location of their structures, three kinds of inscriptions are made by the BI (also see plate 4.5-4.7):

1. 'Stop work, produce permit'-: Here, the use of the structure may conform to the layout but may not have a permit. That is the BI is to ensure that the developer has genuine permit and once that is produced, development of the structure can continue.
2. 'Stop work, to be demolished'-: This is where the location of the structure is wrong and inconsistent with the approved layout plan. The developer is therefore notified for demolition of his or her structure. Construction work on such a structure must cease forthwith.
3. 'Stop work, nature reserve or public park'-: This inscription means the land being developed is a public land and construction work must cease forthwith whether the developer has permit or not.

It is only with inscription 2 and 3 that the BIs has problems with as shown in plates 4.5 to 4.7. BIs are unable to pull such structures down and this situation arises because of lapses in the monitoring system. The monitoring operation of the DCU was found not to be backed by the requisite legal authority and this discourages the BIs to cause the demolition of structures.

A good example all the BIs interviewed cited was one BI who has battled a court case for three (3) years for causing the demolition of an unapproved building. The owner of the building then filed a suit against the BI as an individual and this has placed a lot of legal and financial burden on that BI. This is because the BI had to hire a lawyer to defend his case at the court without any legal or financial support from his employers, the KMA. Interactions with the BIs revealed that they were demoralized by the plight of their colleague and have therefore become reluctant to initiate any demolition exercise in their areas of jurisdiction. It was therefore not surprising to find out that BIs acknowledged unauthorized structures in their areas of jurisdiction but had not bothered to demolish or recommend for demolition except the removal of temporary structures like wooden kiosk and containers.

Another problem identified that held back effective monitoring process by the BIs was the yearly transfer of BIs. It was found that all the BIs interviewed had spent not more than six (6) months at their present post and by their policy shall be transferred to another sub metro after a year. In an interview with the Deputy Development Control Officer (2007), he explained that the yearly rotation of the BIs is to guard against their familiarity with developers at their areas of jurisdiction that has the tendency of breeding corruption in their monitoring activities. This arrangement by the DCU was found to have a lot of limitations. This is because, the short period of stay of the BIs in an area makes them have little insight about building developments going on in their areas of jurisdiction. Also they are unable to follow up on structures their predecessors were working on to ensure that they are either demolished or they obtain permit.

To aggravate the problem, the BIs interviewed said that they do not prepare written handing over notes to their successors. What is normally done is to take the successor round and show him some structures the successor has to take note. Such frequent transfers and poor handing over procedure cause break-ups in the monitoring of the BIs and this situation partly provide a reasonable answer to why ‘stop work’ inscriptions cannot be followed up for many years.

It was also found that the BIs had no official schedule to guide their monitoring of structural developments in their areas of jurisdiction but does inspection at their own discretion. The Deputy Development Control Officer in confirming this said that:

“we do not have specific number of times within a day or week for inspection. But depending on a particular situation and circumstances inspections are made accordingly”

The BIs therefore had no official schedule as to when to stay in office and when to go out to the field for inspection. The researcher’s investigations revealed that some go for inspection only when the monitoring vehicle is available, others weekly, daily, twice or thrice a week with no specific days for such exercise.

Such freedom in the monitoring exercise of the BIs makes it difficult for the DCU to monitor the activities of BIs because, the BIs may give the impression that they are on the field but actually may be doing a different thing other than inspection of building locations and this is a lapse in their operations.

Another problem identified in the monitoring process of the BIs was the politicization of spatial development. The BIs interviewed explained that at times, developers manage to get building permit for lands that they are not supposed to be developing. However, because of their political affiliation or support from a 'big man' either in government or with the KMA, they find their way out after the appropriate inscription has been made on their structures. Such interferences in the operations of the BIs demoralize them. One BI demonstrated his demoralized state through the following remarks *'for me because of all these problems, if a structure is not causing immediate harm to people, I leave the person to develop'*.

Again, the research found that, because BIs do not begin their inspection early morning and also the fact that they do not work on weekends make developers take advantage and develop unapproved sites at dawn or during weekend. Before the structure comes to the attention of the BI it might have reached an advanced stage where demolition becomes difficult.

Discussions made under the last three sections provide reasonable answers to the research question as to why the KMA is unable to ensure strict compliance with layout plans and also why people are able to develop at unapproved sites.

4.3.5 Office of the Administrator of Stool Lands (OASL)

As stated earlier, the OASL add up land rent collected within a year and share the revenue raised between the government (Metropolitan Assembly) and the traditional authorities (land owners) according to an approved formula enshrined in Article 267 of

the 1992 constitution. This institution's relationship with the TAs was found to be limited to the collection and distribution of revenue raised from the land. Like the other land agencies discussed above, the OASL was found to be facing much difficulties in the performance of its functions that were making it ineffective in its mobilization of revenue for both the government and traditional authorities. These difficulties are discussed in the next two sub sections.

4.3.5.1 OASL and Land Rent Collection

With the estimated ninety (90) communities in Kumasi, there is only one centralized office of the OASL with none at the sub metro level. The study revealed that the OASL depends on records at the LC as the basis for preparing rent demand notes. This implied that all land users without records at the LC conveniently evade rent payments. Linked to the above point is the fact that rent payment by land users is reviewed only after the Valuation Board has re-valued landed properties. That is until the Valuation Board values properties at their own time and convenience, the OASL does not have any means of reviewing land rent. Moreover, the OASL does not have permanent staff that collects the land rent but rather depends on commission collectors who are engaged and trained to collect the rent and based on how much is collected, they are paid a commission. Such a weak mechanism for rent collection should be a serious source of worry to the government and TAs in terms of revenue generation. This is because so many occupiers of land are evading rent since there is no effective ground mechanism to capture all land users and ensure that all pay the rents required.

4.3.5.2 OASL and Rent Disbursement to TAs

It was surprising to note that some traditional authorities interviewed had never collected land rent in respect of their stool lands for many years. Evidence of this claim is seen in table 4.9 where six (6) out of the ten (10) traditional authorities interviewed said they had never received rent revenue from the OASL while three (3) said they receive rent revenue as and when the office was ready to give them their share. From interactions with the ten (10) TAs, it was found that the frequency of payment as well as the adequacy of land rent they receive from the OASL was not encouraging (see table 4.10).

Table 4.8 Payment of Land Rent to Traditional Authorities by OASLs

Description	Frequency	Percent
Yearly	1	10.0
As and when the office is ready to give	3	30.0
Never	6	60.0
Total	10	100.0

Source: Author's field survey, October 2007

Table 4.9 Adequacy of Land Rent to Traditional Authorities

Description	Frequency	Percent
Yes	-	-
No	4	40.0
Unanswered	6	60.0
Total	10	100.0

Source: Author's field survey, October 2007

One of the TAs interviewed who was over seventy (70) years of age complained that:

“every year I make several trips to the office for my share of the land rent collected from my land. Sometimes, they say they don’t have money for me and at times they give me some money. The highest I have received in my over twenty years (20) of occupancy of the stool is Gh¢ 200, though my land has over five hundred building plots fully developed and leased to individuals”.

The unreliable payments from the OASL limits the revenue base of the traditional authorities, because, as shown in table 4.11, the chiefs are forced to rely on their personal resources to fund expenditures of their stools. It could be noticed from table 4.11 that, five (5) out of the ten (10) traditional authorities interviewed failed to indicate their most reliable source of income. The impression created in the mind of the researcher is that such TAs do not have any reliable sources of income.

Table 4.10 Most Reliable Source of Revenue to TAs

Source	Frequency	Valid Percent
Sale of land/stool property	1	20.0
Personal funds	4	80.0
Total	5	100.0
No response	5	
Total	10	

Source: Author’s field survey, October 2007

Because most of the chiefs admitted that they no longer have vacant demarcated plots available for sale and in the face of unreliable land rent, the chiefs are tempted to allocate any unoccupied space or plots allocated for other purposes other than residential

on their land in order to finance their activities instead of using their personal funds. Such actions obviously will alter layout plans and cause other consequences. It could be seen in plate 4.1 to 4.4 that the buildings on wetlands and water courses are recent (few years ago) and perhaps such lands were allocated in view of the financial constraints on the chiefs of the respective communities.

In its reaction to payment of rent to the TAs, the OASL explained that they do not have data on building plots (lessee) in some of the suburbs of Kumasi. This is primarily because the agency does not generate their own data on building plots in the various suburbs of Kumasi. They depend on data from the Lands Commission. Moreover, in suburbs where they have the data, not much is collected from the land users in view of the challenges they face in the mobilization of land rent as discussed in the last section. Finally, according to the OASL some of the stools come under other bigger stools and therefore the bigger stools collect the rent for all their sub stool lands thereby, depriving the smaller stools of land rent. These three reasons according to the OASL accounted for the reasons why some of the TA complained of not receiving rent from the agency. With regard to the small amount and inconsistency of payment TAs claim to receive, the OASL noted that each year's disbursement depends on how much revenue is collected from their communities.

A critical analysis of the claim of TAs and reaction of the OASL with regard to land rent and further examination of the ledgers of the various stools at the OASL showed that, the TAs are actually benefiting from land rent. This is evident from table 4.12 that shows the amount credited to the stools of Daban, Buokrom, Ayigya and Bomso Kumaa

from 2001 to 2007. These amounts are the net revenue credited to each stool and are non-taxable. It must be noted that the revenue accruing to each stool every year depends on the number of plots and amount collected in that community.

Table 4.11 Disbursement of Revenue from the OASL to TA from 2001-2007

Community	2001 (GH¢)	2002 (GH¢)	2003 (GH¢)	2004 (GH¢)	2005 (GH¢)	2006 (GH¢)	2007 (GH¢)	Total (GH¢)
Daban	120.86	99.42	300.96	381.72	506.55	520.20	311.15	2,240.86
Buokrom	1,096.06	210.94	105.38	231.44	599.93	151.75	1,350.62	3,706.12
Ayigya	552.68	372.52	202.30	1,684.10	565.47	1,513.45	1,715.75	6,606.27
*Bomso Kumaa	50.60	13.9	0.90	290	18.90	253.53	9.15	636.98

Source: OASL, September, 2008

* Bomso Kumaa stool is one of the three stool lands making up the layout plan of Bomso. Its land cover is very small because most of their lands form part of the KNUST.

Another information obtained from the field was that, the OASL does not identify itself with the TAs but rather regard the institution as belonging more to the government, championing the interest of the government. This is because, the target revenue for each year is fixed based on the budget of and further consultations with the KMA. Land owners who are also beneficiaries of revenue from the OASL are not involved in fixing the revenue target for the year. Again, the research found enough evidence about the insufficient knowledge of TAs into the operations of the OASL. This insufficient knowledge of the TAs is proven by their responses to questions relating to the OASL as

reported in table 4.13. Note from the table that as a result of the lack of knowledge about the operations of the OASL, most of the chiefs were unable to answer the questions as to whether they accept the sharing modalities of the OASL or not, offer of alternative formula etc. This little knowledge of the TAs concerning the operations of the OASL can be attributed to the TAs little relationship with this agency (see table 4.14 and 4.15). Relationship here is defined in terms of TA discussion with OASL regarding fixing of revenue targets and collecting revenue of the OASL. From table 4.14, half of the ten (10) TAs interviewed said they do not have any relationship with the OASL. The other half that answered in the affirmative emphasized that their only relationship with the OASL is to consult them periodically for their share of the land rent. It should be noticed that three (3) out of the five (5) who answered in the affirmative with respect to table 4.14 graded their relationship with the OASL to be very poor while one graded it averagely (see table 4.15). But, the co-operation of the TAs in ensuring enough mobilization of land rent should be paramount in any strategy being used by the OASL. The OASL must therefore establish a close working relationship with the TAs by educating the TAs of the role each party has to play to ensure greater mobilization of funds from the land users.

Table 4.12 Insight of TAs into the Operations of the OASL

Description	Yes	No	Unanswered	Total
Acceptance of rent sharing modalities	2	-	8	10
Offer of alternative formula for rent sharing	-	3	7	10
Specific alternative formula	-	-	10	10

Source: Author's field survey, October 2007

Table 4.13 TAs relationship with OASL

Description	Frequency	Percent
Yes	5	50.0
No	5	50.0
Total	10	100.0

Source: Author's field survey, October 2007

Table 4.14 Grade of Relationship of TA with OASL

Description of Relationship	Frequency	Valid Percentage
Very poor	3	60.0
Poor	-	-
Average	1	20.0
Good	-	-
Very Good	-	-
Excellent	1	20.0
Total	5	
No response	5	
Total	10	

Source: Author's field survey, October 2007

The rent mobilization and distribution by the OASL has to be improved otherwise, the problem of indiscriminate sale will be worse in future. This is because, the stools must survive and with the exhaustion of approved plots, the chiefs will look for vacant plots (wetlands, playground, education etc) to allocate to developers and because the demand exists, such lands will be acquired and subsequently developed. In the light of the inability of the DCU of the KMA to ensure strict adherence to layout plans, such unapproved structures shall continue to exist and the effects on spatial, environment and socio economic development would be enormous.

4.3.6 Land Title Registry (LTR)

The LTR that has been in operation since 2003 is relatively young compared to the other government land institutions and as such no meaningful assessment on its operations could be made. However, investigations revealed that the department has no official vehicle for its operations, a limited number of computers and a small office space. The department was satisfied with its staffing situation.

The LTR was found to be quite effective in its operations compared with the other government institutions. This is because of its small client's size of about 17 customers per month. But if their immediate needs like logistics, adequate space etc, are not put in place, the LTR is likely to face similar problems that the other government land institutions are facing.

4.3.7 Traditional Authorities (TA)

The only non-governmental institution involved in the land administration process in Kumasi is the traditional authorities who own greater percentage of lands in Kumasi. An interview with the Planning Officer at the Asantehene Lands Secretariat revealed that there are over two hundred (200) stool or customary lands in Kumasi and the KMA has estimated this to cover 60% of the total lands in Kumasi (KMA, 2006:27). The portions of lands held by the TAs are normally referred to as stool lands (see Figure 3.2). Their single but major role in the land administration process is to take custody of lands and also allocate lands to land users in accordance with approved layout plans and issuing allocation note to land users.

4.3.7.1 Documentation of Ownership Title

On the lighter side, TAs facilitates the documentation of ownership title to land including the processing of lease. In executing this function, the research revealed that the caretaker chiefs have little interaction with the government land agencies. In other words, they are independent in the allocation of lands with little relationship with the other government land institutions (see table 4.2). This finding was corroborated by an interview with the Planning Officer at the Asantehene Lands Secretariat in which the interviewee emphasized that the secretariat has strong relationship with both the TCPD, OASLs and LC but have no direct relationship with either the DCU and SD. The strong relationship the Asantehene Lands Secretariat has with the TCPD and LC stems from the fact that TCPD deposits copies of plans at the secretariat whilst the secretariat works with the LC in processing lease and other documents for land users. The OASLs also gives the Kumasi Traditional Council their share of the land rent.

4.3.7.2 Traditional Authorities and Land Custody

It was also found that TAs were not living up to their responsibility as custodians of the land and therefore their stewardship of lands has become questionable. The TAs were found to be much interested in the proceeds from the lands than securing the land for posterity. For example, it was quite surprising that none of the ten traditional authorities interviewed could give the specific land sizes of their areas of jurisdictions though two (2) of them were able to quote the number of plots (ie. that can or have been sold) on the plan layout. Moreover, when the TAs were asked about their responsibilities as chiefs, they emphasized that their main role is to seek the welfare of members of the community where welfare was defined as purifying the stools through the performance of rituals and ensuring justice and fairness in the community (see table 4.16). None of them mentioned responsibilities like ensuring judicious or sustainable use of the land in their area of jurisdiction, protecting the environment etc. This situation of the TAs concerning their responsibilities calls for a re-orientation of the TAs for them to appreciate the fact that they are custodians of the land and must put structures in place to ensure the effective and judicious use of lands.

Table 4.15 Responsibilities of Traditional Leaders

Description	Frequency	Percentage
Wellbeing of inhabitants & maintain peace	6	60.0
Provide help to unit c'ttee	1	10.0
No specific responsibility	3	30.0
Total	10	100

Source, Authors field Survey, October 2007

4.3.7.3 Administration of Lands by TAs

Another finding made during interactions with the TAs was that they are ready and determined to take greater part in the administration of lands by planning and determining land uses. The reasons given were that they are the owners of the land and therefore know their land boundaries. Also, in their estimation, it would be less costly for them to prepare plan layout than allowing the government institutions to do that because they claim some of their citizens or royals may be experts in land issues and would provide the service free of charge or at a highly subsidized cost.

Some of the TAs were found to have started implementing this ambition because, three (3) of the ten (10) chiefs revealed that they hired private surveyors and planners to do the spatial planning and plot demarcations in their communities. The plan layout they prepared was finally approved by the TCPD. In one of the study communities, the chief confessed that only a portion of the spatial plan drawn by his office and presented to the

TCPD was approved, however, he had allocated all the plots including those at the unapproved portion.

A verification made at the TCPD confirmed that in some cases, they consider plans drawn by chiefs and facilitate its approval at the KSPC when the plans satisfy all the requirements. When asked a similar question, the Planning Officer at the Asantehene Lands Secretariat answered in the affirmative and added that *“the Asantehene has plans to establish in the near future a survey, planning and valuation units so that the Asantehene manages all the stool lands without any involvement of the government”*.

This scenario above shows the power of the traditional setup in disrupting the structure of administration of lands hence leading to anarchy in land use development. Considering the poor orientation of the traditional authorities on their custody of lands as well as their violation of approved plans, plus the numerous customary lands, it would be suicidal to leave the spatial planning of communities in their hands. Such a decision would give them free hand to abuse the land resources to the detriment of posterity. Moreover such actions would increase customary land disputes in Kumasi in the face of the numerous customary lands. For example, the layout plan of Bomso, one of the study communities comprises three (3) customary lands under three different chiefs. Also, the plans for Ayigya and Nsenie comprise two and three customary lands respectively under different chiefs. Therefore, leaving spatial planning in the hands of traditional authorities would mean some of the chiefs would try to claim more lands from neighbouring stools in order to have more plots to earn more revenue from their sale. Such actions would bring litigations and in the face of poor or over stretched judicial

system can derail proper spatial development. Even with the present spatial plans that defy customary land boundaries, it was found in the investigation that six (6) out of the ten (10) stools had land disputes with one or more neighbouring stool lands, (see table 4.17) and such litigations have been one of the sources for the poor spatial development of Kumasi. A typical example is Nkontwema and Daban communities where as a result of litigation with other stools, the court has ordered a halt in the allocation of lands but some how, certain individuals find unauthorized means of acquiring lands and before the government authorities are aware, development had advanced.

Table 4.16 TAs and Land Disputes with other Stools

Description	Frequency	Valid Percent
Yes	6	66.7
No	3	33.3
Total	9	100.0
No response	1	
Total	10	

Source: Author's field survey, October 2007

4.3.7.4 TAs and the Allocation Process

The findings made on the field relating to land allocation confirmed the existing literature on the processes of land allocation (see section 3.8.9). It must be emphasized that the research did not find spatial uniformity in the procedure for allocation of lands by the caretaker chiefs contrary to the established procedure as discussed in section 3.8.9.2. Also, none of the chiefs said that the unit committee in their respective communities is involved in the allocation process. Each customary land has its own procedure for the allocation process. That is, there were spatial differences in the

allocation process of the various study communities. However, in most cases as shown in table 4.18 an applicant for a land approaches a caretaker chief or the queen mother and in few cases the Abusuapanin (head of the land owning or royal family) and negotiate for the drink money after which the land is allocated to the applicant. In most cases, it is the preferred plot(s) of land of the applicant that is allocated to him not the plot(s) that is appropriate according to the layout plan. In other words, if the applicant demands a wet land area, so far as the demand exists, such plot(s) is/are allocated. This confirms the findings of Amissah et al. as cited in Heuber and Veer (2001:191) that the chiefs have to do this in order to increase the supply of building plots. However, the research found such a system or procedure for stool lands allocation in Kumasi to be unacceptable. It shows the extent to which buyers can disrupt the structure established for the administration of lands in the metropolis.

Table 4.17 Procedure for Land Allocation in Study Communities

Description of Procedure	Community	Frequency	Percent
No clear procedure	Daban, Bomso panin	2	20.0
Approach a caretaker chief & negotiate for drink money	Denkyemuoso, Nsenie, Anyinam I & II, Ayigya, Bomso kumaa and Apatrapa	7	70.0
Approach the abusuapanin and negotiate payment	Nkontwema,	1	10.0
Total		10	100.0

Source: Author's field survey, October 2007

The procedure of land allocation as reported by the TAs was confirmed by land users. In table 4.19, approximately two-thirds of the 304 respondents acquired their land from either the chief or queen mother. The land users demonstrated their satisfaction with regards to the allocation procedure existing in their communities. This is evident from table 4.20 where out of 298 respondents, approximately two-thirds responded that should they get a second chance they would acquire another land from either the chief or queen mother other than the government or any other sources.

Table 4.18 Source of Land Acquisition by Land Users

Description	Frequency	Valid Percentage	Cumulative Percentage
Stool	201	66.1	66.1
Family	46	15.1	81.3
Individual	41	13.5	94.7
Government	16	5.3	100.0
Total	304	100.0	
Unanswered	7		
Total	311		

Source: Author's field survey, October 2007

Table 4.19 Land Users Preferred Source of Future Land Acquisition

Source	Frequency	Valid Percentage
Government	101	33.9
Stool	193	64.7
Individual	4	1.3
Total	298	100
No response	13	
Total	311	

Source: Author's field survey, October 2007

It should therefore be stressed that the procedure for the allocation of stool lands is centered around only the TAs because, although the land is supposed to be for the community as a whole, often, few members of the community (Chiefs, Queen mother and Abusuapanin) have a say or control over the allocation process and determine what land has to be allocated and where. In all the ten (10) study communities, not even the unit committees who are the representation of the community were found to be involved in the allocation process. A typical example is Denkyemuoso where the chief made it clear to the researcher that, as a result of the non existent of approved plots, he (alone) has began to allocate part of the wetlands for development and added “*but I shall be careful not to allocate those lands closer to the stream*”. This same chief also confirmed that he has disposed of the land earmarked for a play ground to a private developer. However, he could not offer any meaningful explanation as to why the play ground was allocated. Such unilateral allocation of lands obviously has consequences in the spatial development of the communities. It also answers the research question whether TAs are aware of lands they can dispose of or not.

Because there is a weak procedure for land allocation and with the endorsement of the existing procedure by residents of the communities, as many as five of the study communities had no fixed price for a plot (popularly called drink money), (see table 4.21). The values quoted by TAs in table 4.21 were the current prices they would lease their lands to land users. This was at variance with that provided by the land users as seen in table 4.22). The reason was that while the TAs quoted the current values, the land users quoted the price at which they purchased the land years ago.

It was found that, in most cases, the drink money charged depends on the allotter on one hand and either the negotiating skills of the applicant, applicant's affiliation with the stool, political influence, location of the site (either marshy area or close to main road) etc. It is important to note that according to the Planning Officer at the Asantehene Lands Secretariat, in recent times (2000 onwards) the drink money for all other landuse in Kumasi except residential is determined by the Asantehene Lands Secretariat. Notwithstanding this, the drink money that would be charged depends on the factors mentioned.

Table 4.20 Drink money charged for a plot in Kumasi by TAs

Description	Community	Frequency	Percent
No fixed amount	Denkyemuoso, Nsenie, Anyinam I & II, Apatrapa	5	55.6
Gh¢10,000 & above	Nkontwema	1	11.1
b/n Gh¢5,000 & Gh¢10,000	Bomso panin, Bomso kumaa	2	22.2
Below Gh¢5,000	Ayigya	1	11.1
Total		9	100.0
Unanswered	*Daban	1	
Total		10	

Source: Author's field survey, October 2007

* Because of a court injunction, the Queen mother had not sold plots of lands for a long time.

Table 4.21 Drink Money Paid to TA by Land Users

Description	Frequency	Valid Percent	Cumulative Percent
Less than ₪1 million	135	59.2	59.2
B/n ₪1 million- ₪5 million	46	20.2	79.4
B/n ₪5 million- ₪10 million	24	10.5	89.9
Above ₪10 million	23	10.1	100.0
Total	228	100.0	
Unanswered	83		
	311		

Source: Author's field survey, October 2007

The procedure for stool lands allocation and the determination of the 'drink money' therefore needs to be streamlined to ensure transparency and accountability.

4.3.7.5 TAs and Proceeds from Lands Allocated

Proceeds from the allocation of lands were found to be used for purposes that are not in the interest of the community as a whole but rather used for the benefit of the stool (chief, queen mother, family head and elders) see table 4.23. The stool was found not accountable to the community for the lands leased to land users. When asked about how proceeds from lands are used, only two (2) out of the ten (10) chiefs said part of such funds goes to developmental projects in the communities. Even with this, they were unable to specify projects in the community that were funded through proceeds from land allocation. The remaining eight either failed to answer the question or used all land proceeds for either personal use or to maintain the stool through buying items for rituals

and other purposes (see table 4.23). In one of the study communities, the abusuapanin complained that the queen mother who is the head of the community does the negotiation and receives the ‘drink money’ alone without any involvement of even the elders of the community.

Table 4.22 Response by TAs to how they use land revenue

Use of Revenue	Community	Frequency	Valid Percent
buy clothes,sheeps to worship ancestors & Otumfuo	Denkyemuso, Bomso Kumaa, Anyinam I & II,	4	57.1
Development purpose	Ayigya, Nsenie	2	28.6
Personal use by chiefs	Nkontwema,	1	14.3
Total		7	100.0
Unanswered	Daban, Bomso Panin, Apatrapa	3	
Total		10	

Source: Author’s field survey, October 2007

Though in all the study communities, the TAs interviewed acknowledged the absence of basic social amenities like pipe water, durbar grounds, markets, accessible roads etc., the TAs found no need to use some of the funds raised from the allocation of stool lands to provide such services for the community. The TAs were waiting for the Metropolitan Assembly to provide such services. Some of the TAs however justified this action with the fact that the Metropolitan Assembly collects property rates and receives its share of the land rent from land users in their communities hence, the government must use revenue from such taxes to provide the amenities needed in their communities. This finding about how proceeds from the allocation of lands are used raises a lot of

arguments about the justification for traditional authorities to be responsible for the allocation of lands and also use such proceeds without being accountable to either the government or the community.

4.4 Conclusion

This chapter has investigated into the operations of the agencies involved in the land administration in Kumasi. The identified weaknesses in the operations of the land institutions provide a cause for a general conclusion that the haphazard spatial development prevailing in Kumasi is not caused by traditional authorities alone as perceived by many but by the interplay of the team players (both government, traditional institutions and buyers) in land management and administration process. Whereas the government institutions are facing logistical, financial, legal and human resource problems, the traditional institution operates a parallel administration with weak links between the two institutions. The traditional institution (Manhyia Palace and caretaker chiefs) is however unified and therefore strong for the government land institutions to contain. Together with buyers, the traditional institution is able to disrupt the established structure for the administration of lands. The institutional reforms as discussed in chapter 3 have not had significant effects on the operations of the structure of land administration in the Kumasi metropolis. The only government agency found to be operating satisfactorily was the LTR probably because it is the youngest of all the institutions, beginning effective operations in Kumasi in 2003.

The next chapter therefore examines how the weaknesses in the administration of lands have affected spatial planning and development as well as the provision of social and economic facilities in the Kumasi metropolis.

CHAPTER FIVE

LAND ALLOCATION, SPATIAL PLANNING AND DEVELOPMENT OF KUMASI

5.0 Introduction

This chapter critically examines approved spatial plans of Kumasi as compared with the existing spatial development of the metropolis. The second, third, fourth, and fifth objectives of the theses are achieved in this chapter. Answers to six of the research questions plus test of the research propositions are also provided in this chapter.

The approved layout plans of the study communities and information from individual land users (landlords) provided the main bases for analysis in this chapter. Geographic Information System (GIS) applications together with statistical approaches were employed to make presentation of the field data clearer and scientific. Analysis is basically comparative in nature and the presentation is made under the four broad headings:

1. Spatial planning of Kumasi Metropolis
2. Spatial development of Kumasi Metropolis
3. The effects of illegal land allocation on the spatial development of Kumasi metropolis
4. Conclusion

5.1 SPATIAL PLANS IN THE KUMASI METROPOLIS

The study revealed that most communities in Kumasi have approved spatial plans. Figures 5.1- 5.3 show typical layout plans prepared by the Town and Country Planning Department (TCPD) for Bomso, (first class community) Apatrapa/Nyankyereniase, (second class community) and Ayigya (third class community). The layout plans of the various suburbs of Kumasi were derived or prepared from the 1963 Master plan of Kumasi. A layout plan for any community in Kumasi makes provision for social amenities like sanitary sites, playgrounds, market centres, durbar grounds and access roads among others. Greater percentage of such plans is however earmarked for the distribution of physical structures like residential, educational and commercial uses. This confirms the field results where approximately 88% of 311 land users interviewed were residential structure owners with the remaining being religious, business and educational structures (Figure 5.4). This again confirms KMA estimates of 43.9% of all structures in Kumasi being for residential land use (KMA, 2006:46).

Irrespective of the major land use of each layout plan, the approved layouts are to serve as guide for spatial development in the various communities. The study however, discovered some common shortcomings on the layout plans of the various communities and these are highlighted below.

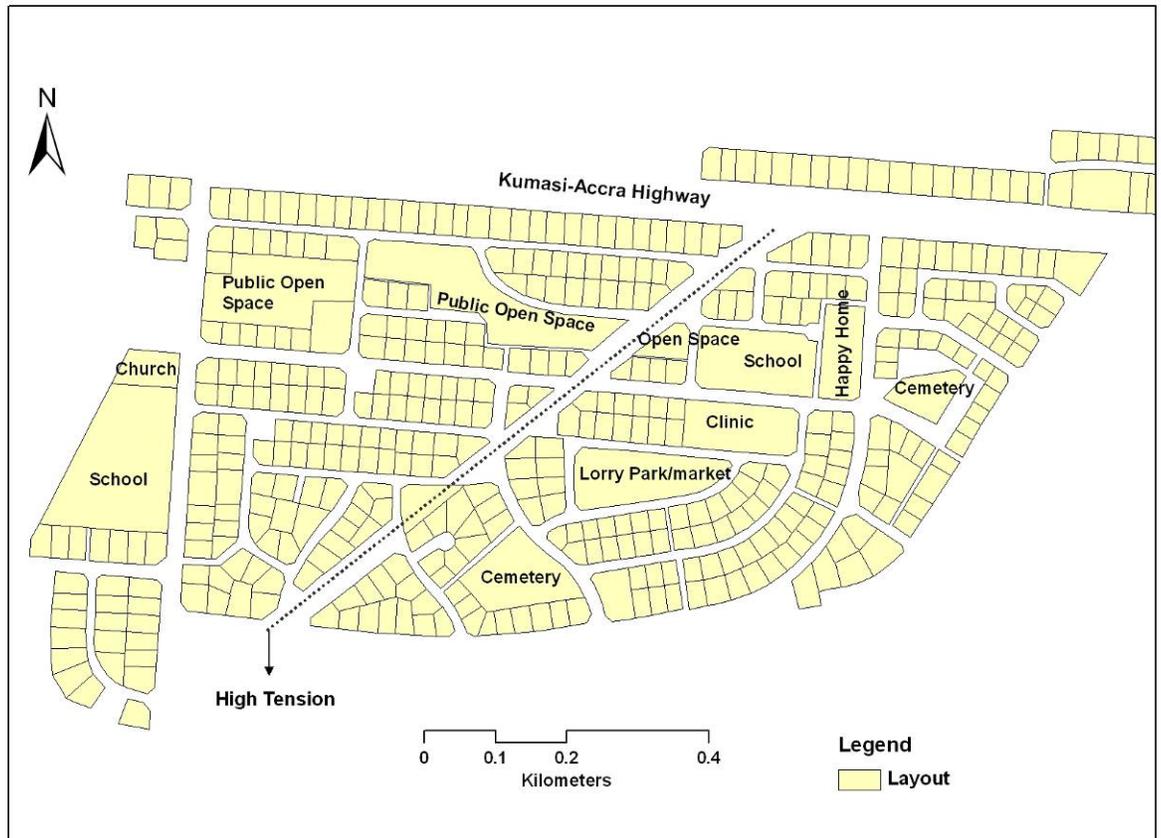


Figure 5.1 Layout Plan of Bomso

Source: TCPD, 1959

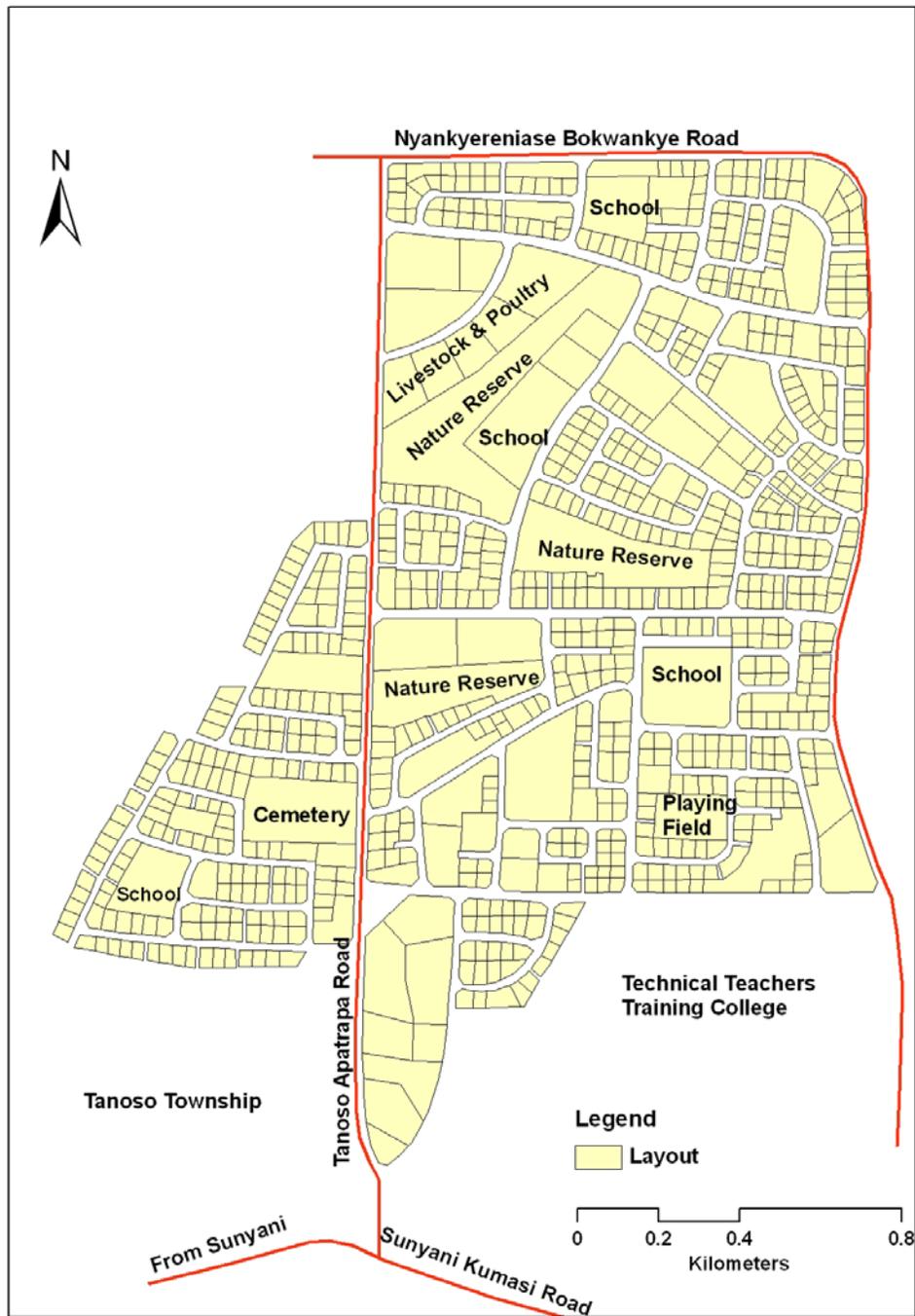


Figure 5.2 Layout Plan of Apatrapa/Nyankyereniase

Source: TCPD, 1978

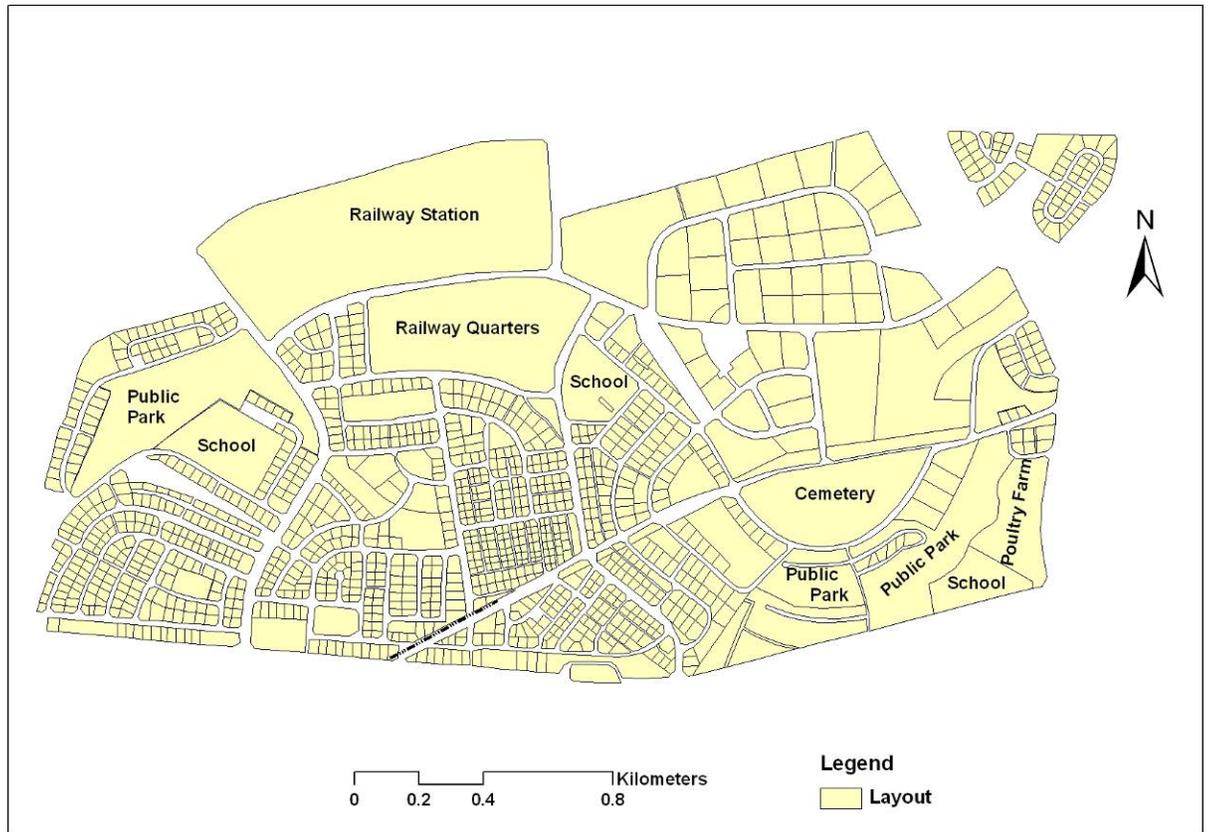


Figure 5.3 Layout Plan of Ayigya

Source: TCPD, 1978

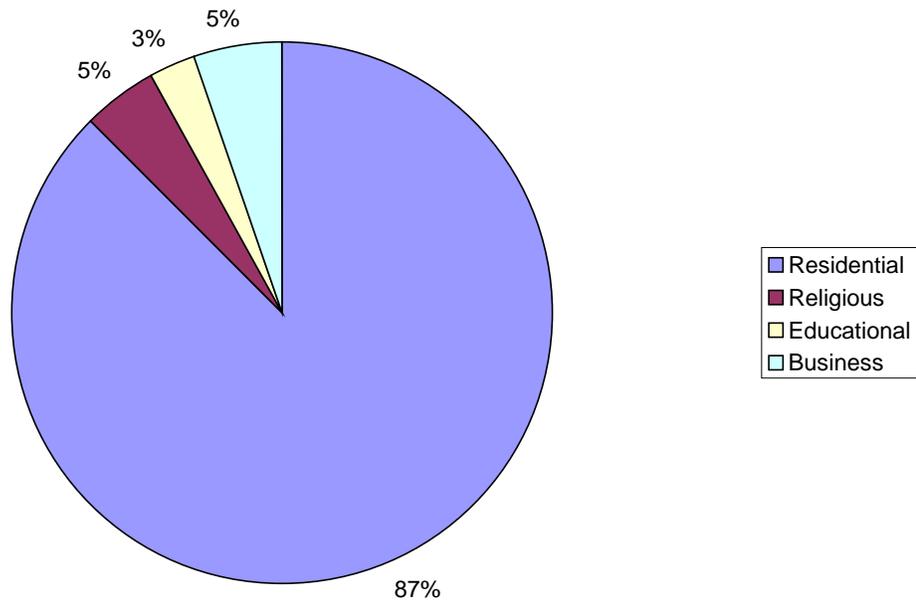


Figure 5.4 LAND USE IN KUMASI

Source: Author's field survey, October, 2007

Firstly, most of the existing plans of the metropolis are out of date and cannot be effectively applied to the current changing situations in the communities. This is because, as shown in table 5.1, on the average, spatial plans of communities were prepared thirty four (34) years ago. The master plan from which all the community plans are prepared was drawn in 1963 and was expected to span over 25 years period (Adarkwa and Owusu-Akyaw, 2001:202). Though the TCPD claims that the 1963 master plan has been revised, the document had not been put to the public domain. To worsen the situation, most of the layout plans prepared have either never been revised or been revised just once. This finding is also true for recently (1990s) prepared plans.

Out of the ten (10) study communities only two (Buokrom and Ayigya) have ever had its plans revised in 1975 and 1978 respectively (see table 5.1). It must be stated however that according to the Deputy Director at the TCPD in Kumasi, occasionally, portions of layout plans of some communities are revised upon request.

But, layout planning should be an on going process and, according to the Deputy Director of the Kumasi office of the TCPD, ideally layout plans must be revised every five (5) years. The inability of the TCPD to revise layout plans eliminates the flexibility factor that, according to Virtanen (1992), must be included in any land use plans, (see section 2.2). Therefore, spatial development is always not brought in conformity with the intended layout plan in the metropolis (Hueber and Veer, 2001:190).

Table 5.1 Approval and/or Revision Dates of Layout Plans of Study Communities

No.	Community	*Year of preparation/ approval	Year of revision
1.	Nhyieso	1961	-
2.	Daban	1981	-
3.	Bomso	1959	-
4.	Kentinkrono/Nsenie	1961	-
5.	Buokrom	-	1975
6.	Apatrapa/Nyankyereniase	1978	-
7.	Ayigya	1966	1978
8.	Denkyemuoso	1979	-
9.	Nkontwema	1990	-
10.	Anyinam	1991	-

Source: Town and Country Planning Department, May, 2007

** Plans are prepared and approved at different dates but the TCPD was able to provide either the preparation or approval dates for all the study communities.*

Secondly, layout plans of the metropolis do not specify the number of buildings that can be developed on a demarcated plot. This has led to the situation where at times more than one building is developed on a plot creating much congestion on that plot. Moreover, layout plans fail to provide other specifics such as heights and dimensions of buildings that are to be developed on a plot and the number of people expected to live in such buildings. Modern plans are supposed to provide all such details in order to control spatial development. The advantage of this is that, before a developer develops a plot he will be aware of the type of building that has to be developed with all other specifications. It must be noted that these specifications are sought after when a developer is applying for building and development permits. However, making such specifications known on the layout plans would reduce the unnecessary delays and other frustrations that developers have to go through in seeking for both development and building permits.

Thirdly, layout plans of the metropolis do not show the routes of utility lines like water, electricity, telephone, drainage channels and others. A typical example is Plate 5.1 and 5.2 that show MTN service poles erected on the compound of residential buildings in Daban and Nhyieso both being first class communities. Though there may not be any law criminalizing this, the layout plans of communities should have made provision for the siting of such service poles to add to the aesthetic beauty of the city.



PLATE 5.1 MTN service pole erected on the compound of a residential building at Nhyieso



PLATE 5.2 MTN service pole erected in a residential building at Daban

5.2 SPATIAL DEVELOPMENT OF KUMASI METROPOLIS

5.2.1 Introduction

Spatial development in the Kumasi metropolis has been perceived by residents forming part of the study sample to be poor. Data collected from the study communities in relation to this showed a positive correlation between the class of community and their perception about the nature of spatial development of the metropolis. For example, most respondents from Bomso (a first class community) gave a high mark while those at Kentinkrono (a second class community) gave an average mark and those from Nkontwema (third class community) gave very low mark (see table 5.2). The reason for the spatial differences is that respondent's perception is influenced by their environment. That is, in the first class communities, the built up environment is better in terms of the pattern of distribution of buildings and other infrastructures than the second class and that of the second class is also better than the third. In all, out of the 263 landlords, almost half graded Kumasi below average (refer table 4.7).

Table 5.2 Grading of Spatial Development by Building Owners from Three Communities

Description	Bomso	Valid Percentage	Kent/Nsenie	Valid Percentage	Nkontwema	Valid Percentage
Very poor	1	3.4	-	-	9	29.0
Poor	3	10.3	5	17.2	9	29.0
Average	3	10.3	15	51.7	7	22.6
Good	12	41.3	8	27.6	5	16.1
Very good	5	17.2	1	3.4	1	3.2
Excellent	5	17.2	-	-	-	-
Total	29	100.0	29	100.0	31	100.0
No response	4		4		2	
Total	33		33		33	

Source: Author's field survey, October 2007

5.2.2 Supply of Land in the Kumasi Metropolis

Data obtained from the field supported existing literature that traditional authorities are the major suppliers of land in the Kumasi metropolis (Hammond, 2001:82, Hueber and Veer, 2001:191). Out of the 304 respondents a larger proportion (approximately 81%) obtained their plot(s) of land from either the stool or a family. About 13.5% obtained their plot(s) of land from individuals some of whom might have earlier on obtained their land from the stool and just a few (5.3%) obtained their plot from the government (see table 4.19). This situation makes most land users come under lease tenure (see table 5.3) where they occupy the land for a maximum of 99 years for residential users and 50 years for commercial or non-Ghanaians after which the land reverts back to its owners or there is renewal of the tenure (see section 3.8).

Table 5.3 Type of Tenure

Description	Frequency	Valid Percentage	Cumulative Percentage
Freehold	25	8.6	8.6
Leasehold	267	91.4	100.0
Total	292	100.0	
Unanswered	19		
Total	311		

Source: Author's field survey, October 2007

It was surprising that 19 out of the 311 respondents did not know the kind of tenure holding that applied to their land. Probably it was due to ignorance on the part of the building owners but the researcher strongly believes that most of the 19 respondents come under the leasehold tenure.

5.2.3 Demand for Land in Kumasi Metropolis

The study again revealed that developers demand lands in the Kumasi metropolis mainly for residential purposes and others like religious and business. But the choice of community where land is demanded is based on various reasons some of which include closeness to the Central Business District (CBD), closeness to hometown, cheap land price and other reasons (see table 5.4).

Table 5.4 Reasons for Choice of Suburb

Reasons	1 st Class Communities				2 nd Class Communities				3 rd Class Communities				
	Nhyieso	Daban	Bomso	Total	Apatrapa	Kent/Nsenie	Buokrom	Total	Ayigya	Anyinam	Denk	Nkon.	Total
Hometown	5	1	5	11	13	2	2	17	3	3	6	1	13
Close to Hometown	-	-	1	1	-	2	3	5	3	4	-	-	7
Close to CBD	-	4	4	8	2	9	5	16	5	3	2	9	19
Peaceful Place	3	7	6	16	9	9	9	27	-	4	9	2	15
Readily Available		13	2	15	5	4	6	15	10	5	7	16	38
Cheap Price		-	-	-	4	-	1	5	-	1	1	2	4
None		4	9	13	-	3	6	9	9	8	4	-	21
Total	8	29	27	64	33	29	32	94	30	28	29	30	117

Source: Author's field survey, October 2007

However, it can be deduced from table 5.4 that lands in first and second class communities are more likely to be demanded because of their peaceful environment whereas in third class communities the demand for land is more likely to be based on its availability. That is so far as land is available (unoccupied) in a third class community it is demanded by a developer. Therefore, any available land offered to a developer in a

third class community is acquired without the developer referring to the appropriateness of the acquired land with respect to the approved layout plan.

The field work also revealed that demand for lands in the metropolis is mostly made through the personal enquiry or network information rather than through an established organization such as through an Estate Development Agency (see table 5.5). From the table, as many as 274 out of 295 representing 93.6% of respondents heard about the sale of their plot of land either through their personal efforts or information from friends and relations. This suggests that either at the moment there is no organization that engages in acquiring lands for developers or developers are unaware or not willing to use institutions as an avenue to search for plots of lands. In an interview (January, 2009) with the Chief Executive Officer of Optimum Shelter, an Estate Development Agency, he stated that “*on rare cases do clients consult us on the acquisition of lands*”. But the advantage of using such institutions in the land market of the metropolis is that such institutions would ensure that lands are used only for the purpose for which they were earmarked and also ensure that lands are devoid of litigation. This is because, professionals in such institutions would guide developers in choosing appropriate plots of land for development. More so, government land administrators and clients could easily hold responsible such institutions if they are unable to advise clients on their choice of plots on a layout plan.

Table 5.5 Information on sale of Land

Description	Frequency	Valid Percentage	Cumulative Percentage
Personal enquiry	167	56.6	56.6
Information from friends/relations	107	36.3	92.9
Advertisement	2	.7	93.6
Other sources	19	6.4	100.0
Total	295	100.0	
Unanswered	16		
Total	311		

Source: Author's field survey, October, 2007

As stated in section 5.1, land is typically demanded for residential purposes and this is true irrespective of the class of the community (see table 5.6). In most cases, wetlands and other public lands that are encroached upon are to a greater extent used for residential purposes, (see polygon 11 &12 on Figure 5.5, polygon 11, 14 and 16 on Figure 5.7 and polygon 14 on Figure 5.8). However, it was observed that one of the offenders of wetland development are churches. This was worse at Ayigya, Bomso and Kentinkrono/Nsenie where all religious structures interviewed were located on the wetland belts.

Table 5.6 Nature of Land Use per Class of Community

Description	First Class				Second class				Third class				
	Nhyieso	Daban	Bomso	%	Apatrapa	Kent.	Buokrom	%	Ayigya	Anyinam	Den.	Nkon	%
Residential	12	28	25	81.3	31	30	28	89.9	26	30	33	29	89.4
Religious	-	2	4	7.5	-	1	2	3	3	2	--	-	3.8
Educational	-	1	1	2.5	1	1	1	3	3	-	-	1	3
Business	2	2	3	8.7	1	1	2	4	1	1	-	3	3.8
	14	33	33	100.0	33	33	33	100.0	33	33	33	33	100.0

Source: Author's field survey, October 2007

5.2.4 Documentation on Lands and Buildings

From tables 4.5 and 4.6 majority of the respondents said they had some kind of documents relating to their land or building. The land and building document expected to be possessed by land owners were lease, land title, site plan and building permit. With exception of a site plan that is issued by the chief (TAs), all the other documents are issued by the government institutions. However, the kind of land or building documents respondents possessed according to the findings of the research varied though there appeared to be some similarity between the first and second class communities (refer table 5.7-5.9). Also the possession of the land documents was not influenced by the socio-economic background of respondents.

In the first class communities, out of the 66 respondents, exactly one-third claimed to possess all the land and building documents with 10.6% claiming to possess all except

title to their lands. It is surprising that in the first class communities, 11 respondents representing 16.6% (half of respondents with all the documents) had only site plans that were issued by traditional authorities. This is because, first class communities are assumed to have the technocrats and professionals as it's inhabitants and therefore know the importance of acquiring all documents relating to their land and building.

Table 5.7 Documents Possessed by Respondents in First Class Communities

Description	Nhyieso	Daban	Bomso	Total	Valid Percentage
B.P.,S.P., L, L.T	1	12	9	22	33.3
B.P., S.P., L	-	4	3	7	10.6
B.P. S.P	1	5	3	9	13.6
B. P.	-	-	-	-	-
B.P., L, LT	-	1	1	2	3.0
S.P	4	3	4	11	16.6
B.P., S.P., L	5	5	5	15	22.7
Total	11	30	25	66	100
Unanswered	3	3	8	14	
Total	14	33	33	80	

Source: Author's field survey, October 2007

B.P - Building Permit

S.P. - Site Plan

L - Lease

LT - Land Title

Similarly, in the second class communities majority of the respondents also claimed to possess all the documents to their land and building structures (refer table 5.8). Out of the 94 of a total of 99 respondents, approximately one-third claimed to have all the documents with 18.0% claiming to have all except title to land. Again it is surprising to

know that as many as 13 (over one-third of those with all the documents) had only site plan in the second class communities.

Table 5.8 Documents Possessed by Respondents in Second Class Communities

Description	Apatrapa	Kent./Nsenie	Buokrom	Total	%
B.P., S.P., L, L.T	9	11	9	29	30.8
B.P., S.P., L	4	4	9	17	18.0
B.P. S.P	8	6	4	18	19.1
B.P.	1	-	1	2	2.1
B.P., L, LT	2	2	1	5	5.3
S.P	5	6	2	13	13.8
B.P., S.P., L	3	3	4	10	10.6
Total	32	32	30	94	100
Unanswered	1	1	3	5	
Total	33	33	33	99	

Source: Author's field survey, October 2007

The situation was however different in the third class communities (refer table 5.9). It was found that out of the 116 that responded, 37 representing 31.8% had all the documents or all, except title to land. However, as many as 51 out of 116 respondents representing 44 % had only B.P and S.P and 13.7% with only site plan. It can therefore be concluded that in the third class communities, emphasis is not placed on processing all land documents but once a developer obtains a site plan demarcating his/her plot and a building permit, development begins. Also, from table 5.9 most of the respondents in this class do not process their lease and land title which leads to loss of revenue for the government. Note that at Nkontwema only seven (7) out of the 32 respondents had lease.

Table 5.9 Documents Possessed by Respondents in Third Class Communities

Description	Ayigya	Anyinam	Denkyemuoso	Nkontwema	Total	Valid Percentage
B.P., S.P., L, L.T	6	1	8	5	20	17.2
B.P., S.P., L	4	7	4	2	17	14.6
B.P. S.P	11	13	9	18	51	44.0
B.P.	1	1		5	7	6.0
B.P., L, LT	-	-	-	-	-	
S.P	7	4	3	2	16	13.7
B.P., S.P., L	1	-	4	-	5	4.3
Total	30	26	28	32	116	100
Missing System	1	7	5	1	16	
Total	33	33	33	33		

Source: Author's field survey, October 2007

Based on the findings provided in tables 5.7 and 5.9, it can be concluded that land users possession of land and building documents is quite encouraging. It is important to stress that upon request, some respondents refused to allow for inspection the documents they claim to possess. There is therefore doubt as to the authenticity of the information given by such respondents with respect to the documents they possess. This is because, from the three tables, the land documents that are common to all land users irrespective of the class of residence were the site plan and building permit. If this is true, then there should not be much deviation from the layout plans in terms of its land use. This is because, the major factor considered in granting building permit is whether the structure to be developed is consistent with the layout plan for the community or not. But as would be seen in section 5.2.4 there are much changes in the land use of layout plans

and this gives some doubt on the genuineness of the information received relating to land users and the documents on their properties.

It is important to also note from the last three tables that most of the land users do not have title to their lands but rather end their document processing with the lease. This situation is however less prevalent in the first class communities but increase through the second and third class communities. This finding was however not surprising because the investigations revealed that though the Act that established the Land Title Registry was passed in 1986, and an office established in Kumasi in 2000, residents in the metropolis started to patronize the service in 2003. Moreover, the office location needs much to be desired because whereas the other government land institutions (SD, TCPD, LC and OASL) are within the same vicinity, the office of the Land Title Registry is quite a distance away. Therefore, customers to the land agencies are unable to have easy access to the service. It is important for the residents in the metropolis to be educated about the need and importance of land title registration and also measures put in place to make the processing of such documents easy.

The study showed that obtaining building permit is not a problem in the Kumasi metropolis. Out of the 203 who responded as to whether or not they had any problem in obtaining a building permit, 152 respondents representing approximately 75%, answered in the negative (see table 5.10).

Table 5.10 Problem in Obtaining Building Permit

Description	Frequency	Valid Percentage	Cumulative Percentage
Yes	51	25.1	25.1
No	152	74.9	100.0
Total	203	100.0	
Unanswered	108		
Total	311		

Source: Author's field survey, October 2007

However, the few respondents (approximately 25%) who complained about difficulty in obtaining BP mentioned delay, frustration and corruption as some of the problems. Though the Development Control Unit (DCU) of the Kumasi Metropolitan Assembly (KMA) said on the average it takes six (6) months to get permit approved, some of the respondents said it took them two (2) years to get the document and some also said they had completed their building structure before they received their permits. The large number of unanswered respondents (108 out of 311) creates the impression that they have no building permit (again see table 5.11). Such buildings are probably those that are inconsistent with the layout plans of communities as discussed in section 5.2.5.

Again large proportion of the respondents (94% out of 218 respondents) mentioned the KMA as the institution from which they obtained BP for their structure (see table 5.11). However, few of the respondents (6%) mentioned agents like contractors, officials from the lands agencies or KMA to have obtained the permit on their behalf. This finding confirms the provisions in article 46 of the Local Government Act 1993, Act 462 that the KMA through its units (DCU) is the sole body that issues BP to land developers.

Table 5.11 Source of Obtaining Building Permit

Description	Frequency	Valid Percent	Cumulative Percent
KMA	205	94.0	94.0
Agent	13	6.0	100.0
Total	218	100.0	
Unanswered	93		
Total	311		

Source: Author's field work, October 2007

5.2.5 Conformity of Buildings to Layout Plans

In general, there were many buildings that were found to be inconsistent with the approved layout plans of the study communities. Table 5.12 shows that 12.1% of all buildings in six (6) of the study communities do not conform to plan layouts. However, on the average, 28.4% of buildings in any community in Kumasi have been wrongly placed. In other words each community in Kumasi is likely to have 28.4% of its buildings to be inconsistent with the approved layout plan. Notice that the deviations in the first class communities are on the lower side.

Figures 5.5 to 5.10 make comparative analysis of approved plans of study communities with the current spatial development. (Compare Figures 5.5 and 5.6 for first class communities, 5.7 and 5.8 for second class communities, 5.9 and 5.10 for third class communities).

Table 5.12 Approved and Unapproved Buildings in the Study Communities

Community	Class of Community	Number of Buildings on Approved Plots	Number of Buildings on Unapproved Plots	Percentage of Deviation
Daban	First	928	23	2.5
Bomso	First	1,025	64	5.9
Apatrapa	Second	336	316	94.0
Kentinkrono/Nsenie	Second	2,126	150	7.1
Ayigya	Third	3,069	123	4.0
Anyinam	Third	513	291	56.7
Total		7997	967	12.1

Source: Author's Own Derivative based on the Approved plans of Communities and satellite photograph of Kumasi taken in 2005

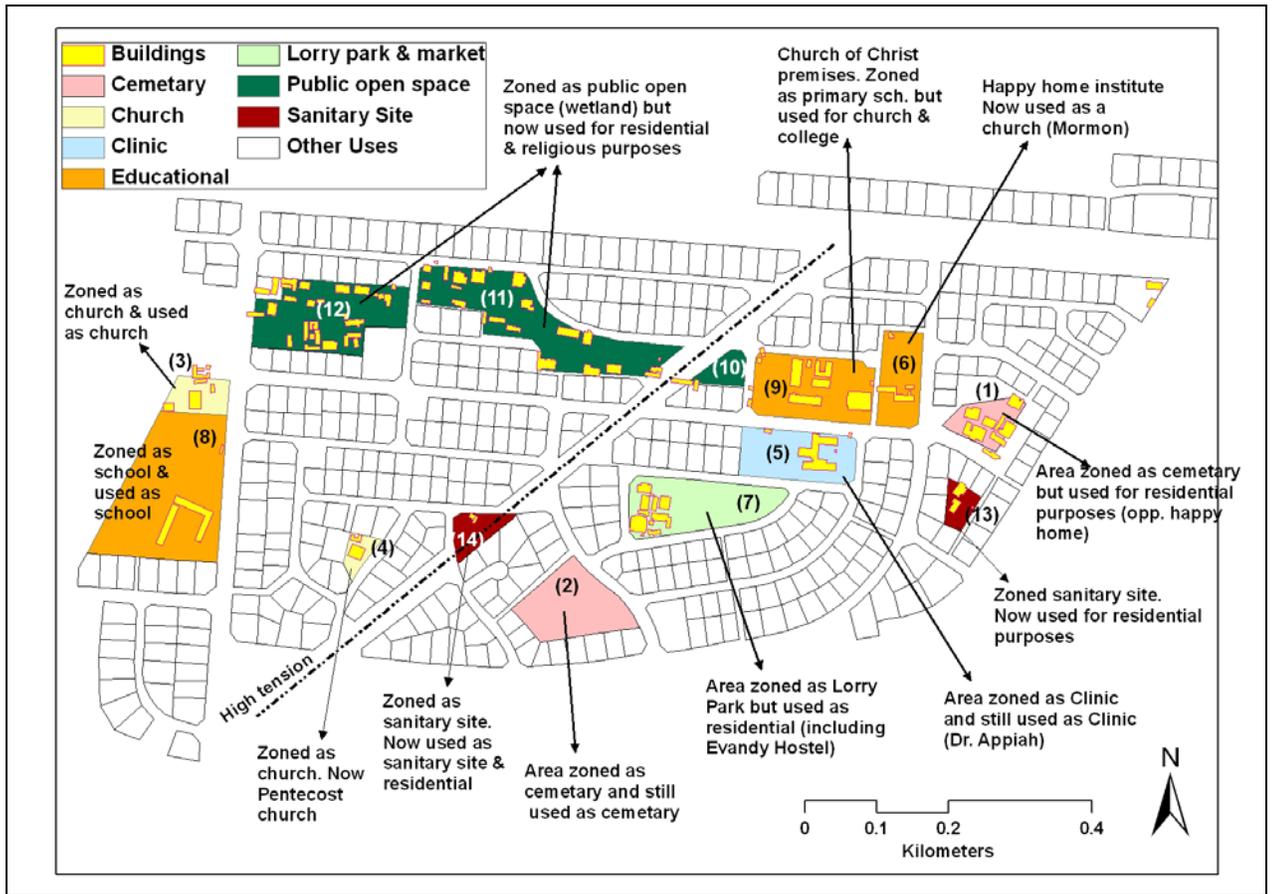


Figure 5.5 Approved Layout Plan of Bomso Compared with Current Spatial Development

Source: Author's Own Derivative, January 2008

Table 5.13 Comparison of Planned and Current Land Uses at Bomso

Number	Land use Planned	Total Area (square meters)	Current Use	Area used (square meters)	Percentage Used	Land use Change?
1	Cemetery	4955.95	Residential	1800.89	36.34	Yes
2	Cemetery	11798.48	Cemetery	17.32		No
3	Church	4114.27	Church	737.60		No
4	Church	1858.47	Church (Pentecost)	464.24		No
5	Clinic	10768.46	Clinic (Dr. Appiah)	1494.83		No
6	Educational	7553.41	Latter Day Saint Church	550.35	7.29	Yes
7	Lorry park & market	13907.10	Residential plus Evandy Hostel	11403	82.00	Yes
8	Primary & middle school	28186.48	Primary and middle school	1554.11		No
9	Primary school	14462.48	Religious	2804.18	19.39	Yes
10	Public open space	2493.37	Educational	42.56	1.71	Yes
11	Public open space	21860.91	Educational, residential and religious	3590.66	16.43	Yes
12	Public open space	17703.91	Residential houses plus some churches	3189.95	18.02	Yes
13	Sanitary Site	2310.08	Residential	405.77	17.57	Yes
14	Sanitary Site	3331.43	Sanitary Site plus Residential	81.12	2.46	Yes

Source: Author's Own Derivative, January, 2008

NOTE: The red indicates changes in land use in the communities.

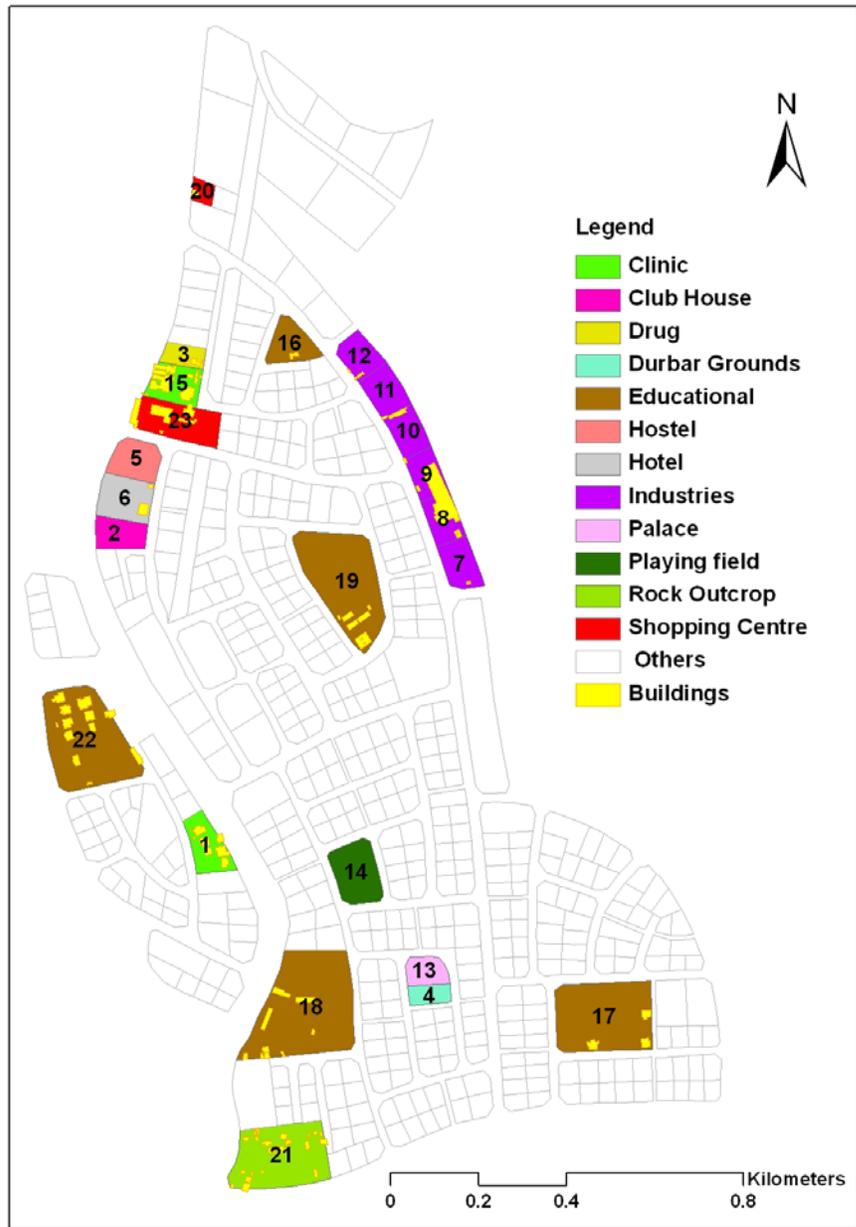


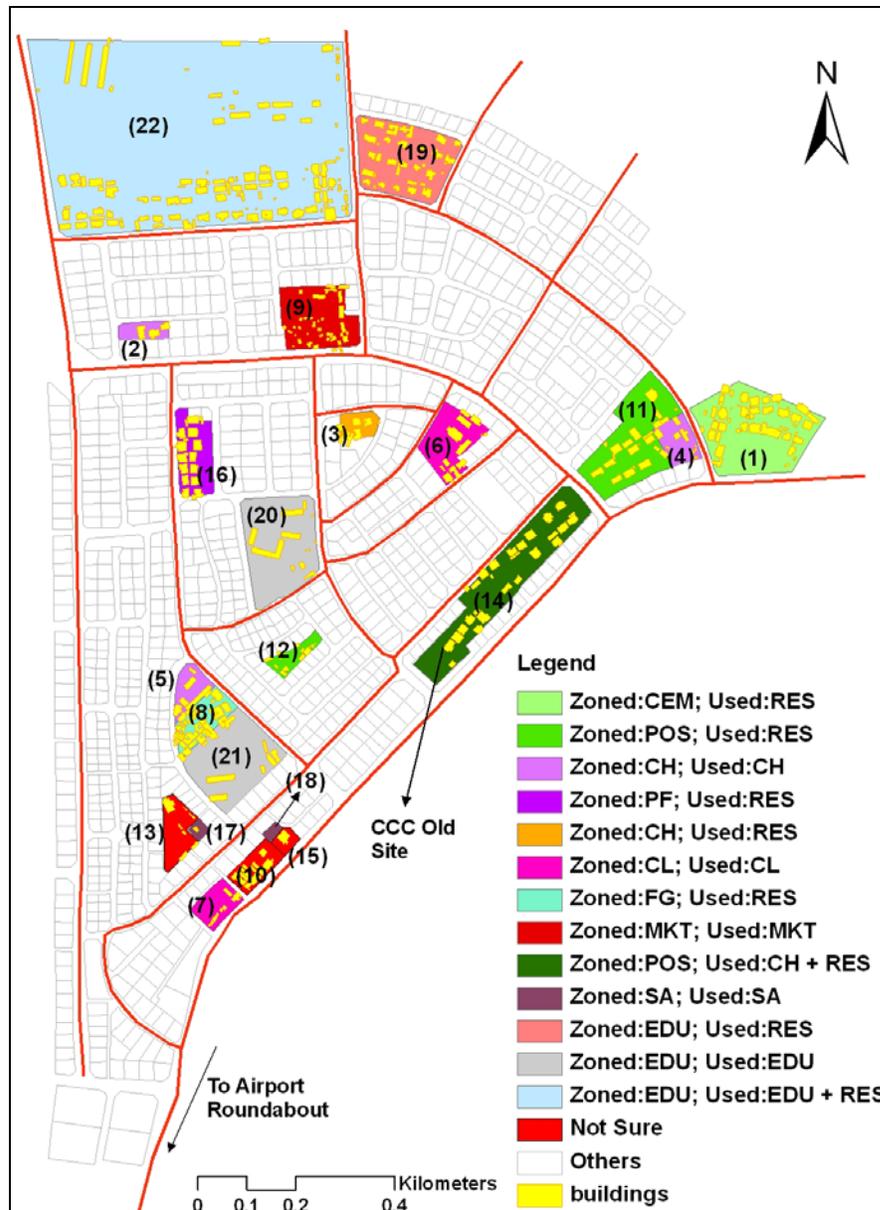
Figure 5.6 Approved Layout Plan of Daban Compared with Current Spatial Development

Source: Author's Own Derivative, January, 2008

Table 5.14 Comparison of Approved and Current Land Uses at Daban

No.	Zoned	Current use	Total Area (square meters)	Area Used (square meters)	Percentage Used	Land use changed?
1	Clinic	Clinic	9760.0	2157.7	22.1	No
2	Club House	Vacant plot	7667.3	0.0	0.0	No
3	Pharmaceutical	Residential	4569.0	1455.3	31.9	Yes
4	Durbar Grounds	Vacant plot	4096.4	0.0	0.0	
5	Hotel	Vacant plot	9233.8	0.0	0.0	No
6	Hotel	Hotel	11569.7	541.0	4.7	No
13	Palace	Vacant plot	5773.9	0.0	0.0	No
14	Playing field	Vacant plot	13337.6	0.0	0.0	No
15	Clinic	Clinic	9615.9	3453.9	35.9	No
16	Private School	Private school	8568.8	54.0	0.6	No
17	Proposed school1	School	33506.1	1182.5	3.5	No
18	Proposed school2	School	47253.8	1997.0	4.2	No
19	Proposed school3	School	35007.5	1798.8	5.1	No
21	Rock Outcrop	Residential	28839.3	2323.5	8.1	Yes
22	School	Residential	37378.8	3915.7	10.5	Yes
23	Shopping Centre	Religious and Business	15452.7	2463.3	15.9	Yes

Source: Author's Own Derivative, January, 2008



Code	Meaning	Code	Meaning
CEM	Cemetery	CH	Church
RES	Residential	PF	Playing Field
POS	Public Open Space	CL	Clinic
FG	Fetish Grove	MKT	Market
SA	Sanitation	EDU	Educational

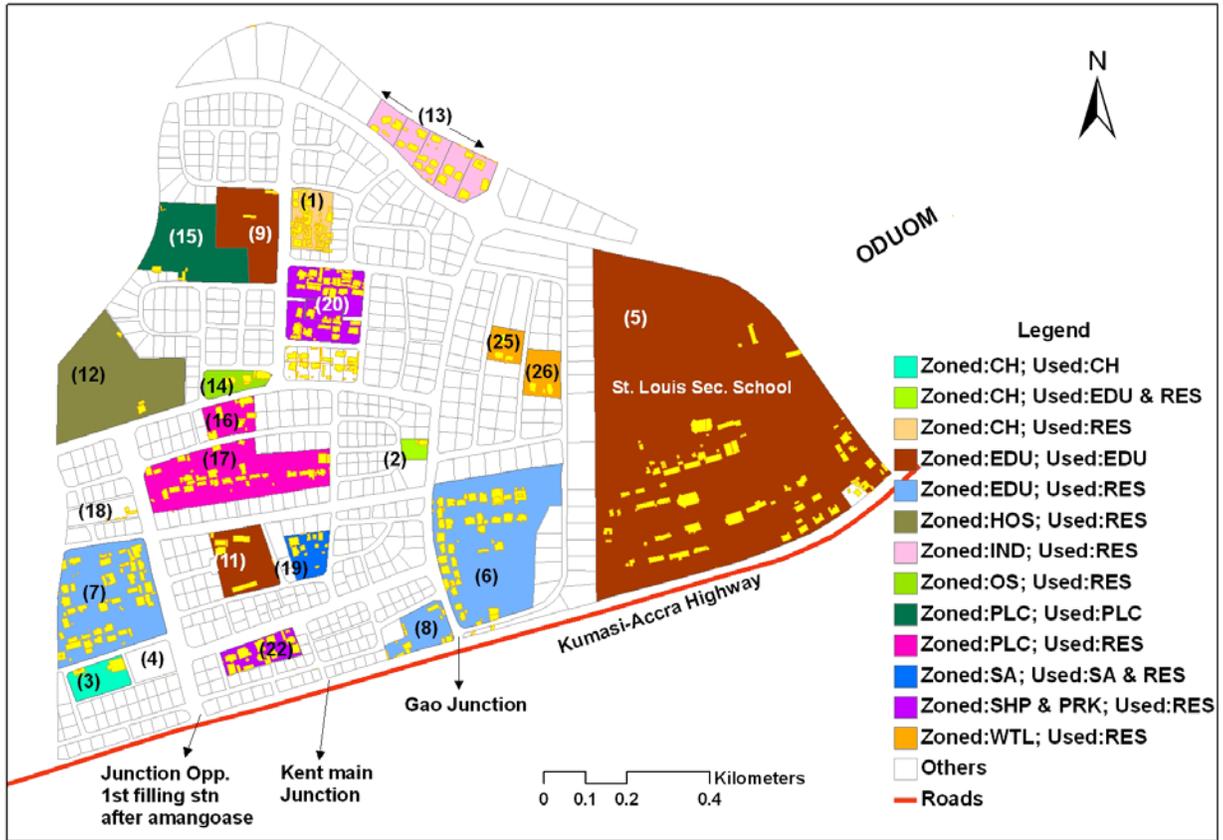
Figure 5.7 Approved Layout Plan of Buokrom Compared with the Current Spatial Development

Source: Author's Derivative, January, 2008

Table 5.15 Comparison of Approved and Current Land Uses at Buokrom

No.	Planned Use	Current use	Total Area (square meters)	Area Used (square meters)	Percentage used	Land use Change?
1	Cemetery	Cemetery plus Residential	34484.98	8096.82	23.48	Yes
2	Church	Church	3557.18	874.57	24.59	No
3	Church	Residential	3881.61	1051.61	27.09	Yes
4	Church	Church	6257.95	945.70	15.11	No
6	Clinic	Clinic	12460.80	2392.42	19.20	No
9	Market & Lorry Park	Market plus Lorry Park	18072.95	1974.73	10.93	No
11	Public Open Space (POS)	Residential	26140.15	4054.18	15.51	Yes
14	POS	Residential plus Church	34468.83	6181.00	17.93	Yes
16	Playing Field	Residential	11323.40	3530.03	31.17	Yes
19	School	Residential	27424.68	5365.01	19.56	Yes
20	School	School	28170.29	2740.96	9.73	No
22	School	School plus Residential	231505.21	21778.01	9.41	Yes

Source: Author's Own Derivative, January, 2008



Code	Meaning
CH	Church/Religious
RES	Residential
EDU	Educational
IND	Light Industrial
OS	Open Space
SA	Sanitary
SHP & PRK	Shopping & Parking
WTL	Wetland
PLC	Public Land

Figure 5.8 Approved Layout Plan of Kentinkrono/Nsenie Compared with the Current Spatial Development

Source: Author's Own Derivative, January, 2008

Table 5.16 Comparison of Approved and Current Land Uses at Kentinkrono/Nsenie

Number	Land use Planned	Total Area (square meters)	Current Use	Area Used (Square meters)	Percentage Used	Land use Change?
1	Church	14202.55	Residential	5314.90	37.42	Yes
2	Church	3109.00	Educational plus residential	278.48	8.96	Yes
3	Church	10355.91	Church	1513.02	14.61	No
4	Community Center	8234.63	Vacant	0	0	No
5	Educational (St. Louis)	395334.74	Educational	19655.47	4.97	No
6	Educational	87001.46	Residential	12062.85	13.87	Yes
7	Educational	61092.11	Residential	11983.43	19.62	Yes
8	Educational	12561.73	Residential	1355.68	10.79	Yes
9	Educational	27375.18	Educational	529.64	1.93	No
11	Educational	20715.12	Educational	2144.76	10.35	No
12	Hospital Site	59303.15	Residential	604.88	1.02	Yes
13	Light Industrial	31907.73	Residential	6605.01	20.70	Yes
14	Open Space	7992.89	Residential	1553.72	19.44	Yes
15	Public Park	34173.69	Public Park	509.67	1.49	No
16	Public Park	9890.76	Residential	1997.37	20.19	Yes
17	Public Park	51746.85	Residential	7733.08	14.94	Yes
18	Public Park	7727.28	Residential	393.92	5.10	Yes
19	Sanitary	9752.78	Sanitary & Residential	1884.93	19.33	Yes
20	Shopping and Parking	30725.20	Residential	7998.77	26.03	Yes
22	Shopping and Parking	11688.00	Residential	4217.54	36.08	Yes
25	Wetland	6548.07	Residential	978.98	14.95	Yes
26	Wetland	9677.87	Residential	777.06	8.03	Yes

Source: Author's Own Derivative, January 2008

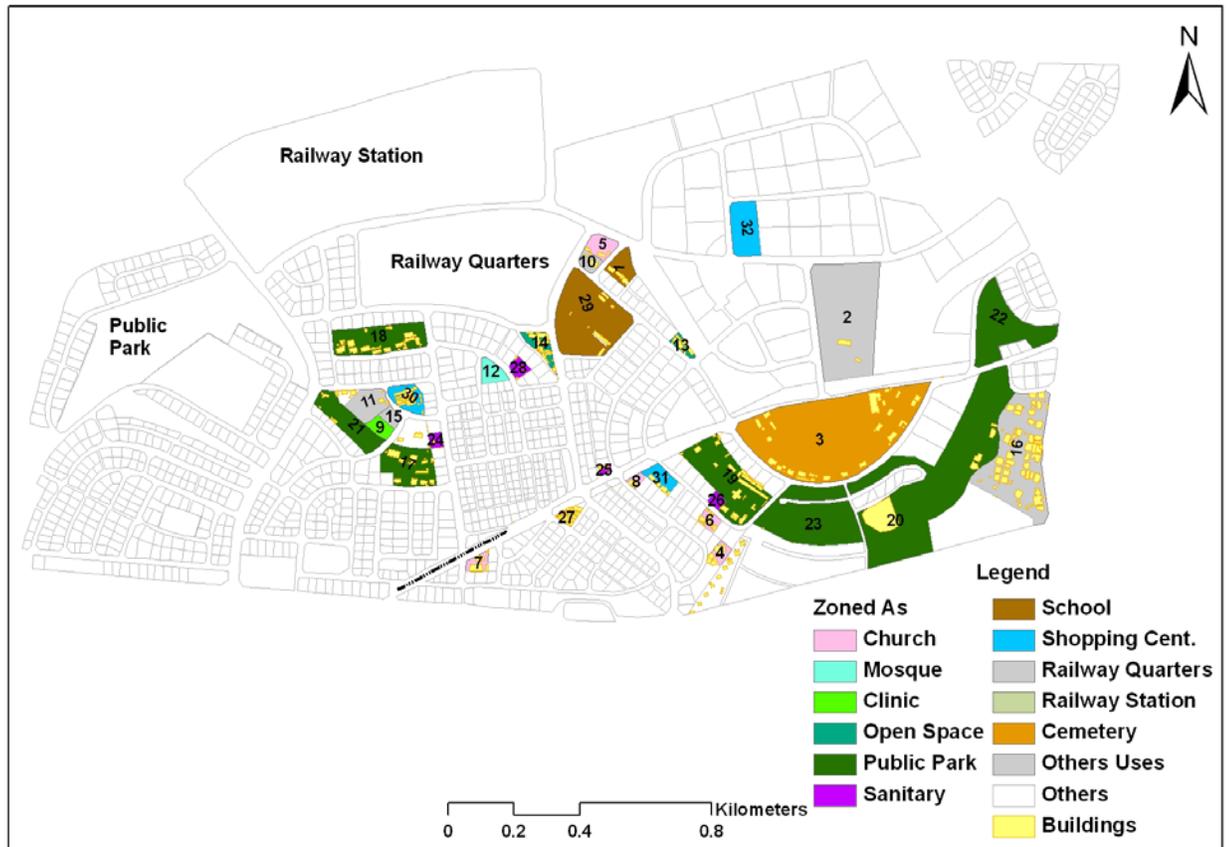


Figure 5.9 Approved Layout Plan of Ayigya Compared with the Current Spatial Development

Source: Author's Own Derivative, January, 2008

Table 5.17 Comparison of Approved and Current Land Uses at Ayigya

No.	Land Use Planned	Current Use	Total Area (square meters)	Area Used (square meters)	Percentage Used	Change?
1	Arabic School	Arabic School	6400.29	795.63	12.43	No
2	Bacchus LTD	Bacchus LTD	62099.79	679.42	1.09	No
3	Cemetery1	Cemetery plus residential	107068.91	7508.50	7.01	Yes
4	Church1	Church (methodis)	2809.56	1011.90	36.02	No
5	Church2	Church (assemblies)	5072.45	372.82	7.35	No
7	Church5	Church (Pentecost)	3105.81	1306.67	42.07	No
8	Church6	Church (CAC)	1529.16	324.89	21.25	No
10	Ghana Army	Residential	3148.61	514.28	16.33	Yes
12	Mosque	Mosque	4439.55	0.00	0.00	No
13	Public Open Space (POS) 2	Residential	2493.94	1140.49	45.73	Yes
14	POS3	Residential	5446.19	2097.57	38.51	Yes
19	Public Park4	Residential plus Church	32546.98	4842.46	14.88	Yes
20	Public Park 5	Vacant (part of KNUST lands)	103592.65	9875.82	9.53	No
23	Public Park 8	Vacant (part of KNUST lands)	41989.96	1028.10	2.45	No
25	Sanitary 2	KVIP (Ayigya)	838.69	266.72	31.80	No
27	Sanitary 4	Market	1749.47	1417.11	81.00	Yes
28	Sanitary 5	KVIP (zongo)	2590.38	192.65	7.44	No
29	School 1	School	40761.15	946.02	2.32	No
31	Shopping Cent 2	Residential	5013.56	751.12	14.98	Yes
32	Shopping Cent 3	Vacant	13373.31	0.00	0.00	No

Source: Author's Own Derivative, January, 2008

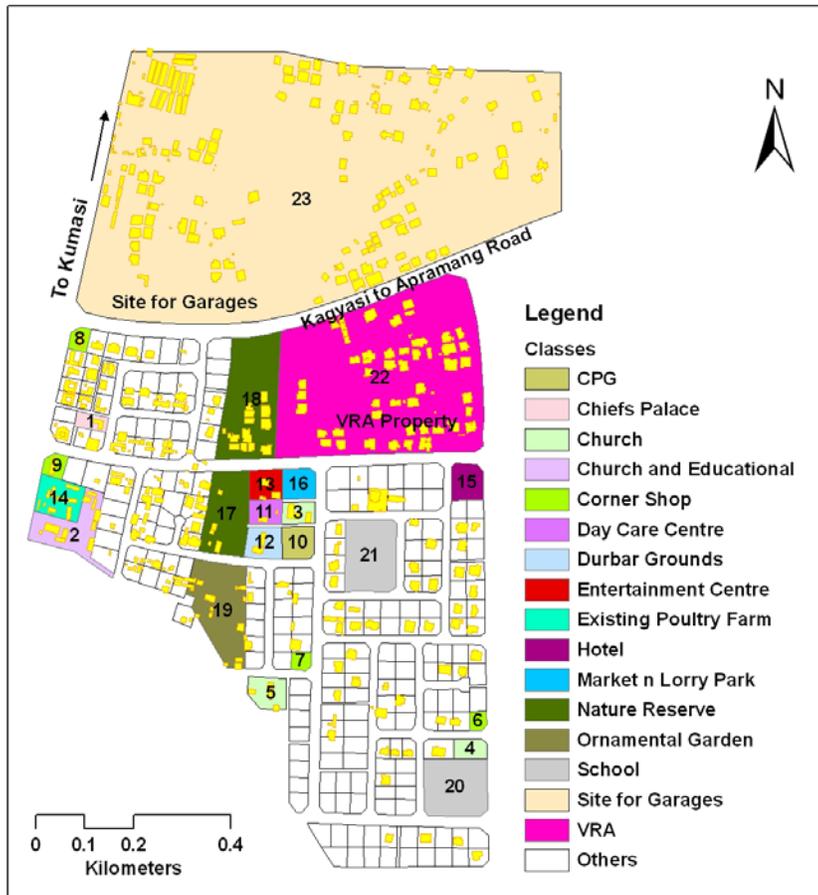


Figure 5.10 Approved Layout Plan of Anyinam Compared with the Current Spatial Development

Source: Author's Own Derivative, January, 2008

Table 5.18 Comparison of Approved and Current Land Uses at Anyinam

No.	Land Use Planned	Current Land Use	Total Area (square meters)	Area Used (square meters)	% Used	Land Use Change?
1	Chiefs Palace	Chiefs Palace	2159.55	259.5657	12.02	No
2	Church and Educational	Church and Educational	11606.85	1997.79	17.21	No
3	Church1	Church	3057.74	771.16	25.22	No
4	Church2	Vacant	2773.55	0	0.00	No
5	Church3	Church	4779.43	531.81	11.13	No
6	Corner Shop1	Vacant	1338.09	0	0.00	No
7	Corner Shop2	Vacant	1543.76	0	0.00	No
8	Corner Shop3	Residential	1778.18	382.19	21.49	Yes
9	Corner Shop4	Residential	2097.98	297.21	14.17	Yes
10	CPG	Vacant	4377.23	0	0.00	No
11	Day Care Centre	Day Care Centre	3422.55	238.16	6.96	No
12	Durbar Grounds	Residential	4764.74	550.12	11.55	Yes
13	Entertainment Centre	Residential	4283.03	473.59	11.06	Yes
15	Hotel	Vacant	4823.19	0	0.00	No
16	Market n Lorry Park	Vacant	4260.70	0	0.00	No
17	Nature Reserve1	Residential	14891.46	520.07	3.49	Yes
18	Nature Reserve2	Residential	27572.16	3495.92	12.68	Yes
19	Ornamental Garden	Residential	19791.06	1436.74	7.26	Yes
20	School1	Vacant	15310.72	0	0.00	No
21	School2	Vacant	15496.46	0	0.00	No
22	VRA	Residential	130720.89	15720.45	12.03	Yes

Source: Author's Own Derivative, January, 2008

From the layout plans above, it would be noted that:

1. Areas zoned as residential are used as such. Religious lands are often used for the purposes for which they were earmarked. Therefore it can be said that to a large extent residential and religious buildings conform to the layout plans but the situation is different when it comes to public and business lands. Public lands

are defined to include wetlands, public open spaces, durbar grounds, markets, shopping centers, lorry parks, sanitary lands etc.

2. Public lands are turned into residential plots though the area size of public lands is always a fraction of the total land area of any community (see table 5.19). Therefore, based on the maps above, it could be said that lands that are in the interest of the communities are the most affected and abused in terms of conformity to approved layout plans. Such abuse is most prevalent in second class communities. It must be pointed out that in most cases, a little over one-third (less than 40%) of all such public lands have been encroached upon in all the study communities. The only exception is at Bomso where almost all (81%) of the land earmarked for lorry park and market have been turned into a students hostel (see polygon 7 on Figure 5.5). It must be noted from figure 5.6 and table 5.19 that Daban which is a first class category 'B' community has respected much of such public lands as compared to Bomso which is a first class category 'C' community. This is because, in the peri-urban community like Daban, there may be residential plots yet to be allocated and therefore less pressure to allocate public lands unlike Bomso, Ayigya and Buokrom that have all plots developed and therefore encroachment on public lands. A critical analysis of table 5.19 shows that development of buildings on public lands is extremely high in third class communities than other classes of communities and this is prevalent at Anyinam where 56.7% of buildings are on public lands. However, first class communities are less likely to develop on public lands. An analysis of figures 5.5 to 5.10 and table 5.19 vindicates the proposition that 'the construction of

structures on public lands is high in third class than in the first and second class communities in Kumasi’.

3. The first two points suggest increased demand for residential plots in the Kumasi metropolis. This is because; the earmarked and allocated residential plots are not enough to meet the demand. Obviously, it is the high demand for residential plots that encourages traditional authorities (TAs) to allocate such public lands to users for development. So, TAs by virtue of the fact that they allocate plots for development are a contributory factor in creating the deviation of spatial development from approved layout plans though government land institutions are also to be blamed for their inability to correct the wrong when they occur (see section 4.3.4).
4. The extensive development of wetlands areas in all the communities poses a threat to human lives through flooding, mosquito breeding, malaria, cholera and also affects the existence of the water bodies through pollution and restrictions in the flow of the streams.

Table 5.19 Development of Buildings on Public Lands

Community	Class	Types of Public lands	Total Land area (sq.km)	Total number of buildings	Area of public lands (sq.km)	Buildings on public lands	Percentage change
Daban	1 st	Rock outcrop	1.55	928	0.029	23	2.5
Bomso	1 st	C, POS, M, SS, LP	2.90	1,089	0.078	64	5.9
Buokrom	2 nd	C, LP, M, PF, POS, SS	1.4	2,331	0.15	178	7.6
Kentinkrono	2 nd	POS, PP, SS, SAP, WL	1.72	2,276	0.18	150	6.6
Ayigya	3 rd	C, POS, SS, PP, SC	2.90	3,192	0.41	123	3.9
Anyinam	3 rd	NR, OG, LP, M, G, VRA	1.06	513	0.64	291	56.7

Source: Author's field survey, January, 2008

C- Cemetery

POS- Public Open Space

M- Market

SS- Sanitary Site

LP – Lorry Park

PF-Playing Field

SAP- Shopping and Parking

WL- Wetlands

SC- Shopping Center

NR- Nature Reserve

OG-Ornamental Garden

G-Garage

Surprisingly, when respondents were asked about the conformity of their building structure to the approved layout plans, approximately two-thirds of 301 respondents answered in the affirmative (see table 5.20). It was however, hard to believe this answer in view of the revelations in Figures 5.5 to 5.10. Also houses that did not fall in line with the plan layout and were purposively selected answered in the affirmative to the same question posed. It can therefore be asserted that either respondents had no knowledge about the conformity or otherwise of their structure to the layout plan or they deliberately answered in the affirmative to avoid possible demolition. It must be noted that during the period of the questionnaire administration, demolition of unauthorized buildings and structures were being carried out by the Accra Metropolitan Assembly and this received national attention. This demolition exercise, the researcher noted, had great effect on the quality of information obtained with respect to this question. That is, respondents feared the research was an attempt to identify structures that do not conform to the layout plans and subsequently cause their demolition.

Table 5.20 Conformity of Respondent's Building to Layout Plan

Description	Frequency	Valid Percentage	Cumulative Percentage
Yes	198	65.8	65.8
No	32	10.6	76.4
Uncertain	71	23.6	100.0
Total	301	100.0	
Unanswered	10		
Total	311		

Source: Author's field survey, October 2007

The approximately 11% that answered in the negative to the question as to whether their building conformed to the plan layout or not were respondents for church buildings. In fact, most church buildings forming part of the sample for this thesis were not in conformity with the layout plans of their various communities. Church buildings were located mostly on wetlands and other public open spaces (POS). At Kentinkrono for example, a Pastor admitted that the church site is part of the nature reserve but he was advised by an officer of the TCPD to quickly put up the church building and later apply for Building Permit. This (according to the Pastor) he complied with and has recently applied for rezoning of the area to legalize his occupation of the land. It was observed that this plot was being affected by massive erosion and other effects from rainfall. From table 5.20, 23.6% avoided a 'yes' or 'no' answer on the basis that they were uncertain about whether their structure conformed to the layout plan or otherwise.

Other respondents also demonstrated their knowledge about some structures that were not supposed to be where they were. Example can be cited at Apatrapa where a respondent took the researcher out of his house and pointed to a building which had its plot originally earmarked as a sanitary site but has been allocated to a developer to build

a residential structure. Also, at Bomso, a respondent complained about the allocation of the market site to a private developer to build a students hostel (Evandy Hostel), and this, according to him has deprived the whole community of a market and a lorry park. Again, at Buokrom a respondent admitted that his building was part of the airplane route and risk demolition in future. All these claims, the research proved to be true and therefore provides a positive answer to the research question that sought to ascertain whether structure owners whose structures are located at wrong places are aware of the wrong positioning of their structures or not.

Irrespective of the fact that many structures violate layout plans in the metropolis, just 3.3% of 305 respondents answered in the affirmative that they had never received demolition notice with respect to their structure from the KMA. The majority (96.7%) had never been asked by the KMA to demolish such structures (see table 5.21). This confirms findings with the Building Inspectors (BI) that they are unable to cause the demolition of structures that violate layout plans (refer section 4.3.4).

Table 5.21 Demolition Notice from KMA to Respondents

Description	Frequency	Valid Percentage	Cumulative Percentage
Yes	10	3.3	3.3
No	295	96.7	100.0
Total	305	100.0	
Unanswered	6		
Total	311		

Source: Author's field survey, October 2007

5.2.6 Land Litigation

Though it has been estimated that as at July, 2006, there were a total of 35,000 land cases nationwide (Mustapha 2006), land disputes and litigations among individual land users did not come out strongly from the data collected. This is true irrespective of the class of community though its incidence increases in third class communities (see Figure 5.11). Land litigation and dispute was however found to be high between and among stools.

Notice from table 4.17 that 6 out of the 10 stools forming part of the research sample has litigation with another stool and the nature of the litigation was mainly boundary disputes. The only community where there was internal land dispute was at Nkontwema where the head of the land owning family (Abusuapanin) and the chief had a land dispute that lasted for twenty (20) years. However, according to the Abusuapanin at the time of the interview, the dispute had been settled at the Manhyia Palace. Also, the Daban stool was battling a boundary dispute with the Kaase and Atasomanso stools, while the Apatrapa stool had two land disputes it was fighting and the Denkyemuoso stool was engaged in three (3) different boundary disputes with neighboring stools. The researcher was also informed by the Abusuapanin of Nsenie that the Nsenie stool had recently lost a boundary dispute with the Asokore-Mampong stool.

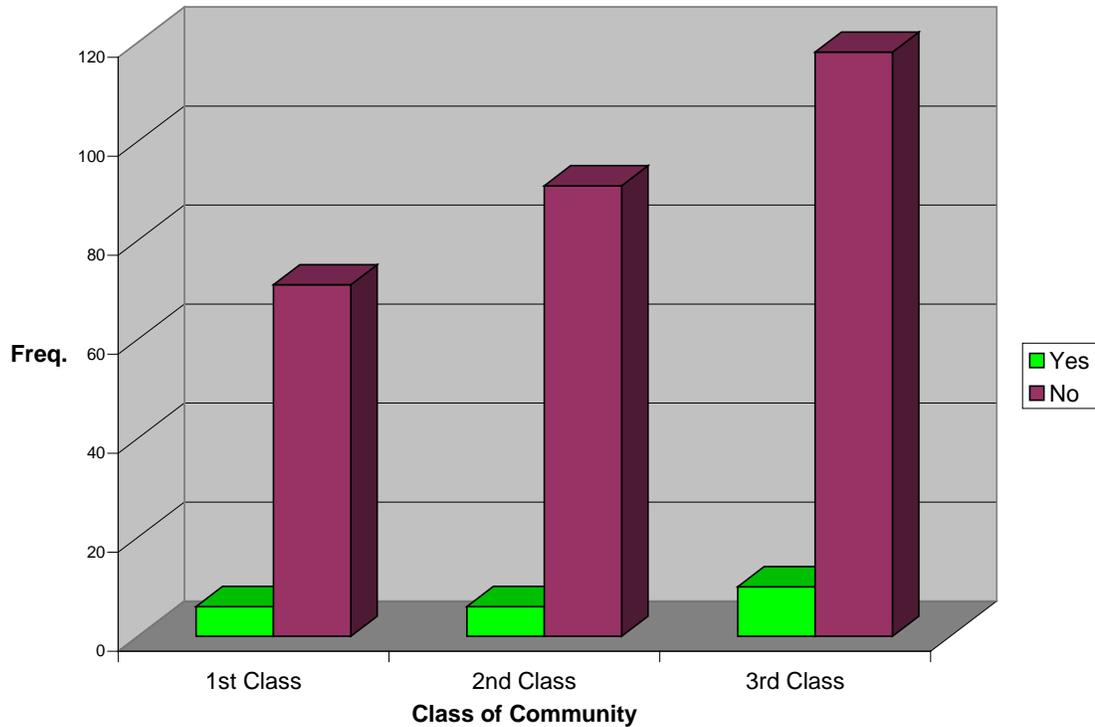


Figure 5.11 Respondents Involvement In Land Litigation

Source: Author's Own Derivative, January, 2008

5.3. EFFECTS OF ILLEGAL LAND ALLOCATION ON DEVELOPMENT OF KUMASI METROPOLIS

5.3.1 Introduction

The study revealed that the unconformity of layout plans with spatial development has much effect on the physical development in the metropolis. This is translated mainly in the area of provision of social amenities and services. From the information obtained from the field, the study communities lacked social services and facilities. An attempt was made to find out the relationship between the absence of these facilities and the poor

and uncoordinated spatial development that exists in the communities. The social service found to be inadequate in the study communities were:

- I. Supply of pipe borne water
- II. Site for refuse disposal or Sanitary area
- III. Access roads
- IV. Public open space (POS)

5.3.2 Supply of Pipe Borne Water

It was found that most of the structures in the study communities had supply of pipe borne water from the Ghana Water Company Limited (GWCL) as shown on table 5.22. However, the number of respondents who answered in the negative was quite significant. Out of the 301 respondents, as many as 42.2% of buildings had no supply of pipe borne water from the GWCL. Some of the frequent reasons they gave was that the service lines for the pipe borne water were far away from their houses and therefore they had to incur much cost in connecting to the service. Other reasons were complicated application procedures, bribery and corruption at the GWCL among others (see table 5.23).

Table 5.22 Access to pipe borne water

Description	Frequency	Valid Percentage	Cumulative Percentage
Yes	174	57.8	57.8
No	127	42.2	100.0
Total	301	100.0	
Unanswered	10		
Total	311		

Source: Author's field survey, October 2007

Many of the respondents who had no supply of pipe water from the GWCL were from the Daban, Apatrapa and Denkyemuoso – first, second and third class communities respectively. These three communities depended mainly on underground water in the form of either boreholes or wells for their households' chores. In the case of Apatrapa, it was found that the community initially had supply but during the construction of the main road to the town in 2004 the main pipe service line was destroyed and since then the GWCL had not rectified the problem. Likewise, at Denkyemuoso, the few structures that had connection with the pipe from the GWCL complained that water had not flowed in the pipes since the year 2000.

Table 5.23 Problems in connecting to pipe borne water

Description	Frequency	Valid Percentage	Cumulative Percentage
Pipes had to pass through other homes	3	10.3	10.3
Main line far away	20	69.0	79.3
Complicated application procedures	6	20.7	100.0
Total	29	100.0	
Unanswered	282		
Total	311		

Source: Author's field survey, October 2007

It is interesting to also note that despite the fact that greater number of respondents had connection with pipe from the GWCL, most of them complained about interruption in the flow of the water and some of them had to supplement the supply with underground water. Most respondents attributed the interrupted flow to poor services from the GWCL instead of over population due to increase in residential plots above what was planned for the community. However, further investigations at the GWCL proved otherwise. In an interview with the Ashanti Regional Engineer (January, 2009) of the GWCL, he attributed the problem of interrupted water flow to the increase in residential plots above the planned and projected number of houses. According to the engineer:

“in laying service lines to a community, three principal factors are taken into consideration. Firstly, the company considers the planned number of houses, secondly, the existing population of the community and thirdly makes population projection based on the existing population and the approved number of plots. Therefore, when buildings that are not in the original plan are developed at mid points of the distribution system, it affects the flow of water and the most affected communities are those communities at the extreme ends of the metropolis”.

This is so because, the pressure with which the water is pumped reduces farther away from the city center. This therefore explains why the three communities- Daban, Apatrapa and Denkyemuoso had interrupted water flow because as shown on Figure 1.3 they are at the extremes of the metropolis.

As discussed in section 5.1, the shortcomings in the planning of communities that fail to specify utility routes have culminated in the unreliable water supply in the Kumasi metropolis. It is the unreliable pipe borne water supply that has caused many residents in the metropolis to depend on underground water. But the increasing dependence of residents on underground water could lead to the depletion of underground water

(Miller, 2001:312-314) if nothing is done about the situation and this could have serious repercussions on the socio economic lives of residents of the metropolis. Again, further research could be undertaken in the future to examine the effects of increasing use of underground water on fresh water supply in the metropolis.

5.3.3 Sanitary Sites

A typical layout plan prepared for a community in Kumasi has a number of sanitary sites where residents can dispose of their refuse and other waste substances. However, data collected showed that such sanitary lands have been re-allocated by land owners for other purposes, (see polygons 13 and 14 on Figure 5.5, polygon 19 on Figure 5.8 respectively and polygon 27 on Figure 5.9). For example, on Figure 5.9, Ayigya layout plan has more than five (5) sanitary sites provided but at the time of writing this report, only three were used for this purpose. Two of such being used are the Kumasi Ventilated Improvement Pit (KVIP) and the remaining one as a refuse collection site. With an estimated population of 30,283 (Ghana, 2000) or the KMA 2007 estimated population of 43,624, the only one site for the disposal of refuse is obviously inadequate. This situation is a threat to proper sanitation and obviously makes the management of refuse a difficult task (see plate 5.3).

Fortunately, residents in the study communities were aware of the inadequate sanitary sites in their communities. In reference to table 5.24, out of 297 respondents, approximately half were aware that their community had no sanitary sites. The research found that, the absence of sanitary sites was more prevalent in first and second class communities. This does not mean that a provision was not made in the layout plans of

these communities but such plots had been re-allocated for residential purpose. There is therefore the situation where the available land for refuse and other waste substances is unable to accommodate the increasing generation of refuse and this causes a number of problems to residents, the environment and the city's authorities.

Table 5.24 Existence of Sanitary Site in Study Communities

Description	Frequency	Valid Percentage	Cumulative Percentage
Yes	151	50.8	50.8
No	146	49.2	100
Total	297	100.0	
Unanswered	14		
Total	311		

Source: Author's field survey, October, 2007

In an attempt to find out the probable reasons for the absence of sanitary sites in the communities, only 51 out of the 311 responded by speculating about the reasons for the absence of sanitary sites in their communities (see table 5.25). At a cross-check with the TCPD to find out the reasons why the communities had inadequate sanitary sites, the Deputy Director at the Kumasi Office stated clearly that:

“provision for sanitary sites are always made on a plan. If they do not exist on the ground then either the sites have been used for other purposes or the sites are lying idle. But I am aware that most sanitary sites have been turned into residential plots in many of the suburbs in the City”.

The revelation from table 5.25 demonstrates the ignorance and lack of concern for the absence and/or inadequate sanitary sites in the metropolis. Almost half of the respondents who do not have access to sanitary sites have not bothered to find out why the facility does not exist in their community. They showed little concern probably because they have alternative means of disposal including disposal in the open.

Table 5.25 Reasons for Absence of Sanitary Sites in Communities

Description	Frequency	Valid Percentage	Cumulative Percentage
Allocated to a user	25	29.8	29.8
Was not provided for in plan	26	31.0	60.7
Uncertain	33	39.3	100.0
Total	84	100.0	
Unanswered	62		
Total	146		

Source: Author's field survey, October 2007

The disposal of refuse in the open which was common in all the study communities except Nhyieso has the tendency of affecting the quality of the environment and also the health status of residents with respect to the outbreak of cholera and also breeding mosquitoes to increase the incidence of occurrences of malaria. Plate 5.3 and 5.4 shows open refuse disposal at Ayigyia and Daban. The absence of sanitary sites in many of the study communities has also compelled residents to adopt other methods of refuse disposal. This include disposal into bushes and streams, compost making and burning of refuse. From table 5.26 as many as 80% use methods other than sanitary sites to dispose of their refuse. However, the most frequently used means of disposing refuse particularly in first and second class communities is by engaging companies to pick refuse (house to house collection). From the study as shown in table 5.26, 40.5% of 210 respondents engage companies to pick refuse while 20% dispose refuse at sanitary sites. Majority of those who used refuse sites were from third class communities. It could also be noticed from the table that as many as one-third of the 311 respondents failed to

disclose where they dispose of their refuse. The researcher strongly believes that this number disposes their refuse in the open but was afraid to state so.

The study also showed that irrespective of the method of refuse disposal, there were related problems residents had to grapple with. Those who depended on companies complained about delay in picking the refuse and also the high service charge which make refuse pile up in their homes. Those who depended on sanitary sites also complained about the long distances they had to cover before reaching the sanitary sites and at times they had to dump the refuse in bushes. Again, those who burn or turn the refuse into compost also complained about the difficulty in maintaining this method especially during the rainy season.

Table 5.26 Means of Refuse Disposal

Description	Frequency	Valid Percentage	Cumulative Percentage
Into community stream	7	3.3	3.3
Into bushes	20	9.5	12.9
Given to refuse company	85	40.5	53.3
Burning, compost making, into holes	56	26.7	80.0
Sanitary site	42	20.0	100.0
Total	210	100.0	
Unanswered	101		
Total	311		

Source: Author's field survey, October 2007



Plate 5.3 Open disposal of refuse at Ayigya, a third class community



Plate 5.4 Open disposal of refuse at Daban, a first class community

Though extensive research work on refuse management has been undertaken by academia and professionals, the researcher believes that the phenomenon is still a problem and needed to be tackled from the root cause. The probable solution to the refuse management problem in the metropolis is to increase the sites for refuse collection (not dumping) by avoiding the re-allocation of lands earmarked for such sanitation. Such sanitary sites could be managed well. Example, the research found that Ayigya, Kentinkrono/Nsenie and Bomso communities have one each and two approved sanitary sites respectively used for the disposal of refuse. These sites are well managed by the unit committees of these respective communities by ensuring that the dumped refuse is regularly taken by trucks for final disposal. If more of such sites could be provided and well managed, perhaps, the problems with indiscriminate refuse disposal would be a thing of the past in the communities.

5.3.4 Waste Water Disposal

With exception of Nhyieso which had a well constructed drainage channel, none of the study communities had such facility. Also, none of the third class communities had drainage channel though portions of second class communities like Buokrom and Kentinkrono/Nsenie had some. In general, the main problem residents faced with respect to waste water disposal were the absence of drainage channels.

In third class communities, waste water from houses was mostly channeled into community streams or marshy areas or through the open space (see Figure 5.12). This is

because third class communities are worse off when it comes to the construction of drainage channels. At Anyinam for example, a respondent's waste water passes through someone's undeveloped plot and the respondent anticipated problems if the owner of the undeveloped plot decides to develop it. At Nkontwema and Ayigya, the situation was no different.

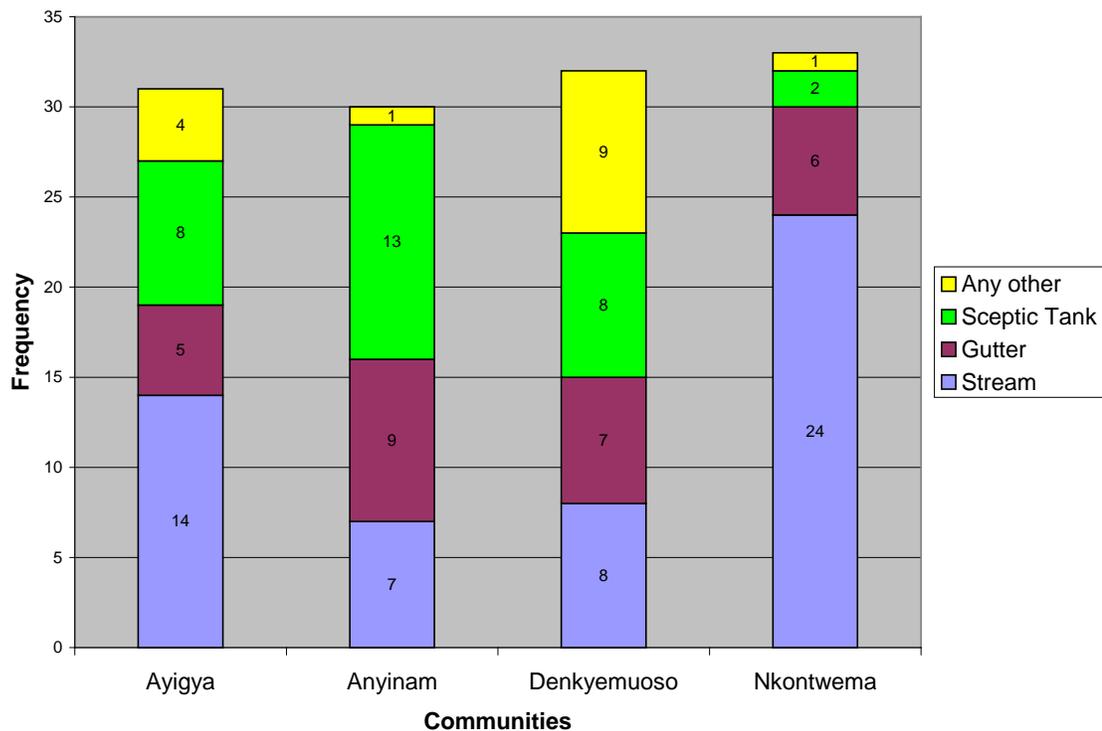


Figure 5.12 Disposal Of Waste Water In Third Class Communities

Source: Author's field survey, October, 2007

The situation was different in second class communities. From Figure 5.13, the most prevalent method of waste water disposal in second class communities was the use of a septic tank. This was so because in most cases, gutters were constructed along main

roads with no links with the interior. Therefore, it is only houses along the roads that easily discharge waste water into the gutters. This forces houses in the interior whose owners are normally middle and high income earners to construct these septic tanks.

Note from Figure 5.13 that out of 96 respondents only 11 disposed of their waste water through a gutter. At Buokrom and Kentinkrono, respondents disposed of waste water mainly through septic tank which they empty as and when the tank becomes full. However, the situation was different at Apatrapa where majority of the respondents (12 out of 32) dispose of waste water into community streams. Despite this, a sizable number (8 out of 32) dispose of waste water through the use of a septic tank.

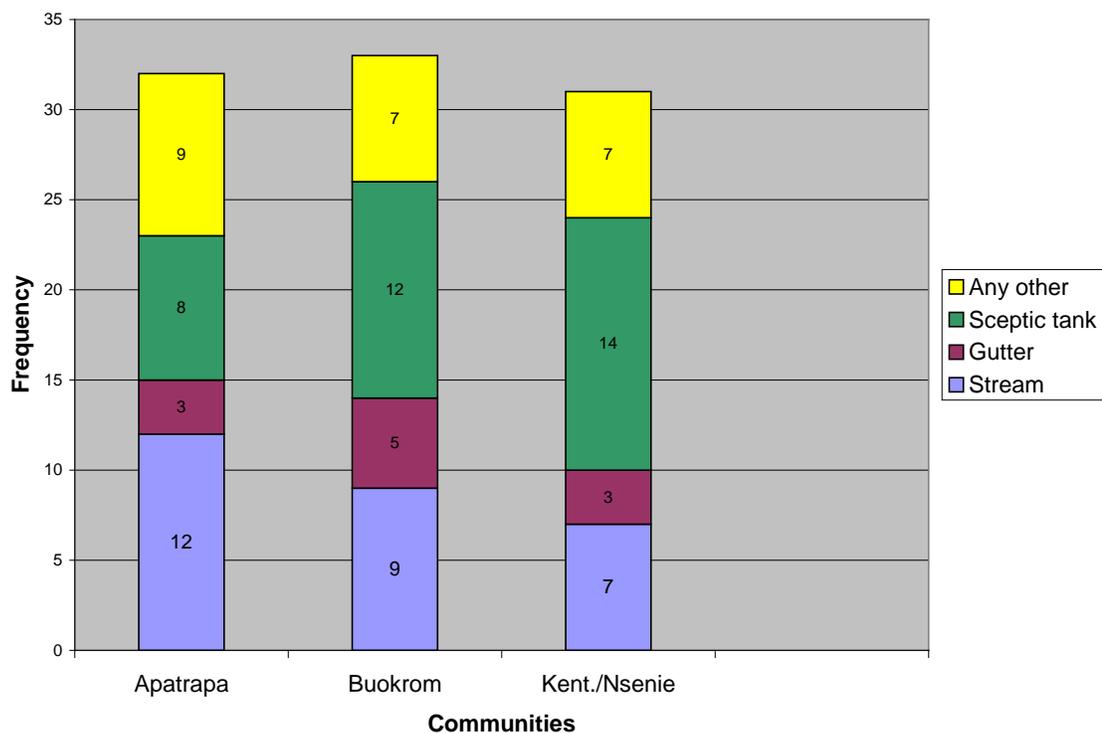


Figure 5.13 Disposal Of Waste Water In Second Class Communities

Source: Author's field survey, October, 2007

Results from the first class communities with respect to the disposal of waste water showed varied results as shown in Figure 5.14. Whereas at Bomso, majority dispose waste water through the open and also into the community stream similar to what pertains in third class communities, residents at Daban use septic tank as a medium while at Nhyieso residents dispose of waste water mainly through the gutter.

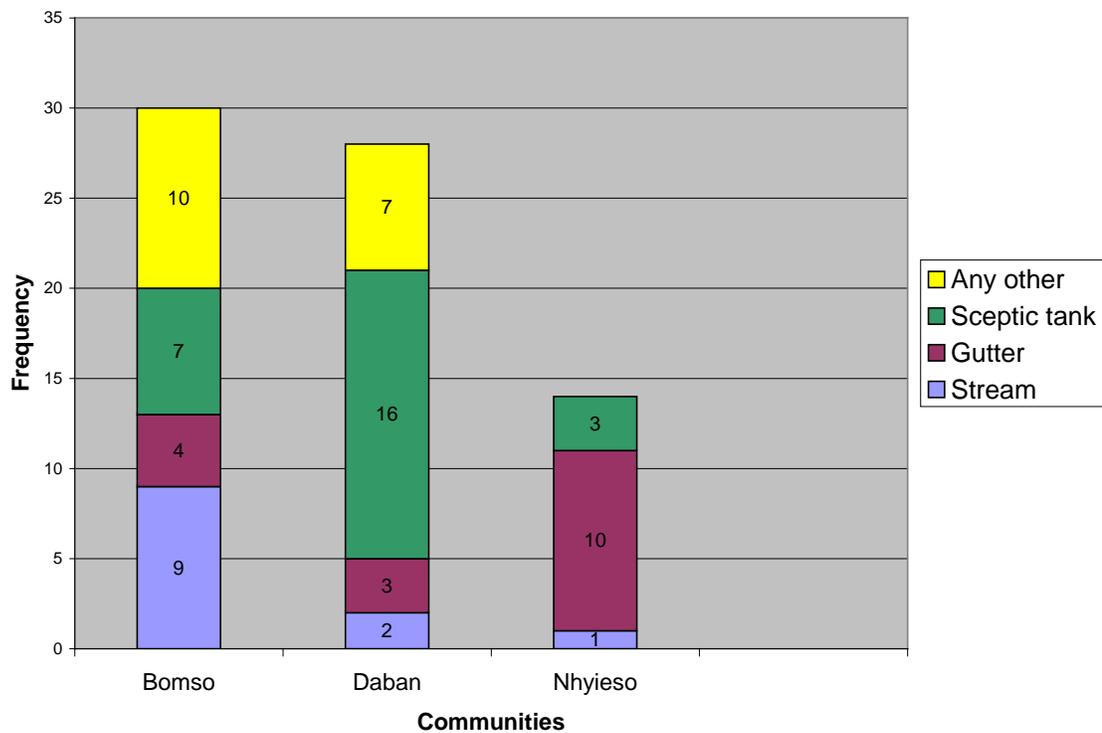


Figure 5.14 Disposal of Waste Water In First Class Communities

Source: Author's field survey, October, 2007

Most of the respondents in all classes of the communities had no problem in whatever method used to dispose of waste water. Except in few instances where respondents

complained about the mosquito breeding, bad scent, pollution etc most of the respondents were satisfied with whatever method they were using in disposing waste water (see table 5.27).

Table 5.27 Problem of Waste Water Disposal

Description	Frequency	Valid Percentage	Cumulative Percentage
Yes	42	14.2	14.2
No	253	85.8	100.0
Total	295	100	
Unanswered	16		
Total	311		

Source: Author's field survey, October 2007

The findings made in this section give credence to the fact that communities in Kumasi do not have well constructed drainage channels into which waste water flows. In some of the communities where the medium of disposal is mainly into streams and in the open and through other people's homes, it has the effects of polluting fresh water and also breeding mosquitoes and other factors that can affect the health status of residents. This research did not find out the cause of the absence of drainage channels in the communities and whether it has links with the poor spatial development. However, observations made skewed to the fact that the bad spatial development (where there has been change in land use) provides some reasonable answer to the absence of such a facility. At Bomso for example, an owner of a two storey building complained about the absence of drainage channels around her house that causes rain water to flow into her house. Because other houses surround her house, rain and waste water from her house does not have any outlet from her house and the continual action of the rain water has

broken her wall twice. Finally, she had to talk to the owner of one of the neighbouring houses to allow her construct a gutter through his house to create an outlet for the rain and waste water from her house into the main gutter, a few yards away from her house.

Another landlord in the same vicinity at Bomso complained about the inability to discharge waste water from his house because of other houses that surround his. Therefore, they had to collect the bathroom water and throw it in the open. It is interesting to learn that as the interview was going on, a young lady had finished bathing and collected the waste water and thrown it in the open.

However, a critical analysis of the complaints of the two landlords showed that their houses were located on polygon 1 and 13 (see Figure 5.5) whose original land use of a cemetery had been changed into residential land use hence creating drainage problem.

The difficulty in the disposal of refuse and the discharge of sewerage from residential homes created possible environmental and health implications. The situation presented in 5.3.3 and 5.3.4 has the tendency of breeding mosquitoes leading to malaria, occurrence of typhoid, cholera and pollution of rivers and streams.

5.3.5 Access Roads

Access roads in the study communities were found to be well demarcated with few or no encumbrances. Those who did not have access to their houses mentioned factors as poor roads, marshy conditions and building structures as posing obstacles for easy access to their homes. It is important to state that Nkontwema had the poorest road network

among the study communities. Because of the bad nature of its roads, no commercial vehicles operate between the town and the Central Business District (CBD) and private vehicles enter the town via Breman.

Based on this finding, it can be strongly said that access roads in communities in Kumasi have not been seriously encroached upon. Generally, it was observed that first and second class communities had well demarcated and wider roads. The only exception was Apatrapa where road outlays were not clearly demarcated and narrow similar to that which pertains in third class communities.

5.3.6 Public Open Space

Public Open Spaces (POS) are lands allocated for public use and they are not supposed to be used by individual land developers. POS includes playground, nature reserve and wetlands. According to Bryant *et al.* (1982:157), POS are created for a number of reasons. In an interview, the Deputy Director of the TCPD in Kumasi said in the case of Kumasi, POS are earmarked to protect natural resources and also minimize the effects from natural hazards especially flooding. Also, POS are earmarked to add to the beauty of the community and serve as a resort centre for members of the community. However, the research found that POS are greatly abused in all the study communities (refer to Figure 5.5-5.10). In some cases, residents of the community silently protest against the absence of such a facility. Plates 5.5 and 5.6 show scenes from two of the three first class communities where, in the absence of playgrounds (been re-allocated), members of the community have turned undeveloped plots to community parks though the communities' plan layouts originally made provision for POS.

A respondent at Anyinam, a third class community, complained that the community needed a public toilet and a public school. According to this respondent, plots allocated for such purpose had been re-allocated to individual developers. She and her household appealed to the researcher to report the chief to the authorities about his haphazard allocation of public lands. She continued

“the previous chief left all public lands unallocated but the present chief had allocated all such lands. This chief can even sell finger nails”.

These concerns call for the city authorities to protect such public lands in the interest of the whole community.



Plate 5.5 *Undeveloped plot turned into a football park at Bomso*



Plate 5.6 *Undeveloped plot turned into a football park at Nhyiaeso*

In the light of the discussions in section 4.3.6, 5.1 and 5.3 that layout plans prepared for any community make provisions for social amenities, allocation of lands strictly performed by the TAs and the current limited social amenities in the study communities vindicates the research proposition that ‘the absence of basic social services and amenities in many suburbs of Kumasi is largely the result of TA’s involvement in land administration’ though the Development Control Unit also fails to correct the anomaly when they occur.

5.4 CONCLUSION

An attempt has been made to examine the layout plans and spatial development in the Kumasi metropolis with their shortcomings highlighted. Also this chapter has examined the effects the spatial structures in the metropolis have on the provision of social services in the study communities. The findings made indicate that the city authorities should have a serious look at how plans are prepared and also how physical development is monitored in order to ensure the sustainability of the land resource. It also calls for TAs to show greater respect to approved plans of their communities by avoiding the allocation of public or community lands.

CHAPTER SIX

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

6.0 INTRODUCTION

In this concluding chapter, the problem examined is restated and an attempt is made to harmonize the six principal objectives (see section 1.3) against the findings of the research. The chapter ends with a recommendation to the various land administrators as to how best land can be managed in Kumasi in the 21st Century.

Lands in Kumasi are classified into two kinds. These are the public ownership and stool ownership of lands (see Figure 3.2). Stool lands which are the greater of the two supply most of the lands for spatial development. The government through the TCPD determines the land use and the land owners who allocate lands for development are expected to make the allocation in conformity to the approved land use. A cursory comparison of the plans of the various suburbs of Kumasi and the development on the ground shows much deviation. This deviation manifests itself in the physical development of buildings in most wetlands in the metropolis, allocation of community and public lands like cemetery, lorry parks, markets, sanitary areas etc for private development and development of buildings along most major road courses.

There is also the problem of land litigation, mostly boundary disputes, among the various stools and also the payment of huge compensation culminating from the gross violation of approved plans of the metropolis. The violation of the approved plans has also deprived the communities in Kumasi of social services and amenities such as good

roads, sanitary sites, open spaces, playgrounds, clean drinking water, and clean environment among others. The government land institutions that are expected to play their respective roles to ensure adherence to the land use plans are unable to live up to this expectation.

These problems outlined above prompted the researcher to make critical analysis of the problem to find out why and how these problems occur and what can be done to prevent them from future occurrence and also minimize its effects on the socio-economic lives of residence in the areas where the problem already exists.

6.1 FINDINGS OF THE RESEARCH

The findings made in this thesis were guided by the six (6) principal objectives. The objectives and the findings made are presented below.

6.1.1 Nature of Land Administration in the Kumasi Metropolis

There is a dualism in the land administration system in Kumasi. There is the traditional structure of administration and the government structure with a weak link between the two structures (see Figure 4.1). The function of the traditional structure is to allocate lands for development and also facilitate the processing of land documents such as issuance of allocation notes and lease. The other aspects of land management (planning, monitoring, valuation, documentation etc), are performed by the government land institutions. The traditional structure was found to be very strong and powerful in the land management process of the metropolis and this is manifested in their ability to interfere with some of the functions performed by the government structure especially

the preparation of plan layouts of their communities. The traditional structure is powerful because of the unity in command in that structure. That is, the Asantehene being the head of that structure has direct command over all the sub-chiefs in the metropolis.

Unfortunately, the same cannot be said of the government structure. The aspects of the land management in the metropolis performed by the government are spread among seven (7) institutions with each institution established by a different legislation hence being autonomous from the others. The high degree of autonomy among the various government land institutions has resulted in a weak working relationship and coordination of their activities (see section 4.2). The Kumasi Statutory Planning Committee (KSPC) that is supposed to ensure a coordination of their efforts has also failed because of the politicization of its operations (Chairman being the Chief Executive of the KMA). Another factor is that because of the busy schedule of the chairman of the KSPC, meetings are often not called.

The findings made call for a critical review and amendment of the structure of land administration and management in the Kumasi metropolis. Any amendment of the structure must be geared toward a unification of all the agencies involved in the land administration process in the metropolis under the KMA.

6.1.2 Degree to which Physical Development Complies with or Deviates from the Approved Layout Plans of the Kumasi Metropolis

On the average, a little over a quarter (28.4%) of all buildings in six communities was found to be inconsistent with the approved land use plans (see section 5.2.4). Most demarcated plots were found to be used for purposes other than what they were planned for. Example, a demarcated educational plot may be used for religious purposes or better still a light industrial site may be turned into an educational plot. The only exception is that plots demarcated as residential or religious are used as such. The inconsistency of physical development with planned layout is made clear in the area of public or community lands. Such lands include sanitary sites, markets, cemetery, playground etc. In most cases, such lands are turned into residential and religious lands. It must be noted that most churches were found to be located on community or public lands. Also third class communities were found to have most portions of their layout plans violated.

6.1.3 Spatial Pattern of Unauthorized Structures

Most unauthorized structures identified in the study communities were found to have no specific spatial patterns. This is true particularly with wet lands development. However, some of such unauthorized structures exhibited either linear or L-shape spatial patterns (see Figure 5.8 polygon 6, 17 and Figure 5.10 polygon 22, 23).

6.1.4 Role or Involvement of Traditional Authorities (TAs) in creating such Compliance or Deviation

The various government land institutions plus the TAs are supposed to function effectively to ensure proper spatial development of the metropolis. Being custodians of the land, TAs execute the land allocation aspect of land management in the Kumasi metropolis. Data from the field revealed that, in the allocation of plots, TAs are not guided by the approved layout plan of their communities. Again, it was found that some TAs get involved in the surveying and planning aspects of land management, a function that is supposed to be carried out by the government land institutions.

The TAs were found to be deeply involved in creating deviation of spatial development from the approved layout plans of the metropolis. They do this by either haphazardly allocating plots to developers or interfering with the functions of the government institutions. It is, however, important to stress that ensuring conformity of physical development with approved layout plans is not within the domain of the TAs but the Development Control Unit of the KMA. TAs are therefore not wholly responsible for causing deviations of development from plans but the government institution of the DCU is also to be blamed for the haphazard physical development in the metropolis.

6.1.5 Effects of Uncontrolled Development on the Environment and the Socio Economic Lives of the People in the Metropolis

Information gathered during the research showed that the natural environment is greatly affected by the uncontrolled development in the metropolis. The destruction of the

natural environment is mainly in the area of pollution of water bodies as a result of the extensive development of wetlands (see Figures 5.5 to 5.10). Also refuse and waste water dumping in rivers and streams draining the metropolis is another source of pollution of the natural environment (see section 5.3.4). These practices destroy aquatic lives and also limit the flow of the rivers and streams thereby causing further threat to fresh water supply.

Again, the violation of the layout plans by land users and the inability of the city authorities to correct the wrong have created some economic, social and environmental cost. These costs are reflected in the absence of inadequate sanitary sites, absence of Public Open Spaces and drainage problems among others.

6.1.6 Problems facing the Land Institutions in their attempt to Implement or Enforce the Land Use Plan of Kumasi

Five main problems were identified and these are presented below:

1. High degree of centralization of the functions of the government land institutions (see section 4.1).
2. Individualism of the land sector agencies (see section 4.2).
3. Inadequate logistics and financial resources to facilitate the activities of the government land agencies (see sections 4.3.1.2, 4.3.2.4, 4.3.4.1 and 4.3.4.1).
4. Shortage of personnel to handle specialized aspects of the land administration process (see sections 4.3.1.1, 4.3.2.3 and 4.3.4.2).
5. Traditional Authorities involvement in the land administration process (see section 4.3.6).

6.2 CONCLUSION

The administration of lands in the Kumasi metropolis is complex and intertwined and its complex nature has resulted in a number of problems in the administration of lands in the metropolis. The main source of these problems however rests with the TAs on one hand and government land administrators on the other hand. However, the chunk of the problem is with the government land administrators. This is because the government institutions have been empowered by law to prevent and/ or right all the wrongs in the land market but due to the interplay of a number of factors as discussed in section 4.3, they are unable to function effectively. Such laxity in the operations of the land administrators has caused some buildings to be built on public lands in all classes of communities but the situation is more prevalent in second class communities. This is in contradiction to the proposition that the situation is most prevalent in third class communities (see section 5.2.4). Again, the study communities were found to lack social amenities such as sanitary sites, playground, markets and lorry parks among others and further investigations vindicated the hypothesis that ‘the absence of basic social amenities in many suburbs of Kumasi is largely the result of TAs involvement in land administration’ (see section 5.3).

The system of land tenure in the Kumasi metropolis does not allow for TAs to be sidelined in any structure of land administration. Residents in the metropolis demonstrated their support for the continual inclusion of TAs in the administration of lands because as many as 197 out of 298 respondents said that they would prefer TAs to be responsible for the allocation of lands rather than the government. However, the

same respondents wanted the government to be responsible for the other aspects of the land administration process. This calls for the co-existence of both TAs and government in the administration of lands in the metropolis. Based on the problems identified and the findings made, two research areas are further proposed:

1. Enhancing Land Administration in Ghana through decentralization.
2. Preserving Public Open Spaces in the Kumasi Metropolis.

6.3 RECOMMENDATIONS

Based on the problems identified (section 1.1) and the discussions (chapters 4 and 5) the following recommendations are made to minimize the occurrence of the problems in the land market and improve spatial development in the Kumasi metropolis in particular and Ghana in general.

1. The administration of lands in Ghana should be decentralized. The logistical, human resource, legal and other difficulties encountered by land institutions as discussed in chapter 4 can be attributed to the failure of the centralized administration system under which the land institutions operate. This proposal is an alternative to the LAP proposal to bring five of the government land institutions together through an Act of Parliament (see section 3.7). Whereas under the LAP proposal the district land administrators will report to Accra through the regional offices, under this proposal, the administration of lands is to be limited to each district and shall operate under the model presented in figure 6.1.

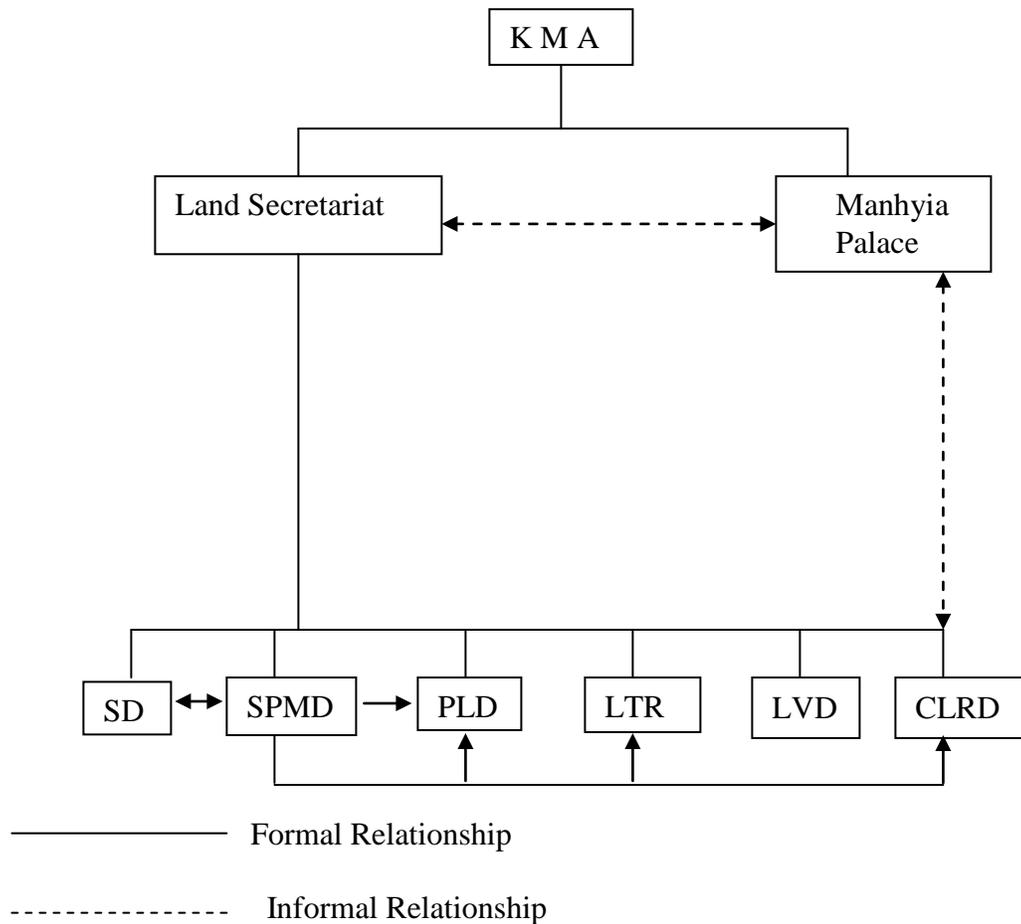


Figure 6.1 Recommended Structure of Land Administration In Kumasi

Source: Arthur's own design, February 2008

- SD Survey Department
- SPMD Spatial Planning and Monitoring Department
- PLD Public Lands Department
- LTR Land Title Registry
- LVB Land Valuation Department
- CLRD Customary Lands and Rent Department

The administration of lands should be headed by the Local Assembly (in the case of Kumasi it would be the Kumasi Metropolitan Assembly). As a secretariat of the District Assembly shall be a Lands Commission to be headed by the District Commissioner. The Commissioner shall be appointed after going through an application process. The Lands Commissioner shall report directly to the Metropolitan Chief Executive.

Six departments with departmental heads shall operate in the Secretariat and the heads shall report directly to the Lands Commissioner. The allodial title owner(s) shall be represented in the model (in the case of Kumasi it would be the Manhyia Palace). The land owner(s) would have informal relationship with the secretariat and the CLRD to ensure that traditions and concerns of the TAs relating to lands are not over looked in the land management process.

In the model for the administration of lands, the SD should prepare base maps and other inputs necessary for the SPMD. The SPMD shall prepare layout plans and ensure that such plans are approved and when necessary revised or re-zoned. However, to improve effectiveness in the monitoring of spatial development, the SPMD should also be responsible for monitoring development on the ground. This is to fill the gap in the current situation where a department does the planning and other department does the monitoring.

The PLD should manage public lands such as wetlands, playgrounds and government lands secured for projects in the metropolis. The LTR would be responsible for the

registration of interest in land whilst the LVD would continue with their current functions of valuing lands and determining compensation to be paid to stools among other functions. The CLRD would be responsible for managing stool lands with respect to its documentation, rent collection and disbursement. The disbursement should follow the formula stated in the constitution of Ghana.

It must be pointed out that the recommended model of land administration in Ghana is a modification of the conceptual framework that guided the research (see section 2.8).

It is important to stress that; the effectiveness and success of the model in the management of lands in Ghana shall depend upon the extent to which politicians and the traditional setup interfere with the model.

2. To ensure transparency, fairness and accountability in the allocation of stool lands, the District Assembly should establish in each community a five member land allocation committee comprising the caretaker chief or queen, the head of the royal family, the youth and two representatives of the Unit Committee. This committee shall be chaired by the caretaker chief or queen and their mandate would be to ensure that appropriate plots are allocated to land users and also the Unit Committee gets a share of the ‘drink money’ for development in the community.
3. Table 5.24 shows that the number of buildings on public lands in each study community is few compared to total number of buildings in the communities. The Kumasi Metropolitan Assembly should for the meantime, equip the DCU to stop any further development of such public lands and demolish existing buildings on wetlands to protect

the environment from decay and where appropriate compensations have to be paid to those who shall be affected by the demolition exercise.

4. The information received portrays the wish of the residents of the metropolis for both the government and TAs to co-exist in the administration of lands in the metropolis. Two-thirds of 296 respondents demonstrated this wish. That is, the TAs should continue to be responsible for the allocation of lands. Since, the TAs cannot be done away with in the management of lands, this institution needs to be strengthened in the area of education and resources including personnel to effectively perform the allocation process with much decorum and openness.
5. Future layout plans to be prepared by the Planning Department should show details such as the number of buildings that can be built on a plot, the dimensions of the buildings, routes of service lines and sewage channels as well as police stations for each layout plan prepared and should be subject to public scrutiny.
6. The Urban Geography section of the Department of Geography and Rural Development at the Kwame Nkrumah University of Science and Technology should reclassify suburbs of the metropolis. The existing one is seventeen years and outmoded with the passage of time. For example, in the light of current spatial development, it is recommended that Bomso has to be categorized as a first class category B instead of being in category C. Likewise, Apatrapa should be categorized as a third class community instead of a second class. In fact, there are no differences between third class communities and Apatrapa in terms of the distribution of physical development.

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SAMPLE QUESTIONNAIRE TO TRADITIONAL AUTHORITIES

The first 11 questions are to help me have an idea about the responsibilities and sources of revenue for the stool. Confidentiality is assured. Thanks for your time.

Please, provide/circle the appropriate answer(s)

1. What is the land size in your area of jurisdiction?

.....

2. Who owns the land in your area of jurisdiction?

- a. Families/clans
- b. The Stool
- c. Individuals

3. What are your responsibilities as the chief in your area of jurisdiction?

- a. d.
- b. e.
- c. f.

2. What are the sources of revenue for your stool?

- a. d.
- b. e.
- c. f.

3. Which of these sources is more reliable?

.....

4. Are the sources of revenue able to meet all your expenditures in the administration of your area of jurisdiction?

- a. Yes
- b. No

5. If no, how do you raise extra funds to meet all your expenditures?

.....
.....
.....

6. How often do you receive land rent from the Office of the Administrator of Stool Lands?

- a. Yearly
- b. Bi-annually
- c. As and when the office is ready to give your share of the revenue

7. Is the revenue from land rent enough to meet all the expenditure in the administration of your area of jurisdiction?

- a. Yes
- b. No

8. Do you accept the modality for the disbursement of land rent by the Office of the Administrator of Stool Lands?

- a. Yes
- b. No

9. Do you have any alternative formula for the disbursement of the funds?

- a. Yes
- b. No

10. If yes, kindly state them

.....
.....
.....

11. Would the stool prefer to collect the land rent itself?

- a. Yes
- b. No

The next 15 questions are to inform me about guidelines for the allocation of lands/plot in your area of jurisdiction

Please, provide/circle the appropriate answer(s)

12. Do you have a copy of the sector plan of your area of jurisdiction?

- a. Yes (please, skip questions 13 &14)
- b. No

13. If no, what plan guides the allocation of lands in your areas of jurisdiction?

- a. Self produced plan
- b. No plan

14. Who prepared that plan?

- a. A surveyor
- b. A personnel from the Town and Country Planning
- c. Was in existence when I became a chief

15. Was your opinion, comments or concerns taken into consideration in the preparation of the sector plan for your area of jurisdiction?

- a. Yes
- b. No
- c. Was in existence before becoming chief

16. Do you accept the existing sector plan for your area of jurisdiction?

- a. Yes
- b. No

17. If no, have you made any efforts to send your grievances on the sector plan to the department of Town and Country Planning for possible rezoning of some areas?

- a. Yes
- b. No

18. If yes, what was their reaction?

.....
.....
.....

19. What is the importance of a sector plan?

.....
.....
.....

20. How often do you refer to the sector plan of your area in the sale of lands?

- a. Very often
- b. Occasionally
- c. Ignore it

21. Should the stool be responsible for the planning, allocation and determination of the land use in your area of jurisdiction?

- a. Yes
- b. No

22. How many vacant plots of land do you have in your area of jurisdiction?

- a. More than 20 plots
- b. Below 20 plots
- c. None left
- d. Unknown

23. What is the average size of each plot of land in your area of jurisdiction?

.....

24. What is the customary fee (drink money) for a plot of land in your area of jurisdiction?

.....

25. Do some potential land users influence you to allocate to them lands that they desire to purchase?

- a. Yes
- b. No

26. Who does the allocation of land in your area of jurisdiction?

- a. The chief/queen mother
- b. The chief/queenmother plus Head of family (Abusuapanin)
- c. The Abusuapanin alone
- d. Allocation committee
- e. None of the above, please specify.....

27. What is the procedure for the allocation of plots in your area of jurisdiction?

- | | |
|---------|---------|
| a. | d. |
| b. | e. |
| c. | f. |

28. How is the revenue raised from the sale of land disbursed and used?

.....
.....
.....

**Answers to the next 11 questions would help me know the relationship between
your stool and government land agencies**

Please, provide/circle the appropriate answer

29. Is there any relationship or interaction between your stool and the Department of
Town and Country Planning?

a. Yes

b. No

30. What is the nature of the relationship or interaction?

.....
.....
.....

31. How do you grade (1-10) your relationship with the Department of Town and
Country Planning? (1 is the lowest and 10 the highest)

.....

32. Do you have any relationship or interaction with the Lands Commission?

a. Yes

b. No

33. What is the nature of the relationship or interaction?

.....
.....
.....

34. How do you grade (1-10) your relationship with the Lands Commission? (1 is the
lowest and 10 the highest)

.....

35. Do you have any relationship or interaction with the Office of the Administrator of Stool Lands?

- a. Yes
- b. No

36. What is the nature of the relationship or interaction?

.....
.....
.....

37. How do you grade (1-10) your relationship with the Lands Commission? (1 is the lowest and 10 the highest)

.....

38. Do you have any relationship or interaction with the Kumasi Metropolitan Assembly (KMA)?

- a. Yes
- b. No

39. What is the nature of the relationship or interaction?

.....
.....
.....

Please, questions 40-46 is to help me get an insight into the arrangement of structures in your area of jurisdiction

40. How do you see the arrangement of structures in conformity with the sector plan (if any)?

- a. Excellent
- b. Fairly good

c. Poor

41. Are there structure(s) in your area of jurisdiction that do not conform to the sector plan?

- a. Yes
- b. No
- c. Unaware

42. If yes, how did it happen?

.....
.....
.....

43. Should such unauthorized structures be pulled down?

- a. Yes
- b. No

44. Give reasons for your answer to Question 43

.....
.....
.....

45. Has any structure in your area been demolished for its wrong location?

- a. Yes
- b. No
- c. Unaware

46. If yes, what was the reaction of the community?

.....
.....
.....

I also want to know the state of social amenities in your area of jurisdiction

Please, circle or provide appropriate answer

47. What are the social amenities/services lacking in your area of jurisdiction?

- a. Pipe borne water
- b. Electricity
- c. Sanitary area
- d. Sewage channel
- e. Health Centre
- f. Durbar grounds
- g. Market
- h. Access roads
- i. Cemetery
- j. Police Station
- k. Schools
- l. Playground

48. Do you see any link between the absence of these amenities and the nature of spatial development in your area?

- a. Yes
- b. No

49. What efforts have you made to solve the absence of these social amenities?

.....
.....
.....

50. How do you grade (1-10) the current spatial development of Kumasi? (one being lowest and 10 being highest)

.....

Finally, I would like to know a little about you

51. Stool name

.....

52. Name of your area of jurisdiction

.....

...

53. How long have you been the chief of your area of jurisdiction?

- a. Less than 5 years
- b. Between 6-10 years
- c. Between 11-15 years
- d. Between 16-20 years
- e. Above 20 years

54. Would you like to be given a copy of this research finding?

- a. Yes
- b. No

I sincerely appreciate your time spent to provide me with this useful information.

SAMPLE QUESTIONNAIRE TO THE LAND INSTITUTIONS IN KUMASI

Section A

This section is intended to help me know the relationship of your department with other Land Departments/agencies

Please, answer or circle the appropriate answer(s)

1. Is there a relationship between the this department and agencies?
 - a. Yes
 - b. No (please, skip to question 34)

2. Which of these departments/agencies does your department relate with in the performance of its duties?
 - a. The Survey Department
 - b. The Kumasi Metropolitan Assembly
 - c. The Environmental Protection Agency
 - d. The Lands Commission
 - e. The Traditional Authorities
 - f. The Lands Valuation Board
 - g. The Lands Title Registry
 - h. The Town and Country Planning Department
 - i. Any other.....

3. How does the relate with the:
 - a. Survey Department?
.....
.....
.....

b. The Kumasi Metropolitan Assembly

.....
.....
.....

c. Environmental Protection Agency

.....
.....
.....

d. Lands Commission

.....
.....
.....

e. Traditional Authorities

.....
.....
.....

f. Lands Valuation Board

.....
.....
.....

g. Land Title Registry

.....
.....
.....

4. How frequent does the department coordinate with the other land agencies
 - a. Monthly
 - b. Quarterly
 - c. Half yearly
 - d. Annually
 - e. As and when the need arises

5. Does the nature and frequency of interaction with the other land institutions enhance effective operation of the department?
 - a. Yes
 - b. No

6. Do you recommend that all the land agencies and departments come under one ministry?
 - a. Yes
 - b. No

7. Would you recommend that the land agencies and departments come under the Lands Commission?
 - a. Yes
 - b. No

8. Give reasons for your answers in Q. 34 & 35

.....

.....

.....

9. How do you grade (1-10) the current spatial development of Kumasi? (one being lowest and 10 being highest)

.....

Section B

This section is to give me an idea about the Nature and Operations of the Land Institution

Here, questions relating to the operations of each land institution were asked.

Finally, I would like to know a little about you

10. Office held at the institution

.....

11. How long have you held this position?

.....

12. Would the department like to be given a copy of the research report?

- a. Yes
- b. No
- c. Not necessarily

I sincerely appreciate your time spent to provide me with this useful information.

SAMPLE QUESTIONNAIRE TO INDIVIDUAL LAND
LORDS/LADIES

The first 22 questions are to help educate me about the procedure for the acquisition of your plot of Land. Confidentiality is assured.

Please, provide/circle the appropriate answer(s)

1. Location of structure (suburb)
.....

2. How did you hear about the sale of the land?
 - a. Personal enquiry
 - b. Information from friends/relations
 - c. Advertisement
 - d. Any other, please
specify.....

3. From whom did you acquire your plot of land?
 - a. The Stool
 - b. A family
 - c. An individual
 - d. The government

4. What type of tenure are you under?
 - a. Freehold
 - b. Leasehold
 - c. Allodial

- 5. What was the cost of the land?
 - a. Less than one million cedis
 - b. Between one to 5 million cedis
 - c. Between five to 10 million cedis
 - d. Above 10 million cedis

6. Why did you choose this suburb and location?
.....
.....
.....

- 7. What is the nature of your structure?
 - a. Residential
 - b. Religious
 - c. Educational
 - d. Business

8. How long have you occupied this structure?
.....

- 9. Do you have documents on the purchase of your land and development of your structure?
 - a. Yes
 - b. No

- 10. Which of the following documents do you have in your possession concerning your land and the structure on it
 - a. Building permit
 - b. Site allocation
 - c. Sector plan
 - d. Lease
 - e. Title to land

11. From whom did you obtain the building permit?

- a. The Kumasi Metropolitan Assembly
- b. An Agent

12. Did you face any problem in obtaining a permit for your structure?

- a. Yes
- b. No

13. If yes, state some of the problems

- a.
- b.
- c.
- d.
- e.
- f.

14. Do you have a lease for your structure?

- a. Yes (please, skip question 12-16)
- b. No
- c. Uncertain

15. Are you in the process of preparing a lease for your land?

- a. Yes
- b. No

16. If yes, how long (years) has it taken you in preparing the lease?

.....

17. What are the specific problems you have faced in processing your lease?

- a.
- b.
- c.
- d.
- e.
- f.

18. How much cost have you incurred so far in processing lease for your land?
.....

19. Is the land on which your structure is situated been used for the purpose for which it was earmarked?

- a. Yes
- b. No
- c. Uncertain

20. Has there been any dispute on the land since its acquisition?

- a. Yes
- b. No

21. Have you ever been asked to demolish your structure?

- a. Yes
- b. No

22. How were you able to complete the structure in spite of the demolition notice?

- a. Justified the rightful location of my structure
- b. Ignored the notice
- c. Paid money to right institution in order to be able to complete the structure
- d. Any other, specify

.....
.....

Questions 23-42 is to help me know residents access to social amenities/ facilities in your suburb

Please, provide/circle the appropriate answer

23. Do you have pipe borne water in your home?

- a. Yes (please skip questions 28 & 29)
- b. No (please, skip to questions 24-27)

24. Did you face any problem in laying the pipelines to your home?

- a. Yes
- b. No

25. If yes, list some of the problems faced

- | | |
|---------|---------|
| a. | d. |
| b. | e. |
| c. | f. |

26. Do you have frequent interruption in the water flow?

- a. Yes
- b. No

27. What do you think is the reason for the frequent interruption?

- a. Poor service by the water company
- b. Pressure on the service pipeline due to over population

28. Why don't you have pipe borne water at home?

.....
.....
.....

29. What is your source of drinking water?

- a. Ground water (borehole or well)
- b. Community water stand pipe
- c. Buy water (sachet/mineral water, or commercial water dealers)

30. How do you dispose of wastewater in your home?

- a. Into a nearby stream/marshy area
- b. Through other people homes
- c. Into a septic tank
- d. None of the above, please specify

.....

31. Do you have any problem in disposing of the wastewater?

- a. Yes
- b. No

32. If yes, please state the problems

.....
.....
.....

33. Do you have easy access by road to your house?

- a. Yes
- b. No

34. If no, what is/are the obstacle(s)

.....
.....
.....

35. Does your community have sanitary sites for the collection of refuse?

- a. Yes (please, skip to question 38)
- b. No

36. What is the reason for the absence of a refuse collection sites for your community?

.....
.....
.....

37. Where do you dispose off your refuse?

- a. Into the community stream/river
- b. Into nearby bushes
- c. Given to refuse companies
- d. Self disposal (eg. Burning of refuse, compost making, dug hole into which its deposited etc)
- e. None of the above, please specify.....

38. Does the place or method of refuse disposal create any problem for you or your community?

- a. Yes
- b. No

39. List some of the problems

- | | |
|---------|---------|
| a. | d. |
| b. | e. |
| c. | f. |

40. Is there a Police station in your community?

- a. Yes
- b. No (Please, skip to 42)

41. If yes, are they in a rented building?

- a. Yes
- b. No

42. What might be the reason for the absence of the service in your community?

- a. A land was not allocated for that purpose
- b. The allocated land for such a service has been sold to private developer
- c. Uncertain

43. List the general problems in your community?

- a.
- b.
- c.
- d.
- e.
- F.

44. If you are to acquire another land, from whom of the following would you acquire it from

- a. The government
- b. The stool
- c. The family
- d. Individual

45. In your opinion, who should control and administer the lands in the Kumasi Metropolis

- a. The Stool
- b. The government

46. How do you grade (1-10) the current spatial development of Kumasi? (one being lowest and 10 being highest)

.....

Finally, I would like to know a little about you so that I can know the experiences of the numerous respondents to this questionnaire.

47. Name

.....

48. Sex

a. Male

b. Female

49. Occupation

.....

I sincerely appreciate your time spent to provide me with this useful information.