

**ASSESSING THE INFLUENCE OF LAND ADMINISTRATION SYSTEMS
ON PHYSICAL DEVELOPMENT IN THE SEKONDI-TAKORADI
METROPOLIS**

KNUST



BY

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MAY, 2015

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METROPOLIS**

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**A THESIS SUBMITTED TO THE SCHOOL OF GRADUATE STUDIES,
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May, 2015

DECLARATION

I hereby declare that this thesis is my own handwork in partial fulfilment of the requirements for the award of degree of Master of Philosophy in Planning and that no part of it has been presented for another degree in this university or elsewhere. To the best of my knowledge, it contains no material previously published by another person or material which has been accepted for the award of any other degree of the University, except where due acknowledgement has been made in the text.

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(HEAD OF DEPARTMENT) SIGNATURE DATE

DEDICATION

This research work is entirely dedicated to my mother, Mrs. Lydia Atta-Boateng. She has always believed in me.

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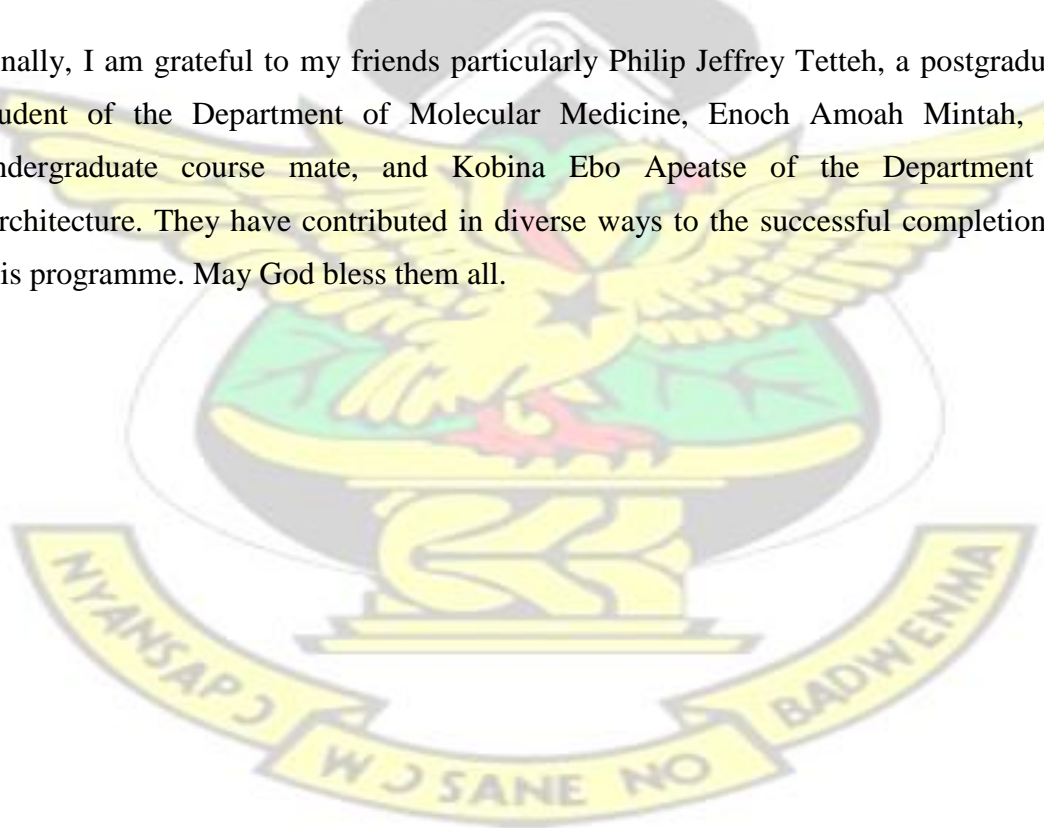


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ABSTRACT

The capacity to plan, develop and coordinate the spatial distribution of human activities in rapidly growing settlements is critical for national socio-economic progress. Using Sekondi-Takoradi Metropolis as a study area, this research compares and contrasts the two land administrative systems, namely, State Lands and Stool Lands and assesses their relative influences on physical development. Following preliminary investigations and the updating of sector layouts for the five selected areas, primary data was collected on a sample of 250 homeowners selected through systematic sampling technique while institutions were purposively selected for indepth interviews. The research found that the Land Allocation committees were ineffective and as result, the land purchasers dealt with chiefs rather than the committee. The analyses also showed that planning schemes were not comprehensive enough to meet increasing demands for recreational and commercial activities. The Traditional Authorities were not informed about updates to sector layouts and as a result allocated lands were based on old planning schemes. These updates were largely carried out to retrofit uncontrolled physical development into the planning schemes. The land documentation process was found to be time consuming and burdensome. As a result, physical development occurred contrary to planning schemes as developers ignored the process. This uncoordinated development was also attributable to the weak resource base in terms of logistics, funds and staff capacity in the official land sector institutions.

The study recommends that state institution should offer training to the chiefs as well as the Land Allocation Committee. Experts on land issues should constitute the committee in order to discharge their duties effectively. The committee members are also to ensure that the necessary official documents are obtained by the developers to before development is carried out. In order to minimize unauthorised development of the study recommends that lands on the frontages of major roads should be designated for residential/commercial uses. Thus purely residential uses should not permitted along major roads. Institutions like the Building Inspectorate Division and the Survey Unit should be privatised and run as a commercial entity in order to generate money for the smooth running of the office. The Land Use Planning Bill which is currently before Parliament should be hastened to make Physical Planning Department an autonomous organisation with powers to enforce development control.

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LIST OF ACRONYMS

BOST	-	Bulk Oil Storage Transportation
CDB	-	Central Business District
COR	-	Certificate of Rights
CSLAB	-	China State Land Administration Bureau
DCU	-	Development Control Unit
DPA	-	District Planning Authorities
EPA	-	Environmental Protection Agency
FPSG	-	Fixed Period State Grant
GPRS	-	Ghana Poverty Reduction Strategy
LAP	-	Land Administration Project
LC	-	Lands Commission
LRD	-	Land Registration Division
LTR	-	Land Title Registry

LVD	-	Land Valuation Division
LUPMP	-	Land Use Planning and Management Project
NDPC	-	National Development Planning Commission
OASL	-	Office of the Administrator of Stool Lands
PVL	-	Public and Vested Land
RCC	-	Regional Coordinating Council
STM	-	Sekondi-Takoradi Metropolis
SHHA	-	Self Help Housing Agency
SDF	-	Spatial Development Framework
SHC	-	State Housing Cooperation
SPC	-	Statutory Planning Committee
SMD	-	Survey and Mapping Division
PPD	-	Physical Planning Department



CHAPTER ONE

BACKGROUND ANALYSES OF URBAN LAND USE AND ADMINISTRATION

1.1 Background of the Research

As a critical natural resource, land supports all forms of human activities. It is the source of investments in agriculture, infrastructure, housing, industry and trade which provides various forms of livelihoods and generates wealth. Land is an economic resource and social asset which has spatial and environmental implications. As a result effective and efficient land administration is needed to sustain it for present and future generation (UNECA, 2004). The use or function to which land is put is seen as land use. Urban land use is used in several ways and has attracted various definitions in contemporary planning literature. The underlying definition that cut across views land use as the spatial distribution of the functions (such as residential areas, commercial centres, and the spaces set aside for institutional and leisure-time activities) a city plays.

Land use planning is a process which involves designating space for various land uses with reverence to planning principle including comfort, aesthetic, compatibility of uses and accessibility. The objective is to ensure planned and coordinated development. Land allocation influences the land use planning in that when the owners of land do not alienate land with reference to planning schemes, planned development will not be achieved.

Urban land use planning promotes harmonious spatial distribution of human activities. It describes the manner in which humans utilize land to provide shelter, office space, recreational area, extraction of minerals, and agricultural purposes (Briassoulis, 1999). Miller (1996:265) has argued that land use decides “the best present and future use of each parcel of land in an area”. It does this by addressing present interests, aspirations, power relations and livelihood concerns while making provisions for the sustenance of future generations. Another component of land use planning is the flexibility factor. Flexibility is seen as the ability to tolerate unexpected changes in circumstances, and produce new or amended plans quickly when necessary. Prepared layouts and effective legislative instruments are necessary for development control. The absence of these however leads to haphazard development which has environmental and socio-economic consequences (UNECA, 2004). The conception of new subdivisions of land and new

trends of land use has significant impact on the land market. The urban land economists on the other hand hold the view that, free exchange within a system of private property rights leads to efficient resource allocation. The derivation of the bid-rent curve concept which indicates that land markets allocate heterogeneous parcels of land to their highest and best uses in light of household consumption choices was an early achievement in land economics. The alienation and development of land has therefore been established on different approaches. To ensure sustainability and coordinated land use developments, the administration of land should be a priority to all governments.

Land administration covers the recording and dissemination of information about the ownership, value and use of land (UNECA, 2004). Dale and McLaughlin (1999) view land administration as a combination of routine processes. These processes begins from regulating land development and conservation of land; revenue mobilization from land transactions and resolution of land conflicts. Steudler et al (2004) sum up these components as land ownership, land development control and land use planning and fiscal (land taxation) and information management. Land use is influenced by land development, socially rooted determinants of land use; and public interest as a determinant of land use. The kind of development that is highly demanded, as well as the traditional setting (customs and beliefs) influences the kind of land use designed for the area. The interest of the public is also highly recognised and that can alter the use to which land is put.

The control and management of land has been problematic in urban centers in developing countries particularly in sub-Sahara Africa (Getis *et al.* 2006; Kombe and Kreibich, 1997). The existing systems of land tenure which shape the urban land market have far-reaching implications for urban planning. As Gareth (1991), Olima (1993), Kivell (1993) have suggested, whoever controls landholdings controls the land market and determines the nature of urban planning.

Lands in Africa are predominantly owned and managed by traditional authorities, chiefs, clan heads and families (Arko-Adjei, 2005; LAP, 2007; Kasanga *et al.* 1996; Ubink 2008). The land ownership systems in Ghana are state lands, vested lands and customary lands. The customary sector holds about 80 percent of all land whereas the state and vested lands consist of about 20 percent with varying tenure and management systems (Arko-Adjei, 2005). These different systems complicate the physical development

processes and outcomes. Customarily land is viewed as a resource that belongs to, and connects the living, the dead and the unborn (Dadson, 2006). It is seen as a property that has to be preserved and efficiently used so that it can be passed on from one generation to the other. However, in the contemporary era, economic considerations have generally displaced these cultural perspectives. While traditional authorities manage the lands, the actual utilisation of the land is determined by official land management institutions.

Customary authorities are responsible for the allocation, administration and management of a large percentage of the area of the country. Traditional authorities maintain a strong position with regard to land. They play a prominent role in land delivery, land development and its management. Under the traditional system chiefs, sub-chiefs and other agents of the traditional authorities are responsible for the allocation and management of the stool/skin lands. Chiefs and family heads that hold the land in trust for the people possess strong traditional, political and economic authority but do not match up to the skills needed for land allocation and its management. Wehrmann (2008) states that, competition between developers“ results in the double sale of land by land owners and change of use without conformity to plans.

These systems influence the urban land market and therefore shape the spatial distribution of land development and urban economic activities in a largely unplanned manner with implications for development. The Local Government Act, 1993 (Act 462) vests the responsibility to control land development in human settlements in the

„hands“ to the Metropolitan, Municipal and District Assemblies (MMDA“s). This role is performed by the Physical Planning Department (PPD) and Works Departments. There is therefore an apparent tension created between the traditional authorities and the official land managers. In Ghana, land administration is beleaguered by a countless problems including general „indiscipline“ in the land market, which have led to encroachments on public spaces and multiple land sales (Arko-Adjei, 2005; LAP, 2007; Ubink, 2008). These problems have contributed to conflicts and litigations between land developers and among traditional authorities. Some strategies put in place by Government, such as capacity building and training in Geographic Information System (GIS) of land sector staff, participatory planning (bottom-up approach to planning), and the Land Administration Project (LAP) have led to an improvement in the land sector. However, these solutions have mainly focused on enhancing the capacity of land related institutions. There is still a growing outcry for better land delivery and management

systems to ensure coordinated spatial development. This research therefore explores the weaknesses and tensions associated with the official and traditional land administrative systems in the Sekondi-Takoradi Metropolis.

1.2 Problem Statement

In spite of efforts by the state agencies to plan and manage urban lands, there is a recurrent problem of coordination and harmonisation between customary land holders and planning institutions in Ghana. Some customary landholders allocate lands for purposes which are different from the uses for those outlined in sector layouts. There is, therefore, no guarantee that the content of a planning scheme can be realised in practice. To the customary land holder, an approved plan is only a proposal by the district and not definitive (Larbi 1996; Kasanga *et al.* 1996; Ubink 2008). Even though in theory, lands are to be allocated with reference to the approved layout prepared by PPD, in practice the allocation of most land is done without reference to planning schemes. As a result development does not occur in line with the planning schemes. For example, 45 percent of the structures in cities do not meet planning standards (UN-Habitat, 2009), and only 44 percent of dwelling units in Ghana are fit to be called „houses“ (Ghana Statistical Service, 2000). Situations of multiple sale of land have led to several land-related cases in the law courts. In 2001, the Ghanaian courts had to deal with 60,000 land related cases (Kasanga, 2003).

Sekondi–Takoradi is one of Ghana’s fastest growing cities in terms of population and spatial expansion. The discovery of oil and gas offshore to the west of Cape Three Points in 2007 and its commercial production in 2010 have fuelled this growth. There is a high demand for residential and commercial land. As a result, the management of land has become crucial in the Sekondi-Takoradi Metropolis (STM).

A study by King (2010) prior to commercial production of oil indicated that, land speculation has been the order of the day. There has been the sale of large tracts of lands to oil related companies such as Cirrus Energy and Bulk Oil Storage Transportation (BOST). The commercial production of oil and the on-shore activities of the companies have led to modification of existing schemes to accommodate the current land use demands. The demand is created by an influx of people from different professions particularly the expatriate petroleum industry personnel (King, 2010). In addition, some Ghanaian oil workers with experience in the Niger Delta, Angola and even the US are

moving back to the twin city as well (King, 2010). Ghanaian skilled and unskilled workers from rural and urban areas are moving into the metropolis hoping to find better jobs (King, 2010). Apart from the oil companies, there are also ancillary businesses such as banks, insurance company and supermarkets within the Central Business District (CBD) of STM which are springing up along major road corridors. Preliminary field studies have indicated that there are elements of uncoordinated land development, insecurity with land ownership within the Assembly.

Owing to the economic value of land, the traditional authorities are not only the custodian of land but have also taken on the role of allocating lands disregarding approve schemes. According to the LAP (2007), the traditional authorities lacks the skill to enable them efficiently administer and manage their lands. This had led to the situation where sector layouts are grossly violated by developers, hence affecting the beauty of the city in terms of the pattern of distribution of land use.

The hypothesis of this research was that, the weaknesses and tensions associated with the traditional land management institutions have contributed to the informal land transactions and uncoordinated physical development with negative implications. As a result, the official development control mechanisms are applied with a limited degree of success in the STM. These issues have prompted the investigation into the land administration systems in the metropolis.

1.3 Research Objectives

This research aims at identifying uncoordinated physical development that have occurred in the metropolis in order to strengthen the key institutions and promote coordinated urban land use for environmental sustainability. The study examined the following specific objectives:

1. To examine the processes involved in land acquisition in STM;
2. To assess the roles and challenges of traditional and official land institutions in STM;
3. To identify emerging effects of land administration outcomes on physical development in STM; and
4. To recommend strategies to promote harmonious land use development in STM

1.4 Research Questions

In pursuance of the research objectives, the following questions were formulated

1. What are the processes involved in land acquisition in STM?
2. What are the roles and challenges of land sector institutions in STM?
3. What are the effects of land administration systems on physical development?
4. What strategies could promote coordinated and orderly physical development?

1.5 Scope of the Research

The research focused on Sekondi-Takoradi Metropolis (also known as the Twin City and the “Oil City”) which is located in Western Region of Ghana. Sekondi-Takoradi is one of the six (6) metropolitan areas in Ghana. It consists of 44 communities (see Figure 1.1). These communities fall under different land ownership patterns. In terms of context, this research analyzes how the components of land administration systems (specifically land ownership process, land acquisition and development procedures) influence physical development outcomes (in terms of residential and commercial development) in the metropolis. Figure 1.1 shows the classification of the various communities in STM. These categorization was made by LC using factors like available infrastructure and housing conditions.

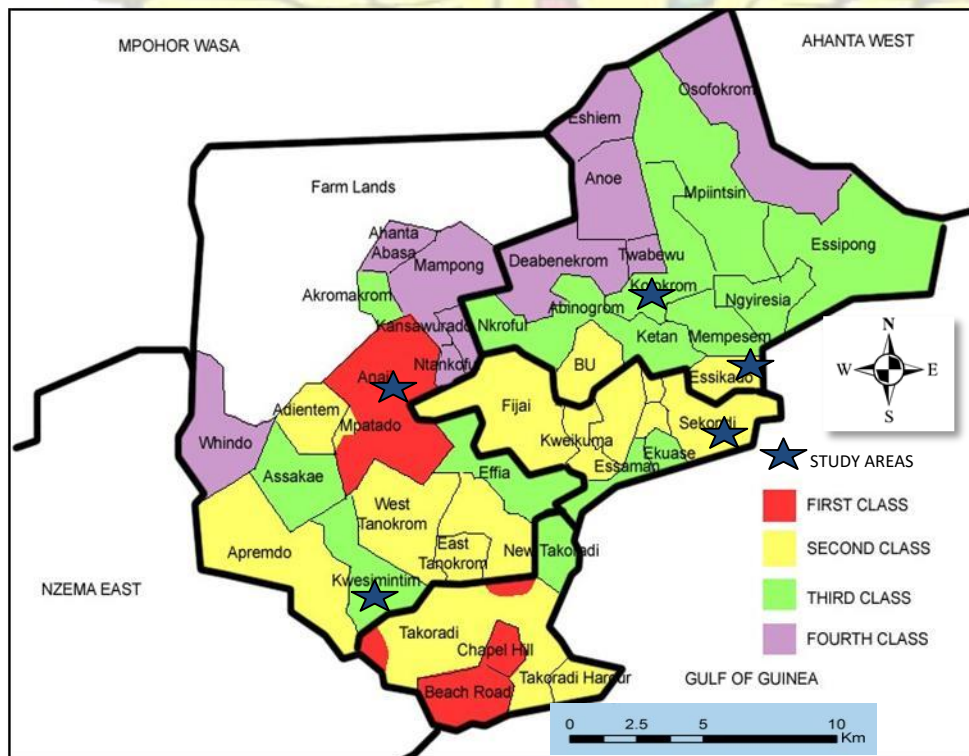


Figure 1.1: STM Showing the various communities and study areas

Source: STM, 2010-2013

1.6 Justification for the Research

The development of our nation lies on how land is used and how spatial development is carried out. Several research work has been carried out on land use, land ownership, land acquisition and land management in Ghana (Dadson, 2006; Kasanga and Kotey, 2001; Ubink, 2004 & 2008; Wehrmann, 2002 & 2008). There is paucity of research on the link between land alienation and physical development in Ghana. Like Accra and Kumasi, the STM is experiencing due high demand for land which has led to land conflict. However, the case of the STM is different because the forces driving the growth are largely from the newly found oil industry. Research carried out on STM focused on the social and economic dimensions of land administration at the expense of the spatial implication. For instance King (2010) focused on alternative livelihoods of oil and gas communities in Ghana but ignored the spatial dimension of development. Despite the accelerated growth rates, there is a dearth of research on land administration in STM which potentially means that the haphazard spatial planning that has occurred in Kumasi and Accra could be repeated here.

This research compliments the efforts of Land Administration Project (LAP) by providing additional information on the land acquisition processes in the different ownership patterns as well as unearthing the factors have influenced the physical development of the metropolis. This study therefore contributes a new understanding of land allocation and land use development which should be relevant to public institutions real estate development agencies) and individual homebuilders. Cities that are experiencing such challenges would learn from the experiences of STM and proactive measures to minimize the conflicts in land use planning.

1.7 Organisation of the Report

This report contains the outcome of a research conducted and has been divided into five sections. The first chapter provides the background information on land use planning and urban land use market in general and STM in particular. It outlines the issues in the STM and outlines the aim and objectives of the research. In chapter two, the existing literature and theories underpinning the study is reviewed to provide indepth understanding for the research. A detailed account of the methodology used in carrying out the research has been outlined in Chapter 3 for easy replication elsewhere. Chapter four outlines the basic information on STM as a prelude for the data collection and analyses. The primary data collected was analysed in chapters four and five. Chapter six

presents summary of the key findings, recommendations and conclusions of the research.

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The logo of Kenya National University of Science and Technology (KNUST) is centered in the background. It features a yellow eagle with spread wings, a red and orange flame above its head, and a white pickaxe and shovel crossed behind it. The entire emblem is set against a circular background with a yellow border.

CHAPTER TWO

A THEORETICAL EXPOSITION ON LAND ADMINISTRATION SYSTEMS AND SPATIAL DEVELOPMENT

2.1 Introduction

Land is a natural resource on which all activities occur; devoid of it life on earth cannot be sustained. Land defies a single definition and as such, it is based on different perspectives and orientation. Land fulfils many physical, ecological and legal functions in an integrated manner. From a physical perspective, it facilitates movement and spatial interaction for production and productivity. It is the source of human needs in terms of food and clothing and shelter. From an environmental point of view, it plays an essential role in the breeding and existence of living species. On the side of the economists, land may be seen as the underpinning component on which wealth is built. In legal terms, it is a conceptual set of property rights, while from a social and cultural standpoint; it is the source of peoples' spiritual sustenance. In the mindset of most people, land simply means life. The utilization of land may have positive or negative effect on human being and welfare. This shows that trustees of land (chief, individual, family head or state)

and policy makers regulate these competing activities to promote harmonious spatial distribution of land and thereby promoting human welfare.

This chapter provides analyses of the forces shaping land allocation and land use in the Sekondi-Takoradi Metropolis (STM). It reviews the theoretical understanding of the land market and urban spatial structure theories and ends with reviews on land administration on selected international and local cases. The chapter concludes with a conceptual framework which illustrates the interactions among variables of the study.

2.2 The links between land and development

All the various perceptions of land suggest that land is elemental. It is where life begins and ends (Gray and Kevane 2001). It also forms the basic consideration for human and spatial planning. The concept of land in most countries can be categorised into three dimensions, namely; socio-religious, economic and political (Dadson, 2006). Although these aspects are interconnected, they sometimes appear to be conflicting during land policy formulation. For instance, indigenes may wish to conserve a land because of certain customs and values while the government may want to put it to a use that will result to optimum benefit in a sustainable way. Land in the social context is seen as a function that involves social relationship that are interlaced with subject matters such as kingship, the family system and the entire field of human relationships. Land is often referred to as “real property” which is fixed and immovable, as distinct from personal property (goods and chattels) which is not fixed and can be moved.

To the classical economist, land is defined as “being all the free gifts of nature (soil, water bodies, the forest and minerals) which yield an income” (Balchin and Kieve, 1995:3). This suggests that if the physical land is unable to yield income, it cannot be regarded as land. The focus of the economist’s view of land is linked to its ability to yield income.

Land constitute one-third of the earth’s total surface. However, parts of it are mountainous and desert and as such do not support human habitation (Bradshaw et al. 2004:25). The world’s population has been increasing and the world is gradually becoming urbanised. Development takes several dimensions. 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 and Cunningham, 2002:313).

Spatial development includes all development that take place in space which may include buildings, utility lines and cables, transportation networks, farmlands, nature reserves. Spatial development occurs in the environment (space). In modern times, land is acquired and used for a number of developmental purposes, which include agriculture, housing and recreation. If the use to which land is put is unplanned, uncoordinated and poorly managed, the human life is affected because spatial development will be impaired. This calls for the effective planning and management of land. Effective spatial planning is needed to ensure judicious use of land in the face of increasing human population.

Land use planning has been explained as a means “to decide on the best present and future use of each parcel of land in an area” (Miller, 1996:265). Land use planning encompasses the efficient distribution of activities (environmental, economic, social and cultural land use) in space in order to achieve sustainable development. Physical development must be guided by plans. Whenever physical development violates the plan of an area, then development occurs in an uncoordinated and haphazard manner. There is therefore the need to ensure that spatial development of structures conforms to the plan layout of towns. It is only when this is realized that the environment becomes conducive for present use and generations yet to come. For development to occur, there are systems that controls land delivery and the use to which land is put. Land use controls including (zoning, building regulations, permitting) are utilized to mediate the land market to ensure that spatial distribution of activities and population conforms to the overall spatial development frameworks. Despite its rigidity, zoning regulations allows for compatible land uses to be developed while prohibiting nonconforming land uses. Building regulations ensure conformity in terms of land use patterns. From the ongoing, land use development occurs as a result of interacting forces including the demand and supply of land, ownership patterns, population and the strength of administrative forces that implement development control mechanism.

2.3 The Spatial Structure of Urban Areas

Various models that seek to conceptualise how humans utilize urban space have emerged over the years. These models mostly focus on how transportation networks facilitate spatial interactions and therefore influences land values in urban areas. However, other variables such as topographical conditions, cultural and historical values, land holding patterns, government interventions and planning regulations may

interact to distort this gradual decrease in land values from the city center to the urban fringe.

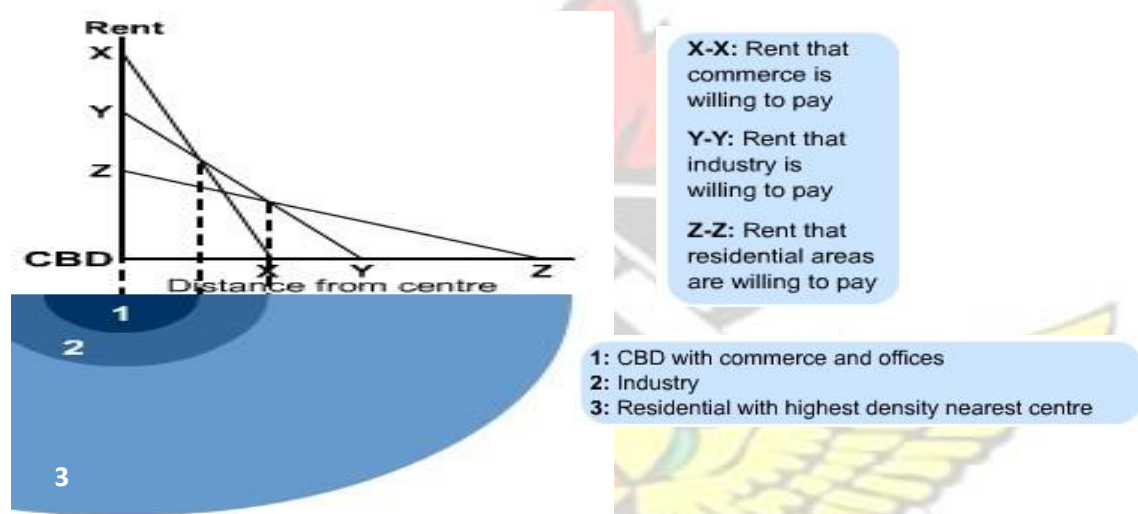
The relationship between accessibility and land values was first set out in Heinrich von Thunen's theory of rural land use. The theory has been criticised since it assumed improbable situations such as production taking place around a secluded market and soil being of a stable fertility. However, it generated a link between distance and cost which has in recent times served as the basis for urban location theory which does not only explain the pattern of land use, but indicates a solution to the question „what is the most rational use of land“. It recommends ways in which the current land use models can be improved. It seldom happens that an activity's location is determined by a single locational condition. A mixture of interacting factors usually influences each locational decision. Factor inputs maybe equally important in determining location. High levels of accessibility within the Central Business District (CBD) are reflected in low transport cost, thus attracting the greatest demand for sites, especially for commercial users. Conversely, low overall accessibility and high transport cost within the suburban areas and the rural-urban fringe will attract a much lower level of demand, especially from commercial users (Balchin et al, 2000)

Unlike the central place theory, which was concerned with the distribution of products from urban centres to its hinterlands, the ***Dependency theory*** maintains that cities growth occurs parasitically by exploiting and holding back their surrounding region. Urban growth alters not only the pattern of land use and land values, but also the intensity of site use. As the supply of land in an urban area is fixed in the short term, it creates scarcity. Only in the medium and long term will business and residential development extend the city outwards.

Irrespective of the location and size of an area, a logical sequence of land use evolves and to the business users of land, an activity's location is influenced by the desire to maximise profit. However, in the case of residential users of land and other nonbusiness users, accessibility to utility is a critical component during the decision making process. Land use in an urban area is determined by competing activities, thus the demand and supply phenomenon. The demand looks at the needed parcels of land at a given price whereas the supply side explains the available property at those prices. The greater the

profit to be derived from using a site for a particular purpose, the higher the rent or price the prospective developer is willing to pay (Balchin et al, 2000)

The theory on **Bid rent curve** explains that land values (which are influenced by the cost of transportation) are the determinants of land use patterns. General accessibility refers to nearness to transport facilities, labour, customers, and service facilities such as banks. Another kind of accessibility (access to skilled labour, common ideas) exists when complementary uses are in close proximity to each other (Balchin et al, 2000). . The importance of accessibility to residential land is illustrated when the utility of particular site depends upon monetary factors such as schools, shops, public and private open



spaces, and travelling cost to, work and upon non-monetary considerations such as peace and quiet, fresh air, and compatible neighbours. The greater the accessibility, and the higher the value of land in question (Balchin et al, 2000). Thus the nature of accessibility creates a path of urban land use which will be concomitant with the pattern of land values. Again, there exist a connection between accessibility, land uses and values, and the intensity of utilisation (Balchin et al, 2000). As demand is greatest for those sites with the highest degree of accessibility, it is more feasible to develop those sites intensively. The Bid-rent theory gives a clear understanding to the dynamics of the growth of urban areas (Balchin et al, 2000). Figure 2.1 displays the different category of land users and their capacity to have access to the CBD.

Figure 2.1: A figure showing Bid-Rent curve

Source: [www.cronodon.com/Planet Tech/Earth-cities.html](http://www.cronodon.com/Planet_Tech/Earth-cities.html) accessed 23/01/2014

From Figure 2.1, it can be seen from line XX that commercial land users are interested in areas closer to the CBD and as such are willing to pay the highest rent to get the desired area. The CBD is an area of interest to such category of land users because it serves as the hub for major activities where most of the population are easily accessible. Industrial users on the other hand (YY) prefer zones around the CBD. Such areas also have benefits like market, and good transportation networks. There exist more lands to accommodate factories in such zones making it attractive to the industrial users. Moving further away from the CBD, land becomes less attractive to commercial and industrial users, although land becomes cheaper. This creates a room for residential developers to purchase land. This explains why inner city areas are very densely populated (terraces, flats and high rises), whilst the suburbs and rural areas are sparsely populated (semi and detached houses with gardens).

Ecological theories influenced by ecology studies the relationship between living organisms and their physical environment. Park and Burgess (1925) suggested that human beings compete for scarce resources to meet their different economic and social needs. The boundaries within such environments are continually changing largely as outcome of demographic and economic forces of attraction; forces of spatial differentiation; and by means of the economically and politically-strong acquiring land at the expense of the weak. From this basic premise, a number of ecological theories of urban land use emerged throughout the 20th century-most notably the concentric zone, sector and multiple nuclei theories of respectively Burgess, Hoyt, and Harris and Ullman.

Burgess developed the **Concentric Zone Theory**, which states that “cities have the propensity to develop from the centre to form a series of concentric sectors”. The growth comes about as a product of centripetal forces from an original core and as expansion occurs, each inner zone tends to widen its area by overrunning the next outer zone. This sequence is known as invasion-succession. The speed of this occurrence depends on the rate of the city’s economic growth and population increase. Burgess explains urban growth to mean the process of development and reconversion of land uses, with a possibility of each inner zone to develop into the outer zone. This theory states that the concentric circles are based on the amount that people will pay for the land. This worth placed on land is influenced by the profits that are accessible from undertaking a business on that land. The centre of the town (which is very profitable for commercial activities) attracts the highest number of customers. Developers in the manufacturing

sector are only interested in accessibility for workers and goods and as a result will pay slightly less for the land.

This theory was based on certain assumptions such as; cultural and social homogeneity, economy based on commerce and industry, private ownership of property and economic competition for space, easy rapid and cheap transportation in every direction, the city centre is the main centre for employment. The *axial model* incorporates transportation networks (not directly referred to in the concentric zones theory) which appear to be an improvement of the Burgess model. However, considering the fact that each sector may indeed accommodate a mosaic of activities, these concepts have been criticized by many present-day urban geographers. First, the model focuses on USA and does not fit into other countries (especially those developed under different historical context). Even with USA that seems to be perfect for the model, because of advancement in transportation and information technology, cities are no longer organised with clear zones.

The ***Sector model*** (Homer Hoyt, 1939) emphasizes the influences of transport networks. It is a modification of the concentric zone model of city development. The application of the sector model allows for an outward progression of growth. It agrees to the existence of a CBD and in addition suggests that zones enlarge from the city centre along railroads, highways, and other transportation arteries. Chicago for instance experience the higher class residential cluster developing along the Lake Michigan shoreline north of the CBD, while industry sector grew southward in sectors that followed railroad lines. The model focused on aerial pattern of shifts in residential location. It was argued that the diverse income groups in a city tend to live in sectors of a circle around a city centre. Hoyt argued that the location and extension of high quality zones tend to proceed along the fastest existing transportation lines and towards another existing nucleus of trading centres. The competition for the centre increases rent thereby making it affordable only to the business outfits and the growth along any particular transport route consists of land use of similar characteristics.

The ***Multiple nuclei*** (Harris and Ullman, 1945) introduce the element of sub business districts. The emergence of polycentric urban landscapes often reflecting suburban business districts provide alternative centers to stimulate more activity and population dispersal from the urban core. The model notes that while a city may have started with

a CBD, similar industries with common land use and financial requirements are established near each other. These groupings influence their immediate neighbourhood. Hotels and restaurants spring up around airports, for example. Harris and Ullman contended that cities often develop around several distinct nuclei rather than one centre of origin. The number and kinds of nuclei mark a city's growth. These other centres may be district centres established in an earlier urbanisation phase. The major flaw of this theory is the clarification of the characteristic of the nuclei.

Empirical evidence in most cities of the world has confirmed that none of the theories of urban structure can singly serve as a tool in understanding contemporary urban land use development and structure. Each city has unique history, structure and processes of changed pattern. The theories nonetheless provide useful starting point in the search for the understanding of urban land use in developing countries.

2.4 Urban land market

Land use rights and restrictions are aspects of the land market and thus are vital in the determination of property values. The ownership of land varies and it can either be owned by the government or communally owned by families or clans. The planning of the use to which a land is put has significant impact on the land market. This is because the use of a land influences the value of the land. Physical improvements to buildings cause small changes to the market price as compared to situation where an approved land use is changed.

The demand for urban land is mostly for commercial, industrial and residential purposes. According to Farvacque and McAuslan (1991:1), this demand is affected by the income of the household, the ability to save, and the availability and accessibility to credit. The supply is however influenced by the spatial distribution of infrastructure, the nature of topography, willingness of landowners to release land and government restrictions on the use of land (for example, zoning). Urban land market has to be efficient and effective in order to serve citizens. Urban land market which does not run efficiently and effectively adversely affects the development of an economy (Zevenbergen et.al, 2007 as cited in Koroso, 2011). The land market is not homogenous, so are the land actors. These stakeholder exhibit different characteristics and may have conflicting agendas. A well functioning land market should have ease of entry and ease of performing

transactions. A market can function as expected when there exist adequate land information, secure tenure arrangements, and an appropriate registration mechanism.

Land markets in developing countries operate almost totally outside the jurisdiction of the public authority. This is because, a dual system (traditional and state) of access to land exists and the official system controls very limited amount of lands (Mabogunje, 1990). Ensuring that urban land markets are managed efficiently to serve the economic and social needs of urban residents is one of the pressing issues in Third World cities (UNCHS, 1999). The link between residents and land is usually complex, and varies between societies depending on their history, culture and legal system (Daley, 1997). The ongoing system for land allocation in African cities are characterised by the interplay of different medium of supply.

Private and state lands are the most prevailing in land transactions in Botswana as compared to tribal lands (Sietchiping, 2004). With regards to private freehold land rights, there exist a formal market which allows for the land supply through medium such as sales, leases, assignments, and mortgages. Tribal land is generally available for allocation by Land Boards, but quality land is scarce and efforts to systematically record land information have been slow (Sietchiping, 2004).

There has been the policy (inherited from the colonial era) in Tanzania that a land has no value until developed (Kironde, 2000). This policy was included in the compensation law which limited the value of land when acquired by the government. Until 1947, public auction was a medium through which rent on land allocated to nonnatives was determined (Kombe, 1995). Outside land allocated through public auctions, or through premium tendering, the rest of the land was allocated at much below its market value. Currently, the determination of land rent is theoretically based on the economic value of land.

In recent times, the land market of many African cities are characterised by a combination of two or more land supply structures (indigenous tenure, illegal modes and capitalist markets) with bureaucratic allocation procedures. Land dealings are increasingly taking place on an individual basis, mainly in urban centres where land is usually held in leaseholds of between 50 and 99 years. Subsequently, development

occurs before planning and laws are more often broken than observed (Mabogunje, 1990).

Many African nations are now in the process of decentralising their administrative structures including their departments responsible for land management. Arguments in favour of maintaining communal tenure to arguments against as to how best to manage African land markets have emerged. The argument for the maintenance and improvement of the customary land tenure system is based on the belief that it is better to make incremental improvements to the existing systems of land supply rather than to introduce radical changes (Simon, 1992). Having looked at the different perceptions of land, the concept of spatial planning and urban land market, the next section considers the concept land administration, land tenure systems in general and with reference from some countries.

2.5 Land Administration

In some literature land administration is related to land 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 Alden-Wily (2003:1), the two functions overlap and are frequently performed by the same institution. Alden-Wily gave a general 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” (Alden-Wily, 2003:1). It is clear that land management deals with the day to day running of land use that must ensure its sustainability. Young (1998:179) identified sustainability as the „fundamental principle in land management“. In summary, land management aims at ensuring the careful use of the land resources for both present and future generations.

Land administration is concerned with three principal and interdependent commodities - the ownership, value and use of the land - within the overall context of land resource management (UNECE, 2005). Zaney (2007) defined Land

Administration as “the building of infrastructure 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 Alden-Wily (2003:1) as,

“land administration covers institutions and processes associated with land rights, regulation and among which the recording of rights is prominent”. 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”. It can be deduced from the above definitions that, land administration involves the coordination and running of the various facets (planning, utilization, development) of the land resource in order to ensure proper spatial development. Land management is performed under the institutional framework established by the administration of land. Good land management leads to a better land administration outcome and as such should be treated as a means to an end, not an end in itself.

The way in which rights in land are held is called „tenure“ (UNECE, 2005). Rights to land include rights of ownership and right of use. In some countries the absolute owner of all land is the State whereas others have the customary tenure in practice. Development outcomes are largely influenced by the type of tenure system in place which is diverse and complex in nature. These systems can be formal or informal; statutory or customary; legally recognized or not legally recognized; permanent or temporary; of private ownership or of common property; primary or secondary (IFAD, 2008). Countries in sub-Saharan Africa and Asia are usually practicing the dual system; that is statutory and customary rights, which is often the source of land related conflicts. Socialist countries Eastern Europe and Asia have been challenged in relation to giving out land to private individuals and setting up frameworks to ensure effective administration of land (IFAD, 2008).

European colonies had authority over land through “agreements”, conquests and appropriation. Prior to colonialism, land was generally held under customary land tenure (whether a family, a lineage or a clan) (Payne, 2001). The right to use the land was however in the hands of the political people. The dual system emerged as a result of the colonial powers refusing to allow the operation of a free market economy in African cities. Over the years, rural-urban migration has also become a contributing factor to the emerging issues relating to land tenure systems (Payne, 2001). There was an extension of the authority of the state over lands to include the ultimate control of land and the right to compulsory acquire a land for developmental project for state benefits. This called for the establishment of state agencies in Africa during the 1960s and 1970s to oversee the processes on land documentations (Amanor, 2004).

In Ethiopia for instance, land supply systems has undergone various land tenure structures as a result of the existence of various political transitions. Notable examples include the free hold land tenure system (pre-1975), public controlled permit system (1975-1992) and public lease hold system (1993 up to date) (Gondo, 2011). In Ethiopia and other developing countries, land holding systems tagged customary and informal are in existence. South Africa also operates within two land delivery systems. Gondo (2011) argues that both land alienation system (whether state or private) have not being able to address the needs of urban population in relation to land supply. The land ownership in Nigeria is a combination of individual ownership, family ownerships, communal ownerships and government ownerships, in practical terms there is a thin line between these types of land ownerships. Though the existing land use decree of 1978 vested all urban land into the custodian of the state governors, in reality private ownerships and transference are still the norms. Botswana's land (582,000 km²) is divided into three categories viz; Tribal Land (71 percent), State Land (23-25 percent) and Freehold Land (4-6 percent) (Country Report-Republic of Botswana, 2011). These categories were inherited at independence from the British rule in 1966 except that they were then called Native Land, Crown Land and Freehold Land respectively. Most of the people were and still are residents on Tribal Land. Tanzania is a relatively large country (9,500,000 km²) and regardless of the implementation of a market economy since the mid-1980s, the state remains the custodian of lands with individuals having only usufruct rights. The Land Act of 1999 (Sections 19-23), recognises the existence of three land tenure regimes, namely: the statutory or granted rights of occupancy, the customary right and other informal rights (Kombe and Kreibich, 1997).

According to Kasanga et al (1996), customary land tenure is seen to be a democratic and an unrestricted system that has in-built checks to regulate the abuse of powers, whereas state land institutions regularly function in favour of a select minority and are discriminatory, indifferent and excessively bureaucratic (Kasanga et al.,1996). Acquaye et al. (1989) claims that by making the processes (land acquisition and its documentation) of the indigenous tenure system simply, the act can be the starting point of an efficient land administration system. The next session considers the different tenure systems and how it differs from one country to another.

2.5.1 State/ Formal land administration systems

Land in *China* was treated as means of production and was allocated administratively by the state free of charge during the socialist era. The country had an objective to maintain their socialist principle of public ownership and accommodate the interests of foreign investors too. In order to achieve this objective, the Chinese state, since 1980 separated land use right from land ownership. The land reforms also led to increase demand for land and that resulted in massive land development (rate of conversion of agricultural land to non-agricultural use was two and one-half times faster than previously) (Wong and Zhao 1999; Guo 2001). Land, which is an immobile factor of production, is still under the authority of the state. Much of the land for urban development has in fact been obtained from the rural areas. In a case study in Guangdong Province, for example, Wong and Zhao (1999) acknowledged that officials in the public sector took hold of rural lands at cheap prices and in an unofficial manner. A case was recorded in the North eastern part of Yunnan where farmers whose lands were taken. These lands were then used for activities in urban centres which were of high values and generated high returns. Another case study of land expropriation in the rural area of northeast Yunnan revealed that farmers were poorly compensated when their land was taken away for urban development and that the bulk (60 to 70 percent) of profits from land sale was taken by the township and county governments (Guo, 2001). In dealing with land management, the state makes several distinctions about land according to its location, ownership, and use. “Land in rural and suburban areas, except for that stipulated by laws as being owned by the state, is collectively owned by rural residents” (China 1998, Article 8; China 2004, Article 10 as cited in Lin and Ho, 2005).

The state abolished the previous land system under which rural land had been owned by landlords. In November 1950, the State Council disseminated “the Regulations on the Reforms of Suburban Land” under which the state confiscated all suburban land owned by landlords and expropriated the suburban land owned by urban industrial and commercial entrepreneurs. The confiscated and expropriated suburban land, now owned by the state, was then allocated to peasants for agricultural pursuits. In return, peasants had to pay an agricultural tax to the state, and the state-owned land was not allowed for lease or for sale (Lin and Ho, 2005).

In *Tanzania*, lands are released under leasehold agreement by the government and such lands are to be occupied up to a maximum of 99 year under the statutory system. In

such situation, the right to own land is solely for the state and this give the sate the right to take back the land when the lease period is up or when conditions attached to the release of the land is not met by the developer. The President is also empowered by laws (the Land Act of 1999, the Land Acquisition Act of 1967 and the Urban Planning Act of 2007) to acquire land for public interest but the compensation acquisition law states that compensation (equivalent to the market value of the land) has to be paid promptly to the person whose land is expropriated (Kombe and Kreibich, 1997). Compensation is provided as a necessary instrument to limit the property rights of the state, especially the abuse of compulsory acquisition powers

(Blume et al, 1984 cited in Ndjovu, 2003). Apart from the primary functions performed by the central and local government authorities (LGAs), they also regulate land development and management. The Local Government Act (No 7 of 1982, section 59 (e)) gives LGAs powers to identify planning areas, prepare planning schemes (general and detailed) and enforce development control strategies (Kombe, 1995: 41).

State lands in **Botswana** include national parks, research stations, roads, military purposes, large dams, game reserves, wildlife and forest reserves. According to the country's report in 2011, state land is administered under State Land Act (1966) which empowers the President of Botswana to make and execute grants of any state land or of any interest therein. The President has however delegated these powers to the minister responsible for land matters. State land, most importantly urban land, is administered according to the *State Land Act* by central government and local government councils. State lands can be accessed through the issuance of a lease from the state. The lease is given out after the payment of fixed period state grant (FPSG), which has to be paid fully up front (Republic of Botswana, 2011). FPSGs are transferable in the open market if the conditions for development are complied with. In urban areas, state land is allocated to citizens for residential purposes, as 99-years FPSGs which are registered in the Deeds Registry. For business or industrial purposes grants are for 50 years. In low-income housing areas, land used to be allocated to eligible households in terms of a certificate of rights (COR), but this form of tenure on state land has been discontinued in favour of the FPSG. The Department of Lands is responsible for overseeing the administration of urban state land and for coordinating the development and allocation of non- Self Help Housing Agency (SHHA) serviced land.

In 1994 new **Ethiopian** constitution was promulgated. Article 40 (3) of the constitution states that land "is exclusively vested in the state and in the peoples of Ethiopia" (Gondo,

2011). It further stipulates that „land is a common property of the nations, nationalities and peoples of Ethiopia and shall not be subject to sale or other means of exchange“. While every Ethiopian citizen has the right to own private property (Article 40 (1) of the constitution), the constitution does not provide for private ownership of land. Lease proclamation No 272/2002, is the current active law regarding land provision, and indicates different ways land can be acquired (Gondo, 2011). While the leaseholder of urban land is free to dispose off part or all of the interest by sale or other means of exchange, the lessee of public land is prohibited by law to sell the land or enter into any contract that binds the land. The policy allows that the government can retain land needed for public interest and individual holdings for better development activities by paying compensation to owners for the properties located on such pieces of land.

2.5.2 Traditional/ customary land administration systems

Customary tenure (tribal land- 49 percent as at independence) is the prevailing land tenure administration in **Botswana**. By 1980, the conversion of state land to tribal land and the purchase and conversion of freehold land in congested areas had caused tribal land to increase to 69 percent, and state land to fall to 25 percent (Republic of Botswana, 2011). Today, tribal land comprises 71 percent of the land area. Every person at the age of 18 is entitled to be allocated land for residential, cultivation and grazing by virtue of being a citizen. Land rights are inheritable and cannot be sold or mortgaged. Up to 1970, tribal land was vested in the chiefs of various tribes, to be held in trust for the members of that tribe (Republic of Botswana, 2011). Land was allocated by the chiefs' representatives (the ward head and the sub ward heads) upon application by the tribesmen. Women were only allowed access to land through their male relatives (Republic of Botswana, 2011). Land administration under the chiefs took the form of land allocation with limited traditional land use zoning and record keeping. Tribal land was the main source of livelihood and was therefore necessary for such lands be well managed to secure and sustain these livelihoods. The government decided to put in place structures (laws, institutions and policies) that would improve the management of customary land. The government enacted the Tribal Land Act in 1968 (Republic of Botswana, 2011). This law established new institutions for administering Tribal Land. The act provided for the establishment of the Land Boards which took over the administration of land from the Chiefs. The functions of the land boards with respect to land administration have been identified as land allocation, land registration, land use planning, land use monitoring, land acquisition and land adjudication (Tembo, et. al,

2001). Botswana has experimented with customary land tenure reforms since independence in 1966. Key changes have been spear-headed into customary tenure such as:

- Chiefs were substituted by the lands boards in administration;
- The replacement of the word „tribesmen“ by „citizen“ in the Tribal Land Act which meant nobody could be denied access to land based on tribal affiliation; and
- The introduction of common law leases in tribal land to facilitate access to bank loans and mortgages

Botswana has long had customary rules and procedures governing land rights. An important feature of customary land tenure system was the „right of avail“ that was automatically shared by all people belonging to a particular tribe (Kalabamu, 2000). This right did not depend on the discretion of the chief. The chief was required to provide residential, arable and grazing land for all his subjects. A tribesman was entitled to land without giving anything for it, but he had a duty to protect and conserve it. Customary law permitted tribesmen to transfer interests in residential land among themselves. Although the concept of land sales was unknown, there was no rule forbidding payment for improvements. The free transfer of unimproved land could be taken for granted. It was received free and was given free. It was not viewed as a commercial asset (Republic of Botswana, 2011).

In *Tanzania*, customary rights are held by natives under various traditional customs and cultural norms which are mainly in rural and some peri-urban areas. Although Land Ordinance declared all land to public property, it recognised land right of native communities or customary land holders who had been occupying land in accordance with native or customary right. According to customary law and traditions land belongs to the whole community or clan and not to an individual. The chief or clan head is the custodian of the rights and holds the right on behalf of the respective communities. Most of the lands which were held under the customary tenure systems have been privatised. Such lands are therefore held by individuals or families. Family heads are responsible for the allocation of land to family members or its disposal as need arises.

2.5.3 Land administration and spatial development in Ghana

Land administration in Ghana has evolved through ambiguous processes (Kasanga, 2006). Before colonization, occupants of stools and skin administered lands (Busia, 1951). With the onset of colonization, attempts were made to streamline process of land administration. Institutions were established to help in land administration

(Survey Department, Lands Department, Town and Country Planning Department). In the mid eighty's and early ninety's government established 3 land institutions (Land Title Registry, Land Valuation Board and Office of the Administrator of Stool Lands).

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 (LAP, 2007). 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, 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. 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 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 (LAP, 2007). 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 (Lands Act, 1962). 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.

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 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.

The existing land administration structure in Ghana as shown in Figure 2.2 is headed by the Lands Commission with its Chairman appointed by the President of the Republic. A critical assessment of this framework for land administration reveals a problematic situation. From the structure, there is no unit responsible for spatial planning and revenue mobilisation. These roles have been left to the District Assemblies and the Office of the Administrator of Stool Lands. These two bodies perform the above functions outside the formal structure as spelt out by the Lands Commission as shown in Figure 2.2. Also, land owners (traditional authorities) who allocate lands to developers are not represented in the framework of land administration. Spatial planning, monitoring of spatial development, revenue mobilisation and land allocation are critical aspects of land administration and therefore must of a necessity be an integral part of any model of land administration. The exclusion of these four (spatial planning, monitoring, revenue mobilization and land owners) critical aspects of land administration in the framework (Figure 2.2) means that the head of the Lands Secretariat does not have direct and total command and control over these functions of land administration and therefore, to a large extent.



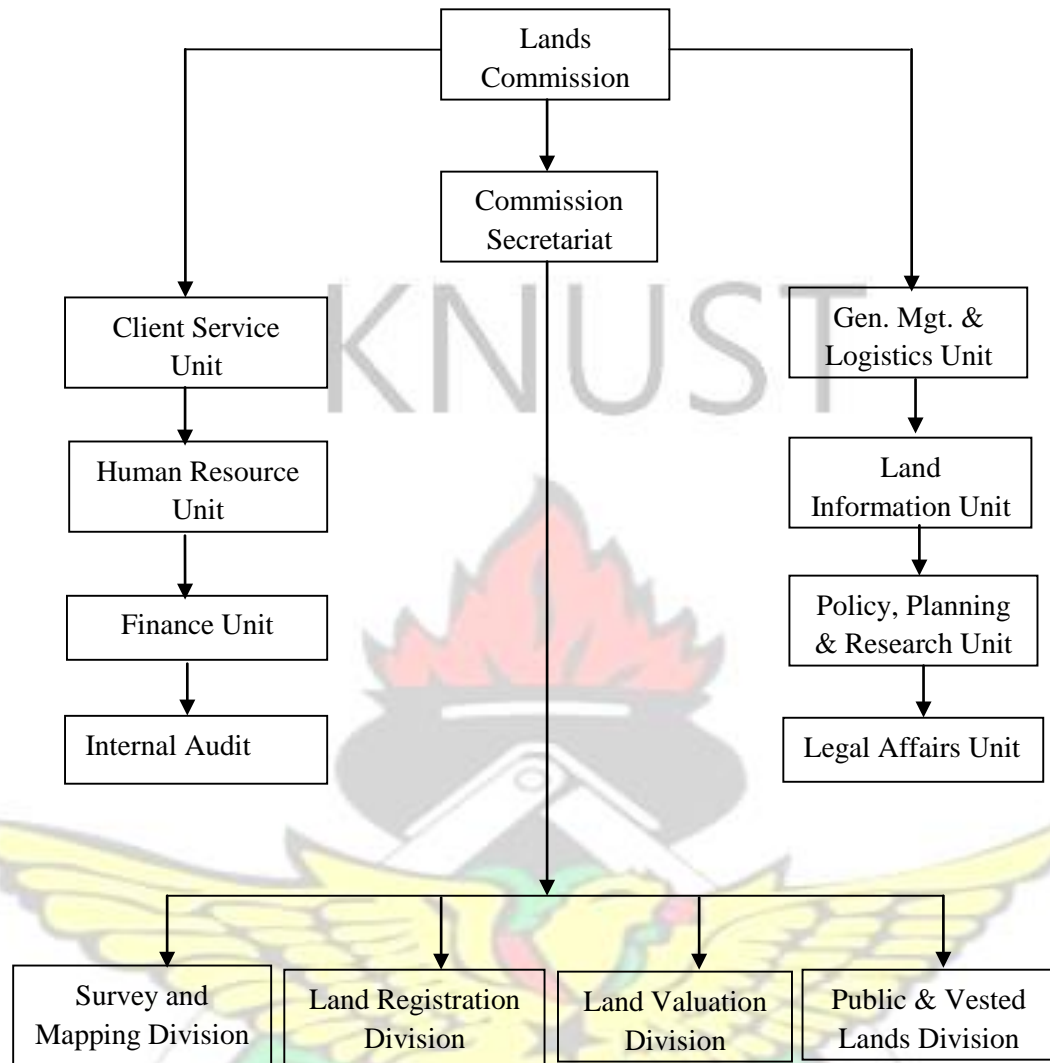


Figure 2.2: The existing land administration structure in Ghana (Derived from Act 767 of Lands Commission Act, 2008)

Ghana's land tenure system is dual in nature (a complex mix of customary and state systems) (Kasanga, 2002). These systems are differentiated in terms of their characteristics and form of management (Bentsi- Enchil, 1964, Woodman, 1996; Agbosu, et al 2007). Customary land tenure is characterized by unwritten laws and norms that are flexible, negotiable and location-specific (Agbosu, et al 2007, Owusu and Agyei, 2007). It is usually managed by a traditional ruler, council of elders, family or lineage heads.

The State land system, on the other hand, usually has codified, written statutes and regulations. These laws, which outline what is acceptable and provides consequences for non-compliance, have their roots in the colonial power. Management of such codified systems is usually in the hands of government bodies having delegated

authority. Land rights are allocated and confirmed through the issue of titles or other forms of registration of ownership (Agbosu, et al 2007, Owusu and Agyei 2007). The foundation of Ghana's land tenure system, have gone through several changes and reforms over the years (colonial era to date).

In the *pre-colonial era* (the then Gold Coast), land was held by the indigenes under local rules and practices (commonly called customary law). The customary tenure varied from place to place (Agbosu et al, 2007; Owusu and Agyei, 2007). According to Enchill (1964) and Woodman (1996), three kinds of customary law rights exist namely, the allodial title (held by the customary law community), "customary law freehold" or "usufruct" (which can be held by an individual or group of people who are part of the community holding the allodial title), and various types of tenancies. The position of every allodial title holder in Ghana is said to be titular (holding the land in trust for the whole community) (Kasanga and Kotey 2001). At customary law, the absolute title to land was vested in the traditional authorities (stools, skins, families and earth priests). Individual subjects of the stools and members of the family were said to have beneficial interest in these lands. Such benefits depended on individual's effort in the exploitation of landed resources.

During the early part of 20th Century, the advent of *colonization* brought change in the land tenure system of the Gold Coast. In colonial times, through legislative and judicial processes, the colonial state established a system of land tenure which retained some pre-colonial land interests while creating new interests based on English land law. With the new law, there was a significant role for the state in land administration and adjudication of disputes (Agbosu, et al, 2007). During the 20th century, the Europeans thought the customary law that neglected absolute individual title couldn't support the economic development that was emerging (Agbosu et al, 2007). The colonial powers sought to introduce new dimensions to the form of land ownership, title, rights and responsibilities relating to land and natural resources, and land management. The colonial government pursued two different land policy administrations which created a sharp disparity in the land tenure and administration systems between southern and northern Ghana. In the south, the policy was largely *laissez faire* while in the northern territories, the policy led to nationalization of all lands (Kasanga, 2002; Agbosu et al, 2007).

The *post-independence* land policy continued within the framework of colonial land tenure paradigm. The state passed laws that vested large parcels of land which were under the jurisdiction of customary authorities in the state. The State Lands Act,

1962(Act 125) recognizes the state's eminent domain by conferring on the state the power to compulsorily acquire land when it considers it in the public interests so to do. The Administration of Lands Act, 1962(Act 123) on the other hand, gives the state power to take over the management and control of any stool or family land. It has been noted that the passage and implementation of these laws often led to a dual, unequal and hierarchical system of land tenure (Kasanga and Kotey, 2001). It was not until 1979 that the Constitution reverted land administration in local authorities. The 1992 Constitution upholds the authority of chiefs and divides land into public (vested in the President and managed by the Lands Commission) and customary tenures under chiefs. In fairly recent years, several measures including land title registration regimes have been introduced to enhance the security of tenure. It was also to render dealings in land safe, simple and cheap and to prevent scam relating to purchases and mortgages.

Planning in Ghana has been reactive rather than proactive and does not "proceed on sustained planning basis" (Larbi, 1996:212). The Local Government Act (Act 462), section 12 (1) of Ghana gives the responsibility of planning cities and towns to the local government (that is, district assemblies). Other institutions which collaborate with district assemblies in performing this role are the Survey Department and the National Development Planning Commission. The main planning function that the district assemblies perform is development control. Section 162 of the Local Government Act defines development control as:

"the carrying out of building, engineering, mining and other operations on, in, under or over land or the material change in the existing use of land or building and includes subdivisions of land or disposal of waste on land including the discharge of effluent into a body of still or running water and the erection of advertisement or other hoarding".

In principle, District Assemblies follow two stages to control development. The first entails the declaration of an area as a „Statutory Planning Area“, the appointment of a planning committee to determine the present and future needs of the area, and the preparation of a base map to be used by the Town and Country Department to prepare a

planning scheme. The second step requires the publication of a planning scheme, an invitation to the public concerning permit applications and their subsequent assessment or evaluation. However, across these two stages, it has been established that there are several problems that inhibit effective development control.

A sound legal basis is important for effective planning because it provides the supportive regulatory powers to the planning authorities to facilitate the achievement of planning objectives and goals. However, in Ghana, the planning laws have established a framework which is not very responsive to the socio-cultural and economic context. One regional planning officer said “How can we still be using (Town and Country Planning) laws and ordinances which were enacted in 1945” (Obeng-odom and Yeboah, 2010). These laws are practically very limited in terms of their usefulness to our modern life. The laws governing the requirements for obtaining a planning permit are a case in point. To obtain a building permit, a prospective developer in Ghana is required by Section 5(3) of the National Building Regulations to provide certain requirements. In practice, such requirements are very difficult to meet (Njoh, 2009). It is hard to find enough professional architects, structural experts, geologists, and engineers who have the skill to produce all the drawings required to obtain a building permit. Moreover, title registration processes can take up to 3 years and may cost up to 5 percent of the open market value of the parcel of land (Gambrah, 2002). The requirement for a land title certificate as a prerequisite for planning permission has proved to be counterproductive over the years. For example, in 2009, the inability of applicants to provide good title accounted for over 90 percent of refused planning permit applications (PPD, 2009). Generally, it is estimated that less than 50 per cent of the urban population can satisfy the planning requirements in Ghana (Dowall, 1991). According to Obeng-odoom and Yeboah (2010), a planning officer noted that, “the requirements in practical sense make it more difficult for people to come for planning permit before development”.

Spatial Development has been defined as the altering of how activities are distributed in space and the relationship between the use and the development of the land (ESPON, 2007). Urban areas in Ghana are dominated by problems such as lack of infrastructure, poor sanitation, health hazards, fire hazard, squatter settlements, and pollution (Pandey, 1999:333). The institution of planning has done little to improve the design and functioning of the towns and country in Ghana. Several evaluations have also shown the deficiency in urban management in Ghana (see Gough and Yankson 2000; Yeboah

2003; 2006; Grant 2009). There is therefore the need to ensure that the location of structures in space conforms to the layout of towns in order to ensure sustenance for present use and future generations.

A plurality of land tenure systems (that is customary and the state/public) prevails in the country (Kasanga and Kotey, 2001). However, according to the National Land Policy (1999:2), there are basically three types of land ownership: public or state lands, customary lands (mostly communal ownership- stools, skins, clans and families) and vested lands (Split ownership).

2.5.3.1 Customary lands

Customary land tenure in Ghana is based on customary law and practice. Such lands include diverse categories of rights and interests held within traditional systems (stool lands, skin lands, clan lands, and family lands). In the Ghanaian Context, the customary law definition limits land to its physical properties and embodies spiritual elements and ancestral heritage (Agbosu, 2005). Literally, land is conceived by the

Akans of Ghana as “the solid or physical portion of the earth’s surface” (Aterkyi II, 2006:2). The Akans 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. Stool or skin lands are a feature of land ownership in almost all the Akan traditional groups in Southern Ghana and in most traditional groups in Northern Ghana. All grants of stool land to non-subjects of the stool require the concurrence of the Lands Commission to be valid. Foreigners cannot own more than 50year leases in stool and state lands (Article 267(5) of the 1992 Constitution). Revenue from stool lands are collected and disbursed by the Office of the Administrator of Stool Lands (OASL). There is lot of resentment of the traditional authorities to the disbursement.

In Ghanaian customary concept, land has been taken as a gift from God and should be conserved and held in trust for future generations. As a result of this belief, the community itself controls and keeps alive the sense of responsibility to use the land as a common heritage. Customary lands are managed by a custodian (a chief or a head of family) and elders of the community and are accountable to the members of the land owning community (Arko-Adjei, 2005; Kasanga, 2001). The custodian together with the elders take decisions that affect the right and interest in land especially when

communal land is been given to non-members of the land holding community. Different ethnic groups exist and as such land management differs from one group to the other. The next section discusses the customary land tenure of different ethnic groups.

In Akan customary law, (among Akan communities, particularly among the Ashanti and Akyem) land title is vested in the head stool (head chief), of whom the lesser chiefs in turn hold lesser titles in a manner corresponding to their positions in the hierarchy of the political order (Djokoto and Opoku, 2010). It is relevant to point out that, there is no unison among all the Akan States that customarily all lands are vested in stools. Casley Hayford's writing in 1903 about landholding among the Fanti said, the King, does not own all the lands of the state. The limits of his proprietary rights are strictly defined.

In Accra where there are Ga communities, there are no clear pecking orders of land ownership. Thus land delivery seems straightforward as the developer has to deal with only an individual or a single stool or family head. To acquire stool land in Accra, it is important to identify a vacant plot and convey this information to the occupant of the stool concerned. Alternatively, where a person has information that a stool has land to sell, the developer may approach the occupant of the stool with a request. If land is available, the prospective grantee pays the *shikpondaa* – land drink.

These days, it is common for the landowner to prepare a layout of the area and a site plan extracted from the layout. The land may not have been surveyed and so it is the responsibility of the developer to ensure that the land is surveyed and site plans prepared by a licensed surveyor and endorsed by the Director of Surveys. Stools will normally grant leaseholds of 99 years for residential purposes and 50 years for commercial uses.

In the Northern region, there exist state societies. These are communities that have centralized political systems with a developed hierarchical order. Generally, these state-societies have a king or paramount chief at the top and various levels of chiefs and other political office holders under him. Land tenure among communities like the Gonja, Dagbon, Mamprugu and Nanum recognizes that the allodial title to land is vested in the various skins (Kotey, 1995:109; Agbosu et.al; Kasanga, 2002). The allodial title in theory is vested in the indigenous communities as represented by the paramount skins like the Ya Na (the king of the Dagbon) or the Nayiri (the paramount Chief of Mamprusi). However, practical management of the lands is done by the various sub-skins. For example, the Diare and the Savelugu, which are Dagomba towns, lands are

managed by the Diare Na or Savelugu Na respectively and not the Ya Na himself (Kotey, 1995:109). Although these politically more centralized ethnic groups have tindemba (earth priests) they do not manage the land on behalf of their communities. Their role is limited to the performance of rituals to ensure the productivity of the land.

The second category of communities in northern Ghana is the non-state societies (mostly located in the Upper East and Upper West Regions). These communities are organized on the basis of relatively small clan, kinship and family groups and not knitted into larger political groupings (Kotey, 1995:106). Examples of such communities include the Tallensi, the Lobi–Dagarti, the Builsa, the Sisala, the Kusasi and the Frafra. The allodial title to land is vested in the various indigenous communities as represented by the various earth priests (*tindemba*) (Kotey, 1995:1123). In the Upper East and Upper West Regions the *tindemba* lineage and family headmen are the key players in land matters. With the exception of some parts of the Upper East Region, land is generally not scarce in northern Ghana and access to land for indigenes is generally not difficult (Kotey, 1995: 124). Migrants, on the other hand, have no inherent rights to use land but can acquire land with the permission of the landowner.

2.5.3.2 *Public/State Lands*

State lands are defined as lands vested in the President and held in trust by the State for the entire people of Ghana (Constitution of Ghana; National land policy, 1999; Local Government Act, 1993 (Act 462)). State lands in Ghana fall into two main categories: land which has been compulsorily under the State Lands Act, 1962 (Act 125) or other relevant statute and land which has been vested in the President, in trust for a landholding community under the Administration of Lands Act, 1962 (Act 123).

In the case of “vested land”, the instruments create dual ownership where the state has legal incidents of ownership (the right to sell, lease, manage, collect rents) from the customary land owners and hold the land in trust for the land owning community. The landowners retain the equitable interest in the land, that is, the right to enjoy the benefits from the land. This is generally referred to as vested stool land and it is managed in the same way as state lands (Wordsworth, 2008). This practice is prevalent in the Volta Region and in some traditional areas in the Central, Eastern, Greater Accra, Northern, Upper East and Upper West Regions of Ghana (National land policy, 1999:2). Under the vesting order, the government does not pay any compensation. However, any income

amassing is paid into the respective stool land account and is disbursed according to the Constitutional sharing formula (Kasanga and Kotey, 2001).

The Lands Commission is the institution charged with the task to administer and manage state lands. In Tamale and Sekondi-Takoradi usually the person requiring the land has to identify the land and apply to the Lands Commission for the land to be allocated. In all the cities, the lessee is required to pay the first year's ground rent in addition to these charges. The rent varies and depends on the size and location of the land. The universal principle in Ghana is that "there is no land without an owner". Therefore any piece of land will fall into one of the two ownership categories discussed above. Since state lands (compulsory acquired and vested lands) are acquired expressly through legislation, all other lands outside these categories belong to the class of customary lands.

Guided by the customary practices, the state has accordingly fashioned a formal administrative framework consisting a number of sector agencies. These agencies are to facilitate a rational and relatively orderly system of land management. Their main functions are as follows:

- Lands Commission as provided under Article 258(1) of the 1992 Constitution and Lands Commission Act, 1994 (Act 483(2)) include management of public lands, formulation of recommendations with respect to land administration
- Town and Country Planning Department responsible for the coordination of land development activities and approval of settlement development plans.
- Survey Department are responsible for undertaking of national land surveys and mapping, licensing of land surveyors and verification of survey plans. It is also responsible for the maintenance of up-to-date scientific data, maps and plans.
- The Land Valuation Board is responsible for the determination of property values for various purposes, rateable values and compensation for public land acquisitions.
- Land Title Registry: registration of titles and protection of interests in land.
- Office of the Administrator of Stool Lands: stool land administration including collection and disbursement of stool land revenue.

2.5.3.3 Land Allocation Procedures for Public/State Lands

The allocation of state lands is done by the Lands Commission who is the custodian of government lands (Kasanga and Kotey, 2001; Asiama, 2006). The allocation of state lands in Ghana follows the following steps as shown in Table 2.1

Table 2.1: The land allocation process for state lands

Stages	Activity
1	Application for a land is made through the lands commission. 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	An offer letter is sent to the applicant
4	The applicant communicates his/her acceptance of the offer to the Commission. All the charges relating to the land are then paid by the developer 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.

Source: Author's Construct, 2014

2.5.3.4 Allocation Procedures for Stool Lands

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. Table

2.2 depicts the procedure for the allocation of stool lands.

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Table 2.2: The land allocation process for stool lands

Stages	Activity
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
2	The applicant checks the vacancy of the allocated plot(s) at the Lands Commission
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 chief for approval
5	A representative of the chief sends the documents to the Lands Commission to confirm the vacancy or otherwise of the plot(s).
6	The Lands Commission also consult the Town and Country Planning Department to 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 chief 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 for the preparation of the lease.

9	The lease when prepared is signed by the caretaker chief, 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.

Source: Author's Construct, 2014

2.6 Land related problems and conflicts

Conflicts related to land has become an increasing challenge in Africa. These conflicts have a ripple effect which generates social and economic cost. One of the notable deficiencies of the formal land delivery system in urban areas of the developing world has been the emergence and increase of informal elements (Gondo, 2011). Informality has manifested itself at diverse scales of the land management system, including land acquisition, land delivery process, land titling among others.

In *China*, high demand for land resulted in government officials' involvement in land transactions either legally or illegally. It was discovered that illegal land transactions covering an area of 189,000 hectares in China had taken place within 7 years (between 1995 and 2002) (China Ministry of Land and Resources (CMLR) 1999-2003 as cited in Lin and Ho, 2005). The report indicates that land development has become a major source of corruption leading to social discontent. China's uncontrolled development of land has raised serious issues not only to the changes in land use development but also the capacity of the socialist state in managing land resources.

Land related conflicts in Africa (Kenya, Zimbabwe and South Africa) is mainly as a result of failure on the part of former colonies to address historical claims emerging from their expropriation, as well as inequality in the re-distribution of lands after independence. The global commercial interest in lands in other parts of mineral rich African countries (Angola, the DRC, Southern Sudan, Sierra Leone and Liberia) remains the prime causative factor to land conflicts. The effects of these conflicts as seen in countries like Uganda, Ivory Coast and Burundi are the displacement of their

citizens due to land accessibility issues. The result of the internal displacement of person leads to resettlement and rehabilitation.

Land sector officials in *Ethiopia* have defined the processes involved in land acquisition and the registration procedure as time consuming (bureaucratic procedures), corrupted with anomalies in the land delivery system (Gondo, 2011). Another important factor relation to land administration has been downplayed. The involvement of the public has not been given the need consideration as such people, especially the poor, participate passively. Poor participation of the public affects the level of effectiveness in the land policies and programmes put in place by the authorities. A weak monitoring and evaluation system in urban areas is another significant institutional constraint.

Empirical evidence drawn from *Peru (South Africa)* discloses that the drive toward the legitimate purchase of a plot of land and its registration process is unduly cumbersome and costly. Consequently the existing legal and administrative structures have often thwarted any meaningful approach by the poor to access land. Peru's official land administration setting is such that the adjudication procedures of state lands take about 3 years 7 months which is as a result of the complex steps involving 48 different offices and 207 steps making the whole process very frustrating (Jan Bake and Linden, 1992).

Informal land markets and land related disputes have been on the increase especially in peri-urban areas in *Tanzania*. Land grabbing and speculation by citizens within the high income category have led to high land values (Kombe and Kreibich, 2000; Kombe and Lupala, 2006; Mwafupe and Briggs, 2000). In an attempt to formalise the informalities in the land market, it created and implemented an all-embracing programme which involved the identification and issuance of short term licenses for five year. Despite the good intentions to make informal settlements legalised, the over increasing number coupled with the resource constraints of the implementing agency resulted in a limited impact.

In *Ghana*, districts and municipalities do not have well structured land management framework. Although there are institutions tasked to execute land administration functions, their presence is less recognised by the local people. In the course of the performance of their duties, they are constrained and beset with major problems. Some of these have been outlined below.

- General indiscipline in the land market characterised by land encroachments, multiple sales of land parcels, unapproved development schemes and haphazard development. These have led to environmental problems, disputes, conflicts and endless litigation.
- Indeterminate boundaries of stool/skin lands, resulting directly from the lack of approved accurate maps/plans. The end result is land conflicts and litigation between stools, skins and other land-owning groups.
- Compulsory acquisition by government of large tracts of lands, which have not been utilised and for which payment of compensation has been delayed. This action has led to displacement of land owners and also denied them their source of livelihood compounding the poverty situation within the country.
- Lack of consultation, coordination and cooperation among land development agencies.

Based on the emerging challenges, certain initiatives have been established by the Government of Ghana (GoG) in the land sector. 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. 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). 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 takeoff 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 “set a basis 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: phase one (2004-2008), phase two (2009-2013) and phase three (2014-2018).

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). 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.

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

Significant steps have been taken to bridge the gap between the two sectors (that is state and customary land administration systems) through the introduction of formal instruments in the traditional sector. While the effect has been a significant improvement in operations in the sector, there is still an outcry to investigate how land administration (land ownership, land delivery and land use or development) systems have impacted on land use patterns.

2.7 Identified Gaps in the Review

A number of gaps were identified from the review and this study will try to fill them in. The review broadly identified the dual land administration systems, the reforms that have occurred, as well as the institutional framework and their weaknesses. The review also indicated some of the attempts made by authorities in order to address the bottlenecks identified in land management. Despite all the research into land administration, there is a gap with regards to how the dual land administration systems are linked up. Again the review brought to bear that works done on land related issues ignored its linkage to spatial development outcomes in cities. Spatial development theories have emerged to explain the spatial patterns of land uses in urban areas. The location of activities and land use patterns have been attributed to factors like close proximity to market, physical accessibility, availability of services all informed by certain economic theories. However, an important factor which shapes spatial development has been ignored, that is the land ownership system. It is as a result of this that the research seeks to look at the relationship between the ownership type and the pattern of urban spatial development.

2.8 Conceptual framework

The conceptual base of this study is to ensure coordinated spatial development through the improvement in the dual land management systems. Rapid urbanization increases population, thereby increasing the demand for land for various purposes like residential and commercial even though the supply of land is limited. The demand for land for development calls for the operation of land administration and management system. Due to the duality of Ghana's land management system, the approach to which a type of land is acquired and use is different. The plurality of land systems coupled with high demand for land leads to competition of land for various uses. This situation often leads to uncoordinated and unplanned development. It is therefore necessary to rethink of a way to ensure harmonious spatial development through improved and harmonised dual land management systems. Figure 2.3 summarizes the key variables that are considered to influence the performance of the two land



delivery systems, thereby affecting development in space.

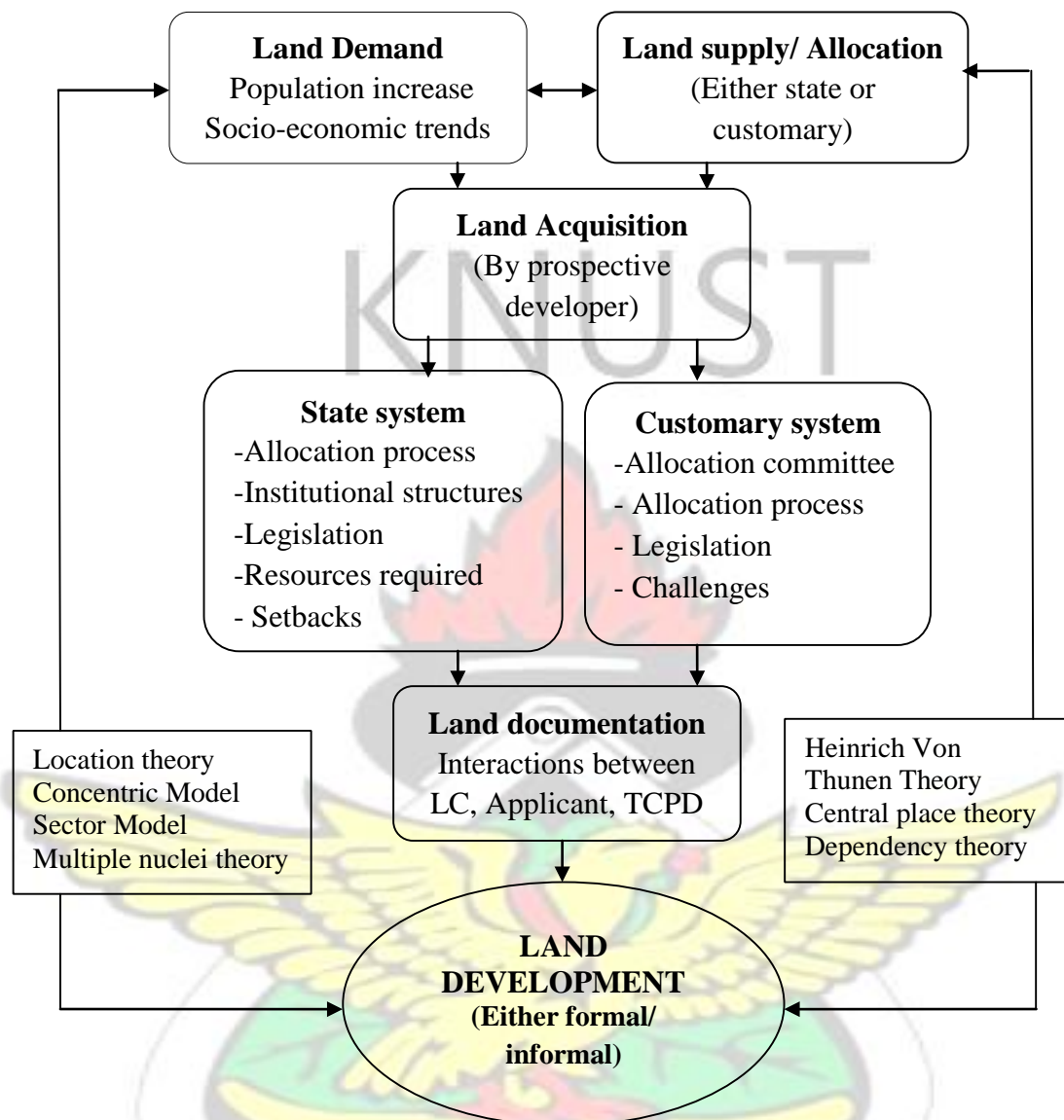


Figure 2.3: Conceptual linkages between Land Administration and Spatial Development

Source: Author's Construct, 2014

As depicted in Figure 2.3 , there is increasing demand for land as a result of factors like populations increase and socio-economic trends which is linked up to the supply of land either from the state or the customary holder (stool or family). A prospective developer after identifying a vacant land (which land supply), takes the necessary step to acquire the land which will either be the state or customary system depending on the land ownership type. As highlighted in Figure 2.3, the operations of the dual systems are influenced by the resources available, legal and legislative structures as well as some challenges. A prospective developer who has succeeded in acquiring the land goes through the land documentation process mainly handles by the Land Commission after

which development can commerce. The nature of spatial development (whether haphazard or planned) is the outcome of the land administration process which includes land acquisition, its documentation and development. Several authors have established that the spatial patterns of urban centres are also influenced by theories such as location theory, sector theory and central place theory. And these theories are implemented during the demand for land stage (as explained in section 2.3) and preparation of planning schemes which is to serve as basis for land allocation.

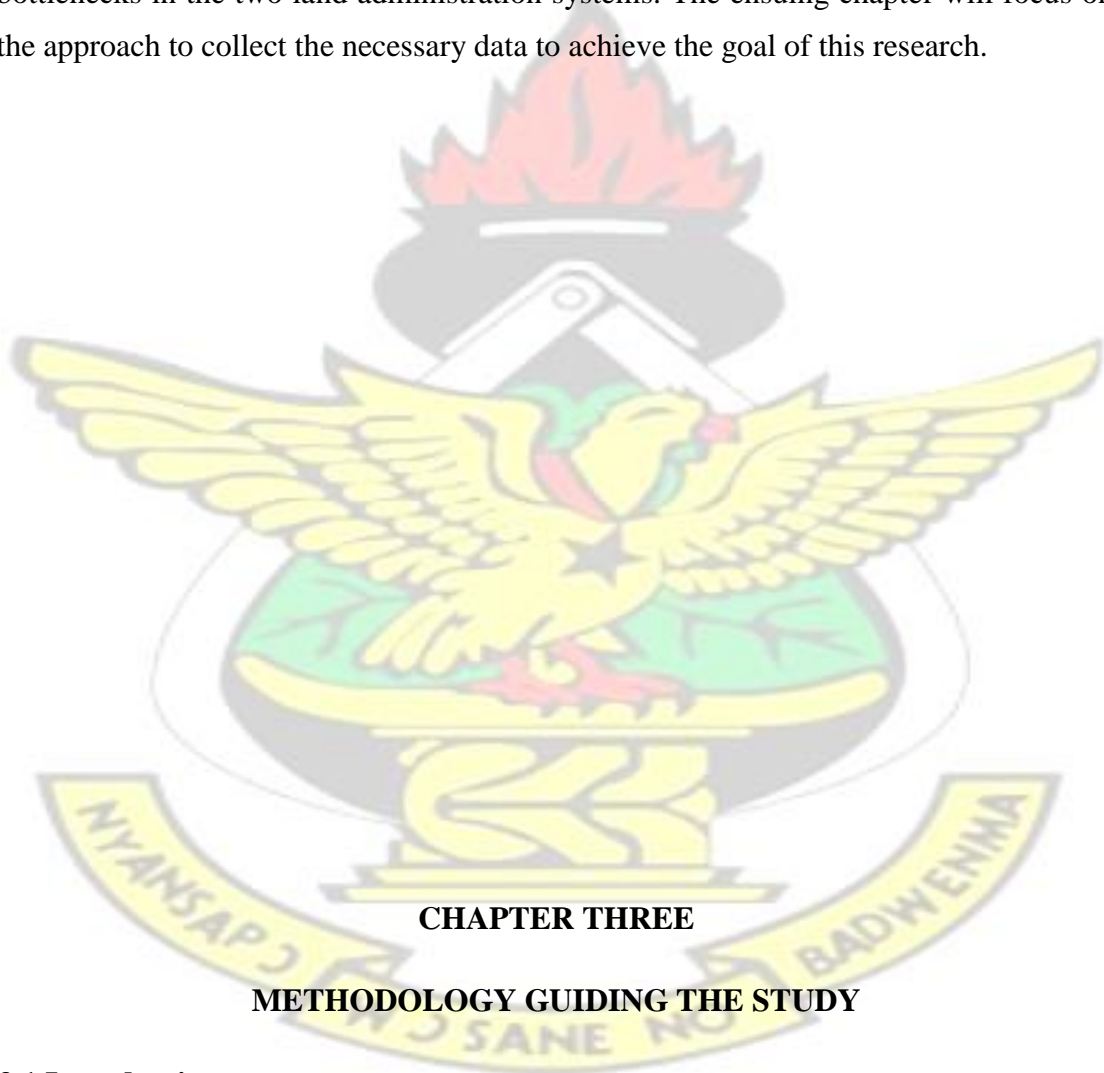
2.9 Chapter Summary

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 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 was 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). 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.

There are obvious signs that governments and city authorities are recognizing the enduring importance of customary tenure systems. These stakeholders are in quest to integrate these into sustainable arrangements for the allocation and management of land rights at all levels. Land management that attempts to ignore the involvement of traditional authorities have proved divisive, undermining the legitimate rights of many land and resource users (Arko-Adjei, 2005).

Very significant steps have been taken to bridge the gap between the two sectors of land administration through the introduction of formal instruments in the traditional sector.

While the effect has been a significant improvement in operations in the sector, there is still much room for improvement. It must also be noted that the type of land and the processes through which it is acquired influences the spatial development of the area. The dual land ownership systems affect the spatial arrangement of a community and whether or not development is in accordance with plans or not. From the discussion lots of attempts have been made to restructure the system, thereby improving it. However little effort has been made to investigate how the two systems influence the way development is carried. Now is the time for stakeholders of land administration to have re-think of how physical development is carried out as a result of the inconsistencies and bottlenecks in the two land administration systems. The ensuing chapter will focus on the approach to collect the necessary data to achieve the goal of this research.



CHAPTER THREE

METHODOLOGY GUIDING THE STUDY

3.1 Introduction

This section describes the methods used in collecting data for the research. Before data was collected, extensive literature was reviewed in order to gain in-depth understanding on the existing body of knowledge on land administration to identify and to identify the critical variables to be analysed in this research. Primary data on land ownership types

on land use was then collected from the field to fill in the gaps in knowledge. These steps are further elaborated in the subsequent subsections.

3.2 Research Design

The overall research design specifies the sources and types of information relevant to the research problem and outlines the approach to be used for gathering and analysing the data. The design explores the collection, measurement and analysis of data. Griffiee (2012:44) defines research design as “an operating model or blueprint for a research project, which accounts for internal reasoning (causality) and external reasoning (generalizability)”. Kelley et al. (2003) refer to survey research as the use of data obtained from a sample to describe the entire population under study. Taking a cue from Griffiee (2012), the survey’s research design explores the multiple data collection methods in order to explain the land use types and nature of physical development based on sample which is then used for generalization. This study was largely descriptive. The research design was a descriptive one because; the phenomenon under study was largely on the perception on land acquisition processes and land development issues. The study involves acquiring the views of people and land sector institutions on land administration after which description and inferences were derived from responses.

3.2.1 Preliminary investigation

A preliminary investigation was done in order to be familiarised with the issues to be investigated and to be acquainted with the land sector institutions in the Sekondi-Takoradi Metropolis (STM). Visits were made to the Physical Planning Department (PPD) and Land Commission to collect preliminary data and establish a rapport for the subsequent data collection exercise. Upon discussion with an officer from PPD, communities were suggested as exhibiting the variables used in the research. Visits were made to these communities to obtain first-hand information on the nature of physical development. It came to notice that some communities in the STM had composite planning schemes and for that matter it was difficult to carve out the exact boundaries for individual communities. Such communities were excluded in order to avoid overlaps and errors during the data collection. During the reconnaissance survey, the aerial photographs as at 2010 obtained from the PPD aided the selection of the communities for the research. All the communities shown in the aerial photographs were „automatically“ included in the sampling frame. These photos depicted the nature of

physical development in 2010 and therefore served as the basis for updating the old sector plans. The communities that were initially identified as possible study areas included Anaji, Essikado, Sekondi, Kwesimintsim and Kojokrom.

Anaji was selected because it exhibited planned development. On the other hand, Kwesimintsim and Kojokrom were selected because, they exhibited third class characteristics. Essikado and Sekondi were also selected because they were the only two paramountcies in STM. The chiefs of these communities are the head of all customary lands in STM but there are other sub chiefs and divisional chiefs serving as caretaker chiefs on behalf of the paramount chiefs. The sampling procedure is discussed below.

3.2.2 Sampling Design

For the purposes of this study, probability and non-probability sampling techniques were employed. A combination of probability (stratified, systematic) and nonprobability samplings (quota, purposive) were used at various stages of the data collection. The sampling methods used in this study involved a careful and systematic selection of the study communities, building owners, traditional authorities and land sector agencies (formal and informal) to ensure that outcomes from the study could lead to a generalization. The sampling methods as applied during the data collection have been explained below.

A stratified sample approach is used whenever researchers need to ensure that a certain segment of the identified population under examination is represented. Settlements within STM were stratified into two homogenous groups based on the type of land ownership, that is, two state lands and customary land. Interview with an official from PPD and preliminary investigation conducted led to the selection of five (5) communities from the two land ownership types.

Due to inadequate data on the homeowners, the number of houses was used to represent the population of the homeowners. According to Ghana Statistical Service (GSS 2000 & 2010), the housing typology is mainly single family houses. It was thus assumed that, each house belonged to one homeowner (unit of inquiry). Although there was no data on the number of houses in 2010, the data on the population of 2010 and the average persons per house were available. 2010 population were projected to 2014 (see appendix 1) using the growth rate of 3.2 percent. The number of houses for 2014 was then

calculated using the projected population (2014) and the average persons per house for each of the communities (see appendix 1) to obtain the number of houses for the five (5) areas which served as the sampling frame. Using 94 percent confidence level (C.L) and margin of error of six (6) percent, the sample size was 270 (see appendix 2). Considering the five (5) study areas (see Figure 1.1), a total sample of 270 houses were to be studied as shown in Table 3.1. The sample size was proportionately distributed among the communities. The first and second class communities had a well designed layout with block. In order to have a representation of the all blocks, the Kth number (which was 5) was fit to be used.

Table 3.1: The study areas and the number of sampled houses

Study communities	Projected Population-2014	No. of houses 2014	Percentage share	Sample size
Anaji	14,516	2,688	28.4	77
Sekondi	45,777	2,953	31.4	84
Essikado	17,755	1,268	13.4	36
Kojokrom	8,208	684	7.3	20
Kwesimintsim	31,341	1,844	19.5	53
Total		9437	100	270

Source: Field Survey, 2014

With purposive sampling, specific units are intentionally selected to form part of the sample because they are institutions who have gained mastery on the subject matter. The land sector institutions (Lands Commission, Office of the Administrator of stool lands, PPD, land secretariat office of the chiefs) were therefore purposefully selected to provide the needed information. Paramount Chiefs were also consulted because they are also involved in land alienation and its development. Their views were therefore paramount in this study. Table 3.2 summarises the sample procedure used in the data collection.

Table 3.2: The sampling procedure adopted

Stages	Sampling method	Purpose
Level 1	Stratified sampling	Group all settlements in STM into homogenous groups (either state or customary land)
Level 2	Purposive sampling	Preliminary investigations aided in the selection of the 5 settlements that exhibited the variables under study
Level 3	Systematic sampling	Selection of houses (every 5 th house beginning from the main road)
Level 4	Purposive sampling	Selection of traditional and official land sector institutions

Source: Author's Construct, 2014

3.2.3 Primary data collection methods

In addition to the data gathered from literature, primary data were collected to verify and provide more evident to the research. Questionnaire administration, face-to-face interviews and field observations were used to collect primary data for the research.

These methods are further elaborated below.

3.2.3.1 Field Observation

Observation becomes a scientific tool and a method of data collection when it serves a formulated research purpose. In this study, observations were made during the whole data collection stage (interviews, questionnaire administration and especially during the updating of maps) on the state of development either planned or haphazard. These base and updated maps served as basis for analyses done on the physical development in the study communities. Notes were taken on issues such as the location of structures, road networks, location of economic activities and non-conformity of uses as compared to schemes prepared. During the process, photographs were taken to capture current development. Observations were made before the survey and this was helped identify the current state of the development and verification and explanations were sought during the interviews with officials and traditional authorities.

3.2.3.2 Survey Questionnaire Design and Administration

This method of data collection is quite popular particularly in case of large-scale enquiries. The questionnaire included a number of questions printed in a definite order on a form. Questionnaire is considered as the heart of a survey operation; hence the questions were carefully constructed to ensure reliability and validity. The factors considered in designing the questionnaire included the general form (structured or unstructured questionnaire), question sequence (clear and smoothly-moving, the relation of one question to another should be readily apparent to the respondent), question formulation (close-ended and open-ended question). Open-ended questions were included to provide opportunities for respondents to elaborate on issues and allow unanticipated answers to be obtained.

The target population for the questionnaire administration in this study were homeowners and other building owners (commercial and religious). With this approach,

enumerators explained the aims and objects of the research to the respondent in order to obtain full participation. Enumerators after obtaining the assurance of the homeowner to participate then asked the respondents the questions on the form in the order the questions were listed. Responses were recorded by the enumerators in the spaces meant for the question asked. The enumerators were trained to perform their job well and the nature and scope of the research was explained to them to understand the implications of different questions put in the schedules.

Pre-test which is rehearsal of the main survey instruments, was conducted to increase and reinforce the reliability and validity of the questions. The aim was to ensure that the survey questionnaire could be replicated with similar outcomes. Validity is the most critical criterion and indicates the degree to which an instrument measures what it is supposed to measure. The test of reliability is another important test of sound measurement for consistent results. From the experience gained during the pre-testing, the quality of the questionnaire was improved. Usually a sample of 25-75 is an acceptable size to pre-test (Miller and Whicker, 1999). Based on the five study areas, a one day pilot survey (using systematic sampling method) was conducted on twentyfive (25) homeowners (5 in each community) to test the instrument before the actual survey. During this exercise, it came to bear that the research was a sensitive one because it was land related. The survey questionnaire was revised based on the experiences from this exercise. The questions that were found irrelevant were deleted while others were modified to ensure clarity.

Based on the sampling frame of 9437 for the five communities, the sample size was 270 at a 6 percent margin of error and 94 percent confidence level. Due to the disparities in the number of houses in the individual communities, the quota sampling method was used to distribute the sample size of 270 among the study areas as summarised in Table 3.1. This was designed to ensure high degree of representation. Due to the sensitive nature (land issues) of the research (amidst other challenges as stated in section 3.4), some homeowners were not willing to take part and so were excluded from the research hence reducing the response rate to 250.

The survey was administered by five (5) Teaching Assistants from the Department of Planning who were trained in the data administration. These were already abreast with variables been explored and were familiar with the geographical setting. However, they

were closely monitored to ensure that the questionnaires were completed. Due to the variety in the level of education of the study areas, people who were fluent in the local language (Fanti) were employed to carry the survey in a language known and understood by the respondents.

During the field survey, data on sources of land acquisition, documentation on lands, cost at which land was purchased by its users, land conflicts, staffing situation of the government land institutions, disorganized development, traditional authorities' relationship with government land institutions and preparation of layout plans. The questionnaire administration was done to gain enough insight for the subsequent interviews with the traditional authorities and officials of land sector institutions. This information helped re-structure the interview guides in order to seek in-depth explanation to the issues raised and identified during the questionnaire administration and observation.

3.2.3.3 Face-to-face interviews

This method involved a set of predetermined questions. Interviews were conducted with traditional authorities (mostly chiefs and elders) to understand the planning problems entailed in land allocation and management processes from their perspective. Likewise, key officials of land sector agencies such as Lands Commission, PPD, Office of the Administrator of stool lands, STMA Court were interviewed in order to elaborate on the issues identified in the survey.

During the field survey, 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, land conflicts, staffing situation of the government land institutions, disorganized development, traditional authorities' relationship with government land institutions and preparation of layout plans. The data were collected with the help of two field assistants who were given training to administer the questionnaire. The data required, its sources and the method used in collecting the data is shown in Table 3.3.

Table 3.3: Data required, source and mode for data collection, and sampling technique

Research objectives	Data required	Unit of inquiry	Sampling Technique	Survey Instruments
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<p>To examine the processes involved in land acquisition in STM</p> <p>To assess the roles and challenges of traditional and official land institutions in STM</p> <p>To identify emerging effects of land administration outcomes on physical development in STM</p>	<ul style="list-style-type: none"> • Land demand factors • Land allocation/ acquisition procedures • Institutional structures, capacity and weaknesses • Land laws and legislative instruments • Land development processes • Stakeholder relationships • Land use regulations/ development control mechanisms (zoning, planning schemes and structural plan) • Nature of physical development • Effects of official and traditional land administration 	<p>Home owners</p> <p>PPD</p> <p>Lands Commission</p> <p>Administrator of Stool Lands</p> <p>Traditional Authorities</p>	<p>Systematic Sampling</p> <p>Purposive Sampling</p>	<p>Interview schedules</p> <p>Questionnaire</p> <p>Observation guide</p> <p>Interview schedules</p> <p>Questionnaire</p>
<p>To recommend strategies to promote harmonious development</p>	<p>Findings and recommendations from Survey</p>	<p>All units of analysis</p>		

Source: Author's Construct, 2014

3.3.3 Data Processing and Analyses

The data obtained from the questionnaire and the responses were scrutinised to ensure accuracy and consistency. Editing was done at two levels, that is, field editing (daily basis during data collection) and central editing (after data collection). In some cases, return visits were made to identify the respondents and seek further clarifications of certain responses. The data was then well arranged to facilitate coding and tabulation. The data was coded by assigning numbers to the responses and this helped to limit the number of categories or classes to analysis. Coding was useful in this research because it ensured efficient analysis and reduced several replies to a small number of classes which contained the critical information required for analysis.

In order to see patterns and concepts in the data, Microsoft Excel and Predictive Analytics SoftWare (PASW) were employed for content analysis and to generate frequency tables and cross-tabulation for data analysis.

The recorded interviews were transcribed to identify similarities and differences of the responses. Content analysis was done to group the responses into major themes. Further, qualitative data gathered were analysed using ATLAS to extract relevant information for analysis. Data on personal observations of events was captured using digital photography. ArcGIS (version 10.2) was also employed in the spatial analysis particularly with respect to land use maps.

3.4 Limitations of Data Collection

One of the major limitations was limited access to secondary sources of data from the courts (for example details of land related cases from the high court) and the land sector organisations. Data such as number of homeowners was not available and those that were available were not easily accessible. Due to dispute on the successor of the late chief of Sekondi, there was no chief for Sekondi. As a result the chief of Sofokrom who has been given the mandate to oversee issues in Sekondi was used as a replacement during the study. In indigenous communities such as Essikado and Sekondi where properties had been inherited over several generations, identifying the original homeowners was a major challenge. The original homebuilders had passed away and current ones had very limited information on the processes involved in land acquisition and its development. The study was in an urban setting and as a result some homes were occupied by tenants who could not provide the required information needed for the study.

CHAPTER FOUR

LAND ADMINISTRATION IN THEORY AND PRACTICE

4.1 Introduction

Land is the basis for human activities (housing, agriculture, mining, tourism) and investments in infrastructure for socio-economic progress. Therefore an efficient system of land administration is essential for the success of initiatives that require the use of land. The land market revolves around three principal and interdependent components: ownership, value and its utilization. Therefore a system for the land boundary demarcation, registration of rights and interests in land, recording and distribution of information about ownership, and for the valuation and use of land are critical elements in the land management process. This researched focused on ownership, allocation and use of land as well as management of information on land.

The administration of land in the Sekondi-Takoradi Metropolis (STM) revolves around two main institutions; the traditional institutions (which hold lands in trust for the people) and the official land administrative institutions. This chapter gives a brief idea of the profile of the study area and then analyses of the land alienation processes, the key land institutions and the collaborative roles of these institutional structures. It also explores their strengths and weaknesses. This analysis is based on data generated from the questionnaire administered to home owners in the five (5) suburbs in STM and face-to-face interviews with key officials of official land institutions.¹ It focuses on ownership, allocation, land use and land information management. It analyses the land alienation processes, the key land institutions and the collaborative roles of these institutional structures.

4.2 Profile of Study Setting

Under the Town Council Ordinance No. 26, the Sekondi-Takoradi Metropolitan Assembly (STMA) started as Sekondi Town Council in 1903. In 1946 Takoradi was brought into the administrative area of the Council. In June 1962, Sekondi-Takoradi was elevated to the status of a city and is currently one of the Six (6) Metropolises in Ghana. In 1994 the name of the Assembly was changed to Shama Ahanta East Metropolitan Assembly (SAEMA) through LI 1316. The name was later reverted to STM again in 2008 through L.I 1928 after Shama was carved out as a newly created district. STM with Sekondi as the administrative capital is located in the south-eastern part of Western

¹ Although the study interviewed officials of the Survey Department who deal with surveying of boundaries and registering of land documents, it focused mainly on the processes and institutions involved in land ownership, land alienation and use of land.

Region. It covers a land area of 49.78 km² with. The Metropolis is strategically located as it functions as the „Gateway“ to the Western Region and its closeness to La Cote D’Ivoire as well as the location of the Takoradi Port. The Metropolitan Assembly is made up of four (4) sub metros (see Figure 4.1) namely the Sekondi, Takoradi, Effia-Kwesimintsim (highest population) and Essikadu-Ketan (lowest population). These Sub-District administrative structures are symbols of community participation.

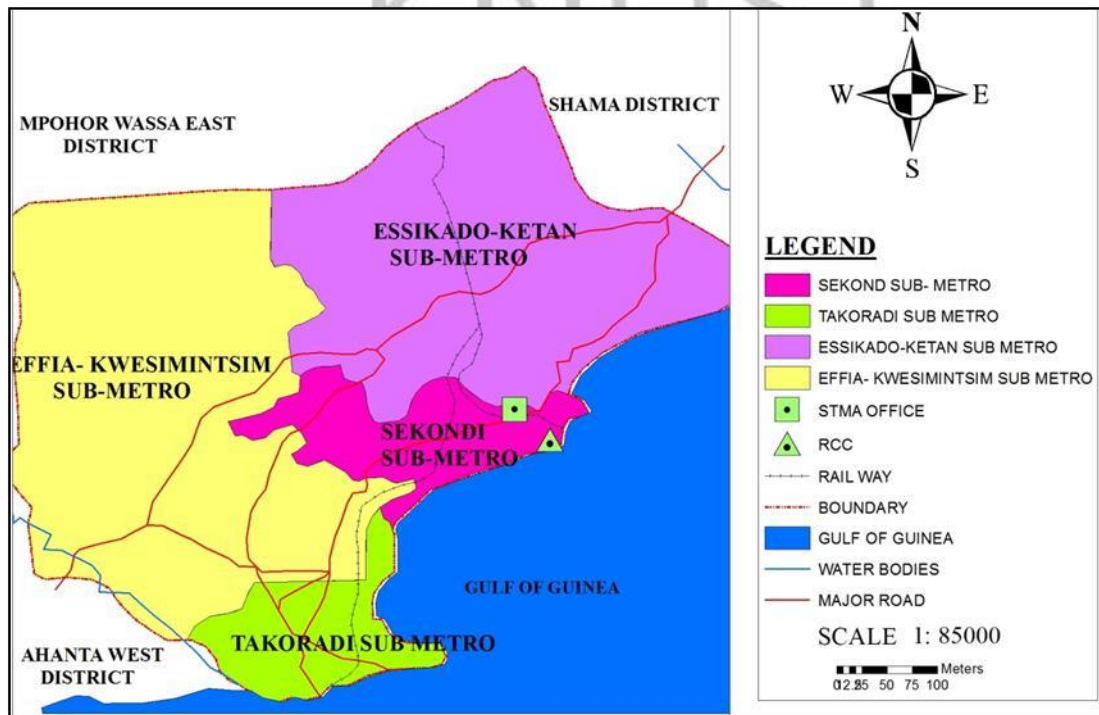


Figure 4.1: Administrative map of Sekondi-Takoradi Metropolis showing the four sub metros (Source: STM, MTDP 2010)

Physical development in the metropolis is governed by Sector Layouts prepared by the Physical Planning Department (PPD). The day-to-day responsibility of managing the plans and the Sector Layouts in the Metropolis is vested in the Metropolitan Works Department and PPD. However, the Metro Statutory Planning Committee of the Assembly has the overall responsibility for the management of the land use plans and physical development activities. Growth of settlements within Sekondi-Takoradi has been in the periphery of Sekondi and Takoradi. In the past when Sekondi was prominent, settlements grew close to it to take advantage of the brisk economic activities, especially commerce. Currently, the growth of the Metropolis is to the Northern direction where there is undeveloped land and also due to the coastline, development can only be towards inland.. With a land area of 49.78 km², the current population density of the metropolis stands at 8,140 persons/km². Settlements such as Takoradi, Effia, Effiakuma,

Kwesimintsim, Tanokrom, Sekondi, Adiembra, Kojokrom, New Takoradi and Anaji have high population densities and as a result a lot of pressure is exerted on existing infrastructural facilities. Farmlands are also being converted into residential plots particularly at the newly developed areas such Butumajebu, Kansaworodo, Deabenekrom and North Kwesimintsim. About 69 percent of the population were urban with 31 percent rural in the year 2000; however there has been a tremendous increase in urbanisation from 69 percent to 72.9 percent as of 2010. Below is a map showing the land use pattern in the Sekondi-Takoradi Metropolis (Figure 4.2).

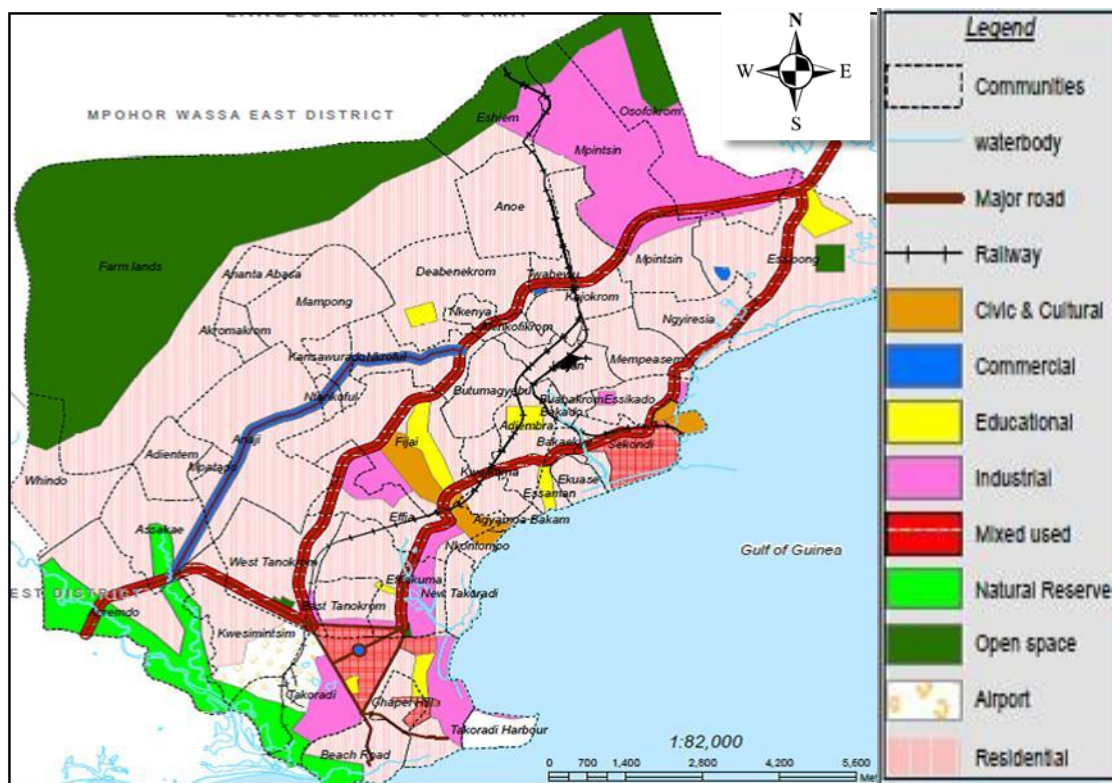


Figure 4.2: The land use pattern in STM (Source: STM, MTDP 2010)

The old settlements in the Metropolis are characterised by relatively good socioeconomic infrastructure such as tarred roads and drains, utility services (water and electricity), waste management services, educational and health facilities. These old settlements were planned and developed by the colonial administration and this is evident in the road network (grid system) and architectural designs of buildings which are particularly visible in Sekondi (European Town) and Takoradi Central Business District.

As in most parts of Ghana, 80 percent of lands in the STM are vested in Traditional Authorities. Therefore traditional authorities are the first points of contact for land allocation by prospective land developers. The two (2) paramountcies in the STM are Essikado and Sekondi. These paramountcies are supported by sub-chiefs at various communities who allocate land on behalf of the paramount chiefs. The allocation of land is mostly done by the land allocation committee and approval is given by the chiefs of the various communities. This excludes government lands which were acquired through eminent domain during the earlier era for the development of infrastructure.

However, dating to the colonial settlement era, several government agencies have been assigned the responsibility for planning, land use control, record keeping and revenue mobilisation. These official institutions have been imposed on the existing traditional structures resulting in the apparent lack of cooperation between chiefs and government officials in the land management and development process in urban centers. The next section focuses on land (customary and state) acquisition and documentation process, the roles played by the various institutions at each stage as well as the challenges that hinder the effective functioning of the institutions. The problems faced at each stage by the various stakeholders are also discussed.

4.3 Customary land acquisition and documentation process

As in other parts of Ghana, traditional authorities are considered as the custodian of lands in the STM. Submission from the Regional Lands Officer during the survey made it clear that the two paramount chiefs manage nearly 80 percent of the land in the metropolis. In this light, they constitute an integral part in the land administration process as they alienate lands to prospective builders. However, per the Ghana Constitution, 1992 (Article 267 (3)), “there shall be no disposition or development of any stool land unless the Regional Lands Commission of the region in which the land is situated has certified that the disposition or development is consistent with the development plan drawn up or approved by the planning authority for the area concerned”. The implication is that the powers of the traditional authorities are now constrained by official land institutions. 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 applicants. Interviews with paramount chiefs indicated that, the customary land acquisition process

is the same throughout the metropolis. The land acquisition process as pertains in STM is shown in Figure 4.3.

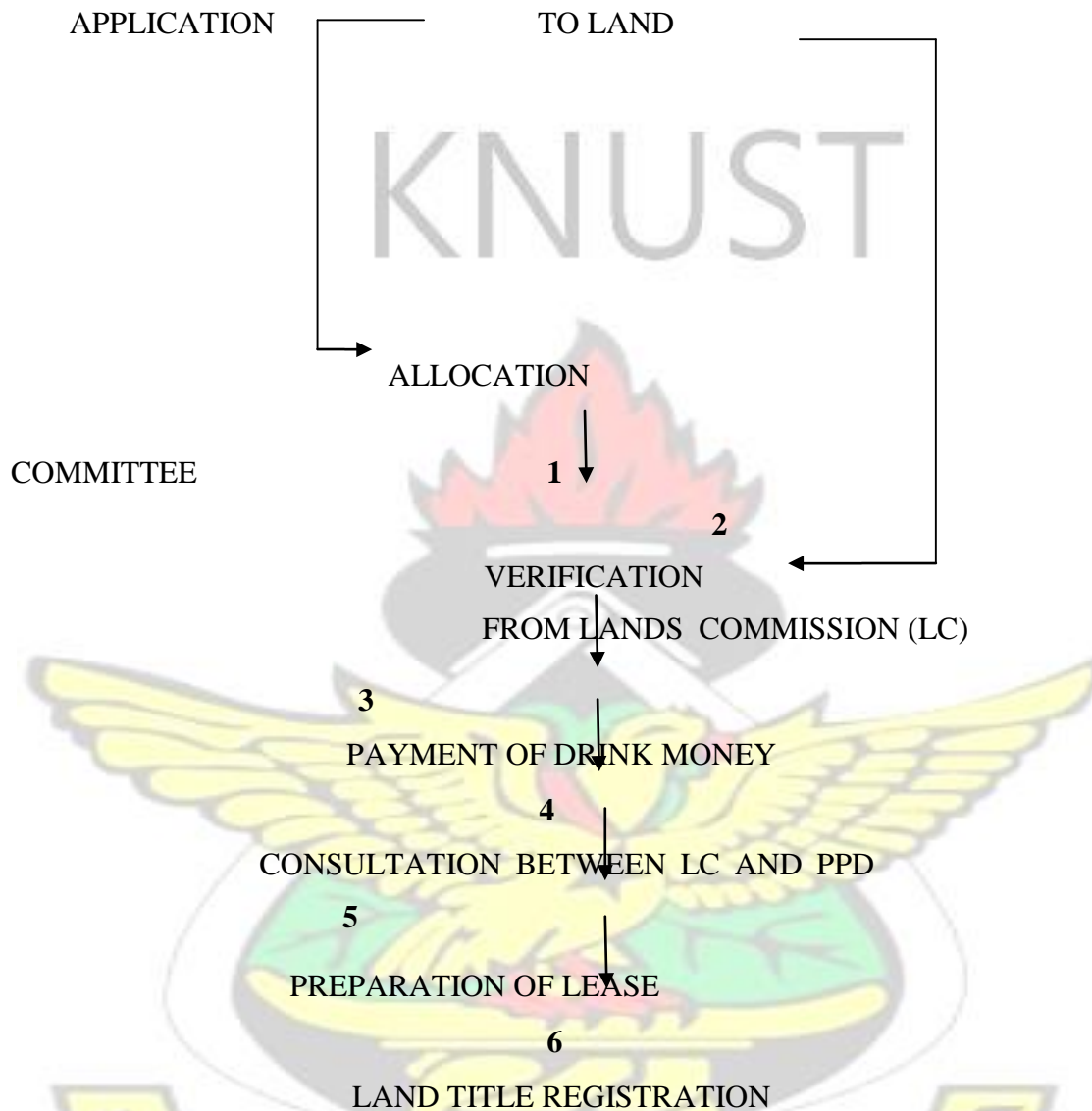


Figure 4.3: Customary land acquisition and documentation procedure in the metropolis

Source: Author's Construct, 2014

The acquisition process as outlined in Figure 4.3 has been explained in the subsequent sections. The activities and stakeholders involved at each stage as well as the problems and challenges that inhibit the success of the process are highlighted.

4.3.1 Search and application by prospective developer

A prospective developer does the „knocking“, that is approaches a caretaker chief and his elders and in few cases the Abusuapanin (head of the land owning or royal family)

to request for a land and state the use for which he wants a land. Although traditionally, the land belongs to the community and they should have a say in determining the allocation of land, the study found that the traditional authorities had set up land allocation committee consisting of chiefs, queen mothers and family heads/ Abusuapanin who are consulted over the allocation process and they determine what land has to be given out or not. The land allocation secretariat based on the informed interest of the prospective grantee and reference made to the planning schemes allocation of the desired plot of land is made. Whether or not a land will leased out is usually dependent on the outcome of an assessment (done by the committee) of the effect of the expected development on the area. The chiefs stated that, the setting up of the allocation committees has ensured transparency in the disbursement of benefits accrued to the land allocated. It was revealed by the traditional authorities leased parcels of land based on approved sector layouts provided by the PPD. However, the traditional authorities admitted that the officers from PPD sometimes do not inform them whenever changes are made to the schemes. In such cases, the exact location and use of plots allocated by traditional authorities may conflict with the revised planning scheme.

4.3.2 Verification from Lands Commission

The applicant checks the vacancy of the allocated plot(s) at the LC in SekondiTakoradi. The applicant verifies the availability or not of the desired plot at the commission by presenting a site plans to the LC. Officers at the office go through their records to establish the availability or not, of the plot in question. The applicant is notified of the outcome and advice is given him/ her accordingly. When there is the confirmation that the plot is available, the applicant returns to the traditional authority for further action to be taken. This stage is very necessary as it was revealed during the survey that, developers who usually skip this stage find themselves in conflicts with other developers. Thus conflict as a result of multiple sale of land arises.

As part of the responsibilities of LC outlined in the Lands Commission Act, 1994 (Act 483) and Article 258 of the Constitution of Ghana, the office is tasked to serve as a land records bank by keeping records of lands either public or private in the metropolis. This responsibility comes to play when there is the need for verification by applicant on the status of a land (whether occupied or vacant). However, the survey revealed that the operation of the LC in the area of records keeping is deficient. Information on lands at the records room is not stored electronically and thus retrieving information on land for

land developers takes a long time. This discourages many land users from verifying vacancy or otherwise of land before purchase and even when it comes to the processing of land documents. An interview with a lands officer also revealed that the issue with poor record keeping is due to factors such as inadequate logistics such as computers, photocopiers and printers.

4.3.3 Payment of 'drink money'

As stated in literature, this survey revealed and supported the fact that lands are not sold because it is believed it is the property of the living, the dead and the unborn. In Sekondi-Takoradi too, land is not sold. However, a prospective grantee is required to pay a certain amount (usually referred to as the „drink money“) for the use of the land. This money is usually dependent on the location in question. The situation is not different in Kumasi because, the location of the land (that is either a first, second or third class area) also influences the „drink money“ charged. The prospective grantee is given an allocation note signed by the chief after the „drink money“ is paid and is given a receipt and an allocation note. The allocation note is a sign of the consent of the paramount chief, the sub chief and queen mother to lease the land to the applicant for a specified period. When the area where the land is been allocated is not directly under the two paramount chief, the caretaker chief sends one-third of the „drink money“ to the chief his stool serves.

In the past, the „drink money“ was a token usually bottle of schnapps given to the chiefs for the release of land and not outright sale of it as said earlier on. However, the case is not so in recent times. Chiefs interviewed during the survey expressed their agreement to the past knowledge that land is not sold and that it is even wrong to use the term „sale of land“. The traditional authorities made it clear that they do not have the capacity to sell lands because as seen in literature, they see land as an inheritance belonging to the past and these traditional authorities are holding it in trust for those coming. The whole idea of the stool as explained by the paramount chiefs was to make sure that land always had a communal interest that was not transferable. Even though the perception that land is not sold still holds, the money charged by the traditional authorities are now equivalent to the market price of the lands. So indirectly, the lands are now “sold” to the applicant.

After the applicant pays the „drink money“ the terms of usage is made clear and it is usually 99 years (for citizens) for residential, 50 years for agriculture purposes and 25 years for industrial activities. Foreigners (non Ghanaians) are also given a maximum of fifty (50) year lease as enshrined in Article 266 (4) of the 1992 Constitution. It is customary that the sub-chief pays a third of the “drink money” to the divisional chief but it is at the discretion of the divisional chief to pay any part of this to the paramount chief. In Takoradi, there are some sub-stools which operate directly under the paramount stool. In such situations, land is acquired from the sub-stools and they pay one-third of the purchase price to the paramount stool. The applicant has to obtain a site plan of the land and present this with an application letter to the Lands Commission.

4.3.4 Consultation between LC and PPD

The allocation note plus three (3) copies of the site plan approved by the Survey Department is sent to the LC to consult PPD to check whether the proposed land use (structure) to be developed on the allocated plot conforms to the approved land use². As part of the process of land acquisition and development, a site inspection is conducted by PPD to verify the plot in reality as against what appears on the scheme of the area. In Sekondi-Takoradi, the inspection fee is assessed depending upon whether the land is situated within or outside the metropolitan area. A concern was raised by the home owners concerning the delay in the site inspection conducted. It was revealed that an applicant will have to make several visits to the PPD for the inspection to be conducted. This assertion was confirmed by the officer of the PPD and it was highlighted that the department was constrained in the performance of their duties because the number of applications (see Table 4.8) as coupled with the staff strength (see Table 4.6) creates the delay.

4.3.5 Preparation of lease

The applicant attaches an application to the allocation note and sends it to the Lands Commission for the preparation of the lease. The applicant submits 4 copies of the allocation note and 8 site plans. Then 4 site plans are attached to the 4 allocation notes.

² This contrast with the situation in Kumasi, before site plans and allocation notes are sent to LC, the documents has to be sent to the Asantehene for approval with one-third of the “drink money”. 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) before the consultation with TCPD happens. When the vacancy is confirmed, the Asantehene signs to approve the allocated land or the right to use the land for a stated period

The rest of the site plans are kept by the public and vested land management unit of the LC and given out to any officer upon request. The document (allocation note, site plan and site visit report form PPD) is sent to the land officers for the minuting of the fees. An assessment is made by the Lands Officer to verify from the records whether the land in question has not already been in cumbered (meaning if the land was not sold to any one before it was sold to the current applicant). When the land is free for occupation, a file is opened to keep the details of the information on the land. The land in question is technically recorded in the file by edging the plot in question with a pencil. The site plan submitted is superimposed on the layout prepared and given by the PPD. A blue pencil is used to edge the plot on the layout and the file number is written. The fee is then made known to the applicant and payment is made. When these processes are carried on successfully, no one can request for that land and when such a request comes up, the new applicant is informed that the plot is not vacant plot. After the filing and payment of the fees by the applicant, the documents are assessed by another land officer to determine the rent payable. After which the documents are sent to the lawyer for vetting and then taken to the land valuation board for stamping. Photocopies of the stamped documents is done and a copy is given to the applicant and another copy sent to internal revenue office for tax clearing certificate to be issued before the deeds registration commence. The lease when prepared is signed by the caretaker chief, and the chairman of the Lands Commission (representing the government)³.

The study revealed that the processing of the lease took six (6) months to a year but the introduction of the Land Administration Project (LAP) as will be discussed in details later in this chapter, had created the avenue to cut down the duration (currently, lease registration for stool lands can take 2 months and a month for family lands if there are no problems with the applications). It was highlighted that, the delay in the processing of the lease as stated by some applicant occur as a result of inadequacy of information provided by applicants. Aside logistical constraint of the LC (see Table 4.4 and 4.5), the Lands Officer stated that some applicants submit their documents without indicating their address neither do they make check-ups to follow their application. This situation makes it difficult for the officers to work on the application and eventually when the

³ In the case of Kumasi, there is a third part who is the Asantehene also appends his signature. The lease legalizes the right for the applicant to occupy the allocated land for a specified period

applicants show up, they tend to complain because they were expecting the process would have been completed on their return.

4.3.6 Land Title Registration

The 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. The chiefs provide the allocation note and site plan which serves as the basis for the land title process to commence. In the case of Sekondi-Takoradi as in the case of Kumasi, after the lease has been prepared, the necessary documents (allocation note, site plan and lease) are sent to the deeds registrar (who is the lawyer for the commission) to minute the files for the deeds clerk to take the necessary actions. The clerk then records the particulars of the transaction in the deeds registration leisure. The particulars include the name of the leaser (the chief), name of the leasee (applicant), consideration by way of the rent, the plot size and number. The documents are then stamped by the deeds clerk and the lawyer signs them. With stool lands, there is the need for concurrence from the chairman of the lands commission. So after the vetting by the lawyer, the documents are sent to the Regional Lands Officer who recommends to the chairman of the commission for concurrence. The concurrence certificate is typed out and the chairman signs after which all the documents are taken to the land valuation board for stamping. It is after this stage that development can commence.

The homeowners highlighted the problems they faced during the acquisition of customary lands. As shown in Table 4.1, approximately 45 percent of the respondents acquired their land from either the chief or family heads. The main reason given for the 45 percent of respondents acquiring stool land was that, it constituted majority of lands in STM. As a result, there are lots of stool lands available to satisfy the increasing demand of land.

Table 4.1: Source of land acquisition by homeowners

Study areas Source	Anaji		Sekondi		Essikado		Kojokrom		Kwesimintsim		Total	
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%
Stool	22	31	12	15	17	50	8	44	3	6	62	25
State	42	59	16	21	8	24	-	-	3	6	69	28
Family	-	-	12	15	9	26	7	39	21	43	49	20
Individuals	7	10	14	18	-	-	3	17	22	45	46	18
No answer	-	-	24	31	-	-	-	-	-	-	24	9
Total	71	100	78	100	34	100	18	100	49	100	250	100

Source: Field Survey, 2014

The homeowners demonstrated their dissatisfaction with regards to the acquisition procedures in relation to stool lands. Approximately 80 percent of respondents stated that the stages were frustrating and challenging. The difficulty encountered was basically with delays with the collaboration between the two institutions. It was also revealed that a prospective developer had to make two or three follow up for site visits to be conducted on the site intended to be developed. The cost incurred with these site visits had to be catered for by the prospective developer even though an application fee has been paid. Another contributing factor to the delay in the processing of application was the technical and statutory meeting schedules. Respondents testified that, technical and statutory meetings are held about ones or twice within a year. Considering the number of applications, the meeting schedules do not provide the time needed to consider a number of applications. These claims were supported by the Officer of PPD and were clear the applications could not be handled with one or two meetings. It was rather unfortunate that prospective developers could not do anything about the delays and rather had to continue with follow ups till all the procedures were successfully completed.

On the lighter side, it was found that the traditional authorities were not up to task when it comes to playing their role as custodians of land. The chiefs testified they had planning schemes that served as basis for the allocation of lands. Even though they had ways of indicating lands that has already been allocated, they did not have knowledge as to the total size of land under their jurisdiction. The paramount chiefs testified that they had been notified that some sub chiefs hired private surveyors and planners to do the spatial planning and plot demarcations in their communities. Although they agreed it was not acceptable but the chiefs complained the Survey and Mapping Division and the PPD whose responsibility it is are not up to the task because they are constrained by funds available to them. According to the PPD such plans drawn by chiefs are approved at the Statutory Planning Committee (SPC) when the plans satisfy all the requirements. The research found traditional authorities were ready and determined to take greater part in the administration of lands by planning and determining land uses. The chief of Essikado added that:

“.....all the planning the city authorities do follow the white man’s concept even though the government officials do not understand the spatial development concept of the white man”.

According to the chief, the „white mans“ planning techniques and designs run contrary to the traditional customs of the people. They were concerned that they were not involved in the planning and preparation of the planning schemes of the communities. They emphasised that, the concept of grass root participation should not be a theoretical concept but should be implemented. The traditional authorities also claimed it would be less costly for them to prepare planning schemes than allowing the government institutions to do that because they claim some of their citizens or royals are experts in land issues and would provide the service free of charge or at a highly subsidized cost. However, the mandate to prepare spatial plans has been reserved to land agencies rather than chiefs. This move to allow chiefs prepare planning schemes has the potential for mismanagement and accelerates customary land disputes in STM (see Table 4.2).

Table 4.2: The number of land related cases among developers in STM

Year	Number of Cases
2010	68
2011	67
2012	111

2013	127	
	Addressed	Pending
Mid of 2014	11	49

Source: Field Survey, 2014

However, it appears that chiefs want greater collaboration with official land agencies in the planning to promote physical developments. It was also emphasised that

“officials of the land sector agencies are interested in their personal gains and that is what drives them in their decision making process”. As a result, the traditional authorities ascribed the state of the physical development to the misplaced priority of the land sector officers.

4.4 Land acquisition and documentation procedure for public lands

According to the officer of the public and vested land management division, there exist pockets of state lands which constitute about 20 percent of all lands in STM. The allocation of state lands in STM is done by the Lands Commission, which by statute is the custodian of government lands as stated in literature (Kasanga and Kotey, 2001:8; Asiamah, 2006:21). The acquisition of state land usually take seven to eight months and involves four broad stages as shown in Figure 4.4 and these steps apply to all state lands elsewhere in Ghana:



Figure 4.4 Land acquisition and documentation procedure for public lands in STM

(Source: Field Survey, 2014)

The stages involved in the acquisition of state lands as depicted in Figure 4.4 is described in details below:

4.4.1 Application and allocation of land

Application for the use of a public land is made through the Regional Lands Officer at the Lands Commission. The applicant must submit written request for the land. A form (form 5) is filled by the applicant and a discussion between LC and the applicant occurs. This is to conduct an inspection to check whether the plot is free for allocation or not. This normally takes about 7 days. The LC writes to the PPD to verify whether the description given in the plan conforms to the layout of the area or not. It takes about 14 days for the Commission to receive response from the PPD. When approval is given by the PPD, the Commission issues an offer letter to the applicant within seven (7) days. The offer contains the plot location and number, term of lease, amount to be paid (economic value), lease processing fees and development charges. The applicant is given a period of three (3) months after the offer letter has been issued; to reply to the Commission else it is deemed the applicant has forfeited the offer. The reply must be in writing and followed by the appropriate fees and charges. Upon acceptance of the conditions, steps for the preparation of a lease then commence.

4.4.2 Lease preparation

After the payment of the required fees, the Commission requests five (5) copies of site plan from the applicant. These plans are to be acquired for the Survey department at a fee and usually take four (4) days to get the site plans. Upon submission of the site plans, technical cartographers and clerks note down the proposed lease in the central records which takes 4 days. This is done so that subsequent dealers in land will not be given the same interest. The preparation of lease is done by the legal department of the commission and this is to ensure that the document is prepared in conformity with the law. The legal department takes a couple of days to prepare the lease after which an invitation is sent to the applicant to pay the ground rent for the first year. An embossment is made on the document after the payment of the rent and entries into various registries are made within 3 days. The plotting of the proposed lease is done in the central records at the records room of the commission. The document is then recorded in the various registries such as number register, name register, geographical register, the plan register and deeds register. After the necessary recording in the various registers, the applicant is invited to sign his part of the lease within 3 days. The applicant is made to take an oath of proof at the legal department. The oath is to state whether the grantor could read and write, and if not possible, whether the applicant can interpret and understand the provisions at the time of execution. Within 14 days after the oath is taken, the Chairman

of the Lands Commission signs the document and the applicant is invited to commence the registration of the lease.

It was revealed during the study that, the periods indicated are the average minimum durations, thus from the time the applicant makes contact with LC till the execution of the lease is 67 working days (approximately 4 months). The officer highlighted that the duration may be higher if one does not frequently follow up the document at various stages. It was also made known that; the process has been enhanced to reduce the duration with the establishment of the LAP project, as will be discussed in details (see section 4.5.1).

4.4.3 Stamping and registration

According to section 22 of the Lands Commission Act (Act 767), the functions of the Land Valuation Division are: assessing the compensation payable upon acquisition of land by the Government and the assessment of stamp duty. They are also responsible for the determining the values of properties rented, purchased, sold or leased by or to Government. The applicant sends the lease document to the Land Valuation Board for assessment of stamp duty under the Stamp Duty Act 1965. The Board receives the lease and invites the applicant for site inspection to assess the capital value of the land. The stamp duty, which is 2 percent of the capital value, is calculated. After the payment of the stamp duty, the Board stamps the document and returns it to the applicant to begin the actual deeds registration.

Under the Deed Registry Act, 1960 (Act 122), all documents concerning land must be registered and refusal to register does not make the transaction null and void but makes it impossible for one to use them as evidence in court. It can be deduced that, registered deeds enjoy priority over unregistered deeds. The pre-requisite for registration are: tax clearance certificate, payment of registration fees and ground rent, stamped lease (under Stamp Duty Act, 1965). Upon satisfying the above conditions, the documents are sent to the records room for the issuing of registration number, after which a letter is sent from the Deeds Registry to the applicant for the collection of registered document. The registration and posting of the letter takes about 7 days.

4.4.4 Land certificate

There is the need to obtain certificate on the land after the registration process is completed. According to Section 21 of the Lands Commission Act (Act 767), the functions of the Land Title Registry Division are: publication of notices of registration upon receipt of an application for registration. They are also in charge of registration of title to land and other interests in land. The applicant contacts the Land Title Registry Office to fill a form, as well as to deposit the lease. The applicant is then charged to pay a fee which is tax on the value of the land declared. After the payment is made, the applicant is given one of the site plans, a yellow card and letter to the Director of the Survey Department. The Survey and Mapping Division (*SMD*) are assigned the statutory responsibility of planning, supervision and execution of all land surveys as well as the production of maps plans and maps substitutes required for the socioeconomic development of Ghana. According to section 20 of the Lands Commission Act (Act 767), the functions of the SMD are as follows:

1. Supervise, regulate and control the survey and demarcation of land for the purposes of land use and land registration;
2. Take custody of and preserve records and operations relating to the survey of any parcel of land.
3. Provide base maps and cadastral plans upon which layout of communities are prepared by the PPD

At the SMD, the applicant sends the site plan to the land title section of the department. The officer accompanies the applicant to the site with a registry map. At the site, the Surveyor cross-checks the site plan with the registry map and also ensure that the measurements and boundaries are well demarcated and correct. All these occur within 3days, after which the surveyor sends the applicant's file to the cartography section. It is expected that within 20days, the cartographers and technicians would have finished plotting after which the applicant is directed to pay a fee to the Accountant at the SMD. The applicant is asked to check the Land Title Registry after one week.

At the Land Title Registry, the applicant pays advertising and land certificate fees and is advised to check up in a month's time with a Tax Clearance certificate. The Registry advertises in a weekly paper for 3 weeks indicating the under listed information: locality, name of applicant, description of land, block number, extent (acreage), nature of interest,

registry map and lodgement number. If no objection is raised, the land certificate is issued and this takes 30 days. It takes approximately 59 working days (12 weeks) to receive a Land Title Certificate and then development can commence.

4.5 Official land sector institutions

The land sector departments which are vested with the responsibility to manage lands in the metropolis include LC, PPD, DCU and OASL. The following section highlights their roles and some of the weaknesses of these institutions that inhibit the execution of their duties.

4.5.1 Lands Commission (LC)

Under Act of 1994 (Act 483) and Article 258 of the 1992 Constitution of Ghana, the Lands Commission in co-ordination with the relevant public agencies and governmental bodies, perform the following functions:

1. Manage public lands and any lands vested in the President,
2. Advise all land stakeholders on the policy framework for the development of particular areas of Ghana to ensure coordinated development,
3. Formulate and submit to government recommendations on national policy with respect to land use and capability;
4. Advise on, and assist in the execution of, a comprehensive programme for the registration of title to land throughout Ghana;
5. Perform such other functions as the Minister responsible for lands and natural resources may assign to the Commission

The Lands Commission allocates public lands to applicants and also facilitates the acquisition of lands by government agencies. The commission was also expected according to Act 483 to ensure that fair, adequate and prompt compensation is paid for lands compulsorily acquired for the government or its agencies. This was backed by the Lands Officers' statement that the LC in practice facilitated the acquisition of public lands on behalf of the government. It was revealed that the LC coordinated with the Survey Division, the Regional Coordinating Council and the Assembly within which the land to be acquired is situated. LC also organises site advisory committee meeting to acquire the land and the Regional Lands Officer is the secretary to that meeting. The second function of the Commission as pertains in Act 483 was 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 included protecting government lands from encroachment and ensuring public lands are used in the most profitable way. The survey brought to bear through an interview with the Officer that the Department has not been able to keep up to such responsibility even though the commission makes attempt to protect such public lands. The third function was to serve as a land records bank by keeping records of lands either public or private in the metropolis. Records kept in practice from the submission of the Officer included sale of land transactions in the form of mortgages from banks, court rulings on lands, stool land boundaries, individual plot boundaries, and transactions on government land acquisition among many others. It was revealed that the department in performing such roles are challenged with resources making them not able to play their role as expected.

Article 258 (1) of the 1992 Constitution of Ghana reveals that among the various responsibilities of LC, it is tasked to keep records of all lands and manage all state lands and vested lands. This shows that the LC must interact closely and frequently with all land institutions. In practice, copies of layouts plans prepared by PPD are deposited with LC which serves as the basis for land documentation process. The commission ensures that land documents are prepared on only approved parcels of lands. However, in spite of this complementary effort to the DCU of the Assembly, layout plans as shall be discussed in the next chapter are violated greatly by the traditional authorities and other land owners.

The Department also issues rent demand notices to people occupying government land when their rents are due. Such people are also contacted when their leases expire so they take appropriate steps to renew them. The department also attempts to resolve land related conflicts. However, the case is forwarded to the court when parties involved in the conflict are not satisfied with the judgment rendered by the LC.

Land administration in Ghana as explained in literature (National Land Policy, 1999; Kasanga, 2006; LAP, 2006) has evolved through ambiguous processes and rendered inefficient and unjust because it is bedevilled with various constraints and in an attempt to address the issues. Land Administration Project (LAP) became necessary for the implementation of the recommended policy actions in the National Land Policy and for the transformation of land administration in the country. The National Land Policy (subsection 2.2: 4) identified the disintegration of the official land institutions that

administer land as one of the key barrier to an efficient and effective land administration in the country. Section 2.2 of the policy indicates that the fragmentation left a legacy of unsettled problems, such as poor record keeping of land information, outmoded operating procedures, over-lapping, conflicting and unclear mandates, leading to a land administration system, characterized by inefficiency, delays, high transaction costs, frustration and corruption. This called for a solution, the processes of which began with the Swedru Proposals in April 2002, which called for a Land Board, with two main agencies – the Survey Department and a Unified Land Services Authority. This proposal was followed by a recommendation that demanded a merger of the five primary land administration agencies under the administration and policy direction of a unitary and reconstitutional Lands commission. In 2004, a legislative and judicial study of the numerous laws and judicial decisions on land administration also resulted in a call for the merger of the five land administration agencies. Again, in 2004, an Institutional Arrangement Review Study provided seven options including a preferred option of a re-organized land agency, made up of a Board (Commission), with three operating divisions, namely: Surveying and Mapping, Land Registration and Land Administration Services.

After a study of all the three recommendations, the Ministry of Lands, Forestry and Mines submitted a policy proposal for consideration in 2005, which was given Cabinet approval in February 2007, based upon which the new Lands Commission Bill was drafted. Currently, the legal responsibility for land administration and the delivery of land services in the country is spread among seven public agencies which are the Lands Commission, Survey Department, Land Title Registry, Land Valuation Board, Physical Planning Department and the Office of the Administrator of Stool Lands. Under a new Lands Commission as provided for in the Bill, the Survey Department, Land Valuation Board, Land Commission Secretariat and the Land Title Registry have been made divisions and power is given the Commissioners to create more divisions as the Commissioners consider necessary, with each division having as its head, a director who answers to the Chief Administrator/Executive Secretary of the Commission. The integration of these agencies by law and physically is intended to facilitate the implementation of the one-stop-shop concept, render land administration client-focused and facilitate the sharing of information between the divisions and with the public. The integration is also intended to promote expeditious, efficient, transparent and business-

oriented mode of land delivery services, reduce transaction costs and provide an accessible healthy environment in the land sector. The current Lands Commission, as part of the Public Sector Reform Programs and LAP, has been substantially remodelled by Act 767 to increase its efficiency and effectiveness. The divisions of the Lands Commission under the Act are the Survey and Mapping Division (SMD); the Land Valuation Division (LVD); the Land Title Registry Division (LRD) and the Public and Vested Land (PVL).

Due to the difficulty and challenges homeowners faced with stool lands as explained earlier on, the survey revealed that 54 percent (see Table 4.3) of respondent would want to acquire state lands. This is drastic increase as compared to 28 percent (see Table 4.1) of the respondent who had acquired the land they were already occupying from the state.

Table 4.3: Home owners preferred source of future land acquisition

Study Areas Source	Anaji		Sekondi		Essikado		Kojokrom		Kwesimintsim		Total	
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%
Stool	42	59	23	29	12	35	8	44	4	8	89	36
State	29	41	43	55	22	65	2	11	38	78	134	54
Family	-	-	12	16	-	-	7	39	2	4	21	8
Individuals	-	-	-	-	-	-	1	6	5	10	6	2
Total	71	100	78	100	34	100	18	100	49	100	250	100

Source: Field Survey, 2014

The reason for the increase had to do with the advantages the respondents had observed with acquiring state lands as compared to stool lands. These advantages were mainly with regards to documentation and security issues. Respondents revealed that, unlike the other sources of land, state lands are easy to access and there is a high degree of security. Reasons ascribed to this was that, because state lands are managed by LC, all the processes are done officially and documentation of records are done to prevent any dispute as a result of multiple sale and boundary issues. The survey revealed that, even though state lands are limited in supply as compared to stool lands, 54 percent of home owners in STM will prefer to acquire state lands mainly because they want to have genuine document to ensure total ownership of land without fear of conflicts arising.

Amidst the advantages with acquiring state lands that seemed to have attracted homeowners to acquire such lands in the future as depicted in Table 4.3, LC in its quest

to fulfil their roles are beset with some challenges. These constraints and challenges as revealed during the survey are explained below:

The Department has not been efficient in the performance of this function. The Regional Officer admitted that, almost all the communities within STM have base maps but are out of date with a few updated ones. The SMD attributed their inability to provide base maps on time to inadequate funds but the Officer who provided information for this report refused, upon request, to disclose their annual budget to the researcher. Due to inadequate funds from the government, other bodies, private individuals and companies had to intervene. Such groups of people or agencies arranged with the SMD for such maps to be prepared for the communities, where the companies or persons have interest. 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) engage some individual Surveyors to survey their lands at a fee or in lieu of payment some numbers of plots are given out. Though this practice, according to the Officer at the SMD exist, it was difficult for him to give an example to support his claim.

Another weakness had to do with the lack of collaboration between this Department and PPD. The Officer stated that the PPD should always rely on the SMD for base maps that will serve as the basis for planning. According to the Regional Survey Officer, *"Officers of PPD usually get the base maps from the internet and use them as basis for planning"*. The Surveyor claimed when plans are being prepared by the PPD, they do not take into consideration boundaries, grid lines and grid values. These are the parameters that form the basis for demarcation of plots by the surveyors. Not paying attention to them leads to problems like roads overlapping, overlapping boundaries and eventually leads to conflicts.

Another weakness identified in the operations of the SMD is its inability to deal with persons who are not professionally trained as a surveyor but practices as a surveyor. Legislative Instrument 1444 and the Survey Act of 1962 (Act 127) empowers the SMD to cause the arrest and facilitate the prosecution of quack surveyors. However according to the Regional Survey Officer (2014) at the SMD, in most cases such quack surveyors are unable to be traced, identified, arrested and prosecuted. The officer explained that such non-professional surveyors work for private individuals and chiefs, and they normally charge less compared to licensed surveyors making it difficult for the developers to expose them. Non-professionals have become an indispensable tool for the land owners basically because of the failure of the departments to prepare base maps and the high price the licensed Surveyors charge for the preparation of base maps for the landowners when engaged to do so. Therefore, in situations where land owners do

have the financial strength to pay for the services of a licensed surveyor, they tend to depend on quack surveyors. These unlicensed surveyors are performing some roles at a cheaper price making them attractive to land owners. There is therefore the need to incorporate them in land administration process by putting in measure to encourage them to come out and get licensed. These will make their operation recognisable and legal. These quack surveyors as revealed through the survey have some sort of skills and there is the need for improvement to enhance their work.

Inadequate logistics was also a challenge for the Department as depicted in Table 4.4. The staffing situation at the Sekondi-Takoradi office of the SMD was identified to be inadequate. An interview with the Regional Survey Officer revealed that, as at May 2014, the SMD had fourteen (14) Surveyors who were responsible for the Western Region as a whole.

Table 4.4: The capacity of the Survey Division

Quantity		Available	Required
Logistics			
Staff	1 Regional surveyor	4 surveyors for the 4 sub metros 14 other surveyors	25 extra surveyors
Offices	2 rented office space	Newly constructed office block for the Department	
Vehicles	1 pick up	Pick up for each sub metro 1 mini van	5 extra mini vans
Source: Field Survey, 2014			

According to the Regional Officer are over stretched in the performance of their duties. Their routine includes attending to court cases, checking all plans to be approved (certify almost 150 plans a week), attending to requests that come for survey work; attend assembly meetings at far places like Bibiani and Dwaboso. These activities often take them off their core functions of providing cadastral surveys for settlements. The Department often engages the services of national service persons. Apart from logistical and staffing problems, the Department lacked adequate and modern office space. Currently they are occupying an office space belonging to the Mines Department. The survey revealed that it had come to the notice of the SMD that, the Mines Department was contemplating taking that office space.

These logistical constraints, inadequate staffing and lack of office space have negatively impacted the morale of workers and negatively influenced the weaknesses in the operations of the SMD. These challenges as stated by the Officer had served as

contributing factors to the haphazard physical development within STM. The implications of these weaknesses have compelled some local chiefs to engage the services of non-professional Surveyors to perform a task.

The research revealed that public lands were 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.

Another weakness found in the operations of the LC was with their records keeping. Changes and advances in technology have not been applied to work schedules at the agency. The processes are not fully automated, and as a result a greater percentage of activities are carried out manually. The survey brought to bear that the manual way of storing information was not the best because it is prone to dangers like getting lost, being destroyed in case of disaster like flood or fire outbreak. The manual processing of documents tend to be very slow moving because there are lots of papers all around. The manual process also leads to the misplacement of files/leases or delays in locating them. Moreover, no member of staff is responsible for the files at each stage of the proceedings. This discourages many land users from processing their land documents. Homeowners brought out the belief that, loss of files is deliberately done by the officers in order to attract bribes. An interview with a lands officer also revealed that the issue with poor record keeping can be associated to inadequate logistics such as computers, photocopiers and printers (see Table 4.5).

Table 4.5: The capacity of Public and Vested Land Management Unit

Quantity	Available	Required
Logistics		
Computers	3	2 extra upgraded computers
Photocopies	1	2
Printers	1 (black and white)	1 coloured printer and scanner
Vehicles	1 pick up 1 mini van	2 extra mini vans

Source: Field Survey, 2014

In the execution of their roles, there is a situation of overlapping roles. There has been the creation of land sector divisions merged under one umbrella, that is, LC. This has led to some overlapping roles and that brings tension between the heads of those divisions and at the end of the day work does not go on until the issues are resolved.

Some of the overlaps realised from the interview with the Officer of the Public and Vested Lands Management unit (PVLM) was that, in processing land documents for lease preparation and title registration, PVLM serves the Land Title Registry (LTR) and deeds registry with necessary documents for the registration to be done. Cases have come up that the registration units wanted to take charge of all the documentation and processing of documents for registration. Officers of the various units had to have meetings to resolve the overlaps.

There was also the issue of monopoly over who does what, so that every time an Officer is not available, any documentation pertaining to his/her schedule comes to a halt. As long as an applicant does not consistently and tenaciously go to the appropriate agency to follow up documents, they are completely ignored. The homeowners also raised a concern that, the procedures are too long such that by the time one is through, someone else may be developing the acquire land without appropriate legal documentation. These bring about conflict.

4.5.2 Physical Planning Department (PPD)

As stated in the Town and Country Planning Ordinance of 1945 (CAP 84), TCPD (currently known as PPD at the local government level according to Act 462 and L.I

1961) is 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“ (CAP 84 of 1945:1). 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). The legal framework for the land use planning, the CAP 84 of 1945, had become obsolete and ineffective because there is no established link between socio-economic development policies and plan with spatial and land use. Lack of adequate and up-to-date maps as well as weak plan implementation and enforcement of planning regulations led to the haphazard nature of physical development in the metropolis. The main components as well as the weaknesses of these laws have been summarised below:

4.5.2.1 Town and Country Planning Ordinance of 1945 (CAP 84)

Provisions in CAP 84 are largely enforced by TCPD and the District Planning Authorities (DPA). Section 16 provides that a scheme may be prepared for any urban or

rural area for purposes of controlling development of the land, securing proper sanitary conditions and conveniences, roads and public services and for the conservation and development of resources.

There exists duplication with regards to functions assigned to certain authorities. CAP 84 for instance vests the Minister in consultation with the Town Council to declare an area a planning area, appoint a planning committee for the area, develop a planning scheme for the area and ensure compliance with the scheme. In the exercise of the functions under CAP 84 and ACT 462, the two laws duplicate the assigned functions in some instances. On the other hand the DPA is, under Act 462, the highest executive, deliberative and legislative authority at the district level and the ability of the TCPD (now PPD as a decentralised agency) to enforce planning and land use standards is hampered by the failure to synchronize these provisions.

The functions of Town and Country Planning (now PPD as a decentralised agency) are also duplicated or further complicated by the functions of the National Development Planning Commission (NDPC) established under Act 479. The Constitution mandated the NDPC to make proposals for ensuring the even development of the districts by effective utilization of available resources, monitor, evaluate and co-ordinate development policies, programmes and projects. Even though the DPA is expected to enforce plans that conform to the general development plan approved by the NDPC, the coordination of these functions among the three (3) entities (NDPC, TCPD and DPA) may present some problem in actual implementation.

CAP 84 is one of the laws founded on the previous centralized governance structure of Ghana and is therefore not aligned with the current irreversible decentralized policy of governance. Although the PPD is a member of the DPA at the district level it does not have the enforcement power at the local level if the standards sets are not complied with or enforced by the DPA. The planning standards set by the TCPD at the national level do not therefore necessarily translate to implementation by the DPA at the local level. Functions of the PPD are limited to the preparation of layout plans and the determination of land use. It does not give PPD powers to monitor and enough legislative powers to cause demolition of unapproved structures or to control development.

4.5.2.2 Local Government Act, 1993 (Act 462)

The Act provides for local governance, generally pursuant to the constitutional provision for the decentralization of governance of the country. In particular, Part II of the Act provides for the planning functions of the District Assemblies (DAs) and sections of the Act makes them the highest deliberative, legislative and executive authority in the district. The DAs power to regulate land use and management emanates from this provision. The DPA is mandated to prepare the development plan for each district based on policy directives and information provided by the NDPC.

Despite the provisions in this Act, it is not clear in CAP 84 how this function is affected by the power of the Minister for Local Government. Under the Local Government Act, the DPA is given the prerogative to grant permits for physical development. It is stated in mandatory terms that no development should be carried out without the prior approval of the DA. It was observed that this unfettered provision has been subsequently affected by the provision in LI 1630. Act 462 gives the DPA the right to alter, remove, prohibit or demolish any development undertaken without a permit, or without regard for the conditions prescribed for the development. A notice of such removal, prohibition, demolition or alteration should be served on the developer but where development affect community right of space or creates environmental nuisance the DPA can carry out immediate removal without the requisite notice. However, Section 9 of the National Building Regulations (LI 1630) gives a developer the permission to develop if he/ she is not informed about the decision concerning his/her application within 3months. This provision creates practical difficulties especially considering the fact that most applications for building permits, in practice, are not responded to within three (3) months.

Section 56 of Act 462 indicates that a person whose property is adversely affected by the execution of a development plan or incurs expenditure in complying with a plan may lodge a claim for redress or compensation with the DPA. The law, however, fails to provide for the modalities for lodging a claim for redress or the scope of items for which compensation may be made by the DPA.

4.5.2.3 National Development Planning System Act, 1994 (Act 479)

The NDPC's power to monitor physical development and to ensure conformity with the approved development plan for the respective area indirectly duplicates the power granted the DPAs and Town and Country Planning under Act 462 and CAP 84

respectively. It is of the view that it will be difficult in practical terms for the NDPC to carry out this function, especially without the co-operation of the District Assembly, since it has no specific mandate under Act 480 to carry out abatement action when development standards are flouted. Since the NDPC is an apex body and not a decentralized entity, at best, the NDPC should only have the power to require the DPA to carry out the required abatement action under Act 462.

4.5.2.4 National Development Planning Commission Act 1994 (Act 480)

Act 480 defines and regulates planning procedures and provide for related matters. It also empowers the NDPC, in consultation with the Ministry responsible for Local Government to recommend to the President, to designate any area required for special purposes in the national interest, as a Special Development Area.

Acts 479 and 480 focuses on policy component of spatial planning and the institutional setting for the National Development Planning Commission (NDPC) which under the two (2) laws are now expected to co-ordinate planning policies at the district, regional and national levels. Essentially the NDPC is comprised of the DPA's at the district level, Regional Coordinating Council (RCC) at the regional level, and sector agencies, Ministries and the Commission at the national level.

The NDPC's power to monitor physical development and to ensure conformity with the approved development plan for the respective area indirectly duplicates the power granted the DPAs and Town and Country Planning under Act 462 and CAP 84 respectively. It is of the view that it will be difficult in practical terms for the NDPC to carry out this function, especially without the co-operation of the District Assembly, since it has no specific mandate under Act 480 to carry out abatement action when development standards are flouted.

In reviewing these laws, it was clear that there were no detailed provisions requiring the collection and collation of land use data as a basis for objective planning. This lack of clear criteria for assessing the objectivity of decisions made by DPA decision makers can be harmful to any land use planning regime.

To address these lapses a Land Use and Planning Bill was processed and redrafted for passage. This is expected to result in the repeal of the CAP 84 and sections of several other laws stated above. The new law seeks to enhance the existing laws by including

the spatial aspect of the development as well as addressing sections of the laws that were conflicting. The Land Use Planning and Management Project (LUPMP) is a project aimed at enhancing the institutional, legal, technological and human resource capacity of TCPD. The LUPMP forms part of the Land Administration Project (LAP) which aims at streamlining land administration and land use planning in Ghana. 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: phase one (2004-2008), phase two (2009-2013) and phase three (2014-2018). The core objective of the Legal and Institutional Framework (LIF) sub-component of the LUPMP is the development of a land use planning and management law that will be in harmony with other laws (existing/proposed) and conform to the overall National Land Policy of Ghana. One of the objectives was to ensure new spatial planning models based on a three tier planning system; with a Spatial Development Framework (SDF) at the top, a Structure Plan, and community-based Local Plans. A Planning Officer of STM revealed that, the process of acquiring land is quite long and stated that it could take a year or more for an application to be considered at a meeting to be approved, deferred or rejected. It was realised that the delays was due to busy schedule of officers who are to authorise the applications, the numerous applications also takes lots of time to be assessed. The Officer through an interview revealed that the during Statutory Planning Committee meeting, the absence of some officers also influences delays with taking decisions on applications. The new land use planning system would provide a simpler, faster and verifiable basis for the approval or rejection of applications to develop land and establish a direct connection between socioeconomic development strategies and their spatial manifestations of these strategies. According to the Officer, the system, would provide clear zoning guidelines in terms of building heights and colours for specific communities, but also help investors identify where specific types of development are acceptable and desirable. This will further lead to sustainable land use and also ensure a system of planning that is based on a hierarchy of conformity. This approach will at the end ensure a higher participation of stakeholders, especially the local people at all the stages of the planning process.

The entire system involves three levels of plans which would link land management to land administration as exhibited by the positive feedbacks from the pilot projects already carried out in six (6) districts (STM inclusive) in Ghana. When passed by Parliament into law, this legal framework will promote sustainable management of land use in Ghana and STM as in particular.

Nationally, the TCPD falls under the Ministry of Science and Technology. However, under the decentralization programme (Act 463), the PPD falls directly under the Assembly. The department serves as the secretary to the Statutory Planning Committee (SPC) which approves development plans or defers or refuses to approve plans. The major reason that usually leads to the refusal of an application is when the development plans are not conforming to the approved planning scheme of the area. Deferred applications usually occur when the submitted plans conform to the planning schemes but other documents regarding the environmental impact of the project is required to make the final decision to the application. In such situations, applications are deferred and the applicant is informed to submit necessary reports for the final decision to be taken. PPD are also tasked to prepare local plans. After the approval of local plans by the SPC, the SD is tasked with the responsibility of demarcating the plots on the land. Where necessary, the PPD undertakes re-zoning of parcels of land within the metropolis. This is done before the applicant starts building. This department is currently responsible for the spatial planning aspects of land administration process which is the most critical in the land administration process because it deals with economization and sustainability of the land resource. According to the Planning Officer of the metropolis, the PPD is mainly responsible for the planning and management of the orderly development of human settlements through:

1. Providing planning services to public authorities and private developers
2. Preparation of structure plans for urban settlements and local plans or detailed planning schemes
3. Processing of planning schemes and development applications for consideration of the District Assemblies. With the schemes possible conflicts between planned layout, the actual situation on the ground and ownership claims can be detected and resolved. The schemes are important in the concurrence process by the Lands Commission as part of registration of title.

4. With regards to development control, the department is responsible for verifying plans submitted by developers with schemes and site visits are conducted by the Development Control Unit to check the authenticity of plans. When illegal developments occur, the department does not have the mandate (no legal backing) to enforce any action (that is demolition process). However, the department offers advice to help rectify the problem on the ground. Despite efforts by PPD to undertake their responsibilities as outlined above, there are constraints and challenges that hinder their duties. The fieldwork revealed that both internal logistical and administrative problems and external forces act on the PPD to constrain their effectiveness. However, oblivious of these constraints, the general public have consistently blamed PPD for the poor spatial development in the metropolis. First, the statute establishing this Department (CAP 84), passed in 1945 as well as other laws, has become outmoded as already disuse above. This situation has encouraged many distortions in layout plans prepared and approved.

Secondly, the Department is confronted with financial challenges. Currently, the source of funds for the Department is through the Composite budget system. The metro oversees 16 Departments as started in LI 1961. The budget of these Departments goes through the national offices in Accra before it gets to the assembly and then the money is disbursed to each of the 16 Departments under the Assembly. Over last three years, the funds have not been released on time and as such the Department operates based on the permit fees paid by prospective developers. Even though the Officer refused to declare the amount released to the Department for its operation, it was stated that they could not get all the amount they requested.

There is also the problem with staffing and logistics within the Department. The office currently has only one additional staff assisting the Metro Head and was seen as inadequate for the smooth running of the Department. The retirement of the substantive Administrator on 8th July 2010 left a vacuum in the Administrative Unit. The work load is currently being handled by a Technical Officer and a secretary supervised by a Planner. The need for a substantive Administrator is very urgent to ensure the smooth operations of the Department. The Department is also faced with High Vehicle Operation Cost (VOC). The official vehicle of the Department is over thirteen (13) years old burdening the Department with high VOC with accounts for over 60 percent of office

expenditure. There is the challenge with regards to Office equipment and Accessories (see Table 4.6). This gap has compounded the work of the Planning Officers and therefore affects their work in ensuring coordinated spatial development. It was found during the survey that the Department had no survey unit. Although there was a SMD serving the whole STM and the entire region, it was located far away from the assembly's office and ideally there should be a surveyor physically present at the assembly to oversee each district or sub metro. This was not the case and so there was no Surveyor present at the assembly and for each of the sub metros. The Surveyors required at the PPD was required to carry out survey functions pertaining to the Assembly and to assist the PPD during the design of planning schemes of to ensure smooth running of the operations of PPD. The Planning Officer however stated that the technical staff is adequate for the operations of the Department. The capacity of the Department has been summarised in Table 4.6.

Table 4.6: A Table showing the capacity of PPD

Quantity		Available	Required	
Logistics				
Planners	1 Senior	1 Senior Town Planning Officer		Minimum of 5 planners
Technical staff	1 Assistant	1 Assistant Chief Technical Officer 1 Senior Technical Officer 6 Technical Officer Grade II		Technical staff adequate
Administrator	Main	1 administrator-None 1 Stenographer, 1 Typist	1 Administrator	1 Administrator required
Official Vehicles		1 pick-up in a deplorable state		Minimum of 2 vehicles
Computers, photocopier	2 computers 1 old photo copier		6 photocopiers	
Printer	1 printer			

Source: Field Survey, 2014

Thirdly, the Department is bedevilled with inadequate logistical requirements to operate efficiently. The absence of up-to-date base maps for most communities in the metropolis makes it difficult for the department to revise layout plans regularly as expected. The research showed that the general updating of sector plans every five years which is required as part of the planning standards was hardly carried out. In an interview (July, 2014), the Planning Officer stated that: *“many communities in the metropolis have never had their layout plans revised since they were prepared.*

However, upon request, certain portions of the plans may be revised”. However, this piecemeal revision exercise limits internal coordination. As shall be seen in the next chapter, the study communities in this research were not exception to this problem of revision.

Though the SMD is supposed to supply the PPD with relevant maps free of charge, it requires funds to get the maps updated. And due to inadequate funding, the SMD is not able to provide updated maps as expected of them. Therefore, the cost of providing such base maps in certain instances is shifted to the traditional authorities (land owners). In this case, the chiefs who have the financial power to acquire the service of the Surveyor will have his community plans prepared or revised. This explains why many communities have not had their layout plans revised for decades. The findings made with respect to the PPD have confirmed the outcome of a study by Karin Kaldrup on behalf of Land Administration Project (LAP). The problem unearthed through his study necessitated the sourcing funds as part of LAP to help streamline the weaknesses faced by the department (LAP, 2003). It is necessary to address the above challenges in order to improve on service delivery. Although the establishment of the GIS Unit has greatly improved the service delivery of the Department, much still needs to be done in the area of Capacity Building for Staff of the Department. There exist controversies with the roles of PPD especially with the perception of the public. Table 4.7 indicates what has been wrongly tagged as the responsibility of PPD and also indicates the actual expectations required from PPD.



Table**4.7: The responsibilities of PPD in relation to land administration**

What PPD does not do	Responsible Agency	What PPD does
Land alienation (Allocation or sale of land)	Land Owners (Traditional leaders, Individual Land Owners, or Heads of Families, Land Commission)	Determination of land use through land use plan preparation
Issuance of development permit	District Assembly	PPD processes whilst the District Assembly issues the development permit
Development control	District Assembly	Making recommendations for removal of unauthorized developments
Prosecution of people who violate planning regulations	District Assembly through the Courts	Making recommendations and testifying for the prosecution of unauthorized developments

Source: Author's Construct, June 2014

Within the Assembly is the Development Control Unit (DCU) which works hand-in-hand with the PPD whose responsibilities are to ensure that physical development goes as designed in the planning schemes. It is this unit that ensures that proposed physical developments are guided to conform to development proposals which have been approved by the Assembly. Activities undertaken include conducting site inspections in response to development applications, preliminary vetting of development applications at the Technical Planning Committee (Physical planner, Development Planner, Environmental Health Officer, Works Engineer, Fire Officer, NADMO, Chairman of Development Planning Sub-committee, Chairman of Environmental Sub-committee, Representative of EPA and Representative of Lands Commission) meetings and processing of development applications for consideration by the Statutory Planning Committee among others.

Site inspections were conducted for various applications received where applicable. Photographic documentation has been made an integral part of site inspections. Still pictures as well as short videos of inspected sites are taken and presented as part of the report for consideration. Some of these applications are new development applications, superseding plans, extension of time, and change of use amongst others. Inputs from officers are being used to review the site inspection formats introduced in

August, 2009. As part of the responsibilities of processing development applications, the unit together with PPD organises the following meetings for the Technical evaluation and approval or otherwise of applications as displayed in Table 4.8.

Table 4.8: A table showing the decisions on Development Applications for 2013

Meeting	Date	No. of applications	Approved	Deferred
Statutory Planning Committee	12 th April, 2013	236	234	2
	17 th October, 2013	238	237	1
	23 rd December, 2013	78	77	1
Total		552	548	4

Source: Annual report for PPD of the Assembly, 2013

The Department recorded a relatively lower number of development applications (715) received for the year 2013 as compare to 798 in 2012 and 789 in 2011. It however recorded an increase in the number of development applications (548) approved for the same year as compared to that of 2012 (438). The Officer of DCU declared the unit would work hard 2014 to reduce the gap between the number of development applications received and approved.

As already depicted, DCU is responsible for the processing of development and building permit. Such documents with others like allocation paper are used for the processing of the lease document by the LC. These documents are necessary for the security of one's property. Table 4.9 depicts the number of respondents that had documents on their land and building property.

Table**4.9: The number of respondents possessing land and building documents**

Study areas Documents	Anaji	Sekondi	Essikado	Kojo- krom	Kwesimin- tsim	Total
Allocation paper	6	21	22	8	5	62
Development permit	7	6		4	27	41
Building permit	4				10	17
Lease		19			3	22
Allocation paper and development permit				1		1
Allocation paper and building permit	4					4
Development and building permit		8	3	3		14
Allocation paper, development and building permit	45			1		46
Development permit, building permit and lease		11				11
Allocation paper, development and building permit and lease			4	1		5
None response	5	13	5		4	27
Total	71	78	34	18	49	250

Source: Field Survey, 2014

In an interview with the Deputy Development Control Officer, the functions of the unit include among others:

1. To ensure that physical structures (whether temporal or permanent) in all communities are rightly located in accordance with the approved layout plan.
2. To coordinate with works department to demolish or remove any structure (whether temporal or permanent) that is not located at the right place.
3. To facilitate the processing of building permits.
4. To ensure that all permanent structures have building permits before construction commences.
5. To conduct site inspections and write reports that serve as the basis for which a plan is approved, rejected or deferred by TPSC or SPC.

All major stakeholders serve as representatives on the *Statutory Planning Committee (SPC) of the Assembly*. Members include representatives from Sekondi-Takoradi Traditional Council, DCU, SMD, LC and PPD. 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. SPC is chaired by the Metropolitan Chief Executive while the TCPD serves as a secretariat and also provides a secretary to the committee.

According to the Local Government Act of 1993 (Act 462), each District Assembly (DA) is responsible for the spatial planning of its areas of jurisdiction. The local government is also responsible for ensuring that approved layouts are adhered to by land owners and land users. The Assembly achieves this responsibility through the PPD and DCU. The function of the DCU among others is to ensure that spatial development conforms to approved layout plans. The study revealed that, PPD and DCU are frustrated and not equipped as a land administration institution in carrying out their responsibilities effectively. This weakness contributes to the continual existence of unauthorised structures in Sekondi-Takoradi.

Property owners and traditional authorities also demonstrated their knowledge about the spatial development of their communities. As indicated in Table 4.10, homeowners rated the physical development of their communities (using the planning principle which are aesthetic, physical access, social infrastructure available and arrangement of structures). The two paramount chiefs also graded the spatial development of Sekondi-Takoradi with contrary responses. Whereas the chief of Sofokrom graded the spatial development of the metropolis as average, the Essikado chief graded it as poor and the reasons given were ongoing land use planning and development that disregards the contributions of chiefs, thereby leading to illegal and haphazard development.

Table

4.10: A table depicting the grading of physical development by home owners

Study areas	Grades	very poor	poor	average	good	very good	excellent
	Parameters						
Anaji	Aesthetic (environmental condition)	-	-	23	39	9	-
	Physical access (road condition)	-	-	8	12	41	10
	Social amenities	-	-	11	57	-	3
	Condition and Arrangement of structures	-	-	-	13	49	9
Sekondi	Aesthetic (environmental condition)	-	4	44	27	-	3
	Physical access (road condition)	-	-	4	11	58	5
	Social amenities	-	-	52	21	5	-
	Condition and Arrangement of structures	-	-	62	16	-	-
Essikado	Aesthetic (environmental condition)	-	-	27	7	-	-
	Physical access (road condition)	-	-	19	15	-	-
	Social amenities	-	-	29	3	2	-
	Condition and Arrangement of structures	-	-	31	3	-	-
Kojokrom	Aesthetic (environmental condition)	-	1	15	2	-	-
	Physical access (road condition)	-	7	9	1	-	-
	Social amenities	2	10	5	-	-	-
	Condition and Arrangement of structures	-	4	11	2	-	-
Kwesimintsim	Aesthetic (environmental condition)	5	25	19	-	-	-
	Physical access (road condition)	9	28	10	2	-	-

Social amenities	7	11	27	4	-	-
Condition and Arrangement of structures	8	21	18	2	-	-

Source: Field Survey, 2014

The responses as indicated in Table 4.10 revealed that the 1st and 2nd class communities (Anaji, Sekondi and Essikado) had about 98 percent of residents seeing the physical development to be average and above average. Responses from homeowners in Sekondi and Anaji also suggested there was a higher level of satisfaction with regards to the spatial development of their communities (see Table 4.11). One striking observation as revealed in Table 4.11 is that, Kwesimintsim had 55 percent of the responses suggesting that the spatial development of the area was poor which is complimented by the grading done by the respondents based on the parameter used, where more than 50 percent graded the community to be poor or very poor (Table 4.10). This is because Kwesimintsim as considered by PPD and LC as third class community has poor environmental condition and extension of buildings and activities that affects the aesthetic of the whole area. All the communities had a response in the negative direction (either very poor or poor) except for Anaji. Anaji is considered a first class community and mainly consist of estate houses as well as drains and proper implementation of layout. This has made it achieve the first class status it is known to be. The response of building owners concerning the grading of their communities has a link to their level of satisfaction in relation to the spatial look of the areas. Table 4.11 shows the level of satisfaction of the spatial development of the various communities.

Table
Table 4.11: The level of satisfaction regarding spatial environment

areas Levels	Anaji		Sekondi		Essikado		Kojokrom		Kwesimin- tsim		Total	
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%
Not satisfied	5	7	17	22	2	6	1	6	24	49	49	19
Satisfied	22	31	56	72	31	91	16	88	25	51	150	60
Highly satisfied	44	62	5	6	1	3	1	6	-	-	51	21
Total	71	100	78	100	34	100	18	100	49	100	250	100

Source: Field Survey, 2014

4.5.3 Office of the Administrator of Stool Lands (OASL)

As stipulated in Article 267 (2) of the 1992 constitution and the OASL Act 1994, it is the responsibility of OASL to collect stool land revenue and disburse same to the beneficiaries while ensuring proper accountability. Article 267 (1) says that all stool



lands shall vest in the appropriate stool on behalf of and in trust for the subjects of the stool in accordance with customary law and usage. This implies that the indigenous owners take all management decisions and exercise the powers that go with ownership – the right to own, sell, receive payment, manage, and decide on who is allocated a plot, terms, conditions and price for a particular grant. Yet Article 267 (2a) sets up the Office of the Administrator of Stool Lands (OASL) and charges the office with the collection and disbursements of all stool land revenues, defined to include all rents, dues, royalties, revenues or other payments whether in the nature of income or capital from stool lands. The implication is that even though indigenous owners have the capacity to manage their lands and enter into contracts they do not have the capacity to collect the moneys they negotiate for. This drives all the payments made to the indigenous owners into the extra-legal framework because they become illegal when paid to the landowners. The Constitution (Article 267(6)) prescribes the formula for the disbursement of the money collected and this is outlined below:

1. Ten percent (10%) of the revenue accruing from stool lands shall be paid to the office of the Administrator of Stool Lands to cover administrative expenses; and the remaining revenue shall be treated as 100% and disbursed in the following proportions-
2. Twenty-five percent (25%) to the stool through the traditional authority for the maintenance of the stool in keeping with its status;
3. Twenty percent(20%) to the traditional authority; and
4. Fifty-five percent (55%) to the District Assembly, within the area of authority of which the stool lands are situated.

Apart from revenue collection and disbursement, the office also play advisory role by sensitising chiefs on land allocation procedure. The director stated that, the oil finds has led to increase demand for land and as such lots of people are posing as investors and they tend to entice the chiefs with all sorts of promises like providing jobs for the inhabitants. These developers demand large tracts of land and the chiefs are sensitised to be principled in land allocation taking prepared layout by the PPD into consideration. Even though the department plays the advisory role, it is not mandatory for the land owners to take the advice.

Another role played by the department is settling of disputes. Both parties involved are invited to the office and the department serves as the mediator. The court becomes the

final stage where a dispute is settled. The role of this office as discussed earlier is to collect and disburse land revenue annually between the government and the traditional authorities (land owners). The disbursement is done according to the approved formula as stated in Article 267 of the 1992 constitution. The relationship between the OASL and traditional authorities was found to be limited to the collection and allocation of revenue for land.

During the survey, the OASL was found to be challenged with difficulties in carrying out their responsibilities. These difficulties have led to ineffective mobilisation of revenue for use by government and traditional authorities. These difficulties are discussed below.

There is only one centralised OASL that serves the whole region. With regards to land rent collection, the OASL relies on LC for records in order to prepare rent demand notes. This implies that, landowners whose records are not at the LC conveniently escape paying rent. Also, it is only after re-valuation of landed properties by the Valuation Board that review on rent payment by landowners is carried out. This implies that, until re-valuation of landed properties is done by the valuation board, the OASL does not have any means of reviewing land rent. When it is time for the collection of the rents, people are recruited and trained to collect the land rent and these collectors are paid a commission on the how much they are able to collect. This weak mechanism of revenue collection should be an issue of concern to the government and traditional authorities because lots of revenue is lost.

4.6 Coordination between land administration institutions in STM

The above discussions have been centred on the analyses of land related agencies which deal with land allocation, planning, development and documentation of land in the metropolis. These institutions are expected to coordinate their operations in order to ensure the overall goal of ensuring coordinated urban land use development in order to facilitate socio-economic development. The existing framework of land administration in STM is presented in Figure 4.5.

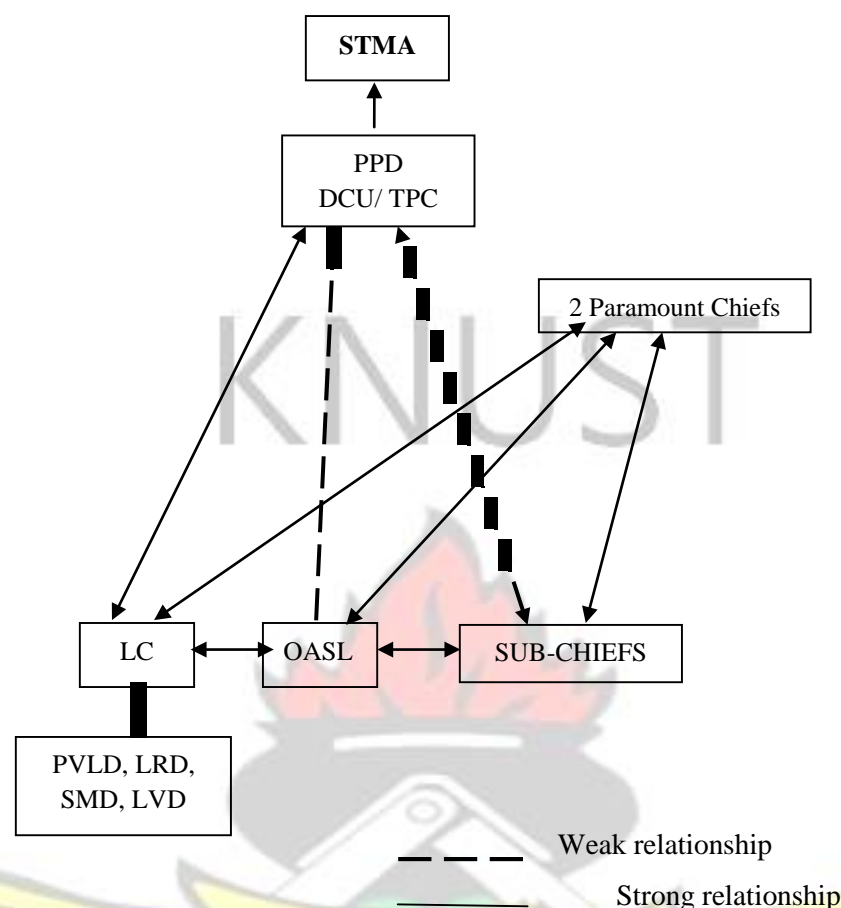


Figure 4.5: Existing framework of land administration in STM

Source: Author's Construct, June 2014

During the interviews, all the land agencies admitted to have some level of collaboration with either all or some of the land agencies. The interviews conducted as revealed in Figure 4.5 and Table 4.12, the level of collaboration between these institutions was obtained.

Table 4.12 level of collaboration between land institutions

Land Institutions	DCU	PPD	LC	TA	OASL
DCU	-	XXXXXX	XXX	XX	-
PPD	XXXXXX	-	XXXX	XXX	X
LC (PVLD, LRD, SMD, LVD)	XX	XXXX	-	XX	XX
TA (Chiefs)	-	X	XX	-	XXXX
OASL	-	X	XXX	XXXXXX	-

Number - Strength of the relationship/ collaboration

X - Very low

XX - Low

XXX - Good

XXXX - Very good

XXXXXX - Excellent

Source: Field Survey, 2014

The institutions interviewed during the survey admitted that even though there is a degree of co-operation that exists among them, the level of cooperation is dependent on the necessity and relevance of meeting. That is, they relied on each other and cooperated when there was the need to do so. When the issues that led to the interaction between the institutions is solved, co-operation ceases. For instance, the OASL informs and invites LC (SMD) to assist in addressing boundary disputes in order to help OASL pay rent the appropriate stool. The survey revealed that, there are no statutory periods where the land relation institutions meet to assess and explore ways to improve their work. It was also revealed that there is the SPC that seem to bring on board all land institutions as well as other government institutions but there is the need for land related institutions to meet and devise ways to enhance cooperation among themselves. Besides the weak working relation between the government land institutions, the survey revealed there is also weak relationship between the traditional authorities and the government land institutions especially with PPD and LC.

An interview with the chief of Essikado revealed there was a grudge between him and the assembly with regards to land ownership and allocation. The chief displayed high degree of bitterness as a result of how spatial planning and development is carried out. He stated that, the community got up one day only to realise that the railway station in Essikado has been pulled down without any information relayed to him (the chief) or the members of the traditional authority. The chief also stated there is no coordination between traditional leaders and the assembly. According to the chief, he got Tullow to plan from Sekondi all the way to Half Assini, when the oil was discovered but the plans are lying ideal. The chief highlighted that he has his own ideas of planning and how plans should be consolidated. According to the chief, *“Planning is based on history; we can only plan for the future based on what we know from the past”*. Based on his opinion, planning in the metropolis ignores the need for the involvement of traditional leaders. The Essikado chief suggested that, chiefs be involved in land use planning so that history will not be ignored in the process of planning. It is in this line that LAP was proposed to unify land institution under one umbrella to enhance the level of co-operation among these institutions. Amidst the issues levelled against some of the government land institutions, the chief emphasised the traditional authorities cooperates well with OASL and LC (SMD) with regards to rent allocation, demarcation of boundaries, settling of disputes among others as shown in Table 4.12.

It was revealed there was a strong relationship between the various divisions under the umbrella of LC. The regional officer for SMD revealed that all plans and land documents brought to their department is sent to LRD which is the registration body. The LC (SMD) liaises a lot with OASL on behalf of the locals. The regional surveyor stated that the department assist OASL with the surveying and documentation of their lands. SMD also assists OASL with the settling of dispute especially when related to ascertaining right boundaries of land. LC does not directly collaborate with the traditional authorities because the traditional authorities mostly contact them through the OASL.

It is clear from Table 4.12, that there exist a strong collaboration between DCU and PPD. DCU is an attached office that works in close contact to PPD. DCU is the unit that ensures that the plans prepared by the PPD are implemented. DCU assist PPD in controlling development. An Officer of DCU conducts sites inspections and writes reports that forms the basis of Technical Planning Sub-Committee (which is under PPD) to make recommendations concerning applications.

The PPD collaborates well with LC as depicted in Figure 4.5. PPD coordinates with LC when it comes to titling to land. If an applicant submits his/her plans to PPD, the department confirms from LC if the applicant has title to the land and based on their reply, PPD continues with the application processing. PPD also relies on LC when it comes to the registration of lands and when re-zoning is done. The PPD also provides plans to LC to help them manage state lands appropriately.

The PPD only collaborates with OASL through the Assembly with regards to the revenue accrued to them. This exhibits a weak relationship as shown in Figure 4.5.

This revenue from OASL is used to finance the department's activities. There also exist coordination between PPD and the traditional authorities. PPD manages stool lands on behalf of the traditional authorities, when it comes to preparation of plans and monitoring and evaluation of the plans. PPD also coordinates not only with the chiefs but with other land owners, individuals, family members because there are also family lands that are managed by family heads (abusuapanyin).

4.7 Conclusion

This chapter analysed the roles played by the land administration agencies in STM. It also outlined the weaknesses in their operations that has accounted for the state of spatial development. The research has shown that the current state of the physical development is as a result of the interplay of the weaknesses of the stakeholders in land use planning and development. As government land agencies are faced with logistical, human resource and financial problems, the major issue with traditional institutions is weak relationships with government land sector agencies. It is evident that, the supply of land plays a role in sustainable development in Sekondi-Takoradi. Even though LAP contains strategies that seek to address the issues associated with the management of land, the project is not an outright solution. This chapter has elaborated on both the official and traditional setups for land administration as well as the lapses in their operations. The subsequent chapter considers the effects of the weaknesses in the operations of these institutions on physical planning and development in STM.



CHAPTER FIVE

LAND ALLOCATION AND SPATIAL DEVELOPMENT IN SEKONDI-TAKORADI METROPOLIS

5.1 Introduction

This chapter examines the outcomes of the land acquisition processes on the effectiveness or otherwise of the planning schemes of study areas. A comparison (with the use of Geographic Information System GIS) of the approved layouts to the updated maps of the communities served as the basis for analysis in this chapter. The problems arising from non conformity to layout plans were also discussed. These served as the foundation upon which recommendations were made in the next chapter.

5.2 Spatial Plans of Sekondi-Takoradi Metropolis (STM)

Physical development in the metropolis is governed by sector layouts prepared by the Physical Planning Department (PPD) and they together with the Metro Works Department have the day-to-day responsibility of managing the plans and the sector layouts. However, the Metro Statutory Planning Committee of the Assembly has the overall responsibility for the management of the Land Use plans and physical development activities. During the survey, it was revealed that most of the plans were prepared and approved in the eighty's and ninety's. A few of the schemes covering areas like Essei lagoon, New Takoradi and Mpentsemnserew were revised 2003, 2008 and 2009 respectively. Even though changes have occurred with situations on the ground, the plans remain as it was when prepared and approved years ago. These existing plans are out of date and cannot be effectively applied to the current changing situations in the communities. Figures 5.1-5.5 show layout plans prepared by PPD. These layouts indicate areas earmarked for uses like recreational area, roads, and commercial centers. The situation as pertains to the ground indicates that residential uses take up greater share of the land and with increasing demand for land due to the oil discovery, emerging commercial uses has also been identified. The purpose of the layouts drawn is to guide the spatial development of the various communities. It is however unfortunate that, the existing situation in certain areas does not comply with what has been planned in the schemes.

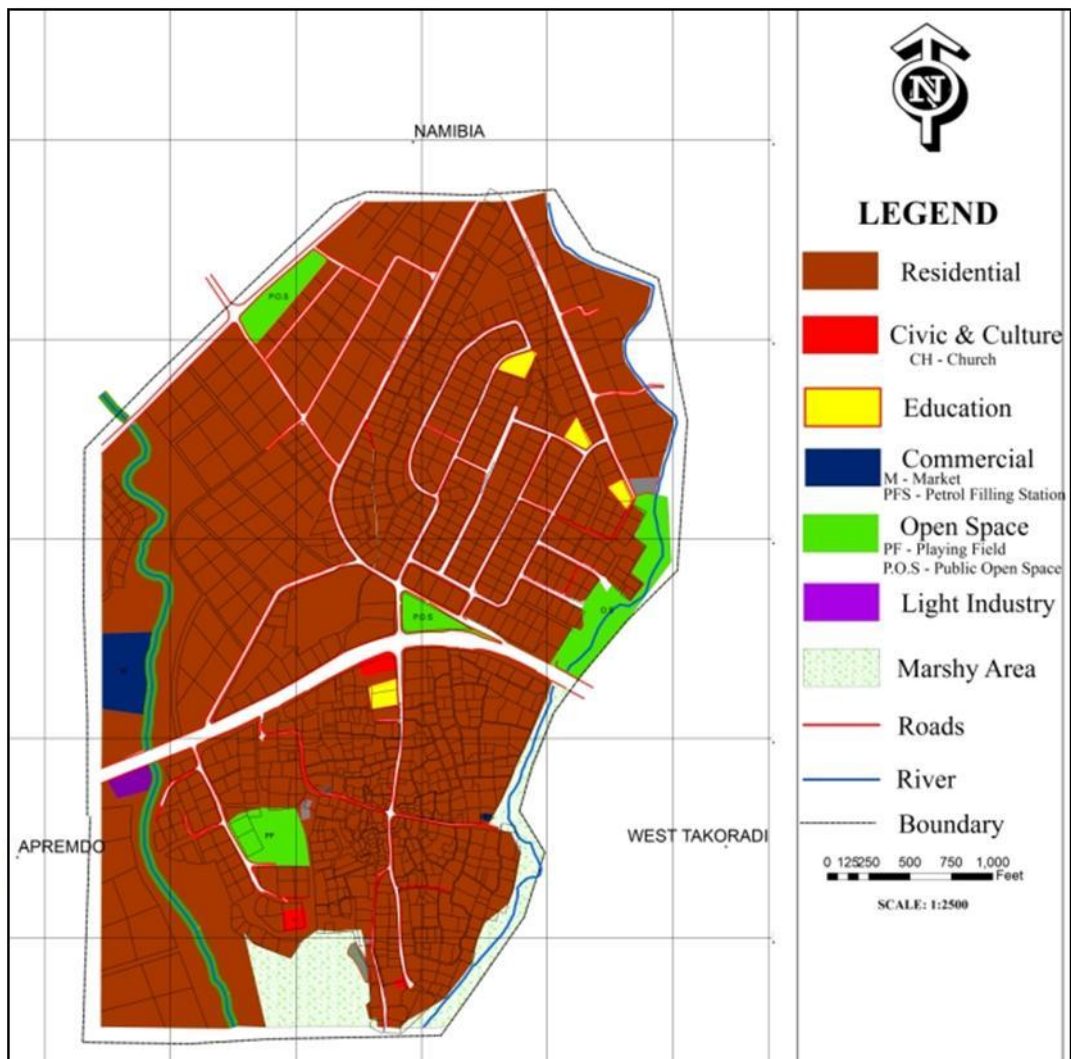


Figure 5.1: Planning scheme of Kwesimintsim, 1998 (Source: Field Survey, 2014)

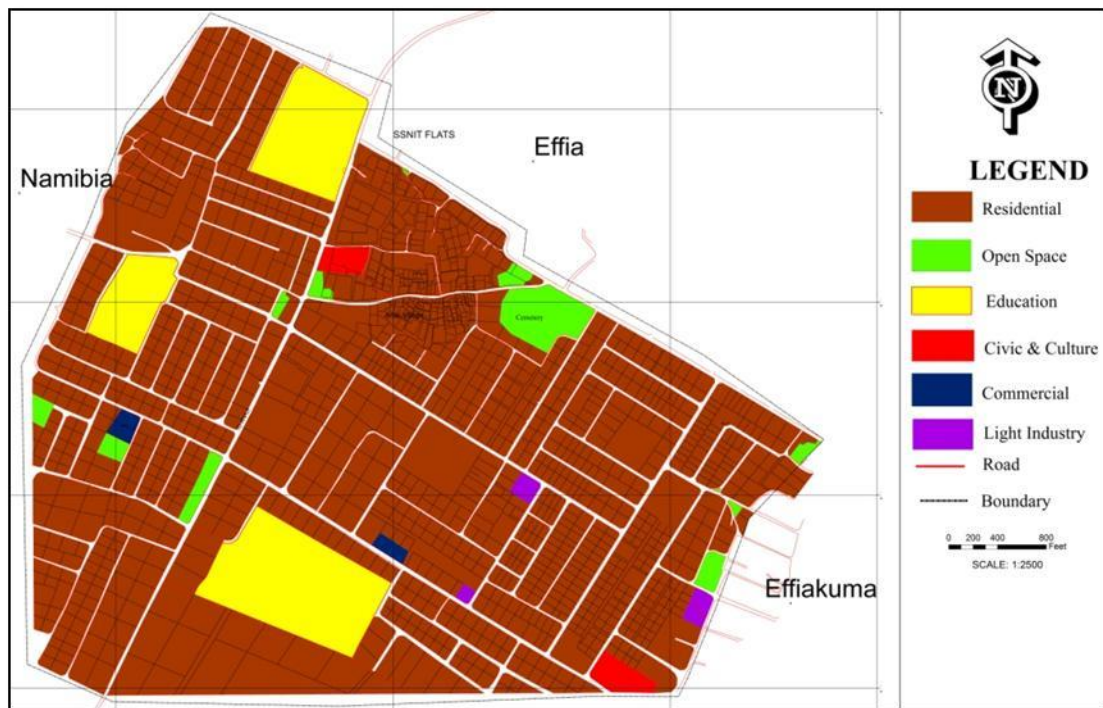


Figure 5.2: Planning scheme of Anaji, 2001 (Source: Field Survey, 2014)

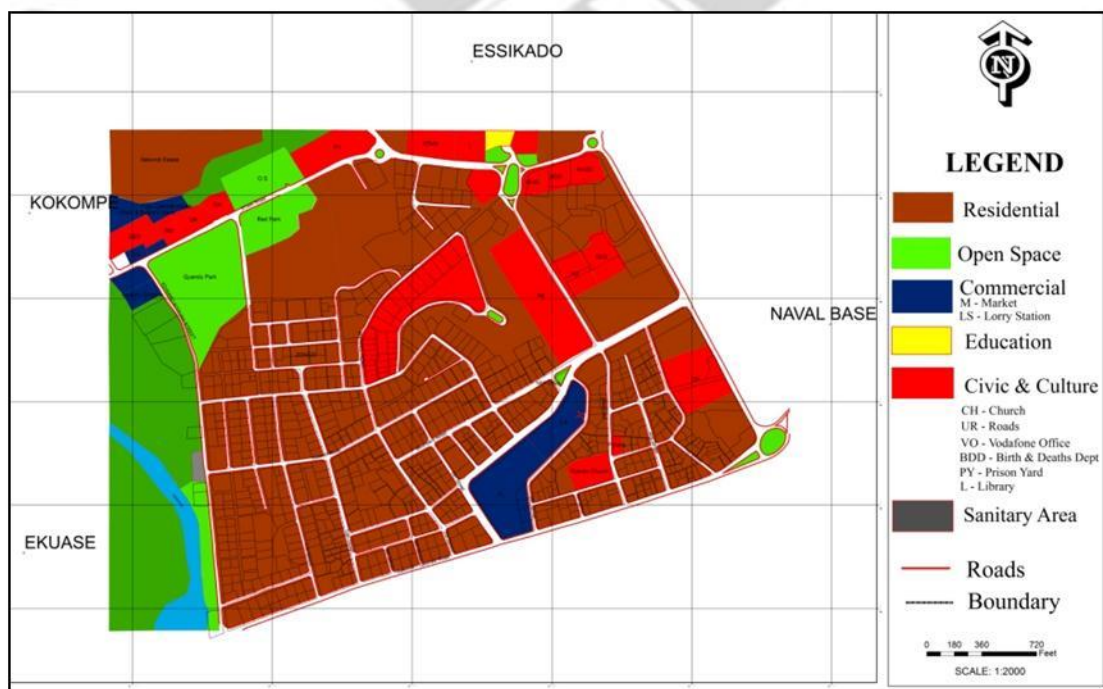


Figure 5.3: Planning scheme of Sekondi, 1965 (Source: Field Survey, 2014)

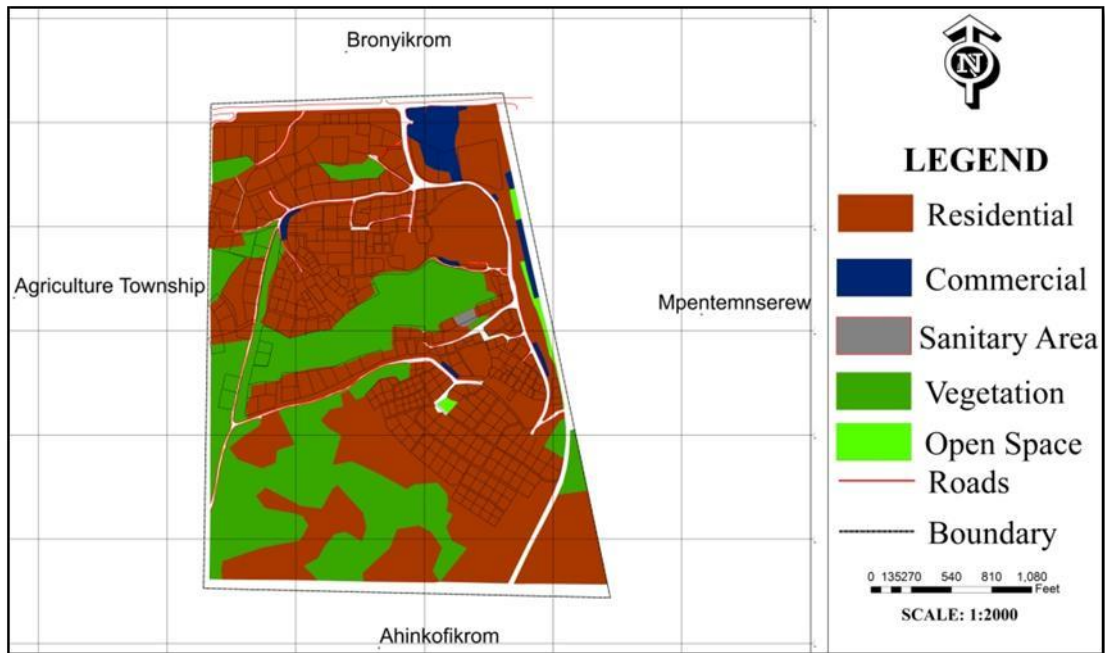


Figure 5.4: Planning scheme of Kojokrom, 2009 (Source: Field Survey, 2014)

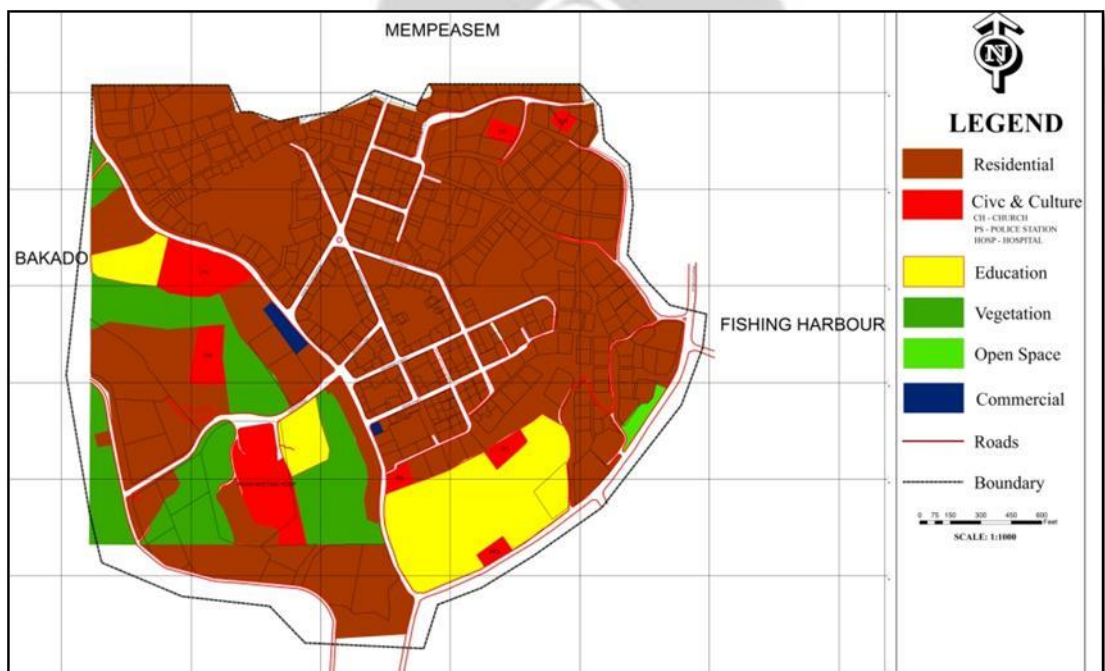


Figure 5.5: Revised planning scheme of Essikado, 2003 (Source: Field Survey, 2014)

It was revealed during the survey that planning schemes fail to provide other specifics such as heights and dimensions of buildings that are to be developed on a plot. Modern plans are supposed to provide of 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. Again these schemes prepared do not show the routes of utility lines like water, electricity, telephone, drainage channels and others.

5.3 Spatial Development of STM

Spatial development in the STM 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, all respondents from Anaji (a first class community) graded their area as average, good or excellent while about half of the respondents from Kwesimintsim (third class community) graded the community as poor (see Table 4.10). 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 better than the third. In all, out of the 250 homeowners, more than half graded the spatial development as average and below in the 3rd class communities (refer Table 4.10).

5.3.1 Land development

The survey revealed that the demand for land in the metropolis for residential purpose is higher than that of other uses (from 79.13 hectares in 2008 to 83.78 in 2014). Residential land uses therefore forms major part of the land use development in the metropolis. The trend of housing stock in the study areas as well as the metropolis on a whole is shown in Table 5.1. The demand and supply of land and how they affect spatial development is discussed in the sub sections below.

Table 5.1: Trends of housing stock in STM

Years Study areas	2000	2010	2014□
Anaji	1,712	2,365	2,688
Sekondi	1,888	2,599	2,953
Essikado	811	1,115	1,268
Kojokrom	438	602	684
Kwesimintsim	1,176	1,622	1,844
STM	35,953	39,227	44,584

□ Projected Source: GSS, 2010

With the supply of lands in STM, data obtained from the field supported existing literature that traditional authorities are the major suppliers of land in STM. Out of the

250 respondents approximately 45 percent obtained their plot(s) of land from either the stool or a family. About 18 percent obtained their plot(s) of land from individuals some of whom might have earlier on obtained their land from the stool and 28 percent obtained their plot from the government (see Table 4.1). The study again revealed that developers demand lands in the STM mainly for residential purposes and others like commercial purposes. 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), availability of land and social infrastructure and other reasons (see Table 5.2).

Table 5.2: Reasons for Choice of Suburb

Areas Reasons	Anaji		Essikado		Sekondi		Kojokrom		Kwesimin-tsim		Total %
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	
Availability of land	5	7	4	12	3	4	17	94	12	24	41 16%
To occupy/ inherit family property	4	6	29	85	54	68			9	18	96 39%
Closeness to work place (CBD)	3	5			2	3			21	44	26 10%
Personal preference/inte rest	6	8			1	2	1	6	7	14	15 6%
Nature of environment (Comfort, safety, serene, aesthetic)	32	45			11	14					43 17%
Availability of social facilities	21	29	1	3	7	9					29 12%
Total	71	100	34	100	78	100	18	100	49	100	250 (100)

Source: Field Survey, 2014

It can be deduced from Table 5.2 that lands in 1st and 2nd class communities (Anaji, Sekondi and Essikado) were demanded because of their peaceful environment whereas in third class communities the demand for land is more likely to be based on its availability and closeness to the CBD as explained by the urban land use models in literature. The Bid- rent curve and sector model developed by Alonso and Muth and Homer Hoyt respectively talked about the importance of transportation network and

distance as a factor considered by people when determining their place of residence. Therefore, any available land close to the CBD 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. This has contributed the poor aesthetic of the 3rd communities as shown in Figure 5.7. Even though the survey could not get the required data concerning reasons for the current location of respondents in 2nd class communities (Sekondi and Takoradi), 74 percent of respondents in Anaji sided with the fact that, their choice of locating at their current residence is mainly due to the serene and planned environment and ease access to social amenities like good roads and well-designed drains (see Figure 5.6). Much could not be said about the case of Sekondi and Essikado, because 68 percent and 85 percent respectively of the respondents inherited the property and as such could not give reasons for the current location other than to inherit the property left for them.



Figure 5.6: Picture of 1st class areas (Source: Field Survey, 2014)



Figure 5.7: Picture of 3rd class areas (Source: Field Survey, 2014)

A well-functioning land market should have ease of entry and ease of performing transactions. These depend on adequate land information, secure tenure arrangements, and an appropriate registration mechanism. Evidences from the survey indicated that, the land market is not functioning as expected especially in relation to access to land information. From the Table 5.3, as many as 51 percent out of 250 respondents heard about the sale of their plot of land either through their personal efforts or information from friends and relations. Table 5.3 reveals that except for the traditional indigenous communities that Sekondi and Essikado which are also the only two (2) paramountcies in STM, approximately 56 percent of the respondents in the other communities got access to their land through personal effort. The case is different in the traditional communities because as seen in Table 5.3, 85 percent and 68 percent of the respondents (current homeowners) in Essikado and Sekondi respectively inherited the property. As a result of this limitation, the required responses could not be obtained from them. This is because they were not around when those who initially developed the land were going through the necessary land allocation processes.

Table 5.3: Sources of information on acquired land

Study areas Description	Anaji		Essikado		Sekondi		Kojokrom		Kwesimintsim		Total %
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	
Personal enquiry	16	22	3	9	2	3	2	11	24	49	47 19%
Information from friend s/ relations	43	61	1	3	14	18	16	89	18	37	92 37%
Advertisement	12	17							7	14	17 (7%)
Information from a caretaker chief					5	6					5 (2%)
Don't know (inherited the property)			30	88	57	73					87 35%
Total	71	100	34	100	78	100	18	100	49	100	250 (100)

Source: Field Survey, 2014

The sources of information on land as displayed Table 5.3 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. 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.

5.3.2 Documentation on Lands and Buildings

The survey sought to also verify the documents the respondents had and their perception on the importance or otherwise of acquiring the required documents for land or any structure. From Table 5.4, it is clear that 66 percent of residents of Anaji possessed the documents required. The reason for such is the fact that the government through State Housing Cooperation (SHC) is in charge of most lands in the area and flats have been

built according to the approved layout. This has made developments within Anaji a planned one making it earn the name given it as a 1st class community. Respondents declared that, before one is able to acquire land or a building, SHC and individual owners always ensures that proper documentation is done. The land and building document expected to be possessed by land owners were lease, land title (L.T), allocation paper (containing the site plan is given out in areas where stool allocate lands) and building permit (B.P). With exception of allocation paper (A.P) that is issued by the chief (traditional authorities), 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. As indicated in the Table 5.4 approximately 52 percent and 44 percent respectively of respondent in Essikado and Sekondi could not testify to the documents on the property. The reason was that, as indicated in Table 5.3, more than 70 percent of the residents of those communities inherited the property from relatives who are no more. These communities are very indigenous and the houses were built long time ago, as such data on property documentations were not available.

Table 5.4: Documents possessed by residents in the various communities

Study areas Types of document	1 st class		2 nd class				3 rd class				Total	
	Anaji		Essikado		Sekondi		Kojokrom		Kwesimin-tsim			
	No	%	No	%	No	%	No	%	No	%	No	%
Allocation Paper (AP)	9	13	8	24	11	14	12	68	5	10	45	18
Building Permit (BP)	11	15	3	9	6	8	-	-	19	39	39	16
Lease (L)	-	-	-	-	16	21	-	-	3	6	19	7
Land Title (LT)	-	-	-	-	-	-	-	-	-	-	-	-
B.P, L.	-	-	-	-	-	-	4	22	-	-	4	2
A.P, B.P, L	4	6	4	12	10	13	1	5	-	-	19	7
A.P, B.P, L, LT	47	66	1	3	-	-	1	5	-	-	49	20
Total	71		16		43		18		27		175	
Refuse to answer	-	-	-	-	-	-	-	-	22	45	22	9
Don't know	-	-	18	52	35	44	-	-	-	-	53	21

Total	71	100	34	100	78	100	18	100	49	100	250	100
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Source: Field Survey, 2014

In the first class communities, out of the 71 respondents, 66 percent claimed to possess all the land and building documents with 6 percent claiming to possess all except title to their lands. It is surprising that in the first class communities, 9 respondents representing 13 percent had only allocation papers that were issued by traditional authorities. This is because, first class communities are assumed to have the technocrats and professionals as its inhabitants and therefore know the importance of acquiring all documents relating to their land and building. In the second class communities, as explained early has more than 70 percent of its inhabitants inheriting the property they are occupying. This contributed to about 50 percent of respondents in both communities not having information concerning the documentation on land and the building. The situation was however different in the third class communities as a compared to the first class community. Considering the responses of the home owners of Kojokrom community, 68 percent had only allocation paper. Lands in this community are customarily owned and because it is a newly developing area, the chief is particular with developers obtaining the allocation note. In this community only 5 percent had all the required documents but in Kwesimintsim, none was found to be in possession of all the documents. In Kwesimintsim approximately half of the respondents only possessed single documents and the other half refused to answer and their reason was that they had no evidence to show they possessed any document.

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 the allocation note (which contains the site plan demarcating his/her plot) and a building permit, development begins. Also, from Table 5.4 more than half of the respondents in this class did not process their lease and land title which leads to loss of revenue for the government. Note that at Kojokrom only 5 percent had lease but none of the respondents had lease in the case of Kwesimintsim. It is important to also note from Table 5.4 that 49 percent of the homeowners in the 3rd class communities did not have title to their lands and they rather end their document processing with the acquisition of permit. Based on the findings provided in Table 5.4, it can be concluded that land users' possession of property (land and building) documents is quite encouraging especially in first class communities. It is important to stress that upon request, some respondents refused to allow for inspection of 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; the land documents that are common to all land users irrespective of the class of residence were the allocation 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 subsequent sections there are much changes in the layout plans (especially in the 3rd class areas) and this gives some doubt on the genuineness of the information received relating to homeowners and the documents on their properties.

The survey indicated that approximately 55 percent of the homeowners did not have B.P as against a survey conducted in 2013 by physical planning department (STM) which indicated that 36 percent of houses in STM don't have building permit (Ghana Headlines, 2013). The study showed that obtaining building permit is not a problem in STM. Out of the 250 who responded as to whether or not they had any problem in obtaining a building permit, 149 respondents representing approximately 60 percent, answered in the negative as depicted in Table 5.5.

Table 5.5 Problem in Obtaining Building Permit

Study areas Description	Anaji		Essikado		Sekondi		Kojokrom		Kwesimintsim		Total %
	No	%	No	%	No	%	No	%	No	%	
Yes	2	3	1	3	5	6	0	0	6	12	14-5%
No	62	87	14	41	27	35	18	100	28	57	149-60%
Unanswered / Don't know	7	10	19	56	46	59	-	-	15	31	87-35%
Total	71	100	34	100	78	100	18	100	49	100	250 (100)

Source: Field Survey, 2014

In general, few respondents (5 percent) complained of difficulty in obtaining B.P as compared to the case of Kwesimintsim that recorded 12 percent. This number of respondents who encountered difficulty in the case of Kwesimintsim is a contributing factor to the nature of the physical development of the area. The difficulties encountered by the 5 percent in general were outlined to be delays, frustrations and corruption.

Though the Development Control Unit (DCU) of the STM 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 others even completed their building structure before they received their permits. As much as 31percent of respondents in Kwesimintsim were indifferent about the question because, they have not tried to obtain such document. Such buildings are probably those that are inconsistent with the layout plans of communities. It was clear from the respondent that, the DCU of STM was their source of obtaining the B.P. This finding confirms the provisions in article 46 of the Local Government Act 1993, Act 462 that the STM through its units (DCU) is the sole body that issues BP to land developers.

5.3.3 Conformity of current physical development to layout Plans

All the communities in general had some changes that did not conform to the layout designed by PPD. The inconsistencies were in the form of change from one use to the other and mixed uses. Changes in the first class area, Anaji was basically the introduction of commercial uses and open spaces to serve as playing grounds for kids as shown in Figure 5.8 As depicted in the updated of Anaji, some residential areas were used for civic and culture purposes.

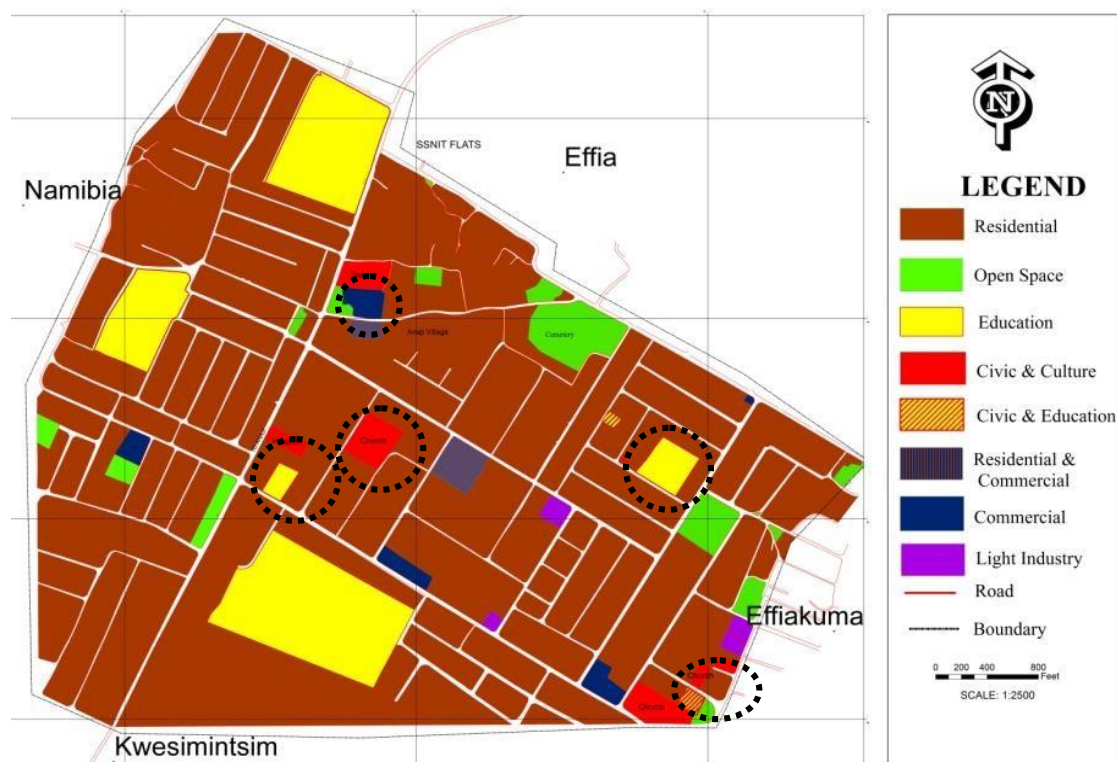


Figure 5.8 Updated map of Anaji, 2014 (Source: Field Survey, 2014)

Table 5.6: Land use inventory of Anaji

Land Uses	Planning Scheme (2001)	Updated Map (2014)	Changes (acres)
Residential	423.71	399.04	-24.67
Commercial	1.88	3.56	1.68
Civic and Culture	4.41	8.87	4.46
Education	47.58	51.50	3.92
Light Industry	2.35	2.35	0
Open Space	13.48	28.08	14.6
Mix use	4.43	4.43	0
Road	44.62	44.62	0
Total Land area	542.44	542.44	

Source: Field Survey, 2014

The changes in the land intake were identified to have occurred in all the land uses. The comparison between the planning scheme and updated map of Anaji from Table 5.6 brought to bear that, a drastic change was the increase in the land intake for open space (from 13.5 to 28 acres) and a major reduction was with residential land use (approximately form 424 to 399 acres).

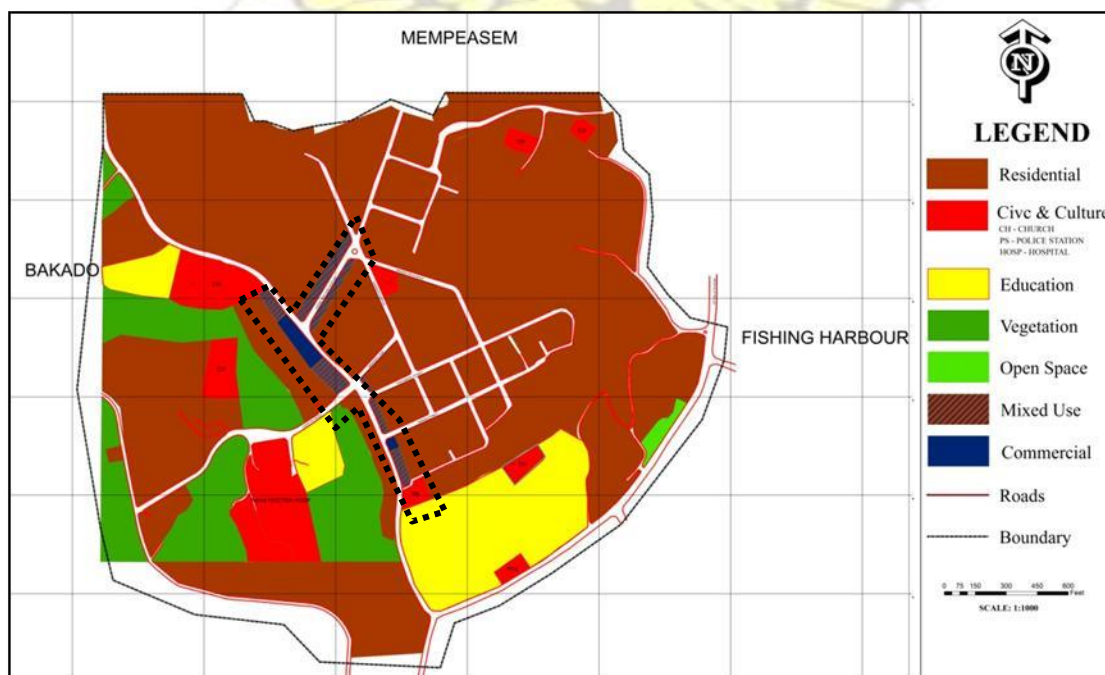


Figure 5.9 Updated map of Essikado, 2014 (Source: Field Survey, 2014)

Table 5.7: Land use inventory of Essikado

Land Uses	Planning Scheme (2003)	Updated Map (2014)	Changes (acres)
Residential	98.92	93.35	-5.57
Commercial	0.52	0.52	0
Civic and Culture	7.6	11.41	3.81
Mix use	0	1.76	1.76
Education	13.25	13.25	0
Vegetation	15.68	15.68	0
Open Space	0.45	0.45	0
Road	9	9	0
Total Land area	145.42	145.42	

Source: Field Survey, 2014

The second class (indigenous) communities did not show any great change except for the commercial uses that has sprung up along the major roads. Unlike the first and second class communities, Essikado and Sekondi were built up ages ago and these traditional houses have been kept as it was. The only changes identified was from residential to mixed uses (residential and commercial) as shown in Figure 5.9 and 5.10 for Essikado and Sekondi respectively. Sekondi has some open spaces demarcated to serve as recreational purposes in addition to the existed ones in the base map.



Figure 5.10 Updated map of Sekondi, 2014 (Source: Field Survey, 2014)

Table 5.8: Land use inventory of Sekondi

Land Uses	Planning Scheme (1965)	Updated Map (2014)	Changes (acres)
Residential	121.92	128.85	6.93
Commercial	9.73	10.23	0.5
Civic and Culture	35.62	35.62	0
Mix use	0	0.37	0.37
Education	12.52	15	2.48
Vegetation	30.5	26.75	-3.75
Open Space	25.48	20.74	-4.74
Utility	0.35	0.35	0
Road	18.49	18.49	0
Total Land area	256.4	256.4	

Source: Field Survey, 2014

Kojokrom being a small community which is already built up showed few pockets of commercial activities along the major road (see Figure 5.10). Kwesimintsim on the hand depicted lots of deviation from the planned layout as indicated by the dotted

black boundaries in Figure 5.11.

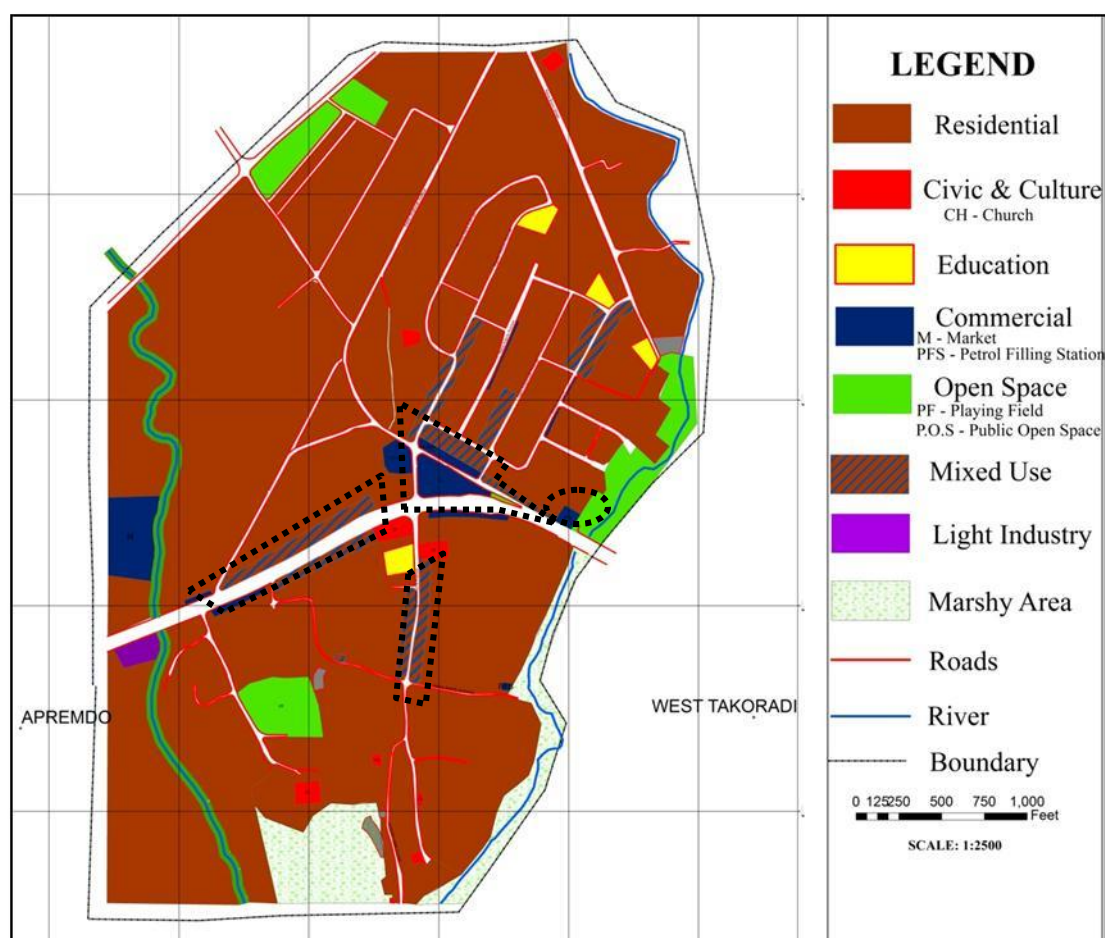


Figure 5.11 Updated map of Kwesimintsim, 2014 (Source: Field Survey, 2014)

Table 5.9: Land use inventory of Kwesimintsim

Land Uses	Planning Scheme (1998)	Updated Map (2014)	Changes (acres)
Residential	252.49	237.42	-15.07
Commercial	3.06	7.93	4.87
Mix use	0	9	9
Civic and Culture	1.1	2.3	1.2
Education	2	2	0
Light Industry	0.77	0.77	0
Open Space	14.07	14.07	0
Marshy	14.94	14.94	0
Sanitary area	0.89	0.89	0
Road	20.4	23.72	3.32
Total Land area	313.04	313.04	

Source: Field Survey, 2014

As shown in Figure 5.11, there have been changes in the land uses along the major road passing through the settlement. This has led to an increase in the commercial land use from 3 to 8 acres, an intake of 9 acres of mixed uses and a reduction in purely residential use in the Kwesimintsim from 252 to 237 acres.

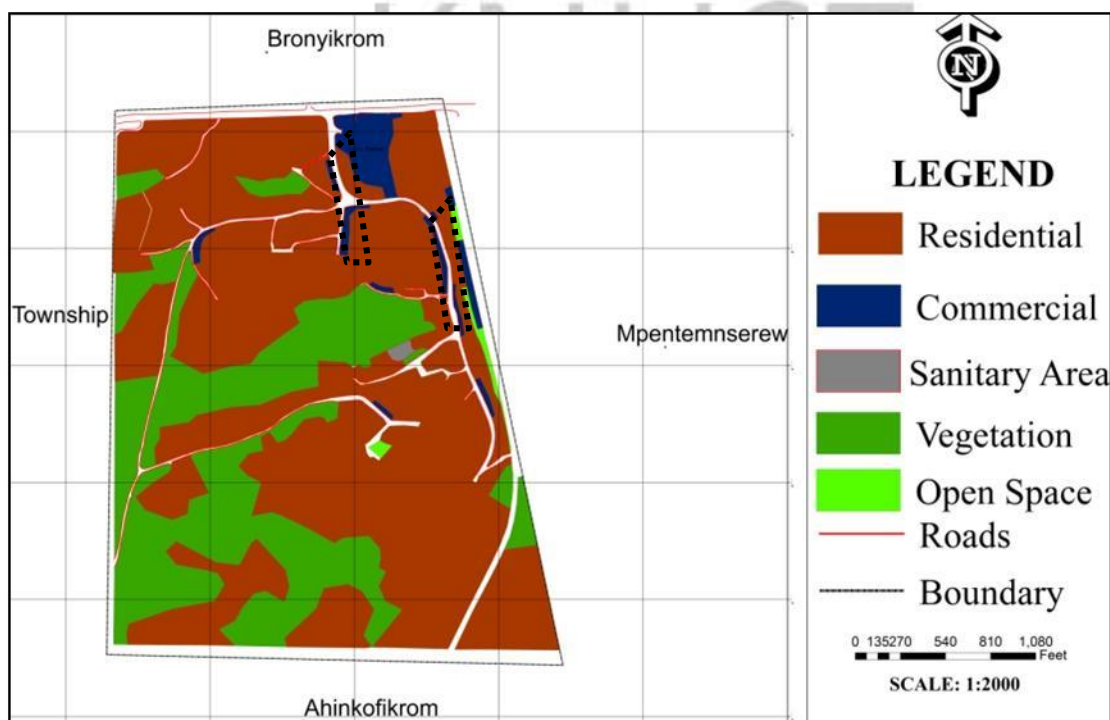


Figure 5.12: Updated map of Kojokrom, 2014 (Source: Field Survey, 2014)

Table 5.10: Land use inventory of Kojokrom

Land Uses	Planning Scheme (2009)	Updated Map (2014)	Changes (acres)
Residential	112.67	111.56	-1.11
Commercial	4.39	5.5	1.11
Vegetation	46.36	46.36	0
Open Space	0.86	0.86	0
Sanitary Area	0.42	0.42	0
Road	6.01	6.01	0
Total Land area	170.71	170.71	

Source: Field Survey, 2014

From the comparison made between layout plans and current spatial development above, it was noticed that areas zoned as residential and civic and cultural purposes (church, palace or mosque) were generally used for such purposes. Therefore it can be said that to a large extent residential and religious uses conform to the layout plans. It was also noted that, layout plans did not have adequate spaces provided for commercial and recreational activities. Anaji for instance had some open spaces created to serve the need of the community even though not demarcated on the layout. The recurrent change that was observed was the change from residential to mixed uses (residential and commercial). The reason for such change was noted to be the absences of the layout catering for the need of commercial areas. Kwesimintsim had a situation where public open space was used as lorry station and market centre. The survey has depicted the increasing demand of land for commercial and recreational. When such uses are ignored, the increasing demand for it leads to the change of use making physical development to deviate from the planned layouts. Obviously, it is the high demand for commercial plots that encourages traditional authorities to allocate such residential and public lands to users for development. So, traditional authorities 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.

5.3.4 Land Litigation

Land conflict is increasingly becoming a challenge and in China, between 1995 and 2002, nearly a million cases of illegal land occupation and transaction were uncovered involving a land area of 189,000 hectares (Lin and Ho, 2005). It has been estimated that as at July, 2006, there were a total of 35,000 land cases in Ghana (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. However an interview with Nana Nketsiah revealed a tension that exit between the traditional stool of Essikado and STM. This conflict he explained arose as a result of the fact that, the Assembly has claimed lands that are under his jurisdiction and are undertaking some constructional changes without his notice. The survey revealed that, the chief of Essikado has the intention of taking the Assembly to the court for the situation at hand. The Registrar of the Western Regional High Court and the Officer of OASL explained there are usually

cases of land conflict that is usually caused by multiple sales. But they both explained that, the common ones are usually boundary issues. This situation, according to the officers is handled after a review survey is done by the Survey Department.

5.4 Effects of Illegal Land Allocation and Development

Development that does not conform to layout plans affects spatial development. This is no different from what is happening within STM as revealed by the study. The effects of illegal land allocation and development have affected physical development within the metropolis mainly in the area of the provision of social amenities and services. The absence of certain social amenities in some of the study communities led to finding out the relationship between the absence of the facilities and the nature of the spatial development that exists. The social amenities identified to be inadequate included refuse disposal or sanitary area, access roads and public open space.

5.4.1 Sanitary Sites

The ideal situation in land use planning is for a community to have a convenient form of waste disposal either through the community disposal site, central collection point of house to house collection. A well prepared layout as seen in the case of STM made provision for areas to dispose of refuse. The situation in Anaji is that of the house-to-house collection and this had led to proper waste disposal in the area. The situation in Essikado and Sekondi is the central collection point method of disposal. This method is convenient and effective according to responses. The problem in this second class communities were the inadequate skips because the problem was with the overflow of the refuse. The management of waste disposal site in such areas should be the area of interest. Kwesimintsim proved to be the area that has major issues with refuse disposal. The respondents in this community gave the cause of the situation to be the inadequate sites located for waste disposal and the fact that they could not afford the house-to-house collection method. 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.

A cross-check was made at the PPD in an attempt to find out the cause of inadequate refuse dump site. Response for officers revealed that sanitary sites have been planned

for but it was known to the officers that most of the sanitary sites have been changed for other uses, mostly residential and commercial. Interactions with respondents showed that even though it was known the sanitary sites were inadequate, they seemed not bothered. They showed little concern of the whole issue because they could resort to alternative means of disposal including open disposal of refuse (see Table 5.11).

Table 5.11: Mode of solid waste disposal in the various communities

Study areas Modes	Anaji		Essikado		Sekondi		Kojokrom		Kwesimintsim		Total %
	No	%	No	%	No	%	No	%	No	%	
House to house	59	83	-	-	11	14	-	-	5	10	75 30%
Secondary collection point	7	10	31	91	67	86	5	28	42	86	152 61%
Burning	5	7	3	9	-	-	13	72	2	4	23 9%
Total	71	100	34	100	78	100	18	100	49	100	250 (100)

Source: Field Survey, June 2014

As shown in Table 5.11, as many as 61 percent resorted to the use of secondary collection point as against 30 percent who rely on house-to-house collection (of which Anaji residents form 83 percent of the 30 percent). 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). Majority (95 percent) of those who used secondary collection point (152) were from second and third class communities. It could also be noticed from Table 5.11 that none of the respondents answered the open space was the mode of solid waste disposal even though there were evidences to this. The researcher strongly believes that some people were engaged in such practice but were afraid to state so. Those who depended on companies complained about poor management, specifically delay in picking the refuse 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. The disposal of refuse in the open which was common in Kwesimintsim and Kojokrom and this has affected 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. The study also showed that irrespective of the method of refuse disposal, there were related problems residents had

to grapple with. Although extensive research on waste disposal has been undertaken by professionals, it remains a problem that has to be addressed from its root. This research revealed that the communities few refuse collection point and these sites were also not managed well especially with regards to regularity of the waste carried away by trucks for final disposal. The allocation of site and proper measures to keep such sites for the specific purpose coupled with proper management strategies of these sites, perhaps will assist curb the issue of indiscriminate refuse disposal.

5.4.2 Waste Water Disposal

Anaji as a first class community had well constructed drainage channels and septic tanks while portions of Sekondi and Essikado which are second class communities also had septic tanks. The third class communities namely Kojokrom and Kwesimintsim had poor drainage channels and even the absence of drains at certain sections of the area. In such communities, waste water was mostly channelled through self-created channels (soak away method), streams or open space (see Table 5.12). Residents of Kojokrom seemed not bothered about the situation because they fell on the fact that, it is a developing area and as such all the facilities will be available when the place is developed. Kwesimintsim, which is already developed, is worse off when it comes to the construction of drainage channels.

Table 5.12: Mode of sullage (grey/ waste water) disposal in the various communities

Study areas Modes	Anaji		Essikado		Sekondi		Kojokrom		Kwesimintsim		Total %
	No	%	No	%	No	%	No	%	No	%	
Stream	-	-	-	-	-	-	2	11	5	10	7 3%
Soak away	2	3	-	-	-	-	-	-	31	63	33 13%
Open space	-	-	1	3	-	-	9	50	11	22	21 9%
Unengineered drain	2	3	10	29	8	10	4	22	1	3	25 10%
Engineered drain (gutter)	65	91	2	6	11	14	2	11	-	-	80 31%
Septic tank	2	3	21	62	59	76	1	6	1	3	84 34%

Total	71	100	34	100	78	100	18	100	49	100	250 (100)
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Source: Field Survey, 2014

The situation was different in second class communities. From Table 5.12, 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, engineered drains were constructed along main roads with no links with the interior. Therefore, it is only few houses (6 percent and 14 percent in Essikado and Sekondi respectively) along the roads that easily discharge waste water into the gutters. This forces houses in the interior whose owners are normally middle income earners to construct these septic tanks. 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 Kojokrom where more than 60 percent of the respondents (11 out of 18) dispose of waste water into open surfaces and streams where as 60 percent of residents in Kwesimintsim adopt the soak away method and 32 percent dispose of through the steam or on open surfaces.

About 90 percent of respondents in all classes of the communities did not have a problem with respect to the method used in disposing off waste water, except in few instances in the 3rd class communities where respondents complained about the poor aesthetic look of the area, mosquito breeding and pollution as a result of improper waste water disposal. The findings made in this section give credence to the fact that communities (3rd class) in STM do not have well constructed drainage channels into which waste water flows.

5.4.3 Access Roads

The study revealed that, access roads in the communities especially Anaji, Essikado and Sekondi were well demarcated. Anaji's situation with regards to well demarcated access roads was as a result of its status as a 1st class community and the involvement of Government in its housing estates. Although Essikado and Sekondi are indigenous communities and have issues with the condition of housings, their access roads are in well demarcated and in very good conditions. This makes the houses very accessible. It was revealed during the study that these traditional communities were areas the colonies lived when in the then Gold Coast. Their presence influence the nature of roads created in these communities. Kojokrom on the hand was experiencing two sides of the coin in the sense that, houses in the already developed core area had problems with accessibility but the newly developing areas have well demarcated road. It is important to state that Kwesimintsim had the poorest road network among the study communities. Apart from

the major secondary road that goes through the community and a few well demarcated access roads. Those who did not have access to their houses mentioned factors as poor roads conditions, marshy conditions and building structures as posing obstacles for easy access to their home.. Based on this finding, it can be strongly said that access roads in communities in Sekondi-Takoradi have not been seriously encroached upon. Generally, it was observed that first and second class communities had well demarcated and wider roads (see Figure 5.6).

5.5 Conclusion

This chapter examined the planning schemes and the nature of spatial development of the various study areas. Comparison was made and short comings were highlighted. The effects of land allocation (particularly illegal land allocation) on the nature of physical development taking into account planning principle like aesthetic, physical accessibility among others were also discussed in this chapter. The study has shown that, the heartbeat of city authorities should be in line with how plans are prepares and how physical development emerges. This research brought to bear the great influence of traditional authorities on physical development and as such, they should not be ignored in the early stage of preparing layouts of communities. There is therefore the need for traditional authorities to give reverence to the layouts prepared by official land institutions to achieve harmonious and coordinated physical development.

CHAPTER SIX

SUMMARY OF FINDINGS, RECOMMENDATION AND CONCLUSION

6.1 Introduction

This chapter constitute the concluding remarks of the research. It reiterates the major findings from the previous chapter and their development implications. The chapter ends with recommendations for managing physical development in STM also to also serve as a preventive measure for future occurrences in other metropolis alike.

6.2 Research findings, its spatial outcomes and recommendations

The findings made in this study were guided by the three (3) primary objectives. The key findings emerging from the research, their implications and recommendations are discussed below is explained below.

6.2.1 Land acquisition process

The processes involved in physical development were found to be cumbersome. This process begins with acquisition of land by the prospective developer (see Figure 4.3 and 4.4), processing of official document and then finally development occurs. The respondents indicated that, the procedure for procuring land documentations was time consuming and too burdensome. For this reason, the homebuilders ignore these procedures and carry out their projects without seeking for official documentation. It was also evident that because of the busy schedule of the chairman of the Statutory Planning Committee, meetings were often not held, delaying the processing of applications submitted by prospective developers. In relation to overburden chairman of Statutory Planning Committee and cumbersome land documentation process, the root causes were identified to be inadequate capacity of the official institution which is discussed into details subsequently (see section 6.2.4). It was also brought to bear that the absence of infrastructure in the communities was attributed to the fact that, the percentage share of the „drink money“ expected to be used for developmental activities are not released. The survey showed a lands allocation committee exist in the study communities. The role of the committee is to allocate land in conformity too approved layout and also to ensure that allocations are made from the „drink money“ to foster developmental activities in the community. This was found not to be the case during the survey. It was brought to bear that, the chiefs were dealing directly with prospective developers in allocating lands to them.

Based on the above findings, it is recommended that Government officials who are learned in land issues should educated the Traditional Authorities on the relevance of the Land Allocation Committee. This will enable the Paramount chiefs to recruit learned people on land issues to constitute the committee. The paramount chiefs will also ensure that the committee is allowed to operate efficiently in the various communities and to ensure the necessary land documentations are obtained before development. The training will also help enhance record keeping and will ensure inbuilt checks are put in place by the paramount chiefs to control the abuse of power by the sub chiefs and the allocation committee. It is suggested that allocation be made from the „drink money“ for development in the community. It was also evident that the traditional authorities play a vital role in the outcome of physical development, whether it will conform or deviate from the planned layout. These stakeholders cannot be ignored in land administration in the metropolis. There is the therefore the need for the Assembly to create a convenient

and friendly in order to assist the traditional authorities to perform their land allocation role with much decorum and sincerity.

6.2.2 Spatial planning and development

The research also revealed that, the issue of non-conformity of existing developments to prepared schemes were more prevalent in the third class communities. This was the result of inadequate monitoring and less comprehensive planning schemes are. According to the respondents, there is no alternative space to undertake commercial activities. For instance, a demarcated public open space at the centre of Kwesimintsim had been turned into a commercial use (lorry station and market). Some residential lands uses along major roads had been converted to mixed uses (commercial and residential uses). There were other cases too where pockets of residential plots were used for civic and culture purposes (church). On the other hand, a residential land has now been converted into an open space for playing ground for children in communities like Anaji and Essikado. It was deduced from the survey that, the issue of non-conformity of existing developments to prepared schemes were as a result of inadequate monitoring and less comprehensive planning schemes are. The violation of the planning schemes by land users during land alienation process 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 adequate sanitary sites, absence of Public Open Spaces and drainage problems among others.

The traditional structure was found to be very strong and powerful in the land allocation and 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. This was manifested in the sense that, the traditional authorities sometimes employed their private surveyors to do the demarcation of land and preparation of layout plans for the community. The traditional authorities however had reasons for interfering with the surveying and the preparation of layout by private surveyors. This depicts that traditional authorities get involved in the surveying and planning aspects of land administration, a function that is supposed to be carried out by the government land institutions (specifically the Survey and Mapping Division of the Lands Commission). The Traditional Authorities were found to be deeply involved in spatial development that deviates from the approved layout plans of the metropolis. Some of the reasons given were the non involvement of the traditional authorities in early stages of planning and preparation of layout by the PPD,

inefficiencies of the Survey Division to execute their roles because of resource constraints and also the ease with getting private surveyors demarcated plots on time and at a less cost. There is a weak coordination between the traditional structure of administration and the government structure (see Figure 4.5 and Table 4.12) especially during plan preparation and monitoring. It is, however, important to stress that ensuring conformity of physical development with approved layout plans is not within the domain of the traditional authorities but the Development Control Unit (DCU) of the Assembly. This creates problems in terms of accuracy in demarcating land boundaries and plot sizes which was identified as major sources of land related conflicts. Traditional authorities are not wholly responsible for causing deviations of development from plans but the government land institutions are also to be blamed for the haphazard physical development in the metropolis.

It was also observed that planning schemes prepared by PPD were deficient. It ignored the indication of location of service lines and sewage lines, number of building required per plot, required building dimensions as well as other uses. As a result, when the need arises for uses not catered for in the layout, developers and authorities then find space to cater for the demand. This approach leads to unconformity of physical development to the prepared planned layout. For instance, there has been an emerging increase in the demand for commercial uses after the discovery of oil and inadequate provision for that use has led to mixed uses especially along the major corridors of the metropolis.

In order to forestall unauthorized physical development, lands on the frontages of major roads should be designated for mixed-uses during the preparation of the planning schemes by PPD. The implication is that purely residential buildings cannot be permitted along major roads. Planning Officers should liaise with the respective chiefs to designate more lands as active open spaces in the preparation of future land use plans. In order to prevent encroachment, such lands could be leased out to private development and management. All necessary supporting facilities especially parking spaces should be considered and all necessary details should be factored into the design to minimise the interventions that is likely to occur to suit future demands. There should be coordination between traditional authorities and official land institutions during the plan preparation stage and even through to its implementation and monitoring. There is also the need to privatise the Building Inspectorate Division in order for the unit to operate as a commercial entity to make them more efficient. Capacity strengthening (see section

6.2.4) of the Survey and Mapping Division (SMD) as well as other land sector institutions is also critical for proper spatial planning and development. SMD are also to be monitored (by the higher authority, which is LC) to minimise the endorsement of site plans from non-professional Surveyors without verification. Allocation should be made from land documentation fees at LC to serve as revenue generation for the smooth running of the office. SMD should operate like a business (with business creative models) in the long run.

6.2.3 Legislative instrument for planning

The research found that there was no synchronization in the laws dealing with land use planning and management in Ghana. With the exception of Act 462, legislation passed after CAP 84 that impact (both directly and indirectly) on land use and management failed to harmonize its provisions with the requirements of CAP 84 even though CAP 84 has not been repealed and is still the most critical land use law besides Part II of Act 462. A number of legislations have conferred on various entities including the Presidency powers but does not make any provision that requires the entities to consult with PPD or District Planning Authority (DPA) in the exercise of that function. First and foremost, the National Development Planning Commission's (NDPC) power to monitor physical development and to ensure conformity with the approved development plan for the respective area indirectly duplicates the power granted the District Planning Authorities (DPA) and PPD under Act 462 and CAP 84 respectively. It will therefore be difficult in practical terms for the NDPC to carry out this function, especially without the co-operation of the District Assembly, since it has no specific mandate under Act 480 to carry out abatement action when development standards are flouted. Lacks of preventive mechanisms were also identified in the existing laws. There is a general lack of proactive legislative mechanism where land use planning becomes an afterthought on uncontrolled physical development. The powers to prepare plans and to ensure its implementation lie in the hands of two separate institutions. The survey revealed the PPD were tasked to prepare layouts that govern the development of every area but are not mandated to ensure its implementation and deal with violators of the prepared plans.

There is the need for an all-inclusive and well-coordinated legal framework should be a responsibility of NDPC. The frameworks should be comprehensive and effective to compel developers to abide by set standards and adequate sanctions be applied on deviant developers. In relation to spelling out clearly the duties of official

land institutions, the Land Use Planning Bill which is currently before Parliament should be hastened. The passage of this Bill will make PPD an autonomous organisation with powers to enforce development control.

6.2.4 Challenges of the Official land sector institutions

The survey revealed that PPD relied on aerial photos and Google maps in place of base maps that are expected to be produced by the SMD create conflicts in terms of land boundaries. This situation happens due to the logistical constraints and limited staff of the unit (see Tables 4.4, 4.5 and 4.6). The survey brought to bear the deficiencies with the resource base (office space, logistics, financial support) affects the effective operations of the official land institutions. Overlapping roles as a result of the merging of four institution to become one (Lands Commission) also emerged as posing a challenge to the successful operations of the Commission.

Lands commission is currently a combination of four departments as a result of the LAP project. Although the basis for the merging was necessary to help create a „one stop shop“ where land transactions could be carried out, it has not lived to expectation.

The Departments are one in theory but fragmented with no clear cut duties. This has led to overlapping roles and conflict by Heads of Department as to whose responsibility it is or not to carry out a specific duty. There is therefore the need for the spelling out of specific responsibilities to be carried out by each Department to make processing of documents easier and faster. There should be a rethink of revenue generation strategies by land sector organisations in order to reduce their dependency on the central government. There is therefore the need for self-resourcing of official land institutions through funds generated during the permit and lease application stages, ground rent (state lands) and site inspection stages. This will strengthen the capacity of these official land sector institutions to carry out their task as expected. All development activities occur in space and as such these institutions are to be made the priority and be given the necessary support by Government too.

6.3 Conclusion

Land administration in Sekondi-Takoradi Metropolis is complex and beset with problems which in the long run affect the nature of physical development in the metropolis. These problems can be traced to both traditional and government land institutions. Although 80 percent of land supplied is from the stool, the source of

haphazard development can mainly be attributed to the official land institutions. This is because they are mandated by law to prevent or address the wrongs within the land market as well as physical development. These government land institutions cannot be entirely blamed for not executing their roles as expected because as discussed earlier, they are faced with some challenges which make it difficult to function effectively. Planning schemes that were analysed did not cater for some other uses of land; recreational areas and commercial uses and due to the increasing demand for such uses, developers in collaboration with land owners (mainly the traditional authorities) find ways to create spaces for such uses. It was obvious that the traditional authorities play a critical role in how physical development turns out whether in conformity or otherwise to the prepared schemes. This calls for the co-existence of both the traditional authorities and government in the administration of lands in the metropolis. Based on the problems identified and the findings made, research could be made into enhancing the effectiveness in the implementation of layout plans in the metropolis. Issues with land are critical and affect socio-economic development of a country and must therefore be given the needed attention.

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APPENDICES

APPENDIX 1: Population projection method

$$P_t = P_0 e^{rt}$$

where

P_t = population at current year

P_0 = population at previous year

e = constant (2.7182)

r =

growth rate (3.2%)

t = intercensal

period (4 years)

Study Areas	Population 2010 (P_0)	Population 2014 (P_t)	% share
-------------	---------------------------	---------------------------	---------

Anaji	12,771	14,516	28.4
Sekondi	40,277	45,777	31.4
Essikado	15,622	17,755	13.4
Kojokrom	7,222	8,208	7.3
Kwesimintsim	27,576	31,341	19.5
Total			100

With an average person per house and 2014 projected population, number of houses (2014) was calculated

Study Areas	Population 2014	Average number of persons per house	No. of houses 2014
Anaji	14,516	5.4	2,688
Sekondi	45,777	15.5	2,953
Essikado	17,755	14.0	1,268
Kojokrom	8,208	12	684
Kwesimintsim	31,341	17	1,844
Total			9437

APPENDIX 2: Sample size determination

$$n = \frac{N}{1 + N(\alpha)^2}$$

where n = Sample size

N= Population

α = margin of error
(6%)

$$1 + 9437 (0.06)^2$$

$$n = \frac{9437}{1 + 9437 (0.06)^2} = 269.8$$

Study Areas	No of house 2014 (P _i)	% share	Sample size
Anaji	2688	28.4	77

Sekondi	2953	31.4	84
Essikado	1268	13.4	36
Kojokrom	684	7.3	20
Kwesimintsim	1844	19.5	53
Total	9437	100	270



APPENDIX ⁴⁵

KWAME NKUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY COLLEGE OF ART AND BUILT ENVIRONMENT DEPARTMENT OF PLANNING

Introduction

This interview guide is to assist Miss. Francisca Atta-Boateng, an M.Phil Planning student of KNUST to research on: *the influence of land administration systems on*

⁴ . What changes, if any, have been made to the planning schemes after it was first developed? (maps showing change of use)

⁵ . What were the bases for the change?

physical development in STM. Please the information required is for academic purposes only and will be treated with a high sense of confidentiality.

Date.....

Position Held: **Number of years in Office:**

PHYSICAL PLANNING DEPARTMENT

1. What are the roles the department plays in controlling development in STM (zoning, planning schemes)?
2. In what specific areas do you coordinate with other land stakeholders? What is the strength of the relationship on a scale of 1-⁶

Stakeholders	Areas of coordination	Strength of relationship (1-5)
Lands Commission		
Stool Lands office		
Traditional Authorities		
Survey department		
Homeowners		
Land use	Location	Any encroachment at such sites (Yes/No)
Parks		
Open spaces		
Wetlands		
Sacred forest		
Cemeteries		
River banks		
Others (specify)		

6. After 2010 (oil production), what has being the main purpose for which land is acquired?
7. Has there been an increase in the construction of new infrastructure since the oil find?

Infrastructure	location	Effect of spatial development
Road		
Financial institutions		
Shopping centres		
Schools		

⁶. Is there any land which has been reserved for special purposes in STM?

hospitals		
Offices		

8. Have there been reported cases of land conflicts? *(if yes, fill the table below)*

Location	Type of land conflict (multiple sale, multiple owners, land boundaries)	Attempts made to resolve the issue

9. What the challenges faced by the department? (staff, logistics, external influence)

Items	Available	Required
Staff		
Planners		
Assistant planners		
Technical staff		
Administrative		
Logistics		
Accommodation		
External influence		
Others (specify)		

10. What in your opinion on the causes of haphazard development?

11. How do you grade the current spatial development of STM? (one being poorest and 5 being well planned)

Areas	Rank (1-5)	Characteristics used to grade
Anaji		
Effiekuma		
Kwesimintsim		
Sekondi		
Essikado		
STM in general		

12. What is the way forward for land administration in STM?

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

KNUST



APPENDIX 4

**KWAME NKRUMAH UNIVERSITY OF SCIENCE AND
TECHNOLOGY**

**COLLEGE OF ART AND BUILT ENVIRONMENT
DEPARTMENT OF PLANNING**

Introduction

This interview guide is to assist Miss. Francisca Atta-Boateng, an M.Phil Planning student of KNUST to research on: *the influence of land administration systems on physical development in STM*. Please the information required is for academic purposes only and will be treated with a high sense of confidentiality.

Date:

Position Held:

Number of years in Office:

LANDS COMMISSION (Public and Vested Lands Management unit)

1. What roles does the unit play in land administration in STM?
2. How are you involved in physical development in STM?
3. In what specific areas do you coordinate with other land stakeholders? What is the strength of the relationship on a scale of 1-5

Stakeholders	Areas of coordination	Strength of relationship (1-5)
Town & Country Planning department		
Stool Lands office		
Traditional Authorities		
Survey department		
Homeowners		

4. Enumerate the land ownership types in the Metropolis? (map showing the land ownership patterns)
5. What is the process for acquiring state lands?
6. Outline the process of lease preparation
7. Has the government acquired/ released land in the last ten years?
8. If yes to question 12, what were the changes?
9. Have there been reported cases of land conflicts? (if yes, fill the table below)

Location	Type of land conflict (multiple sale, multiple owners, land boundaries)	Attempts made to resolve the issue

10. What the challenges faced by the department? (staff, logistics, external influence)

Items	Available	Required
Staff		
Logistics		
Accommodation		

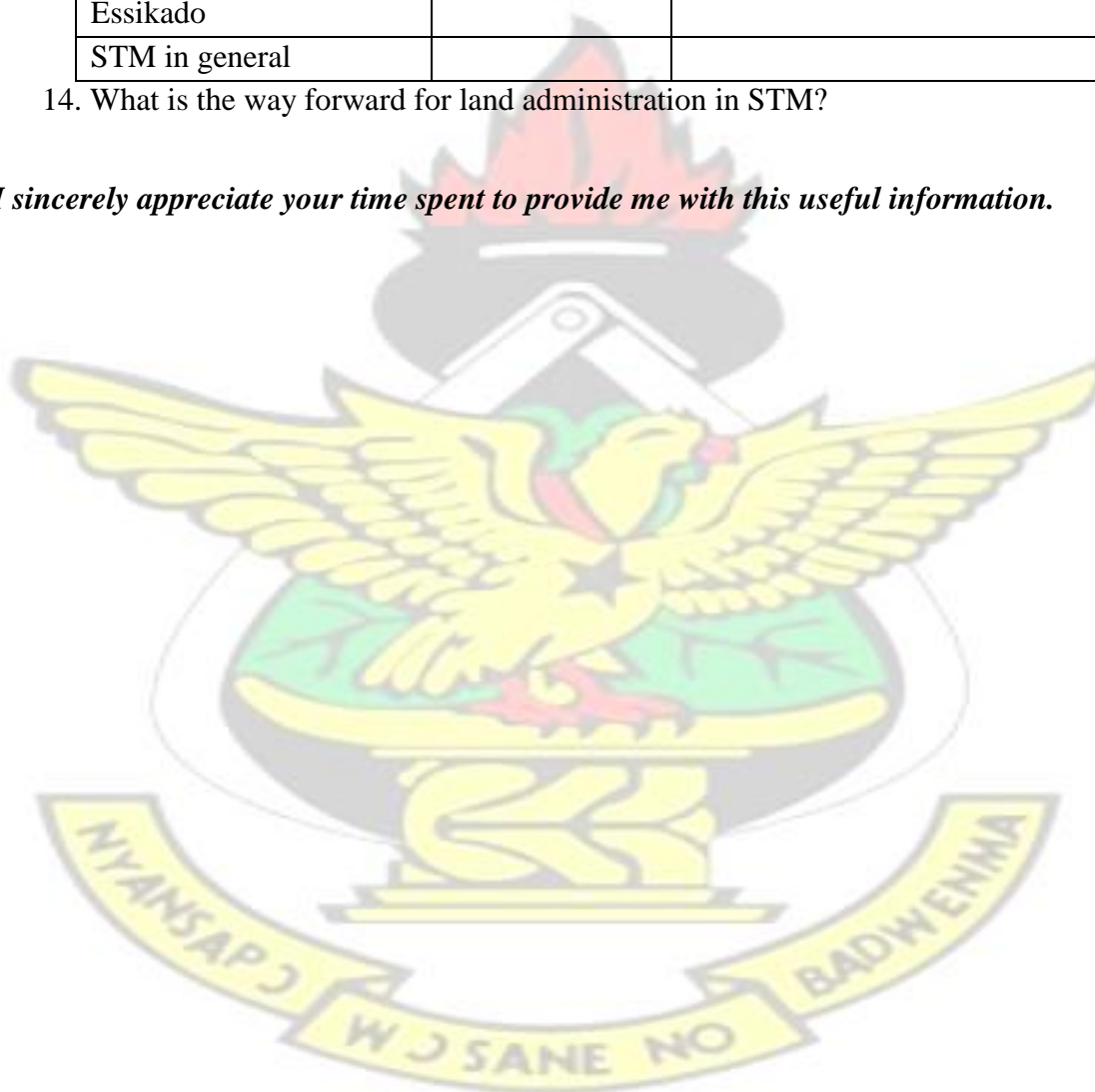
External influence	
Others (specify)	

11. What are the costs or effects of developing at unapproved sites?
12. What in your opinion are the causes of haphazard development?
13. How do you grade the current spatial development of STM? (one being poorest and 5 being well planned)

Areas	Rank (1-5)	Characteristics used to grade
Anaji		
Kojokrom		
Kwesimintsim		
Sekondi		
Essikado		
STM in general		

14. What is the way forward for land administration in STM?

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



APPENDIX 5

**KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY
COLLEGE OF ART AND BUILT ENVIRONMENT
DEPARTMENT OF PLANNING**

Introduction

This interview guide is to assist Miss. Francisca Atta-Boateng, an M.Phil Planning student of KNUST to research on: *the influence of land administration systems on physical development in STM*. Please the information required is for academic purposes only and will be treated with a high sense of confidentiality.

Date.....

Position Held:

Number of years in Office:

LANDS COMMISSION (Survey and Mapping Division)

1. What roles do the department plays in connection to land administration STM?
2. In what specific areas do you coordinate with other land stakeholders? What is the strength of the relationship on a scale of 1-5

Stakeholders	Areas of coordination	Strength of relationship (1-5)
Physical Planning department		
Stool Lands office		
Traditional Authorities		
Homeowners		
Lands commission		

3. How are you consulted in the preparation of schemes?
4. Are you influenced by traditional authorities to prepare schemes different from that used by PPD?
5. If yes to question 4, what is your comment on that?
6. Do you think the way land is allocated affects the way development is carried out? Explain your answer?
7. How has the oil production affected physical development?
8. How do you grade the current spatial development of STM? (one being poorest and 5 being well planned)

Areas	Rank (1-5)	Characteristics used to grade
Anaji		
Kojokrom		
Kwesimintsim		

Sekondi		
Essikado		
STM in general		

9. In your opinion, who should control and administer the lands in STM? (give reasons for your answer).

10. What are the challenges faced by the department? (staff, logistics, external influence)

Items	Available	Required
Staff		
Logistics		
Accommodation		
External influence		
Others (specify)		

11. What are the costs of developing at unapproved sites?

Sectors	Cost incurred
Environmental	
Socio-economic	
Spatial	

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



APPENDIX
KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY
COLLEGE OF ART AND BUILT ENVIRONMENT
DEPARTMENT OF PLANNING

6

Introduction

This interview guide is to assist Miss. Francisca Atta-Boateng, an M.Phil Planning student of KNUST to research on: *the influence of land administration systems on physical development in STM*. Please the information required is for academic purposes only and will be treated with a high sense of confidentiality.

Date:.....

Position Held:

Number of years in Office:

OFFICE OF THE ADMINISTRATOR OF STOOL LANDS

1. What are the roles the department plays in land allocation in STM?
2. What are the mechanisms used in managing traditional/ stool lands?
3. In what specific areas do you coordinate with other land stakeholders? What is the strength of the relationship on a scale of 1-5

Stakeholders	Areas of coordination	Strength of relationship (1-5)
Town & Country Planning department		
Lands commission		
Traditional Authorities		
Survey department		
Homeowners		

4. Has the government acquired/ released land in the last ten years?
5. If yes to question 4, what were the changes?
6. Which areas within STM are under the operation of this department?
7. What is the procedure for releasing stool lands for commercial, housing, industrial and farming purposes?
8. What are the lease periods for Commercial, Residential, Industrial and Agriculture purposes?
9. How would you describe the nature of land acquisition process?

10. After 2010 (oil production), what has being the main purpose for which land is acquired?
11. Are you aware of the existence of planning schemes prepared by PPD?
12. If yes to question 11, what is the importance of a planning scheme?
13. If yes to question 11, at what level or stage where your opinion, comments or concerns taken into consideration in the preparation of the planning schemes for your area
14. In your view, should the stool be responsible for the planning, allocation and determination of the land use in your area of jurisdiction? Explain your answer
15. What in your opinion are the causes of haphazard land development?
16. How do you grade the current spatial development in your area? (one being poorest and 5 being well planned)
17. Do you think the way land is allocated affects the way development is carried out? Give reasons for your answer
18. Should the stool be responsible for the planning, allocation and determination of the land use in your area of jurisdiction? Give reasons for your answer.
19. Have there been reported cases of land conflicts? *(if yes, fill the table below)*

Location	Type of land conflict (multiple sale, multiple owners, land boundaries)	Attempts made to resolve the issue

20. Do you think the oil production has had an impact on land development in your area?
21. What are the challenges faced by the department in executing their duties with regards to land administration?
22. What are the environmental, economic and social costs of developing unapproved sites?

Sectors	Cost incurred
Environmental	
Socio-economic	
Spatial	

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

APPENDIX
KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY
COLLEGE OF ART AND BUILT ENVIRONMENT
DEPARTMENT OF PLANNING

KNUST

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Introduction

This interview guide is to assist Miss. Francisca Atta-Boateng, an M.Phil Planning student of KNUST to research on: ***the influence of land administration systems on physical development in STM.*** Please the information required is for academic purposes only and will be treated with a high sense of confidentiality.

Date.....

Stool name

Name of your area of jurisdiction

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

TRADITIONAL AUTHORITIES

1. What is the land size in your area of jurisdiction?
2. What is the composition of your land allocation committee? (for example the chief/queen mother/Head of family (Abusuapanin)/Allocation committee)
3. What is the average size of each plot of land in your area of jurisdiction?
4. What is the customary fee (drink money) for a plot of land in your area of jurisdiction?
5. What is the procedure for releasing stool lands for commercial, residential, industrial and agriculture purposes?
6. What are the lease periods for commercial, residential, industrial and agriculture?
7. Are you aware of the existence of planning schemes prepared by PPD?
8. If yes to question 8, what is the importance of a planning scheme?

9. If yes to question 8, at what level or stage where you opinion, comments or concerns taken into consideration in the preparation of the planning schemes for your area?
10. Do you release land in conformity to the planning schemes?
11. If yes to question 10, how often do you refer to the schemes in the sale of lands?
12. If no to question 14, what guides the allocation of lands in your areas of jurisdiction?
13. Who prepared that plan that guides in your allocation other than the schemes from PPD?
14. In your view, should the stool be responsible for the planning, allocation and determination of the land use in your area of jurisdiction? Explain your answer
15. Do land purchasers discuss the land use with you and do you approve it?
16. What in your opinion are the causes of haphazard land development?
17. Are there structure(s) in your area of jurisdiction that do not conform to the schemes?
18. If yes to question 17, how did it happen?
19. If yes to question 17, should such unauthorized structures be pulled down? Give reasons.
20. Has any structure in your area been demolished for its wrong location?
21. If yes to question 20, what was the reaction of the community?
22. Have there been reported cases of land conflicts? Detailed information for the year 2013

Location	Nature of the case	Cases resolved	Pending cases	Parties involved

23. How do you grade the current spatial development in your area? (one being poorest and 5 being well planned)
24. Do you think the way land is allocated affects the way development is carried out?
25. Give reasons for your answer to question 33
26. Should the stool be responsible for the planning, allocation and determination of the land use in your area of jurisdiction? Give reasons
27. In what specific areas do you coordinate with other land stakeholders? What is the strength of the relationship on a scale of 1-5

Stakeholders	Areas of coordination	Strength of relationship (1-5)

APPENDIX

KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY

COLLEGE OF ART AND BUILT ENVIRONMENT

DEPARTMENT OF PLANNING

Town & Country Planning department		
Stool Lands office		
Survey department		
Homeowners		
Lands commission		

28. What are the environmental, economic and social costs of developing unapproved sites?

Sectors	Cost incurred
Environmental	
Socio-economic	
Spatial	

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

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Introduction

This questionnaire is to assist Miss. Francisca Atta-Boateng, an M.Phil. Planning student of KNUST to research on: *the influence of land administration systems on physical development in STM*. Please the information required is for academic purposes only and will be treated with a high sense of confidentiality.

Name of Community..... House

number/ street name

Gender.....

Date.....

HOMEOWNER

General information

1. Where were you living before your current location?.....

2. What prompted your movement from your previous place?

.....
.....

.....
3. What informed your decision to settle at your current location?
.....
.....

4. 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.....

5. What was the cost of the land?

6. What is the plot size of land occupied (ask/ observe)?

Land acquisition

7. From whom did you acquire the plot of land?

A. Stool [] B. State [] C. Family []

D. Individual []

8. What process did you go through in acquiring the land?

State land	Tick	Stool land/ Family lands	Tick
Application to Lands commission		Consultation with the chief/ land allocation committee	
Application is vetted by the Lands Commission		The applicant checks the vacancy of the allocated plot(s) at the Lands Commission/ PPD	
detailed site plan and the application and sent to a sub-committee of the Lands Commission		“drink money” paid and an allocation note is given	
A letter is sent to the applicant		The allocation note, three (3) copies of the site plan, and one-third of the “drink money” is sent to the chief for approval	
Applicant accepts the offer and pays all charges to the Lands Commission		All the document is sent to lands commission to confirm vacancy or otherwise	

APPENDIX

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COLLEGE OF ART AND BUILT ENVIRONMENT

DEPARTMENT OF PLANNING

preparation of a lease		Lands Commission consults PPD to check whether the proposed land use (structure) conforms to the approved land use.	
Land Title Registry		Lease preparation and Land Title Registry	

9. 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 []

10. Has there been any dispute on the land since its acquisition? A. Yes [] B. No []

11. If yes to question 10, what was the cause of the dispute?

.....

12. If yes to question 10, how was the issue settled?

.....
.....

Official documentation

13. Do you think it is necessary to secure land documents before development?

A. Yes [] B. No []

14. Give reasons for answer in question 13

.....
.....

15. Which of the following documents do you have?

A. Allocation paper [] B. Development permit [] C. Building permit []
D. Lease []

If the respondent has site allocation note:

16. From whom did you obtain the document?
17. Was the allocation paper signed by the chief? A. Yes [] B. No []
18. How long did it take to get the allocation note?
19. Did you verify from Land commission or PPD whether the site conforms to the intended use? A. Yes [] B. No []
20. Did you face any problem in obtaining it? A. Yes [] B. No []
21. If yes to question 20, state some of the problems

.....

.....

.....

If the respondent has a lease:

22. What were the processes you went through?

.....

.....

.....

.....

23. How much cost did you incur in obtaining the lease?.....
24. How long (years) did it take to obtain the lease?
25. Did you face any challenge in processing your lease? A. Yes [] B. No []
26. If yes to question 25, state the problems and how it was resolved

.....

.....

If the respondent has a development/ building permit:

27. How long did it take to obtain the building permit?.....
28. Did you face any problem in obtaining the permit? A. Yes [] B. No []
29. If yes to question 28, state some of the problems and how it was resolved

.....

.....

Infrastructure availability

30. What is your source of water?
- A. private pipe-borne water []
- B. Ground water (borehole or well) []
- C. Community water stand pipe []
- D. Buy water (sachet/mineral water, or commercial water dealers) []
- E. others (specify).....
31. Do you face any problem in accessing water? A. Yes [] B. No []
32. If yes to question 31, list some of the problems faced

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.....

33. How do you dispose of sullage (grey water/ wastewater) in your home?

- A. nearby stream [] B. soak away [] C. Into a septic tank []
D. Open space [] E. Unengineered drain [] F. Engineered drain []

34. Do you face any problem in disposing of the wastewater? A. Yes [] B. No []

35. If yes to question 34, please state the problems

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.....

36. What is your mode of disposing of refuse?

- A. Burning [] B. Secondary Collection point []
C. Burying [] D. House-to-house collection []

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. If yes to question 38, what are the problems and how it was resolved?

.....
.....

Miscellaneous

40. Have you ever been served a notice to stop work during construction of your building?

- A. Yes [] B. No []

41. If yes to question 40, how were you able to complete the structure in spite of the demolition notice?

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.....

42. If you are to acquire land in the future, which of the following stakeholders will you contact?

- A. Stool [] B. State [] C. Family []
D. Individual []

43. Give reasons for your answer

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.....
.....

44. In your opinion, who should control and administer lands in your community?

- A. Stool [] B. State [] C. Family [] D.

Individual []

45. Give reasons for your answer to question 44

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.....

46. What are the consequences of developing unapproved sites?

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.....

47. How would you rank (1-5) the current spatial development of your community? (1 as Very poor, 2 as Poor, 3-Average, 4-Good, 5- Excellent)

Using the following parameter:

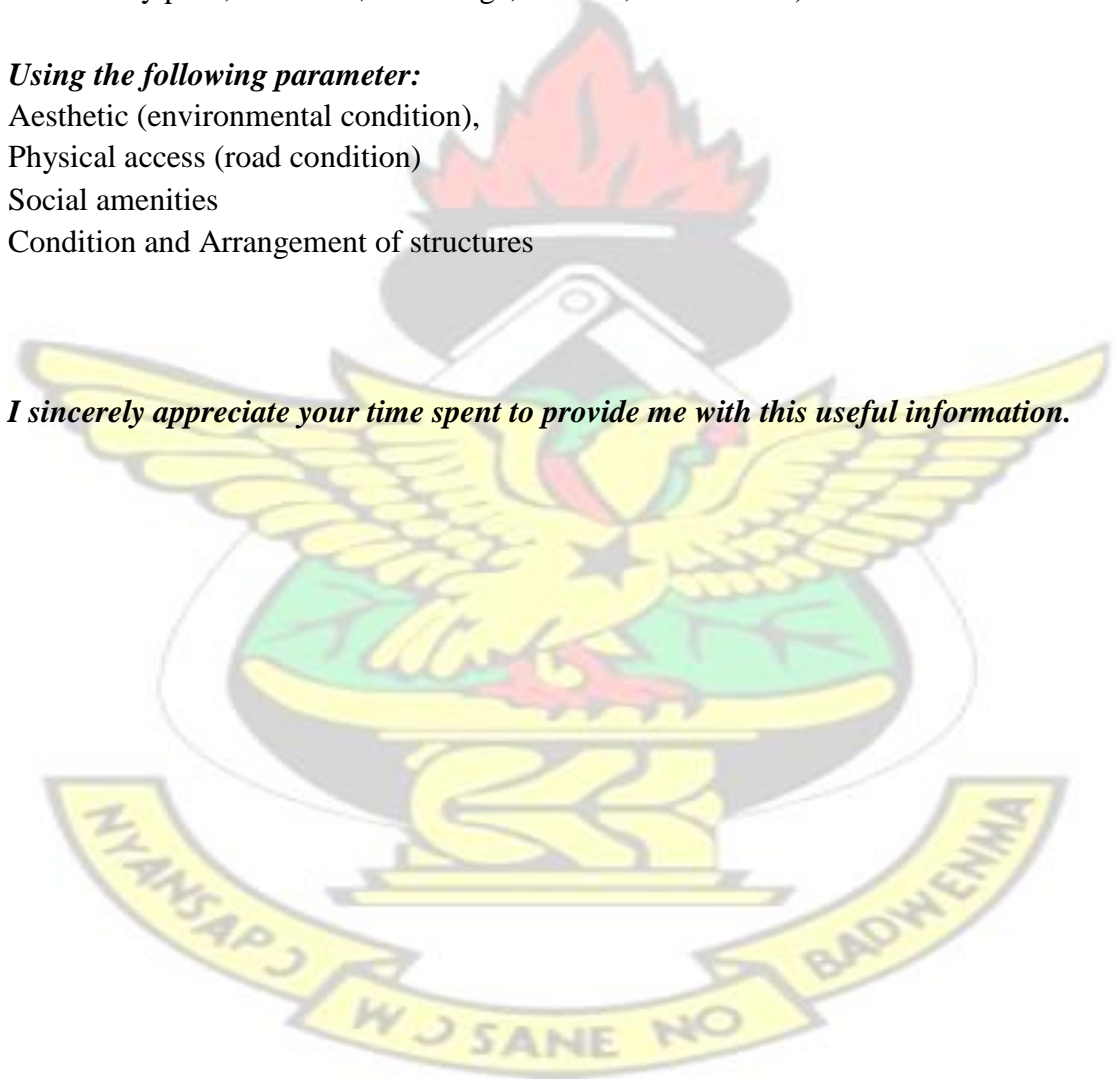
Aesthetic (environmental condition),

Physical access (road condition)

Social amenities

Condition and Arrangement of structures

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



APPENDIX 8

OBSERVATIONAL GUIDE

- Take pictures of the arrangement of structures (whether haphazard or well planned)
- Take record and pictures of the infrastructure available for the community (refuse dump site, water, waste water disposal sites, nature of road)
- Houses with no access
- Take record and pictures of encroachment and developments at illegal places like wetlands, mast close to houses

