

A Study of the Institution of the Customary Land Tenure System in the Supply of Property Rights for Urban Development – An Example of Accra, Ghana

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Key words: Customary land tenure, property rights, urbanization, statutory tenure

SUMMARY

The majority of land in African countries is managed under “customary” law. This system is appropriate for agricultural and socially stable societies and economies. People make cities grow and search for sites where urban economic development can take place. New sites are found in land which is managed under customary law. Ghana and the city of Accra demonstrate this phenomenon. This article refers to a research whereby the process of land acquisition and conversion for “urban” use was investigated in the outskirts of Accra. The area is managed as “family land”.

Attention was given to “urban demand” actors, the interaction and negotiation processes between the family-chiefs and these urban actors. The problems arising in the process and the speed of the process were analyzed. The degree of “tenure security” for the newcomers and the degree of control from the customary side were also analyzed.

Urban families invest their savings in the gradual development of properties for future sale, housing or rental purposes leading to a steady urbanization in customary held areas

The customary system is capable of providing access to land for urbanization, though conflicts can arise as well within the customary society as between the newcomers and the customary society. Some of these conflicts arise from the sharpening of land boundaries in the process of forming new “Urban Objects” in the originally “Rural Customary Area Object”.

The research revealed that the customary side searches in an early stage recognition from statutory planning for the transformation of rural to urban land with the implicit recognition of the future “statutory” status of the new urban area. Though planning approvals were obtained easily no further action from the statutory side to facilitate the process has been observed.

The study concludes that the customary system can very well cope with drivers behind urbanization. Rather a more proactive attitude from the statutory side is required in the recognition of the physical and legal status of the development to reduce conflicts and facilitate urban economic development.

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1. INTRODUCTION: AN ECONOMIC PERSPECTIVE ON LAND AND URBAN DEVELOPMENT

Urbanization is the process whereby more and more people live in urban areas. Urban growth is the process of gradual transformation of a rural to an urban environment. Urban growth observed from above is the change in land cover from biotic cover classes to man made-a-biotic cover classes. Urban "land use" observed on the ground is construction, the formation of buildings and other capital goods. Land in urban areas has to carry urban economic functions such as living/housing, production (services and industry), marketing and frequent transport.

An urban economy is predominantly Capital and Labor based. Land serves as carrier of Capital and is thereby modified in an irreversible way (within economic time horizons). An area becomes urban when a lot of private and public capital goods have been created. The dominant form of capital is building (cover class: "build-up"). Other forms are (paved) streets, utility pipes, cables and other services (cover class: "build"). The word "utility" refers to the physical object but also to the usefulness and effectiveness for the consumer. This is the person who puts (private) capital on the land for (private) production of goods or services, shelter and housing comfort. The productivity of this fixed capital is highly dependent on the connection to- and consumption of- the utility on the site. Urban development is largely a Private-Public Partnership whereby the buildings and their use are Private, the Utilities are "Public" and the combination becomes a productive Partnership.

Immovable Capital, such as buildings, cannot be separated from the land. The right (and obligations) of the capital are tied to the land and now conform "landed property". The tenure security of the capital requires thus tenure security of the land. As industry and service production have to adjust frequently to changes in demand and factor-input prices, the factor input markets have to function well. An urban Immovable Property market – mostly given the archaic name "Land Market"- is an important one. There is no doubt that Land Registers and Cadastral registers greatly facilitate the transfer of these capital goods and their reallocation for productive or consumptive use as they can give "proof of the object and of tenure" to make the seller trustworthy for the buyer. Statutory land registration systems are generally appropriate for this type of transactions in present day market economies.

In rural environments land is a Natural Resource and the major production factor in agricultural processes. Land cover is the result of the input of labor and equipment to the natural qualities of the land. While cultivation takes place under "sustainable" conditions the natural characteristics of the land are not changed or depleted and land remains productive through time as it was in the

past. The living can have access to land to satisfy their needs as the ancestors did and as the children will need to do.

This is the concept underlying “traditional” or customary land tenure in agricultural societies. The system of allocation of land right is appropriate in rural societies. It prevents exclusion and thereby (relative) poverty. Land is a Natural- and at the same time- a Social resource. As long as the members of the society stay in their geographic area there is a 1:1 relationship between the land and the community. Community and Customary Land form one (1) “Immovable Object (phenomenon)”. When members move outside their area, they still have rights of access to land. Outsiders moving in, though, can encounter all sort of problems before obtaining rights of access to land and definitely before changing the nature of the land.

In urbanizing areas the intrusion of the drive to tie private capital to land held under customary tenure arrangements is taking place. This paper reports on a study performed in the “peri-urbanizing” area of Accra, Ghana. It analyses this process in order to look for “security” mechanisms for the stakeholders so that economic and social development can take place in a fair and equitable way.

The paper starts with a short review of customary land tenure systems in Africa and in Ghana in particular. Then the “peri-urbanization” of a study area near Accra is analyzed and modelled. Finally some discussion is presented.

2. THE GENERAL LAND TENURE SYSTEM IN SUB-SAHARAN AFRICA

Land tenure systems vary widely among countries and between the developed and developing countries. It can take many forms such as the statutory, customary, religious and informal forms of land tenure. In Sub-Saharan Africa, the dominant land tenure system is the customary land tenure. As Fisher (1993) noted, the major characteristics of customary tenure is that the land is regarded as belonging to the whole social group and not to an individual. It is also referred to as a system of land relation in which the ownership of the land is vested in a collective (whether a family, lineage or a clan) while the individual enjoys virtual unrestricted rights of usage. The head of such a collective or community is regarded as a symbol of the residuary, reversionary, and ultimate ownership of all land held by the collective (Mabogunje, 1992). The communal land is a social resource and also has some religious significance; it is only through his or her relationship with the land that an individual perceives a sense of place and personality (Payne, 1997).

Generally, the current systems of land tenure in most Sub-Saharan African cities are characterized by the co-existence of different modes of supply that have originated at the different stages of their development. They present a complex mosaic derived from history, colonial legacy and current economic pressures and opportunities, as well as from their natural and ecological characteristics. This great diversity at the continental level is mirrored at lower scales within each country, region and district. This makes it difficult to draw conclusions from different parts of the continent and demonstrates the need for considerable tailoring of national

provisions concerning land to the range of conditions found at the local level (Toulmin *et al*, 2000). A number of other practices based on very different interests, of which colonialism is one of the most prominent have been added to these complex tenure traditions. Initially, local leaders often received substantial revenues from granting land concessions to European settlers, whilst retaining their inalienable rights under the local tradition. Once the Europeans became colonial rulers, however, they found the overlapping rights of several parties to one tract of land intolerable and immediately set about regularizing what they saw as a chaotic state of affairs (Russel, 1986).

In Sub-Saharan Africa, prior to colonialism, a wide variety of societies co-existed in Africa, ranging from societies with no distinct institutionalized state structures, theocratic societies with an administrative order of priests, societies with chiefly rulers, and empires with complex bureaucratic structures (Amanor, 1998). The policies and objectives of land management were clear: ownership of land resides in collectivity and individuals only had rights of use, the objective being to ensure easy access to land for every household (Mabogunje, 1992). Land was therefore generally held under the customary land tenure, whereby the ownership of land was vested in a family, lineage or clan.

During the colonial period, a land management and allocation system was introduced to adapt land management to the needs of the colonial state and capitalist mode of production. This emphasized access to individual ownership (freehold). A series of decrees stated that ‘vacant’ land should be appropriated and registered in the name of the state. This was the first step towards the realisation of ‘real rights’, where land is the property of the state and any transfer of occupancy rights has to be authorized by the government (Payne, 2002). This also emphasized access to individual land ownership (freehold) under the statutory land tenure system which was by this means introduced and used to acquire land for development in the colonial era.

The reaction of Africans to colonialism was to assert that land was not a commodity which an individual could alienate to another (Mabogunje, 1992). Within Sub-Saharan Africa, private land ownership and the registration of individual property rights is therefore largely an imported concept and is most common in urban areas where it was introduced or strengthened by the colonial administrators for the benefit of European settlers (Mabogunje, 1992). Towards the end of the colonial period, indigenous land tenure systems were operating in parallel with European-based systems in most parts of Africa leading to a dual system of land tenure. This parallel system was able to operate relatively efficiently as long as access by Africans to colonial restricted areas were controlled and urban growth rates were relatively low. However, as the countries became independent and rural–urban migration resulted in urban growth, the anomalies in the land tenure system became more apparent (Payne, 1997).

With independence, the centralized land management procedures in most countries remained largely intact. Unregistered lands, including large tracts of customary land were nationalized in the name of social justice, equitable access to land and prevention of speculation. One of the most significant developments in the land tenure system in the 1970s and 1980s has been the imposition of a regime of state ownership of all lands in many African countries; half of the 40

countries in Sub-Saharan Africa claim to have nationalized all lands and extinguished private individual ownership (Mabogunje, 1992). Modified forms of indigenous tenure, however, are still dominant in some West African cities and remain important in many countries, although they have become increasingly commercialized in recent times (Rakodi, 1997).

3. THE CUSTOMARY LAND TENURE SYSTEM IN GHANA

Land management in Ghana is typically of those West African countries where indigenous tenure systems still govern land transactions. Its traditional authority system differs in detail rather than in principle from other countries where land was taken for settler farmers, such as Zambia and Zimbabwe, and countries where individual title was introduced early and traditional authority structures more or less wiped out, such as Kenya. In Ghana, the customary law is an important source of law and observed at all levels of society. Therefore customary land tenure is formally recognized as an institution (Gough *et al*, 2000).

An eminent Ghanaian lawyer aptly describes the customary land tenure system as based on the belief that “land belongs to a vast family of which many are dead, few are living and countless numbers are still unborn”. Hence customary land is inalienable and the living must use it so that the interests of the future unborn generations are not jeopardized. In the light of this, each member of the community has a right to occupy and use part of the land for his livelihood and no individual could alienate these rights to another {Ollenu, 1962 cited by Farvacque *et al*, 1992}.

In Ghana, the customary land tenure system is woven into the very fabric of the traditional society. It provides the economic basis for political power and also has serious social and religious implications. Land has an influence on the concepts of kinship, the family system and the entire field of social relationship. There is the belief that land is an ancestral trust committed to the living for the benefit of themselves and the unborn generation yet to come. Traditional land rights are seen as being closely related, not just with economic factors but also political, social as well as religious factors. It is an egalitarian system, and as such its underlying principle is more of equity, fairness and security for members of the community than economic efficiency in the use of land.

Several past governments from the times of colonialization have made a number of interventions to statutorily regulate and control the customary land tenure system in Ghana but it has not been successful. The first attempt by government to intervene in the customary system of land tenure was made in 1894 when the Crowns Lands Bill was introduced by the colonial government with the intention of vesting all lands of the Gold Coast Colony (now Ghana) in the English Crown. This was fiercely opposed by the chiefs and people of the colony who constituted themselves into the Aborigines Right Protection Society to serve as a pressure group against the enforcement of the law. The idea was therefore abandoned on the direction of the Queen of England. This was subsequently followed by several other attempts and by 1927 however, the colonial government realizing the strong opposition of the chiefs and people against any attempt to intervene in the system of land holding, had to greatly modify its land policy into one of minimal government intervention (Annor, 1992).

Based on the premises that property must serve the greater interest of the whole of the Ghanaian community, the post independence government sought through a number of enactments to introduce new concepts of proprietorship into the traditional pattern of proprietary rights. This was done without much opposition from the chiefs and people because the fear of confiscation by an alien government had no application in an independent Ghana. However, it appears that the English law was engrafted onto the Ghanaian communal societies without taking into account the differences between the early nineteenth century capitalist economic structures and the egalitarian communal institutions. Both systems reflect distinctively different economic structures and such incorporation of the English law and the customary law has led to the weakening of the fundamental principles of customary land law and breakdown of the trusteeship placed in the head of the community (Agbosu, 2000).

Land ownership in Ghana can broadly be divided into four main categories and these are customary ownership, state ownership, individual ownership and vested ownership involving shared ownership between the government (legal interest held in trust) and the customary landowners (beneficiary interest). Customary lands form about seventy-eight (78) percent of the total land area in Ghana and consist of both stool and family lands. Family lands together with individual lands form about thirty-five (35) percent of the total lands in customary ownership (MLFG, 2003).

In Accra, only the first three of the landownership categories can be found which are the customary ownership, individual ownership and state ownership. In the customary land category, family land is generally dominant in Accra and in Pantang the study area, the land is owned by families. Family and stool lands which were previously regulated under the Administration of Lands Act 1962 (Act 123) but under the 1992 constitution of Ghana, family lands have been excluded and are no more under any statutory regulations and administration.

The customary land in the peri-urban areas of Accra in which urbanization takes place is therefore managed by the head of the family. Family lands, as usual with most customary lands, have fuzzy boundaries, marked by streams, particular trees or other natural objects and members of the family have a collective right of ownership. The pressure of demand for urban lands has however led to the definition of boundaries in family lands in Accra. Interest in family lands can only be alienated by the family head, who is the custodian with the consent of the members of the family and where rights in the land are transferred to 'outsiders' only farming use rights could be given. These use rights for farming transferred in customary lands had no significant monetary/economic value and use of the land cannot be changed without the consent of the land owners. Information on the customary land tenure is not documented or recorded but passed on orally from generation to generation. As pressure on customary land increased with urbanization, so the amount of token payments tended to increase so that in some cases, it approximates to a market value (Payne, 1997). For example under the customary land tenure system, the drinks (schnapps) formerly presented for the use of the land has now been converted into money equivalent to the economic value of the land.

Urbanization has dramatically increased the population pressure on land and demand for customary land in and around urban areas especially in Accra. In many cases, titles to land in urban periphery are not registered, ownership and boundaries are not clear and the tenure status of owners and users is difficult and expensive to determine. This affects the urban development of these areas in many ways.

4. PROCESS OF URBANIZATION IN CUSTOMARY LANDS IN PERI-URBAN ACCRA, GHANA

In response to demand for urban lands, the process of land supply under the family land tenure has changed from giving farming use rights to urban land use rights. This means that urban growth leads to the creation of individual property rights in communal lands. The process of urbanization through the interaction of supply and demand of customary lands in the peri-urban area involves various phases. There are at least five phases identified in this process which will be discussed. The supply of land for urban development is made by the customary land owners and demand for urban lands comes from the private sector, public sector and civil society (individuals).

Pantang, the study area is about 140 acres and is at a distance of 20 km from Accra. At the time of the field work for this research about eighty (80) percent of the land has been sold as urban plots with about sixty (60) percent developed with residential buildings and light industries.

4.1 Phase 1

In the first phase, the land consists of customary lands under family tenure, communally owned and under rural production. The only transfers of interest made in the land are farming rights to persons from outside the land owning group. In the study area, the first pressure for change in use from rural to urban occurred with the state acquisition of a part of the land for the development of a mental hospital as far back as the early 1970's. Besides, a private investor bought a part of the land for farming purposes (under the statutory provisions of the 1969 Constitution for the transfer of land in customary lands to persons outside the land owning community). These transfers of interest in the land did not change its use. Later as urban expansion began to spread to most of the peri-urban areas of Accra, the local government authority prepared an initial urban plan for the study area and its surroundings but this was not made official.

4.2 Phase 2

In the second phase, a growing demand for urban lands at the peri-urban areas of Accra caused the private investor to whom a part of the land had previously been granted for farming purposes to change the use of his land by subdividing it into urban plots for sale in the 1992. This began the change in the customary use of the land. Though he encountered some initial problems with the customary land owners these were resolved. To attain this change, he employed a private surveyor to prepare an urban plan covering his acquired land which was subsequently

incorporated in the initial urban plan for the whole area to form a substantive official urban planning scheme. In order to make the land more attractive, he provided access routes according to the urban plan. This led to further demands for urban plots for light industries, estate housing and individual residences by developers from the private sector and civil society who recognized an opportunity in the urbanization of the study area. While some acquired the urban plots from the earlier land acquirers, others obtained it directly from the customary land owners. Urban development in the study area however did not immediately start after the sale of the urban plots until the later part of the 1990s.

This sale of the family lands for urban development in the study area led to a requirement for modifications in the customary land tenure such as definition of general land and individual plot boundaries, and preparation of land title documents. Where possible efforts were made to statutorily register lands in customary area by both the customary land owners and the new land acquires.

4.3 Phase 3

In the third phase, when vigorous urban development in the study area began, the modifications in the customary land tenure, monetary value attached to the land and the increased demand for urban land led to intra- and inter family conflicts of land ownership. The intra-family conflicts arose because of claims from different groups within the same family as to who should be the head of family and therefore has the right to make transfer of interest in the land to ‘outsiders’. This problem is due mainly to the fact that customary land tenure is not recorded but orally passed on and its custodianship had become unclear with the passage of time and emergence of different branches of the family from the original ancestor who owned the land. Inter-family conflicts on the other hand resulted from the fact that, since customary land boundaries are fuzzy, it is difficult to determine sharp boundaries between adjoining lands owned by different families especially when roads came in and served as boundary object.

4.4 Phase 4

The fourth phase of this urbanization process is characterized by the degradation of the customary land as a social resource under rural production to an economic resource for urban development. The communal (rural) land is replaced with individual urban plots which have a steadily increasing urban development which is spatially significant in the customary lands. In this stage, the conflicts of land ownership become more magnified and this leads to tenure insecurity for the urban developers. These land conflicts are not resolved under the customary land law but are taken to the courts for settlement which takes a long time to be resolved. It must be noted that in the study area, while such conflicts are pending at the courts, the sale of urban plots and urban development increasingly continues. Though the local government authority responsible for the study area has prepared the official urban plan and is statutorily required to provide public space and services, it does not play any significant role in the supply of urban lands and development taking place in the study area. Its only involvement is to provide development and building permits to developers. There are no interventions in the urban development of the study area by the statutory land institutions because these are family lands

and are outside their jurisdiction. However, most of the developers conducted searches on the land ownership title at the lands Commission Secretariat before buying their plots and seek to register their land title in the statutory sector.

The transformation of the rural customary object to an urban object is the result of these phases of urbanization occurring in customary lands.

4.5 Phase 5

In the last and fifth phase of urbanization, the type of urban development occurring in the study area looks urban but lacks urban facilities such as developed access roads, pipe-borne water, electricity, schools, market, commercial areas and health facilities. The statutory sector with the mandate to provide urban infrastructure and services does not step in at the early phases of the urban development. They rather come in to provide urban facilities long after urbanization has taken place and most of the reserved portions of the land for such purposes have been sold by the disputing customary landowners and oftentimes also developed. Where such reserved lands are sold but still undeveloped, they have to re-negotiate and pay for its use. Meanwhile, the customary land owners after the sale of the urban plots leave the provision of urban facilities to the statutory sector and withdraw from the management of the urban development. Spatially, the study area develops as an urban area but lacks urban facilities. This phenomenon can be found in most of the peri-urban areas of Accra where urban development is taking place on customary lands such as in Gbawe, New Ashongman and Dome to mention a few.

5. AN “OBJECT ORIENTED ANALYSIS” OF THE SPATIAL DEVELOPMENT

The phases described above can also be found by interpreting the maps and images of the study area. This interpretation was also translated into a conceptual “data model” of a changing reality.

In phase 1, the early 1970s, the area is a “*Customary – Rural Area Object*” with general boundaries along natural features. Boundaries are recorded as mental boundaries in the family traditions. Long term *farming lease area object* exists, with equally general, but socially agreed boundaries. Tenure security is obtained through *drink money*.

Phase 1 ends with the construction of new *roads* and the establishment of a Mental Hospital on *government acquired land* from the family in what in those days was still a rural area.

The construction and importance of the roads also made the family to interpret the *road as a boundary object of the family land*.

Phase 2, the 1980s shows the sub-division by *developers* on of the farm lease object in *Development area* (with corresponding *building plots*). At the same time an urbanization area plan is made and the entire *plan area* is created as new spatial object. Plots to be developed are surveyed and these obtain boundary monuments. New general boundaries arise from the construction of side *access roads* from the main road.

Phase 3 (1990s) shows the increase in number of building plots in the area partly through subdivision of earlier plots. *Fences* sharpen boundaries and the increased market value of the

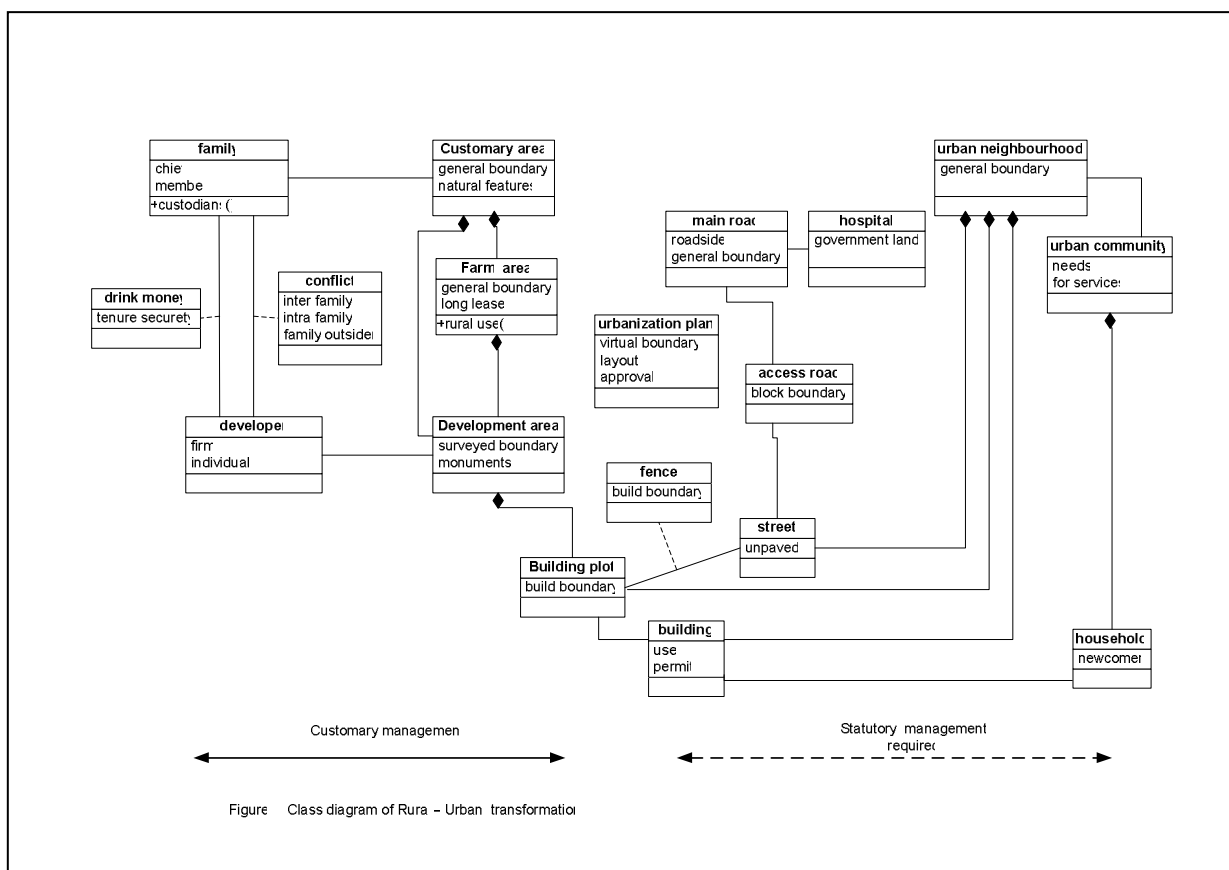
land triggers intra family *conflicts* and conflicts between family members and the newcomers. In the conflicts that are brought to court, boundaries play a big role.

Phase 4 (late 1990s) despite the conflicts and tenure insecurity, shows an increase in the number of plots and increased levels of proof of construction. Development is not following the plan very strictly. Areas reserved for public service area are even sold for housing development. *Street* space remains largely undeveloped.

Phase 5 (2000-now) shows 60-80 % coverage of the original customary family area with building plot claims and boundary definitions. The area in the buffer of the main roads is provided with unpaved access roads and has most building in progressive state of development. Fences are clearly observable and the area can be classified as sub-urban residential area (build-up). The spatial object *neighbourhood* can now be identified as spatial and social *urban community* object as *households* occupy the *buildings*.

Public street space is physically there but hardly or not “build”. New plot owners claim public services and the local authority is confronted with the customary authority which treats the land as Customary land for which compensation has to be paid. Most land for streets is therefore not (yet) developed.

This analysis is represented as a class diagram in the figure 1.



6. ANALYSIS OF THE PROCESS OF URBANIZATION IN CUSTOMARY LANDS

It must be recognized that urbanization is advancing quickly in the customary lands through these phases. The properties being developed are of a high quality and a good urban environment is being created despite the lack of urban facilities. In most cases as is happening in the study area, it is the developers who pool their resources to provide the basic urban infrastructure such as roads (though undeveloped), electricity and pipe-borne water. In addition, the allocation of urban lands to persons outside the land owning group for development goes on smoothly. This allocation is also being effectively handled by the customary land owners though its effect for the members of the families (the communal owners) has not been critically examined.

In this process, since the customary land tenure structure due to its characteristics has some inadequacies for the transformation of the rural (communal) land to urban (individual) land, it seeks for support from the statutory sector. This is evident in the fact that in the study area, the land owners looked to the local government authority for an urban plan on which to base the subdivision of land for urban plots. Furthermore, purchasers of these plots are given site plans to conduct a search on the status of the ownership at the land records of the Lands Commission Secretariat. The developers also obtain building and development permits from the local government authority to gain statutory and legal recognition for their development. In addition, the customary land owners and the developers make every effort to register their title to the land in the statutory sector in spite of the conflicts on the land ownership.

In the third and fourth phase, despite the conflicts, development still continues and developers make every effort to secure their tenancy in different ways. Many of them, about seventy (70) percent apart from registering their rights to their plots build fence walls, foundations or houses either fully or partially immediately after the purchase of the land. New urban objects such as streets are also used to mark land boundaries. This form of securing land tenure, besides protecting their interest in the land, strengthens their negotiating power against adverse claims from possible new adjudicated customary landowners from the resolution of conflicts. This is also important for protecting their investment in the land because court decisions on conflicting claims of land ownership have so far granted the new owners vacant possession of the land irrespective of the fact that the land has been sold by the originally acclaimed owners and is being developed. Due to this, where there are undeveloped plots, the new owners always re-enter to resell and they renegotiate with the owners of the developed plots. In the study area, about twenty (20) percent of the developers either have their title document and ownership status cancelled as a result of this or more than one document from different owners covering their plots. The rest, who are second purchasers have not been able to register their land title and complained of harassment from the landowners in such circumstances.

This research found one important reason for this fast growing urbanization occurring in customary lands by private developers and individuals. This is the phenomenon of inflation that in Ghana has been high over the past years. Property development is seen as a safe way of investing and gaining protection against inflation. Private investors therefore see the purchase of customary lands at the peri-urban areas for the development of estate houses for sale as a good

way of investing their capital. The customary land plays an important role in this capitalization process in spite of the conflicts and tenure insecurity.

But also the individual developer sees investments in properties as an important hedge against inflation. Many consider such investments to be a safe way of securing their future and develop properties as a sort of 'saving account' or pension fund. Another reason for this phenomenon is the lack of appropriate rental units and high rental values within the city. In this case, the gains to be made in investing in the customary land at the peri-urban areas far outweigh the risks involved hence the increase in urban development in customary lands and a vibrant property market despite the limitations.

Before now, the statutory sector plays only a minimal role in the urban development of the customary land. It does not assume early responsibility for the new public spaces for the provision of the urban infrastructure. Though such spaces are provided according to the urban plan, they are not developed until much later. As a result of this, the reserved services areas for schools, market, shops, and recreation are sometimes sold out by the land owners and developed as houses. Interviews conducted on the field revealed that regulation of urban development is not effectively done by the local government authority. In most cases, the residents form 'residents associations' to take up these responsibilities and push for the provision of urban facilities. Hence, they are now the main actors in the further urbanization process occurring in most customary lands in the peri-urban areas of Accra.

7. CONCLUSION

In peri-urban Accra, customary (rural) land is being converted into urban lands with individual property rights at an increasing rate. The study concludes that the customary land tenure system can well cope with the drivers behind urbanization though there are some problems identified in the process such as tenure insecurity, lack of urban facilities and management. Some of these problems can be attributed to the fact the statutory sector does not provide the necessary support for the customary land owners so this urbanization process goes on at the early phases without the appropriate urban land management. There is no recognition and status of the new public urban lands (infrastructure and services especially streets) which is left in between the new private investment plots.

What is required is a rather more proactive attitude from the statutory side in the recognition of the physical and legal status of the urban development in peri-urban customary lands to reduce conflicts and facilitate economic development. Support in form of early provision of the urban planning scheme, infrastructure and land management to enhance urban development in the urban areas is important.

REFERENCES

- Agbosu, L., K. (2000) Land Law in Ghana: Contradiction between Anglo-American and Customary Conceptions of Tenure Practices.
- Amankwa, (2005). Reforming Customary Land Administration and Management in an Emerging Market Economy - A Case Study of the Greater Accra Region.
- Annor, L. (1992) Land Tenure and Arable farming in Ghana: A Study of a Customary and a Non-Customary Land Tenure System. Unpublished MSc. Thesis. ITC, Enschede, The Netherlands.
- Farvacque, C. and McAuslan, P. (1992) Reforming Urban Land Policies and Institutions in Developing Countries. Corporate author The World Bank, Pagination 114 p. pp.
- Fisher, R. (1993) Tensions and Tenures in Post-Apartheid South Africa. December 1993 International Land Tenure Conference. Royal Institute of Chartered Surveyors and the University of East London.
- Gough, K.V., Yankson, P. W. K., 2000. Land Markets in African Cities: The Case of Peri-urban Accra, Ghana. *Urban Studies*, 37(No. 13): 2485-2500.
- Mabogunje, A.L., (1992) Perspective on Urban Land and Urban Management Policies in Sub-Saharan Africa. Series World Bank Technical Paper; 196, Dimensions 29 cm. Publisher the World Bank Notes (African Technical Department Series), Pagination 47 p. pp.
- Mends, T (2006) A study on the Customary Land Tenure System and its Impact on Urbanization. Case Study: The Peri-Urban Area of Accra, Ghana. MSc. Thesis ITC Netherlands
- Ministry of Lands and Forestry, Ghana (2003) Emerging Land Tenure Issues.
- Ollenu, N.A., (1961) Principles of Customary Land Law in Ghana.
- Payne, G., (1997). Urban Land Tenure and Property Rights in Developing Countries: A Review, Book. Publisher Intermediate Technology, London, Pagination 73 p. pp.
- Payne, G., 2002. Land, rights and innovation: improving tenure security for the urban poor. ITDG, London, 336 p. pp.
- Rakodi, C. (2002) Interactions between Formal and Informal Urban Land Management: Theoretical Issues and Practical Options. In V. Kreibich and W. H. A. Olima (Editors), *Urban land Management in Africa*. Spring Research Series. Spring Centre, Univ. of Dortmund, Dortmund, pp 11-33.
- Russels, M. (1986) Why Urban Land Tenure Survives In Swaziland. *Ceres*, 119: 30-4.
- Toulmin, C. and Quan, J. (2000) *Evolving Land Rights, Policy and Tenure in Africa*. DFID issues: Department for International Development. International Institute for Environment and Development (IIED), London, 324 p. pp.
- UNCHS, U.N.C.H.S., (1996). *An Urbanizing World: Global Report on Human Settlements*. Oxford: Oxford University Press, United Kingdom.
- Administration of Lands Act (Act 123) Accra, Assembly Press
- Constitution of the Republic of Ghana (1979) Accra, Assembly Press

BIOGRAPHICAL NOTES

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