

Modern Trends in Ownership and Acquisition of Large-scale Lands in Teshie and Kasoa, Ghana

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ABSTRACT

With the rising urbanisation of some parts of Ghana, the demand for land for various purposes is inevitable. The article assesses current trend of large-scale land acquisition in Teshie and Kasoa. The study used semi-structured interviews to solicit primary data from key informants such as chiefs at Nyanyano-Kasoa and Tsie-We family head at Teshie, land guards, and investors who acquire large scale lands in these areas to identify the trends in such acquisitions between 2014 to 2019. The study uncovered that though there are variations in the nature of land ownership in Teshie and Kasoa, multiple sale of lands, poor land management practices, litigation and land guarding are common practices in both areas. The study found that there is an institutional gap as both the state and traditional institutions have not really done much to deal with the challenges confronting LSLAs in these areas. It is recommended that land owning groups be engaged and educated by the Lands Commission in collaboration with Customary Lands Secretariat on proper ways to manage and sell their lands to avoid multiple sales and the conflicts that it brings. The Ghana police service should crackdown on land guarding which is an illegal activity.

Keywords: Large-scale, Land Acquisition, Land Ownership, Customary Land Secretariat, Traditional Authorities

INTRODUCTION

Over the years Africa has moved from being a continent of land abundance to land scarcity (Peters, 2019). Thus, influential transnational and national economic players are harpooning for large-scale land often in reserved countries, which have served as sites for agricultural investments and trade over the years (Attah, 2013). In some parts of Sub-Saharan Africa, lands are largely acquired for the purpose of food crop production and biofuel export (Tambang, Steen, Ato, & Ness, 2016).

Insight from the colonial era in Ghana for instance shows that traditional authorities, residents of Accra and British administrators articulated and challenged shifting ideas and reforms about land and property usage and ownership from the 1870s to the 1940s (Sackeyfio, 2012). These developments show a clear trend of high usage of land over the past decades. However, current developments show that right of entry to land and security of tenure is central to the livelihoods of the people at where the land is (Berry, 2019). Sometimes hidden acquisition arrangements, loss of cultural heritage and future foreign control affect land tenure (Peters, 2019). Evidence from rural Ghana depicts that prevailing land tenure systems influence the modalities and intricacies that accompany large-scale land acquisitions (Ahmed, Danyi, & Gasparatos, 2018). Also, obtaining land parcels of sufficient size to accommodate large-scale agricultural production is common and is often done by merging smaller parcels from individual landowners, families, and some broader sections of the local communities (Zaid, 2015). This implies that the concept of large-scale land acquisition is not new and was widely used in rural areas by people who wanted more land for farming. Studies show that chiefs often go outside their traditional function as custodians of the land to act as, land negotiators, conflict arbitrators, land sellers, receivers of compensation, and expropriators (Ahmed et al., 2018). Current developments in major peri-urban cities suffice the argument that the current drift of land acquisitions, development and investments have consequently become worldwide in their implications. Large scale land acquisitions are often driven by the global economic crisis attributable to the explosiveness in commodity prices, economic growth, and demand for land for various uses in emerging economies (Conigliani, Cu, & Agostino, 2018).

In urban Ghana, large-scale land acquisition is not new. The predominant approach to land acquisition had been small-scale land acquisition which has

been characterised by double sales, boundary disputes, conflicts, and long land registration procedures (Barry & Danso, 2014; Danso & Barry, 2012). Urbanisation has led to increase in complex projects and actors in the landed sector, thus resulting in a gradual shift from small-land acquisitions to large-scale acquisitions that are often done by groups or individual investors with huge capital outlays. Like small-scale land acquisitions, large scale acquisition has its own challenges. According to Miller and Owusu-Ansah and Braimah (2019) these challenges are due to the complex nature of land ownership (stool, family, state) in these areas. Though studies on large scale acquisition of land in Ghana have contributed immensely towards the enhancement of peri-urban planning, little attention has been paid to examining the modern trend in large-scale land acquisition in urban Ghana. The focus of this study is to unravel the current trends of large-scale land acquisition in urban Ghana. This paper specifically concentrates on two rapidly growing urban areas in Ghana (Teshie & Kasoa) and explores how stool and family lands are acquired on large-scale. Moreover, it examines the nature of land ownership, its challenges and the relationship that exist between these variables and the large-scale acquisition and of family and stool lands in Teshie and Kasoa and the implications.

Large-scale Land Acquisition in Africa and Ghana

The past decade has seen a vast increase in large scale land acquisitions (LSLAs) on a permanent basis in developing countries for the purpose of large-scale agriculture, biofuel production and foresting for carbon mitigation (Thaler, 2013). The dynamics that constitute the characteristics and implications may vary geographically. Fonjong et al. (2017) in a study on rethinking the water dimension on large scale land acquisition in Sub – Saharan Africa said, ‘views on large scale land acquisition in Africa are very diverse and scholars are divided even on its definition, relevance, impact and its size’. Yaro, Teye, and Torvikey (2018) found that while the Ghana Land Bill currently being drafted defines land from 10 acres and beyond as large scale, the Lands Commission pegs it as 50 acres and the Savannah Accelerated Development Authority (SADA) puts it at 500 acres. To that effect, they indicated that, land acquisition in Ghana is not smooth and easy. It is confronted with a lot of constraints such as insecurity of land tenure, indiscipline in the land market leading to fraud, conflicts, frustrations, and anxiety.

Kuusaana et al. (2015), opined that large scale lands are mostly acquired in rural areas for investment. But Berry (2019) and Peter (2019) noticed that there have been reports of tensions and even violent clashes between rural communities and

investors due to LSLAs. Specifically, in the rural areas, such conflicts are sparked more when owners are forcibly dispossessed from natural resources, for instance land, water or forests (Boamah, 2014).

In similar view, Yaro, Teye, and Torvikey (2018) and El Hadary and Obeng-Odoom (2012) stressed that these challenges are complicated by the gaps in the political, legal, and institutional frameworks that govern land ownership, acquisition and use in the country. In Kuusaana et al. (2015) and Yaro (2012), they recommended that, the roles of customary custodians such as chiefs and 'Tendaamba' should be critically reviewed and re-aligned according to local customs to make the institutions more accountable, consultative and transparent while restricting their enormous powers in traditional land administration.

In furtherance to the challenges that confront the land sector in Ghana, Gyamera et al. (2018) were of the view that the inadequate security of land tenure in Ghana is due to conflict of interests between and within landowning groups and the state, land racketeering, and weak land administration system. It must be acknowledged that, in as much as there are more lands in Ghana, there would be persistent problems in acquiring the right to land. Though Yeboah et al. (2016) in a study revealed that there was a draft guideline which states that decisions about land deals covering less than 1,000 acres should be made at the regional level, while acquisitions of over 1,000 acres should be approved at the national level by the Lands Commission, a lot of land deals that fall within guidelines have been overlooked. Following the review, it can be realised that large scale lands acquisition had been a practice from rural Ghana and its insurgence in urban Ghana is not new but challenges such as multiple sale, conflicts, encroachment, and indiscipline on the part of the chiefs have made the practice problematic. Based on this, the study goes further to unearth current developments in Kasoa and Teshie as far as LSLA is concerned. It looks at the acquisition of large-scale lands from the Tse-Wie family lands in Teshie and Odupongkpehe and Nyanyano stool lands in Kasoa. For the purpose of this study, LSLA defined it as obtaining land parcels of 10 acres or above from individuals, different landowners, families and or communities (Zaid, 2015; Yaro et al., 2018)

STUDY AREA AND RESEARCH METHODOLOGY

Study Area

The study was conducted at Teshie in Greater Accra Region and Kasoa in the Central Region in Ghana. Kasoa is the capital of Awutu-Senya East Municipal Assembly and geographically shares boundary with to the north by Bawjiase in the Awutu Senya West District, to the south by Nyanyano in the Gomoa East District, to the east by Wejia in Ga South Municipality in the Greater Accra Region, and to the west by Budumburam in the Gomoa East District (Awutu Senya East Municipal Assembly, 2018). The population of the municipality as at 2018 stood 131,543 with a 2.8% projected annual growth rate and makes up 4.9 percent of central region's population. The inhabitants are mainly Guans, Gas, Akans, Ewes with other minority tribes (Awutu Senya East Municipal Assembly, 2018).

Historically, Kosoa lands were solely owned by the state and used for agricultural purposes. Because the area was waterlogged, the then Acheampong Government in 1974 converted the area to irrigation farms (Maxwell, Odame, Lamptey, Zakariah, & Armar-Klemesu, 1998). After persistent change of governments, the farmers who helped in the agricultural activities claimed ownership because there was no one to control the ownership of the land. Hence, some farmers became chiefs and sub-chiefs, thereby selling some parts of the lands to Islamic settlers to engage in animal farming. Currently, all lands are owned by previous settlers; which include the people of Odupongkpehe and Nyanyano, where lands are held by the chiefs as custodians and trustees of their subjects. The allodial interest is vested in the Odupong and Nyanyano Stools (Ghanney & Bentil, 2019; Awutu Senya East Municipal, 2014). The sub-Chiefs in the Odupong Ofankor area also hold similar rights in land but accountable to the paramount (Awutu Senya East Municipal, 2014).

Teshie on the other hand, is a coastal town in the Ledzokuku-Krowor Municipality of the Greater Accra region in Ghana (Ledzokuku-Krowor Municipal Assembly, 2014). Teshie where the Tsie-We family land is located is a suburb of Accra which is the regional capital of the Greater Accra region and also doubles as the capital of Ghana and the seat of government. It has an estimated land area of 47.58 square kilometres and shares boundaries with La Dadekotopon Municipal to the West, Accra Metropolis and Adentan Municipal to the North, Tema Metropolis to the East and the Gulf of Guinea to the South with a population of 171,875 people, Teshie forms 6.84 % of Accra's 2,514,000 population (Ledzokuku-Krowor Municipal

Assembly, 2017). Families, chiefs (Mantsemei) and the state, own and manage lands on behalf of the people in various capacities in the Teshie Area (Arko-adjei, Jong, Zevenbergen, & Arbund, 2009). Originally, some lands were owned by fetish priests and quarter heads of families and stools (Arko-adjei et al., 2009). The Tsie-We family is one of the families that own lands at Teshie and according to some key members of the family, their lands were acquired through first settlement. The Tsie-We family lands share boundary with the Gbawe family land from southern to Western Teshie, Nungua Stool land on the Eastern side, and the Martey Tsuru family land of East Airport to the north (Ledzokuku-Krowor Municipal Assembly, 2014).

The justification for these two lands as the case studies is due to the recent insurgence of litigations regarding LSLAs in the two areas. Figure 1 is a map of Ghana showing the location of Teshie and Kasoa.

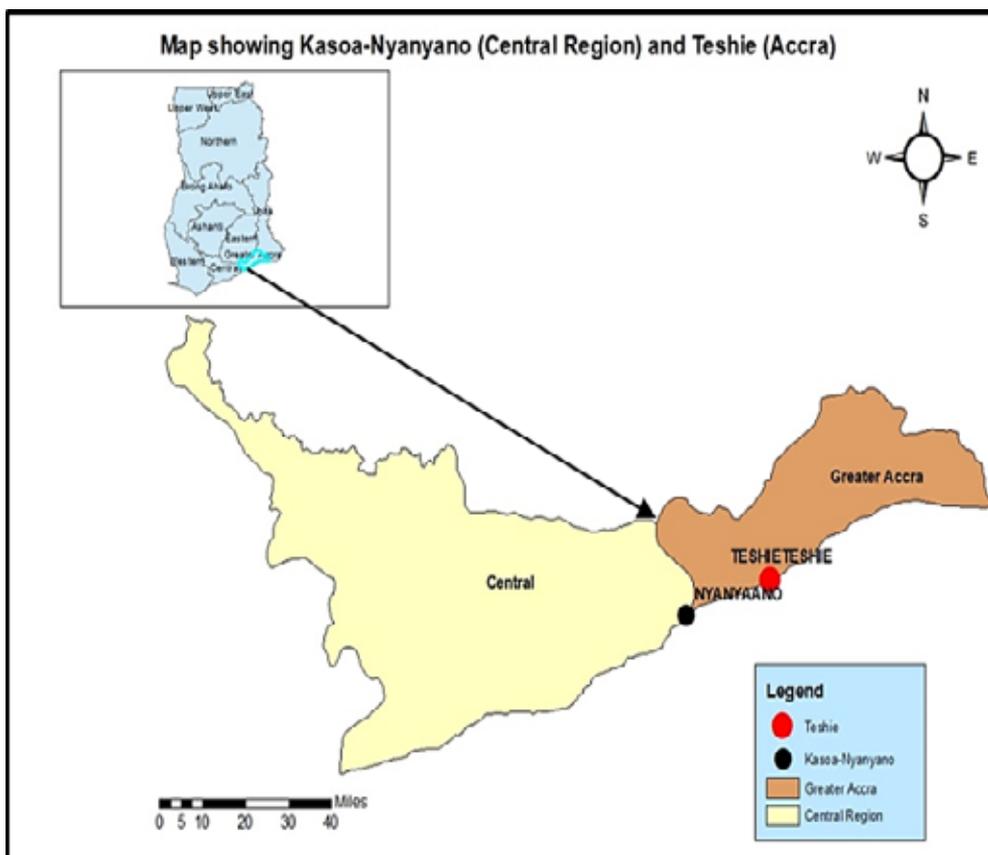


Figure 1: Map of case study areas

Source: Field survey, 2019.

METHODOLOGY

The study is a mixed method research based on qualitative and quantitative data using semi-structured interviews. According to Miller and Salkind (2019), case study research requires gathering multiple forms of data to develop in-depth understanding of an issue. The study focussed mostly on chiefs, land guards, land owners, and real estate developers who are the key players in LSLAs in Kasoa and Teshie as the unit of analysis to ascertain the current developments in the practice.

Data Collection and Sampling Techniques

The study used both primary and secondary data. These data were collected in March 2019 at Teshie and Kasoa. The respondents include; Chiefs, land guards, Leaders of Kasoa Teachers Association, Real estate developers, and Tsie-We family. Using purposive sampling techniques, the two study areas were divided into smaller suburban areas relative to the targeted chiefs, land guards, family and registered real estate developers. Out of 9 traditional chiefs in Kasoa, five were purposively selected as at the time of field visit due to the fact that they were the chiefs who have been involved in large scale land sales. These are chiefs to the lands acquired on large-scale in the area with land litigation issues. Data from the Awutu-Senya East Municipal Assembly showed that 39 real estate developers were registered and permitted to undertake developments. Out of that, 13 were selected purposively based on evidence of large-scale land acquisition from records of the Awutu Senya Municipal Assembly. Five leaders of the Kasoa Teachers Land Associations and four land guards were selected purposively based on information about them from Kasoa Municipal Assembly as being involved heavily in litigations regarding LSLAs.

For Tsie-We family lands, three elders and the family head were purposively selected and interviewed on issues of compulsorily acquired lands by the government of Ghana and its implication on residential development. The study made use of the purposive sampling technique because even though there are a number of chiefs in the Kasoa and Teshie areas, it is specific chiefs that had their lands acquired on the principle of large-scale land acquisition which is the interest of the study. Secondly, not all developers in the areas qualified to be included in the study because some acquired fragmented lands. Only those who acquired lands on large scale (1000 acres and above) were eligible.

In line with the study by Bryman (2012), descriptive analysis was utilised from which charts were adopted to present statistics of large scale lands over the past five years. But, qualitative data from interviews were grouped thematically

and analysed. Relative to reference and available data on issues relating to land acquisition, published and unpublished articles were resorted to.

RESULTS

The Nature of Ownership, Trends and Challenges of Large-scale Land Acquisitions – The Tsie-We Family Land Case

The Nature of Ownership and Sale of Tsie-We Family Lands

From the results of in-depth interviews with family heads of the Tsie-We family, family lands are the most generic forms of land ownership in the greater Accra compared to Kasoa, however, this is one of the areas where a lot of problems persist in the land acquisition process. According to a 52-year-old family head of Tsie-We family, lands are managed by family head on behalf of their people. Anyone who wants to buy a family land seeks the consent of the family head and once an agreement is reached, the amount is paid to the family head either in cash or kind and the necessary documents are handed over to the party who has bought the land, he added. Further explanation shows that, transactions in family lands come with some benefits: The land laws of Ghana do not restrict family heads who are the custodians of family lands the number of years their interest in their lands can be transferred. The family heads can go to the extent selling or surrendering their freehold interest to anyone willing and ready to perform the consideration attached to it. There is a difference between an amount paid for a leased family land and a freehold family land. The amount paid for a freehold interest of family land is relatively higher than a leased one. Even though family lands can be owned perpetually, it comes with some problems especially when one does not buy family lands from the rightful family head.

Challenges of Family Land Ownership for the Tsie-We Family

From the literature presented in section 2, it was evident that there are challenges that come with land ownership. These challenges are usually location-specific, thus what pertains in one area may not be the case elsewhere. As part of the study, our aim was to find out the challenges that confront family land ownership for the Tsie-We family. In-depth interviews were conducted with the family head and four key members of the family. The challenges that were unravelled have been presented below.

An interesting revelation from head of the Tsie-We family showed that the family leases land to investors who want them on large scale on 'option to buy' terms. With this arrangement, the investor is to make all the needed expenses that come with registration and other statutory requirements such as zoning and then pay for the land at a later date. The rationale behind this is to prevent squatters from occupying their lands. However, some investors fail to pay for the lands on time and can take several years. The family head revealed that it is very difficult to sack the investors from the land or sell that portion of the land to a different group of investors after they have already made preliminary expenses on towards its development. The reason why the lands become less than par value at the time they are being paid for is that as the lands lie undeveloped, appreciation in value takes place but the hands of the family are tied as they have already pre-agreed on price with the investor. Some investors take advantage of this to grab the lands till such a time that the values are rising and then they go and pay the already agreed sum to the family and now demarcate and sell for huge profit margins. These can erupt into internal family conflicts as some members may think their head has benefited from the investors in kind. The head of the Tsie-We Customary Land Secretariat stated:

One of the major challenges that we have faced as a family leasing our land to investors is the issue of default in payment. Most people at times are not able to pay for their land as promised, even though we have granted them the right to occupy the land (Administrator Tsie-We CLS, Teshie, 13.09.2019).

The study also found that the Tsie-We family had problems with land management. These problems include how to deal with squatters on their lands. According to Tsie-We family head "these squatters have settled on the land for a very long period" and as a result it is very difficult to evict them. The family sometimes even realises that some of these squatters are part of the family are however enjoying the usufructuary interest in the land though they did not acquire that in the right way. The squatters that are not part of the family are asked to come for temporal interest in the land, but they do not come for fear that they may be asked to pay rents in the future or loose the land. For those who comply, the family normally take some small amount of money from them as rent and grant them temporal permit to stay. The amount they pay for the land is discretionary because it depends on many factors like the size of the land, its usage and the location.

Sale of land by non-title holders is yet another challenge to the ownership of the land. The study found that some parcels of land have been sold in multiple folds by

non-natives who claim to be and some family members who have no permit to sell. This has put the Tsie-We family into litigation with the buyers in the quest to get them off the lands. Summary of an interview with the Tsie-We family head and the other three members show that some family members sell portions of family lands to other people without the consent of the family head. He stated:

There has been a lot of instances whereby some of our family members sell portions of our family lands to other people without the consent of the family head. Even sometimes they go to the extent of reselling already sold lands to people. When this happens, the family ascertain whether the person who sold the land is truly a member of the family and if he or she is, the family at times then regularises the interest in the land to the buyer in order not to put their family member behind bars. In situations where the same parcel of land is sold to different parties, the family assign a different portion of land to one of the parties.

Following this result, the study can infer that aside these processes of reviewing “who sold what”, it has effect on the land market as it can cause delays in the activities of the developers and can also result in land guarding.

Trend Analysis of Large-scale Acquisition of Tsie-We Family Lands in Teshie

According to the family head of the Tsie we family, LSA on their lands involve both the state and private individuals but the problems that come with these acquisitions do not seem to be different whether it is by the state or private people. For instance, he lamented that the Government of Ghana acquired 24,452 acres from Tsie-We family land to construct Oreilly Senior High School. The Government has however not been able to settle the compensation due the family because of the fact that when the intent to acquire was published for parties to apply for claims of ownership, some other families and squatters on the land also applied, thus making it difficult for the state to determine who owned the land. The applicants were screened and only two, including Tsie-We family were then directed to proceed to the law court to ascertain their ownership of the land. The family feels that government failed to conduct investigations and ascertain the true owners of the land and also determine its actual market value.

One key elder of the family stated: “one issue we faced under the compulsory acquisition was the issue of valuation of the land being acquired by the government.

The process used by the government to ascertain the value of the land is affecting the families” (Tsie-We family elder 2, 15.09.2019). According to the family, same thing happened during the acquisition of their lands along the beach road for the establishment of the military barracks. A close look at Article 20(1) of the 1992 constitution of Ghana shows that the state has the right to acquire the lands for the construction of the school and the military barracks since both are for public interest. Though clause 2 of the same Article calls for prompt and fair compensation for such lands, the same provision means that there must be a designated owner for such compensation.

The family feels that the trend with government acquisitions has been that the state exercises the constitutional right it has and often fails to be transparent in the valuation of the lands as the lands commission which is a state institution was the valuer in both cases. The family also felt that another trend with the LSLA of their lands by government has been the use of a deliberate approach to delaying payment of compensations to the family. They believe the state achieves this by failing to take any actions in ascertaining the true ownership of the lands acquired, thus requiring the family to prove ownership on its own. The family in its opinion feel that the lands commission which is a state institution should be the best to provide records of ownership to the state even before the intention to acquire is declared. From their point of view, what government does is to declare the intention to acquire the land and once this is done, other parties will also be claiming ownership to get compensation, the process of litigation and the legal war between the parties then give the state the opportunity to start using the lands without paying any compensations. The delay by the state in making payment is then justified by the fact that issues of ownership over these lands are still in court.

When it comes to the acquisitions by private developers, two trends were observed (legal and illegal acquisitions). The first is the situation where the family legally leased large parcels of land to some real estate developers and the second is where developers have occupied some lands without the rightful acquisition from the family head. These illegal acquirers when asked, they said they bought it from the Nungua Stool and other families. The real estate developers who claim to have bought the family lands from the Nungua stool include the Mariville and Manet Estates. These developers have been sent to the law court but due to the prolonged periods, it takes for the court to rule on land issues, these developers have already developed the land without registering. The family head indicated that, the Lands Commission is aware the Tsie-We family are the rightful owners of the land and since the family has not given these real estate developers the required documents,

they cannot register their interest in the land using the ‘fake documents’ given by the Nungua stool. With the developers they legally acquired the lands, there are often delays with the payment of consideration to the owners as these developers and is attributed to the ‘option-to buy’ arrangement that allow such developers to pay later. This option sometimes results in litigation and family conflicts especially where the developers held the land for so many years and is paying the initial fee after the value of the land had appreciated so highly. Figure 2 shows location of large-scale lands acquired that belong to the Tsie-We family in Teshie

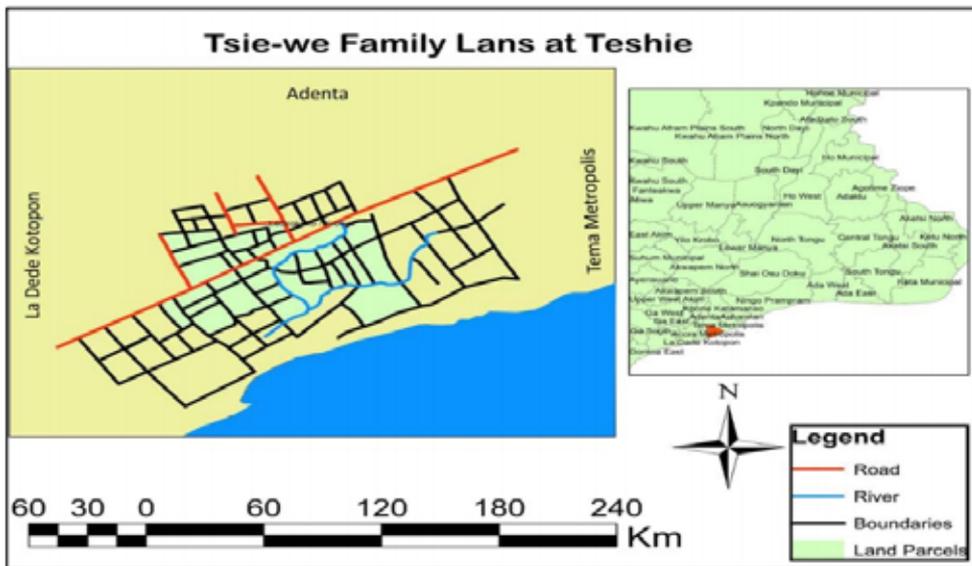


Figure 2: Map of Ghana showing the Tsie-We family lands at Teshie

Source: Tsie-We family land Unit, 2019.

Between 2014 and 2019, there have been records of several LSLAs of lands that belong to the Tsie-We family (see Table 1).

Table 1: Trend analysis on LSLAs on Tsie-We family lands from 2014-2019

Year	Land size (In Acres)	Percentage change
2014	12	N/A
2015	11	-8.3
2016	10	-9
2017	10	0
2018	15	+ 50

Source: Field survey, 2019.

From Table 1, it can be seen that from 2014 to 2016, there was a drop in the number of LSLAs from the Tsie-We family at about 9% each year. In 2017, there was no increase nor fall but 2018 saw a 50% increase in LSLAs. 2019 showed a 40% fall in LSLAs as compared to the 2018 figure. Generally, the trend is showing that LSLAs are reducing. This general fall in LSLA in the area may be attributed to the common problems found with all forms of acquisitions made on the Tsie-We lands. Whether the lands were acquired by the state or private developers (both legally and illegally), payments have been delayed. Private acquisitions have often been characterised by litigations that arise from multiple claims to ownership or delay in payments. The litigation in effect has caused land guarding by private developers in a bid to protect their interest other investors who would not want to take such risk tend look for lands elsewhere.

The nature of Ownership, Trends and Challenges of Large-scale Land Acquisitions – The Kasoa Stool Lands Case

The Nature of Stool Land Ownership in Kasoa

From the in-depth interviews with the five chiefs in Kasoa, they all stated that unlike the family lands at Teshie, their stool lands are being managed by the chiefs of various stools on behalf of the people. The processes involved in stool lands acquisition are not as cumbersome as that of the family lands. Chief One (20.10.2019) stated: “Apart from the fact that people buy stool lands from third parties with an unexpired term, the problems associated with individuals buying stool land from chiefs of a stool are not that much”. Chief Two stated (20.10.2019): “The only problem associated with buying a stool land from the chief of a stool is when there are conflicts between chiefs of that stool or between chiefs and their subjects concerning that land”.

Challenges of Ownership in the Kasoa stool lands

As part of the objectives of this study, the interest was to identify the challenges that land-owning groups who offer their lands on large-scale bases face. In Kasoa, in-depth interviews were conducted separately with each of the five chiefs in the study to ascertain what affects their ownership of the stool lands. Salient issues raised by these chiefs were:

The quest for power on the parts of the chiefs appeared to be the main challenge facing the land ownership groups in the area. The chief of Nyanyano who is the paramount among the chiefs was the first to be interviewed and he lamented that there are some sub-chiefs who want to take the power to lease or sell lands in the area into their own hands and sometimes fail to consult. There are some individual members of the stool who are also engaged in this act which affects the constancy of the powers that sell the lands. A typical example is a large-scale land owned by some families in the Fete, a suburb of Kasoa. The study revealed that the supreme power given to the current chief and families who were given lands in Fete by deceased chief is experiencing a power struggle because other chiefs in the area are claiming ownership to same lands. It was also recognised that some chiefs sell lands in large scale to estate developers to get money to pursue existing court cases on litigated lands. So, in Kasoa, the power over lands lies with those who sell it and every chief or family wants this power to be aligned with them, thus resulting in internal power struggles between the chiefs all the time. This was validated from the four other chiefs in the area and they were of a similar view with the paramount chief.

The second challenge faced by the land-owning groups in Kasoa has been the insurgence of land guards and their activities. The interviews with the chiefs revealed that the quest for power among chiefs and their subjects has led to multiple sale of lands to unsuspecting individuals and real estate developers. In the sale of lands to developers, the chiefs often give the developer a number of years within which development have commenced else they will take back their lands because they want development in the area. To achieve this, chiefs in Kasoa have formed groups who are descendants of the stool to protect their lands and facilitate the re-sale of lands that have been left undeveloped after the agreed fallow period with the buyer. The chiefs have noted that these descendants of their families they trust are letting them down by reselling lands unnecessarily even when the developers' fallow period is not up and as such, the developers have introduced land guarding into the area. To validate this information, two land guards were interviewed. Land guard 1 and 2 indicated that, when some chiefs and their families are financially handicapped, they try to secretly re-sell undeveloped lands and they are there to stop this multiple sale on behalf of the initial purchasers for a fee. Now the violent nature of these land guarding has become a threat to the peace of the area.

Another challenge is poor record keeping on land transactions. Lands rights are recorded at the palace of the paramount chief at Nyanyano who also has records of all the lands that belong to the stool. Because the chief does not visit the lands, purchased lands are sometimes sold to other people by unscrupulous subjects and

because this is illegal, they do not go and document it at the palace. Interview with a one of the chiefs revealed that chiefs sometimes lose court cases because they have either been deceived by their educated subjects to sign for sales they never intended or their signatures have been put on documents they never intended to have them on.

Trend Analysis of Large-scale Acquisition of the Kasoa Stool Lands

This section presents analysis of LSLAs from the Kasoa. It looks at acquisitions made by private real estate developers and the Teachers Association between 2014 and 2019. This were the only forms of LSLAs found in the records of the stool lands at Kasoa and was entities that acquired them. The validation was necessary because of the early challenged stated by the chiefs regarding records keeping on landed transactions in the area. Table 2 shows the LSLAs made over the period.

Table 2: Records of large-scale land acquisition from the Kasoa stool lands from 2014-2019

Year	LAND size (in acres)	Percentage change
2014	450	N/A
2015	1112	+147
2016	1534	+38
2017	2456	+60
2018	2271	-7
2019	3212	+41

Source: Field survey, 2019.

The results in Table 2 show that LSLA in Kasoa increased by 147%, 38% and 60% in 2015, 2016 and 2017 respectively. However, there was a fall in the LSLA from 2456 acres in 2017 to 2271 acres in 2018. This represents a 7% fall in what was acquired in 2017. The quantity however increased from 2271 acres in 2018 to 3212 acres in 2019, representing a 47% rise. Generally, the results show that LSLA in Kasoa has been on the rise. The only time this dropped was between 2017 and 2018 where there was a negative increase and this was due to the litigation involving the Kasoa Teachers Land Association and a private developer over multiple sale of the same land to both parties. The court proceedings slowed LSLAs in the area as prospective investors didn't want to take the risk.

The interview with the secretary of the Teachers Association revealed that in their quest to cheap land for its members, they saw Chief Three of Kasoa-Fete who sold 2000 acres of land to them so that they pay for it in instalments and

they re-demarcated the land into blocks A, B and C. After the land was shared to the members of the association, another individual owner (who will be referred to as Mr. A subsequently) emerged, claiming ownership of some of the lands. According to the Secretary, Mr. A had land guards who drove their members away on several occasions and anytime they went on site and when they resisted, he used his influence and political affiliations to get most of the leading members of the association arrested. To resolve the issue, Chief three who had sold the land to them propose to re-allocate a new parcel far away from the contentious land while he battles Mr. A in court but they found that location to be too far from certain vital amenities. Their plea on the location of the new land made Chief Three now asked them to go and re-negotiate with Mr. A. The treasurer of the association stated that during the re-negotiation, Mr. A decided to reprice the lands from the GH500 agreed with the chief to GH 4000 per acre. Contrary to the initial instalment payment mechanism agreed with Chief Three, Mr. A required instant cash payment of the difference they had to top-up to meet his new valuation of the lands. The fortunate people were those whose lands were within block A because Mr. A later dropped that portion from his claim. The association mounted pressure on Chief Three for over three years before being allocated another parcel of land to make up for the block B and C but the new land is yet to be registered due to a court case on it by the Cape Coast Lands Commission, due to multiple sale, thus preventing them from developing.

The results from the interviews at Kasoa showed that multiple sale of lands by chiefs or their subjects is the trend when it comes to LSLAs in the area. Due to this situation, litigation and land guarding has become a common practice with lands that are acquired on large-scale. A 're-allocation' trend was also observed with LSLAs with the stool lands as it was found that the chiefs were mostly in the position to re-allocate new lands to the affected parties if it turned out that the fault was from them or their subjects. It is evident that the party likely to get the disputed land is the one with the influence and the party likely to ask to take land at another location is the one who do not have enough influence to pursue legal battle.

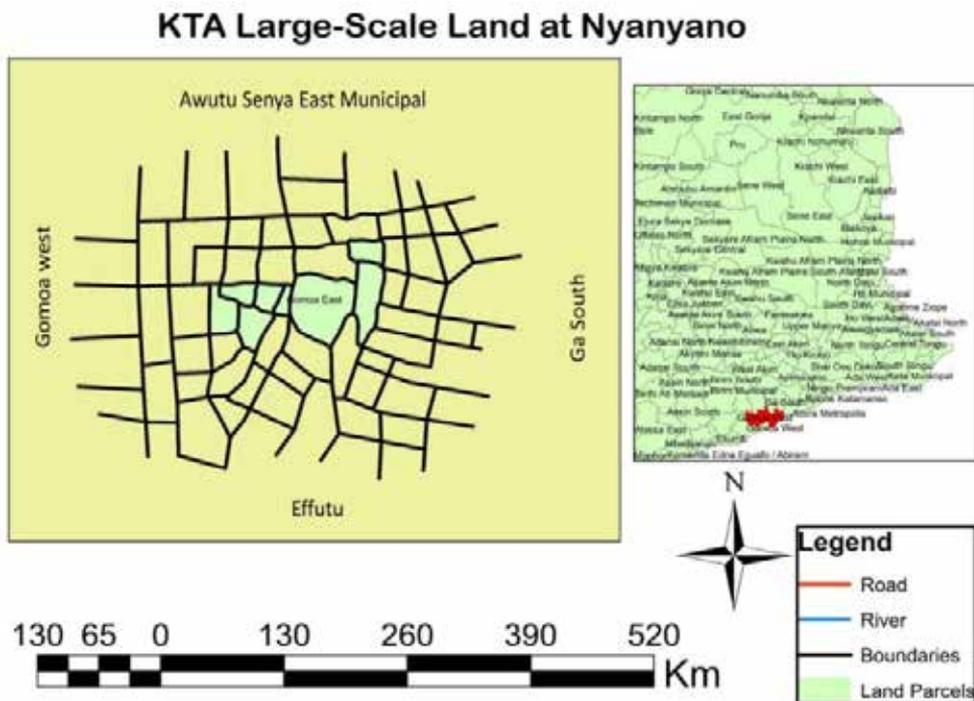


Figure 3: Location of Large-scale land acquired by Kasoa Teachers Land Association

Source: Odukpomkpehe CLS, 2019.

DISCUSSION

The study has shown some dynamics in the ownership of lands in Teshie and Kasoa, its challenges and the trends of LSLAs in these areas. The results reveal two different land ownership approaches within the two areas. While ownership of the lands at Teshie is shared between the state and the Tsie-We family with the ownership of the family vested in the head of the family head on behalf of the entire family, the stool lands at Kasoa are owned by the stool in the area and are held by the chiefs for their subjects. These confirm Kuusaana et al. (2013) studies on customary land ownership and gender disparity which found out that there are different land ownership approaches in Ghana due to cultural differences. The findings further showed that despite the differences in the nature of land ownership in the two areas, they face same challenges. Multiple sale of lands, litigations and its related insurgence of land guarding as well as poor land management practices were found

with LSLAs in both areas. They both face issues of internal conflicts with their subjects and there is power struggle.

Though, squatting and delay in payments for the lands appears to be rampant with the family lands at Teshie has not been identified with the stool lands in Kasoa. The common trend with LSLAs has been multiple sales and internal conflicts within the land-owning groups or people outside these groups. This reflects the findings of Gyamera et al. (2018) that irrespective of the land ownership and cultural differences among land owners in urban areas, multiple sales and conflicts will be common to them all. This was attributed to the increasing demand for land as these urban areas develop. There is a relationship between the trend that have been identified with LSLAs in the two study areas, the nature of land ownership and management of the land.

The nature of ownership in the Tsie-We family lands gives the family head the authority to deal with all parties wanting lands without much consultation with other family members. This power is what allows the family head to allow the option-to-buy payment mechanism which investors are exploring to cheat the family. An investor who has no interest to develop a land can simply acquire it, register find another buyer after some time for a higher price and then pay the family below value based on the pre-agreed fees. When the subjects feel cheated for their lands, the multiple sales begin and the rippling effect is the conflicts and land guarding. The same was observed with the stool lands at Kasoa. Though the land is help by the paramount chief, the sale and management are done by the sub-chiefs who report to the paramountcy. This approach to ownership and management has allowed the chiefs or their subjects to engage in multiple sales without the approval of the paramountcy. For instance, Chief Three asking the teachers to renegotiate with Mr. A and opting to allocate the teachers another land was a clear proof that he knew something about the sale of the land to Mr. A. The conflicts that arise within member of the land-owning groups or with people outside these groups is directly linked with the fact that they operate on ownership and management systems that allow multiple sales.

Despite this common trend (disputes, litigation and land guarding) in the nature of LSLAs, the two lands have shown two contrasting characteristics when it comes to actual lands acquired in acres between 2014 and 2019. While the Tsie – We family land has shown a declining pattern (see Table1), the stool lands at Kasoa showed a huge reclining pattern between those years (see Table 2). Large scale land acquisition in the urban setting is affected by several factors such as location and the level of

risk an investor is willing to take (Shan et al., 2017). The declining pattern in LSLAs in Teshie can be attributed to the insecurity that comes with the litigation and this confirms the findings of Gyamera et al. (2018) and Peter (2019) who opined that lands in litigation zones will usually see a decline in demand. Though evidence from Kasoa showed that there is litigation as well, the ability of the stool to reallocate lands to the affected people as we saw with the case of the teachers provides some security. This situation may be the reason LSLAs of the family lands in Kasoa are on the rise. The fact that land guarding is done in both areas is a true reflection of institutional gap as confirmed by El-Hadary and Obeng-Odoom (2012) on the part of chiefs, leaders and the state.

CONCLUSIONS AND RECOMMENDATION

The study investigated the modern trends in LSLAs at Kasoa and Teshie in the Central and the Greater Accra Region respectively. From the results of the study and the discussion that proceeded, we can conclude that though there are variations in the nature of land ownership in Teshie and Kasoa, multiple sale of lands, poor land management practices, litigation and land guarding is a common practice in all these study areas. Security of tenure is also identified to be the main factor that anyone wanting to engage in LSLAs will consider. There is an institutional gap in the landed market in these urban areas as both the state and traditional institutions have not really done much to deal with the challenges confronting LSLAs in these in those areas.

It is recommended that land owning groups be engaged and educated by the Lands Commission in collaboration with Customary Lands Secretariat on proper ways to manage and sell their lands to avoid multiple sales and the conflicts that it brings. The Ghana police service should crackdown on land guarding which is an illegal activity. The fact that they disturb the peace of these communities is unacceptable.

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