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"STOP WORK OR PRODUCE PERMIT" – THE POLITICS OF ENFORCING PLANNING REGULATIONS IN KUMASI, GHANA

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ABSTRACT

In this paper, we identify and unpack the socio-cultural factors and institutional nuances shaping physical development in Kumasi, Ghana. The study draws on multiple methods to gather qualitative evidence from document review, institutional consultations, key informant interviews, and field observations. A total of 128 respondents were engaged. Both content and thematic analysis were used to capture common ideas and identify patterns in responses. The study reveals four key socio-cultural factors impeding effective physical development control in the Kumasi metropolis. There are also complex power dynamics between customary and state institutions in physical development decisions, which go against the enforcement of urban planning regulations. In spite of clearly spelt-out planning laws and development control codes, most building decisions are influenced by the nuanced political posturing of various non-state stakeholders and unwritten socio-cultural factors. The paper concludes with an argument for urban land-use planning to be re-structured to accommodate the operational needs of customary land management institutions.

Keywords: Urban Planning, Development Control, Building Regulations, Land Management, Kumasi, Ghana, Socio-cultural determinants

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INTRODUCTION

Urban planning in African cities has emerged as a colonial legacy (Watson, 2009). In spite of the modest progress made in land-use planning on the continent, most city authorities are still struggling to manage physical development (Frimpong Boamah and Amoako, 2020). As the fastest urbanising region, African cities are rapidly growing and changing (Watson and Agbola, 2013). In addition to their rapid growth, land ownership, administration, and management in African cities present very complex dynamics which impede smooth urban planning (Obeng-Odoom, 2014). Cities across the continent practice plural land ownership and administration systems (Amanor, 2008), where land is owned and managed by different stakeholders including the state and other indigenous institutions. Thus, in many African cities, land is owned by indigenous and customary institutions, families and groups; individuals, and private entities, while the mandate for land-use planning resides in the state; and is practiced within laws and regulations (Adjei-Poku, et. al, 2023; Frimpong Boamah and Amoako, 2020; Ubink 2007).

The foregoing creates a dichotomy between customary institutions that own the land on the one hand (Larbi, 2008; Fuseini, 2021); and state and city authorities mandated to plan its use, on the other (Aryeetey, 2007; Fuseini, 2016). This situation creates opportunity for actors of customary land system and state officials to flout the planning regulations at their convenience (Frimpong Boamah and Amoako, 2020; Adjei-Poku, *et al.*, 2023). For instance, Frimpong Boamah and Amoako (2020) argue that the powers of land ownership exercised by customary institutions are most times misapplied against orderly physical development under state planning laws. They state that the *"… disconnect between customary land owners and state planning authorities provides opportunities for the misrule of customary land laws"* (Frimpong Boamah and Amoako, 2020, p.110). This "disconnect" between the two urban land management structures is exacerbated by rapid urbanisation.

Ghana has an urban population proportion of 58%, which grew at an annual rate of 2.4% between 2010 and 2021 (GSS, 2021). The rate of Urbanisation has puts pressure on land, physical infrastructure and other basic human needs (Ayambire *et al.*, 2019; Cobbinahh & Niminga-Beka, 2017; Narh *et al.*, 2020). There are also "interwoven socio-cultural, political, economic and institutional factors inherent in Ghana's urban planning that make effective urban development and management a myth" (Cobbinah, *et al.* 2017, p.425). While there are intellectual discussions on the effectiveness of urban planning systems in African cities (Korah *et al.*, 2017; Poku-Boansi, 2021), the place of social and cultural contexts is yet to receive deeper attention.

In response to this gap, we unpack the impacts of socio-cultural and institutional factors on the enforcement of development control measures. It joins emerging debates on the social and cultural entanglements that influence urban land use planning and governance, using selected suburbs in Kumasi as cases. Kumasi represents an important case and justification, due to its rapid urban growth and strong customary leadership set-up. For example, the existence of the Otumfuor Land Secretariat alongside the Metropolitan Spatial Planning Department. The city politically serves both as the capital of the current Ashanti Region and the historical Asante Kingdom. Kumasi's strategic location and customary roles have shaped its importance, functioning and physical growth (Amoako and Korboe, 2011; Amoako and Adom-Asamoah, 2018). It is also Ghana's second largest city. The study,

thus, shapes the contrast between growth and socio-cultural dynamics of development control in cities in Ghana. The rest of the paper is structured as follows: section two provides the conceptual framing of socio-cultural influences in urban land use planning in Ghana and Africa; section three presents the study settings and methods used for collecting and analysing data; and section four presents the results and a discussion of the institutional and socio-cultural impediments to development control in Ghana. Some conclusions and recommendations are provided in the last section.

A Review of the Socio-Cultural Contexts of Urban Land-use Planning in Africa and Ghana

Statutory planning regimes in African cities appear to oppress and marginalise poor urban citizens (Okpala, 2009; Watson, 2009). Due to low citizens' participation, the peculiarities of African cultures have been largely downplayed in formal planning and development control systems (Deininger, 2003; Poku-Boansi, 2021). For instance, in reference to urban land-use planning and development control in cities in Anglophone African countries, Okpala (2009, p.10) states that *"there was formally 'unplanned' but meaningfully 'ordered', physical structure to settlements, largely respecting traditionally established arrangements and ways of life*". This view is held by many prospective developers (or home builders) across the West African sub-region, who believe that the emergence of contemporary urban planning regulations distorts physical development patterns that reflect the lifestyle of residents. For Watson (2009, p. 151) the modern urban planning systems in sub-Saharan Africa reflect "*ideas from the global north, simplistically transferred to southern contexts through complex processes of colonialism and globalisation".* In the face of the dichotomy between indigenous land ownership and state land use planning regimes, urban planning is negotiated among prospective developers, landowners and urban authorities (Cirolia & Berrisford, 2017). This underpins the need to understand planning and development control from the socio-cultural dynamics of African cities, and that is the focus of this study. Despite our study's focus on African cities, it must be stated that the politics around urban land use planning, development control and plural land management is also a feature of cities in other parts of the developing world (Irazábal, 2021). For instance, Irazábal (2021) discusses urban planning, land management and socio-spatial justice in Latin America and the Caribbean. Thus, this paper touches on an urban planning issues that is prevalent in cities of the global south.

The effectiveness of urban land use planning requires the existence of well-coordinated institutions, mandated to enforce planning regulations, building codes, and development control measures (UN-Habitat, 2019). A comprehensive research by the UN-Habitat across 13 sub-Saharan African countries; and covering 18 cities revealed that all cities in the sub-region have planning institutions and elaborate land use zoning and development control codes, that are over 20 years old. The study also revealed that 56% of cities in the sub-region have clearly defined boundaries, while 50% have strategies for implementation (UN-Habitat, 2019). However, the rate of compliance to land use zoning is highest (85%) on state lands in the Central Business District (CBD) and other highly recognised areas, while it is very low (38%) at the peripheries (UN-Habitat, 2019, p. 11). This finding indicates that non-compliance with planning and development control regulations are prevalent on customary lands. Our study does not intend to determine the proportion of non-compliance of various land ownership types, but based on the framework that,

there are differentiated development control practices and compliance levels in urban Africa, determined by several factors (Baffour Awuah and Hammond, 2014; Sarfo, 2021). However, there seem to be so much emphasis on the institutional, logistical and human resource capacity factors to the neglect of the deeper and embedded socio-cultural determinants.

Baffour Awuah and Hammond (2014, p. 17) revealed *"a multitude of factors"* that determine the low compliance of developers with urban planning regulations. In their work in urban Ghana, they refuted a hypothesis that suggests *"a general ignorance of the existence of particular land uses regulatory requirements or a general lack of appreciation of their benefits"*. Instead, developers deliberately refuse to comply for various reasons not well captured in research. Boamah (2014) argued that most developers refuse to comply with zoning regulations once they have acquired their land and received documentation from the chiefs, who are customary owners. Even among highly educated and formal sector employees where compliance usually tends to be higher, Baffour Awuah and Hammond (2014, p.20) argues it is "as a result of the comparatively lower cost they face because of their capability to manipulate the extant planning system buttressed by the need to provide evidence of compliance to facilitate other transactions such as mortgages". In few instances, people comply with the land use and building regulations, especially the site plan because it was a requirement for electricity and water connectivity (Bonye *et al*, 2021).

Enforcement of planning regulations in Ghana connotes urban governments' mandated procedures for preventing unauthorized development and incompatible land uses (Ahmed and Dinye, 2011); and ensuring that developments meet acceptable standards in the use of space and construction details of all physical structures (Tasantab, 2019). Sometimes referred to as *development control*, enforcement of land use and building regulations happen within prevailing institutional, legal and traditional arrangements (Echendu & Georgeou, 2021; Kleemann *et al.*, 2017). However, inherent institutional inconsistencies (Cobbinah & Darkwah, 2017), sometimes provide developers, traditional and city authorities with crude ways of engaging in land management (Frimpong Boamah & Amoako, 2020) that lead to non-compliance with planning regulations.

Urban planning regulations in Ghana has a central caveat that all physical developments that do not conform to approved plans must be stopped or removed (Land Use and Spatial Planning Act, 2016, Act 925). Thus, demolition of unapproved structures is a major approach used by city authorities to control physical development (Owusu & Obour, 2021; Poku-Boansi *et al.*, 2020). In many cases there is resistance to these demolition exercises by affected developers (Obeng-Odoom, 2011). Due to these confrontations, there are instances where police officers accompany city authorities to embark on demolition exercises (Akinola, 2015; Obeng-Odoom, 2011). In some cases, developers who breach building regulations use their social capital to influence development control actions by the city authorities; who may soften their rules and apply 'human face' in their actions (Afrane and Adjei-Poku, 2013).

The foregoing review indicates the factors that determine development control successes or failures cannot be limited to availability of legislations and institutions to implement, nor the knowledge and willingness of people to comply. The social and cultural dimensions that permeate customary and state planning and development control institutions have consequential implications and are the focus of this study.

Study Contexts, Approach, and Methods

This study adopts an exploratory design; and explores the socio-cultural causes for the inability of city authorities to enforce land use planning regulations. It adopts three suburbs in the Kumasi Metropolitan Area, namely: *Bantama, Asafo, and Ahodwo* (See Figure 1). These suburbs were purposively sampled as three (3) representations of communities in Kumasi. First, Bantama is an indigenous fast-growing community, with haphazard physical growth. Second, Ahodwo is a middle to high-class outer periphery residential area with generally ordered development; and thirdly, Asafo is an inner-city area with mixed uses comprising commercial, light-industrial and residential uses.

In operationalizing the exploratory design, the study adopted multiple data collection methods to collect qualitative data. These include a review of secondary documents on enforcement of building codes and development control in Kumasi; in-depth interviews of purposively selected metropolitan officials; property owners, developers, and key informants in the three study communities; as well as participatory observation of emerging developments in the suburbs.

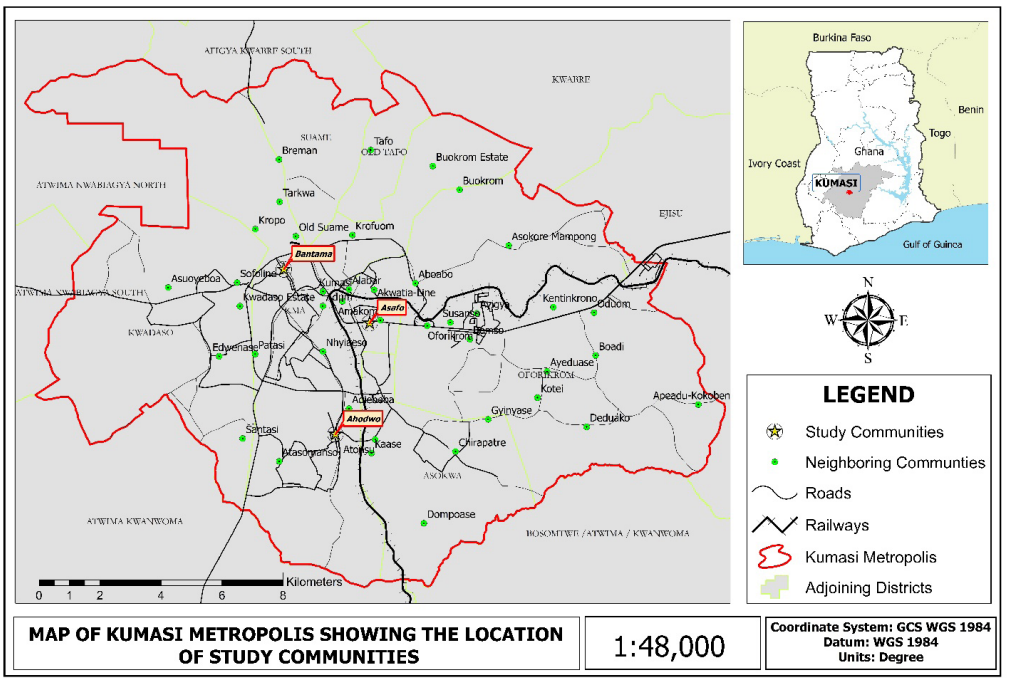

Figure 1: Location of Study Communities in Kumasi

Source: Drawn by Authors October, 2023

The study engaged 128 participants, made up of 16 officials of relevant metropolitan institutions; 8 customary landowners and community opinion leaders; and 104 property owners and developers as shown in Table 1. Respondents were engaged through in-depth interviews, using semi-structured, unstructured interview guides or observational checklists, based on the

different respondents as depicted in Table 1. With the consent of all respondents, the conversations were recorded with phones, excerpts written in field notebooks, and in some cases, photos were taken. Officials of metropolitan departments and key informants were all selected purposively, based on their knowledge of the theme under investigation. In consultation with the officials interviewed, the 104 property owners and developers whose development applications were at various stages of consideration, were selected and interviewed. Most of these developers had completed their homes.

Table 1: List of Respondents and Methods of Data Collection

Categories of Respondents	Total Number Interviewed		Data Collection Method
Officials of Decentralised Metropolitan Departments	Physical Planning Department	8	In-depth interviews using semi-structured interview guides
	Metropolitan Fire Service Department	2	In-depth interviews using semi-structured interview guides
	Development Planning Coordinating Unit	2	In-depth interviews using semi-structured interview guides
	Works Department /Building Inspectorate Division	4	In-depth interviews using semi-structured interview guides
Key Informants	Customary Land Owners	6	In-depth interviews using unstructured interview guides
	Unit committee members	2	In-depth interviews using interview checklists
Property owners and developers	Bantama	40	In-depth interviews using unstructured interview guides
	Asafo	34	In-depth interviews using unstructured interview guides
	Ahodwo	30	In-depth interviews using unstructured interview guides
Total number of respondents		**128**	

Source: Authors' Field Work, April/May 2023

Data obtained were in the form of recorded interviews; written points in field notebooks; photos of development control breaches; and base maps from relevant metropolitan institutions. There were also summaries from document reviews on the enforcement of land use planning regulations and development controls in Ghanaian towns and cities (UN-Habitat, 2019). Both primary and secondary data were subjected to content and thematic analysis, through which descriptive narratives have been produced from the empirical field study.

PRESENTATION OF FINDINGS AND DISCUSSIONS

Institutional and Regulatory Framework for Development Control in Kumasi

Urban land-use planning, zoning and development control in the study communities, are executed through complex institutional and regulatory frameworks. At the apex of the institutional framework is the Kumasi Metropolitan Assembly (KMA) – designated as the *Spatial, Human Settlement and Planning Authority* for the Kumasi Metropolitan Area, as enshrined in the Land Use and Spatial Planning (LUSPA) Act, 2016, Act 925, 33 and 34 (1). For land use planning and development control, the KMA has a Metropolitan Spatial Planning Committee (MSPC), established under section 34 (2) of the LUSPA Act, 925 (2016). In line with the relevant sections of the Act (Act 925, 37 [1- 4]), the MSPC is made up of relevant officials of the Assembly and its decentralised departments.

The MSPC is chaired by the Metropolitan Chief Executive (MCE), with the Metropolitan Physical Planning Director as its secretary. The Metropolitan Coordinating Director and Development Planning Officer are members. Again, heads of all relevant decentralised departments are represented on the MSPC. These include the heads of the Metropolitan Health Directorate, National Fire Service (NFS), National Disaster Management Organisation (NADMO); Works Department; Urban Roads Department; Ghana Water Company Limited; and the Electricity Company of Ghana. The role of these heads on the MSPC, is to ensure that submitted applications meet acceptable design and building standards. Selected members of the Committee are made to visit and inspect the site for proposed development applications before the meeting to consider and approve or disapprove of it. The MSPC is expected to meet at least 4 times annually and has the final say in the approval of development applications.

At the MSPC level, the applications for prospective development are submitted to be deliberated. The drawings/designs of the structures involved, site analysis reports, Environmental Impacts Assessment reports (where needed) and other documentations are submitted for consideration by the MSPC. At the SPC's meeting, offices with requisite knowledge and experiences study the application and advise the committee accordingly. When all requirements for physical development are checked, discussed and agreed upon by the committee, the application is approved and the prospective developer informed to start work. Once an application has been approved, the Works Department, Building Inspectorate Division and Physical Planning Department, under the KMA, are responsible for monitoring the building of the structure involved; and are mandated to enforce strict compliance to all building regulations and zoning codes.

However, these decentralised departments lack the logistical, human, and financial capacities to ensure that all these developments comply to zoning codes and planning regulations. For example, at the time of the study, it was recorded that the Physical Planning Department has a total of 12 professional staff and 6 National Service Personnel[1]. There is one (1) Pick-up Van for the Department to work with. Without any modern technology, it is almost impossible for the current staffing capacity to monitor the implementation of over 700 approved development permits. Similarly, the Metropolitan Works Department and Building Inspectorate Division had a

1 In Ghana, new graduates are expected to undertake a year of mandatory service to the nation in their various disciplines. These are paid non-taxable allowances by the National Service Secretariat.

combined staff strength 20 technical officers. The overall mandate of the 2 metropolitan units to inspect and certify the structural strength and availability of the needed facilities in approved buildings. The units are using intermittent site visits as their only approach and are overwhelmed by the enormity of work involved.

Legislatively, the KMA draws on several laws and regulations in the conduct of the mandate of ensuring orderly physical development and compliance with zoning codes. The relevant legal and regulatory frameworks include the Constitution of the Republic of Ghana; Local Governance Act (Act 936, 2016); Land Use and Spatial Planning Act (Act 925, 2016); the Land Act 2020 (Act 1036) and the Environmental Protection Act (Act 490, 1994). These legal provisions mandate the KMA as a local government unit, to receive, vet and decide on development applications; and ensure strict adherence to building codes, building permits and development control measures. However, the implementation of these legal provisions is challenged by many factors, including socio-cultural realities within which urban planning occurs.

Factors Influencing the Enforcement of Development Control

Coming at the back of several studies cited earlier in this paper (Boamah et al, 2012; Boamah, 2013; Baffour Awuah and Hammond, 2014; Frimpong Boamah and Amoako, 2020), this study revealed some social and cultural factors that impede the enforcement of zoning codes and development control measures. These factors were found to be social connections between officials of the Metropolitan Assembly and some developers; superstitious belief in spiritual curses; reverence for traditional and customary institutions; and influence of local and national politicians.

Social Connections and Sympathy for Developers and Property Owners

Through their professional activities, some officials of the KMA build various social connections with prospective developers and know them at personal level. As a result, these officials know the challenges those developers go through in building their properties. In the face of these social connections, officials find it difficult to insist on strict compliance with zoning codes and development control requirements. An official of the Building Inspectorate Division stated that:

> *"We all know how difficult it is to build **[a house]** these days. So how can you suggest that a completed structure should be pulled down when you know it took the developer over 10 years of his lifetime investment to build… When that happens, we find a better way to resolve the problem… If it means a change of use, we mostly consider that, rather than calling for demolition."*

Directly, related to the above statement, a field officer with the Physical Planning Department also remarked that:

> *"We adopt a human-face and social approach to engaging with developers who are found to have breached development control and zoning codes… Most of the developers are known as important personalities in the city. They are connected to our bosses, so we report to our directors and allow them to handle the issue at their level."*

The above statements point to the effects of social connections and relationships on the enforcement of development control measures by some metropolitan officials. Despite their institutional and legal mandates, many officials are forced to consider their social connections with developers who breach land use planning regulations. In some cases, junior officers

were threatened by developers, who refer to their social connections with powerful local officials and customary leaders who could call for the *punishment*[2] of the officers involved. When that happens, field officials are constrained and unable to enforce the planning laws. An example of development control issue observed is presented on Plates 1 and 2.

Plate 1: Unapproved extension to existing

Plate 2: Encroachment in Waterways property

In other cases, developers were found to be begging field officers for clemency. One such instance was observed during the study. In situations like that, planning officials and building inspectors are moved with 'sympathy' to give a second chance, where development has not gone far; or the developers involved are asked to present their permits at the Physical Planning Department for rectification. Through this *sympathy-approach*[3] the Physical Planning Department charges penalties for development control violations by taking developers through the building permitting process. Where unauthorised developments are not located in ecologically sensitive or adjoining hazardous areas, they are not demolished. Instead, developers are advised to apply for change of use. Again, if there are design flaws, developers are advised to change them to meet planning standards. An official remarked:

> *"Where unapproved or unauthorised buildings do not pose any significant danger, developers are fined for the breach, taken through the permitting process, and allowed to continue their project."*

The findings above reflect an earlier work by Frimpong Boamah et al (2021) which found the existence of institutional norms and cultures that facilitate planning decisions, based on social relationships, ethnic and customary connections. Adjei-Poku and Afrane (2013) also found that city authorities in Ghana sometimes take indifferent position which encourages non-compliance with building regulations. In this study, planning officials negotiated with developers to find amicable solution to breaches in zoning codes and building regulations. Thus, not all identified non-compliant structures are stopped or demolished. In

2 In some cases, junior officers who are found to challenge developers or prevent them from breaching planning regulations are either transferred to other Local Government Areas or will not be allowed to go on field inspection again.

3 This is an expression used many times by the officials interviewed. It was explained to mean negotiating amicable solutions with developers; instead of applying the law or enforcing the relevant zoning codes and development control measures.

all three study communities, a number of buildings were seen with the inscription *"stop work or produce permit" or "to be demolished"* by a specific date, but which had been completed. These widespread non-compliance with planning laws has been discussed in previous studies across African cities (Dambeebo & Jalloh, 2018; Echendu & Georgeou, 2021) but were not associated with the *intricate social connections between developers and metropolitan planning officials; and the gradually institutionalised sympathy-approach.*

Spiritual Curses, Threats, and Physical Assault by Developers

Another socio-cultural factor that was revealed as a hindrance to the effective enforcement of development control measures was the *phenomenon of curses.* Curses pronounced in the names of *local deities* and *gods* are believed to have adverse impacts on planning officials. In Kumasi, curses are pronounced as a form of punishment to supposed enemies and used as a destructive tool for people who have offended others. It is believed that these curses can lead to chronic diseases, terminal illnesses and even death of the supposed offender.

An official explained these curses as:

> *"They are in the form of evil pronouncements, accompanied by various objects of charm such as eggs, drinks, or water from a flowing river".*

For the fear of being affected by such curses, some officials refuse to enforce development control regulations. Another officer of the Works Department had this to say about curses, during their fieldwork:

> *"Many field officers have been attacked with curses, threats, and even physical assault. This makes our work very difficult… In most cases, we leave the site when it turns violent. We have had to involve the police in some cases…"*

In Asafo, one developer confirmed that indeed, sometimes they are compelled to use curses to register their frustration, especially when they think that official have not treated them fairly. He stated that:

> *"Yes, [some] people pronounce curses when they feel powerless before the city authorities … although I have not done that before, I believe that if the officer is not fair to the person, the curse will work."*

The perspectives of the respondent above indicate that indeed the habit of developer pronouncing curses on field officials can retard their progress towards development control.

Of course, ensuring that physical development conforms to approved plans is a good thing and the best public interest (Adjei-Poku, 2018). So why would *superstition* deter planning officials from ensuring development control? Is it because they are also not fair in handling issues? Boamah Frimpong and Amoako (2020) showed that city authorities and customary landowners are able to cause land use change within and outside the planning laws. This means that the planning and development control authorities are sometimes culprits or accomplices of unapproved land uses. For instance, Adjei-Poku, *et al.* (2023) found connivance between planning authorities and developers in the enforcement of building codes. Again, Obeng-Odoom (2011, p. 374) pointed out that some officials of the *"demolition squad"* take bribes from non-compliant developers, and allow them to continue their projects.

In addition to curses, some metropolitan officers also indicated to their lives, while others have been physically assaulted by gangs and thugs hired by developers, when they visit to enforce building regulations. In many cases, the officials are warned to stay

away from the project site. If they refuse, they could be assaulted, and in some cases, injuries are inflicted. There were several reported cases of assault, some of which had been reported to the police, and were under investigation. As a result, some officers do not go to certain places for field inspection. An official of the Works Department stated that:

> *"There are certain places in Kumasi where you have to be careful, due to threats and physical assault, Officers are forced to think of their safety… the courts come in after the official has been assaulted, so the safety-first principle is key. Another reason for the safety-first approach is that the protection given to the department to carry out its mandate is inadequate. This makes it difficult to trust what you are doing with your life at stake."*

During our field visits with some of the officers a neighbourhood in Bantama, where some developers were found in breach of zoning requirements, the site workers were very aggressive towards the field officers, and preventing them from carrying out their duties. Some of the developers threatened court action. These developers resort to the court system after registering their displeasure about delays in getting their building permits. One of those developers emphatically stated that:

> *"It has taken the [Metropolitan] Assembly over 12 years to consider my development application, but I have not heard anything from them… I have paid over 10,000 cedis[4] to your office and some officials… I will go to court for redress. I have all my documentations ready."*

The frustrations expressed above falls in line with the work of Obeng-Odoom (2011), in which case state officials were assaulted and got injured. Even threats of court action are often preceded by aggression as observed at Bantama. When faced with these threats, field officers simply stop and call for support from the police or military before they can embark on such actions. The use of the security service to enforce demolitions in Ghana and other African countries is common (Akinola, 2015; Nunes Silva, 2015). However, getting the police or military support does not come easily because they also have their line of responsibilities. Thus, the social and economic costs of demolition are very expensive. Sadly, the cost of non-compliance is also very expensive in the long term.

Influence of Customary Land-owning Institutions

Kumasi metropolis is noted for its cultural heritage and prestige as the seat of the Ashanti Kingdom (Amoako and Adom-Asamoah, 2019). Its intriguing historical and socio-political narratives have earlier been recorded by Amoako and Korboe (2011) and Korboe (2001). The presence of and reverence for *Otumfuor, the Asantehene*[5], and the elaborate structure for customary leadership have been well discussed in the literature (Korboe, 2001; Amoako and Korboe 2011; Amoako and Adom-Asamoah, 2019). Again, lands and other natural resources in the city are perceived to be originally owned by the *Asantehene* (Hammond, 2011; Amoako and Adom-Asamoah, 2019). Specifically, 81% of Kumasi's lands are Stool Lands, vested in the Asantehene, on behalf of all Asantes. Consequently, there exists the *Otumfuor Land Secretariat*, which predates, but runs alongside the statutory legal land system in Kumasi (Frimpong Boamah and Amoako, 2020, p.107). The Land Secretariat was established to, among other things, process land titles, generate funds, and maintain up-

4 At the current rate of US$ 1 = GHS 12, this developer had allegedly paid an equivalent of about US$ 830. This is very high for a 3-bedroom house in an inaccessible area of the city.

5 The King of the Asante State/Kingdom. The occupant of this revered position carries the title Otumfuor. and is seen as the owner of all the lands and other natural resources in the Asante state.

to-date land records (Amoako and Korboe, 2011). Aside from the Land Secretariat, there is a hierarchy of paramount chiefs, sub-chiefs, and clan and family heads.

The role of the Asantehene, his hierarchy of chiefs and sub-chiefs in the management of land in Kumasi was revealed to be an important factor in the success or otherwise of "physical development control" in the study communities. The impacts of customary land-owning institutions on physical development control were observed to be in three main situations.

Firstly, prospective developers acquire lands from customary owners and hence tend to follow the advice given by these landowners, who may be chiefs, sub-chiefs, or family heads. In some cases, these chiefs and family landowners give prospective developers timelines within which they are required to start their buildings or forfeit their tenure. As a result, most developers ignore the process of acquiring building permits from the Metropolitan Physical Planning Department and Building Inspectorate Division; and rather follow the directives of customary land owners. Thus, developers tend to respect traditional authorities more than metropolitan planning institutions responsible for enforcing building codes. An official at the Physical Planning Department stated that:

> *"Many developers start building their properties without permits because they think the customary institutions are more powerful than the Metropolitan Assembly when it comes to ownership and management of urban land. In such situations, officials of the Assembly are pitched against the traditional authorities."*

Apart from the influence of customary land ownership on enforcing development control, the second factor is the *selling*[6] of undeveloped lands, by customary institutions, to prospective developers. These lands are sometimes given to developers without reference to local plans covering their locations. After acquiring these lands, most developers start their building projects without applying for development permits and following building requirements. This challenge results from inadequate coordination between the metropolitan planning institutions and customary land owners. It was revealed by a sub-chief in Bantama that:

> *"Although the land belongs to our forefathers and ancestors and was handed over to us to manage, we do not have copies of the local plans… We also do not have any information from the Lands Commission about how our land is administered. Well, we are not expected to wait for instruction from any government institution before we lease our land to prospective developers."*

In the above statement, the respondent showed his frustration about the lack of transparency and operational relationships between customary land-owning institutions and metropolitan planning and land management structures. In the face of their inability to effectively co-produce local plans and monitor physical development, chiefs and other customary owners give out plots of land; usually, without ensuring that the developers go for the necessary building and zoning permits. The power of land ownership and subtle disregard for land use planning and development control by customary landowners, allow developers to ignore building permits and regulations. Thus, most developers take the acquisition of land from customary land-owning institutions as permits to start developing the land, without due cognizance of building regulations.

6 Culturally, land is not sold for profit. It was given out for a token such as drinks and other traditionally required items. Lately, economic prices are charged by customary landowners for plots of land given to developers.

In the third scenario, the powers of chiefs and customary structures appear to overshadow those of the metropolitan planning institutions. This situation is rooted in the strong traditional and socio-cultural norms that require planning officials to accord chiefs and customary land institutions respect and reverence. Again, these socio-cultural systems require building inspectors and field planning officer to seek opinions and advice from chiefs and customary land owners. This has become the case because some chiefs can cause the transfer and/or sanctions of field officers who disrespect them. However, some planning officials recounted cases of abuse by chiefs. There were reports of cases where some chiefs had instigated developers against adherence to development control and zoning requirements. In his report, a planning official at KMA stated:

> *"… I am not against planning officials showing the needed respect to chiefs and other customary landowners. I believe our culture requires that and I have great respect for our chiefs. But I also think the chiefs should also respect our authority, as enshrined in the planning laws and regulations. The laws are clear on the roles we should abide by in ensuring orderly physical development… Their ownership of land does not allow them to determine how physical development should go."*

Almost all respondents at the metropolitan Physical Planning Department and Building Inspectorate Division expressed concern about the disregard for development control, planning, and zoning regulations, usually instigated by some chiefs and other customary land owners. The need for co-production and coordination between metropolitan and customary institutions was also highlighted. The observations above reflect findings from earlier studies on the roles of customary institutions in land use planning (Siiba, et al, 2018; Fuseini, 2016). For instance, Siiba et al (2018) found that in northern Ghana, prospective developers respect the customary authorities more than local planning institutions; and were more likely to consult chiefs during their construction. However, in recent times the traditional authority has also come under public chagrin over indiscriminate land allocations, double land sales, and lack of transparency. Ghana's urban governance requires both traditional and state institutions to work cooperatively to ensure effect management of cities (Fuseini, 2021)ineffective spatial planning is one of the symptomatic challenges of urban growth in the country. In the Ghanaian context, traditional authorities (chiefs.

Interference and influence of political officials and traditional authorities

The study also revealed metropolitan planning officers are sometimes constrained by influential state and customary officials who intercede on behalf of developers who breach building regulations. It was found that developers who are connected to influential public officers and politician call them to intercede on their behalf, when they are found building at unapproved locations or without a permit. These influential politicians plead for special dispensation for their friends and relations; and metropolitan officials understand the future consequences if their pleas are not granted (see Frimpong Boamah et al, 2021). A planning officer's observation on this is quoted below:

> *"Developers engage people in high authority, especially politicians, to plead on their behalf…and this is a challenge… because there is the fear of being transferred to another district if the officer refuses such pleas. And no officer posted to a city like Kumasi would want to be transferred to deprived districts."*

Given the possible consequences of a refusal to grant a plea, some planning officers allow developers to continue their non-compliant properties.

Social and ethnical ties are heavily ingrained in Ghanaian societies (Clark, 2003), and people explore these relationship for various reasons. In this study, it can be inferred that developers who fail to comply with building regulations leverage their relationships with influential people to plead for clemency. This reflects the argument of Cobbinah and Darkwa (2017) that land use planning has been captured by civil and political elites, who do not fully understand the implications of their actions and inactions on the enforcement of development control measures. The interference of these political elites certainly impedes orderly spatial development (Adjei-Poku, 2018).

KEY CONTRIBUTION, REFLECTIONS, AND CONCLUSION

This study explored the embedded socio-cultural factors impeding the enforcement of physical development control requirements. Adopting Kumasi, Ghana, as the study context, it is revealed that socio-cultural factors such as customary land ownership, superstitions, and power relations and networks weaken the local land-use planning system. Thus, despite the improved legislative framework through the promulgation of the Land Use and Spatial Planning Act 925 (2016), not much has changed in organizational behaviors, socio-cultural practices and informal power structures. This view is also shared by Frimpong Boamah et al (2021).

As in the case of many socio-culturally sensitive societies, findings from this study confirm the infiltration of social and political-economic circumstances into the institutional and operational structures for land-use planning and development control. Thus, city authorities could be compelled to relax development control measures for specific developers due to their social recognition and influences. Again, developers could plead with planning officials; citing the frustrations and delays in land acquisition and building permitting processes; and get clemency in the application of planning laws and regulations. This is because *pleading* is socio-culturally acceptable, even in the face of encroachment and other breaches in planning regulations. While showing sympathy for encroaching and non-compliant developers is unlawful, it was revealed to be among the key factors contributing to low compliance with land use and zoning regulations. Again, the powers of customary institutions in land ownership allows traditional leaders to interfere in the enforcement of development control and zoning codes.

The above points to the localised organizational culture of planning institutions in Ghana and Africa as earlier discussed by Frimpong Boamah *et al.* (2021). In a study of 82 planning professionals in Ghana, Frimpong Boamah *et al.* (2021) observed that the inability of practitioners to strictly enforce planning laws resulted from "incentives for corrupt behaviors, structured by the particularities of planning culture", and the "interplay of personal values and coercive inducements" by local power structures, social relationships and networks (p. 1 and p. 11). This raises questions about the value ethics of land use planning in the Global South, where communities are socially networked; and allow socio-cultural practices into official settings, creating informalised organisational culture. Enforcement of urban planning regulations and development control codes in such socio-culturally sensitive societies is far more complicated than what is enshrined in the legal and institutional frameworks.

Beyond the infiltration of socio-cultural and customary structures into state land use planning practices as pointed out above, most cities in the global south are confronted with a dichotomous relationship between urban planning and indigenous land ownership. Satgé and Watson (2018) explore the conflicting rationalities between urban planning in Africa (and other cities in the Global South) and inherent socio-cultural and customary systems that create problems for developing southern urban theories. This paper identifies how these conflicting rationalities could affect the effectiveness of urban planning and adds a voice to the call for reducing the conflicts and creating harmony between the two rationalities.

As an entry point, the institutional, legal, and regulatory frameworks for urban land-use planning and development control enforcement can be re-structured to accommodate the operational needs of customary land management institutions. For instance, the role and involvement of customary land institutions in urban planning are not clear in Ghana. Thus, it will be important to create local government institutions that involve and define the roles of land-owning customary stakeholders. This will reduce the current conflicts in land-use decisions, where chiefs can authorize prospective developers to start building, without permits from city authorities. Planning cultures must also be improved through the continuous education of professional practitioners. Existing professional planning associations should create and/or strengthen the ethical requirements for practitioners and apply appropriate sanctions to those who flout basic ethics of practice. It is important to continuously engage prospective developers and other stakeholders in urban land-use planning, and make the processes involved in building permitting and development control clearer to them. Building orderly and well-structured cities is a shared responsibility.

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