

3

Findings from Fieldwork

Introduction

This section is devoted to the findings of the field work conducted in May 2007 in five towns each in the Greater Accra and Eastern regions. The towns are La and Osu (Sub-metropolitan district areas), Pokuase, Amasaman and Sapiema (Ga District, all in Greater Accra Region) and Donkorkrom, Tease, Ekye Amanfrom, Forofori and Amankwakwakrom (5 settlements in the Afram Plains District of the Eastern Region). The findings are discussed based on our research questions.

Before we discuss the findings, it is necessary to give a brief history of our study sites as a backdrop for understanding the findings.

Brief History of the Study Sites

The Afram Plains

The Kwahu have been recognized as the traditional landowners of the Afram Plains which for a long time served as the hunting reserve for their chiefs who live on the Kwahu Plateau to the west of the plains. As a result, the Afram Plains remained virtually unpopulated until the 1920-30 when cocoa had become an important economic crop (Wallis 1953:24), and even then it was the forested patches of the plains that attracted the settlements (Boateng 1955:161).

Writing in the 1950s, E.A. Boateng captured the factors that did not make the Afram Plains attractive to the Kwahu, the traditional owners. According to him, compared to the Kwahu Plateau, the Plains had lower rainfall, a more pronounced dry season from November to March and a vegetation composed mainly of tall elephant grass and bush, with patches of forests in specially favoured localities (Boateng 1955:157).

In addition to water shortage, tsetse flies were rife and there was not yet pressure on the forested part of the Kwahu state to compel the Kwahu people to the less favorable Afram Plains on a large scale. As a result, the plains were very thinly populated. Farming took place in isolated patches and apart from a few

established cocoa farms, was of a subsistence type. Other important occupations were hunting and fishing from rivers and many of the settlements were hunters' camps and the plains as a whole were largely undeveloped (Ibid:161).

This initial attitude of the Kwahu to the Afram Plains has been at the roots of the recurrent contestation of their ownership by neighbouring ethnic groups particularly the Ewe and to a lesser extent Ashanti. For instance, in 1926, the Kwahu litigated over land in the western side of the Afram Plains but lost the case in 1928 to Kumawu (Ashanti).

(Wallis 1953:24) J. R. Wallis has intimated that the dispute between the Kwahus and the Ewes 'had arisen out of the slack manner in which the (Kwahu) King looked after his territory and allowing the (Ewes) to come there for years and setting themselves up as independent chiefs (Wallis 1953:15-16). This situation had arisen because along the west bank of the Volta River were Ewe settlers originally from Wusuta who after crossing over to the Kwahu side retained their allegiance to the chief of Peki on the other side of the Volta River and not the paramount stool of the Kwahu state (Ibid:22)

The inconsistency of the colonial authorities also did not help matters. Whereas the Commissioner of the Eastern Province had ruled in 1930 that all disputes arising out of the land West of the Volta River should be heard in the Kwahu Native Courts, in 1931 a new Commissioner reversed a decision of a Kwahu Native Court and gave judgment to two Ewe farmers (Ibid:24).

The dynamics of the conflict in the Afram Plains can be gleaned from petitions by the Kwahu Traditional Council (KTC) to various governments since 1988 to change the name of the District to Kwahu North District. Beyond the mere change of name, it amounted to a demand of the Kwahus to reassert their ownership of their lands on the plains. The following excerpts from the petition sent to the NPP government as late as March 2006 (Appendix A) is illustrative.

The petition asserted that until it was split into two in 1988, the current Kwahu South District and the Afram Plains District formed the Kwahu District Council. The KTC had expected that like other parts of the country, the new Kwahu South District should have had its northern counterpart, the Kwahu North District (and not the Afram Plains District). The KTC was particularly aggrieved that it had not been consulted over the naming of the district by the PNDC government which at the time ruled by decrees.

The petition admitted that the Afram Plains as a geographical area covers areas in Eastern, Ashanti and Brong Ahafo regions, but emphasized that the Eastern Region portion of the plains, the Afram Plains District, belongs 'absolutely and exclusively' to the Kwahuhene, the paramount chief. The petition further revealed that some sixty years ago, the Kwahus had to go to war against Ewes who had laid claim to the land.

The petitioners were insistent that the name Afram Plains District had sent wrong signals and created the wrong impression that the Kwahus were no longer

owners of the land. This perception had been particularly strong among some Ewe settler farmers and fisher folks who had preferred to pay tributes to Ewe chiefs in the Volta Region, rather than the Kwahu chiefs on whose land they are settled.

The petitioners reiterated their determination not to cede an each of their territory to the settlers and to protect the territorial integrity of Kwahu lands but 'advisedly without resort to the use of force'. The petition drew attention to the fact that several petitions to the Provisional National Defence Council (PNDC) and the National Democratic Congress (NDC) governments either fell on deaf years or simply ignored. Though not specifically expressed in the petition, the Ewe-ethnic background of the head of state in the PNDC/NDC era, Jerry Rawlings, has been an important nexus to the conflict.

Throughout the eleven years of the PNDC government headed by Rawlings (1981-1992), he mounted several platforms insisting that 'nobody brought land by birth', which tended to sharpen the native-settler differences in several parts of the country, particularly in the five Akan regions. Against this background, the Kwahus have always held the belief that the Rawlings-led administration had deliberately designated the name of Afram Plains District to favour his native Ewe settlers, and not for the official reason of making the area attractive for investment and development. And for the Ewe settlers, it was a signal that they could own the Afram Plains.²

Also, from the start of the Fourth Republic, the successor to the PNDC, the NDC, also led by Rawlings, avidly mined for votes among the migrant/settler communities in rural areas. (Gyimah-Boadi 1999:418) In the Afram Plains in particular, the NDC had played on the fears of the Ewes and other settlers that a victory for the opposing New Patriotic Party (NPP) would lead to their eviction from the Kwahu lands. It is from this perspective that the persistent demands by the Kwahu chiefs for the change of name have been an important rally point for the settlers in support of the NDC.

Given that the settlers are in a majority, the impact of this state of affairs on the electoral politics of the district has been significant. Historically, the Afram Plains, like the rest of Kwahu had been supportive of parties from the Danquah-Busia tradition.³ Since 1992, however, the two constituencies in the district, Afram Plains North and South, have stayed through thick and thin with the NDC. In all the four presidential elections since 1992 in the two constituencies the NDC has won by more than 70 per cent.

In the parliamentary polls not only have NDC candidates emerged winners but also independent candidates or candidates of lesser parties have often performed better than the NPP, the successor Danquah-Busia party (Frempong 2001; 2006). This stands in sharp contrast to the voting patterns in the Kwahu which have remained solidly behind the NPP.

Perhaps to confirm Ewe fears of the NPP, the party on assumption of office in 2001, appointed the Okwahuhene, Daasebre Akuamoah Boateng, the chief protagonist in the struggle over the ownership of the plains, as Chairman of the Ghana Cocoa Board. Under the NPP administration however, it took six years and, for a largely different rationale, to effect the name change. Somewhat ironically, that rationale was also couched in terms of development. According to the Parliamentary Committee on Subsidiary Legislation, the change of name had become necessary not to confuse the name of the district with the Afram Plains Development Area under MCA project. It is significant however to note that the report cautioned the Local Government Minister to 'manage the change of name cautiously through intensive diplomacy and education to avoid any conflict in the District' (L. I. 1826, 2006).

The partisan rivalry over Afram Plains rages on. In an interview Deputy Eastern Regional Minister, Sussie Mensah, herself a Kwahu, saw the change of name to Kwahu North District as a step in the right direction, which would enable the Kwahus to reassert their ownership of their bona fide property, the Afram Plains; while at the same time opening up the area for development under the MCA project.⁴ The NDC MP for Afram Plains North, Hon. Agbenu, an Ewe, saw the issues differently.

He saw the change of name as an MCA conditionality which would be of no consequence if there were no corresponding change of structures in the district. He was also insistent that the change of name was a recipe for conflict because, in his view, if the Kwahus who are in a minority, decide to claim ownership of resources in the area, the other groups might resist.⁵ It is significant that for the generality of people in the district sounded on the matter, the name change did not much to them; all they desire is the development of the area, which has eluded them all these years. Interestingly, the same view had been expressed during an earlier fieldwork in 2000 (Frempong 2001).

The Sub-Metropolitan Districts of La and Osu

La and Osu are old towns of Greater Accra. While Osu houses the seat of government, the Castle and is therefore highly cosmopolitan, La has a large concentration of indigenous Gas. The two towns were created as sub-metropolitan districts of the Accra Metropolitan District as a result of further decentralization to ensure the manageability of Accra as a district.

Osu lands are generally owned by the Osu Stool. Both Osu heartlands and the villages are supposed to be under the Osu Stool.

In recent times, there has been a redefinition which makes a distinction between Osu Village Lands and Stool Lands. The difference is that the families in the village control the village lands, but generally Osu lands are owned by the Osu Stool. Before settlement they had war leaders who were given portions of Osu land to settle on, which subsequently became their property, because they had done good job. Others acquired land from weaker families.

Government acquired Osu lands by instruments through three methods:

- Permanent appropriation (outright, for public good-police station, roads, hospitals).
- Joint management e.g. Osu Mantse lay out.
- Limited or temporary acquisition. The occupants recognize that they are tenants and after 50 years the land is reverted to the stool. This is where there are controversies today. Although government claims it still needs them, it refuses to negotiate with the people, and goes ahead to appropriate the lands. Examples here include Ridge, Airport residential area, airport west, Roman Ridge.

Acquisition of Osu Lands

Generally, there are three ways of acquisition, namely,

- Purchase
- Gift (for example to lawyers who handled cases for Osu)
- Inheritance (blood relations, or by conquest and passed it on to their children)

The Gas especially in Osu and La complain about the promulgation and implementation of three particular laws in Ghana that have worked against them. These laws are:

- *Land Development (Protection) of Purchaser Act, 1960 (Act 2)*: this law requires anybody who develops a building to lintel level in Accra and its environs to become automatically the owner of the plot on which the building stands. This law applies only to Accra and its environs and therefore affects only Ga Lands. The law has been widely abused by public officers and private individuals as well and caused much conflict and litigation in Accra. This is directly responsible for the protection of land guards and violence with regards to lands.
- *Administration of Lands Act 1962, (ACT 123)* By virtue of section 10 of this law, the president may authorize the occupation and use of any land 'which in his opinion, is conducive to the public welfare or the interest of the state.
- *State Lands Act, 1962, (Act 125)*. Section 1(1) of this law gives the president of the Republic authority, whenever it appears to him to be 'in the public interests so to do' to declare any specific piece of land 'to be land required in the public interest' and he may, by executive instrument, acquire such specified land. By the combined effect of Acts 123 and 125 therefore, the president is authorized to compulsorily acquire stool lands and non-stool lands for no explicitly stated purpose other than 'public interest', 'public welfare' or 'interests of the state'. Although these two laws do not apply only to the Ga lands, the Gas has borne the brunt of these acts of compulsory acquisition.

Other Trends and Policies

- In recent times lands compulsorily acquired for 'public purposes' are being sold to non-indigenes and foreigners. This is seen as contrary to the law and spirit of acquisition of lands for 'public purposes' and therefore illegal.

- Government policy of acquiring Ga lands for private residential purposes, it has proven inimical to the interests of the Ga people. The residential areas at Airport, East Legon, Labone, Cantonments, Roman Ridge, Dansoman and North Kaneshie.

Cases of Disputed Lands at Osu and La

A number of cases are cited here to support some of the unresolved issues in Ga lands such as expired leases and government's inability to use the land for which it was acquired, namely, 'public interest or purpose'.

The Former Star Hotel

The former Star Hotel, situated in the Cantonments area, was acquired by Government for the purpose of building the erstwhile Star hotel- a state hotel. For some inexplicable reasons, some residential buildings have sprung up on the site. Star Hotel, situated in Cantonments area, formerly acquired by government for the purposes of building a State Hotel, has been transformed from the stated public purposes to private real estate purposes, by a private entrepreneur who has been granted a 50 year-year lease to put up residential buildings/apartment, which are being sold for hundreds of thousands of dollars.

La Beach Hotel

In November 1990, a portion of the land acquired by government for the Ghana International Trade Fair Centre was allocated to Hotel Investments (Ghana) Limited to build the Labadi Beach Hotel.

According to the GaDangme council, when the government realized that it did not require all the lands acquired for the Trade Fair Centre for that public purpose, it should have, in all fairness and in good conscience given it back to the Ga people concerned or should have given them the first option.

However, ignoring them and giving away the land for the construction of the Labadi Beach Hotel amounts to ignoring their rights over the land with impunity. The allocation according to them offends against the letter and spirit of the State Lands Act and the Administration of Lands Act and the title to the land should be reversed to the Ga people concerned in the interest of justice.

La Palm Royal Beach Hotel

The land on which the La Palm Royal Beach stands, or the greater part of it, are also part of the land acquired for the Ghana Trade Fair Centre. This large tract of choice land was allocated to the La Palm Royal Beach Hotel in 1995 for a term of 50 years. This allocation according to the Ga Dangme Council is also a clear violation of the relevant laws governing acquisition for 'public purpose'. It is another case of compulsory acquiring land for a 'public purpose' and re-allocating it for a private purpose in total disregard of their interest. The Council is therefore demanding that the land be reverted to the GaDangme people concerned.

Airport

A sizeable portion of the land acquired in March 1936 for the Amaryl Aerodrome, now Kotoka International Airport, is being inhabited by two hotels, namely, Granada and Shangri-La, and the Accra Polo Club. The two hotels and the Polo club are private entities and therefore any sub-leases made for these purposes could not have been made in the 'public interest' or the 'interest of the state' and cannot by any process of reasoning be so construed.

The unutilized portions inhabited by these three entities should have been given back to the Ga people or the allodial custodians to manage it. According to them, the allodial owners do not benefit in any way from the commercialization of these lands. This according to them is yet another case of land taken from them under the banner of 'public purpose' and later given out to private bodies, for private profit. The Gas contends that the portions of the land not used for the 'public purpose' should revert to the people concerned.

Airport City

The projects for which plots have been allocated for the proposed Airport City are all private projects to be undertaken by private foreign companies. The business centre which comprises shopping malls, hotels, casinos, private hospitals, among others, are not projects associated with civil aviation activities. Here also the Gas thinks that their interests have been treated with disdain.

Government Bungalows on 4th and 5th Circular Roads in Cantonments

In 1989, a number of government bungalows on the 4th and 5th Circular Roads in the Cantonments area were demolished and the land was re-allocated to a public institution which put up a large number of estates and sold them to private persons, companies, institutions and bodies. That public institution therefore made billions of Cedis on the land, which was originally acquired for 'public purposes'.

This is yet another example of re-allocating their land, compulsorily acquired by law for 'public purposes', for private benefit in total disregard of the interest of the Ga people. In the allocation of these estates, nobody-government or the public institution-considered the interests and nothing has been paid in the form of compensation for misapplying the land acquired for 'public purpose. They are therefore demanding that these lands should be reverted to the original owners.

Expired leases in Accra Central, Osu, Roman Ridge, Airport, Ringway and Independence Avenue

A number of 99-year leases in the Accra Central, Osu, Roman Ridge, Airport, Ringway, Independence Avenue (Dodowa), the Ring Road and other areas duly expired between 1989 and 1999. These were Ga lands acquired for locally based foreign private companies and for some other companies, bodies and individuals. Instead of the appropriate authorities notifying the concerned stools and families of such leases, they rather chose to assume ownership of the properties involved,

and allocated them to individuals and corporate entities without any reference whatsoever to the Ga people.

The Ga West District

The Ga West District used to be one district until it was split into two, Ga West with capital at Amasaman and Ga East with capital at Abokobi with the creation of new districts in 2004. As a result of their proximity to Accra, (about 15 kilometers), the demand for land in the District has increased greatly.

Land Ownership in Ga West District

There are three types of land ownership in Ga West:

- Stool Lands,
- Family Lands, and
- Individual lands.

Stool lands are owned by divisional chiefs based in Accra, while family stools are based in the villages. In the Ga West, the seven Divisions in Accra have their communities there, and a subsidiary of Osu and Teshie. In addition, individual families also have their stool, hence family lands. Amasaman town proper is a family land, as it belongs to the Akroa family.

Individual lands are lands individuals have bought either from the stool or family some years back.

Pokuase, on the other hand, is a unique area. Part of Amasaman lands belong to Pokuase. Amasama does not own all the lands in the area called Amasama, the Kpako Oti Family of Otublohoo owns part of the lands. In Pokuase, the Dodoo Clotey Otubloho family is the chief and owns the lands, and then the Nii Djan family also owns part of Pokuase. The rest is owned by the Asene people. At Sapeiman, Nii Sapei – Agbetekor from Gbese Accra, i.e. Gbese division of Accra, came and settled there first and therefore owns the land. Most of the lands are owned by family, hence family stools. Most of the lands are family lands, the stools are mostly family stools, notwithstanding that the founder of the community may have possessed the lands.

Methods of Acquiring Land in the Ga West District

The original settlers may have acquired the lands through:

- Settlement, including farming, cultivation and hunting
- Purchase
- Gift or donation

Acquisition

To acquire land, the potential buyer must first see the chief or family concerned. If it is stool lands then the chief of the area concerned or family head.

Originally, there were three main modes/types of purchase:

- Outright purchase
- Leasehold
- Deed of Gift/ donation

However, the Lands Department has cancelled outright purchase and Deed of Gift and processes applications for leasehold. Even when one's document is prepared as outright purchase, registration will change it to leasehold.

What are the Causes of Land Struggles?

Afram Plains District

Generally there are tensions among some groups with regard to access to land, land ownership and grazing land for herdsmen. However, there is peaceful co-existence among members of the various groups and the casual observer will not notice any tension over land. Dispute has been between natives and settlers, chiefs and settlers, herdsmen and farmers and in a few cases, chiefs and chiefs.

Ekye Amanfrom

Ekye Amanfrom lies at the bank of river Afram and serves at the port of entry from the Kwahu South District. The town attracts a lot of migrant workers: farmers, fishermen, traders and transporters. Interviews with the Assembly woman, chiefs and some community leaders revealed that migrants form the larger proportion ((about 80%) of the population. Migrant groups include Ewes, Adas, and Northerners.⁶ According to the Assemblywoman and settler chiefs interviewed, problems relating to land centers on boundary disputes/ trespassing,⁷ unfair terms and conditions governing land use and the activities⁸ of herdsmen. The herdsmen wield guns and cutlasses, rape, kill and maim innocent farmers. They connive with native chiefs⁹ who allow their cattle to graze over farm lands because the chiefs are said to profit more from the herdsmen than the farmers.

The vicious activities of herdsmen were confirmed by the spokesman for the Ewe community whose brother was shot by a herdsman in 2002.

While there has not been violent conflict between the herdsmen and the community, the general feeling of the people is that the chiefs are not being fair to them. They suggested the need to find a lasting solution to the problem to avert future conflict. The native chief¹⁰ in an interview, however disagreed with this view and claimed there was no tension whatsoever in the community.

Forifori

Forifori is a resettlement town created for people who lost their land as a result of the construction of the Akosombo dam. Traditional owners of the land are, the Nkwatiahene, Aframhene and Pitikohene.¹¹ Like Ekye Amanfrom the migrants outnumber the native Akans (Kwahus). Migrants are generally from the Northern Region – the Kokombas, Dagartis and Kusasis are more noticeable.

As a resettlement town, a distinction is drawn, in Forfori, between Substantial/Reserved and Acquired lands. The *Substantial land* is the one that was not actually taken over by the government, while *Acquired land* is land taken over by government and distributed to the individual families who lost their lands as a result of the construction of the Dam.

While natives and migrants live in harmony, there is subtle dispute between the chiefs of Peteku and Nkwatia over the rightful owner of some portions of the *substantial land*. A related problem is the instruction from either chief that natives who want to develop part of the reserved land should seek their permission. The people feel that the chiefs have no rights over the reserved land although they recognize them as the traditional owners of the land.

In the 1990s the introduction of payment by chiefs for migrants who wanted to farm on reserved land created apprehension among migrants but was resolved through a committee set up by the VRA and related government agencies in 1997 with the introduction of a flat fee of fifty thousand Cedis per acre of land.¹² The nagging problem of cattle herders is also prevalent in the community.

Tease

Interviews with chiefs and elders conducted separately reveal that there is no dispute or conflict between the people. Tease also hosts a number of migrants, but there is a balance between the migrants and the natives. There are Ewes, Ga-Dangbe and Northerners, living in peace with the natives. Tease is also not spared the problem of cattle rearers which is rampant in the district.

Donkorkrom

Donkorkrom is the district capital and hosts different groups of people including government workers. The visible groups are Akans, Ewes, Northerners Ga-Adangbes. Except for a few individual complaints of unfair conditions governing land use, we heard of no violent conflict over land in the town. We had group discussion various community heads including the northern community who are mostly farmers. It is interesting to note that most of the migrants were born in the district.

Amankwakrom

Amankwakrom, the hottest spot of the towns visited, is also a resettlement location. The population of migrants outnumbers the natives. Some of the migrant groups are Ewes (about 60 per cent of the population), Ga-Dangbe, and people of northern origin. The major source of conflict is over the ownership of land between the Akans and the Ewes. While the Akans claim ownership of the land, the Ewes claim it belongs to them or the government.

Claims and counter-claims over who has the right to access reserved land is the greatest source of conflict between the two groups. Group discussion with the migrants and natives revealed high sentiments that can possibly explode into violent conflict.

Attempts by Ewes settlers to claim ownership of the lands in the community sparked off conflict in the community. Till date, this conflict has not been resolved, as the case is still pending before the Supreme Court. The recent name change of the district from Afram Plains to Kwahu North is also a source of worry for the natives.

Ga West District and Osu and La

There are two main types of disputes here:

- External Conflicts: Inter-boundary conflicts/disputes, mainly arising over common boundary either between two or more families or communities. A community or family shares boundary with another community/family and they have conflicts over the exact boundary lines.
- Internal Conflicts: Conflicts from within the same community or family over (ownership), typically over who has the right to be the custodian. This arises out of lack of accountability and transparency in the disposal of land. This brings about numerous chieftaincy disputes since chiefs and family heads are the custodians of lands.

We found that there are three major causes of conflict in the district, namely,

- Lack of transparency and accountability in land acquisition/titles within the same community or family.
- Inter-boundary-trespassing or encroaching on adjoining lands.
- Multiple sales of lands.

Internal conflicts are largely due to lack of transparency and accountability and they are the prevalent form of conflicts because people see the head of the community disposing of lands, they see that buildings are mushrooming, but they do not see any development in the community.

They then perceive that the heads enjoying the benefits without sharing with other members of the community or family who own the land, so they also start doing their own thing, and conflict arises out of this.

There is no law affecting the chief. Where the chief is the custodian of the family lands there is a problem, where the family head is the custodian there may be a problem, especially where the people do not have the money to hire the services of a lawyer to pursue the case in the law courts.

Multiple Sales of Lands/ Land Guard

This is largely caused by conflict over who is the custodian of the land. In Pokuase, the late chief gave out some lands and those calling for his destoolment also gave out lands. Pokuase is well known for the land guard phenomenon. Some call them 'Asafo Bi'. They mobilize the youth to protect family lands. This practice is also common in so many areas-Chantan, Ablekuma, Weija, Aplaku, Amasaman. They recruit people from other areas such as Nima, Ashiama, Sukura and Zongo

communities. Sometimes, the opposing faction in the conflict also engages the services of the people living in the community, to attack them. (They are people engaged by litigants from outside to support local people to protect their lands).

Who Originally Owned the Land and How Did the Ownership Come About?

Lands in La are mainly owned by families. However, the various clans gave out portions of land to be held under trust by the La Stool. Land can be acquired mainly through acquisition.

Like Osu, the La Traditional Area has until recently been embroiled in a protracted chieftaincy dispute, of which land is the underlying cause. The parties in the dispute are the La Mantse and the Chief Priest (Wulomo) of the area land. The two parties have been cited for wanton disposition of lands.

On the other hand, there are serious conflicts between the La Stool and some families over the rightful ownership of some lands in the area. The La Stool has claimed ownership of some lands and has already disposed some of the lands to private estate developers, but has been challenged by some families over the disposition of such lands. Some of the cases are before the courts. The La Traditional Council has taken the government to court over what they consider as unauthorized disposition of lands in the Cantonment area (e.g. La Wireless) to Private Estate Developers.

Land Dispute Between the Government and the People of Osu

The dispute with government is mainly over lands where lease period has expired. Government continues to hold on to the lands and do the allocation, contrary to the law which provides that they should revert to the people. Government does not account for funds realized from the sale of such lands.

Causes of Land Conflicts at Osu

- Trespass/boundary dispute with neighbors Osu and Teshie
- Unauthorized disposition of land rights by Land Commission/Government
- Unauthorized disposition of land held under trust by Chiefs (chiefs versus families)
- Multiple sales of land

How did the Land Disputes Assume Ethnic Dimensions?

Evidence from our case study sites indicate that the land disputes have not assumed the character of full-fledged ethnic conflicts.

However, in the Afram Plains District, some of the disputes are between Kwahus and settler Ewes and Kumawus, while in Osu and La the disputes are mainly between the government and the Gas and in some cases between Gas and land developers who are seen as 'strangers' and therefore the resentment generated among Ga youth.

The disputes between the Ga and the government needs further explanation because they emanate either from the underutilization of compulsorily acquired land or has been used for purposes other than those intended, while the Ga community face land scarcity.

As has been observed:

3030.64 hectares (5.6%) of Accra total lands have changed from the purpose of acquisition and similar changes have taken place in other regions. ... The relationship between the state and expropriated owners is at its lowest ebb, evidenced by several petitions by expropriated owners ... sale of compulsorily acquired lands by the expropriated owners as happened with the land acquired for the police depot and the Olympics complex as well as the use of land guards by the expropriated owners to prevent the development of some of the compulsorily acquired lands by the beneficiaries (Larbi 2004: 124-125).

One of the implications of the inability of the state to put land to the intended use is the unauthorized use of the land by encroachers, those who want to put them to economic uses (for example as farmlands, garages and stalls) or to provide shelter for themselves. Failure to arrest initial encroachments creates an incentive for others to move on to state lands, thereby leading to an escalation in the political cost of removing these people when the problem becomes complicated by the number of people who need to be ejected. The ejection has sometimes led to loss of lives.

For instance, in April 2006, 10,000 illegal residents of Digyah Island (designated as a national park) in the Afram Plains, who had lived there for over three decades were forcefully evicted by the Game and Wildlife Department of the Forestry Commission and other security agencies. One hundred and fifty (150) people and their personal belongings were crammed in a boat which eventually capsized leading to the loss of lives.

Why did the Land Disputes Remain Local?

Most of the land disputes have remained local and latent. There has not been an escalation of the conflicts mainly because they are caused by land ownership status in Afram Plains and Ga West District and compulsory acquisition at Osu and La. In addition, in the Ga District, which has peri-urban communities, conflicts pertaining to land are also attributable to boundary disputes. These conflicts are mainly concentrated at the boundaries separating land owning clans and families. In some cases, tenants caught in-between the disputing parties have to make double payments to the contesting parties. This situation undermines the security of tenure in the peri-urban land. It also encourages the development of land without the developer going through the appropriate process of acquiring building permit and authority. It is a fact that in the peri-urban areas of the Ga West District, the land conflicts may also be attributed to the weaknesses in the system of land administration. In the absence of strong institutions to regulate land

administration in situations of rapid changes in the peri-urban areas, some people collude with offices of the statutory land sector agencies to engage in illegal land sales.

What Role did Traditional Institutions Play in the Land Related Conflict?

The role traditional institutions play in the related conflict differed because of the varying issues and contestations. In the Afram Plains, there was mutual mistrust between chiefs/land owners and settlers/migrants overland agreements.

In the Ga West District, newly installed chiefs or family heads have the power to annul purchase agreements of their predecessors, while in places like Sapeiman where the chiefs are not directly involved in the multiple sale of land, they are more effective in handling land disputes compared to areas like Amasaman where the chiefs are themselves part of the sales. Similarly, in Osu and La, the major land disputes involved the traditional authorities and the government over lands acquired by the latter. Where the chiefs are not part of the contesting parties (Osu and La), they are able to adjudicate in the disputes.

What Alternative Conflict Resolution Mechanisms are Feasible in Specific Contexts and in Relation to Particular Types of Conflict?

A number of methods have been used in the study sites to settle land disputes. They include traditional courts/chiefs/elders, state courts, settlement between the parties themselves, informal arbitration, district assembly government official and the police. A majority of respondents indicated that the methods were not as effective as they had expected, hence the frequency of the conflicts.

The frequent use of the alternative dispute resolution mechanism (ADRM), referred to earlier on as ‘informal arbitration’ has gained ground in the study sites. The ADRM entails a commitment by the parties engaged in the dispute to recognize that is in their interest to seek third-party intervention. It also ensures direct participation and ownership of the decision making process, quick disposal of disputes and respect for the outcome. Specifically, the following methods of resolving disputes were located in our study sites:

- In Ga West, the District Assembly has the Land and Chieftaincy Dispute Resolution Committee to find out-of court settlement for civil cases. In addition, the Ga West District Chiefs’ Association which meets regularly is also geared to finding means of resolving their differences.
- In Osu and La because of their exposure to Christianity and education, the parties prefer to use dialogue.
- Lack of unity between the two chieftaincy factions in Osu has prevented concerted effort against government and against the encroachers.
- In Afram Plains, the general inclination among tenants, share croppers and migrants not to litigate with their land owners has had a moderating influence on land conflicts.

What Strategies can be Deployed to Curb Disputes and Conflicts Associated with Access to, and Disposal of Land?

A number of mechanisms can be deployed to curb land related disputes and conflicts. The first is the establishment of specialized land courts. They have the potential of expediting action on land cases and ease pressure on the regular system. Such courts can also be established in all the districts to dispose cases on schedule rather than rely on the traditional courts which take time to dispose their cases.

Second, government intervention in the disputes must be timely and appropriate with emphasis on prevention of the conflict and not management or resolution. The values of legality, non-partisanship and equity in such interventions are critical to ensure credibility and acceptability. Furthermore, early warning systems at the regional and district levels need to be put in place that will constantly inform the government on potential sources of conflicts in the land sector.

Third, a vigorous public education programme on land issues and legislation should be undertaken by the National Commission for Civic Education (NCCE) and other public education agencies, which will make the public more conversant with legislation, policies and processes governing land acquisition, ownership, and mechanisms for any conflicts that might arise.

Fourth, there must be a vigorous public consultation and engagement on land and its related issues. One of the problems in the relationship between the state and land-owning groups is lack of consultation in acquisition and administration of state lands.

The Land Administration Project has begun the process of consultation and engagement through workshops, seminars and conferences and needs to be sustained. Stakeholder participation in discussing land issues is the first step to the prevention and management of land disputes.

