

Managing Peri-Urban Land Development: Building On Pro-Poor Land Management Principles

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Key words: peri-urban, land development, land administration, pro-poor land management, Ghana.

SUMMARY

Population growth and urban expansion of major cities and urban areas in many African countries have caused densification of the urban centres. One of the effects of this is the increasing demand for land and housing needs. The high demand for lands in the peri-urban areas have been causing massive land development rapidly springing up in those areas. The threat to land is such that, the rural poor people lose lands previously used for agricultural purposes. Since land is a basic resource for wealth creation, it is essential that land developments in the peri-urban areas be well managed to prevent creating slums and making the rural poor people poorer. A pro-poor approach to land management and administration has become a major focus for international development organisations in recent times, such that, some development funds are devoted for programs and projects aimed at reforming the land sector of the economies of many developing countries. Ghana has benefitted from such funding through the Ghana Land Administration Project (LAP). This paper examines the rapid spread of land developments in peri-urban areas and its impact on the 'subjects' of the communities. This underpins the need for proper pro-poor approaches to land management and administration to ensure proper *management of the territory*, in order to *protect the environment and uphold cultural heritage* within peri-urban areas.

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1. INTRODUCTION

Pro-poor land management and administration have become an issue placed on the global agenda in recent times. This is because populations of the major urban areas in most countries are growing faster than national populations. One of the effects of rapid urban growth is that the availability of basic services, especially housing, is worsening for many poor residents. (UNESCAP, 2010). This causes lands in villages and towns around the cities to be in high demand for various uses, and developments have been so massive that it is difficult to draw a line between the city and the towns and villages surrounding it. Government institutions at the national and local levels, as well as the traditional leadership structures, have been unable to manage the transition from village to cities efficiently (UNESCAP, 2010). The consequence however is that the rural poor people lose their lands for the massive land developments. The state land administration institutions have limited control over the management of developments in such areas. As a result, the United Nations (UN) has proposed pro-poor approaches to land management as a means of protecting the interest of the poor and making land management services accessible to them.

In Ghana, like other developing countries, the situation is not different. Ghana's land management operates within a plural environment, where two major actors are involved in land management and administration. These are (a) the customary land management authority and (b) public land management authority. This pluralistic nature of the land management system poses a challenge to land administrators, especially, as far as managing peri-urban lands is concerned. This is because, at the peri-urban areas the traditional authorities control almost all lands and are at liberty to release lands for any purpose without recourse to formal land management principles such as proper planning of the area and the preparation of quality layout as well as judicious sale of lands. They do this, normally without recourse to the interest of the natives in the community. In a comment to Ghanaian customary land management system, Ollenu (1962) said, "land belongs to a vast family of which many are dead, few are living and countless host are still unborn." This means that land does not belong to one person who can single handedly decide on how land is allocated and used. However, in practice the reverse is the situation. It is always important to consider the members within the communities in dealing with land. In this paper excerpts from a research carried out in some peri-urban areas of Kumasi, Ghana would be considered.

2. THE CONCEPT OF PERI-URBAN LAND DEVELOPMENT

The term peri-urban has been widely used, however, there seems to be no specific definition for the term. Rather, most literature use urban and rural information to build hypotheses for this 'transitional' zone. According to Birley and Lock (1998), peri-urban areas are areas

immediately surrounding cities ... where farmland is being developed for urban uses and the rural economy is significantly affected by its urban links. The peri-urban concept attempts to move understanding beyond definitions considered solely in terms of geographical location and spatial land use. Rather it considers the peri-urban interface (PUI) as the meeting of rural and urban activities – in effect a process rather than a place (Brook and Davila 2000). As the cities expand, the surrounding peri-urban areas also grow. This means that the nature of the peri-urban interface is one of constant change leading to a variety of livelihood and natural resource problems specific to the PUI.

According to Adjekumhene (2002), the concept of ‘development’ is a multidimensional one which can be viewed from many perspectives. He explained “land development” to mean ‘a broad subject encompassing the development of ... natural areas to redevelopment of occupied land or derelict sites’. In his view development in this context means any kind of engineering or building work carried out in, on or over land or any material change of use of land. In support of this definition and for the purposes of this paper, ‘land development’ is considered as any kind of physical developments that changes the original use of the land.

Land is a resource treasured by all who have access to it. The fast rate of spread of land development in the peri-urban areas of Ghana therefore must be checked. Broni (2002), observes that land is the basic asset on which the wealth of Ghana is built. Land represents the main form of wealth and the principal source of economic and political power. It is both a natural resource and marketable commodity and therefore should be managed on a sustainable basis. He said land also provides a more attractive source of investment. Fobih (2004), in a foreword to the LAP Implementation Manual states that, the social and cultural organisation of the society as reflected in the systems of property ownership, chieftaincy, and lineage are inextricably linked to land. Land thus covers every facet of life in Ghana. These assertions reveal that the importance of land to society cannot be overemphasised.

Indeed, the development of a peri-urban area is an inevitable consequence of urbanisation. (Allen et.al., 1999). Masika, et. al. (2002) observe that in the past few decades, urbanisation and urban growth have accelerated in many developing countries. Kasanga and Kotey (2001) in their research into the ‘Changing Tenure in Ashanti Region’, observed ‘rapid urbanization’ as the major factor impacting on development in the peri-urban areas. Sometimes this change is rapid. The consequence is that the poor had fewest of the livelihood assets needed to cope with these changes making them vulnerable.

The hypothesis of this study is that land developments have extended far beyond the boundaries of the metropolitan area, and the land use has been skewed towards residential. In the study area for example, the Kumasi city has extended to more than three/four towns beyond its boundaries as shown in figure 1. In the Kumasi metropolis of Ghana, peri-urban lands are used for various purposes as shown in Table 1 and Figure 2 below.

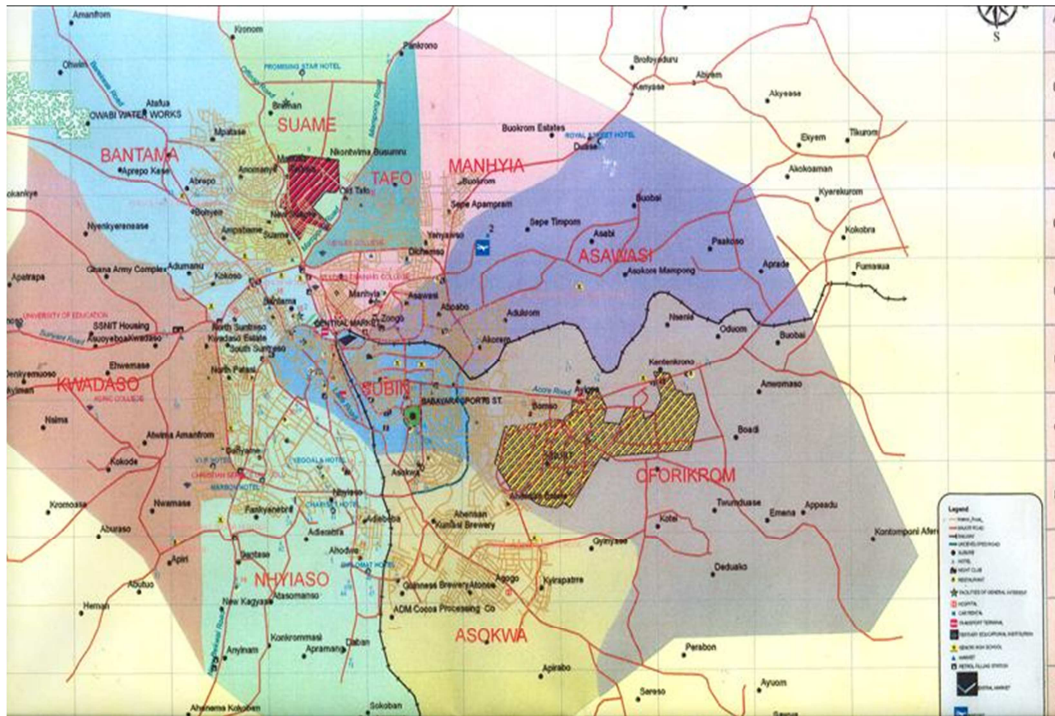


Figure 1 Map showing the boundaries of Kumasi Metropolitan Area

Table 1 Land Use Composition Projected Over the Years (1995 - 2010)

LAND USE	1995		2000		2005		2010	
	Hector	%	Hector	%	Hector	%	Hector	%
Residential	8311.8	43.7	8512.2	43.7	8803.8	43.9	9088.6	44.0
Commercial	452.5	2.4	460.5	2.4	481.3	2.4	495.7	2.4
Industrial	785.5	4.1	796.3	4.1	802.2	4.0	826.2	4.0
Educational	3321.5	17.5	3408.1	17.5	3469.4	17.3	3573.5	17.3
Civic & Culture	1428.1	7.5	1446.8	7.5	1463.9	7.3	1487.2	7.2
Open space	2175.5	11.5	2229.2	11.5	2306.2	11.5	2375.4	11.5
Circulation	2527.0	13.3	2597	13.4	2727.3	13.6	2809.2	13.6
Total(Planned)	19005.0	74.8	19449.2	76.5	20054.1	79	20655.8	81.3
Undeveloped	6410.0	25.2	5965.8	23.5	5360.3	21	4759.2	18.7
Total Area	25415.0	100	25415.0	100	25415.0	100	25415.0	100

Source: Town and Country Planning Department, Kumasi (2010)

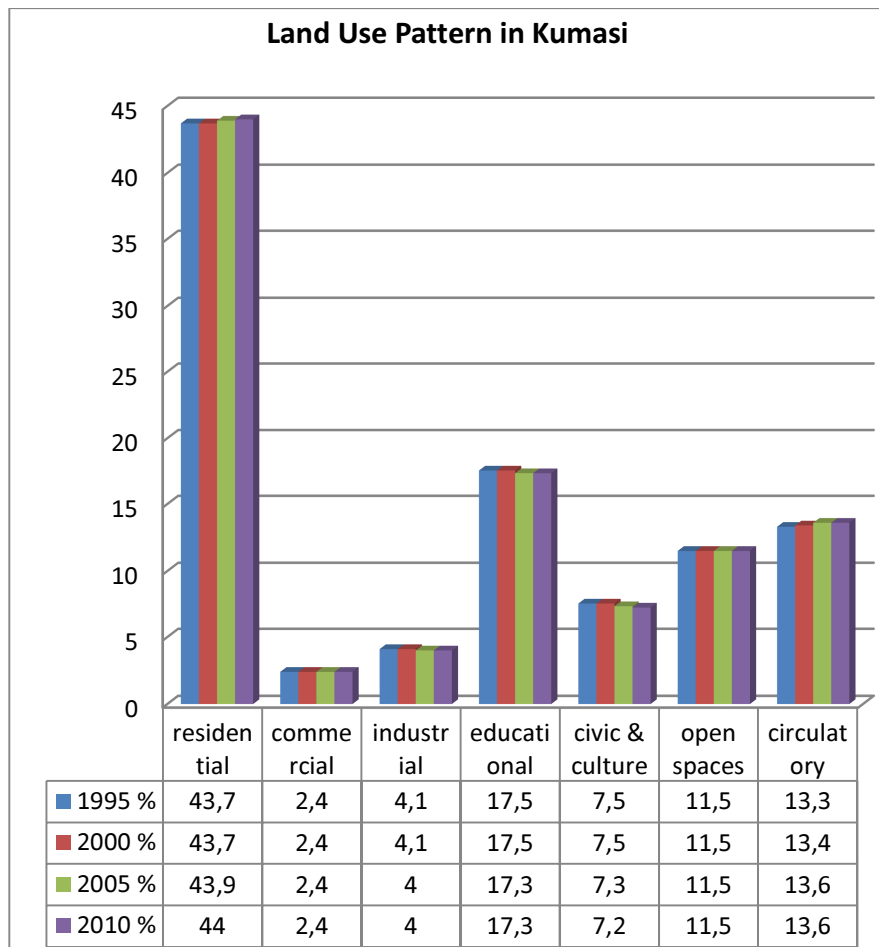


Figure 2 Bar Chart of Land Use Composition from 1995 – 2010

The information gathered from the data above shows that Kumasi is already choked. The total (planned) developed area is approximately 81.3%, and the undeveloped area is approximately 18.7%. The information also depicts that the area zoned residential within the Kumasi metropolis is about 44%, almost half of the entire land use area. The trend indicates an increase in land use areas over the years and the dominant land use is residential. In the selected study areas the residential land use ranks about 51% of all land uses.

3. LAND MANAGEMENT AND ADMINISTRATION IN GHANA

Land Management is the process by which the resources of land are put to effective use. (UN/ECE, 1996). Dale and McLaughlin (2000) identify three key attributes of land that every country must manage - its tenure, value, and use. They further state that, access to information on the ownership, value, and use of land helps to achieve social and political objective. In ensuring that land management is practiced land administration is key. The UN/ECE (1996) defines land administration as ‘the process of determining, recording, and disseminating

information on ownership, value and use of land when implementing land management policies’.

A background to the Implementation Manual for Ghana’s Land Administration Project (LAP) UNIT, (2004). reveals that, since the early part of the 20th Century, succeeding governments in Ghana, including the colonial administration, have sought to exert state control and management over lands in the country. Legislations were therefore passed to give the state sweeping control on lands and land use. The legislations entrusted expropriation, managerial and fiduciary powers of customary land the state. Past land policies have been ad hoc and derived without adequate consultations with land owners. In that circumstance, the State has not been able to exert absolute control over all lands in the country. These are significant challenges among others for the land sector to address, and for which reason LAP was developed.

The unique traditional heritage in Ghana plays a vital role in land management and administration. Larbi (2006) observes that land management in Ghana over the years has been operated within a plural environment, with statutes and customary laws, public and indigenous institutions, traditional values and corporate norms all operating side by side. The juxtaposition of statutes with traditional systems has operated in the country for more than a hundred years and has not been without problems. The major finding in Kasanga (2001) is that, a plurality of land tenure and management systems that is both state and customary prevails in Ghana. These systems are poorly articulated and increasingly cause problems of contradiction and conflict. He observes that public and vested lands are managed by public institutions whiles customary land tenure systems and management mechanisms remain strong, dynamic and evolutionary under the control of traditional land owners. The state gets involved in customary land management through deeds and land title registration, so as to confer security to interest in land and promote investment in landed property.

The position of Larbi and Kasanga establishes the fact that Ghana has a dual system of land management which is both state and customary. It is also clear that the State has limited control over customary lands and that its management practices is limited to the registration of deeds and title documents except where there are conflicts to be resolved. Thus, the customary control on land is very strong and powerful in Ghana especially Ashanti Region.

The 1992 Constitution of Ghana recognizes the customary land management systems and makes specific provisions on stool and skin lands under Article 267. Clause 1 provides that ‘All stool lands in Ghana shall vest in the appropriate stool on behalf of, and in trust for the subjects of the stool in accordance with customary law and usage.’ Article 5 further provides that ‘... no interest in or right over, any stool land in Ghana shall be created which vests in any person or body of persons a freehold interest howsoever described.’ However, the public management comes into play under Article 3 which provides that ‘There shall be no disposition or development of any stool land unless the Regional Lands Commission of the region in which the land is situated has certified that the disposition or development is consistent with the development plan drawn up or approved by the planning authority for the area concerned.’ Normally the disposition and development take place before consent is

sought. These, among other things are some of the anomalies in land management that the Ghana Land Administration Project (LAP) is expected to give solution to. The on-going Land Administration Project has made some attempts to regulate customary land management to support the management efforts by the State.

3.1 Ghana's Land Administration Programme (LAP)

The establishment of Customary Land Secretariats (CLS) is an approach adopted under LAP to regulate customary land management in a way that contributes to the objectives of fairness and tenure security. Ubink (2008) speaks of the fact that a plan under LAP is to make government to incrementally divest itself of responsibility for the management of stool lands. By the year 2008, eight CLSs had been established and two existing secretariats strengthened. The objective for the establishment of the CLSs is to provide effective land management harmonized with government land agencies and District Assemblies, in order to establish a unified, decentralized public record of land availability, use, and transactions. This approach even though quite good, has its negative impact in the sense that, to divest state institutions from stool land management and strengthen customary land owners to deal with land anyhow will not augur well for the poor, especially those in peri-urban areas.

4. IMPACT ON THE RURAL POOR

Once demand for land within the peri-urban areas increases, natives of these areas begin to lose lands previously used for other purposes, mostly farming, for other uses. Kasanga and Kotey (2001) observe that land tenure is gradually moving away from family and share cropping arrangements to short-term rental and hiring, thus introducing increased insecurity and reduced investment incentives. The preparation and approval of a planning scheme mark the end of agricultural landholdings for women and men alike, most of whom lack the ability to keep control of their agricultural lands. Kasanga and Kotey (2001) further note that, the displacement of indigenous people from their lands without compensation has resulted in some disquiet, misunderstanding, and sometimes open hostility between displaced families on the one hand, and traditional land custodians and new developers on the other. The extent of landlessness and homelessness suggests that these are now grave problems in peri-urban neighbourhoods.

In the research conducted within some peri-urban areas in Kumasi, about 83% of respondents from the study areas claimed that their lands have been taken over by the traditional authorities. Out of this, only about 32% of the respondents from the subjects indicated that they are notified in one way or the other, while 68% said they are not given any notice. Those who claimed they were notified added that in situations where notice is given, the notice is inadequate. With respect to compensation, majority of the respondents indicated they are not compensated. Respondents who claimed they were notified also said there were some forms of negotiations on compensation which were given, though inadequate. A pie and bar charts depicting the above statement is shown below.

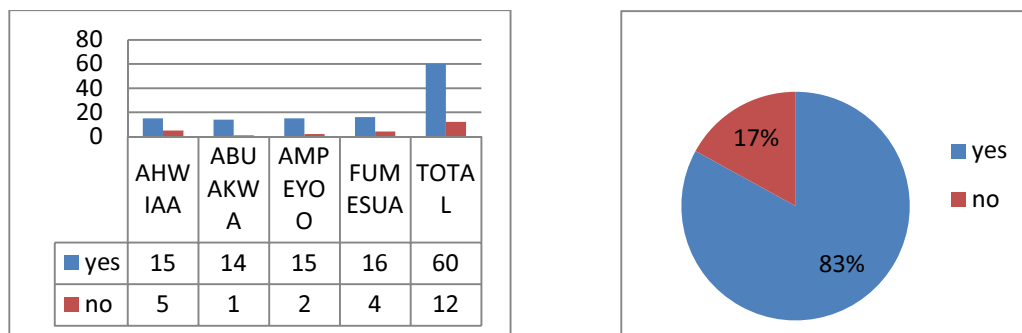


Figure 4.6 Bar and Pie Charts Showing responses of respondents about whether or not lands have been taken over by traditional authorities.

Source: Field Survey (May 2010)

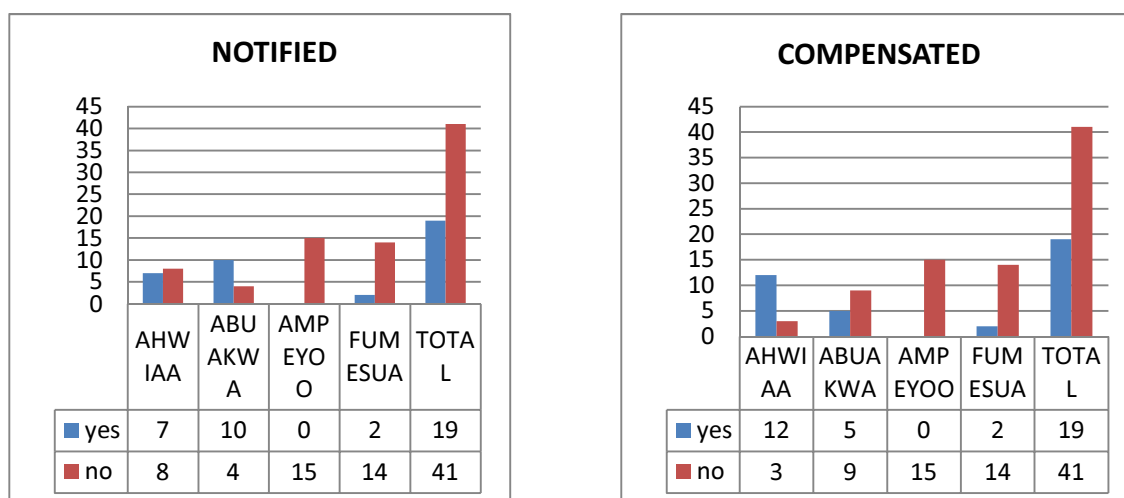


Figure 4.7 Bar Charts showing whether or not people were notified and compensated

Source: Field Survey (May 2010)

The impact of improper peri-urban land development and poor land management and administration among other things lead to the following:

- insecurity of the tenure of famers (the period farmers would have to use land);
- conflicts over land rights;
- stiff opposition of local people to developers;
- environmental effects such as ecological depletion;
- unbalanced land use pattern;
- unplanned towns (development being ahead of planning);
- multiple sale of land;
- difficulty in attracting investors;
- non-achievement of Millenium Development Goals (MDG);
- increase in population of inactive aged persons;
- social vices such as street children; teenage pregnancies; and drug abuse.

5. PRO-POOR LAND MANAGEMENT

In a book on Pro Poor Land Management guidelines have been designed to help all stakeholders actively involved in the campaign of promoting pro-poor land management and administration. The stakeholders include multilateral institutions, central and local government, non-governmental organisations, the private sector and grassroots action groups UN-HABITAT (2004). It states that abject poverty is the plight of so many of our fellow humans. Around the world up to thirty percent of people live in poverty in cities, and UN-HABITAT estimates that this will increase during the next fifteen years to a massive 50 percent by 2020. The basic need of all people living in cities is shelter. Lack of access to land, and fear of eviction, epitomize a more pervasive exclusion from mainstream social, economic and civic opportunities, especially for women. Precarious conditions generate poverty as people have no future in which to invest.

In the UN-HABITAT (2004), certain criteria of what is expected to be seen in a pro-poor land management system are given. It said a pro poor land management system would:

- Make the poor visible, legal citizens of the city.
- Enable the settlements where they live to be included in city planning.
- Develop standards and procedures for securing tenure, building houses and providing services that the poor find accessible and affordable.
- A pro poor system would decentralize land management responsibilities to local authorities.
- Decentralized systems should allow for more accountable and transparent processes. They should also improve access to land and assist in solving land disputes.
- A pro poor system would implement programmes that include the poor by regularizing the settlements and integrating them into the city's development plans.
- A pro poor system would have appropriate cadastral and land registration systems. The systems developed to record property rights would be affordable and accessible to the poor. This means they should be closer to people using them and be simple enough to keep the running costs very low.
- Developing countries need to aim for arrangements that enhance tenure security through simplified procedures that promote transparent, accessible, user friendly and accountable land administration.

As part of its Global Land Tool Network activities, UN-HABITAT (2007) when giving a guide on developing a pro-poor land policy, described pro-poor to mean, one that takes into account people living in poverty. It observes that, in most countries, land policies, laws and procedures are biased against the poor. The poor remain trapped in poverty in part because they cannot access and use land they need to grow crops, build houses and establish businesses. Without secure tenure, they have no incentive to invest in the land. Many land procedures – such as registering a piece of land or transferring it to a new owner – are too expensive for the poor to afford.

It further remarked that **Pro-poor policies** are needed to overcome these barriers. Such policies should provide a range of land rights, suited to different situations. They should

ensure that the poor have access to land and land services, at a price they can afford. They should give security of tenure – at a minimum, preventing people from being arbitrarily evicted from their homes in urban or rural areas.

Augustus (2005), quoting Article 75 of the Habitat Agenda, said it spells out clearly the link between poverty and land. The Agenda states that, ‘legal access to land is a strategic prerequisite for the provision of adequate shelter for all and for the development of sustainable human settlement affecting both urban and rural areas. The failure to adopt, at all levels, appropriate rural and urban land policies and land management practices remains a primary cause of inequity and poverty.’ In her analogy that, given that African land administration systems have tended to be focused on individual land titles for the middle and commercial classes, new innovative and affordable approaches need to be developed. She said, UNHABITAT advocates a continuum of land rights and legal instruments, with land titling being only one of the legal instruments. Types of useful rights for the poor include anti eviction rights, occupancy rights or the right of possession, adverse possession rights and family/group rights. UNHABITAT encourages Member States to develop affordable land tenure and land administration systems that can be used by the poor.

Augustus (2006) observes that, many people think that the way to solve the problems of insecurity of tenure, homelessness and the development of slums is through large scale land titling. but according to her, land titling programmes are generally based on the privatization of land and the awarding of land titles to individuals. Individual titling therefore often works against the needs and aspirations of ordinary people, including informal form of land tenure which are adaptations of rural customs.

6. CONCLUSION

The main objective of this study is to examine how Ghana’s land delivery system could build on pro-poor land management and administration principles and control the indiscriminate peri-urban land development which has been impacting negatively on the natives of those areas.

The study has revealed that there is a drift of residents from the Kumasi city to its peri-urban areas causing demand for lands within these areas to rise. Though land developments is fast spreading, the use to which land is put is not judiciously determined.

The fact that the traditional authorities play a dominant role in land management in Ashanti Region is undisputed. However, the indiscriminate disposition of land without regard to the constitutional provision that such should be done only in consideration of approved plans is a serious negative action that can cause slums in the peri-urban areas.

It is determined from secondary data that the United Nations has been promoting the idea of countries developing land management and administration systems with pro-poor objectives. Ghana has the potential of building on pro-poor land management principles, because the ultimate objective of the six nations funded Land Administration Project (LAP) in Ghana is to

develop a sustainable and well functioning land administration and management system that would help promote poverty alleviation in the country. The view is that since human beings are the pivot of successful reforms, the plight of the poor in the peri-urban areas of Ghana would not be neglected in order to promote the implementation of the ideals of the LAP.

The poor in the peri-urban areas of Ghana and the Kumasi metropolis in particular deserve attention, and since land is the basic resource for their economic activities, it is important that land management and administrative systems are built on pro-poor principles.

7. RECOMMENDATIONS

To eradicate or at least reduce the socio-economic burdens which the peri-urban poor suffer this paper makes the following recommendations.

7.1 Trend of Land Development in Peri-Urban Areas

The continuous increase in population, the daily expansion of our cities, the current housing deficit pegged at one million, and the ever increasing land and rental values in the cities, make it obvious that there should be an increase in land development in the peri-urban areas. Under Local Government Act 462 (2003), local government authorities are to ensure that land use plans for the areas have equitable distribution of land uses. This would ensure that all lands do not become residential use only.

Old settlements are to be included in the land use plans not only to be identified as a settlement but that such areas would be planned for. Necessary infrastructure and services such as good road networks, electricity, water and telephone facilities should be provided. This will help enhance the image of the towns, and make the poor feel as good as the settlers at the new sites.

The 1992 Constitution of Ghana, Article 267, Clause 5, is emphatic on the fact that ‘no interest in, or right over, any stool land in Ghana shall be created which vests in any person or body of persons a freehold interest howsoever described.’ This clause needs to be reviewed, because it is important that the subjects of the land who the chief represent have at least some portions of their own land which they can hold in perpetuity and leave for generations to come, rather than the chiefs giving all lands to strangers.

7.2. Land Management and Administration

There should be more education on land management and administration issues. This would enable people to know and understand the importance of land registration, as it gives security of tenure, acts as an investment tool to be traded in, could be used for mortgage and as a guarantee for any purpose.

The district assemblies should not only be interested in collecting fees from developers but should ensure that developments conform to planning schemes. The sanctions in the laws for non conformity to planning rules and regulations should be applied. This would bring some sanity to the indiscriminate conversion of planned land uses for other uses.

Land management and administration services should be easily accessible and affordable to the poor. The Lands Commission secretariat should be decentralized to at least every geographical district. This would enable them to liaise with the customary land secretariats to build proper records of land transactions within the areas, and also help manage the land through proper supervision. Service charges should also be reasonable for the ordinary Ghanaian to afford and to motivate them to undertake land registration.

Bureaupathological attitudes of bureaucrats and technocrats inherited from our colonial masters in our work processes should be re-engineered to adopt modern work processes that are simple and cost effective. A typical example is completing a Deed before initiating a Title process. This process is cumbersome and consumers of land delivery services encounter long period of delays and expensive transaction costs.

Further work should be carried out on how the government with the collaboration of the traditional authorities can manage the unprecedented hikes in land and rental values in the peri-urban areas of Ghana especially of the three major cities – Accra, Kumasi and Takoradi. Again, research should be conducted on the possibility of the State, through either the Lands Commission or the Metropolitan and District Assemblies, constructing high rise buildings to hire and to mortgage in order to conserve land for future and other uses.

If the recommendations given under 7.1 and 7.2 are well implemented, the poor in society will have confidence in the land management system and would not perceive that the acquisition of land is the prerogative of the rich in society.

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BIOGRAPHICAL NOTES

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