

UNIVERSITY OF CAPE COAST

INFLUENCE OF CUSTOMARY LAND DISPUTES ON SOCIO-
ECONOMIC DEVELOPMENT IN ASHANTI-MAMPONG

BY

IDDRISU ABDULLAI

DISSERTATION SUBMITTED TO THE INSTITUTE FOR
DEVELOPMENT STUDIES OF THE FACULTY OF SOCIAL SCIENCES,
UNIVERSITY OF CAPE COAST, IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR AWARD OF MASTER OF ARTS DEGREE IN
PEACE AND DEVELOPMENT STUDIES

JANUARY 2014

DECLARATION

Candidate's Declaration

I hereby declare that this dissertation is the result of my own original work and that no part of it has been presented for another degree in this university or elsewhere.

Candidate's Name: Iddrisu Abdullai

Signature: Date:.....

Supervisor's Declaration

I hereby declare that the preparation and presentation of this dissertation were supervised in accordance with the guidelines on supervision of dissertation laid down by the University of Cape Coast.

Supervisor's Name: Mr. E. Y. Tenkorang

Signature:..... Date:

ABSTRACT

Customary land disputes date back as far as the colonial era in Ghana. Customary land disputes have contributed negatively to socio-economic development of Ghana. It is in the light of this that the study looked at the state and nature of customary land disputes in Ghana using Ashanti-Mampong as a case study. The research used both primary and secondary data to find answers to the causes of land disputes, effects of land disputes and measures that are used to resolve these land disputes. Respondents for the study included, Land owners, traditional authorities, government officials such as those working in the magistrate court, town and country planning department and municipal assembly. Snowball and purposive sampling methods were used to select respondents and questionnaires were the instruments used for data collection.

It was found out that multiple sale of land and boundary disputes due to no settlement layouts were the reasons for the problems which have caused customary land disputes in the municipality. Social networks had broken down and some development projects were suspended as a result of customary land conflicts in Ashanti-Mampong Municipality. Some of the effects of land disputes were found to be delay in development, reduction in gainful employment and breakdown in family ties. It was suggested that preparation of settlement layouts would help solve most of the customary land disputes. The committees at the various communities in charge of plot allocation should be resourced for capacity building. Also, there should be the enactment and enforcement of customary lands bye-laws in the Mampong Municipality.

ACKNOWLEDGEMENTS

The intellectual debts for the project comes from several publications on issues of customary land disputes both in Ghana and beyond as well as the guidance, support and advice from several distinguished personalities. However, particular thanks and gratitude goes to my supervisor, Mr. E. Y. Tenkorang who made useful and important suggestions to ensure the quality of this work. Sir, I am most grateful.

May I also at this point extend my heartfelt thanks to my parents Mr. Iddi Abdullahi and Madam Adizah Muhammed who have contributed significantly to my upbringing and also in other social and emotional needs. To them I say thank you. I wish to seize this opportunity to gratefully and humbly acknowledge the tremendous support and assistance of my wife Adwoa Prempeh Adams (Hafisatu) and children: Muhammed Awal, Abdul Majeed and Samira Abdullahi. To them I say you have been the most wonderful human beings I have ever lived with in my life. You will forever positively remain in my mind.

I wish to thank my dear sister Hausi Ibrahim for supporting me financially and the care she has shown me throughout the study period I am indeed grateful. Last and not the least, my sincere gratitude goes to my two friends Emmanuel Frimpong Boamah and Patrick Ewool, who also supported me with ideas and advise on this research. I am most grateful friends.

DEDICATION

To my family

TABLE OF CONTENTS

Content	Page
DECLARATION	ii
ABSTRACT	iii
ACKNOWLEDGEMENTS	iv
DEDICATION	v
TABLE OF CONTENTS	vi
LIST OF TABLES	ix
LIST OF FIGURES	x
LIST OF ACRONYMS	xi
CHAPTER ONE: INTRODUCTION	1
Background to the study	1
Problem statement	5
Study objectives	6
Research questions	7
Significance of the research	7
Scope of the research	8
Organisation of the study	9
CHAPTER TWO: REVIEW OF RELATED LITERATURE	10
Introduction	10
Land ownership and acquisition in Ghana	10

Types of land disputes	14
Causes of land disputes in Ghana	17
Synergy between customary land disputes and socio-economic development	23
Resolution of land conflicts and disputes in customary areas	25
Summary of the literature review	33
CHAPTER THREE: METHODOLOGY	34
Introduction	34
Study area	34
Research design	38
Study population	38
Sample and sampling techniques	39
Sources of data collection	40
Methods of data collection	40
Methods of data analysis	41
CHAPTER FOUR: RESULTS AND DISCUSSION	42
Introduction	42
Background characteristics of respondents	42
Responses on land ownership pattern in the study area	44
Responses on the type of land disputes in the study area	48
Causes and forms of land disputes in the Ashanti Mampong Municipality	51

Effects of land disputes	55
Modalities for resolving customary land disputes	58
Resolving land disputes by traditional authorities	59
Resolving land disputes by law courts	60
Summary of chapter four	62
CHAPTER FIVE: SUMMARY, CONCLUSIONS	
AND RECOMMENDATIONS	64
Introduction	64
Summary of the study	64
Summary of major findings	65
Conclusions	66
Recommendations	67
REFERENCES	70
APPENDICES	77
A Household questionnaire	77
B Questionnaire for community/traditional leaders	81
C Questionnaire for family/clan heads	86
D Questionnaire for government institutions	91

LIST OF TABLES

Table	Page
1 Age and sex of respondents	43
2 Educational level of respondents	43
3 Land ownership pattern in the study area	45
4 Responses on amount paid for land lease	46
5 Responses on type of land disputes	49
6 Number of landlords/landowners facing land disputes	52
7 Forms of land disputes in the Ashanti Mampong Municipality	53
8 Statistics on land cases pending before the District Magistrate Court in Ashanti Mampong as at 31 st December, 2010	61

LIST OF FIGURES

Figure		Page
1	Hierarchical ruling structure of Ghanaian customary areas	28
2	Map of Ashanti Mampong Municipality showing the study communities	37
3	Statistics on land cases in Ashanti Mampong	54

LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
ADRM	Alternative Disputes Resolution Mechanisms
CLS	Customary Land Secretariat
GCE	General Certificate of Education
HND	Higher National Diploma
IIED	International Institute for Environment and Development
JSS	Junior Secondary School
LAP	Land Administration Project
MSLC	Middle School Leaving Certificate
MTDPF	Medium-Term Development Policy Framework
OECD	Organisation for Economic Co-Operation and Development
PNDC	Provisional National Defence Council
SSSCE	Senior Secondary School Certificate
SPSS	Statistical Package for Social Sciences
TNCs	Transnational Corporations
UN-HABITAT	United Nations Human Settlements Programme
WASSCE	West African Senior School Certificate

CHAPTER ONE

INTRODUCTION

Background to the study

Customary land is land, which is owned by indigenous communities and administered in accordance with their customs as opposed to statutory land tenure system that was introduced during the colonial period. Customary land is held by land groups according to local custom. Traditionally customary owners never considered their land as property but as a domain for survival for group members in the past, at present, and the future. All kinds of social, spiritual, ecological, epistemological and subsistence values inhered in such land (Power, 2001). Fonmanu (1999) asserts that the introduction of western land tenure systems by colonial administrations and the pressures of achieving economic, social and political aims placed pressure on customary land tenure systems in many countries. The system of land tenure introduced by colonial administrations emphasised individual ownership and use of land primarily for economic purposes, thereby giving land commodity value. On the other hand customary land tenure systems are a way in which communities define wealth (within the community and as social status) and are also significant in defining cultural identity.

Besides the provision of sustenance, land is a cohesive force that unites people since land is believed to be communally owned. In fact, land is regarded as a heritage or legacy bequeathed by ancestors to future generations. In Africa, land is not just a factor of production but a major determinant of the people's livelihoods, beliefs and a sense of belonging. It is an important vehicle that provides access to economic opportunities, accumulating wealth

and transferring it between generations especially in the rural areas (Baye, 2003). This in essence makes the discussions on land disputes very crucial in the achievement of the desired socio-economic development of every society.

The pressure of population growth, cash-crop led marketisation, large scale migration and rapid urbanisation have produced increased competition by land scarcity and increasingly politicised conflict over land (International Institute for Environment and Development [IIED], 1999). Some of these conflicts occur between and among host communities and migrants, inter-communal, inter-generational and gender-based reflect the embeddedness of land laws in local power structures and social group membership. Others are linked to the role of the state, either through its articulation with local regimes or through state attempts directly to control land. Everywhere, these developments are deepening the marginalisation and exclusion of poor and vulnerable groups.

As a result of increasing efforts by many governments worldwide to accommodate social and environmental considerations in tenure systems, disputes involving customary land require specific administrative procedures by government agencies to prevent violent solutions to these often hostile disputes (Crocombe, 1978; MacAndrews, 1986). In context, the extent to which customary land disputes influence development in Ghana can best be appreciated in terms of delay in the implementation of development projects (either social or economic) due to land litigations. According to Wood (2002), it is thought that land cases themselves account for around 50 percent of the total cases filed nationally. In establishing the causes of customary land disputes in Ghana, Crook (2005) stipulates that intra-family disputes occur as

a result of landownership. Other causes of land disputes according to Crook (2005), are issues of boundary trespass/disputes, unauthorised disposition of rights in land by chiefs or strangers, unauthorised sale of land, dispute over cultivation of crops and unauthorised disposition of land rights by Land Commission and/or Government.

It should be borne in mind that land is a factor of production and therefore contributes to development. The issue of land can influence development either negatively or positively. Development as conceptualised in current development circles encapsulates the economic, social and most importantly, the human aspects of any geographic location. Development has been conceptualised as a process of societal change that generates some perceived benefits for people or as a state of perceived human well-being attained through such a process (Dale, 2004).

Globally today there is a growing concern over land tenure issues because as stated in the Global Plan for Sustainable Development and adopted by the Rio Conference 1992 (Agenda 21), global objectives of combating poverty, sustainable settlement, sustainable agriculture and forestry, are directly related to land. The spatial manifestation of development makes land an integral component in ensuring the development of an area. Consequently, the significance of the link between land and development cannot be over emphasised. Land disputes therefore have a significant influence on development.

Ghana has an enormous coverage of its land under the customary land tenure and this is legally recognised and accepted as a land tenure system. Apart from the urban areas, almost all the land (78%) is under customary land

tenure (Ministry of Lands and Forestry, 2003). Changes in the Ghanaian economy mandated by colonialism moved in tandem with changes in tenure systems and social relations. Benneh (1970) traces the commodification and individualisation of land among the Akan as resulting from the introduction of cash crops, especially cocoa. This trend is said to have destroyed the solidarity of clan members inherent in the traditional land tenure system. Increasing commodification of land can only exacerbate competition over land and so intensify causes for division within families (Peters, 2002). This fact in essence proves an all visible point inferred from earlier discussions that, customary land disputes in any part of Ghana are major hindrances towards the development of that locality.

It is significant to note that land disputes generally impact negatively on the socio-economic development of an area. For instance, Wehrmann (2008) in a study observed that land ownership conflicts have negative effects on individual house-holds as well as on a nation's economy. These conflicts, according to the author increase costs and slow down investment and they can result in the loss of property for a conflict party and reduce tax income (land tax, trade/commercial tax) for the state or municipality. The lower the transparency in land markets, the less equal information is disseminated, the weaker constitutive and regulatory institutions are, the more likely it is that land conflicts occur. Also, people need to spend a lot of time and money on searching for information and monitoring agreements/contracts. This means that land conflicts are associated with high transaction and agency costs or *vice versa*, that (relatively) high transaction and agency costs indicate a high probability of land conflicts. Then also, conflicts over the use of land generally

have a negative impact on the poor or on the natural or building environment. They either decrease quality of life for parts of society or, if they are addressed and ameliorated, contribute to additional state expenditures and therefore have an impact on the national wealth. Above all, land disputes increase social and political instability. Thus, wherever there occur a lot of multiple sales, evictions, land grabbing etc., people lose confidence in the state and start mistrusting each other. Social and political stability suffers even more when land conflicts are accompanied by violence. Dealing with land conflicts therefore also means to re-establishing trust and confidence in public as well as private institutions.

Problem statement

According to Yankson, Asiedu and Yaro (2009), in sub-saharan Africa, problems of social inequity and conflicts are invariably intertwined with land tenure insecurity, including conflicting claims over land, unequal access forms to land and natural resources. The principle of communal ownership with elders and chiefs holding land in trust for their populace is under severe attack by the forces of modernisation that is transforming traditional society to a capitalist one linked to global markets.

Current research works on the issue of customary land disputes in Ghana have mainly looked at the legal perspectives without considering the some aspects of customary land disputes. Crook (2005) considers customary land disputes in the legal perspectives by focusing on the regulation of customary land disputes in the state courts. Research works that come close to consider the socio-economic aspect of customary land disputes (such as the

work of Mends, 2006) have tried to examine customary land tenure systems (and associated disputes) in the light of rapid urbanisation in developing countries like Ghana.

According to Asante (1964), land acquisition, ownership and management of land relations constitute some of the biggest challenges to Ghana's effort to forge ahead with its development agenda. Yet again, Wood (2002), as cited in Crook (2005) indicates that land disputes are rampant throughout the country and indeed, cases involving disputes over land constitute an estimated 50% of total cases filed nationally. The Ashanti Mampong traditional area is not devoid of land disputes with their attendant negative effects on development. At any rate, one cannot make conclusive comments about the influence customary land disputes have on the socio-economic development of an area unless a study has been done.

It is on this basis that, this study seeks to identify the nature of customary land disputes in the Ashanti Mampong traditional area and research into how those land disputes affects development. Also, the finding would help make propositions to mitigate the influence of customary land disputes using Ashanti Mampong area in the Ashanti region of Ghana.

Study objectives

The general objective of the study is to examine the extent to which customary land disputes affects the socio-economic development of Ashanti Mampong area. Specifically, the study will achieve the following objectives:

1. Examine the causes of customary land disputes in Ashanti Mampong area.

2. Examine the linkages between customary land disputes and the socio-economic development of Ashanti Mampong area.
3. Identify measures that have been put in place to resolve customary land disputes in the Ashanti Mampong area.
4. Suggest policy interventions in the mitigation of the effects of land disputes on the socio-economic development of Ashanti Mampong area.

Research questions

Specifically, the study addresses the following questions:

1. What are the causes of customary land disputes in the Ashanti Mampong area?
2. To what extent do customary land disputes affect the socio-economic development of the study area?
3. What measures have been put in place to resolve customary land disputes in the Ashanti Mampong area?
4. What policy interventions could be adopted to mitigate the effects of customary land disputes on the socio-economic development of the Ashanti Mampong area?

Significance of the research

The study of customary land disputes provides contributions in several ways to the socio-economic development of an area. This current research would provide fresh data about the current nature of customary land disputes in Ashanti Mampong. Thus, the information generated would provide a better

understanding of the customary land dispute phenomenon in the area of study, which could be adopted elsewhere.

Secondly, the study would provide information for further evaluation of existing land regulation policies in Mampong area and contribute in shaping future land regulation policies and programmes. The study has a significant role to play in rural and urban housing policies as interventions for rural - urban planning and development. This is because, the study would bring to the open how land can be acquired and registered for several purposes including building of houses and other ventures.

Specifically, the research would contribute to the realisation of the government's spatial/land use planning and management strategies under the second theme of the Medium-Term Development Policy Framework 2010 to 2013 (MTDPF 2010-2013), which focuses on expanded development of production infrastructure. The study would also add to the body of literature in the area of land conflicts and development. It will provide and support the credibility of existing knowledge from literature sources to enable further studies in the subject area. Finally, the findings of this study would in effect serve as a guide in the proposition of recommendations as policy interventions in ameliorating the effects of customary land disputes in the socio-economic development of Ashanti Mampong area.

Scope of the research

The study covers issues on customary land disputes and their effects on socio-economic development of an area. In effect, this study covers some specific areas in the Ashanti Mampong Traditional area. Among the areas

where emphasis would be placed include Bobin, Kyerefamso, Nkwanta and Nintin. Specifically, answers would be sought on the causes of the disputes, the effects they have on the socio-economic development of the area where there have been incidents of land disputes. Aside these, the measures that have been instituted to deal with the land disputes would be examined and out of that, policy interventions would be suggested to mitigate the situation.

Organisation of the study

The study is organised into five chapters. Chapter One covers the introduction aspect of the study. The introduction contains background to the study, statement of the problem, objectives of the study, research questions, significance of the research, scope of the research and organisation of the study. Chapter Two reviews literature related to causes of land disputes in Ghana, the effects of the land disputes on the socio-economic development of an area, how such disputes are resolved and other related issues to land acquisition and regulations in Ghana.

Chapter Three deals with the methodology used to guide data collection and analysis. It details the population, sampling procedures and data collection processes. Chapter Four deals with the results and discussion of the study and Chapter Five presents the summary of findings, conclusions and recommendations.

CHAPTER TWO

REVIEW OF RELATED LITERATURE

Introduction

This chapter of the study is devoted to the review of literature related to land disputes generally and those that happen in Ghana. In view of this, several sources of literature are sourced and reviewed to bring the issue under discussion into limelight of knowledge. Even though, the study is about how land disputes could be resolved, however, the types of ownership of lands, causes of land disputes and other related issues are reviewed in the literature.

Land ownership and acquisition in Ghana

First and foremost, it is prudent that the term land is explained to put it in context. Land, according to Organisation for Economic Co-Operation and Development [OECD, 2004], is a unique, valuable and immovable resource of limited quantity. Also, Land is to be the most basic aspect of substance for many people around the world. It can also contain valuable structures and natural resources on (or beneath) it. Land is therefore a strategic socio-economic asset particularly in poor societies where wealth and survival are measured and control. Hence access to land is crucial.

To be able to deal with the main issues of land disputes and their effects on the socio-economic development of a community it is imperative to look at land ownership and its acquisition. According to Fobih (2007), land ownership in Ghana is based on absolute "allodial" or permanent title from which all other lesser title to, interest in or right over land derive. Normally, the "allodial" title is vested in a stool, skin, clan, family and in some cases,

individuals. The traditional arrangement for making land available and accessible for land users in Ghana consists largely of the exercise of rights under "allodial" title and the rights as limited by the allodial title.

On her part, Sittie (2006) asserted that, in Ghana Land ownership can be categorised into two broad classes, thus customary land and Public lands. Customary lands are lands owned by stools, skins, families or clan usually held in trust by the chief, head of family, clan, or fetish priests for the benefit of members of that group. Private ownership of land can be acquired by way of a grant, sale, gift or marriage. Public lands are lands which are vested in the president for public use. Ownership is by way of outright purchase from customary land owners or private individuals or headed over from colonial governments. Similarly, Ollenu (1962) as cited in Gambrah (2002) indicates that in Ghana there is no land without an owner and that all lands either belong to the State, Stool/Community, Families or Private individuals.

Instructively, Mensah-Brown (1978) as cited in Gambrah (2002) elaborates on the forms of land ownership outlined earlier by Ollenu (1962). Thus, Mensah-Brown (1978) explains that State/Public lands, which are also designated as Government Lands are lands that have been compulsorily acquired by Government for its administrative and development functions and they are in absolute ownership of the State of Ghana. This has been made possible under the State Lands Act 1962 (Act 125), the declaration through the publication of an instrument designating a piece of land as required in the public interest automatically vest ownership of that land in the State. The title thus acquired is absolute or allodial title.

The second land ownership which Mensah-Brown (1978) expatiates on is the Vested Land and it is similar to the State Land discussed in the preceding paragraph. This is land, according to Mensah-Brown (1978) as cited in Gambrah (2002) was originally belonged to a given traditional indigenous community in Ghana but it became a Vested Land under the Land Administration Act (Act 123), that the state assumed authority over such lands and administered same for the benefit of the community. Thus, a vested land as has been indicated earlier is similar to state land in that in both cases, the incumbent legal ownership is the State. It however, differs from state land in the sense that ownership is shared with the State. With this arrangement, the State possesses the legal interest in that land as a “trustee”, while the indigenous community possesses the beneficial interest as “beneficiary.”

Thirdly, Mensah-Brown (1978) explains what the Stool or Skin Land ownership is about. He says that in this instant, the land belongs to a community with Stool/Skin as the traditional emblem of the souls of ancestors who originally owned the Stool/Skin and therefore the land. This land, continues Mensah-Brown, is administered according to the principles of customary or native law. In this case, the Chief or Traditional Ruler who is the occupant of the Stool administers all the land in trust, and on behalf of his people. The Chief therefore holds allodial or absolute interest. He, however, uses the rights attached to the absolute interest to distribute land to the members of the community and strangers who would want to acquire land for their private business and other purposes.

The fourth and final type of land ownership from the view point of Mensah-Brown (1978) who was cited in Gambrah (2002) is the Family Land.

According to Mensah-Brown, this land belongs to a particular family. The absolute interest is operated by the head of the family who uses the usufructory obligations to distribute land to the members of the family as well as strangers as he deems appropriate.

Regarding land acquisition procedures in Ghana, Gambah (2002) states that, the procedure for acquisition depends on the type of ownership of the land. He reveals for instance that, since State and Vested lands are managed by the Lands Commission of Ghana, any acquisition procedure of such lands must emanate from the Lands Commission. In that light, the acquisition of Stool/Skin land must be by the virtue of Article 267 of the 1992 Constitution of the Republic of Ghana and Section 47 of PNDC Law 42. This procedure would only hold with the concurrence of the Lands Commission. With regard to transactions on family and individual lands, the land acquisition process does not necessarily need to proceed through the Lands Commission. Yet, apart from the concurrence that had to be obtained from the Lands Commission in respect of Stool lands, private and family generally follow the same process as stool lands acquisition. In furtherance to the land acquisition processes in Ghana, Kasanga (1991) indicates that there are three way of land acquisition, which are Private acquisition from Stool/Skin, Private acquisition from the State and Acquisition by State from the Stool or Skin. In all cases, there are steps to be followed to get the land registered to meet the existing legal requirements.

Types of land disputes

A land dispute occurs when two separate entities feel like they both have a legal claim to a piece of property (Elisara, 2000). There are land disputes that happen almost every day and in many cases there is no clear winner or loser once all is said and done (Paterson, 2001). The fact is that land disputes are much harder to decipher (Setafano, Vaitogi, Warren & Sapatu, 2004).

According to Hetz, Giovarelli and Myers (2007), most land disputes in Acholiland fall into two broad categories: disputes between individuals and families, and disputes related to private sector investment. They indicate further that majority of land disputes in Acholiland are between relatives, neighbours, and families/clans. Most of these disputes are related to the delineation of boundaries or competing claims for land use and ownership. Common types of land disputes include:

- Disputes between junior and senior family members;
 - Disputes between widows and members of their late husband's family;
 - Land grabbing by neighbouring families or villages;
 - Selling family land without permission;
 - Disputes between landowners and squatters; and
 - Disputes related to gifting and other unrecorded transfers of ownership
- (p.8).

In a study undertaken by Peacebuildingdata.org (2012) in Liberia, it was revealed that land disputes were the leading cause of disputes reported by the population. It was seen from study that 23% of respondents had experienced a land dispute during or after the Liberian conflict. A series of

questions were asked to assess land access and the potential for conflict over land. Over two-thirds of respondents reported having access to land (69%), and 93% of those said the land had clear boundaries. Half were owners of their land (49 %), but other tenure systems were common, including borrowing the land from family or neighbors (15%), accessing land granted by the town chief (14%), and rental (9%). Some respondents simply indicated they had inherited the land (9%). One-third of those with access to land indicated that they had only a verbal agreement or nothing as means to prove their rights to the land they use. Two-thirds had some written record, including a land deed (41%), tribal certificate (16%) or lease agreement (8%). A lack of documentation (verbal agreement or no proof) was most frequent in the southeastern counties of Rivercess (76%) and Sinoe (68%). Having a tangible proof of ownership did not seem to guarantee fewer disputes. In fact, 29% of those who had a document to prove ownership or access to land experienced land disputes during or after the war, compared to 21% of those who had no or only oral proofs of ownership/access.

Again, it was stated that the study explored various types of land disputes. The most commonly reported conflicts were over land being taken over by someone else (land-grabbing), and, most frequently, the grabbing of a house plot. A total of 14% of the population reported the land of their house plot was grabbed during the war, and 9% reported a similar experience after the war. In comparison, farm land-grabbing was less frequent both during the war (4%) and after (3%). For a majority of respondents, land disputes (land *palavas*) were much more frequent after the war compared to before the war:

69% said there were more land *palavas* compared to 16% who said fewer (Peacebuildingdata.org, 2012).

There are some specific types of land disputes such as boundary, land and property and inheritance disputes. These exist and continue to cause conflict among property and land owners. Boundary disputes are disagreements between neighbours over their rights and duties with respect to adjacent, or nearby, real property owners. These disagreements may take many forms. As a result, there are numerous causes of action to provide appropriate legal frameworks for resolving them (Zierman, 2010).

In the contribution of Stephenson Solicitors (2012), boundary disputes are an extremely complex area of law. They intimate that many people seem to think that the boundary between theirs and the neighbouring property runs in a straight line down the middle of the land. However, this mostly is not the case. It is advised that if individual is having problems relating to a boundary, that person should consult a legal brain on the issue.

Furthermore, Stephenson Solicitors (2012) state that boundaries differ and vary over time. In a lot of cases the boundary may have started out as a straight line but over time may have moved slightly or changed direction due to the removal and replacement of the boundary, agreements between predecessors of property and various other factors.

Further difficulties arise when people rely on Land Registry plans. People seem to think that these plans are drawn to specification and rely on them to move the boundary wall/fence to where they believe is the correct position. In fact however the Land Registry plans are drawn generally and are not intended to determine boundaries. They are also drawn with thick lines

separating the properties and therefore the boundary cannot be ascertained correctly. A width of a line on a plan can equate to several metres on the ground. Most boundary disputes have to be resolved by the instruction of an expert who will consider the Title Deeds to the properties and various other indicators such as old photographs, witness evidence and the actual property to determine where they believe the boundary is. However, it is possible that one can obtain an expert that agrees with you where a boundary only for a neighbour to disagree with. This is why a lot of these cases end up in the Courts with a Judge making a decision based on all of the evidence as to where the boundary is. However, litigation through the Courts should always be a last resort. Many boundary disputes can be resolved through correspondence or by mediation or a 'meeting on site' with experts.

Causes of land disputes in Ghana

Gambrah (2002) emphasises the point that land is the most important economic asset to humankind since it is hard to visualise any economic activity which does not require the use of land. Furthermore, Gambrah indicates that interest in land is therefore of vital importance in businesses in particular and to every activity of humankind in general as land is an essential prerequisite for any economic venture. Once again, from the perspectives of OECD (2004), Land is a central element in the varied and complex social relations of production and reproduction within which conflict between individuals and groups are bred. As a result, conflicts over land often combine strong economic and emotional values. This goes to confirm the inevitability of land disputes.

It must be noted that, it is not only in Ghana that land disputes occur. The phenomenon is across the world and there are several incidences of land disputes but this study makes emphasis on what happens on the African continent. For instance, Myers (2007) reports that the recent crisis in Kenya was an example of how land tenure disputes caused instability and conflict. It was said that although some of the disputes date back from the colonial period, most of the land grievances in Kenya emerged from the post-colonial government's efforts to establish three different land ownership systems: private, government, and customary. The government used this tripartite system to annex large areas of land under customary tenure typically without informing or consulting local residents by creating resettlement areas or selling the land to private commercial interests. In effect, the attempt to re-demarcate indigenous lands creates conflicts and brings about land disputes.

Similarly, in Mozambique, land disputes between immigrant charcoal burners and local farmers and grazers have caused violence and property damage. In other instances, members of agrarian communities fight one another as they assert their claims to both common and privately held land. They have also had violent conflicts with the government and private developers over claims to community land. In urban areas, property development spilled over into disputes over agricultural land with local people and that many of these disputes resulted in forced displacement, destruction of property and loss of life (Tripp, 2004).

Furthermore, Nannyonjo (2005) reveals that parties in land dispute will compete over the same land use or for vastly different uses for example, pastoralists versus farmers. This means competition can also play out between

distinct ethnic groups or communities or even between generational factions and socio-economic groups. In some cases, government involvement that supports (or is perceived to support) one side over another can significantly increase tensions (e.g. Rwanda and Burundi). In Uganda and Kenya, warring clans of pastoralists facing resource scarcity, kill each other during cattle raids as they search for productive grazing land and reliable water sources.

From assessment made by United Nations (2009), land disputes come in many forms. The disputes can broadly be organised by factors such as: (i) the type of land involved, e.g. privately or publicly owned, common property of a community or natural resources; (ii) the parties involved and their interests, e.g. individuals, families, communities, private sector and official actors; (iii) the scale of the dispute, from small-scale, localised disagreements, to large-scale conflicts between ethnic groups or even countries; and (iv) the nature of the dispute. The first cause of the land dispute can manifest in the form of boundary dispute. According to Holden, Deininger and Ghebru (2010), boundary dispute is a form of disagreement on where the property of one individual, community or administrative unit ends and another's begins, especially where physical boundary markers may have been altered, destroyed or overgrown in the course of conflict.

The second obvious cause of land disputes in Ghana is the issue of land and property disputes. According to United Nations (2009) conflict arises when there is competing claims over land between the state and indigenous communities, which the indigenous people see as their traditional domain or land grabbing by elites or land invasion by the poor. Normally, Rahmato (2007) notes that disputes may arise from policies that seek to reform or

register existing lands in the form of nationalisation, collectivisation or privatisation, which will not be acceptable to the original owners. This becomes more pronounced when the policy is politically ill-conceived and leaves the indigenous people worse off. A classical example is the State versus Gas, among others in Ghana. A development that has evolved steadily over the years has been a growing sense of frustration among the Ga people over the expropriation of vast tracts of their land by the State, with lack of compensation and the misuse of such lands for private purposes generating a source of tension (Awuni, 2009).

The problem is compounded by the profligate and indiscriminate sale of land by the heads of land-owning families to private developers without accountability to the vast majority of family members, some of whom now cannot acquire land for their own use. The poverty and overcrowded conditions in communities such as James Town, Osu, La and Nungua, where the Ga people live in family compounds is an indication of the seriousness of the problem. The Accra land market has been rendered chaotic by practices such as multiple sale of the same piece of land by the same persons or different factions within a land-owning family the abuse of litigation and the use of land guards, the military and police to resolve conflicts over land sales (United Nations, 2009).

Lands acquired by government for certain public institutions are being sold by their traditional owners on grounds that they were not compensated for the acquisition or that the compensation was inadequate. These problems, coupled with the high levels of poverty and unemployment have created a large body of disaffected Ga youth who often take the law into their own

hands on matters pertaining to land sales. This group was easy to recruit into the conflict between the churches and Ga traditional area as they share the view of the Ga authorities that “strangers” on their lands are not treating the Ga people with respect and are trampling over their cherished customs (United Nations, 2009).

Also, land disputes could emanate from inheritance modalities. Disagreements over the allocation of rights to land after the death of its recognised owner may be exacerbated in settings where polygamy is common or rules regarding inheritance derive from overlapping customary, religious and/or statutory law (Deininger, 2003).

The inevitability of land disputes in Ghana is reiterated by Dogbevi (2010) when he observes that “land disputes are part of the social tensions in Ghana” (para. 1). According to Dogbevi (2010), land disputes constitute a major part of the causes of violence, communal clashes and a major loss of time and resources in various part of Ghana. These incidences have also led to the phenomena known as ‘land guards’; a situation where land guards (who are usually armed gangs) are paid by interested parties in a land dispute to protect their land and in some cases attack and eject occupants of lands believed by some claimants to have been wrongfully acquired.

Obviously, one of the causes of land disputes in Ghana is the issue of title to land. Most times there have been misunderstanding as to who really owns the land and this is basic to land conflict. Sometimes, among the members of a family, dispute arises over a small parcel of land because, one may have trespassed and planted on a piece of land belonging to the other.

These conflicts abound in most rural farming communities and go unreported in the media (Dogbevi, 2010).

Yet another potential cause of land disputes in Ghana is the land acquisition by Transnational Corporations. Ordinarily, the acquisition of land by development foreign development agencies is not bad but this phenomenon is adding to the intractable land disputes bedeviling land management in Ghana. According to observation made from a study by Atafori and Aubyn (2012), the recent increasing land acquisitions by transnational corporations (TNCs) is causing conflicts among farmers, pastoralists and other land users in Ghana and have the potential of leading to the loss of arable land by smallholders. This observation was necessitated by a study conducted by Professor Dzodzi Tsikata of the Institute of Statistical, Social and Economic Research, and Dr Joseph Yaro, both of University of Ghana, which concentrated on the Prairie Volta Rice Limited in the North Tongu District, Solar Harvest Limited in Tamale and Integrated Tamale Fruit Company in the Savelugu District. The study was conducted with the support of the Future Agricultures Consortium (a global network of researchers working on different aspects of agricultural policy) and the Department for International Development of the United Kingdom and was motivated by recent global concerns about future adverse impacts of land grabs by TNCs in developing countries.

In support of the fact that land disputes in Ghana are not subsiding but rather aggravating, Crook (2004) in a study concluded that Ghana like many countries in West African generally is experiencing the issue of contestation over land. Also, it has been emphasised that the pressure of population growth,

cash-crop led marketisation, large scale migration, and rapid urbanisation have produced increased competition and land scarcity and increasingly politicised conflict over land (IIED, 1999).

Synergy between customary land disputes and socio-economic development

All land conflicts, no matter how peaceful or violent they are, produce negative consequences for individual people as well as for the entire society. Many families across the world have seen their shelters and their homes bulldozed out of existence. In Africa, many daily experience the selling of their property by someone else who also claims to be the owner. In post-war Cambodia, an unknown number of families were happy if they only lost their houses to the military but managed to save their lives. In many parts of Latin America, small farmers fear to lose their farms to big farmers. Whenever there is a land conflict, someone suffers economic consequences. In extreme but not rare situations, people find themselves landless and/or without shelter. In the case of a farmer, this often includes the loss of his/her production base (Toulmin & Quan, 2000; Wehrmann, 2008).

Where there are many land conflicts, social stability within society is affected as land conflicts undermine trust and increase fear and suspicion often between formerly close people such as neighbours and family members. Violent land conflicts or simply the fear of becoming a victim of them can also have a traumatising effect on those who are or feel at risk. In addition, whenever state land is allocated illegally it generally affects the nation's

budget negatively and often results in ecological destruction or social exclusion (Dale & McLaughlin, 2000; Wehrmann, 2008).

Other consequences of land conflicts are unorganised, unstructured land development and the subsequent additional costs for infrastructure provision. The costs of these have to be borne by the entire society. So, all over the world, people struggle for land. Many of them struggle with land conflicts and some of them struggle to solve them peacefully (Dale & McLaughlin, 2000). Land ownership conflicts have negative effects on individual households as well as on the nation's economy. They increase costs, slow down investment, result in the loss of property for a conflict party and reduce tax income (land tax, trade/commercial tax) for the state or municipality. The lower the transparency in land markets, the less equal is information being disseminated, and the weaker constitutive and regulatory institutions are, the more likely it is that land conflicts occur (IIED, 2006).

People therefore need to spend a lot of time and money on searching for information and monitoring agreements/contracts. This means that land conflicts are associated with high transaction and agency costs or vice versa, that (relatively) high transaction and agency costs indicate a high probability of land conflicts. Conflicts over the use of land generally have a negative impact on the poor or on the natural or built environment. They either decrease quality of life for parts of society or if they are addressed and ameliorated, contribute to additional state expenditures and therefore have an impact on the national wealth (Fourie, van der Molem & Groot, 2002; Wehrmann, 2008).

Furthermore, according to Wehrmann (2005), land conflicts also increase social and political instability. Wherever there occur a lot of multiple

sales, evictions, land grabbing etc., people lose confidence in the state and start mistrusting each other. Social and political stability suffers even more when land conflicts are accompanied by violence. Dealing with land conflicts therefore also means re-establishing trust and confidence in public as well as private institutions.

In Ghanaian customary concept, land has been taken for granted as God given, first to the ancestors and should be preserved and handed to the numerous descendants. The advantage of the system is that the community itself controls and keeps alive the sense of responsibility to society and to the land as the common heritage to be preserved for the future generations. Traditionally, customary systems do not maintain the history and dealings regarding ownership. This uncertainty over property rights to any piece of land leads to insecurity of tenure and conflicts concerning ownership and boundary (Arko-Adjei, 2006).

Resolution of land conflicts and disputes in customary areas

It is evident from the preceding sections of this literature review that land disputes are inimical to socio-economic development of an area where the conflict occurs. Based on this realisation, it is prudent that measures are devised to deal with such disputes and it must be pointed out that resolving land disputes is not different from any other conflict. Therefore, resolution of land disputes virtually takes the same format as other conflict situations in society. Thus largely, the court system is used, alternative dispute resolution mechanisms are also used and in case of customary land disputes, chiefs'

traditional courts are used to resolve them or attempt to settle them (Horan, 2013).

In the first instant, the United Nations' agency devoted to land and shelter for humanity, United Nations Human Settlements Programme [UN-HABITAT] (2009) in a study on land dispute resolution came out with some mechanisms that can be followed to resolve land disputes. It states that the land conflict resolution mechanism would vary based on factors such as the effectiveness of local and national land administration systems, the quality of land records, the capacity of local administrators and adjudicators. In that light, countries characterised by weak land administration systems present particular challenges for humanitarian actors. In such situations, formal statutory rules on land administration may depend on the legal arrangement in operation throughout the country but could be supplanted by customary and informal rules. However, in areas where state institutions are largely absent, where reference could be made to formal law enforcement suspicion and hostility exacerbate rather than resolving the land disputes.

The process of conflict resolution according to UN-HABITAT (2009), starts initially with assessments of community needs including any surveys or questionnaires for displaced persons at both local and national levels should include specific inquiries on land disputes. This information should be incorporated into humanitarian programming. Local monitoring continues after needs assessment. Conflict managers in the field should track local land issues in the course of their activities and develop a practical understanding of local tenure systems, grievances, dispute resolution procedures and available evidence supporting land claims of displaced persons. Local property issues

may be tracked at the central level through a simple, common reporting template.

The next stage of the process is to understand local dispute resolution mechanisms. Where formal institutions are not accessible, local customary dispute resolution procedures are likely to fill the gap. Such bodies may be non-transparent or discriminate against women or marginalised groups but enjoy local authority and may provide the only effective local remedy for land disputes. It may provide flexibility regarding evidence of land rights. In settings without formal land administration, the rights of individuals and families to land resources are rarely registered. Under such circumstances, conflict managers will need to exercise particular care in ensuring that their own use of local land resources is anchored in locally legitimate practices and should also encourage efforts to document the land claims of displaced persons by identifying what non-traditional evidence may be available and where appropriate, assisting to compile and safeguard such evidence. Contribution to early recovery strategy development is key to the process of conflict resolution. Conflict managers should contribute with their observations on land disputes in the process of development of early recovery strategies. Such information should support the development of a typology of land disputes, identification of necessary legal and institutional reforms and analysis of the effectiveness of existing procedures (UN-HABITAT, 2009).

In proffering the mechanisms for resolving customary land disputes in Ghana, the ideas of Arko-Adjei (2006) cannot be dispensed with. The results of a research conducted by Arko-Adjei in (2006) showed that conflicts and disputes over land often arise among the people from different families and

individual members of the same family. He says these conflicts may also occur between adjacent villages from different traditional areas and the areas of land disputes included but not limited to conflicting claims over physical boundary of land in the absence of documentary evidence and fraudulent transactions by unauthorised members of the land owning groups. Other causes of the land disputes emanated from wrong alienation of land to strangers and double allocation of lands.

In any of the above situations, dispute is resolved through a political structure as displayed in Figure 1.

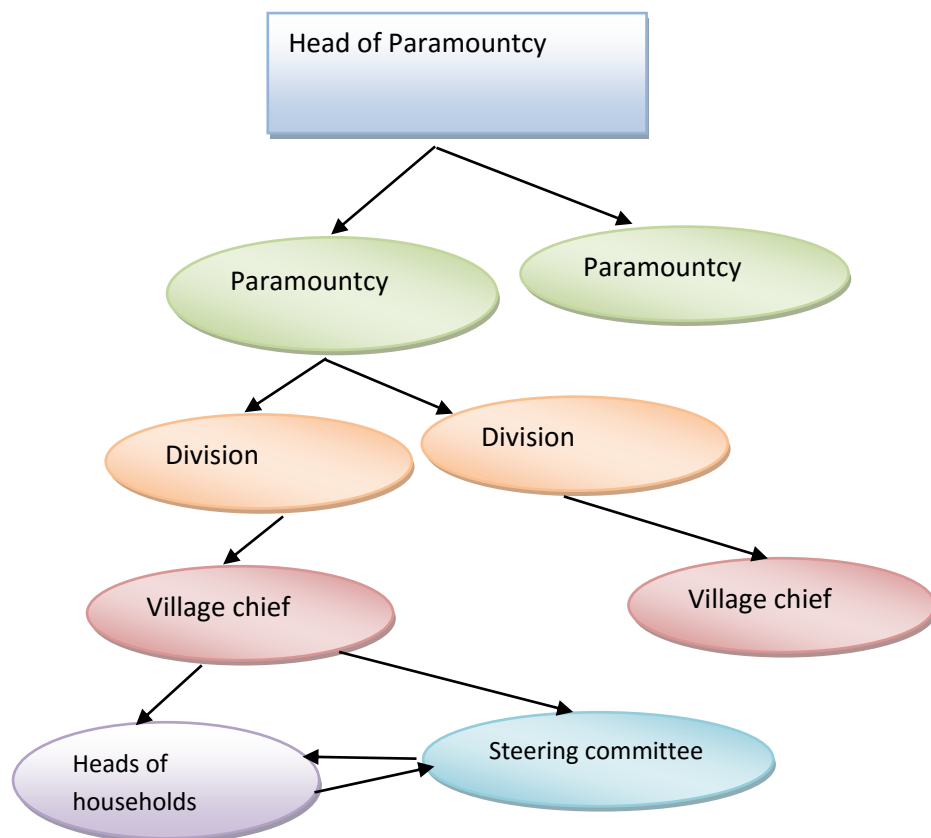


Figure 1: Hierarchical ruling structure of Ghanaian customary areas

Source: Adapted from Arko-Adjei, 2006

The hierarchical ruling structure displayed in Figure 1 is in tandem with what Arko-Adjei (2006) came out with, which is functional process for customary land management for Ghana and this process is applicable in other contexts. He views the process of customary land management as both technical and administrative. In effect, the implementation of the process may vary from place to place. It is the responsibility of the community recorders to record the history of the communities in the area and the various rights over land units within the customary area. Preliminary investigation on any underlying rights that would prohibit the development of the area has to be ascertained and recorded so as to be able to establish the feasibility of formalising land tenure and development of the area. The possible existence of any mineral rights, servitudes, long leases, road reservations and others will be important.

Appiah (2012) states that the complexity of factors leading to land disputes requires a multi-faceted approach for resolving them and for preventing potential ones which might come up in future. In study in Ghana, Appiah (2012) examined how the Customary Land Secretariat (CLS) has contributed to land dispute resolution in Ghana through the Alternative Dispute Resolution (ADR) mechanisms.

Crook (2005) agrees with the observations made by Appiah (2012) and Arko-Adjei (2006) indicating that the process starts with land allocation. He continues to emphasise that the common situation in most stool and skin land areas is multiple sales of land to both members of the communities and strangers and this marks the beginning of customary land conflicts in most communities in Ghana. Consequently, Appiah (2012) and Arko-Adjei (2006)

as well as Crook (2005) accept that it is the responsibility of the traditional authorities to allocate land to their subjects and strangers. There are different ways of defining the rights of occupation of the people and allocation of land to the members of the community and strangers. The method of apportioning and allocating rights over land may differ from community to community.

These scholars, Appiah (2012), Arko-Adjei (2006) and Crook (2004) state that although the traditional authorities have the sole responsibility in this exercise, it is prudent that, there should be a well-designed framework and procedures for it. It is important that the local people are very much involved in this exercise through a well structured Land Allocation Committee.

In a paper prepared by Crook (2004), Ghanaian litigants in land disputes were found to favour authoritative state legal-institutions over out-of-court settlements. Crook observes that the current policy debates on how to protect the land rights of the majority of customary land holders revolve around the respective merits of customary and non-state regulation (said to be accessible, flexible and socially embedded) versus state systems, which are said to offer more certainty, impartiality and nondiscriminatory codes and procedures. In Ghana, customary and state legal codes have been integrated for some time and the state courts (which are frequently used as first instance adjudicators) apply customary rules. In the paper, interviews and surveys were conducted within three state courts and the following themes formed the basis of the enquiry:

- the state and non-state regulation of land disputes in Ghana,
- why it is that people go to court,

- the background to court systems and their effectiveness in solving land disputes and
- problems and experiences associated with litigation, how 'user-friendly' the courts are.

Crook (2004) concludes among others that despite problems and time delays, an authoritative and enforceable settlement in a state court was favoured by litigants in a land dispute. Also, litigants often had a positive view of the court process, viewing it as an essential part of establishing their land rights. Again, it was found that the courts are not alien and inappropriate in rulings, as frequently supposed. Furthermore, judges were found to be well respected and perceived as flexible and 'user-friendly' by litigants. Lastly, it was seen that litigants extreme reluctance to entertain out-of-court settlements casts doubt on the notion that proposals to move to more use of Alternative Dispute Resolutions (ADRs) will be successful if they fail to offer equivalent authority, fairness and enforceability.

Additionally, there is the problem of demarcation, survey and preparation of land maps which has to be factored into solving land disputes. Many a times, difficulties in drawing boundaries of individual lands have caused countless number of customary land disputes in Ghana. It will be the responsibility of the technical field staff from the District Planning Officers and Community surveyors to demarcate, survey and prepare maps of the villages and towns in the traditional area. The procedures include the demarcation and surveying of the boundaries of stool and family lands and Individual lands. To expedite the survey, each stool, family and individual landholders would be required to pre-mark their boundaries in a simple way.

Once the clear boundaries of the stool, family and individual lands have been completed, villages constituting the stools are further surveyed by an accurate method of surveying (Appiah, 2012; Crook, 2005).

Again, Appiah (2012) believes that there is the need for physical planning after the allocation of lands to lessees. This is because the absence of layouts and land use maps has also contributed to unauthorised use of land, encroachments and total invasion into other people's lands. The layout to be prepared must be based on well-prepared base maps of the area and must be within the development plan of the District or the Municipality. Physical planning of the area must be the sole responsibility of the District and Municipal Officers. It may be noted that in the villages where the value of land is low and there exist no pressure on land, it may not be possible to have these well-prepared layouts in place before building begins.

There is also the issue of adjudication in the resolution of land disputes. When maps are completed and parcels are allocated, names of land owners are recorded in adjudication records. The function of adjudication, according to Dale and McLaughlin (2000), is to resolve disputes and uncertainties pertaining to who owns what property. For the registration of communal lands, the adjudication is focused on problems that exist when the land is first formalised. After the adjudication process, the information available at the District Planning Officer is recorded in the local register. The proposed registration system leans extensively on the existing methods of registration in Ghana under the institutional framework as well as the land policy framework that permits the registration of communal ownership and interest in communal entities.

Environmental monitoring should not be taken as a single process but must be seen as process incorporated into all the other processes discussed above. In most cases, monitoring suffers after implementation of physical development plan. People then have their liberty to go against the specifications of layouts and designs. Implementation of plans is not enough but must be followed with effective monitoring and evaluation machinery. A preliminary investigation of suitability of sites is normally undertaken from environmental perspective. Environmental Boards established must be responsible for ensuring that the social feasibility of the development will be considered as an overall consideration (World Bank, 2003).

Summary of the literature review

The chapter has been informative in giving definitions and meanings to concepts related to customary land disputes and the effects it has on the socio-economic development in the generic perspective and in specific contexts to draw lessons from how the situation manifests in different settings. The causes of customary land disputes and means of resolving the conflicts however do not differ much from different geographic areas.

Land is seen as one of the four main factors of production which is an injector to development. Every negative reaction on land means negative outcome of efforts and interventions for development. Customary land conflict is one of the negative interventions that can withhold land from yielding the intended benefits of people especially rural communities whose livelihood depends on land in a large extent.

CHAPTER THREE

METHODOLOGY

Introduction

This chapter deals with research methodology used for the gathering of information for this study. It explains the research design, population, sample and the sampling procedure employed. It also describes the data collection instruments, data collection and analysis procedures.

Study area

Mampong Municipality is one of the six municipal areas in Ashanti region following the splitting and upgrading of the former Sekyere West district into Mampong municipal and Sekyere Central district by legislative Instrument (L.I.) 1908 passed on the first day of November 2007. It is also one of the 27 administrative districts in the Ashanti Region of Ghana and covers a total land area of 449km². The municipal capital Mampong is about 57km from the regional capital Kumasi. It is bounded in the south by Sekyere South district, the East by Sekyere Central and the North by Ejura Sekyeredumasi districts (Mampong Municipal Assembly, 2011).

It has about 79 settlements with about 61percent being rural. The rural areas are mostly found in the northern part of the municipality where communities with less than 50 people are dispersed. The Mampong Municipality lies within the wet semi-equatorial forest zone. Due to human activities like charcoal production, lumbering and bush fires, the forest vegetation of parts of the municipality particularly the north-eastern part has been reduced to savannah. Vegetation of primary origin can only be found

within a reserve known as the Kogyae Nature Forest Reserve, which has a total land area of 115 sq. kilometres (Mampong Municipal Assembly, 2011).

The built environment within the municipality can be categorised into two; those in the urban areas and those in the rural areas. In the urban areas, settlement patterns are usually nucleated with very high population densities. Towns like Mampong, Kofiase, Asaam, Benim, Ninting and Adidwan have well-prepared town layouts depicting land use patterns such as residential, educational, civic and cultural, sanitation, industrial and recreational areas. These towns also enjoy most of the social services within the municipality. However, the high populations in the towns come along with their own problems especially in terms of sanitary conditions, pollution of air and water as well as overcrowding. Demand for land in the urban areas is high and therefore expensive as compared to the rural areas (Mampong Municipal Assembly, 2011).

Rural towns are largely dispersed with low population densities. In these towns, there are largely haphazard patterns of development. In spite of these however, sanitary conditions are relatively good with less pollution as compared to the urban areas. The geographical location of the municipality and its closeness to other districts enhance administrative network since information could be sent and received from the adjoining districts. Again the strategic location of the municipality fosters trade among the districts. Market days in the various towns experience inflow and outflow of both agricultural and manufactured goods.

The result is that the Assembly's revenue is enhanced and traders' incomes are improved because of the large market. Besides the vast land,

especially the north-eastern part of the municipality has a potential of supporting agriculture especially crop cultivation (Mampong Municipal Assembly, 2011).

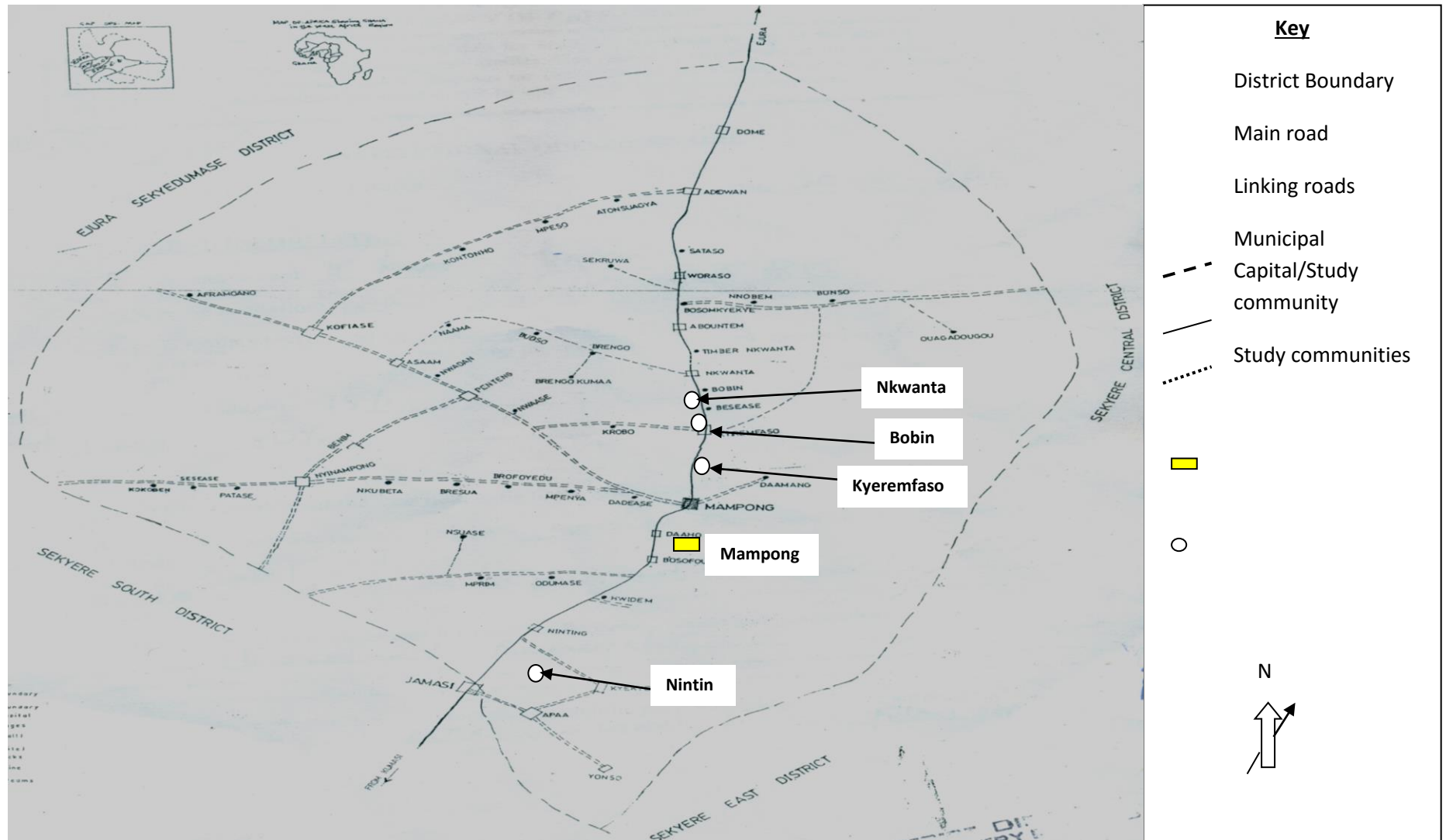


Figure 2: Map of Ashanti Mampong Municipality showing the study communities

Source: Town and Country Planning of Ashanti Mampong, 2011

Research design

The research is a case study in Ashanti Mampong (Mampong, Bobin, Kyeremfaso, Nkwanta and Nintin). The case study research method is a systematic way of in-depth collection of information for investigating the circumstances of a community (Kumekpor, 2002). With this method, it is possible to have a better understanding of the customary land disputes in Ashanti Mampong. It is a slow and time consuming technique.

Techniques in the study included the administration of questionnaires to households, landowners and interviews of community leaders such as chiefs. In addition, interviews with relevant institutions were also conducted. Thus, the main stakeholders explained the problem of customary land disputes and how it influenced development from their perspectives.

Study population

The population of the study was made up of traditional leaders, land owners and residents of five communities in the Ashanti Mampong Municipality, namely: Mampong, Kyeremfaso, Bobin, Nkwanta and Nintin. Other members of the target population included government officials such as staff of the Municipal Assembly, Judicial Service and Town and Country Planning. Each member of the target population was considered important in the provision of relevant information to issue under investigation. Hence their inclusion in the data collection process. For instance, the traditional leaders and Judicial Service staff had been involved in settling land disputes and were in a better position to answer

questions relating to causes of the disputes and proffer the way forward in dealing with the issue. Similarly, all the other members of the target population are stakeholders in land issues as owners, custodians, residents or regulators.

Sample and sampling techniques

A total of 179 respondents were selected for interview. These included 136 landlords/landowners and 20 household heads who were randomly selected from Mampong, Kyeremfaso, Bobin, Nkwanta and Nintin as the study areas. The other 23 respondents were made up of traditional heads, clan heads and government officials. Based on the population of the selected communities, a number of households were selected and interviewed.

Two sampling methods were used for the selection of respondents. The first method was the snowball technique whereby in each community, a landlord was identified and he in turn directed the researcher to other land lords. The initial intention was to have 25 land lords from each of the five communities but eventually was exceeded in three communities because of the willingness of those land lords to participate in the study. Whenever, a land lord was identified that individual was purposefully selected to be part of the study. Moreover, members of the traditional council, governmental officials were all selected purposefully because of the classified information they gave. In all, six traditional heads, 12 clan heads and five officials from government's land related institutions were purposively selected for the study.

Sources of data collection

Two sources of data were used for this study and these were the primary and secondary sources of data. The secondary data were taken from official government records such as court proceedings both from the traditional council and law courts. Others were Land Title Registry, Lands Commission, Municipal Assembly and Police Extracts.

The primary data were those that were collected with the questionnaires. In effect, since, there were four categories of respondents, four questionnaires were developed and used for the study. For instance, there was the community/traditional leaders, landlords, family/clans heads and government officials' questionnaires. Each of these questionnaires were segmented into sections to reflect the objectives of the study. Copies of the questionnaires are presented in Appendices A, B, C and D.

Methods of data collection

Data collection took two forms – the first one was the pre-testing of instruments and the second form was the main data administration. With the pre-testing of instruments, some members of the target population who were not part of the main study were made to respond to the questionnaires, which were used as interview guide because of difficulties associated with the retrieving of questionnaires. In all, 30 respondents were interviewed during the pre-testing of the instruments within the five selected communities. After the interviews, the results were analysed and content validity was determined using the specific

objectives as a guide. A careful scrutiny by the supervisor of the dissertation indicated that the instruments were reliable and could be used for the main data administration. A period of two weeks was used to test the instrument and a week was used to do the analysis.

The main data administration lasted for one and half months because the numbers involved were appreciable and the contribution of each respondent was very much needed, hence, a time was set aside for the administration of the questionnaire. At the end of the process, three family heads could not be reached because they were not available at the time of the interview. This means that 176 out the 179 respondents took part in the study.

Methods of data analysis

Data collected with the instruments were edited for clarity of expression, especially, responses that came from the open-ended items. Afterwards, responses that have close-ended responses were coded with numerical values and inputted for electronic analysis. By and large, data collected were analysed manually and electronically. The manual analysis took the form of grouping similar responses, editing the open-ended responses into simple codable sentences. The electronic analysis started from the keying of responses into the electronic software, the Statistical Product and Service Solutions (SPSS), which helped the researcher to run frequencies and other statistical data were deemed appropriate for the presentation of results.

CHAPTER FOUR

RESULTS AND DISCUSSION

Introduction

This chapter contains the data analysis of the causes of land disputes in five selected areas in the Ashanti Mampong Municipality, the socio-economic effects of these disputes on the development of the area and the steps that have been taken to deal with the disputes. In the light of the above, the chapter is divided into four sections based on the background of the respondents and the objectives of the study. Section one entails the background characteristics of the respondents while section two focuses on causes of land disputes. Section three comprises discussion on the socio-economic effects of land disputes on development; whilst section four deals with measures that have been taken to resolve land disputes. In all, 176 respondents were interviewed for the study out of the anticipated 179 respondents.

Background characteristics of respondents

This section provides information on the gender, age and educational level of respondents. Table 1 shows the age and sex distribution of the respondents. Table 1 shows that 69.3 percent of respondents were males and the remaining 30.7 percent were females. Out of the 122 males who took part in the study, seven fell within years 20-29, 10 fell within years 30-39, 25 were from 40-49 years, 41 within 50 -59 and the ages of the remaining 39 were 60 years or more.

Table 1: Age and sex of respondents

Age	Sex of respondents					
	Male		Female		Total	
	Freq.	(%)	Freq.	(%)	Freq.	(%)
20 – 29	7	3.9	6	3.4	13	7.3
30 – 39	10	5.7	9	5.1	19	10.8
40 – 49	25	14.2	9	5.1	34	19.3
50 – 59	41	23.3	10	5.7	50	29.0
60 or more	39	22.2	20	11.4	60	33.6
Total	122	69.3	54	30.7	176	100.0

Source: Fieldwork, 2011

Breakdown of ages for the 54 female respondents was that six of them were 20-29 years, nine within the age group 30-39 years, and another nine respondents within the age group 40-49. The results above show that not so many young people or women were involved in land disputes or their resolution.

Table 2 presents responses to the educational levels of respondents.

Table 2: Educational level of respondents

Level of education	Frequency	Percentage
'O' Level/SSSCE/WASSCE	24	13.6
'A' Level/Diploma	27	15.3
First Degree/HND/Second Degree	73	41.5
MSLC/JSS	30	17.1
No formal education	22	12.5
Total	176	100.0

Source: Fieldwork, 2011

As shown in Table 2, 41.5 percent of respondents are holders of First degree or High National Diploma or Second degree. This means that they are highly educated to understand land issues better to be able to help in resolving disputes, all other things being equal. Next in line were respondents with GCE Advanced level or Diploma of various kinds (15.3%). The table also shows that respondents who possessed MSLC/JSS were 17.1 percent out of the 176 who took part in data collection. Others were, respondents with no formal education or certificate (12.5%) and those with GCE Ordinary Level/SSSCE certificates (13.6%).

Responses on land ownership pattern in the study area

It has been noted elsewhere in this study that it is prudent to know the landownership pattern to be able to deal effectively with land disputes thereof. In view of this, during data collection, issue bordering on land acquisition and ownership were touched on. As a matter of fact, during the interview it was revealed that the clans, namely: Oyoko, Ekona, Asene, Asakyire, Bretuo, Aduana and Asona in the Ashanti Mampong Municipality owned most of the lands. Land ownership pattern is depicted in Table 3.

As indicated in Table 3, on average, 57 percent of the total land in the Ashanti Mampong belonged to the clans. Hence, the clans played a significant role in the processes involved in land acquisition in Ashanti Mampong. Land acquisition in the areas studied within the Ashanti Mampong Municipality

involved various processes which is a reflection of what is peculiar in most of the areas visited.

Table 3: Land ownership pattern in the study area

Units/land owners	Percentage of ownership
Traditional Council	37
Family/Clans	57
Government	6
Total	100

Source: Fieldwork, 2011

In the course of the interview, it was revealed that there is a plot allocation committee in each community for which prospective landowner could consult for the acquisition process. As a matter of fact, this stage serves as the first phase/stage for prospective land owners. In all the study areas with the exception of Nkwanta, the traditional authorities had set-up a plot allocation committee which had mandate of seeing to it that prospective land owners had paid the necessary amount as lease for the land to be acquired and were supplied with all the necessary documents for the land. In Nkwanta on the other hand, prospective land owners consulted the traditional authorities directly for the acquisition of land. This was because, all the lands in this community belonged to the traditional authority. It must also be stated here that in some instances, the prospective land owner first saw the clan head of the land he/she wished to buy. This

notwithstanding, the clan head would still have to bring the prospective buyer to the plot allocation committee before the process could be deemed formal.

The challenge at this stage was the fact that some clan heads whose lands were being acquired are mostly not on good terms with the plot allocation committee members. Hence, the committee members mostly used this medium to settle their score by delaying the acquisition process. In Kyeremfaso for instance, the clan heads interviewed indicated that the chief arbitrarily chose the plot allocation committee chairman who they thought was very corrupt. Hence, the sale of their lands through the plot allocation committee had not been that easy. This had been a contributory factor in land dispute cases in the Kyeremfaso community.

The next stage of land acquisition is the payment of lease amount. Information gathered on this is shown in Table 4.

Table 4: Responses on amount paid for land lease

Name of community	Lease for a plot of land (in Ghana cedis)
Mampong	600
Bobin	350
Kyeremfaso	450
Nkwanta	250
Nintin	200

Source: Fieldwork, 2011

As could be seen in Table 4, lease for a plot of land in all the communities studied (although can be varied based on the purpose to which the land would be used for and the location of the land) was at an average of GH¢370. The highest cost was GH¢600 and the least cost of GH¢ 200. This amount of money had to be paid to the plot allocation committee of which 10 percent was taken by the chief for community development. The remaining was shared between the traditional authority and the clan whose land was being bought. In all the communities studied, the proportion of the remaining amount for the land sold which was given to the traditional authority ranged between 20 – 30 percent.

The third step in the land acquisition process by non traditional owners is the plot allocation stage. During the interview, it was realised that with the payment of the commensurate lease for the specified number of plot (s) by the prospective land owner, the plot allocation committee together with the head of clan whose land was being considered visited the plot where the prospective land owner desires. The plot allocation committee and the clan head cross-checked to see if that plot had not already been sold. From the study conducted, it was realised that the failure to cross-check due to poor records keeping and the blatant disregard of the procedures set-out had resulted in the sale of the same land to multiple buyers. This would be considered further in the subsequent discussions.

The next step after the land had been allocated is the issuance of land documents to the new owner or buyer. Confirming acceptance of the plot(s) allocated by the prospective buyer becomes the pre-requisite for the issuance of receipt and land ownership document signed by the chief, the clan head and the

committee chairman. These documents were then sent to the Land Title Registry for the land title and deed. This then sealed the processes involved in the acquisition of land in the study areas.

It is a fact that legally, for one to lay claim to a parcel of land, that individual should have title to the land but this does not always seem to be the case. Thus, during the data collection process it was found out that an average of 51.0 percent of landlord/landowners did not have titles to their lands. In Kyeremfaso for instance, the respondents revealed that most of their lands were gotten out of inheritance and hence did not have receipts which could aid them obtain the titles to them. Those who acquired these lands by purchase but did not have the land titles also stated that disputes surrounding the land had made it impossible to proceed with the remaining processes in obtaining titles to their lands.

Responses on the type of land disputes in the study area

Responses in this section addressed one of the specific objectives of the research work. Somehow, the discussion on land ownership and acquisition processes gave a hint on some of the causes of land disputes in the study area. For instance, it was seen that lack of proper title to lands was a basic cause to the numerous land disputes that had been experienced and continue to occur in the Mampong Traditional area. This revelation notwithstanding, this section gives details on what the real causes of land disputes are. Table 5 presents the first set of responses, which had to do with type of land disputes.

It is seen from Table 5 that there were three main types of land disputes in the study area. The most prominent among the three was boundary disputes, which accounted for 53.3 percent of the land disputes experienced in the five areas. It should be acknowledged that from the explanations given by respondents, boundary dispute served as a spring board for other social conflicts.

Table 5: Responses on type of land disputes

Type of land disputes	Relative frequency	Percentage
Boundary disputes	104	53.3
Land and property disputes	37	19.0
Inheritance disputes	54	27.7
Total	195	100.0

Source: Fieldwork, 2011

In further deliberation, it was noted that boundary disputes were mainly seen in the form of a person farming or building beyond his or her designated boundary. This act mostly resulted in the use of a portion of another person's land. As indicated in Table 5, these boundary disputes were very prominent, particularly in places like Kyeremfaso and Bobin. During the survey, it was revealed that some clan heads and landowners/landlords intentionally disregarded the boundaries set and chose to take some portions of other lands only to face the wrath of the owners of these lands. In other cases, the absence of well prepared layouts caused some clans to claim ownership to lands which were not theirs. Prospective land buyers also faced this same boundary disputes, especially in

Kyeremfaso because the preparation of the layouts of their lands were mostly delayed or sometimes not even presented. This made prospective land buyers easily lose sight of their boundaries.

The second major type of land disputes in the study area was inheritance inclined. With this type of land dispute, clan heads, household heads and traditional leaders admitted that it has threatened the peace of their communities. In Ashanti Mampong, 29.0 percent of the respondents indicated their involvement in inheritance land disputes. Also, in Nintin, Bobin and Kyeremfaso, quite a number of respondents indicated they were involved in inheritance disputes as presented in Table 5. The above mentioned communities in Ashanti Mampong Traditional area had over 60.0 percent (on the average) of their lands being owned by the family/clans. These family/clan lands were inherited but the process of inheritance, which is shrouded in traditional customs and normally not having legal documents as supports have been a major issue. In some cases, individual members of the clan claimed ownership of some parcel of the clan's land by citing that he/she inherited it from his/her parent, who were also allocated with that parcel of land by the former clan head. In Kyeremfaso, some clans (Oyoko and Aduana) were also in this inheritance dispute because these clans, though without any legal documents as a support, were claiming ownership of the same parcel of land which was believed to have belonged to their forefathers.

The third and last type of land disputes observed during the survey was land and property disputes. This type of conflict was prominent, mostly in Kyeremfaso, Nkwanta and Bobin. During the interview it was seen that most

respondents from these three towns experienced this type of land disputes. From the explanations and clarification sought, it was realised that the properties involved ranged from cocoa plantations and other farm lands to houses (both completed and uncompleted ones). It was evident that the absence of titles to these properties and the neglect of properly laid down procedures in passing these properties to their intended beneficiaries accounted for this form of dispute in Ashanti Mampong Municipality. In other words, this type of problem was intertwined with improper inheritance procedures and documentation.

Of the three types of land disputes that seemed to be prevalent in the study area, boundary dispute was given credence in the literature reviewed for the study. The others were not directly treated in the literature but were inferred. For instance, Paterson (2001) indicated that land disputes are abundant and they happen almost every day, however, according to Setafano, Vaitogi, Warren and Sapatu (2004), land disputes are much harder to decipher. Apart the types that were observed during the study, Hetz, Giovarelli and Myers (2007) revealed that most land disputes generally fall into two broad categories, which are land disputes between individuals and families, and disputes related to private sector investment. It is likely that one or two of the land disputes experienced in the study area qualified under the categorisation propounded by Hetz et al. (2007).

Causes and forms of land disputes in the Ashanti Mampong Municipality

The second part of the responses to specific objectives really deals with the causes of land disputes that occur in the Ashanti Mampong Municipality.

Actually part has been presented in sections based on the kind of responses that were elicited from landlords and land owners, who totaled 136. The first part responses have to do with the number of landlord who are in one way or the other involved in land disputes and these responses are presented in Table 6.

Table 6: Number of landlords/landowners facing land disputes

Responses	Frequency	Percentage
Facing disputes	70	51.5
No disputes	66	48.5
Total	136	100.0

Source: Fieldwork, 2011

The information displayed in Table 6 indicates that 51.5 percent of landlords/landladies who participated in the study faced one land dispute or the other. This goes to confirm the prevalence of land disputes in the study area. In the ensuing explanations sought, it came to light that the disputes mostly involved undeveloped lands as a result of multiple sales or ownership, sometimes, most of whom did not have title to the land but gave headache to buyers and developers.

As a sequel to the above revelation, land owners were asked the form the land disputes took in the area. The responses that were elicited are presented in Table 7.

Table 7: Forms of land disputes in the Ashanti Mampong Municipality

Forms of land disputes	Frequency	Percentage
Trespass/boundary disputes	75	55.1
Unauthorized sale of lands	19	14.0
Sale of same lands to multiple buyers	42	30.9
Total	136	100.0

Source: Fieldwork, 2011

As presented in Table 7, the major forms of land disputes in the study areas are trespass/boundary disputes, unauthorized sale of lands and the sale of same lands to multiple buyers. On the average 55 percent of landowners who faced disputes indicated that trespass/boundary disputes were the major form of dispute that they faced. This was mostly the case since there were no well prepared layouts for some of the communities (Bobin, Kyeremfaso and Nkwanta) under study.

Aside the above mentioned forms of land disputes, the institutions interviewed also indicated that, intra-family disputes over landownership and the unauthorised disposition of rights in land by traditional leaders/family or clan heads were also part of the forms of land disputes in the study areas. This was mostly caused by the blatant disregard for the procedures set-up by the traditional authorities in these study areas with regard to the sale and registration of lands.

Figure 3 presents the number of land disputes cases handled and still being handled by the Magistrate Court in the Ashanti Mampong Municipality.

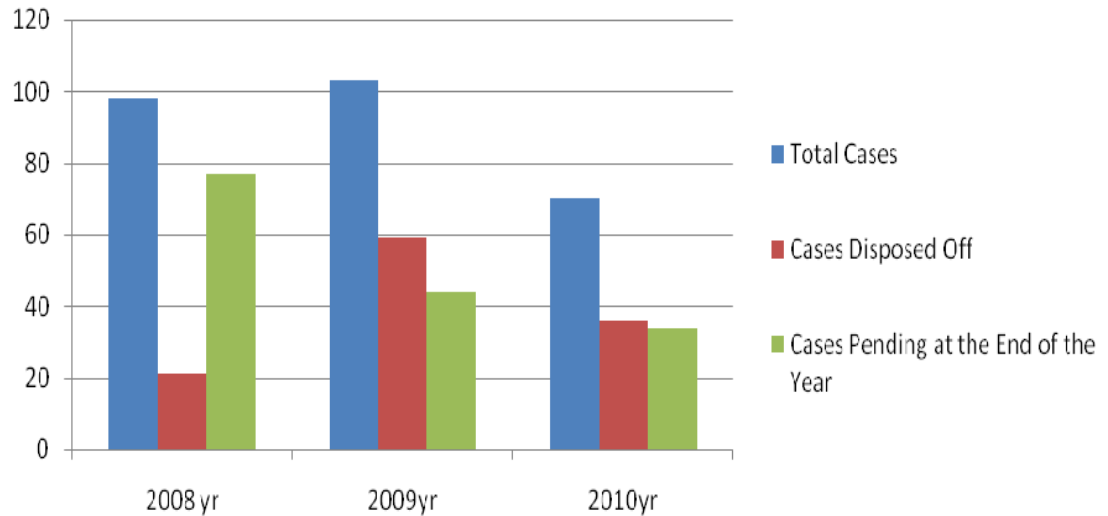


Figure 3: Statistics on land cases in Ashanti Mampong

Source: Magistrate Court of Ashanti Mampong, 2011

The statistics as presented by Table 7 gives an impression of the frequency of the varied forms of land disputes that occurred for the past three years in the study areas. Figure 3 shows on the whole a decline in the number of land cases. This is particularly so due to the introduction of alternative dispute resolution mechanisms by the court in settling most of these land dispute cases out of court.

It is very evident that land disputes in the study area are prevalent and inevitable. This has become more clearer because the preceding paragraph demonstrated this fact that there are three types of land disputes, and about 52.0 percent of land owners face land disputes and finally, the land disputes came in about four forms. Moreover, the views of Gambrah (2002), Myers (2008) as well as Nannyonjo (2005) show that land disputes are unavoidable in the social fibre of humanity and for that matter Africans. They also agree that land disputes come in different forms with their attendant socio-economic effects, which is the subject of the subsequent presentation.

Effects of land disputes

The next issue to present and discuss in this study is the responses that were elicited on the effects of land disputes on the socio-economic development of the study area. Consequently, the responses and discussion in this section are meant to deal with specific objective two and answer research question two, which sought to determine the impact land disputes have on the socio-economic development of society.

Firstly, the question that came to mind as a result of land dispute was, what have been the effects of customary land disputes on agric production, social status and social overhead capital? Development of any geographical area has a spatial manifestation. That is, for development to occur, one must see it being manifested spatially on the land. In the field survey in one of the study areas a respondent said that: “The development of my community has been stalled as a result of the many customary land disputes” (Opinion leader, Kyeremfaso field survey, 2011).

To buttress this point further, the main objective of study is to investigate the effects that customary land disputes have had on the development of the study areas. In effect, during the interaction with stakeholders in development at the local level, it was found that the initiation of community development projects depends on the availability of lands for such projects. Thus, in the communities visited within the study area, respondents opined that customary land disputes had been a major cause in the delay and sometimes even in the termination of initiated development projects. In Kyeremfaso for instance, one elderly respondent

recounted the reallocation of the construction of the Silo project from Kyeremfaso to Nsuta in 1962 by the Ghana Grains Board. This was caused by the disagreement between the clans who owned the lands where the project was to be sited on one side and the Grains Board on the other. Apparently, it was believed that these clans were incited by certain members in authority to demand higher compensation from the Grains Board.

In Nkwanta, Bobin and the other areas of the study, the traditional heads could also recall several investors who could not make their projects a reality. Again, some investors in these study areas also had to delay the implementation of their projects due to on-going court cases regarding the sale of the lands that they intended to develop. It was also established that, the study areas are agrarian communities. Issues on land is therefore of prime concern to the inhabitants in these areas since that is where they derive their source of economic livelihood.

Again, in Nkwanta and Bobin, some of the respondents indicated that some of the lands on which they farmed had to be taken away from them due to disputes on these lands. This meant that, they had to lose their seasonal harvest since they were not allowed to farm on these lands. In Nintin one of the respondent who was a farmer had this to say: “My farm was burnt by the one I shared a common boundary with because I had fought with him for trespassing on my land” (Opinion leader, Nintin Field Survey, 2011).

The enormity of the effects of customary land disputes as reflected even in the employment and productive opportunities for the inhabitants in these study areas creates a picture of a negative correlation between customary land disputes

and the development of Ashanti Mampong. In addition, another essential area in the development of any area centers on the ties that exist between families and the society as a whole. From the survey, it was observed and confirmed by the respondents that customary land disputes was a cause for the separation of father and son/daughter, mother from son/daughter, siblings, cousins etc. Such loggerheads also exist between the clans in the communities. Again, Opanin Omane Yaw from the survey in Kyeremfaso also cited an instance whereby he was called to separate a fight between two of his daughters on a land he was yet to decide as to who should be the owner. Hence land dispute was a source for family and societal breakdown.

Weak communal spirit is seen as a direct product of the break-down in social and family ties in these communities with the prevalence of customary land disputes. A member of the Oyoko clan in Bobin indicated that the youth of the community were very adamant towards participation in communal works since some of the clans were engaged in land disputes. The situation was not different from Kyeremfaso and Nkwanta.

All that had been found to be the effects of the land disputes in the study area confirm what literature had discussed, particularly, the ideas that were espoused by (Fourie, van der Molem and Groot (2002), International Institute for Environment and Development [IIED] (2006) and Wehrmann (2008). For instance, [IIED] (2006) intimated that land ownership conflicts have negative effects on individual households as well as on a nation's or community's economy. Also, land disputes are said to increase costs and slow down

investment. They can also result in the loss of property for a conflict party and reduce tax income (land tax, trade/commercial tax) for the state or municipality. On the whole, a number of authors state that conflicts over the use of land generally have a negative impact on the poor in society or on the natural or built environment. This is because conflict either decrease quality of life for parts of society or, if they even are addressed and ameliorated, the processes involved contribute to additional state expenditures and therefore have an impact on the national wealth.

Modalities for resolving customary land disputes

One of the objectives of the study was to assess the measures that have been instituted to resolve customary land disputes in the study area. This objective was considered very important in the sense that the resolution of these customary land disputes would ensure that development of the areas in Ashanti Mampong would go on uninterrupted or without let or hindrance. Hence, the study sought to identify the existing measures put in place to settle these land disputes. In the course of the study it was found that there were two broad modes through which land disputes are settled and these are those resolved by traditional authorities and those by the law courts under the auspices of the Mampong Magistrate Court. The response indicated that these institutions had put in some measures and these are discussed subsequently.

Resolving land disputes by traditional authorities

During the survey, it was found that the traditional authorities in the study areas had put in efforts in settling customary land disputes confronting the communities. In Mampong Traditional Area, there had been the institutionalisation of a 13 member Land Management Committee. This committee has been mandated to serve as the adjudication body of all customary land disputes in the entire Mampong traditional area. Since its establishment, this committee has successfully settled 54 cases as at the end of December 2010 with only two cases being referred to the court for adjudication. One major challenge that confronts the committee in its role in customary land disputes resolutions is that almost all members of the committee happens to be a relatives or related to parties involved in land disputes. This makes it difficult during trial of cases and sometimes ends up without making any good headway in resolving some of the issues.

Another measure that the Mampong Traditional Authority had put in place to prevent land disputes had been the establishment of a stool lands administration office. This office is charged with the responsibility of preparing indentures for lands sold and any other processes involved in the acquisition of lands in the Mampong Traditional Area.

Additionally, the traditional authorities in Bobin, Kyeremfaso, Nkwanta and Nintin had also established Plot Allocation Committees in their respective communities. The membership of this committee varied from one community to the other but on the average, the committees were made up of five persons

selected by the chief of the community. These committees have also been mandated to oversee the processes involved in the acquisition of lands in these communities. The committees are also particularly charged with the responsibility of keeping records.

The committee has been successful with the assistance of the Municipal town and country planning department to allocate a number of plots to individuals within and outside the communities. A major challenge to the committees has been the long procedures land administration has to go through to acquire lands for individuals. The municipality also has a complex traditional - political system that also makes land allocation to individuals cumbersome. With support from the town and country department and the administrator of stool lands the committee stands a better chance to improve their operations in ensuring effective and litigation free land allocations in the respective communities.

Resolving land disputes by law courts

Even though, the traditional authorities have been seen to settle land disputes, majority of land litigants according to Crook (2004) favour court adjudicating measures no matter the delays. This indicates that using the law courts to resolve land disputes is more plausible and far reaching than the traditional authorities, whose members may be part of the problem they are charged to resolve. In the light of this, the Magistrate Court in Ashanti Mampong has been the main adjudication body for customary land disputes in the municipality for most land disputants. For the avoidance of doubt, the number of

case pending before the District Magistrate Courts from years 2008, 2009 and 2010 as displayed in Figure 3 are also presented in Table 8 for easy reference.

Table 8: Statistics on land cases pending before the District Magistrate Court in Ashanti Mampong as at 31st December, 2010

Year	Total number of cases	Cases disposed off	Cases pending at the end of the year 2010
2008	98	21	77
2009	103	59	44
2010	70	36	34

Source: Magistrate Court of Ashanti Mampong, 2011

As indicated in Table 8, the number of cases disposed off by the court increased in 2009. As at 2010, the number of cases pending had been decreased from 77 in 2008 to 34. The strengthening of the courts Alternative Disputes Resolution Mechanisms (ADRM)s, and the referral of customary land dispute cases by the court for resolution by the ADRMs have not only decreased the customary land cases but it has also encouraged clans and traditional authorities to resolve land disputes effectively and on-time using these same ADRMs.

From Table 8, there were 77, 44 and 34 cases pending in 2008, 2009 and 2010 respectively. The reasons for the large numbers of pending cases were as a result of some parties involved in the land disputes refusing to appear before court on proposed dates for trials. It was also noted that sometimes the court needed concrete evidence and documents to help in handling the land issues. The absence

of some of the documents and evidences put the cases pending until enough requirements needed for individual cases were gathered for proper handling of the cases.

Even though, litigants mostly preferred the impartial adjudication of land cases by the law courts, somehow, most of the cases that are brought before the courts are resolved through the Alternative Dispute Resolution mechanism, popularly called the ADRs. To this end, Appiah (2012) had emphasised that the adoption of the ADR system in resolving land disputes had been a blessing to the process. He states that the complexity of factors leading to land disputes requires a multi-faceted approach for resolving them and for preventing potential ones which might come up in future. This observation was made in a study undertaken in Ghana by Appiah (2012) who examined how the Customary Land Secretariat (CLS) has contributed to land dispute resolution in Ghana through the Alternative Dispute Resolution (ADR) mechanisms.

Summary of chapter four

This chapter presented the results that emanated from the data collection process, which were concerned with land disputes in the Ashanti Mampong Municipality, particularly, in five selected towns, namely: Ashanti Mampong, Kyeremfaso, Nintin, Nkwanta and Bobin. The presentation of results was precipitated on five sections, which were the background characteristics of respondents, the ownership of land in the study areas, causes and forms of land disputes, effects of land disputes and measures that have been put in place to deal

with the land disputes. Most of the presentations were done in prose and others were done with the aid of frequency tables and percentages and in at least one instance a figure. Where it became necessary, relevant literature was cited to buttress the discussion of the results.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

Introduction

The previous chapter discussed the data collected and collated by analysis. The chapter then identified some issues with respect to customary land disputes in the study communities which were directly in line with the objectives that this study sought to achieve.

The issues analysed by the previous chapter have been summarised in this chapter as research findings. Recommendations in the effective management of customary lands have also been espoused in this chapter for policy consideration.

Summary of the study

The main focus of this study was on the land disputes in the Ashanti Mampong Municipality. In view, of this the background of the study traced the factors that influence customary land disputes in the study area. The statement of the problem emphasised the magnitude of land disputes in Ghana, their effects and how they are dealt. The study was conducted based on four objectives, which were on the causes of land disputes, effects of land disputes on the socio-economic development, measures that are used to resolve land disputes and suggestions for policy intervention in fashioning out some effective solutions to land disputes in the country.

Literature reviewed for the study was concerned with land ownership in Ghana, types of land disputes, causes of land disputes, effects and measures that

are used to deal with land disputes both traditionally and the law courts. The methodology of the study described the processes by which respondents were selected and how data was collected. In order words, the methodology presented the study area, research design, population for the study, sampling techniques used for the selection of respondents, methods of data collection and analysis.

Summary of major findings

The major findings of the study are:

- Majority of the lands (57 percent) in the study areas were in the hands of the clans which comprised of: Oyoko, Ekona, Asene, Asakyire, Bretuo, Aduana and Asona clans.
- The processes involved in the acquisition of lands in the Ashanti Mampong starts with consultation with the Plot Allocation Committee, Payment of Lease, Allocation of Plot and the Issuance of Land Documents.
- Averagely 51.5 percent of the respondents were facing land disputes and these disputes were primarily with the undeveloped lands.
- The nature of customary land disputes were identified to be trespass/boundary disputes, unauthorized sale of lands and the sale of same lands to multiple buyers.
- Intra-family disputes over landownership and the unauthorized disposition of rights in land by traditional leaders/family or clan heads were also cited as part of the forms of land disputes in the study areas.

- The effects that these customary land disputes had on the development of the study communities included: the delay and termination of development projects; reduction in gainful employment and productivity in agricultural activities; break-down in social and family ties and the weakening of communal spirit for self-help initiated projects.
- The traditional authorities in these study communities and the Magistrate Court of Ashanti Mampong were identified as the existing institutions managing the resolution of customary land disputes in the municipality.
- The other traditional authorities in the remaining study communities had also set-up plot allocation committees to see to the processes involved in the acquisition of lands in these communities.

Conclusions

The study identified specific objectives to be achieved at the end of the research. Firstly, the study looked at the causes of customary land disputes in Ashanti Mampong Municipal area. The study concludes that customary land conflicts are caused by trespass/boundary disputes, unauthorised sale of lands and the sale of same lands to multiple buyers. This was as a result of no proper settlement layout prepared for the settlements to guide physical developments.

Secondly, the study took interest in looking at the linkage between customary land disputes and the socio-economic development of Ashanti Mampong Municipal areas. The study concludes that land disputes have retarded a lot of development initiatives and some projects have been suspended as a

result. Again, social ties were broken within some parts of the communities and families. It has therefore reduced the social capital available to individuals to develop. There was an inverse relationship between customary land disputes and the socio-economic development of the municipality.

Recommendations

In the management of customary lands in Ashanti Mampong Municipality, the following recommendations were made based on the study conducted. Apart from the fact that the recommendations are made based on the findings of the study, they are meant to satisfy the import of specific objective four and answer research question four, which was sought to offer suggestions on policy direction to deal with customary land disputes in the study area in particular and Ghana as a whole.

Preparation of layouts for communities

In the short term, the Mampong Traditional Authority in collaboration with the Administrator of Stool Lands should aid the various communities to prepare lay outs. This should be mandatory for all the communities and can be funded from the percentages collected by the traditional authorities as community development contribution from the lands sold. This way, the various plot allocation committees can easily indicate as to which lands are sold or otherwise. Better still, the plot numbers indicated on the layouts prepared can be assigned to the names of the various persons to whom the lands have been sold to. In the long

run, the Land Administration Project (LAP) which is a national project would be a useful platform in the digitization of all layouts prepared.

Building capacity in effective records keeping and reporting

Training and adequately resourcing plot allocation committees by the Town and Country Planning Department in records keeping and reporting mechanisms are important. This way, database of all lands sold and unsold as well as developed and undeveloped can be kept for the effective allocation of plots. Again records can equally be kept on all transactions (financial or otherwise) that have been undertaken by the committees.

Enactment and enforcement of customary lands bye-laws

Customary bye-laws governing the administration of customary lands in the Ashanti Mampong Municipality should be reconsidered by the traditional authorities, town and country planning department and law courts in the short-term. The bye-laws should be harmonized into a composite bye-law which governs the administration of the entire customary lands in Ashanti Mampong Municipality.

Periodic training of clan heads on the management of customary land issues

Customary lands in the Ashanti Mampong Municipality are directly related to the various clans as already discussed in the previous chapter. Hence, discussions directed at reducing customary land disputes should have the clans

participate actively. It is therefore expected that the clans (and particularly their heads) should be trained by the Town and Country Planning Department in collaboration with stool lands department on the issues related to the importance that their lands play in the development of their communities, how they should therefore manage their lands and the consequence when they fail to properly manage such lands as well as their role in resolving customary land disputes to ensure the development of their communities.

REFERENCES

- Appiah, M. (2012). *Land dispute resolution in Ghana- The role of customary land Secretariat*. Retrieved on 12th December, 2012 from <http://www.linkedin.com/groups/Land-Dispute-Resolution-in-Ghana-100569.S.96210437>.
- Arko-Adjei, A. (2006). *A conceptual approach for enhancing customary land management: Case from Ghana; Promoting land administration and good governance*. 5th FIG Regional Conference Accra, Ghana, March 8-11.
- Asante, S. K. B. (1964). Interest in the customary law of Ghana—A new appraisal, *Yale Legal Journal*, 848, 849.
- Atafori, A. K. & Aubyn, C. (2012). *Transnational land grabs in Ghana cause conflicts*. 17th August 2012 from www.allafrica.com.
- Awuni, L. (2009). *Assemblies in Upper East urged to develop land banks*. Retrieved on 14th January, 2013 from www.ghanaweb.com.
- Baye, M. F. (2003). Globalization, institutional arrangement and poverty in rural Cameroon. *Africa Development*, 9, 23-43.
- Benneh, G. (1970). The impact of cocoa cultivation on the traditional land tenure system of the Akan of Ghana. *Ghana Journal of Sociology*, P 43-61.
- Crocombe, R. (1978). Land: Resource or obstacle in R. Crocombe and H. Van Trease (Eds.). *Principles and problems of land tenure*. Suva: University of the South Pacific.

- Crook, R. C. (2004). Access to justice and land disputes in Ghana's state's courts: The litigants' perspective. *Journal of legal pluralism and Unofficial Law*, 50, 1-28.
- Crook, C. R. (2005). *State courts and the regulation of land disputes in Ghana: The litigants' perspective*. Cape Coast: Institute of Development Studies, University of Cape Coast.
- Dale, R. (2004). *Development planning: Concepts and tools for planners, managers and facilitators*. London: Zed Books Limited.
- Dale, P., & McLaughlin, J. D. (2000). *Land administration systems*. Oxford: Oxford University Press.
- Deininger, K., (2003). *Land policies for growth and poverty reduction*. Oxford: Oxford University Press.
- Dogbevi, E. K. (2010). *Bad court judgements said to fuel land disputes in Ghana*. Retrieved on 17th August, 2012 from www.ghanabusinessnews.com.
- Elisara, F. M. (2000). Customary land tenure review. *Technical Assistance Report*, 25, 89.
- Fobih, D. K. (2007). *Minister Fobih calls for effective utilisation of land resources*. Retrieved on 12th December, 2012 from <http://www.modernghana.com/news>.
- Fonmanu, K. R. (1999). *Dispute resolution for customary lands in Fiji*. Master of Applied Science thesis submitted to the of Department of Geomatics, The University of Melbourne, Australia.

- Fourie, C., van der Molen, P, & Groot, R. (2002). Land management, land administration and geospatial data: Exploring the conceptual linkages in the developing world, *Geomatica*, 56(4), 908-910.
- Gambrah, A. (2002). Improving land transfer procedures in Ghana. *Journal of the Kwame Nkrumah University of Science & Technology (KNUST), Kumasi*, 22(1), 2-3.
- Hetz, P. E., Giovarelli, R., & Myers, G. (2007). Land matters in Northern Uganda: Anything grows; anything goes. *Post-conflict 'conflicts' lie in land*. Burlington: Associates in Rural Development (ARD).
- Holden, S. T., Deininger, K., & Ghebru, H. (2010). *Impact of land registration and certification on land border conflicts in Ethiopia*. Paper presented at the World Bank Annual Conference on Land Policy and Administration in Washington DC April 26-27, 2010.
- Horan, D. (2013). *How to resolve land conflicts - Land Matters for conflict resolution*. Retrieved on 13th February, 2013 from <https://www.devex.com/en/news/how-to-resolve-land-conflict>.
- International Institute for Environment and Development [IIED] (1999). *Land tenure and resource access in West Africa: Issues and opportunities for the next twenty five years*. London: IIED.
- Kasanga, K. (2002). *Land tenure resource access and decentralisation in Ghana. The dynamics of resource tenure in West Africa*. Oxford, IIED.
- Kumekpor, T. K. B. (2002). *Research methods and techniques of social research*. Accra: Sons Life Press.

- MacAndrews, C. (1986). *Land policy in modern Indonesia*. London: Gunn & Hainn Publishers.
- Magistrate Court of Ashanti Mampong (2011). *Records of court proceedings*. Available at www.judicial.gov.gh/.
- Mampong Municipal Assembly (2011). *Modalities for resolving customary land disputes*. Retrieved on 17th August, 2012 from www.ghanadistricts.com.
- Mends, T. M. (2006). Customary land tenure and urbanization with a case study on the Peri-urban area of Accra, Ghana. *Enschede, ITC, 1*, 73.
- Mensah-Brown, A. K. (1978). *Land ownership and registration in Ghana. An introductory synthesis*, LARC-UST, Kumasi, Ghana. Available at <http://dspace.knust.edu.gh:8080/jspui/bitstream/>.
- Ministry of Lands and Forestry (2003). *Environmental assessment of Northern Savanna Biodiversity Conservation Project (NSBCP)*. Republic of Ghana, Accra: Ministry of Lands and Forestry.
- Myers, G. (2007). *Land tenure and violent conflict in Kenya*. Retrieved on 13th January, 2013 from www.landcoalition.org/.
- Nannyonjo, J. (2005). *Conflict, poverty and human development in Northern Uganda*, UNU-WIDER, Research Paper No. 2005/47, August 2005.
- Ollennu, N. A. (1962). *Principles of customary land law in Ghana*. London: Sweet & Maxwell.
- Opinion Leader, Kyeremfaso field survey, 13 December, 2011.
- Opinion Leader, Nintin field survey, 16 December, 2011.
- Organisation for Economic Co-Operation and Development [OECD], (2004).

Land, violent conflict and development. Paris: OECD.

Paterson, D. E. (2001). Some thoughts about customary land. *Journal of South Pacific Law*, 5, 89-94.

Peacebuildingdata.org (2012). *Liberia: Land and general disputes*. Retrieved on 13th January, 2013 from www.peacebuildingdata.org/.

Peters, P. E. (2002). Bewitching land: The role of land disputes in converting kin to strangers and class formation in Malawi. *Journal of Southern African Studies*, 28(1), 155-176.

Power, A. P. (2001). *Land mobilisation programme in Papua New Guinea*. Port Moresby: National Research Institute.

Rahmato, D. (2007). *A review of land tenure legislation in Ethiopia*. Addis Ababa: Forum for Social Studies.

Setafano, P. M., Vaitogi, V. I., Warren, F., & Sapatu, F. (2004). *Taking of customary land for the New Salelologa Township*, Proceedings of the 2004 National Environment Forum, No 5, pp 61-64. Retrieved on 12th December, 2012 from <http://www.forumsec.org/>.

Sittie, R. (2006). *Land title registration: The Ghanaian experience*. A paper presented at the FIG Congress Munich, Germany, October 8-13, 2006 available at <http://www.fig.net/pub/fig2006/papers/ps07/ps07>.

Stephensons Solicitors (2012). *Boundary disputes*. Retrieved on 23rd January, 2013 from www.stephensons.co.uk.

Tripp A. M. (2004). Women's movements, customary law, and land rights in Africa: The case of Uganda. *African Studies Quarterly*, 7, 4, 204 – 207.

- Toulmin, C., & Quan, J. (2000). *Land boards as a mechanism for the management of land rights in Southern Africa. Evolving land rights and tenure in Africa*. London: DFID/IIED/NRI.
- United Nations (2009). *Land dispute resolution*. Retrieved on 14th January, 2013 from www.unpbf.org/news/success-story-liberia-2013.
- United Nations Human Settlements Programme [UN-HABITAT] (2009). *Land and conflict: A handbook for humanitarians*. Retrieved on 23rd January, 2013 from www.unhabitat.org.
- Wehrmann, B. (2005). *Solving land conflict in Africa*. Retrieved on 23rd January, 2013 from <http://www.gim-international.com/issues/articles/id655->
- Wehrmann, B. (2008). *Land conflicts: A practical guide to dealing with land disputes*. Eschborn, Germany: GTZ (Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH).
- Wood, G. (2002). *The courts and land disputes resolution in Ghana*. A paper delivered to the Land Disputes Settlement in Ghana seminar, Labadi Beach Hotel, Accra under the auspices of the Legal Pluralism and Gender Project, GTZ Ghana.
- World Bank (2003). *Land policies for growth and poverty reduction, policy research report*. Washington, D.C.: World Bank.
- Yankson, W. K. P., Asiedu B. A. & Yaro, A. J. (2009). Land rights and vulnerabilities in the Kete Krachi pilot customary land secretariat area. *Journal of Southern African Studies*, 28(1), 155-176.

Zierman, R. W. (2010). What are boundary disputes? Retrieved on 12th
December, 2012 from www.boundarydisputeslaw.com.

APPENDICES

APPENDIX A

HOUSEHOLD QUESTIONNAIRE

This questionnaire is to collect empirical data for academic purposes in aid of the attainment of a Master’s Degree in Peace and Development Studies. This questionnaire is part of the research on the topic “Influence of Customary Land Disputes on Development in Ashanti Mampong”. Please be assured that every information gathered would be used strictly for academic purposes.

Date:_____

A. Basic information

1. Status of the respondent (multiple answers can be ticked for question 1):

Household Head Landowner Landlord/lady

2. Sex: M F

3. Age_____

4. Marital status:_____

5. Number of children:_____

B. Socio-economic information

6. What is your level of education?

Primary complete incomplete

Secondary complete incomplete

Vocational complete incomplete

Tertiary complete incomplete

7. What is your occupation or main activity?

Trading Which type of trading? _____

Civil service

Other (please, specify) _____

C. Land acquisition, title, disputes and resolution

i. If household head only (not landlord/lady and/or landowner), answer questions 17 to the end.

ii. If landlord/lady only (not landowner), answer question 8 and the other questions as applicable

8. Do you own this land?

Yes No

If yes, answer the remaining questions from question 9 to the end.

If no, answer the remaining questions from question 13 to the end.

iii. If landowner,

9. How did you own this land?

a. Inheritance b. Purchase c. Government d. Other (specify) _____

If purchase,

10. Who did you purchase the land from?

a. Private person b. Family/clan head c. Traditional leaders

d. Government agency (please specify) e. Others (please specify)

11. How much did you pay for the land?

If purchase, inheritance or other

12. Do you have title (official documentation) to the land?

Yes No

13. Have you encountered difficulty (ies) in the use of this land?

a. Yes b. No

If yes to question 13 above,

14. Briefly specify the difficulty (ies)

15. In your opinion, what do you think contributed to this/these difficulty (ies)?

16. How did/has this/these difficulty (ies) affect (ed) your ability to develop this land?

17. With reference to your own experience, what do you think can be done to avoid this/these difficulty (ies)?

If landowner, Household head or landlord/lady

18. In your opinion, which of these forms of land acquisition can aid reduce land disputes in the community?

a. Inheritance b. Purchase from family/clan head c. Purchase from traditional leaders d. Other (please specify) _____

19. Reason (s) for your choice in question 17 above

D. Customary land disputes and socio-economic development

20. What is the main dispute associated with land in this community?

- a. Intra-family disputes over landownership
- b. Trespass/boundary dispute
- c. Unauthorised disposition of rights in land: by traditional leaders/family or clan head
- d. Unauthorised disposition of land rights by Land Commission/ Government
- e. Unauthorised sale of land
- f. Sale of same land to multiple buyers
- g. Others (please specify) _____

21. In your opinion how has these land disputes affected the development of the community?

Provision of Physical Projects in the Community:

Other Socio-economic Developments in the Community:

22. What do you think should be done to mitigate these disputes and hence ensure development of your community

APPENDIX B

QUESTIONNAIRE FOR COMMUNITY/TRADITIONAL LEADERS

This questionnaire is to collect empirical data for academic purposes in aid of the attainment of a Master’s Degree in Peace and Development Studies. This questionnaire is part of the research on the topic “Influence of Customary Land Disputes on Development in Ashanti Mampong”. Please be assured that every information gathered would be used strictly for academic purposes.

Date: _____

A. General information

Name of the respondent: _____

Name of the organisation: _____

Position in the organisation: _____

B. Land ownership, management and title

1. What is the proportion of land owned by the traditional authority, family/clan and the government in this community?

Traditional Authority: _____

Family/Clan: _____

Government: _____

2. Which proportion of the land belonging to the traditional authority is:

Sold to Individuals for Housing Purposes (please state examples and price per acre of land):

Sold to Individuals for Farming Purposes (please state examples):

Sold to Individuals for other economic purposes (please state examples):

Given to family/clan members for agriculture purposes

Given to Government and Other Private persons for community development

(please state examples):

3. In your opinion, which of these forms of land acquisition can aid reduce land disputes in the community?

- a. Inheritance b. Purchase from family/clan head c. Purchase from traditional leaders d. Other (please specify)

4. Reason (s) for your choice in question 3 above

5. Do you have a formal procedure used by the traditional authority for the sale of these lands?

Yes No

6. If yes, do all members of the traditional authority comply with this procedure all the time?

Yes No Sometimes

7. If no to question 5 above, is the absence of a formal procedure a cause of land disputes in this community?

Yes No

8. Reason for the choice in question 7 above

If no to question 6 above, is the non-compliance to this procedure a cause of land disputes in this community?

Yes No

9. Reason for the choice in question 9 above

10. Have you prepared a detailed layout for the lands being managed by the traditional authority?

Yes No

11. If no why?

12. How do you ensure effective records of all the lands (either sold or available) to the traditional authority?

13. How do you help in securing official title (documentation) of the land sold or given to private persons?

Forms of customary land disputes and resolutions

14. What is the main dispute associated with land in this community?

- a. Intra-family disputes over landownership
- b. Trespass/boundary dispute
- c. Unauthorised disposition of rights in land: by traditional leaders/family or clan head
- d. Unauthorised disposition of land rights by Land Commission/ Government
- e. Unauthorised sale of land
- f. Sale of same land to multiple buyers
- g. Others (please specify) _____

15. How are these disputes resolved by the Traditional Authority of this community?

C. Effects of land disputes on community development and way forward

16. In your opinion how has these land disputes affected the development of the community?

Provision of Physical Projects in the Community:

Other Socio-economic Developments in the Community:

What do you think should be done to mitigate these disputes and hence ensure development of your community.

APPENDIX C

QUESTIONNAIRE FOR FAMILY/CLAN HEADS

This questionnaire is to collect empirical data for academic purposes in aid of the attainment of a Master’s Degree in Peace and Development Studies. This questionnaire is part of the research on the topic “Influence of Customary Land Disputes on Development in Ashanti Mampong”. Please be assured that every information gathered would be used strictly for academic purposes.

Date: _____

A. General information

Name of the respondent: _____

Position in the Family/Clan: _____

B. Land ownership, management and title

1. What is the proportion of land owned by the traditional authority, family/clan and the government in this community?

Traditional Authority: _____

Family/Clan: _____

Government: _____

2. Which proportion of the land belonging to your family/clan is:

Sold to Individuals for Housing Purposes (please state examples and price per acre of land):

Sold to Individuals for Farming Purposes (please state examples):

Sold to Individuals for other economic purposes (please state examples):

Given to family/clan members for agriculture purposes

Given to Government and Other Private persons for community development
(please state examples):

3. In your opinion, which of these forms of land acquisition can aid reduce land disputes in the community?

- a. Inheritance b. Purchase from family/clan head c. Purchase from traditional leaders d. Other (please specify)

4. Reason (s) for your choice in question 3 above

5. Do you have a formal procedure used by the family/clan for the sale of these lands?

Yes No

6. If yes, do all members of the family/clan comply with this procedure all the time?

Yes No Sometimes

7. If no to question 5 above, is the absence of a formal procedure a cause of land disputes in this community?

Yes No

8. Reason for the choice in question 7 above

9. If no to question 6 above, is the non-compliance to this procedure a cause of land disputes in this community?

Yes No

10. Reason for the choice in question 9 above

11. Have you prepared a detailed layout for the lands being managed by the family/clan?

Yes No

12. If no why?

13. How do you ensure effective records of all the lands (either sold or available) to the family/clan?

How do you help in securing official title (documentation) of the land sold or given to private persons?

B. Forms of customary land disputes and resolutions

14. What is the main dispute associated with land in this community?

- a. Intra-family disputes over landownership
- b. Trespass/boundary dispute
- c. Unauthorised disposition of rights in land: by traditional leaders/family or clan head
- d. Unauthorised disposition of land rights by Land Commission/ Government
- e. Unauthorised sale of land
- f. Sale of same land to multiple buyers
- g. Others (please specify) _____

E. Effects of land disputes on community development and way forward

15. In your opinion how has these land disputes affected the development of the community?

Provision of Physical Projects in the Community:

Other Socio-economic Developments in the Community:

What do you think should be done to mitigate these disputes and hence ensure development of your community

APPENDIX D

QUESTIONNAIRE FOR GOVERNMENT INSTITUTIONS

This questionnaire is to collect empirical data for academic purposes in aid of the attainment of a Master's Degree in Peace and Development Studies. This questionnaire is part of the research on the topic "Influence of Customary Land Disputes on Development in Ashanti Mampong". Please be assured that every information gathered would be used strictly for academic purposes.

Date: _____

A. General information

Name of the respondent: _____

Name of Institution: : _____

Position in the Institution: _____

B. Land ownership, management and title

1. What is the proportion of land owned by the traditional authority, family/clan and the government in this community?

Traditional Authority: _____

Family/Clan: _____

Government: _____

2. Which proportion of the land belonging to the government is:

Sold to private persons/agencies for Housing Purposes (please state examples and price per acre of land):

Sold to private persons/agencies for Farming Purposes (please state examples):

Sold to private persons/agencies for other economic purposes (please state examples):

Given to Government and Other Private persons for community development (please state examples):

In your opinion, which of these forms of land acquisition can aid reduce land disputes in the community?

- a. Inheritance b. Purchase from family/clan head c. Purchase from traditional leaders d. Other (please specify)

3. Reason (s) for your choice in question 3 above

In your opinion, does this institution comply with the procedures for the sale of land?

Yes No Sometimes

4. If no/sometimes to question 5 above, is the non-compliance to this procedure a cause of land disputes in this community?

.Yes No

5. Reason for the choice in question 6 above

Have you prepared a detailed layout for the lands being managed by this institution on behalf of the government?

Yes No

6. If no why?

7. How do you ensure effective records of all the lands (either sold or available)?

8. How do you help in securing official title (documentation) of the land sold or given to private persons?

C. Forms of customary land disputes and resolutions

9. What is the main dispute associated with land in this community?

a. Intra-family disputes over landownership

b. Trespass/boundary dispute

c. Unauthorised disposition of rights in land: by traditional leaders/family or clan head

d. Unauthorised disposition of land rights by Land Commission/ Government

e. Unauthorised sale of land

f. Sale of same land to multiple buyers

g. Others (please specify) _____

D. Effects of land disputes on community development and way forward

10. In your opinion how has these land disputes affected the development of the community?

Provision of Physical Projects in the Community:

Other Socio-economic Developments in the Community:

11. What do you think should be done to mitigate these disputes and hence ensure development of your community.
