

**Urban Planning Practice under Neo-customary Land Tenure:
The interface between Government Agencies and Traditional Authorities in Peri-
Urban Ghana**

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Abstract

Contemporary discourses on land policy in sub-Saharan African countries have shifted from polarised debates that hitherto promoted formal land administration or romanticised customary tenure systems. Recent policy trends have emphasised the integration of customary and state tenure systems as a nascent strategy to achieve equitable land delivery. Conceptually embedded in the exploratory concepts of co-production and institutional hybridity, the main question posed by this thesis is how are collaborative engagements between local government planning administrations and customary authorities in land delivery forged and what outcomes are produced from these engagements in peri-urban Ghana? The thesis draws on a case study of neo-customary land delivery practices in the secondary towns of Tamale and Techiman, to interrogate the prevailing view that hybrid land governance systems can promote equitable land delivery. The findings of the thesis revealed that local planning and land delivery in Ghana are not undertaken as solely technical functions but as hybrid practices among a medley of actors with different interests and values. Interactions among these heterogeneous sets of actors are driven and shaped by local agency or practices and mediated through various negotiations and strategic alliances. This culminates in different outcomes for different individuals. Peri-urban land is thus jointly co-produced by state and neo-customary regulatory systems. These findings challenge the conventional understanding on formal and informal land markets in African cities. The overarching argument advanced by the thesis is that just as formal land administration is admissibly inequitable and hitherto idealised customary tenure evolving towards commodified and individualised systems, the harmonisation and integration of customary and state land administration systems does not analogously guarantee equitable and inclusive land management in Ghana. Rather, context specificity, the nuances in land tenure practices, and the actions of actors shape the generated outcomes. In rapidly urbanising secondary cities, the integration of customary and formal land administration systems has reinforced inequitable and exclusionary outcomes in land delivery due to the presence of unequal power relations, opportunistic behaviours, under-resourced government agencies, and re-interpreted traditions. The thesis thus cautions against the uncritical and unreserved generalisation of the outcomes of hybrid land tenure systems and advocates for experimentation and learning across various neo-customary land delivery contexts in sub-Saharan Africa. The thesis concludes by exploring and explicating the implications of hybrid practices of planning and land delivery for equitable and sustainable land delivery.

Zusammenfassung

Zeitgenössische Diskurse zur Bodenpolitik in afrikanischen Ländern südlich der Sahara haben sich von polarisierenden Debatten, die bisher entweder die formale Bodenverwaltung gefördert oder die herkömmliche Methoden idealisiert haben, zu politischen Trends entwickelt, die die Integration von herkömmlichen und staatlichen Bodenverwaltungssystemen als eine im Entstehen begriffene Strategie zur gerechten Bereitstellung von Land betonen. Konzeptuell eingebettet in die explorativen Konzepte von Koproduktion und institutioneller Hybridität ist die Hauptfrage dieser Arbeit: Wie ist die Zusammenarbeit zwischen den lokalen Planungsverwaltungen und den traditionellen Institutionen der Bodenverwaltung gestaltet und welche Ergebnisse resultieren aus dieser Zusammenarbeit im peri-urbanen Bereich Ghanas? Basierend auf einer Fallstudie über die alltäglichen Praktiken neo-landestypischer Prozesse zur Bereitstellung von Land in den sich schnell urbanisierenden Kleinstädten Tamale und Techiman, hinterfragt die Arbeit die vorherrschende Meinung, dass hybride Landnutzungssysteme eine gerechte Bereitstellung von Land fördern. Die Ergebnisse der Dissertation zeigten, dass lokale Planung und Bereitstellung von Land in Ghana nicht als rein technische Funktionen, sondern als hybride Praktik einer Mischung verschiedener Akteure mit unterschiedlichen Interessen und Werten durchgeführt wird. Eine Zusammenarbeit zwischen diesen heterogenen Akteurskonstellationen von den lokalen Verantwortungsträgern (local agency), welche diese bei den verschiedenen Verhandlungen und durch strategische Allianzen begleitet, wird dabei geformt und vorangetrieben. Dieser Prozess führt zu unterschiedlichen Ergebnissen für die verschiedenen Individuen. Demnach wird peri-urbanes Land gemeinsam von staatlichen und neo-landestypischen Regulierungssystemen co-produziert. Diese Ergebnisse stellen das herkömmliche Verständnis formaler und informeller Bodenverwaltung in afrikanischen Städten in Frage. Die übergeordnete Erkenntnis der Arbeit ist, dass, ebenso wie die formelle Landverwaltung in Ghana ineffektiv und ungerecht ist, das idealisierte System herkömmlicher Bodenverwaltung zu einem Kommerzialisierungssystem und somit ungerecht wird. Die Zusammenführung beider Systeme garantiert nicht automatisch eine gerechte und inklusive Bodenverwaltung in Ghana. Vielmehr prägen die Kontextspezifität, die Nuancen in der Bodenverwaltung und die Handlungen der Akteure die erzielten Ergebnisse. In sich schnell urbanisierenden Kleinstädten hat die Kombination von herkömmlichen und formellen Landverwaltungssystemen ungerechte und ausgrenzende Ergebnisse bei der Landverteilung aufgrund ungleicher Machtverhältnisse, opportunistischer Verhaltensweisen, unzureichend ausgestattete Regierungsbehörden und neu interpretierte Traditionen verstärkt. Die Doktorarbeit warnt daher vor der unkritischen und uneingeschränkten Verallgemeinerung der Ergebnisse hybrider Bodenverwaltungssysteme und setzt sich für das Experimentieren und Lernen innerhalb der verschiedenen neo-traditionellen Verfahren von Landbereitstellung in Subsahara-Afrika ein. Die Arbeit schließt mit der Erforschung und Erklärung der Auswirkungen hybrider Planungspraktiken der der Bodenverwaltung für eine gerechte und nachhaltige Bereitstellung von Land.

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Contents

Abstract.....	i
Zusammenfassung.....	ii
Acknowledgements.....	iii
Contents	v
List of figures	viii
List of tables.....	ix
Abbreviations	x
1. Introduction.....	1
1.1 Research context	1
1.2 Knowledge gap and research questions.....	4
1.3 Research approach and time-space context (scoping)	5
1.4 Rationale and main arguments of the thesis.....	6
1.5 Structure of the thesis	8
PART 1: THEORETICAL FRAMEWORK.....	11
2. Customary land tenure reform and traditional authority resurgence in sub-Saharan Africa: Policy paradigms and applications	12
2.1 Traditional conceptions of customary land tenure in sub-Saharan Africa	12
2.2 Decolonisation and nation building: Debates on customary land tenure reform	15
2.3 The resurgence of traditional authorities in sub-Saharan Africa.....	18
2.4 Harmonising customary and state land administration systems	25
2.5 Chapter summary.....	26
3. Situating land governance and planning challenges in sub-Saharan Africa within broader theoretical debates of North-South theory transfers.....	28
3.1 The urban planning crises in Africa and critique of North-driven urban theory	28
3.2 Delimiting a Southern urban/planning theory: controversies and dilemmas	31
3.3 Chapter summary.....	32
4. Emergent approaches in urban planning and governance in post-colonial cities.....	33
4.1 The discourse on Co-production	33
4.2 The hybrid governance discourse - A turn to institutional hybridity	39
4.3 Intersections, proximities and research gaps in emergent approaches	42

4.4 Chapter summary	43
5. Summary of theoretical perspectives, assumptions and analytical model	45
5.1 Main theoretical debates and conceptual structure	45
5.2 Analytical model: Framing peri-urban land delivery within the lens of co-production and institutional hybridity	47
PART 2: CASE STUDY: RESEARCH SETTING, METHODS AND FINDINGS	49
6. Contextualising neo-customary land governance in Ghana: A co-habitation of modern and customary practices.....	50
6.1 Land tenure system	50
6.2 Neo-Customary land tenure: the influence of colonial, local, and global policies.....	52
6.3 The land use planning system in Ghana	59
6.4 The interface between customary land tenure and land use planning.....	65
6.5 Chapter summary.....	66
7. Case selection and methodological considerations	67
7.1 Criteria for case selection	67
7.2 Case study research approach	73
7.3 Data collection methods	76
7.4 Data processing and analysis	80
7.5 Ethical considerations, reflexivity, and trustworthiness	85
7.6 Limitations of the thesis.....	87
7.7 Chapter summary.....	88
8. The exercise of agency and the everyday practice of land delivery in Tamale and Techiman: processes and strategic alliances	89
8.1 Initiating the preparation of Local Plans: Processes and motivations	89
8.2 Designing and approving Local Plans: Community versus private interests	95
8.3 Surveying and sub-dividing land parcels: strategic alliances and practical norms	103
8.4 Harmonising customary and statutory tenure: collaborative engagements in land delivery ...	108
8.5: Implementing the Local Plan: Community impacts	110
8.6 Discussion: Between collaboration and negotiated modes of governance	114
8.7 Chapter summary.....	115
9. Mapping actor interactions and power relations in land delivery in Tamale and Techiman using social network analysis	117
9.1 Local actors and institutions of authority in peri-urban land delivery	117

9.2 Network centrality and powerful actors – A Social Network Analysis	128
9.3 Power relations and benefit sharing arrangement.....	137
9.4 Chapter summary	140
10. Land rights transformation and powers of exclusion/access in Tamale and Techiman.....	141
10.1. Peri-urban land rights transformation and changing norms of access under the ‘pillarization revolution’	141
10.2 Powers of exclusion and access in the wake of land commodification	144
10.3 Chapter summary.....	155
PART 3: CONCLUSIONS, REFLECTIONS, AND THEORETICAL CONTRIBUTIONS	156
11. Towards hybrid land governance: Conclusions and theoretical implications	157
11.1 Integrated land delivery in Ghana: Synthesis of findings.....	157
11.2 Reflections and conclusions.....	160
11.3 Implications for equitable and sustainable urban land delivery	166
11.4 Significance of thesis findings	173
11.5 Refocusing on a ‘southern take’ in planning theory: Local agency and bottom-up planning....	174
11.6 Recommendations for further research.....	175
References.....	177
Appendices	205
Appendix A: Index of Interviews and Focus Group Discussions	205
Appendix B: Interview guides.....	209
Appendix C: Actor degree centralities	213

List of figures

Figure 1.1: Thesis structure	10
Figure 5.1: Theoretical framework	45
Figure 5.2: Analytical model	48
Figure 7.1: Location of study towns in Ghana	68
Figure 7.2: Traditional structure for customary land administration	70
Figure 7.3: Word cloud of 50 most frequently used words by respondents	82
Figure 7.4: Cluster diagram of codes based on coding similarity	82
Figure 8.1: The Local Plan site for study site D, Techiman	90
Figure 8.2: Site earmarked for the Local Plan for study site C, Techiman	90
Figure 8.3: Local Plan site, Tamale	91
Figure 8.4: Local Plan of site A (adapted version)	99
Figure 8.5: Local Plan of site A (adapted version)	99
Figure 8.6: Extract of Local Plan for site B (Adapted)	100
Figure 8.7: Extract of Local Plan for site C (Adapted)	101
Figure 8.8: Extract of Local Plan for site D (Adapted)	102
Figure 8.9: Survey beacons installed to demarcate plot boundaries in Tamale	104
Figure 8.10: Survey beacons (concrete pillars) installed to demarcate plot boundaries in Techiman	104
Figure 8.11: Patches of ongoing land developments on allocated land parcels	113
Figure 9.1: Main actors in peri-urban land delivery	118
Figure 9.2: Respondents views on who owns/allocates land in Techiman and Tamale	119
Figure 9.3: Social network of actors in peri-urban land delivery in Techiman	130
Figure 9.4: Social network of actors in peri-urban land delivery in Tamale	131
Figure 9.5: Actor degree centralities for the peri-urban land delivery network in Techiman	133
Figure 9.6: Actor degree centralities for the peri-urban land delivery network in Tamale ...	134
Figure 9.7: Plot distribution formula Techiman,	138
Figure 9.8: Plot distribution formula, Tamale	139

List of tables

Table 7.1: Description of selected study sites	73
Table 7.2: Data collection methods and study participants	78
Table 8.1: Land use inventory of the Local Plans for study sites A and B in Tamale.....	98
Table 8.2: Land use inventory of the Local Plans for study sites C and D in Techiman.....	98
Table 8.3: Community perspectives on the effects of the Local Plan	113
Table 9.1: Characteristics of the peri-urban land delivery network.....	129
Table 9.2: Abbreviations for Social Network Analysis	135
Table 9.3: Actor rankings based on Freeman's betweenness centrality measurements (asymmetric ties).....	136

Abbreviations

ACHR	Asian Coalition for Housing Rights
AfDB	African Development Bank
ANC	African National Congress
CBD	Central Business District
CLS	Customary Lands Secretariat
CLT	Customary Land Tenure
DPCU	Development Planning and Coordinating Unit
ERP	Economic Recovery Program
ETLR	Evolutionary Theory of Land Rights
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
IMF	International Monetary Fund
LAP	Land Administration Project
LI	Legislative Instrument
LRD	Land Registration Division
LUPMP	Land Use Planning and Management Project
LUSPA	Land Use and Spatial Planning Authority
LUSPB	Land Use and Spatial Planning Bill
MEST	Ministry of Environment, Science, and Technology
MA	Metropolitan/Municipal Assembly
MLGRD	Ministry of Local Government and Rural Development
MMDAs	Metropolitan, Municipal and District Assemblies
MTDP	Medium Term Development Plan
NDPC	National Development Planning Commission
NDPC	National Development Plan
NPG	New Public Governance
NUPF	National Urban Policy Framework
OASL	Office of the Administrator of Stool Lands
PNDC	Provisional National Defence Council
PPD	Physical Planning Department
RCC	Regional Coordinating Council
SAP	Structural Adjustment Program
SDF	Spatial Development Framework

SDI	Shack/Slum Dwellers International
SMD	Survey and Mapping Division
SP	Structure Plan
SPC	Statutory Planning Committee
SSA	sub-Saharan Africa
TAs	Traditional Authorities
TCPD	Town and Country Planning Department
TPC	Technical Planning Committee
UN	United Nations
UN DESA	United Nations Department of Economic and Social Affairs
UN-Habitat	United Nations Human Settlements Programmes

1. Introduction

1.1 Research context

Urbanisation and urban population growth present both opportunities and challenges for governments globally. In developing regions, particularly in sub-Saharan Africa (SSA) where the rates of urbanisation are among the highest, burgeoning urban population growth poses daunting challenges to urban governance and social equity given the weak institutional, financial, and infrastructural capacities of governments (African Development Bank, 2013; UN DESA, 2015; UN-Habitat, 2008, 2014). More than half of Africa's population is projected to be urban by 2035 with African cities and towns becoming home to about 1.3 billion people by 2050 (UN DESA, 2015). This rapidity of urban population growth without a corresponding growth in jobs and Gross Domestic Product (GDP) per capita (Fox, 2012; Freire, Lall, & Leipziger, 2014; Jedwab, Christiaensen, & Gindelsky, 2015; Turok, 2014; UN DESA, 2015) makes it difficult for African governments to harness and leverage the opportunities presented by the spiralling urbanisation. In many African countries, recent private capital investments have regrettably focused on mega-urban projects like residential complexes and shopping malls, targeting higher income populations to the neglect of the daily urban realities in African cities (Grant, 2015; Herbert & Murray, 2015; Obeng-Odoom, 2015; Oteng-Ababio & Arthur, 2015; Watson, 2014a). This results in serious economic and social consequences for low-income populations.

Contrary to the dominant view that considers cities as 'engines of growth', and the much rhetoric surrounding the transformative potential of urbanisation, informality, poverty, inequality, unemployment, weak governance institutions and infrastructure deficits are the current leitmotifs of African urbanism (African Development Bank, 2013; Huchzermeyer, 2011; Myers, 2011; Pieterse & Parnell, 2014; UN DESA, 2015; UN-Habitat, 2014). Nowhere are the challenges of managing the fast rate of urbanisation more intense, than in secondary cities in SSA where the greatest share of urban growth takes place and where urban governance and land management systems are weak. Land governance is a critical issue in Africa's urban transition. In the context of widespread unemployment and urbanisation trends that have been described as largely parasitic and poverty-driven (Herrmann & Khan, 2008; Kamete, Tostensen, & Tvedten, 2001; UN-Habitat, 2008), access to, control over and the use of land in many SSA cities are frequently contested issues. Within the context of global commitments like the UN Sustainable Development Goals and the New Urban Agenda, secure tenure rights, sustainable land use, and responsible land governance are considered a transformative power to achieving sustainable, safe, resilient, and inclusive cities (Ghazi et al., 2017). This notwithstanding, escalating urban population growth in Africa has placed great stress on the capacity of governments to sustainably and equitably manage urban land within plural land tenure systems.

A major concern surrounding Africa's urban revolution is the complex and dual land tenure regimes existing in urban and peri-urban areas of many secondary cities (African Union, 2010, 2016). At the fringes of many urban areas in Africa, customary and statutory land tenure systems co-exist, overlap, and sometimes contradict each other. Urban developments are largely unplanned and unregulated as

much of the urban land development in African cities occur outside of formal regulatory and legal frameworks, which have existed since colonial times (Berrisford, 2011; N. A. Boamah, 2013b; Kihato, Royston, Raimundo, & Raimundo, 2013; Onyebueke & Ikejiofor, 2017; Rakodi, 2006). In peri-urban areas of secondary cities, urbanisation engenders land use conversion and speculation as well as triggers individualised relations in land, and challenges indigenous rights of access to land (Kombe & Kreibich, 2000; Nnkya, 2007; Ubink, 2008c; Ubink & Amanor, 2008). Traditional/customary land tenure systems are often therefore under immense siege and rapid transformation as cities expand to engulf more peri-urban agricultural lands. This leads to growing commodification of land engendering exclusion in access to land. Hence, for many years, the focus on land governance in post-colonial African cities had centred on how best to blend customary and modern/formal systems of land governance to manage urban growth efficiently.

The early post-colonial era witnessed two prominent schools of thought, which generated longstanding polarised debate on the best approach to address the *problematique* of legal pluralism in Africa's land tenure systems. Whereas one school of thought promoted the continuity and strengthening of 'customary'/'traditional' regimes of land tenure, the other argued for the replacement of customary tenure systems with 'modern'/'formal' tenure systems in line with the neoliberal development paradigm (Benjaminsen & Sjaastad, 2003; Obeng-Odoom, 2012). Few years after independence, many African governments attempted to replace (neo) ¹customary land tenure systems with western systems of property rights through individual titling or land nationalisation as part of the processes of nation-building albeit with little success (Platteau, 1996). At the same time, critical and nuanced perceptions on the supposed egalitarian nature of customary land tenure systems in urban areas also emerged (Peters, 2004; Whitehead & Tsikata, 2003; Woodhouse, 2003). The limited successes of these two approaches have shifted contemporary land policy towards the legal/statutory recognition of customary rights to land and the harmonisation of statutory and customary land administration systems. Labelled as the 'adaptation paradigm' (Bruce, Migot-Adholla, & Atherton, 1994) to land policy reform, the emphasis in the current policy debate has been on recognising and building on local and traditional land tenure practices to promote tenure security, equitable land management and poverty reduction (Amanor, 2012; Cotula, Toulmin, & Hesse, 2004; Deininger & Binswanger, 1999; European Union, 2004; Knight, 2010; Camilla Toulmin & Quan, 2000; Ubink & Quan, 2008; Whitehead & Tsikata, 2003; World Bank, 2003). Understanding and leveraging the best parts of customary systems and integrating them with formal land laws has thus been identified as a promising strategy for ensuring social-justice and protecting the land rights of the poor in many rapidly urbanising secondary cities (Knight, 2010; Kombe & Kreibich, 2000).

¹ I use the term neo-customary to show the evolving and hybrid nature of the rights, rules, and/or authorities in governing customary land. This is to avoid the term customary being mistaken or equated with the notion of 'indigenous/precolonial' or 'traditional' landholding practices where land is governed mainly using customs. In many instances, neo-customary tenure regimes differ markedly from precolonial land rules and practices.

The discourse on harmonising the dual land tenure regimes across African cities has been occurring alongside critical dialogs on the resurgence of traditional authorities and other non-state actors in urban governance. Many scholars have highlighted the importance of traditional authorities within democratic governance systems in Africa and linked their current resurgence to ‘weak’ or ‘failed’ states, neoliberalisation, decentralisation and claims of popular legitimacy (Acemoglu, Reed, & Robinson, 2014; Baldwin, 2016; Beall, Mkhize, & Vawda, 2005; Beall & Ngonyama, 2009; Englebert, 2002b; Ubink, 2008d). In tandem with these dialogs are growing sceptical views about the global transfer of Northern-based (Euro-American) planning and governance approaches (Edensor & Jayne, 2012; Healey, 2012; Parnell & Oldfield, 2014; Patel, 2014; Roy, 2009; Watson, 2002, 2009a) in the post-colonial urban studies literature. Northern-based theories and models have been consistently criticised for being top-down, inappropriate, ineffective, and non-responsive to the urban challenges of post-colonial African cities experiencing rapid population growth, informality and a dominance of non-state actors in governance. They are also considered incompatible with political shifts towards governance, decentralisation, and democratisation (Arimah & Adeagbo, 2000; Kironde, 2006; UN-Habitat, 2009). Accordingly, scholars have called for locally adaptive governance practices and a ‘southern’ perspective in planning theory (Watson, 2009b, 2013, 2014d; Yiftachel, 2006) to engage with the ‘stubborn realities’ of cities in the global South. Consequently, across various contexts in Africa, the dominant language in governance and urban planning has been pragmatism, eclecticism, pluralism, and context-specific adaptation with a preferential shift towards state and non-state actor engagements (Joshi & Moore, 2004).

In the light of the recent shifts towards non-state action and Southern-based approaches in urban governance, two emergent governance models have gained increased research interest. These are the exploratory concepts of co-production in public services delivery (Albrechts, 2013; Alford, 2009; Joshi & Moore, 2004; Mitlin, 2008; Ostrom, 1996; Pestoff, 2012; Verschuere, Brandsen, & Pestoff, 2012; Watson, 2014b) and hybrid governance/institutional hybridity (Boege, Brown, Clements, & Nolan, 2008; Colona & Jaffe, 2016a; De Herdt & Olivier de Sardan, 2015; Goodfellow & Lindemann, 2013; Lund, 2007; Reyntjens, 2015). These two take a departure from colonial inherited ‘top-down’ modernist urban planning practices and introduce collaborative and strategic partnerships to governance and urban planning processes. The focus of these concepts on the complexities of non-state actor involvement in governance in the context of ‘weak’ or ‘failed’ states, neoliberalisation and decentralisation make them useful exploratory concepts for analysing local collaborations in land governance in African countries. Therefore, I employ these two exploratory concepts as analytical lenses to evaluate the processes, dynamics, and outcomes of the implementation of an adaptation approach to land management in Ghana.

The thesis focused on land delivery practices in Ghana because traditional authorities (chiefs) possess constitutionally guaranteed powers in land administration. Chiefs have not only persisted but have gained considerable authority and influence in land management. Between 2003-2010, Ghana implemented the first phase of a long-term multi-donor supported Land Administration Project (LAP), which sought “to develop a sustainable and well-functioning land administration system that is fair,

efficient, cost effective, decentralised and that enhances land tenure security” (Ministry of Lands and Forestry, 2003, p. 12). As part of the first phase of the LAP, pilot Customary Lands Secretariats were established under the aegis of traditional authorities as a strategy to strengthen the management of customary lands. Thus, land administration in Ghana is streamlined with current international land policy proposals for building on and integrating customary and state systems of land management. This makes planning and land delivery processes in Ghana an ideal laboratory to interrogate the outcomes of an adaptation approach to land policy in the context of rapid urbanisation. As an emergent approach that espouses bottom up, adaptive and hybrid practices involving state and non-state institutions and actors, the adaptation approach to land policy has often been promoted as leading to transformative outcomes, which brings about both efficiency and effectiveness and ensures land tenure security (Deininger, 2003; Kombe & Kreibich, 2000; Lavigne Delville, 1999; Camilla Toulmin & Quan, 2000). This thesis interrogates this notion by exploring mundane relations between customary and state authorities in land management in Ghana in the wake of rapid population growth, urbanisation, land commodification, and weak local state authorities. The thesis, therefore, aims to link the arguments in the literature promoting the integration of customary and state land tenure systems as a solution to pro-poor land delivery to practical issues of equity, power relations and negotiated planning in peri-urban Ghana.

1.2 Knowledge gap and research questions

Traditionally, studies on land management and planning in Ghana and other cities in SSA have been preoccupied by concerns over existing dualities in land tenure regimes. The discourse has consistently emphasised the conflicts and confrontations between formal and customary land administration systems while paying little attention to emergent engagements between customary and state authorities particularly in secondary cities where urbanisation pressures are rife (Nnkya, 2007; Owusu-Ansah & Braimah, 2013; Simelane, 2016; Yeboah & Obeng-Odoom, 2010; Yeboah & Shaw, 2013). This has culminated in persistent struggles between modernists proposing a replacement of customary tenure systems and traditionalist romanticising customary tenure systems and criticising imposed formal land administration systems in many post-colonial cities (Amanor, 2001; Obeng-Odoom, 2012) (Amanor, 2001, Obeng-Odoom, 2012).

While the struggle between formal and customary systems of land delivery is still an important discussion, contemporary initiatives in land policy have shifted towards the promotion of an adaptation approach to land reform where local/customary rights to land are harmonised and integrated with state land administration systems (Amanor, 2012; Bruce et al., 1994; Deininger, 2003; European Union, 2004; Lavigne Delville, 1999, 2004; Camilla Toulmin & Quan, 2000; World Bank, 2003). Regrettably however, whilst the current proposals for recognising and building on customary systems of land administration (Bruce et al., 1994; Deininger & Binswanger, 1999; European Union, 2004; Lavigne Delville, 2004; Camilla Toulmin & Quan, 2000) are intensifying, empirical evidence of the dynamics, complexities and the outcomes of harmonising the two system is limited. Likewise, the equity implications of such an integrated approach to land delivery, and how prevailing power relations shape

the engagements between state and customary authorities are not fully recognised and empirically tested. This thesis addressed these underexplored issues by examining daily interactions and engagements between state (local public bureaucrats) and traditional authorities (chiefs) in planning and peri-urban land delivery in Ghana. The thesis answered the following questions:

Main research question

How are collaborative engagements between government planning administrations and customary authorities in land delivery forged and what outcomes are produced from these engagements in peri-urban Ghana?

Specific research questions

1. How are interactions between government authorities and customary land custodians structured in rapidly urbanising secondary towns in Tamale and Techiman and what factors stimulate and sustain their engagements?
2. Who are the central actors in skin and stool land delivery in Tamale and Techiman respectively, and what power relations shape their interactions in peri-urban areas?
3. How do hybrid arrangements and practices in land delivery influence land rights transformation and access to land, in areas under intense urbanisation pressure in Tamale and Techiman?
4. How does the integration of customary and government institutions and processes in land governance affect equitable and sustainable land delivery in Ghana?

1.3 Research approach and time-space context (scoping)

This thesis aimed at deepening understanding of the nature of interactions between state and customary authorities engaged in peri-urban land delivery and the outcomes of such interactions. Based on a case study of collaborative engagements between traditional chiefs and local government bureaucrats in local planning practice in peri-urban Ghana, the thesis explored the processes, motivations, practices, and outcomes of hybrid governance arrangements in land delivery. I focus on Ghana because of the peculiar position of chiefs in the Ghanaian society compared to other societies in SSA. In Ghana, chiefs have *de jure* and *de facto* roles in land management; providing leadership under customary norms. Thus, Ghana is often seen as a model in Africa for the integration of customary and state land administration systems, making the country unique for the study of engagements between state and customary authorities in land delivery.

Specifically, the study was conducted in the Tamale Metropolitan Area and the Techiman Municipality of Ghana with data collected from four study sites. Tamale and Techiman were chosen as typical cases for the thesis because they were rapidly urbanising secondary towns providing the bulk of the land required for urban development. Land markets in these towns were very active leading to increasing demand for the planning and surveying of customary lands. As a result, there was growing need for

collaboration between state and traditional authorities to convert farmlands into urban uses, making these secondary towns social laboratories and information-rich cases for examining hybrid practices of land delivery. Tamale and Techiman were also chosen because of the comparability of the land tenure systems in these two towns. Although customary lands in Tamale are skin lands and those in Techiman are stool lands, the land tenure systems are similar as land is vested in chiefs who manage them on behalf of their subjects. This similarity in tenure systems makes Tamale and Techiman most similar cases in terms of customary land delivery. The two secondary towns (Tamale and Techiman) were also chosen to reflect the north-south geographic divide in Ghana in line with the logic of 'Maximal Variation Sampling' (Creswell, 2012a, p. 207) where cases are chosen such that they reflect different contexts of a phenomenon. Three criteria therefore informed the choice of the specific study sites: 1) the relevance, richness of information and opportunity for learning from the case, 2) issues of heterogeneity in line with the logic of 'maximum variation' and 3) practical issues regarding accessibility to case material. In each of the embedded case study sites, the primary units of inquiry were the actors; their interactions, interests and power relations; as well as the structures, interfaces, and negotiations, which characterised peri-urban land delivery. Case selection was limited to negotiated planning practices that happened within the time span of 2010-2015.

The data collection process for the thesis consisted of three phases of fieldwork at the selected research sites using multiple methods of data collection, namely: in-depth interviews, observations, focus group discussions, and document analysis. Respondents included various hierarchies of chiefs/traditional authorities and their representatives, staff of Customary Lands Secretariats, public bureaucrats with formal land sector agencies, indigenous peri-urban residents, prospective land seekers, and key informants who possess relevant knowledge and information about the research. Participants in the interviews were selected based on their involvement and roles played in urban land delivery processes in the study towns. A first phase (July to August 2015) of pilot/exploratory interviews was conducted to uncover the cases, actors, and respondents. This was followed by two detailed periods of fieldwork with the second phase of data collection spanning from September to December 2015 whilst the third phase was from July to September 2016. The data analysis was largely done using thematic and social network analysis. The construction of case narratives was also used to provide an account of processes leading to the preparation of Local Plans.

1.4 Rationale and main arguments of the thesis

This thesis focused on exploring engagements between local government bureaucrats and traditional authorities in local planning and neo-customary land delivery in Ghana. The ultimate aim was to generate insights, which will stimulate debate and contribute to current trends in land policy in developing countries and to wider debates on non-state actor involvement in urban governance processes.

There has been burgeoning interest among academics and practitioners on the need for alternative planning processes and pragmatic governance models in the global South (Colona & Jaffe, 2016a; De

Herdt & Olivier de Sardan, 2015; Joshi & Moore, 2004; Mitlin, 2008; Ostrom, 1996; Watson, 2014b). Likewise in the current scholarly discourse on urban planning in African, arguments for the inclusion of non-state actors in planning processes as a condition for effective, efficient and sustainable urban development have emerged (Andersen, Jenkins, & Nielsen, 2015; Fuseini & Kemp, 2015; Onyebueke & Ikejiofor, 2017; Watson, 2014b). Notably however, whereas the afore-mentioned discourses have consistently placed emphasis on the need for more inclusive, innovative, hybrid, and adaptive practices of governance; the dynamics, inherent complexities, and outcomes of such alternative practices are yet to be fully investigated. Hence, I used Ghana as a case study where non-state actors (traditional chiefs) command considerable authority in land governance and where the chieftaincy institution is strong and widely respected, to question the notion that recognising and including non-state actors in land governance and building on existing customary land tenure systems will promote pro-poor land delivery. I argue that it is the specificity of context, the nature of local agency and the power relations among key stakeholders that determine whether state and non-state actor engagements will generate equitable and transformative outcomes or not.

As demonstrated by the findings of this thesis, in situations of local power asymmetries and weak intuitional capacities of state authorities, merely recognising and integrating customary and state land tenure systems will not guarantee the needed inclusiveness and equity in land delivery. In such circumstances, actors with political/traditional authority and strategic information stand to benefit from the complexities involved in harmonising customary and state tenure systems. Power struggles, highly politicised processes and divergent interests structure co-production and hybrid arrangements in land management. They are about inclusion, and as much about exclusion. The conclusions of this thesis, therefore, assert that just as the motivations for engaging in hybrid planning and land delivery practices are diverse, so are the outcomes of specific land policies in different contexts. Because the agency of local actors cannot be controlled with certainty, I posit that efforts aimed at promoting pro-poor land governance in particular and proposals for non-state action in governance, in general, will have to embrace contextual heterogeneity and take a more cautious and nuanced stance on generalising the potential outcomes to be generated from such efforts.

The findings of the thesis also challenge conventional understanding of formal and informal (customary) land markets in African cities. Various scholars have often attributed the ineffectiveness of urban planning practice in SSA to the dualistic nature of land tenure regimes. This duality is argued to have resulted in legal pluralism and a clash of cultures where customary authorities are often in opposition to formal land administration procedures due to the administrative separation of land ownership from land use planning (Nnkya, 2007; Owusu-Ansah & Braimah, 2013; Simelane, 2016; Yeboah & Obeng-Odoom, 2010; Yeboah & Shaw, 2013). Based on the evidence from the case studies, I argue that contrary to the reported non-compliance, incompatibilities, and conflicting relationships between state and traditional authorities, in the context of local planning and peri-urban land delivery in the studied sites in Ghana, planning is inherently hybrid and negotiated. There exist non-antagonistic relations and strategic alliances, which characterise the interface between land use planning and neo-customary tenure systems. Harnessing the strengths of such practices and working to tackle their

associated inequities have the potential to generate innovative and adaptive planning models. This will contribute to transformative change in SSA and strengthen proposals for a Southern perspective in urban planning.

1.5 Structure of the thesis

The dissertation is organised into three parts (see Figure 1.1) and sub divided into eleven chapters. Following this first section is Part 1, which sets out the theoretical framework for the thesis. In order to provide a contextual understanding of (neo) customary land tenure in SSA, I focus on conceptual issues regarding the meaning and features of customary land tenure in the context of SSA in Chapter 2. This is followed by a discussion of the current trends and debates on land tenure reform as well as land policy paradigms and their applications in SSA. I then extended the debate on land policy reform to wider discourses on the revival of custom and the persistence and resurgence of traditional authorities within modern democratic governance systems across SSA. This is aimed at highlighting the complexities and challenges associated with the colonial-instigated dual land tenure regimes currently existing in many SSA countries.

In Chapter 3, I situate the land governance regimes in SSA within the wider theoretical debates on North-South theory transfers and their failures and the resultant calls for a 'southern take' in planning and urban theory. Here, I provide a discussion of the urban challenges arising out of the failures of northern-based planning ideas and the dilemmas and controversies surrounding the call for a 'southern take' in urban studies and planning. This sets the scene for a discussion on emergent and alternative approaches to planning and governance in Chapter 4. Particularly, the concepts of 'co-production' and 'institutional hybridity' in public services delivery were reviewed in Chapter 4. Because both concepts focus on the co-existence and intertwining of state and non-state norms/actors in governance processes I considered it apt to adopt them as theoretical and analytical lenses on which to explore state and customary actor engagements in land delivery in Ghana. This provided a useful framework to deepen understanding of the dynamics, complexities, and outcomes of state and non-state actor engagements in the application of an adaptation approach to land management. As a summary of the theoretical part of the thesis, in Chapter 5, I present a synthesis of the various theoretical debates from the literature and clarify the theoretical and analytical models for the thesis.

Part 2 largely comprises the research setting, study methods, and the case study findings. Whist Chapter 6 presents a contextual background to land governance in Ghana; Chapter 7 contains the research paradigm and methods employed in data collection and analysis. As a contextual chapter, the land tenure system in Ghana and the drivers of changing tenure patterns are discussed in Chapter 6. The Chapter also describes the emergence and evolution of the land use planning system in Ghana to provide the needed background for the empirical chapters. Chapter 8 constitutes the first empirical chapter of the case studies. It examines instances of negotiated planning/co-production, hybridity, and practical norms in local planning and peri-urban land delivery for the two embedded study units. Chapter 9 maps actor interactions and analyses power relations in the hybrid planning and land delivery practices. A

social network perspective is adopted to investigate the most central actors in peri-urban land delivery and the relative effect of network centrality (social/relational power) on access to and exclusion in land revenues. The last empirical section (Chapter 10) of the thesis assesses the outcomes of the hybrid planning and land delivery practices. It focuses on analysing transformations that have occurred in the rights of access to land in peri-urban areas, the actors, stakes, and powers underpinning these transformations.

Part 3, which concludes the thesis, presents a synthesis of the main findings as well as the theoretical, practical and research implications of the thesis' findings for sustainable, equitable, and inclusive urban governance processes in African cities.

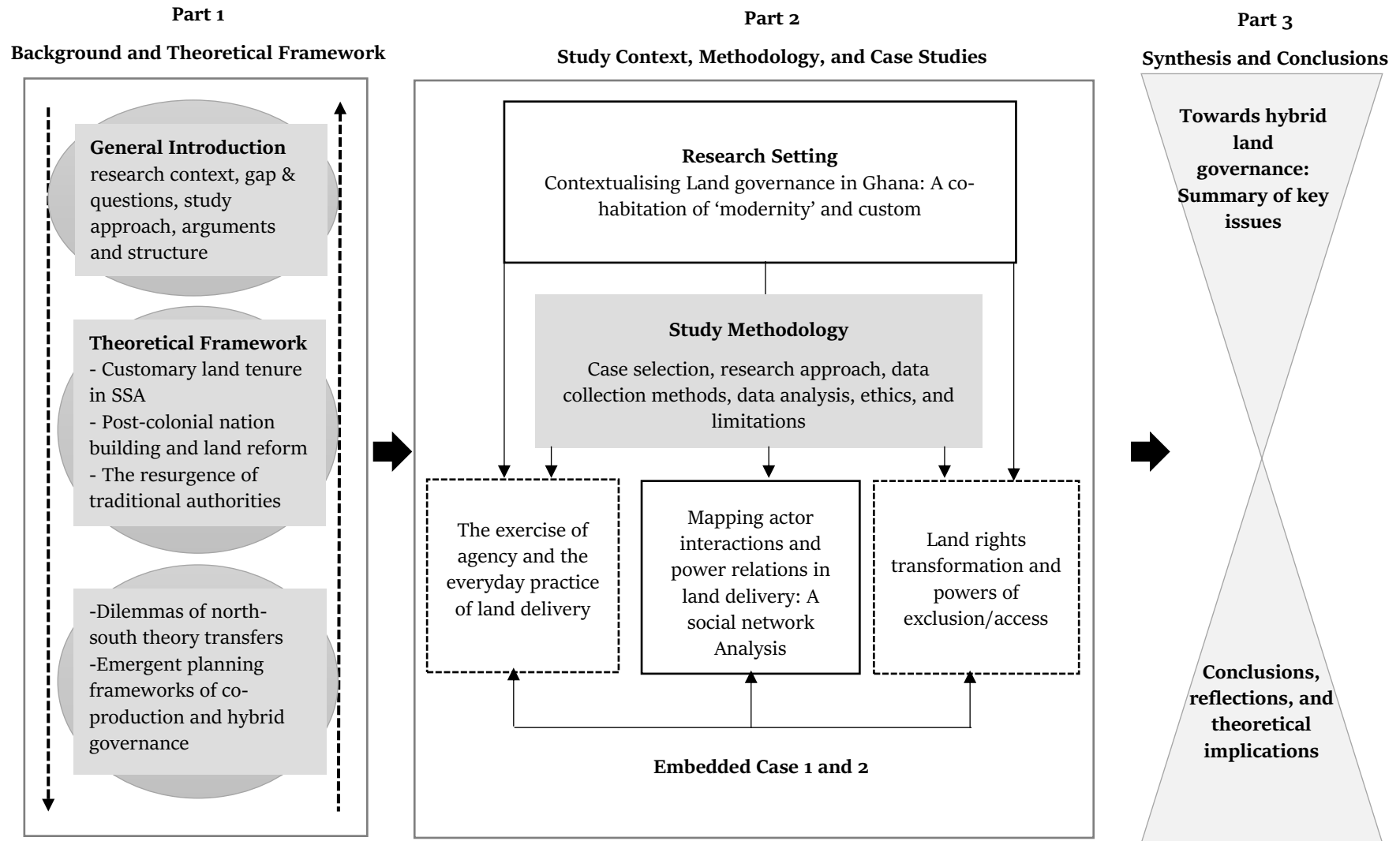


Figure 1.1: Thesis structure
Source: Author's own

PART 1: THEORETICAL FRAMEWORK

2. Customary land tenure reform and traditional authority resurgence in sub-Saharan Africa: Policy paradigms and applications

The land question facing Africa is very complex in the light of the continent's diverse forms of colonisation; different webs of culture; variations in geo-political, demographic, and socio-economic trajectories; and degree of persistence of indigenous normative systems. This makes a general reference to customary land tenure and land governance in Africa as an entity risks dangerous over-generalisation. This chapter's geographical scope is therefore limited to the British tropical colonies of sub-Saharan Africa particularly colonies where the indirect rule was practiced. Although customary tenure practices differ across and within the colonies, the indirect rule enhanced the role of traditional authorities in land management resulting in some commonalities in landholding systems in these colonies.

The processes of nation building, such as the establishment of independent political systems and the development of policies and strategies on land and land reforms in these colonies were staggered just like their independence from colonial rule (African Union, 2010). Efforts to reform land held by indigenous communities and colonial-induced land tenure systems commenced in the late 1950s and peaked in the 1960s onwards. These efforts largely took the form of nationalisation in countries such as Tanzania and Zambia, and individual and group titling in Kenya, Uganda, Malawi, Zimbabwe, Namibia, and South Africa. These efforts have however not been able to restructure adequately the dualistic land tenure systems arising from colonisation, leading to persistence of customary land tenure systems and the resurgence of traditional authorities in land governance in many post-colonial SSA countries.

The chapter presents an overview of the notion of customary land tenure in SSA and highlights the policy paradigms of land reform in post-colonial Africa and the debate on the resurgence of traditional authorities in land management. Although care is taken to highlight the contextual differences in land governance where applicable, I proceed with the proposition that some amount of generalisation is possible across countries where the indirect rule was practiced.

2.1 Traditional conceptions of customary land tenure in sub-Saharan Africa

Land ownership involves complex and nested bundles of rights, which are socially and politically embedded (Lentz, 2006b). In many African societies, customary land tenure (CLT) is the dominant form of landholding delivering land for various uses, the bulk of which lies outside statutory registered titling systems (Alden Wily, 2008; Cotula, 2007; Deininger, 2003). The stereoscopic view of customary land tenure systems in Africa is that they are based on a communal philosophy in which land is vested in a group and managed by traditional authorities who hold it in trust for the people and administer it in the interest of the collective. This view has however been challenged in recent years as customary tenure systems are evolving from communal towards more individual land rights (Lentz, 2006b; Lund, 2008; Migot-Adholla & Bruce, 1994; Peters, 2004; Pottier, 2005; Ubink & Amanor, 2008).

Generally, customary lands are regulated by customary law, which determines the terms under which land is held, managed, used, and transacted (Juul & Lund, 2002; Lavigne Delville, 1999, 2007). Customary law comprises a body of written but mostly unwritten rules, deriving their legitimacy from tradition or custom, which are applicable to particular communities (Cotula, 2007; Kunbuor, 2002). Customary law and thus customary tenure varies among societies due to diversities in the cultural, socio-political, ecological, and economic conditions. Customary law is also not static but has been shown from anthropological and historical studies to be dynamic and evolving based on the interaction between local, state, and global actors (Cotula, 2007; Cousins, 2009; Juul & Lund, 2002; Lavigne Delville, 1999, 2007).

Prior to discussing the common features of CLT in SSA, it is important to emphasise that the term 'customary' is subject to ambiguity as it is variously used interchangeably with such other terms as 'communal', 'indigenous' and 'traditional'. This generic use of the term has generated contestation from some scholars (Cousins, 2009; Migot-Adholla & Bruce, 1994; Nkwae, 2006; Noronha, 1985; Walker, 2002) who argue that such generalizations could be misleading since these terms have distinct meanings. Commenting on the ambiguous nature of the term 'customary' Walker states:

The customary is thus a malleable concept. It is applied to a number of different systems of land ownership (vested variously in the community, the household, the household head, the chief, the state, local land boards), as well as to different systems of land allocation and administration (village councils, land boards, local committees, traditional leaders). (Walker, 2002, p. 40)

Knight argues that whilst the 'customary' denotes the system under which land is held, the 'communal' refers to "the way in which some of that land is used" (Knight, 2010, p. 24). Likewise, other scholars have argued that whilst communal land tenure in the majority of cases refers to a degree of group or community control over rights of access, customary/traditional land tenure means tenure deriving its legitimacy from customs/traditions (Cousins, 2009; Nkwae, 2006). Nkwae (2006) argues that 'communal' tenure connotes the lack of exclusive rights of individuals to land, which is not quintessential to customary tenure in Africa. African customary tenure in many instances is mixed, consisting of a web of interlocking individual and communal rights existing alongside each other. It embodies communal rights to various natural resources and pastures, alongside exclusive individual rights to residential and farming lands. However, the alienation of land rights are group controlled (Cousins, 2009; Wily & Mbaya, 2001). Customary land tenure cannot, therefore, be explained using the notion of the "tragedy of the commons" according to the thesis of Hardin (1968) or equated to communal ownership or public goods (Abdulai & Ndekugri, 2007). Customary tenure systems are different from common property regimes in that whilst the latter focuses on the joint use and access of a community to common resources, the former describes both joint/common and individual access rights (Otsuka & Place, 2001). Land transfers under customary tenure thus occur between members of the land owning groups as well as strangers based on accepted rules of transfer (Migot-Adholla, Hazell, Blarel, & Place, 1991; Payne, 1997).

Customary tenure systems are highly diverse across SSA. They are constantly undergoing considerable changes at various speeds, driven by various factors. However, Colson (1971) identified that indigenous African land tenure no matter the regional variations were based on two key reinforcing principles; one of general rights based on citizenship and the other of creative pre-emption. The general rights principle grants every member a usufructuary right to the resources of the territory of his political unit of belonging. The creative pre-emption principle allows for the right of an individual to anything he had created (e.g. homestead or field) culminating in the notion that land initially belonged to the person who vivified or first cleared it (autochthons). Lentz (2006b) identified three common features of customary land tenure in Africa. These are: the existence of a 'bundle of owners' from a property-holding group; the issue of fuzzy geographical boundaries of the territories of the property-holding group; and multiple layers of rights to natural resources, which allow various groups of people to hold some interests in a given piece of land. These features she argues, account for the continuous conflicts, negotiations, and changes that occur in customary land tenure systems across SSA.

In summary, the traditional notion of customary land tenure during the pre-colonial and colonial periods was that land was vested in a community or lineage either by virtue of first clearance and settlement or through conquest. The land was considered to be communally owned and inalienable from the lineage. Individual commoners were conferred usufruct rights that were heritable (Bruce, 1986; Lavigne Delville, 1999; Lentz, 2006b; Mabogunje, 1992; Noronha, 1985; Payne, 1997; Pottier, 2005; Chimhowu & Woodhouse, 2006). Rights to land are tied to an individual's membership in a specific community or group. This membership can be contested, negotiated or changed over time (Alden Wily, 2008; Bruce, 1986; Cotula, 2007, 2007; Cotula & Cisse, 2007; Lentz, 2006b). This communal axiom of customary land tenure however operated with some modification across societies in SSA depending on whether they were organised along patrilineal or matrilineal lines, agrarian or pastoral or hierarchical or acephalous (Mabogunje, 1992).

It is worth emphasising that these traditional notions of customary land tenure in Africa have been questioned by anthropological studies (Chimhowu & Woodhouse, 2006; Lentz, 2010; Lund, 2000) in recent times. These studies suggest that informal land markets and land sales existed under customary land tenure systems in SSA, which sometimes result in land alienation through sale. Many variants of customary tenure practices exist in different countries in SSA and even within countries; different ethnic groups may have different customary tenure systems and laws pertaining to landholdings. In addition, customary tenure is exposed to a wide range of socio-political, economic, demographic and ideological influences and is thus continuously changing. As a result, customary tenure in Africa is continuously evolving, making it problematic to define a typical/essential customary tenure. What has been presented above, therefore, is a summary of the commonly agreed-upon features and dominant views of a culturally defined customary land tenure system in sub-Saharan Africa. However, as argued by Knight, very little pure tradition remains in today's customary tenure systems as "customary law is a mixture of various practices that have been inherited, observed, transmuted, learned and adopted" (Knight, 2010, p. 3). Therefore in this thesis, I prefer to use the term 'neo-customary' tenure as coined by Boone (2014) and Durand Lasserre (2003) to refer to customary tenure systems that have been

shaped and codified by colonial and post-colonial governments and in which access to and use of land are vested in a group of people with various forms of recognised rights based on custom. Customary authorities or institutions rather than the market-based systems oversee the allocation of land and the norms of access continue to evolve in response to both internal and external forces. In the next section, the dominant paradigms and policies of customary land tenure reform are discussed.

2.2 Decolonisation and nation building: Debates on customary land tenure reform

Land became a prominent policy issue in many SSA countries following the attainment of independence. There was an increasing desire by nationalist governments to reform land policies to reflect the new status of nationhood and to distinguish the entitlements and obligations conferred by citizenship in relation to land (Amanor, 2012). Moreover, the existing land laws were considered vestiges of colonial rule and inadequate for dealing with the complexities and realities of land delivery among local populations (Knight, 2010). Although nationalist governments in SSA adopted a variety of land policies, land administration immediately following independence (prior to economic liberalisation) was largely characterised by a high level of state political intervention within the framework of state-led national development and influenced by theories of agricultural modernisation. State hegemony in land was either maintained or strengthened in newly independent African countries (Takeuchi, 2014) under various degrees of land nationalisation. For example, in Tanzania, there was a return to traditional tenure systems and expatriate estates were nationalised. Unconditional freehold title to land was abolished and the radical title to land vested in the state to represent the will of the people as a strategy to achieve African socialism (Amanor, 2012). Likewise in Zambia, a land nationalisation programme was implemented under the Land (Conversion of Titles) Act 1975, vesting all land in Zambia in the President, to be held in trust for the people of Zambia (Adams, 2003).

Ethiopia adopted a radical land policy change following the socialist revolution in 1974 where the overlord system was dismantled and the lands of the nobility nationalised and distributed to peasants. The state also gained a commanding control over customary land in Nigeria (1978), Uganda (1975), and Malawi (1964) in an attempt to suppress the colonial inherited dualism in land tenure. The outcomes of these land policy reforms aimed at strengthening state control over customary land were however mixed. Indigenous elites continued to enjoy individual property rights whilst rural people continued to adhere to customary norms of land administration. This resulted in the abandonment of most state land policies (Adams & Turner, 2005).

Following the introduction of structural adjustment programmes and economic liberalisation, two distinct approaches to land policy reform emerged in Africa in the 1990s. One based on promoting growth and land markets through the replacement of customary land administration within a neoliberal framework, and the other against the expansion of a market in land through the promotion of customary land administration rooted in good governance and decentralisation frameworks. Described as the ‘communitarian/adaptation’ and the ‘replacement’ paradigms (Bruce et al., 1994, p. 261), these two approaches to land tenure reform in SSA arose largely from disillusionment with state land

administration systems and the abuses of the state's power of land allocation to the benefit of bureaucrats and elites (Amanor, 2012). Pundits of the communitarian/adaptation paradigm argue for the maintenance/strengthening of customary tenure based on socialists' ideologies (underpinned by James Coleman's concept of social capital) and emphasise a moral economy of preserving customary tenure arrangements and social identities to protect the livelihoods of indigenous people. Proponents of the replacement paradigm, however, call for approaches to land reform that facilitate individual property rights through the promotion of private markets in land and the conversion of customary rights into individual rights along the lines of neo-liberal economics (Amanor, 2001, 2012). The next section discusses the replacement and adaptation paradigms to land policy reform in Africa.

The 'Replacement' Paradigm to land tenure reform in Africa

Customary land tenure reforms based on the replacement paradigm were underpinned by the proposition that customary tenure systems are inefficient, ambiguous and communal. As a result, they are incapable of providing secure tenure to promote agricultural investment and productivity (Feder & Noronha, 1987; Johnson, 1972; World Bank, 1975). Advocates of this paradigm therefore proposed the replacement of customary land tenure systems with formalized individual property rights to ensure guaranteed land tenure security, facilitate easy transfer of land rights, and allow for land to be used as collateral for loans (Besley, 1995; De Soto, 2000; Deininger, 2003; MacGee, 2006). The replacement paradigm derived its propositions on customary tenure reform largely from the evolutionary property rights school (Alchian & Demsetz, 1973; Demsetz, 1967; Johnson, 1972), which Platteau (1996) later labelled the Evolutionary Theory of Land Rights (ETLR). A central argument of this theory is that as population, agricultural commercialization and land values increase, land rights evolve towards greater individualization, which results in landholders mounting pressure for formalized individual property titles - a demand, which the state needs to meet. The proponents of formalized individual property rights to land therefore contend that reforming customary land tenure systems has the potential to increase agricultural investment and productivity as land is efficiently reallocated from less to more productive uses (Besley, 1995; De Soto, 2000; Deininger, 2003; Dickerman et al., 1989; Feder & Feeny, 1991; MacGee, 2006).

The replacement paradigm was popular in the 1990s championed for some time by the World Bank and other international development organisations. It gained renewed prominence by the seminal work of Hernando De Soto, who argued that land held under communal tenure systems is 'dead capital' as they have no legal or formal representation and cannot be used as collateral for loans. He states:

Most of the poor already possess the assets they need to make a success of capitalism. ... But they hold these resources in defective forms: houses built on land whose ownership rights are not adequately recorded, unincorporated businesses with undefined liability.... Because the rights to these possessions are not adequately documented, these assets cannot readily be turned into capital, cannot be traded outside of narrow local circles where people know and trust each other, cannot be used as collateral for a loan, and cannot be used as a share against an investment. (De Soto, 2000, pp. 5-6)

De Soto's arguments have however received criticism from a range of scholars who argue that land titling and registration involves huge administrative and financial costs, which developing countries may not be willing and capable of providing. Titling processes also heighten wealth differentiation and inequalities and facilitate opportunistic land acquisition by the elite and powerful, which dispossess indigenous land holders (Benjaminsen & Sjaastad, 2003; Cousins et al., 2005; Mathieu, 2002; Njoh, 2003; Platteau, 1996; Ubink & Quan, 2008). Questions have also been raised about the challenges of formalising titles in customary tenure systems where there are overlapping rights in both time and territory as well as how titling will deal with issues of redistribution of assets (Benjaminsen, 2002). De Soto's arguments for formal titles have also been critiqued by Nyamu-Musembi, (2006) for narrowly equating legality with formal legality whilst construing legal pluralism to mean extra-legality and providing no empirical evidence to show the relationship between access to credit facilities and formal title to land. Though countries such as Kenya, Uganda, and Zimbabwe have embarked on some form of land titling, no country in SSA has fully embraced De Soto's capitalist approach to formalisation and individualization of land rights (Benjaminsen, Holden, Lund, & Sjaastad, 2008). Rather, a partial approach in which all lands are vested in the state with individuals or communities being granted long-term leaseholds is largely adopted. The ensuing section discusses the communitarian/adaptation approach to land reform.

The 'Communitarian/Adaptation' Paradigm

In contrast to the replacement paradigm, the central argument of the adaptation paradigm is that land reform policies rather than seeking to replace customary tenure systems should be tailored towards meeting the socio-cultural value systems of the societies they are meant for by recognising customary rights to land (Toulmin, Lavigne Delville, & Traore, 2002). Communitarians view customary land tenure systems as egalitarian and capable of providing tenure security to the poor unlike individualised titles, which favour the elite and wealthy. Due to their flexibility, dynamism, and negotiability, it is argued that customary tenure systems have inbuilt mechanisms that re-allocate land and check against landlessness. As a result, communitarians argue that 'pro-poor' land reforms should build on and strengthen customary rights to land (Chimhowu & Woodhouse, 2006; Kasanga, 2002; Njoh, 2003; Camilla Toulmin & Quan, 2000). Proponents of this paradigm also posit that the commodification of land resulting from the individualized modern tenure reforms introduces customary tenure to market forces. This, they claim has the effect of distress land sales by the poor and exclusionary tendencies as the poor do not have the resources to compete for land in the open market. This disinherits the poor of their communal rights to land rendering them landless in the end (Chimhowu & Woodhouse, 2006; Camilla Toulmin & Quan, 2000). Plateau argues:

The fact is that, insofar as it encourages the assertion of greedy interests with powerful backing and is likely, wittingly or not, to reward cunning, titling opens up new possibilities of conflict and insecurity that can have disastrous consequences for vulnerable sections of the population at a time when their livelihood crucially depends on their access to land. (Platteau, 1996, p. 45)

These views have however been criticized for focusing on social institutions and paying less attention to: the redistributive effects on women's access to land (Claassens, 2005; Peters, 2004; Whitehead & Tsikata, 2003); processes of social differentiations and privileged negotiability (Amanor, 1999, 2001); and the existence of 'vernacular' land markets (Chimhowu & Woodhouse, 2006).

Although both the replacement and communitarian paradigms of land reform agree on the need for customary land tenure reforms in SSA, they differ on the nature of the reform. This difference notwithstanding, the two paradigms are not mutually exclusive. To be successful, both need the recognition of each other. Customary rights in land can only be effective if they are recognised by the state whilst successful titling programmes would need the acceptance and recognition of such titles by indigenous people. As a result, in recent years, the debate points towards a shift to an adaptation approach, allowing for community and civil society participation in land management as well as the harmonisation of customary and statutory land tenures systems, with the state playing an enabling/facilitative role (Amanor, 2001, 2012; Deininger, 2003; Platteau, 1996).

This shift requires the devolution of customary land administration either to pre-existing traditional authorities or to elected village councils and community organisations. Such approaches, therefore, demand a kind of tenure reform based on co-operation rather than confrontation. A reform, which considers the revived powers of traditional authorities in land allocation and as well incorporate proposals for the adoption of 'pragmatic', 'real', or hybrid governance arrangements across African countries. The adaptation approach to land reform will require detailed understanding and appreciation of the dynamics of neo-customary land management systems as well as their practical applications and outcomes across various contexts. This thesis contributes to enhancing this understanding through generating knowledge from emerging interactions between customary and state authorities in peri-urban land management. The next section discusses the revival of custom and the resurgence of traditional authorities in local governance across SSA.

2.3 The resurgence of traditional authorities in sub-Saharan Africa

There has been a persistence and/or resurgence of traditional authorities in many SSA countries alongside growing efforts at democratisation (Beall et al., 2005; Kyed & Buur, 2007). Known by a variety of English nomenclature such as 'traditional leaders', 'chiefs', 'kings', or 'elders', they are a ubiquitous feature of political authority in many rural societies. Although their positions, historical roots, roles, resilience, and adaptation to competition differ across countries in SSA, a common feature shared by all traditional authorities (TAs) is that they are rooted in the pre-colonial era and in custom. They derive their status, political legitimacy, and authority from their association with a society's customs and norms (Keulder, 2010; Ray, 2003a). Ascent to their positions is usually hereditary with leaders selected from members of 'royal families' or the 'ruling lineage' in accordance with local custom. In this thesis, the terms 'traditional leaders', 'chiefs', 'traditional chiefs', and 'traditional authorities' are used interchangeably and synonymously.

The resurgence of TAs in modern systems of governance has raised long-standing debate on the relevance of TAs in contemporary democratic societies in Africa. Likewise, questions about the compatibility or otherwise of traditional and modern systems of democratic governance have persisted over the past two decades. In this section, I present the contemporary debate on the role and place of TAs in SSA focusing on grassroots governance and land administration in particular.

The resurgence of traditional authorities in grassroots governance

In many post-colonial states in SSA, TAs have not only survived the effects of colonial and post-colonial policies but have thrived. Despite attempts by nationalists governments immediately following independence to either abolish or curtail the role of TAs in local governance in countries such as Ghana (Rathbone, 2000; Ubink, 2008d); Uganda (Englebert, 2002b); Mozambique (Buur & Kyed, 2005; Dinerman, 2001); and South Africa (Beall et al., 2005; Ntsebeza, 2005), TAs have resurged in local governance and in national politics (Baldwin, 2016). Many SSA countries have formally recognised the position and authority of traditional leaders following the wave of democratisation in the mid-1990s and the adoption of decentralisation policies. A study by Baldwin (2016) revealed that up to 41 percent of contemporary constitutions of African states acknowledged the power of chiefs whilst 24 percent had a clause in them that protect chieftaincy. Many international organisations and donors have also shown a renewed interest in TAs (Ray, 2003b; Ubink, 2007). Hence, they have become important political actors and a key force to reckon with in local government and local governance.

Various scholars have proffered a number of hypotheses for the resurgence or persistence of TAs within democratic governance systems in Africa. Linked to global developments, some argue that the spread of neoliberal policies through the implementation of donor-led Structural Adjustment Programmes (SAPs) created an avenue for TAs to reassert their authority and role in the delivery of public services and goods. The SAP required cuts in public expenditures and state retrenchment, which brought about economic hardships that indisputably resulted in the need to fend for oneself. Various grassroots organisations including TAs, therefore, re-emerged to provide services as substitutes of the state (Englebert, 2002b; Laakso, 1996; Ntsebeza, 2005).

Similarly, the introduction of multi-party democracy, commitments to decentralisation, and the shift from 'big government' to 'big society' (where the government is only considered an actor alongside myriad other stakeholders) within the wider context of political liberalisation constitute another dimension to explain the resurgence of TAs. These global developments have offered TAs an opened public space to regain their voice in local governance (Englebert, 2002b; Kyed & Buur, 2007; Logan, 2013; Ntsebeza, 2005; Owusu-Sarpong, 2003). In countries such as Uganda, Mozambique, Zambia, Ghana, and Niger, the implementation of decentralisation policies have required a meaningful involvement of TAs in decision-making. Moreover, donor-calls for grassroots participation, an enhanced role for civil society and "roll back" of the state in a bid to localise development has worked in favour of TAs who serve as the link between the state and society. Ntsebeza for instance argues that even though the immediate post-colonial governments viewed TAs as repressive collaborators of the

colonialists, “with the advent of multi-party democracy and decentralisation, TAs in these countries re-emerged as a force that could not be ignored”. (Ntsebeza, 2005, p. 19)

Besides these explanations, other pundits have attempted to link the resurgence and persistence of TAs to conditions of ‘failed’ or ‘weak’ or ‘hollowed out’ states whereby the failure of post-colonial governments to function as expected has resulted in civil unrest and conflicts. Hence TAs re-emerged to fill the gaps created by the ‘weak states’ (Herbst, 2000; Kyed & Buur, 2007; Ntsebeza, 2005; Skalník, 2004). Since such states are weak and face legitimacy crises, they have no option but to recognise TAs to regain their strength and territorial control. Skalník (2004) postulated that the more post-colonial African states become unstable, corrupt, inefficient, and fail to fulfil the expectations of their citizens, the more their citizens prefer to turn to local chiefdoms for solutions. Likewise in Zimbabwe, Mapedza argues: “the postcolonial state is in the process of “reinventing” its subordinate version of traditional authority in order to enhance its support base at a time when its legitimacy is increasingly being questioned”. (Mapedza, 2007, p. 187)

The universal application of the ‘failed’ state perspective of resurgence has however been refuted by Englebert. He states that TAs are relatively unlikely to resurge in failed or collapsed state. Rather, the resurgence of TAs has occurred in relatively strong states such as South Africa, Uganda, Namibia, and Ghana. This is because compared to failed states, which are likely to challenge the rise of traditional institutions, “strong states are more confident in their own institutions and stability, and are therefore more likely to tolerate the rise of alternative sources of identity” (Englebert, 2002b, p. 57). Thus, in strong states, governments easily accord formal recognition to TAs alongside efforts to decentralise and democratise local governance. Englebert thus prefer to link the resurgence of traditional authority to broader global influences including globalisation, economic liberalisation, and democratisation than to the ‘failed’ or ‘weak’ states hypothesis.

Other internal explanations for the persistence or resurgence of TAs have been associated with their popular and performance legitimacy - the local constructive roles performed by traditional leaders in society (Logan, 2013). They are very effective in the control and management of land and other natural resources, and in dispute resolution. In addition, TAs perform such other functions as the preservation of local culture, identity, and tradition; community mobilisation for development projects; and the provision of essential services in areas left without provision by government (Kyed & Buur, 2007; Quinlan & Wallis, 2003; Ray, 2003b; Sharma, 1997; Ubink, 2008d). Logan (2013) reports that from the 4th round of the Afrobarometer survey, 70 percent of respondents across 19 SSA countries prefer that the influence of traditional leaders in governance should either increase or stay the same. This is because of they still play such important roles in local governance as resolving and managing conflicts, playing symbolic roles as representatives of community identity and continuity, and being generally accessible to their subjects. This indicates that traditional leaders still enjoy widespread popular legitimacy in their communities. Thus, many governments have seen the need to formally bolster TAs so that they can continue to play various roles and enhance state legitimacy (Von Trotha, 1996).

Other scholars have associated the recognition and resurgence of traditional authority by post-colonial governments to the more or less informal uses of traditional leaders in multi-party competitions to mobilise votes (Baldwin, 2013; Beall et al., 2005; De Kadt & Larreguy, 2014; Hagberg, 2007; Koter, 2013; Kyed & Buur, 2007; Mapedza, 2007). Through threats of access to resources/overt coercion or norms of reciprocity/deference, chiefs can direct voters to support their endorsed political candidates, making them vote brokers for politicians (Baldwin, 2016). Thus, within the wave of democratisation, some TAs enter into a form of vote-getting alliances with political parties; and for reasons of political expediency, post-colonial governments have no choice but to recognise and co-exist with TAs in local governance. Other scholars have indicated that political pragmatism demands that post-colonial governments co-exist with chieftaincy in Africa because “[in] many countries, the power and influence of TAs is such that politicians seeking elected office compete with them at their peril” (Beall et al., 2005, p. 760). Because of this, many societies in Africa are assumed trapped between two competing spheres of political authority: traditional and modern democratic governance. Such societies, therefore, have to adapt to a mixed polity of power structures and to various processes of hybridization (Logan, 2009; Sklar, 1999).

In SSA, the task of juxtaposing traditional with modern systems of democratic governance has been a re-occurring theme, which has been subjected to scholarly debate. Simplistic but polarised discussions on these two in the post-colonial literature have theoretically and conceptually oscillated between two competing schools of thought: ‘modernists’ and ‘traditionalists’ or ‘trivialisers’ and ‘romanticisers’ (Logan, 2009, p. 102; Quinlan & Wallis, 2003, p. 146).

The modernising purists, on the one hand, theorise that traditional leadership is anti-democratic, patriarchal, anachronistic, despotic, and a hindrance to the development of a progressive and democratic society (Acemoglu et al., 2014; Beall, 2006; Beall et al., 2005; Crothers, 2003; Mamdani, 1996; Ntsebeza, 2005). Ntsebeza for instance argues that the incorporation of TAs into modern governance compromises democratic principles. He states, “The right to choose one’s representatives has become a fundamental, basic human right in modern, post-colonial democracy. ... Thus, in so far as the institution of traditional leaders is hereditary, it cannot be transformed and democratised.” (Ntsebeza, 2005, p. 33). He indicated that unless TAs “abandon their hereditary status and subject themselves to election by their people, they cannot be democratic.” In addition, critics of traditional authority have further maintained that it limits downward accountability in democratic governance, sustains exclusionary forms of control over land and other natural resources, and perpetuates gender inequalities (Beall, 2005; Beall et al., 2005; Ribot, 2001; Ubink, 2008d).

On the other hand, the traditionalists’ school of thought argue that traditional authority is legitimate and relevant in a modern democracy. They posit that modernists focus mainly on the anti-democratic features of traditional authority whilst ignoring features of traditional systems that make them democratically compatible with the modern governance system. Traditionalists enumerate the accessibility, simplicity, participatory, legitimacy, and familiarity characteristics of traditional authority as key elements that make them relevant to local governance today (Keulder, 1998; Logan, 2009, 2013;

Nyamnjoh, 2003; Von Trotha, 1996). In describing the traditionalists' perspective of traditional authority, Keulder outlined that

...for them, the institution of traditional leaders and its procedures of governance is not only a simpler form of government, but also a more accessible, better understood, and a more participatory one. It is more accessible because it is closer to the subjects than any other system of government; ... it is transparent and participatory because most people may attend tribal meetings and express their views, directly not through representatives... (Keulder, 1998, p. 11)

Other enthusiasts of the traditionalists' school of thought also argue that TAs contribute to augmenting government legitimacy and stability, deepening democracy, and making democratic governments responsive and accountable (Baldwin, 2016; Englebert, 2002b; Logan, 2009; Sklar, 1999). Vincent and Chikerema, (2014) seem to concur with this argument and concluded that TAs have strategic comparative advantages in promoting the democratic dispensation.

Whilst these two schools of thought offer contrasting arguments, they both view the relationship between TAs and local government authorities as a struggle over sovereignty, political power, and legitimacy, in a zero-sum winner-take-all situation. Scholars of these schools in my view also narrowly portray traditional authority as a homogeneous system across sub-Saharan Africa without acknowledging the complexity and wide variations in cultural contexts across countries. This narrow conceptualisation of traditional authority has thus resulted in wrong generalisations about traditional authorities, or romanticised views about their importance, or deprecating arguments for their abolishment with no critical assessments of their role in governance processes. It is however, worth emphasising that in recent times the polarised debate of the two schools of thought is beginning to wither.

Many stakeholders have recognised that TAs are a social reality in African societies who cannot be ignored. The interests of TAs are enmeshed with those of local government bureaucrats. Consequently, there are increasing calls for a 'mixed' or pragmatic approach to governance. The discourse has therefore shifted from whether or not they should be retained in modern democratic governance to how best they could either co-exist or be integrated into the modern system of governance. Consequently, many scholars have focused on the role and influence of traditional authority within democratisation and decentralisation processes, as well as the potentials and challenges involved in integrating traditional and the so-called modern systems of governance at the local level (De Sousa Santos, 2006; Logan, 2009; Vincent & Chikerema, 2014; Williams, 2004). Unresolved, however, is the effect of integrating TAs into modern systems of governance across various sectors. Central to the debate on the resurgence of TAs in governance is the issue of land administration. The next section thus discusses the place of TAs in land administration.

Traditional Authorities and land administration

The management and administration of land remain one of the critical roles of TAs in many SSA countries. In the past few decades, many post-colonial governments in these countries have devolved substantial powers over land administration to TAs. Thus, the debate on the relevance of TAs in local governance is very much associated with the thorny issue of control and authority over land, particularly at the grassroots level.

Today, many TAs are powerful and indispensable because of control over land and other natural resources (Ntsebeza, 2005). In pre-colonial Africa, they were in charge of communal lands, performing both spiritual and social functions. Although during the colonial era, the colonisers formally transferred the authority over land administration to the colonial state, many traditional leaders did continue to exercise land administration functions. For instance in British settler colonies in southern and eastern Africa, such as Kenya, Zambia, and Zimbabwe, the colonialist's established 'crown lands' and 'native reserves' (lands occupied by Africans). The 'native reserves' were considered communal lands and placed under the management of colonial-supervised TAs who took decisions regarding land allocation. As a result, rural residents in need of land had to willy-nilly co-operate with TAs to gain access (Noronha, 1985; Ntsebeza, 2005). Similarly, in British non-settler economies and peasant production areas such as in Tanzania, Uganda, Ghana, Nigeria, and the Gambia, where the indirect rule system was practised, the colonial administration maintained the customary privileges of chiefs and vested the allodial title (ultimate title) to land in chiefs. Within this framework, the colonialists developed alliances with the local chiefs through "native administration". TAs were thus allowed to administer communal land in addition to other duties such as settling communal disputes and collecting taxes (Amanor, 1999, 2008, 2012; Bruce, 1998; Noronha, 1985). Colonial rule thus created new roles for chiefs and invented chiefs in previously acephalous areas who displaced earth priests in land administration (Amanor, 2012).

Following independence, however, nationalist governments either abolished TAs or reduced their powers over land administration for hobnobbing with colonialists. For instance, as a way of suppressing and weakening the economic base of powerful chiefs, the Nkrumah government in Ghana transferred stool land revenues and royalties collected on land sales, rents, and concession fees in southern Ghana from the control of powerful Akan chiefs to the state (local councils). This was first through the enactment of Ashanti Stool Lands Act, 1958 (Act 28), the Akim Abuakwa (Stool Revenue) Act No.78 of 1958 and later the Administration of Lands Act, 1962 (Act, 123) (Amanor, 2012; Kasanga & Kotey, 2001; Ray, 1999). This, however, did not transform tenure relations and chiefly claims to land. Likewise, in countries such as Nigeria (Knox, 1998b), Botswana (Knox, 1998a), Zambia and Zimbabwe (Adams, 2003; Subramanian, 1998a, 1998b; Tshuma, 1998), the power of TAs were either removed or decreased and responsibility for land allocation re-assigned to formally constituted local land boards or state administrators in various geographic areas. Moreover, in Malawi, Tanzania (Bruce, 1998), and Uganda (Bruce & Marquardt, 1998; Johannessen, 2006), the post-colonial government legislations abolished chiefs and customary tenure and the state took control over land.

The post-colonial modernist's projects of nationalists governments to either abolish or whittle chiefly authority and power over land administration could however not be sustained. Many TAs resurged and regained their control over land. Various legislations were implemented to empower TAs in land administrations in various countries such as Ghana, Gambia, Swaziland, Sierra Leone, South Africa, Zambia, and Uganda (See Adams, 2003; Baldwin, 2014, 2016; Bruce, 1998; Englebert, 2002b; Kyed & Buur, 2007; Logan, 2009; Ntsebeza, 2005). It is, therefore, not surprising that the results of the fourth round of the 2008-2009 Afrobarometer survey on the power of traditional leaders in contemporary Africa, revealed that over 50 percent of respondents thought chiefs were responsible for land allocation in Ghana, Malawi, Zambia, and Zimbabwe (Baldwin, 2016).

Like the general resurgence of TAs in sub-Saharan Africa, explanations for the sustained power of TAs over land allocation in the post-colonial period are varied. The predominant scholarly discourse largely attributes their control over land resources to a historical holdover from the pre-colonial and colonial era, geographical constraints and weak institutional and administrative capacities of the post-colonial state to effectively administer rural areas unilaterally (Herbst, 2000; Ntsebeza, 2005; Skalník, 2004; Von Trotha, 1996).

Alternate explanations, however, portend that their continued power over land allocation and its recognition by post-colonial governments is *quid pro quo*. Post-colonial governments grant them such powers due to hard-nosed electoral calculations. Baldwin (2014) posited that chiefs are used as vote brokers by post-colonial governments in SSA to mobilise the support of politically non-aligned ethnic communities. In this way, governments are able to build multi-ethnic coalitions for political gain. Thus, in some countries, there was a revival of the powers of TAs during incidents of democratic transitions. For example, in Uganda, the traditional kingdom of Buganda was restored in 1993 by Yoweri Museveni's National Resistance Movement during the period of the run-off to the 1994 elections for the constituent assembly (Englebert, 2002a). A similar incident occurred between the Zulu king and Nelson Mandela's African National Congress (ANC) in South Africa in 1994 with the Ingonyama Trust act (Beall & Ngonyama, 2009). Likewise in Ghana, the Acheampong regime made a deal with northern elite and TAs to return lands in northern Ghana, which were vested in the state to their traditional owners in the hope of getting the 'Yes' vote from the north in order to form a Union government (Pul, 2003). Thus, pressures of competitive democratic elections increase the likelihood of an increase in the devolution of power over land to chiefs. Although the extent to which traditional leaders were directly able to deliver votes to these politicians is difficult to measure due to the secret ballot nature of elections, these incidents go to support the theory that the revitalised power of chiefs over land in sub-Saharan Africa can be linked to their role in vote mobilisation during democratic electioneering processes. Such a link, however, raises critical questions about the quality of democracy in such countries and the implications on traditional authority resurgence on public goods provision. Within a framework of traditional authority resurgence and paradigmatic shifts towards an adaption approach to land reform, this thesis explores the relationship between hybrid land governance and equitable land delivery by examining customary and state actor interactions in peri-urban land delivery.

2.4 Harmonising customary and state land administration systems

The persistence and/or resurgence of traditional authorities in land governance in SSA have resulted in the operation of dual land administration systems across many cities. Boone (2014) broadly categorised these land tenure regimes in Africa into statist and neo-customary systems. She distinguished statist land tenure systems (where the role of the state in structuring land allocation is direct and visible) from neo-customary tenure systems (shaped and codified by colonial and post-colonial governments) where the authority of land allocation is devolved to state-recognised customary authorities.

Various fine-grained studies in Africa have explored the legal contradictions and competitions between customary land tenure and statutory land law and concluded that land tenure in African countries are characterised by legal pluralism, complex tenurial relations, ambiguities, conflicts and inconsistencies (Adams & Turner, 2005; Kasanga & Kotey, 2001; Kasanga & Woodman, 2004; Lavigne Delville, 2007; Lund, 2007; Camilla Toulmin & Quan, 2000). As a result, over the past two decades, many African governments have enacted new land laws and implemented land policy reforms to promote land tenure security and attract investments (Adams & Turner, 2005; Amanor, 2012; Knight, 2010; Ouédraogo, 2002). However, because of the practical difficulties of accessing and navigating around state land administration systems by poor citizens, neo-customary land delivery systems continue to flourish. In many rural societies in Africa, land rights continue to be based on local norms and rules often outside formal or legal land laws. Various studies have shown that the extent of formal or legal private rights in land is very low in many African nations (African Development Bank (ADB), 2009; Huggins et al., 2004; United Nations Economic Commission for Africa, 2003). Deininger (2003) estimates that more than 90% of land transactions are conducted outside the existing formal-legal system. The bulk of these land transactions tend to be governed by (neo) customary practices thus creating a fissure between the formal legal systems of land administration and the everyday lived realities of the majority of citizens. This means that failing to recognise such customary land rights will imply widespread tenure insecurity. Laws and policies aimed at harmonising and integrating customary land rights with statutory land law have therefore been made in countries such as Botswana, Ghana, Namibia, Uganda, Lesotho, Malawi, Tanzania and South Africa (Knight, 2010).

Although identifying, leveraging, and legally recognising customary tenure systems is important to address the colonial-instigated dualities in land tenure regimes and their associated challenges, law makers, and policy makers face various practical and conceptual challenges in the formulation and implementation of such policies (Fitzpatrick, 2005; Knight, 2010). Because customary tenure systems are complex, continuously evolving to local and external conditions and subject to re-invention and re-negotiation (Camilla Toulmin, Delville, & Traore, 2002), their integration into formal legal systems will require that such formal laws allows for a certain degree of flexibility and adaptability whilst at the same time remaining strict to protect the land rights of the poor. Besides, the vast majority of customary land rights are politically contingent and not private property rights, thus formal land laws will have to figure out how the transfer of group property rights can be legally recognised whilst at the same time ensuring that they remain inalienable.

In addition, the integration of customary and statutory tenure systems leads to the creation of new governance arrangements and roles for customary and state actors with varying implications on how the new governance arrangements will affect existing power configurations. Moreover, implementing land policies that will simultaneously advance the interests of the state, the community and individuals is a particularly difficult endeavour considering the conflicting nature of these interests (Knight, 2010). Practical challenges of funding and weak institutional/technical capacities of the existing land administration agencies also hinder the harmonisation of customary and state land administration systems across (African Union, 2010; Kasanga & Kotey, 2001). Questions of how best to integrate statutory and customary tenure systems to protect community land rights and to foster pro-poor and sustainable land governance, therefore, remain relevant in the land debate in Africa. Some scholars (Fitzpatrick, 2005; Ouédraogo, 2002) have proposed various theoretical approaches such as the Minimalist, Agency or Group Incorporation method of customary land rights recognition (Fitzpatrick, 2005) or legislative, technical and contractual (Ouédraogo, 2002) approaches for the legal recognition of local/customary land rights and tenure practices. These proposals however, do not adequately detail the everyday local practices on the ground, the practical arrangements and strategies as well as the outcomes that emerge in different contexts to aid policy makers in their law making and implementation efforts. This thesis thus presents a critical analysis of organic happenings on the ground when customary and statutory systems of land administration are harmonised. The aim is to deepen understanding of how the integration of statutory and customary systems of land administration functions in practice and to examine whether the outcomes produced are equitable and protect the land rights of the poor.

2.5 Chapter summary

This chapter discussed the widely agreed features of customary land tenure in SSA, which has been the subject of anthropological, historical, political, economic, and legal research overtime. The chapter revealed the malleable, complex and dynamic nature of the concept of the ‘customary’. The insights from the literature provided the basis for the adoption of the term ‘neo-customary’ in this thesis to reflect existing transformations that have occurred in customary land tenure across SSA. In this chapter, I also demonstrated that enacting and implementing land laws and policies that can sufficiently address the colonial instigated dual land tenure systems remain a major challenge in many African countries. Traditional authorities have also in the light of decentralisation, democratisation, and economic liberalisation assumed increased recognition by international development agencies and many African governments for their various complementary roles in local governance processes.

Although the existing discourses on the land question in Africa emphasise the harmonisation and integration of local indigenous practices of land administration with statutory or formal legal systems, interrogating the literature has revealed that such emphasis has not gone beyond the stage of theoretical proposals. Therefore, what actually works and what conditions shape actual practices of an integrated land administration system remain undiscussed in this debate. Besides, the existing debates ignore local power relations and institutional settings, which have the potential to shape individual agency within

integrated land administration systems. Drawing on current policy shifts towards an adaptation approach to land policy reform in Africa and in the light of the resurgence of traditional authority in SSA, the chapter concludes by highlighting the need to critically evaluate how integrated land administration systems function in practice to identify their strengths and weaknesses. In the next chapter, I link the current calls for recognising and building on customary practices to create an innovative locally adaptive African land governance systems to the broader debates on a 'southern perspective' in urban studies and planning. The aim is to position the adaptation approach to land policy reform in Africa within broader contemporary debates on urban governance and planning in the global South.

3. Situating land governance and planning challenges in sub-Saharan Africa within broader theoretical debates of North-South theory transfers

Most often, theories and concepts travel systematically from core to peripheral regions and consequently become part of the mechanisms of power relations, which reproduce geographic unevenness in society (Maloutas, 2017). Within the academic discourse on planning and urban studies, the travelling of ideas and theories from global North contexts to the global South² as part of the processes of colonialism and globalisation is attracting attention (Healey & Upton, 2010). Particularly, the universal application of theories and concepts from the North has been questioned (Brownill & Parker, 2010; Edensor & Jayne, 2012; Parnell & Oldfield, 2014; Robinson, 2006; Roy, 2009; Watson, 2002, 2009a, 2013; Yiftachel, 2006).

It has been consistently argued that Northern-based planning models, theories, concepts, and solutions have been conceived in economic, political and cultural contexts entirely different from the places to which they are universally disseminated as best practices (Vainer, 2014; Watson, 2009b, 2014c). Consequently, such all-purpose and quasi-universal ideas become ill-suited to the places they have travelled to, and therefore often fail (Tait & Jensen, 2007). For instance, Maloutas argued that “concepts and theories that travel are to a large extent imposed agendas on the periphery, even if intensions are the best possible” (Maloutas, 2013, p. 4). Likewise, in Watson’s view, “these travelling ideas have had generally disastrous effects on places where they have been promoted and implemented” (Watson, 2014c, p. 98). These sceptical discourses on travelling theories have created a central tension regarding the transfer of Northern-based planning and governance models to the South. This tension, in turn, generates incongruities regarding calls for a ‘southern urban theory’ and the associated dilemma of being caught up in the ‘territory trap’ of North and South. At the same time, the practical difficulties associated with generating Southern-based theories in the context of political, cultural, and socio-spatial fragmentation cannot be over emphasised. This section reviews discourses on the urban planning crises of the global South and criticisms levelled on the persistence of modernist planning theories and concepts from the North.

3.1 The urban planning crises in Africa and critique of North-driven urban theory

Planning is deeply implicated in the crisis of urbanisation in many cities of the global South. Many of the urban development challenges facing African cities have been attributed to the uncritical adoption of planning systems and models from Euro-American contexts (UN-Habitat, 2009; Watson, 2014c). Although there have been paradigmatic shifts in contemporary planning following a realisation of the failures of the ‘rational comprehensive’ model of planning, planning practice in many post-colonial

² I use the ‘South’ here in both a geographical and political frame to refer to post-colonial cities particularly in Latin America, Asia, and Africa, which are characterised by insufficient resources and weak governance capacities. The North refers to what is generally labelled as ‘developed’ or ‘western’ countries.

cities in Africa is still tied to the umbilical cord of modernist planning (UN-Habitat, 2009) and haunted by colonial legacies (Home, 2014).

By the first part of the 20th century, modernist planning ideas had spread to many parts of the capitalist world and by the latter part of the century, they had travelled to the global South through various processes of authoritarianism, contestation, consensus, synthesis, selection, and uncritical reception (Ward, 2002). Urban planning theory rooted in modernism has for decades taken a notion of linearity where conditions of North in the 19th and early 20th centuries are assumed to be reproduced in cities of the global South. Hence, it is taken for granted that theories and ideas from the North are valid for the rest of the world notwithstanding the contextual differences of the two locations (Watson, 2002, 2014c, 2014d). Critical issues have however been raised on the universality of the presumptions and applications of Northern planning theories and concepts (Healey, 2012; Watson, 2002). In many parts of the global South, Northern urban theory and models have been criticised for failing to analyse, explain, and address the urban challenges and uncertainties facing fast urbanising Southern cities in the 21st century where informality, traditional authority and religious identity are central to governance (Edensor & Jayne, 2012; Parnell & Oldfield, 2014; Patel, 2014; Roy, 2009; Watson, 2009a). Such theories and models are said to have contributed to inefficient and fragmented cities in the South and constitute a major source of urban exclusion (Watson, 2009b, 2014c).

In sub-Saharan Africa, colonial domination (lately reinforced by intellectual exchange and development assistance) has played a major role in the travelling and transfer of Northern planning ideas and governance models (Watson, 2014c). In the colonies, planning was tied to the modernising mission of the colonisers (mainly of British, Portuguese, German, and French origin) and was used as a vehicle to curb urbanisation processes. Consequently, Euro-centric planning instruments such as master planning and zoning/building ordinances were introduced into the colonies (Njoh, 2003, 2009b) and reinforced by post-colonial governments with the backing of international policy agencies. For instance, town planning and public health laws were transplanted from the United Kingdom (UK) into the colonies. As a result, the 1932 English Town and Country Planning Act and other planning regulations formed the basis of comprehensive physical planning, which was practiced in many colonies in Africa (Home, 2014; Konadu-Agyemang, 2001; Mabogunje, 1990; Njoh, 2009a, 2009b; Okpala, 2009). Similarly, in the late 1960s and early 1980s, many African governments attempted to replace local tenure systems with modern/European systems of private property rights as a means of promoting development (Deininger, 2003; Obeng-Odoom, 2012; Platteau, 1992). Thus, land titling and regularisation became one of Europe's major influences on sub-Saharan Africa. These Western-style regulations and controls on land were however inappropriate and therefore not able to displace completely other modes of pre-colonial land governance leading to the creation of overlapping and dual systems of land tenure and land markets (Harris, 2014).

These overlapping systems of land management and their underlying land tenure uncertainties have created major challenges to the practice of urban planning in African (Berrisford, 2011). This is because many colonial-imported planning systems in SSA set out to regulate the use and development of land

in contexts where land rights, land ownership, and land tenure issues remain unresolved and outside the control of planners. As reported by various studies, this often generates a disconnect between what planners and land administration technocrats would want to see and the reality of everyday processes and practices of land access, land sub-division and land development processes across many cities in Africa (Kalabamu, 2006; Leduka, 2006; Nnkya, 2007; Owusu-Ansah & Braimah, 2013; Siiba, Adams, & Cobbinah, 2017; Simelane, 2016; Yeboah & Shaw, 2013). Thus, whereas planning theoretically aims to promote the public interest, landowners allocate lands according to traditional norms and customs to meet their private interests. Since it can be argued that whoever controls landholdings incontrovertibly controls land markets and the nature of planning, formal urban planning in many African cities continues to be ineffective (Yeboah & Obeng-Odoom, 2010). Land access, land subdivision and land development processes and practices, therefore, continue to constitute major conflicting grounds for public bureaucrats engaged in planning and traditional authorities in charge of land administration in rapidly urbanising areas. Complying with planning and building regulations and their associated procedures has been extensively shown in the literature to be either expensive, complex or simply out of tune with the realities and way of life of the majority of people in rapidly growing African cities (Arimah & Adeagbo, 2000; Devas, 2001; Egbu, Olomolaiye, & Gameson, 2008; Gandy, 2006; Njoh, 2003; Nnkya, 2007; Owusu-Ansah & Atta-Boateng, 2016; UN-Habitat, 2009; Watson, 2009b, 2009a, 2013).

The failure of modernist planning systems and the resulting poor social and economic conditions in many African and other Southern cities have largely been attributed to either the planning models/systems themselves or abuses of the planning system. In the former case, it has been argued that rather than implementing context-specific and ad hoc planning strategies that are responsive to the needs of a majority of the populace, planning models and ideas have been implemented based on Northern theories and influences through the power of the modern state. As a result, their assumptions and principles are frequently inappropriate for local conditions thus creating a discrepancy between what the regulations and standards stipulate and the everyday practices of individuals particularly the poor (Bolay, 2006; Watson, 2003). In the latter case, abuses of the planning system by political and powerful elites due to weak enforcement capacities of local governments in the global South have accounted for the failures of modernist planning regulations with negative impacts on the urban poor (Watson, 2009; Devas, 2001).

Despite the inappropriate and misapplied standards and planning practices, post-colonial governments have been reluctant to fundamentally reconfigure such colonial dysfunctional planning and land management legacies leading to their persistence in many cities in Africa. Appeals for a revision of Northern imported theories are however gaining momentum in recent time. As a result, there have been wider theoretical calls for incorporating a Southern take into planning theory so as to address the urban problems of cities of the South (Watson, 2009a)

3.2 Delimiting a Southern urban/planning theory: controversies and dilemmas

Due to the inadequacies of hegemonic north American and European based urban theories in the South, there is a burgeoning consensus to abandon the uncritical importation of Northern-based planning ideas and generate Southern-grounded urban theory that reflects the realities of Southern cities in the 21st century (Connell, 2007; Healey, 2012; Patel, 2014; Roy, 2009; Watson, 2009a, 2014d, 2014c; Yiftachel, 2006). Roy (2009) for instance calls for the development of ‘new geographies’ of urban theory that draws on the urban experiences of the South and ‘worlding’ the city from below through diverse and multiple processes of governance. Likewise, Watson (Watson, 2009a, 2013, 2014d, 2014c) appeals for a ‘southern planning theory’ that recognises the situated nature of planning endeavours. These calls are aimed at promoting the building of a truly international planning scholarship where the experiences and perspectives of the South are fully acknowledged and incorporated to complete and strengthen mainstream planning theory.

The call for a ‘southern take on cities’ or ‘seeing from the south’ is however contentious and beg critical questions. Should Southern scholars entirely forget of the massive scholarship on Northern cities and assume a new linearity where cities of the South provide spaces of experimentation or lenses on which to view Northern cities? Will a Southern take in planning theory not create artificial binaries between the North and the South, reproduce the parochialism of Northern theory (Watson 2014), and fall into the same problem of ‘ill-suited’ urban theories? How feasible will it be to develop a Southern urban theory in the midst of fragmented governmentalities particularly in post-colonial African cities characterised by diverse cultural, political, economic, and colonial trajectories?

In presenting a sympathetic but sceptical view of new Southern urban theory, Mabin (2014) bemoaned the dearth of knowledge and new concepts from cities of the South and posits that current writings from Southern scholarship end up analysing Southern cities through concepts emanating from urban studies elsewhere. He further argues that proponents of Southern theory have not been able to establish clearly, what it is exactly about cities in the South that eludes Northern theory. Mabin (2014) concludes that a pure ‘southern take’ will not overcome the problems of a pure hegemonic Northern one and rather calls for the comparison and ‘grounding’ of ideas across the South and the North. This implies a greater focus on context-sensitivity while studying particular cities or situations.

It is in cognisance of these controversies surrounding a ‘southern urban theory’ that I find Robinson (2003) and Edensor and Jayne’s (2012) demand for situatedness in the production of urban theory and Healey’s (2012) proposal for an ‘origin narrative’ to accompany planning ideas germane. Similarly, Watson’s (2014c) and Healey’s (2012) arguments that Southern planning theory needs to position itself between the universals and the contingent are very useful. Within this context and in siding with the above scholars, I contend that relativism in planning theory that involves accepting the pluralisation of urban theories and models from both the North and South will ensure inclusivity and diversity in urban theory. This contradicts a parochial theory that claims universality or standardizes either Southern or Northern experiences and hegemonises such experiences as the single articulation of urbanism across the globe. As part of a one world capitalist system, it is not useful to reinvent the wheel, rather, there is

need to know and specify the limits of planning theories and ideas and generate relevant explanations for different contexts. In contributing to a conception of a Southern theory that encompasses contextualised and historicized grounded research, I employ two exploratory concepts (Co-production and Institutional hybridity) with theoretical and empirical relevance to both Southern and Northern contexts to examine the management of peri-urban customary lands in Ghana. These two theoretical concepts will help to understand how historical developments and external planning ideas (actively negotiated with local actors and contexts) shape urban form to generate hybrid processes and outcomes. Such a theoretical frame allows for a deeper understanding of the specifics of a particular context and what aspects of the specifics (origin narratives) can be shared across different places and contexts to create a balance between situated practices and theoretical ideas.

3.3 Chapter summary

The aim of this Chapter is to link the discourse on the integration of customary and state land tenure regimes in SSA to existing broader urban planning and governance debates for Southern cities. The literature discussed above has demonstrated that just as land administration systems based on modern formal titling and registration processes have failed to tackle the land management challenges in SSA, so have colonial transplanted formal urban planning practices and laws failed to achieve their intended objectives in Africa. As a result, contemporary debates in both land policy reform and urban planning point towards a paradigmatic shift from urban planning and land governance practices based on Northern models to organic and pragmatic forms of planning and land management that incorporate everyday local socio-cultural practices in Africa.

The merits of these proposals for an ‘adaptation approach’ to land policy and a ‘southern take’ in planning theory notwithstanding, critical issues on their applicability and workability in different contexts are worth raising to avoid their universalisation like the Northern based models. The chapter concludes by arguing that there is the need to specify the limits of such proposals by acknowledging their context-specificity and by critically evaluating their functionality and outcomes across the diverse geographical locations in Africa. In contributing to assessing how these proposals work on the ground and their outcomes based on contextualised grounded research, I employ two theoretical concepts and models of governance (Co-production and Institutional hybridity) to examine the management of peri-urban customary lands in Ghana. These two concepts serve as an analytical anchor to investigate how historical developments and external planning ideas (actively negotiated with local actors and contexts) combine to produce an integrated land administration system in Ghana.

4. Emergent approaches in urban planning and governance in post-colonial cities

In response to the failures of Northern-based planning models to address the pernicious urban problems of post-colonial Southern cities, there have been moves towards alternative approaches to urban planning and governance in recent time. Outcrops of this move are the models of Co-production and Institutional hybridity (broadly termed hybrid governance). For instance, Watson argues that “new planning theory-building work can productively draw on the concepts and practices of co-production, particularly in its more radical and bottom-up form” (Watson, 2014b, p. 74). Whereas Co-production provides alternative understanding to planning and governance approaches by drawing together both professionals and non-professionals in service delivery, institutional hybridity emphasises the engagement of state (official) and non-state (unofficial) actors/norms in public decision making.

In this section, I review the various lines of research and central themes in recent debates on the concepts of co-production and institutional hybridity. I then highlight their common grounds and usefulness for both global South and North contexts as well as their potentials towards addressing the urban problems of the South.

4.1 The discourse on Co-production

The term co-production has variously been used to mean different things across different contexts, intellectual traditions, and policy sectors. As such, there is no unanimity on what exactly co-production means (Alford, 2009; Brandsen & Honingh, 2015; Brandsen, Pestoff, & Verschuere, 2012; Watson, 2014b). Although, it is primarily viewed as a strategy for public service provision, three major interpretations, and threads of research on co-production can be distinguished in the current literature. First, the most dominant theme emanating largely from public administration and urban politics interprets co-production practices as a principal strategy to improve public services delivery (Alford, 2009; Ostrom, 1996; Pestoff, 2012). Second, the concept and practice of co-production has also been applied and interpreted in development studies in recent time as a strategy for political and social influence by grassroots/civil society organisations (Albrechts, 2015; Mitlin, 2008; Watson, 2014b). Yet, a third theme in the research on co-production considers the concept as an immanent characteristic of planning and governance processes (Albrechts, 2013; Osborne & Stokosch, 2013). I discuss these three threads of research on co-production in the ensuing sections to facilitate a broader understanding of the concept and its varied applications.

Co-production as a strategy to improve public services delivery

Principally, co-production is viewed as a delivery mechanism for public goods and services, particularly in the global South. It traces its roots to the works of Elinor Ostrom (political economist and Nobel Prize winner) and her colleagues in the late 1970s and particularly her work on citizen engagement in the delivery of goods/services (sewage treatment, schools, and neighbourhood patrols) in Nigeria and Brazil in the 90's. Her key arguments are that citizens can play an active role in the delivery of goods and services that are of benefit to them and as a result, “no government can be efficient and equitable

without considerable input from citizens” (Ostrom, 1996, p. 1083).

Developing on her arguments, various empirical studies in public administration have applied co-production as an umbrella concept to describe different types of citizen participation in decision-making and public service delivery in both the developed and developing world. Terminologies such as co-planning, co-prioritisation, co-delivery, co-construction, co-governance, and co-management are often associated with the concept (Bovaird & Loeffler, 2012; Brandsen & Pestoff, 2006; Pestoff, 2012; Van Eijk & Steen, 2016). These varied applications notwithstanding, the most classical and widely used definitions of co-production in public administration and development studies are given by Elinor Ostrom (Ostrom, 1996) and Roger Parks and colleagues (Parks et al., 1981). Whilst co-production was defined by Ostrom as, “the process through which inputs used to produce a good or service are contributed by individuals who are not ‘in’ the same organization” (Ostrom, 1996, p. 1073), in her joint publication with Parks and others, co-production was defined as,

...the mix of activities that both public service agents and citizens contribute to the provision of public services. The former are involved as professionals, or ‘regular producers’, while ‘citizen production’ is based on voluntary efforts by individuals and groups to enhance the quality and/or quantity of the services they use. (Parks et al., 1981, p. 1002)

Brandsen & Honingh revised these definitions based on a meta-analysis of various meanings of co-production. They define co-production as “a relationship between a paid employee of an organisation and (groups of) individual citizens that requires a direct and active contribution from these citizens to the work of the organisation” (Brandsen & Honingh, 2015, p. 431). Similar to the revised definition by Brandsen & Honingh (2015), Joshi & Moore refined a narrow definition of co-production to mean, “Institutionalised co-production is the provision of public services (broadly defined to include regulation) through regular, long-term relations between state agencies and organized groups of citizens, who both make substantial resource contributions” (Joshi & Moore, 2004, p. 40).

Although different in their conceptual meanings, focus and level of analysis, these authors converge on the point that the “Weberian” model of traditional bureaucratic service delivery by state agencies is outdated and inappropriate. They emphasise the importance of involving a multiplicity of actors (both formal and informal) in governance processes, particularly in the planning and implementation of public services. In this thesis, co-production is used to mean established relations between traditional authorities and public bureaucrats in the delivery of peri-urban land in which both categories of actors make substantial resource contributions drawing on their structural and relational power potentials. This interpretation of Co-production is similar to the definition of co-production given by Joshi & Moore (2004).

Within the broader discourse on governance, co-production shares a similar space with the New Public Governance (NPG) paradigm or the ‘networked’ governance approach that emphasises plurality, inter-organisational relationships, and effectiveness in public services delivery. The NPG paradigm “posits both a plural state, where multiple interdependent actors contribute to the delivery of public services

and a pluralist state, where multiple processes inform the policy making system”(Osborne, 2006, p. 384). Whilst holding a mirror to the processes of neoliberalisation (Peck & Tickell, 2002), co-production also manifests an emerging governance paradigm in which participation, subsidiarity, and collaboration are central tenets (Bryson, Crosby, & Bloomberg, 2014; Osborne, 2006).

Scholarly interests in co-production practices in public service provision have been growing tremendously, instigated largely by fiscal pressures, growing democracy deficits and legitimacy crises facing many governments across the globe (Alford, 2002; Parrado, Van Ryzin, Bovaird, & Löffler, 2013; Pestoff, 2012). Research has largely covered traditional service sectors like education, health, neighbourhood security, sanitation, safety, and waste recycling in countries in the North (Alford, 2002, 2009; Bovaird, 2007; Fledderus & Honingh, 2016; Jakobsen & Andersen, 2013; Parrado et al., 2013; Pestoff, 2006; Van Eijk & Steen, 2016) and South (Joshi & Moore, 2004; Olivier de Sardan, 2011; Ostrom, 1996; Workman, 2011) alike. From these studies, four broad categories of motivations for co-producing public services can be identified.

The first motivation relates to what I label as inherent co-production. Here, some scholars (Albrechts, 2013; Brandsen & Honingh, 2015; Osborne & Strokosch, 2013) argue that co-production is inbuilt in the planning and implementation of public services and therefore not an issue of choice. Thus, citizens and professionals are interdependent actors, who need to collaborate and depend on each other's contributions for public service delivery to not only be effective but to take place. The second relates to governance driven co-production. This stream of co-production research suggests that co-production emerges as a response by individuals/groups of citizens to the imperfections/incompleteness of states or to shortcomings in government performance in public services delivery particularly in cities of the South (Joshi & Moore, 2004; Mitlin, 2008; Parrado et al., 2013; Workman, 2011). The third motivation for co-production can be categorised into collective and individual incentives (Alford, 2002, 2009; Parrado et al., 2013; Van Eijk & Steen, 2016). Alford (2002, 2009) for instance grouped these incentives into material incentives (money, goods or services), solidary incentives (rewards of associating with others, such as group membership), expressive incentives (the sense of satisfaction of having contributed to attaining a worthwhile cause), intrinsic rewards (enhancing one's sense of competence), and avoiding sanctions resulting from legal obligations. Looked at differently, Pestoff (2012) examined conditions facilitating or hindering co-production and concluded that the ease of involvement and the motivation of individuals to participate (measured by the salience of the service provided) in the co-production of services are essential. It is important to state however that, these are general drivers for coproduction. Because of the conceptual fuzziness of the concept and the resultant variations in co-production practices between and within sectors/countries, there is the need for more research in co-production across various contexts to capture important differences (Parrado et al., 2013).

Unlike the drivers of co-production where literature abounds albeit, with no consensus on the exact motivating factors, very few studies focus on the outcomes of co-production. These studies are largely theoretical than empirical. Scholars have therefore in recent time called for more research focusing on the outcomes of co-productive processes (Pestoff, 2012; Verschuere et al., 2012; Voorberg, Bekkers, &

Tummers, 2015). General positive outcomes identified include, responsive, efficient and cost-effective service delivery; improved service quality and quantity (Bovaird, 2007; Joshi & Moore, 2004; Ostrom, 1996; Vamstad, 2012) particularly under weak state capacities; capacity building and citizen empowerment (Mitlin, 2008; Watson, 2014b); building of social capital and user satisfaction (Ostrom, 1996; Pestoff, 2012; Verschuere et al., 2012); and facilitating innovation in public service delivery (Pestoff, Osborne, & Brandsen, 2006; Voorberg et al., 2015).

A weakness of co-production identified in the literature stems from its inequities in service outcomes. Jakobsen and Andersen (2013), argue that disadvantaged service users who tend to co-produce less due to their resource constraints are affected negatively by co-production outcomes. “Wealthier, better educated and non-minority citizens may be more willing and able to engage in co-production activities. If this is true, a large group of citizens is excluded from co-production and that is all the more problematic knowing that these groups often need the services produced the most”(Verschuere et al., 2012, p. 1094). As co-production requires substantial resource contributions from both state and non-state actors, it can be concluded that “the more able and resourceful people may dominate proceedings of co-production” (Poocharoen & Ting, 2015, p. 590). This means that the benefits of co-production may not be evenly distributed across service users.

The ‘strongest’ limitation of co-production in the view of Bovaird is that “it may dilute public accountability, blurring the boundaries between the public, private, and voluntary” (Bovaird, 2007, p. 856). Verschuere, Brandsen & Pestoff (2012) questioned who the users of co-produced services can hold accountable when they themselves are part of the production process. Besides accountability limitations, where co-production involves substituting acts, there are fears of it being synonymous with privatisation where public authorities simply sit aloof and transfer costs of public services to users. Consequently, “governments may start shifting blame and no longer take sole responsibility for any policy failure” (Poocharoen & Ting, 2015, p. 590). These are the identified outcomes of co-production in the literature. However, such conclusions cannot be taken at face value to be universally applicable and need to be empirically verified in this thesis. In the next section, the discourse on co-production as a strategy to attain political influence by grassroots actors is discussed.

Co-production as an approach to secure political influence

Beyond contributing to the effective delivery of public goods and services, this thread of co-production research reveals that co-production provides an avenue for non-state actors/ grassroots organisations to engage in bottom-up practices that strengthen their social and political positions. Through this, they advance their claims for access to basic services/goods and recognition in state programmes (Mitlin, 2008; Watson, 2014b).

Using a global South setting, Mitlin (2008) analysed co-production practices between grassroots organisations and the state in sanitation provision, resettlement programmes and shelter delivery for four countries (Pakistan, Namibia, India, and Brazil). She concluded that the co-productive engagements enhanced opportunities for citizens to secure changes in their relations with government

and in so doing allowed them to negotiate for improved services delivery. Moreover, it leads to a consciousness of self-worth among citizens and as well builds the capacity of grassroots to gain enhanced knowledge and negotiate/challenge the systems and processes of the government in public services delivery. This enhances the political positions of grassroots organisation, which they in turn use to attain their aspiration for political inclusion and recognition. Co-production also prepares citizens for a civic and more substantive engagement with the political systems and in state programmes (Albrechts, 2013). Regarding the motivations for this form of co-production, Mitlin (2008) posited that engaging in self-organised co-production is often driven by not only weak state capacities but also the desire by grassroots organisations to meet both their immediate needs as well as their aspirations for political influence and greater control of resources.

Similarly, other scholars following this thread of co-production research have argued that engaging in coproduction practices helps to build strong relations with the state whilst at the same time empowering local groups to enable them strategically and successfully negotiate for favourable outcomes (Albrechts, 2015; Muller & Mitlin, 2007). Albrechts stated that co-production “provides an interaction between the delivery of public goods (strategies, policies, projects) and building strong, resilient, mutually supportive communities...” (Albrechts, 2015, p. 6). Linked primarily to the work of non-governmental organisations such as the Shack/Slum Dwellers International (SDI) and the Asian Coalition for Housing Rights (ACHR), Watson (2014b) described bottom-up co-production engagements involving grassroots organisations and the state in enumeration and mapping processes as ‘social movement-initiated’ co-production. She argues that social movement-initiated co-production practices lead to community building and learning as well as a more appropriate and affordable services delivery, while at the same time offering the possibility of expanding the scope of planning thought. These experiences from grassroots-organised co-production, particularly from Southern context, expand the utility of co-production beyond the promotion of effective public services delivery to the achievement of wider political interests among local groups of citizens. Recent threads of research on co-production have further expanded the utility of the concept by considering it as an inherent activity in governance practices in the global South. This recent thread is discussed next.

Co-production as an immanent characteristic of planning and governance practices

Experiences with co-production practices, particularly in the global South, have revealed that in the delivery of some public services and in certain governance arrangements, co-production is not an optional activity but an innate characteristic of planning processes. As such, both state and non-state actors have no choice but to jointly work together in an interdependent relationship. Besides, some services are only best managed locally by citizens (Albrechts, 2013; Brandsen & Honingh, 2015; Osborne & Strokosch, 2013). Albrechts (2015) for instance argues that where actors are interdependent and have an (implicit) reason to engage with each other, coproduction becomes an engine of change that could differentiate between systems working and systems failing.

In mainstream planning theory, co-production is analogous to collaborative and communicative

planning (often associated with Patsy Healey and Judith Innes and informed largely by global North contexts), which emphasise state and society engagements on planning issues (Healey, 1997; Innes, 1995). Both co-production and collaborative/communicative planning propose that bottom-up/grassroots interventions can lead to transformative outcomes, which can alter the distribution of power and resources and make the state more responsive. Thus, co-production can be described as a variant of collaboration (McKenzie, Whiu, Matahaere-Atariki, Goldsmith, & Kokiri, 2008; Watson, 2014b).

Watson (2014b) argues that co-production, collaborative and communicative approaches share some commonalities: 1) a general focus on state-society engagements to improve the living conditions of poor and marginalised populations, 2) a gradual, incremental, and social learning approach to public service delivery and 3) an emphasis on democratic practices where citizens (collectively or individually) actively engage to secure material and political gains. However, she posits that unlike collaborative and communicative planning initiatives, which most often requires citizen engagement with the state in the planning stages, co-production moves beyond user engagement in planning to include active citizen involvement in all stages of the delivery of public services. In addition, in co-production practices, grassroots organisations/social movements initiate reforms and mediate directly with the state unlike in communicative/collaborative planning, which assumes a central role of the state and engages planners as mediators/facilitators between interested parties. Another point of departure between co-production and collaborative/communicative planning theory also lies in their position on power and conflict. Whilst collaborative/communicative theorists conceive that the effects of power can be overcome through debate (Healey, 1992b, 1992a; Huxley, 2000), co-production advocates acknowledge that there are bound to be power struggles and conflicts among parties engaged in co-production practices (Watson, 2014b).

In relation to intellectual traditions, co-production is considered not only as a needs-based approach but also a rights-based approach where it serves as a vehicle to promote the rights of citizens and provide needed public goods and services (Albrechts, 2013, 2015). Albrechts (2013) argued that traditional spatial planning approaches are not capable of addressing current urban challenges facing cities and that co-production offers a more useful alternative for strategic planning. Using discourses and practices of co-production as a frame for advocating for radical strategic planning, Albrechts (2015) considers co-production an immanent characteristic of the strategic planning process. He argues that co-production interpreted as a strategy to secure political influence and access to services and resources is a central element of the theory and practice of strategic planning (Albrechts, 2013). Hence, co-production can be looked upon “as a process of becoming, a process of negotiating and discussing the meanings of problems, of evidence, of (political) strategies, of justice or fairness and the nature of outcomes”(Albrechts, 2013, p. 57). This means that introducing and sustaining co-production practices has the benefit of making strategic planning processes and by implication, other governance processes increase their effectiveness. Co-production varies from standard participatory approaches as it is more effective than ‘lobbying’ or ‘protesting’ in terms of gaining benefits (Mitlin, 2008), securing the rights of citizens, and strengthening citizens/grassroots organisations for a more substantive engagement

with the political system (Albrechts, 2013).

It is important to state that co-production practices in the North differ slightly from those in the South where civil society and social movements are weak. Whilst co-production practices in the North are more likely to take the form of formal agreements/partnerships, in Southern contexts, Joshi and Moore emphasise that co-production arrangements need not involve formal contractual agreements between state and non-state agencies, but rather the actual relationships “...might be undefined, informal, and renegotiated almost continuously” (Joshi & Moore, 2004, p. 40). Watson (2014b) suggests that because many practices of co-production take place within the global South context, exploring different forms of state-society engagements and cases of co-production on planning and urban development in such difficult contexts can facilitate ‘an expansion of the scope of planning thought’ and ‘foster an internationalisation of planning theory’ (Watson, 2014b, p. 63). This has the ultimate effect of enriching planning theory, which had previously been fed largely from western socio-political and cultural contexts. Understanding co-production practices, however, requires an appreciation of the political, social, and cultural contexts from which such cases emerge. Therefore, in the next section, I turn to the concept of institutional hybridity (of Southern origin), which emphasises the integration of official and unofficial norms particularly in contexts where non-state actors wield so much influence in local governance processes.

4.2 The hybrid governance discourse - A turn to institutional hybridity

There has been a renaissance of interest and a ‘rediscovery’ of the concept of ‘hybridity’ as a conceptual lens to explain interactions between state and non-state (societal, localised, kin-based) actors, institutions, and norms. Advocates of the concept have focused on the multiple ways in which state and non-state institutions co-exist, overlap, entangle and intertwine particularly in sub-Saharan Africa (Boege et al., 2008; Colona & Jaffe, 2016a; Mac Ginty, 2010; Mac Ginty & Richmond, 2016; Meagher, De Herdt, & Titeca, 2014). The concept has long been used in anthropological, sociological, institutional, and organisational studies, but has only started recently to emerge as a key analytical concept in the literature on state-formation, governance, and development studies.

The rise of the hybridity concept within the governance discourse chimes with debates on neo-liberalisation; participatory development paradigms; decentralisation and the resurgence of traditional authorities in Africa. It resonates with processes of neoliberal restructuring such as ‘roll-back’ and ‘roll-out’ neoliberalism (Peck & Tickell, 2002), which created and consolidated spaces for non-state actor participation in public governance. Similarly, it connects with debates on a shift from government to governance and the increasing transfer of responsibility away from the state to citizens and non-state actors.

Within development studies research, hybrid governance has been adopted in environmental management to study various forms of governance arrangements such as co-management, public-private partnerships and social-private partnerships in natural resource governance (Lemos & Agrawal, 2006; O’Reilly & Dhanju, 2012). Research on hybrid governance arrangements has also gained

momentum in conflict/peace studies. Here, the aim is to challenge the discourse on ‘fragile’/ ‘weak’/ ‘failed’ states formation particularly in (post-) conflict settings in Africa. Hybridity in this context is often used as an analytical concept to study practical ‘arrangements that work’ in many of the so-called ‘failed’/ ‘fragile’ states and to critique the normative focus on good governance, on state failure and fragility, and on a liberal-democratic state (Albrecht & Moe, 2015; Boege et al., 2008; Colona & Jaffe, 2016a; Lund, 2006; Meagher, 2012; Reyntjens, 2015). For instance, it is argued that ‘hybrid political orders’ is an analytical rather than a normative concept and it “is not an ‘ambition’, a normative goal that has to be achieved. Rather, it is what is the case in many so-called fragile states and situations” (Boege, Brown, Clements, & Nolan, 2009, p. 88).

Within development studies, hybridity is largely used synonymously with terms such as ‘hybrid political orders’ (Boege, Brown, Clements, et al., 2009; Boege et al., 2008), ‘mediated state’ (Menkhaus, 2008), ‘hybrid institutions’ or ‘real governance’ (Cleaver, Franks, Maganga, & Hall, 2013; Olivier de Sardan, 2008), ‘twilight institutions’ (Lund, 2006) and ‘practical hybrids’ (Kirk, 2015). Together, these terms capture the existence of non-state/traditional local orders within state governance arrangements in opposition to state-centric approaches focusing on the western Weberian model of governance. In the governance discourse on Africa, hybridity shares a similar space with concepts like (neo-) patrimonialism (Bach & Gazibo, 2012), which analyses public-private interactions in the production of public policies and practical norms (De Herdt & Olivier de Sardan, 2015), which examines the co-existence and/or transgression of official and social norms within real governance practices in Africa. The concept of institutional bricolage, which combines hybridity and critical institutionalism to investigate the processes of blending existing social/traditional institutions with modern institutions, also shares a similar line of research with hybrid governance studies. In this thesis, I use hybridity as an all-encompassing concept that has the analytical capacity to capture a wide range of empirical contexts in which state and non-state actors interact in the provision of public goods and services. This encompasses identifying the processes of hybridisation and the conditions under which hybridity is produced and maintained.

Two major strands of analysis on hybridity are particularly pertinent in the literature on governance and development studies. At one end, the analytical focus is on the blending/syncretism of political systems to produce an emergent arrangement that is neither state nor non-state. Here, the emphasis is on intertwined interactions between state and non-state actors in the exercise of public authority and in the provision of public goods, services, and infrastructure. Within this context, Colona and Jaffe defined hybrid governance as “arrangements in which non-state actors take on functions classically attributed to the state and, in the process, become entangled with formal state actors and agencies to the extent that it is difficult to make a clear distinction between state and non-state” (Colona & Jaffe, 2016b, p. 176). In such arrangements, non-state/alternative authorities discharge core state functions such as trade, taxation, security, and protection in situations where state authorities are either weak or unwilling to provide such functions (Boege et al., 2008; Buur & Kyed, 2005; Lund, 2007; Meagher, 2012; Menkhaus, 2008; Titeca, 2009).

The second but related strand of research, on the other hand, directs attention to the potential of hybridity, as an analytical concept that can challenge traditional conceptions of fixed boundaries/binaries used to describe the socio-political world, and reveals the fluidity of relations and boundaries between state and non-state actors. This strand of research examines complex interactions and pluralistic regulatory arrangements that combine both state and non-state practices (Bagayoko, Hutchful, & Luckham, 2016; Helmke & Levitsky, 2004; Luckham & Kirk, 2013; Lund, 2007; Menkhaus, 2008; Raeymaekers, 2010). Helmke & Levitsky (2004) for example identified several forms of interaction between formal and informal institutions, namely; complementary, accommodating, competing, and substitutive. For this thesis, however, it is the first strand of research that is of much interest. I am interested in the interface between state and non-state (herein represented by traditional authorities) actors in peri-urban land management. It is worth nothing however that these two strands of research on hybridity are not mutually exclusive but overlapping and mutually reinforcing. They coalesce in highlighting not only the intertwining of state institutions with a multiplicity of non-state actors and institutions in governance but promote a critical rethink of the processes by which hybrid political orders are produced, sustained and transformed.

The concept of hybridity is however not without criticisms. Its applicability and usefulness have been questioned. While some pundits see hybrid institutions as legitimate claims to public authority; complementary/cost effective infrastructures for service provision (Boege, Brown, & Clements, 2009; Kirk, 2015; Kumar & De la Haye, 2012; Raeymaekers, 2010) and a departure from notions of fixed categories (Mac Ginty & Richmond, 2016) of state/non-state, traditional/modern, and formal/informal, others have expressed critical views about hybridity. Corona and Jaffe (2016a) warned that taken for granted assumptions of the legitimacy of non-state actors could lead to risks of suspending ethical assessments. Albrechts and Moe,(2015) questioned whether the concept is well poised to capture the dynamic interactions between various sources of order and authority and not risk reproducing or getting stuck to the very binaries and dichotomous thinking it seeks to blur.

Likewise, other pundits of the concept have highlighted the pitfalls of considering all hybrid approaches to governance as viable practical hybrids and criticised the concerted focus of hybrid governance research on local actors and processes to the neglect of the global (Lund, 2006; Meagher, 2012, 2014). Meagher (2012) for instance raises concerns about uncritically celebrating every form of non-state order as a vehicle of embedded forms of authority and questions the popular legitimacy and desirability of non-state order. Beside probing in whose interest the blurring boundaries between formal and informal regulations serve, she calls for a more empirical and comparative analysis of hybrid governance contexts “that is capable of distinguishing between constructive and corrosive forms of non-state order, and sharpens rather than blurs the relationship between formal and informal regulation” (Meagher, 2012, p. 1074). In a similar line of argument, Goodfellow and Lindemann (2013) point to the risk of undermining the analytical capacity of the concept if all forms of interaction, co-existence, or interface between state and non-state institutions are (inaccurately) described as hybridity. Resonating views by Meagher (2012), they stressed the need to distinguish between hybridity, concordant multiplicity, and discordant ‘multiplicity’. To them, hybridity only occurs “when rules and procedures associated with

the state merge in some way with those of other organisations” (Goodfellow & Lindemann, 2013, p. 6), leading to a synthesis or integration of one institution and its structures into the other.

Responding to these critiques, proponents of the concept have proposed moving away from the prior hybridised categories of actors, norms, and political orders/structures and rather focusing on processes of hybridisation or ‘hybridity as a process’ (Mac Ginty, 2010, 2011) in order to further conceptual understanding of hybridity. Consequently, Albrecht and Moe have called for “further unpacking and explicating the character and dynamics of these processes of hybridisation” (Albrecht & Moe, 2015, p. 6) and by extension ongoing processes of dissolution so as to make the processes of hybridisation explicit. It is on the backdrop of these criticisms and responses, and considering the fact that the processes of hybridisation and the resulting hybrid governance arrangements are neither monolithic in form nor universal in outcomes, that I consider this thesis into the contextual conditions shaping hybridity in land management in Ghana, the complex forms it takes, and what outcomes it produces germane.

4.3 Intersections, proximities and research gaps in emergent approaches

The rise in interest in the concept and practices of co-production and the rediscovery of the concept of ‘institutional hybridity’ (loosely used as hybrid governance in this section) in contemporary discussions on governance and the normative ordering of socio-economic relations is not surprising. In the wake of global fiscal pressures, weaknesses of the Weberian model of governance and the challenges emanating from the neoliberal restructuring, moves towards co-production and institutional hybridity are relevant to the discourse on governance. Some overlaps in the two concepts can be observed from the literature.

First, although both concepts arose in different historical contexts, they study similar phenomena and come to similar observations. Whilst hybrid governance emerged to investigate state formation by alternative (usually informal/non-state) normative orderings in weak states, co-production primarily focused on engagements between state and non-state actors in public services delivery. Thus, both concepts capture the integration/co-existence of non-state actors within state governance arrangements in public services delivery and decision making (Goodfellow & Lindemann, 2013; Joshi & Moore, 2004; Lund, 2007; Meagher, 2012; Ostrom, 1996; Titeca, 2009; Workman, 2011). The discharge of traditional state function by alternative arenas of authority particularly in developing countries is a core feature of both co-production and hybrid governance practices. Reyntjens (2015) argued that such discharges with hybrid governance arrangements often occur in situations where the state is unwilling or unable to exercise its functions. Likewise, Joshi and Moore have argued that co-production arrangements represent institutional adaptations to specific political and logistical circumstances especially in “environments where public authority is unusually weak” (Joshi & Moore, 2004, p. 33). Lund (2006) posited that state institutions in Africa often operate in the twilight between public and private and between state and society and are constantly in a flux.

Second, co-production and hybrid governance converge on the issue of power and conflict. They recognise that the playing field in state and non-state engagements is not level; leaving room for

manipulation and unequal manoeuvring to the detriment of less powerful actors. Because the different parties in such co-production practices and hybrid governance arrangements have unequal access to power and resources, negotiations do not usually occur in an even and all-inclusive manner. Lund argues that in situations where a plurality of institutions exercise public authority, “...the more affluent, the better connected, and the more knowledgeable tend to have the upper hand in such contexts” (Lund, 2006, p. 700). This awareness of the role of power notwithstanding, neither research on co-production nor hybrid governance has made the issue of power a central focus of concern. Power issues are simply submerged in the general processes of public services provision and assumed away. In addressing this research gap, this dissertation explores how power relations structure co-production and hybrid governance arrangements and the distributional consequences of power asymmetries among actors.

Third, rather than being utopian, normative and prescriptive, co-production and hybrid governance models focus on observing the functional character of governance activities. Akin to what Olivier de Sardan (2008) described as real governance or working with the grain in African contexts, co-production, and hybrid governance arrangements capture the everyday governance practices of local actors at the grassroots. At the empirical level, such arrangements are the norm rather than the exception in SSA. However, they have not been much studied nor theorised. In the African context, governance and service delivery takes place under a complex melding and blending of state and non-state institutions, actors, and norms leading to various modes of governance. The concepts of co-production and institutional hybridity thus provide a useful analytical lens to interrogate the processes and outcomes of localised responses to urban problems.

The form and consequences of these local initiatives will vary between policy sectors and geographical contexts to reflect diversities in local culture, political structures, and social systems. This research thus contributes empirical insights to these diversities and offers the opportunity to examine the ways in which the wider discourse on a shift from government to governance interact with the specificities of local contexts in Africa where there is a resurgence of traditional authorities in governance. Rather than focusing attention on grand theories that explain interactions between state and non-state actors, I argue that it is more useful to understand how the intertwined relations between state-based and customary institutions are forged and maintained in order to unravel emergent processes of co-production and hybridization and the complex collaborative governance arrangements that are produced. Whilst the current literature on state-society engagements identified the existence of co-production and institutional hybridity in governance, the underlying questions of what conditions and processes stimulated their emergence, how they are sustained and institutionalised and their influence on pro-poor and socially inclusive governance are under-researched.

4.4 Chapter summary

This chapter reviewed the concepts of Co-production and Institutional hybridity as two alternative approaches that have emerged in recent time and, which have potential to address the urban land planning challenges posed by the non-critical adoption of Northern modernist planning and land

governance approaches. Although research on the two concepts focuses on the interactions between state and non-state actors, the literature review in this chapter has demonstrated that current research on planning and development studies tends to view these emerging models as mutually exclusive and hardly draw on their complementarities. I, however, contend that the concepts of Co-production and Institutional hybridity are mutually reinforcing.

The literature discussed in this chapter has revealed that in many under-resourced post-colonial cities, non-state actors including civil society groups have collectively used their knowledge and resources and employed various strategies (sometimes in collaboration with state actors) to address urban poverty as well as tackle urban-related challenges. In many of such engagements, non-state actors ‘fill the space’ that the state is either unable or unwilling to fill, leading to various forms of negotiated agreements (Herbst, 2000; Mitlin, 2008; UN-Habitat, 2009; Watson, 2014b). These practices fall at the twilight of co-production and institutional hybridity, making it problematic to view them as mutually exclusive. As a result, I combined them as a conceptual anchor to explore the everyday interactions and engagements between state and traditional authorities in the delivery of peri-urban land for urban development. Exploring such interactions will generate insights into the practical grounding and workability of theoretical calls for incorporating local political and socio-cultural practices into land policy and planning practice in Southern contexts and especially in Africa.

5. Summary of theoretical perspectives, assumptions and analytical model

This chapter presents a synthesis of the main arguments in the theoretical debates presented in the previous chapters. The aim is to summarise and combine the relevant theoretical perspectives and to develop an analytical framework for analysing hybrid practices of land delivery in peri-urban Ghana. This chapter thus concludes the theoretical section (Part 1) of the thesis.

5.1 Main theoretical debates and conceptual structure

The preceding discourses have revealed two dominant theoretical debates, which provide a theoretical anchor to situate an empirical study of interactions between traditional authorities and state actors in land delivery in Ghana. These debates are summarised in the ensuing sections and illustrated diagrammatically in Figure 5.1.

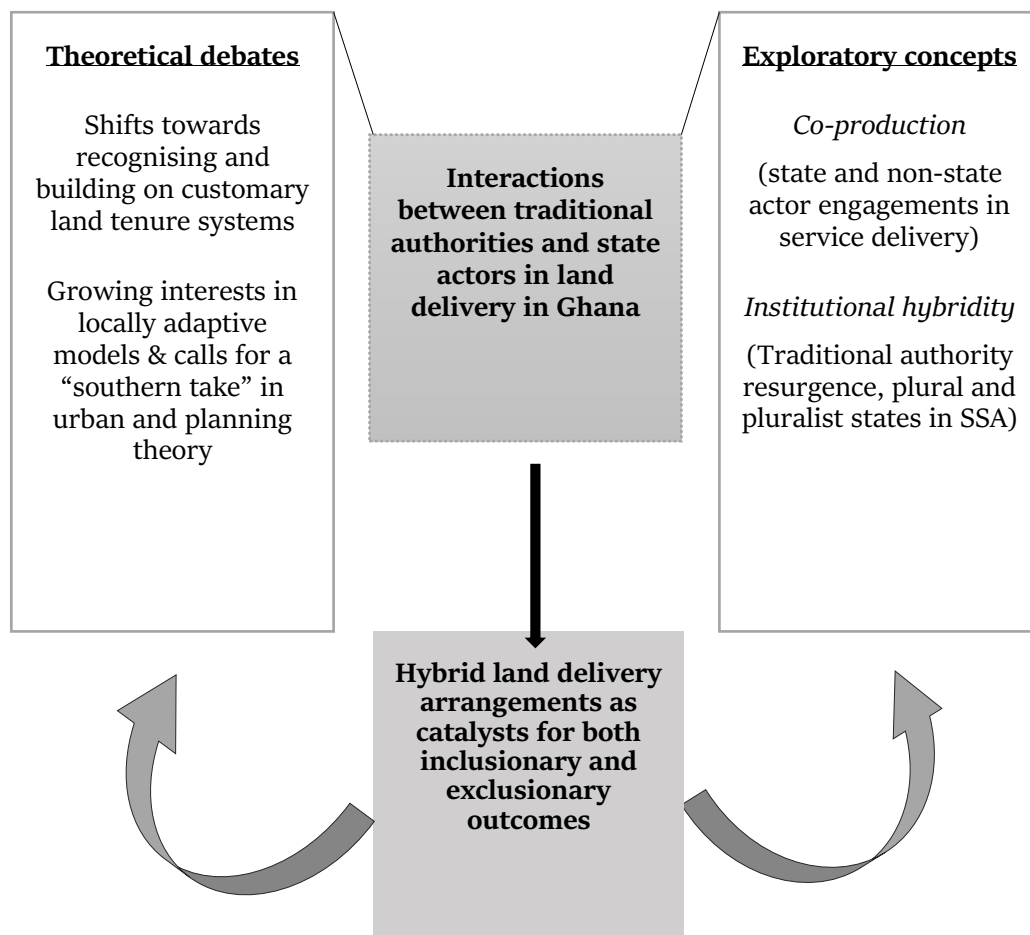


Figure 5.1: Theoretical framework
Source: Author's own

The first debate relates to growing proposals for land policy reform in developing countries to focus on the harmonisation and integration of customary tenure practices with formal land administration systems (African Union, 2010; Amanor, 2012; Cotula et al., 2004; Deininger & Binswanger, 1999;

European Union, 2004; Knight, 2010; Ouédraogo, 2002; Camilla Toulmin & Quan, 2000; Ubink & Quan, 2008). The complexities of land tenure arrangements across SSA have made land management one of the most challenging issues confronting rapidly urbanising cities. Competing claims over land, contestations regarding land access and land development and growing residential land scarcities are major features of peri-urban towns in Africa. Following discontents with post-colonial government policies on land formalisation and titling, the consensus in current international land policy on Africa has been on recognising, harmonising, building on, and integrating customary tenure systems in what has been labelled the adaptation paradigm to land policy reform. The shift in land policy has been strengthened by the renewed interests in traditional authority in governance processes (Baldwin, 2016; Englebert, 2002b; Kyed & Buur, 2007; Logan, 2013; Ubink, 2008d) as well as wider discourses on state-society engagements in urban governance, following the political transition from 'government to governance'. The role of the state is, therefore, being increasingly shifted from central provision to that of an enabling role. Within this context, non-state actor involvement in urban governance issues is largely viewed as a strategy for generating alternative forms of governance arrangements with the potential to produce transformational outcomes capable of addressing the complex challenges confronting rapidly urbanising cities of the global South.

The second debate, which is parallel but reinforcing to the first is the nascent debate on a 'southern take' in urban and planning theory and practice following widespread acknowledgement and criticisms of the failures of transplanting Northern-based planning and governance models in global South contexts. Since the latter part of the 20th century, the global community of urban theorists and practitioners has come to terms with the failure of transplanting Northern-planning ideas modelled around traditional Keynesian concepts of development. In Africa and the global South, in particular, the inappropriateness of imported/transplanted modernist planning frameworks and theories is widely recognised. Burgeoning calls have therefore emerged for a shift towards more inclusive, innovative, hybrid and local-adaptive planning practices and towards a 'seeing/viewing from the south' perspective to urban planning. These calls necessitate an in-depth understanding of various emergent alternative forms of planning aimed at making urban planning more democratic, deliberative, inclusive of a wide range of actors, and relevant to local contexts and conditions.

Co-production and institutional hybridity stand out as two theoretical concepts that can provide a theoretical lens for exploring and interpreting emerging interactions between state and non-state actors in governance practices. The bottom-up, pragmatic and unorthodox arrangements involved in hybrid and integrated systems of governance often result in taken for granted assumptions that the outcomes of such arrangements work for everyone with relatively little attention paid to who they benefit or work against and by which mechanisms of power relations. The discourse also often turns to ignore the importance of power relations among the multiple actors engaged in governance and how power shapes the processes and outcomes of collaborative processes. Hence, this thesis presents an exploratory case study of emerging customary-formal institutional partnerships and collaborative engagements in peri-urban land delivery with the aim of investigating these ignored issues. Together, the concepts of co-production and institutional hybridity, and empirical literature on customary land management in SSA

served as the theoretical foundation for the research under an actor-centred institutionalist framework. My motivation for the combination of concepts is to present the two concepts of co-production and institutional hybridity not only as different knowledge claims but also as mutually reinforcing concepts that can produce similar outcomes in different contexts. This thus offers a more in-depth and reflexive view of urban land management across Africa.

Grounded in general theoretical debates of an adaptation approach to land policy in Africa, a southern take in urban and planning theory, and specific conceptual models of co-production and institutional hybridity, the overarching hypothesis of the thesis is as follows. That local land delivery and planning processes are negotiation arenas characterised by adaptive and hybrid practices and structured by power relations at the interface between traditional and modern systems of governance. Co-production and hybrid modes of governance thus constitute tools for both inclusion and exclusion in public services through the exercise of various powers of access and exclusion.

5.2 Analytical model: Framing peri-urban land delivery within the lens of co-production and institutional hybridity

The aim of the thesis is to provide a better understanding of emerging hybrid arrangements in land delivery by investigating the relationships, alliances, and interactions between traditional authorities (chiefs) and local government bureaucrats in peri-urban Ghana. Conceptually rooted in institutional hybridity and co-production, the units of analysis are actors, processes, and outcomes of local planning and land delivery at the interface between customary land tenure and modernist urban planning. The research is based on three main themes of analysis as shown in Figure 5.2.

1. The first relates to the land governance culture, focusing on the actors, processes, and negotiations at work in peri-urban land delivery. Here, the interactions between state and non-state actors in local planning and land delivery processes in peri-urban areas are analysed.
2. The second research theme is aligned towards power relations in hybrid governance and co-production practices as illustrated by a social network analysis of power differentials among actors and the effect of network power centrality on access to and exclusion in land. This theme also analyses transformations that have occurred in land rights and the legitimising discourses underlying such transformations.
3. The third focus is on the transformative potential of an adaptation approach to promoting equitable and pro-poor land governance as well as sustainable land use planning and the prospects of hybrid governance arrangements towards broadening the scope of planning ideas from a global South perspective.

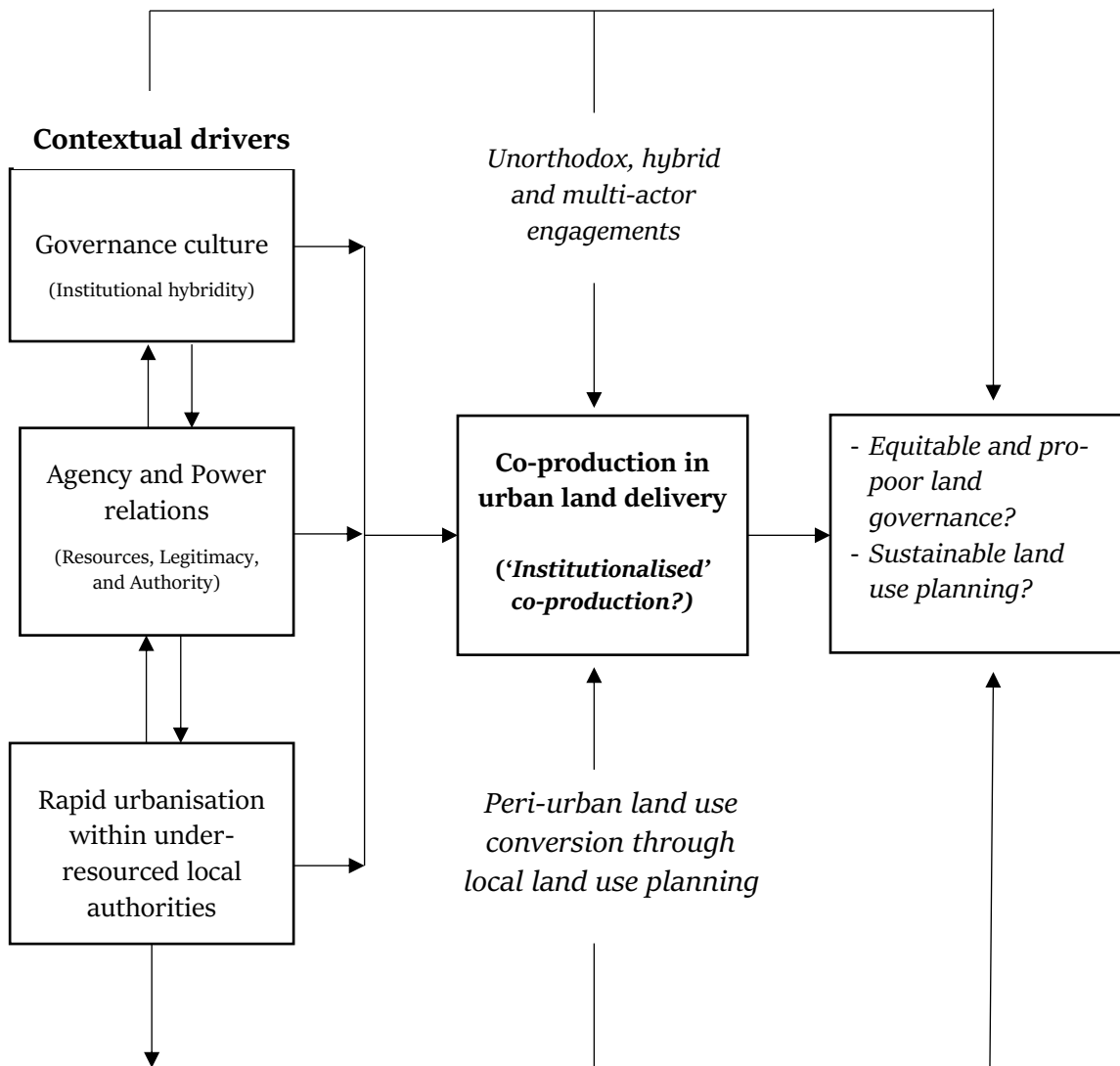


Figure 5.2: Analytical model
Source: Author's own

PART 2: CASE STUDY: RESEARCH SETTING, METHODS AND FINDINGS

6. Contextualising neo-customary land governance in Ghana: A co-habitation of modern and customary practices

Land governance, which entails the rules, mechanisms, processes, and institutions through which land is accessed, used, controlled and transferred is essential for socio-economic development, poverty reduction and sustainable urbanisation (Palmer, Fricska, & Wehrmann, 2009). A dual land tenure system comprising both customary/traditional norms and statutory principles characterises the management of land in Ghana. The complexities surrounding land acquisition, ownership and management are therefore among the major challenges facing many local authorities today. Comparable to many other sub-Saharan African countries, Ghana is rapidly urbanising at an annual urban population growth rate of 4.2% higher than the national overall average population growth rate of 2.5% between 2000 and 2010 (Ghana Statistical Service, 2013).

This rapid urbanisation process working in synergy with globalisation, neoliberal development policies, rising population growth and market-induced-demand has shaped the commodification of land particularly in peri-urban areas resulting in the mutation of indigenous land governance systems (Alden Wily, 2008; Amanor, 2008; Ubink, 2007; Yaro, 2012, 2013). Access to land for housing in peri-urban areas has thus become a highly contested issue. As a contextual chapter for the thesis, the ensuing sections present a background to land governance in Ghana focusing on land tenure systems, drivers of changing tenure patterns and the past and present land use planning system in Ghana.

6.1 Land tenure system

The land tenure system in Ghana is characterised by legal pluralism reflecting both modern/statutory laws and customary norms derived from custom, cultural identity, and tradition. Land management is thus interwoven between state agencies and traditional authorities, as two separate tenurial systems, namely; public and customary tenure are legally recognized in the 1992 Constitution and the 1999 Land Policy of Ghana.

Public lands are made up of state lands (land compulsorily acquired by government for public purposes through the invocation of the appropriate legislation e.g. under the State Lands Act, 1962, Act 125) and vested lands (lands vested in the president on behalf of and in trust for a landholding community under the Administration of Lands Act, 1962, Act 123). The Lands Commission under its various administrative divisions manages public lands. Customary lands, on the other hand, are made of all lands owned by stools/skins, clans, families and individuals. These are regulated by customary law with management vested in chiefs or designated family heads and account for about 80% of all lands in Ghana (Alden Wily & Hammond, 2001; Kasanga, 1995; Kasanga & Kotey, 2001).

Customary land tenure in Ghana

The customary landholding system has been one key institution that survived collapse from the advent of colonialism and western ideology in Ghana, albeit with significant modification. Analogous to other

tenure systems across sub-Saharan Africa, customary land tenure in Ghana is anchored on the fundamental principle of communal ownership with land held by traditional authorities in trust for the whole community (Kasanga, 2002).

Formal written accounts and representations of customary law and customary land relations in Ghana differentiate between two rights to land: the “allodial interest” and the “usufructuary interest”/ “proprietary occupancy” (Asante, 1965; Ollennu, 1962; Woodman, 1994). The allodial interest, (which represents the highest or ultimate title to land embracing the maximum cluster of rights and subject only to obligations and limitations imposed by general laws of the country is vested in the community, represented by traditional authorities such as chiefs, heads of families or clans (Woodman, 1994). These authorities are therefore to act as custodians of the land, holding it in trust for and on behalf of the landholding or indigenous community in accordance with customary law and usage (Article 267 (1) of the 1992 Constitution). Article 36 (8) of the 1992 Constitution states:

The state shall recognise that ownership and possession of land carry a social obligation to serve the larger community, and in particular, the state shall recognise that the managers of public, stool, skin and family lands are fiduciaries charged with the obligations to discharge their functions for the benefit respectively of the people of Ghana, of the stool, skin or family concerned, and are accountable as fiduciaries in this regard.

As a result, customary leaders vested with the allodial title can only in principle make decisions on the disposition of land after a collective decision with heads and elders of the rest of the landholding group. All other rights to land are derived from the allodial title (Amanor, 2002; Bentsi-Enchill, 1965; Kasanga, 2002). The other members of the land-owning group (family, clan, or community) have use rights to vacant lands, which gives them the usufructuary title or the customary freehold to land. Such rights are heritable, transferable and can only be extinguished through the abandonment of the land in question or absence of successors, or with the consent of the interest holder. Strangers who are not members of the land-owning community and thus have no communal rights to use the land are granted "contractual or permissive occupancy" rights either based on licenses, farming tenancies, leaseholds, contracts, pledges, or gifts. The common forms of contractual occupancy are sharecropping agreements (Asante, 1965; Bentsi-Enchill, 1965; Migot-Adholla & Bruce, 1994; Ollennu, 1962; Woodman, 1994).

Where the allodial title is vested in chiefs, it is called stool or skin lands depending on the geographic location. In southern Ghana (especially among the Akan and Ga-speaking communities) where chiefs sit on specially carved wooden stools, which serve as the symbol of chiefly authority, such lands are called stool lands. The customary community is called a ‘stool’ as the special carved wooden stool is believed to contain the souls of the ancestors. In the northern region where chiefs sit on animal skins (cow or sheep) as a symbol of authority, the lands are termed skin lands. In the Upper East and West Regions, the allodial title is vested in families or clans represented by family or clan heads (variously termed “Tendamba”, “Tengnyam”, and “Tigatiina” among the neighbouring tribes). Such lands are therefore popularly called tendamba or family lands. In parts of Greater Accra, Volta and Central regions, the allodial title holders are families, clans or village heads (Abudulai, 2002; Kasanga, 2002;

Kasanga & Kotey, 2001). The allodial title to stool/skin land is acquired through discovery, first settlement, conquest and subsequent settlement or inheritance (Lentz, 2006a; Woodman, 1994). Chiefs who currently act as trustees of customary land, therefore, derive their legitimacy from being descendants of chiefs who led their people to conquer other tribes or descendants of chiefs who were first settlers of a particular area. Tendamba or family lands derive their legitimacy from first settlement (Abdulai & Ndekugri, 2007; Kasanga, 1995; Lentz, 2006a). It is important to note that, although customary land tenure in Ghana is rooted in a communal philosophy, individual ownership of land is permitted. The allodial title is regarded as being held in common by the landholding community but beneath the allodial title is what Bentsi-Enchill described as a “progressive individualization of interests specific to particular portions of the group-owned land and vested in sub-groups and individuals” (Bentsi-Enchill, 1965, p. 125).

The un-apportioned land like public lands everywhere, however, remains a common property under the direct control of the trustee. It is therefore not uncommon to find individual, family, and allodial landholdings co-existing, contrary to some views that the customary land tenure system is egalitarian and does not permit individual ownership of land (Agbosu, 2000; Kotey & Yeboah, 2003; Payne, 1997). When an indigenous member of the landholding community is allocated a usufructuary interest in land for either farming or housing, such a member has clearly defined spatial, exclusive, and perpetual rights to that parcel of land. Such rights are transferable to future generations in his family in accordance with the rules of succession (Abdulai & Ndekugri, 2007; Asante, 1965; Bentsi-Enchill, 1965; Kasanga, 1995; Noronha, 1985; Woodman, 1994). As a result, a mixed form of tenure comprising individual, family, clan, and stool or skin lands exist under customary tenure in Ghana.

It is worth emphasising that the above description of customary land tenure is the formal documented version/representation of customary land tenure system according to customary law in Ghana. Customary land tenure and law has however been shown variously not as an unchanging, antiquarian and immutable normative system (Ubink, 2008b). It is generally and widely accepted to be changing, re-interpreted, re-defined, re-invented, re-negotiated, mutated, disputed and re-created to respond to changing socio-cultural, demographic, economic, political, neoliberal globalization, colonial and national government policies (Amanor, 2008; Asante, 1965; Lentz, 2006b; Lund, 2006; Migot-Adholla & Bruce, 1994; Toulmin, et al., 2002; Woodman, 1994). Thus, the following section presents a discussion of the changing trends in customary land tenure system in Ghana in relation to various internal and external forces taking into cognizance the differences between northern and southern Ghana. The north and south of Ghana differ in terms of geography, natural resource-endowments, economic development, socio-cultural practices, and urbanisation levels.

6.2 Neo-Customary land tenure: the influence of colonial, local, and global policies

Customary land tenure under colonial rule in Ghana

Although customary land tenure systems were undergoing various processes of change prior to colonisation, there is no gainsaying that colonial policy contributed to the mutation of customary land

tenure in Ghana. Using new mechanisms, these policies intensified the ongoing evolution of customary tenure. In southern Ghana, colonial administration began effectively in 1874 in the coastal areas. It was however not until 1903 that colonial influence extended to northern Ghana after the declaration of the North as a British Protectorate in 1900.

Whilst alluding to the already evolving nature of customary land tenure in Ghana, Woodman (1994) argued that colonialism influenced customary land tenure through land reforms using legislative processes. Customary land law was (re)invented, re-defined, re-interpreted, and blended with English law. As a result, principles of English law were applied on customary law to facilitate a sufficient role of the state in land administration and adjudication of disputes. Customary law was applied in state courts in Ghana and interpreted as the 'lawyers' customary law (Woodman, 1994). The codification of land rights resulting in customary law was, therefore, a colonial legacy. English law techniques including compulsory purchase statutes, conveyancing forms for customary land transactions and tenancy laws were introduced in Ghana (Quarcoo, 1992).

Additionally, colonial influence facilitated the already emerging individualisation and commodification of landholdings as state courts were used to enhance land sales and enforce payments. Woodman comments:

The customary laws as applied in the state courts declared with increasing clarity that the owner of individual property might deal with it without reference to any other person. The distinction between land-rights held by an individual and those held by the lineage became clearly drawn, and rules were declared to enable it to be applied in doubtful cases. (Woodman, 1994, p. 18)

This interpretation of customary rights however created a divergence between the customary law of the state courts and the indigenous customary law in social practice. As a result, individuals could not in practice enjoy the right to disregard the rights of the lineage to the land, as conferred by the 'lawyers' customary law. Besides its influence on land rights, colonisation also had an influence on customary land transactions and institutions. The introduction in 1883 of deed of registration, the Crown Lands Ordinance of 1894, the Lands Bill of 1897 and the Forest Bill of 1911, (which were opposed by the chiefs and the local elite) were all attempts by the colonial administrators to place so called vacant or 'waste' land in the Crown, under the management of the colonial government. This was to enable the colonial administration to gain control over land and other natural resources and alienate land from the local people (Amanor, 1999, 2008; Aryeetey, Ayee, Ninsin, & Tsikata, 2007; Lentz, 2006b).

A significant influence of colonialism on customary land tenure, however, emerged from the introduction of 'indirect rule' under the Natives Authorities Act based on chiefly rule and overseen by District Commissioners. Under indirect rule, the colonial administration placed customary lands that were managed by local chiefs under the jurisdiction of paramount chiefs who hitherto had no such powers. These paramount chiefs were accountable to colonial appointed officials (District Commissioners). In this way, the colonial administration was able to rule the local people and control

land through an alliance with paramount chiefs whom they control. Although this inhibited the development of land markets and curtailed the rapid pace of sale of cocoa lands and mining concessions among local chiefs, it alienated local people's access to land. The lands and concessions were largely sold to foreigners and the proceeds enjoyed by only the chiefs, local elite and the state (Amanor, 1999, 2008; Firmin-Sellers, 1995). It was from this that the erroneous but widely held theory of communal land tenure in Africa emerged based on chiefly allodial rights and user rights for their subjects. Amanor comments:

From this period, the management of land came under the authority of chiefs, and the British colonial administration supported the privileges of chiefs and their control over land and natural resources. Chiefs were recognised as the only social group who could transact land. A theory of African communal tenure was developed, in which land was vested in chiefs to manage on behalf of the communities. In the Gold Coast, [now Ghana] this theory of communal land tenure was used to constrain and control land sales. Land was vested in the hands of paramount chiefs who possessed allodial rights over land, and who were the only social group able to sell land. Through control over paramount chiefs, the colonial government was able to control land. (Amanor, 2008, p. 60).

Commenting on the erroneous understanding of customary land tenure, many writers argued that the colonial-invented axiom of communal land ownership, was more of an alliance between the colonialists and chiefs to meet colonial interests in land and increase the power of chiefs (Amanor, 2006; Aryeetey et al., 2007; Austin, 2006; Boni, 2006; Colson, 1971; Lentz, 2006a; Lund, 2006).

In northern Ghana, a more extensive colonial control over land was asserted. The power and authority of the earth priest/clan head (known in local parlance as 'Tindana' / 'Tengnyono' / 'Tegatu' among neighbouring ethnic groups) vested with the 'allodial' title over land was eroded following the imposition of colonial rule. The colonial administration created divisional and paramount chiefs in areas that hitherto had no hierarchical leadership structure and made them political representatives. These colonial-created chiefs became powerful in land issues leading to a weakening of the power of the Tindana in land matters. In addition, colonial land policies through the Lands and Native Rights Ordinance, 1927 (cap. 143) declared all lands in the Northern Territories as native lands and vested them in the Governor. Thus, all land use and transactions required discretionary government approval, making the powers of the Tindana subordinate to that of the colonial government. This allowed the colonial government the right to charge rent for land occupancy and to fulfil the government's desire to construct a railway from Kumasi to the North (Agbosu, 1980; Bening, 1995; Berry, 2006; Kasanga, 1995; Konings, 1984; Tonah, 2008; Woodman, 1994). Benning (1995) revealed that whilst the rights of chiefs and other community members to land were recognized in southern Ghana (due vehement opposition from members of the Aborigines Rights Protection Society), in northern Ghana, the colonial government was successful in usurping the powers of customary authorizes and took control over land.

Following independence, all lands in northern Ghana continued to be vested in the President under the Administration of Lands Act, 1962 with its subsequent Executive Instruments 87 and 109. It was not

until the ratification of the 1979 Constitution that all lands in Northern Ghana were eventually relinquished to the ownership and control of customary authorities following sustained campaigns of northern elites and chiefs. This new legal situation created power struggles between chiefs and earth priests as to ownership of land and rights to lease out land (Amanor, 2009; Kasanga, 1995; Lund, 2006; Tonah, 2008). Lund (2006) presents an interesting account of these intense contestations and struggles between Tendamba and the Chief of Bolgatanga as the Tendamba try to re-activate old claims of the allodial title following the divestiture and motivated by rising economical land values. The Tendamba of northern Ghana among the major ethnic groups like Dagomba, Nanumba, Gonja, and Mamprusi are also said to have lost their ultimate authority and control in land through conquest and today such lands are skin lands vested in chiefs (Kasanga, 1995).

In sum, colonial influences on customary land tenure in Ghana include the formulation and codification of customary law and its application in state courts; increased state control in land; the introduction of indirect rule, which increased the hegemony of paramount chiefs over land; and an increase in the already emerging individualization and commodification of land. Beyond colonial policies, globalisation and the adoption of neoliberal development policies have also had significant influences on customary land tenure. These effects are presented in the next section.

Neoliberal globalization and customary land tenure in Ghana

The intense interconnectedness of the world in economic, socio-cultural and political spheres through globalization has resulted in a situation where local happenings in distant remote villages are shaped by events occurring miles away and vice versa, (Friedman, 2006; Veltmeyer, 2005). This creates according to Appadurai (1996, p. 192) 'translocalities' or what Santos (2002, p. 179) termed 'globalized localism' and 'localized globalism'. The manifestations of globalisation thus have apparent significant effects on socio-cultural practices at local levels among which customary land tenure in Ghana is not an exception. Globalisation processes may influence customary law, either through the creation of new laws, changes in the content of existing laws, increasing or decreasing compliance with the law, or extinguishing the law all together (Wanitzek & Woodman, 2004). These, in turn, affect access to land under traditional landholdings and the processes of social inclusion or exclusion through market relations of production and reproduction.

Ghana's adoption of the World Bank and the International Monetary Fund (IMF) Economic Reform Programs (ERPs), especially Structural Adjustment Programs (SAPs) in 1983 kick-started the country's formal endorsement of neoliberal globalization. The neoliberal development paradigm believes in the efficacy of market mechanisms to allocate means of production and that competitive markets, based on private ownership and less government intervention will produce efficient economies and higher welfare (Harmes, 2012; Myers, 2011; Obeng-Odoom, 2012). In many African countries including Ghana, the neoliberal economic agenda is characterised by trade liberalization, downsizing of the public sector, reduction in social welfare policies and a shift from government or state-dominated urban management towards privatization (Grant, 1999; Konadu-Agyemang, 2000; Myers, 2011; Owusu, 2008a).

One major effect of neoliberal globalization Owusu (2008a) noted is pressure on land. The austerity measures coupled with the new opportunities for individual economic gain from export crops as well as increased foreign private capital investments emanating from neoliberal policies transformed social relations in Ghana into market logic. The commodification of land thus increased. The result is that customary landholders began asserting individual rights to land. Commenting on export crop production as a driver of land commodification in south-east Ghana, Amanor writes:

Economic liberalisation and export-oriented growth has tended to result in an increased commodification of natural resources, and their appropriation for export sectors. The combination of export-oriented growth and reinvention of a civil society aligned to processes of liberalisation creates powerful social forces and alliances that attempt to redefine land relations from within the community. (Amanor, 2006, p. 4)

Other studies have likewise traced the increased individualization and commodification of land in southern Ghana to the introduction of commercial crops such as oil palm and cocoa through which land acquired an economic value (Awanyo, 1998; Benneh, 1970; Gyasi, 1994; Migot-Adholla et al., 1991). Other commentators on the export-oriented growth have revealed how chiefs attempted to revise land tenure norms in dealing with migrant cocoa farmers and how these processes subsequently created shortage of land for indigenous commoners, especially the youth (Amanor, 2006; Benneh, 1970; Boni, 2006).

The effect of neo-liberal policies on customary land tenure, however, differed between Northern and Southern Ghana. Zackaria (2014) indicated that whilst in Southern Ghana, neo-liberal policies brought about an export-oriented crop production with its attendant land commodification and individualization, in Northern Ghana, neoliberalism resulted in increased demand for land and distress land sales to obtain much needed cash for social and other non-farm services, which were largely privatized under the SAP. The effect of this on customary land tenure system, he noted, were changes in the modes of land transfer, in intra-household land relations, and in land management institutions. In examining how neoliberal globalization shapes local traditional institutions involved in land governance in Northern Ghana, Yaro argues that “the changing institutional structure at the local level privileges a minority of power holders and their ‘subject-clients’ to the disadvantage of the majority who lose out in the struggle for resources and social justice” (Yaro, 2013, p. 411). He identified that neoliberal induced policies such as the 1986 land title law, and the privatisation and individualisation of land ownership through land title registration have resulted in the emergence of land markets in urban and peri-urban areas of Northern Ghana. The consequence of this he noted has been land commodification and dispossession.

A contemporary issue on the changing customary land tenure practices resulting from globalisation, market liberalisation and their associated increase in foreign direct investment (FDI) is the issue of global land grabbing also called ‘the new colonialism’ (used to refer to the increasing large scale (trans)national commercial land transactions), which Zoomers (2010) described as the ‘foreignisation of space’. Due to the spread of the neo-liberal development paradigm, many governments in Africa

including Ghana endorsed the liberalisation and creation of free land markets and the formalization and individualisation of land rights (Deininger, 2003). This has facilitated the evolution of many land deals covering food for export, biofuels, and minerals in Africa resulting in changes in land use and ownership systems. A multiplicity of studies on large scale translational land appropriations by chiefs in the Ashanti, Brong Ahafo and northern regions of Ghana within the forest to savanna transition zone for biofuel production and also for large-scale mechanized food production have revealed how chiefs used their powers as allodial title holders to appropriate lands through lease agreements. This resulted in loss of land and livelihood by family/individual right holders and migrants in the affected communities (ActionAid Ghana, 2012; F. Boamah, 2011, 2014; Fold & Gough, 2008; German, Schoneveld, & Mwangi, 2011; Schoneveld & German, 2014; Schoneveld, German, & Nutakor, 2011; Vermeulen & Cotula, 2010).

As part of the neo-liberal land management strategies, Ghana formulated a National Lands Policy in 1999 aimed at promoting greater equity in access to land, enhancing security of tenure and protecting land rights through the strengthening and modernization of customary land tenure (Ministry of Lands and Forestry, 1999). As a strategy towards implementing the policy proposals and drawing largely from Hernando De Soto's thesis of private property rights, a multi-donor supported long-term (15 to 25 years) Land Administration Project (LAP) was initiated in 2003. The project's overall goal was "to develop a sustainable and well-functioning land administration system that is fair, efficient, cost effective, decentralized and that enhances land tenure security" (World Bank, 2008, p. 12). This ambitious goal was however revised in 2008 following a restructuring of the project to make it a foundation for sustainable decentralized land administration. The revised aim was "to undertake land policy and institutional reform and key land administration pilots for laying the foundation for a sustainable decentralized land administration system that is fair, efficient, cost effective and ensures land tenure security" (World Bank, 2008, p. 12).

A major component of LAP under the first phase of its implementation (2003-2011) was the establishment of pilot Customary Land Secretariats (CLSs) throughout the country to promote institutionalized community-level participation and accountability in land administration. This neo-liberal agenda of regulating customary land management by combining modernity and tradition through CLSs has however been criticized for placing the CLSs under the aegis of traditional authorities with no mechanisms to ensure equitable and accountable land management (Amanor, 2009; Ubink & Quan, 2008). Amanor argues:

By placing the customary land secretariats under the authority of the chiefs, the LAP ignores the fact that the notions of the 'customary' powers and rights of chiefs are loaded with political inventions and endorses the roles that chiefs were accorded in land administration in the colonial period, as if there were a timeless principle of customary tenure. (Amanor, 2009, p. 123)

This, he argues, allows chiefs and some elite in the community to protect and enhance their political and economic interests, which has negative effects on poor landholders and users. Thus, like other

neoliberal land management strategies, the current mechanisms set up for the operations of the CLSs can be said to contribute to the transformation of communal and family lands into individual and commercial lands. In sum, the effect of neoliberal globalisation on customary land tenure in Ghana is the intensification of the development of land markets, increasing trends of land commodification, individualisation of rights and the formalization of land use and control rights. In the next section, the effects of local factors such as population growth and rapid urbanisation processes on customary tenure are discussed.

Population growth, urbanisation, and customary land tenure in Ghana

Combined with the effects of colonial, national and global policies, rapid population growth and urbanisation processes exert severe pressure on customary land tenure in urban and peri-urban areas in Ghana. With urban population increasing from 32% in 1984 to 50.9% in 2010 (Ghana Statistical Service, 2013) coupled with a growth in the middle class, customary lands, especially in peri-urban areas, are the major point of focus for individuals and organizations seeking land for investments in housing and commercial development.

Rapid urban population growth has culminated in overcrowding and high rental values in the city centre, which results in prospective urban dwellers seeking land for housing in the peri-urban areas. This has increased the demand for land in peri-urban areas making it increasingly difficult to access customary land using indigenous land delivery channels. Customary land transactions are therefore increasingly being transacted using economic rationality (Amanor, 2009; Antwi & Adams, 2003; Kasanga, Cochrane, King, & Roth, 1996). Besides land commodification, urbanisation has resulted in the emergence of land markets; privatization of land holdings; increased land values; progressive formalization of land transactions and record keeping; formation of land allocation committees; and the hiring of private surveyors and lawyers (Abdulai, Ndekugri, Olomolaiye, & Proverbs, 2007; Durand-Lasserve, 2003; Owusu, 2008b; Owusu & Agyei, 2008).

The increasing value of land emanating from rapid urbanisation serve as a strong incentive for chiefs and other trustees to alienate land in peri-urban areas. Growing pressure on agricultural lands as they are converted into residential and commercial lands in peri-urban areas and the effects of this on land ownership, tenure security, property rights and livelihoods are therefore common (Abudulai, 2002; Alden Wily & Hammond, 2001; Barry & Danso, 2014; Gough & Yankson, 2000; Kasanga & Woodman, 2004; Maxwell, Larbi, Lampitey, Zakariah, & Armar-Klemesu, 1999; Ubink, 2008a, 2009).

Although the increased conversion of peri-urban agricultural lands into urban uses begs critical questions of the place of urban planning in such environments, the focus of past research as outlined in this chapter has been on the influence of urbanisation as well as colonial, national, and global policies on changing trends in customary land tenure systems. The role of urban planning in regulating land use conversion under customary land tenure systems in the wake of urbanisation and increased land commodification has however received less detailed exploration and research. An investigation into the interaction between formal planning authorities and chiefs in urban planning practice is therefore

needed. In the next section, I present a historical account of land use planning in Ghana to set the scene for a discussion of the interface between customary land tenure and local land use planning in Ghana in the empirical chapters.

6.3 The land use planning system in Ghana

Evolution of the planning system: pre-colonial and colonial planning

Prior to the colonial era and the advent of formal planning, the planning of human settlements in Ghana and other sub-Saharan African countries was based on traditional ways of life and established settlement patterns or arrangements. In many instances, the form and structure of human settlements corresponded to the culture and ethnic background of the people, to kinship and religious orders and to traditional land tenure and land use systems (Njoh, 2003, 2004; Okpala, 2009). Though formally unplanned, physical structures were meaningfully ordered. The needed functional land uses such as playgrounds, farms, markets, and roads were often designated leading to carefully planned neighbourhoods albeit principally rural.

The advent of colonisation marked the beginning of institutionalised urban planning in Ghana. Similar to many Anglophone countries in SSA, the provenance of formal land use (urban) planning in Ghana is in colonial legacy; remaining largely a reflection of the British Town and Country Planning Act of 1932 (Konadu-Agyemang, 2001). The motive behind the introduction of colonial land use planning in Ghana was to secure the health of colonial administrators and facilitate resource exploitation (Konadu-Agyemang, 2001; Mabogunje, 1990; Njoh, 2009a, 2009b; Okpala, 2009). The focus of land use planning, therefore, was on ensuring healthy and properly ordered environments through regulations governing sanitary conditions, street alignment, minimum plot sizes, planning schemes, layouts and zoning among others. This was to ensure that European public servants lived in an environment similar to what they were used to in their home countries and also in reaction to the bubonic plague outbreak in Accra in 1907 (Konadu-Agyemang, 2001).

A plethora of legislations including the Municipal Ordinance of 1859, the Towns Ordinance (1892), the Natives Jurisdiction Ordinance (1924), the Town Planning Ordinance (1925), the Mining Health Areas Act, 1925 (CAP 150) and the Municipal Council Ordinance of 1953 were passed and health and sanitary boards established to ensure healthy environments and orderly settlement development. The Town Planning Ordinance (1925) established the Central Town Planning Board to be in charge of planning. This notwithstanding, land use planning during this period was largely ad hoc and piecemeal in nature (Afrane, 1993; Bugri, 2012). For example, in 1920 and 1927 planning schemes were prepared for only bigger cities like Accra and Kumasi by then Governor Gordon Guggisberg (Baffour Awuah, Felix Hammond, Booth, & Lamond, 2011). Accra's first comprehensive master plan was also developed by Maxwell Fry in 1944 and revised in 1958 (Njoh, 2007).

In 1945, land use planning however assumed prominence as a comprehensive spatial activity following the enactment of the Town and Country Planning Ordinance (No. 13 of 1945) CAP 84 (Afrane, 1993).

This expanded the scope of land use planning from ensuring healthy environments to promoting the orderly and progressive development of human settlements and allowed for control of the entire territory through 'master planning'. CAP 84 was imported substantially from pages of the British Town and Country Planning Act of 1932 that emerged out of Britain's post-war restructuring planning efforts. Since 1947, this Act has been superseded in the UK in favour of the structure or strategic plan after the British Town and Country Planning Act of 1968. In Ghana, the CAP 84 was consequently amended by the Town and Country Planning Ordinance No. 13 of 1947. The CAP 84 prescribed a top-down, rational comprehensive, techno-bureaucratic, and modernist approaches to planning. The CAP 84 was based on a 'master plan' concept that produces a long-term (15 to 20 years) comprehensive land use plan. It provided for the creation of a Town and Country Planning Board, responsible for ensuring the orderly and progressive development of land and human settlements and for preserving and improving their amenity.

A prominent feature of colonial land use planning under the CAP 84 was the promotion of intra-urban residential segregation as a strategy of reducing health risks for European administrators. Native (E.g. Adabraka and La) and European (e.g. Ridge and Osu) settlements were physically separated from each other using sanitary corridors, open spaces, racecourses and railway lines. Different standards were applied to different geographic locations based on whether the area was inhabited by indigenes (e.g. Makola, Accra New Town, and Nima) or whether it was a European residential area (e.g. Ridge and Cantonments). While European expatriate residential areas were located in the best part of the city, native residential areas were cluttered with poor standards and unhealthy conditions. European residential areas were very spacious and well planned. Health, building, and zoning codes were strictly enforced to reproduce a standard European city within the city of Accra (Grant & Yankson, 2003; Konadu-Agyemang, 2001; Larbi, 1996).

Afrane (1993) posits that land use planning based on CAP 84 reflects a rational land use segregation model, which centres on five principles, namely: discrete zoning; unifunctional land use; uniform standards; regulatory planning process and assumption of consensus on development standards. These principles present several requirements, which must be met before any physical development on land, can 1) commence, 2) be occupied and 3) modified to ensure minimum health and aesthetic standards. The principles emanate from the incremental nature of the colonial land use planning regime. The Town and Country Planning Act, 1945 (CAP 84) requires that an area must first be declared a statutory planning area by the then Town and Country Planning Board (later the Minister for town and country planning) and a zoning plan and planning scheme developed and approved before any development can commence. Every physical development must then conform to the approved planning scheme and developers must possess development and building permits. Occupancy permits are also required before buildings are occupied and authorisation from the appropriate planning authority must be sought for any extension or change of use to existing buildings. The CAP 84 thus follows rigid master planning principles. Largely, colonial land-use planning was a static and centralised activity executed under formal administrative and legislative frameworks with minimal citizen engagement. The central government was responsible for executing land use planning and was presumed to take decisions in the

public interest. This, however, had minimal impact on physical development outcomes as the assumptions and conditions required by the colonial planning law (CAP 84) could not be met in practice.

Post-colonial land use planning: the decentralised planning system

The fundamental principles, legislations, and procedures of colonial land use planning did not change much following independence. The immediate post-independence period did not witness any noticeable change to the procedural, institutional and legislative apparatus for land use planning practice except some amendments to the CAP 84 by the Town and Country Planning Act, 1958 (Act 30 of 1958) and the Town and Country Planning (Amendment) Act, 1960 (Act 33 of 1960). The Town and Country Planning Act of 1958 (Act 30) transferred the responsibility for planning from the Town and Country Planning Board to the Minister responsible for Town and Country Planning (Town and Country Planning Act, 1945). The minister executes these responsibilities through a secretariat, the Town and Country Planning Department, which was established in 1945 to plan and manage the growth of human settlements. In 1960 the Town and Country Planning (Amendment) Act 1960 (Act, 33) was passed and it abolished the Town and Country Planning Board.

Following these amendments, autocratic leadership, a series of coups and general turbulence on the political scene characterised the immediate post-independence period until 1992 when the country returned to democratic governance and constitutional rule. As a result, no significant legislations or policies regarding land use planning were formulated. The hegemony of the centralised and non-participatory colonial land use planning model thus prevailed. In 1988 however, a major change to the institutional framework for planning, which rested on central government control, occurred. Driven by demands by the World Bank and the International Monetary Fund for a return to democracy and decentralisation, the then military regime of the Provisional National Defence Council passed the Local Government Law of 1988 (PNDC Law 207) to introduce a new decentralisation policy. This was aimed at devolving powers to local governments to facilitate grassroots participation in local governance and planning. This marked the genesis of decentralised land use planning in Ghana. In 1992 when Ghana returned to constitutional rule, the PNDC Law 207 was incorporated into the 1992 constitution and replaced by the Local Government Act of 1993, Act 462 (now the Local Governance Act, 2016, Act 936). Decentralised local governments, namely, the Metropolitan, Municipal, and District Assemblies (MMDAs) took on the responsibilities of local planning Authorities. A host of other legislations including the National Development Planning Systems Act of 1994 (Act 480), the National Development Planning Commission (NDPC) Act of 1994 (479), the National Buildings Regulation, 1996 (LI 1630), the Local Government Service Act of 2003 (Act 656) and the Local Government (Departments of the District Assemblies) Commencement Instrument, 2009 (LI 1961) were also introduced to facilitate the implementation of participatory decentralised land use planning.

Following the promulgation of the NDPC Act (Act 480), planning was detached from the Ministry of Finance and Economic Planning, placed under the NDPC, which had oversight responsibility for both, socio-economic, and land use planning. The Act 480 sought to institutionalise bottom-up planning and promote the participation of citizens and civil societies in plan making and implementation through the

creation of three levels of planning: the national, regional and district. In line with the decentralisation policy and in collaboration with the Civil Service Law (PNDCL 327), the Town and Country Planning Department (TCPD) was also decentralised. Thus, all former regional outfits of the department were placed under the Regional Coordinating Councils (RCC) and districts outfits placed under MMDAs at the district level as planning authorities. At the District level, the TCPD has now been renamed the Physical Planning Department (PPD). As a complement to the CAP 84, the National Building Regulations 1996 (LI 1630) was passed to regulate physical developments in the following areas: plot area, building location and spatial requirements, site preparation and landscape, building materials, structural stability, sanitary requirements and acquisition of building permits among others.

The decentralised planning is however not without its challenges as planning is as yet not well integrated and coordinated among the various departments. While in theory, the decentralised planning model aims at a participatory approach to planning, in practice, plan making and implementation offers little opportunity for citizen engagement. It is beset with weak technical and financial capacities of the MMDAs and a legal pluralistic land tenure regime. The planning system has thus been variously described as weak and ineffective (Kasanga & Kotey, 2001; Larbi, 1996; Owusu, 2008b; Yeboah & Obeng-Odoom, 2010). Although the politico-administrative structures placed the TCPD at the district level under the MMDAs, it has its own strategic lines of authority through its regional and national offices where it receives its technical instructions and funding. This makes the department subject to parallel lines of authority, which affects plan implementation. The dual institutional affiliation also inhibits integrated planning in the country. Whereas the TCPD at both the national and district levels focuses largely on land use planning (zoning) and development control, the National Development Planning Commission and the District Planning and Coordinating Units (DPCUs) of the MMDAs are concerned with socio-economic, environmental and other planning functions (except land use planning). Thus many plans produced by the DPCUs under the guidelines of the NDPC fail to integrate the zoning and layout plans for the physical development of towns and cities prepared by the TCPD and the vice versa (Acheampong & Ibrahim, 2016; Diaw, Nnkya, & Watson, 2002; Fuseini & Kemp, 2015).

In addition, the passing of Act 462 to promote decentralised land use planning was not accompanied by the repeal of the Town and Country Planning Act, 1945 (CAP 84), which encouraged top-down planning. This was because the Act 462 did not provide and practical procedures for land use planning, hence it continued to operate concurrently with the CAP 84 and the National Buildings Regulation 1996 (LI 1630). This has variously been regarded as the bane of effective land use planning in Ghana as the conditions and procedures stipulated in the colonial planning model remain outdated, as well as culturally and socio-economically inappropriate to the Ghanaian context (N. A. Boamah, Gyimah, & Nelson, 2012; Grant & Yankson, 2003; Konadu-Agyemang, 2001; Yeboah & Obeng-Odoom, 2010). Consequently, a new Land Use and Spatial Planning Act, 2016 (Act 925) was passed in 2016.

Contemporary land use planning: The three-tier spatial planning system

Since 2007, various efforts were initiated towards addressing the weaknesses inherent in the decentralised land use planning system. Key among these included the development of the 2012

National Urban Policy Framework (NUPF), the introduction of the Land Use Planning and Management Project (2007-2010), and the resultant drafting of the Land Use and Spatial Planning Bill (LUSPB) in 2011 and its passing into law in 2016.

Following criticisms of the failure of the colonial transplanted land use planning model under the decentralised planning system to promote orderly and progressive settlement growth, a new three-tier spatial planning model was introduced. As part of the 25-year long multi-donor sponsored Land Administration Project (LAP), a sub-project named the Land Use Planning and Management Project (LUPMP) was initiated in 2007 to revise the extant planning system based on CAP 84. The LUPMP aimed to “develop a coherent, streamlined, and sustainable land use planning and management system, which is decentralised and based on consultative and participatory approaches in order to manage effectively human settlements development”. This is to be achieved through various strategies among which include the development and testing of pilot decentralised land use models and the reform of the legal and institutional framework for land use planning. Consequently, a three-tier hierarchical spatial planning model comprising three levels of spatial plans namely Spatial Development Frameworks (SDFs), Structure Plans (SPs), and Local Plans (LPs) was introduced. This is aimed at promoting stakeholder participation in planning and also to integrate socio-economic and land use planning, which though related, have in the past been disjointed and operating at parallel levels (Ministry of Environment, Science and Technology (MEST), 2011).

The SDF is to be prepared at the national, regional and district levels as an indicative plan over a twenty-year period. It provides a strategic vision for the spatial development of the nation, region, or district in coherence with the National Development Plan (NDP) and the Medium Term Development Plans (MTDPs) of the MMDAs. The structure plan is the main legal planning document that provides a statutory long-term framework, which prescribes the private and public use of land and applicable regulations in dimensionally accurate land-use zones in a district, town, or city. Structure plans provide the framework for Local Plans, which define detailed land uses and disposition by function and purpose (down to the individual parcel level) with the involvement of communities. They form the basis for decisions on development permit applications and street naming. The new model thus proposes a hierarchy of planning where each level of planning must be in conformity with the one above it.

In 2012, with the aim of promoting sustainable, spatially integrated, and orderly development of urban settlements, the National Urban Policy framework was introduced. It is the first ever comprehensive urban policy of the country after years of implementing piece-meal and fragmented interventions to address the challenges of urban growth and urbanisation (Ministry of Local Government and Rural Development (MLGRD), 2012). It promotes spatially integrated urban planning and development within the context of spatial development frameworks under the three-tier spatial planning model.

The three-tier spatial planning model received legal backing from the Land Use and Spatial Planning Act, 2016 (Act 925). The Act aims to harmonize and regulate the laws on land use and planning, promote sustainable development of land and human settlements through a decentralised planning system and generally deal with spatial aspects of socio economic development and related matters. Act 925 repealed

the CAP 84 and regulation 1 to 10 of the National Building Regulations of 1996 (LI 1630) as well as part II (on planning functions) of the Local Government Act of 1993 (Act 462). It established a Land Use and Spatial Planning Authority (LUSPA) in charge of all spatial, land use and human settlements planning related functions at the national level to be overseen by the Minister responsible for Environment. It also established the Regional Spatial Planning Committees and a District Spatial Planning Committee and Technical Sub-Committee in charge of spatial planning. As a strategy to overcome the financial constraints inhibiting effective land use planning, this Act seeks to establish a Land Use Planning and Development Fund to aid in implementing its provisions.

The new three-tier spatial planning model established by Act 925 is being piloted in some MMDAS. This has culminated in the development of a National Spatial Development Framework, a Western Regional Spatial Development Framework, the Greater Kumasi Sub-Regional Spatial Development Framework, and a number of District Spatial Development Frameworks as well as Structure Plans and Local Plans in the pilot towns. The piloting of the three-tier spatial planning model is however not without challenges. The pilot SDFs and plans were largely developed out of donor-funding making them inconsistent with the hierarchy and conformity required by the three tier-planning model where higher level SDF and plans have to be prepared before lower level SDFs and plans. For example, both the Western Region and Greater Kumasi Sub-Regional SDF were developed before the national SDF (Acheampong & Ibrahim, 2016). Besides, all the frameworks and plans were developed devoid of the backing of a legislative and institutional framework as the Land Use and Spatial Planning Bill had not yet been passed into law to provide the regulatory powers for the implementation of the three-tier spatial planning model.

Although the introduction of the three-tier spatial planning model is a commendable initiative aimed at reforming land use planning under the centralised and obsolete CAP 84, the delays experienced leading to the passing of the draft land use planning bill since 2011 limited the upscaling of the implementation of this new model nationwide. In addition, the inability of the Act 925 to address adequately the challenges posed by the dual (statutory and customary) land management system in Ghana also poses significant challenges to sustainable land use planning. The failure of the MMDAs and their physical planning departments to perform the functions of an effective land use regulator coupled with the pseudo-landownership of chiefs presents a complex interface for the successful implementation of the three-tier spatial planning model. This notwithstanding, Act 925 is as yet the first ever in the country to emphasise the integration of the spatial aspects of planning with socio-economic and environmental and to initiate the establishment of a dedicated fund for land use planning. To this end, it serves as the springboard and linchpin to a reformed land use planning system in the country. In the light of the failure of the newly passed Land Use and Spatial Planning Act, 2016 (Act 925) to streamline and tackle the complexities surrounding local planning practice under customary land tenure systems, in the ensuing sections, I review the existing conflicts at the interface between customary land management and urban planning.

6.4 The interface between customary land tenure and land use planning

Rapid urban population growth in Ghana and its associated increase in land values have put customary lands in peri-urban areas under siege. This has created daunting challenges for under resourced local authorities to manage land development processes effectively and efficiently. Thus, in many instances, physical developments have often preceded planning in contravention of formal planning legislation. Consequently, the land use planning system in Ghana has variously been described as weak and ineffective (N. A. Boamah et al., 2012; Gough & Yankson, 2000; Konadu-Agyemang, 2001; Larbi, 1996; Owusu, 2008b; Yeboah & Obeng-Odoom, 2010) culminating in poor development controls. Non-compliance to planning and development control regulations is thus widespread as over 70 percent of developments are carried out without planning approval and outside the realms of the statutory planning agencies (N. A. Boamah, 2014; N. A. Boamah et al., 2012)

Many studies (Owusu-Ansah & Braimah, 2013; Siiba et al., 2017; Yeboah & Obeng-Odoom, 2010; Yeboah & Shaw, 2013, 2013) in Ghana have linked the inefficiencies and ineffectiveness of urban planning to the existing dual land tenure regime, which establishes separate institutional arrangements for land ownership and land use regulation. As a result, the interface between customary land tenure and land use planning has been described as a ‘clash of cultures’- surrounding the ownership and use of land (Owusu-Ansah and Braimah 2013) where indigenous land rights clash with formal planning systems (N. A. Boamah, 2013a).

Various empirical studies have revealed that traditional authorities have in recent time assumed pseudo landownership positions, usurping the powers of official planning authorities to undertake land subdivisions without any adherence to planning legislations (Barry & Danso, 2014; Kuusaana & Eledi, 2015; Yeboah & Shaw, 2013). In the wake of urbanization and increased land commodification, chiefs convert farmlands into residential plots and allocate to prospective developers, impeding the planning processes. In Accra, Barry and Danso bemoaned that “it is surprising that land disposals may be surveyed and registered on the edge of a large city without land use planning approval by state planning agencies and verification that new sub-division parcels comply with a land use plan” (Barry & Danso, 2014, p. 364).

In other instances, TAs either unilaterally or in collaboration with privately contracted surveyors/planners prepare local plans to guide the expansion of their communities without the approval of the mandatory planning agency (the Town and Country Planning Department). In many of such instances, those contracted to develop the Local Plans are unqualified (Yeboah & Obeng-Odoom, 2010). This has resulted in the existence of various fictitious and illegal Local Plans, which cannot be implemented. The end result is the proliferation of unplanned and unregulated land developments in many peri-urban areas in Ghana. Besides the solo preparation of Local Plans by chiefs, other studies have reported that some traditional authorities alter existing Local Plans by allocating land for uses, which are inconsistent with the proposals in the approved Local Plans (Anafo & Inkoom, 2016; Yeboah & Obeng-Odoom, 2010; Yeboah & Shaw, 2013). Because land uses such as open spaces, playgrounds, schools, roads and sanitary areas are not economically rewarding to chiefs, they are often converted

into profitable land uses such as residential and commercial, rendering the formal land use plan ineffective. Multiple land sales by customary authorities leading to land disputes have also characterized the interface between land use planning and customary land tenure (N. A. Boamah, 2013b; Ubink & Quan, 2008; Yaro, 2010) leading to many developers developing lands ahead of planning approvals as a strategy to secure their lands.

It is noteworthy however, that there are emerging collaborative engagements or contact zones between customary land custodians (chiefs) and formal land sector agencies in charge of planning and land administration. Chiefs in many secondary cities have initiated attempts to foster orderly development and formalise land transfers by requesting the services of formal land sector agencies. Thus, an intricate set of relationships between formal land administration and planning technocrats and traditional authorities has evolved. These have been strengthened by planning reforms under the Land Use Planning and Management Project (LUMP) within the multi-donor funded Land Administration Project, which commenced in 2003. In the light of these emerging partnerships, this thesis takes a departure from the extant literature, which focuses on the incongruities between customary land tenure and land use planning and aims at examining collaborations in planning. Thus in Chapter 8, I present an empirical analysis of the complex interface between customary land management and urban planning. The focus is on examining interactions and collaborations among customary and local government actors in peri-urban land delivery to assess their potential towards equitable and sustainable land use planning.

6.5 Chapter summary

The chapter discussed (neo) customary land governance in Ghana focusing on the external and internal factors that shape the continued evolution of customary tenure systems in Ghana. The literature has revealed that colonial and national government policies on land, urbanisation processes, and neoliberal development paradigms have had a lasting influence on the rules of customary land delivery in Ghana. This has created a neo-customary system of land administration that displays little resemblance to indigenous practices of customary land management.

As a vestige of colonisation, land use planning has in the past and present intervened in regulating the use of customary land for the public interest in Ghana. However as demonstrated by the literature, practicing land use planning, a public function on private/customary lands has sometimes created tension between planners and chiefs who manage customary lands due to conflicting interests. As a result, efforts at reforming urban planning laws and practices in Ghana and the rest of Africa with the aim of making planning more effective and sustainable will essentially have to incorporate customary land management institutions. In the light of this, this thesis explores engagements between traditional chiefs in charge of customary land management and formal land sector institutions in the delivery of peri-urban lands for urban uses. This will deepen understanding about the nature of this 'interface' and form the basis for the emergence of effective new ideas about planning in the South. In the following chapters, I focus on the study methodology and analyse the empirical data gathered.

7. Case selection and methodological considerations

The selection of any method of research in the social sciences is generally dependent on three key issues: ontological, epistemological, and methodological. This chapter discusses these issues in the light of the research questions and the conceptual model outlined in Part 1. The chapter outlines how the research questions were operationalised in the field through a case study approach under a constructivist-interpretivist paradigm. The thesis focused on analysing the interactions between state institutions and traditional authorities in peri-urban land delivery through an embedded case study of Tamale and Techiman, Ghana. The aim was to understand the processes, actor agency, motivations, and outcomes of these interactions within an actor-centred institutionalist framework. The ensuing sections in this chapter discuss the selection criteria for the cases, the research approach, and methods. The particular usefulness of the case study method to this thesis is highlighted alongside controversies surrounding the method. The concluding sections of the chapter discuss data presentation and analysis processes as well as a reflection on ethical issues, reflexivity, and trustworthiness in the research process.

7.1 Criteria for case selection

This thesis focused on interactions and alliances between public bureaucrats of state land sector agencies and traditional authorities in planning and land delivery in Ghana. Within the current debate on land governance and land policy reforms in sub-Saharan Africa, Ghana is often seen as a model for her successful integration of customary and state land tenure systems and her legal recognition for customary land management. The power and authority of traditional authorities (such as chiefs and earth priests) over land in Ghana is very strong and widely respected in comparison to other countries in Africa. Traditional authorities in Ghana enjoy significant prestige and respect, have both *de jure* and *de facto* legitimacy in land administration and are locally embedded in their communities. Besides Ghana has a relatively opened political and academic context as well as a diversity of research on land tenure that this study can benefit from and build on. These make Ghana both a typical and a critical case to study state and non-state actor interactions in land governance. Within Ghana, Tamale in the Tamale Metropolitan Area³ and Techiman in the Techiman Municipality of Ghana were chosen as embedded units of study. Three specific considerations guided my choice of Tamale and Techiman as the case study towns.

To achieve an in-depth understanding of the cases, the first consideration bordered on issues of relevance and richness of information. Thus, a major criterion I considered for the selection of the studied towns is that such areas should be rapidly growing secondary towns with active land markets. Tamale and Techiman (See Figure 7.1) are two major secondary towns in Ghana that have been rapidly

³. The term 'Tamale Metropolitan Area' is used here to refer to the geopolitical limits of the Tamale Metropolitan Assembly before the carving out of the Sagnarigu District. The Sagnarigu District was carved from the Tamale Metropolitan Assembly in 2012. For the purpose of this thesis, peri-urban Tamale refers to localities falling within both the Tamale Metropolitan Assembly and the Sagnarigu District.

urbanising with increasing land values. This has precipitated the increased conversion of peri-urban and hitherto rural lands into urban uses. Consequently, a greater need for chiefs in such towns to collaborate with formal land sector agencies to develop Local Plans has emerged. Techiman exhibits typical characteristics of many secondary towns in Ghana. Peri-urban land use conversions resulting from rapid urban population growth and land commodification are on the increase. It is a nodal and commercial town linking the north and south of Ghana and serves as the political capital of the Techiman Municipality. The Municipality has a population of about 147,788 in 2010 of which 64.5% is urban (Ghana Statistical Service, 2014a). Tamale doubles as the administrative capital of the Tamale Metropolitan Area and the political capital of the Northern Region. With a population of 83,653 in 1970, the Tamale Metropolitan Area has grown tremendously in commercial, educational and administrative prominence into a metropolis of 371,351 inhabitants by 2010 (Ghana Statistical Service, 2012). The Tamale Metropolis is the most urbanised in northern Ghana with about 74 percent of its population being urban. It is also the largest city in northern Ghana and the third largest in Ghana and the fastest growing city in West Africa (Braimah & Vlek, 2004). The strategic location of Tamale as a nodal city, coupled with its position as an administrative capital and a commercial hub make it an attractive area to migrants from various peripheral smaller localities in northern Ghana. This has put intense pressure on land markets in the metropolis for both housing and commercial development making it a hotspot for peri-urban land use conversions.

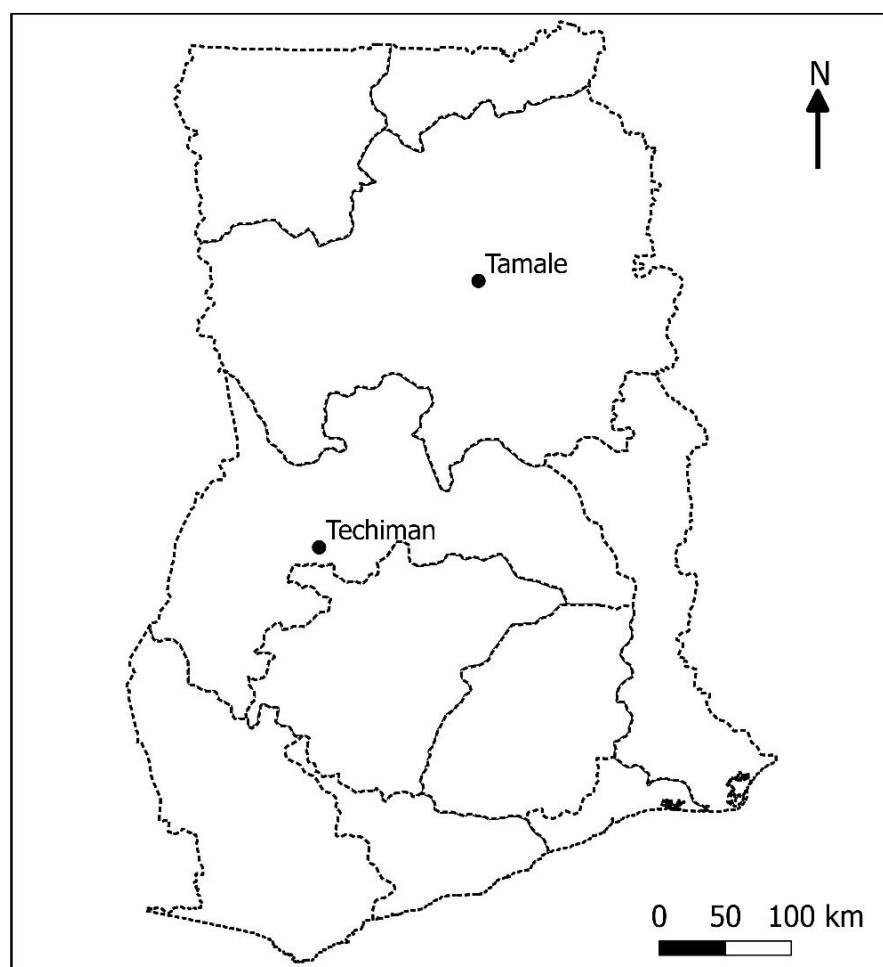


Figure 7.1: Location of study towns in Ghana

Source: Author's own

Tamale and Techiman, therefore, serve as information-rich and exemplar cases that intensely manifest the interface, relationships, and negotiations between traditional land custodians and formal local planning authorities in urban land delivery. Hence, they constitute social laboratories where the actions, motives, and interactions of the various actors in urban land delivery can be studied in a real-life context. This falls in line with Flyvbjerg's argument that when the objective of a study is "to achieve greatest possible amount of information on a given problem or phenomenon", a random or representative sampling strategy may not be appropriate as they are "often not the richest in information" (Flyvbjerg, 2006, p. 13). He proposed, "It is more appropriate to select a few cases chosen for their validity". He labelled this as 'information oriented selection' where "cases are selected on the basis of expectations about their information content" (Flyvbjerg, 2006, p. 34). Patton agrees with this view and states that the "logic and power of purposeful sampling lies in selecting information-rich cases for study in depth" (Patton, 1990, p. 169).

The second major consideration for the choice of the two secondary towns related to the issue of heterogeneity and comparability. This is in line with the logic of 'maximum variation' (Patton, 1990, p. 172) or what Creswell (2012b, p. 100) termed 'purposeful maximal sampling' or 'maximal variation Sampling' (Creswell, 2012a, p. 207) where cases are chosen such that they reflect different characteristics, perspectives or contexts of the study phenomenon or problem. Tamale and Techiman are chosen to reflect geographic variation (the north-south divide) in Ghana. Although a common planning system is practiced throughout Ghana, the north and south of Ghana differ markedly in terms of geography, socio-economic development, as well as cultural and historical practices in land management. These differences have varying effects on the demand for peri-urban land as well as the actions and relationships between neo-customary custodians and formal land sector agencies in local planning and land delivery. Therefore, situating the embedded cases in both the north and south of Ghana allowed for a varied and a context-specific understanding of the various issues involved in hybrid land governance.

Regarding comparability, Tamale and Techiman have similar customary land tenure practices where chiefs act as custodians of the land. Mirroring Fitzpatrick (2005) 'agency' model for recognizing customary tenure, land in Techiman and Tamale is vested in 'stools' and 'skins' respectively with the paramount chief acting as an agent/custodian, holding the land in trust for his customary group. In Techiman, all the customary land area is vested in the Techiman Paramountcy overseen by the 'Omanhene' (the paramount chief of the Techiman Traditional Area). The Omanhene, therefore, holds the allodial (near-maximal/ultimate) interest in land on behalf of all subjects of the Techiman traditional area. To ensure effective management of land, the Omanhene sub-divides the lands in the various settlements among his divisional chiefs ('caretaker chiefs' or 'Ahenfo') to oversee their day-to-day administration on his behalf. There are over thirty-six divisional chiefs within Techiman. These include the Adontenhene, Adumhene, Akwamuhene, Akyeamehene, Awerempehene, Bamirihene, Dabehene-Kentenhene, Gyasehene, Gyebirihene, and Hansauahene among others. The divisional chiefs allocate land to prospective land seekers with the consent of the Omanhene. Various Sub-divisional chiefs (Apakanhene), village chiefs (Odikrofo), and clan/family heads (Abusuapanin) assist the

divisional chiefs in exercising day-to-day managerial functions over land as depicted in Figure 7.2 (In-depth interviews, staff of the Customary Lands Secretariat, Techiman, 14.09.2015 and 28.07.2016).

The village chief (Odikro) owes allegiance to a higher-ranking or a superior sub-divisional chief whom he reports dealings in land to in the traditional hierarchy. The sub-divisional chiefs are in turn under the divisional chiefs but they can report directly to the Omanhene without necessarily reporting to the divisional chiefs. They are also caretaker chiefs since part of the divisional chiefs' land have been allocated to them. A divisional chief summarised his position and role within the traditional land management structure as follows:

All the Techiman traditional area is under the paramount chief and the other chiefs are caretaker chiefs. Therefore, I am a caretaker chief to the Omanhene, but invariably I own that land. Even if he [the Omanhene] wants something from the land, he has to consult me. However, the final approval of every decision I take on the land rests with him. Hence, it is like this, he has given me the land to manage but the final authority is in his hands, but without me, he cannot come here to do any work. (In-depth interview, Divisional Chief, Techiman, 28.10.2015).

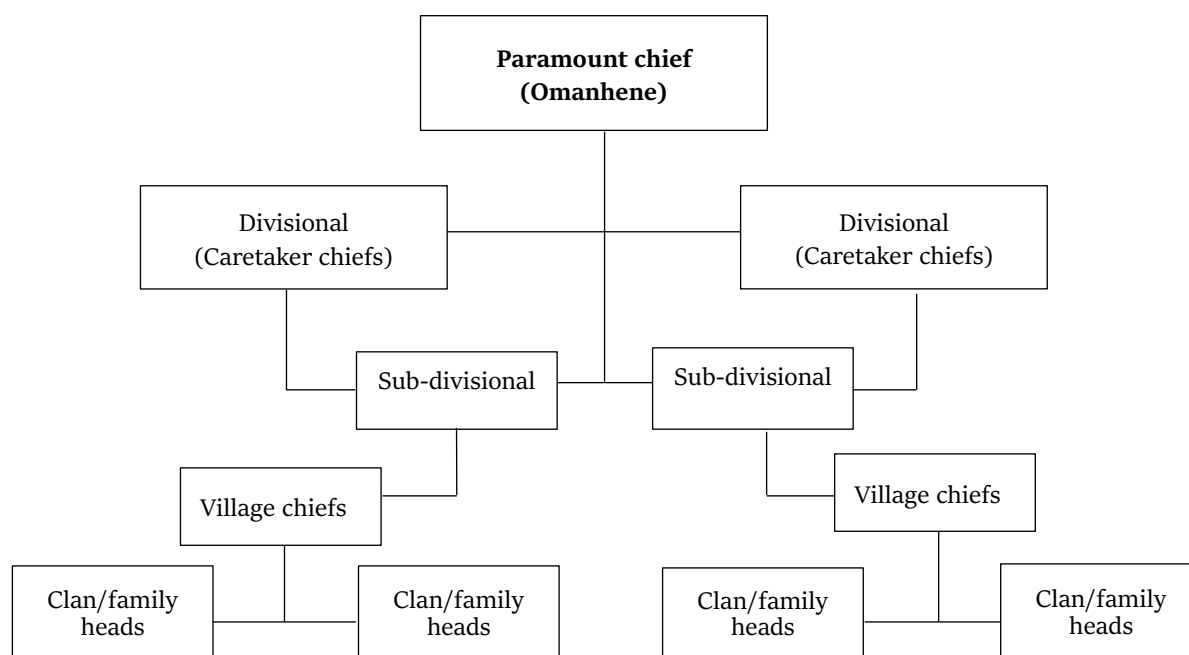


Figure 7.2: Traditional structure for customary land administration
Source: Author's own

A similar hierarchy of traditional authority in land management as in Techiman pertains in Tamale. The allodial title to all land in the Dagbon traditional area where Tamale falls under, is vested in the paramount skin (the people of Dagbon) with the 'Ya-Na' (the king/ overlord of Dagbon - the Dagomba traditional kingdom) playing a similar custodial role as that of the Omanhene of Techiman. The 'Ya-Na' is the spiritual and supreme traditional leader of the Dagomba kingdom, which has Yendi as the headquarters. Under the Ya-Na are a number of divisional chiefs, enskinned to occupy various sub-skins

in the communities and settlements. These divisional chiefs in-turn enskin sub-chiefs to manage land in various communities/villages. Under the village sub-chiefs, there are other sub-sub chiefs (preliminary chieftaincy titles) in each village, in charge of trees such as the dawadawa, the baobab, and the shea tree; chiefs in charge of war and entertainment, among others. As a result, the everyday management and administration of land in Tamale is in the hands of several divisional, sub-divisional and sub-sub divisional chiefs, and their elders. In addition, various clan and family heads who acquired usufructuary interests in large parcels of customary lands from chiefs also allocate lands. However, all formal land allocation documents have to be confirmed by the Ya-Na, the supreme King of Dagbon. Therefore, a similar traditional structure to that presented in Figure 7.2 is used in the governance of land in Tamale. This similarity thus facilitates the drawing of cross-level inferences between the study sites on ongoing interactions among the various actors.

A third consideration that inspired my choice of Tamale and Techiman related to practical issues regarding accessibility and temporal considerations. For instance, during my initial pilot study, I visited Metropolitan, Municipal, and District Assemblies (MMDAs) around Accra, Tamale, and Techiman that had rapidly urbanising peri-urban areas with higher incidence of interactions between customary authorities and public bureaucrats of state land sector agencies. However, due to lack of accessibility to relevant Local Plans and stakeholders in the newly created districts in Accra, I had to exclude Accra from my case study sites. Town planners in Tamale and Techiman were, however, willing to share their experiences with me and provide me access to relevant information. In addition, they were willing to assist me to liaise with key stakeholders that were involved in the preparation of Local Plans in areas that are relevant to the thesis. Feasibility in terms of time, resources, and practical accessibility has been identified as a principal determining factor in the selection of cases for case study research due to the depth of investigation required (Miles & Huberman, 1994; Stake, 1995; Yin, 2009). Yin states that in case study research, a researcher needs “sufficient access to the potential data, whether to interview people, review documents or records or make observations in the field” (Yin, 2009, p. 28). In addition, case selection was limited to the time span of 2010-2015 to ensure that the events surrounding each case could be remembered and that the key stakeholders were still available for participation in the study. It is important to state that besides issues of accessibility to the study sites, my choice of this particular case of engagements between traditional chiefs and public bureaucrats in urban land delivery was also informed by my personal familiarity and interest in the interplay between neo-customary land management and modernist planning models in Ghana as a planning educator.

Within the Tamale Metropolis and the Techiman Municipality, four peri-urban communities were chosen as the specific study sites for this thesis. In view of the fact that the study sites are few in number, which makes the identity of the study participants easily traceable, their real names have been anonymised as study sites A and B (Figures 7.3 and 7.4) in Tamale and study sites C and D in Techiman (Figures 7.5 and 7.6) to protect the identity of the study participants. The study sites represented communities where land had been commodified due to increased demand. Consequently, within the period 2010-2015, there were interactions between traditional chiefs and land technocrats of formal land sector agencies to develop Local Plans and sub-divide their agricultural lands into urban residential

and commercial plots for allocation. A predominant proportion of lands in study sites A and B are skin lands under the management of traditional chiefs whilst lands in study sites C and D are stools land and administered by traditional chiefs. As a result, there exists a comparable ground to study chief-public servant interactions in land delivery across the four study sites. Both stool and skin lands are expected to be managed in accordance with both tradition and statutory law with chiefs acting in fiduciary responsibility.

Within the Tamale Metropolitan Area, I selected sites A and B due to the presence of recent collaborative engagements in local planning; emergent land markets; and the availability of actors that took part in the Local Plan preparation leading to the land conversion (See Table 7.1). Whilst negotiation processes between the traditional authorities and local government bureaucrats for the preparation of Local Plans and the sub-division of plots commenced in 2014 in site A and is complete, negotiations in site B commenced in 2012 and were ongoing as of the third phase of data collection (July-September 2016). Community involvement in the ongoing process of land conversion in both communities was low, but inhabitants of site A appeared more disgruntled over the process. This made it interesting to examine and compare not only the processes but also the outcomes of these hybrid governance arrangements in these two communities.

Unlike in sites A and B, in site C, there was high internal community organisation and engagement in the land delivery process. An active land management committee had been set up and together with the chiefs and the public bureaucrats, a Local Plan had been prepared and the process of sub-dividing and allocating land for urban use had commenced. Site C thus presented a different setting to examine how traditional, local government authorities, as well as community groups, interact in peri-urban land management. The roles of these three actors, the processes involved, and the outcomes generated, provided a useful interface to unpack the concepts of co-production and institutional hybridity.

In site D, a different case was presented in the conversion of peri-urban lands in terms of the actors and institutions involved. Unlike the other study sites, here, not only traditional chiefs and local government bureaucrats were involved, but also private real estate actors and a functioning Customary Lands Secretariat. The community members played no major role as the inhabitants were largely migrant farmers who have no customary freehold or usufructuary rights to land in the community. They accessed land under various types of customary tenancies and agreements with indigenous landholders. This presents a different and more complex arrangement of peri-urban land delivery. Site D was therefore chosen to deepen insights into emerging modes of hybridity in urban land delivery in Ghana. Table 7.1 gives a summary of the basic characteristics of the four study sites as of September 2016 when the third phase of field work was being conducted.

Table 7.1: Description of selected study sites

Study site	Basic characteristics	Reason for choice
Tamale		
Site A	2,480 inhabitants. Farming and petty trading as main livelihood activities. About 7km from the CBD of Tamale.	<ul style="list-style-type: none"> - Presence of chief-public bureaucrat interactions with low community involvement. - Engagement processes completed
Site B	Population of 806 people. Peasant indigenous community whose livelihood depended on agricultural related activities. About 9.6km from the CBD of Tamale.	<ul style="list-style-type: none"> - Ongoing hybrid process of land delivery - Disgruntled subjects
Techiman		
Site C	562 inhabitants. A largely indigenous community engaged in cash crop and subsistence farming. About 12km from the CBD of Techiman.	<ul style="list-style-type: none"> - Chief-public bureaucrat engagements with active community involvement. - Ongoing process of land Delivery
Site D	A predominantly migrant-settler community with 437 inhabitants. Farming was the main livelihood for inhabitants. About 6.3km from the CBD of Techiman.	<ul style="list-style-type: none"> - Chief-private actor-public bureaucrat engagements - Ongoing process of land delivery under a functioning Customary Lands Secretariat.

Source: Author's own

7.2 Case study research approach

The ontology and epistemology of this thesis shade into the constructivist-interpretivist paradigm of qualitative research. This is because the thesis focused on answering how, why, and who questions in relation to neo-customary and state actor interactions in peri-urban land delivery. It sought to understand and interpret the behaviours of the actors in urban land governance as opposed to examining cause-effect relationships or generalising actor interactions and processes. Contrary to positivism that focuses on finding laws leading to prediction and generalisation, constructivism and interpretivism have a common aim, “understanding the complex world of lived experiences from the point of view of those who live it” (Schwandt, 1994, p. 118). Constructivists thus often focus on the “processes” of interaction among individuals (Creswell, 2012b, p. 25). Constructivism also involves “the reconstruction of the constructions that people (including the inquirer) initially hold” (Guba & Lincoln, 1994, p. 113). Thus, in accordance with a constructivist-interpretivist tradition to qualitative research, I adopted an open approach to new knowledge, to questioning and to interviewing. In this way, respondents fully constructed their own meanings and views of urban land delivery processes and

practices within a real-life context. This allowed the generation of answers that provided deep contextual information on the issues under investigation based on both the respondents' 'constructed views' and my 'reconstructed perspectives' of the respondents' views.

My approach to inquiry in this thesis was based on a case study research strategy. Three major reasons occasioned my choice of a case study approach. First, studying institutions as well as actor interactions, relationships, and motivations in urban land delivery is intricately intertwined with context. It also involves a complex set of both historical and contemporary events. Therefore, a research approach that recognises complexity, context, and detail in its choice of methods fits this thesis. Yin posits that case studies are typically relevant for research that has a distinctive desire to "understand complex social phenomenon" (Yin, 2009, p. 4). This complexity applies to land governance in Ghana, where land use planning operates under a dual land management regime sandwiched between government institutions and customary/neo-customary land tenure systems. Hence, the case study method stood out as a useful approach for this thesis. Besides its suitability for studying complex phenomena, its focus on in-depth analysis of real-life events, and on actions that drive processes of change, make the case study method useful for generating detailed contextualised knowledge. It is therefore suitable for investigating ongoing interactions, interests, and power relations between traditional authorities and government institutions in peri-urban land delivery. Duminy et al. (2014, p. 23) pointed that "the real value of the case study is its capacity to show what has happened in a given setting, and how". They therefore, recommended the case study method as a promising approach for urban planning research that has the potential to generate relevant, practical, and theoretical knowledge of urban contexts in Africa and other parts of the global South.

Second, the case study method is widely acknowledged and particularly suitable in situations where questions of 'how' and 'why' are posed (Yin, 2009, p. 13). This thesis posed many how questions: How are interactions between government authorities and customary land custodians structured in rapidly urbanising secondary towns in Tamale and Techiman and what factors stimulate and sustain their engagements? How do hybrid arrangements and practices in land delivery influence land rights transformation and access to land, in areas under intense urbanisation pressure in Tamale and Techiman? How does the integration of customary and government institutions and processes in land governance affect equitable and sustainable land delivery in Ghana? These kinds of questions can be better investigated using the case study approach. Such questions will trace the links between actors and processes; practices and interfaces; as well as actor preferences, motivations, and behaviours. They will also examine the role of structures, agency, and context in power relations among actors.

Third, the case study approach allows for the application of a variety of evidence from a multiplicity of data collection methods such as interviews, focus group discussions, observations, and document analysis in answering the research questions. This flexibility in the choice of methods allowed me to explore the research questions in detail. Gerring (2007) indicates that the range of methods case studies allow is an intriguing quality of case study research that lends the research its characteristic flexibility. In addition, because case studies are suitable for investigating particular phenomena or

events in their real-life context, they tend not to give analytical supremacy to either structure or agency in investigations, making it possible to examine a wide range of factors surrounding a given phenomenon. Thus, adopting a case study approach allowed me to analyse and to reveal the role of not only agency or structure, but of both in hybrid land governance processes in Ghana. The case study approach thus naturally flows into my theoretical and analytical framework based on a combination of institutional hybridity and co-production within actor-centred institutionalism.

Notwithstanding the above strengths of the case study method and its widespread use in social science research, the method is not without controversy. A major critique of the approach emanating largely from the natural sciences and proponents of positivism relates to the issue of generalisation. They often argue that a single case provides little basis for generalisation and scientific development (Flyvbjerg, 2006; Yin, 2009). This critique has been subjected to deep debate, even among supporters of the case study method. While some argue that the critique is misdirected and that it is possible to make the results from case studies generalisable (Flyvbjerg, 2006; Schofield, 2000), others question whether case studies should make claims about generalisation in the usual sense of statistical generalisation (Mitchell, 2000; Yin, 2009). Flyvbjerg (2006) for instance argues that it is misleading to conclude that one cannot generalise from a single case, but that it depends on the type of case one is considering and how it is chosen. He postulated that the strategic choice of a case could contribute to its generalisability. Yin on the contrary, argues that case studies are generalisable to theoretical propositions (analytic generalisation) and not to populations or universes (statistical generalisation) and that “in analytical generalisation, the investigator is striving to generalise a particular set of results to some broader theory” (Yin, 2009, p. 43). A third group of the proponents of the case study approach even question whether case studies should aim at generalisation at all. Stake (2000) indicates that what is important is the use others make of case study research. This means that readers of case study research must themselves decipher whether the findings being reported are applicable to other cases. This feeds into what Stake (2000) termed processes of ‘naturalistic generalization’ or what Lincoln and Guba (2000) referred to as ‘transferability’. In the context of this thesis, I tend to agree with Yin’s (2009) argument that case studies are applicable to a different type of generalisation that takes the form of ‘logical’ or ‘analytical’ generalisations in relation to a particular theory. The aim of this thesis is not to generalise conclusions from the cases studied beyond the cases, but to optimize in-depth contextualised understanding of the concepts of co-production and institutional hybridity in land governance based on the cases studied. In the light of this, the case study design remains the most appropriate approach for this thesis despite the growing controversy on its generalisability.

Drawing on Stake’s (2005) classification of cases, this thesis was largely aligned with an ‘instrumental case study’. The thesis sought to contribute to deepening understanding of the processes and outcomes of state and non-state actor interactions in land governance, particularly in Africa. It focused on the processes, actors and their relationships, and negotiations at the interface between (neo) customary land tenure and formal land use planning in Ghana. Stake explained that in an instrumental case study, “a particular case is examined mainly to provide insight into an issue or to redraw a generalisation” (Stake, 2005, p. 445). The Tamale Metropolis and the Techiman Municipality have been chosen as

embedded units within the thesis, making the study design an embedded-instrumental case study. The primary units of analysis in this thesis were the set of actors; their interactions, relationships, interests/motivations and power relations; as well as the structures, interfaces, processes, and outcomes, which characterised peri-urban land delivery in Ghana. The thesis particularly explored and examined how and why traditional custodians of land (chiefs) negotiate with local public bureaucrats in planning and land delivery under a decentralisation system, which charges local government authorities (Metropolitan, Municipal and District Assemblies) with the responsibility for all planning decisions.

7.3 Data collection methods

Utilizing the unique advantage of the case study method with recourse to its flexibility in the choice of methods, I relied on four major data collection methods: in-depth interviews, focus group discussions, document analysis, and observations. The combination of methods allowed me to obtain wide-ranging perspectives of the processes and outcomes of neo-customary land delivery in Ghana to facilitate an in-depth understanding of state and non-state actor interactions in land governance. The triangulation of data collection methods also served as a source of validation for the thesis findings as information obtained from interviews was validated and clarified during focus group discussions and the vice versa.

The process of data collection involved three phases of fieldwork at the four selected study sites. The first phase was a pilot study in August 2015. This took the form of explorative interviews to identify the cases, the embedded units, as well as the key actors and relevant policy documents. Thus, initial contact with potential respondents and general consultative interviews were made during this phase. Three categories of respondents (local government bureaucrats in formal land sector agencies; traditional authorities who are custodians of customary land; and indigenes) who constitute the primary actors in urban land delivery were identified for follow up interviews. Two separate periods of detailed fieldwork followed the pilot study phase. The second phase of data collection spanned from September to December 2015 whilst the third phase took place from July to September 2016. The methods of data collection used as well as the study respondents for the various phases are presented in Table 7.2. It must be noted, however, that there was no clear separation of methods for each phase as the methods and the phases overlapped.

Interviews

Interviews (unstructured and semi-structured) constituted the principal method for gathering data for this thesis. In qualitative research, unstructured interviews are preferred for their open and fluid nature whilst semi-structured interviews are often considered an effective method of data collection because they oscillate the middle ground between the rigid structure of structured interviews and the open and uncertain nature of unstructured interviews (Cook, 2008; Firmin, 2008). During phase 1 of the data collection exercise, which was largely explorative, unstructured interviews were used to obtain deeper insights on the general practices of local planning and customary land delivery from local bureaucrats

and traditional authorities. The insights from the pilot study formed the basis of further inquiry in the subsequent phases of data collection, which took a semi-structured form.

In phases two and three of the field work, semi-structured interviews were the dominant mode of interviewing as it allowed for in-depth information on the processes of hybridity in land delivery to be obtained without predetermining the results. Although I developed interview guides (see Appendix B), which were used in phases two and three of the fieldwork, these guides were used to define the direction and content of the interview, but participants were free to elaborate on the issues raised and discuss unexpected but related themes in land governance. Participants in the interviews (See Table 7.2 and Appendix A) were selected based on their involvement and roles played in peri-urban land delivery processes in the study sites. In all, 86 interviews were conducted. Sixteen in-depth interviews were conducted with local government bureaucrats working in various land sector agencies. In addition, I interviewed staff of the Customary Lands Secretariats in Tamale and Techiman as well as divisional and village chiefs in charge of customary land administration in the study sites (see Appendix A).

In order to gather varied perspectives on the practices, processes, and actors in peri-urban land conversion, I had informal interactions with prospective land seekers; 51 in-depth interviews with individual community members; and four key informant interviews with privately licensed surveyors, land experts, and past secretaries of divisional chiefs. These key informants were experts in the field of customary land administration and gave valuable outsider-perspectives to the practices, motivations, and outcomes of hybridity in urban land delivery. Moreover, the key informant interviews served as a source of validation for my study as they confirmed most of the practices I had already gathered from interviewing the main actors in peri-urban land conversion.

Each interview typically lasted between 45 minutes to 95 minutes. The average interview length was 65 minutes. Interviews with local government bureaucrats and key informants were conducted in English whilst those with traditional authorities and community members were conducted in the local languages (Twi and Dagbani) of the study communities. The interviews were audio recorded with the consent of each respondent. Questions that were posed to participants during the interviews focused on general issues related to the interplay between neo-customary land administration and urban planning, and specifically on the roles and experiences of participants in state-customary actor engagements in local planning and peri-urban land conversion. Other key issues covered included respondents' perceptions of the motivations and interests of various actors, processes, negotiation and communication strategies, intended and unintended outcomes of peri-urban land conversions, practical norms, and general issues on Local Plan implementation and sustainability.

Table 7.2: Data collection methods and study participants

Method	Category of participants	Phase
1. Interviews		
▪ 16 repeated unstructured/semi structured interviews with public bureaucrats	- Regional/Municipal/ Metropolitan planners of the TCPD, - Regional Directors/Senior surveyors/surveyors of SMD - Officers of the OASL	1,2,3
▪ 4 in-depth interviews with staff members of the CLSs	- Staff of the CLS in Tamale and Techiman	2,3
▪ 11 repeated in-depth interviews with traditional chiefs	Divisional/village chiefs who are custodians of customary land and chiefs' secretaries	2,3
▪ 4 Key informant interviews	National land experts, private surveyors, and secretaries to chiefs	2,3
▪ 51 semi-structured interviews with indigenes	Inhabitants of study sites A, B, C and D	2
▪ Informal interactions with prospective land seekers	Land seekers in Tamale and Techiman	2,3
2. Focus Group Discussions		
▪ 1 group discussion with secretaries of chiefs and elders	Secretaries of various divisional chiefs and elders	1
▪ 4 group discussions with indigenes	Household heads, elders and youth of study sites A, B, C and D	3
3. Observation		
▪ Observation of land use change and conversion processes in the study sites		1,2,3
▪ Participant observation of land allocation processes and actors		1,2,3
4. Document Analysis		
▪ Research and review of policy documents related to the cases		1,2,3
▪ Collection and analysis of Local Plans developed for the four study sites		1,2,3

Source: Author's own

Generally, I started with a 'grand tour' question to invite interviewees to narrate their experiences of the interface between customary land administration by chiefs and local land use planning by local government authorities. This produced an independent and free narrative from the interviewees. I then followed up with "mini-tour" questions that probed into parts of the narrative to get participants to elaborate on and clarify issues of interest to the thesis. Throughout the interview, I adopted a conversational interviewing style to encourage participants to speak at length about their views and experiences in local planning of peri-urban customary lands while at the same time directing the

interview to key issues of interest to my study. This resulted in a congenial atmosphere, which allowed a balance between issues of interests to me and those of interest to the study participants. I adopted this strategy after I realised from my first few interviews that I was not getting detail information on some questions posed as respondents preferred to speak to tangential issues before directly answering my questions.

Focus Group Discussions

Four group discussions of between 6-13 people were held with community leaders, youth, and household heads in the four study communities to gather their views on the practice of peri-urban land use conversion and its outcomes. The roles of community members in the process, as well as general land administration procedures, were also discussed. As it was not feasible to get the whole community to participate, only community leaders or household heads who had parcels of land within the coverage area of the Local Plans, and stood to get their lands converted to urban use were included in the group interviews. These participants constituted a homogeneous group that shared similar views on the topic of peri-urban land delivery to generate useful and active exchanges. The insights from these group discussions were very useful as they served as a basis for triangulating the findings from the individual interviews conducted with community members. In Tamale, I also organised a group discussion with some elders and secretaries to some chiefs. This helped to gain in-depth contextual knowledge and historical accounts of customary land tenure, the authority of chiefs regarding land, relations between local government bureaucrats and traditional authorities in land administration as well as tensions in customary land administration. The group discussions made it possible for me to gather the views of a variety of respondents on local planning and land conversion in peri-urban areas. This enriched the data gathered and at the same time served as a way to crosscheck findings obtained from the individual in-depth interviews. The group discussions lasted between one to two hours and were audio recorded with the consent of the participants and later transcribed.

Direct Observation

Observation was not a major method used on its own to gather data, but rather a complementary method to the interviews and group discussions. During interviews with traditional chiefs in each of the four study sites, I asked to be taken to sites where recent Local Plans had been prepared and where peri-urban land use conversions were ongoing. Through these visits, I observed various land use changes in peri-urban areas and had a direct encounter with each case. In other instances, I followed prospective land seekers in search of peri-urban land for residential development to care-taker traditional chiefs in order to observe the various negotiations, actors, and processes involved in land delivery. In addition, I repeatedly visited the town planning offices in the study towns to observe some interactions and negotiations that go on between traditional chiefs and local planners when Local Plans had to be prepared and to experience the plan preparation processes. My previous personal relationships with planning officers gained through my planning education gave me the opportunity to gain access to the planning offices to observe and listen to issues of peri-urban land conversions. These

observations constituted a rich source of information that allowed me to gain a deeper and fuller understanding of urban land delivery.

Document Analysis

Besides the interviews, group discussions and observations, document analysis constituted another major method of data collection for the thesis. I gathered and reviewed relevant policy documents with relevance to urban planning and customary land management in Ghana to complement information obtained from the other methods. These included the National Lands Policy, 1999; the Lands Commission Act 2008 (Act 767); the Office of the Administrator of Stool Lands (OASL) Act, 1994 (Act 481); project documentation from the Land Administration Project (LAP); the Town and Country Planning Act, 1945 (CAP 84) and its amendment acts. Others were the Local Government Act of 1993 (Act 462); the National Development Planning Systems Act, 1994 (Act 480); the National Development Planning Commission (NDPC) Act, 1994 (Act 479); the National Buildings Regulation, 1996 (LI 1630); the Local Government Service Act, 2003 (Act 656); the Local Government (Departments of the District Assemblies) Commencement Instrument, 2009 (LI 1961); the Land Use and Spatial Planning Act, 2016 (Act 925); the New Spatial Planning Model Guidelines, 2011; and the National Urban Policy Framework, 2012. These policy documents were reviewed to reveal the legislative and institutional framework governing land administration and urban planning in Ghana. In addition, I obtained copies of minutes of Statutory Planning Committee (renamed the District Spatial Planning committee under the Act 925) meetings and Local Plans that facilitated the land use conversion in the four study sites from local planning authorities. These were used as evidence to analyse the land use mix and change in these areas as well as the processes, actors, and negotiations involved in the development and implementation of Local Plans. The next section discusses how the data gathered from these methods were analysed.

7.4 Data processing and analysis

Since qualitative case studies generate a multiplicity of data forms from various sources and methods, it is important to develop tools to analyse and interpret this varied data. Thematic and social network analyses were the two principal methods used for analysis in this thesis. These methods are discussed next.

Thematic Analysis

Thematic analysis is a flexible and useful tool for identifying and analysing patterns within data, thus facilitating the provision of a rich and detailed account of the data (Braun & Clarke, 2006). Following the audio recording of the interviews and group discussions, they were transcribed verbatim in English. Coding was then carried out on the interview transcripts using NVivo 11 software to facilitate the identification of categories and themes that emerge from the data. To get an early indication of the main issues respondents discussed in the interview, I conducted a Word Frequency Query in NVivo 11 on the interview transcripts, to identify the most common words used in answering the interview questions as a form of broad-brush coding (see Figure 7.3). This was followed by an initial open coding process

during which I read the interview transcripts to familiarise myself with empirical instances, which were related to my research questions. Based on the Word Frequency Query and the open coding process, I developed initial codes (a priori codes) including in vivo codes (common vernacular terminologies of respondents) of texts that corresponded to the research questions. I was however open-minded to other possible themes, finer nuances or divergent ideas that could emerge outside of the research questions. This hybrid approach of coding was very useful as the emergent codes outside my research questions such as practical arrangements to cover the costs of land sub-division and plot sharing formulae generated very interesting insights into the thesis.

Subsequent structured coding was done following repeated reading of the interview transcripts to refine or combine the initial codes and include conceptual insights into the coding frame. As a result, the final sets of codes were not only 'data-driven' but also 'theory-driven'. Coding was ongoing alongside the data collection process in phases 2 and 3 of the fieldwork. This helped to reshape my interview questions as completed interviews were transcribed, coded, and identified issues fed into the next wave of data collection. Thus, data collection and analysis were done concurrently. Figure 7.4 presents a cluster diagram of the codes generated in the NVivo 11 software.

I did memoing simultaneously with the coding process to note patterns, connections, and ideas that occur in the data. Insights from these memos were combined with the generated codes and collated/sorted into initial categories and themes. These initial themes were then reviewed and refined to ensure they form a coherent pattern that is representative of the data gathered. The final set of themes and sub-themes were then used for reporting the findings of the thesis by comparing the themes within and across cases; relating them to the literature; and drawing conclusions from the data.



Figure 7.3: Word cloud of 50 most frequently used words by respondents
Source: Author's own

Source: Author's own

Nodes clustered by coding similarity

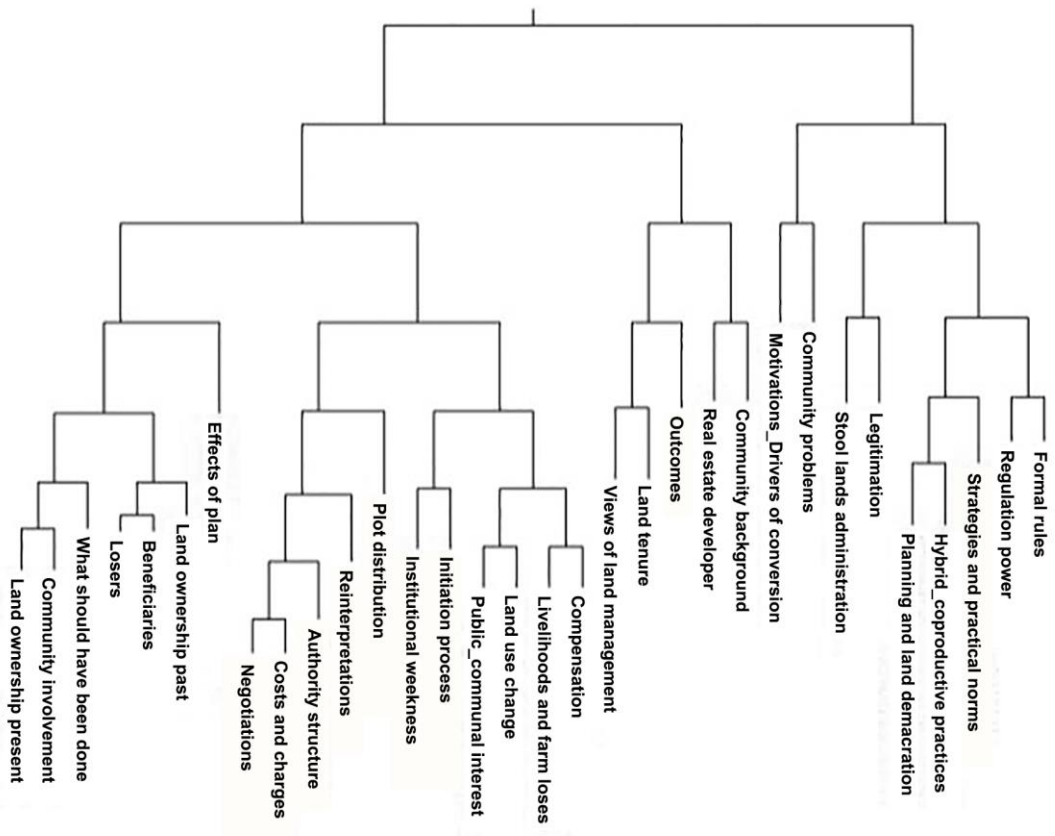


Figure 7.4: Cluster diagram of codes based on coding similarity

Source: Author's own

Social Network Analysis of actor relations

Because one objective of the thesis was to understand how power relationships structure interactions between public bureaucrats and traditional authorities in neo-customary land delivery, I combined the thematic analysis with social network analysis. I diagrammatically mapped the collaborative relationships (consultative ties) among the various actors in the local planning and land use conversion process using Social Network Analysis (SNA). The SNA therefore served as a complementary method that clarified and further illustrated the key actors and their interactions diagrammatically for easy understanding. More importantly also, I combined the thematic analysis with SNA as a strategy to corroborate and validate the findings from each of them so that such triangulation provided a stronger evidence for drawing explicit conclusions. A social network comprises a set of actors (individuals or organisations) referred to as “nodes” that are linked through one or more relationships (referred to as “ties”). SNA presents a systematic approach to measure and analyse patterns of relations based on the numbers and length of pathways among actors (Borgatti, Everett, & Johnson, 2013; Hanneman & Riddle, 2005). It provides insight into the position and role of individual actors in a collaborative engagement and consequently allows for the identification of actors who are essential in connecting other actors (Hanneman & Riddle, 2005; Sozen, 2012).

In the field of Planning, Dempwolf and Lyles argued that SNA can contribute to the “understanding of formal and informal exercise of power and influence by analysing the diversity (network composition) and interdependent relationships (network structure) of actors in planning processes” (Dempwolf & Lyles, 2012, p. 10). In network perspective, power is viewed as relational. Hence, SNA can help in analysing the sources and distribution of power in interaction networks (Hanneman & Riddle, 2005). Network centrality has been identified as a significant source of power in organisational studies (Brass, 1992) and in Natural resources governance because it reflects actual interaction patterns and resource exchanges among various actors in a collaborative governance arrangement. Network centralisation measures how unequal actor degree centralities (i.e. the number of ties an actor possesses) are by showing the extent to which a single actor has a high centrality and others a low centrality.

Individuals’ location within their organisations’ interaction networks influence their access to and control over resources. This means that differences in network centrality can influence the power potential of actors in a collaborative network. It has been argued that actors who are centrally located in the network have greater control over relevant resources/capitals and enjoy a broader array of benefits and opportunities unavailable to those on the periphery of the network (Ibarra, 1993; Ibarra & Andrews, 1993). On the backdrop of this, I employed a social network perspective and a power-based interpretation of centrality to investigate power differentials (measured by network and actor centrality) among the various stakeholders engaged in peri land delivery and their effect on who benefits from local planning and land conversion processes.

Selection of actors

Organisations or groups of actors were chosen as the nodes for the SNA and the network boundary set to case studies of local planning and land use conversion in four study sites in Tamale and Techiman. Data for conducting the social network analysis were drawn from the interview methods outlined in Section 7.3. During interviews, each respondent was asked to name people he/she sought advice from or largely collaborated with during the preparation of the Local Plans for the study sites (Who are the key stakeholders you often work with when you want to develop a Local Plan and convert peri-urban lands?) Based on the responses to this question, additional actors were identified and traced for interviews. The identification of additional respondents ended when no new names of stakeholders were mentioned. This means that the actors themselves delineated the ultimate boundary of the network. Respondents were thus included in the SNA based on their involvement, position, and role in local planning and land use conversion in the study sites. They included staff of land sector agencies at the local level; local government authorities; various hierarchies of traditional authorities and their customary lands secretariats; private groups engaged in real estate development, planning and surveying; as well as subjects and farmers in customarily held lands in the study sites. The evidence of the collaborative ties between actors was then drawn from my interpretation of the empirical evidence presented from all case study material obtained. A value of '1' was entered wherever a collaborative relationship was mentioned between parties and '0' where no collaborative relationship existed. This network data was then entered into the software program UCINET (Borgatti et al. 2002) to illustrate the collaborative ties and relationships among the organisations/groups of actors.

Analysis

For analysing the relations between the actors, I used both reciprocated and non-reciprocated collaborative ties. That is either one or both actors revealed that they had consultations (funding/knowledge/information exchange) during the process of developing the Local Plans for the study sites.

Basic measurement tools like network density (the number of existing ties in the network divided by the number of possible ties) and network degree centralisation (the degree of variability of the actor centralities i.e. the ratio of the actual sum of differences of the degree centrality of the most central actor and all other actors to the maximum theoretical possible sum of differences) were used to describe the general structural characteristics of the network (see Borgatti et al., 2013; Wasserman & Faust, 1994). A higher network density indicates a higher potential for joint action and an increased level of reciprocity over time (Bodin & Crona, 2009; Olsson, Folke, & Berkes, 2004). Likewise, highly centralised networks are shown to have a good potential for collective action and for problem definition and prioritization (Sandström & Carlsson, 2008).

In order to assess structural characteristics at the level of the individual actors to identify their power relations, and to understand how individual actors use their structural position to influence who benefits from the hybrid land governance arrangements, two measures of centrality were used. These

were degree centrality (the number of ties an actor possesses) and betweenness centrality (the probability of a given actor falling along the shortest path between any two other actors, i.e. the degree to which a particular actor connects other actors who otherwise would not be connected) (Borgatti et al 2013). Because the network data were treated as asymmetric (meaning ties were directed and might, or might not, have been reciprocated), in calculating the actor centralities, both Indegree and Outdegree centralities were used for analysis. Outdegree centrality refers to the total number of direct ties from a given actor to other actors (reflecting the ‘expansiveness of the actor’) whilst indegree centrality refers to the total number of ties from other actors to the focal actor (reflecting the prestige of the actor) (Borgatti et al., 2013; Hanneman & Riddle, 2005). Central actors in a network are thus considered as potentially prominent, influential, gatekeepers, or having great control, prestige, autonomy, and power among others. For instance, actors with a high degree centrality are seen to have a higher influence over others whilst those with high betweenness centrality are considered advantageously positioned to act as bridges, gatekeepers, or mediators for otherwise disconnected sets of actors (Bodin & Crona, 2009; Borgatti et al., 2013). By so doing, they have the potential to access a variety of valuable resources (e.g. information and knowledge) and thus influence the flow of resources to their advantage. Such actors are therefore in a position to acquire power (Brass & Burkhardt, 1993) and thus considered very powerful.

7.5 Ethical considerations, reflexivity, and trustworthiness

Ethical considerations

Ethical issues have received increased attention due to the nature of participant-researcher relationships in qualitative research. As the university in which this thesis is conducted had not established an ethics committee or institutional review board to obtain ethical clearance for studies of this nature (minimal risks that do not involve vulnerable groups or sensitive issues), I duly followed generally agreed ethical rules of thumb for social science researchers. These covered issues of informed consent, voluntary participation, anonymity, confidentiality, and consequences of participation (Creswell, 2012a; Miles & Huberman, 1994; Silverman, 2013)

I provided every information about myself and on the research in introductory emails, telephone calls, and personal visits to potential respondents within the formal land sector agencies. It is important to state however that, gaining access to traditional chiefs in Ghana requires the observance of certain customary principles. As a result, I had to negotiate access to traditional authorities, through ‘gate keepers’. In some instances, drinks or ‘kola’ had to be presented in accordance with tradition as a form of ‘gate knocking’ to the palace of the chief. The ‘gate keepers’ therefore introduced me and the purpose of my visit to the chiefs and elders. In addition to the formal introduction to book appointments or negotiate access, I sought verbal consent from respondents prior to the commencement of interviews or group discussions. After introducing myself and re-informing them about the purpose of my study, I outlined the structure of the interview to the participants and informed them about what they were expected to do. Additionally, I presented copies of my introductory letter from the chair of my Institute

to respondents to build trust and confirm my research purpose. In this way, full disclosure was given. Thus, respondents were fully informed about the nature of the thesis. Hence, they could give informed and voluntary consent to participate.

There were instances where respondents had to reschedule the interview or refer me to their colleagues due to their busy schedules. During such instances, I had to go with the preference of the respondents so that the interviews were conducted at their convenience. In addition, I sought approval from respondents before tape-recording the interviews. When in doubt about what the audio-recordings were going to be used for, I explained to the participants the use to which the recordings will be put. Identifying information about respondents was also removed during transcription so that interview transcripts could not be linked to specific individuals. The anonymity of participants was also ensured by not disclosing the real names of participants and the study sites in the main text of the thesis. Non-identifying names such as 'planner', 'staff', 'surveyor', 'indigene' and 'chief' were used. This made it impossible to trace participants in real life setting, thus protecting the anonymity of respondents. In ensuring confidentiality of information given by respondents, all information obtained from respondents was used solely for the purpose of this research and not divulged to third parties. Regarding the consequences of the thesis on participants, the research did not cause any undue intrusion or disrupt the activities of participants. It also did not cause any physical or emotional harm to them as no sensitive or private information was obtained from respondents. I respected the values and norms of the respondents and their agencies; thus, respondents were free not to respond to any questions they were uncomfortable with.

Reflexivity and Trustworthiness in case study research

The ways in which a researcher's positioning, social background, assumptions, and behaviours influence the research process is often a major consideration in qualitative research (Roulston, 2010). Hence, case study researchers need to self-consciously reflect on both their role and influence in the data collection and analysis process. My educational training in planning; my status as a doctoral student; and my position as a lecturer in a Ghanaian university department that focuses on issues related to planning and land management jointly facilitated easier access to land administration technocrats. These personal characteristics allowed me to build rapport and trust with them. Thus, such participants willingly narrated their experiences and challenges in urban land delivery. Since the land administration technocrats were experts in their fields of work, my personal characteristics and subjectivities did not influence the issues discussed. There was an equal platform for discussions and I did not occupy a more powerful position relative to them. Moreover, in many instances, I conducted the in-depth interviews in the company of a knowledgeable colleague who acted both as my research assistant and as a peer debriefer. He reviewed my general conduct of the research process, my biases, and assumptions and offered feedback and alternative suggestions to ensure validity.

In respect of traditional chiefs, elders and community members, 'gate keepers' who were respected in the communities facilitated my access to them. Being of female gender and studying land management

issues in a patriarchal society where women are placed distantly from land was not only challenging but also illuminating. I needed more effort to clarify why I was interested in studying customary land delivery in the selected communities. However, due to my gender and the fact that I was an outsider and relied on 'gate keepers,' I was considered by respondents as an independent, non-indigenous and curious student who needed to be assisted to understand neo-customary land delivery arrangements. Hence, I earned the trust of the participants and was accordingly accepted into the study sites. Respondents openly revealed and explained the issues in peri-urban land delivery to me, which gave me useful insights into the thesis.

Ensuring rigor or trustworthiness has been a major issue of concern in qualitative research. Accordingly, in this case study, I used triangulation of data sources and methods to ensure that I obtained various perspectives of urban land delivery from different actors. Local public bureaucrats in different land sector agencies, as well as local chiefs in different communities, secretaries to chiefs and staff of Customary Lands Secretariats, were all interviewed to gather multiple perspectives on peri-urban land use conversion. In addition, individual in-depth interviews were combined with focus group discussions, document analysis, and observation (see section 7.3) in the data collection process. These multiple data collection sources and methods served as a way of corroborating evidence gathered on the various actors and processes in peri-urban land delivery. As a result, I identified converging themes that illuminated issues of hybridity in land delivery. During the third phase of my data collection process, I also shared initial findings from the previous phases with respondents for them to confirm my interpretations. This way of member checking helped to not only validate my initial findings but also allowed issues to be clarified and additional information gathered for the case study. During the analysis stage, repeated stages of coding were also done to ensure that codes were in line with the data gathered.

7.6 Limitations of the thesis

Some inherent weaknesses are associated with the chosen methodology for the thesis. As discussed in Section 7.2, the interpretations and conclusions drawn from the thesis cannot be generalised as universal processes of state and non-state engagements in land management. This is because the findings are limited to the context of the study sites, which are Tamale and Techiman in Ghana. Nonetheless, since the thesis aimed at enhancing context-specific understanding rather than generalising findings to a wider population, it achieved its aim through contributing to deepening understanding of the interface between state and non-state actors in local land governance. The findings and interpretations drawn can be investigated in external contexts to see whether they are applicable or not. Besides the limitation of generalisability, the thesis focused on the ways in which traditional authorities and state bureaucrats interacted in the context of local land use planning and peri-urban land delivery. Thus, particular attention was paid to practices and process of Local Plan preparation while other issues relating to democracy, women land rights, inter-generational relations, or other aspects of local governance were not considered.

7.7 Chapter summary

This thesis has been carried out within a constructivist-interpretivist paradigm of qualitative research using a case study research strategy. The chapter has explained why this methodological approach was more suited to the thesis. Tamale and Techiman Ghana were chosen as the study towns for investigating hybrid land governance arrangements within an adaptation approach to land policy in Africa. I have discussed the reasons for the choice of these study sites. Leaning on the flexibility of the case study research approach, the thesis employed multiple data collection methods to gather data on the actors, processes, negotiations, alliances, and outcomes of hybrid land delivery practices in four study sites.

As presented in this chapter, a combination of thematic and social network analysis was used to analyse the data generated from the field. This approach allowed for the dynamic relationship between agency and structure to be embraced as actors and structural power relations were analysed. The data gathered from the study participants combined with information reviewed from existing literature, formed the basis for the thesis' findings and conclusions. In the ensuing three chapters, I will present an analysis of the case studies based on data generated from the research approach and methods discussed in this chapter.

8. The exercise of agency and the everyday practice of land delivery in Tamale and Techiman: processes and strategic alliances

The agency of chiefs and their interactions with statutory land administration technocrats in Tamale and Techiman in everyday land management activities result in a hybrid system of land administration. This is characterised by strategic alliances between various categories of traditional authorities and local public bureaucrats to achieve collective and private interests. In this chapter, I explore the bipartite relationship between traditional authorities (chiefs) and land administration and planning technocrats (local public bureaucrats) in local land use planning in Tamale and Techiman Ghana. The aim is to explore from a co-production and a hybridity perspective, the negotiations and interactions that shape the processes of integrating customary and statutory land delivery in peri-urban Ghana.

Within this broad analytical prism, the chapter presents the processes, strategies, and practical norms underpinning the interactions between chiefs and public bureaucrats in local planning. The specific research question of how interactions between government authorities and customary land custodians are structured and what factors stimulate and sustain their engagements is answered in this chapter. The information for this chapter was obtained from the data collection methods outlined in section 7.3 and analysed using thematic analysis. Land delivery as used in this chapter refers to all the processes leading to the conversion of customary lands in peri-urban areas into surveyed, planned, and subdivided parcels in suitable sizes for residential and other urban uses based on commodity relations.

8.1 Initiating the preparation of Local Plans: Processes and motivations

As the primary source of land for housing the growing urban population, customary lands in peri-urban areas in Tamale and Techiman are under intense pressure of land use conversion and commodification. This necessitates the preparation of Local Plans (detailed land use plans where individual plots/parcels and their uses are clearly defined for purposes of sub-division) for such areas through the collaboration of traditional authorities and local government actors. In this section, I present empirical cases of Local Plan preparation and land sub-division in four peri-urban communities (anonymised as study sites A, B, C, and D) in Tamale and Techiman and investigate how and under what conditions, chiefs and public bureaucrats engage each other in peri-urban land delivery. It is worth emphasising that the sites earmarked for the preparation of the local plans were largely vacant lands and farmlands as shown in Figures 8.1 to 8.3.



Figure 8.1: The Local Plan site for study site D, Techiman
Source: Author's own



Figure 8.2: Site earmarked for the Local Plan for study site C, Techiman
Source: Author's own



Figure 8.3: Local Plan site, Tamale

Source: Author's own

Plan Initiation in Tamale

In Tamale, the processes leading to the preparation of the Local Plans were similar for both study sites with traditional authorities and the Town and Country Planning Department as key actors. In study site A, a rapidly growing peri-urban community within 7km of the Central Business District of Tamale, the initial decision to develop a Local Plan and convert farm/unoccupied lands into urban uses was conceived in 2008. This was a conscious decision initiated by some elders and the secretary to the chief, which was reluctantly approved by the then village chief⁴. The secretary explained the reason for the then chief's reluctance:

My father [the then chief] used to give out land free in this community. If anyone comes with kola nuts to ask for the land, he gives it out. Initially, he did not like the idea of planning, surveying and selling land because he felt his subjects did not have money to buy plots when the land is planned. However, later, the elders and we his children persuaded him to prepare a plan, because the way houses were being built was not nice at all. These days Tamale is growing and people need land. When the land is planned, people will come to build nice houses because they know that they can easily register their land without problems. Also, when we need roads

⁴ As of November 2015, when field data was being gathered for this research, the chief of Site A had passed on and no successor had been enskinned yet.

and pipe lines for water, the government agencies can come and provide them. (In-depth interview, Chief's Secretary, Tamale, 20.11.2015)

This commentary from the chief's secretary suggests that the decision for the preparation of a Local Plan was instigated largely by increasing demand for land for residential and commercial use and to some extent, by an attempt to ensure orderly settlement development and to facilitate the provision of basic services. Due to its good accessibility and proximity to the Tamale metropolis, study site A has an active land market, which motivates traditional authorities in charge of land administration to allocate hitherto farmlands for urban uses. Although the initial decision to prepare a Local Plan for site A was conceived in 2008, it was only in 2014 that the Town and Country Planning Department (renamed the Physical Planning Department) of the Tamale Metropolitan Assembly (TAMA) was approached by the secretary to the chief to prepare a Local Plan for a section of the village land. The request for the preparation of the Local Plan was co-signed by the divisional chief with oversight responsibility for land administration in the study site. This marked the commencement of interactions between land administration technocrats of the formal land sector agencies and the land-owning chiefs in local planning and land delivery.

Unlike study site A where the main motivation for the development of a Local Plan was due to increasing demand for land for housing and commercial uses, study site B (a small peri-urban community within 10km of the CBD of Tamale) had a different history regarding the development of Local Plans and land use conversion. The chief of the community reported his experiences with past attempts at Local Plan preparation:

Sometime in the past, we tried to plan this place and get community members to agree but they resisted. In planning and surveying a particular place, if the plan proposes that a road is put at where there is an existing house, it means that people in that house have to move to a different place and the community members did not want that. Recently in 2010 however, we needed electricity to be extended to the community, but the government institution responsible to give us the electricity insisted that if the community is not planned, they could not provide the electricity. As a result, the community members reasoned with us and saw the need for planning and demarcating the land. So, the village as of now has been planned and we know where there are roads, schools, cemetery, hospitals, and others. (In-depth interview, Village Chief, Tamale, 21.11.2015)

Therefore, distinct from the case of site A where the village chief was persuaded by his secretary and elders to develop a Local Plan, in site B, the need for electricity and its resultant requirements for adherence to statutory regulations precipitated the development of a Local Plan. In line with common practice in the Metropolis, the village chief formally initiated the plan preparation process with the concurrence of his divisional chief. A formal letter requesting the services of the TCPD to develop a Local Plan for some sections of the community land was then submitted to the head of the TCPD. A staff of the TCPD explained why chiefs but not the TCPD were the lead initiators in the preparation of local land use plans.

Planners are just land managers, we are not land owners. The chief is the custodian of the land. Therefore, we cannot plan an area of land without the consent and involvement of the custodian chief. So usually, the chiefs have to write formally to us requesting our services to prepare a Local Plan. If they do not demand our services, we do not go to the community to plan. (In-depth interview, Planner, Tamale, 08.09.2015)

These dual but interrelated mandates of who owns the land, and who takes decisions on the use to which the land should be put, create a hybrid and interdependent system of land administration where both statutory and traditional institutions co-exist and interact at various levels in Tamale.

Initiating the preparation of Local Plans in Techiman

Prior to 1995, most lands in the Techiman municipality were largely allocated on *ad hoc*, small, and piecemeal basis by chiefs to prospective developers. Such lands were neither planned nor surveyed before allocation. The practice of surveying, planning and sub-dividing acreages of land prior to allocation is, however, gaining momentum in recent time in view of the pressures of urbanisation and the resultant increase in land values particularly in urban and peri-urban areas.

In the two study sites in Techiman, the processes of local planning commenced in 2014 and took somewhat distinct forms from that of Tamale. Because the Omanhene (paramount chief) holds the allodial title to all land, the chiefs of the study sites had to request the Omanhene's approval through the Customary Lands Secretariat (CLS) prior to the commencement of the preparation of a Local Plan for their respective communities. Upon the receipt of the Omanhene's approval, the chief of study site C sent a request to the Statutory Planning Committee (SPC), requesting the services of the TCPD of the Techiman Municipal Assembly (TMA) to prepare a Local Plan for his Community. Just like Tamale, a planner in the TMA justified why chiefs are the appropriate actors to initiate the preparation of Local Plans for stool lands:

Planners are not landowners. We are just government workers. Therefore, I cannot go and tell the chief that I am coming to do a planning scheme for his area and I cannot compel the chief to do it. The owners of the stool lands must initiate the process. (In-depth interview, Planner, Techiman, 04.08.2016)

In study site D however, a private planning consultant was engaged to develop the Local Plan, which was later approved by the SPC. The divisional chief explained:

I engaged a private planner to do my Local Plan because when you give your land to the TCPD to plan, it takes long before you get it. When the private planner prepared the plan, it was reviewed by the TCPD to match with the conventions in our municipality and later approved by the SPC. (In-depth interview, Divisional chief, Techiman, 04.08.2016)

The impetuses for the development of Local Plans for stool lands as stated by chiefs in Techiman included facilitating the provision of basic social/infrastructural services such as electricity, roads, water and public spaces; facilitating formal documentation of land transactions; allowing for easy plot

boundary identification; bringing development to the community; and ensuring orderliness in land development. A chief of one of the study sites explained the motive for preparing a plan for his land:

...The plan makes the town look beautiful and orderly. Because of the plan, no one can do things haphazardly or without authorization. Anyone who comes after me knows the area Nana [chief] earmarked for a school, community centre, market, roads, and commercial uses, among others. So, if anyone needs land for a particular purpose, the appropriate section will be allocated. For me, planning is very good for the development of the community. We want the community to expand, look fine and neat. (In-depth interview, Village Chief, Techiman, 27.10.2015)

It is worth emphasising that beyond these stated motivations for the development of Local Plans that appeared to be in the public interest, some implicit personal motives can be associated with the increasing desire by chiefs to plan, survey and subdivide stool/skin lands for urban uses. Various interactions with custodian chiefs in both Tamale and Techiman suggest that an inherent motive for the development of Local Plans is to get higher land values and to facilitate the selling of lands to prospective developers. Therefore, much as chiefs may seem to attempt to be facilitating orderly development and observing planning regulations by initiating the preparation of Local Plans, it is also the case that they are much more enthused by the immediate personal gains that they derive from land allocations. Besides the fact that areas with Local Plans have higher land values compared to those without, many custodian chiefs also believe that many land seekers prefer lands that have been formally planned. This belief, coupled with the myriad sensitisation programmes on the relevance of land use planning and documentation of land transactions under the multi-donor supported Land Administration Project, have made chiefs to come to a realisation that allocating land without first developing a Local Plan is not profitable. Thus, chiefs have no better alternative but to resort to land administration technocrats of the formal land sector agencies for land surveying and planning services to convert stool lands put to agricultural uses into urban uses.

Beyond revealing the motivations for the initiation of Local Plans, the evidence from the processes of plan initiation in Tamale and Techiman presented earlier also point to an integration of traditional and formal authorities in local planning in these towns. This creates a pragmatic mixture of formal land sector institutions and traditional institutions in urban land delivery, which in turn results in a hybrid land governance arrangement. Whilst Local planning authorities acknowledge that they cannot solely undertake local planning without collaborating with traditional authorities who are both customarily and constitutionally recognised custodians of the land, the chiefs, in turn, acknowledge their dependence on public land administration technocrats who have the technical expertise, authority, and legitimacy to prepare Local Plans. A Director of the TCPD in the following words aptly expressed this interdependence between traditional authorities and public bureaucrats: “we planners cannot plan an area without the chief’s involvement and the chief cannot develop a plan by himself without the town planner. He does not have the technical expertise to do that.” (In-depth interview, Planner, Tamale, 07.09.2015)

Linked to national land policies, it can also be argued that the inclusion of traditional authorities in the processes of local land use planning and land delivery in the study sites stems primarily from the dual land management system enshrined in the 1992 constitution of Ghana. While guaranteeing the powers of chiefs as custodians of stool/skin lands in Article 36 (8) on the one hand, the constitution in Article 267 (3) on the other hand empowers local government authorities and formal land sector agencies with the authority to take decisions over land use and management. Consequently, Metropolitan, Municipal, and District Assemblies (MMDAs) have been designated as local planning authorities in the local Governance Act, 2016, Act 936 (formerly the Local Government Act, 1993, Act 462) who must approve of every Local Plan prepared in their various jurisdictions. Because of this constitutionally induced interdependence, traditional leaders entrusted as custodians of customary lands take the initiative to collaborate with public servants in formal land sector agencies for the preparation of Local Plans (popularly called layout plans or planning schemes) for rapidly developing peri-urban areas. This resonates with arguments by Brandsen & Honingh (2015) and Albrechts (2013) that for some public services, co-production is an inherent or immanent characteristic and therefore, not a matter of choice due to interdependent relations among actors. These forms of interdependence create a hybrid system where each actor needs the services of the other to achieve their individual and collective interests. Booher & Innes (2002) have drawn similar conclusions, positing that when participants in a collaborative engagement each have something to offer that others want and needs something others can offer, a form of interdependence based on self-interest and reciprocity emerges and serves as a source of energy that fuels network power. The activities and actions of chiefs and public bureaucrats in such hybrid processes of delivering land to the market thus transform the traditional processes of customary land delivery into neo-customary practices through the development of Local Plans, which introduces external principles into customary land tenure.

8.2 Designing and approving Local Plans: Community versus private interests

The interactions between chiefs and land administration technocrats in the study sites extend beyond the plan initiation stage, to the stage of plan design. In almost all the study sites (except site D), following the receipt of the request letters for the development of Local Plans by the TCPD, the design of the Local Plan commenced with the preparation of a Base Map, which is a prerequisite for the preparation of a Local Plan. The Base Map picks existing features and boundaries of the land to be planned. The chiefs engaged the private services of surveyors from the Survey and Mapping Division (SMD) of the Lands Commission to prepare the Base Maps. Worth noting is the fact that the costs of the Base Maps and the Local Plan preparation were paid for by the chiefs.

In the case of study sites A and B in Tamale, planners of the TCPD designed the Local Plan largely in collaboration with the chiefs, with minimal community involvement. Except for preliminary field visits to meet with the chiefs and their elders to explain the processes of Local Plan preparation to them, and to in turn be informed of the boundaries of the land to be planned, and the traditional places of importance, the planners had no or very limited interactions with community members. Users of the land were not

involved in the decisions on which uses to put the land to. They were only invited to a meeting and informed about the Local Plan as a fait accompli. A community member remarked:

Our involvement was that the chief invited all landlords to a meeting to inform us about his decision to prepare a plan for the community and convert the lands into urban uses. He told us that the plan would help everybody to know his boundaries. Not everybody was at that meeting. After that, some people came around with the chief's son and some elders to do the plan and show us the boundaries of our land. (In-depth Interview, Indigene 10, study Site A, Tamale, 31.10.2015)

A chief's representative justified the limited involvement of local residents as follows:

We do not involve farmers and other community members in the negotiations leading to the development of a Local Plan. It is only the chief and some elders who collaborate with the planners to prepare the plan. Farmers do not have a say in the planning process because apart from the kola nuts the chief took before allocating them the land, nothing more was taken. We only asked them to go and farm. However, the land they farm on does not belong to them, so we do not need to involve them throughout the planning process. We just make them aware that development had caught up with their farmlands and we need to prepare a plan. (Group discussion with secretaries of chiefs and elders, Tamale, 17.10.2015)

Similarly, in site D, where the chief contracted the services of a private planning consultant instead of the TCPD to develop the Local Plan, community participation in the plan design process was absent. The divisional chief explained:

In preparing the Local Plan, you can't involve the whole community. The chief has absolute control over the land, and people respect that we are the owners of the land. So here, if you are doing the planning, this is technical, so the landowner, maybe with some few family members liaises with the TCPD. After the scheme has been prepared, we check to ensure that we have all the uses that we want inside the plan. The only provision we made is that, if we are sub-dividing and we reach where you are farming, then there is one-on-one consultation. (In-depth interview, Divisional Chief, Techiman, 26.10.2015)

Except in study site C in Techiman where the draft design of the Local Plan was presented to the community at a public forum for discussion, in the other three sites, the contracted planners presented the draft designs to the chiefs and their representatives for inputs and later forwarded to the Technical Planning Committee (TPC) for review. A planner remarked:

Before presenting the draft design of the Local Plan to the Technical committee we will first go and show the design to the chief and his elders for a discussion ... If the chief has any land use that is not incorporated in the draft design, then he will propose it. In addition, if he wants other changes to the dimensions of certain land uses he will indicate them and we incorporate the changes. Following his inputs, we will accordingly amend the design and present it to the TPC to make suggestions and necessary corrections, after which, we will take it to the Statutory Planning Committee for approval. (In-depth interview, Planner, Techiman, 25.07.2016)

The extract above reveals that planners of the TCPD, chiefs, elders, and members of the royal families are the principal actors who take key decisions on the design of the Local Plan. Community members have no authority over which specific land uses to include in the Local Plan and what sizes they take. This raises the question of how responsive the Local Plans produced by the TCPD are to local needs and interests of peri-urban residents. Whilst planning is supposed to be participatory and protective of the public interest, it is the case that in the study sites, Local Plans were largely prepared to meet the interests of traditional authorities. This is in contravention of the guidelines for the preparation of Local Plans (Ministry of Environment, Science and Technology (MEST), 2011) under the new spatial planning model, instituted by the Land Use and Spatial Planning Act, 2016 (Act 925). The guidelines require that at least three stakeholder consultations/public hearings should be organised on the Local Plan to ensure the active participation of all key stakeholders (including land users and community members in the plan area). This directive was however not complied with in the study sites except in site C. Consultations were limited to traditional authorities and public land administration bureaucrats who contributed financial and technical resources respectively.

The design of the Local Plans prepared for all the study sites largely followed a grid pattern reflecting western-inspired medium density neighbourhoods with bigger plot sizes for detached housing development. Over 60% of the planned lands were defined for residential development with each residential plot having an average size of about 0.23 acres (100ft x 100ft), which is about 930 square metres. The Local Plan for site A covered a total skin land area of 506.40 acres (2,049,328.09 square metres). It delineated up to 1,000 parcels/plots of land, distributed over various land uses covering residential, commercial, educational, and open spaces among others. The plan was categorised into three Blocks of A, B, and C comprising about 300 parcels in Block A, 417 parcels in Block B, and 356 parcels in Block C (see Figure 8.3). The Statutory Planning Committee (renamed the District Spatial Planning committee under the Act 925) of the TAMA approved the plan in 2015 and all the sub-divided parcels of land as of July 2016 had been allocated to prospective land purchasers.

In site B, the Local plan covered an estimated land area of 653.6 acres (2,645,025.4 square metres) divided into four blocks of A, B, C, and D (see Figure 8.4 for an extract of the Local Plan). There were 428 plots in Block A, 312 plots in Block B, and 300 plots in Block C and up to 158 plots in Block D covering various land uses. Although the SPC approved the Local Plan for Site B in 2013, not all demarcated parcels had been allocated as of the second phase of fieldwork (August, 2016). All parcels zoned for residential use in Blocks A, C, and D had been acquired, but some parts of Block B were reserved for future emergencies such as financial difficulty and for other important future needs. Table 8.1 shows the land use mix of the local plans developed for sites A and B in Tamale whilst Figures 8.3 and 8.4 show extracts of the local plans for sites A and B respectively.

Table 8.1: Land use inventory of the Local Plans for study sites A and B in Tamale

Use	Site A		Site B	
	Acreage	%	Acreage	%
Residential	307.3	60.7	389.1	65.8
Commercial/Industrial	58.8	11.6	33.8	5.7
Public uses	39.2	7.7	50.9	8.6
Roads (Circulation)	101.1	20	117.9	19.9
Buffer			61.9	
Total	506.4	100	653.6	100

Source: Author's own

The design of the Local Plans for study sites C and D in Techiman followed a similar layout as those of sites A and B in Tamale. The Local Plan for site C (see Figure 8.5) covered a land area of 497.3 acres (2,012,501.7 square metres) subdivided into 831 parcels of land and grouped into Blocks A (312 parcels), B (233 parcels) and C (286 parcels). Due to the huge cost involved in sub-dividing all the plots contained in the plan, the sub-division was done in batches according to blocks. This was also to prevent the piecemeal development of neighbourhoods. As of August 2016, only a few sections of Blocks A and B had been sub-divided for allocation to prospective land seekers. In the case of site D, the Local Plan covered about 604.2 acres of land (2,012,501.7 square metres) and sub-divided into 1,548 plots of land classified into Blocks of A-H (see Figure 8.6). The sub-division of land into individual parcels was ongoing as of August 2016. Table 8.2 shows the distribution of land uses in the local plans for sites C and D.

Table 8.2: Land use inventory of the Local Plans for study sites C and D in Techiman

Use	Site C		Site D	
	Acreage	%	Acreage	%
Residential	294.9	63	403	66.7
Commercial/Industrial	13.5	2.9	31.4	5.2
Public uses	60.2	12.9	52.6	8.7
Roads (Circulation)	99.5	21.3	117.2	19.4
Buffer	29.2			
Total	497.3	100	604.2	100

Source: Author's own

The dominance of residential land use in the Local Plans for all the study sites reveals the motives behind the preparation of Local Plans by chiefs. Their collaboration with public bureaucrats in preparing Local Plans was principally aimed at facilitating the opening up of peri-urban customary lands to the market, rather than meeting the needs of their subjects. Since peri-urban residential lands are in high demand, zoning a larger proportion of stool/skin lands into residential uses makes it easier for chiefs to sub-divide such lands into readily marketable commodities for prospective purchasers. The result of such negotiated land use planning is the replacement of agricultural land use by residential land uses resulting in the displacement of peri-urban farmers. It can thus be concluded from the designs of the Local Plans for all the study sites that the Plans do not serve the interests of the communities since they

sacrifice the livelihood needs of indigenes in the study sites for the private interests of traditional land custodians.

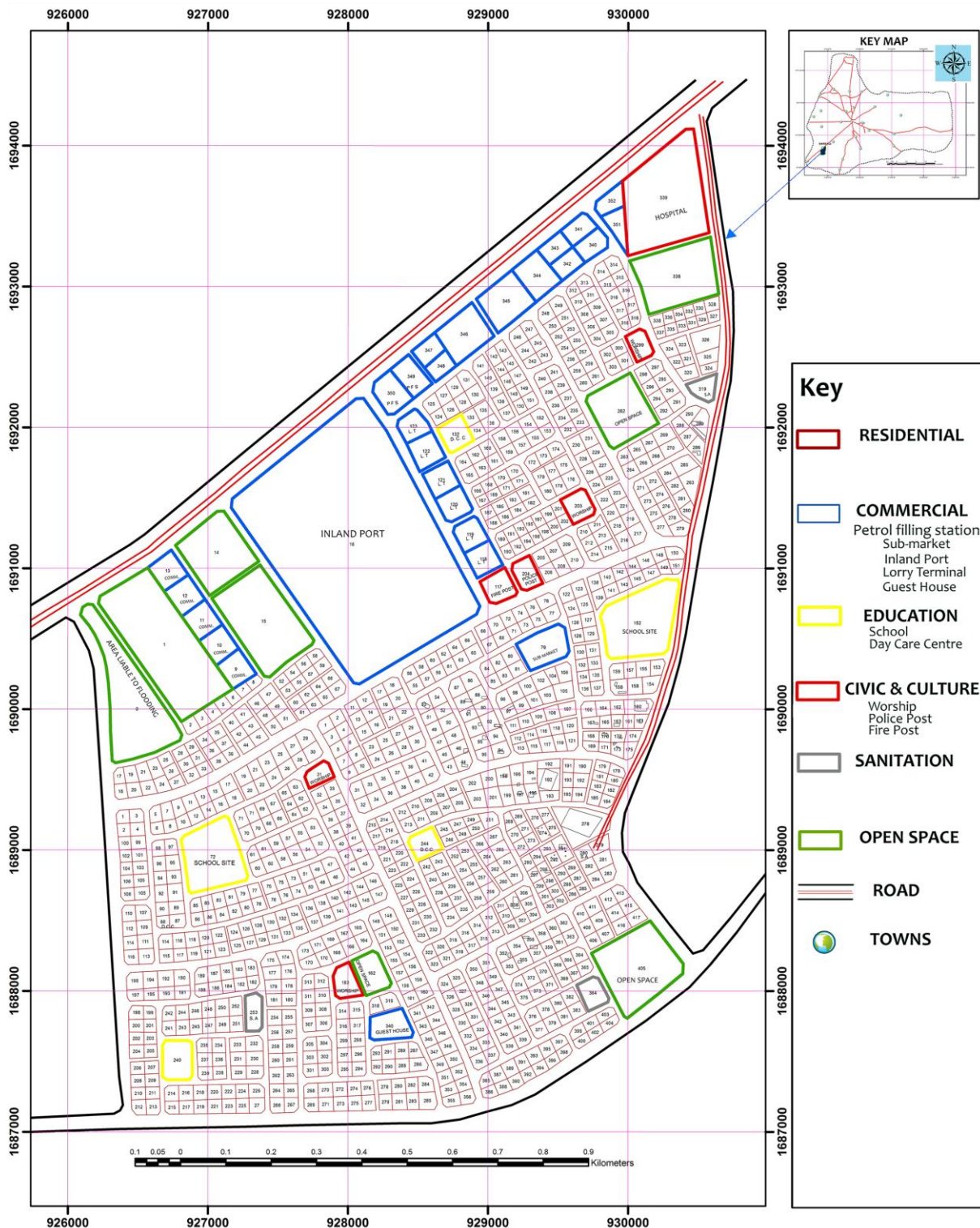


Figure 8.3 is an extract of the local plan developed by the TCPD for the chief of site A in Tamale. It is the output of the collaborative activities between the officials of the government land agencies and the traditional authorities in the study site.

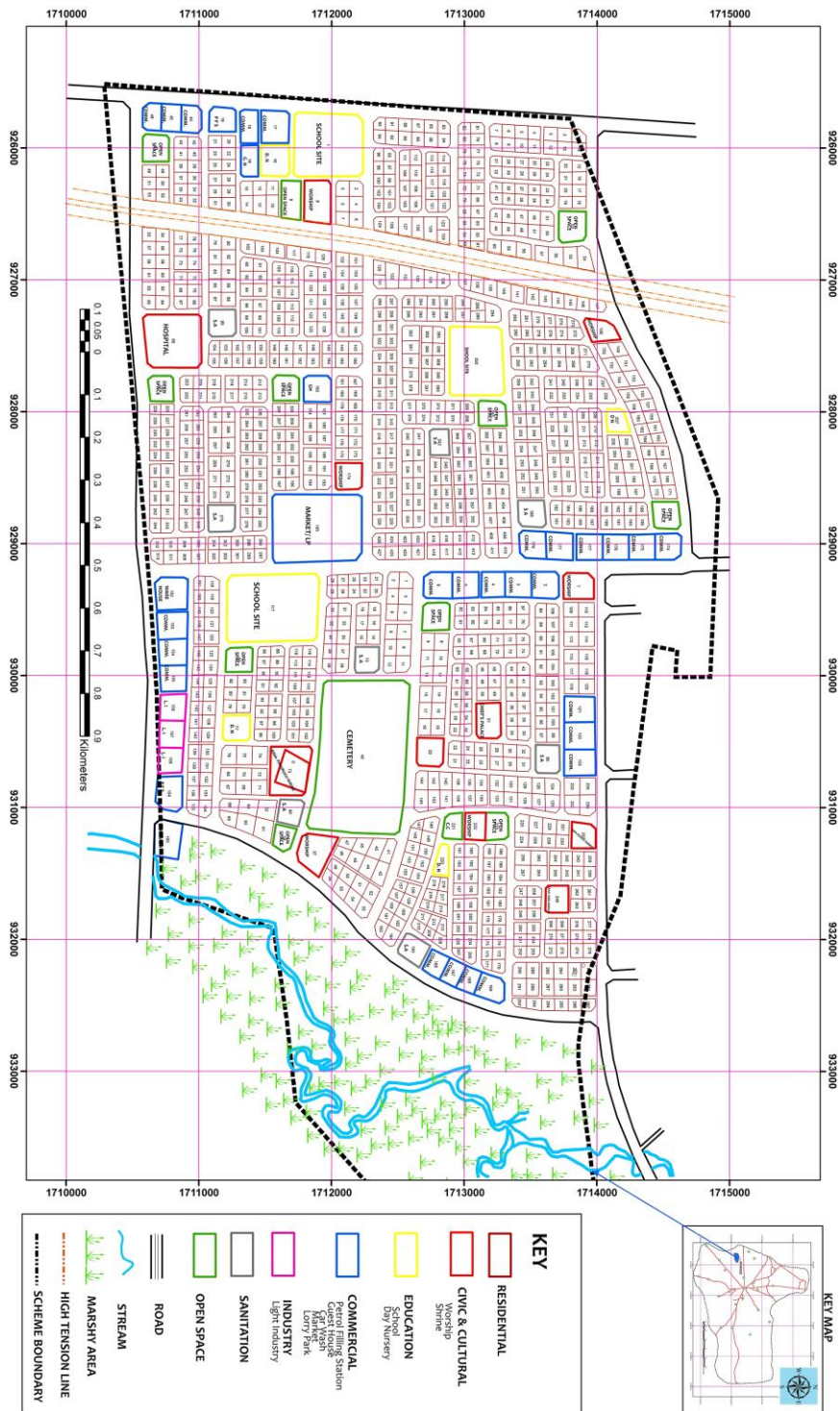


Figure 8.6: Extract of Local Plan for site B (Adapted)
Source: TCPD, Plan No.: TCP/NR/SoDA/LP/NYAR-EXT./SEC 1/13/2

This figure shows the land sub-divisions following the conversion of uncultivated and farm lands into urban uses in study site B. Over 60 percent of the land was earmarked for residential development.

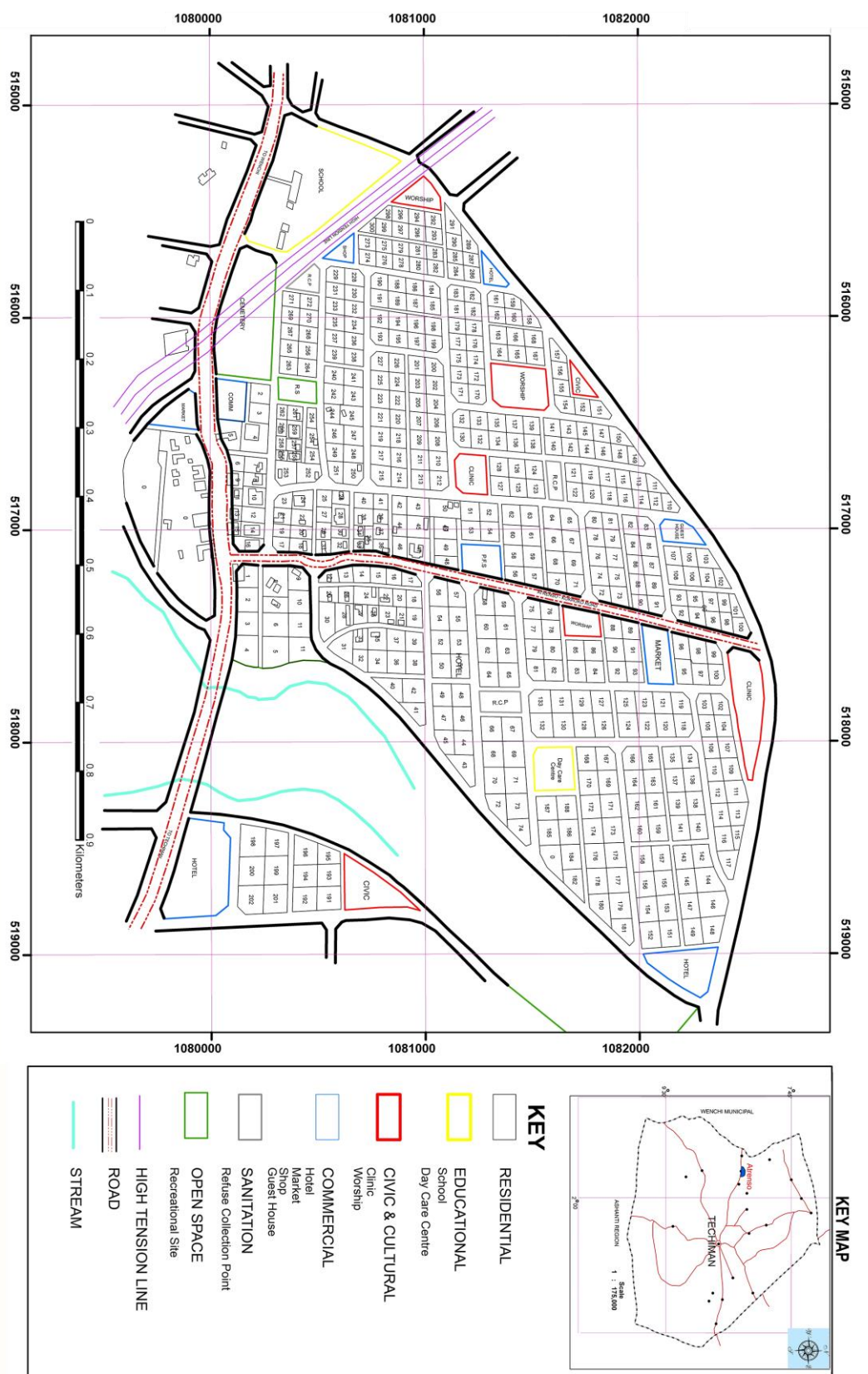


Figure 8.7: Extract of Local Plan for site C (Adapted)

Source: TCPD, Techiman Municipal, Sector 1: 2016

Figure 8.5 shows the planned uses to which the converted farm lands in study site C were put to. About 12 percent of the land was reserved for public uses and 63 percent designated for residential uses.

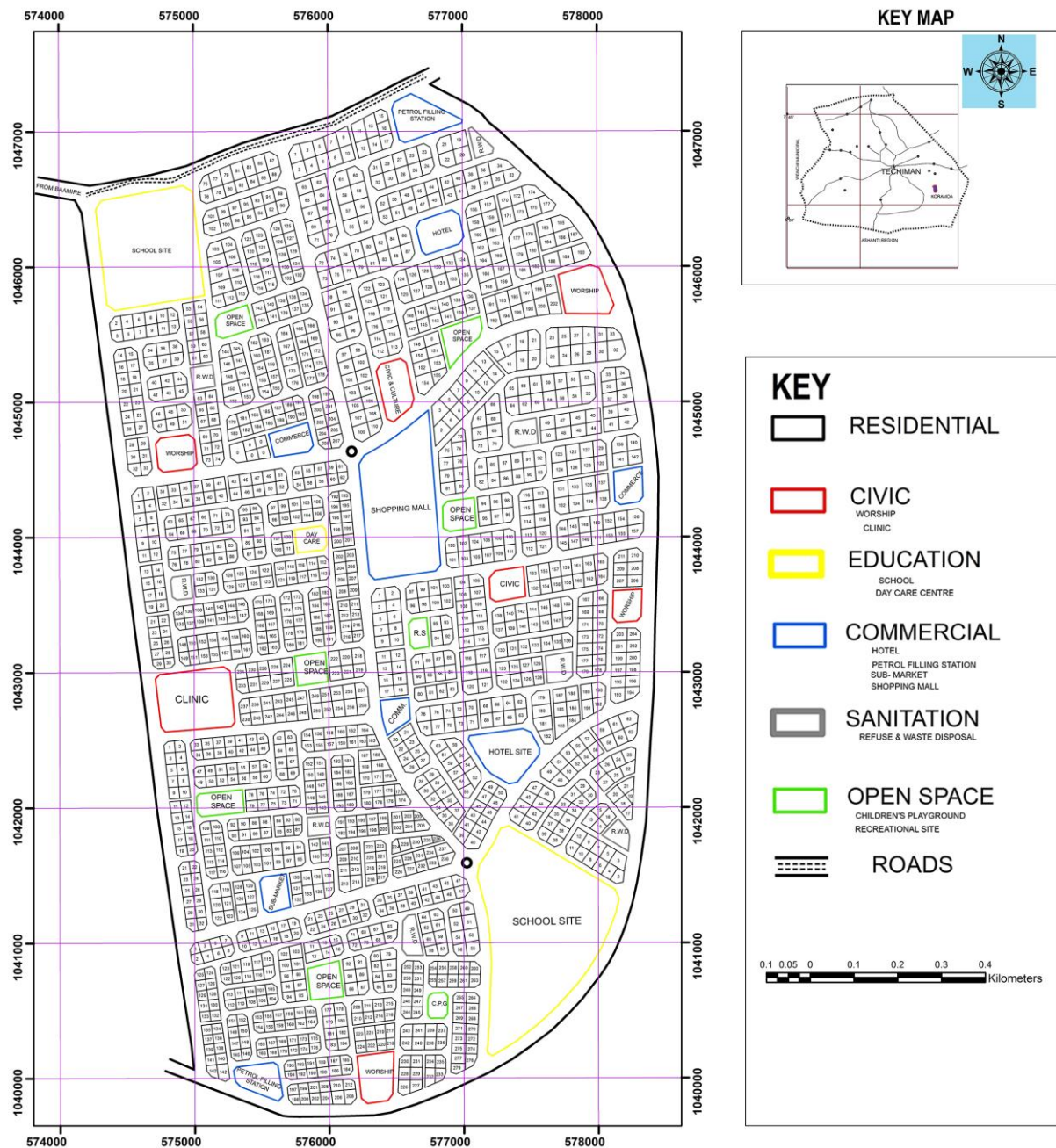


Figure 8.8: Extract of Local Plan for site D (Adapted)
Source: TCPD, Techiman Municipal, Sector 15: 2015

Figure 8.6 is the result of the hybrid land delivery practices in study site D in Techiman. It shows the various sub-divisions and land uses delineated in the Local Plan. Residential land uses constitute the major land use.

8.3 Surveying and sub-dividing land parcels: strategic alliances and practical norms

In surveying and sub-dividing peri-urban customary lands for urban development, various formal/informal/extra-legal interactions, negotiations, agreements, and practical norms take place between traditional authorities and land administration technocrats, blurring the boundaries between formal and traditional processes/principles of land administration. In all the study sites, following the approval of the Local Plans by the Statutory Planning Committees of the TAMA and the TMA, copies of the plans were handed over to the financiers (the chiefs) to commence sub-division into pillared parcels for allocation. A number of practical strategies and agreements were employed by the chiefs to finance the costs of services rendered by the contracted land technocrats for both the planning and sub-division of the land.

Tamale

In study site A in Tamale, negotiated cash payments of GHS2,500.00 (€581.40)⁵ and GHS1,500.00 (€348.84) were paid by the village chief to the contracted surveyors and planners who prepared the Base Map and the Local Plan respectively. The chief also paid additional monies to the contracted planners and surveyors for subsequent field visits. Since the TAMA lacked the financial capacity to spearhead the plan preparation, this payment had to be made by the chief to cater for materials, fuel, labour and other equipment required for the preparation of the Base Map and the Local Plan. In addition, surveyors of the Survey and Mapping Division were privately contracted by the Chief's secretary to sub-divide the land into individual plots and install boundary beacons/survey pillars (See Figures 8.8 and 8.9). A fee of 10% of the total plots of land sub-divided and demarcated with pillars was charged by the surveyors. This was because the chief could not afford to make a cash payment for the sub-division services, as they were considered too high. Plots of land were therefore allocated in lieu of cash payment. This means that, out of the about 1,073 plots surveyed and sub-divided in site A, 10 percent were used to defray the cost of sub-dividing/pillaring the land. Agreements were also reached based on negotiations between the chief's secretary and planners of the TCPD for some payments for the Local Plan to be made in kind using plots of land. In fulfilling those agreements, about 30 plots of land were allocated to the planners who prepared the Local Plan. It is worth emphasising however that these cash and in-kind payments were private and unofficial arrangements made between the chief's secretary and the land administration bureaucrats of the statutory land sector agencies.

The payment strategies for the Local Plan prepared for site B in Tamale were similar to those for site A except for differences in the amounts paid. When the village chief was asked about the costs he incurred in getting his area planned, sub-divided and surveyed, he exclaimed:

⁵ Note: €1.00= GHS4.30 as at September 15, 2015



Figure 8.9: Survey beacons installed to demarcate plot boundaries in Tamale



Figure 8.10: Survey beacons (concrete pillars) installed to demarcate plot boundaries in Techiman
Source: Author's own

It is expensive! It cost me a lot of money! The surveyors and planners said these days they use computers to do their work and so is expensive. For the initial surveying and base map, I was charged GHS20,000.00 (€4,651.16) but we negotiated and I paid GHS9,000.00 (€2,093.02). They said the paid amount was going to be used to buy paper and other equipment to prepare the Base Map. After that, the Town and Country Planning people came to do their drawing. With them, they charged us GH¢5000.00 (€1,162.79) initially and negotiated that we give them a number of plots after the demarcation. After them were the surveyors from the Lands Commission. They did not demand money, but plots of land. They told us that if they come to demarcate the land, the number of plots that were to be demarcated would determine how many plots we should give to them. Out of every 10 plots, they took one. Therefore, for every 100 plots sub-divided and pillared, they took 10. I also gave nine plots to the planners in the TCPD. (In-depth interview, Village Chief, Tamale, 21.11.2015)

The evidence presented on the negotiations and payment strategies for the preparation of the Local Plans and the land sub-division from the two study sites suggests that the giving out of plots of land by traditional authorities in lieu of cash payments for professional planning and surveying services has become a practical norm that is somewhat institutionalized in Tamale. Various interviews with key informants and other traditional authorities outside the study communities confirmed this norm and attributed it to the inability of chiefs to raise cash upfront to cover the costs of local planning services. Surveyors of the SMD and Planners of the TCPD alike acknowledged and justified the emergence and persistence of the practical norm of using plots of land as payments.

The SMD has an official scale of fees that have been approved by parliament for execution of the base map, for demarcation and for setting boundaries. Nevertheless, what mostly happens in practice is that some of the chiefs do not have money but want Local Plans to be prepared. So, they have actually come up with this 1/10th formula to cover the costs of land demarcation where the surveyor goes there with his own equipment and his own resources, to execute the scheme and at the end, out of every ten plots he demarcates, he picks one as being the cost of the demarcation. If you look at it, in a practical sense, because the land values in Tamale are still low, chiefs benefit because such in-kind payments could be far lower than what the surveyor would have charged. That kind of a thing will not be practiced where land values are high. So yes, that practical arrangement for in-kind payments using plots of land is there but it is not official, it is not a formal arrangement. It is an internal arrangement between the land owner and the private surveyor who is doing it. (In-depth interview, Senior Surveyor, SMD, Tamale, 08.08.2016)

In preparing the Local Plan, we need materials and because the Department does not have the material, we request for mobilisation from the chiefs to get the materials depending on the volume of work. But we negotiate and get into an agreement with the chiefs so that when we finish the plan and the plots are sub-divided, we are given some few plots of land as appreciation. (In-depth interview, Planner, Tamale, 23.09.2015)

Notwithstanding the seeming institutionalisation of in-kind payments of plots of land for professional land use planning and surveying services rendered in Tamale, the practice is not without controversy. This is because the land administration technocrats sometimes dictate the particular plots to be given as payment to them. Traditional authorities complained that the surveyors usually select plots of land that have higher demand in prime locations. Examples of prime locations mostly preferred by the technocrats include plots of land in close proximity to access roads, social services, and infrastructure and those with good drainage and a flat terrain. A secretary to a divisional chief disclosed:

In planning, we have prime areas where the 'kola money' is very high and the technocrats often target these areas and demand plots of land as payment. Nevertheless, in such areas, I am not ready to give 10 plots out of every 100 plots demarcated to them. Therefore, we ask them to charge us and take money. This sometimes brings disagreements. (Group discussion with secretaries of chiefs and elders, Tamale, 17.10.2015)

Techiman

The negotiations and payment modalities for the costs of planning and surveying of peri-urban lands in the two study sites in Techiman differed from each other and from study sites A and B in Tamale. In study site C in Techiman, the village chief narrated the discussions and negotiations leading to the Local Plan preparation and land sub-division and the associated costs:

I went to the Town Planning Office and informed the head that I want to plan my town... He had the right surveyor for me to prepare the Base Map. Then we met and discussed everything. In fact, I incurred some costs. ... Hmmm, as for chiefs, we do not normally mention money, so I will say I gave him [the surveyor] "nsa" (drinks) worth GHS 6,000.00 [€1,395.35] to do the base map. Then after the plan was prepared, came the cost of the demarcation. It is practically difficult to say how much it cost me so far to do the plan and the pillaring, because any time the TCPD people came to work on the land, I took care of their transport cost, feeding, and 'pocket money'. I also gave them some plots of land when they finished the pillaring. I cannot tell how many times they came but anytime they came, I spend on them. (In-depth interview, Village Chief, Techiman, 27.10.2015)

Whilst the sub-division of plots into individual parcels in site C was done by contracted surveyors with the assistance of some staff of the TCPD and members of the Land Allocation Committee that was set up to manage the plan, in the case of Study site D in Techiman, the chief employed a different strategy. To cover the cost of surveying and sub-division, the chief decided to sublet a portion of the land zoned in the plan to private developers for sub-division. He explained:

I have given some section of the planned land to a private real estate developer and I am implementing the scheme with them. They went and cleared the land, and constructed some of the access roads and did some small pillaring and about 50 plots have been demarcated. The real estate people are taking the cost of the demarcation, servicing the plots, extension of

electricity, and the opening up of roads. I am taking a fixed sum per plot from them. If they are able to get anything above it, it is theirs. Periodically they come and pay what is due my stool. Because of that, I am free from all the hurdles associated with privately engaging surveyors from the SMD. (In-depth interview, Divisional Chief, Techiman, 04.08.2016)

Although the empirical evidence from the study sites in Techiman did not highlight the 1/10th practical payment arrangement, it did reveal the making of cash payments to land administration technocrats to prepare a Local Plan. Interviews with key informants revealed that some chiefs in Techiman who find it difficult to mobilise other strategies to pay for the costs of professional planning and surveying services also adopt in-kind payments using plots of land. Site D, however, presented a novelty in peri-urban land delivery in Techiman with the introduction of a private developer as an intermediary between the land owning chief and the formal land sector agencies. This creates a complex system of land delivery where integrating customary and statutory tenure extend beyond state and traditional authorities to for-profit entities.

The nature of interactions and material exchanges between the traditional authorities and the land administration technocrats in the study sites highlight the kinds of co-productive activities and interests that exist in hybrid land management systems. The various consultations, negotiations, and payments for traditional public services such as planning and surveying by non-state actors (traditional chiefs) due to weak institutional capacities of local government authorities demonstrate the usefulness of hybridity to public services delivery. In addition, the nature of engagements among the actors illustrates an intertwined and complex relationship between formal land sector agents, chiefs, and private estate developers. Within such intricate relationships, various unorthodox and negotiated arrangements emerge and flourish. Such arrangements constitute a form of ‘institutionalised co-production’ (Joshi & Moore, 2004) within a hybrid governance system where public bureaucrats (planners and surveyors) provide technical expertise and official legitimacy to the collaborative engagement whilst chiefs, in turn, provide material resources (both cash and plots of land) as payments for services rendered. The interface between formal and traditional (neo-customary) systems of land administration is thus characterised by reciprocal, interdependent, intricate, and opportunistic relationships.

A key concern that emanates from the insights from the chief-public-bureaucrat interactions, however, is why public land administration technocrats whose services are paid for by the government have to be paid privately by chiefs for public services rendered. Are public services being privatised? Whilst some surveyors argue that such services are done privately but not officially requested from the SMD, some planners attribute such charges to the weak institutional capacity of the TCPD. One such planner explained:

The TCPD is a service institution. We are not supposed to charge for our services because the government pays us. What we request for is material to prepare the plan. We do not get stationery these days. Therefore, when the chiefs come, we tell them our challenge and negotiate with them to give us some money to acquire the needed inputs to do the work. ...We

also enter into an agreement and they give us some plots of land when the plan is being implemented. Usually, they honour the agreement and show appreciation. Depending on the volume of work you give us, we charge you for the inputs that we will need to do the work. (In-depth interview, Planner, Techiman, 04.08.2016)

This extract reveals that the vacuities created by the rather weak local authorities have created an opportunity for some public servants to turn public land sector agencies into sites for private accumulation and for chiefs to enter into strategic alliances with public servants to convert peri-urban agricultural lands into urban uses. The negotiations and agreements between chiefs and land administration technocrats for both cash and in-kind (plots of land) payments for planning and surveying services shows that hybrid land governance arrangements can sometimes be clouded with personal motives and gains. This reflects very much the conception of Booher and Innes that in many instances of collaborative decision-making, participants are driven by self-interest and rational choice.

Stakeholders very rarely participate in collaborative efforts because they are selfless altruists or because they are searching for the common good. Participants become involved because they have learned their interests are interdependent in some way on the actions of others. ...In many cases, participants make rational, self-interested decisions to include a wide range of interests in their negotiations to ensure they get the knowledge, support, and legitimacy they need for a successful outcome. (Booher & Innes, 2002, p. 227)

8.4 Harmonising customary and statutory tenure: collaborative engagements in land delivery

The delivery of planned and sub-divided parcels of land to prospective developers in both Tamale and Techiman is characterised by hybrid and collaborative practices. In Techiman, following the completion of land sub-division/pillaring by the SMD or privately licensed surveyors, chiefs allocate land to prospective developers in collaboration with the TCPD and Plot Allocations Committees (only in Site C). The typical process of land allocation in both sites C and D commences with a prospective developer approaching the chief to ask for a piece of land for development. Guided by the Local Plan, a representative of the chief would conduct the prospective land purchaser around the land to make a choice of a preferred plot(s) of land. After selecting the preferred plot(s), negotiations on the price of the land are then made between the chief and the prospective land purchaser. Upon payment of what is referred to as the 'Drink money'⁶ to the chief, the prospective developer is issued an 'Allocation

⁶ Land in Ghana is by customary and statutory law not to be sold as it has three owners; the living, the dead and the unborn. Therefore, 'Drink money' (also called 'Kola money' in Northern Ghana) was a token sum traditionally paid to chiefs by prospective land seekers when allocated a plot of land. However, due to increased demand for land today, the 'drink money' is no longer a token sum but commensurate with the market value of land in peri-urban and urban areas. Although such monies in principle are supposed to be used for the development of the communities, in practice, they are mostly used privately.

Note/Chit”⁷, which contains the name of the stool, the name and signature/thumbprint/stamp of the grantor (the caretaker chief), and the grantee (prospective developer), the plot and block number and the conditions of the allocation.

The prospective developer then presents this ‘Allocation chit’ to the TCPD to obtain a ‘site plan’ (also known as a ‘land-use copy’). The TCPD checks to 1) ensure the allocated plot and prospective use conform to the Local Plan and 2) ascertain whether the caretaker chief has duly signed the allocation note or not before issuing the site plan to the prospective developer. Upon receipt of the site plan from the TCPD, the prospective developer takes it back to the grantor for approval, after which it is returned to the TCPD to be endorsed and recorded. Both the Allocation chit and site plan are then forwarded to the Omanahene through the Customary Lands Secretariat (CLS) for confirmation. The CLS then issues a document titled confirmation of allocation, which has the Omanhene’s seal to the grantee, subject to the payment of an endorsement fee of GHS300.00 (€69.77) to the CLS. This completes the customary land acquisitions process with traditional authorities in Techiman as of August 2016.

Analogous to the land delivery processes in Techiman, in Tamale, the acquisition of land by prospective developers following the completion of local planning and land sub-division starts with prospective developers approaching the village chief of the site of interest to negotiate and agree on the price of the land. After an agreement on the price of the land and the payment of the ‘kola money’, the village chief issues the prospective developer an Allocation Note and leads him to his divisional chief to confirm and endorse the allocation note at a fee. This means that, unlike in Techiman where the allocation note has to be sent to the Omanhene through the CLS together with an endorsed site plan from the TCPD, these actors did not play such functions in the traditional land acquisition process in the study sites in Tamale. The village and divisional chiefs and their representatives were the main actors in the customary land allocation processes. However, the endorsement of the Ya-Na (the overlord of Dagbon) and the formal land sector agencies is essential for the formalisation and documentation of various titles to land.

As in the case of Techiman, prospective land seekers in Tamale will usually have to approach the TCPD to obtain a site plan/land use copy of their allocated plots of land and present this together with a confirmation of allocation from the Overload (Ya-Na) if they want to register the allocated land with the formal land sector agencies. In both study towns, at a cost to the prospective developer, a site plan/cadastral that shows the geo-coordinates of the land is prepared by a licensed surveyor or the SMD in collaboration with the TCPD covering the allocated plot(s) of land. With these documents and an Indenture, the prospective developer may then commence the process of registering the land transaction (Deed) with the Land Registration Division of the regional Lands Commission for a leasehold interest if the developer so wishes to obtain formal recognition of his interest. With the lease

⁷ The Allocation Note /Chit mostly printed on an A-4 sized paper is a document that shows evidence of some land transaction and transfer having taken place between a chief/grantor and a grantee. It is the initial step towards acquiring full legal rights over land under customary tenure and the grantee will have to proceed to perfect his title by presenting the necessary documentation to register the land at the Lands Commission.

document, land purchasers may then approach the Town and Country Planning Department for a permit to develop the land. This fulfils both the traditional and statutory requirements for customary land acquisition for the study sites.

The requirements for the registration, formalisation, and documentation of various interests in customary land fall at the twilight between formal and traditional institutions. For instance, the request by authorities at the TCPD for Allocation notes/chits issued by chiefs prior to the issuance of site plans/land use copies; the requirement for a letter of confirmation from the Omanhene/Ya-Na by the LRD prior to registering leasehold interests; and the reciprocal request for official site plans from the TCPD by traditional authorities culminate in the blending of customary norms and statutory procedures of land acquisition. As a result, prospective land seekers make little distinction between statutory and customary institutions in land delivery in Ghana. This corroborates Goodfellow and Lindemann's (2013, p. 6) position that institutional hybridity occurs "when rules and procedures associated with the state merge in some way with those of other organisations". These forms of interactions and the resulting mutual institutional transformations that occur show the development of practical hybrids to reflect the dual land administration system in the country; the weak institutional capacities of the land sector agencies; and as well address the cumbersome bureaucratic practices around urban land management.

8.5: Implementing the Local Plan: Community impacts

A critical but ignored issue in the discourse promoting hybrid land administration systems relates to what outcomes emerge from the engagements between state and non-state actors in land administration. Evidence from various accounts given by the study participants show that the community only got marginal gains from such engagements.

The Local Plan in one way or the other is supposed to improve upon the living conditions of community members but sometimes we realise that the people are rather worse off after a local Plan is prepared. It is largely the chief and his family members who enjoy the benefits even though the chief is only holding the land in trust for the people. Chiefs are so powerful. (In-depth interview, Planner, Tamale, 23.09.2015)

In both sites C and D in Techiman, a locally instituted arrangement (based on a directive from the Omanhene) had been established whereby local land users (indigenes) whose farmlands were converted to other uses following the local plan were given one plot of land out of every four plots of land they farmed on, for their personal use. Farmers were permitted to continue farming on the land until a prospective developer commences development. Community members were also entitled to the plot of land on which they had built their houses at no additional cost to them. A divisional chief explained the local sharing formula:

Within the traditional hierarchy, when you are going to sub-divide the planned land you first consider your subjects, people who are farming there. The Techiman traditional council has come out with a policy that out of every four plots you demarcate, you give the person who is

farming on that land (if the farm is up to an acre/four plots) one plot. He will either build on it or sell it and enhance his living. However, sometimes we go and somebody has less than four plots or just one plot? How do we share that one plot? Therefore, if it is just one or two plots, we negotiate and the person pay some small money for it. Out of the remaining three plots, the divisional chief takes one for his own upkeep. At least I have to buy some clothes, 'paint' my sandals, and take care of my household expenses. Then one goes to the paramount chief for his upkeep and personal expenses. The other one goes to the royal/clan family. (In-depth interview, Divisional Chief, Techiman, 26.10.2015)

In study sites A and B in Tamale, however, there were no directives from the Ya-Na's paramountcy on the nature of compensation to farmers. Hence, no locally institutionalised compensation existed for community members. Their fate was dependent on how considerate their village/divisional chief was to their loss of farmlands following the Local Plan. In Study site A, following the allocation of land to the land administration technocrats to defray the costs of professional planning and surveying services, the planned land was shared as follows:

- The divisional chief who oversees the village chief and land administration in the study site allocated up to 45% of the remaining demarcated plots to himself and his superior chiefs including the Ya-Na.
- Community members who had been allocated land prior to the Local Plan and who had built houses, and were living in them were asked to pay GHS300.00 (€69.77) to the village chief before they could be issued Allocation notes covering the plots they had built on. These monies were their contributions towards defraying the cost of the Local Plan preparation. In Addition, they paid GH¢150 (€34.88) to the divisional chief of the area to sign and confirm the Allocation Note given by the village chief. However, people who had farmlands and were only farming on them but had not put any physical development on such lands were not allocated such lands as they were converted into urban uses. Even though community members were given the choice to acquire such lands at a reduced cost from the chief if they still wanted to have access to them, none of such people could afford to pay to keep those farmlands. However, they could continue to farm on such lands until a prospective developer commences development on them. An agitated indigene expressed the following concern following the conversion of his farmland into residential plots:

I am not happy with the way the Local Plan and land conversion was carried out. I have my farm where my livelihood and that of my dependants comes from, and then one day I went to the farm only to see pillars. That meant I had been sacked from my farmland like that. In some communities when farmlands are converted in to urban uses, the chief gives some plots to serve as a form of compensation but in this community, nothing was given. So we the farmers are at a disadvantage because most of us do not have farms anymore, so we are now unemployed. (In-depth interview, Indigene 8, study site A, 26.10.2015)

- Besides the plots already developed by community members, the village chief distributed the remaining plots among himself, his sub-chiefs, elders, and children. These plots were then subsequently leased out to prospective land purchasers.

In study site B, similar arrangements for implementing the Local Plan as in site A were adopted. However, unlike in Site A where community members were levied a fixed amount of money as a pre-requisite for Allocation Notes, in site B, community members who had built houses on their lands were asked to contribute according to their capacity towards the costs of installing survey pillars/boundary beacons. As a result, community members paid amounts ranging from GHS100.00-300.00 (€23.25-69.77) to the village chief. Indigenes whose buildings were affected by the implementation of the plan were asked to relocate to different areas in the community but farmers whose farmlands had been converted to urban uses did not receive any compensation. A resident of site B summarised the effects of the Local Plan in the following narrative:

I think the plan has both advantages and disadvantages to us. Look, the plan has helped us to build and leave spaces so that access roads can be constructed in the community for vehicles to pass in case of any danger. Because of the plan, we also have lights and can get pipelines for water, and others. However, it has affected some people negatively too. Proposed roads affected some people's houses and our farmlands have been taken away. Even those whose houses were affected by roads and other things are yet to know where they would be relocated, not to talk about farms. Here if the plan affects your farm, you do not get anything. (In-depth interview, Indigene 9, study site B, Tamale 20.10.2015)

Just like in site A, the remaining plots of land in the Local Plan in site B (besides the plots of land that were allocated to the contracted surveyors and planners) were shared between the divisional chief and the village chief according to a proportion decided upon by the divisional chief. The village chief, in turn, allocated some plots out of his share to his elders while the divisional chief gave (at his discretion) some plots to the Ya-Na, the Overlord (the ultimate/overhead ruler of Dagbon traditional kingdom). Prospective land purchasers then approached the village chief to be allocated parcels of land. Table 8.1 summarises the perspectives of indigenes based on in-depth interviews with 51 individual community members in all study sites regarding the effects of the Local Plan.

Fieldwork revealed that very few indigenes were able to acquire the plots of land in the Local Plan at the market price as land assumed a commodified value following the preparation of the Local Plans. Besides, it is worth emphasising that many of the expected positive gains outlined by respondents in Table 8.1 (except the existence of plot boundaries) were not yet realised. Only a few prospective developers had actually commenced development on the acquired plots (see figure 8.10) and no orderly development could be observed as of August 2016. The majority of plots were acquired for speculation purposes, as such, the much-expected social amenities and infrastructural development had not been achieved. Much of the land remained under-utilised making the delivery of social and infrastructural services expensive for the few developers that had built.

Table 8.3: Community perspectives on the effects of the Local Plan

Positive effects (n=51)	Frequency ^a	Percent ^a
Open up the area to development	30	58.8
Ensure orderly settlement development	16	31.4
Facilitate provision of social and infrastructural services	26	51.0
Easy identification of plot boundaries	26	51.0
Facilitate acquisition of land documentation for security	10	19.6
Negative effects (n=51)		
Loss of farmlands, livelihoods, and income	43	84.3
Usurpation of usufructuary rights to land	4	7.8
Relocation of houses	30	58.8
Reduction in existing residential plot sizes	3	5.9
Commodification of land	9	17.6
Rezoning of public land uses	3	5.9

Multiple answers were allowed; hence, totals and percentages do not add up to 100.

Source: Author's own



Figure 8.11: Patches of ongoing land developments on allocated land parcels

Source: Author's own

Although the case of peri-urban land use planning in Tamale and Techiman manifests a typical hybrid system of land governance in which both traditional and modern governance systems interact under various forms of negotiations, the extent to which such practices benefit community members contradicts the much positive theorised outcomes of integrating customary and statutory tenure. Insights from the plot sharing arrangements in the four study sites raise critical questions of equity, and of how public interest can be achieved in hybrid land governance arrangements where resources and power are asymmetrically distributed. There are clearly few winners from the implementation of the Local Plans in the study sites as revenues (Drink/Kola money) from land allocations to prospective

developers are not used for community development but for personal expenses of chiefs and their families (see section 10.2 for a discussion on drink money).

8.6 Discussion: Between collaboration and negotiated modes of governance

In an era where governments face increased complexity in tackling social, economic, and environmental problems, a shift from traditional hierarchies to integrated modes of governing (characterised by cooperation and negotiation) is considered appropriate for solving such complexities in the wake of limited resources. Such modes of governance, which involve the sharing of information and/or resources between state and non-state actors, are often seen to be capable of generating negotiated outcomes that are favourable to all, including the marginalised. The empirical case studies of local plan making in Tamale and Techiman revealed the emergence of a negotiated mode of peri-urban land delivery where state and traditional actors co-operate and devise various arrangements and strategies to develop Local Plans and convert hitherto peri-urban agricultural lands to urban uses. This form of negotiated land use planning gives rise to a new mode of governance, which becomes a patchwork of formal and traditional norms leading to the co-existence of practical and official rules in land administration (Akaateba, Huang, & Adumpo, 2018).

It is worth acknowledging that the hybrid and negotiated practices in co-producing Local Plans in the study sites promote the incorporation of technical planning and surveying principles into customary land management, which otherwise would have been impossible due to weak local authorities. They also generate some modest positive outcomes such as facilitating plot boundary identification and formal land registration (See Table 8.1). These modest gains add value to theoretical calls for a paradigm shift from traditional bureaucratic public administration to a new public governance that allows for multi-actor engagements in public services delivery. Similarly, they point to a somewhat successful integration of traditional and modern systems of governance in the delivery of land in Ghana and thus contribute practical evidence to the adaptation paradigm in land policy and the discourse on the resurgence and persistence of traditional authorities in African societies.

The modest gains notwithstanding, the cash and in-kind payments (of plots of land) made by chiefs to public bureaucrats and the resultant land distributional arrangements make it important to question the nature of the outputs/outcomes produced by these engagements and their implications on equitable land delivery. Do these engagements really reflect cases of ‘institutionalised co-production’ for effective service delivery as advocated by Joshi & Moore (2004) or cases of using local planning as a channel for private negotiations and wealth accumulation? The evidence from Tamale and Techiman mirrors largely cases of ‘negotiated’ land use planning (Akaateba et al., 2018). Because all costs associated with planning, surveying, and sub-dividing customary lands are borne by chiefs; they not only largely influence the design and content of the Local Plan to their advantage but also are the principal implementers of the Plan. It is therefore not surprising that over 60 percent of the co-produced Local Plans are zoned into readily marketable residential parcels to the detriment of agriculture, which is the mainstay of indigenes. In all the study sites, the land administration technocrats in the formal Land

Sector Agencies merely rendered out contracted services to their 'clients' (the chiefs), making it difficult to ensure that the public interest is realised by making planning more sensitive to agricultural livelihoods. This raises concerns about the role of planning towards sustainable urban development in Tamale and Techiman.

Drawing on their statutory and traditional legitimacy as custodians of the land, chiefs have tactically developed strategic alliances with public servants in the formal land sector agencies and are in constant collusion with them to facilitate and legitimise the process of peri-urban land use conversion under the guise of preparing Local plans for orderly development. This gives credence to the postulation of Obeng-Odoom that:

...the perceived custodians of land have consistently acted in their individual interest, whilst successfully using a discourse of 'communal' to secure the backing of the colonial and postcolonial state – a dynamic, which has also acted in a way to further the interest of private capital. (Obeng-Odoom, 2013, p. 125)

This thus makes the hybrid land governance arrangements for peri-urban land delivery in Tamale and Techiman Janus-faced. Hence, the outcomes that these arrangements generate are not just desired positive effects but a series of other effects that are not desirable. Highlighting the double-edged nature of these practices (that is the application of professional planning and surveying principles to customary lands and the threat to livelihoods, agriculture, and usufructuary land rights) exposes the dilemmas policymakers and multinational organisations who advocate the adoption of an adaptation paradigm of land reform are likely to face. This raises the critical question of whether the hybrid governance arrangements for peri-urban land delivery in Tamale and Techiman are laudable. Answering this question is a practical dilemma in view of the mixed outcomes emanating from these co-productive engagements. Though they are necessary adaptations to suit the dual land management system in the country and to tackle the weak public sector capacities, they go contrary to the fundamental principles of customary tenure and promoting the public interest through planning. The studied practices inure largely to the benefit of the actors involved in the negotiation, their immediate families, and their corroborators to the detriment of the poor and marginalised subjects who are displaced of their farmlands as remarked by an indigene:

We lost our farmlands. The chief should have given us something out of the proceeds of the lands so that every member of the community would benefit, but rather, what the chief did was to share it with his elders and family members and that is not good. (In-depth interview, Indigene 10, study site B, Tamale: 20.10.2016)

8.7 Chapter summary

Rapid urban population growth and rising peri-urban land values in Tamale and Techiman have stimulated the desire by traditional authorities to engage local public bureaucrats in the delivery of peri-urban land through local land use planning. This chapter thus argues that in the case of Tamale and

Techiman Ghana, a hybrid and integrated system of peri-urban land delivery has been established leading to a bricolage of formal and traditional institutions working under various formal, semi-formal, informal and orthodox arrangements and agreements. Whilst the hybrid arrangements offer modest positive gains through making formally planned land readily available for urban development, they are disadvantageous to peri-urban subjects who hold usufructuary rights to customary land and who depend on agricultural related livelihoods. The implication, therefore, is that harmonising and integrating customary and statutory systems of land administration could be both constructive and corrosive. They offer possibilities for adaptive land governance while at the same time constituting a mutual force for land rights dispossession – the dark side of hybridity.

It is worth emphasising that integrating customary and statutory land administration systems are not random processes, neither do they occur on a level playing field. They are structured by power relations, which determine who benefits and who loses from the customary-state actor interactions. In the next chapter, I outline the main actors and institutions in peri-urban land delivery in the study sites and the power relations that structure their interactions using social network analysis.

9. Mapping actor interactions and power relations in land delivery in Tamale and Techiman using social network analysis

Just like the rest of Ghana, the responsibility for land delivery in Techiman and Tamale rests with a multiplicity of actors who interact at different levels and capacities; drawing their source of authority from customary/traditional norms, statutory laws and/or market forces. This section outlines these multiple actors as well as the institutions with an interest in land use planning and land administration, and the roles they play in the study sites. The focus here is on the situated realities of what happens in practice, as opposed to standard norms and regulations on customary land management. The chapter also presents an investigation of the interactions and power relations among the actors using social network analysis. The relative effect of network centrality (social/relational power) on access to and exclusion in land is particularly discussed. The chapter answers the specific research question: Who are the central actors in skin and stool land delivery in Tamale and Techiman respectively, and what power relations shape their interactions in peri-urban areas?

9.1 Local actors and institutions of authority in peri-urban land delivery

The actors involved in the preparation of Local Plans and the conversion of hitherto peri-urban agricultural lands to urban uses in Tamale and Techiman are outlined in Figure 9.1. They are categorised into key actors (in circle) and peripheral actors (outside circle) for each stage of land delivery. The roles of these actors in the study sites are discussed in the succeeding sections.

Traditional authorities: chiefs and elders

Traditional authorities comprising various categories of chiefs (see Figure 7.2) and their council of elders draw their authority in land management from the offices of traditional institutions and customary norms. Their positions are also guaranteed in the 1992 constitution of Ghana. In Techiman and Tamale, chiefs control up to 90% of all lands and their traditional stools/skins are synonymous with land. Evidence from the field interviews revealed that the specific roles of chiefs in land delivery comprised the allocation/distribution of land to indigenes and migrants; initiating the processes of Local Plan preparation; managing the implementation of Local Plans; collaborating with state institutions to provide land for public uses and private investment; and settling land disputes. Up to 90% of respondents (Figure 9.2) in the four study sites, when asked about land ownership in their communities, indicated that the lands in their communities belong to the chiefs and that any community member in need of land for any use will have to approach the chief. It is interesting that while chiefs are customarily and constitutionally regarded as custodians of the land, in practice, they are seen as landowners with only 1.3% of their subjects acknowledging that the land belongs to the entire community and thus constitutes a common property resource (See Figure 9.2). In the light of this *de facto*/popular legitimacy, chiefs derive a significant share of their power in local governance in Ghana from their control over customary land, which makes them a force to reckon with in urban governance. This resonates with

arguments by Ntsebeza (2005) that the power of chiefs in modern democratic governance stems from their control over land and other natural resources.

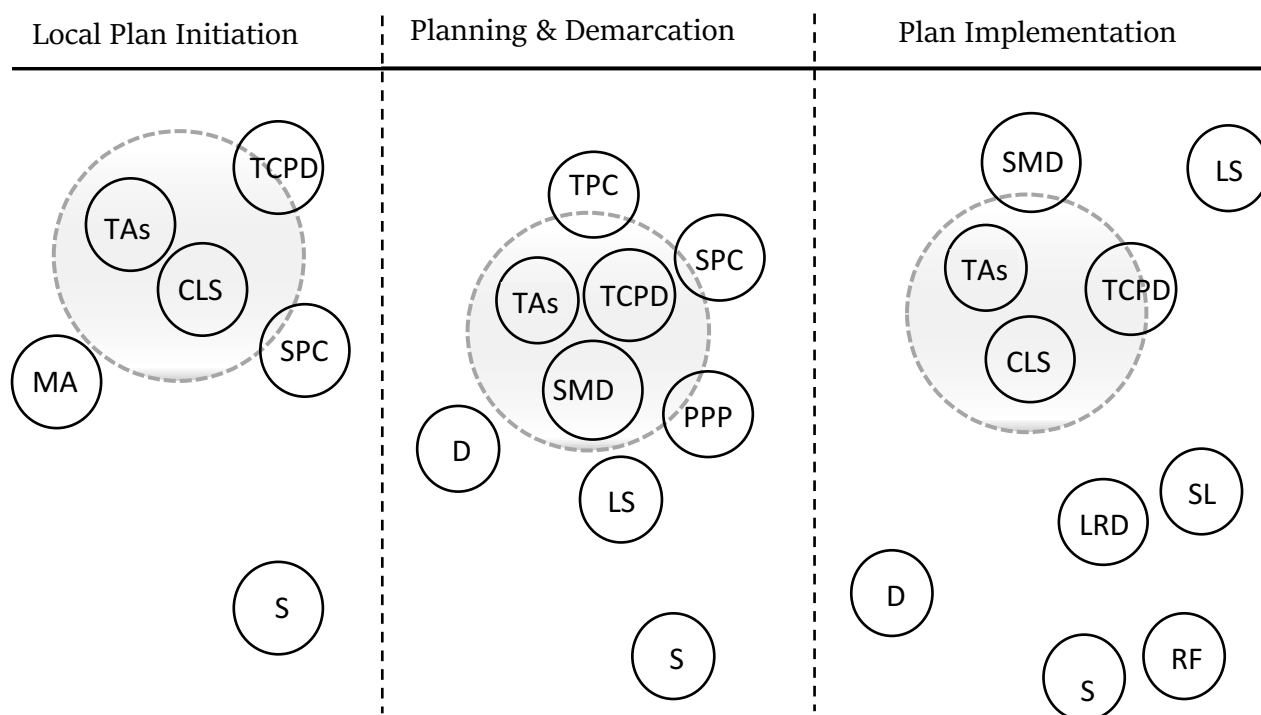


Figure 9.1: Main actors in peri-urban land delivery

Source: Author's own

CLS	Customary Lands Secretariat	SL	Office of the Administrator of Stool Lands
D	(Real estate) Developers	SPC	Statutory Planning Committee
LRD	Land Registration Division	SMD	Survey and Mapping Division
LS	Licensed Surveyor	S	Subjects
MA	Metropolitan/Municipal Assembly	TAs	Traditional Authorities
PPP	Private Professional Planner	TCPD	Town and Country Planning Department
RF	Royal Family	TPC	Technical Planning Committee

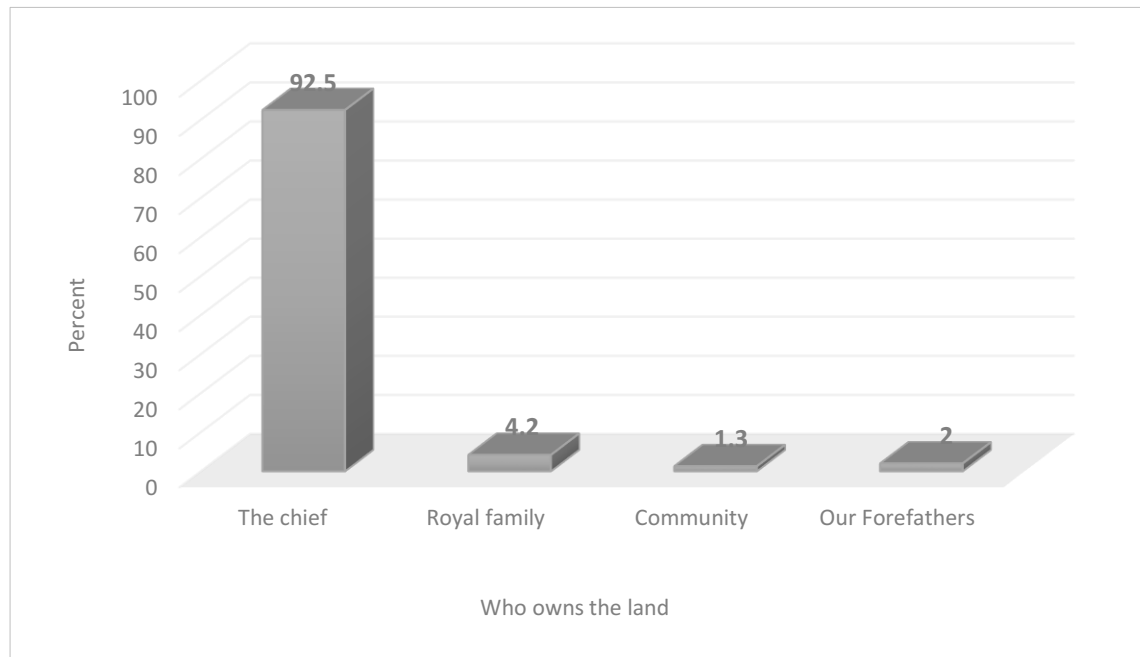


Figure 9.2: Respondents views on who owns/allocates land in Techiman and Tamale

Source: Author's own

Although considered a traditional public service function, Local Plan preparation in all the study sites was funded predominantly by traditional authorities:

The government does not take any of the cost involved in the planning and sub-division of customary lands. It is my land and I am the one sub-dividing my land for allocation. So if there are benefits, I will benefit because I want my town to open up and develop. Therefore, if you are a chief and you do not do demarcation, nobody will mind you. Whatever you have to do to get your town develop, you have to. (In-depth interview, Divisional Chief, Techiman, 02.08.2016)

Accordingly, the implementation and distribution of land from the Local Plans produced are the sole responsibility of traditional authorities. This compromises the full implementation of the decisions in the Local Plans, as some traditional authorities are more interested in recouping their expenditure and maximising financial return in the shortest time possible from the Local Plan, than ensuring the protection of the public interest and the land rights of their subjects. Land tenure security is thus threatened as peri-urban dwellers lose their farmlands. Evidence gathered from the fieldwork also revealed that lands allocated for public uses such as schools, playgrounds, places of worship and open spaces were in some instances re-allocated to residential plots when chiefs run out of plots for sale. Because local bureaucrats in formal land sector agencies have privatised their public services, they do not have the power nor the moral position to criticise chiefly land maladministration.

Despite the fact that all divisional chiefs in the study sites had a council of elders (representatives of the various families and factions of the community) that were supposed to advise them and co-share the responsibility for land management, fieldwork showed that the involvement of these elders in the empirical cases of local planning was minimal. Rather than consulting their council of elders for advice,

the chiefs only informed them of their decision to prepare Local Plans for their respective communities, thus revealing their de-facto ownership of stool/skin lands. This, however, is in contravention of the principles of customary law, which according to Asante vest the powers of land management and control “in the chief, but he was strictly required to consult his councillors in the administration of the property” (Asante, 1965, p. 856). This means that in practice, the council of elders could not perform their traditional function of serving as customary checks on chiefly authority in the study towns. Scholars have identified the ineffectiveness of the council of elders in recent time as a major reason for the lack of traditional control mechanisms to check chiefly abuses of power and authority over the administration of customary lands in peri-urban areas of Ghana (Kasanga, 2002; Ubink, 2008c).

Customary Lands Secretariats (CLSs)

As a way of refining and reinforcing traditional systems of land management to enhance the quality of customary land administration, CLSs were established in Tamale and Techiman as well as other towns under the Land Administration Project. These secretariats are under the aegis of the various traditional authorities and funded from fees charged on confirmation of land transactions. In Techiman, the Omanhene’s CLS is the overarching institutional structure that facilitates land transactions between prospective land seekers and the various hierarchies of chiefs. All land allocations must therefore, be channelled through it to the Omanhene for approval at a stipulated fee. In the Tamale Metropolitan Area, however, there was no institutionalised arrangement nor a mandatory requirement for all land allocations to be channelled through a single secretariat prior to the approval of the Ya-Na. The various divisional chiefs had their specific arrangements and local secretariats that see to the day-to-day administration of their lands. Interviews with some staff of the CLSs in Tamale and Techiman revealed that the main functions of the CLSs in terms of land delivery included the following: keeping records of existing rights and interests in land and land transactions; preparing a catalogue of persons with authority to make grants of interests/rights; liaising with formal land sector agencies for the preparation of Local Plans; facilitating the formalisation of leaseholds and the settlement of land disputes; and providing public information and education on land issues.

The role we at the CLS play is that when a divisional chief wants to develop a Local Plan for his land, he writes through the CLS to the Omanhene for approval before a formal letter is sent to the TCPD. In addition, if a divisional/sub-chief allocates land, an allocation chit is given. The chit has to be brought to this office for the Omanhene’s chit to be prepared. Then we will confirm the land allocation made by the divisional/sub-chief. (In-depth interview, Staff of the Omanhene’s CLS, Techiman, 14.09.2015)

While the CLSs are envisaged under the LAP to perform the function of strengthening the accountability of chiefs as custodians of the land, in both study sites, none of the CLSs performed this role. A CLS staff confirmed:

If a chief wants to convert his land into urban use, it is difficult for the CLS to go and tell him that he cannot do that. The land belongs to the chief. I can only recommend that Nana [the chief] should try to provide alternative farmlands or compensate those whose farmlands are

going to be converted into residential plots because sometimes it is very painful to lose your livelihood. This notwithstanding, the chief has the ultimate say. (In-depth interview, Staff of the Omanhene's CLS, Techiman, 28.07.2016)

These findings are not peculiar to only Techiman and Tamale, but typical of many CLSs established across the country. Interviews with land experts on the concept and functioning of CLSs revealed that their failure to act as checks and balances on chiefly land administration stem from their management structure.

In most areas where you find the CLSs, except in a few cases, they are headed by people who are either secretaries, sons, grandsons, or relatives of the chiefs. The chiefs use them as structures to strengthen themselves and consolidate their control over land transactions. Essentially, the CLSs led to a two-way consultation between the chief and the coordinator of the secretariat as far as taking decisions on land is concerned. Other community members are put aside. (In-depth interview, Land expert/Key informant, Tamale, 08.08.2016)

The inability of the CLSs to serve as checks on the powerful chiefs' drive to convert peri-urban agricultural lands to urban uses threatens the tenure security and land rights of small-holder farmers and does not lead to the use of land revenues for investments that benefit the entire community.

Local government institutions

Alongside the traditional authorities and their CLSs, the Metropolitan, Municipal and District Assemblies (MMDAs) play a key role in customary land management in Techiman and Tamale. MMDAs are decentralised local government authorities under Ghana's decentralisation policy and have the highest political, administrative, planning, and rating authority in their areas of jurisdiction. The designation of these local authorities as either Metropolitan, Municipal or District Assemblies is based on population size as outlined in the Local Governance Act, 2016, Act 936 (formerly the Local Government Act, 1993, Act 462). In the study sites, the responsibility for land use planning and human settlements development lies with the Techiman Municipal Assembly and the Tamale Metropolitan Assembly. Under the Local Governance Act, 2016, Act 936 and the Land Use and Spatial Planning Act, 2016 (Act 922.), all MMDAs have been designated local planning authorities and are therefore the recognised bodies responsible for the spatial, human settlement and development planning functions in their areas of authority. With regard to land administration, they are the sole authorities responsible for the preparation and approval of planning schemes (Structure and Local Plans), the enforcement of development control regulations, the granting of permits for physical development and the making of by-laws as outlined in the Act 936 (formerly Act 462). The Town and Country Planning Department (TCPD) performs these functions of the MMDAs and ensures that development conforms to planning schemes. It is in the light of this constitutional mandate that traditional authorities are required to collaborate with the TCPD in the preparation of local land use plans so that their lands can be converted and parcelled into residential plots for allocation. In both Techiman and Tamale, two statutory committees (the Technical Planning Committee and the Statutory/Spatial Planning Committee) work

with the TCPD in the development and approval of local land use plans as outlined in the following commentary.

Following the incorporation of inputs by the chief of the area for which a Local Plan is being prepared, the TCPD sends the draft Local Plan to the Technical sub-committee made up of various technocrats from the Lands Commission, Urban Roads Department, the Environmental Protection Agency, Fire Service, Disaster Prevention, Utility Companies, and others for vetting. The reviews from the Technical Planning Committee are then incorporated into the draft Local Plan and a final Local Plan is produced and sent to the Statutory Planning Committee for approval. After the approval, a copy of the Local Plan is handed out to the landowners for implementation. (In-depth interview, Planner, Tamale, 23.09.2015)

The involvement of these committees is aimed at ensuring that the Local Plan prepared meets all technical requirements and is in the public interest and the resulting land allocations are in conformity with the zoning scheme or broader structure plan approved for the Municipality or Metropolis. Regrettably, however, due to inadequate trained and motivated staff, weak logistical capacities of the TCPD and the constitutionally guaranteed powers of chiefs over land allocation, the planned designs of the Local Plans are not fully implemented as all decisions regarding the implementation of the Local Plan are left with the chiefs. This has resulted in various instances in both Tamale and Techiman where chiefs re-zone lands designated for public uses in the Local Plan into readily marketable residential plots to the detriment of their communities. The practice has culminated in haphazard development and the lack of public spaces in many towns in Ghana. A chief confirmed and justified this practice of re-zoning public land uses as follows.

After spending money to prepare a Local Plan, I think it is incumbent upon the Assembly to acquire some of the land allocated for public uses in the plan and pay compensation to us the land owners. However, this is where the Assembly is falling short. Such lands will lie down as children play grounds, schools, hospitals, cemeteries, or sanitary areas for so long and they will not acquire it. Therefore, if the areas become developed and we see bushes where people are leaving, the chiefs feel the Assembly does not need it. So, we can write to apply for rezoning of the area and sometimes we do the rezoning and that facility earmarked for public use is turned into residential use. (In-depth interview, Divisional Chief, Techiman, 26.10.2015)

This suggests that the preparation of Local Plans by chiefs is largely used as a conduit to facilitate the sub-division and parcelling out of farmlands into residential leasehold plots for increased revenue generation, rather than being motivated by the common good of ensuring orderly and sustainable human settlement development. A situation that has been reinforced by the weak institutional capacities of the mandated local planning authorities, which undermine their ability to guarantee the interests of the wider community when they are in competition with the private interests of chiefs. It can thus be concluded that rather than land use planning serving as a check on chiefly land administration to protect the public interest, it rather reinforces the powers of chiefs to administer lands in their interest as Local Plans are left to chiefs to implement after they have paid for the costs of planning and surveying services.

Besides the Techiman Municipal/Tamale Metropolitan Assembly and the TCPD and its statutory committees, local government representatives (Assembly Members) were identified as stakeholders (though with minimal role) in the local planning and land conversion process. As part of Ghana's decentralised governance processes, and under the Act 936, Assembly Members (AMs) who are elected to represent various electoral areas in the district serve as the link between local communities and the MMDAs. They represent their electoral areas at meetings of the local authorities, educating their electorates on government policies and by so doing act as agents of development for their communities in collaboration with traditional authorities. In terms of the peri-urban land delivery processes in the study sites, the role of the AMs was limited to informing community members about the chiefs' intentions to prepare Local Plans for their communities. A respondent reported:

The Assembly member called a meeting of all landlords and informed us about the chief's plan to prepare a planning scheme for the community. Later we met both the chief and the Assembly member and they told us that these days if your community is not planned, you cannot get social amenities like water, electricity, and schools and you won't know the boundaries of your land. (In-depth interview, Indigene 1, study site B, Tamale, 18.10.2015)

This limited information-giving role was reported for only study site B and C. In the other two study sites, respondents gave no reports of AMs involvement in land use planning or land allocation. This suggests that the processes of planning and converting peri-urban lands into residential and other urban uses are largely dominated by traditional chiefs and land administration technocrats with minimal or no direct community involvement.

Public Land Sector Agencies

These institutions in the case study towns included the Office of the Administrator of Stool Lands (OASL) and the Lands Commission and its constituent departments.

Office of the Administrator of Stool Lands

In both Tamale and Techiman, the OASL, which was established by the OASL Act, 1994 (Act 481) was identified as one of the actors in customary land administration. Its main role in land delivery in the two towns was the creation of stool land accounts and the collection and disbursement of annual ground rents accruing from stool land transactions. Although section 2b of the Act 481, stipulates that the OASL is responsible for "the collection of all such rents, dues, royalties, revenues or other payments whether in the nature of income or capital" from stool lands, in practice, the OASL in both towns collects and distributes only ground rents (monies accruing from annual local government fees on land leases).

Our role is to collect ground rents on stool lands and on stool-vested lands. When these monies are collected, we create an account for each stool where these monies are kept and then later as and when there is enough money in the disburseable account we disburse it. We use specific percentages that are stipulated in Act 481 and the constitution to distribute the monies to the beneficiaries: 10% for our own administrative expenses and the remaining 90% shared in the following proportion: 55% to the District Assembly, 20% to the traditional authority and 25%

to the stool. We also collaborate with the other land sector agencies to educate people on issues concerning stool land management. (In-depth interview, Officer of the OASL, Techiman, 25.07.2016)

Although ‘drink’/ ‘kola’ money represents a major form of revenue accruing from stool land allocations, officers of the OASL reported that they did not collect nor accounted for such revenues, as chiefs did not disclose such monies to them. They explained that the chiefs are traditional custodians of the land and consider ‘drink’/‘kola’ money as part of the traditional processes of land acquisition since such monies are paid in lieu of the customary offer of drinks to chiefs for the pouring of libation. Some studies have reported that in peri-urban areas where land values are increasing, chiefs have been reluctant and persistently resisted the disclosure of ‘drink’/‘kola’ monies to the OASL (Kasanga & Woodman, 2004; Ubink & Quan, 2008). Chiefs argue that such monies do not symbolise revenues from land sales but rather have customary significance as symbolic customary tokens for the grant of land. They also consider ‘drink’/‘kola’ monies as traditional gestures of appreciation and symbols of allegiance/acknowledgement to them as land custodians and therefore not part of what is described by the OASL Act as land revenues. As a result, revenues generated by the OASL were far lower per annum than monies received as ‘kola’/‘drink’ money. Records of the OASL in both Techiman and Tamale showed that as of August 2016, the annual rate for ground rent for a 0.25-acre residential plot ranged from GHS 30.00 - GHS 50.00 (€6.98 - €11.63)⁸ depending on the location of the plot and the availability of basic services. Comparatively, the price (‘kola’/ ‘drink’ money) of a 0.25-acre of residential plot in the peri-urban areas of these towns ranged from GHS 2000.00 to GHS 5000.00 (€465.12- €1162.79). Thus, in the short term, a significantly higher proportion of land revenues accrued to chiefs in the form of ‘kola’/ ‘drink’ money than to the OASL from annual ground rents.

The huge revenues from ‘drink’/‘kola’ money notwithstanding, during the fieldwork, some chiefs were unhappy that 55% of ground rents collected by the OASL should be allocated to the Municipal/Metropolitan Assembly. They indicated that the Assembly does not share in the cost of planning and surveying customary lands nor does it account to the stool on how ground rents are expended. In response, local bureaucrats of the Municipal/Metropolitan Assemblies have questioned what chiefs use their share of ground rents as well as ‘drink’/‘kola’ monies to do, arguing that rather than using such monies to provide community development projects, chiefs keep it for their personal use whilst expecting the Assembly to provide all infrastructural services for their communities. This blame game between traditional land custodians and local government authorities reveals the inherent weaknesses and lack of accountability in customary land administration in Ghana. This lack of accountability has been facilitated and sustained by the lack of specificity of the OASL Act, 1994 on what the beneficiaries of various proportions should explicitly use the monies for except to state ambiguously that the 20% allocated to the stool should be used “for the maintenance of the stool in keeping with its status”. No requirement for the use of the monies for community development by any of the

⁸ Note: €1.00= GHS4.30 as at September 15, 2015

beneficiaries is stipulated in the Act 481. This has created a situation where community interests in peri-urban lands are overlooked, contrary to the constitutional mandate, which enjoins both customary custodians and public sector land managers who act in fiduciary capacities to manage land in the best interest of the public and to be accountable in their duties.

Besides the lack of mandate by the OASL from the Act 482 to demand accountability from beneficiaries of ground rents distributed, the OASL in Tamale and Techiman faced several other challenges. These included boundary disputes; lack of proper records on land transactions by chiefs; reluctance of grantees of land leases to pay ground rents; weak logistical and personnel capacities; and higher numbers of unregistered land parcels (In-depth interview, Officer of the OASL, Techiman; 25.07.2016 and Tamale; 08.08.16). These hamper the effective functioning of the OASL.

The Lands Commission

The Lands Commission and its constituent departments were re-constituted as part of phase one of the Ghana Land Administration Project under the Lands Commission Act, 2008 (Act 767). Four divisions (namely, Survey and Mapping, Land Registration, Land Valuation and Public and Vested Land Management) were combined by the Act 767 to form the Lands Commission. Their roles in land management are specified in Section 5 of the Act. In terms of Local Plan preparation, the key departments of the Lands Commission that were active were the Survey and Mapping Division (SMD) and the Land Registration Division (LRD). Therefore, I will discuss the key roles of these two divisions in the study towns. While both divisions were present in Tamale, only the SMD has a decentralised office at the Techiman Municipal Assembly. The LRD and the other constituent departments of the Lands Commission were located in the regional capital, Sunyani. Thus, landowners and land seekers alike in Techiman in need of the services of these Departments had to travel to Sunyani for such services.

Evidence from the fieldwork showed that the main roles played by the SMD in the two towns concerning local planning and land use conversion included the preparation of base maps and participating in Technical and Statutory Planning Committee meetings to review and approve Local Plans. Others comprised the actual sub-division/demarcation and accurate survey of planned parcels outlined in the approved Local Plan on the ground; the preparation of cadastral survey plans/site plans; and the approval of various survey and mapping services carried out by privately licensed surveyors. The base map gives information on the boundaries, terrain, and features on the land to be planned. This information guides planners in making land use decisions as to where to assign specific land uses. The cadastral/site plans prepared following a survey show boundaries of land and exact measurements by which the boundaries may be demarcated on the ground, thus facilitating the registration of deeds/titles in land. Except for their participation in the TPC and the SPC meetings of the Assemblies, the other functions performed by the SMD are paid for by the traditional authorities.

Although SMD had a scale of fees approved by parliament for the preparation of base maps, for survey and for sub-division or for setting boundaries, these fees were not applied inviolate. Typically, fees were negotiated based on informal arrangements between surveyors and chiefs on private terms. Two major explanations were proffered for this. First, it was argued that the approved fees were not realistic as

they were only feasible for bigger sized cities like Accra and Kumasi where registry maps had been prepared. An officer explained:

Here, where you don't have the registry map, you have to go to the ground and survey. The running cost, the transportation to and from the site, the materials, the concrete pillars and the cement that you are going to use to build, and if it is a forested area, the cutting you have to do have all been left out in the approved fees. (In-depth interview, Surveyor, SMD, Sunyani, 26.07.2016).

As a result, the official fees only served as a guide and the local offices of the SMD made adaptations to suit local contexts.

Because of the huge cost involved in preparing the base map, what happens is that we don't charge the parliamentary approved fees. We charge based on negotiation not on official fees so that the local people can afford. However, I cannot remember the last time such a thing as the preparation of a base map has been brought to the office. It is usually done privately. (In-depth interview, Surveyor, Tamale, 08.09.2015).

Second, because of the high cost involved in surveying due to the huge labour requirements (comprising a head surveyor, geomatics engineer, technical officers, technical assistants, and labourers) coupled with the cost of equipment, accommodation and feeding for field workers, chiefs are often unable to pay upfront for such services rendered by the SMD. As a result, chiefs prefer to either engage privately licensed surveyors or collaborate with staff of the SMD division on a private basis to prepare base maps and sub-divide their lands. A staff of the SMD confirmed these private arrangements:

The idea of paying huge money to the SMD for demarcation scares the chiefs a lot. Therefore, they end up preferring to engage private surveyors. The private surveyors usually charge less for the preparation of base maps, with the mind that after the plan has been prepared; it would be brought back to them to do the demarcation. (In-depth interview, Surveyor, Tamale, 08.09.2015)

Mostly, within these private arrangements, chiefs enter into a negotiated agreement to make in-kind payments (plots of land) to the privately contracted surveyors to cover the costs of sub-division and surveying in lieu of cash payments (See Section 8.3). Thus, the privately contracted surveyors use their own resources and equipment to execute the survey and sub-division and receive plots of land as payments. An internal arrangement where the private surveyor takes one plot out of every ten plots of land demarcated is widely used in the study sites in Tamale.

The agreement private surveyors usually go into with the land owners is that out of every 10 plots, one plot goes to the surveyor. That compensates for the little cash they took for the preparation of the base map. Here, hardly do surveyors take money for sub-division. (In-depth interview, Surveyor, Tamale, 08.09.2015).

These privately prepared base maps and land demarcations are then certified by a licensed surveyor and sent to the SMD for approval at a fee. It is worth noting that sometimes some staff employed formally at the SMD undertake these services privately under the cover of a licensed surveyor who

charges them a fee for certification. The presence of what officers of the SMD described as ‘quack surveyors’ (unlicensed surveyors who practice privately and do not follow professional survey practice) has been identified to be a major issue hampering effective land management in the study towns.

After the base map and Local Plan are prepared, the land is supposed to be demarcated and surveyed according to the plan. Instead of engaging licensed surveyors or the SMD to do the sub-division, some chiefs prefer to use quack surveyors because the quacks can reduce the actual plot sizes so that they can make more plots. Nevertheless, this is unprofessional survey practice.

The quack surveyors do not have the requisite training and equipment. They just go and do anything on the ground without following the appropriate and approved survey procedure and nobody audits them. (In-depth interview, Surveyors, Techiman, 26.07.2016 and Tamale; 08.08.2016 respectively).

The activities of the quack surveyors are enhanced by the lack of adequate professional staff and logistics of the SMD, which make them unable to meet the demands of traditional chiefs for survey services timeously. The SMD also assumes a monopolistic stance and is therefore not proactive in sensitising and lobbying with chiefs to get their lands properly demarcated and surveyed. As a result, the quacks exploit these weaknesses of the SMD by taking the preparation of Local Plans and land sub-division and surveying as a business. They move into peri-urban areas to persuade and negotiate with traditional authorities to plan and demarcate their lands in order to increase their land values. By so doing, they act as the financiers of the process and later recoup their costs and make profits from plots of land allocated to them by the chiefs. The practice has resulted in many messed up Local Plans, which cannot be accurately implemented on the ground, making land registration difficult for land purchasers who are allocated such lands by chiefs.

In Tamale and Techiman, the Lands Registration Division largely performs the function of registering deeds (transactions) and other interests in land. They also maintain land registers and keep records of leases/grants of interests in lands. In both towns, when a person is allocated any piece of land by a chief, a land use copy and a site plan are obtained from the TCPD and the SMD respectively and presented together with an allocation/confirmation note from the divisional/ paramount chief and other required documents to the LRD for a deed registration and a leasehold interest. Generally, in Ghana (though not stipulated constitutionally), for citizens, a maximum leasehold tenure of 99 years for residential use and 50 years for commercial use is usually allowed. Findings from key informant interviews however, revealed that many land purchasers in peri-urban areas of Ghana do not formally register their land transactions or leasehold interests with the LRD. Many are satisfied with the allocation notes given them by chiefs and cite the bureaucracy and cost involved in deed registration with the LRD as an impediment to formally registering their land transactions (Key informant interviews, Tamale, 10.08.2015 and Techiman, 27.07.2016). Just like the TCPD, the SMD and the LRD are challenged by the lack of adequate motivated professional staff and logistical and equipment challenges.

Private Sector Actors

Alongside the formal authorities responsible for planning and managing the use of land, and the traditional land custodians, a variety of private individuals and groups have an interest in land transactions in Tamale and Techiman. These included real estate developers, private developers, privately licensed surveyors, and private professional planners. These actors, however, played limited roles in the Local Plan preparation and the land use conversion in the study sites. Their activities were subject to approval by the formal land sector agencies and the traditional authorities. Just like the preparation of base maps and land sub-division, which can be done by privately licensed surveyors and approved by the SMD at a fee, the preparation of Local Plans can likewise be done by private planning consultants and sent to the TCPD for review and approval. Notwithstanding this possibility, this practice was not widespread in the study towns. In the four study sites, it was only in site D in Techiman that a private planning consultant was engaged to prepare a Local Plan. The practice of private licensed surveyors and quack surveyors undertaking sub-division and surveying services is however widespread in Tamale and Techiman and reported for other studies in other towns of Ghana (Kasanga & Woodman, 2004; Kuusaana & Eledi, 2015; Yeboah & Shaw, 2013).

Unlike in major cities of Ghana such as Accra and Kumasi, private real estate agencies were not actively present in land delivery in Tamale and Techiman. In study site D, the chief was experimenting the management of a portion of his land with a private real estate developer who will take up the cost of sub-divisions, servicing the land and the task of advertising for prospective land purchasers. The case of site D was however still on pilot basis and if successful may be upscaled to cover other lands of this divisional chief. Considering the growing urban population in Tamale and Techiman, private real estate developers are likely to emerge in the land delivery scene as land values increase and landed property markets become profitable ventures.

9.2 Network centrality and powerful actors – A Social Network Analysis

The holding of a central position within a collaborative governance network has implications for the degree of access to and control over the benefits of such arrangements. Similar to formal/customary authority, network centrality defines the position/status of individuals in the broader social context and invariably their degree of influence or prominence in governance processes (Hanneman & Riddle, 2005; Ibarra, 1993). In this section, I employed social network analysis to map diagrammatically the various actors engaged in local planning and peri-urban land delivery in Tamale and Techiman. The aim is to gain an insight of who the most central or influential actors are in the hybrid land governance arrangements.

General network characteristics

In describing the general peri-urban land delivery network, density was used as a measure of group cohesion to measure the extent to which all actors in the network are tied to each other. Figures 9.3 and 9.4 present a network of the actors engaged in land delivery. Whilst the network for local planning and

land use conversion in Techiman consisted of 17 actors with 119 ties (96 reciprocated), the Tamale network was made up of 15 actors with 85 collaborative ties (64 reciprocated). Both networks were held together with no isolates (see Figures 9.3 and 9.4). Notwithstanding the relatively higher number of actors in the Techiman network, it was a little denser (48.3%) than the Tamale network (40.5%). Network density refers to the ratio of existing ties in the network to the number of possible ties. The Techiman network was also more centralised as it had a higher degree of centralization (see Table 9.1). Network centralisation complements density by revealing the extent to which cohesion is organised around particular central actors.

Table 9.1: Characteristics of the peri-urban land delivery network

Characteristics of the peri-urban land delivery network in Techiman and Tamale		
	Techiman	Tamale
Size (number of nodes)	17	15
Total number of Ties	119	85
Density	0.438	0.405
Degree centralisation	0.542	0.489

Source: Author's own

The higher density in Techiman suggests that consultative linkages between actors were markedly higher than in Tamale. This makes it possible to easily disseminate information for collaborative action and homogenise attitudes and experiences. Taken together, the characteristics of both networks indicate a good level of cohesion among the actors. By focusing on the consultative ties, both networks are considered well connected, thus forming a star-like pattern (Figures 9.3 and 9.4). However, the relatively higher degree centralisations of both networks suggest that consultations regarding local plan making and land delivery in the study sites were centralised through some few actors in the municipality/metropolis as many ties were mediated through them. Although this made it possible to relay and synthesise information to a few actors who can act (mobilise resources) to quicken the process of local planning and land use conversion, it led to increasingly centralised decision making with negative effects on equitable peri-urban land delivery.

These findings from the SNA confirm and deepen understanding of a key characteristic of land governance regimes in Ghana: the co-existence and integration of state and non-state actors and the existence of relationships between formal and informal/traditional institutions. The SNA has also revealed the social complexity that underpins land governance as not only encompassing formal arrangements but collaborative relations between traditional authorities and local bureaucrats leading to a hybrid land governance system and a shift from a dominant government towards co-productive and various other collaborative engagements.

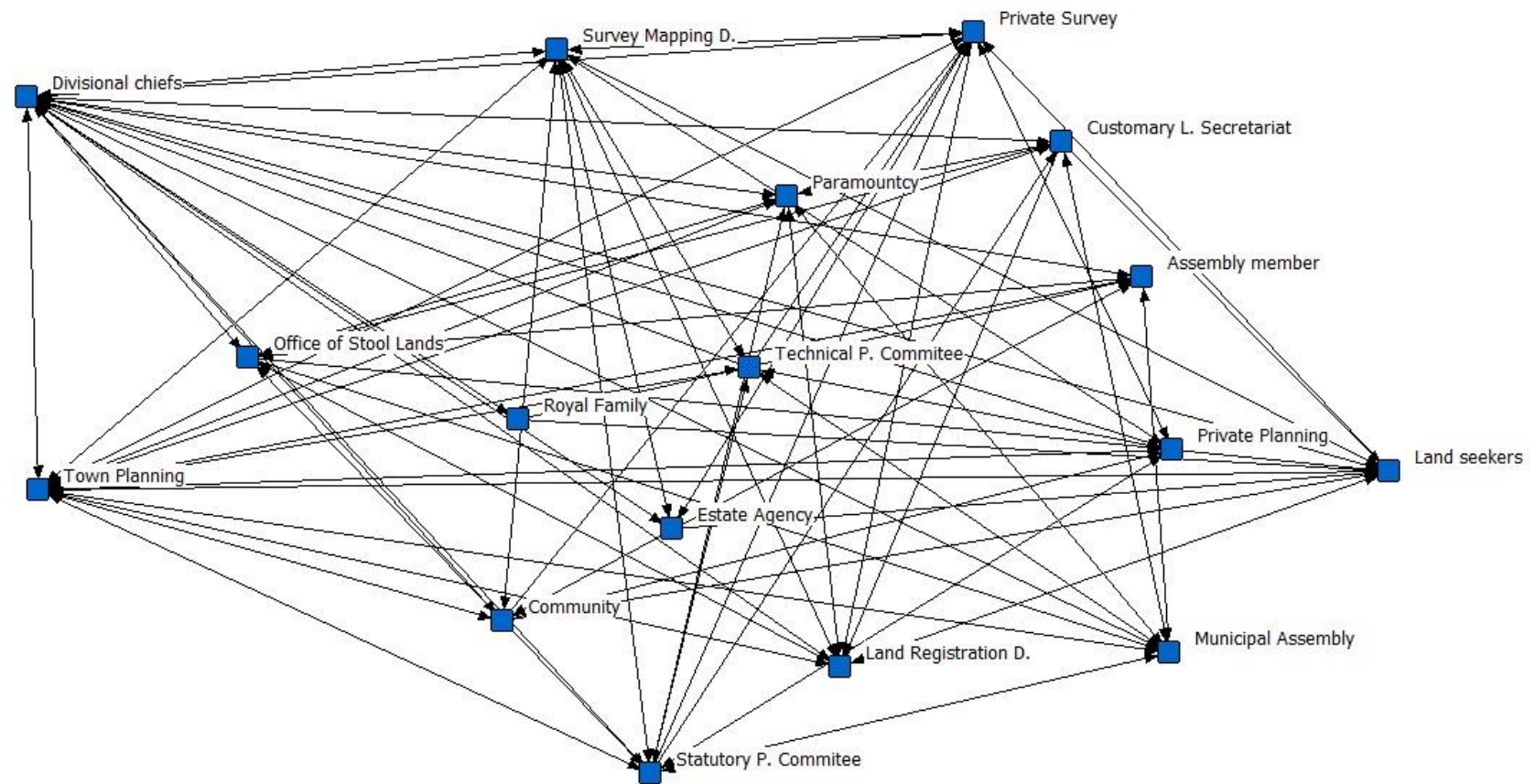


Figure 9.3: Social network of actors in peri-urban land delivery in Techiman
Source: Author's own

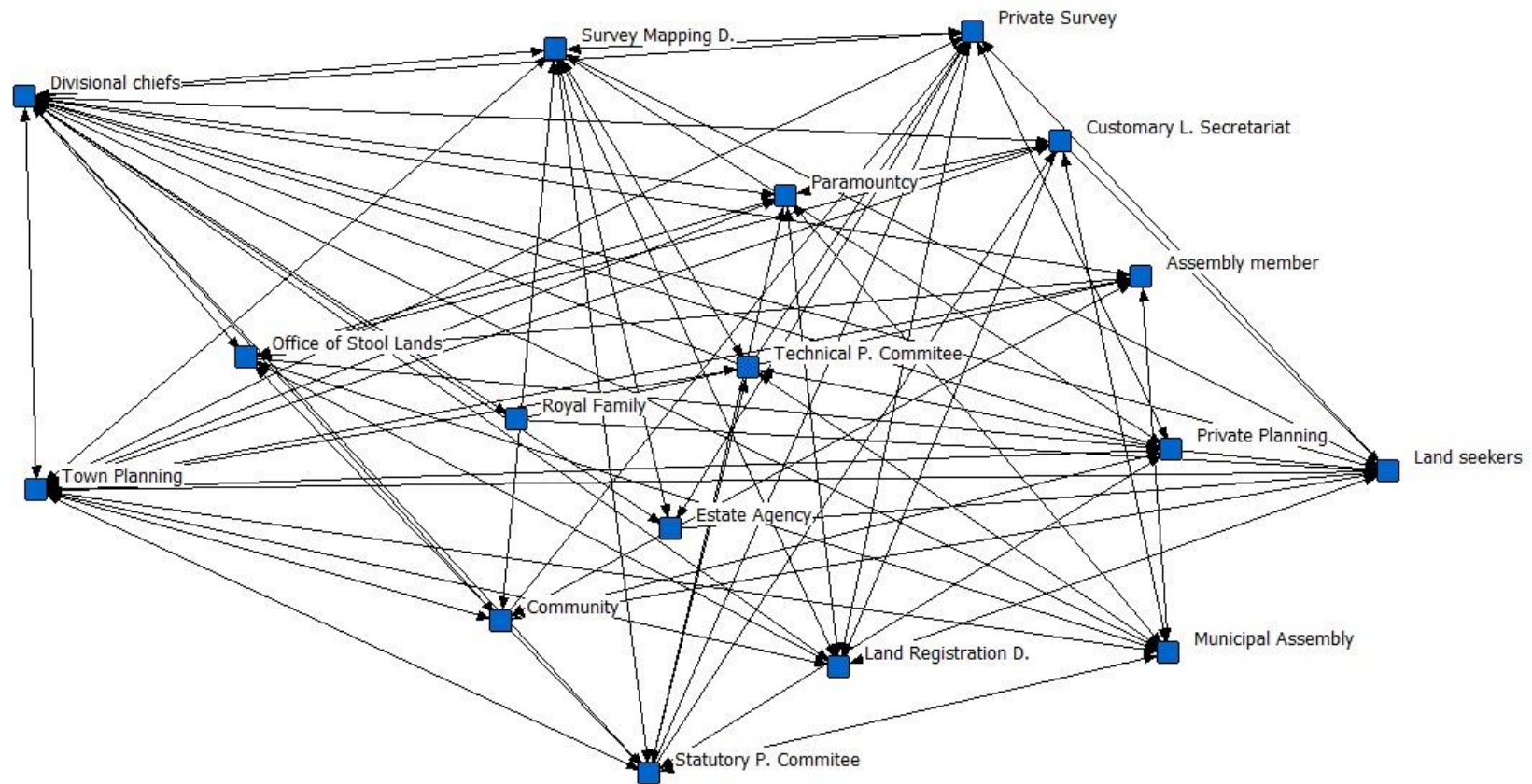


Figure 9.4: Social network of actors in peri-urban land delivery in Tamale
Source: Author's own

Central/powerful actors in the peri-urban land delivery network

Network centrality constitutes a significant source of power in organisational and small-group analysis. Actor's locational centrality within a network reflects their power potential. Actors who are centrally located within the network have greater access and potential control over relevant resources/capitals and enjoy a wide range of opportunities that are unavailable to actors on the periphery of the network (Brass, 1992; Ibarra, 1993). In this section, Freeman's degree and betweenness centrality measurements were used to identify central/influential actors in the Techiman and Tamale networks for peri-urban land delivery. Whereas actor degree centralities help in identifying those actors that have many relations with other actors, betweenness centrality locates actors that sit in-between many other actors (i.e. the number of times an actor lies on the shortest path between any two other actors).

Figures 9.5 and 9.6 are graphical representations of the social network in terms of the degree centrality scores of the various actors in peri-urban land delivery in Techiman and Tamale respectively. These actor degree centralities were calculated based on an assumption of symmetric ties among the actors (that means that a relationship exists from A to B and from B to A). The sizes of the nodes in the figures indicate the degree of centrality of the actors in the network, with bigger size nodes symbolising actors that are more central.

The largest network share of actor degree centrality (potential "power") in the Techiman network (Figure 9.5) was held by the Divisional chiefs (0.11) and the Town and Country Planning Department (0.09). The Estate Agency (0.03) and the Royal Family (0.02) had the smallest shares of network power due to their limited linkages to other actors in the land delivery network. Similarly, in the Tamale network (Figure 9.6), the Divisional chiefs (0.12) and the Town and Country Planning Department (0.11) emerged as the most central actors. The Royal Family however, emerged more 'powerful' in Tamale at 7th position (with a network share of 0.06) compared to being the least powerful in Techiman (See Appendix C for detailed degree centrality measurements for each actor as well as the Outdegree and Indegree centralities for both networks). The Customary Land Secretariat was more central in Techiman (0.06) than in Tamale (0.04). This was because, in Techiman, all consultations regarding peri-urban land conversions had to be channelled through the Customary Lands Secretariat to the Paramountcy for the necessary action. This, however, was not the case in Tamale.

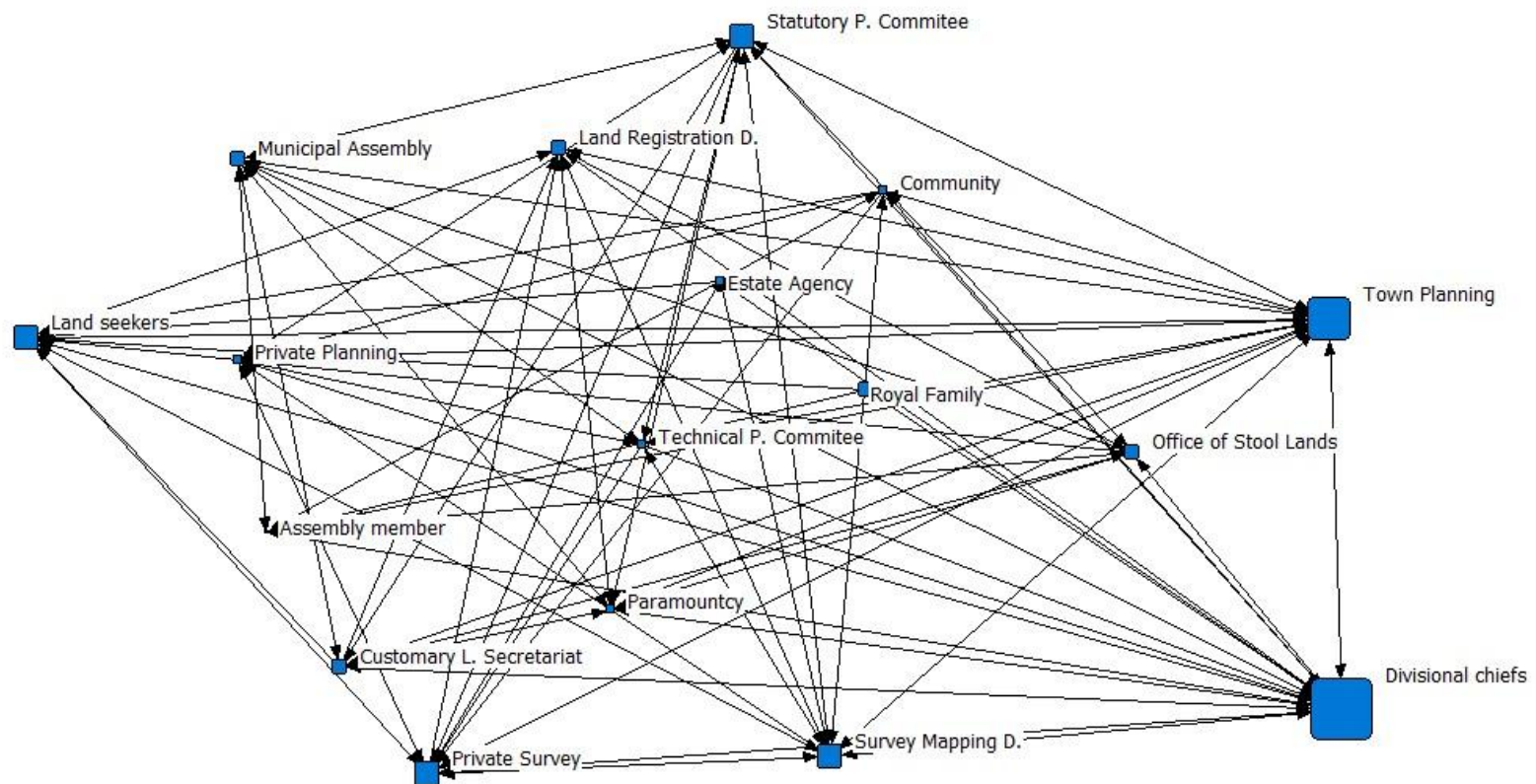


Figure 9.5: Actor degree centralities for the peri-urban land delivery network in Techiman

Source: Author's own

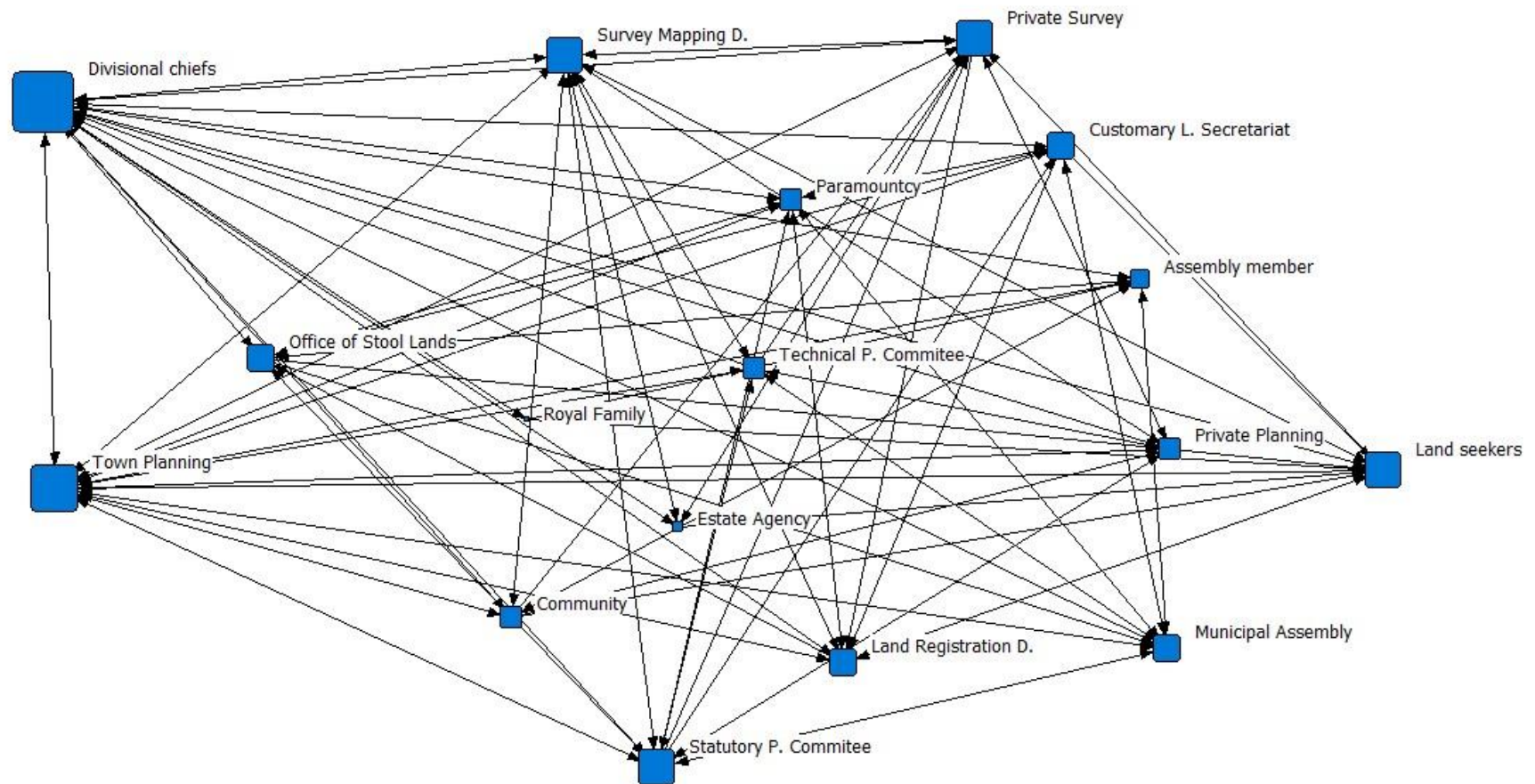


Figure 9.6: Actor degree centralities for the peri-urban land delivery network in Tamale
Source: Author's own

The ranking of actors in terms of Freeman's betweenness centrality measures is shown in Table 9.3. Abbreviations that were used for the analysis are presented in Table 9.2.

Table 9.2: Abbreviations for Social Network Analysis

No	Abbreviation	Name
1	Cus_LS	Customary Lands Secretariat
2	Lan_RD	Land Registration Division
3	Pri_LS	Private Licensed Survey
4	Mun_A/Met_A	Municipal/Metropolitan Assembly
5	Roy_FE	Royal Family/ Elders
6	Off_SL	Office of the Administrator of Stool Lands
7	Sur_MD	Survey and Mapping Division
8	Com_F	Community (Subjects/Farmers)
9	Par_P	Paramountcy
10	Div_STA	Divisional/Sub Traditional Authorities
11	TCPD	Town and Country Planning Department
12	Tec_PC	Technical Planning Committee
13	Sta_PC	Statutory Planning Committee
14	Non_LS	Non-native Land Seekers
15	Lgr_AM	Local Government Rep (Assembly members)
16	Est_A	Estate Agency
17	Pri_PC	Private Planning Consultancy

Source: Author's own

The three most central actors in Techiman from these measurements were the Divisional/Sub Traditional Authorities, Div_STA (65.57), the Town and Country Planning Department, TCPD (29.33) and the Survey and Mapping Division, Sur_MD (13.71). Although the Div_STA (50.22) and the TCPD (26.23) were the top two most central/powerful actors in Tamale, Non-native Land Seekers, Non_LS (10.05) rather than the Sur_MD emerged as the third central actor. This suggests that in both networks, the Div_STA, TCPD, Sur_MD, and Non_LS were the major brokers or mediators among the stakeholders of local planning and land use conversion in both Techiman and Tamale.

Table 9.3: Actor rankings based on Freeman's betweenness centrality measurements (asymmetric ties)

Techiman				Tamale			
No.	Abbreviation	Betweenness	nBetweenness	No.	Abbreviation	Betweenness	nBetweenness
10	Div_STA	65.57	27.32	10	Div_STA	50.22	27.594
11	TCPD	29.33	12.22	11	TCPD	26.279	14.439
7	Sur_MD	13.71	5.71	14	Non_LS	10.052	5.523
13	Sta_PC	7.73	3.22	7	Sur_MD	7.277	3.999
4	Mun_A	6.23	2.59	3	Pri_LS	6.4	3.516
3	Pri_LS	5.37	2.24	13	Sta_PC	3.644	2.002
2	Lan_RD	5.28	2.20	6	Off_SL	3.45	1.896
15	Lgr_AM	5.07	2.11	4	Met_A	3.102	1.705
14	Non_LS	4.77	1.99	2	Lan_RD	1.983	1.09
6	Off_SL	3.83	1.60	9	Par_P	1.417	0.778
1	Cus_LS	2.68	1.12	8	Com_F	1.042	0.572
8	Com_F	2.33	0.97	5	Roy_FE	0.833	0.458
12	Tec_PC	1.71	0.71	1	Cus_LS	0.3	0.165
9	Par_P	1.65	0.69	12	Tec_PC	0	0
17	Pri_PC	1.54	0.64	15	Lgr_AM	0	0
16	Est_A	0.20	0.08				
5	Roy_F	0.00	0.00				
Mean		9.24	3.85	Mean		7.733	4.249
Std Dev		15.60	6.50	Std Dev		13.046	7.168
Sum		157.00	65.42	Sum		116	63.736
Variance		243.35	42.25	Variance		170.21	51.386
Minimum		0.00	0.00	Minimum		0	0
Maximum		65.57	27.32	Maximum		50.22	27.594
Network Centralization Index = 24.94%				Network Centralization Index = 25.01%			

Source: Author's own

Other actors such as the Community (Subjects/Farmers), Com_F, the Royal Family/ Elders, Roy_FE and the Technical Planning Committee, Tec_PC were however located at the periphery of the network with few actors depending on them to connect with others in the network. This shows the limited capacity of these actors over resource flow within the network.

In general, the picture that emerged from the network centrality measurements was not surprising. Consultative linkages within the peri-urban land delivery network were not equally distributed. Power accrued to actors that provided valued resources. Similarly, formal/traditional authority was associated with power and access to opportunity. Consequently, in both networks, the actors with traditional authority and those with formal authority and legitimacy to manage and administer customary land held more power and had many collaborative ties than those actors with limited political and economic resource capacities. Social network theory suggests that actors with more ties may have advantageous positions (Hanneman & Riddle, 2005). Because these central actors have more brokerage roles and connections than the others do, they have an opportunity to access and control information and other resources flowing among the actors. Thus, in the end, such actors are able to combine their resources and engage in acts of reciprocity to achieve their personal and collective interdependent interests. They also dominate other actors because of their resourcefulness.

Whilst these findings from the social network analysis make it evident that traditional authorities, local government bureaucrats, and non-native land seekers have positional advantages in the peri-urban land delivery networks in Tamale and Techiman, the results do not reveal how they translated their structural positions into power. Accordingly, in the ensuing section, I focus on the connection between the results of the network centrality measures and the benefit sharing arrangements for the planned peri-urban lands. Specifically, I analyse how the actions of the central actors benefited or disadvantaged other actors in the network.

9.3 Power relations and benefit sharing arrangement

Network centrality alone does not constitute individual power. Centrality grants actors power potential but does not guarantee power usage. The ability of actors to be aware and use their power potentials to their benefit is thus worth investigating when assessing power relations among various categories of stakeholders. The evidence gathered from the study sites regarding local planning and land delivery indicates that both traditional authority holders and public bureaucrats with formal land sector agencies are conscious of their power potentials and use those potentials to gain from their engagement in land use planning. An officer of the TCPD aptly summarised this awareness and the power relations between the actors in the following sentence:

Planners do not own land, so if the land owner's do not demand our services, we can't go to the community to plan. However, though the land belongs to the chief, the use to which the land is going to be put to is in the hands of the professional planner. The chiefs do not have the technical know-how, so they need to depend on us at the TCPD and the other formal land sector agencies; SMD, and the Lands Commission to assist

them in that direction. So, we are stakeholders and what concerns all must be agreed by all. (In-depth interview, Planner, Techiman, 25.07.2016)

In the light of the awareness of their structural power potentials as outlined in the statement above, the actors translate such potentials into strategic co-productive networks and alliances and use such connections to influence how the benefits of peri-urban land use conversions are distributed. For instance, traditional authorities, much aware of their customary and constitutional guaranteed ‘custodian power’, rely on it to exercise both *de jure* and *de factor* control over land and its allocation. Similarly, they utilise their ‘payment power’ to influence Local Plan preparation such that at the end, a significant proportion of Local Plans are allocated to residential and commercial land uses, which can easily be leased out. By virtue of this ‘payment power’, the implementation of Local Plans and control over revenues generated from land allocations are solely left to their discretion. Likewise, public bureaucrats with the land sector agencies, fully aware of their ‘technical power’, utilise it to obtain both cash and in-kind payments from traditional authorities for rendering planning and surveying services. The exercise of these power potentials to the advantage of the most central actors in the peri-urban land delivery network is made manifest in the plot distribution arrangements presented in Figures 9.5 and 9.6.

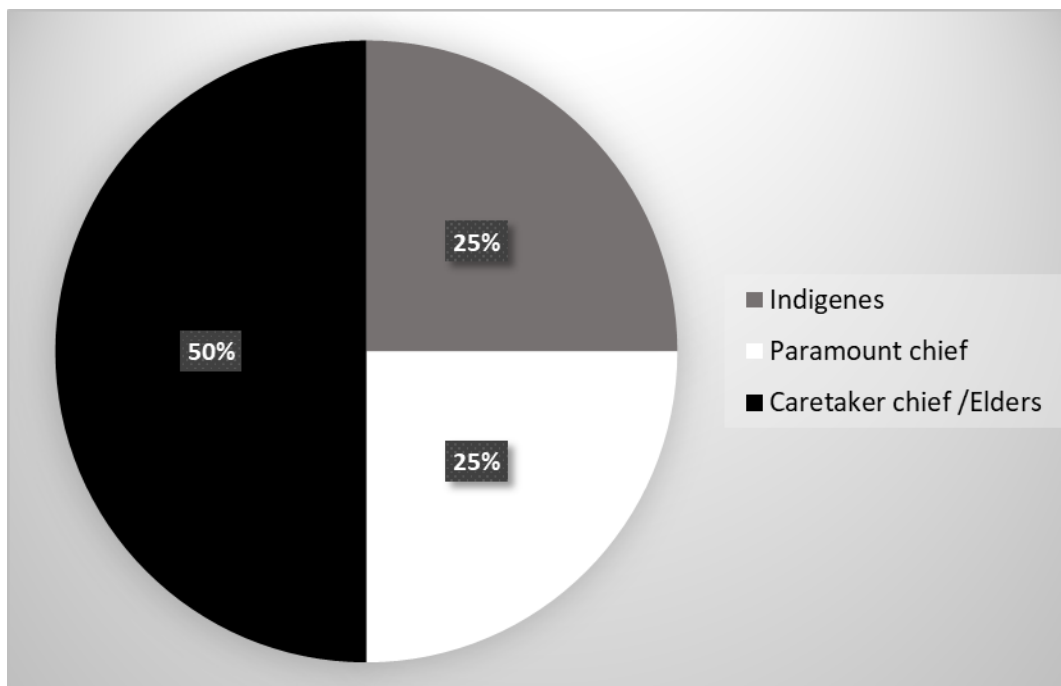


Figure 9.7: Plot distribution formula Techiman,
Source: Author's own

In Techiman, up to 20% of land assigned for residential and commercial uses in the Local Plan was used to defray the costs associated with planning, sub-dividing, and surveying and the remaining 80% distributed among the various categories of traditional authorities and farmers. Out of the remaining 80%, farmers who were indigenes of the community and owned farmlands of up to one acre were entitled to 25% (one plot out of every four plots of farmland) as compensation whilst the chiefs and their elders were entitled to 75% as shown in Figure 9.7. This validates the actor degree and

betweenness centrality scores from the social network analysis and shows that the main beneficiaries of peri-urban land use conversions were local bureaucrats of the formal land sector agencies and chiefs. Community members/subjects became the ultimate losers as they were displaced from their farmlands and livelihoods. This implies that holding a central position within the peri-urban land delivery networks corresponds with being advantaged and actually benefiting from the demarcated plots of land. Thus, in Techiman, it can be concluded that network centrality is positively linked to the power of access to land.

Unlike in Techiman where local farmers were entitled to some land (though relatively insignificant) following the approval of a Local Plan, in the two study sites in Tamale, farmers did not get any compensation. After allocating plots of land to planners and surveyors to defray the cost of planning and sub-division services, the remaining parcels of land zoned for non-public uses were shared among various categories of chiefs and elders (see Figure 9.8).

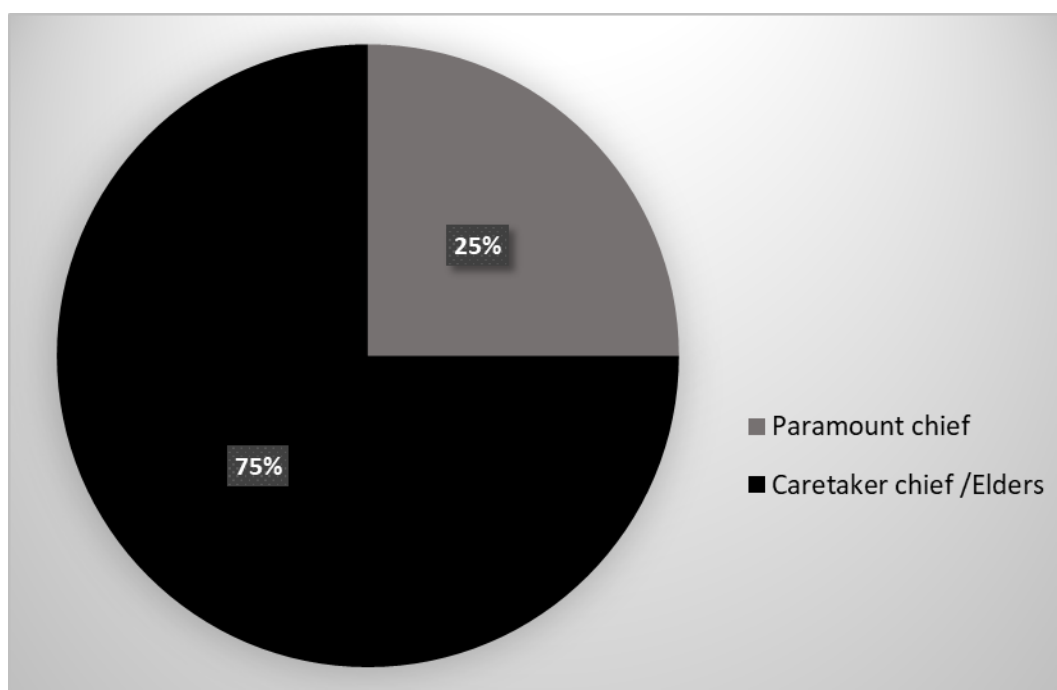


Figure 9.8: Plot distribution formula, Tamale

Source: Author's own

In addition to these plots of land, divisional chiefs (in Tamale) and the paramount chiefs received additional signing fees for confirming allocations made by their subordinate chiefs. Beyond the study sites, a similar plot allocation formula where local community members lose their rights in land was used to distribute lands by the Gulkpegu CLS for lands under their jurisdiction. Under the formula implemented by the Gulkpegu CLS arrangement, 10% of all demarcated plots are allocated to surveyors to cover the costs of sub-division whilst up to 10% is also allocated to planners as payment for the plan preparation. Some plots are also allocated to the staff of the CLS to supplement their incomes. The remaining land that has been assigned to residential and commercial uses is then distributed according to these proportions: 25% to the overlord (Paramount chief), 35% to the divisional chief, and 40% to the village/care-taker chief and his elders. Therefore, although a general guideline for plot distribution

had not been instituted in Tamale as is the case in Techiman, generally, chiefs and local bureaucrats remain the principal beneficiaries of land use conversion. Farmers and community members in the Tamale network were however worse-off than their counterparts in Techiman. Thus, it can generally be argued that, in both Tamale and Techiman, chiefs and local government bureaucrats transform their central positions within the peri-urban land delivery network into brokerage positions, which enable them to control the allocation of land to their self-interest to the detriment of the community interest. A village chief in Tamale revealed the main beneficiaries of the Local Plan in the following statement:

We village chiefs have been labelled as people who sell plots of land at exorbitant prices, but it is not us. Many issues make the price of plots high. Out of every 10 plots, the surveyors take one, and the planning officers take some too. On top of that, your divisional chief will take a good proportion of the plots and give some to the Overlord. After these, how many plots will be left for me to share with my sub-chiefs? (In-depth interview, Village Chief, Tamale; 21.11.2015)

9.4 Chapter summary

The chapter has demonstrated that land delivery in Ghana is characterised by the co-existence and integration of a multiplicity of traditional and statutory actors who collaborate to develop Local Plans and convert peri-urban lands into urban uses. These actors play various complementary roles in land delivery. Contrary to dominant views that customary regimes of land tenure facilitate access to land for the poor, the situated practices of land delivery in the study sites point to the inequities in land access following local planning processes.

The social network analysis and the benefit sharing arrangements in place in the study sites point to actor power asymmetries as an influential factor that determines an actor's inclusion or exclusion in the benefits of local planning and peri-urban land conversions. Actors with valued resources, strategic access to information and connections engage in acts of reciprocity within the hybrid system of land governance to advance their interests leading to the displacement and marginalisation of actors without valued resources. In the next section, I examine how the development of Local Plans influence peri-urban land rights transformation and the powers that underpin and legitimise such transformations.

10. Land rights transformation and powers of exclusion/access in Tamale and Techiman

Land rights in peri-urban Tamale and Techiman are constantly in a flux following the commodification of customary lands and the resultant re-interpretation of customary norms of access to land. A ‘pillarization revolution’ has thus emerged where hitherto peri-urban farmlands are converted into largely residential parcels, sub-divided (‘pillared’) using survey beacons and exchanged for cash to prospective land purchasers. The discussion in this chapter focuses on the changes that have occurred to land rights in the study sites, the stakes and powers underpinning these changes, and how the processes of exclusion or access to land under the ‘pillarization revolution’ operate.

Specifically, I discuss the traditional practices of land administration and the changing customary norms of access to land in peri-urban Tamale and Techiman in the next section. The aim is to explore how and why land rights transformations are occurring and to identify the actors benefiting or losing from these changes in land relations. In the penultimate section, the effect of three powers of exclusion – traditional authority, formal land use regulation and the market on access to and exclusion (measured by who benefits or loses from local planning and land use conversion) in land are examined to highlight who is excluded, how, why and with what consequences. This will help to understand the dilemmas and debates that the harmonisation and integration of customary and statutory tenure systems invoke or provoke. In the concluding part, the main arguments of the chapter are presented.

10.1. Peri-urban land rights transformation and changing norms of access under the ‘pillarization revolution’

Customary land relations in Techiman and Tamale just like custom is in a constant state of reinterpretation and renegotiation by custodians and subjects alike in the wake of urbanisation and its associated land commodification. Two major classifications of land rights have been identified to exist on customary lands in the study towns: primary rights and secondary rights. Primary rights are largely derived from family lineage or kingship relations and approximate the customary freehold/usufructuary interest to use land in perpetuity. Such rights are heritable, permanent, and inalienable without the consent of the right holder. Indigenes, therefore, derive their primary rights to use the land for either farming or settlement or from being members of the land holding stool/skin. A respondent summarised his usufructuary interest to land in Tamale as:

I was born in this community. The land I am farming on belongs to my late father. He divided it among his sons. Therefore, I have been farming on it to feed my family. One day if I die, my children will also inherit the land. But these days land for farming is becoming scarce as Tamale town is growing, so one day, my family may not be able to farm on this land again. (In-depth interview, Indigene 9, study site A, Tamale, 26.10.2015)

Besides highlighting the role of family relations and inheritance in access to land, the quote above also pointed to the effect of urbanisation on land rights, especially the farming rights of indigenes. As many secondary cities grow and sprawl uncontrollably into the peri-urban environs, farmers are at risk of losing their farmlands in peri-urban areas to residential development.

Secondary/derived rights to land emanate from non-definite transfers of access and use rights to non-members of the land holding community. In both Tamale and Techiman, secondary land rights are obtainable through gifts, grants, leases and tenancies from custodian chiefs and land-owning families. However, in Techiman where there are many migrant farmers, secondary rights in the past also took the form of sharecropping arrangements for cash crops known locally as “abunu” and “abusa” system following the advent of cocoa farming in the 1960s and cashew in the 1970s. With the Abunu arrangement, the migrant farmer cultivates the crops and when they are harvested, $\frac{1}{2}$ of the farm produce goes to the landowner and the other $\frac{1}{2}$ goes to the farmer. Under the Abusa system, $\frac{2}{3}$ of the farm produce goes to the farmer and $\frac{1}{3}$ goes to the landowner. The Abusa system was largely used in the cultivation of annual crops like maize and others that do not keep long to mature. These sharecropping arrangements are however disappearing in recent time and giving way to long-term leases, outright purchases, and annual rental agreements.

Following national land policy reforms, urbanisation, population growth, and other external influences, the process of gaining access to land by both primary and secondary right holders in the study sites have seen significant modification, particularly in peri-urban areas. Consequently, various interests acquired through indigenous membership, gifts and sharecropping arrangements based on customary norms are giving way to monetary transactions on land. In the past, an indigenous member in need of land for farming or residential development only needed to approach an elder who will lead him to the village chief to request for land. A divisional chief explained the land acquisition process in the past in Techiman.

If an indigene needed land for building, he will go to the chief and the chief will summon one of his elders to accompany him to the place of his choice to lay the foundation stone for him. The elder will pray, pour libation, slaughter a fowl to lay the foundation. At that time, we did not have any layout or plan to show that this parcel was for this person, but there were witnesses to testify that the subject paid something. The subject was required to present some schnapps and fowls to start living on the land. Around that time, we did not charge too much, it was just a token of money. (In-depth interview, Divisional Chief, Techiman, 26.10.2015)

Similarly, an indigene or non-indigene in search of land for farming or for building a house in Tamale went through the following process:

During the olden days, whether to an indigene or to a stranger land was given out free, not for money. Any indigene who wanted land will only come with kolanuts to the chief and ask for the land to build and accommodate his family. The chief will ask his linguist to take him to a place where he wishes to settle and then allocate that place to him for use. For strangers, the same process of accessing land was used. What was different for strangers was the need for the stranger to establish first, a relationship with a native within the community and the person will then lead the stranger to one of the elders of the chief who will lead them to the chief to beg for the land with the kolanuts. If the stranger is found to be a good person, he will be taken to where he wants to settle and given the land. However, if the stranger wanted to farm, he had to do the farming with the friend first. His friend will send him to wherever he is farming so

that they will demarcate land there for him. At the end of the farming season, the stranger was required to go to the Palace and present some of his farm produce to the chief. (Group discussion with secretaries of chiefs and elders, Tamale, 17.10.2015)

Interviews with both customary custodians and primary and secondary right holders to land in the four study sites, however, revealed that the above enumerated procedures of accessing land in the past are undergoing rapid transformation processes in the wake of increasing land values and land commodification. Usufructuary rights to land are now largely dependent on monetary transactions than on kingship or familial relations. Whilst some subjects accuse chiefs of using 'uncustomary' powers of allocation and reinterpreting custom to suit their personal and monetary interests to the detriment of the group interests, chiefs in-turn lay the blame for land commodification on statutory regulatory processes. A respondent in study site B remarked:

In the olden days, if you wanted a plot to develop, you buy kolanuts, add some amount of money and go to pay homage to the chief. The 'Wulana' would lead you to the chief to beg for the land. Those days they were not selling lands in this community, but now things have changed and if you want a plot, you would have to buy. I think the selling of plots in this community just started after the chief prepared a Local Plan. These days, the way the chiefs behave is not good at all. In the past, chiefs used to take care of their people through thick or thin but now these our chiefs are paying attention to their own families at the expense of the community members. Therefore, if you want a plot of land and does not have money whether you are a native or whatever, the chiefs will not give you. They sell plots to everybody regardless of your relationship with them. Everything about land in this community is now a money matter. (In-depth interview, Indigene 4, study site B, Tamale, 18.10. 2015)

In response to the concerns on the monetisation of land transactions in peri-urban areas, a divisional chief in Tamale explained:

During the olden days, lands were not allocated for money. You could just go and put your house anywhere. However, times have changed and due to increasing population, the government requires us to plan our communities and allocate land for various public uses. That is why the TCPD and the SMD came to plan and pillar this community. They charge a lot of money for surveying, planning, and pillaring and the chief is the one who is to pay those costs. So if I am to pay all the cost, what you do want me to do? I have to pass that cost to the one who wants the plot of land. This is what has brought about the sale of land to both indigenes and strangers. In fact, if you look at the whole process of local planning and land conversion, the hands of chiefs are tied, and we cannot do much without requesting for money for land allocation. (In-depth interview, Divisional Chief, Tamale, 15.08.2016)

While other subjects lamented on the changes in primary and secondary rights to land, some positive views were expressed by other peri-urban dwellers. Some felt that with the monetisation of land transactions and the demarcation of plot boundaries with concrete survey pillars, their rights to land were more secured.

I must say that the practice where the chiefs do the local plan and sell the lands to the people is better than where you begged for the lands from them. Because when you buy the land and take your documents, in future you can claim ownership of the land. In the past when you begged for a plot of land from the chief, you did not want to build a nice house because you do not know whether he would sack you in future or not. However, now when you buy your plot it is entirely yours. It is demarcated and pillars are put on it and everybody knows their boundaries. Nobody can cheat you. (In-depth interview, Indigene 2, site A, Tamale, 24.10.2015)

These changes in the processes for accessing customary land by both primary and secondary right holders in Tamale and Techiman is akin to findings made by previous studies that customary land tenure systems are undergoing various processes of re-invention, re-interpretation, and re-negotiation as a result of land commodification, commercialisation of agriculture, neoliberal land reform policies, population growth and urbanisation (see Amanor, 1999; Ubink & Amanor, 2008; Yaro, 2012). Access to land based on customary norms is, therefore, phasing out as new external elements - Local Plans and money are thrust into the hands of traditional authorities who hold custodial positions. It can thus be concluded that in peri-urban areas, access to land based on kinship and other locally instituted social relations are shifting towards more market and state-based formalised procedures of establishing claims to exclude. These shifting land relations in favour of monetary transactions have created various forms of uncertainties among customary right holders and gradually leading to the disappearance of communal held rights to land and the consequent disintegration of customary forms of social insurance, thus deepening economic and social inequalities and poverty. This gives value to Ubink's conclusion that:

...when the economy rapidly changes and land becomes a highly priced commodity, customary systems are often unable to evolve equitably and the tenure position of local farmers is increasingly precarious. (Ubink, 2007a, p. 248)

Access to land by poor subjects and young families who cannot afford to purchase land at the market rate, therefore, remains a mirage in the near future as allodial titleholders fail to fulfil their responsibility of mediating equitable access to land for their subjects and rather re-interpret customary norms using economic or market logics. The romanticised belief of communitarians that customary land tenure has inbuilt checks and balances that ensure guaranteed access and security of tenure to indigenous right holders is, therefore, being challenged by these changing rules and norms of access to land in Tamale and Techiman. In the next section, I present an analysis of the key powers and legitimising discourses underpinning the transformation of land rights in Tamale and Techiman.

10.2 Powers of exclusion and access in the wake of land commodification

The shifts in land relations and the resulting transformation of land rights discussed in the preceding section take place through various powers and processes. Although the power relations analysed in Chapter 9 were based on network centrality (degree centrality and betweenness centrality), it is important to acknowledge that network centrality is not independent of other sources of power such as formal/traditional authority and market forces. As a result, in this section, I examine the various sources

of power and the discourses that the central actors bank on to dispossess peri-urban farmers of their rights to land following the development of Local Plans. Exclusion here is used to mean the various ways by which indigenes of the study sites are prevented from benefiting from the proceeds of land use conversions similar to the definition used by Hall et al (2011) whilst access refer to the ability to benefit from the proceeds of the land use conversion. Three main powers of inclusion/exclusion in neo-customary land delivery in the study sites were discovered by the thesis. These are traditional authority, formal land use regulations, and the market. These powers are discussed in detail in the ensuing paragraphs.

Traditional Authority: Reinterpreting custom

Traditional authority constitutes an important mode of legitimation that has been used as a source of power to shape how different people are either included or prevented from accessing land held under customary tenure in Ghana. Justifications of what is or what should be the customary procedure of acquiring land create avenues for either including or excluding others from enjoying the benefit of land use conversions. In Tamale and Techiman, three major legitimising discourses have been deployed by traditional authority holders. These are 1) the re-interpretation of the traditional and constitutionally guaranteed custodian title (custodian to owner), 2) the re-invention and re-negotiation of the usufructuary right/customary freehold and 3) using custom as a safeguard for unaccountability.

Re-interpretation of the custodian title

Both the constitution of Ghana and customary law (as it is interpreted in Ghanaian courts) recognise and guarantee the role of traditional authorities as custodians of land who are vested with the allodial title. Nevertheless, in practical land administration, chiefs in Techiman and Tamale have manipulated, re-interpreted, and transformed this custodian authority into ownership titles. During field interviews, chiefs and their representatives variously argued that the stool/skin lands in the community belong to the chief and the royal/clan family with indigenes having farming rights to such lands. They cited tradition as granting them the ultimate say and administrative control over every land under their jurisdiction. A respondent in a group discussion in Tamale re-interpreted the custodial duty of chiefs in land management in the following statement:

If you look at the genesis of the title of a chief, like the paramount chief, the divisional chief, and then the sub-chief in Dagbon, three things are important. 1. There must be a vast undeveloped land. 2) This land should have a title, for example, Gulkpegu. 3). A traditional leader should be enskinned to take control over that vast land. The enskinned chief thus takes the title of the land, Gulkpegunaa, owner of the land titled Gulkpegu. Therefore, the chief owns the land and decides what to use the land for in consultation with his elders. Any decision on land can only be taken with the permission of the chief. Therefore, when they say Dagbon, it is not any other physical thing; it is the land of the Dagbon kingdom that is titled Dagbon. (Group discussion with secretaries of chiefs and elders, Tamale, 17.10.2015).

Some chiefs in Techiman held a similar interpretation of chiefly authority over the land.

By tradition, the land is the stool and the stool is the land. If you don't have land, you are powerless and your stool cannot be maintained. (In-depth interview, Divisional Chief, Techiman; 04.08.2016).

When asked about their constitutional mandate as custodians rather than owners, a chief's representative agitatedly responded:

The belief that chiefs hold land in trust for their people is only in the books but not here. I am saying so because a chief is enskinned to take the title of land so if he wants to do anything on the land, nobody has the right to protest. That is how it is here. The community can only plead with the chief to leave the land for them but cannot force him. Maybe somewhere they are custodians, but here in Tamale that is not true. (Group discussion with secretaries of chiefs and elders, Tamale, 17.10.2015)

A public bureaucrat in Tamale confirmed the power chiefs held in land matters.

By law, the chiefs are supposed to manage the lands on behalf of their people. Nevertheless, here in the northern region, the chiefs are so powerful that they have managed to (...) ...eer ..., to suppress the people who are there. So that if say I am made a chief of a particular community and there is a piece of land there that people have been farming on, once I am the chief, I can just give it to somebody to build on without even consulting the person who is getting his sustenance from that place. (In-depth interview, Senior Planner, Tamale; 07.09.2015)

Surprisingly, this re-interpretation of custom and the consequent transformation of custodian titles into ownership titles by chiefs has become so widespread and established that it has been accepted by their subjects. They refer to chiefs in everyday parlance as land owners (see Figure 9.2) and thus accept their re-interpreted ownership titles. This gives chiefs some *de facto* legitimacy to expropriate peri-urban lands from their subjects.

Besides the popular legitimacy, the self-conferred ownership titles chiefs hold in land have been reinforced by constitutional and formal bureaucratic procedures for land administration as well as their long-standing collaboration with the land sector agencies. For instance, in the study sites, chiefs but not the TCPD are the only people who can take decisions on land use conversion by initiating the preparation of Local Plans. Similarly, in both Tamale and Techiman, no individual can register a deed (land transaction) in stool/skin land areas with the Lands Registration Department of the Lands Commission without the endorsement of the divisional and paramount chiefs. Thus, chiefs but not customary freeholders are considered the legitimate authority for land administration in stool/skin land areas. These administrative procedures even though are in conformity with the constitutionally guaranteed custodianship of chiefs, and aimed at serving as practical checks on freeholders transferring or registering stool lands as private properties, they invariably transfer the rights of customary freeholders to the chiefs. Consequently, chiefs, in turn, misinterpret these privileges and responsibilities to mean an acknowledgement of their absolute land ownership and rely on that to allocate land and receive revenues for private gain. In the light of the formal acknowledgement of chiefly powers in land administration and the negotiable and flexible nature of customary tenure, it can be argued that chiefs

will continue to manipulate and shift the meaning of customary land tenure and re-define the norms of access to land to their advantage anytime circumstances change.

Re-invention and re-negotiation of the usufructuary interest/customary freehold

Within this legitimising discourse, traditional authorities have drawn upon their custodian power to transform the usufructuary interest held by members of the stool/skin community into permissive rights when forces of urbanisation and commodification emerge. In Techiman, a divisional chief explained:

All Techiman traditional area is under the paramount chief and all other chiefs are care taker chiefs. Although for people who were born and bred here, the land was owned long ago by their ancestors, we believe that when development gets to that area, it is the paramount chief and the care-taker chief who have the ultimate land ownership. (In-depth interview, Divisional Chief, Techiman; 28.10.2015)

A divisional chief's representative in Tamale shared a similar discourse:

Not every indigene is a royal. We have the royal fraternity and the rest of the folks. When an indigene who is not a royal is given land to farm, his children can continue to use it, but anytime the Palace wants it, we will take it from him. When development catches up with any farmland, we will start planning it and farmer will have to look for a new place to farm. (Group discussion with secretaries of chiefs and elders, Tamale, 17.10.2015).

These discourses suggest that chiefs bank on the power of the skins/stools they sit on, to transform their trusteeship of stool/skin lands into landowners when land values increase. Accordingly, they see the compensation of their subjects as an act of leniency on their part and not a right possessed by the subjects. In many circumstances in Techiman, compensation if even given at all was rarely sufficient to sustainably replace the livelihood of the peri-urban smallholder farmers (see section 6.3.3.).

Generally, the rule here is that if someone has his own family land where he is farming, that person is only farming on it for his livelihood but the land itself - the owner is the paramount chief and I take care of it here. Therefore, the authority indigenes have on that land is to only farm on it but if any development gets to that land, the chief has the right to acquire it. If it happens that development has gotten to an area and the chief is going to release the land for development, normally he gives the farmer some little share [part of the land] as compensation. If he wants to sell or use it for anything, then he can do that. (In-depth interview, Village Chief, Techiman; 27.10.2015)

In Techiman, some chiefs have also mobilised the legitimating discourse of providing land to accommodate growing urban population and attracting development to their areas to justify the preparation of Local Plans and the conversion of land into urban uses and the subsequent loss of farmlands and livelihoods. Such justifications, give them the leeway to exclude their subjects from the benefits of local planning and land use conversions. I label this as exclusion legitimated by rapid urbanisation. In these circumstances, chiefs do not consider their exclusionary practices as land-grabs but rather regard them as a significant contribution towards meeting increasing urban land needs.

Thus, farmers will have no choice but to pay the price for the common good – making land available for urban uses.

I have made my subjects to understand that when the town is growing towards where there are farmlands, definitely, the town supersedes the farm and therefore whoever is farming there, you have to leave that place for the development of the town. (In-depth interview, Divisional Chief, Techiman; 28.10.2015)

The settlement of people is more of a priority to me than farming. Therefore, your farm cannot block the growth of the community. So, when we get to your farmland, we give you a little compensation and allocate it for residential development. (In-depth interview, Village Chief, Techiman, 02.08.2016)

The argument of providing land to meet the urbanisation-induced demand, and farmers having to sacrifice for this common purpose though logical is neither convincing nor fair, considering the fact that revenues accruing from the land use conversion were not invested in projects for the development of the communities. Besides, farmers were either not compensated (in the study sites in Tamale) or inadequately compensated (in the case of Techiman). These unfair exchanges between chiefs and their subjects and the uneven economic effects generated are thus symptoms of exclusivity emanating out of the highly unequal power relations between them. Subjects with usufructuary interest to land are thus transformed into mere tenants with only farming rights, which can be extinguished by chiefs anytime land is converted to residential or other urban uses. Surprisingly, rather than contesting these exclusions, the excluded subjects in the four study sites simply acquiesced. They failed to defend their usufructuary interests, which by customary law is their birth right and which, according to Asante (Asante, 1965) is supposed to be potentially perpetual (on provision of recognition of the stool's title), heritable and inalienable by the stool without the consent of subjects. Subjects cited reasons ranging from unfettered *de facto* control and power of chiefs over land, fear of traditional authority and the power it bequeaths on chiefs; not belonging to the royal family as well as hopes of development coming to their communities following land conversions as their reasons for preferring to remain quiet.

We did not take any action against the land conversion because everybody thought that it would bring development and benefit the community. (Group discussion with Indigenes of study site C, 05.08.2016)

You know all this land that we live on, Nana [Chief] is the head. All lands in the town belong to him. He is the only one who can decide how the lands should be managed. If you are not from the royal family, your ideas and suggestions would not be taken into consideration and if anyone opposes Nana's decisions, Nana can call the person to order ... anything can happen, to you. (In-depth interview, Indigene 3, study site D, Techiman, 29.10.2015)

In the olden days people could mobilize against chiefly land misadministration, but now there is nothing we can do, than to allow the land owners do what they want with their land. Because if you resist they would use force and you cannot send the chief to any higher authority. They

are backed by government people. (In-depth Interview, Indigene 2, study site A, Tamale, 24.10.2015)

In explaining the acquiescence of the subjects to their dispossession by chiefs, a land expert during a key informant interview bemoaned:

The chiefs have turned us into tenants and they are landlords when we are co-owners. I think this is because of lack of education. The sense of community is still very low among our people. Let our people recognise that we constitute one community, somebody is a leader and a custodian, and therefore we can hold the person accountable. ... Until then the chiefs will continue to behave as if they are landlords. Particularly, in and around Tamale, a layout is made engulfing villages and then they carve out lands and sell without the consent of the farmers. (Key informant interview, Tamale, 10.09.2016)

It is important to note that despite their acceptance of the self-vested ownership titles claimed by chiefs and their inability to resist land use conversions, subjects in the study sites expressed their dissatisfaction about chiefly land misadministration. This acquiescence even in displacement and dissatisfaction is symptomatic of the French philosopher Pierre Bourdieu's concept of '*symbolic violence*' defined to mean the exercise of power or violence upon a social agent with his or her complicit acceptance (Bourdieu, 1991; Bourdieu & Wacquant, 1992). Drawing upon the work of Weber (1968) on legitimate authority and domination, he argues that the dominant take part in their own domination by accepting the conditions of their domination, which are constructed from the point of view of the dominant, making such constructed conditions appear legitimate and natural (Bourdieu, 2001). This notion of symbolic violence explains well how the discourse on chiefly re-interpretation of custodianship as ownership is sustained and how subjects misrecognise the transformation of their usufructuary interests into tenancies as legitimate.

Here negotiation is not possible. The land belongs the chief, so once the chief has an interest in planning, and selling it, you cannot disagree with him. The word of the chief is final. (In-depth interview, Indigene 5, study site B, Tamale, 18.10.2015).

The extract above indicates that far from resisting, subjects in the study sites perceive (though grumblingly) the self-conferred ownership of land by chiefs as natural and inevitable legitimate authority. Consequently, by such misrecognition, powerful chiefs with traditional authority continue to enjoy unchallenged privileges, resulting in the reinforcement, reproduction, and maintenance of social domination and hierarchies. It is, however, worth pointing out that the exercise of symbolic violence by chiefs is not unchallenged throughout Tamale or Techiman nor universal across Ghana but specific to the study sites. Other studies have reported instances where the youth and wealthy elite in some areas have mobilised and challenged chiefly land misadministration and their claims of land ownership in the state courts (see Amanor, 2008; Boni, 2008; Gough & Yankson, 2000; Ubink, 2008c). This gives value to the argument that it is the lack of education of some subjects, coupled with the lack of customary and statutory checks and balances on the exercise of chiefly powers, which facilitate the exclusion of subjects from access to customary land. Whatever the case may be, it is important to question the legitimacy and usefulness of the custodianship authority constitutionally accorded chiefs in the light of their abuses of

such power and authority.

Custom as a safeguard for unaccountability

Revenues ('drink'/ 'kola' monies) accruing from land allocations have remained a major source of income for chiefs in Ghana since the colonial era to date. There have however been concerns about the extent of chiefly accountability on the use of such revenues particularly in the light of the hierarchical and closed nature of traditional decision-making processes. In all the study sites, beyond the already built-up lands allocated to the natives and the share allocated to farmers (only in Techiman), community members remain oblivious of how much is generated from their converted farmlands, not least to talk of what the revenues generated are used for. Beyond the local internal agreements on the formula for distributing plots within the chieftaincy hierarchy, there were no explicit rules on how the revenues or proceeds of the lands allocated to the various categories of chiefs (paramount, divisional, village chief and elders) should be utilised.

As discussed in Section 9.1 under the OASL, the main legitimising discourse chiefs bank on to remain unaccountable to their subjects and the OASL concerning the use of 'drink' / 'kola' money is tradition - the sacrosanctity of their traditional stools/skins that makes them unquestionable in line with the customs and traditions of their people. In defending the private use of 'drink'/ 'kola' money, they trace and bank on the traditional procedure of land acquisition where land seekers were required to present bottles of schnapps, fowls or a quantity of kola nuts to the chief as a customary token for the performance of libation as a justification. They advance the argument that when such traditional items were presented to the chief, they were meant to be used by the chief to seek the consent and protection of the ancestors and not for community use. Thus, following such logic, chiefs argue that drink-monies paid for grants of land are symbolic of the traditional offer of giving drinks, kola, fowls, or other items in exchange for land.

Traditionally, we believe that when the chiefs are sitting, they don't sit alone but with the ancestors (the dead). Before any decision is taken, we seek their guidance and assistance spiritually by pouring libation. Because of that, you cannot come to the chief empty handed. Therefore, if anyone needs land or anything from the chiefs, normally you bring a drink. I use the drink for libation to inform the ancestors that the land they gave to me, I am also going to give a portion to some of their grandchildren. Even if you bring money, we still call it drink. We do not sell land. Therefore, if you need land, and I tell you I will take GHC 100.00 for the land it means bring drink worth GHC 100.00. Hence, every money we receive for allocating land is drink we took. As for us chiefs, we don't say we took money, we say we took drink amounting to say GHC 100.00 from you. (In-depth interview, Village Chief, Techiman, 27.10.2016)

In Dagbon, we do not sell lands. Even if the chief takes one billion Ghana cedis from you, it is termed as kola. That is why we do not issue receipts. You have only given kola nuts to the chief in appreciation of a land grant. We in-turn give you an allocation note indicating that you have performed the established customary obligations of Dagbon and we are giving you this land. (Group discussion with secretaries of chiefs and elders, Tamale, 17.10.2015)

In the light of these linkages chiefs draw between traditional practices of land allocation and ‘drink’/ ‘kola’ monies received today, it has become practically difficult for subjects to demand transparency and accountability in the use of land revenues notwithstanding the fact that ‘drink’/ ‘kola’ monies are no longer customary tokens but commensurate with the market value of land. Their claims are facilitated by the fact that there are no traditional nor statutory obligations on chiefs to disclose how much is generated as land revenues. Chiefs, therefore, rally behind both their custodial authority and their knowledge of custom to manipulate tradition to suit changing situations to their advantage. Till date, the management of land revenues in general and ‘drink’ /‘kola’ money, in particular, remains a contested and complicated issue across Ghana with both subjects and formal land sector agents unable to overcome this challenge of making chiefs accountable. Until this challenge is addressed, it can be concluded that the ability of communities to benefit from land revenues will continue to depend largely on the discretion and magnanimity of individual chiefs. The effects of formal land use regulations on exclusion in or access to land in the study sites are discussed next.

Formal land use regulation

Land use regulations comprising statutory/legal rules and procedures on land governance have an influence on land rights in Ghana. The legal and regulatory frameworks set out how land should be administered and who has what state-recognised claims to a piece of land and by so doing govern access to or exclusion in the land. Just like traditional authority, formal regulations on land use constitute a source of power that both public bureaucrats and traditional authorities in the study sites draw on to benefit from local planning and land use conversion. The specific legal and regulatory frameworks that give power and authority to these actors in the control and administration of land are discussed below.

Articles 36(8) and 267 (1) of the 1992 Constitution of Ghana as well as the Lands Commission Act 2008 (Act 767) vest the power for land management in traditional authorities and formal land sector agencies. Although the Constitution enjoins both public and traditional authorities to act as fiduciaries with the obligation to discharge their duties for the benefit of all and to be accountable in their duties, these actors have relied on such vested powers as weapons to manage land to their own benefit. As discussed in section 9.3, chiefs and public bureaucrats eventually become the main winners of local planning processes as they allocate a greater percentage of planned and sub-divided plots of land to themselves and by so doing exclude subjects and grant access to non-natives who have the ability to pay for the land.

When the Local Plan was prepared, the chiefs were the main beneficiaries because they took a larger share of the land and got plots to sell. The officers who drew the plan and those who did the pillaring were also given land. It is those who were farming on the land, and those whose houses were affected, who suffered the negative effects of the plan. (In-depth interview, Indigene 2, study site A, Tamale, 24.10.2015)

The Land Use and Spatial Planning Act, 2016 (Act 925) and the Local Governance Act, 2016, (Act 936) formerly the Local Government Act, 1993, (Act 462) declared all the land area in Ghana a planning area, with MMDAs as local planning authorities. As a result, no disposition nor development can occur on any

land without the approval of the local planning authorities. These Acts require that a planning scheme (Structure and Local Plans) should be prepared following zoning principles and all developments should conform to such a scheme. The scheme determines the kinds of land uses that are permitted within the area and those that are not. The implication is that when lands are zoned for non-farming uses, farmers can no longer farm on such lands. Thus, land use planning serves as a conduit for the displacement of subjects from their farmlands by chiefs and their collaborators in the formal land sector agencies. Linking the evidence from the study sites to the literature on land and power relations in the global North, particularly the concept of enclosures (De Angelis, 2004; Vasudevan, McFarlane, & Jeffrey, 2008), one can argue that, although the contexts, actors, and drivers of the dispossession/displacement differ, local land use planning in the study towns constitute a form of 'mini-enclosure'. In these 'mini-enclosures', land, which was a hitherto common property, where subjects had potentially perpetual usufructuary interest is converted and parcelled into private property following the preparation of Local Plans with minimal or no compensation to the usufructuary interest holders.

In addition, the legal requirement for lands to be zoned into various uses prior to disposition by chiefs gives public bureaucrats with technical expertise in Local Plan preparation a formal mandate and a legitimate authority to collaborate with chiefs in peri-urban land use conversions and negotiate to be included in the benefits of local planning. In all the study sites, during the course of implementing land use regulations through local planning, public bureaucrats act outside of their official responsibilities of providing planning and surveying services and often use their affiliation to the formal land sector agencies to make claims to land. They demand extra-legal payments either in the form of plots of land or cash payments for public services rendered (see section 8.3). This evidence suggest that in Tamale and Techiman, formal land use regulations constitutes a source of power of access to land that is exercised by public bureaucrats to their advantage. Likewise, the implementation of formal land use regulations also serve as an avenue for the emergence of practical norms through which strategic alliances and compromises between chiefs and public bureaucrats flourish. The result is the accumulation of plots of land by public bureaucrats who hitherto had no communal rights to land and the displacement of the subjects (who hitherto had rights to communal land) from thier farmlands.

Besides regulations on land use planning, regulations governing the registration of land transactions and land titling influence the kinds of interests that one can hold in the land. Article 267(5) of the 1992 constitution stipulates that "no interest in or right over any stool land in Ghana shall be created, which vests in any person or body of persons a freehold interest, howsoever described". Although this constitutional provision is aimed at preventing people from owning land *ad infinitum*, it means that upon the coming into force of the 1992 Constitution, holders of customary law freeholds in stool/skin lands are barred from registering such interests as common law freeholds. This thwarts the potential perpetuity of the customary freehold/usufructuary interest. Currently, customary freeholds/usufructuary interests cannot be registered as common law freeholds with the Lands Commission. Although the constitution only limits leaseholds to 50 years for foreigners with no specified leasehold duration for Ghanaians, it is standard practice in Ghana that leasehold interests are limited to 99 years for residential development and 50 years for commercial development for Ghanaians. The implication of indigenes registering grants of stool/skin lands with the Lands

Commission as leaseholds, therefore, is that the usufructuary interest/customary freehold is changed into a leasehold interest and truncated to a maximum of 99 years for subjects. It is therefore not surprising that the registration of land transactions in stool/skin land areas is low among indigenes as compared to non-indigenes. Besides the inability of subjects to register the customary freehold/usufructuary interest as a common law freehold in stool/skin land areas, regulations on land titling and registration in themselves generate exclusionary/individualised land rights within customary land tenure systems in support of private property markets. Since their main aim is to formally document land rights and make them readily convertible into capital and marketable commodities in line with the thesis of De Soto (2000), they sow the seed for land commodification, which in turn contribute to the intensification of the processes of exclusion through chiefly abuses of custodian powers and authority. The effect is the dispossession of vulnerable indigenous land users of their land, their sources of livelihood, and their incomes to the advantage of the powerful and wealthy as revealed by the empirical case studies in this research. Besides land use regulations, the market also influences the ability of indigenes of the study sites to benefit from the proceeds of land use conversions. This is discussed next.

The Market

Although both custom and the 1992 constitution of Ghana bar the outright sale of stool/skin lands, a vigorous market exists for land not only in the study sites but throughout the country, particularly in urban and peri-urban areas. Both landowners and land seekers often talk of ‘selling’ and ‘buying’ land. Evidence from the case studies revealed that market forces act as a power of exclusion and access through commodifying land and placing a price on it. Thus, the ability to pay the price of land set by the market determines who can gain access to land and who is excluded. Land use regulation and its associated costs of Local Plan preparation, as well as the increased demand for peri-urban lands due to rapid urban population growth, have been identified as the main drivers of the emerging market in land in the study sites.

In both Tamale and Techiman, the price of land is determined by taking into consideration the costs of planning and surveying services, the location of the land and its proximity to the CBD of Techiman or Tamale, the availability of infrastructural services and the nature of relationship existing between prospective land purchasers and land owners. In the two study sites in Tamale, the price of a planned but un-serviced plot of land (covering 0.25 acres) was GHS 3,000.00 (€697.67)⁹ whilst a similar plot of land in site C in Techiman was between GHS 1,500.00- GHS 2,000.00 (€348.84-€697.67). However, in site D in Techiman where minimal services in the form of unpaved access roads and electricity were available, the price was GHS 3,000.00 (€697.67). Considering the fact that the average basic monthly earnings of people employed in agriculture was estimated at GHS 110.89 (€27.79) according to the Ghana Living Standards Survey Round 6 (GLSS6) Labour Force Report (Ghana Statistical Service,

⁹ Note: €1.00= GHS4.30 as at September 15, 2015

2014b), it can be argued that the quoted market prices were beyond the reach of peri-urban farmers in Tamale and Techiman. Besides, up to 24.6% and 14.2% of the population of the Tamale Metropolis and the Techiman Municipal respectively were below the poverty line of GHS1,314.00 (€305.58) per person per year (Ghana Statistical Service, 2015), which makes them unable to pay the market price for land following land use conversions. As a result, the market excludes such people (though they possess usufruct rights in accordance with customary norms) from benefiting from local planning. The market thus effectively replaces the usufructuary rights of indigenes with exchange rights.

These days, it is just a matter of somebody who has money that can own land. It tells me that in future, our children's children, and their children will not have access to land at all, even though they were born and bred here. They will become aliens in their own villages of birth. (Key informant interview, Tamale, 18.10.2015)

Besides limiting indigenes' access to land through the ability to pay, the market also acts as a power of exclusion by creating an incentive for people who acquire land to lay individual claims to the land. By paying the market price for land, individuals are motivated to regularise such transactions through the acquisition of formal documents as a way to secure their investments. This form of legitimisation emanating from formal land use regulations thus creates the moral basis for exclusive claims to land and weakens social ties between landowners and land purchasers. An indigene commented:

After the plan, not all land lords were able to pay for the documents for their existing houses so those poor ones are going to have problems with the chief. As for buying a new plot, that is beyond us. Where will we get such money? However, if we are able to pay for our documents, the plot would become ours for life and no one can claim ownership of it. I think a time will come when the chief will not be able to make laws anymore. If he sells a plot of land to me and I buy and develop it, what social contract do we have again such that he would want me to be paying allegiance to him as a chief? (In-depth interview, Indigene 3, study site A, Tamale 24.10.2015)

In addition, the commodification of land and its resultant higher market values particularly in peri-urban areas have transformed land into a highly marketable commodity that can generate wealth. This has intensified efforts by chiefs to re-interpret custom and make ownership claims to land so that they can have the authority to make land use decisions and allocations and consequently receive revenues (drink/kola money) for their own benefit. It can thus be concluded that the market acts as a powerful force by placing a price on land, which in turn stimulates the desire of chiefs to re-interpret custom. In all these, the state creates an enabling environment for market forces to flourish through its adoption of a neoliberal land reform project. The implementation of the first phase of the multi-donor supported Land Administration Project (LAP1 2003-2011) facilitated the commodification of land following its sensitisation of traditional authorities on local land use planning principles and formalisation of land rights in favour of individualized private land rights. This stimulus by the LAP in the wake of limited customary/formal checks and balances to ensure equity and social justice in land delivery leads to chiefly abuse and re-interpretation of custodian authority as well as rent seeking behaviours among

public bureaucrats in the land sector agencies. The effect is the exclusion of subjects from the benefits of local planning and land use conversion.

10.3 Chapter summary

The chapter has revealed the transformations that occurred in customary land rights following the application of statutory processes of land use planning in the study sites. The changing land rights in the study towns mirror the general trend in many secondary towns in Ghana where rapid urban population growth has transformed land rights along market principles/exchange rights rather than social relations. Following planning and surveying of peri-urban customary lands, customary processes of access to land as well as usufructuary interests wane, whilst customary land gains the status of a tradeable commodity.

Power asymmetries and social inequalities among the various stakeholders in peri-urban land delivery in Ghana have led to the re-interpretation and transformation of customary land tenure systems. This benefits public bureaucrats and traditional authorities who are largely motivated by monetary gains from local planning than ensuring equitable land delivery. As a result, indigenes of peri-urban areas who hitherto had usufructuary interests in land are displaced of such interests as well as their agrarian livelihoods. This weakens the inherent security associated with communal land tenure for individuals with low social capital and exacerbates inequalities in society. Thus, rather than formal land use regulations safeguarding the public interest and facilitating access to land by the poor, it rather guarantees the rights of the powerful actors to successfully exclude customary freeholders. These shifting land relations in favour of monetary transactions have created various forms of uncertainties among customary right holders and gradually leading to the disappearance of communal held rights to land and the consequent disintegration of customary forms of social insurance, thus deepening socio-economic inequalities in society.

PART 3: CONCLUSIONS, REFLECTIONS, AND THEORETICAL CONTRIBUTIONS

11. Towards hybrid land governance: Conclusions and theoretical implications

Drawing on the insights from the case studies on the interactions between traditional chiefs and local public bureaucrats in local planning and neo-customary land delivery, this final chapter presents the major conclusions of the thesis. The main question this thesis sought to answer was; how are collaborative engagements between government planning administrations and customary authorities in land delivery forged and what outcomes are produced from these engagements in peri-urban Ghana? The chapter is organised into six sections. I contextualise the key findings of the thesis and present the main arguments, highlighting the gaps between theoretical policy goals and actual situated practices on the ground in the first section. In the second section, I draw empirical conclusions in relation to the research questions whilst in the third section, I provide a reflection on the meaning and wider implications of the thesis' findings for pro-poor and sustainable land delivery. The practical and theoretical contributions of the thesis findings are presented in the fourth section and in the fifth section, I revisit the call for a southern take in urban studies and planning. In the sixth and final section, I offer suggestions for further research.

11.1 Integrated land delivery in Ghana: Synthesis of findings

At the beginning of this thesis, I highlighted the difficulty many post-colonial African governments face in combining colonial-transplanted land tenure and planning regimes with indigenous normative systems as part of their modernising projects of nation building. Consequently, much of the extant literature on the socio-political dynamics of African land tenure systems have overly focused on the phenomenon of legal pluralism and the conflicts and tensions associated with it (Adams & Turner, 2005; Kasanga & Kotey, 2001; Kasanga & Woodman, 2004; Lund, 2006). Taking a shift from this line of research, my interest in this thesis was to examine everyday interactions between state authorities (local public bureaucrats) and non-state actors (traditional authorities) at the interface between urban planning and customary land tenure. My intention was to position the everyday practice of planning and land delivery within the discourse on institutional hybridity and co-production in governance to highlight collaborations and alliances between state and customary authorities. Within such a framework, this thesis questioned the transformative potential of harmonising and integrating state land administration and customary land tenure systems paying particular reference to equitable and sustainable land delivery.

In Part 1 (Chapters 2 to 5), I explored the literature with the aim of developing a theoretical framework to underpin the thesis. Chapter 2 demonstrated that attempts by early post-independence governments in Africa to reform land policy towards state tenure systems were largely unsuccessful leading to the persistence of customary land tenure systems and the resurgence of traditional authorities in land governance in many post-colonial SSA countries. Consequently, current debates in international land policy have advocated for a shift towards an adaptation paradigm, which promotes community and civil society participation in land administration through the harmonisation of customary and statutory land tenures systems. At the heart of contemporary debates on land management in Africa, it has been

proposed that land policies and land reforms should focus on providing formal recognition for customary tenure and integrating it with state land administration systems. It is believed that such policy initiatives are locally adaptive and will ensure equitable access to land (Deininger, 2003; Platteau, 1996; Camilla Toulmin & Quan, 2000). However, such initiatives and reform efforts have not always led to their intended outcomes. At the heart of such land policy initiatives are underlying concerns about rights, equity, land use regulation, and power dynamics. These underlying concerns constituted the major considerations that formed the starting point of this thesis. Exploring the literature has revealed that although theoretical calls for recognising and building on customary systems of land administration are burgeoning, empirical studies on the dynamics and outcomes of such an approach to land policy are deficient.

Chapter 3 linked the current discourses on land policy reform in Africa to scholarly debates on the transfer of planning and governance models from the global North to the global South. Drawing largely upon, and supporting the literature on the failures of Northern governance models in African contexts, as well as recent calls for a 'southern take' in planning and urban studies, I argued that pundits of an adaptation approach to land policy reform in Africa have oversimplified and standardised the expected outcomes of such an approach. They failed to incorporate equity and rights perspectives into such approaches and as well ignored contextual differences in the dynamics and nuances of customary land tenure across societies, thereby masking issues of underlying power differences and structural inequalities that shape human action.

In chapters 4 and 5, I reviewed and employed the two sensitising concepts of institutional hybridity/hybrid governance (Boege et al., 2008; Colona & Jaffe, 2016a; Goodfellow & Lindemann, 2013; Reyntjens, 2015) and co-production (Joshi & Moore, 2004; Mitlin, 2008; Ostrom, 1996; Pestoff, 2012; Watson, 2014b) of public services as conceptual and analytical lenses for the thesis. As outcrops of the growing interests in non-state actor involvement in grassroots governance in the South, I consider these two concepts useful for analysing the application of an adaptation approach to land management in Ghana. Hence, grounding the thesis in such an analytical framework provided a deeper understanding of the complexities, uncertainties, and outcomes that shape practical efforts at integrating customary and state land administration systems.

The findings of the thesis presented in Part 2 (chapters 6, 8-10) have demonstrated that recognising, harmonising and integrating customary land tenure systems with statutory tenure systems does not automatically result in inclusive and equitable access to land. The ability of such policy initiatives to achieve their intended outcomes depend on how local authorities respond to such initiatives and the specificities of the context. This thesis has particularly revealed that the agency of actors cannot be controlled or predicted with certainty particularly in contexts of weak institutional capacities and asymmetrical power relations among actors. Thus, achieving pro-poor land governance in Africa goes beyond promoting the harmonisation of customary and statutory land tenure to recognising and embracing complexity and heterogeneity of context. This thesis therefore contributes to strengthening emergent views in the development studies and planning literatures on Africa that postulate that the

failure of Northern based planning and development models to deliver pro-poor outcomes emanates from their neglect of context and heterogeneity (Hickey & Mitlin, 2009; Myers, 2011; Pieterse, 2008; Watson, 2002, 2014c, 2014d).

Using Ghana as an ideal laboratory that has constitutionally recognised and integrated customary and statutory systems of land management and implemented a multi-donor funded Land Administration project, this thesis has revealed land governance as a complex and highly political issue. As such, it will be simplistic and erroneous to assume that, land policy reforms will generate universal outcomes across SSA. This thesis has demonstrated that land management involves complex interactions among a multiplicity of actors with divergent interests, and is more about exclusion from access to land and as much about inclusion. Therefore, I postulate that if an adaptation approach to land policy reform in Africa is to lead to transformational outcomes that can address the challenges to equitable land delivery, adequate attention should be paid to the following: 1) the nature and dynamics of customary tenure systems across various contexts, 2) the kinds of engagements between non-state and state authorities in land delivery and 3) the different interests that shape actor interactions.

The literature on co-production and hybrid governance arrangements has often emphasised the important roles non-state actors play in the delivery of traditional state functions in contexts of weak/fragile states (Joshi & Moore, 2004; Lund, 2007; Meagher, 2012; Ostrom, 1996; Titeca, 2009; Workman, 2011). Whilst the evidence from this thesis on the one hand, support this notion of an entangled, hybrid and intertwined governance context involving a multiplicity of governance actors and institutions under pluralistic regulatory arrangements in many African cities, on the other hand, the evidence contradicts the public gains often associated with co-production arrangements. The hybrid land governance arrangement in Ghana has shown that the inadequacies of the concepts of institutional hybridity and co-production lie in their narrow conceptualisation of individual agency and structural power relations, and their limited focus on the relationship between these key issues and equitable services delivery. The exceedingly emphasis of these concepts on non-state actor engagements with bureaucratic institutional arrangements to provide public services leads to a taken-for granted conception of actors as altruistic and neutral individuals, whilst ignoring the possibility for opportunistic behaviours. This manifests a problematic merger of individual agency and the public interest.

In discussing the interface between urban planning practice and neo customary land delivery in Ghana, I provided empirical evidence to Watson's (2014b, p. 74) theoretical proposition that within co-production arrangements, there is a possibility for the exercise of power to either positive or negative ends and for corruption and manipulation to happen. I postulate that inequitable outcomes are inherent in co-production and hybrid governance arrangements particularly in situations of asymmetrical power relations. This thesis has clearly revealed that integrating customary and statutory land tenures systems within an adaptation approach to land policy offers a conduit for actors with privileged access to resources and power to accumulate gains at the expense of less connected individuals. In the next section, I present the key conclusions of the thesis in the light of the research questions and examine

the wider implications of the complex relationship between traditional authorities and public bureaucrats for equitable and sustainable land delivery in Ghana.

11.2 Reflections and conclusions

The underlisted specific research questions were posed in Chapter 1 (see section 1.2).

1. How are interactions between government authorities and customary land custodians structured in rapidly urbanising secondary towns in Tamale and Techiman and what factors stimulate and sustain their engagements?
2. Who are the central actors in skin and stool land delivery in Tamale and Techiman respectively, and what power relations shape their interactions in peri-urban areas?
3. How do hybrid arrangements and practices in land delivery influence land rights transformation and access to land, in areas under intense urbanisation pressure in Tamale and Techiman?
4. How does the integration of customary and government institutions and processes in land governance affect equitable and sustainable land delivery in Ghana?

To answer these research questions, I studied mundane interactions between traditional authorities and local public bureaucrats of formal land sector agencies in Tamale and Techiman Ghana. A case study research approach under a qualitative research paradigm was adopted with data gathered from a combination of methods comprising in-depth interviews; direct observation, group discussions, and document analysis (see Chapter 7). The main findings and conclusions generated in response to the research questions are presented in the following sections.

Land delivery as a strategic-collaborative hybrid process instigated by diverse actors and logics

Chapter 8 addressed the first research question, which focused on the dynamics and factors shaping hybridity in local planning and land delivery. The main issues explored centred on individual agency as well as the processes and strategies deployed by actors in the everyday practice of Local Plan preparation and land sub-division. In answering the first research question, I argued that actors in peri-urban land governance in Ghana engaged in hybrid and co-productive practices under various forms of negotiated agreements and strategic alliances. Actor interactions were driven by public interests but as much by private interests of wealth accumulation. Thus, they can be described as strategic-collaborative engagements.

Backed by constitutional and other regulatory instruments, land administration in Ghana takes place under a pragmatic cohabitation of state and customary land tenure systems as advocated by pundits of the adaptation approach to land policy reform in Africa. In substantiating the earlier theoretical conceptualisation of hybrid governance arrangements presented in section 4.2, this thesis has revealed that local planning and land delivery in peri-urban Tamale and Techiman take place under a bricolage

of institutional arrangements. Here, formal/state and informal/customary procedures amalgamate and become interconnected, making it difficult to distinguish what is state from what is customary. Corroborating other studies on land delivery processes in African cities (Ikejiofor, 2006; Leduka, 2006; Nkurunziza, 2006; Nnkya, 2007; Onyebueke & Ikejiofor, 2017; Rakodi, 2006; Rakodi & Leduka, 2004), the insights from the thesis illustrate a fuzzy and artificial relationship between the so-called ‘formal’/‘modern’ and ‘informal’/‘traditional’ in land management. Whereas local public bureaucrats of the formal land sector agencies often operate under various forms of unofficial negotiations (receiving payments for preparing base maps, Local Plans, surveying and sub-dividing building plots), traditional authorities likewise seek formal recognition (by requesting for the preparation of Local Plans and borrowing practices from modern land management principles) to advance their interest of delivering high value lands to the market (Akaateba et al., 2018). The thesis thus contributes to the land policy debate in Africa by highlighting the complexities and dynamics associated with implementing an adaptation approach to land policy reform. In contexts of weak institutional capacities, land use planning and land sub-division processes offer the government a co-production opportunity to collaborate with traditional land custodians to bring land allocation under state oversight in order to generate the needed revenue. This is particularly relevant now where government’s role has been described as shifting from that of a provider to an enabler (UN-Habitat, 2011).

Comparing the hybrid practices to Deleuze and Guattari’s (2013) metaphor of a tree (representing systematic and formal processes) and the rhizome (representing informal, disorderly processes) it can be argued that in relation to land delivery in Techiman and Tamale and some other post-colonial cities in SSA, the tree is inherently rhizomatic and the rhizome consistently connected to the tree. Consequently, the strategic and/or co-productive partnerships that emerge occupy a middle/hybrid ground between formal and customary land management. This finding contradicts evidence from other contexts, which suggest that the co-existence of modern and traditional systems of governance in African cities contribute to a clash of cultures where traditional authorities are in opposition to formal institutions or constitute a challenge to realising modern urban development outcomes (Goodfellow & Lindemann, 2013; Owusu-Ansah & Braimah, 2013; Simelane, 2016). This thesis has revealed that modern and traditional systems of governance are not exactly oppositional, neither are they strictly collaborative in a formal sense. Stimulated by their interdependent mandates, traditional authorities and public bureaucrats engage in various reciprocal relations in land delivery. This suggests that in some contexts non-antagonistic relations and strategic alliances do exist between the so-called modern and traditional actors, with both constructive and corrosive effects on transformative change in SSA. It is, therefore, possible to conclude that customary and statutory tenure systems are not as divergent as may be thought, and there are useful co-production potentials that overlap them, which may be useful starting points for the effective and efficient integration of statutory and customary land tenure regimes.

Akin to co-production engagements in public services delivery across many cities in SSA, the actors combine community resources (land, money, and knowledge) with professional skills (planning and survey principles and procedures) to co-deliver a public service (land) to meet the increased demand

for residential land arising out of rapid urbanisation processes. The peri-urban space is thus jointly co-produced by professionals (planners, surveyors), local leaders (Assembly members), traditional authorities (Chiefs, elders, secretaries to chiefs and staff of Customary Lands Secretariats), private actors (Real estate agents), and individual citizens (community members, land seekers). The strategic-collaborative alliances between traditional authorities and state institutions contribute practical insights and generate implications for current theoretical debates on the resurgence of traditional authorities in Africa and the general discourse on non-state action in planning. The thesis evidence has shown that in situations where formal planning and land governance institutions are unable to provide the needed resources to prepare Local Plans and undertake land sub-divisions, traditional authorities fill such voids. Though rudimentary, the bottom-up hybrid practices of neo-customary land delivery in Ghana do reflect advances towards the quest for unique, workable and practical modes of governance for African cities that are 'creative adaptations to the modern' (Harrison, 2006, p. 324).

The thesis discovered three contextual conditions, which activated the adoption of hybrid and co-productive practices for land governance in Ghana: the legislative framework that supports a dual land tenure regime, the desire for planned parcels of land due to growing urbanisation, and private interests for wealth accumulation from land sales. The engagement in hybrid land delivery practices requires the existence of a particular socio-political milieu in the form of an institutional framework that allows the participation of traditional authorities in formal land use planning and land delivery. In Ghana, the 1992 constitution, the introduction of decentralisation, the national lands policy of 1992 and the implementation of the donor-funded Lands Administration Project, provided such formal political opportunity structures for the uptake of hybrid land governance. These made Ghana exemplary in Africa for the harmonisation of customary and state land administration systems.

In addition, a growing desire for officially planned and sub-divided parcels of land by prospective land seekers have prompted traditional land custodians to engage planning and land administration technocrats for the development of Local Plans within the auspices of the Land Use and Spatial Planning Act, (ACT 925) 2016. A concomitant effect of land use planning is increased value of land leading to the commodification of hitherto communal lands, which becomes an incentive for co-productive and hybrid land delivery practices. Although local governments and statutory land sector agencies have been entrusted with the responsibility for planning and managing development on lands under their jurisdiction, they are unable to fulfil this role due to weak institutional capacities. Decentralisation in Ghana largely takes the form of transfer of functions from the central level to the local units without the commensurate and timely transfer of financial resources. This has weakened the institutional capacities of many local authorities, making it difficult for them to acquire the requisite logistics and human resources to execute their land management duties. Thus, various forms of strategic relationships between chiefs and public servants in urban land delivery have emerged where various payments both in cash and in kind are made by chiefs to public bureaucrats for the planning, surveying, and sub-division of customary lands. Although similar instances of local community leaders collaborating with civil servants in land delivery processes are reported in some Africa cities where urbanisation is rife and traditional land management practices abound (see Ikejiofor, 2006; Musyoka,

2006; Nkurunziza, 2006; Nnkya, 2007; Rakodi, 2006), such practices are not institutionalised in form, as is the case in Ghanaian cities. This notwithstanding, the mushrooming nature of non-state action in land delivery in many cities in Africa means that such arrangements represent smart institutional adaptations to political and logistical challenges. They, therefore, have the opportunity to emerge as alternative and innovative options for land delivery.

The threesome motivations that shape the engagements between traditional authorities and land and planning technocrats in land governance in Ghana suggest that hybridity and non-state action in governance processes do not occur solely for the public interest or for private interests. As such, it will be problematic and simplistic to assume that integrating customary institutions and actors into state land administration systems will be beneficial to all. The presence of private interests means that there will be winners and losers in any hybrid and co-production venture. This however, will differ across various contexts. In Ghana, the vacuities created by the unusually weak local authorities have created an opportunity for some public bureaucrats to turn public land sector agencies into sites for private wealth accumulation and self-advantageous acts and for chiefs to strategically network with land administration and planning technocrats to convert peri-urban agricultural lands into urban uses for sale. Therefore, I argue that the practice of hybrid land governance in Ghana within an adaptation approach to land policy reform manifests a case of an under-resourced and weak land administration institution that facilitates the flourishing of various forms of extra-legal practices and the emergence of practical norms, which (though unofficial) become widely accepted in land delivery.

Asymmetrical power relations, land rights transformation, and negotiated planning

Whereas many instances of collaborative decision-making are often presumed to be based on stakeholders' ability to provide a 'better argument' or a 'good justification', the outcomes of negotiations are dependent on power, which in the case of land governance in Ghana emanates from the possession of material and authoritative resources. Promoting a hybrid land governance and planning regime has normatively been conceptualised as involving negotiations and interactions that craft outcomes that optimally satisfy the diverse interests of all stakeholders. However, based on Chapter 9, which analysed power relations, the thesis has demonstrated that in situations of power asymmetries, integrating customary tenure systems into state planning and land administration (as advocated by pundits of the adaptation approach to land policy) carries the risk of some prominent actors using their resource-advantage to amass gains to the detriment of less privileged actors. This eventually institutionalises hierarchy and heightens existing socio-economic inequalities in society. Therefore, I argue that the challenge to pro-poor land governance in Africa lies not only in the harmonisation of colonial-instigated dualistic land tenure and planning regimes but also in how to achieve a principled and integrative land reform approach, which presents mutual and equitable gains for all stakeholders in a win-win scenario.

The case studies of peri-urban land delivery in Ghana epitomise how unequal power relations facilitate accumulation by dispossession in the context of rapid urbanisation and rising land values under capitalism. Harvey contended that accumulation by dispossession is a process of displacement, which

“lies at the core of urbanisation under capitalism” (Harvey, 2008, p. 34). Analogous to Harvey’s (2003a, 2008) concept of accumulation by dispossession, traditional chiefs and local public bureaucrats in formal land sector agencies bank on custom and land use regulations as conduits to displace local indigenes of their use rights to farmlands in the name of urban development. However, once planned and sub-divided, hitherto peri-urban farmlands become marketable commodities that are parcelled out to land seekers who have the ability to purchase them to the detriment of peri-urban farmers. Worth emphasising, however, is the fact that the processes of accumulation by dispossession that occur in peri-urban land delivery in Ghana do not act as entry points to capitalist market relations according to Marx’s notion of primitive accumulation, which was rephrased by Harvey into accumulation by dispossession. Rather, they work to (re)shape the largely informal land and property relations in Ghana in a radical way. Such practices of land accumulation by traditional chiefs and local public bureaucrats through the expropriation of communal lands problematises and questions the effectiveness of co-production ventures in Africa, particularly in situations of power unevenness among actors. This place the particularity of peri-urban land delivery within universal principles of equity, justice, and sustainability in urban development.

The local land use planning and land delivery processes in Ghana and their resultant outcomes can best be described as cases of negotiated planning. Rather than being collaborative, discursive, or consensus-built towards a shared or collective vision in the public interest as envisaged by Northern driven planning theories, planning is rather built on ad-hoc commitments, mutual adjustments, and strategic alliances among various actors engaged in customary and state land delivery. Thus, the outcomes of the planning process reflect very much the agendas and tactics of a multiplicity of actors, who work together to configure the peri-urban space. Deviating from current mainstream normative debates in planning literature, which advocate for planning to be ‘evidence based’ and participatory/collaborative (Davoudi, 2006; Healey, 1997; Innes, 1995; Krizek, Forysth, & Slotterback, 2009), the evidence from the thesis has demonstrated that planning in Ghana takes the form of explicit and tacit negotiations and power relationships among various stakeholders generating varied urban spatial outcomes.

From the request by traditional authorities for the preparation of Local Plans to the sub-division of planned parcels of land by licensed surveyors, the thesis has revealed that planning is inherently negotiated. The weak institutional capacities of formal land administration agencies coupled with the guaranteed power traditional authorities hold in land administration in Ghana have meant that planning has had to thrive on a patchwork of formal, semi-formal, and informal exchanges within a flourishing environment of practical norms. Therefore, the decision to plan peri-urban lands for urban development and the financing of the planning and land delivery processes are not driven by only government technocrats but based on negotiations between government authorities, private developers, and traditional authorities. In the light of this, I argue that efforts to reform planning and land delivery approaches in African cities must begin by acknowledging and understanding this negotiated nature of planning and land delivery processes. Such understanding is central to uncovering the peculiarities, potentials, and constraints for a transformative change in planning and land management in African Cities. These findings, therefore, validate and strengthen the calls for focusing on bottom-up planning

and governance processes in the South within the developing body of literature on 'seeing from the South' in order to incorporate the specificities of place and context in mainstream planning theory.

Beyond challenging mainstream normative views of planning, the outcomes of the negotiated planning and land delivery ventures have implications on both the nature of planning that is done and the resultant urban forms that emerge. Because local planning is largely done on a piecemeal, ad-hoc and fragmented basis in response to the demands of traditional chiefs, little or no attention is paid to the long-term spatial vision for the city. Therefore, although the Town and Country Planning Department is the statutory body mandated to plan the development of human settlements in Ghana, their weak capacities have occasioned a situation where traditional chiefs have assumed the roles of pseudo land owners and land use regulators deciding when Local Plans should be prepared and the content of such plans. This has spiralled a new form of peri-urban sprawl (locally induced sprawl as opposed to city-sprawl) in the peri-urban zone driven by low land values and land speculation. The emerging literature on urban sprawl in developing countries and Ghana in particular has however failed to conceptualise this planning-induced endogenous sprawl, focusing only on city-induced sprawl, where cities spread beyond their geographical boundaries to engulf peri-urban communities (Cobbinah & Aboagye, 2017; Cobbinah & Amoako, 2012; Owusu, 2013; Sudhira & Ramachandra, 2007). Cobbinah and Amoako (2012) for instance argued for Kumasi that urban sprawl has resulted in the peri-urban interface being characterised by low density physical development and lack of basic infrastructure services such as water, electricity, and sanitation.

Whilst in many cases, urban sprawl in Ghana has been discussed to be caused by the activities of traditional leaders and the ineffectiveness of the planning systems (Cobbinah & Amoako, 2012; Fuseini & Kemp, 2015; Owusu-Ansah & O'Connor, 2010; Yeboah & Obeng-Odoom, 2010), this thesis has shown that the nature of land use planning itself also instigates peri-urban sprawl. The hybrid/co-productive planning practices where local planning is carried out as a consultancy service by planning and land administration technocrats for traditional authorities means that traditional land custodians largely control and determine land use planning decisions, and eventually urban forms in Ghana. Local Plans are largely prepared at the request of traditional chiefs in excess of what actually might be needed, thus facilitating rapid urban expansion and peri-urban sprawl. This chief-induced local planning raises broader concerns about whose interests' land use planning in many Ghanaian towns promote, and who it is that actually plans cities across SSA. In the context of planning and land delivery in Tamale and Techiman Ghana, it is clear that it is not professional planning practice that is planning and building the rapidly expanding 'peri-urban' area but rather traditional leaders and private land developers to the detriment of the public interest.

The chief-induced monolithic planning, as opposed to mixed-use developments, leads to a spatial structure where the peri-urban communities are largely zoned for residential land use with few economic opportunities and the absence of administrative functions. This has adverse consequences on the functionality and sustainability of the affected peri-urban areas as farmlands are consumed by relatively low-density residential developments. This form of outdated colonial planning through zoning

intensifies the dominance of a traditional city centre, which encourages private automobile use, in turn, creates a major hurdle for the realisation of sustainable urban land development. Therefore, I argue that it is important to go beyond scholarly calls for enhancing collaboration between traditional authorities and land sector agencies to empower under-resourced planning agencies to perform their planning functions effectively.

Beyond inducing peri-urban sprawl, the development of Local Plans has allowed for a widespread speculation in land, with speculative buyers and entrepreneurs seeking to reap in profits in the flourishing urban land markets. Many speculative land purchasers consider land in peri-urban areas as a continuously value appreciating asset and thus a stable store of wealth to turn to in times of emergency or on the proverbial 'rainy day' when land values increase. As a result, the bulk of residential lands outlined in the Local Plans generated remain unbuilt with negative impacts on social cohesion, equity, and sustainable urbanisation. This planning-induced land speculation in-turn generates challenges to infrastructure delivery in many peri-urban areas. The resultant low-density developments and sprawling urban forms that emerge become difficult and expensive for basic infrastructural services provisioning. Because of that, in all the case studies, the appropriate planning agencies do not follow the Local Plans with any strong linkages for infrastructural development. Consequently, settlement development if even commenced becomes a patchwork of scattered buildings on small subdivisions with no functioning infrastructure knitting them together into functional liveable spaces, going contrary to the principles of sustainable urban development. This makes it difficult to achieve a spatially integrated and socially inclusive urban development in many secondary towns in Ghana. In the next section, I discuss the implications of the findings of the thesis for equitable and sustainable land delivery.

11.3 Implications for equitable and sustainable urban land delivery

The forgoing discussion on the processes and motivations shaping hybrid/co-production practices in land delivery in Ghana and how power relationships shape the outcomes of such practices is especially important for the discourse on equitable and sustainable land governance in cities as well as the right to the city and human rights in general. Rapid urbanisation has placed intense pressure on city authorities to ensure sustainable and responsible land governance and planning. Consequently, the discourse on land management and planning in African cities has often emphasised the synchronisation of formal and informal systems of land delivery as a strategy to ensure a more inclusive and sustainable urban development. In line with this, the fourth research question focuses on the implications of hybrid/negotiated land governance arrangements for sustainable and equitable urban land development in Ghana.

Since the 1987 Brundtland Report and the United Nation's 1992 Environment and Development Conference in Rio de Janeiro, the concept of sustainable development in reference to environmental conservation and socio-economic development spiralled into public consciousness and in urban studies (Choguill, 1993; Drakakis-Smith, 1995). Defined to include "the maximisation of economic efficiency in the use of development resources...; maintaining natural resource stock at or above their present level;

social equity in the distribution of development benefits and costs...; and the avoidance of unnecessary foreclosure of future development options” (Clarke, 1995, p. 17), sustainable urban development is promoted as the best answer to addressing the urban crises of the South. It is therefore not startling that the global sustainable development goals (SDGs) and the resultant New Urban Agenda focuses on making cities inclusive, safe, resilient, and sustainable. Thus, notwithstanding obvious challenges on the potential of sustainable urban development to simultaneously promote environmental conservation and stimulate socio-economic development, many governments and international organisations are looking forward to the realisation of sustainable urban development.

Urban planning processes and practices have been identified as having a critical role to play towards the implementation of a sustainable urban development agenda (UN-Habitat, 2009). As a result, achieving sustainable urban development has been at the core of urban planning practices and processes in many developed countries (European Commission, 2009). Regrettably, however, achieving sustainable urban development in many African countries facing rapid urbanisation and urban planning and management challenges appears to be a nearly impossible task (Cobbinah, Erdiaw-Kwasie, & Amoateng, 2015). This is because of the overlapping of colonial transplanted planning models alongside (neo) customary land tenure regimes, which delineates land ownership roles from land use and management roles and shares them between two distinct actors: state authorities and traditional authorities. Thus, one set of actors controls the ownership of land whilst the other controls the use of land; making them interdependent on one another. Because land is central to urban planning processes, it has become a central issue in the global debate on urbanisation. It is therefore not unexpected that the Sustainable Development Goals (particularly targets 1.4, 5.7, 11.1), the New Urban Agenda and other existing international instruments such as The Voluntary Guidelines on the Responsible Governance of Land, Fisheries and Forests in the Context of National Food Security (VGGT), consider tenure security, sustainable land use and responsible land governance key to the realisation of equitable and sustainable urban development. These high-level political commitments notwithstanding, land governance practices in many African cities experiencing rapid urbanisation, are generating unsustainable urbanisation processes.

The evidence from this thesis has demonstrated that the outcomes of the hybrid arrangements in local planning and land delivery run counter to the principles of sustainable urban development. The thesis illustrated the various ways in which traditional chiefs and land administration technocrats negotiate and create strategic alliances within hybrid land delivery arrangements to generate outcomes that are neither pro-poor nor sustainable. Under the guise of planning and urban development, peri-urban agricultural/communal lands are planned and converted into urban residential plots, sub-divided and distributed among traditional land custodians, their families, and land administration technocrats with little or no compensation for indigenous subjects (see section 9.3). This disrupts the livelihoods of peri-urban farmers and generates serious implications for household food security in general. Thus, the issue of sustainability in urban development, which should be a central tenet of land use planning and land governance, has become peripheral in the planning of peri-urban lands in many secondary towns in

Ghana. A linear/narrow perspective of urban planning in which zoning principles are used to convert farmlands into residential plots, without any provision of urban agriculture, is rather practiced.

Whilst land use planning has traditionally been linked with promoting decisions that safeguard the public interest and ensure sustainable urban development (Alfasi, 2009; Campbell & Marshall, 2000; Conroy & Berke, 2004; Watson, 2009b), the pluralistic land tenure regime in Ghana and its associated unequal actor power relations, as well as institutional weakness, have made this objective unattainable. Ensuring efficient, socially inclusive, and environmentally sustainable use of land in the face of rapid urbanisation through urban planning has thus become a distant reality in Ghana. Rather, land use planning has become a conduit for the erosion of communal tenure systems through the development of negotiated land use plans and the commodification of land. This creates a 'plan, sub-divide and share' system of land management, which compromises on the public interest by sacrificing the present and future livelihoods of peri-urban dwellers for the immediate private interests of chiefs, and their corroborators in the formal land sector agencies. Besides, the lack of urban growth control and containment measures makes it difficult for urban planning in Ghana to achieve sustainability, because the bulk of urban expansion occurs unregulated, in peri-urban croplands and forests. This urbanisation of rural livelihoods runs counter to the global call for a more inclusive and sustainable urban development.

The empirical findings of the thesis invoke concerns of the place of equity, rights, and justice in the discourse on tackling dualisms in land management regimes across many African cities. Whilst the prevailing discourse has been trapped in the procedural struggle of how best to integrate supposed egalitarian customary/ informal land tenure systems with state land administration systems, little attention has been paid to the substantive outcomes emerging from such processes. By adopting an outcome perspective to study land delivery practices in peri-urban Ghana, this thesis has generated evidence, which corroborates growing scepticisms about inherent inequities within supposed egalitarian systems of customary land delivery (Amanor, 2001, 2008; Claassens, 2005; Peters, 2004). The thesis also gives credence to arguments within the broader urban discourse that rapid urbanisation processes are leading to cities becoming more unequal and exclusionary (Cohen, 2016). Although Ghana's land administration system resonates current international land policy trends that propose the recognition of customary land tenure system, this thesis has demonstrated that in the face of land commodification and rapid urbanisation, exclusion from access to land and land-based revenues is heightened. A triad exclusionary power framework (re-interpreted customs-land use regulation-market logics) is employed in the study sites to synergistically plan, sub-divide and share customary lands between traditional authorities and local public bureaucrats to the exclusion of subjects who are usufructuary interest holders. This means that focusing on the regulatory or institutional framework to land administration as currently being done by international land policy to the neglect of the agency of actors working within the established structures will not generate the needed equity and inclusiveness in urban land delivery. It is therefore not unexpected that Ghana's Land Administration Project, which was neoliberally inclined and based on the agency method of land reform, has resulted in the reconstruction of local customs and land rights with antagonistic consequences for equitable land

delivery. Hence, the outcomes of the hybrid land delivery arrangements in Tamale and Techiman depart from the romanticised and widely espoused benefits of an adaptation approach to land reform that facilitates equitable access to land through the inclusion and integration of local customs and norms in land reform projects.

A major conclusion of the thesis is that inequitable and unsustainable land delivery practices are present (or most likely) in hybrid land governance arrangements in which customary and statutory systems of land administration are integrated. This is particularly true in contexts of power imbalances resulting from differences in resource capacities among actors. Although this conclusion may not be new, the thesis has detailed out how these inequitable and unsustainable outcomes occur in peri urban Tamale and Techiman and the power relations and mechanisms that formed the basis for this. This adds to deepening understanding of the factors influencing the processes and outcomes of hybrid/co-production arrangements in land governance. It is, therefore, possible to explicitly argue that it is the institutional context (both socially embedded and externally introduced institutions) and power relations, which determine whether an adaptation approach to land tenure reform will ensure equitable and sustainable land delivery or not. Thus, the practices of hybrid/co-productive land administration and the outcomes that emerge are unpredictable and vary according to context. This thesis, therefore, cautions arguments that seem to suggest that harmonising customary/traditional (informal) and formal land tenure systems through the recognition and inclusion of non-state actors in land delivery will guarantee equitable and sustainable outcomes in land delivery. The evidence has demonstrated that there is perhaps the need to take a more nuanced and less optimistic view of the potential of hybrid land governance arrangements to generate equitable and sustainable outcomes.

Beyond equity considerations, the outcomes of the hybrid practices of local planning and land delivery as flagged by this thesis have significant negative implications for the right to the city of indigenous urban residents. The empirical findings from the case studies have demonstrated that the planning, surveying, commodification, and individualisation of hitherto communal land in peri-urban areas result in processes of exclusion and displacement of indigenous populations. Even though such people become marginalised and dispossessed of their rights to access scarce land, they have often received little attention in the discourse on the right to the city leading to their continued marginalisation. The emphasis in the right to the city discourse has been on the struggle between urban residents who use urban space daily and the property rights of owners. Thus, positioning indigenous residents' access to land in the right to the city debate sets their peculiarities apart and delineates their experiences from other marginalised groups struggling to secure their right to the city in the wake of the increasing commodification of urban land. The concept of the right to the city, which was originally articulated by Henri Lefebvre, in the 1960s (Lefebvre, 1996, 2003) and later elaborated by Harvey (Harvey, 1973, 2003b, 2008) emphasises the collective rights of city dwellers in the city and call for social justice and equitable access to the city. Harvey (2003b) advances that the right-to-the-city is not merely the right of an individual to access existing resources in the city but an active right to shape the city differently. In the view of Fernandes (2007), the right to the city entails the right of city dwellers to collectively enjoy the benefits of urban life and the services and opportunities it presents as well as the right to habitation and to active participation in city governance (Fernandes, 2007). Thus, the collective right

of indigenous inhabitants to access customary land in rapidly urbanising secondary cities constitutes a major element of the right to the city debate. In the context of this thesis, the right to the city denotes the common right of indigenous inhabitants in rapidly urbanising secondary towns to be actively engaged in the production of urban space in ways that produce socially just, sustainable, and equitable outcomes.

Under conditions of escalating urbanisation, access to urban land by indigenous residents unequivocally becomes a critical component of the right to the city discourse. Urbanisation is largely a fractious process that generates tensions among different groups of land right holders and land administration technocrats. Thus, by positioning land tenure and land use in secondary cities within the right to the city concept, this thesis unveils the ways by which the right to the city of indigenous peri-urban residents is violated and highlights the need to ensure guaranteed protection for indigenous people from displacement. Whereas the notion of justice as advanced in the discourse on the right to the city requires the promotion of socially just outcomes in the distribution of scarce resources such as urban land, this is more of an ideal for indigenous usufruct right holders in the case studies presented in this thesis. In rapidly urbanising areas of Tamale and Techiman, the right to access to urban land by indigenous residents for alternative uses are overshadowed by the interests of chiefs and state land technocrats who prefer higher rewarding land uses with higher economic or exchange values. This threatens the presence and participation of indigenous residents in the urban society making the link between cities and citizenship imperative in rapidly urbanising contexts.

Underpinned by claims to customary authority and buoyed by formal land administration laws and the pressures of urbanisation, indigenous urban residents are displaced and disenfranchised of the right to use and access urban land, thus violating their right to the city and their basic human rights enshrined in the UN Declaration of Universal Human Rights and in the African Charter. Commodifying and placing a market value on hitherto communal lands is tantamount to denying indigenous populations of the right to the city, as they do not possess the wherewithal to pay at the market rate to be allocated planned parcels of the converted lands. Thus, as Harvey (2008) and Lefebvre (2003) would argue, subordinating use values to exchange values and making the ability to pay a prerequisite for accessing urban land is inherently exclusionary for indigenous urban inhabitants and constitute a violation of their basic human rights and their right to the city. Lefebvre (2003) for example criticises the way state and market forces in the appropriation of space places priority on economic and exchange values over social or use value. This he argues is quintessential of the capital production of urban space, which creates and reproduces unequal outcomes between the powerful actors who have the authority, resources, information, and influence over the production of space and those who do not. The plight of indigenous residents is worsened by the fact that they have no other ancestral land to return. Idealistic views about the ability of customary tenure systems or their integration with customary system to guarantee equitable access to land therefore become moot in contexts of rapid urbanisation where land is commodified and land values escalate. The private economic interests of chiefs and land technocrats subdue equity and human rights considerations. These injustices make it difficult to sustain ideals of identity and belonging and have created tensions between indigenous residents and traditional land

custodians and sometimes culminate in intense hatred between non-indigenes who acquire plots of land and indigenous residents whose lands have been converted.

Viewed through the lens of the concept of right to the city paradigm, the studied practices of institutional hybridity and co-production in land delivery in rapidly urbanising secondary cities in Tamale and Techiman contradict the social justice ideals and transformative potentials of the right to the city. Instead, the hybrid arrangements for local land use planning and land delivery generate a strategic hybrid space in which land rights can be re-interpreted and transformed and the right of indigenous residents to the city violated. This has noteworthy negative implications for the creation of just, equitable and sustainable cities. Hence, there is the need for the promotion of a rights based agenda to land management in Ghana. Drawing upon the empirical findings of the thesis, I posit that, the focus of land policy reform for developing countries must be on the distributive outcomes or the end-result of land governance arrangements in different contexts with different actor constellations and local power relations rather than on the nature of the land tenure regime alone. This means that land policy reforms must go beyond calling for governments at the macro level to recognise, guarantee, and integrate customary tenure regimes to ensuring a responsible land governance system at the local level in which indigenous residents are protected from displacement and exclusion and where land is put to sustainable use that generates benefits for all.

Policy Recommendations

To improve planning and land governance practices, and make peri-urban land delivery processes inclusive, equitable and sustainable, the following policy issues are worth considering.

- The thesis has demonstrated that focusing on local hybrid practices rather than on grand paradigms/theories of land reform and planning will reveal the realities associated with access to land for various groups of people. This, therefore, requires a change in approach to land reforms and planning. The emergence of locally appropriated practices in urban planning and land delivery is a response by non-state actors to the failures and weaknesses of local state agencies in planning and land administration. As a result, the local negotiations, strategic alliances, and co-production practices that evolved have inherent transformative potentials towards making land readily available to meet the demands of urbanisation particularly in contexts where state institutional and resource capacities are limited. This means that policy makers need to be more sensitive and receptive to these new bottom up, co-production and hybrid ventures of land delivery that are emerging in peri-urban areas. The focus of land policy and planning could then be directed towards building on the strengths of these local-initiated practices whilst working towards reducing their associated adverse effects on equitable and sustainable land delivery. Learning from such local agency and harnessing the merits of emergent local practices could contribute to reframing planning ideas in Southern cities with the potential of generating feasible bottom-up planning processes.

- The tendency of peri-urban farmers to be displaced from their farmlands because of urban expansion and their proximity of the city could be addressed through a shift from the current planning approach of land-use zoning to a new planning approach that is sensitive to agriculturally related livelihoods and actively promote urban and peri-urban agriculture. For such an approach to work and for planning to protect the public interest and respect sustainable development principles, a strong institutional capacity building is needed. The capacity of urban planning and land administration agencies in terms of resources, personnel, and training will need to be enhanced to enable planners to incorporate issues of inclusiveness and sustainability in their daily activities. The current weak institutional capacities of planning and land administration agencies make it easy for traditional land custodians who possess both material and traditional power to usurp the authority of land administration technocrats in land use regulation. Thus, until the formal planning and land administration agencies are well resourced, traditional chiefs will continue to determine urban forms in a typical 'he who pays the piper calls the tune' system of hybrid land administration and strategic alliances to the detriment of peri-urban livelihoods. A new policy direction would be for government land sector agencies to pursue land management strategies and land use controls that limit or delay changes of agricultural lands to urban uses through urban containment measures. In this way, urban planning can be used as a tool for ensuring social inclusion and sustainable land use. In addition, incorporating the long-term needs and interest of peri-urban dwellers in local planning processes through the development of long term strategic and structure plans will promote pro-poor and responsible land governance.
- The harmonisation of customary and statutory systems of land tenure although relevant for promoting efficiency and blurring the boundary lines between formality and informality in land delivery in Ghana, it is not a panacea for equity and accountability in land management. To address the inequities, displacements, and marginalisation of indigenous residents arising out of the conversion of farmlands in peri-urban areas into urban uses, a rights-based approach to land management is recommended. This can be implemented through the establishment of representative and all-encompassing land management committees in peri-urban communities to ensure that land use conversions take into consideration the interests of indigenous inhabitants and safeguard the right of members of indigenous populations to access planned parcels of land. Such committee can also serve as community accountability checks and balances ensuring that the utilisation of land-based revenues is in the public interest. Therefore, there is the need for a reappraisal and a restructuring of urban planning and land governance systems in Ghana in line with the tenets of the right to the city concept. This is essential for ensuring the right to the city for indigenous urban residents. A just and equitable land delivery system in peri-urban areas is one that gives preferential treatment to poor indigenous residents following the conversion of customary lands into urban uses.

11.4 Significance of thesis findings

By examining mundane interactions between local government bureaucrats and traditional authorities in local planning and neo-customary land delivery in peri-urban Ghana, this thesis makes the following theoretical and practical contributions to urban planning and post-colonial land policy in Africa.

First, through its focus on the everyday practices of local planning and land delivery in peri-urban Ghana, it brings to light the nuanced and complex power dynamics as well as the strategic alliances among the many stakeholders engaged in land governance. This allows for a more rigorous understanding of the political nature of land governance and planning, and the key role context-specificity and local agency play in shaping the outcomes of planning and land policy reforms. By explaining the bottom-up hybrid practices and their outcomes in relation to regulatory/administrative, political, economic and socio-cultural factors evident in the study towns, this thesis challenges and combats simplistic, romantic and pathological assumptions and narratives about hybrid land governance regimes and the adaptation paradigm to land reform in Africa. Moreover, by revealing the multiple 'logics' shaping hybrid and co-production practices in land delivery as well as the strengths and weaknesses of such practices, the thesis contributes practical insights that will inform the formulation of future land policies in Africa. The novelty of the thesis in linking discourse around land tenure pluralisms to mainstream debates on rights and equity has challenged prevailing prepositions of current international land policies and revealed that what is considered appropriate in land management from an efficiency perspective may not be desirable from an equity and rights perspective. Therefore, reflecting and deliberating on the findings of the thesis will aid in uncovering 'feasible alternatives' for better urban land management.

Second, despite acknowledging ongoing rapid urbanisation processes in the global South, mainstream planning theory has paid little attention to planning processes and practices happening in rapidly growing Southern cities where a greater proportion of the world's urban population is projected to live. Thus, planning practitioners in these settings have had little of relevance to draw from the Northern dominated planning models to tackle complex urban problems. In addition, calls for a Southern perspective in planning/urban theory have also yet to make any significant gain. The focus of the thesis on the actual practices of planning and land delivery rather than on normative expressions of how planning ought to be provides empirical evidence to theoretical calls for a 'southern take' in planning and urban theory. It contributes to strengthening the debate on the need to incorporate the 'ordinary' and 'everyday' practices of planning in the South into mainstream planning and urban theory (Harrison, 2006; Parnell & Oldfield, 2014; Pieterse, 2008; Watson, 2014c). This, as argued by Watson (2014b) will contribute towards a true internationalisation of planning theory. Because planning theory is continuously being fed with ideas from practice, the practice-based insights provided from the successes and challenges of this rare and alternative forms of state-society engagements contribute to expanding the range and scope of ideas on non-state actor engagements in planning and governance processes. Such insights are particularly useful for reassessing land management within urban planning theory and practice in relation to the key issues of inclusion, equity, and sustainable land use planning.

Third, the thesis also provides some useful insights towards the development of the exploratory concepts of ‘co-production’ and ‘institutional hybridity’. By interrogating these concepts using empirical cases of local planning and peri-urban land delivery in the context of under-resourced local authorities in Ghana, the thesis reveals the applicability and outcomes of theoretical concepts as they travel from place to place. The findings on the strategies adopted by active local actors as they manoeuvre and negotiate around planning legislations and land policy contribute to widening the contexts and policy domains in which co-production and hybrid governance research can be applied. This aids in deepening insights into different motivations shaping state and non-state actor engagements across distinct contexts. Besides, by introducing local agency and issues of power relations through social network analysis into co-production and hybrid governance research, the thesis expands the domain of issues of concern to co-production and hybrid governance research and as well expands the range of methodological tools that can be applied. Likewise, by incorporating an equity perspective into the discourse on co-production and institutional hybridity, this thesis sheds light on the dark sides of these governance models, which had hitherto been ignored in mainstream urban governance research. In addition, the combination of the two concepts as conceptual and lenses into this thesis has revealed that, though originating out of different academic and historical contexts, the two concepts are mutually reinforcing in the study of non-state actor engagement in governance processes and tend to generate similar observations in contexts of weak state capacities. Therefore, scholars utilising either of these concepts in research could benefit from each other by utilising findings and methodologies from the other line of research to complement their own.

11.5 Refocusing on a ‘southern take’ in planning theory: Local agency and bottom-up planning

In response to the challenges of rapid urbanisation, planning practices in many African cities are characterised by a dominance of non-state action. In the context of land use planning in Ghana where the task of land administration is intertwined between state and traditional authorities, local agency drives and shapes the practice and outcomes of planning. Thus, the *realpolitik* of urban land delivery is in the hands of local socio-cultural, political, and economic agency. Such local agency can be considered pragmatic as it facilitates the delivery of adequate and affordable planned/sub-divided parcels of residential land for the fast-growing urban population. The experiences from peri-urban Ghana, therefore, suggest that it is time to critically re-examine extant planning practices and identify evolving planning approaches that actually work in producing inclusive and sustainable cities in the South.

The bottom-up planning practices initiated by traditional authorities in the context of neo-customary land delivery in Ghana present an alternative model to the practice of planning in African cities. Building on the co-productive aspects of such a model whilst guiding and learning from its outcomes to ensure that they are inclusive and promote sustainable and social just neighbourhoods, can provide the basis for new models of collaborative planning and participatory urban development in Africa. The rare state-customary actor engagements in Ghana differ from mainstream modernists urban planning practices in both context and process. Whilst modernist planning models emphasise a normative physical order and are largely top-down and dominated by government workers and resources, the emergent planning

processes are innovative, locally initiated, and connect government actors with private actors, community members, and traditional leaders. They, therefore, highlight alternative planning approaches that have the potential of becoming practical hybrids to tackle the complex urban challenges facing rapidly growing Southern cities. This resonates with ideas of practical hybrids and institutional bricolage or 'real governance' (Cleaver et al., 2013; Olivier de Sardan, 2008), which advocate that African cities would benefit from 'working with the grain' (making use of existing resources) and working within actual socio-cultural, political and economic contexts. Considering the global shift in the political system from government to governance and the increasing global desire for an enhanced role for non-state actors in urban services delivery, the strategic partnerships espoused by such evolving planning approaches constitute a mirror to state-society engagements in urban planning in the South.

Worth emphasising, however, is the fact that, though they are pragmatic, unique, and creative adaptations to address the complexities of urbanisation in many cities in SSA, the hybrid planning practices have the potential to generate unsustainable and inequitable outcomes in land delivery in contexts where local authorities are weak and community accountability mechanisms are absent. In such contexts, local planning through co-production and hybrid governance arrangements can weaken the ability of local authorities to implement local planning initiatives in the public interests. This allows private interests to have undue influence on urban development. Therefore, the quest for a Southern take in urban studies and planning would need to reflect, incorporate, and address the merits and demerits of these evolving planning practices in order to make advanced strides for planning theory and practice. This should start by studying and detailing these shifting planning practices as done in this thesis.

The thesis concludes by advocating for experimentation and learning and for a thematic shift in urban research in the global South from the challenges posed by rapid urbanisation towards identifying endogenous urbanisms that are embedded in socio-cultural practices. Such a shift will require an openness by academics and practitioners in urban planning to alternative models of planning and urban land delivery. The exploratory case study research and inductive approach adopted for this thesis has generated more questions than solutions for the quest for a Southern perspective in planning. Therefore, I conclude by positing that for a southern take in urban studies and planning to be truly relevant in the context of rapid urbanisation in SSA, urban planning scholars and practitioners have to recognise the importance of existing hybrid, unorthodox and socio-cultural values in land delivery and planning and build on them.

11.6 Recommendations for further research

Emanating from the findings of the thesis, the following issues merit further research by future studies on land governance in SSA.

First, it is worth emphasising that land management practices and tenure regimes are diverse across SSA. This thesis only focused on local level engagements between government institutions and traditional authorities in land delivery in rapidly urbanising secondary towns in Ghana. Therefore, for

a broader interrogation of the equity implications of harmonising customary and state land tenure systems across Africa, in depth research on hybrid and co-production practices in neo-customary land delivery across different cities in Africa with different customary practices and actor constellations is proposed. This will provide critical insights for experimentation and learning across various SSA cities, and advance an equity perspective in co-production and hybrid governance arrangements in land management. It is also pragmatic in the long term to have comprehensive pan-African discourses around hybrid models of land management as well as conduct comparative qualitative studies on co-production initiatives in planning and land delivery in different African cities. A better understanding of evolving local partnerships in land management is relevant if a nuanced and pragmatic form of land governance is to occur soon.

Second, Lefebvre's (1996, 2003) right to the city concept provides an alternative and useful framework to evaluate access to land by low-income populations in rapidly urbanising African cities. It is therefore recommended that future studies go beyond identifying the challenges indigenous populations face in accessing land from customary and state channels to using the right to the city as a theoretical anchor to examine inclusion and exclusion in urban land delivery in Africa. This can generate useful findings to further proposals towards the adoption a rights based approach to land management in many cities in Africa.

Third, this thesis focused on the micro level where traditional leaders who are customary land custodians collaborate with state actors in local planning and by so doing take charge of the entire land delivery processes from the preparation of Local Plans, land surveying/sub-division to individual plot allocation. However, as part of the neo customary land delivery logic, traditional authorities also allocate large tracts of customary lands to cooperatives and private sector enterprises for urban development processes. In order to understand fully the interactions between state and non-state actors in peri-urban customary land delivery, a comparative study into the dynamics of these large-scale land acquisitions and their implications on inclusive and sustainable urban development and on spatial form is recommended. In addition, this thesis has highlighted the strengths and weakness of co-production and hybrid land delivery practices within an adaptation approach to land policy. Further studies need to focus on exploring how the strengths could be harnessed in order to maximise the application of bottom up and local initiatives in mainstream planning theory and practice, particularly in SSA cities facing difficulties in harmonising dualistic land tenure and planning regimes.

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Appendices

Appendix A: Index of Interviews and Focus Group Discussions

Category	Position of Interviewee	Date (s) of Interview	Place of Interview
Land technocrats	Planner, Town & Country Planning Department	14.08.2015 & 25.07.2016	Techiman
	Planner, Town & Country Planning Department	08.09.2015 & 23.09.2015	Tamale
	Planner, Town & Country Planning Department	07.09.2016	Tamale
	Senior Planner, Town & Country Planning Department	07.09.2015	Tamale
	Senior Planner, Town & Country Planning Department	21.07.2016	Sunyani
	Officer, Office of the Administrator of Stool Lands	22.09.2015 & 08.08.2016	Tamale
	Officer, Office of the Administrator of Stool Lands	26.10.2015 & 25.07.2016	Techiman
	Senior Surveyor, Survey & Mapping Division	26.07.2016	Sunyani
	Surveyor, Survey & Mapping Division	26.07.2016	Sunyani
	Senior Surveyor, Survey & Mapping Division	08.08.2016	Tamale
	Surveyor, Survey & Mapping Division	08.09.2015 & 08.08.2016	Tamale
CLS staff and chiefs	Staff member, Customary Lands Secretariat	23.09.2015 & 18.10.2015	Tamale
	Staff member, Customary Lands Secretariat	14.09.2015 & 28.07.2016	Techiman
	Village Chief	21.11.2015 & 15.08.2016	Tamale
	Village Chief	18.10.2015	Tamale
	Village Chief	11.08.2016	Tamale
	Village Chief	27.10.2015 & 02.08.2016	Techiman
	Divisional Chief	28.10.2015	Techiman
	Divisional Chief	29.10.2015	Techiman
	Divisional Chief	26.10.2015 & 04.08.2016	Techiman
	Chief's Secretary	20.11.2015 & 09.09.2016	Tamale

Category	Position of Interviewee	Date (s) of Interview	Place of Interview
Key informants	Land expert/Key informant	27.07.2016	Techiman
	Land expert/Key informant	10.09.2016	Tamale
	Key informant	18.10.2015	Tamale
	Land expert	19.07.2016	Accra
Indigenes	Study Site A		
	Indigene 1	24.10.2015	Tamale
	Indigene 2	24.10.2015	Tamale
	Indigene 3	24.10.2015	Tamale
	Indigene 4	24.10.2015	Tamale
	Indigene 5	24.10.2015	Tamale
	Indigene 6	26.10.2015	Tamale
	Indigene 7	26.10.2015	Tamale
	Indigene 8	26.10.2015	Tamale
	Indigene 9	26.10.2015	Tamale
	Indigene 10	31.10.2015	Tamale
	Indigene 11	31.10.2015	Tamale
	Indigene 12	31.10.2015	Tamale
	Indigene 13	31.10.2015	Tamale
	Indigene 14	31.10.2015	Tamale
	Study Site B		
	Indigene 1	18.10.2015	Tamale
	Indigene 2	18.10.2015	Tamale
	Indigene 3	18.10.2015	Tamale

Category	Position of Interviewee	Date (s) of Interview	Place of Interview
	Indigene 4	18.10.2015	Tamale
	Indigene 5	18.10.2015	Tamale
	Indigene 6	19.10.2015	Tamale
	Indigene 7	19.10.2015	Tamale
	Indigene 8	19.10.2015	Tamale
	Indigene 9	20.10.2015	Tamale
	Indigene 10	20.10.2015	Tamale
	Study Site C		
	Indigene 1	27.10.2015	Techiman
	Indigene 2	27.10.2015	Techiman
	Indigene 3	27.10.2015	Techiman
	Indigene 4	27.10.2015	Techiman
	Indigene 5	27.10.2015	Techiman
	Indigene 6	27.10.2015	Techiman
	Indigene 7	28.10.2015	Techiman
	Indigene 8	28.10.2015	Techiman
	Indigene 9	28.10.2015	Techiman
	Indigene 10	28.10.2015	Techiman
	Indigene 11	28.10.2015	Techiman
	Indigene 12	28.10.2015	Techiman
	Indigene 13	28.10.2015	Techiman
	Indigene 14	28.10.2015	Techiman
	Indigene 15	28.10.2015	Techiman
	Indigene 16	28.10.2015	Techiman

Category	Position of Interviewee	Date (s) of Interview	Place of Interview
	Study Site D		
	Indigene 1	29.10.2015	Techiman
	Indigene 2	29.10.2015	Techiman
	Indigene 3	29.10.2015	Techiman
	Indigene 4	29.10.2015	Techiman
	Indigene 5	29.10.2015	Techiman
	Indigene 6	29.10.2015	Techiman
	Indigene 7	29.10.2015	Techiman
	Indigene 8	30.10.2015	Techiman
	Indigene 9	30.10.2015	Techiman
	Indigene 10	30.10.2015	Techiman
	Indigene 11	30.10.2015	Techiman

List of Focus Group Discussions

Group discussions	Date	Place
Group discussion with secretaries of chiefs and elders	17.10.2015	Tamale
Group discussion with Indigenes (community leaders, youth and household heads) of Study Site A	11.08.2016	Tamale
Group discussion with Indigenes (community leaders, youth and household heads) of Study Site B	17.08.2016	Tamale
Group discussion with Indigenes (community leaders, youth and household heads) of Study Site C	05.08.2016	Techiman
Group discussion with Inhabitants (community leaders, youth and household heads) of Study Site D	31.07.2016	Techiman

Appendix B: Interview guides

Below are guide questions for interviews with the various categories of respondents for the thesis. The order of the questions was however, incidental as the interview guide was customised to suit each group/individual interviewed.

Interview guide for public bureaucrats in formal lands sector agencies

Guiding questions for discussion

1. Can you give a general overview of the nature of engagements (i.e. interactive, consultative, co-productive, conflicting, etc.) between customary authorities and formal land sector agencies in peri-urban land delivery?
2. What specific roles does your outfit play in the preparation of local plans and in peri-urban land conversions in stool/skin land areas?
3. Who are the key stakeholders you often work with when you want to develop a Local Plan and convert peri-urban lands to urban uses?
4. In recent time, customary land custodians engage the services of planning institutions to prepare local plans, can you narrate your experiences and the story of how these engagements are done
 - how are the engagements initiated?
 - what negotiations are involved?
 - key individuals and institutions involved in the planning process
 - triggers/impetus/reasons for the collaborative partnerships
 - disagreements, challenges and conflicts in the process
5. Professionally, how much does it cost to prepare a base map/local plan and sub-divide land in peri-urban?
6. What forms of transformation have occurred in customary-state actor relations in recent time following the Land Administration Project (LAP)
7. What kinds of semi-formal or informal accommodations do land sector agents make in their engagements with chiefs?
8. What kinds of power relations/struggles are involved in these engagements?
9. What specific resource contributions do chiefs make in the urban land delivery process?
10. What resources do the land sector agencies dedicate in these engagements?
11. How do you balance the interest of customary landowners with that of the common/ public interest in local planning?
12. What unintended consequences arise out of the peri-urban land use conversions?
13. What is your general opinion of the co-existence of customary and formal sector actors in land delivery?
14. What general challenges do you encounter in peri-urban land delivery
15. What in your view is the way forward for pro-poor and sustainable urban land delivery in Ghana?
16. To whom should I talk to, to find more information about collaborative arrangements in peri-urban planning and land delivery?

Interview guide for Customary Lands Secretariat (Tamale and Techiman)

Questions for Discussion

1. General background on customary land tenure in Techiman/Tamale
2. What forms of transformation have occurred in customary-state actor relations in recent time following the Land Administration Project?
3. What specific roles does your outfit play in the preparation and implementation of local plans and in peri-urban land delivery in general?
4. Who are the key stakeholders you often work with when you want to develop a Local Plan and convert peri-urban lands to urban uses?
5. In general, what is the nature of engagement (e.g. consultative, co-productive, conflicting, etc.) between customary authorities and formal land sector agencies in peri-urban land use conversions?
6. What specific contributions do chiefs make to the local plan making and implementation process?
7. How are planned and sub-divided plots of land distributed?
8. What unintended consequences arise out of the emergent peri-urban land use conversions?
9. What is your general opinion of the co-existence of customary and formal sector actors in land delivery?
10. What in your view is the way forward for pro-poor and sustainable urban land delivery in Ghana?

Interview guide for Stool Lands Administration (Tamale and Techiman)

1. What role does your unit play in peri-urban land delivery?
2. Which institutions/agencies do you collaborate with in the performance of your duties? What kinds of engagements do you have with these institutions/agencies?
3. How is the rate for annual ground rent determined in the Metropolis/Municipality?
4. What kinds of power relations/struggles emerge out of your engagements with other agencies/institutions?
5. What unintended consequences in your view, arise out of the emergent peri-urban land use conversions?
6. What general challenges do you encounter in the execution of your duties?
7. What is your general opinion of the co-existence of traditional and formal sector actors in land delivery?
8. What in your view is the way forward for pro-poor and sustainable urban land delivery in Ghana?

Interview guide for Divisional Chiefs and/or their representatives

1. In the past, before the exchange of land for money, how did (1) indigenes and (2) strangers get access to land for farming/building?
2. Today, how do (1) indigenes and (2) strangers get access to land for farming/building?
3. In recent time, chiefs engage Land Sector Agencies to survey and prepare local plans for stool/skin lands. Please explain why you do this?
4. When did this practice start?
5. Please narrate your experiences of how some recent engagements you had with the land's sector agencies for the preparation of local plans were done? What costs were involved?
6. What forms of negotiations and payments do you make to the Lands Sector Agencies in the plan preparation and land sub-division process?
7. Who are the key stakeholders you often work with when you want to develop a Local Plan and convert peri-urban lands into urban uses?
8. How are your interests and views captured in the local plans prepared?
9. How is the community involved in the planning process?
10. How do you manage lands assigned to public uses (schools, clinics, sanitary areas, etc.)?
11. What advantages does this collaborative process generate?
12. What challenges/disadvantages are associated with the engagement process?
13. What kinds of disagreements or conflicts of interest do you often face in your engagement with the formal land sector agencies?
14. In your opinion, what should be done to improve the collaboration process?
15. How are planned and sub-divided plots of land distributed?
16. How were the families whose lands were taken over by the local plan catered for in the allocation of land?
17. After acquiring a piece of land and obtaining an allocation note from you, what other processes do prospective developers go through to guarantee secure access to their lands?

Interview guide for Focus Group Discussions with Community Members

1. Who owns the land in this community and how do you get access to land?
2. In the recent past, the chief developed a layout/planning scheme to plan the land in this community and put it into various uses. What roles did you play in this process?
3. How many migrants and indigenes are in this community?
4. If the land on which you were farming was affected by development or taken over by the layout, what happens to your rights in the land and how were you catered for in the allocation of land? What forms of compensation were offered?
5. How many families in this village were affected by the layout/planning scheme? How were they affected?
6. What general benefits does the community get from the preparation and implementation of the layout/planning scheme?
7. In your opinion, what do you think are the negative effects of the preparation and implementation of the layout/planning scheme to the community?
8. If your farmlands are lost to urban developments, what other employment activities can you undertake?

9. What additional information do you have on the preparation and implementation of the planning scheme/layout?

Interview guide for individual interviews with indigenous community members

1. How is land owned in this community?
2. In the past, before the exchange of land for money, how did (1) indigenes and (2) strangers get access to land for farming/building?
3. Today, how do (1) indigenes and (2) strangers get access to land for farming/building?
4. In the recent past, land owning chiefs collaborated with planners and surveyors to survey and prepare a local plan for your community to convert lands to urban uses. Can you narrate your experiences of what happened during this process?
5. How was the community involved in the planning and land sub-division process?
6. How do you feel about the local plan and the land use conversions in this community?
7. How did the preparation of the local plan affect you and your household?
8. What strategies and collective acts do some community members take against land conversions?
9. How do you feel about the chief's role in the planning and land conversions?
10. What key positive effects did the local plan/land conversion have on the community?
11. What negative effects did the local plan/land conversion have on community members?
12. Who do you think are the main beneficiaries of the local plan/land conversion and why?
13. Who in your view were the main losers of the local plan/land conversion and why?
14. What general views do you have about the way land is managed in this community?

Appendix C: Actor degree centralities

Degree centrality measures for consultative ties (symmetric and asymmetric) for Techiman Network

Data treated as symmetric				Data treated as asymmetric					
No.	Abbreviation	Degree	Share	No.	Abbreviation	Outdegree	Share	Indegree	Share
10	Div_STA	16	0.11	10	Div_STA	14	0.12	15	0.13
11	TCPD	13	0.09	11	TCPD	12	0.10	13	0.11
13	Sta_PC	10	0.07	13	Sta_PC	10	0.08	7	0.06
14	Non_LS	10	0.07	7	Sur_MD	10	0.08	9	0.08
7	Sur_MD	10	0.07	8	Com_F	7	0.06	4	0.03
3	Pri_LS	10	0.07	4	Mun_A	7	0.06	7	0.06
4	Mun_A	8	0.06	1	Cus_LS	7	0.06	6	0.05
2	Lan_RD	8	0.06	6	Off_SL	7	0.06	5	0.04
1	Cus_LS	8	0.06	12	Tec_PC	7	0.06	5	0.04
6	Off_SL	8	0.06	3	Pri_LS	6	0.05	9	0.08
17	Pri_PC	7	0.05	2	Lan_RD	6	0.05	7	0.06
8	Com_F	7	0.05	17	Pri_PC	5	0.04	7	0.06
9	Par_P	7	0.05	9	Par_P	5	0.04	7	0.06
12	Tec_PC	7	0.05	15	Lgr_AM	5	0.04	5	0.04
15	Lgr_AM	6	0.04	16	Est_A	4	0.03	3	0.03
16	Est_A	4	0.03	14	Non_LS	4	0.03	9	0.08
5	Roy_FE	3	0.02	5	Roy_FE	3	0.03	1	0.01
Mean		8.35	0.06			7.00	0.06	7.00	0.06
Std Dev		2.98	0.02			2.87	0.02	3.31	0.03
Sum		142.00	1.00			119.00	1.00	119.00	1.00
Variance		8.93	0.00			8.23	0.00	10.94	0.00
Minimum		3.00	0.02			3.00	0.03	1.00	0.01
Maximum		16.00	0.11			14.00	0.12	15.00	0.13
Network Centralization = 54.17%				Network Centralization (Outdegree) = 46.484%					
				Network Centralization (Indegree) = 53.125%					

Degree centrality measures for consultative ties (symmetric and asymmetric) for Tamale Network

Data treated as symmetric				Data treated as asymmetric					
No.	Abbreviation	Degree	Share	No.	Abbreviation	Outdegree	Share	Indegree	Share
10	Div_STA	13	0.12	10	Div_STA	11	0.13	13	0.15
11	TCPD	12	0.11	11	TCPD	10	0.12	11	0.13
14	Non_LS	11	0.10	7	Sur_MD	7	0.08	8	0.09
3	Pri_LS	9	0.09	5	Roy_FE	6	0.07	3	0.04
7	Sur_MD	8	0.08	14	Non_LS	6	0.07	10	0.12
2	Lan_RD	7	0.07	13	Sta_PC	6	0.07	5	0.06
6	Off_SL	6	0.06	3	Pri_LS	6	0.07	8	0.09
5	Roy_FE	6	0.06	9	Par_P	5	0.06	3	0.04
9	Par_P	6	0.06	2	Lan_RD	4	0.05	6	0.07
13	Sta_PC	6	0.06	1	Cus_LS	4	0.05	2	0.02
4	Met_A	5	0.05	8	Com_F	4	0.05	4	0.05
8	Com_F	5	0.05	12	Tec_PC	4	0.05	3	0.04
12	Tec_PC	4	0.04	6	Off_SL	4	0.05	4	0.05
1	Cus_LS	4	0.04	4	Met_A	4	0.05	5	0.06
15	Lgr_AM	4	0.04	15	Lgr_AM	4	0.05	0	0.00
Mean						5.66	0.07	5.67	0.07
Std Dev						2.15	0.03	3.52	0.04
Sum						85.00	1.00	85.00	1.00
Variance						4.62	0.00	12.36	0.00
Minimum						4.00	0.05	0.00	0.00
Maximum						11.00	0.13	13.00	0.15
Network Centralization = 48.90%				Network Centralization (Outdegree) = 40.82%					
				Network Centralization (Indegree) = 56.11%					

Source: Author's own