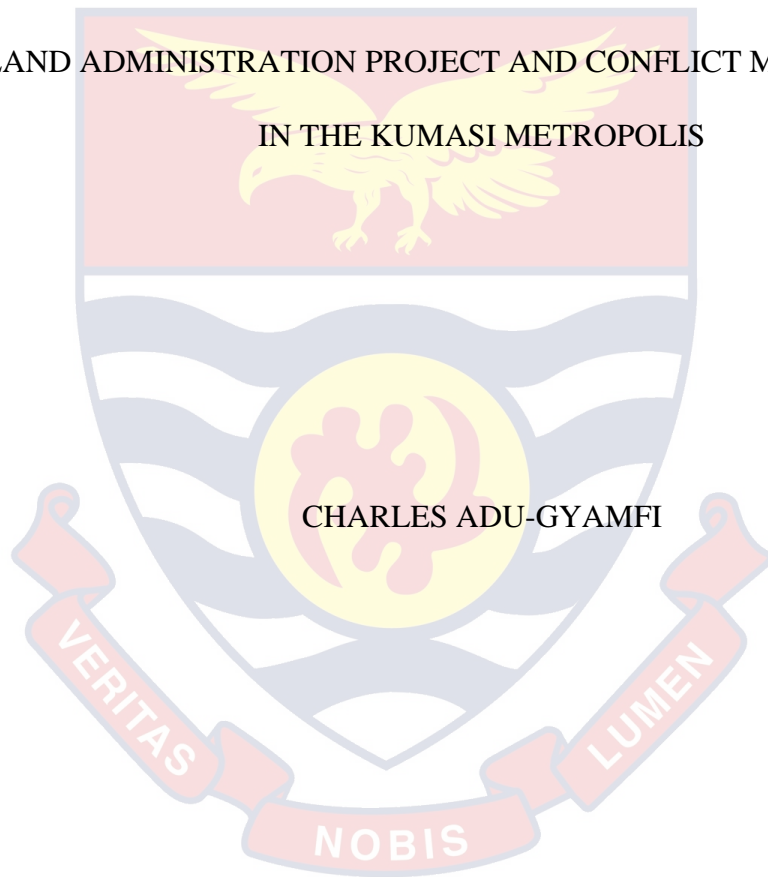UNIVERSITY OF CAPE COAST

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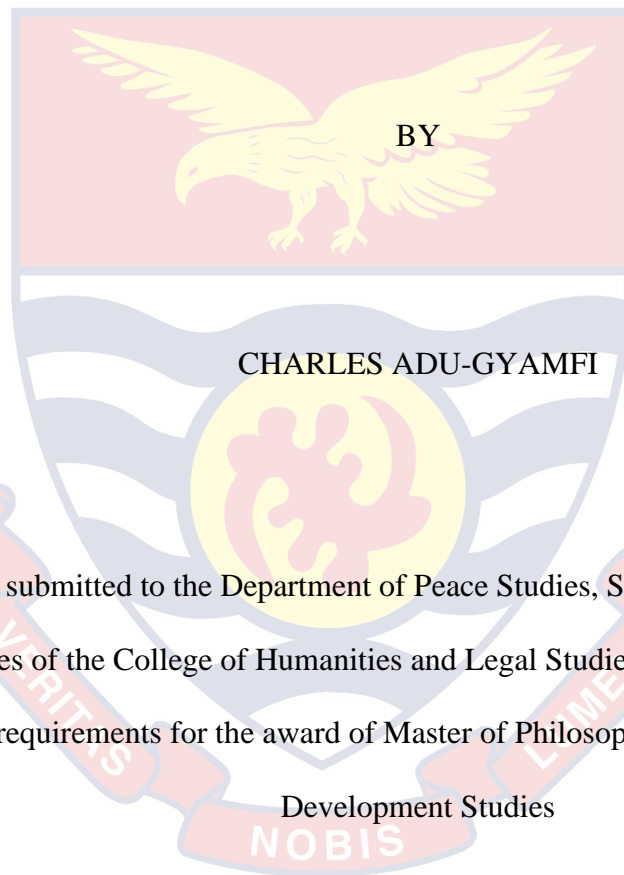
CHARLES ADU-GYAMFI

2019

UNIVERSITY OF CAPE COAST

LAND ADMINISTRATION PROJECT AND CONFLICT MANAGEMENT

IN THE KUMASI METROPOLIS

BY

CHARLES ADU-GYAMFI

Thesis submitted to the Department of Peace Studies, School for Development

Studies of the College of Humanities and Legal Studies, in partial fulfilment

of the requirements for the award of Master of Philosophy degree in Peace and

Development Studies

FEBRUARY 2019

DECLARATION

Candidates' Declaration

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

Candidate's Signature…………………………………Date…………………

Name: Charles Adu-Gyamfi

Supervisors' Declaration

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

Principal Supervisor's Signature……………..................Date……………….

Name: Dr. Patrick Osei-Kufuor

Co-Supervisor's Signature…………………………....Date…………………

Name: Dr. Frederick Koomson

ABSTRACT

Since the passage of the Ghana National Land Policy in 1999, land administration and management institutions have struggled to improve on land recording system, and in particular, that of bottom-up local land administration at the local customary land areas. This study assessed the efficacy of the conflict management mechanisms used in the Land Administration Project (LAP) in the Kumasi Metropolis of the Ashanti Region, Ghana. The study design and approach was basically qualitative in nature. The target population comprised 17 land owners, 3 traditional authorities, 3 officials of the land sector agencies and 3 staff of the courts. The findings of the study indicate that the design and implementation of the LAP in the Kumasi Metropolis led to the digitization of land administration in Kumasi. The study revealed that adjudication by chiefs or elders is the dominant land conflict management mechanism in the Kumasi Metropolitan Assembly. With respect to the efficacy of the LAP in managing land-related conflicts in the Kumasi Metropolis, the study revealed that it has played a major role in land conflict management as it enables the protagonist to use a centralized unit to resolve all conflicting issues related to lease, site plans and cadastral maps. Another key finding is the reduction in the transaction cost for land-related matters such as the time for processing land documents and fraudulent activities of actors in the land market. It is recommended that the LAP secretariat, through the Lands Commission, should create more awareness of the services offered by the project and further ensure that there is more improvement in the efficiency of land acquisition and documentation.

ACKNOWLEGEMENTS

DEDICATION

To my wife and children

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LIST OF ABBREVIATIONS

CLSs	Customary Land Secretariats
DFID	The Department for International Development
LAP	Land Administration Project
LAS	Land Administration System
NLP	National Land Policy
OASL	Office of the Administrator of Stool Lands
PE	Political Ecology
UNDP	The United Nations Development Programme
UN-ECE	The United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
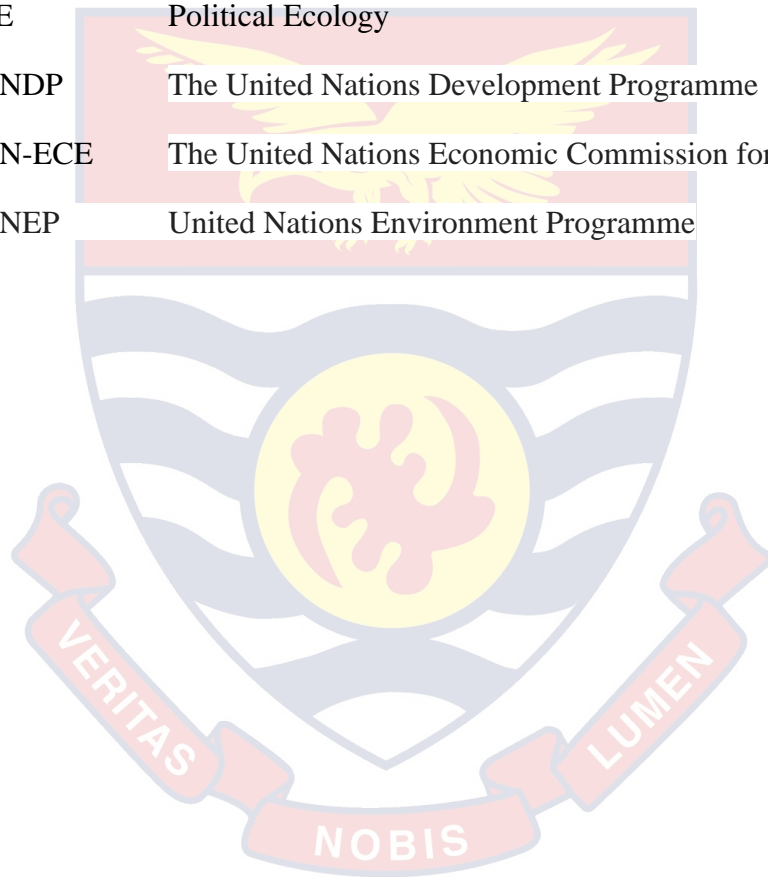
CHAPTER ONE

INTRODUCTION

Background to the Study

Land is the most basic of all economic resources needed for economic development (Williamson, Enemark, Wallace & Rajabifard, 2010). As an integral component to the production of the means of subsistence land is fundamentally useful for agricultural purposes just as its use in an urban context is crucial in shaping how effectively cities function and who gets the principal benefits from urban economic growth (Jordan & Stilwell, 2004).

The vital importance of land, as one of the natural resources to social and economic development, is unquestionable (Bob, 2010). Land resource is very crucial in any production within any society where there is equal access to land for development. It provides a sense of security in contexts where formal employment opportunities and access to resources are limited (Emanuel & Ndimbwa, 2013). Being a valuable asset that lies at the heart of social, cultural, spiritual, political and economic life in most of Africa (Ahmed & Dinye, 2011), land resources continue to have major historical, cultural and spiritual significance (Lund, Odgaard, & Sjaastad, 2006).Land and natural resources are key assets for economic growth and development. In fact, most African economies continue to rely heavily on agriculture and natural resources for a significant share of national income, food needs, and employment (African Union, 2009).

Globally, natural resource management issues have attracted increasing attention in recent decades partly in response to a sequence of crises in energy, food, water and other resources (Rist, Chidambaranathan, Escobar, Wiesmann

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& Zimmermann, 2007). The pressure on natural resources has potentially been aggravated by the development of infrastructure, advancement in extraction techniques, and expanding product markets that enlarge extraction opportunities for concession holders as well as local populations (Kessler, Salwasser, Cartwright, & Caplan, 1992). Under such circumstances, the quality of land, water, and forest is threatened, and the regenerating capacity of resources is hardly guaranteed (Sunderlin *et al.,* 2005).

The haphazard use and the conflicts over use of natural resources pose serious threats to the viability and sustainability of natural resources. These conflicts over natural resources are largely fueled by the dual goals of the government and the community for both the preservation of and utilization of protected zones, and the political and economic value of natural resources that has also increased inter-ethnic tensions and struggles (Shivakoti, Pradhan, & Helmi, 2016).

In developing countries, conventional ways to manage and administer land have a history of failing to deliver what is expected of them, that is, secure tenure, fairness and broad coverage at a price that is affordable for both landholders and governments (Frančula, & Bačić, 2015). In Africa, land administration is a problem because the existing technical solutions are too expensive; they are considered inappropriate for the range of tenure found in developing countries; they are financially unsustainable, and they are unfeasible, given the available capacity to manage them (Bell, 2016). At the same time, the need for workable systems to manage and administer land is now greater than ever, with new challenges being added to the problems that already exist (Lugoe, & Salaam, 2007).

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Land is a finite resource and competition for it is intensifying because of rapid urbanization, growing populations, economic development, and persistent insecurity of food, water and energy. Such competition results in land conflicts and disasters (Satterthwaite, McGranahan, & Tacoli, 2010). Land is increasingly becoming a source of conflict in Sub-Saharan Africa. It has been shown that local land conflicts can erupt into large-scale civil strife and political movements (Daudelin, 2002).

Consequently, land-related conflicts are attracting increased international attention (UNDP, 2010). However, the changing nature of violent conflict, combined with long-term demographic, economic and environmental trends, present significant practical challenges for global peace and security (Grzybowski, 2012). A recent study by Wiley (2005) has noted that land issues have played a significant role in all but three of the more than 30 intra-state conflicts that have taken place in Africa since 1990.

Land-related conflicts are also prevalent in countries that inherited a highly unequal distribution of land ownership (Kriger, 1992; Wickham-Crowley, 1990). Examples of such countries in the literature include Brazil, El Salvador, Guatemala, Zimbabwe and South Africa. On the contrast, countries that have relatively low population density and relatively egalitarian land access have recorded incidence of violent land-related conflicts. For example, Rwanda, Burundi (Kairaba, 2002), Côte d'Ivoire (Chauveau, 2000) and Ghana (Firmin-Sellers, 2000) have all recorded land conflicts due to the failure of the prevailing land tenure systems to respond to the challenges posed by appreciation of land in a way that would enhance effective tenure security.

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Some underlying factors, such as population pressure, agricultural commercialization and urbanization, have contributed to the increasing number of land conflicts in Africa. In addition, the current land tenure systems in Africa are often considered not well-equipped to resolve such conflicts (Cotula, Toulmin & Hesse, 2004). In many African countries, formal institutions for land administration were often simply superimposed on traditional structures without a clear delineation of responsibilities and competencies, implying that they lack both outreach and social legitimacy (Deininger, 2003).

Land conflicts have several consequences on the development of urban, peri-urban and rural areas of a country (Schueler, Kuemmerl, & Schröder, 2011). Some of the consequences are destruction of stocks, reduction of tax income, destruction of public and private building and infrastructure, loss of potential foreign capital investors, migration of skilled labor, human capital formation and jobs (Arunatilake, Jayasuriya & Kelegama, 2001). Other effects of land conflicts include loss of homeland, change in lifestyle, physical injury or death, high costs for attempts at conflict management, delayed land development, reduced respect of state institutions, increased mistrust between conflict parties, social and political instability, destroyed landscapes and reduced biodiversity (Magsi, 2013).

To address the consequences of land conflicts, conflict management is essential. Conflict management refers to dealing with or removing the cause of conflict (Thakore, 2013). In this thesis, conflict management will refer to both strategies and approaches of managing the conflict as well as to strategies and approaches of resolving it. One of the measures for managing land related conflicts is to pay attention to the inadequacies of the existing land

administration systems (Zakout, Wehrmann, & Torhonen, 2006). Generally, land administrative systems are introduced to enhance the efficiency of land markets and resolve land-related conflicts (Mahoney, Dale, & McLaren, 2007). Land markets work efficiently when they are underpinned by land administration systems that define property rights, guarantee security of tenure, establish a mechanism for registering these rights within reasonable time and costs, and generate information to support property valuation and taxation. Well-functioning land market and efficient land use are important in creating sustainable and competitive cities (Williamson, 2000).

The World Bank has supported countries to reform their land administration system. As part of the reforms, the Government of Ghana was supported to restructure her land management system. As a result of this, the Land Administration Project (LAP) was instituted in October 2003 as a conflict management mechanism to streamline land management and further address land-related conflicts in the country. The project was envisioned to be a hybrid system to manage land conflicts that both the state and traditional mechanisms were unable to do individually (Loode, Nolan, Brown, & Clements, 2009). The project has four main components, namely: land policies and regulatory framework; institutional reform and development; land titling registration, valuation and information systems and project coordination, monitoring and evaluation (Jones-Casey & Knox, 2011). In addition, the LAP was to consolidate the activities of six land sector agencies in Ghana. These are Lands Commission, Land Title Registry, Survey Department, Office of the Administrator of Stool Lands, Land Valuation Board and Department of Town and Country Planning (Karikari, 2006).

One key objective of the LAP was to fuse customary land management with other enacted legislations to streamline the land sector (Larbi, 2005). The LAP, in the process, worked with the various customary land authorities to formalise their operations and either establish or (in some instances) transform existing one. The LAP worked with 38 customary land secretariats (CLSs) between 2003 and 2009 (Karikari, 2006). In some instances, the CLSs were virtually non-existent before the commencement of the project in 2003 (Biitir, Nara, & Ameyaw, 2017). The few structures that existed and had some semblance of local land administration were Asantehene's Land Secretariat in Kumasi, the Akyem Abuakwa Land Secretariat in Kyebi and the Gbawe Kwatei Family Land Secretariat in Accra (Government of Ghana, 2003).

This study is underpinned by the philosophy of Burton (1987), who maintained that conflict management has a wide application. Burton goes on to state that the significant feature of conflict management is that it is an attempt by the status quo to manage the dispute or to avoid escalation of the conflict. The main tenet of this philosophy is that the purpose of conflict management, whether undertaken by the parties in conflict or whether involving the intervention of an outside party, is to affect the entire structure of a conflict situation so as to contain the destructive components in the conflict process (e.g. hostility, use of violence) and help the parties possessing incompatible goals to find some solution to their conflict (Burton, I987).

Statement of the Problem

Since the passage of the Ghana National Land Policy in 1999, land administration and management institutions have struggled to improve on land recording system and, in particular, that of bottom-up local land administration at the local customary land areas (Biitir, Nara, & Ameyaw, 2017). In a system where land allocation is already effectively decentralised, the land administration functions of identifying landholdings, confirming boundaries, certifying land rights and recording land transactions are overly centralised. While centralisation of land recording either at the national or regional levels has been proven to be highly successful in the most developed countries, the reverse is what mostly pertains in developing countries (Zevenbergen, Augustinus, Antonio, & Bennett., 2013). This system is overtly slow, expensive and often unable to record many lesser interests in land held by many poor land users (Payne, Durand-Lasserve, & Rakodi, 2009).

According to Bruce and Holt (2011), the fundamental role of the state in documenting land rights, especially in Africa, in general, has been recognised as a key developmental challenge that needed urgent attention. This challenge is attributed partly to the over centralisation of the land administration function and inability of the system to address locally felt needs within their means (Deininger, 2003; Payne, 2001). In response, scholars have advocated more decentralisation of land administration systems to local levels (Bruce, 2014; Bruce & Knox, 2009; Byamugisha, 2013; Durand-Lasserve *et al.,* 2015). Decentralisation of land administration in Ghana was given impetus by the Land Administration Project (LAP) in 2003, a World Bank Sponsored project. This

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project emanated from the land reforms which led to the development and implementation of the National Land Policy in 1999.

The structural challenges inhibiting effective land administration in the country still persist in spite of the implementation of the LAP for the past 14 years (Clottey, 2015). In Ghana, there are disturbing challenges such as multiple sales of lands, delays in accessing land services, missing files at the Lands Commission, "rent seeking behaviour among staff" and unauthorised personnel still hanging around the precincts of the Commission indulging, in illegal deals (Arthur-Mensah, 2018). In the Kumasi Metropolis, for example, the rights of the paramount stool chief (the Asantahene) and 55 sub-stool chiefs, each with sub-sub-stools and families, have produced a very unclear set of claims to land and complex procedures for acquisition. These have given rise to extensive disputes and litigation, with an outstanding backlog of 16,000 cases in the High Court (Rakodi, 1997). This study contributes to the discussion on the efficacy of LAP by assessing the land administration project and its associated conflict management mechanisms in the Kumasi Metropolis of the Ashanti Region. The Kumasi Metropolis was selected as the study area for this study since it is one of the areas in the country where LAP was piloted.

Objectives of the Study

The general objective of the study was to assess the efficacy of the conflict management mechanisms used in the LAP in the Kumasi Metropolitan Area of the Ashanti Region, Ghana.

The specific objectives for the study were to:

1. Explore the causes of land conflicts in the Kumasi Metropolis.

2. Examine the design and implementation of the LAP in the Kumasi Metropolis

3. Examine the land conflict management mechanisms used by the LAP in the Kumasi Metropolis.

4. Determine the efficiency of the LAP in managing land related conflicts in the Kumasi Metropolis.

Research Questions

1. What are the causes of land conflicts in the Kumasi Metropolis?

2. How was LAP designed and implemented in the Kumasi Metropolis?

3. What are the land conflict management mechanisms used by the LAP in the Kumasi Metropolis?

4. What is the efficiency of the LAP in managing land related conflicts in the Kumasi Metropolis?

Significance of the Study

The study is significant as it will help to unearth the status of land administration project in the Kumasi Metropolis. In addition, the findings of the study will serve as a basis for implementing policies that will help manage land related conflicts in the Kumasi Metropolis. Finally, the findings of the study will serve as reference material for further studies.

Delimitations of the Study

First of all, the focus of the study is on the design and implementation of LAP. Secondly, the study looks at the causes of conflicts in the Kumasi Metropolis. Again, the study looks at the conflict management mechanisms

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used by the LAP in the Kumasi Metropolis and the efficiency of LAP in managing land conflicts in the Kumasi Metropolis. Finally, respondents for the study were selected from six out the nine sub-Metropolitan Areas of the Kumasi Metropolis.

Limitations of the Study

Although thorough efforts were made to acquire every bit of information needed to conduct this research, there were still a few limitations that need to be acknowledged.

Firstly, although the study was intended to examine LAP and conflict management in the Kumasi Metropolis, some of the respondents were excluded since they were not available at the time of data collection and were still not available in the course of follow-up.

In addition, a smaller sample size from the target population could have an effect on the validity of the result.

Finally, some of the respondents were reluctant to answer some of the questions due to the presence of the researcher. There is therefore the tendency of providing bias responses.

Organisation of the Study

The study was organised into five chapters. The first chapter focuses on setting the context for the study by providing the reader with a background and the key gaps that the study sought to address as well as the objectives and research questions that guided the study. Chapter Two presents a review of related literature by discussing the conceptual and the theoretical literature informing the study. The empirical literature is further discussed in the chapter.

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Chapter Three presents the methodology for the study. The key issues discussed are the research approach and design, study area, population, sampling procedure, data collection instruments, data collection procedure and data processing and analysis. Chapter Four presents and discusses the results for the study. The results obtained from the study are presented within the context of the literature reviewed. Chapter Five presents the summary of the study, conclusions and recommendations for policy and practice.

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CHAPTER TWO

LITERATURE REVIEW

Introduction

The chapter discusses the literature reviewed for the study. It presents the theories and concepts reviewed as well as the empirical literature for the study. The theories reviewed in include the Political Ecology (PE) and Power Relations Theory. One gap in Political ecology is that culture depends on (and is influenced by) the material conditions of society. This is because nature and society are both socially constructed, but both are determined to some extent by system-like constraints that are neither the deliberate nor inadvertent products of purposive human activity. The power relations theory has also been criticised for focusing only on how socio-political structures interact with economic processes to shape poverty outcome and wealth accumulation of different actors co-existing in the same community. The land management paradigm is further discussed and adopted as the conceptual framework. Other concepts such as conflict, land conflicts and conflict management are also discussed. The empirical review and lessons learnt are further presented in the chapter.

Land Management

Land management is the process of managing the use and development of land resources. Land resources are used for a variety of purposes which may include organic agriculture, reforestation, water resource management and eco-tourism projects. Land management can have positive or negative effects on the terrestrial ecosystems. Land being over- or misused can degrade and reduce productivity and disrupt natural equilibriums (Foley *et al.,* 2005).

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Stakeholder collaboration in sustainable regional land management projects is more likely to be successful if the targeted groups are involved as early as possible in the planning and management process (Hamilton & Wills-Toker, 2006). Encouraging stakeholders to become involved at an early stage can improve their acceptance of the various aspects of a project. A constant dialogue between scientists, administration officials and land users fosters a sense of ownership of the project goals and is more likely to establish legitimacy (Healey, 2002). Stakeholder involvement can improve the decision-making process by integrating this additional information, new ideas and regional stakeholders' knowledge into the process, thereby increasing the likelihood of high-quality decisions (Beierle, 2002).

Land Administration

Land administration involves both land registration and cadastre. It comprises textual records that define rights and/or information, and spatial records that define the extent over which these rights and/or information apply (Burns, Grant, Nettle, Brits, & Dalrymple, 2007). The United Nations Economic Commission for Europe (UNECE) (1996) defines land administration as the process of determining, recording and disseminating information about the ownership, value and use of land, when implementing land management policies. It further states that the processes of land administration include the determination or adjudication of rights and other attributes of the land, the survey, and description of these, their detailed documentation and the provision of relevant information in support of land markets. Thus, land administration is

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a process that deals with information about the relationship between human beings and land, as observed by Tjia and Coetzee (2012).

Land administration systems provide a country's infrastructure for implementation of its land-related policies and land management strategies. Land in modern administration includes resources, the marine environment, buildings, and all things attached to and under the surface. Land administration systems provide an integrated framework to aid decision makers to make choices about improvement of systems. This is based on the organised systems used throughout modern western economies where the land administration systems are available, but it is also applicable to developing countries that struggle to build even rudimentary systems (Williamson, Enemark, Wallace, & Rajabifard, 2008).

Increase in global demand for land and natural resources due to rapid population growth and urbanisation is putting pressure on the sustainable management of land (Deininger, Selod, Burns, 2012). In developing countries, this increased demand for land is reflected in the recent privatisation and liberalisation of land and property market leading to a rise in tenure insecurity especially in areas that the land administration systems are weak (Arko-Adjei, de Jong, Zevenbergen, & Tuladhar, 2010). In addition, some traditional leaders under customary land holdings who are custodians of the rules for access to and use of land have become aware of the commercial value of land. Also, economic pressures, love for power or self-enrichment (Ubink, 2008), and corruption in some public land agencies, call for good land policies well-designed to curtail the growing tenure insecurity and facilitate access to land for all. These also call

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for good land governance, especially by customary leaders in developing countries to manage land for the benefit of all generations (Akrofi, 2013).

In Africa, wide range of new laws without proper rationalisation with existing legal and institutional structures often lead to fragmentation and duplication of authority, roles and responsibilities in land governance (AUC-ECA-AfDB Consortium, 2010). This, Arko- Adjei *et al*. (2010) have identified in the fluidity of customary laws. In addition, Arko-Adjei et al. have indicated that access to land and security of tenure, land grabbing and informal land markets, access to information and services, distribution of community resources, abuse of power and stewardship and land conflicts are critical areas that require good land governance. Thus, lack of good land governance manifests itself in the manipulation of customary laws, lack of transparency in land allocations, increased land litigation, especially in customary land management and administration (Akrofi, 2013). The manifest presence of bad land governance, especially in the African continent, has led to many initiatives with regard to developing guidelines to promote good governance in land (Akrofi, 2013; Arko-Adjei *et al.,* 2010; Ali, Deininger, & Goldstein, 2014).

In Ghana, land administration is governed by both customary practices and enacted legislation (Aikins, 2012). There are two principal types of land ownership in Ghana. These are the public or state lands and private or customary lands. Public or state lands are lands that have been compulsorily acquired by the state through its power of eminent domain. These lands are vested in the President and held in trust by the state for and on behalf of the people of Ghana. Customary lands are vested in chiefs, tendamba, clans and families. Chiefs are recognized as traditional political heads of centralized communities. The

symbol of authority of chiefs depending on custom is either the stool or skin. In the southern part of Ghana, the symbol of authority of a chief is the stool. In the northern parts of Ghana, the symbol of a chief's authority is the skin. Therefore, lands that are owned by the centralised communities in the south are referred to as stool lands while in the north, they are skin lands. Chiefs who head the traditional political system also hold the land in trust for and on behalf of the people they superintend over. Under these two systems, lands were acquired through first settlement on vacant virgin lands and by conquest (Da Rocha & Lodoh, 1999).

The formal system is regulated and managed by state land sector agencies. These include the Lands Commission and its various divisions and Office of the Administrator of Stool Lands (OASL). These deal directly with land rights documentations. The other formal institutions that deal with land rights and whose role is critical to orderly development of land are the Metropolitan, Municipal and District Assemblies, Town and Country Planning Department and the National Development Planning Commission (Kasanga & Kotey, 2001). The informal system is manned by traditional political systems regulated by customary laws. Two systems are identifiable under the local land governance system. These are the stool/skin land ownership and the family/clan or tendamba systems. Therefore, land administration in Ghana consists of a hybrid system of customary authorities or institutions and state institutions (Amanor, 2009).

The state influence over the customary sector has mainly been to impose some restrictions on customary land administration and management. These restrictions are contained in the 1992 Constitution of the Republic of Ghana.

Article 267 (3) of the constitution provides that there shall be no disposition or development of any stool land unless the Regional Lands Commission of the region in which the land is situated has certified that the disposition or development is consistent with the development plan drawn up or approved by the planning authority for the area concerned. This provision limits indiscriminate disposal of stool/skins lands so that any decision to use, or transfer stool/skin lands must be consistent with the development plan of the area the land is situated in. This is to ensure that access and acquisition of stool/skin lands for development are done within the framework of the general land use and development plans of the respective political jurisdiction of the area where these lands are located. There is also a limitation on the tenure and duration of the rights over the stool/skin lands which can be given. Article 267 (5) provides, 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 (Biitir, & Nara, 2016).

This implies that, even though stool land custodians have the right to dispose of their lands, they cannot give a freehold interest to any person in Ghana. This can only be done through leases which are largely granted for a period of 99 years. The lease term of 99 years developed out of conventions over the years. However, with regard to family lands, it is not clear whether a freehold can be granted. But the practice all over the country is that family lands are also subject to the same leasehold limitation, especially when leasing lands to 'strangers', that is, people who do not belong to the land owning family. However, in some cases, family lands can be disposed of without recourse to Regional Lands Commissions. Furthermore, Article 267 (1) has arrogated the

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power of management of customary lands to the appropriate stool or skin. However, Article 267(7) gives the Office of the Administrator of Stool Lands (OASL) and the Regional Lands Commission oversight responsibility. It provides that these two institutions shall consult with the stools and other traditional authorities in all matters relating to the administration and development of stool land and shall make available to them all relevant information and data. Another state influence over customary land administration is in the area of revenue-sharing arrangements (Amanor, 2009) where proceeds from ground rent are to be shared per a constitutional formula contained in Article 267 (6).

Several scholars have identified important requirements for establishing well-functioning Land Administration Systems (LASs) as: simplicity, accuracy, timelessness, security, clarity, fairness, accessibility, cost effectiveness, sustainability, expedition, acceptability and good governance (Dale & McLaughlin, 1999; UNECE, 1996; Williamson *et al.,* 2010). These requirements are general and applicable to all LASs, regardless of the environments in which they are established. Apart from these requirements, effective and sustainable mechanisms for securing tenure and administering land must satisfy six other key requirements, namely: adaptability, flexibility, upgradeability, affordability, legitimacy and credibility of institutions, and good land governance (Arko-Adjei, 2011).

Land Administration in Ghana

Following the transfer of power from the colonial masters to political elites after a general election in 1951, and a full transfer of power in 1957

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resulting in Ghana's independence, attempts at institutional restructuring for land administration was carried out. Despite the resistance of chiefs to such reformation, they were restricted under the 1957 Constitution of the newly independent nation from active participation in political affairs. From 1966 onwards, constant change in governance by military and educated elites in Ghana resulted in a struggle for control between politicians and traditional authorities over land administration. Traditional authorities had the backing of their citizens due to cultural norms that threatened politicians in governance over support of the public. This phenomenon has been described as a deeper rooted debate over the degree to which traditional authorities have claimed not only to their bases of legitimacy but even to remnants of their precolonial sovereignty (Lutz & Linder, 2004). Such fear may have influenced the politicians as they resulted in the recognition of traditional authorities.

Subsequently, Ghana has witnessed a number of attempts at reformation in land governance through legal mechanisms (Administration of Lands Act, 1962; The Land Title Registration Act in 1986 and the 1962 Concessions Act) that restricted the autonomy of traditional leaders over land. Also, the 1992 Constitution of the Republic of Ghana vested all public lands in the trust of the President on behalf of the people. Another attempt was made through the introduction of the National Land Policy of 1999 by the Government of Ghana.

This policy further gave recognition to traditional authorities and their right to land administration by stating that all traditional sources of land tenure and rights as well as those derived from common law, that is, the allodial title, customary law freeholder, an estate of freehold vested in possession or an estate or interest less than freehold under common law, leasehold interest, interest in

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land by virtue of any right contractual or sharecropping, or other customary tenancy arrangement, are recognized as legitimate sources of land titles and are to be classified as such (Ministry of Lands and Forestry, 1999).

Further reformation took place in 2003 through the introduction of Land Administration Project (LAP) with funding from the World Bank, the International Development Association, Nordic Development Fund (NDF), Canadian International Development Agency (CIDA), the UK Department for International Development (DFID), the German Bank for Reconstruction (KFW), the German Agency for Technical Cooperation (GTZ), and the Government of Ghana. The Ministry of Lands and Natural Resources was given the overall responsibility for implementation of the long-term 15-25 years' reforms in the Land Sector in five-year phases (Ministry of Lands and Forestry, 2005). The first phase of the reforms, under the label LAP-1, was implemented from 2003 to 2010 which took longer than the proposed five years' duration. LAP 1 laid the foundation of the project by reviewing the statutes on land, carrying out institutional reforms and undertaking pilot projects on some initiatives such as customary boundary demarcation, the establishment of customary lands secretariats, digitizing land records, establishment of land courts, systematic title registration, among others.

Amongst the accomplishment under LAP 1, was the establishment of the Lands Commission Act, 2008 (Act 767) which led to an institutional restructuring in the land sector in the country. Amongst the challenges encountered during the implementation of LAP 1 were the interplay of customary systems and institutions for land tenure, the legal plural environment and the multiplicity of institutions for land administration in Ghana (Larbi,

2006). The second phase of the project under the label of LAP 2 was launched on September 14, 2011, and was intended to implement the key policy actions recommended in the Ghana Land Policy of 1999.

The Design and Implementation of Ghana's Land Administrative Project

The Land Administration Project (LAP) is a multi-donor assisted project that seeks to restructure land administration (LA) in Ghana. The project was designed as a 15-year project of LA reform, beginning with a five-year pilot phase running from October 2003 to 2008 (World Bank, 2003). The LAP seeks to address the principles presented in the NLP of 1999, which emphasise stimulating economic development, reducing poverty, promoting social stability by improving security of land tenure, simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management (Ministry of Lands and Forestry, 1999). The LAP is the first phase in the LA reform project, which lays the foundations for the implementation of long-term (15-25 years) LA reform (Arko-Adjei, 2011).

The LAP has four components: the harmonisation of land policies and the legislative framework with customary law, for sustainable land administration; institutional reform and development; improving land titling, registration, land use planning and valuation; and project management, monitoring and evaluation (World Bank, 2003).

The long-term programme aims at clarifying customary land holding, fostering links to land use planning, encouraging active participation and engagement with customary land owners in decision-making. The program

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further seeks to clarify the roles defined for the land sector agencies, and fostering coordination and cooperation among the land sector agencies, district assemblies, customary authorities and the private sector (World Bank, 2003). It had been observed that maladministration and mismanagement of customary lands ended up in conflicts, hence, the need for the Customary Land Secretariat (CLS) (Arko-Adjei, 2011). The goal of the programme establishing the CLS was to lay the foundations for a clearer and more cohesive development in the customary land administration sphere and for its further consolidation and evolution in subsequent land administration projects (World Bank, 2003). The three main functions of CLS are keeping and maintaining accurate and up-to-date land records; provision of information about the land owning community to the public and provision of land information to the public – ownership, rights, use, availability, etc. (World Bank, 2003).

To achieve this, the CLS aims to help customary authorities to improve and develop customary land administration. In the long-term, the CLS will provide effective land management, harmonised with government land agencies and district assemblies, so as to establish unified, decentralised public record of land availability, use and transactions (Ubink & Quand, 2008). This is to promote confidence-building between customary authorities and the government, especially to improve trust in the manner in which district assemblies utilise revenues generated by stool and skin lands. Institutionally, in some areas, the CLSs are established as centralised secretariats modelled on the customary institutional framework of the area in question (Asantehene's Land Secretariat and the Gbawe-Kwatei Family Land Secretariat). In others, village land allocation committees or similar institutions have emerged as the

administrative authority, under the aegis of the local chief or family head. In all of these set-ups, the aim is to increase the accountability of traditional authorities to their constituent land holders (World Bank, 2003).

In order to fulfil the LAP's objective of reforming and developing land sector institutions, the Lands Commission Act, 2008 (Act 767) was introduced. Act 767 establishes a new Lands Commission, which merges all five land sector agencies in a single administrative unit. The new Lands Commission, thus, have five divisions: Surveying and Mapping; Land Registration (which combines the former land title registry and deeds registry); Land Valuation; Public and Vested Lands Management (activities carried out by the former Lands Commission); and any other divisions that the Commission may decide to create. The Commission, which came into force during the last quarter of 2009, is entrusted with functions that include advising the government, local authorities and traditional authorities on the policy framework for the development of land in Ghana; formulating recommendations on national policy with respect to land use sustainability; advising and assisting with respect to the execution of comprehensive land title registration throughout the country; and ensuring sustainable land use planning (Arko-Adjei, 2011).

In terms of impact of the project, the project has raised considerable awareness of the land issues in the country and placed land on the development agenda. Customary Land Secretariats are strengthening local land administration through basic records keeping, awareness creation, recording of customary land rights and their protection and dispute management. It has reduced the turnaround time for registration at both the land registry and the

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land title registry from more than 36 months to less than 2.5 months and 8 months respectively (Larbi, 2010).

Challenges with LAP

Despite the efficiency with LAP in managing land conflicts, there are some challenges associated with it. One of the challenges is political will. Political will can occur as a change in government could as well change the current project in other direction and level, as most governments have their own interests and agenda and ideologies. This could affect the current LAP, even though it seen as working very well. One key objective of the LAP is to ensure that the various organisations in the land sector are well organized and made as one stop shop where there would be just one coordinator of all land administration instead of the current multiple agencies. This is seen as a threat factor because most government agencies would not accept this new change as they would feel that their powers are usurped by others. This is because the current reform seeks to make a stop agency coordinating all activities (Kombat, & Lambini, 2009)

Another challenge is the plural legal framework which Ghana also falls within. There are several traditions and legal issues on land in Ghana and their operations are sometimes many and difficult to operate in the environment. The total effect of the pluralism of culture and traditions, ethnic groupings and their formation, different sources of the acquisition of land as well as the legal pluralism is the evolution of a complex series of rights and interests in land, and the pluralism would definitely have a direct and indirect impact on the reform project. The continuity of funding could also be a challenge as the current land reform is fully funded by international donors. In that sense, when the funding

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ceases, then, there is a problem of how to get funding internally to manage with the reform (Kombat, & Lambini, 2009).

Land Conflicts

Conflict is an existing state of disagreement or hostility between two or more people (Nicholson, 1992). By this, it means two or more parties do not have an accord and are, as such, on two different parallels on the same issue. It, thus, suggests the pursuit of incompatible goals. Put differently, conflict means collision course; it also refers to opposition to existing view, stand, or position. According to Thomas (1992), conflict may be defined as the process that begins when one party perceives that another has affected (or is about to affect) something negatively, about which the former cares. In politics, conflict is more explicitly defined. Conflict is said to exist when two or more groups engage in a struggle over values and claims to status, power and resources in which the aims of the opponents are to neutralize, injure or eliminate the rivals (Jeong, 2017).

Conflict also connotes different perceptions which may not necessarily result in hostility. This way, conflict simply means 'a different perception' or view to an issue or situation (Barash & Webel, 2002). Here, it may mean a different interpretation of a motive, or a different world-view. These include religion, customs, cosmologies or values. Such differences may never culminate in direct and sharp confrontations. On the other hand, however, different perceptions, values or world-views may transcend just 'differences' and result in the extreme connotation of conflict. Inter-faith violence is a critical example of such breakdown. Conflict may also connote hostility or physical

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confrontation (Jeong, 2000). When goal incompatibility or perception/value differences reach a crescendo, a manifestation of actual hostility or clashes is possible.

In general literature, conflict is interchangeably used with other terms. This is where it becomes pertinent to mention words or terms that represent synonyms of conflict. These include contrast, disharmony, discord, struggle, contest, strife, antagonism, controversy, clash, rivalry, contest, contention, brawl, fisticuff, fight, battle, feud, combat and war. In politics, it is not too dissimilar; however, conflict technically means an existing state of disconnect between two or more parties on a prevailing issue. It is, however, important to know that conflict does not always denote war. While all wars are a state of conflict, all conflict situations may not be a war situation. Conflict is, thus, related to but technically different from war. Conflict is a general description of a state of chaos, including that of war situations, while war is a legally declared course of action by constitutionally recognized groups. Experience in human society has shown that there are degrees of variation in conflicts. Conflicts are in types. One of the types is land conflicts.

Land conflict can be defined as a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it. A land conflict, therefore, can be understood as a misuse, restriction or dispute over property rights to land (Wehrmann, 2005). Land and conflict are often inextricably linked. Where there is conflict, land and natural resources issues are often found among the root causes or as major contributing

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factors (Matthew, Brown, & Jensen, 2009). A recent United Nations Environment Programme (UNEP) report highlighted the fact that natural resources have played a role in, at least, 40 percent of all intrastate conflicts (UNEP, 2009). Moreover, as Wiley (2009) has noted, land issues have played a significant role in all but three of the more than 30 intra-state conflicts that have taken place in Africa since 1990.

Despite this reality, governments and the international community have, in the past, shied away from developing systematic and effective strategies to address land grievances and conflicts. Land is seen as too politically sensitive or too technically complicated to lend itself to meaningful resolution: as experience has demonstrated, this is a mistake. Recent studies have shown that conflicts associated with natural resources are twice as likely to relapse into conflict within the first five years after the end of hostilities (United Nations, 2012). Clearly, there is a critical need to ensure that land and natural resource-related issues are addressed at all stages of conflict (Wehrmann, 2008).

It is important to recognize that neither is violent conflict over inevitable nor are conflicts unmanageable. Practical steps can be taken to: prevent grievances from turning into violent conflict, mitigate the short- and long-term negative impacts when conflicts do occur, and to harness the potential of land issues to contribute to broader peace-building objectives. If effectively managed, conflicts can contribute to societal transformation and, perhaps, even feed into the creation of a new social contract between government and its citizens (United Nations, 2012).

Causes of Land Conflicts

Several scholars have looked at the causes of land conflicts. A large migration of people seeking land to settle and farm is one of the factors underlying land disputes in Africa (Yelsang, 2013). From these positions, land conflicts are essentially linked to the increased scarcity of land caused by demographic pressures and higher land values. Relations between pastoralists and indigenes are often tense, with few common social and cultural value interactions (Cotula, Toulmin, Hesse, 2004). According to Yelsang (2013), uncertainties surrounding land scarcity and marketization, generate fears and suspicion between neighbour, and even within families.

In a study by Rugadya (2009) in Uganda, it was identified that conflicts that are a consequence of colonial legacy are exacerbated in the majority of cases by competition over access, use and transfer of scarce land and natural resources, ever increasing population densities, largely driven by the high population growth rate, unsustainable agricultural practices, and policy and institutional weaknesses. Possibility of increasing conflict is largely driven by competition for influence and power which comes with demonstrated control over land matters such as ownership, allocation and access, especially as regards overlapping land rights.

Wehrmann (2006) classified the causes of land conflicts into political, economic, socio-economic, socio-cultural, demographic, legal and judicial, and administrative causes. Political causes include change in the political and economic system, including nationalisation or privatisation of land; lack of political stability and continuity; lack of predictability; introduction of (foreign, external) institutions that are not popularly accepted; war/post-war situation,

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including a high number of unemployed military; political corruption, state capture and land grabbing and political (and economic) support for big farmers to the disadvantage of poorer peasants. Economic causes include evolution of land markets, increasing land prices and limited capital markets. Socio-economic causes of land conflicts include poverty and poverty-related marginalisation/exclusion, extremely unequal distribution of power and resources (including land) and lack of microfinance options for the poor. Socio-cultural causes include destroyed or deteriorated traditional values and structures, rejection of formal institutions (new, foreign, external), low level of education and lack of information on institutions and mechanisms of land markets, high potential for violence, abuse of power, strong mistrust, helplessness of those disadvantaged, unregistered land transactions and fraud by governmental administration and/or individuals.

Demographic causes include strong population growth and rural exodus, new and returning refugees. Legal and juridical causes include legislative loopholes, contradictory legislation, legal pluralism, traditional land law without written records or clearly defined plot and village boundaries, formal law which is not sufficiently disseminated or known, limited/no access to law enforcement and jurisdiction by the poor/disadvantaged, insufficient establishment of rule-of-law-principles. Finally, administrative causes include insufficient implementation of formal regulations, administrative corruption, insufficient control over state land, lack of communication, co-operation, and co-ordination within and between different government agencies as well as between public and private sectors and lack of responsibility/accountability (Wehrmann, 2006).

In view of the traditional ways of land allocation and land alienation in the past, the modern day management of customary lands by traditional authorities has been beset with some problems, including, as already stated, indeterminate boundaries of customary lands, poor records or no record keeping, which sometimes results in the allocation of the same parcel of land to more than one person, registering at Deeds Registry and at Land Title Registry of the same document by different people, agricultural tenancies based on oral agreement, different tenurial arrangements at different parts of the country, depending on the traditional area, chieftaincy/land disputes between two traditional overlords, claims and counter claims over disputed land due to lack of proper maps and plans of scientific accuracy and the disappearance of natural features marking the boundaries leading to lack of security of tenure (Yiri, 2006).

Overview of Conflict Management

Conflict management strategies and the circumstances that lead to the differentiated use of each one have been studied in the most diverse frameworks. The results obtained, however, are not always convergent. At the group level, Vokić and Sontor (2009), for example, argue that the most used strategies are compromising and dominating. On the other hand, Farmer and Roth (1998) state that the strategies grounded in high concern for others – integrating and obliging – are used more often than those that reveal a low level of concern for others: avoiding and dominating. According to Rahim and Buntzman (1989), the avoiding strategy is used least often, while DeChurch and Marks (2001), argue that competitive strategies are usually less used. When it comes to integrating

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strategies, the authors above (DeChurch & Marks, 2001; Farmer & Roth, 1998; Rahim & Buntzman, 1989) agree that these are used more often.

Despite the fact that cultural differences may play a decisive role in conflict management (Gonçalves, Reis, Sousa, Santos, & Orgambídez-Ramos, 2015), the tendency to use integrating strategies more often seems to be cross-cultural. In collectivist cultures, people also tend to use less competitive strategies and more indirect communication strategies, particularly avoiding; in individualistic cultures, direct communication is used more often, with dominating the most used strategy (Glaser & Denhardt, 2010; Lather, Jain, & Shukla, 2010; Oetzel & Ting-Toomey, 2003; Wu, Yuen, & Zhu, 2001). According to Morris *et al.* (1998), the frequency with which these two kinds of strategy are used in individualistic and collectivist cultures is mediated by their underlying values: the societal conservatism of collectivist cultures, based on values of tradition and complianc,e is thus associated with avoiding strategies. On the other hand, the higher use of competitive strategies in individualistic cultures is related to their result orientation and self-promotion.

With regard to the compromising strategy, Birmingham and Michaelsen's (1999) research shows that the group development stage can be relevant to its use: results reveal that the higher the level of maturity in the group, the less its elements will tend to use compromising strategies. Also, Dimas, Lourenço, and Miguez (2008) present relevant results in this matter, arguing that, as the group advances in its maturity, the use of integrating strategies increases. These authors also mention that, when the group is at a development stage which is marked by competitive and tempestuous relationships (which matches the second stage of group development, of the four

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proposed by the group development model in which they anchored their studies), the dominating strategy is used more often. At the individual level, several studies reveal that the conflict management strategy used is also influenced by dispositional factors, particularly by personality traits, gender and organisational role (Chao & Tian, 2013; Vîrga *et al.,* 2014).

Based on the Big Five Model by Costa and McCrae (1992), Antonioni (1998) shows that the use of integrating strategies is positively associated with extroversion, conscientiousness, agreeableness and openness traits. About the use of obliging strategies, this author enhances its positive association with agreeableness and neuroticism traits. When it comes to the personality traits related to dominating strategies, Antonioni's results stress the positive association with extroversion traits, opposed to agreeableness and neuroticism traits, which are negatively associated with the use of competitive strategies in conflict management. Regarding the use of avoiding strategies, according to the same author, there are positive associations with neuroticism and agreeableness and negative associations with extroversion, openness and conscientiousness traits. The literature revision from Wall and Blum (1991) and also from Wall and Callister (1995), however, argues that there are not enough consistent data in the literature to assume that there is a significant impact of personality traits on the conflict management styles used.

On the influence of the organizational role variable, Rahim (1983) states that managers use mostly integrating strategies with their subordinates, obliging strategies with their superiors and compromising strategies with their colleagues. Holt and DeVore (2005) reveal that people tend to use avoiding strategies more with peers than with subordinates and compromising strategies

less with subordinates than with superiors. Wall and Nolan (1986) analyse, among others, the association between types of conflict and conflict management strategies at the individual level from a sample of 375 subjects involved in a group task. Their results show that task conflict tends to be resolved through integrating strategies while relationship conflict is usually approached with avoiding strategies.

Conflict Management Mechanisms Used by LAP

Conflict management is a complex field of endeavour with many interdependent kinds of activities. Their causes and destructive consequences of conflicts imply that pragmatic steps must be employed to resolve these conflicts regardless of the level and nature of conflict. Conflict management is the situation where the conflicting parties enter into an agreement that solves their central incompatibilities, accept each other's continued existence as parties and cease all violent actions against each other (Guthrie, 2002).

Disputes over land ownership can be resolved either formally, informally or through a combination of both. However, studies have reported that a majority of people who had been involved in a land dispute had used the informal system (Abdulai, Ndekugri, Olomolaiye, & Proverbs, 2007). A large number of disputes, therefore, never reach the courts or are embedded in 'chieftaincy affairs' for which state courts do not have jurisdiction (Ubink & Quand, 2008). Nevertheless, state institutions for land dispute settlement still play an important role. Even when state courts' decisions actually protect usufructuary right holders (e.g. against a chief), the effect of these decisions is limited (Ubink & Quand 2008). Judges' legitimacy is also at stake as their

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decisions might differ from local customary norms and practices (Ubink & Quand 2008). Moreover, as for land administration, the lack of checks and balances from the state on implementation and enforcement means that the decisions of the courts are not necessarily respected. As such, land disputes are rarely only about land but more about competing understandings of authority and law.

One of the mechanisms used by LAP for managing land conflicts is customary debate. Customary debate refers to a process of discussion or negotiation between disputants in order to produce true or straight talk (Lindstrom, 1990). Customary debate is often found in egalitarian Melanesian societies and aims to generate reconciliation and consensus. Typically, no participant has the authority to adjudicate the issue and therefore some form of consensus needs to be achieved. Lindstrom (1990) has observed the use of public debate to deal with land disputes. Customary debates are easily convened and can be held at any time without incurring costs or significant delays. They are highly participatory and can serve as group decision-making processes. On the other hand, Lindstrom observes that speech is never-ending and that the result of many meetings, although consensual, frequently has little effect on the behaviour of consenters in the following days (Lindstrom, 1990).

Another mechanism used by LAP for managing land conflicts, conciliation, refers to processes in which a negotiation is facilitated by third parties. They can be chiefs, elders or witnesses. Although the conciliators sometimes advise on custom or make suggestions, they only facilitate the negotiation process and do not make binding decisions on the parties. Conciliation often results in compromises, thereby not producing clear winners

and losers (Paterson & Farran, 2004). Heydenberk, Heydenberk and Bailey (2003) describe a conciliation process as critical since a determination of the dispute by third parties would only incite more anger in the disputants. Procedures are decided upon ad hoc. If no settlement is reached, the process continues until bystanders and parties tire and slip away from the meeting. Then, final speeches are made exhorting the parties not to fight and arrangements are made for further meetings (Bercovitch, & Jackson, 2001).

Furthermore, land conflicts can be managed by determination by chiefs or elders. Before the advent of European control of Pacific Islands countries, many land disputes were decided by local customary leaders, often after listening to rival claimants and after consulting other leading figures in the community. Decision-making processes varied from extensive consultation, on the one hand, to unilateral arbitrary decision-making, on the other (Paterson & Farran, 2004). Although the power of customary leaders to determine land disputes has been greatly diminished under the influence of colonial powers and the availability of other forums for land dispute management, recent initiatives in many countries point to a renaissance of the role of chiefs as dispute resolvers in land matters (White & Lindstrom, 1997). In some areas, there are people referred to as government-established village chiefs, clan chiefs and land chiefs (Pedersen & Jandt, 1996). This can lead to confusion and disagreement on behalf of the disputing parties on who should decide the dispute. Chiefs are normally knowledgeable about the customs and histories of the area and should be able to decide in accordance with accepted norms of their society.

Land dispute management processes can include elaborate reconciliation ceremonies and apologies. These processes can be more powerful

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than the dispute management process itself. Customary dispute management processes using reconciliation ceremonies are in danger of being abandoned due to the social changes that all countries in the region experience. Already, the cultural meaning that people attach to customary dispute management has changed. This has also put chiefly roles under strain. The fact that chiefs are not just dispute resolver (but that they also dominate the main policy-making and fiscal management of communities) has raised perceptions of bias and ineffectiveness. In addition to these challenges to customary reconciliation processes, the use of mass media such as newspapers by disputants to attack their opponents threatens informal and formal rituals of apology. Often, they cannot undo the damage that was done through announcements in the press (Montville, 1990).

One of the principal outputs of LAP in the Project Manual is to promote effective land administration through the CLS's accountability in line with the constitutional provisions. This, in a way, protects the rights of all land holders within their communities, recognises the community interest in land management and provides an effective interface with democratic local and national government (Blitir, 2014).

Efficiency of LAP in the Management of Land-related Conflicts

Formal land administration systems serve to reduce the asymmetric information between buyers and sellers by providing a more reliable verification as to the extent of the seller's land rights, the presence of challenges and encumbrances, and the location of boundaries. While the changes in the nature of interactions in the land market (increased potential for cross-community

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transactions) which make formal systems useful seem similar to the changes that reduce tenure security at the individual or group level, it is quite possible that tenure security is reduced even before extensive potential land markets could emerge (Feder, 1999). Customary Land Secretariats are strengthening local land administration through basic records keeping, awareness creation, recording of customary land rights and their protection and dispute management (Larbi, 2010).

Yami and Snyder (2016) analysed the impacts of land registration on land rentals, security of land tenure, disputes over land, use of credit facilities from formal financial institutions and gender access and control over land. The findings were based on data collected between April and December 2011 in irrigation systems in three regional states of Ethiopia using in-depth interviews and field surveys. Findings from the study showed that land registration has a positive influence on land rentals by reducing the fear of landholders in losing land to renters. Important benefits of land registration also include enhancing tenure security through ensuring usufruct rights over land and addressing the conflicts that arise from the competition to access irrigable land. In line with findings of studies on the efficiency of LAP in the management of land conflicts, An, Grant and Grants (2013) observed that the LAP has improved the land administration framework, reduced disputes over land rights, and sped the processes for issuing land titles and documenting land rights in urban and rural areas. These efforts have made land tenure more secure; secure tenure facilitates access to credit and has the potential to promote greater investment in the economy.

Theoretical Frameworks

Political Ecology Theory

Political Ecology (PE) studies the "complex relations between nature and society through analysis of social forms of access and control over resources" (Peet & Watts, 2004, p. 201). PE is based on the premise that, environmental problems may be perceived in a variety of ways or may be considered socially constructed (Greenberg & Park, 1994). In research, PE lay emphasis on the political and economic structures and institutions in which human transformation of natural resources are embedded (Neumann, 2005). PE also focuses on the analysis of multilevel connections as well as decision-making and hierarchies of power (Adger, Benjaminsen, Brown, & Svarstad, 2001). The phrase 'political ecology' combines the concerns of ecology and a broadly defined political economy. Together, this encompasses the constantly shifting dialectic between society and land-based resources, and also within classes and groups within society itself (Robbins, 2004).

Early research in PE utilized the political economy framework primarily to understand the political dynamics surrounding material and discursive struggles over the environment in the third world (Bryant, 2001). This was due to a growing concern and interest in the numerous agrarian revolutionary movements in the 1960s and 70s and interest in farmers in the developing world (Greenberg & Park, 1994; Robbins, 2004). However, proponents of PE viewed the rural peasantry of the developing world as irrational and inefficient and reduced everything to social constructions. They insisted on the need to link the distribution of power with productive activity and tended toward overly structuralist explanations (Perry, 2003; Robbins, 2004). This was spurred by a

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neo-Marxist school of thought which focused on describing exploitive first/third world relationships, class inequalities, and explanations to environmental resource degradation in the developing world (Bryant 2001; Robbins, 2004).

This reductionist view and the disregard for the non-human aspect of society were met with criticism from researchers adhering to what later became known as peasant studies and ecological analysis (Greenberg & Park, 1994; Robbins, 2004). Their criticisms were based on the premise that culture depends on and is influenced b, the material conditions of society (Greenberg & Park, 1994; Robbins, 2004). For example, cultural ecologists attempted to explain the evolution of specific cultural practices and institutions regarding adaptations to ecological systems, and to explain how internal dynamics within systems can lead to change and development through time (Greenberg & Park, 1994). They, therefore, emphasized that nature and society are both socially constructed, but both are determined, to some extent, by system-like constraints that are neither the deliberate nor inadvertent products of purposive human activity (Greenberg & Park, 1994). An example of this was the critique offered by common property theorists, a school of thought which studies collective ways of managing common pool resources (Robbins, 2004). Thus, theorists of cultural ecology incorporated ecology and environment into PE (Perry 2003). Yet, they were criticized for "separating economic from other aspects of life" and tended to ignore the impact of environment on political and economic factors.

Recognizing these flaws in PE and cultural ecology, scholars such as Wolf, Blaikie Greenberg and Park and others worked with the strengths of both to form the basis of political ecology (Environment and Ecology, 2016). Hence, research within political ecology focused on how and why institutionalized

beliefs about environmental change come into place, and on finding an alternative, more inclusive, ways of addressing environmental problems (Greenberg & Park, 1994). Their approach focuses on issues of power, recognizing the importance of explaining environmental impacts on cultural processes without separating out political and economic contexts (Environment and Ecology, 2016).

PE has been influenced by cultural ecology by rejecting simplified explanations to resource use and, instead, combining ecological concepts and frameworks that engage cultural and political activities (Greenberg & Park, 1994). As Biersack (2006) puts it, "Political ecology in its first generation tended to think in terms of structures, systems, and interlocking variables and had little to say about actors and their agency. Today's political ecology, to some degree, engages with 'practice theory' that attends to the constraints of structure but also to the indeterminacies of agency and events". Political ecology, thus, brought together human ecology's focus on the interrelations between human societies and their respective biophysical environments and PE's analyses of the structural power relations occurring in various societies (Greenberg & Park, 1994).

PE assumes that environmental change and ecological conditions are the product of political process (Robbins, 2004). Political ecology, therefore, utilizes a contextual approach that aims to explore the origins and consequences of human-environmental relationships, with special attention given to underlying political processes. It takes a "hatchet" to dominate political explanations to environmental change and resource degradation by deconstructing the explanations and revealing their political context. Although

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political ecology is "power-laden rather than politically inert" (Biersack 2006, p. 211), it lacks a grand theory, a meta-narrative, or a comprehensive theoretical underpinning.

PE is rather a specific lens through which one can examine the interactions between the environment and society. It provides conceptual tools for analysis rather than an encompassing theory of human-environment relations (Schubert, 2005). Thus, theoretical frameworks of political ecology vary depending on what the scholar is seeking to emphasize. While some approach will take both the political/economic and the ecological into account in interpreting relations between humans, society and nature, others place more emphasis on the political or the ecological perspective (Environment and Ecology, 2016).

However, research in PE is based on the common notion that changes in the environment do not affect society in a homogenous way: political, social, and economic differences account for the uneven distribution of costs and benefits (Environment and Ecology, 2016). This unequal distribution, on the other hand, reinforces or reduces existing social and economic inequalities. The unequal distribution of costs and benefits and the reinforcing or reducing of pre-existing inequalities hold political implications in terms of the altered power relationships that may result from the alteration.

To understand the land administration project and conflict management, in the study, political ecology was used to explain how political and economic structures and institutions in land administration result in conflict management. Thus, institutional regulations and power relations between the various actors in land governance in the Kumasi Metropolis become necessary in managing

conflict. In this regard, land administration institutions will be used to understand the regulative and mediating role of both formal and informal institutions in land governance. Additionally, the study recognizes that land governance and dispute management involve the interaction of a variety of actors from the state and traditional leaders through to individuals in society with unequal power relations and diverse interest in land. Thus, the concept of power will be used to understand LAP and land conflict management outcomes in Kumasi Metropolis.

As with any theoretical approach in the social sciences, some criticisms have been labelled against PE. For instance, Bryant (1998) criticizes that much research in the field of PE has focused on the role of the state, but less on the role and capacity of other local organisations. He, therefore, suggests a focus on the link between the organisational attributes of actors and their capacity to act in political-ecological conflicts. Other scholars such as Vayda and Walters (1999) also contend that most research in PE privileges the political dimension in the explanation of environmental changes of events at the expense of other dimensions, such as the biophysical dynamics of society. They suggest an inclusion of detailed study of actual environmental changes or what they refer to as 'event ecology', focusing on human responses to environmental events with an eye on political reactions to the events instead of presupposing the impact of political processes on environmental events. Other criticisms of PE question the constituent of 'ecology' and 'environment' since PE considered the 'environment' as being socially constructed (Peet & Watts, 2004).

Power Relations Theory

Generally, power refers to the ability of one person to get another to do something that is of advantage to the former but not in the latter's interests (Basu, 2000). The patterns of power in society, thus, determine the boundaries of choice making as well as attractiveness of choice (White, 1993) and may determine, to a large extent, patterns (Bardham, 1991) and outcomes of trade. The challenge for power relations analysis is to look at power and power relations within the production system and ascertain how the interactions of socio-political structures with economic processes shape poverty outcome and wealth accumulation of different actors co-existing in the same community. According to Foucault (1979, p. 86) "power is tolerable only on condition that it masks a substantial part of itself. Its success is proportional to its ability to hide its own mechanisms".

In the context of land administration and conflict management, the role of politics and power relations can be well captured by the use of power relations theory. Hindess (1996) indicates that power can be thought of as capacity—an idea originating from Weber—and, as such, can be understood as both enabling social change and sustaining the status quo. Gaventa (2005) notes that, although everyone possesses and is affected by power, the meanings of power (and how to understand it) are diverse and often contentious. Some see power as held by actors, some of whom are powerful while others are relatively powerless (Gaventa, 2006). Some see power as a negative trait. This implies that to hold power is to exercise control over others (Yang, Jin, He, Fan, & Zhu, 2015). However, others see power to be about capacity and agency to be wielded for positive action. Power is often used with other descriptive words. Power

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over refers to the ability of the powerful to affect the actions and thought of the powerless.

Bernstein and Byres (2001) define political power relations of land as an "interdisciplinary study of the processes of change in agrarian production, property rights, and social power relations over time". This implies that political power relations analysis focuses on the interplay of the forces that determine the structure of agriculture, role of power between the elites and the marginalized and the state. It involves institutional dimensions (formal and informal), focusing on organisations and processes that attempt to exclude some people at multi-levels of decision making (Da Costa, 2008). It has been noted that these institutions affect the economic outcomes (Bollig, 1998), that individuals realize this, and that they attempt to change institutions to serve their ends more effectively, be they ideology or materialistic (Ensminger, 1998).

To understand the present, it focuses on the historical backgrounds of people, communities and changes occurring in social relations of production. It also looks at the structural power relations, accumulations processes, labour exploitation, inequalities of access and deprivations to understand persistent poverty. This makes the approach suitable for studying the emerging land relations and rights, class formation and erosions of land rights brought about by the changing property right institutions and dynamics of the social, economic and political fabric of society (Nyasulu, 2012). Since mainstream classical power relations analyses do not explicitly discuss human agency (O'Laughlin, 2002), as a factor necessary for the poor to break out of poverty, some authors have attempted to introduce some social science concepts such as agency in analysis of this nature. Gamble et al. (1996) define the 'new' power relations

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analysis as a field of study regarding the relationship between the state and the economy and it seeks to build on those approaches in social science which have tried to develop an integrated analysis, by combining parsimonious theories which attempt to analyse agency in terms of a conception of rationality with contextual theories that analyse structures institutionally and historically.

Gamble and others' definition of political power relations implies that, rather than looking at the dichotomy between structure and agency (say institutions), the two can be considered together to enhance understanding of the entire social system and how the interaction of various social groups helps one to make effective choices. The economic version of the perspective on land promotes the idea that smaller-scale agriculture could reach a reasonable level of productivity and that land reform is a useful basis for development, since urbanization is partly reversible (Murray, 2002). On the other hand, the political version of land has two main tendencies of the micro and macro thinking (Moyo, 2007). Moyo argues that the micro tendency sees political value in land reform as a means to dissolve non-capitalist relations of production or excessively concentrated power structures. The macro tendency, on the other hand, views land reform as a means of dissolving the political power of large agrarian capital.

Robert Chambers as quoted by Eyben, Harris and Pettit (2006), concludes that power over others can be used as power to empower. This is what Gaventa (2005) refers to as power 'within' often refers to gaining the sense of self-identity, confidence and awareness that is a pre-condition for action. As the struggles between the powerful and the powerless continue over land rights in Ghana, the powerless may not attain their full potential if they work as

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individuals but they can do so by working in groups. This can be achieved when they have power 'with', that is, the synergy which can emerge through partnerships and collaboration with others, or through processes of collective action and alliance building. Issues of power are inseparable from the perspective of institutions.

Institution or property rights are sets of ordered relationships among people that define their opportunities, their exposure to the rights of others, their privileges and their responsibilities. In this case, rights are defined as correlative among people in the context of an interaction or transaction (Schmidt, 2008). If interests conflict, there is necessarily the exercise and result of power—the right holder has power when he or she has an opportunity which is a cost to another. According to Lund (2007), power is relational and only conceivable as a capacity in a social relation. On the other side of the transaction, the non-right holder has no power and is exposed to the cost of others' behaviours (Aikins, 2012).

Conceptual Framework

The study adopted the land management paradigm as its conceptual framework (See Figure 1). Land management paradigm considers land tenure, value, use and development holistically as essential and omnipresent functions performed by organised societies. Within this paradigm, each country delivers its land policy goals by using a variety of techniques and tools to manage its land and resources (Dawidowicz, & Źróbek, 2017). Land administration builds on the model developed by Dale (1999), which concentrates on functions and systems delivery, in contrast to their comprehensive analysis of existing

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systems. The model is based on a holistic approach to land administration systems that aim to perform stated functions through delivery arrangements and systems. It develops holistic analysis of the functional relationship between the infrastructure of the land administration systems and the policy of sustainable development; it recognises land management as the policy imperative; and it parallels the development of a theory for spatial data infrastructures and demands for spatially specific information about government and private activities (Enemark, Williamson, & Wallace, 2005).

Land administration systems are increasingly being tested against an emerging vision of a more unified model appropriate for developed economies but also capable of providing direction for transitional economies. This vision reflects drivers of globalisation and technology development which support the establishment of multifunctional information systems incorporating diverse land rights, land use regulations and other useful data. A third major driver, sustainable development, stimulates demands for comprehensive information about environmental conditions in combination with other land related data (Enemark, Williamson, & Wallace, 2005).

The UN-ECE (1996) viewed land administration as referring to the processes of determining, recording and disseminating information about the ownership, value and use of land, when implementing land management policies. This information paradigm served to focus LAS design on information for policy makers, reflecting the experiences of computerization of land administration agencies after the 1970s. This focus on information remains, but the type and quality of information needed for modern circumstances have changed dramatically. Thus, the need to address land management issues

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systematically pushes the design of LAS towards an enabling infrastructure for the implementation of land policies and land management strategies to support sustainable development.

In simple terms, the information paradigm was replaced by a paradigm capable of assisting the design of new or reorganised LAS to perform the broader and integrated functions now required. This new land management paradigm is described in Figure 1. The paradigm provides the reason for reengineering agencies and their processes to deliver policy outcomes by more holistic and integrated task and information management, rather than merely managing land information for their internal purposes. The paradigm enables LAS designers to manage changes in institutional arrangements and processes to implement better land policies and good governance by identifying a conceptual framework for understanding each system (Enemark, 2005).

In theoretical terms the paradigm identifies the principles and processes that define land management as an endeavour. It recognizes that in practice, the organisational structures for land management differ widely between countries and regions throughout the world, and reflect local cultural and judicial settings of the local country context. Within the country context, land management activities may be described by the three components: land policies, land information infrastructure and land administration functions in support of sustainable development (Enemark, 2005). The operational component of the land management paradigm is the range of land administration functions that ensure proper management of rights, restrictions, responsibilities and risks in relation to property, land and natural resources. These functions include the areas of land tenure (securing and transferring rights in land and natural

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resources), land value (valuation and taxation of land and properties), land use (planning and control of the use of land and natural resources), and land development (implementing utilities, infrastructure and construction planning) (Enemark, 2005).

The land administration functions are based on and are facilitated by appropriate land information infrastructures that include cadastral and topographic datasets and provide access to complete and up-to-date information about the built and natural environment. Sound land management is then the operational processes of implementing land policies in comprehensive and sustainable ways. In many countries, however, there is a tendency to separate land tenure rights from land use rights. There is, then, no effective institutional mechanism for linking planning and land use controls with land values and the operation of the land market. These problems are often compounded by poor administrative and management procedures that fail to deliver required services. Investment in new technology will only go a small way towards solving a much deeper problem, the failure to treat land and its resources as a coherent whole (Enemark, 2005).

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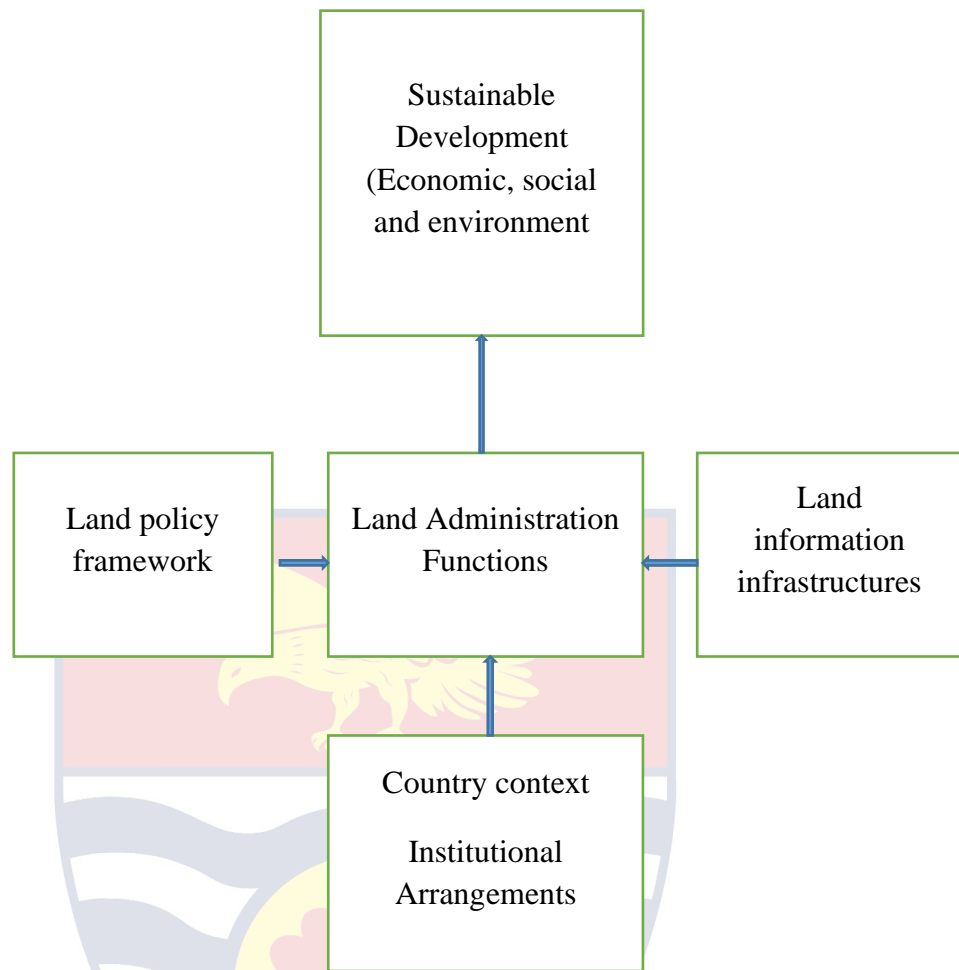
Figure 1: Conceptual Framework

Source: Enemark (2004)

Summary

Land management is the process of managing the use and development of land resources. In managing land, land administration is essential. It involves both land registration and cadastre. It comprises textual records that define rights and/or information, and spatial records that define the extent over which these rights and/or information apply. One of the means of administering land in Ghana was the design and implementation of Ghana's Land Administrative Project, which seeks to address the principles presented in the NLP of 1999,

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which emphasise stimulating economic development, reducing poverty, promoting social stability by improving security of land tenure, simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management. LAP was meant to help deal with the challenges associated with land conflicts. Land conflict can be defined as a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it.

Several scholars have identified important requirements for establishing well-functioning Land Administration Systems (LASs) as: simplicity, accuracy, timelessness, security, clarity, fairness, accessibility, cost-effectiveness, sustainability, expedition, acceptability and good governance. Conflict is said to exist when two or more groups engage in a struggle over values and claims to status, power and resources in which the aims of the opponents are to neutralize, injure or eliminate the rivals.

To be efficient in dealing with land conflicts, LAP relies on conflict management. Conflict management strategies and the circumstances that lead to the differentiated use of each one have been studied in the most diverse frameworks. The conflict management strategies used by LAP include customary debate, negotiation and determination by chiefs or elders. Formal land administration systems serve to reduce the asymmetric information between buyers and sellers by providing a more reliable verification as to the

extent of the seller's land rights, the presence of challenges and encumbrances, and the location of boundaries.

CHAPTER THREE

METHODOLOGY

Introduction

This chapter presents the methodology of the study. It discusses the research design and the methods for the research. Specifically, it discusses how the research was conducted with respect to the research design, research approach, study area, sources of data, the population, sampling procedures, data collection instrument and data collection procedure. The chapter further discusses the method for data analysis and ethical considerations that informed the study.

Research Approach and Design

The study approach was essentially qualitative. Qualitative research is underpinned by interpretivism and it concentrates more on the individual than on the general (Gray, 2013; Mayring, 2007). Based on this approach, the exploratory study design was used for the study. According to Burns and Groove (2010), exploratory research is conducted to gain new insights, discover new ideas and to have an increasing knowledge of the phenomenon. The use of the exploratory study design was to get new ideas about the conflict management mechanisms that inform land administration and management. In addition, the approach was to enable the researcher to understand the dynamics of conflict management in relation to land issues.

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Study Area

The study area was the Kumasi Metropolis. The Kumasi Metropolis is one of the 30 administrative districts in the Ashanti Region. The population of Kumasi Metropolis is 1,730,249, representing 36.2 percent of the total population of Ashanti Region, from the 2010 Population and Housing Census. The Metropolis has a sex ratio of 91.4. The population of the Metropolis depicts a broad base population pyramid which tapers off with a small number of elderly persons (60 years and older). The age dependency ratio for the Metropolis is 58; the age dependency ratio is 59.9 for males and 56.3 for females (Ghana Statistical Service, 2010).

The area is located between Latitude 6.35^0N and 6.40^0 S and Longitude 1.30^0 W and 1.35^0 E and elevated 250 to 300 meters above sea level. The Metropolis shares boundaries with Kwabre East and Afigya Kwabre Districts to the north, Atwima Kwanwoma and Atwima Nwabiagya Districts to the west, Asokore Mampong and Ejisu-Juaben Municipality to the east and Bosomtwe District to the south. The Metropolis has become the most populous city in Ghana (1,730,249) (Ghana Statistical Service, 2010).

The administrative structure of Kumasi Metropolis is made up of the Metropolitan Chief Executive who is the head and also represents the central government, 136 Assembly members who have power to vote, 10 Members of Parliament and heads of departments of the Assembly. The 136 Assembly members comprised 91 elected members and 45 government appointees. For effective administration, the Metropolis is divided into nine Sub-Metropolitan District Councils, namely Asokwa, Bantama, Kwadaso, Manhyia, Nhyiaso, Oforikrom, Suame, Subin and Tafo (Ghana Statistical Service, 2010).

In terms of traditional set-up, the Metropolis is headed by the Asantehene (Asante King) who also doubles as Kumasihene or the Paramount Chief of Kumasi. He is the embodiment of the culture of the people and presides over 45 "Amanhene" (paramount chiefs) in the kingdom. These Amanhene wield authority over a certain number of communities within the kingdom. Under the Omanhene (Paramount Chief) are Odikro (chiefs) who rule communities. The ascension to chieftaincy (except "nkosohene" which is by virtue of one's contribution to society) is through a matrilineal descent system (Ghana Statistical Service, 2010). The Customary Land Secretariat (CLS) is a major institutional reform for land management in KMA. Institutionally, the CLS was established as centralised secretariats modelled on the customary institutional framework of the Asantehene's Land Secretariat. In this set-up, the aim is to increase the accountability of traditional authorities to their constituent land holders (World Bank, 2003).

Administratively, land in Kumasi can be categorized into two main parts namely, the Part One and Part Two lands. Part I lands are vested lands while all other lands (public or stool lands) constitute the Part II lands. Stool lands form the greater portion of all lands within the Kumasi Traditional Area (KTA) and are managed and administered by the ALS. Public lands (acquired under State Lands Act 1962(Act 125) and vested lands (acquired under administration of Lands Act 1962 (Act123) are managed by the Public and Vested Lands Division of the Lands Commission. The Asantehene is the overlord and ultimate custodian of all lands within the Kumasi Traditional Area (save public lands). The King, therefore, holds the allodial title to all the lands under his jurisdiction on behalf of all his subjects. The duality in the legal and institutional framework

for land administration which exists in Ghana also applies to Kumasi. Both state laws and customary laws apply concurrently even as state institutions and traditional authorities exist together to manage and administer lands under their jurisdiction. The Asantehene's lands cover the Kumasi Metropolis and seven other districts just around it. The Golden Stool has pockets of lands all over the remaining 20 districts within Ashanti. Kumasi Metropolis is seen as the prime land area, where there is a vibrant land market and where also is the Palace of His Majesty Otumfuo Osei Tutu II, who occupies the Golden Stool. All these lands are managed by the structures of the Asantehene's Lands Secretariat (ALS), headed by the Liaison Officer, under the guidance and directives of the Asantehene.

Prior to 1902, administration of lands in Kumasi and Ashantiland, in general, was under the traditional authority with the Asantehene and the Kumasi and Asanteman Traditional Councils playing dominant roles. However, after the Yaa Asantewaa war, the Ashanti Administration Ordinance of 1902 was passed which saw the vesting of all lands within the limit of the Kumasi township in the British Colonial Administration. In 1943, the Kumasi Town Ordinance 1943 was passed which saw the revocation of the Ashanti Administration Ordinance of 1902. From 1943 to 1958, the ALS and the Kumasi Traditional Council were responsible for all facets of land administration in the Kumasi Traditional Area. However, in 1958, the then government under Dr. Kwame Nkrumah, passed the Kumasi Lands Act (out of political expediency) vesting all lands within the central business district and lands falling within 1-mile radius of same within Kumasi, in the President in trust for the Golden Stool and the Kumasi state. The

Lands Commission had been responsible for the administration of all lands in the Metropolis.

Target Population

The target population comprised individuals who owned land in the Kumasi Metropolis, traditional authorities, land administrators and officials of the land sector agencies and staff of the courts. Thus, the study sought to obtain information from land owners as well as individuals who have knowledge about land issues, so that comparisons can be made.

Sampling Procedure

A sample is a portion or subset of a larger group called a population (Fink, 2003). The sample size for the study was 26. This was made up of 17 land owners and 9 key informants made up of 3 traditional authorities, 3 officials of the Lands Commission and 3 staff of the courts. For this study, the sampling technique that was used was purposive. Purposive sampling was used to select all the participants on the basis that they have indepth information about LAP and conflict management. According to Brink (1996), purposive sampling involves selecting participants who are knowledgeable about the issue in question, because of their sheer involvement in and experience of the situation. The choice of the sampling technique was influenced by the fact that the land owners, traditional authorities, officials of the land sector agencies and staff of the courts were considered as those who had in-depth knowledge on land administration and conflict management. In this regard, the researcher did not select participants from each sub-Metropolitan Area.

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Due to the qualitative nature of the study, the sample size was reached on the basis of data saturation. Data saturation in qualitative research refers to a point during the process of sampling when the amount of variation in the data is levelling off, and new perspectives and explanations are no longer coming from the data (Bowen, 2008; Saunders *et al.,* 2018). Interviews are one method by which one's study results reach data saturation. Bernard (2012) states that the number of interviews needed for a qualitative study to get to data saturation was a number he could not quantify, but that the researcher takes what he can get.

Data Collection Instrument

In terms of instrument for data collection, a semi-structured interview guide was used to obtain information from the respondents. It involved some measure of predetermined questions but ensured flexibility in the way issues are addressed by the informants (Longhurst, 2003). The interview guide was used so that indepth information about the LAP and conflict management in the Kumasi Metropolis can be obtained. The instrument was made up of four sections, with the sections focusing on the objectives of the study. The first section focused on the design and implementation of the LAP. The second section looked at the causes of land conflicts. The third section was on the land conflict management mechanisms used by the LAP. The last section focused the efficiency of the LAP in managing land-related conflicts.

To check for the validity of the instrument, a pretesting was done using 3 land owners and 2 traditional authorities in the Kumasi Metropolis. After the pre-testing no revision was made to the instrument, confirming the validity of

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the instrument. However, the participants for the pre-testing were excluded from those who were used for the actual study.

Data Collection Procedure

The study was conducted after approval had been obtained from the Metropolitan Chief Executive. This was done by obtaining a letter from the then Institute for Development Studies (now School of Development Studies) and presenting it to the Metropolitan Chief Executive to seek his permission to collect information from the respondents. Before data collection, permission was also sought from the respondents through verbal consent. Data collection took 5 days from 4th June, 2018 to 8th June, 2018. The interview for the land owners took place in their homes. For the traditional authorities, the interviews occurred at the palace while the interviews for the officials of the land sector agencies and staff of the court took place in their offices. Due to the qualitative nature of the study, permission was sought from the respondents for the semi-structured interviews to be recorded and the recordings were complemented with notes taken during the interview (Baumbusch, 2010). After transcribing, the transcripts were sent to the participants for them to verify what they said and to help improve the accuracy, credibility and validity of the data collected. The interview guide was administered to the land owners, traditional authorities, officials of the land sector agencies and staff of the courts. The interviews were conversational and on a one-on-one basis, which enabled the respondents to express their opinions on land administration and conflict management.

Data Processing and Analysis

After data collection, the researcher listened to audiotapes and also read and re-read all the transcriptions. This was done to get a sense of the whole data, and some ideas were written down as they emerged. One transcript of the interview was picked at a time and re-read. The underlying meaning of the data was sought, and was written according to the objectives of the study. After all the transcripts had been read and categorised under the various objectives of the study, each objective was taken at a time and similar themes that emerged under each of the objectives were put together as one. Qualitative content analysis was used to analyse the data. Qualitative content analysis is an approach aiming at analysing communication material in a systematic way (Mayring, 2007). With this approach, data was analysed and systematically explored to generate meanings, and existing data was recorded. In reporting the findings, examples from the respondents' verbatim statements were included to engage the reader in consensual validation of the text.

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Ethical Considerations

Before the study was conducted, permission was sought from the Metropolitan Chief Executive to carry out the study. For the respondents, the study was guided by three major ethical principles; informed consent, confidentiality and anonymity. To seek the consent of respondents, the purpose of the study was explained to them for them to get clear understanding of the study and also to voluntarily participate. Verbal consent was sought from each respondent by either telling the researcher that he/she agrees to participate in the study or not. On confidentiality, respondents were informed and assured that the information given by them will solely be used for the purpose of the study but not for other purposes. To ensure anonymity, all forms of identification including respondent names, addresses and telephone numbers, were not taken during the study.

Summary

The study approach was essentially qualitative. The study area was the Kumasi Metropolis. The target population comprised individuals who owned land in the Kumasi Metropolis, traditional authorities, land administrators and officials of the land sector agencies and staff of the courts. The sample size for the study was 26. This was made up of 17 land owners and 9 key informants made up of 3 traditional authorities, 3 officials of the Lands Commission and 3 staff of the courts. For this study, the sampling technique that was used was purposive. In terms of instrument for data collection, a semi-structured interview guide was used to obtain information from the respondents. After data collection, the researcher listened to audiotapes and also read and re-read all the transcriptions. Qualitative content analysis was used to analyse the data.

CHAPTER FOUR

RESULTS AND DISCUSSION

Introduction

This chapter focuses on the presentation and discussion of results in line with the objectives of the study. The main issues considered under this chapter are the causes of land conflicts in the Kumasi Metropolis, design and implementation of Ghana's Land Administrative Project, conflict management mechanisms used by LAP and efficiency of LAP in the management of land related conflicts. To ensure that the views of all stakeholders that were interviewed are presented, the presentation of the results are done based on the modal responses of all the categories of stakeholders.

Causes of Land Conflicts in the Kumasi Metropolis

As a basis for assessing the effectiveness of LAP in addressing land conflicts, the first objective of the study examined the causes of land conflicts in the Kumasi Metropolis. In order to achieve this objective, the study elicited information on the knowledge of respondents on causes of land conflicts. All the land owners, traditional authorities, officials of the Lands Commission and staff of the courts shared their views on the causes of land conflicts. The study found that three major causes of land conflicts exist in the Kumasi Metropolis. These were grouped under moral, administrative and political causes. In relation to moral causes, it was identified that land-related conflict occurs as a result of corruption and selfishness. The administrative cause of land conflicts focused on exertion of power by chiefs and other traditional leaders. Government laws emerged as the major political cause of land conflicts in the Kumasi Metropolis.

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Moral Causes of Land Conflicts

One of the causes of land related conflicts that emerged from the study was moral cause. In relation to moral causes, it was identified that land related conflict occurs because some of the chiefs that administer land to individuals in the Kumasi Metropolis are corrupt and do not speak the truth. The respondents explained that some of the chiefs are in the habit of selling the same piece of land to more than one person just because of money. What they do is to collect one person's money and sell the land to the person and later sell the same piece of land to another person. In support of this, a female land owner said the following:

The conflict on all the land is that some of the chiefs do not say the truth. Some will take your money and sell their land to you and also go behind you and sell it to different persons for eight thousand and ten thousand Ghana cedis. You see the difference is big so they give you back your five thousand Ghana cedis when you go to them and this will always create problems (4th June, 2018).

Similarly, an official of the Land Commission also confirmed the views of the land owners by saying the following:

I think some of the chiefs who administer land to individuals in the Metropolis are not very truthful. This is because one person can buy a land from them and they still go ahead and sell the land to another person. The first person comes to them claiming that, that same portion of land they have bought has been sold to another person. Sometimes, the chief will give the same allocation paper that was given to the first

person to the other person too. This can easily result in a misunderstanding/conflict between the two parties (7th June, 2018).

As indicated by a female land owner and an official of the Lands Commission, land conflicts in the Kumasi Metropolis exist as a result of corruption on the part of traditional authorities. It emerged that traditional authorities can sell the same piece of land to different people and cause conflict.

Apart from corruption serving as a moral cause of land conflicts, selfishness on the part of chiefs was also found to breed land conflicts in the Kumasi Metropolis. In attesting to this, one of the officials of the court said the following:

> *Our chiefs, due to some selfishness, will not bring in their family members who are enlightened or educated to know their land areas because they are suspicious of these educated guys. So when the chiefs die, there is a vacuum or a transitional gap and a neighboring town may encroach on that land and say that land belongs to us and the others will say no, it belongs to us* (6th June, 2018).

From the interviews, it was explained that chiefs who have low levels of education do not involve family members who are enlightened when it comes to the administration of land. For their selfish interest, they decide to go through the process of land administration alone, even when they have little knowledge. In the course of this, there could be conflicts at the demise of the chief.

Findings on the moral causes of land conflicts show that low moral standards on the part of chiefs are causes of land conflict in the Kumasi Metropolis. The findings on the moral causes of land conflicts support the findings of Wehrmann (2006) who identified that conflict over land can occur

when there is abuse of power on the part of traditional authorities, adding that strong mistrust and fraud by traditional leaders are also major causes of land conflicts. Similar findings were obtained by Yiri (2006) who found that, in view of the traditional ways of land allocation and land alienation in the past, the modern day management of customary lands by traditional authorities has been beset with some problems, including poor records or no record keeping (which sometimes results in the allocation of the same parcel of land to more than one person), registry of the same document by different people at different parts of the country, depending on the traditional area and claims and counter claims over disputed land due to lack of proper maps and plans of scientific accuracy and the disappearance of natural features marking the boundaries leading to lack of security of tenure (Yiri, 2006).

In terms of the link between the findings and theory, the findings on the moral causes of land conflict support the power relations theory that asserts that conflict occurs as a result of power and power relations within a traditional system and ascertain how the interactions of socio-political structures with economic processes shape poverty outcome and wealth accumulation of different actors co-existing in the same community (Basu, 2000). Political power relations analysis focuses on the interplay of the forces that determine the structure and role of power between the elites and the marginalized, and the state (Bernstein & Byres, 2001).

Administrative Causes of Land Conflicts

Closely related to moral causes of land conflicts are administrative causes. From the interviews, the dysfunctional administration of land emerged as a major cause of land-related conflicts. The respondents showed how the administration of land to individuals can lead to land-related conflicts when the due processes are not followed. The major emphasis of such causes of land conflict dwelt on the chiefs who were considered the sole owners of land in the Kumasi Metropolis and, thus, were in charge of the administration of land. As sole owners of land in the Metropolis, the chiefs are in charge of the sale of all stool lands in the Metropolis. They decide whom to sell a piece of land to and at what price. However, in the course of administering lands, some of the chiefs would sell a piece of land to different people at different times. It was found that some of the chiefs give timeline within which a land bought should be utilized. When an individual to whom a piece of land is sold fails to make use of the land within the stipulated period, usually two years, the chief can sell the land to another person. When asked about the administrative causes of land administration, a court estate officer said:

> *Also the chiefs may be the cause. They will sell to more than one person. If they give it to you and two years you don't develop or whatever or he will give it to you one month time somebody offer higher price, he will collect and give you your money back. Some of the problems come from land owners and the chiefs. I don't think there are legal and judicial as well as administrative causes of land conflict* (6th June, 2018).

When asked about the causes of land conflicts, a land owner also said the following to buttress the administrative causes of land conflicts:

These misunderstandings come about principally from the chiefs and land owners. They sell the land to more than one person. So when these individuals crash at the site, then it brings about arguments, insults, fights, court suits, issues of land guard and many more. Mine for example, the chief has more than two surveyors who demarcate the land for sale. Because of this, the surveyors turn to sell already sold lands to different people and that brings about the disputes (5th June, 2018).

As indicated by the court estate officer and the land owner, administratively, land conflicts occur in the Kumasi Metropolis as a result of the way and manner traditional authorities together with land owners administer land. The decision to administer land to different people at the same time yields conflicts.

The views of the officials of the court and land owners on administrative causes of land conflicts were affirmed by the traditional authorities. One of them said the following:

We as chiefs also contribute to land conflicts in the course of administering land to people. Sometimes, a person may buy a land and may afterwards realize that there is another person using the land. Now we have such people in the community who are only using the land to feed their households and as a result thinks the land belongs to them. This normally results to conflict and the buyer may request his or her money back from the chief (8th June, 2018).

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Findings on the administrative causes of land conflicts dwelt on the dysfunctional system of land administration caused by chiefs and other traditional leaders. The findings of the study confirm the finding that the traditional ways of land allocation and land alienation in the past, and the modern day management of customary lands by traditional authorities have been beset with some problems, which sometimes result in the allocation of the same parcel of land to more than one person. This leads to claims and counter claims over disputed land due to lack of proper maps and plans of scientific accuracy and the disappearance of natural features marking the boundaries, leading to lack of security of tenure (Yiri, 2006).   The findings on the administrative causes of land conflicts also support the finding that insufficient implementation of formal regulations by traditional authorities, administrative corruption, insufficient control over state land, lack of communication, co-operation, and co-ordination within and between different traditional authorities as well as between individuals and lack of responsibility/accountability are administrative causes of land conflicts (Wehrmann, 2006).

The administrative causes of land conflicts are explained by the tenets of the power relations theory which posits that the patterns of power in society determines the process of allocating boundaries in terms of choice making as well as attractiveness of choice to individuals (White, 1993). In the context of land conflicts, the role of traditional authorities can be well captured by the use of the (agrarian) political economy framework. Hindess (1996) indicates that power can be thought of as capacity—an idea originating from Weber—and, as such can be understood as both enabling social change and sustaining the status quo. Gaventa (2005) notes that, although everyone possesses and is affected by

power, the meanings of power and how to understand it are diverse and often contentious.

Political Causes of Land Conflicts

Some other key factors that were found to cause land conflicts were political in nature. Such causes specifically related to change in the political and economic system, including nationalisation or privatisation of land. The study identified that some particular government laws can bring about land conflicts. It was found that, politically, government may decide to use a particular land for a government project. The decision of the government sometimes results in conflict when the actual owner of the land does not get detailed understanding about the government's decision. Sometimes, a group of people may have to be relocated to make room for the construction of roads, school, hospital or other projects by the government. In such situations, there should be compensation for the owners of the land and they also have to understand the whole process. The absence of such negotiations can bring about land conflicts. A land owner said the following about the political causes of land conflicts:

> *Sometimes when you decide to use the land that someone has sold to you, the government then come and tell you that the land belongs to the government so you can't use it. For instance, they can tell you that the land is meant for road construction so you can't use. Meanwhile, you have already bought the land so you can also decide to send the issue to court* (4th June, 2018).

One of the officials of the Lands Commission also supported the view that laws by the government can bring about land conflicts. When asked about the causes of land conflicts, He said the following:

Sometimes, the government also makes some laws that can bring about land conflicts. This usually occurs when there is the need to claim some portions of land for government projects. In such instances, the owners of the land may not be satisfied with the negotiation from the government and may be reluctant to give out their lands (7th June, 2018).

From this interview, it can be explained that when government fails to use the right means to acquire land for national projects, it can bring about land conflicts. This can occur due to the fact that the land was acquired either without adequate compensation or sometimes without the knowledge of land owners.

A chief also had this to say to buttress the political causes of land conflicts. For him, land conflict occurs when chiefs become corrupt in the administration of land. He said the following:

In our setting, if you buy a land from a chief, you are given a number of years that is not more than two years to develop the land. Refusal to develop the land after two years, the land goes back to the chief. With this, the land could be sold to another person. This can result to land conflict. Also, a chief may sell a land to someone and when a new chief come, because there is no record to show that the said land has been sold, the later chief may also sell that same land to another person which will lead to land conflict (8th June, 2018).

As traditional leaders who also exert some form of political power, chiefs can also initiate laws that may not be favourable to land owners and result in land conflicts. Such laws, as evident in the interview, include the decision to give timeline to people to develop an acquired land and also lack of proper documentation of sold lands.

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The findings on the political causes of land conflicts are in line with those of Wehrmann (2006), who found political causes of land conflicts to include change in the political and economic system (including nationalisation or privatisation of land), lack of political stability and continuity, lack of predictability, introduction of (foreign, external) institutions that are not popularly accepted, war/post-war situation (including a high number of unemployed military) and political corruption.

The findings of the study also confirm the power relations theory that focuses on the interplay of the forces that determine the structure of agriculture, role of power between the elites and the marginalized and the state. It involves institutional dimensions (formal and informal) focusing on organizations and processes that attempt to exclude some people at multi-levels of decision making (da Costa, 2008). The theory posits that these institutions affect the economic outcomes (Bollig, 1998), that individuals realize this, and that they attempt to change institutions to serve their ends more effectively, whether these ends be ideology or materialistic (Ensminger, 1998).

The findings of the study also support the theory of political ecology that focuses on how and why institutionalized beliefs about environmental change come into place, and on finding an alternative, more inclusive, ways of addressing environmental problems (Greenberg & Park, 1994). Their approach focuses on issues of power, recognizing the importance of explaining environmental impacts on cultural processes without separating out political and economic contexts (Environment and Ecology, 2016). In line with the findings of the study, the theory is based on the common notion that changes in the environment do not affect society in a homogenous way: political, social,

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and economic differences account for the uneven distribution of costs and benefits (Environment and Ecology, 2016). This unequal distribution, on the other hand, reinforces or reduces existing social and economic inequalities. The unequal distribution of costs and benefits and the reinforcing or reducing of pre-existing inequalities hold political implications in terms of the altered power relationships that may result from the alteration.

Design and Implementation of Ghana's Land Administrative Project (LAP)

The second objective of the study examined the knowledge of respondents on the design and implementation of Ghana's LAP in the Kumasi Metropolis. The LAP is a multi-donor assisted project that seeks to restructure land administration in Ghana. The project was designed as a 15-year project of land administration reform, beginning with a five-year pilot phase running from October 2003 to 2008 (World Bank, 2003). The LAP seeks to deal with the principles presented in the NLP of 1999, which emphasise stimulating economic development, reducing poverty, promoting social stability by improving security of land tenure, simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management (Ministry of Lands and Forestry, 1999).

On the design of LAP in the Kumasi Metropolis, it emerged from the interviews that LAP in the Kumasi Metropolis is a project undertaken by Lands Commission, together with the World Bank, and DFID, in partnership with the Government of Ghana, to deal with the challenges associated with NLP. In an interview with a court estate officer, the following issues about the design of LAP emerged:

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> *The Land Administration Project in Ghana is being undertaken by Lands Commission in collaboration with World Band and DFID. It is a project undertaken in partnership with the Government of Ghana. This was a project initiated to deal with the challenges associated with NLP* (Court Estate Officer, 6th June, 2018).

Similarly, a chief said the following when asked about the design of LAP

> *LAP is a project whose goal was to ensure that land administration becomes effective. Don't forget that when we say land we have specific institutions that are responsible, Lands Commission, town planning and now this LAP. When we take Lands Commission we have sub divisions which previously were different institutions. As I said, when we talk about Lands Commission we look at survey department now part of the Lands Commission. We had this thing we called land stop shot and it aim was to bring all these institutions together under one building so that if somebody comes and he wants to register land he moves from this office then to a different office under the same building. So basically that was what we wanted to achieve* (8th June, 2018).

From this, it can be seen that LAP is a project that seeks to ensure that land administration is effective and address the challenge that NLP could not address. To achieve the effectiveness, LAP is under the control of Lands Commission and Town Planning. Officials of the Lands Commission also indicated that Lands Commission emanated from the Survey Department and it aims to help in the administration of land. This is done to ensure that the process of acquisition of land is free from challenges. Contributing to the discourse, a land owner said the following:

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I heard of LAP long time ago. What I heard was that it was designed by the government to help deal with issues that bring about land conflicts. I heard the purpose was to educate land owners on the right process they should follow to register their lands and where they can do it. But from what I think, it would be better for government intervention about land issues, in that I wish if the government should take over the lands so that when someone is in search of a piece of land to buy, the person will buy from the government other than the chiefs and queen mothers. Because with the traditional leaders, they don't operate with truthfulness. They can sell one land to two or three people at the same time (4th June, 2018).

From the interview, it can be explained that LAP was designed to address the challenges associated with the administration of land. However, it appears some of the challenges still exist because of the process of land administration in the Metropolis. To make land administration more effective, there is the need for political will in relation to land issues. This will ensure that the process of acquiring a piece of land remains in the hands of government to minimize the corruption that exists among traditional leaders when it comes to the administration of land. Lack of political will has been found to be one of the challenges associated with the implementation of LAP. As most governments have their own interests and agenda and ideologies, this could affect the current LAP, even though it is seen as working very well. One key objective of the LAP project is to ensure that the various organisations in the land sectors are well organised and made as one stop shop where there would be just one coordinator of all land administration instead of the current multiple

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agencies. This is seen as a threat factor because most government agencies would not accept this new change as they would feel that their powers are usurped by others. This is because the current reform seeks to make a stop agency coordinating all activities (Kombat, & Lambini, 2009).

On the contrary, a land owner said that, although the LAP was established by the World Bank to deal with land issues in Ghana, in the Ashanti Region, traditional authorities still control issues related to land administration. When asked about the Land Administration Project, the land owner said the following:

> *If you want to buy a land, it is the chiefs and queen mothers that you have to see. This is because they are the owners of the lands. So if you really want a good deal, then it's them that you need to see. If you deal with any family, then you are wrong. This is because it is the chiefs and queen mothers who can provide the correct documents of the land. Other than that, you will not get the proper document of the land. So it is better to go get it from the chiefs and queen mother so as to get your peace of mind* (5th June, 2018).

From the results on the design of LAP, it can be explained that the design of LAP in the Kumasi Metropolis emerged as a result of the shortfalls associated with the NLP of Ghana. The inability of the NLP to deal with some of the challenges associated with land administration in Ghana might have brought about the design of LAP. The shortfalls have been addressed by strengthening local land administration through basic records keeping, awareness creation, recording of customary land rights and their protection and dispute management.

The findings confirm the findings obtained by Larbi (2010,) who found that LAP was designed to strengthen local land administration through basic records keeping, awareness creation, recording of customary land rights and their protection and dispute management. It has reduced the turnaround time for registration at both the land registry and the land title registry from more than 36 months to less than 2.5 months and 8 months respectively. The findings further support the declaration made by the Ministry of Lands and Forestry (1999) that the LAP seeks to address the challenges presented in the NLP of 1999, which emphasise stimulating community development, reducing poverty, promoting social stability by improving security of land tenure, simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market, and fostering prudent land management.

The findings of the study further corroborate the findings that a major feature of the LAP is its role in providing an enabling environment for exploration, testing and learning by doing through enhancing economic and social growth by improving security of tenure, simplifying the process of acquiring land, developing the land market and fostering prudent land management by establishing an efficient system of land titling, registration and administration based on clear, coherent and consistent policies and laws supported by appropriate institutional structures (World Bank, 2003).

The findings of the study also confirm the land management paradigm that posits that land tenure, value, use and development are considered holistically as essential and omnipresent functions performed by organised societies. In line with the findings of the current study, the land management paradigm explains that each country delivers its land policy goals by using a

variety of techniques and tools to manage its land and resources. This means that LAP was designed based on the operational component of the land management paradigm which is the range of land administration functions that ensure proper management of rights, restrictions, responsibilities and risks in relation to property, land and natural resources. These functions include the areas of land tenure (securing and transferring rights in land and natural resources), land value (valuation and taxation of land and properties), land use (planning and control of the use of land and natural resources), and land development (implementing utilities, infrastructure and construction planning) (Enemark, 2005).

On the implementation of LAP in the Kumasi Metropolis, the study found that the major idea behind the implementation of LAP was to enhance efficiency of land administration by bringing reforms in institutions that deal with land issues. Reforms are essential because there are institutions and town planning, with each made up of departments. The institutions include the Customary Land Secretariat (CLS) and Lands Commission. All these institutions need to operate with the help of effective reforms in land administration. One of the traditional authorities said the following when asked about the implementation of LAP:

> *Infrastructure is one aspect that the LAP dealt with. Land sector agencies and also statistic building was one measure, seminars and training was also a major part. As I said, they are trying to make it easier and accessible. Digitization is also part. I think some of the regions have been given new offices and we have one in Kumasi* (8th June, 2018).

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The meaning that can be drawn from the interview is that the implementation of LAP in the Kumasi Metropolis has brought about infrastructural development. The presence of infrastructure has also made it possible for the land sector to organise seminars and trainings for employees of the land sector agencies. Apart from infrastructure, the Kumasi Metropolis has also seen digitization in land administration due to LAP.

In line with the idea that LAP was implemented to enhance infrastructural development, one of the officials of the Land Commission asserted that:

I don't know precisely but I know they were targeting institutional reforms. This is because there were lots of landlords so they wanted to bring them together so that it will be meaningful to the public (6th June, 2018).

The implementation of LAP has also brought about institutional reforms as indicated by one of the officials of the Lands Commission. The reforms have, so far, focused on reforming the policy, legal, regulatory and institutional frameworks, decentralization of service delivery, testing new methods and approaches through piloting, and seeking to harmonize the customary and formal systems of land administration.

An official of the court also spoke about the implementation of LAP, with reference to its implementation in the Kumasi Metropolis. When asked about the implementation of LAP, he said the following:

The judiciary service worked on the land administration and the M&E division was tasked to do that. So we conducted family investigations or research in Ashanti region in the year 2014. We went round all the court,

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we found out that or from the research it came to us that, land cases dominate in Ashanti region. That is the first before other cases will come in. it was a DANIDA project. They sponsored the project to know the number of cases that we have in the region and why they take longer time to be resolved. So we found out that, there are some lands called the stool lands so, the chiefs and land owners have problem with boundary demarcation (6th June, 2018).

The interview with the monitoring and evaluation officer of the Court on the implementation of LAP showed that there were certain agencies that were in charge of land administration before LAP. The administration of land was in the hands of the judiciary service and, later on, Monitoring and Evaluation Division.

From the interviews, infrastructural development and institutional reforms appeared as the key component of LAP. The results indicate that infrastructural development and institutional reforms were the major ideas behind the implementation of LAP. The land administration functions are based on and are facilitated by appropriate land information infrastructures (which include cadastral and topographic datasets) and provide access to complete and up-to-date information about the built and natural environment. Sound land management is then the operational processes of implementing land policies in comprehensive and sustainable ways (Enemark, 2005).

The findings confirm the findings that most land administration systems have historically had a primary objective of supporting the operation of land markets. However, they are increasingly evolving into a broader land information which focuses on infrastructural development to support economic

development, environmental management and social stability in both developed and developing countries. The trend for the key components of land administration systems, the cadastral and land registration activities, to evolve into land information systems within an information technology environment, has also seen the evolution of the Spatial Data Infrastructure (SDI) concept as a key component of land administration infrastructures (Williamson & Ting, 2000).

The findings of the study further support the findings that the Customary Land Secretariat (CLS) and the New Lands Commission are the two main institutional reforms that have taken place in the LAP (Arko-Adjei, 2011). Similarly, the findings on the implementation of LAP further confirm the findings that the goal of LAP was to lay the foundations for a clearer and more cohesive development in the customary land administration sphere and for its further consolidation and evolution in subsequent land administration projects through infrastructural development (World Bank, 2003).

In line with the findings on the implementation of LAP, previous studies have found that LAP aims to help customary authorities to improve and develop customary land administration. To do this, it is essential that the right infrastructure is available and will provide effective land management harmonised with government land agencies and district assemblies, so as to establish unified, decentralised public record of land availability, use and transactions (Ubink & Quan, 2008). The findings contradict the findings on the components of LAP which include the harmonisation of land policies and the legislative framework with customary law, for sustainable land administration; institutional reform and development; improving land titling, registration, land

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use planning and valuation; and project management, monitoring and evaluation (World Bank, 2003).

The findings on the implementation of LAP also support the land management paradigm that recognizes that, in practice, the organisational structures for land management differ widely between countries and regions throughout the world, and reflect, local cultural and judicial settings of the local country context. Within the country context, land management activities may be described by the three components: land policies, land information infrastructure, and land administration functions in support of sustainable development (Enemark, 2004). These can be achieved through infrastructural development and institutional reforms. The operational component of the land management paradigm is the range of land administration functions that ensure proper management of rights, restrictions, responsibilities and risks in relation to property, land and natural resources (Enemark, 2005).

The implication of the findings on the implementation of LAP is supported by the findings of a previous study by Arko-Adjei (2011), who affirmed that LAP has entrusted the Lands Commission with functions that include advising the government, local authorities and traditional authorities on the policy framework for the development of land in Ghana; formulating recommendations on national policy with respect to land-use sustainability; advising and assisting with respect to the execution of comprehensive land title registration throughout the country; and ensuring sustainable land-use planning (Arko-Adjei, 2011).

Again, with the implementation of LAP in the Kumasi Metropolis, there is the hope that the project will raise considerable awareness of the land issues

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in the country and place land on the development agenda. Again, the project will aim at strengthening local land administration through basic records keeping, awareness creation, recording of customary land rights and their protection and dispute management. It will also reduce the turnaround time for registration at both the land registry and the land title registry from more than 36 months to less than 2.5 months and 8 months respectively as found in a previous study by Larbi (2010).

Mechanisms Used by LAP to Address Land Conflicts in the Kumasi Metropolis

The third objective of the study examined the conflict management mechanisms used by LAP to address land-related conflicts in the Kumasi Metropolis. The importance of assessing the mechanisms used by LAP to address land-related conflicts in the Kumasi Metropolis emanated from the idea that one of the measures for managing land-related conflicts is to pay attention to the inadequacies of the existing land administration systems (Zakout, Wehrmann, & Torhonen, 2006).

Generally, land administrative systems are introduced to enhance the efficiency of land markets and resolve land-related conflicts (Mahoney, Dale, & McLaren, 2007). In order to achieve this objective, the study elicited information on the knowledge of respondents on mechanisms used by LAP for managing land conflicts in the Kumasi Metropolis. In relation to the mechanisms used by LAP for addressing land conflicts, the study revealed that negotiation and determination by chiefs or elders are the mechanisms used by LAP for addressing land-related conflicts in the Kumasi Metropolis.

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Speaking about negotiation as a means of resolving land conflicts, a land owner said the following:

Oh for that one they can negotiate and come to a consensus. A similar thing happened to my father's land near Kumasi. He had being outside the country for long time so when he returned, he realized someone was building on the land, meanwhile he also had all his papers proving that he land is his. So he showed the papers to the man building on the land and the man also said the land has been sold to him and also showed my dad his papers. So they sat down to negotiated, and the man who was already using the land decided to pay off my dad's money. So he paid the money and everything was settled. So it all depends on the parties and how well both parties can sit down and negotiate in order for understanding to work (4th June, 2018).

An official of the Lands Commission also explained how LAP has been effective in addressing land conflicts through negotiation. He said the following:

With LAP, a lot of institutional reforms were done for landlords. I think they have a bill. For land litigation, I see it to be the same maybe the number of lands was more, that is more places were becoming urbanized. So the more they become urbanized the more the conflicts. So for me I see the conflict to be still on the higher side. However, with LAP, whenever there is a conflict, the two parties are able to follow the laws stipulated in the project. To avoid sending the issue to court, some are able to negotiate with the help of officials of the Lands Commission and an understanding is reached (7th June, 2018).

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Expressing his views on how LAP has helped land owners to settle land conflicts through negotiation, one of the officials of the court said the following:

LAP has made it clear that when you buy a land, you need to register the land at the Lands Commission. So when there is conflict over a piece of land, the two parties need to negotiate by providing evidence. It is there that the litigation comes in. In other not to use the fist, then let's say am the first person who bought the land, I bought my plot in 2014 and the plot has been given to you 2016. So I will show my documents that indicate that I bought the land and I have registered it and you too will provide your evidence then will can negotiate (6th June, 2018).

From the interview, it can be explained that one of the means of managing conflicts in the Kumasi Metropolis is negotiation. Once an agreement is reached to negotiate, the end result should bring about consensus, an indication of conflict management. This has been made possible with the implementation of LAP. This is because, prior to the implementation of LAP, a lot of land owners may not have been privy to information and the right source of information with the help of the Lands Commission. LAP has ensured that a lot of the issues on land conflicts are settled amicably through negotiation with the help of the Lands Commission.

The findings on negotiation as a means of managing conflicts are supported by Paterson and Farran (2004), who mentioned that managing land conflicts can be done through the processes in which a negotiation is facilitated by third parties. Although the conciliators sometimes advise on custom or make suggestions, they only facilitate the negotiation process and do not make binding decisions on the parties. Negotiation often results in compromises

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thereby not producing clear winners and losers Heydenberk, Heydenberk and Bailey (2003) describe a negotiation process as critical since a determination of the dispute by third parties would only incite more anger in the disputants. Procedures are decided upon ad hoc. If no settlement is reached, the process continues until bystanders and parties tire and slip away from the meeting. Then, final speeches are made, exhorting the parties not to fight, and arrangements are made for further meetings (Bercovitch, & Jackson, 2001).

However, it was identified that negotiation has often not been an effective means of managing land-related conflicts in the Kumasi Metropolis, with most of the land-related conflicts managed through the determination by chiefs or elders. A chief explained how negotiation is not effective in resolving land conflicts, arguing from need for settlement by chiefs. He said the following:

> Land is a gift of nature but it's also someone's property. You can't claim ownership of a land and people would believe that the land is yours. There is the need to provide documents that attest to the facts the land is yours. When you are able to provide all necessary documents that bears your name and other important information, it is then that we can say you are the true owner of that said land. Such issues cannot be addressed through negotiation but by chiefs (8th June, 2018).

The interview with the chief on how land conflicts in the Kumasi Metropolis are resolved through determination by chiefs and elders ss an indication of the role of traditional authorities in land administration in the Kumasi Metropolis. Since lands in the Kumasi Metropolis are owned by

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traditional leaders, it is in order that land-related conflicts are resolved by traditional leaders.

Another land owner said the following to buttress the management of land conflicts by chiefs:

No need to go to the court. The chief can settle the conflict and give you your land. Sometimes, it will not be the same as what you bought but you will be satisfied with it when you see it. There are other chiefs too that wouldn't give you a different one which eventually creates problems. Imagine a poor man who gathered money to buy land and it leads to conflict because he didn't get money to build on it. Sometimes it is not even that he did not build on it but because he has sold it to two three people which creates problems (5th June, 2018).

From the interview, the land owner buttressed the fact that land conflicts are resolved by chiefs, while indicating that some of the conflicts occur as a result of corruption and policies initiated by traditional authorities. Therefore, if they are a cause of land conflicts, they can as well help find solutions to the conflicts. In line with this, an official of the Lands Commission also confirmed what the land owner said. When asked about the mechanisms used by LAP in managing land conflicts in the Kumasi Metropolis, he said that, in the Kumasi Metropolis, the Asantehene is the overseer of all lands and, because of that most conflicts related to land are settled at the Asantehene's palace.

The findings show that land conflicts in the Kumasi Metropolis are managed by determination by chiefs or elders. The findings affirm the assertion that in traditional societies, chiefs and elders play key roles in conflict management. Specifically, in the Kumasi Metropolis, where the Asantehene is

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reverenced and considered the overseer of land, it is undeniable that most of the conflicts related to land will end up at the Asantehene's palace. The findings of the current study also confirm the findings of Ubink and Quand (2008), who identified that a large number of disputes never reach the courts or are embedded in 'chieftaincy affairs' for which state courts do not have jurisdiction. The findings also support the findings of Lindstrom (1990), who was of the view that one of the mechanisms for managing land conflicts is customary debate. He explained that customary debates are easily convened and can be held at any time without incurring costs or significant delays. They are highly participatory and can serve as group decision-making processes.

Managing land conflicts by determination by chiefs or elders is done through customary debate. Customary debate refers to a process of discussion or negotiation between disputants in order to produce true or straight talk (Lindstrom, 1990). Typically, no participant has the authority to adjudicate the issue and, therefore, some form of consensus needs to be achieved. Lindstrom has observed the use of public debate to deal with land disputes (Lindstrom, 1990). Customary debates are easily convened and can be held at any time without incurring costs or significant delays. They are highly participatory and can serve as group decision-making processes. On the other hand, Lindstrom observes that speech is never-ending and that the result of many meetings, although consensual, frequently has little effect on the behaviour of consenters in the following days (Lindstrom, 1990).

Efficiency of LAP in managing Land-related Conflicts

On the efficiency of the land administrative project on the management of land-related conflict in the Kumasi Metropolis, the study gathered information on the role of LAP in resolving land conflicts. The study identified that LAP has played a role in land conflict management by helping to reduce land conflicts in the Kumasi Metropolis although there are still pockets of conflicts in the Metropolis. In explaining the efficiency of LAP in managing land-related conflicts in the Kumasi Metropolis, an official of the Lands Commission said the following:

> *For me, I can say yes. Because now if you are doing lease in Ashanti region here, you need cadaster which is more accurate than the previous, the compass one and site plan. But now cadastre will give accurate information on the GPS or whatever of the land so nobody can register land without the cadaster. So if the chief has given you a piece of land, you have done cadaster, the chief has signed, the regional Lands Surveyor has signed, then I think most of the conflicts will reduce. So I can say to some extent, the LAP project has addressed some issues of land conflicts* (6th June, 2018).

From the interview, the respondent indicated that LAP has played a role in land conflict management by helping to reduce land conflicts in the Kumasi Metropolis by promoting harmonisation and regularisation of land management between state and traditional authorities. This has been made possible through the introduction of cadaster, which makes it easy for land owners to lease land to individuals without any problem. Again, LAP has made it easy for land owners in the Kumasi Metropolis to administer land to other people with ease.

What they need to do is to register the land at the Lands Commission. By registering the land at the Lands Commission, land owners obtain signatories that authenticate their ownership of the land and reduce the likelihood of another person claiming ownership of the land.

Similarly, an official of the court shared said the following to indicate how effective LAP has addressed land conflicts in the Kumasi Metropolis:

> *I can say LAP has been effective in addressing land conflicts. This is because with LAP, you can easily register your land by going to the Lands Commission. So I can say to some extent, the LAP project has addressed some issues of land conflicts* (6th June, 2018).

As indicated by both the officials of the Lands Commission and officials of the court, LAP has made it possible for individuals who want to acquire land to do that with ease through the use of GPS that gives accurate information on the boundaries of lands and their location. This has reduced conflicts that arise through misunderstanding with location and boundaries of lands.

Similarly, one of the land owners asserted that LAP has been efficient in addressing-land related conflicts in the Kumasi Metropolis although there are still pockets of land conflicts in the area. She said the following when asked about the efficiency of LAP in managing land related conflicts in the Kumasi Metropolis:

> *Oh it has. It has reduced it, but not much because there are a lot of people who have not heard about the policy and so most land owners are still cheating or not doing the right thing. For example, there are still lands that are watched by land guards so I believe land disputes*

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still exist. As such, I will encourage Government to continue the good work to reduce land dispute issues in the country (5th June, 2018).

From this excerpt, it can be explained that LAP has not been efficient in managing land-related conflicts in the Kumasi Metropolis because a lot of people have not heard about LAP and the few who have heard about it still face land-related conflicts. She exclaimed that, if LAP is efficient in addressing land related conflicts, then, there should be no need for land guards.

On the other hand, one land owner was of the view that LAP has not been effective in addressing land conflicts in the Kumasi Metropolis. He said the following to support his claim:

It has never been addressed. And it will never be addressed. This is because, still our chiefs continue to own lands and the land administration does not own the lands. So that problem is still there. So until the chiefs begin to work on certain policies that will be in line with the LAP, where all chiefs will work towards that, it will never work. Because they can sell any portion of land they want (4th June, 2018).

As indicated in the interview, most of the respondents indicated that LAP has been effective in addressing land conflicts in the Kumasi Metropolis although there are still some land conflicts in the Metropolis. The inability of LAP to totally eliminate land conflicts is because the administration of land in the Kumasi Metropolis still lies in the hands of traditional authorities and there is no policy that regulates how land administration should be done in the Kumasi Metropolis.

Findings on the efficiency of LAP in land conflict management support the findings of Blitir (2014), who observed that LAP seeks to promote

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harmonisation and regularisation of land management between state and customary authorities. This also corroborates one of the primary objectives of the project which is to create a more comprehensive land documentation system which links the formal and customary systems and further create more transparency and efficiency in land administration in Ghana (World Bank, 2003). The findings of the study also support the findings that formal land administration systems serve to reduce the asymmetric information between buyers and sellers by providing a more reliable verification as to the extent of the seller's land rights, the presence of challenges and encumbrances, and the location of boundaries (Feder, 1999).

Similarly, Yami and Snyder (2016) analysed the impacts of land registration on land rentals, security of land tenure, disputes over land, use of credit facilities from formal financial institutions and gender access and control over land and found that land registration has a positive influence on land rentals by reducing the fear of landholders in losing land to renters. Important benefits of land registration also include enhancing tenure security through ensuring usufruct rights over land and addressing the conflicts that arise from the competition to access irrigable land. In line with findings of studies on the efficiency of LAP in the management of land conflicts, An, Grant and Grants (2013) observed that the LAP has improved the land administration framework, reduced disputes over land rights, and speed the processes for issuing land titles and documenting land rights in urban and rural areas.

These efforts have made land tenure more secure, which facilitates access to credit and has the potential to promote greater investment in the economy. Feder (1999) also affirmed that while the changes in the nature of

interactions in the land market (increased potential for cross-community transactions) which make formal systems useful seem similar to the changes that reduce tenure security at the individual or group level, it is quite possible that tenure security is reduced even before extensive potential land markets could emerge. The finding of a previous study that customary land secretariats are strengthening local land administration through basic records keeping, awareness creation, recording of customary land rights and their protection, and dispute management also confirm the findings on the efficiency of LAP in addressing land conflicts (Larbi, 2010).

Summary

On the causes of land conflicts in the Kumasi Metropolis, the study found that corruption and selfishness, dysfunctional system of land administration caused by chiefs and other traditional leaders, and Government laws are the major causes of land conflicts in the Kumasi Metropolis. On the design and implementation of the LAP in the Kumasi Metropolis, it was found that LAP was implemented to improve infrastructure and help bring about digitization of land administration in Ghana and the Kumasi Metropolis. In relation to land conflict management mechanisms used by the LAP in the Kumasi Metropolis, the study found that land-related conflicts in the Kumasi Metropolis are resolved through negotiation and determination by chiefs or elders. In relation to the efficiency of the LAP in managing land related conflicts in the Kumasi Metropolis, it was found that LAP has played a role in land conflict management by helping to reduce land conflicts in the Kumasi Metropolis.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

Introduction

This chapter is divided into three major sections, namely; summary, conclusions and recommendations. The summary provides an overview of the purpose of the study, the research questions which guided the study, the research methods employed and the summary of the results. The conclusions are the deductions derived from the results of the study and the recommendations section puts forth suggestions for policy and practice.

Summary

The purpose of the study was to examine the LAP and its associated conflict management mechanisms in the Kumasi Metropolis of the Ashanti Region. The specific objectives for the study were to examine the design and implementation of the LAP in the Kumasi Metropolis, explore the causes of land conflicts in the Kumasi Metropolis, examine the land conflict management mechanisms used by the LAP in the Kumasi Metropolis and assess the efficiency of the LAP in managing land-related conflicts in the Kumasi Metropolis.

The study approach was essentially qualitative. Based on the approach, the exploratory study design was used for the study. The study area was the Kumasi Metropolis. The target population comprised land owners, traditional authorities, officials of the land sector agencies and staff of the courts. The sample size for the study was 26, made up of 17 land owners and 9 key informants. The sampling techniques that was used was purposive. Purposive

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sampling was used to select the land owners, traditional authorities, officials of the land sector and staff of the court. In terms of instruments for data collection, a semi-structured interview guide was used to obtain information from the respondents. Qualitative content analysis was used to analyse the data.

Main Findings

On the causes of land conflicts in the Kumasi Metropolis, the study found that causes of land conflicts can be grouped under moral, administrative and political causes. In relation to economic causes, it was identified that land-related conflict occurs as a result of corruption and selfishness. The administrative cause of land conflicts in the Kumasi Metropolis was dysfunctional system of land administration caused by chiefs and other traditional leaders. Government laws emerged as the major political cause of land conflicts in the Kumasi Metropolis

On the design and implementation of the LAP in the Kumasi Metropolis, it was found that LAP is a project that is being undertaken by Lands Commission in Collaboration with World Bank and DFID. LAP is supported by the Government of Ghana and it is a 15-year project that seeks to address the principles presented in the NLP of 1999. LAP was implemented to improve infrastructure and help bring about digitization of land administration in Ghana and the Kumasi Metropolis.

In relation to land conflict management mechanisms used by the LAP in the Kumasi Metropolis, the study found that land-related conflicts in the Kumasi Metropolis are resolved through negotiation. Land-related conflicts in the Kumasi Metropolis are also resolved through determination by chiefs or elders.

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In relation to the efficiency of the LAP in managing land-related conflicts in the Kumasi Metropolis, it was found that LAP has played a role in land conflict management by helping to reduce land conflicts in the Kumasi Metropolis. This has been made possible through the introduction of cadaster, which makes it easy for land owners to lease land to individuals without any problem. LAP has made it easy for land owners in the Kumasi Metropolis to administer land to other people with ease. LAP has not been effective in addressing land conflicts in the Kumasi Metropolis because the administration of land in the Kumasi Metropolis still lies in the hands of traditional authorities and there is no policy that regulates how land administration should be done in the Kumasi Metropolis

Conclusions

Based on the findings, the following conclusions can be drawn:

First of all, on the causes of land conflicts in the Kumasi Metropolis, corruption, selfishness, dysfunctional system of land administration caused by chiefs and other traditional leaders and government policies emerged as the major cause of land conflicts in the Kumasi Metropolis. This means that land conflicts in the Kumasi Metropolis are mostly influenced by the way and manner in which land is administered as well as the polices that govern land administration in the Metropolis.

Again, on the implementation of the LAP in the Kumasi Metropolis, LAP exists in the Kumasi Metropolis and like in other districts in the Ashanti Region, it has been in existence since 2003. The presence of LAP in the Kumasi Metropolis has, to some extent, addressed the challenges associated with NLP,

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which was implemented in 1999. Thus, within the Kumasi Metropolis, stakeholders of land administration have knowledge on the design and implementation of LAP in line with what was stipulated in the document implemented in 2003.

Moreover, in relation to the land conflict management mechanisms used by the LAP in the Kumasi Metropolis, LAP manages land related conflicts in the Kumasi Metropolis through chiefs and elders in the Metropolis. This could be explained by the fact that most of the lands in the Metropolis are under the authority of the Asantehene. Therefore, it is not out of place if conflicts related to land are settled by chiefs and elders who are custodians of the Asantehene.

Finally, LAP has been efficient in addressing landrelated conflicts in the Kumasi Metropolis although there are still pockets of land conflicts in the Metropolis. This means that the conflict management mechanisms used by LAP in the Kumasi Metropolis can be adopted by other districts in resolving land-related conflicts.

Recommendations

In the light of the findings discussed above and the conclusions drawn, the following recommendations have been made.

1. Traditional leaders who mostly administer lands in the Kumasi Metropolis should be encouraged by the Lands Commission to be fair in their dealings and eschew corruption and selfishness.

2. The Ministry of Lands and Natural Resources, in conjunction with Lands Commission in the Kumasi Metropolis, should ensure that there is efficiency in the process involved in the acquisition and ownership of land.

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This will ensure that land owners in the Kumasi Metropolis will face no challenge registering their lands.

3. The power of traditional leaders in relation to the administration of lands in the Kumasi Metropolis should be regulated by the Lands Commission and the Government in order to avoid its abuse.

4. Other districts within the Ashanti Region, where land-related conflicts exist should adopt the conflict management mechanisms used by LAP in the Kumasi Metropolis to ensure that land-related conflicts are managed effectively.

5. Policies on land administration should be implemented in the Kumasi Metropolis to regulate how land administration should be carried out within the Metropolis.

Suggestions for Further Research

1. There is also the need to conduct a quantitative study on the impact of LAP on the livelihood of land owners in the Kumasi Metropolis

2. Further studies should be done to ascertain the challenges associated with the design and implementation of LAP in the Kumasi Metropolis.

3. Since the study was conducted in Kumasi Metropolis, there should be a survey in the Ashanti Region to examine the role of LAP in the management of land-related conflicts.

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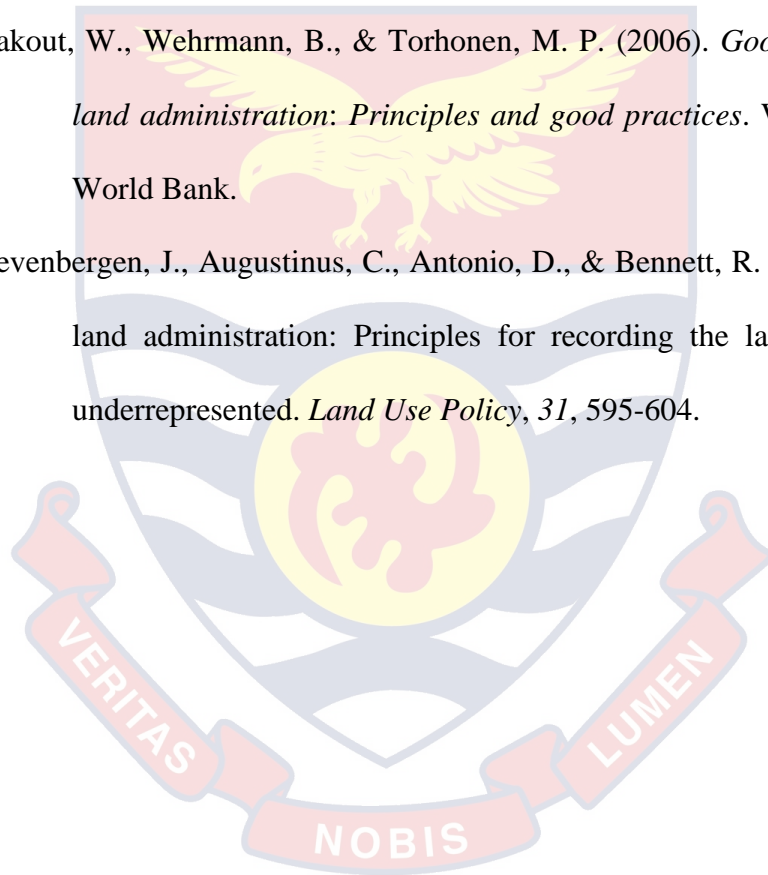
APPENDIX

UNIVERSITY OF CAPE COAST

INSTITUTE FOR DEVELOPMENT STUDIES

INTERVIEW GUIDE FOR LAND OWNERS, TRADITIONAL

AUTHORITIES, OFFICIALS OF THE LAND SECTOR AGENCIES

AND STAFF OF THE COURTS

Introduction: The purpose of the study is to examine the land administration project and its associated conflict management mechanisms in the Kumasi Metropolis of the Ashanti region. This exercise is purely for academic purposes and all information given will be treated as such and responses given by you would be treated as confidential. Therefore, be sincere in answering questions and expressing your opinion as much as possible. Your co-operation will be appreciated. You are also assured of anonymity.

SECTION A: DESIGN AND IMPLEMENTATION OF GHANA'S LAND ADMINISTRATIVE PROJECT

5. What do you know about Ghana's land administration project? (**Probe for**: Year of design and implementation; Which international agency is in charge of Ghana's land administration project)

6. What are the components of Ghana's land administration project?

7. What are the goals of Ghana's land administration project?

8. To what extent have these goals been achieved?

SECTION B: CAUSES OF LAND CONFLICTS

9. What are the causes of land conflicts in Ghana? (**Probe for**: Political, economic, socio-economic, socio-cultural, demographic, legal and judicial and administrative causes)

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SECTION C: MECHANISMS FOR MANAGING LAND CONFLICTS

10. What are the mechanisms for managing land conflicts? (**Probe for** Customary debate, Negotiation, Determination by chiefs or elders, Reconciliation)

SECTION D: EFFECTIVENESS OF LAP

11. How have land conflicts in Ghana been addressed with LAP?

12. To what extent has LAP affected the management of land related conflicts in the Metropolis?

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