

A STUDY OF THE INSTITUTION OF THE CUSTOMARY LAND TENURE SYSTEM IN THE SUPPLY OF PROPERTY RIGHTS FOR URBAN DEVELOPMENT

AN EXAMPLE OF ACCRA, GHANA

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INTRODUCTION

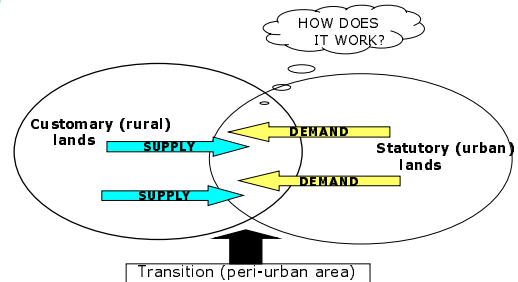
- > Land tenure types: statutory, customary, etc.
- > Customary land tenure is the dominant land tenure in most African countries
- > Customary land – communal ownership of land
- > Appropriate for agricultural societies and economies
- > Contributes to social stability – egalitarian access to land

CHANGING SOCIETIES

- > Urbanization – dramatic change in land use
 - > Man – land (resource) relationship
 - > Man – land + capital relationship
 - > Often under statutory systems
- > Land administration
 - > Management of man- property relationship

RESEARCH PROBLEM

Urbanization in customary land areas
How does this transformation work?



RESEARCH OBJECTIVE

To investigate how the customary land tenure system responds to the urban demand for land and examine:

- > The customary land tenure - Institutionally
- > The interaction of demand and supply - Economically
- > The customary land - Spatially

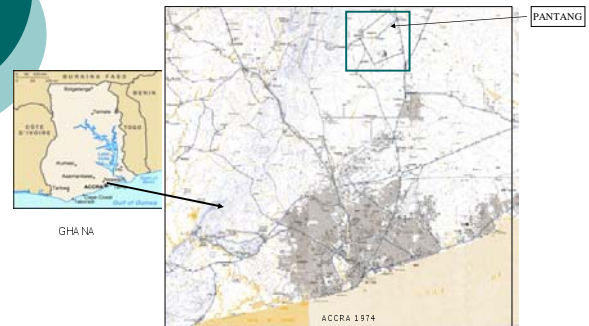
PRIOR RESEARCH

- > Enormous coverage of customary lands in Africa
- > World wide attention on customary land tenure
- > Concern about customary land tenure's response to global changes and economic development
- > Questions are raised on its efficiency and adequacy for urban and economic development
- > Suggestions to bring it under statutory tenure

BUT:

- Customary tenure is in constant evolution
- Provides equitable access to land resources
- Urbanization requires investment security
 - individual property rights in land

STUDY AREA



URBANIZATION PROCESSES IN STUDY AREA

- Customary land tenure types: stool lands, family lands etc.
- Customary land tenure in Accra – mainly family lands
- Family lands not under statutory regulations
- Urbanization is leading to pressure on family lands
- Urbanization process is studied over a 35 year period (1970s – 2005)
- In 4 phases based on:
 - ✓ Land tenure
 - ✓ Land use

PHASE 1 : PRE- URBANIZATION STAGE

Institutionally:

- Communal land ownership
- Managed by family as social commodity

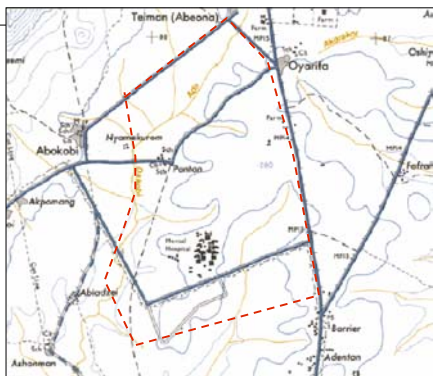
Economically:

- Rural use
- No significant economic value of land

Spatially:

- Fuzzy land boundaries

PHASE 2 – FIRST URBAN PRESSURE 1974



PHASE 2 – 1974

Institutionally:

- Communal land ownership
- Managed by family as social resource
- Transaction Family – State acquisition for Hospital

Economically:

- Rural use
- One rural long lease to 'outsider' (private investor)
- No significant economic value of land

Spatially:

- Fuzzy land boundaries
- Sharp Hospital boundaries
- Main road

PHASE 3: 1990-2000



State of study area (1997)

PHASE 3

Institutionally:

- › Still under customary land tenure
- › Request for urbanization from private lease holder
- › Refers to statutory sector for urban plan
- › Land ownership conflicts begin

PHASE 3

Economically:

- › Changes from rural to urban use
- › Sale of urban plots – interaction of demand and supply
- › Economic value of land increases- from drink money to cash

Spatially:

- › Definition of sharp customary land boundaries
- › Urban plot boundaries and undeveloped street space

PHASE 4: 2000 - DATE



State of study area (2003)

PHASE 4

Institutionally:

- › Customary land owners loose control
- › Lack of response from statutory sector
- › Private sector and civil society – urban drivers
- › Increase in land conflicts
- › Insecurity of land tenure

Economically:

- › Increased demand for urban plots
- › Active urban development based on statutory urban plan

PHASE 4

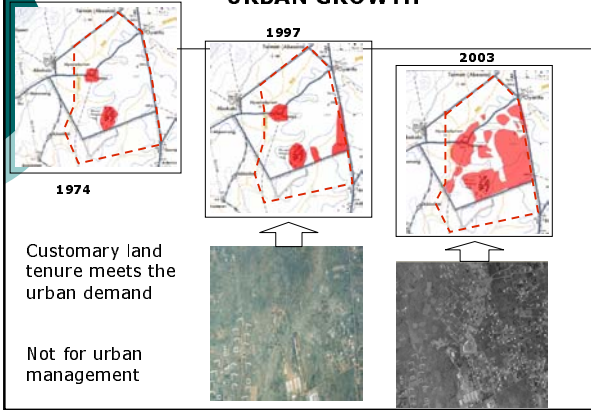
› Spatially:

- › Urban plot boundaries – fence walls, streets etc
- › Visible urban development – private sector and civil society
- › Undeveloped urban space and services

PHASE 4 - CURRENT STATE

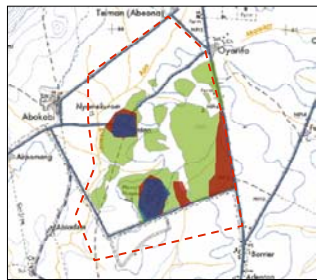


URBAN GROWTH



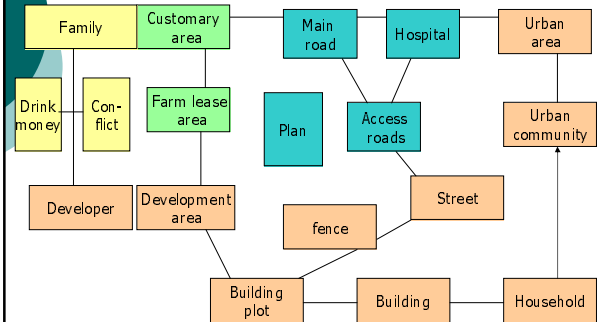
URBAN GROWTH

- > Increasing urban growth - Sold urban plots - 80%
- > Visible private participation - Current development - 60%
- > Invisible public participation - Public spaces - undeveloped

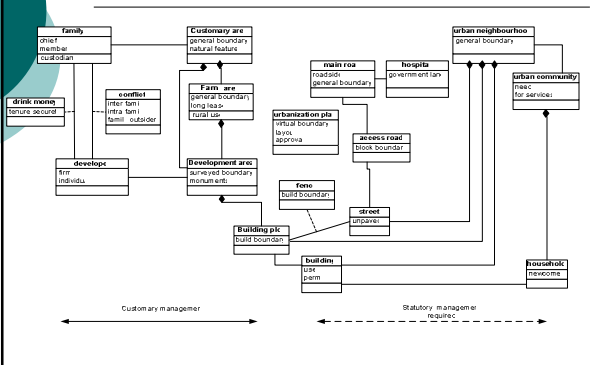


Urban development in study area

OBJECTS IN RURAL-URBAN TRANSFORMATION



CLASS DIAGRAM: RURAL - URBAN TRANSFORMATION



RESULT OF TRANSFORMATION IN CUSTOMARY LANDS

- > Customary land tenure - able to supply land for urbanization
- > Inadequate response from statutory sector
- > Private sector and civil society - drivers of urbanization
- > Sharp boundaries in urban customary lands
- > Land ownership conflicts
- > Insecure land tenure for urban development
- > Urban facilities and public space are left undeveloped

CONCLUSION

- > Customary land tenure meets demand for urban plots
- > But customary system not equipped for
 - > urban management
 - > urban infrastructure
- > Customary tenure institution needs support from statutory sector in urban land management
- > Pro-active statutory sector response to urban growth in customary lands to reduce conflicts

THANK YOU