

**NON-UTILISATION OF STATE
LANDS AND THE IMPLICATIONS
OF NON-RESTITUTION FOR
INFORMAL SETTLEMENT
DEVELOPMENT IN
AGBOGBLOSHIE, ACCRA**

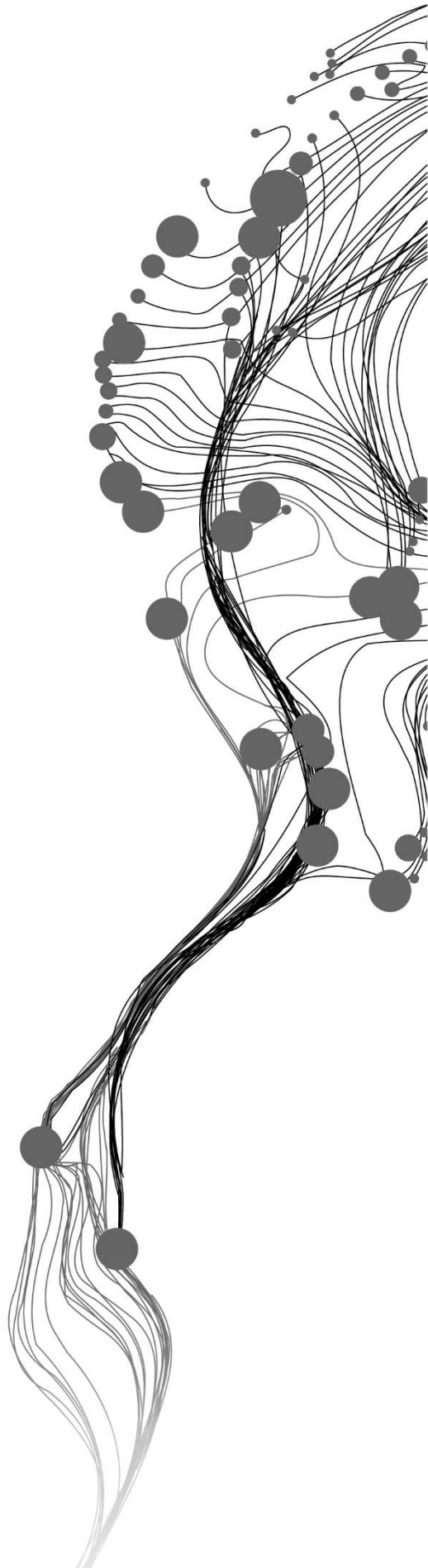
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June, 2021

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Non-utilisation of State lands and the implications of non-restitution for informal settlement development in Agbogbloshie, Accra Ghana

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DISCLAIMER

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ABSTRACT

Government needs land to undertake development projects for national development but sometimes there is no readily available land. This is made possible through the use compulsory acquisition. Many studies have assessed compulsory acquisition and compensation but only few focuses on how the handling of such lands by the state influences the emergence and development of informal settlements. Hence the study examined how State practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra.

In achieving this, a mixed method (Quan-Qual) approach was adopted. To understand the dynamics of compulsory acquisition resulting in informal settlement development in Agbogbloshie, extensive interviews of Key Informant, Questionnaire survey and Focus Group Discussions were conducted. In the research, the primary data determined the statutory procedures that guided compulsory acquisition of Agbogbloshie, rationale behind the land acquisition and the failure in its materialisation, government plans for the land, accessing land in Agbogbloshie, land rights in Agbogbloshie and restitution attempts. Whilst the secondary data reviewed existing documents such as reports, laws and scientific article on compulsory acquisition and matters arising. Spatial analysis method thus digital image classification was used to determine the spatial extent of Agbogbloshie between 2-time series.

The study discovered that although government have the best of laws for compulsory acquisition, its implementation is very problematic especially due to the nature of land ownership in Ghana, late payment of compensations as well as political discontinuity. Secondly, the emergence of new de facto actors in land rights allocations (such as slumlords) within Agbogbloshie weakens the relative position of both government and traditional authorities on the ground. Thirdly, the government has not made any attempt to reserve the land back to its owners, but the original owners including the residents have made several attempts to get back their land officially, but to no avail. Unofficially, such efforts manifest in the rapid expansion of Agbogbloshie over the past decades. For example, the spatial development of the area shows how much land that was unoccupied in 2000 have now turned to Built-Up in 2020 and also how the area that was covered by water have now become Built-Up in 2020.

The study thus draws a general conclusion that despite the pervasiveness of informal settlements in emerging cities across the global south, and the countless attempts by governments to ameliorate the menace, such attempts have rather been curative than preventive and that attention needs to be paid to how government itself provides the fertile ground for their emergence in the first instance. This study thus suggests that proactive land governance at the interface of key governance actors is key in handling informal settlements especially in pluralistic states.

Keywords: Compulsory acquisition, Informal settlement, Customary land, Monistic state, Pluralistic state, Compensation, Restitution, Slum lords, Landlords, Traditional leaders

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1. GENERAL INTRODUCTION

1.1. Background and Justification

It is the responsibility of every government to provide basic services and infrastructure to its people (Šumrada et al., 2013). To carry out such responsibilities, governments direct their focus towards land governance and urban institutional reforms, because carrying out developmental projects require large tracts of lands to be realized (Napier et al., 2013; Pieterse et al., 2015). Making large tracts of land available is a problem most governments face (Viitanen & Kakulu, 2008). According to FAO, (2008) the land market in countries is mostly unpredictable and unreliable, making it difficult to depend on the market when large tracts of lands are needed. In trying to solve this problem many countries have opted for the power of compulsory acquisition, which is quite effective but also comes with its problems. These problems may include the reduction of tenure security and lowering investments in the economy. It also creates opportunities for corruption, abuse of power and causes delays in projects. A major complaint against compulsory acquisition is about compensation payment. It may be inadequate, delayed, or uncertain about when it will be paid to landowners and land occupants among others (Tungka et al., 2012). The above notwithstanding, governments still rely heavily on the power of compulsory acquisition to acquire lands for national development (Bui, 2009). This study focuses on land that has been compulsorily acquired but has not been put to the intended use for which it was acquired and also not reversed to the original owners. The power of compulsory acquisition of land is also referred to as land acquisition, compulsory purchase, expropriation, resumption and eminent domain. Compulsory land acquisition is the mechanism adopted to perform the land development responsibilities of land administration within the land management paradigm. Land administration *“is the processes of recording and disseminating information about the ownership, value and use of land and its associated resources”* (UNECE, 1996).

According to Enemark, (2007) the land management paradigm drives structures handling land rights, restrictions and responsibilities to promote sustainable development. Building integrated and mature structures that connect policy making, good governance, land administration systems and land information infrastructures is a trademark of understanding the land management paradigm (see figure 1) (Enemark, 2007).

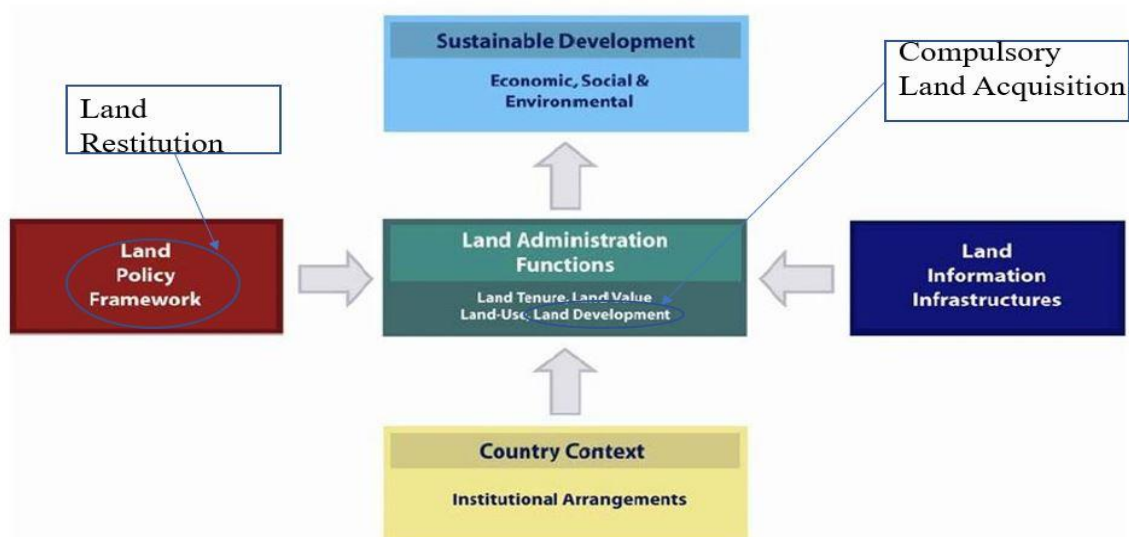


Figure 1 Land Management Paradigm. Source: (Asiama, 2015; Enemark et al., 2005)

According to Williamson et al., (2010) the land administration responsibility within a country in collaboration with land information infrastructure and land policy framework work towards the achievement of sustainable development. Countries with advance Land administration institutions usually has less land related conflicts compared to others with poor Land administration institutions. As such countries are well equipped to deal with compulsory acquisition and its associated issues. A compulsory acquisition could be biased in its execution with unfair processes and unjust compensation paid, for the loss of the land. These biased processes open the window for corruption. Strong government with institutions that perform independently are needed to serve as intermediaries in the processes of compulsory acquisition as well as solve conflicts that may arise along the line. Fair and effective compulsory acquisition is almost impossible without strong governments and the observance of the due processes of the law. Compulsory land acquisition and compensation are extreme measures of land acquisition because the original owners are forcefully persuaded off their property (Berg, 1999). The offered compensation could be in financial form or replacement of the land or structures. The complexities between the principles of compulsory land acquisition and the compensation strategies could reduce a lot of problems including landlessness, homelessness, loss of livelihood, and separation of families among others (FAO, 2008).

To regulate the externalities of compulsory land acquisition, international guiding principles like the FAO Voluntary Guidelines for Governance of Tenure in *Voluntary Guidelines for Governance of Tenure of Land, Fisheries and Forests in The Context of National Food Security* FAO, (2012) have outlined ways it should be carried out. Although there is no international treaty on the right to land, the Universal Declaration on Human Rights in Article 17 stipulates that *everyone has the right to own property, either in isolation or in association and cannot be arbitrarily deprived of the property* (Universal Declaration of Human Rights Preamble, 1948). Also, within the African context, the Banjul Charter or the African Charter on Human and People's Right in Article 14 guarantees the right to property and recognizes how such property could be encroached on, for public interest and in accordance with the provisions of the expropriation laws (OAU, 1963). Article 18(1 and 2) of the 1992 Constitution of Ghana provides for the Protection of privacy of Home and Other Property. It states; "Every person has the right to own property either alone or in association with others" and "No person shall be subjected to interference with the privacy of his home, property, correspondence or communication except in accordance with law and as may be necessary in a free and democratic society for public safety or the economic well-being of the country, for the protection of health or morals, for the prevention of disorder or crime or for the protection of the rights or freedoms of others" respectively. Due to rapid urbanization, the demand for basic infrastructure by the citizenry is heightened, putting pressure on the government. As a result, the need for expropriation or compulsory land acquisition by government arises in order to curb the demand for the basic infrastructure to keep up with the growing population.

Compulsory land acquisition is a necessary but challenging duty, which presents with endless problems (Ty et al., 2013). Especially, in countries with hybrid land rights (customary and statutory), compulsory land acquisition or expropriation and restitution practices are more complex. Specifically, in Ghana, about 80% of the land is held and controlled by customary authorities (Kasanga & Kotey, 2001). Given this landholding pattern, the 1992 Constitution of Ghana provides in Article 20 the modalities for compulsory acquisition of land to enable the government to acquire land for public benefit. Prior to the 1992 Constitution, the colonial administration and other post-independence legal regimes provided for compulsory acquisition in different ways. Therefore, a lot of land has been acquired from traditional authorities by both the colonial and post-colonial administrations for different projects. Ghana as a developing country is experiencing rapid urbanization and economic development due to the free-market economy policy practiced which brings into the country a lot of foreign direct investments (Berry, 1994). Cities and towns are experiencing growth in sizes and populations to include previously recognized rural areas thus creating new urban centers. From this trajectory, governments tend to acquire large parcels of land for local or foreign investment and to construct infrastructure, public amenities, and roads among others for the welfare of its citizenry. Some of the notable lands acquired by the governments over the years in the greater Accra region alone, include the

University of Ghana Campus, Akwateman Olympic village, the Nungua Farms, Korle Lagoon Ecological Restoration Project at Old Fadama and the Adenta SSINT Housing among others. Outside Accra, governments have made similar acquisitions in order parts of the country. However, most of these lands remain unused, opening windows for encroachment by people leading to the emergence of informal settlements. These groups of people may be the original owners and may or may not have been compensated either fully or partially. The encroachers could also be other people who take advantage of the fact that the land is of the government to settle illegally. Over the years, governments seem to turn a blind eye to the activities taking place on these acquired lands, which might have resulted in the emergence of large informal settlements in the Accra city core.

Article 20 (6) of the 1992 Constitution provides that the original owners of unused public land should be given the first option to take back such lands subject to the payment of the market price of the land. However, government over the years has not been very active in facilitating the reversal of such lands despite strong calls from the original owners as well as ongoing encroachments. This study, therefore, aims to examine how government actions and inactions in the acquisition and management of public lands influence informal settlements and informal tenure in the city of Accra, Ghana.

1.2. Research Problem

The significance of land in development, land rights, tenure security, and access to, sustainable livelihoods and eradication of deprivation have been the recent focus of discourse on socio-economic development in the global south (Bristow, 1994; Bruce, 2000; Larbi, 2003). As established in Mattingly (1993), land in itself is a primary source of wealth and authority, and as a result an instrument of political power. Governments over the years have relied heavily on earlier policies and practices to serve as the basis of providing useful information and guidance on current land policies. According to Okoth-Ogendo, (2000) global south countries after independence instead of restructuring new land legislation and reforms to meet current development requirements, continued with the colonial laws which are now enshrined and expanded in relation to the local situation, policies, patronage and objectives. Major changes to land legislations were experienced in the 1990s, when land policies, land development and resource access to development were highly discussed in economic development discourses which governments and donors were privy to (Larbi et al., 2004). These discussions and the nature of land issues are not universal but dynamic and highly location-specific.

Studies have shown a steady increase in informal settlements and informal land tenure in many parts of the global south. Furthermore, they have shown the importance of good governance in the acquisition of lands. The factors that account for such occurrences of informal settlements and informal land tenure have often been limited to population growth; rural-urban migration; lack of affordable housing; and economic vulnerability. Whereas these factors mentioned in literature play a major role in the emergence of informal settlements and informal land tenure, they are often hinged on the performance of the broader economy and may in some way be seen as responses to local economic situations. Little is known about how the practice of compulsory land acquisition and restitution by States in weak governance context influence the location on which informal settlements and informal land tenure emerge. Specifically, in the case of Ghana, both the colonial and post-independence regimes have acquired huge tracts of land which have not been utilized but remain vacant for extended periods. Given the high demand for space in urban centers, such lands have become money-making avenues for the original holders of the land and other strong groups who from the '*shadows*' allocate these parcels to the urban poor and informal business people who need space for different purposes (Grant, 2006). Given these relations, this study, therefore, aims to assess how State practices of acquiring and managing public lands influence informal settlements and informal tenure in Agbogbloshie, the largest informal settlement in Ghana.

1.3. Research Objective

The main objective of this research is to examine how State practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra. In order to achieve this objective, the following sub-objectives have to be accomplished;

1. To find out how government acquired the Agbogbloshie land and reasons for the non-utilization of the Agbogbloshie land on the part of government
2. To find out how people get access to the Agbogbloshie land
3. To find out the steps taken by government and the original owners to reverse the Agbogbloshie land

1.3.1. Flow of sub-objectives

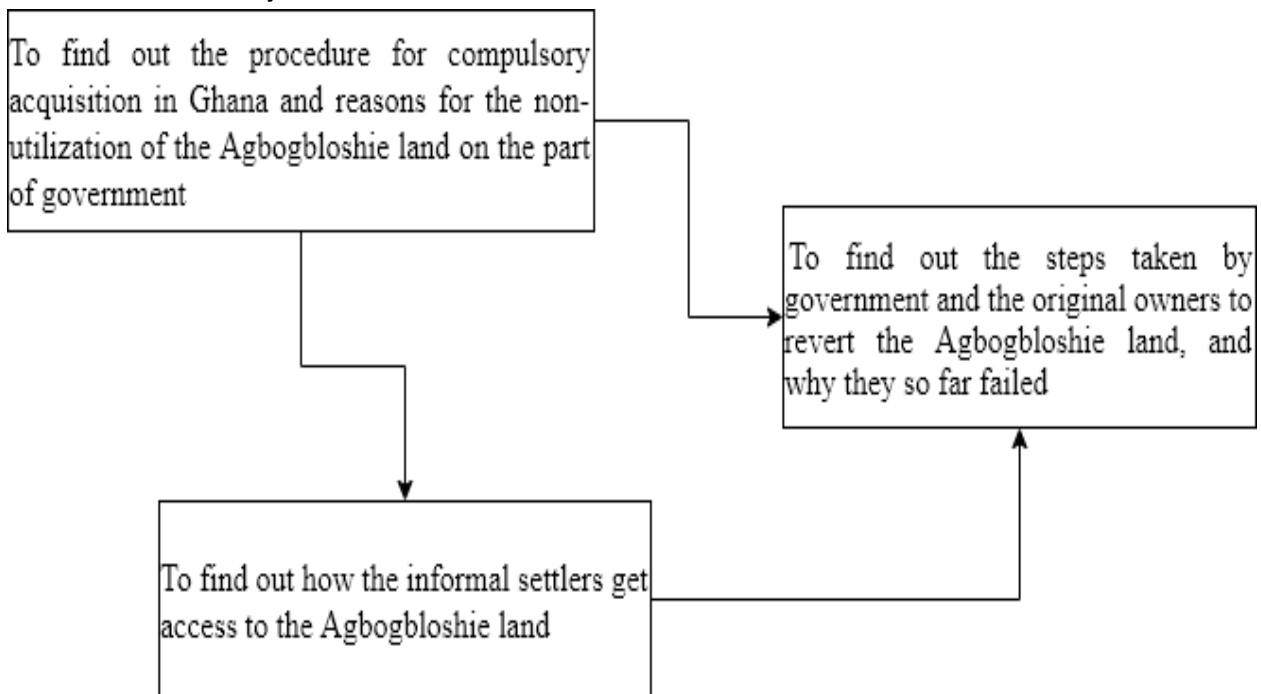


Figure 2 flow of Sub-Objectives

1.4. Research Questions

1. To find out how government acquired the Agbogbloshie land and reasons for the non-utilization of the Agbogbloshie land on the part of government
 - a) What were the statutory procedures that guided the compulsory acquisition of land?
 - b) Why did government acquire the land?
 - c) Why has the land been left unused by the government and are any plans underway by government to re-enter the land?
2. To find out how people get access to the Agbogbloshie land
 - a) What are the ways of accessing land in Agbogbloshie?
 - b) What type of land rights exist in Agbogbloshie?
 - c) How are land rights in Agbogbloshie legitimated officially and unofficially?
 - d) How did the Agbogbloshie land develop over time?

3. To find out the steps taken by government and the original owners to reverse the Agbogbloshie land.
 - a) What attempts have the original owners made to get back the land from government?
 - b) What attempts has the government made to reverse the land to the original owners?
 - c) Why have the attempts so far not led to any concrete action?

1.5. Conceptual Framework

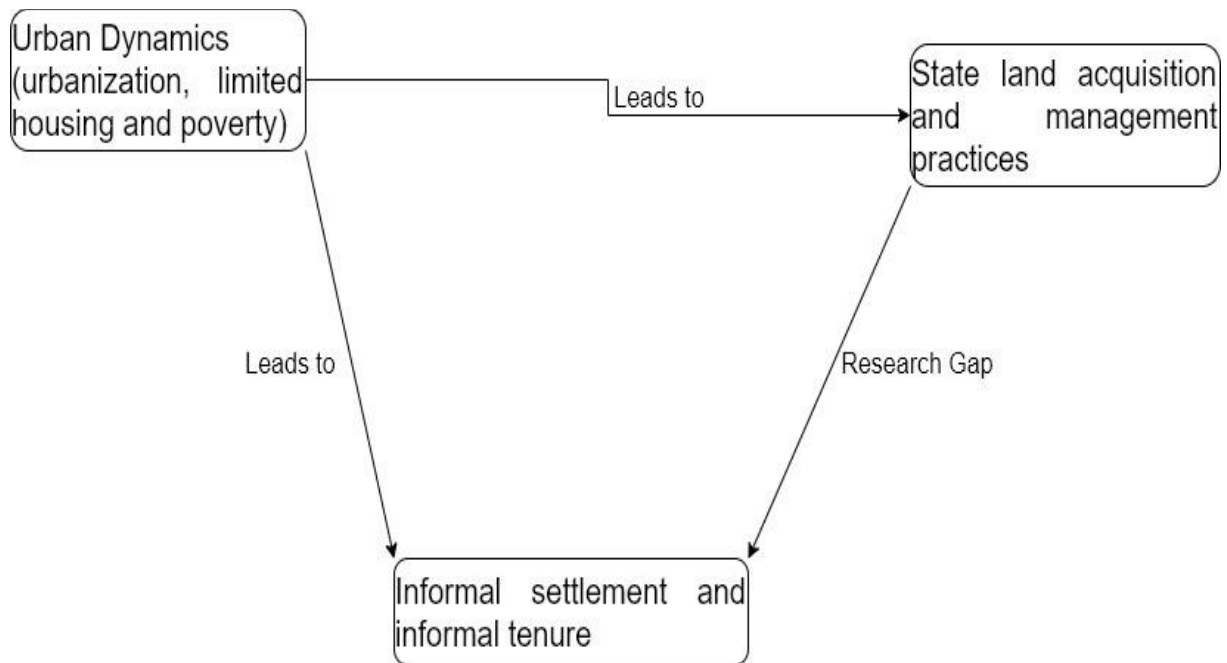


Figure 3 Conceptual Framework

1.6. Thesis Structure

This study is made up of six chapters. First Chapter consist of the background, research problem, objectives, questions and conceptual framework. Second chapter concentrations on literature review with specific focus on key concepts of the research from existing studies on compulsory acquisition and restitution, informal settlement development and land tenure systems. Third chapter on methodology features the study area, research approach data source and methods of collection, research design and strategy, sampling techniques and ethical considerations. Fourth chapters highlight the results of the research founded on the set objectives and questions. Fifth chapter features the discussion, explanation and interpretation of the findings of the research corresponding to its literature review. Final chapter offers the conclusion and possible recommendations for future study.

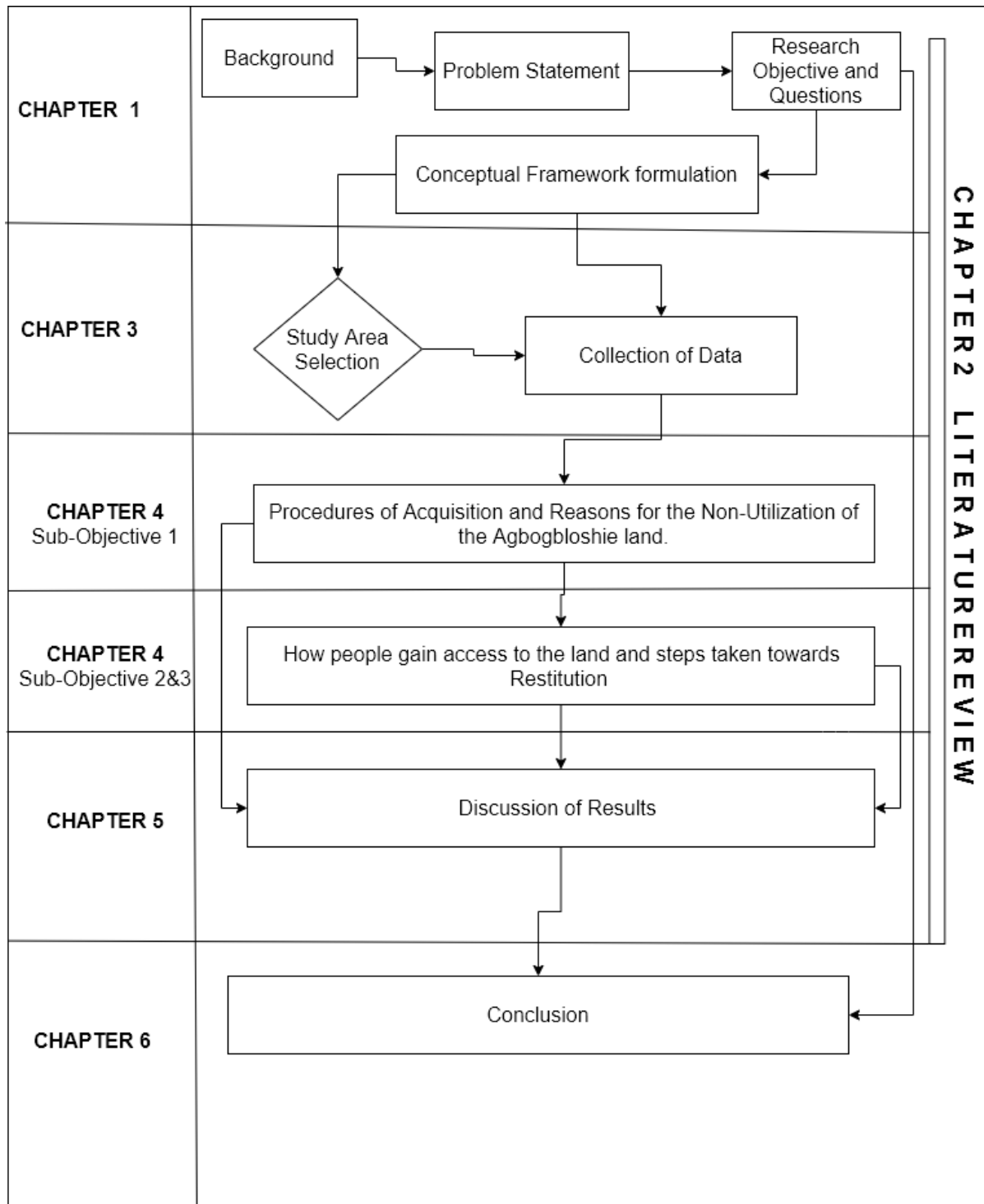


Figure 4 Flowchart of methodology

2. LITERATURE REVIEW

2.1. Introduction

This second chapter reviews existing literature on the main concepts considered within the study. Basically, the chapter discusses Compulsory Land Acquisition and Land Restitution, land Tenure Systems and Informal Settlements. This chapter hence, is made up of the views and opinions of researchers, policy makers and scholars on the concepts considered within the study.

2.2. Conceptualization of Compulsory Land Acquisition and Land Restitution

According to FAO, (2008) “*Compulsory acquisition is the power of government to acquire private rights in land without the willing consent of its owner or occupant in order to benefit society*” with due compensation paid (Lindsay, 2012). It is no stranger in one way or the other to current governments of all nations especially developing nations. A lot of controversies and disputes of large scale infrastructure development in societies where land is owned by the citizens (customarily owned) not the government rotates around compulsory acquisition (Nor-Hisham & Ho, 2016). The power of Compulsory acquisition is essential for social and economic development and the protection of the natural environment. Land is needed for investments such as *roads, railways, harbors and airports; for hospitals and schools; for electricity, water and sewage facilities; and for the protection against flooding and the protection of watercourses and environmentally fragile areas*. Compulsory land acquisition functions on the premises that, the community growth supersede personal interest, showing the sovereignty of the State over its people and their property (Denyer-Green, 2018; Kesse & Traore, 2002; Knetsch, 1984; N. A. Kotey et al., 2002; Okoth-Ogendo, 2000). The equitable compensation paid to the community is meant to make up for the loss of their land to compulsory acquisition (Knetsch, 1984). However, the institutions and agencies tasked with operationalizing compulsory acquisition may be limited in their functions and powers because they work under strict rules and regulations, leaving little room for flexibility and sensitivity to unpredictable events (Larbi et al., 2004; Nor-Hisham & Ho, 2016). Finding an equilibrium between the public need for land, and establishing land tenure security and the protection of private property rights is a necessary requirement for compulsory acquisition (Darin-Drabkin & Darin, 1980; FAO, 2008). In achieving this equilibrium, countries enforce rules and regulations to ensure checks and balances “*i.e. to be used for the benefit of society for public use, public purpose, or in the public interest*” (FAO, 2008). The provisions as defined are to be the foundation on which the acquisition, compensation, and restitution as well as the opportunity to seek redress or be heard are enforced. This prevents the usage of the land for purposes other than that which it was acquired for and also prevents the development of informal settlements. According to Tungka et al., (2012) the Food and Agriculture Organization (FAO) of the United Nations has adopted three (3) fundamental principles of compulsory land acquisition and they include;

First, rule of Law and fair procedures are required to successfully undertake compulsory acquisition (Kelly, 2006; Lupala & Chiwanga, 2014; Mahalingam & Vyas, 2011). There is integrity and confidence in the institutions and laws that follow the due conventions and regulations of compulsory land acquisition by the people affected (FAO, 2008). These rules and institutions are necessary to check and balance the powers of the government in acquiring land. Detailed rules and institutional roles in compulsory acquisition are essential in ensuring justice, land rights protection and tenure security. According to FAO, (2008), prior consultation, participatory planning

and accessible avenues for appeals without limitation to the discretion of the government be stipulated in the rules and regulations.

Second, good governance (strong government) is essential as it enhances coordination and participation in the acquisition processes. Good governance enables adherence to the law during compulsory land acquisition at the local, regional and national levels (Deininger et al., 2012). Good governance practices enhance legitimacy in the eyes of the public and thus, increases the chances of acceptability and decreases the tendencies of disputes and public rejection. For instance, transparency in the processes of compulsory land acquisition enables the acquiring authority to gain the trust and confidence of the affected landowners. The legitimacy of the compulsorily acquired land is undermined when the officials involved in the acquisition do not follow the due processes of the law (FAO, 2008).

Third, equivalent and fair compensation enhances the potentials of success during compulsory acquisition. This is normally stipulated in law and requires practical implementation procedures to reflect on the ground (Kelly, 2006; Lupala & Chiwanga, 2014; Mahalingam & Vyas, 2011). Fair and equivalent compensation ensures that affected Land Owners or Landlords are given 'value for money' thus no more or less than the loss of their lands compulsorily acquired (FAO, 2008). This has the potential of limiting the negative effects of compulsory acquisition such as homelessness and litigation. According to Newell et al., (2011) in Australia 96% of 2650 cases of compensational claims in compulsory land acquisition were solved without seeking any court action, however, in situations where the court was required, the landowners saw the court as an independent body that ensures fair and equitable compensation.

2.2.1. Compulsory land acquisition as tool for development

Compulsory land acquisition is a necessary mechanism for sustainable development and there are several circumstances that call for it (Ding, 2007). These circumstances vary across contexts and are often enshrined in national legislations. These include;

- *Providing basic infrastructure for the public*

In most countries, there are economic disparities among the different classes of people (Darin-Drabkin & Darin, 1980; Justino & Martorano, 2016; Keeley, 2015). In situations where the private sector is given the mandate to provide basic infrastructure to the people, the lower classes who are mostly the majority cannot afford it. This is because the private sector is profit-oriented and is willing to make the most profit without considering the plight of the lower classes who cannot afford it. For this reason, governments especially those in developing countries take up the mandate to provide these services at a subsidized rate so everyone can afford them, including the people of the lower classes (Asiama, 1985; Lindsay, 2012). However, these governments do not own such large tracts of land to embark on such projects hence the need for compulsory land acquisition (Lindsay, 2012). Compulsory land acquisition allows government to acquire lands needed for such projects without encountering many problems.

- *Compatibility of land*

Countries especially developing countries where land ownership and its use are operationalized by private individuals, there is usually haphazard development since there are no restrictions on land use development. As a result, governments may use compulsory acquisition to limit land-use types and intensity (Adu-Gyamfi, 2012; Courtney, 1983; Rivkin, 1983; Whitehead, 1983). This would create harmony, safety, convenience, booming economy and functionality within the towns and cities. Compulsory land acquisition is also evoked where there are conflicting land uses as a result of customary land tenure.

- *Promotion of equity and justice*

In rapidly urbanized cities, land is seen as a very crucial asset hence the rich, using their supremacy exploits the situation in the land market. Due to the lower classes' limited access to land because of price hikes and intensity of land use, the rich tend to control tenure security forsaking the lower classes. Compulsory acquisition is seen

as the mechanism to promote fairness, equity and justice between the rich and the poor in the society (Larbi et al., 2004; Lichfield, 1980). To that extent, governments intervene in the land market through compulsory acquisition to promote spatial justice in the distribution of the land (Uwayezu & De Vries, 2019, 2020; Uwayezu & de Vries, 2019).

- *Promotion of green infrastructure*

Recently, sustainable development has been a major policy of concern in most countries. In situations where private individuals own the available land, hardly would they pay any serious attention to issues such as green infrastructure. Governments in their quest for sustainable development steps in through compulsory acquisition. They acquire the land to provide green infrastructure such as open spaces, recreational parks and restricted natural areas (Conbere et al., 2014; Darin-Drabkin & Darin, 1980; European Commission, 2013; Land Use Consultants, 2009). This tends to contribute positively to carbon imprint.

Despite the circumstantial need and usefulness of compulsory land acquisition, its execution is far from simple and can be problematic.

2.2.2. Complexities and negative outcomes of compulsory acquisition

Several arguments have been levelled against compulsory acquisition by various scholars, policymakers and researchers. According to Larbi et al., (2004) the cultural, social, economic and health outcomes are the economic cost associated with the compulsorily acquired land. The correlated effect on land and property owners is not quantifiable (Williamson et al., 2010).

Firstly, compulsory acquisition is enacted to enable governments to acquire land in order to improve the standard of living of its people through infrastructural development. However, most people end up being deprived, losing their assets and lacking access to basic human needs. Also, commercial purposely acquired lands get much higher compensation than public service acquired lands (Ding, 2004). This leads to social injustice as a result of the inconsistencies and anomalies in the disbursement of the compensations (Quang Nguyen, 2015).

Secondly, governments mostly lack adequate resources to efficiently and effectively carry out the compulsory acquisition but the principles of compensation argues for equity and equivalence in order to restore back the livelihood of affected person (Lin & Lin, 2006). However, during the process of compensation, people's human, social, cultural and economic rights are abused mostly leading to tensions and conflicts between the landowners and the acquisition institutions (Ding, 2007; Tungka et al., 2012).

Thirdly, there is a complete change of livelihoods, productive structures and economic activities when compulsory land acquisition is implemented and the need for resettlement arises (Lin & Lin, 2006). In such resettlement cases, after the acquisition, people have to be moved from the comfort of their homes to new settings breaking family ties. Also, in resettlements, farmers are the most affected since there is no guarantee as to the fertility of the resettled land hence, they risk the loss of their source of income. According to Syagga & Olima, (1996) in *'The Impact of Compulsory Land Acquisition on Displaced Households in Nairobi'*, the entire income of a household from a resettlement project area in Nairobi was \$1248.196 per hectare per year including agriculture but, was significantly reduced to \$205.50 thus 18% after being resettled.

Finally, as argued by Williamson et al., (2010) land tenure insecurities on the part of landowners may arise due to compulsory land acquisition. When the policy and legislation are not fully enforced during compulsory acquisition, the landowners tend to lack tenure security. Also, in the event where the landowners are not satisfied with the compensation, the projects are usually delayed.

In the event where after the compulsory land acquisition the project is held up, left incomplete or even not started at all, there are land reforms stipulating how the government could return the land to the citizens in order to have a balance of payment preventing a loss from the government. This is known as Land restitution.

2.2.3. Land restitution

Land restitution has become a topic of interest in the political cycle and has drawn the attention of scholars globally (Neef & Ngin, 2020). The processes of land restitution have been initiated in different regions and countries. New land administration has created the path for corrective justice and land claims by natives and aboriginal settlers who were evicted under colonial rule in now settler States such as Canada, Australia, New Zealand, and South Africa (Huizenga, 2018; Kearney, 2018). According to Hoops et al., (2015) the Indians were among the first indigenous people in the world to successfully claim for restitution of their lands. Ever since then, the United Nations have acknowledged the rights of indigenous people given them the impetus to claim their territories around the world (Hoops et al., 2015). The World Bank leading the charge on market reforms for future economic stability has over the years been an arbitrator to claims of restitution of land from States (Hoops et al., 2015). According to Hoops et al., (2015) in Dutch law, restitution is part of the expropriation law, so if the public purpose is not met, the expropriation is deemed null and void.

2.3. Compulsory Land Acquisition and Land Restitution in Ghana

In Ghana, a basic doctrine of tenure security is, no land is without ownership claims by an indigenous community (Arko-Adjei, 2011; Asante, 1980; Bentsi-Enchill, 1964; Busia, 1958; Danquah, 1930; Larbi, 1994; Sarbah, 1904; Ubink et al., 2009). Hence, negotiations and compulsory acquisition are the main means through which land can be accessed at large scale for public interest or purpose (Larbi et al., 2004). The policy of compulsory acquisition is enacted in the 1992 Constitution of Ghana.; Article 20 (1) states that, “no property of any description, or interest in or right over any property shall be compulsorily taken possession of or acquired by the State unless: (a) the taking of possession or the acquisition is necessary in the interest of defence, public safety, public order, public morality, public health, Land Use and Spatial Planning Authority or the development or utilization of property in such manner as to promote the public benefit; and (b) the necessity for the acquisition is clearly stated and is such as to provide reasonable justification for causing any hardship that may result to any person who has an interest in or right over the property” (Constitution of Ghana, 1992).

Article 20 (2) also states that compulsory acquisition shall only be made under a law which makes provisions for the prompt payment of fair and adequate compensation, this is in line with the universal principles. Additionally, in Article 20 (5), the constitution provides that a property acquired in the public interest or for a public purpose shall be used only in the public interest or for the public purpose for which it was acquired. The Constitution finally provides for restitution when compulsorily acquired lands is not used as intended. In Article 20 (6), the constitution states that “where the property is not used in the public interest or for the purpose for which it was acquired, the owner of the property immediately before the compulsory acquisition, shall be given the first option (right of pre-emption) for acquiring the property and shall, on such re-acquisition refund the whole or part of the compensation paid to him as provided for by law or such amount as is commensurate with the value of the property at the time of the re-acquisition”. This right of pre-emption would be stipulated in the contract of the compulsory acquisition.

The provisions of the Constitution are elaborated and operationalized in the State Lands Act 1962, (Act 125) and State Land (amended) Act 2005 (Act 586) which operates within the confines of private interest in real estate development whilst the Administration of Land Act 1962, (Act 123) operates within the confines of stool lands.

2.4. Informal settlements development in Ghana.

The concept of informality was developed in an attempt to explain the emergence of the informal sector and the informal economy in the 1970s (Jones, 2017). According to Rana, (2011) the conception of informal

settlement is directly linked to urban sprawl which correlates with urbanization trends. Informal settlements are areas where structures are constructed on land that the residents and inhabitants have no legal claim to occupy, thus the structures do not conform with the society's building codes (Abbott, 2002; Shabane et al., 2011; UN-Habitat, 2004). Haferburg, (2002) asserts that, the spread and growth of informal settlements is as a result of the presence of inequality in the society usually persistent among low-income and minorities. Also, other factors that contributes to the spread and sprawl of informal settlements include population growth, rural-urban migration, lack of affordable housing, poor planning and land management, inappropriate land tenure system, and political uncertainties and transitions (Dubovyk et al., 2011; Jones, 2012; Niebergall et al., 2008; Porter, 2011; Roy, 2005; Shabane et al., 2011; UNECE, 2009). These and other interrelated factors within the society lead to phenomenal manifestation of informal settlements in a particular location. All these factors point to the fact that informal settlement development in most areas is a result of weak governance (Burns et al., 2010). African cities including Accra in Ghana are growing at an unprecedented rate due to urbanization to the extent that African cities will double in population by 2050 (Huggins & Nyukuri, 2010). About 90% of all new urban development in Africa is informal, and 55% of Africans will be living in urban centers by 2050; an increase of 38% from 2000 (Huggins & Nyukuri, 2010; Muggah & Hill, 2018). The upsurge in urban growth in Africa has led to the rise of inequality, informality, and deprivation among others. However, the growth of informal settlements is more visible as governments fail immensely to cope with the complexities of urbanization effectively (Jones, 2017). "Urbanization through its role as a 'magnet' for jobs, economic exchange, and social interaction magnifies the complex challenges of sustainable development especially, informal settlement" (Jones, 2017). According to Jones, (2017) informal settlements are a product of 'disjointed urbanization', reiterating the traditions of the colonial years; how inclusive urban infrastructure and governance were underinvested. Informal settlements grow through a bottom-up and adaptive process without the influence of the state (Kamalipour, 2016; Kim & Ross, 2011). As such, informal settlements as an overall form of development are seen to be overlapping with formal settlements since its residents cross over to the various sectors of the economy; formal and informal, but living outside of the state formal fundamental urban codes, protocols, and regulations that influence tenure, planning, and urban design and forms (Dovey, 2013; Jones, 2017). As suggested by Jones, (2017); UN-Habitat, (2015) the failures of the state's formal institutional mechanisms and policies to supply and support the basic needs and rights including affordable housing for its people in the formal market have led to the emergence of informal settlements. So, as the number of people living in urban centers increases, due to urban growth, access to affordable housing and land through the formal state structures becomes impossible, hence people tend to encroach on public lands or already existing informal settlements that are readily accessible and affordable. As a result, there appears to be a trade-off when it comes to land location, tenure security, accessibility to basic services and amenities, and the quality of housing among others (Jones, 2017). According to Farha et al.,(2018) informal settlements are 'here to stay and will not disappear', whilst some governments usually try to find solutions to this problem through regularizing and upgrading these structures, others just 'play politics' with them thus turning a blind eye to the reality on ground (UN-HABITAT, 2006).

2.5. Land tenure system in Ghana.

According to several scholars including Arko-Adjei, (2011) Ghana has a dual tenure system which comprises statutory and customary tenure. As stated earlier, 80% of land in Ghana is controlled by the customary system whilst only 20% is controlled by the statutory tenure (Kasanga & Kotey, 2001). Customary tenure is the manifestation of rules that administer the access, usage and distribution of land and its related properties in the community (USAID, 2012). Asiama, (2002) asserted that land under the customary tenure is given spiritual relevance as it is seen as a divine legacy in which the ancestor's spirits are sustained. Customary land is seen as

a unifier that connects members of the family through to the future (Elias, 1956). In his observations land is generationally owned by families so although several family members have died, those still living own the land and the unborn generation will also come to take ownership of it too. According to Abubakari et al., (2016) traditional authorities including Traditional Leaders, Tendaamba and family heads exercise control and administer customary land. These traditional authorities on behalf of their subjects act as fiduciaries and hold the land in trust (Kuusaana & Gerber, 2015). Article 267(1) of the 1992 Constitution stipulates how customary land are to be governed and appropriated within the community (Constitution of Ghana, 1992). This is also seen in section 36 clause 8 of the Lands Commission Act 1194 (Act 483) states ... *the State shall recognize that the managers of public, stool, skin and family lands are fiduciaries charged with the obligation to discharge their functions for the benefit respectively of the people of Ghana, of the stool, skin, or family concerned and are accountable as fiduciaries in this regard* (Constitution of Ghana, 1992). Whilst customary tenure is the true representation of social conditions according to each community's customs, statutory tenure is formulated and managed under different statutory legislative framework. Although some tracts of land have been given to successive governments to use for infrastructural development in Ghana, most of the large tracts of land have been acquired using proper legislation by means of compulsory acquisition (Tungka et al., 2012). This act by the government is defined as the right as a government to whom the authority has been vested on to denounce private ownership of a property for public interest and appropriate the possession and the ownership of that property without the owner's or occupant's compliance upon paying the due compensation as prescribed by law (Gebremichael, 2016). The 'public interest' could be for the purpose of public welfare and could be delivered by public bodies, stationary corporations, private companies, and individuals but the land is acquired for them by the government (N. A. Kotey et al., 2002). Since the colonial period, most African countries including Ghana, Mozambique, Namibia, South Africa, and Zimbabwe had various pronouncements granting the government the power to exercise the power of eminent domain with the objective of pursuing socio-economic development only (AUC-ECA-AFDB consortium, 2010; Hoops et al., 2015; Odame, 2009). This act of expropriation is still practiced in Africa as the Banjul Charter in Article 14 gives States the authority to claim peoples' land on the basis of public interest but in accordance with the expropriation law provisions (OAU, 1963). However, in Ghana the lands acquired and managed by the State is governed by statutory tenure (Arko-Adjei, 2011). The Lands Commission (LC) is the institution as authorized by Article 258 of the 1992 Constitution to manage statutory tenure. Although the LC has its genesis from the British colonial administration, it has metamorphosized through different developmental stages (Ampadu, 2013). This is seen in the current Lands Commission Act, 2008 (Act 767) which gives the Lands Commission the principal authority to embark on land valuation, land registration, manage State land and vested lands as well as surveying and mapping.

Allodial rights, usufructuary right and customary tenancies are the continuum of land rights from which Ghana's customary tenure is derived (Arko-Adjei, 2011). Among all the rights the allodial rights ranks the highest in customary land tenure (Amanor, 2008; Kasanga & Kotey, 2001). Also, Woodman, (1966) asserted the supremacy of allodial right as it is held on behalf of a community by traditional authority. However, members of the community are entitled to a possible continual right referred to as usufructuary rights. The usufructuary rights in the Ghanaian contexts bestow rights of ownership far beyond the use of land and fruits. A usufructuary right is established when a community member clears a virgin land within their boundary and perform the necessary customary practices. A usufructuary right affords the usufruct opportunity of succession and transfer with the consent of the allodial right holder (Ubink, 2008). The usufruct can however authorize terminable rights including customary tenancies and common law leases to foreigners as well as community members (Woodman, 1966). The customary tenancies include short-term agreements such as licenses and land rent, and share cropping deals ('Abunu' and 'Abusa'). With the 'Abunu' system, there is an equal distribution of the farm produce between the landlord and the residents but in the 'Abusa' system, there is a two-third proportion of the farm produce in favour of the landlord.

Statutory and customary tenure as the two main categories of managing tenure security are chaotic in coexisting. Although specific public lands institutions are responsible for managing statutory tenure, customary tenure is however managed independently by different customary institutions of communities in their own ways.

2.6. Conclusion

The chapter reviewed existing literature on the main concepts considered in this research. In order to achieve the main objective of this research, literature from researchers, policy makers, scholars and international organizations were reviewed to consider the multi-disciplinary nature of the main concepts within the research. This includes how compulsory acquisition and land restitution is conceptualized globally and in the Ghanaian context, development of informal settlement in Ghana and finally the different land tenure system in Ghana.

3. METHODOLOGY

3.1. Introduction

Chapter three gives a detailed insight into the approaches and techniques that will be considered in arriving at the solutions to the research questions outlines in chapter one. This chapter discusses the data source, methods of collection and how the analysis was carried out. The study area is briefly described in this chapter as well.

3.2. Overview and Study Area Selection

Although there exist several informal settlements that have over the years emerged from land which have been compulsorily acquired but not utilized and however not returned to its owners, the Agboglobloshie settlement in the Accra metropolitan which is known as the biggest informal settlement in Ghana is a quintessential which exhibits peculiar characteristics that are worth discussing.

3.2.1. Agboglobloshie/Old Fadama ("Sodom and Gomorrah")

The Agboglobloshie and Old Fadama¹ are two different locations separated by the Odaw river (see figure 4). In several literature when discussing the informality of the two settlements, they are considered as one with their names being used interchangeably. for the purpose of this research, the name Agboglobloshie will be adopted for both settlements. The Agboglobloshie settlement is the largest informal settlement in Ghana covering about 146.21 ha, located 1 km from the Central Business District (CBD) of Accra (Grant, 2006). It is triangular in shape, bounded by the Agboglobloshie drain, the Odaw river in the upper Korle Lagoon and the Abossey Okai road. According to Oteng-Ababio, (2018) the settlement houses over 80,000 people living in wooden shacks and kiosks with very poor conditions. The area is prone to flooding during the rainy season of the year. Agboglobloshie has experienced numerous waves of in-migration from within and outside Ghana, and through steady procedure of appropriation, settler assume ownership to an "Urban Commons" (Gillespie, 2016). Currently, the location is a hub for informal economic activities such as petty trade, transport activities, food market, vehicle repair and electronic repair and refurbishment (Grant & Oteng-Ababio, 2016). The settlement also houses informal workers laboring within the CBD (Grant & Oteng-Ababio, 2019; Oteng-Ababio, 2014). The location is generally structured as follows:

¹ Fadama in hausa means a swampy area or a marshy area. *Key Informant Private Urban Planner. (Interview: December, 2020)*

Formal settlements surrounding the informal settlement in Agbogbloshie with the poorest of the resident close to the railway lines. The Makola Agbogbloshie market is one of the largest commercial zones in Accra and Ghana at large. Although the land was previously owned by the Korle and Gbese stools, most of the residents have land titles and the area also has a number of municipal authority offices such as the AMA market office and the government tax collection office (Grant, 2006).

The other settlement, the Old Fadama informal settlement, is located next to Agbogbloshie. It serves residential and commercial purposes, containing a majority of the niche food markets including yams, onions, and tomatoes, as well as other economic services such as hairdressing, food production and dressmaking (Grant, 2006). People living in this settlement lack land titles as the land is a public land (Afenah, 2012). According to Grant, (2006) recent political issues concentrate on the demarcation and geographical relation between the settlements and the lagoon as well as who has a legitimate claim to the location. Also, whether the settlement of people in these areas undermines government environmental and urban objectives, and the compliance of government of Ghana to the original executive instrument still remains unsolved.

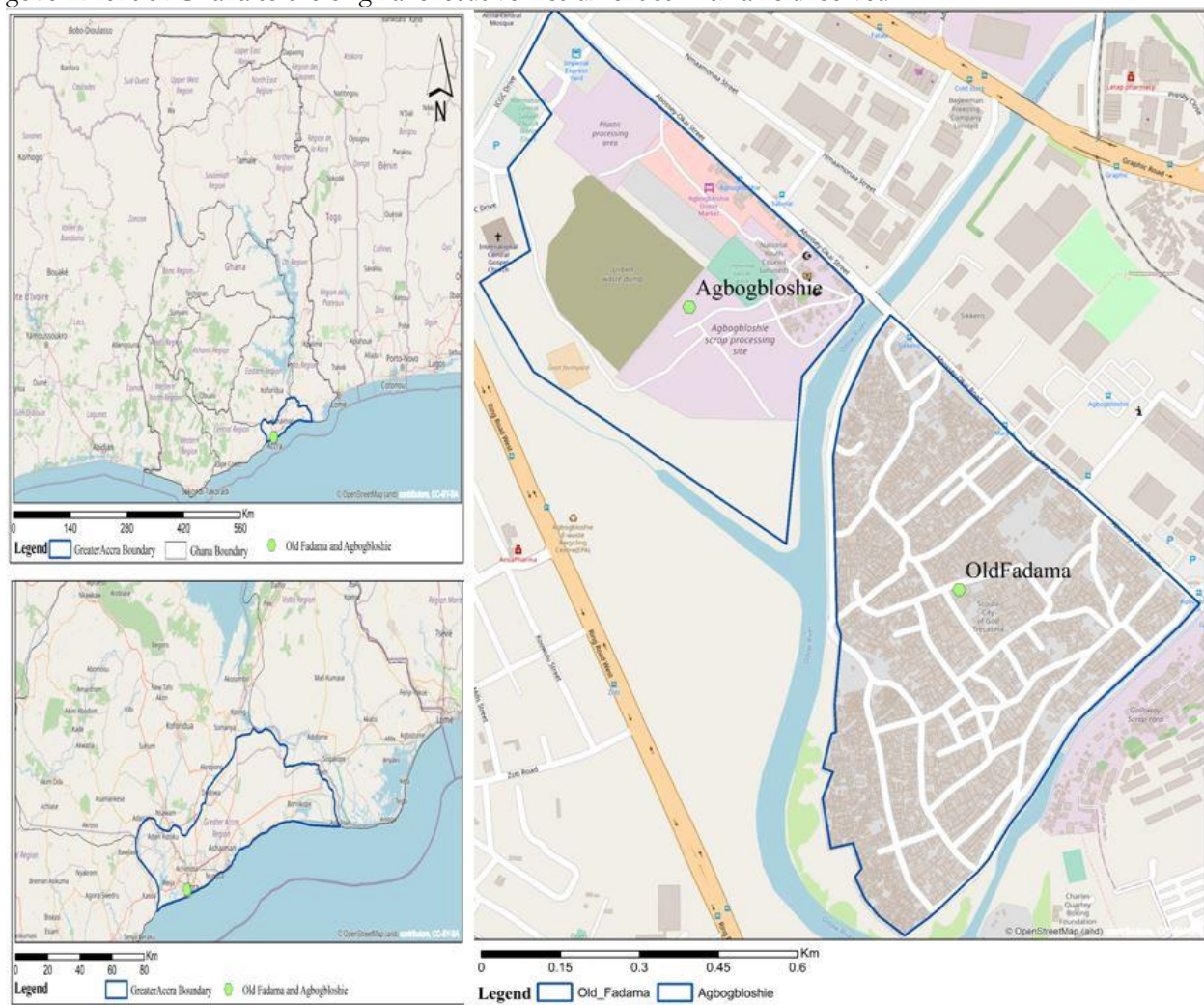


Figure 5 Study Area location, Agbogbloshie, Accra City, Ghana.

3.3. Research Approach

The case study research approach was adopted in this research. The case study research design is arguably the most suitable method where explanatory research questions are used, with the research based on contemporary issues that have behavioural implication in the research environment in real time (Yin, 2009, 2013). An explanatory case study research is a qualitative discipline which investigates a case with the aim of understanding and emphasising the complexities and uniqueness of the case study (Ali, 2013; Stake, 1995). As established, compulsory land acquisition and restitution process are location specific, so since the economic, social and cultural outcomes as well as the environment are dynamic, the case study research approach is the most preferred.

A mixed research method was adopted for data collection and analysis using spatial methods and a combination of qualitative and quantitative (QUAL-QUAN) methods (Bryman, 2012).

There are different rationales for selecting the mixed research method (Creswell et al., 2006). These include, triangulation, completeness, diversity and offsetting (Bryman, 2012; Martinez et al., 2017; Tonon, 2015). However, only triangulation and completeness were preferred for the purpose of this research. Different qualitative and quantitative methods complement each other to triangulate information. Completeness gives an all-inclusive description using qualitative and quantitative methods. Triangulation and completeness were achieved when operationalizing the objectives and questions during data collection and analysis using the mixed research method. In operationalizing the research approach, focusing on the objectives, three stages were recognized. These stages include, the pre-fieldwork stage which entails research problems identification and review of literature; the fieldwork stage which includes collection of data; and the post-fieldwork stage thus data analysis, result discussions and possible recommendation during conclusion.

3.4. Data Sources and Methods of Collection

Both primary and secondary data was used in this research. The primary data to be collected was field based which includes Focus Group Discussions (FGDs), questionnaire and key informants' interviews (KIIs). The secondary data collection included satellite images, reports and other relevant documents from government, literature and boundary shapefiles. The satellite images were derived from Google Earth, which was used to examine the area development over the 2-time series using spatial and statistical analysis. The administrative boundary of sub-locations was also obtained from Ghana Statistical Services (GSS), which helped appreciate the development over the years. The development of the study area derived from Google Earth was also validated during fieldwork by surveys in consultations with GSS.

In order to achieve the appropriate scope of actors and respondents, the research comprised *Focus Group Discussions, key Informants' Interviews questionnaires and household interviews*. The study made use of key informants' interviews (KIIs) and government documents for data collection from respondents (government officials) on steps taken by the government to revert the Agbogbloshie land to the original owners and also used Focus Group Discussions (FGDs) including Government documents review for the attempts made by the Original Land Owners and land occupants to get back their land from government, under the supervision of a mediator, who would control the proceedings (Bryman, 2012). The FGDs also helped corroborate the views of the key Informants on the steps taken to revert the Agbogbloshie land. Also, the study made use of KIIs guided by semi-structured interviews for Government Officials and a Private Urban Planner to find out how government acquired the Agbogbloshie land and why the acquired land is not utilized for the purpose for which it was acquired. These responses were recorded to gain a better understanding from experts in Land Administration and Urban Planning preferably in the Agbogbloshie case. Government documents were also reviewed to ascertain some of the responses. Finally, in understanding how the informal settlers gained access and the processes of legitimizing occupancy (land access) within Agbogbloshie, key informants' Interviews in the form

of semi-structured interviews on Government Officials, questionnaires and household interviews on Original Land Owners and Land Occupants were organised. The target respondents in the KIIs included; Senior Officer at Lands Commission in Accra, Senior Officer at Land Use and Spatial Planning Authority, the Original Land Owners, Land Occupants and a Private Urban Planner. According to Bryman, (2012); Edwards & Holland, (2013) the KIIs offers an opportunity to ask follow-up questions in the course of the research should the need arise. According to Bryman, (2012) questionnaire administration is a very important method of data collection as the information collated can be accumulated and quantified especially when the questions are closed because it will produce fixed answers. In this research a total of 164 closed ended questionnaires will be used to collect data from households on how they gained access to the Agbogbloshie land. The sample size is based on the Cochran's sample size formula. Table 1 summarizes both primary and secondary data sources.

3.4.1. Software Equipment

During the analysis, tools that were employed included ArcGIS, Fragstats, Excel, Atlas.ti, Kobotool collect and Software Package for Social Science (SPSS). The primary data of the study as earlier discussed in 3.4 was analysed by SPSS and Kobotool collect whilst the FGDs, KIIs were transcribed and analysed using Atlas.ti. Furthermore, KII which complement the reviewed literature will provide explanation to why the Agbogbloshie land was acquired and why the land has not been used. ArcGIS will be used to classify the development over the 2-time series from the Satellite images and Fragstat will be used to analyse these classified images to show the changes in area over the time period. The table below Summaries both primary and secondary data sources.

Pre-field data			
Type	Format	Date of Acquisition	Sources
Satellite image	Images	2000 and 2020	Google Earth
Population Data	Statistics (shp)	2000 and 2020	GSS
City Boundary and Sub-locations	Vector (shp)	2010	Government Officials
Literature review on how State practices of acquiring and managing public lands	Reports/Plans	Pre-field	Literature
Data to be collected in the field.			
What was the statutory procedures that guided the compulsory acquisition of the Agbogbloshie land	Reports, KII	Field	Government Documents, Government Officials
Reason for government's acquisition of the land	Reports, KII	Field	Government Documents, Government Officials
Why has the land been left unused by the government	Reports, KII	Field	Government Documents, Government Officials, Private Urban Planner
What plans are underway by government to re-enter the land	Reports, KII	Field	Government Documents,

			Government Officials
The ways of accessing land in Agbogbloshie	Questionnaire, Household interview, KII	Field	Land Occupants, Land Owners, Government Officials
The type of land rights that exist in Agbogbloshie	Questionnaire, Household interview, KII	Field	Land Occupants, Land Owners, Government Officials
How are land rights in Agbogbloshie legitimated officially and unofficially	Questionnaire, Household interview, KII	Field	Land Occupants, Land Owners, Government Officials
Validation of the classified informal development in Agbogbloshie	Checked and corrected maps, Boundary shapefiles	Field	Google Earth, Statistical services
Attempts made by the original owners to get back the land from government	FGD, Reports	Field	Government documents, Land Owners, Land Occupants
Attempts made by the government to revert the land to the original owners	KII, Reports	Field	Government Officials, Government Documents
Failures in the attempt by both parties so far	KII, FGD	Field	Land Occupants, Land Owners, Government Officials

Table 1 Summary of data available and data to be collected

3.5. Sampling Strategy

Two main sampling strategies were deployed in this study. These included purposive and systematic techniques. In selecting the study area, the purposive sampling was used. The study area thus Agbogbloshie is known as the largest informal settlement in Ghana and is a victim of the non-utilization of compulsorily acquired lands. So, the purposive sampling technique was employed as it also eases data collection. In addition, purposive sampling technique was also used in selecting the respondents for KIIs and FGD. The respondents of the KIIs and FGD included government officials the original Land Owners and the occupants. Finally, for household questionnaire and interviews, systematic and purposive sampling was used. Using people residing in the Agbogbloshie informal settlement since 2000 as the sample frame, an estimate of 164 questionnaire was used to collect data as the sample size. The sample size is based on the Cochran's sample size formula.

$$N = Z^2(PQ)/E^2$$

Where N is targeted population, Z is 2.58 from a confidence level of 99%, P is the estimated population of households as a proportion of 0.5 indicates the maximum variability in a population, Q is 1-P and E is +or- 10% with a 99% confidence level which is the acceptable marginal of error.

$$N = 2.58^2 (0.5 \times 0.5) / 0.10^2$$

$$N = 166.41$$

Although most of the in-migration into Agbogbloshie started in the 1990s Grant, (2006), the year 2000 is selected because it is an important milestone in the political history of Ghana. It marked the first time in the 4th republic of the country there was a successful change of government with the citizenry seeing the process as 'free and fair'. This meant the institutions and regulatory agencies of the state were functioning as they should. Consequently, the first household was randomly selected and the rest of the households were counted and the 10th household was systematically selected from the study area. A face-to-face question and answer approach was the mode of the questionnaire administration.

3.6. Primary data collection (Field Work)

During the data collection process, much of the information that was needed was from the primary sources. These sources included Questionnaires, Focus Group Discussions, Field observations and Interviews. These methods of data collection were employed on the statutory procedures that guided compulsory acquisition of Agbogbloshie, rationale behind the land acquisition and the failure in its materialisation, government Plans for the land, accessing land in Agbogbloshie, land rights in Agbogbloshie, spatial extent of Agbogbloshie over time and restitution attempts.

3.1.1. Focus Group Discussions (FGD)

Two Focus Group Discussions were organised. The FGD was made up of Land Owners and land occupants. Each group had 8 participants with four (4) male and same number for females taking part in the discussion. All the conversations were recorded and the author acted as a mediator controlling the discussion. Each participant during the discussion was given equal opportunity to contribute to the issue until such time as their contributions were redundant. During the discussion, incisive questions were asked on issues that were ambiguous and some of the questions were re-evaluated differently in order to validate previous answers. As some information could not be collected from individual interviews, the FGD was employed as it contributed to a broader appreciation of aggregated situations. The FGD in the research process provided the avenue for all participants to express their opinions and views during the discussions. This provided an explicit perception of the dynamics of land restitution attempts.



Figure 6 FGD with relevant stakeholders

3.6.1. Interviews and Questionnaires

Semi-structured interviews were organised to access information from government officials, Landlords and Traditional Leaders (Land Owners), private urban planner and slum lords². Semi-structured interviews helped in the research process because it promoted more information recovery from the various respondents. The Land Owners and land occupants were interviewed specifically on the procedure of compulsory acquisition in practice during the acquisition of Agbogbloshie, the ways of accessing land in Agbogbloshie, type of land rights existing in Agbogbloshie, legitimizing land rights in Agbogbloshie; officially and unofficially, attempts by the original owners to get back the land from government and failures of attempts so far. The land occupants were interviewed using a questionnaire to understand the ways of accessing land in Agbogbloshie, type of land rights existing in Agbogbloshie and legitimizing land rights in Agbogbloshie; officially and unofficially. The government officials were also interviewed specifically on the statutory procedures that guided the compulsory

² Slum Lords are mostly community leaders who have settled in that particular area for so long knowing all the allocated and unallocated lands. They established themselves within the area land system and have developed De Facto powers of land allocation. In the community almost nothing about land allocation goes on without their say so.

acquisition of land, reason for government acquisition of the land, the non-utilization of the land, future plans for the land, the ways of accessing land in Agbogbloshie, type of land rights existing in Agbogbloshie, legitimizing land rights in Agbogbloshie; officially and unofficially, attempts by government to revert the land to the original owners and failures of attempts so far. The individual interviews enabled respondents give independent responses and opinions. The respondents were interviewed in their offices, homes and shops.

3.6.2. Field observation

A reconnaissance exercise was carried out on the study area to get a conceptual perspective, and general observation were also made as well as pictures taken. The reconnaissance exercise helped the researcher appreciate the local environment and culture of the study area.

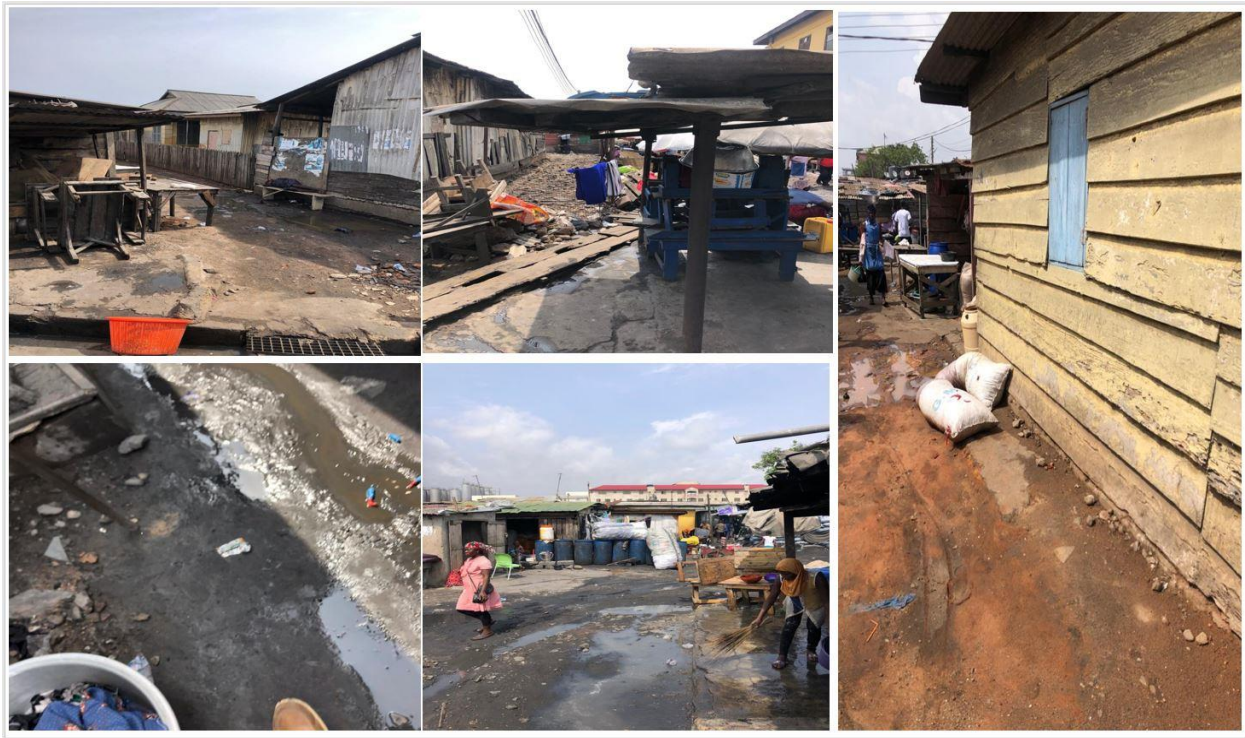


Figure 7 Pictures of settlements in Agbogbloshie



Figure 8 Pictures of the Korle lagoon



Figure 9 Pictures of the informal market in Agbogbloshie

3.7. Secondary data

Relevant scientific publications and reports from the appropriate state institutions were sought for information in the form of secondary data. The documents reviewed from these sources provided information on the statutory procedures that guided the compulsory acquisition of land, the procedure of compulsory acquisition in practice during the acquisition of Agbogbloshie, reason for government acquisition of the land, the non-utilization of the land, future plans for the land.

3.8. Methods of data analysis

In analyzing the data from the various sources gathered, I discussed the compulsory acquisition procedure in law, and government's rationale for the acquisition of the land based on narratives from the interviews from Government Officials and described texts from government documents. Also, I discussed the failures of such reasons to materialize, using the responses from interviews with Government Officials, Private Urban Planner, and Land Owners and described texts from Government Documents. Plans for re-entry of the Agbogbloshie land was also discussed using described text from Government Documents and responses from interviews with Government officials. These responses from the interviews and document review were synthesized using content analysis (Hsieh & Shannon, 2005). In addition, if government claim to the land is 'true', then how come people have access to the it. So, I used content and statistical analysis to analyze the responses gathered from interviews and questionnaires. This helped in understanding the dynamics of access to land in Agbogbloshie from the interviews with Government Officials, Land Owners and Land Occupants. Furthermore, if people have access to the Agbogbloshie land then they would be some sort of authority that legitimize their rights to land. Responses from interviews with Government Officials and questionnaires from Land Owners and Land Occupants were evaluated to understand the emerging land rights in Agbogbloshie and how tenure is secured. In other to appreciate all the happenings in Agbogbloshie with respect to development, the spatial extent of the area should be evaluated. This was done using spatial analysis specifically digital image classification with images from google earth using ArcGIS and statistical analysis using Fragstats and Excel which clearly showed the development over time. Finally, since both the Traditional Leaders (landlords) and the State have claims to the Agbogbloshie land, the study also finds out the restitution attempts made by either of the two parties involved. For this, responses from interviews with Government Officials and Focus Group Discussions with Land Owners and Land Occupants were gathered based on narratives. Also, the restitution attempts made by either of the two parties involved were discussed using described text from Government Documents. These narratives were also synthesized using content analysis to understand the various attempts made by either of the parties involved.

3.9. Ethical Consideration, Risks and contingencies

McKenna & Gray, (2018) assert that it is not only the rights of the participants that the research ethics seeks to protect but the purity of the study itself by way of a reasonable proposition. Also, Fox et al., (2006) in their study suggested three ethical guidelines to be adhered to when collecting data during a study. These guidelines include; the objective of the data that will be collected will require explanation from the researcher, the respondents' verbal consent was sought and the possible consequences of the research to the study area explained when the data was collected, analysed and reported. Hence, these guidelines were observed when interviews and questionnaires are administered. During the research, the profile of the respondents was conducted anonymously, non-coercing responses, confidentiality, privacy and honesty. An introductory document was taken from University of Twente concerning the research for all appropriate respondents before participation. This was to ensure that before the beginning of the field work, legal, legislative and political conditions from all appropriate authorities were met. These authorities also included Local Leaders and Slum Lords Prior notices of an agreed appointed time for the meeting were scheduled for FGD and KII. All the data collected for the study and used was duly cited and referenced.

3.10. Conclusion

The methodology chapter justifies the selection of Agbogbloshie as the study area for this research. In addition, the chapter summaries all the methods and techniques employed during the research. There was a conscious consideration of the research objective and questions in selecting the most appropriate technique and method

for data collection and analysis. The spatial data collected helped in showing the trend of development. The reconnaissance exercise helped the researcher with prior knowledge of the study area before the actual field work. Finally, the respondents and participants of the interviews and FGD respectively had the opportunity to give their unbiased opinion on the questions presented.

4. RESULTS

4.1. Introduction

The chapter 4 presents the results and findings from the data collected from the Traditional Leaders (landlords), slum lords, government organisations and residents of Agboglobloshie. Specifically, it describes the procedures of compulsory land acquisition as contained in the law. Also, it details out the rationale for the acquisition of the Agboglobloshie land on the part of government and the plans government currently have for the redevelopment of the area. Although the Agboglobloshie land is not used by government itself, it is increasingly occupied by people. Thus, the chapter also describes how people gained access into Agboglobloshie and the types of land right that arise from such entry.

4.2. How Government acquired the land and reasons for the non-utilization of the Agboglobloshie land

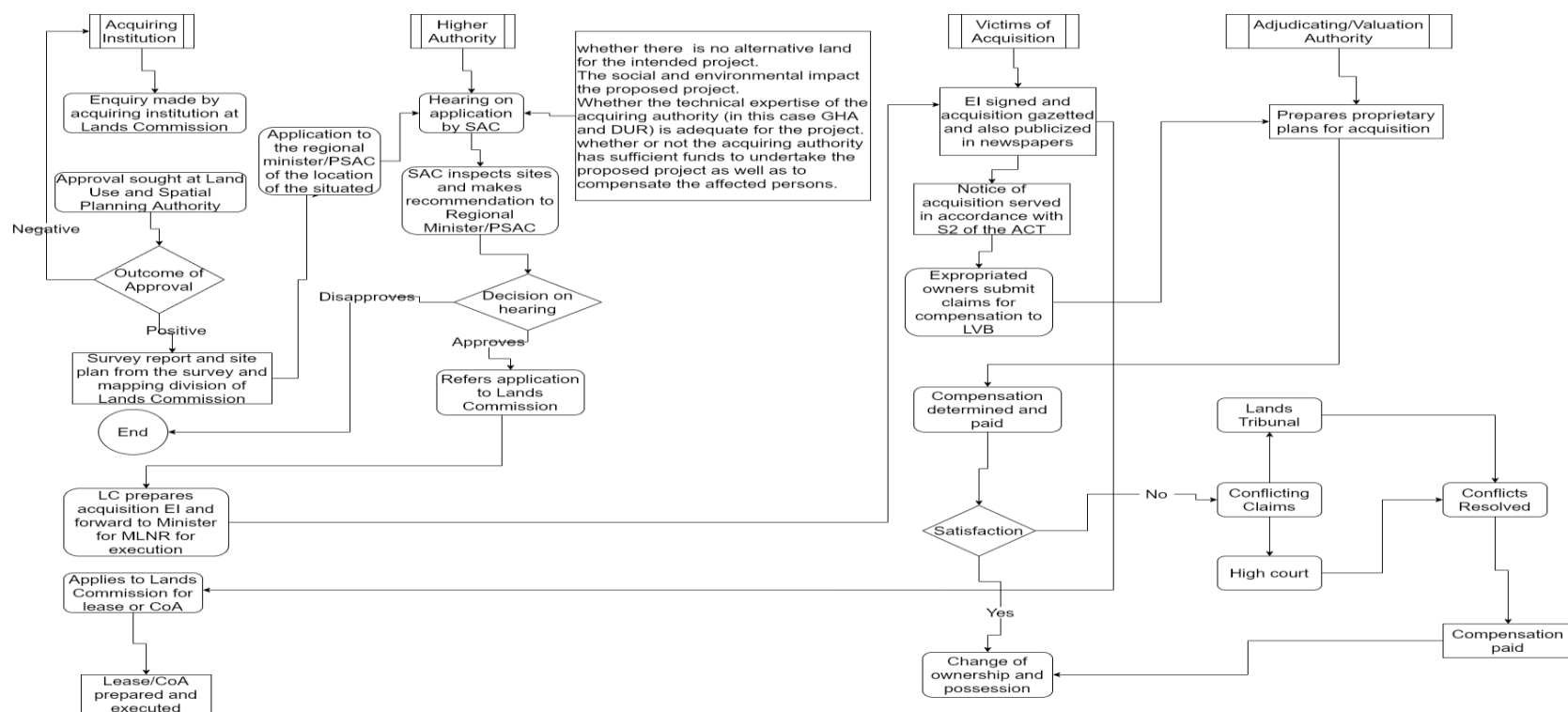
In this research Sub-Objective, three (3) main research questions were raised to help answer the Sub-Objective How Government acquired the land and reasons for the non-utilization of the Agboglobloshie land. The research questions include the statutory procedures that guide compulsory land acquisition in Ghana as prescribed by law. This objective was achieved by reviewing government documents and interviewing government officials. Also, the rationale behind the compulsory acquisition of the land was interrogated. If government have claims to the land, then they must be a particular reason to that effect. So why government acquired the land and the necessity of it was discussed. Finally, with all these laws backing compulsory acquisition and government reasons for the acquisition, why still the failure in plans materialisation. This is discussed based on the responses from Government Officials from relevant land related institutions and a Private Urban Planner

4.2.1. The statutory procedures that guide compulsory land acquisition in Ghana.

Compulsory acquisition in Ghana is regulated by statutory law. As the state does not own any land but requires land to carry out developmental projects, the statutory law of compulsory acquisition is applied nationally as and when the State needs land for public interest or purpose. Compulsory acquisition in Ghana is primarily enabled by Article 20 of the 1992 Republican Constitution. The constitutional provision defines the circumstances that allow for compulsory acquisition, the conditions precedent, avenues for redress and direction for restitution when the acquired land is not used for the said purpose. Article 20 of the constitution has been expanded in the State Land Act 125 of 1962 where detail guidelines are provided on how to compulsorily acquire property. To complement the State Lands Act, a Legislative Instrument called the State Lands Regulation (LI 230) was passed which serves as a step-by-step manual on how to undertake compulsory acquisition. Additionally, the LI 230 prescribed in detail the various committees and their structures in the acquisition process with their respective responsibilities. As of December 2020, the Land Act, Act 1036 was passed which consolidated all land laws in Ghana and in some cases modify them. Chapter 7 of the Land Act

1036 provides for compulsory acquisition. The new Land Act did not really bring much change to the previous provisions of the State Lands Act, Act 125 of 1962. It however expanded the clauses making it clearer. Notwithstanding the enactment of the new Land Act, the Legislative Instrument (LI) 230 of 1962 is still maintained and used to supplement chapter 7 of the Land Act, Act 1036, as it was done previously with the State Lands Act.

When it comes to the implementation of compulsory acquisition, the Lands Commission takes centre-stage and acts as a permanent member of the Site Advisory Committee during the acquisition process. It is important to note that during the acquisition process, there is no representation of the people from whom the land is being acquired in the Site Advisory Committee (see appendix 2). The decision-making process is highly political till the Executive Instrument (EI) is signed. After the signing of the EI, Lands Commission takes charge of the rest of the process. It is well established in Ghana that the land owners only get to know about the compulsory acquisition when surveyors' start to demarcate the land boundaries in many situations. The procedures for compulsory acquisition as stipulated in the Land Act is as follows;



Key

PSAC - Permanent Site Advisory Committee
 SAC - Site Advisory Committee
 LC - Lands Commission
 EI - Executive Instrument
 MLNR - Ministry of Lands and Natural Resources
 CoA - Certificate of Allocation
 LVB - Land Valuation Board
 GHA- Ghana Highways Authority

Figure 10 UML activity Diagram of Generic compulsory Land acquisition procedure (author's construct).

4.2.2. Rational behind the land acquisition and the failure in its materialisation.

Although diverse groups were sourced for information for the rationale behind the land acquisition and the failure in its materialisation, the narratives emerging from these official sources including Lands Commission, Land Use and Spatial Planning Authority, Private Urban Planner and literature about the land acquisition are similar. However, there is a point of difference in the reason for the failure in the materialisation of the rational for the land acquisition. The portion of land around the Korle Lagoon thus Agbogbloshie have been an area of conflict since colonial times. The Ga traditional people see the lagoon as a sacred ground hence no development was allowed there and as a result there had been conflicts between the traditional authority and colonial authority anytime the land was needed for development. According to Acquah, (1958) the traditional chief priest of the Ga during the beginning and closing of the fishing season offer rituals to exalt the lagoon for providing a source of livelihood for its people. Due to the reverence given to the lagoon, there was limited developmental planning and execution within that area. In 1914, portions of the land was acquired for a railway station and a village site but there were a lot of clashes between the traditional authority and the colonial authority over the space (Grant, 2006). Six years later in 1920, there was a request from the colonial authority to transform the lagoon into harbour facilities but this also could not materialise as there was a lot of opposition. Although there were people settling in these areas thus Northern in Old Fadama and Gas at Agbogbloshie the Agbogbloshie land still maintain its natural state until 1961 when Government of Ghana acquired it for 'Accra-Fadama (Agbogbloshie) for korle Lagoon Development' by issuing a certificate of title to the area. Furthermore, portions of the land was demarcated for various light industries under the Accra industrial Estate Ordinance no.28 (1958) (Grant, 2006). In the 1990s Government of Ghana renewed its interest in the area and changed the name from 'Accra-Fadama (Agbogbloshie) for Korle Lagoon Development' to Korle Lagoon Ecological Restoration Project aim at "restore the lagoon to its natural ecology and realign the lagoon to improve its hydrological efficiency to increase the flow of the water through the lagoon, and finally to develop it into a major tourist attraction" (Boadi & Kuitunen, 2002). This was done by sourcing funds from different sources.

After the acquisition of the Agbogbloshie land in 1961, the Government of Ghana was overthrown in 1966 before the project could even start. This was the first hitch encountered in the development of the land. This is reflected in the statement of an official of the Land Use and Spatial Planning Authority

"The information that I gathered, I learnt the area used to be called old Fadama they were some settlers there and then government had wanted to use the whole place as a recreational area, that why they acquired the land. So, if you could remember Kwame Nkrumah removed the old Fadama from that place to prepared a planning scheme and resettled them to new Fadama. That is why new Fadama came to being. And then tasked Land Use and Spatial Planning Authority to prepare a comprehensive planning scheme to cover the whole area. The planning scheme is called Korle Lagoon Area Recreational Planning Scheme. But unfortunately, after the overthrow of Dr. Kwame Nkrumah we couldn't implement it. Where old Fadama is sitting now is supposed to be a sport stadium". (Key Informant interview, November, 2020)

After some years of military rule, the country returned to democracy with the new government taking a keen interest in the land and finalized the planning scheme of the area and then gazetting it. This government too was overthrown thereby suspending the project again. The initial coup d'états have been a stumbling block to the progress of the project hence leading to its failure. After the successive coup d'états, the country returned to being a democracy for over two decades now. However, the successive government of the country did not have the same zeal as the first and second presidents had for the project before they were overthrown. Current governments are lackadaisical about the project. As indicated in the response of an urban planning officer;

"Lack of commitment from the government. Kwame Nkrumah had that vision and he was overthrown, another government came and that was not its vision. We have not been able to implement the plans, and as

at now that is the legal document covering the area because it was gazetted with the government seal on it”

Key Informant LUSPA. (Interview: November, 2020)

Also, government within the Fourth Republic have over the years relocated people to these areas on temporary basis which ended up being permanent. The Accra Metropolitan Assemble (AMA) in an attempt for decongestion within major intersections around Accra in 1991 and 2005, moved hawkers to settle at Agbogbloshie on the Abossey Okai road. Subsequently in 1993 the AMA relocated the yam market which was in the Central Business District to Old Fadama and now it has metamorphosized into mature market in Accra where yam is sold. However, the market is still informal as government has not put-up structures for this business. Finally, over the years, the Agbogbloshie informal settlement have metamorphosized into a mature informal settlement with over 100,000 people. In a country where presidential elections could be won with 50,000 people, it is best for the political party in government to have them at their side if the government want to maintain power. The residents of Agbogbloshie threaten the government in power not to vote for them if the government try to evict or demolish these settlements. This was further iterated in the response of an urban planning officer;

“In 2015 when we had the twin disaster at circle the flood and the fire, I was the metro director we started demolishing Sodom and Gomorrah. Then we were summoned to parliament and I presented the planning scheme and questions were asked. The minority leader Osei Kyei Mensah Bonsu asked where whether the area had been rezoned and I said no then he said ok when they come to power they will implement it. The majority leader Kingsford Bagbin had to speak last and he asked the mayor “where do you take your source of power from?” “don’t you know what you are doing can affect the base of your power?” and it ended the demolition. And within one month the people have resurfaced. So these are some of the critical issues and we do not have the political will and commitment to implement some of these things because we have prepared the plans but plans do not implement themselves, you would need the financial resources to implement them. But who will give you those resources if the political leader is not committed in doing that?” Key Informant LUSPA. (Interview: November, 2020)

There is another narrative about why the plan for the land did not materialized. Government demand for land for temporary exercises and the availability within that specific area affected the project plans. The government had good plans but could not foresee how that action could metamorphosize into this mature informal settlement. In an attempt to decongest the Accra central and release traffic, the Government needed to move hawkers and yam sellers to a new area. However, the only place within Accra that was available and readily accessible was the Agbogbloshie land. Hence the temporal resettlement of the people there. A yam market is a very labor-intensive sector which comes with a conglomerate of other labor activities. These activities include traders, mechanics, spare parts dealers and security personnel among others. The yam market then brought in a lot of workers who erected temporary structures and later on stayed. The second wave of people movement to the area was in 1995 during the Kokomba-Nanumba conflicts that forced people to move from the northern part of Ghana to the southern part of Ghana. Although the government of Ghana did not directly ask those seeking refuge to settle at Agbogbloshie, it did not stop them either. Again, the people from the north decided to move south and settle at Agbogbloshie because that land was readily available and did not cost much to get a portion. So over night the settlement just matured and now government is finding it very difficult to evict and or relocate them hence the failure in the plan manifestation. This was expressed by a senior officer at Lands Commission.

“I think because the land was available and government needed urgently land to resettle people temporary but along the line the settlement expanded out of control and matured. Just like the Buduburam refugee camp, the land was not meant for something else but during the Liberian civil war which forces a lot of Liberians to flee to Ghana, the government of Ghana need land to settle these refugees temporarily but the area has metamorphosized to a mature settlement. Although, still a refugee camp, now permanent structures are constructed by some of these refugees and now even Ghanaians.” Key informant Lands Commission (Interview: November 2020)

For now, there is no recognised plan for the land except the “Accra-Korle Lagoon Recreational Area Planning Scheme” which was signed in 1970. Although portions of the land are allocated without regards to the initial site plan for commercial and residential purposes, there is no new planning document for the area. A staff of LUSPA said,

“Legally they are supposed to apply to Lands Commission for Lands Commission to allocate it for them. But what they are doing, they are squatting on the land. So, either they are going themselves or somebody somewhere may be allocating it to them. Lands Commission has already leased some pockets of the land to people. But when I was the director of metro for instance, they were people who were coming with leases but I debunked those leases because the law that I know as far as spatial planning is concerned is if you have an approved plan of an area every allocation should conform with it. So, if the allocation is not in conformity with the plan, it is declared null and void”. Key Informant LUSPA. (Interview: November, 2020)

Notwithstanding, some NGO have been working with the informal settlement trying to upgrade them. In addition, they have promises from government officials of giving the informal settlement recognition in the country thereby providing them basic amenities and constructing drains for them.³



Figure 11 Original planning scheme of Agboghloshie. Not drawn to scale

³ “The government is to provide some social amenities such as places of convenience, public bathrooms and a lighting system for residents of Old Fadama and the Agboghloshie Market in Accra. The Vice-President, Dr Mahamudu Bawumia, said the provision of the amenities was a deliberate effort by the government to improve the living conditions of the people living in those communities. The facilities would include four eight-unit places of convenience, 20 four-unit bathrooms, street lights, water, a kindergarten, as well as laying of pavement blocks at the Agboghloshie Market, he said. The Vice-President announced this when he visited the communities yesterday”. (Nunoo, 2019)

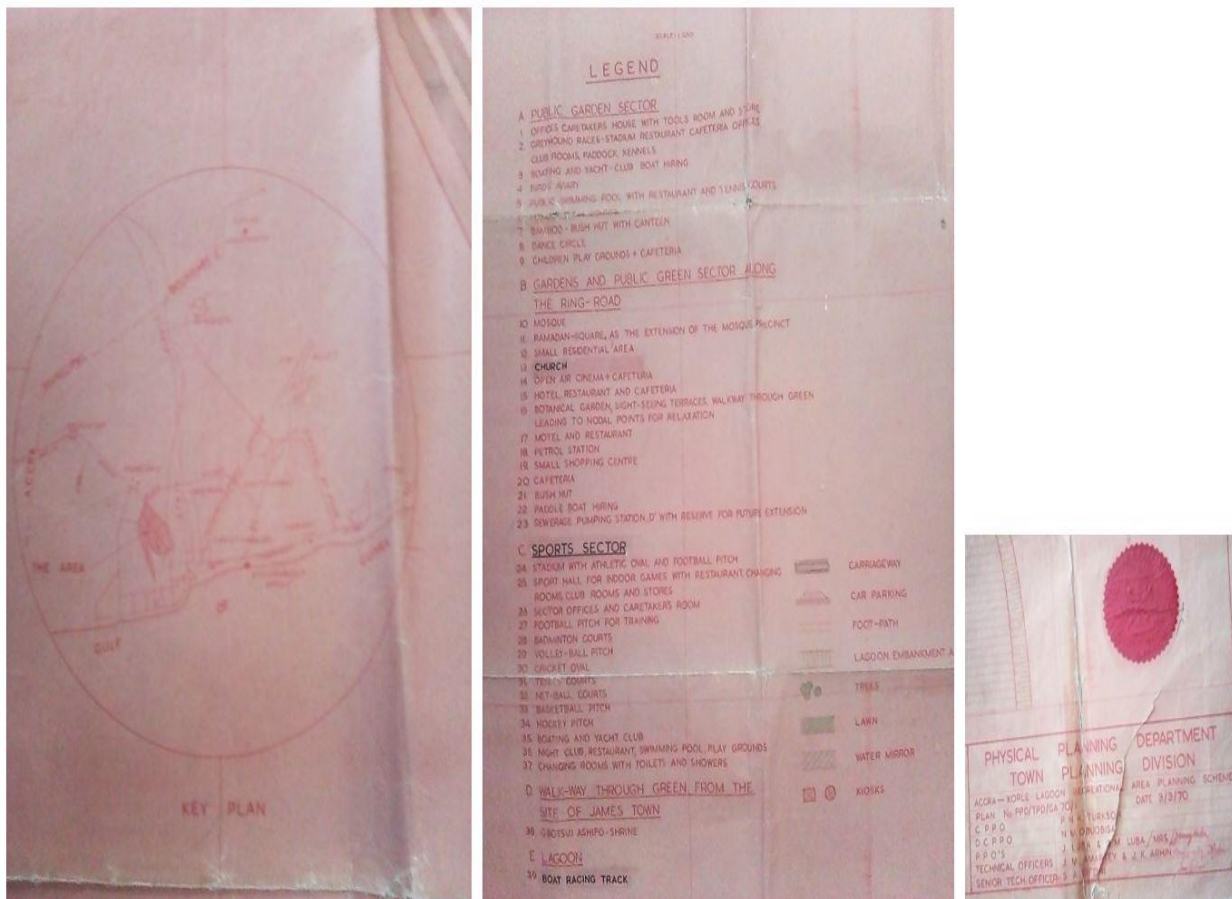


Figure 10 legend of the planning scheme

4.2.3. Summary

To summaries this section, it was discovered that although government have the best of laws for compulsory acquisition, its implementation is very problematic especially due to the nature of land ownership in Ghana and late payment of compensations. Also, the government had the best plans for acquiring the land but acquisition is one thing and implementation of the plans is another. About two different narratives were discovered in the results. Whereas some argued that the frequent coup d'états in Ghana caused the delay in plans for the land manifestation which later led to the lack of interest from the government, others believed it was the issue of availability and necessity as the government had to take some unforeseen decisions which led to the development of the informal settlement on the land.

4.3. How people get access to the Agbogbloshie land

The second Sub-Objective of this research contains four (4) research questions. These research questions after interrogation would answer the research Sub-Objective; how people get access to the Agbogbloshie land. The research questions include; the ways of accessing land in Agbogbloshie. With this research question, various stakeholders including Government Officials, Land Owners and Land Occupants were interviewed and presented with questionnaires as well in order to understand who controls land in Agbogbloshie and the various ways land is accessed there. Also, the types of rights existing in Agbogbloshie were interrogated. Are they rights existing in Agbogbloshie, if there are, are they recognised by the relevant institution and Law? These are the sought of issues that were discussed with respect to this research question. Finally, with all the issues about land rights and tenure security, people still find ways of accessing the land. So, the last research question for this Sub-Objective looks at how the Agbogbloshie land have

developed over time especially between 2000 and 2020. The spatial development shows how rapid the area developed to the extent where land is being reclaimed from the lagoon. This makes the lagoon channel narrow almost closing it up making it one of the main causes of flooding in Accra.

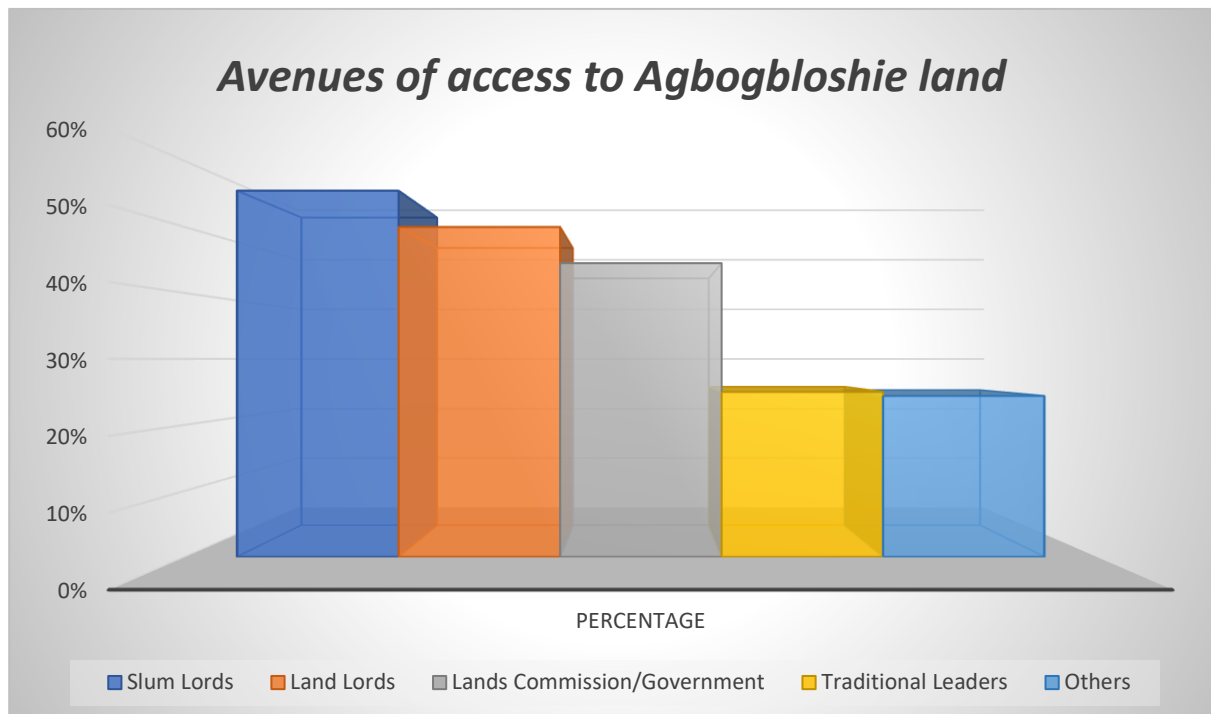
4.3.1. Land control and land access in Agboghloshie

Land is a precious but scarce commodity especially in major towns. This makes accommodation very costly in these towns⁴. However, in these major cities specifically Accra, there are many business opportunities although informal for a lot of people. But the main blockage to these opportunities is the lack of accommodation. So, in the case of Agboghloshie where the land is claimed to be a public land and the state is currently not embarking on any developmental project on it, it creates avenues for people to encroach upon the land. The location of the Agboghloshie land is also advantageous to the business opportunities as most of them are within the Central Business District and the rents are also relatively lower as compared to other areas. Land in Agboghloshie is accessed through many different avenues. These avenues include the slum lords, landlords, Lands Commission/Government, Traditional Leaders and others. In accessing the land, the residents or resident deal(s) with one or combination of these avenues. In Agboghloshie it is however important to note that not all landlords are Traditional Leaders but all Traditional Leaders are landlords. People in Agboghloshie access land for either residential, commercial or both. Since there are competing claims between the state and the Traditional Leaders for the ownership of land, access to land in Agboghloshie has its own dynamics. It was realised that most residents of commercial activities in accessing the land always involve Lands Commission during the acquisition. This gives them a sense of de jure tenure security in case of evictions. However, on the ground, residents liaise with slum lords to attain a de facto tenure security. This is reflected in the responses of the respondents where 55.49% of them access their land through Slum Lords. Slum lords have a local spatial knowledge of the neighbourhood as they have been there for a long time. They have an idea of which parcels are occupied or vacant and this equips them with the knowledge of which part of the land to allocate or not. Although Landlords in Agboghloshie have a legitimate authority over land and are some of the most powerful people in Agboghloshie, they are second to Slum Lords in leasing land to the residents of Agboghloshie. Their allocations cover 50% of the total respondents. It was also established that most of the residents of the landlord have secured tenure. In addition, the landlords allow other residents who access their land through the other avenues to hide behind them whenever there was an eviction and also join their lawsuit to prevent them from evictions. The Traditional Leaders of the Gbese stool who are the allodial owners of the land are among the least in leasing land. Only 25% of the total respondents accessed land through them. Ideally, the allodial owners should have allocated most of the land but that is not the case in Agboghloshie. Furthermore, the Lands Commission as per section 235 of the new Land Act (2020) has the power to allocate public lands. With this responsibility, the Lands Commission is officially responsible for leasing the Agboghloshie land which it has done in not so many instances, thus 44.51% of the total respondents. Most of the residents who access

⁴ “The issue is that for example extreme poverty I mean people don’t have that money its suppose to be a transit in as much as people settle there people also come and go and people are also there because of business, because of illegal connection of electricity they don’t pay the economic price of utility so they are prepared to be there and now they don’t even have money to pay for the two or three years advance Do you know its Africa or should I say Ghana , Ghana is the country were they will pursue you to rent a place for more than a month , you know in Europe countries you pay monthly they don’t force you pay for more and if the month is due and you don’t pay they break you so I don’t understand why Ghana does that thing .You know the last parliament was dealing with rent issues and so maximum is 6 month you wont pay more than that for instance if I pay for two years you know I wont worry about paying rent for that two years but most people are suffering they don’t have that money so I leant that they were creating a fund for that , Yes beyond that fund they are also looking at ensuring the rent law gets to parliament and they review it and make sure that no body pays more than six month and the other issue is that publishing a fund that was about starters , like you’ve mentioned it is only in Ghana if Hani will not pay kojo will pay kamuza will pay which is bad , you can see there are places if Hani is moving out Kojo is moving in . I think somewhere in 2002 I was trying to move from my place I went somewhere and they mentioned the price and I was just going before I came back someone came for it so that’s it”. Key Informant Private Urban Planner. (Interview: December, 2020)

their land through Lands Commission claim it was done unofficially but they preferred Lands Commission because during evictions, they have a higher chance of being relocated. Finally, we had only a few people thus 24.39% (see figure 10) accessing their land through other residents. This is where people who already have access to the land also lease out or rent a portion of theirs to others.

Figure 112 Avenues⁵ of access to Agboghloshie land



People access land for various reasons and the Agboghloshie land is no different. The residents gave a number of reasons for choosing to settle in Agboghloshie despite all the harassment associated with the land. Given the location of Agboghloshie in the CBD, most residents, about 76% of the total respondents chose to settle there because of the business opportunities it offers. So, with this, it can be concluded that most of the residents at Agboghloshie had business as the main reason and any other reason for their choice of access. As is common with cities, prices of land and rent are very high as the demand for land outweighs the supply. However, the Agboghloshie land presents a different scenario where land is readily available at relatively cheaper prices. The affordability of the Agboghloshie was the second reason that accounts for people's decision to settle there. This is reflected in the responses of respondents where 48.78% of them indicated affordability as one of their core considerations for choosing Agboghloshie. Aside the reasons of business and affordability, a considerable number of respondents chose Agboghloshie because of proximity to family. About 42.68% of the total respondents chose to settle in Agboghloshie because of family ties. As is common among Africans, family members stay together evolving into extended families. People who were either born there or have relatives already living there have a higher likelihood of preference for the place. These people have a sense of heritage and emotional attachment to the land and are never willing to relinquish it for any reason what so ever⁶. Additionally, the location of Agboghloshie makes it one of the most accessible areas within Accra central. One can get a public transport at any time to almost anywhere within Accra. Thus, about 26.83% of the total respondents chose accessibility as one of their reasons for

⁵ Each respondent accessed land at least through two of these avenues. So, each percentage is calculated from the total respondents interviewed.

⁶ "We have no intention of relocating. This where our forefathers were and we will also leave it for our sons and grandsons. We have been going to court and every time we go we win." Chief (Landlord) (Interview: December, 2020)

settling there. Finally, there are other factors such as tribal conflicts and forced marriages which pushes people from their hometown to other places. Some of the residents in Agboglobloshie about 3.5% (see figure 11) gave this as one of their reason for settling there⁷.

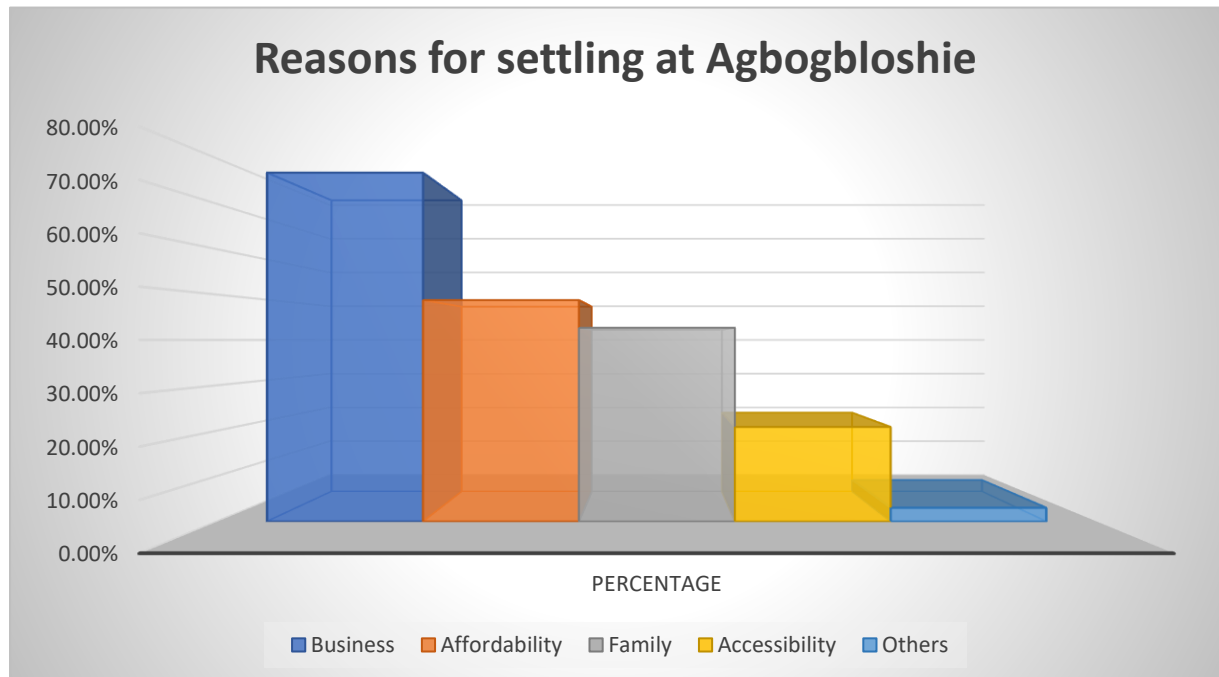


Figure 13 Reasons for settling at Agboglobloshie

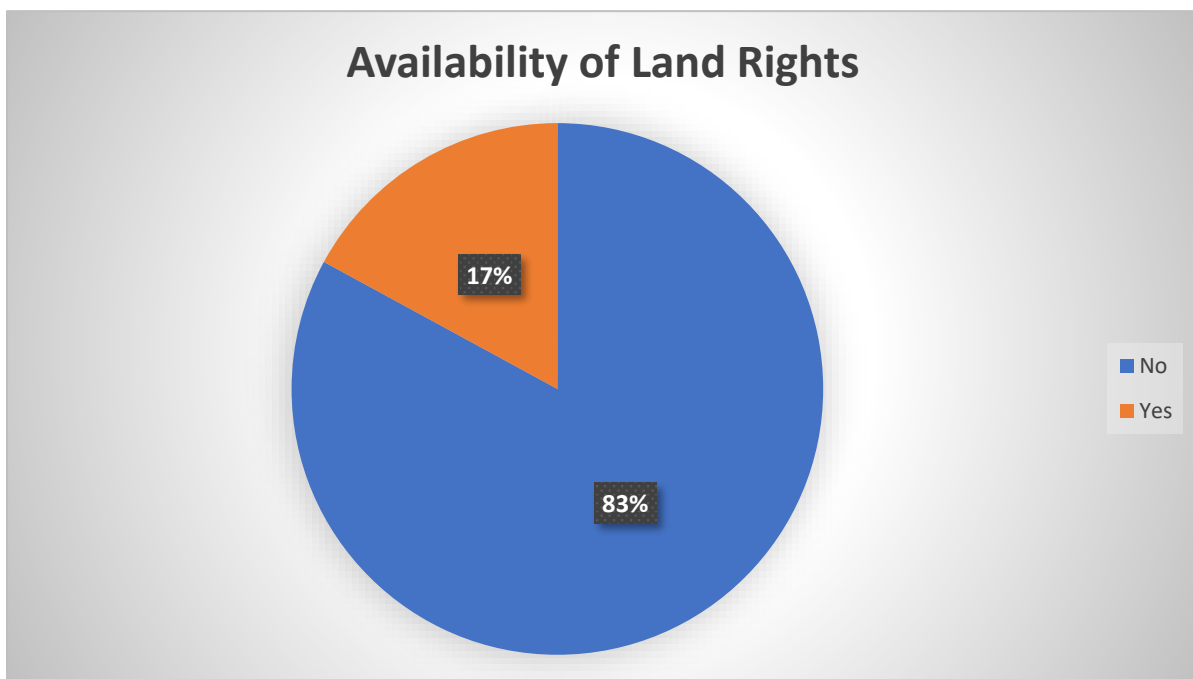
4.3.2. Land rights and how they are legitimized in Agboglobloshie

Securing tenure is a major concern in major cities in Ghana especially Accra. Residents of Agboglobloshie have experienced periodic threats and forced evictions and as a result securing tenure is a major concern for them. Among the residents in Agboglobloshie no one had allodial rights, not even the landlord. The only type of rights in Agboglobloshie is leasehold of which only 17.07% of the total respondents (see figure 12) had. However, there are other ways the residents who are without any form of land right secure their tenure in Agboglobloshie. It was deduced that most residents in Agboglobloshie secured their tenure through the Landlords. 33.54% of the total respondents from the sample secured their tenure through landlords, this was because recent history has shown the landlords standing up to the government whenever there are evictions and threats of eviction (see figure 13). As a result, these residents feel much safer for their land being secured by the Landlords for them after they pay huge sums of money. In Agboglobloshie the Slum Lords who are also known as Community Leaders secure tenure for some of the residents. About 15.85% of the total respondents secured their tenure through the Slum Lords. They attributed this to the fact that when one's tenure is secured by the Slum Lords, your goods are safe from thievery and other social vices as most of them were traders and needed a sane environment to conduct their business. Lands Commission/Government are within their legal rights to issue leases for people but in the case of Agboglobloshie, the tenure secured for the residents is outside the books thus unofficial. However, the 15.85% of the total respondents who secure their tenure through Lands Commission prefer them because they would be relocated to other places should they be evicted as most of them were traders. The Traditional Leaders in Agboglobloshie using their traditional authority as the rulers of the traditional area, also secure the tenure of 7.93% of the total respondents. Although not effective, the Traditional Leaders use their power to

⁷ you understand I have run away from my hometown because of false marriage, war, conflict and a lot and I want a place to stay where do you think I will go I can't afford East Legon, Newtown and so on? Key Informant Private Urban Planner. (Interview: December, 2020)

prevent the eviction of the resident depending on them to secure their tenure. Family securing tenure for other family members is one of the most reliable avenues to securing tenure in Agbogbloshie. This is because mostly the families already have leases to the land on which they would allocate a portion to their member thereby securing their tenure and preventing them from being evicted. 4.8% of the total respondents secured their tenure through family members. In Agbogbloshie they are instances where residents predominantly traders who most of them have not secured their tenure officially also allocate portions of their land to others. 5.49% of the total respondents secured their tenure through this avenue. It is well established that in Agbogbloshie, this avenue of securing tenure is the weakest and during evictions they are mostly targeted.

Figure 14 Availability of legal land rights



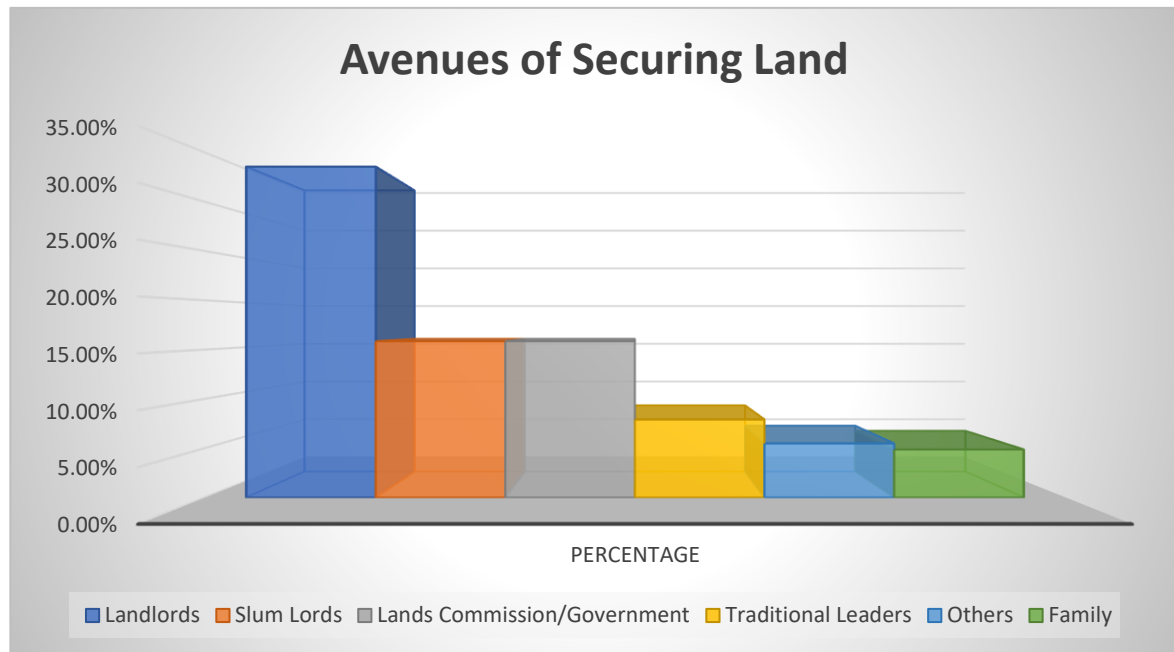


Figure 15 Avenues of securing tenure

4.3.3. Spatial extent of Agbogbloshie over time.

Despite the periodic eviction and demolition of structures in Agbogbloshie over the years, people keep on trooping in and putting up structures. This is emphasized in the responses of an official of the Land Use and Spatial Planning Authority⁸ This rapid spatial development is evidential in the two different years chosen thus 2000 and 2020. The change of non-built-up to built-up over this 20-year period is remarkable although there have been series of evictions and demolitions. As at the year 2000, Non-Built-Up⁹ was 76.945 Ha, Built-Up¹⁰ was 19.729 Ha and water¹¹ 12.090 Ha (see figure 16). Fast forward in 2020 upon all the evictions and demolitions non-built-up reduce to 59.684 Ha representing a decrease of 22.4%, built-up increase to 43.185 Ha representing an increase of 218.90% and water reduced to 5.897 Ha representing a decrease of 51.2%. The increase in built-up area accounts for the population growth within Agbogbloshie as more people still find it suitable compared to other locations. Also, the water body is losing to the built up because of human activities in the water¹² and its catchment area.

⁸ "In 2015 when we had the twin disaster at circle the flood and the fire, I was the metro director we started demolishing Sodom and Gomorrah. Then we were summoned to parliament and I presented the planning scheme and questions were asked. The minority leader Osei Kyei Mensah Bonsu asked where whether the area had been rezoned and I said no then he said ok when they come to power they will implement it. The majority leader Kingsford Bagbin had to speak last and he asked the mayor "where do you take your source of power from?" "don't you know what you are doing can affect the base of your power?" and it ended the demolition. And within one month the people have resurfaced." (Key Informant interview, November, 2020)

⁹ Non-Built-Up includes bare land, vegetation and tress

¹⁰ Built-Up includes buildings and tarmac

¹¹ Water includes swam, marsh, lagoon and river.

¹² "If you look at Old Fadama it is the land that they have reclaimed because it's a swampy or marshy area so you see that they have used sanddust to reclaim the land" (Key Informant interview, November, 2020)

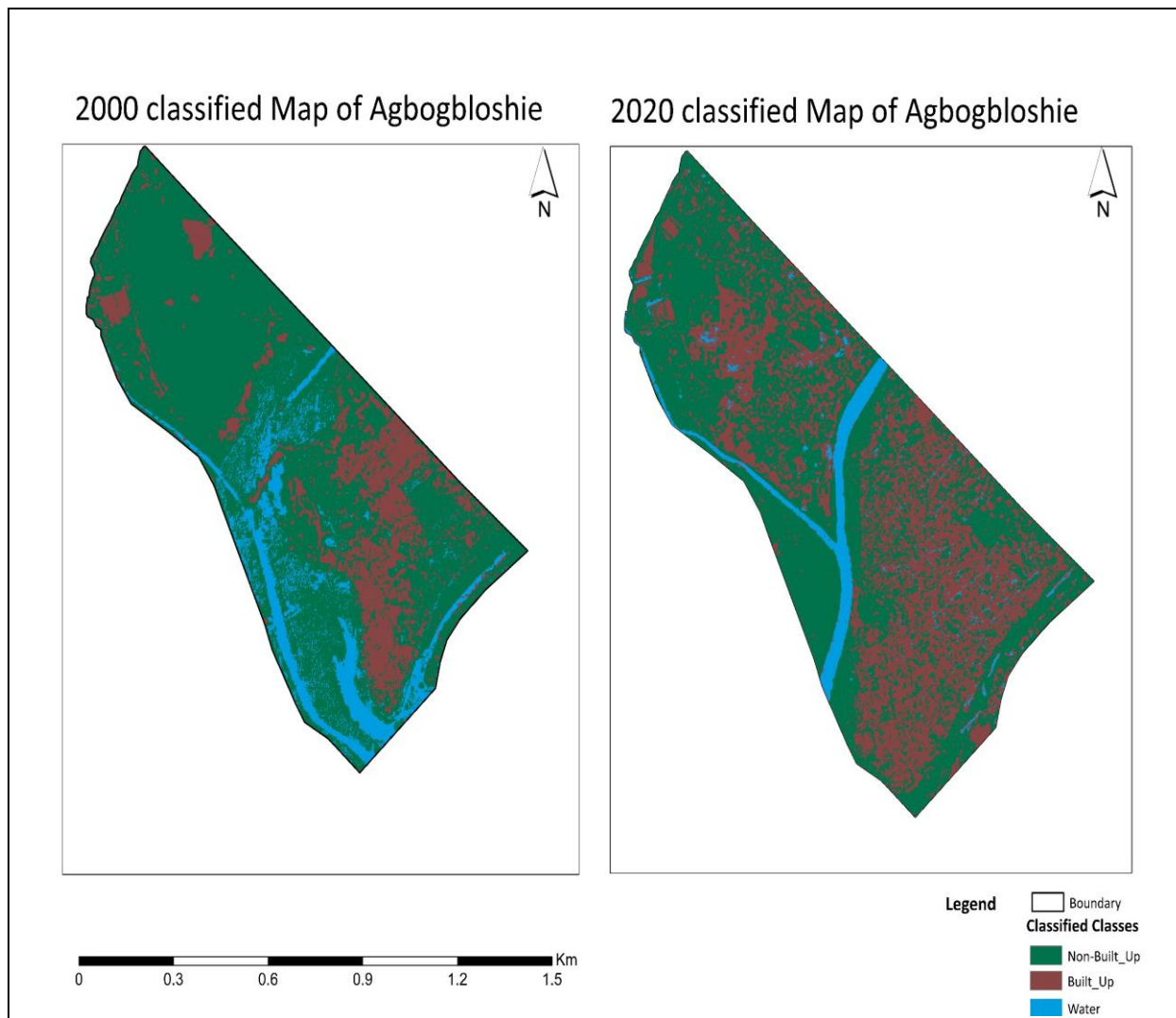


Figure 16 classified map of Agbogbloshie See Section 3.8 for map approach

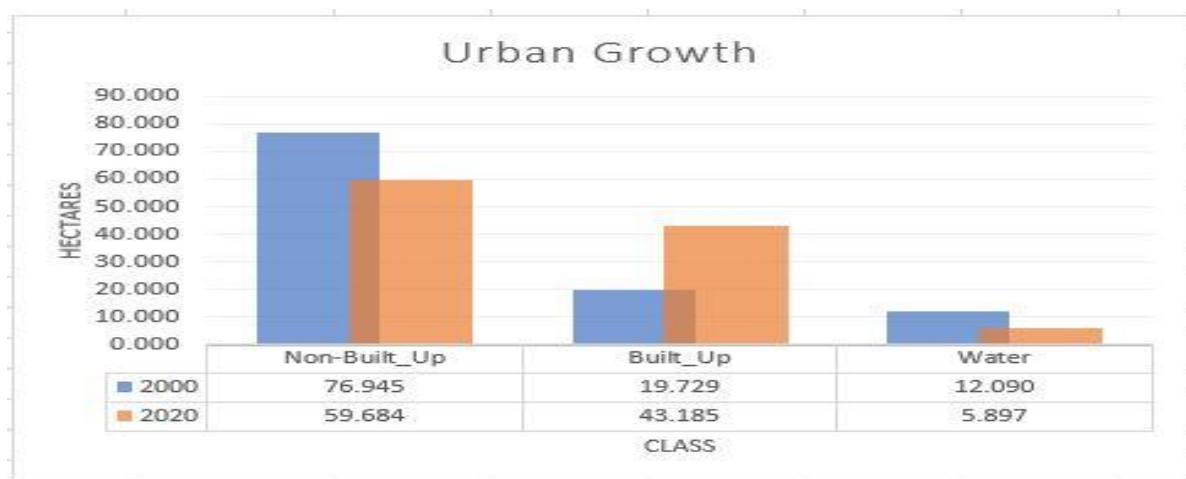


Figure 17 comparison of development between 2000 and 2020

4.3.4. Summary

Although land is predominately controlled by the Traditional Authorities in Ghana, the case of Agboglobloshie is quite different. The Slum Lords who have no traditional claim to the land have become the de facto owners allocating portions to people due to the fact that they have settled there for a long time and have appreciable knowledge of all the parcels of land, be it allocated or not. Also, in Agboglobloshie people access the land for more than one reason with business being the reason most of them do. In addition, with this particular situation, Agboglobloshie could be described as a state when it comes to land related issues because it does not follow the conventional rules associated with land administration in Ghana. They are cases where people feel much more secured when their rights are protected by the Landlords and Slum Lords as compared to the State Institutions. So, in securing their tenure either the Landlords or Slum Lords are constant with any other available avenue. Finally, the spatial development of the area shows how much land that was unoccupied in 2000 have now turned to Built-Up in 2020 and also how the area that was covered by water have now become Built-Up in 2020. If care is not taken and this trend continues, very soon there would be no way for the water from the highlands to flow into the sea. Hence Accra would be recording very serious flooding which would lead to loss of life and property.

4.4. What steps are taken by government and the original owners to reverse the Agboglobloshie land

The third and final research Sub-Objective concerns the steps taken by government and the original owners to reverse the Agboglobloshie land also had three research questions and they include; the various attempts the original owners of the land made to get back their land from the government. Since both the government and original owners of the land have claims to the Agboglobloshie land, what avenues have the owners sought, officially or unofficially to get their land back. This was interrogated from responses from the Land Owners and land occupants in Focus Group Discussions and review of Government Documents as well. The second research question entails the attempts government have made to reverse the land back to the original owners. Since the plan for which the land was acquired could not materialized, has government made any attempt to reverse the land back to its owners? These were some of the issues raised during the interviews with Government Officials. Finally, the last research question asks the question why all the attempts so far have not led to any concrete action. Here the attempts made by both parties were duly interrogated to see the lapses in their actions

4.4.1. Restitution Attempts and why they failed to yield any concrete results

Although the law provides for the various ways for restitution to be instituted more often than not that particular clause is not enforced. However, Agboglobloshie offers a different dynamic since it is a hotspot for eviction and demolition, the residents have sorted many avenues to curb this menace. They have left the conventional way of doing things and gone for more aggressive ones. Among the residents in Agboglobloshie at least two ways have been engaged to curb these threats and the menace of eviction and demolition. 34.15% of the residents (see figure 15) have engaged in demonstrations as one of the ways of preventing these periodic evictions and demolitions. This is usually an effective method as government does not want the undue attention it draws. It also goes a long way to make the government unpopular which makes the government surrender to their demands. 31.1% of the residents have formed a class action lawsuit at the court in which they have some minor victories. Because of these minor victories in court, the residents are usually exempted during any eviction and demolishing exercise. Finally, 8.54% sought help through petitions through Non-Governmental Organisations. These are mostly people who are without any form of right to the land they are occupying as such are seeking help from these NGO's because Agboglobloshie is where

their livelihood depends on. However, 59.76% of the residents did absolutely nothing to secure their land during these periodic threats and eviction. They have surrendered to the government. They only pray that the day of eviction doesn't come otherwise when it does, they are always the people being affected the most.

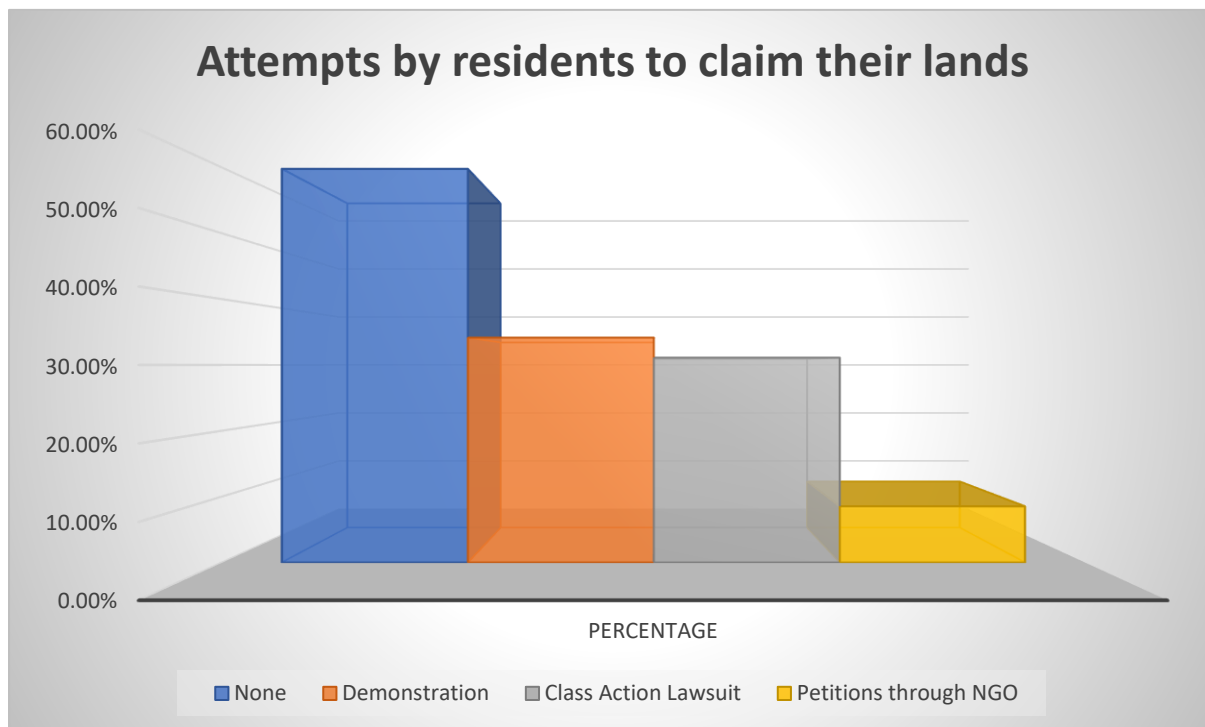


Figure 18 Attempts by residents to claim their lands

4.4.2. Summary

Although the plans for which the land was acquired could not materialize, the government has not made any attempt to reserve the land back to its owners. However, the original owners including the residents have made several attempts to get back their land but to no avail. The government of the day still keeps on harassing them with evictions and sometimes demolishing their structures but they still persevere. They keep on fighting for their land, even to the extent of soliciting the help of NGOs to help in their fight.

4.5. Conclusion

This chapter 4 shows the results gathered from the responses of the respondents with reference to each research sub objective which sought to examine how State practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra. The responses provided the answers to research questions hence the research objective. The main issues examined include; Rational behind the land acquisition and the failure in its materialisation, Land control and land access in Agbogbloshie, Land rights in Agbogbloshie, Spatial extent of Agbogbloshie over time and Restitution attempts. The findings of the interviews create the understanding in Ghana's Land Administration, its nature and the socio-cultural dynamics within. From the results some deductions were made;

- There exist many allocators of land
- Traditional leaders not as relevant as before in land matters
- Slum lords have taken over

- d. The nature of land ownership warrants compulsory acquisition
- e. There existed a master plan during the acquisition for the area which is still the legal document for the area.
- f. Two main reasons emerged as the cause for the failure in the plan
 - i. Lack of political will
 - ii. Availability for temporary resettlement
- g. Some residents have legal rights to the land
- h. Spatial extent of the developed area is increasing rapidly
- i. Government has made no formal attempt to reverse the land to its original owners
- j. Residents tried several avenues with little victories

5. DISCUSSION

5.1. Introduction

This chapter examines the results presented in the chapter before. It relates compulsory acquisition to the nature of land ownership in the study area as compared to literature. It also seeks to understand how tenure is secured in the informal settlement of Agbogbloshie in Accra Ghana. The chapter explores the subject in respect of compulsory acquisition, land tenure and informal settlements as discussed in chapter 2.

5.2. Land Acquisition by the state through Compulsory Acquisition

As stated in the literature review, Ghana has a hybrid land tenure system which includes the statutory and customary tenure. From the 16th century the idea of individual land ownership based on individual right of exclusion as enforced by the state was introduced during the modernity shift in Europe (Le Bris et al., 1991). But in Africa traditional land is still not liable to individual rights and held in the people's interest by the traditional authority. However, the 1992 Constitution of Ghana in Article 11 stipulates that the laws of Ghana shall include common Law, Regulations, Orders, Statutes, Rules and the Constitution. As a result Ghana has a pluralistic Legal System without a clear cut hierarchy which creates the possibility of conflicts within the various sources of law (Higgins & Fenrich, 2011). According to Ayitio, (2019) a full integration of the customary practices with statutory practices would redress Legal pluralism issues making Land Administration predictable with efficient Land market. Although Ghana has not yet reached the full integration, structures are in place towards it, but in reality the Legal pluralism is more complex, with overlapping claims, multiple systems of customary laws, boundary disputes, and lack of written records among others (Higgins & Fenrich, 2011). So, with all these issues associated with Legal Pluralism, people take advantage of the situation to allocate and access land. The importance of land can never be overestimated in any society.

Land is pivotal in the development of any country. However, countries now are no longer interested in only development but sustainable development and putting all efforts toward achieving that agenda by providing facilities and infrastructure. In providing these facilities and infrastructure, governments have to acquire the appropriate lands hence the need for compulsory acquisition. Compulsory acquisition is practiced everywhere no matter the nature of land Ownership, whether in a Pluralistic State or Monistic State. The only difference is the frequency and efficiency in practice between the two types states.

5.2.1. Frequency of practice

In Monistic States where land is owned by the government and is liable to individual rights, compulsory acquisition is practiced far less as most of the available land is owned by the State except in fewer situations where the particular land in question is owned by a private individual. Also, in such states, government might intervene during market failures with compulsory acquisition to stabilise the prices with the market (Asamoah, 2012; Grover et al., 2008). Most countries in Europe are Monistic States and their frequency of practicing compulsory acquisition became much less after their transition from centrally planned economy to market economy (Grover et al., 2008). However, in Pluralistic States, the case is completely different as land is owned by the private individual but not liable to individual rights. The state in order to fulfil its developmental mandate to its citizens must acquire land to do so hence compulsory acquisition. African countries including Kenya, Uganda, Zambia and Ghana among others are quintessential of Pluralistic States (Ameyaw & de Vries, 2021; Baldarelli, 2018). For these states to undertake any major developmental project, land would be required hence the need for compulsory acquisition.

5.2.2. Efficiency in practice.

Compulsory acquisition as argued by Murning Dundas & Montagu Evans, (2001) is seen as one of the harshest imposition on citizens by the state. Compulsory acquisition is supposed to bring huge benefits to the society but not necessarily. The efficiency of compulsory acquisition is very much questionable although there are Laws meant to ensure its smooth implementation. The FAO introduced the principles of proportionality during compensation to ensure a fair balance between individual rights and interest of the society (Banning, 2002). Also, in Ghana the 1992 Constitution in Article 20 (6) which states “*Where the property is not used in the public interest or for the purpose for which it was acquired, the owner of the property immediately before the compulsory acquisition, shall be given the first option for acquiring the property and shall, on such reacquisition refund the whole or part of the compensation paid to him as provided for by law or such other amount as is commensurate with the value of the property at the time of the reacquisition*” (Constitution of Ghana, 1992). This is also the case in the Netherlands in Article 61 of the Expropriation Act of 1851 which also states “*an expropriated party may reclaim his former property under specific circumstances. These circumstances are: (i) when after 3 years of the expropriation verdict, the expropriator has not commenced the work for which he expropriated, or (ii) the work has started, but has been abandoned for more than 3 years, or (iii) it is clear that the work will not be realized*” (Hoops et al., 2015). All these Laws and more are to ensure land is not only compulsorily acquired but compensation fully paid in due time and the land being used for the purpose for which it acquired in the earliest time, hence efficiency. Compensation payment by governments has always been an issue of contention. Article 20 (2a) of the 1992 constitution of Ghana ensures prompt payment of fair and adequate compensation but that is not always the case. They are many cases where compensations take very long time to be paid especially in Africa countries hence the efficiency of the practice being questionable. The National Sports Complex Site around Ofankor and Abeka is a quintessential of the situation where compensation claims are still made over many years now and the land is used for something else (Kasanga et al., 1996; Maxwell et al., 1998). Also, as in the case of Agbogbloshie, where the land was compulsorily acquired for a particular project but later used for something different.

5.3. Land access and control in informal settlement

As stated earlier in the results, most residents in Agbogbloshie do not have statutory land rights. Formal Urban Management procedures do not affect Informal Settlement Development because the authorities do not recognize the Informal Tenure Systems as there is little knowledge about the settlement hence being left out the Urban Planning Process (Šliužas, 2004; UNHSP, 2002, 2003, 2004). According to Kironde, (2006) the urban regulatory standards are not practical in Sub-Saharan Africa, as such, preventing poor households from accessing land. So, these settlements develop their own ways of accessing and controlling

land. Also, Stacey, (2018) asserted that the economic, social and political urban development of Agbogbloshie supported by local, national and global actors. This has led to the emergence of alternative interest since the state institutions have failed to enforce their mandate. The location of Agbogbloshie is a major influencer of its land access and control. Agbogbloshie is located within 1km from the CBD and about 76% of the respondents interviewed chose business as one of the main reasons for accessing the land. However, the laws and regulations recognise the Accra-Korle Lagoon Recreational Area Planning Scheme as the only legal scheme of the area as no new scheme has been drawn yet. But people still find ways to access the land. According to Lamba, (2005) Invasion, Inheritance and Purchase are the main ways of accessing land in informal settlements. In Agbogbloshie all these ways have their footprint in the informal settlement development.

Initially, most of the first settlers of the land were invaders thus encroaching on public land. So, out of these first generational invaders emerged the Slum Lords who by virtue of their knowledge of the area have established themselves as *de facto* allocators of the land. They are probably the most powerful people in the informal settlement and no land transaction goes on without their prior knowledge. Also, people get to purchase from the Slum Lords and Traditional Leaders mostly. Although government still has claims to the land, that is not a deterrent enough to prevent such transactions. This is not only limited to Agbogbloshie as in Ofankor about 80% of the Stool and Family parcels land that were compulsory acquired for the National Sport Complex have been sold by the initial owners (Kasanga et al., 1996). Finally, some of the residents in Agbogbloshie have inherited their land from family members who either invaded the land and now have claims to it or by virtue of their relation to the Gbese Stool. Although, government try to abstain from land allocation issues in Agbogbloshie so as to be able to evict them as and when the need arises, it also finds itself allocating some portions for market structures hence also engaging in the illegality.

5.4. Legitimizing land rights in informal settlement

In Ghana, informal settlement tenure is not formally recognised in the urban space hence no legitimacy is given to them. This causes a lot of struggles between the government and the settlers. According to Shrestha et al., (2014) informal settlements challenges are multifaceted which includes the legal, physical and socio-economic aspect. The Socio-economic aspect deals with issues concerning poor conditions of living and quality of life. Also, the Physical aspect deals with issues concerning lack of public services in the informal settlements. However, the main aspect that defines informality is the absence of legal recognition of these settlements (Fernandes, 2011; Srinivas, 2015). Among these three challenges, the issue of legitimacy is more prominent as it affects both the Physical conditions and Socio-economic conditions of the settlers.

Legitimacy within informal settlement discourse as suggested by Thomas, (2013) is twofold; Legal Legitimacy and Social Legitimacy. Legal Legitimacy has codified framework which relies on policy, rules and laws, and are verifiable in the legal system (Shrestha, 2019; Shrestha et al., 2014). Whereas the Social Legitimacy is a practical concept which relies on social facts. The Social Legitimacy rests in the powerful people (Slum lords) within the settlements whose actions are justified morally without regards to the law (Collier et al., 2019; Shrestha et al., 2014). In Agbogbloshie, the Social Legitimacy is practiced as Legal Legitimacy is relatively less prominent. The Social Legitimacy provides the residents with the necessary social recognition as everybody knows the power structure and the rules to abide by. For now, the Social Legitimacy is the only type of legitimacy practiced in Agbogbloshie awaiting government's intervention. This can only change if the government takes the conscious effort to rezone the entire area so as to cater for the other two challenges of informal settlement thus Physical conditions and Socio-economic conditions of the settlement. Government has only taken oral steps with promises but no concrete action so far.

5.5. Restitution of government acquired lands due to non-utilization

Non-utilization of state acquired land is a phenomenon that is rife in many developing countries (German et al., 2011; Odame, 2009). A few literature highlights the connections between non-utilisation of Public lands and the emergence of informal settlements (Collier et al., 2019; Mesgar & Ramirez-Lovering, 2021). Although in many jurisdictions there are laws that specify the modalities for restitution, practical ground realities show otherwise (Ameyaw & de Vries, 2021; Lindsay, 2012). In the case of Ghana specifically, while Article 20(6) of the 1992 Constitution provides the modalities for the restitution of public lands, practical enforcement has rather been weak. This suggests that the possibility for the restitution of state acquired land to a reasonable extent is a function of state capacity and or governance on the one hand (Reyntjens, 2015). On the other hand, the relative capacity of the citizenry influences in how far such legally established modalities for restitution can be evoked. According to Nii Ashie Kotey, (1996) most of the Land Owners only get to know about their land being compulsorily acquired when the Executive Instrument is published. Also, the people are not well versed in the Laws of compulsory acquisition due to illiteracy and ignorance, so they are mostly taken advantage of in order to jump the red tape. What most of the Land Owners know is they are entitled to a compensation but as to how much and when it is to be paid is always a mystery. However, for the sake of compensation, they are a lot of Suits against the Lands Commission hence the State (Asamoah, 2012; Kasanga, 2001).

Most of the original Land Owners are usually poor but the conditionalities for restitution requires them to refund in full or part of the compensation. This is a major constraint to the Land Owners as they do not have such capital hence preventing them from getting back their lands. In Ghana, the law is clear on restitution but the only limitation is its implementation and poverty, that notwithstanding, the country is heading towards best international practices. However, in some African countries, it is quite different. According to German et al., (2011) in Tanzania, the Land Act of 1999 which accounts for land return of public lands to their Owners is unclear on how vested lands could be returned to their Owners due to contract default or termination.

6. CONCLUSION

6.1. 6.1. Introduction

The conclusion gives a brief summary of answers to the specific objectives through the questions hence the study main objective. The main objective of the study is to examine how State practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agboglobloshie in the city of Accra. This was achieved with the following specific objectives; (1) To find out how government acquired the Agboglobloshie land and reasons for the non-utilization of the Agboglobloshie land on the part of government, (2) To find out how people get access to the Agboglobloshie land, (3) To find out the steps taken by government and the original owners to reverse the Agboglobloshie land.

6.1.1. To find out how government acquired the Agboglobloshie land and reasons for the non-utilization of the Agboglobloshie land on the part of government.

- a) What were the statutory procedures that guided the compulsory acquisition of land?

The main steps followed during compulsory acquisition are as follows; First of all, the acquiring authority makes an enquiry at the Lands Commission (LC) and then seeks approval from Land Use and Spatial Planning Authority (LUSPA). Should the outcome be negative, the acquiring authority starts over but if it

is positive, a survey report and site plan is sent in a form of an application to the Regional Minister or Permanent Site Advisory committee. A hearing is organised for the Site Advisory Committee (SAC) by this higher authority. SAC inspects the site and makes recommendation to the higher authority. The higher authority either disapproves and ends the process, or it approve and refers the application to LC. LC prepares the acquisition Executive Instrument (EI) and forwards it to the Ministry for Lands and Natural Resources for execution. The EI is signed and gazetted with publication in newspapers. Then the notice of the acquisition is served with section 2 of the Land Act. Also, an application is put forward at LC for lease or Certificate of Ownership, which is prepared and executed. The Land Owners submit claims for compensation to the Land Valuation Authority. The Valuation Authority prepares proprietary plans for acquisition and then the compensation is determined and paid. If the owners are satisfied with the compensation, then there is change of Ownership. However, if they are not satisfied with the compensation redress is sought at either the Land Tribunal or High Courts to resolve the conflicts. Then the compensation is paid and change of Ownership executed (see figure 8).

b) Why did government acquire the land?

The land was acquired for 'Accra-Fadama (Agboghloshie) for Korle Lagoon Development' with a well-planned comprehensive planning scheme called Korle Lagoon Area Recreational Planning Scheme. The place was supposed to be a creational centre with rich aquatic life that would accommodate fishing activities. Sporting facilities were also supposed to be built and a boat racing course but all this could not materialise.

c) Why has the land been left unused by the government and are any plans underway by government to re-enter the land?

The development of the land into the biggest informal settlement in Ghana has limited government actions on the land over the years. Whenever government tries to move the informal settlers from the site for the land to be used, it is met with big opposition even from people who do not live within this informal settlement. Also, government has no official plan for the area. The only official and legally binding plan for the area is the original planning scheme.

6.1.2. To find out how people get access to the Agboghloshie land

a) What are the ways of accessing land in Agboghloshie?

Land in Agboghloshie is accessed through various stakeholders but in no one situation is only one of the stakeholders involved. Each time at least two stakeholders are fully involved. These stakeholders include the Slum Lords, Landlords, Traditional Leaders, Lands Commission (Government) and Others. The Slum Lords are the most dominant stakeholders in allocating land in Agboghloshie.

b) What type of land rights exist in Agboghloshie?

In Agboghloshie only a few people have legally recognised rights thus leasehold, the rest have no recognised rights by the state. They secure their tenure through the people they acquired the land from. In some instances, they also secure their tenure from the few with legally recognised rights especially during the suits.

c) How are land rights in Agboghloshie legitimised officially and unofficially?

Per the Laws of Ghana, the only legitimate way their land rights can be legitimized is through the drawing of a new planning scheme for the area. This would enable the rezoning of the area for residential and commercial activities. But unofficially, their rights are legitimized through the same stakeholder from whom they accessed the land.

d) How did the Agboghloshie settlement develop over time?

The informal settlement has developed enormously over the years. With most of the unoccupied land now occupied even to the extent that land is being reclaimed from the lagoon for residence and commercial activities. This spatial development is one of the causes of flooding in Accra as the water way is almost completed closed up.

6.1.3. To find out the steps taken by government and the original owners to reverse the Agbogbloshie land

a) What attempts have the original owners made to get back the land from government?

The original owners in collaboration with the residents have made several attempts to get back their land including suing the state, engaging in protests and seeking help from NGOs.

b) What attempts has the government made to reverse the land to the original owners?

There are no records of the state actually making any attempt to return the land to its people. The state claims it still has plans for the land but as to what the plan is, it is not known yet.

c) Why have the attempts so far not led to any concrete action?

Both parties involved have different agendas for the same land. The Owners want back their land for their own purposes claiming that they have sold all their land so it very difficult to get land for accommodation. And that this cannot be going on while they have land in Agbogbloshie. The State also claims it needs the land as Agbogbloshie is a strategic location for businesses. As such both parties are always at logger heads.

6.2. General conclusion on the main research objective

The study was situated on examining how State practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra. The study looked at compulsory acquisition, nature of land ownership and restitution within the study area. From the analysis, the study established how compulsory acquisition correlates with the nature of land ownership thus the type of tenure be it statutory or customary determine the frequency of compulsory acquisition. It also established the people's rights to restitution of their land when the need arises. Compulsory acquisition is only necessitated by the state due to the nature of land ownership. Land in the study area is customarily owned so if the state should need land for a project, then it enforces compulsory acquisition. The enforcement of compulsory acquisition over the years has led to the state acquiring many tracts of lands of which most are still undeveloped. This should not have been a problem as the Law allows for restitution of land. But there are no records of any government trying to enforce the restitution law. Even if the law was to be enforced, the original Land Owners are usually poor and cannot re-acquire the land from the state. As such, these lands are usually left vacant and most located in strategic places especially in the cities. People tend to encroach into these lands and if care is not taken by the state as in the case of Agbogbloshie, the informal settlement would mature overnight. Should that happen, it would be very difficult to evict and demolish the structure as it is happening in Agbogbloshie.

6.3. Limitations and direction for future studies

The objective of this research was to examine how State practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra. Thus, the findings of the research are limited to Accra as it was the focus of the study. However, in Ghana land governance is patterned into centralized and decentralized land governance structures (Abubakari et al., 2018). By virtue of differences in governance structure within the country, the results of this study may not reflect the entirety of the relationship between state land acquisition practices and the emergence of

informal tenure. Therefore, further research would be appropriate to examine the studied phenomenon in a centralized land governance structure to see in what form the dynamics of tenure manifest when the state fails to utilise compulsorily acquired lands.

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Appendix 1

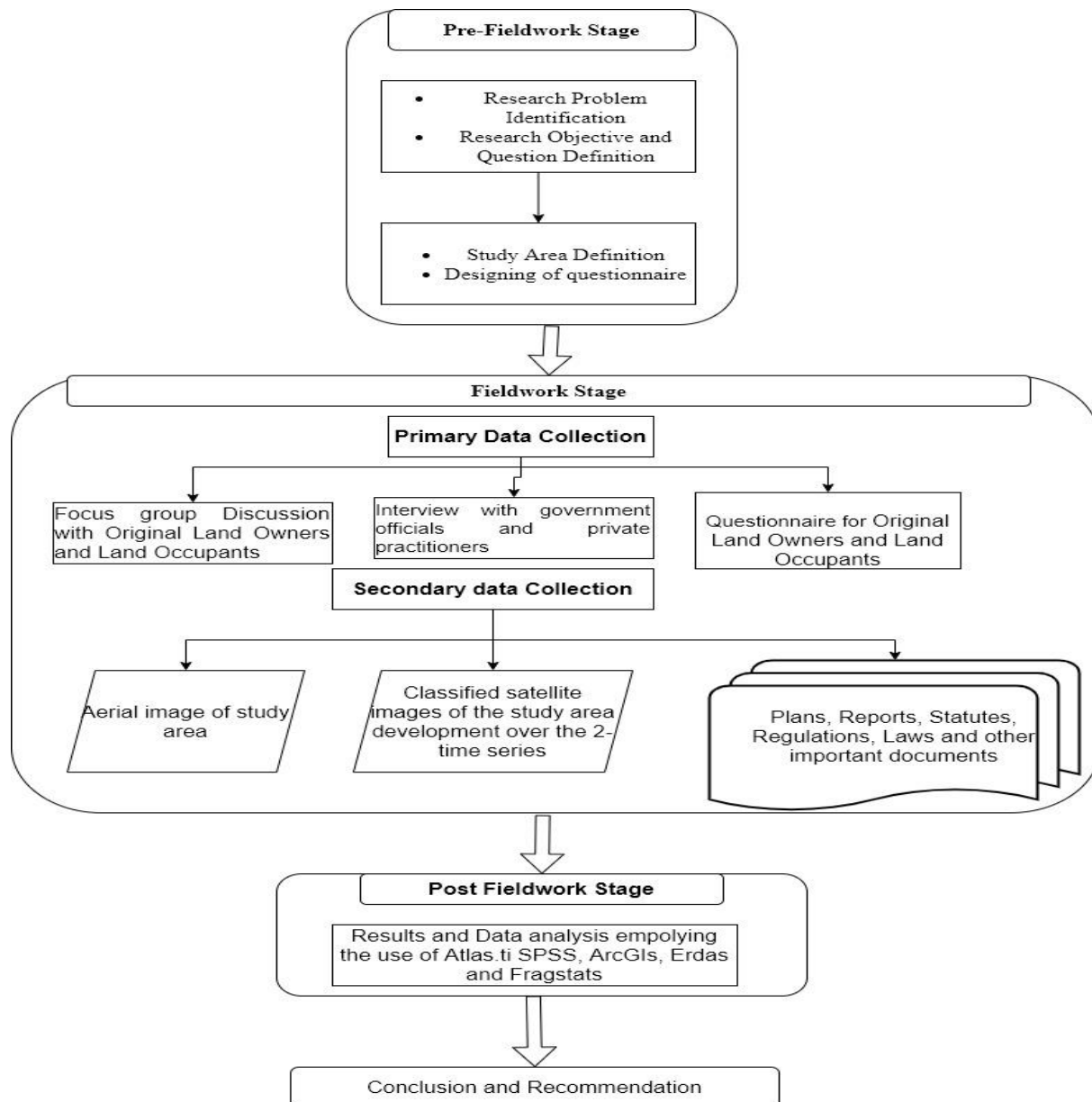


Figure 19 Research approach work Flow

The research matrix shows a summary of the data collection methods, data analysis, and the anticipated outcome.

Overall Objective: To examine how state practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra.					
Research question	Indicator (what to measure)	Data Source	Technique of Data Collection	Technique of Data Analysis	Anticipated Outcome
Sub-Objective 1: To find out how government acquired the Agbogbloshie land and the reasons for the non-utilization of the Agbogbloshie land on the part of government.					
a) What were the statutory procedures that guided the compulsory acquisition of land and why did government acquire the land?	<ul style="list-style-type: none"> The statutory procedures of compulsory acquisition Possible reasons for government acquiring the land 	<ul style="list-style-type: none"> Government document Government officials 	<ul style="list-style-type: none"> Government documents review. Key Informants' interview 	<ul style="list-style-type: none"> Content Analysis 	<ul style="list-style-type: none"> The statutory procedures that guide the compulsory acquisition of land. Actual reasons why government acquired the Agbogbloshie land
b) Why has the land been left unused by the government?	<ul style="list-style-type: none"> Causes for the non-utilization of the land 	<ul style="list-style-type: none"> Government documents Government officials Land Owners Privat urban planner 	<ul style="list-style-type: none"> Government documents review Key Informants' interview 	<ul style="list-style-type: none"> Content Analysis 	<ul style="list-style-type: none"> Reasons why the land is left unutilized
c) Are any plans underway by government to re-enter the land?	<ul style="list-style-type: none"> Plans by government for the land. 	<ul style="list-style-type: none"> Government documents 	<ul style="list-style-type: none"> Government documents review 	<ul style="list-style-type: none"> Content Analysis 	<ul style="list-style-type: none"> List of future plans for the acquired land

		<ul style="list-style-type: none"> Government officials 	<ul style="list-style-type: none"> Key Informants' interview 		
Research question	Indicator (what to measure)	Data Source	Technique of Data Collection	Technique of Data Analysis	Anticipated Outcome
Sub-Objective 2: To find out how people get access to the Agbogbloshie land					
a) What are the ways of accessing land in Agbogbloshie?	<ul style="list-style-type: none"> Possible ways of gaining access to the Agbogbloshie land 	<ul style="list-style-type: none"> Government officials Land Owners Land Occupants 	<ul style="list-style-type: none"> Key Informants' interview <i>Questionnaire</i> <i>Household interview</i> 	<ul style="list-style-type: none"> Content Analysis Qualitative analysis Statistical analysis 	<ul style="list-style-type: none"> How the settlement dwellers gained access to the Agbogbloshie land
b) What type of land rights exist in Agbogbloshie?	<ul style="list-style-type: none"> Types of tenure security in Agbogbloshie 	<ul style="list-style-type: none"> Government Officials Land Owners Land Occupants 	<ul style="list-style-type: none"> Key Informants' interview <i>Questionnaire</i> <i>Household interview</i> 	<ul style="list-style-type: none"> Content Analysis Qualitative analysis Statistical analysis 	<ul style="list-style-type: none"> The types of rights practiced on the land
c) How are land rights in Agbogbloshie legitimized officially and unofficially?	<ul style="list-style-type: none"> Official and unofficial methods of securing land rights 	<ul style="list-style-type: none"> Government Officials Land Owners Land Occupants 	<ul style="list-style-type: none"> Key Informants' interview <i>Questionnaire</i> <i>Household interview</i> 	<ul style="list-style-type: none"> Content Analysis Qualitative analysis Statistical analysis 	<ul style="list-style-type: none"> Various ways of legitimizing land rights in Agbogbloshie
d) How did the Agbogbloshie land develop over time?	<ul style="list-style-type: none"> Change in number and size of settlements over time 	<ul style="list-style-type: none"> Google earth 	<ul style="list-style-type: none"> Satellite images 2000 & 2020 Boundary shapefiles 	<ul style="list-style-type: none"> Spatial analysis (digital image classification) Statistical analysis 	<ul style="list-style-type: none"> Map showing extent of development between 2000 & 2020
Sub-Objective 3: To find out the steps taken by government and the original owners to reverse the Agbogbloshie land					

a) What attempts have the original owners made to get back the land from government?	<ul style="list-style-type: none"> • Actions by original Land Owners to get back their land from government 	<ul style="list-style-type: none"> • Land Owners • Land Occupants • Government documents 	<ul style="list-style-type: none"> • Focus Group Discussions • Government documents review. 	<ul style="list-style-type: none"> • Qualitative analysis • Content Analysis 	<ul style="list-style-type: none"> • Attempts by original Land Owners to get back their land
b) What attempts has government made to reverse the land to the original owners?	<ul style="list-style-type: none"> • Actions taken by government to revert the land back to the original owners 	<ul style="list-style-type: none"> • Government documents • Government officials 	<ul style="list-style-type: none"> • Government documents review. • Key Informants' interview 	<ul style="list-style-type: none"> • Content Analysis 	<ul style="list-style-type: none"> • Attempts by government to revert the land back to the original owners
c) Why have the attempts so far not led to any concrete action?	<ul style="list-style-type: none"> • Failures in the actions taken 	<ul style="list-style-type: none"> • Government officials • Land Owners • Land Occupants 	<ul style="list-style-type: none"> • Focus Group Discussions • Key Informants' interview 	<ul style="list-style-type: none"> • Qualitative analysis • Content Analysis 	<ul style="list-style-type: none"> • Reasons for failures in the attempts

Table 2 Research design matrix

Overall Objective: To examine how state practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra.				
Sub-Objective 1: To find out how government acquired the Agbogbloshie land and reasons for the non-utilization of the Agbogbloshie land on the part of government				
Research question	Concept	Indicator (what to measure)	Variables (deriving measurement)	Interview Questions
a) What were the statutory procedures that guided the compulsory acquisition of the Agbogbloshie land and	Statutory procedures for compulsory acquisition	<ul style="list-style-type: none"> • The statutory procedures of compulsory acquisition 	<ul style="list-style-type: none"> • The statutory procedures that guide the compulsory 	<ul style="list-style-type: none"> • How was compulsory acquisition prescribed in the statutory procedures?

why did government acquire the land?	Weak Governance	<ul style="list-style-type: none"> Possible reasons for government acquiring the land 	<p>acquisition of the e land.</p> <ul style="list-style-type: none"> Reasons why government acquired the Agbogbloshie land 	<ul style="list-style-type: none"> Why did government acquire the Agbogbloshie land? Was the acquisition necessary? Who benefited from the acquisition?
b) Why has the land been left unused by the government?		<ul style="list-style-type: none"> Causes for the non-utilization of the land 	<ul style="list-style-type: none"> Reasons why the land is left unutilized. 	<ul style="list-style-type: none"> Why has the acquired land been left unutilized? What happened to the impending project? What caused this situation?
c) Are any plans underway by government to re-enter the land		<ul style="list-style-type: none"> Plans by government for the land. 	<ul style="list-style-type: none"> List of future plans for the acquired land 	<ul style="list-style-type: none"> Is government planning to re-enter the land? what plans does government have for the people already settling there?
Sub-Objective 2: To find out how people get access to the Agbogbloshie land				
a) What are the ways of accessing land in Agbogbloshie?	Land right legitimization and spatial development	<ul style="list-style-type: none"> Possible ways of gaining access to the Agbogbloshie land 	<ul style="list-style-type: none"> How the settlement dwellers gained access to the Agbogbloshie land 	<ul style="list-style-type: none"> How do people get access to the Agbogbloshie land? Who are the actors involved? Why settle at Agbogbloshie?
b) What type of land rights exist in Agbogbloshie?		<ul style="list-style-type: none"> Types of tenure security in Agbogbloshie 	<ul style="list-style-type: none"> The types of rights practiced on the land 	<ul style="list-style-type: none"> Do you have land rights existing in Agbogbloshie? If yes wat kind of rights are practiced? If no, how do you secure your tenure? Who is involved in the right/tenure allocation?

c) How are land rights in Agbogbloshie legitimated officially and unofficially?		<ul style="list-style-type: none"> Official and unofficial methods of securing land rights 	<ul style="list-style-type: none"> Various ways of legitimizing land rights in Agbogbloshie 	<ul style="list-style-type: none"> The rights allocated, is it done officially or unofficially? If done officially, what are the implication for that? If done unofficially, what are the implications for? Who are involved?
d) How did the Agbogbloshie land develop over time?		<ul style="list-style-type: none"> Change in number and size of settlements over time 	<ul style="list-style-type: none"> Map showing extent of development 	
Sub-Objective 3: To find out the steps taken by government and the original owners to reverse the Agbogbloshie land				
a) What attempts have the original owners made to get back the land from government?	Land restitution	<ul style="list-style-type: none"> Actions by original Land Owners to get back their land from government 	<ul style="list-style-type: none"> Attempts by original Land Owners to get back their land 	<ul style="list-style-type: none"> Have the original owners made any attempt to get back their land? If yes, what did they? If no, why haven't they? What is the progress of their attempts
b) What attempts has government made to reverse the land to the original owners?		<ul style="list-style-type: none"> Actions taken by government to revert the land back to the original owners 	<ul style="list-style-type: none"> Attempts by government to revert the land back to the original owners 	<ul style="list-style-type: none"> Have government made any attempt to revert the land back to its owners? If yes, what did government do? If no, why haven't government? What is the progress of government's attempts?
c) Why have the attempts so far not led to any concrete action?		<ul style="list-style-type: none"> Failures in the actions taken 	<ul style="list-style-type: none"> Reasons for failures in the attempts 	<ul style="list-style-type: none"> Why have the attempts by government been fruitless?

				<ul style="list-style-type: none"> • Why have the attempts by the original owners been fruitless? • Are negotiations still underway? • Can a consensus be reached?
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Table 3 Operationalization of variables

Appendix ii

Introduction

My name is Yussif Hani Yidaana, an MSc Student from the University of Twente in The Netherlands. I am undertaking an MSc research entitled: Non-utilization of State's acquired lands and the implications of non-restitution for informal settlement development in Agbogbloshie, Accra Ghana. The purpose of this interview is to gather in-depth information about how State practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra. "Compulsory acquisition is the power of government to acquire private rights in land without the willing consent of its owner or occupant in order to benefit society" with due compensation paid. The interview is entirely for academic purposes and all information provided will therefore be treated with confidentiality and anonymity.

I request for your consent to record this interview with a voice recording device and the entire interview will last for about 50 minutes.

Questions for Senior Officer at Lands Commission Accra.

1. May I know how long you have been working at Lands Commission?
2. Have you ever been involved in any compulsory acquisition procedure?
3. What do you know about the acquisition of the Agbogbloshie land by government?
4. What were the statutory procedures during the acquisition of the Agbogbloshie land?
5. Who were the stakeholders involved in the procedures?
6. How was the compulsory acquisition actually executed?
7. How different was the statutory procedures from the actual procedure?
8. Why did government acquire the land?
9. Was the acquisition really necessary?
10. Who benefitted from the acquisition?
11. Why has the land been left unutilized for the intended purpose by government?
12. Is government planning to re-enter the land?
13. What plans does government have for the people currently occupying the land?
14. How do people get access to the Agbogbloshie land?
15. Who are the actors involved?
16. Why do people settle there?
17. What type of land rights do they have?
18. How are land rights allocation in Agbogbloshie?
19. Have government made any attempt to revert the land back to the original owners?
20. What progress have been made so far?
21. Why have the attempts by government failed so far?

My name is Yussif Hani Yidaana, an MSc Student from the University of Twente in The Netherlands. I am undertaking an MSc research entitled: Non-utilization of State's acquired lands and the implications of non-restitution for informal settlement development in Agbogbloshie, Accra Ghana. The purpose of this interview is to gather in-depth information about how State practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra. "Compulsory acquisition is the power of government to acquire private rights in land without the willing consent of its owner or occupant in order to benefit society" with due compensation paid. The interview is

entirely for academic purposes and all information provided will therefore be treated with confidentiality and anonymity.

I request for your consent to record this interview with a voice recording device and the entire interview will last for about 50 minutes

Questions for Senior Officer at Town and Country Planning Accra.

1. May I know how long you have been working at Town and Country Planning in Accra?
2. Have you ever been involved in any compulsory acquisition procedure?
3. Do you know about the acquisition of the Agbogbloshie land by government?
4. What were the statutory procedures during the acquisition of the Agbogbloshie land?
5. Who were the stakeholder in the procedures?
6. How was the compulsory acquisition actually executed?
7. How different was the statutory procedures from the actual procedure?
8. Why did government acquire the land?
9. Was the acquisition really necessary in your view?
10. Who benefitted from the acquisition?
11. Why has the land been left unutilized for the intended purpose by government?
12. What plans does government have for the people currently occupying the land?
13. How do people get access to the Agbogbloshie land?
14. Who are the actors involved?
15. Why do people settle there?
16. How will you describe the settlements in Agbogbloshie in your position as a planner?
17. Who are involved in the site plans allocation?
18. How are development permits obtained by residents of Agbogbloshie?
19. What attempts have government made to revert the land back to the original owners?
20. What progress have been made?
21. Why have the attempts by government failed so far?
22. Have any redevelopment schemes been drawn for Agbogbloshie?

My name is Yussif Hani Yidaana, an MSc Student from the University of Twente in The Netherlands. I am undertaking an MSc research entitled: Non-utilization of State's acquired lands and the implications of non-restitution for informal settlement development in Agbogbloshie, Accra Ghana. The purpose of this interview is to gather in-depth information about how State practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra. "Compulsory acquisition is the power of government to acquire private rights in land without the willing consent of its owner or occupant in order to benefit society" with due compensation paid. The interview is entirely for academic purposes and all information provided will therefore be treated with confidentiality and anonymity.

I request for your consent to record this interview with a voice recording device and the entire interview will last for about 50 minutes

Questions for Senior Officer at Water Resources Accra

1. May I know how long you have been working at Water Resources in Accra?
2. Have you ever been involved in any compulsory acquisition procedure?
3. Did the Water Resources department play any roles in the acquisition of Agbogbloshie land?
4. What were the statutory procedures during the acquisition of the Agbogbloshie land?
5. Who were the stakeholders during the process?

6. Why has the land been left unutilized for the intended purpose by government?
7. Has the Agbogbloshie settlements affected its Water Resources?
8. Has the Water Resources department got any plans for the redevelopment of the land?

My name is Yussif Hani Yidaana, an MSc Student from the University of Twente in The Netherlands. I am undertaking an MSc research entitled: Non-utilization of State's acquired lands and the implications of non-restitution for informal settlement development in Agbogbloshie, Accra Ghana. The purpose of this interview is to gather in-depth information about how State practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra. "Compulsory acquisition is the power of government to acquire private rights in land without the willing consent of its owner or occupant in order to benefit society" with due compensation paid. The interview is entirely for academic purposes and all information provided will therefore be treated with confidentiality and anonymity.

I request for your consent to record this interview with a voice recording device and the entire interview will last for about 50 minutes

Questions for Private Urban Planning

1. May I know how long you been working as a Private Urban Planner in Accra?
2. What can you tell me about the development of the Agbogbloshie settlement?
3. How will you describe the current state of the Agbogbloshie settlement?
4. Have any development schemes been drawn for Agbogbloshie since its acquisition by government?
5. Why is Agbogbloshie the way it is now?
6. Why did government acquire the land?
7. Was the acquisition really necessary?
8. Who benefitted from the acquisition?
9. How will you describe the settlements in Agbogbloshie in your position as a planner?
10. Why has the land been left unutilized for the intended purpose by government in your view?
11. Why do people settle in Agbogbloshie in your view as a planner?

My name is Yussif Hani Yidaana, an MSc Student from the University of Twente in The Netherlands. I am undertaking an MSc research entitled: Non-utilization of State's acquired lands and the implications of non-restitution for informal settlement development in Agbogbloshie, Accra Ghana. The purpose of this interview is to gather in-depth information about how State practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra. "Compulsory acquisition is the power of government to acquire private rights in land without the willing consent of its owner or occupant in order to benefit society" with due compensation paid. The interview is entirely for academic purposes and all information provided will therefore be treated with confidentiality and anonymity.

I request for your consent to record this interview with a voice recording device and the entire interview will last for about 50 minutes

SLUM LORDS

1. What role do you play in Agbogbloshie?
2. Do you allocate land to people who want to settle in Agbogbloshie?
3. Are there any responsibilities that residents have to fulfil?
4. What processes does one has to through to acquire land in Agbogbloshie?
5. What is the relationship between you and the traditional chiefs or family heads?
6. How do you allocate space for different activities in Agbogbloshie?

My name is Yussif Hani Yidaana, an MSc Student from the University of Twente in The Netherlands. I am undertaking an MSc research entitled: Non-utilization of State's acquired lands and the implications of non-restitution for informal settlement development in Agbogbloshie, Accra Ghana. The purpose of this interview is to gather in-depth information about how State practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra. "Compulsory acquisition is the power of government to acquire private rights in land without the willing consent of its owner or occupant in order to benefit society" with due compensation paid. The interview is entirely for academic purposes and all information provided will therefore be treated with confidentiality and anonymity.

I request for your consent to record this interview with a voice recording device and the entire interview will last for about 50 minutes

Traditional leaders

1. Who is the owner of the Agbogbloshie land?
2. Can you please tell me about the acquisition of the Agbogbloshie land?
3. When did it happen?
4. What processes did you go through with the government during the acquisition?
5. Was compensation paid to you and the people living there?
6. Who allocates land in the area?
7. How can one register an allocated plot in the area?

Part 2: Interview guide for focus group discussions

Introduction

My name is Yussif Hani Yidaana, an MSc Student from the University of Twente in The Netherlands. I am undertaking an MSc research entitled: Non-utilization of State's acquired lands and the implications of non-restitution for informal settlement development in Agbogbloshie, Accra Ghana. The purpose of this interview is to gather in-depth information about how State practices of acquiring and managing public lands influence the development of informal settlements and informal tenure in Agbogbloshie in the city of Accra.

Every participant has equal rights to speak out his or her views and each participant is entitled to speak. The discussion is entirely for academic purposes and all information provided will therefore be treated with confidentiality and anonymity.

Has anybody got any objection(s) to record this interview with a voice recording device and take photographs with a mobile phone? The entire discussion will last for 1 hours. Any questions before we begin the interview.

Main questions for FGDs

1. What can you tell me about the Agbogbloshie land?
2. When did government acquire it?
3. Who are the original owners?
4. How do people get access to land here?
5. What processes do you go through to get land here?
6. Why do you prefer to settle in Agbogbloshie?
7. What attempts have you made to get back the land from government

Part 3: Questionnaire

Introduction

My name is Yussif Hani Yidaana, an MSc Student from the University of Twente in The Netherlands. I am undertaking an MSc research entitled: Non-utilization of State's acquired lands and the implications of non-restitution for informal settlement development in Agbogbloshie, Accra Ghana. The purpose of the questionnaire is to gather information on how the land occupants got access to the land and what the land owners have done to get back their land from government. The sample of respondents for this questionnaire is limited to residents who have been in the settlement since 2000. All information provided is for only academic purposes and will therefore be treated with confidentiality. The questionnaire will last for 45 minutes and is entirely for academic purposes so all information provided will therefore be treated with confidentiality and anonymity. The following questions are about your views on Agbogbloshie. There is no right or wrong answer in this case.

6/12/2021 How Do People Access Land In Agbogbloshie

How Do People Access Land In Agbogbloshie

Name of Respondent _____

Age of Respondent _____

Sex

☐ Male

☐ Female

Level of education

☐ Basic Education

☐ Secondary Education

☐ Tertiary Education

☐ Uneducated

Occupation _____

Type of Occupancy

☐ Residential

☐ Commercial

☐ Both

How did you get access to the Agbogbloshie land?

☐ Traditional Leaders

☐ Landlords

☐ Lands commission/Government

☐ Slum Lords

☐ Others

Why settle at Agbogbloshie?

☐ Family

☐ Business

☐ Affordability

☐ Accessibility

☐ Others

<https://kf.kobotoolbox.org/forms/ajp2yxMuCJvdHUUyhoebg/edit>

6/12/2021 How Do People Access Land In Agbogbloshie

How Do People Access Land In Agbogbloshie

Do you have land rights existing in Agbogbloshie?

☐ Yes

☐ No

If yes what kind of rights are practiced?

☐ Freehold

☐ Leasehold

☐ Customary freehold

If no, how do you secure your tenure?

☐ Traditional Leaders

☐ Landlords

☐ Lands commission/Government

☐ Slum Lords

☐ Family

☐ Others

Who are involved in the rights allocation?

☐ Land's commissions/Government

☐ Landlords

☐ Slum Lords

☐ Traditional Leaders

☐ Others

The rights allocated, how is it done?

☐ Officially

☐ Unofficially

If done officially, what are the implication for you?

☐ Secured Tenure

☐ Possible Eviction with Compensation

☐ Possible Eviction with Relocation

If done unofficially, what are the implications for you?

☐ Lacks Tenure

☐ Possible Eviction without Compensation

☐ Possible Eviction with Relocation

<https://kf.kobotoolbox.org/forms/ajp2yxMuCJvdHUUyhoebg/edit>

2/3

6/12/2021 How Do People Access Land In Agbogbloshie

How Do People Access Land In Agbogbloshie

Do you know about government's claim to the Agbogbloshie land?

☐ Yes

☐ No

If yes what attempts have you made to get back your land?

☐ Class Action Lawsuit

☐ Demonstrations

☐ Petitions through Non-Governmental Organizations

☐ None

If no what arrangements do you have with government?

Are negotiations still underway?

☐ Yes

☐ No

Can a consensus be reached?

☐ Yes

☐ No

Appendix iii

ERROR MATRIX 2000 classification

Classified Data	Reference Data			Row Total
	Non-Built_	Water	Built_Up	
Non-Built_	47626	113	368	48107
Water	3431	2481	0	5912
Built_Up	1149	5	4560	5714
Column Total	52206	2599	4928	59733

----- End of Error Matrix -----

Overall Accuracy=Total number of correctly classified pixels(diagonal)/ X 100
Total number of reference pixels

Overall Accuracy=47626+2481+4560/ X100
59733

Overall Accuracy=0.9151892588686321 X 100
Overall Accuracy=91.50%

Overall Accuracy= 92%

ERROR MATRIX 2020 Classification

Classified Data	Reference Data			Row Total
	Water	Non-Built_	Built_Up	
Water	8710	182	59	8951
Non-Built_	0	36206	1868	38074
Built_Up	28	7722	4958	12708
Column Total	8738	44110	6885	59733

----- End of Error Matrix -----

Overall Accuracy=Total number of correctly classified pixels(diagonal)/ X 100
Total number of reference pixels

Overall Accuracy=8710+36206+4958/ X100
59733

Overall Accuracy=0.8349488557413825 X 100
Overall Accuracy=83.50%

Overall Accuracy= 84%

Appendix iV

Act 125	State Lands Act, 1962	Act 125	State Lands Act, 1962
<p>ACT</p> <p>OF THE PARLIAMENT OF THE REPUBLIC OF GHANA</p> <p>ENTITLED</p> <p>THE STATE LANDS ACT, 1962</p> <p>AN ACT to provide for the acquisition of land in the national interest and other purposes connected therewith.</p> <p>DATE OF ASSENT: 14th June, 1962</p> <p>BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—</p> <p>Acquisition.</p> <p>1. (1) Whenever it appears to the President in the public interest so to do, he may, by executive instrument, declare any land specified in the instrument, other than land subject to the Administration of Lands Act, 1962 (Act 123), to be land required in the public interest; and accordingly on the making of the instrument it shall be lawful for any person, acting in that behalf and subject to a month's notice in writing to enter the land so declared for any purpose incidental to the declaration so made.</p> <p>(2) An instrument made under the preceding subsection may contain particulars in respect of the date on which the land so declared shall be surrendered and any other matter incidental or conducive to the attainment of the objects of the instrument including an assessment in respect of the compensation that may be paid.</p> <p>(3) On the publication of an instrument made under this section, the land shall, without any further assurance than this subsection, vest in the President on behalf of the Republic, free from any encumbrance whatsoever.</p>	<p>2. A copy of the instrument made under the preceding section shall,</p> <p>(a) be served personally on any person having an interest in the land; or</p> <p>(b) be left with any person in occupation of the land; and</p> <p>(c) be affixed at a convenient place on the land; and</p> <p>(d) be published on three consecutive occasions in a newspaper circulating in the district where the land is situate.</p> <p>3. (1) The President may, in consultation with the Chief Justice by executive instrument, establish a Tribunal consisting of three persons one of whom shall be a Judge of the High Court who shall be chairman.</p> <p>(2) The decision of the Tribunal on any matter referred to it under this Act shall be final save that the Tribunal may reserve for the consideration of the Supreme Court any question of law and section 11 of the Courts Act, 1960 (C.A. 5) shall apply accordingly.</p> <p>(3) The President may, by legislative instrument, and after consultation with the Chief Justice, make Rules governing the functions and procedure of the Tribunal.</p> <p>4. (1) Any person claiming a right or having an interest in any land subject to an instrument made under section 1 of this Act or whose right or interest in any such land is affected in any manner shall, within three months from the date of the publication of the instrument made under the said section 1, submit in writing to the Minister,</p> <p>(a) particulars of his claim or interest in the land;</p> <p>(b) the manner in which his claim or interest has been affected by the instrument;</p> <p>(c) the extent of any damage done;</p> <p>(d) the amount of compensation claimed and the basis for the calculation of the compensation,</p> <p>and the Minister may, having regard to the market value or the replacement value of the land or the cost of disturbance or any other damage suffered thereby, pay compensation in respect of that land or make an offer of land of equivalent value.</p> <p>(2) Where there is a dispute as to the right or interest claimed by reason of conflicting claims or interests, or any person is not satisfied with the compensation assessed by the Minister, the Minister may refer the matter to the Tribunal.</p>	<p>(3) In assessing compensation under this Act no account shall be taken of any improvement on the land made within two years previous to the date of the publication of the instrument made under section 1 of this Act unless the improvement was <i>bona fide</i> and not made in contemplation of acquisition under this Act.</p> <p>5. The President may grant a lease or licence in respect of any land acquired under this Act.</p> <p>6. The Minister may, by legislative instrument, make Regulations prescribing fees to be paid under this Act and for the better carrying into effect of the principles of this Act.</p> <p>7. In this Act, unless the context otherwise requires,</p> <p>"cost of disturbance" means the reasonable expenses incidental to any necessary change of residence or place of business by any person having a right or interest in the land;</p> <p>"market value" means the sum of money which the land might have been expected to realise if sold in the open market by a willing seller at the time of the declaration made under section 1 of this Act;</p> <p>"Minister" means the Minister responsible for lands;</p> <p>"other damage" means damage sustained by any person having a right or interest in the land or in adjoining land at the date of the declaration made under section 1 of this Act, by reason of severance from or injurious affection to any adjoining land;</p> <p>"replacement value" means the value of the land where there is no demand or market for the land by reason of the situation or of the purpose for which the land was devoted at the time of the declaration made under section 1 of this Act, and shall be the amount required for reasonable re-instatement equivalent to the condition of the land at the date of the said declaration.</p> <p>8. (1) The provisions of sections 4 to 18 of the State Property and Contracts Act, 1960 (C.A. 6) in so far as they relate to land shall cease to have effect.</p> <p>(2) The Housing Schemes (Acquisition of Land) Ordinance (Cap. 85) is hereby repealed.</p> <p>9. Notwithstanding the repeal of the enactments specified in the preceding section, any subsidiary legislation made thereunder and in force immediately prior to the commencement of this Act, shall continue to have effect as if made under this Act.</p>	<p>Printed by the Government Printing Department, Accra, Ghana</p> <p>GP/A1728/4,596/6/81-82</p>

L.I. 230.	6	7	L.I. 230.	8
<p>STATE LANDS REGULATIONS, 1962</p> <p>FIRST SCHEDULE</p> <p>Form 1</p> <p>REPUBLIC OF GHANA</p> <p>THE STATE LANDS ACT, 1962 (ACT 125)</p> <p>THE STATE LANDS REGULATIONS, 1962</p> <p>NOTICE</p> <p>To _____</p> <p>(Name of occupier)</p> <p>Take notice that a Site Advisory Committee appointed under Regulation 1 will inspect the under-mentioned land and building(s)</p> <p>_____</p> <p>(description)</p> <p>on the _____ day of _____ 196...</p> <p>District Commissioner</p> <p>Date of issue _____</p> <p>Form 2</p> <p>REPUBLIC OF GHANA</p> <p>STATE LANDS ACT, 1962 (ACT 125)</p> <p>THE STATE LANDS REGULATIONS, 1962</p> <p>NOTICE</p> <p>To _____</p> <p>(Name of occupier)</p> <p>Take notice that in accordance with Regulation 7 Mr. _____ shall inspect this land (including building(s), if any) _____</p> <p>(description)</p> <p>on the _____ day(s) of _____ 196...</p> <p>for purposes of referencing and valuation.</p> <p>Signature and rank _____</p> <p>Date of issue _____</p>	<p>STATE LANDS REGULATIONS, 1962</p> <p>Form 3</p> <p>REPUBLIC OF GHANA</p> <p>THE STATE LANDS ACT, 1962 (ACT 125)</p> <p>THE STATE LANDS REGULATIONS, 1962</p> <p>AUTHORITY</p> <p>Mr. _____</p> <p>(Name and rank)</p> <p>in accordance with Regulation _____ is hereby authorized to make a valuation/an inspection of the following land (and building(s)) _____</p> <p>(description)</p> <p>Signature and rank _____</p> <p>Date of issue _____</p> <p>Form 4</p> <p>REPUBLIC OF GHANA</p> <p>THE STATE LANDS ACT, 1962 (ACT 125)</p> <p>THE STATE LANDS REGULATIONS, 1962</p> <p>NOTICE</p> <p>To _____</p> <p>(Name of occupier)</p> <p>Take notice that whereas the President has declared under section 1 of the State Lands Act, 1962, that the land (and building(s)) _____</p> <p>(description contained in notice)</p> <p>is (are) required in the public interest, and whereas copies of the relevant instrument have been duly served, posted and published in accordance with section 2 of the Act, the land (and building(s)) _____</p>	<p>STATE LANDS REGULATIONS, 1962</p> <p>above described shall be entered and taken possession of by officers, servants and agents of the Republic on the _____ day of _____ 196... (and that you are required to remove by that day).</p> <p>Signature and rank _____</p> <p>Date of issue _____</p> <p>Form 5</p> <p>THE STATE LANDS ACT, 1962 (ACT 125)</p> <p>THE STATE LANDS REGULATIONS, 1962</p> <p>APPLICATION FOR A LEASE/LICENCE</p> <p>(delete where inapplicable)</p> <ol style="list-style-type: none"> Name of applicant. Occupation of applicant. Nationality (country of incorporation) of applicant. Address of applicant. Whether lease or licence desired. Purpose for which land desired. Approximate area required. Situation of land desired. Bankers reference (enclosed) (if more than ₵1,000 is to be invested). Particulars of recommendation by Minister of Industries (enclosed) if land desired for industrial purposes. Particulars of recommendation by Minister of Finance and Trade (enclosed) if land desired for commercial purposes. Particulars of appropriate permits (enclosed) if land desired for a petrol station. Amount which applicant intends to invest in construction on and development of the site. Whether applicant will use the building himself or whether the whole or part of it will be sub-let. <p>Signature of Applicant or of his Representative _____</p>		

L.I. 230.

2

STATE LANDS REGULATIONS, 1962

In exercise of the powers conferred on the Minister by section 6 of the State Lands Act, 1962 (Act 125), (hereinafter referred to as "the Act") the following regulations are hereby made this 30th day of October, 1962.

Site
Advisory
Committee.

1. (1) For the purpose of inspecting and making a recommendation as to the suitability or otherwise of any land proposed to be acquired under section 1 of the Act (which relates to the acquisition of land by the President in the public interest) and for any other purpose specified in these regulations, there shall from time to time and in accordance with the provisions of this regulation be established Site Advisory Committees (any such Advisory Committee being hereinafter referred to as a "Committee").

(2) A Committee shall be established by a Regional Commissioner on receipt by him of a request in that behalf—

(a) made by any Ministry, department or other organ of State (whether on its own behalf or on behalf of a statutory corporation);
(b) made by any statutory corporation authorised by the Minister by notice published in the *Gazette* to apply direct to a Regional Commissioner to establish a Site Advisory Committee under this regulation.

(3) A Committee shall consist of the following members, all of whom shall be appointed by the Regional Commissioner—

- (a) The District Commissioner of the district in which the land is situate, who shall be chairman;
(b) a person representing the Minister responsible for lands;
(c) a person representing the Minister responsible for health;
(d) a person representing the Minister responsible for works;
(e) a person representing the Minister responsible for town and country planning;
(f) a person representing the body by whom or on whose behalf the request was made under the last foregoing sub-regulation; and
(g) where he considers it appropriate, a person representing the Minister responsible for water supplies or a person representing the Minister responsible for electricity, or both such persons.

Allocation
of land
acquired
under the
Act.

9. (1) The Minister shall be responsible for the allocation to Ministries, departments or other organs of the Republic (including any statutory corporation referred to in regulation 1 (2) (b)) of any land acquired under the Act, and every such allocation shall be evidenced by a written instrument, to be known as a Certificate of Allocation, issued by or on behalf of the Minister.

(2) No such allocation shall be made by the Minister unless or until the proposed allocation has been referred to and considered by a Site Advisory Committee, and the Committee has made a recommendation to the Minister thereon:

Provided that where any such proposed allocation has been referred to a Site Advisory Committee and the Committee has not made a recommendation to the Minister within one month of the reference, the Minister may allocate the land concerned without a recommendation.

(3) A certificate of allocation may contain such limitations and conditions as the Minister may think fit, and shall—

- (a) include a condition requiring the Ministry, department or other organ of the Republic concerned to ensure that the land is properly maintained and cared for; and
(b) state the purpose for which the land may be used.

(4) Every Ministry, department or other organ of the Republic to which land has been allocated under this regulation shall ensure that any limitations or condition are duly observed and shall not, unless the Minister consents thereto, use the land for any purpose other than that specified in the Certificate.

Cancellation
of Certifi-
cates of
Allocation.
Applications
for leases
and
licences.

10. The Minister may at any time cancel or vary a Certificate of Allocation.

11. Every application for a lease or licence of any land acquired under the Act shall be made to the Minister in writing and shall be in the form specified in relation to such application in the First Schedule hereto, and shall contain such of the particulars mentioned in that form as are appropriate to the application; and the

L.I. 230.

10

STATE LANDS REGULATIONS, 1962

Form 7

REPUBLIC OF GHANA

STATE LANDS ACT, 1962 (ACT 125)

THE STATE LANDS REGULATIONS, 1962

REFERENCE OF CONFLICTING CLAIMS UNDER SECTION 4 (2) BY THE MINISTER TO THE TRIBUNAL
(delete where inapplicable)

In the matter of land at _____
(short description)

and in the matter of the appeal(s) by _____
(name(s))

against assessment of compensation/of the claims by _____
(name(s))

WHEREAS the President has declared on the _____
(date)

that the land _____
(description of land)

is required in the public interest, and

WHEREAS the land described became vested in the President on behalf of the Republic on the _____, and
(date of publication of instruments)

WHEREAS _____
(names of claimants)

are claiming to have had rights or interests in the said land and have submitted to me claims in writing, copies of which are enclosed, and

WHEREAS these claims or interests are conflicting, and

WHEREAS THEREFORE there is a dispute as to the rights or interests claimed,

NOW THEREFORE, I, _____
Minister/a public officer duly so empowered, hereby refer the matter to the Tribunal.

ACCRA, _____
(date)

Signature and rank

9

STATE LANDS REGULATIONS, 1962

Form 6

REPUBLIC OF GHANA

THE STATE LANDS ACT, 1962 (ACT 125)

THE STATE LANDS REGULATIONS, 1962

REFERENCE OF APPEAL AGAINST ASSESSMENT OF
COMPENSATION UNDER SECTION 4 (2) BY THE MINISTER
TO THE TRIBUNAL
(delete where inapplicable)

In the matter of land at _____
(short description)

and in the matter of the appeal(s) by _____
(name(s))

against assessment of compensation/of the claims by _____
(name(s))

WHEREAS the President has declared on the _____
(date)

that the land _____
(description)

is required in the public interest, and

WHEREAS such land became vested in the President on behalf of the Republic on the _____, and
(date)

WHEREAS the compensation that may be paid for the said land has been assessed at _____ and
(amount)

WHEREAS _____
(name(s))

is/are claiming a right(s) or (an) interest(s) in the said land and

WHEREAS he/they has/have submitted in writing, copies of the claim(s) (enclosed), that he/they claim(s) the amount of _____

as compensation, and
(amount)

WHEREAS THEREFORE _____
(name(s))

is/are not satisfied with the assessed compensation

NOW THEREFORE, I, _____
Minister/an officer duly so empowered, refer the matter to the Tribunal and enclose a detailed calculation of the assessed compensation.

ACCRA, _____
(date)

Signature and rank

L.I. 230.

11

L.I. 230.

STATE LANDS REGULATIONS, 1962

SECOND SCHEDULE

Table of Fees

Reg. 14
EG s. d.

For preparation of a lease for residential purposes ..	2	0	0
For preparation of a lease for commercial or industrial purposes	25	0	0
For preparation of a licence for access to a petrol filling station	5	0	0
For preparation of any other licence	1	0	0
For consent to assign or sub-demise a residential leasehold	2	0	0
For consent to mortgage a residential leasehold ..	1	0	0
For consent to assign or sub-demise the whole of an industrial or commercial leasehold	25	0	0
For consent to mortgage an industrial or commercial leasehold	5	0	0
For consent to sub-let part of industrial or commercial premises	2	0	0

K. A. OFORI ATTA
Minister of Justice.

Date of Gazette notification: 2nd November, 1962

Appendix v

News Categories

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[Oil & Gas](#)
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[Civic Realities](#)
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[Opinions](#)
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Old Fadama, Agbogbloshie to get social amenities

Date: Sep - 20 - 2019 , 09:22 BY: Chris Nunoo | Category: General News



Vice-President Dr Mahamudu Bawumia (right), responding to cheers from some of the traders at the Agbogbloshie market. Pictures: SAMUEL TEJADANO

30.5k Shares
16.5k 2.9k 5.7k 645 705

The government is to provide some social amenities such as places of convenience, public bathrooms and a lighting system for residents of Old Fadama and the Agbogbloshie Market in Accra.

The Vice-President, Dr Mahamudu Bawumia, said the provision of the amenities was a deliberate effort by the government to improve the living conditions of the people living in those communities.

The facilities would include four eight-unit places of convenience, 20 four-unit bathrooms, street lights, water, a kindergarten, as well as laying of pavement blocks at the Agbogbloshie Market, he said.

The Vice-President announced this when he visited the communities yesterday.

Ghana News Headlines

1. Takoradi missing girls judgment: 2 Kidnappers to die
2. Mahama Ayariga's corruption case still at management stage - Office of Special Prosecutor
3. Takoradi missing girls: Judgment Day today
4. Supreme Court has spoken
5. Farouk Adams was driving vehicle without valid road use certificate and insurance - Police
6. Why the Supreme Court dismissed Mahama's 2020 presidential election petition (FULL JUDGMENT)
7. Parliament approves 16 more ministerial nominees
8. Happy FM's DJ Adviser passes on
9. Mahama: I disagree with Supreme Court verdict
10. NDC MPs defied party leadership and betrayed our collective good – Sammy Gyamfi
11. Man collapses and pronounced dead at court clinic minutes after judgment
12. How Akufo-Addo reacted to Supreme Court judgment
13. Mahama to comment on Supreme Court judgment at 5pm
14. Rojo and Kpessa-Whyte told fanciful tales - Supreme Court
15. Supreme Court unanimously affirms Akufo-Addo as president

Tag Cloud

Ghana Local News | Ghana Politics | Ghana Sports News | Ghana Business news | Entertainment |

<https://www.graphic.com.gh/news/general-news/old-fadama-agbogbloshie-to-get-social-amenities.html>