

*Examining Conflicts Over Land Acquisition and Ownership in The Dormaa  
Traditional Area, Ghana*

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**Abstract**

In many parts of the world, land conflicts often show socio-political, cultural and economic difficulties in specific areas. In Ghana, land conflicts are ubiquitous largely because of its unique land tenure traditions and governance practices. These conflicts have seriously affected economic development. In some parts of the country, land dispute issues took nearly three decades to reach court judgments. The Dormaa traditional area, on which this paper focuses, has long been the food basket of Ghana, providing a considerable amount of food crops and poultry. The area shares boundary with Cote D'Ivoire and has a unique trans-border land tenure traditions. In this area, the outcome of land disputes are determined by traditional authorities, statutory institutions or/and trans-border land claims from Cote D'Ivoire. This paper examines land conflicts in this area by analyzing the field data and interviews with key informants. The results show that three major factors have triggered land related conflicts and litigations. These are (1) undocumented lands, (2) lack of awareness of land related laws, and (3) overlapping jurisdictions and mandates between state and traditional authorities. After discussing these with details, we recommend (1) citizens could be encouraged to document their lands (2) updating of land laws among lawyers and (3) creation of system to offer proper dialogues among stake holders.

Keywords: Land tenure, Land conflicts, Land rights and ownership

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## **1. Introduction**

Land conflicts take various forms. They are related to inheritance, boundaries and land use (Boone, 2014). Some are associated with group invasions or evictions (Wehrmann, 2008). Conflicts over land access and ownership occur in villages due to insufficient information about land tenure systems (Kapfudzaruwa and Sowman, 2009). At family level, land conflict occurs when a family member sells a piece of the family land without consulting other members (FAO, 2002).

Also, external interventions have changed the value and existing balance of land ownership (Rulli et al., 2018; Ahmed, et al., 2017). The emphasis of many African countries on foreign direct investments (FDIs) in the agriculture sector has resulted in the sharp increase of farmland demands (Boamah, 2014). In particular, Ghana has become a prime destination for large-scale farmland investments (Schoneveld and German, 2014).

In Ghana, the customary land tenure system has caused insecurity and uncertainty in land related matters (Boni, 2008). For instance, customary authorities may engage in land transactions without informing or consulting with key stakeholders. Conflicts often erupted, especially when parcels of land had been transferred to outsiders by a chief or traditional leader (Adams and Turner, 2005). Ghana's national land policy aims to increase the security of land tenure by officially registering lands (Lands, 1999), but little has been done to consolidate efforts of various agencies and institutions that implement land policies (Asiama et al., 2017).

Despite the increasing land conflicts, previous studies have been limited. They tend to focus on some specific incidences that are related to large-scale civil strifes or politically motivated conflicts. To critically address land acquisition and ownership problems in Ghana, there is the need to understand how the land tenure system works. This study attempts to show this and also identify factors that trigger or exacerbate land conflicts.

## **2. Methodology**

### **2.1. Study area**

This study was conducted in the Dormaa Traditional Area (DTA), located in the Brong Ahafo Region, western part of Ghana (Agyare et al., 2014). The DTA has the area of about 2,047.28 km<sup>2</sup>, and its economic activities are mainly agriculture (69%), forestry and fishery (12%), and other services like trading and hospitality (19%). Its population is about 210,660 people, of which 48.9% are males and 51.1% are females with the average literacy rate of 67.8% (Ghana Statistical Service, 2014). Among Ghana's 2,410 commercial poultry farms, 510 (21%) are located in the Brong Ahafo Region, 202 of them in the DTA (FAO, 2014). Traditional authorities have governed the majority of the traditional area under customary laws (Pande and Udry, 2005). Furthermore, the DTA shares its border with Cote D'Ivoire, and because of this, a lot of trans border trade and economic activities takes place.

## **2.2 . Data collection**

This paper is mainly based on the data collected by semi-structured interviews that took place between April and May 2017. These interviews were conducted with four key informants who have in-depth knowledge about the land tenure system in the study area. The interview questions focused on factors that may trigger land related conflicts. These informants belong to (1) the Lands Commission (District Director), which represents government authority, (2) the Dormaa Customary Land Secretariat (Coordinator/Secretary), representing the traditional authority, and (3) the Office of the Administrator of Stool Lands (District Director), which liaise the government agency to the traditional authority, and (4) the “*Nso Nyame Ye*” Chambers (Chief Lawyer), a legal representative for citizens on land disputes.

## **3. Results**

The interviews have revealed that three major factors influence land conflicts in the DTA: (1) undocumented land ownership, (2) lack of knowledge about land related laws, and (3) fragmented/overlapping of jurisdictions. In the following, we explain each factor with details.

### **3.1. Lack of documentation of land belonging to traditional authorities**

In Ghana, the law on the registration of customary land transactions authorizes the Lands Commission to register the land. However, it is loosely observed (Lands, 1999). Traditional authorities thus do not feel obligated to register traditional stool lands at the Ghana Lands Commission.

In the study area, the Dormaa Stool Land Secretariat (DSLS) is responsible for keeping land records for the traditional authority. The Secretariat also arranges an alternative dispute resolution (ADR) for land disputes. It sets up a traditional court at the Queen Mother’s Palace according to the customary law. From May 2006 to May 2017, for example, the Secretariat recorded about 72 land related cases at the traditional court. According to our informant at the Secretariat, one case may take from one to ten years to settle. The reasons behind this long process for resolution are largely due to (1) lack of cooperation among sub-chiefs, (2) lack of resource and finance, and (3) no historical written documents about land ownership as traditional land transactions were done orally.

The roles of sub-chiefs are important in land dispute resolution. The customary law requires them to represent the paramount chief of the traditional authority. They report the disbursement of stool land to the Dormaa Stool Land Secretariat for record keeping. However, our informant told us that some sub-chiefs do not report mainly because they fear that, by reporting, they will have to disclose the income and gratuity they received from land transactions. They know that the Secretariat is financed mostly from land transaction fees and land taxes on stool lands. The Secretariat has power to discharge them. In addition, the secretariat depends partly on the taxes collected from land users by

office of the administration of stool lands (OASL). Challenges such as insufficient collection of the ground taxes due to unwillingness of other stakeholder's cooperation indirectly affect the finances of the DSLS.

The history of land ownership in the Dormaa Traditional Area has been kept through oral stories among elders. Traditions established boundaries by using river courses, trees, hills and other natural landmarks. These landmarks often change. The DSLS mostly depends on oral stories that cause confusion due to inaccurate information it collected. It does not have reliable maps/plans that show boundaries of stool lands. Some unauthorized, old or inaccurate maps have exacerbated land conflicts and litigation between stools, skins and other land-owning groups (Lands, 1999).

### **3.2. Lack of knowledge and awareness on land related laws and regulations**

The Office of the Administrator of Stool Lands (OASL) is responsible for the collection and disbursement of stool land under Article 267 of the 1992 Constitution. It has attempted to increase revenue from disbursement, expedite the survey process for farmlands, and assist in the establishment of customary land secretariats under the Land Administration Project. It also documents customary land issues to reduce conflicts in collaboration with chiefs.

Informants, two district directors of the OASL we interviewed pointed out that land conflicts often happened due to lack of cooperation from traditional authorities and some locals related to the chiefs. The jurisdiction and mandate of the OASL also overlaps with the traditional authorities and the district administration in tax mobilizations. Before the establishment of the Office, chiefs and sub-chiefs of the area had collected various forms of land tax for centuries. These taxes or tributes included drinks, cash, agricultural products, and gifts. After 1992, chiefs continued to receive these tributes from land users. Chiefs view that the Office of the Administrator has challenged their traditional authority as the trustees of the land. They also worry that eventually they may lose land revenue. The district administration also collects other form of property taxes from land users and to them, they see it as double taxation.

Some locals who are related to the paramount chief's family called "royals" do not pay taxes to the traditional authorities. The tradition says that as members of the royal family, their ancestors fought and in some case died to secure the stool land. As compensation, they have been exempted from traditional taxation. However, the Ghanaian law does not recognize this tradition, and ask these royal members to pay tax, leading to confrontation with the Office of Administrator of Stool Lands. The Office often asks the police to assist its tax collection activities.

Overlapping responsibilities for land boundary surveys have caused confusion and exacerbated land conflicts in the Dormaa Traditional Area. For example, the Town and Country Planning Department, the Lands Commission, and the District Administration have dealt with land transactions in this area. The District Administration has collected property taxes on land usage and ownership. The Town and Country Planning

Department have demarcated lands for city or town planning. The Lands Commission has kept records of land ownership. Some landowners and leases registered their lands at the Lands Commission while others have not registered at all. This inconsistency has partially led to the duplication of land sales, leading to overlapped land ownership.

The lead lawyer of the law firm, “*Nso Nyame Ye*”, has long been involved in land disputes and litigation in the traditional area. He emphasized that the problem mainly lies in insufficient knowledge about land related laws. This is the case even among some legal practitioners. For example, on July 17, 2014, the Sunyani High Court ruled on the case, *Chadoma Co. Ltd v. Jacinta Soroya Namih and Owusu*. Judge Alexender Osei Tutu said, “the understanding of the legal regimes of land administration in the country was somewhat not known to some lawyers” (Osei, 2014). In this instance, the lawyers had less knowledge about Article 257 (2) of the 1992 Constitution. The defendant lawyers submitted to the court the Lands Commission Act of 1994 [Act 483] as evidence but the statute had been repealed by section 43 (1) of the Lands Commission Act of 2008 [Act 767] (Osei, 2014).

Also, according to this lawyer, lack of legal knowledge among the locals is one of the causes that triggered land conflicts in the DTA. Furthermore, the unwillingness of the locals to investigate land ownership and identify their real owner or caretaker before transaction has resulted to multiple ownership and conflicts.

### **3.3. Fragmented jurisdiction and mandate of state agencies responsible for land regulations**

The Lands Commission manages public lands and lands vested in the President by the Constitution (GLAP, 2014). The Lands Commission also advises the government, local authorities and traditional authorities on land policy for development.

The ruling of the Sunyani High Court in April 2014 reminded the Lands Commission that it is against the law for the commission to manage stool lands to the President as compulsory acquisition of land. The Lands Commission sometimes allocates the stool land that has been entrusted by the President to a private entity without consulting the traditional authorities. This action has led to conflicts between the government authority and traditional chiefs. In *Chadoma Co. Ltd of Sunyani v. Jacinta Soroya Namih and Owusu*, the Lands Commission allocated land inherited by Soroya Nimih from her father to the Chadoma Co. Ltd. The case was to determine whether or not the disputed land was public land and whether or not Lands Commission has the mandate to allocate the disputed plot to the Chadoma Co. Ltd. In that ruling, the court ruled lands commission has no mandate to allocate the land. The Lands Commission is tasked by the Administration of Lands Acts, 1962 [Act 123] to manage public land. The misapplication of lands commission’s mandate sometimes triggers land conflicts in the area.

The compulsory land acquisition power of the President may cause a considerable friction between the state and the indigenous land holding authorities (Kotey, 1998). In the court judgment of July 2014, the Sunyani high court judge ruled that customary lands

are entrusted with the President for the beneficial use of Ghanaian people. In practice, however, the President has misused this power by marginalizing the authority of traditional people. Quite often in the past, the customary landholders' rights to land management were deprived (Kasanga and Kotey, 2001).

### **Conclusion and Recommendations**

It is imperative to better understand Ghana's complex tenure system and overlapping government jurisdictions over land in order to reduce land conflicts. In our field survey, we found that the Regional House of Chiefs or the National House of Chiefs can also be more effectively mobilized to find solutions to the conflicts. We also found it important to update the knowledge of land ownership and tenure systems among lawyers who often deal with land conflicts. At the community level, citizens could be encouraged to document their lands. The involvement of all stakeholders in education, training and social learning about traditional tenure systems as well as proper dialogues can also facilitate communal resolutions.

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