

PERI URBAN DEVELOPMENT

THE ROLE OF TRADITIONAL AUTHORITIES AND LAND PROFESSIONALS – AN OVERVIEW OF WESTERN NZEMA, GHANA

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Introduction

1. Purpose – identify, analyse, structure
fashion out how the land professional with
the cooperation of traditional authority
leadership, influence physical development
in society
2. Tradition: a belief, custom, or practice
handed down from generation to generation
by word of mouth or demonstration

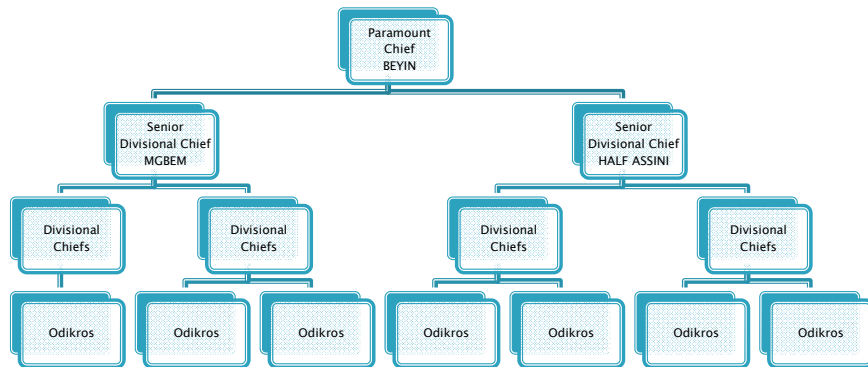
Introduction

3. Many African countries maintain a system of traditional leadership
4. In the face of challenges from foreign cultures, traditional authorities are regaining a lot of authority as partners in development

Traditional Authority and leadership

- ▶ The 1992 Constitution of Ghana states in Article 11
 - the common law of Ghana shall comprise the rules of law generally known as the common law, the rules generally known as the doctrines of equity and the rules of customary law including those determined by the Superior Court of Judicature
- ▶ Customary law:
 - the rules of law, which by custom are applicable to particular communities in Ghana

Traditional Leadership in South West Nzema



Planning for land use

- ▶ Spatial planning is always necessary for both urban and rural settlement development
- ▶ Due to the changing man-land relationship, the excessive pressure on land as a resource, particularly in the urban and peri-urban settlements, ill planned settlements spring up – *nature abhors a vacuum*
- ▶ The burden posed on the national budget by the cost of health and sanitation issues associated with urban slums and unplanned settlement, have all become pervasive in our national development agenda at great cost

Planning for land use

- ▶ In exploring options for poverty alleviation as expressed in the Millennium Development Goals (MDGs) there is the need to adopt a strategy that will greatly increase the scale and effectiveness of traditional authorities and land professionals in implementing poverty reduction initiatives
- ▶ Modalities for collaboration with stakeholders of informal settlements for the purpose of addressing urban poverty, including improving housing conditions and basic service provision, should be explored in a determined manner to implement sustainable development programmes in land development for the benefit of all

Planning systems

- ▶ Most planning systems of Ghana are governed by the 1992 Constitution, Acts of Parliament and other subsidiary legislation.
- ▶ It is worth recalling some of the important ones that control our physical development process.
 - National Development Planning Systems Act
 - Lands Commission Act
 - Town and Country Planning Ordinance
 - Local Government Act
 - Land Statutory Wayleaves Act with its regulations

Governance structure of development planning systems in Ghana

- ▶ Article 240 (1) of the 1992 Constitution states
 - Ghana shall have a system of local government and administration which shall, as far as practicable, be decentralised
- ▶ Article 240 (2) (a)
 - Parliament shall enact appropriate laws to ensure that functions, powers, responsibilities and resources are at all times transferred from the Central Government to local government units in a co-ordinated manner"
- ▶ Article 240 (2) (b)
 - Parliament shall by law provide for the taking of such measures as are necessary to enhance the capacity of local government authorities to plan, initiate, coordinate, manage and execute policies in respect of all matters affecting the people within their areas, with a view to ultimately achieving localization of those activities
- ▶ Article 245
 - Parliament shall enact laws and take steps necessary for further decentralization of the administrative functions and projects of the Central Government but shall not exercise any control over the District Assemblies that is incompatible with their decentralized status, or otherwise contrary to law
- ▶ Local Government Act, 1993, Act 462
 - An Act to establish and regulate the local government system in accordance with the Constitution and to provide for other connected purposes including planning functions the power to acquire immovable property in land, service the land for redistribution to prospective developers as a means of promoting development

Key actors in Land acquisition

- ▶ Land tenure arises in a number of ways including:
 - tradition (customary law);
 - an Act or Code passed by the Legislature;
 - individual contract, formal or informal, regarding the use of land; and
 - Informally, through individuals occupying (usually public) land and establishing some degree of tenure over the land through a particular land use.

Key actors in Land acquisition

- ▶ Customary land tenure arises as a result of the accepted practices and traditions of a traditional society in obtaining, using, distributing and disseminating its land – usufructural
 - Noronha and Letem (1993)

Key actors in Land acquisition

- ▶ The state
 - Power of compulsory acquisition of land which when applied extinguishes all title and the interest of the owner of the land so acquired.
- ▶ Public utility services companies
 - Powers of entry for the purposes of carrying out their statutory duties – e.g. Volta River Authority, Electricity Company of Ghana Limited, Ghana Water Company Limited, Ghana's Roads and Highways Authority – *Statutory Wayleaves Act* to acquire corridors.
- ▶ The Town and Country Planning Department
 - Facilitating a rational and orderly system of land use and administration.

Conclusion

- ▶ In pursuit of the stated aims of the National Land Policy to ensure that every socio-economic activity is consistent with sound land use through sustainable land use planning in the long-term national interest and to create and maintain effective institutional capacity and capability at the national, regional, district and community levels for land service delivery whilst promoting community participation and public awareness at all levels we are reminded of Stig Enremark's that "it's all about people"
- ▶ For this same reason I believe that synergies between and amongst traditional leadership and land professionals should be explored for the benefit of each country's people
- ▶ It's time to mobilise traditional authorities for effective and efficient utilisation in support of statutory policies
- ▶ Land professionals operate within the framework of statutory policies, laws, codes and ethics and we should all recognise this opportunity as a time to undertake actions to achieve social mobility for development planning using the joint efforts of traditional leadership and the land professional

Thank You
for your attention