Article

Politics and Space

EPC: Politics and Space
0(0) 1–19

DOI: 10.1177/2399654419855400
journals.sagepub.com/home/epc
SAGE

Planning by (mis)rule of laws: The idiom and dilemma of planning within Ghana's dual legal land systems

Emmanuel Frimpong Boamah
Department of Urban and Regional Planning, Community for Global Health Equity, State University of New York (SUNY) at Buffalo

Clifford Amoako
Department of Planning, Faculty of Built Environment, Kwame Nkrumah University of Science and Technology, Kumasi, Ghana

Abstract

This paper contributes to our understanding of urban planning challenges within dual legal land systems in sub-Sahara Africa. It draws ideas from Ananya Roy's "idioms of urbanization and planning" to make two arguments regarding the prevailing idiom of planning urban and peri-urban areas in Ghana. First, there is (mis)rule of statutory planning and land laws: the state places itself both within and outside statutory planning laws to enforce eminent domain powers, lease publicly acquired land to private developers, (un)map people, places, and informal economic activities, and pay or refuse to pay compensation for publicly acquired land. Second, this (mis)rule co-exists with (mis)rule of customary land laws: customary authorities place themselves within and outside customary laws to negotiate with state and prospective land buyers, (re)lease publicly acquired lands to private developers, and engage in double dipping within Ghana's deregulated land market (i.e. leasing the same land parcel to multiple developers). Thus, both state and customary authorities, as sovereign keepers of statutory and customary land and planning laws, are able to place themselves within and outside Ghana's dual legal land rules to declare property ownership, enclaves of value, and zones of exception. Herein lies the idiom and dilemma of planning within Ghana's dual legal land systems: (mis)rule of statutory and customary planning and land laws.

Keywords

Urban planning, land management, land tenure, Accra, Kumasi, Ghana

Corresponding author:
Emmanuel Frimpong Boamah, Department of Urban and Regional Planning, Community for Global Health Equity, 226 Hayes Hall, State University of New York, Buffalo, NY 12826, USA.
Email: efrimpon@buffalo.edu

Introduction

The nexus between planning and inherited colonial legal land systems in Africa features prominently in the planning literature. Njoh (2009) averred that supplanting indigenous land tenure with varieties of European land tenure system aided in land commodification and consolidation of unbridled, colonial planning power to sanction land use actions in Africa. The planning consequences have been enormous, including but not limited to disconnect between post-colonial land reform policies and local land use decisions (Berry, 1997; Obeng-Odoom, 2014), intra and inter-community land use changes as local actors compete with state actors over land decisions (Fay, 2009; Wily, 2011), and weakened state capacity to sanction land use actions within Africa's deregulated land markets (Njoh, 2003; Peters, 2004). More importantly, Watson (2009) observed that post-colonial planning is now exposed to wide critiques as rapid urbanization accentuates the challenges facing African cities (see Abu-Lughod and Hay, 2013; Obeng-Odoom, 2015; Smith, 2003). Further interrogation of the planning–land tenure nexus, Watson (2009) opines, will help unpack the complexity and seemingly inefficacy of post-colonial planning in Africa. It is a conflict-ridden nexus where those owning the land (indigenous institutions) are different from those deciding on how and what to use the land for (state planning institutions). In other words, Western-influenced planning regimes are now wrestling with indigenous-controlled land ownership regimes in post-colonial Africa.

Till date, scholars are grappling with empirical and conceptual questions about this conflict-ridden, planning–land tenure nexus. Particularly in Ghana, the co-existence of customary and statutory legal land systems features widely in planning and development studies literature. While some have discussed the evolution of and conflicts within this dual legal land system (Agbosu, 2000; Amanor, 2008; Berry, 2008), others have commented on the effects of this system on planning and policy (Grant, 2006; Larbi, 1996; Obeng-Odoom, 2014; Yeboah and Shaw, 2013) and economic development (Blocher, 2006; Nyame and Blocher, 2010). Within this dual legal land system, customary authorities (i.e. chiefs, families, and other indigenous groupings) own most of the lands (Kasanga and Kotey, 2001; Ubink and Amanor, 2008). These customary authorities wield enormous power in land decisions with very little challenge, even from recognized state authorities (Aryeetey et al., 2007; Kasanga, 2003). In most cases, state authorities are overwhelmed by the increasing powers of customary authorities (Ubink, 2006; Ubink and Amanor, 2008). This customary–state dichotomy in land matters has engendered complicated property rights and urban planning regimes in Ghana (Gough and Yankson, 2000). In short, Ghana is yet to deeply confront how the colonial vestiges of dual legal land systems provide, for instance, opportunities for state and non-state actors to exploit poor and vulnerable groups.

This paper draws on Roy's (2009: 81) "idiom of urbanization" and "idiom of planning" to pose a fundamental question: How does Ghana's dual legal land systems support or constrain the idiom of planning Ghanaian cities and regions? We address this question by advancing a conceptual map to help navigate the complicated terrain of Ghana's planning–land tenure nexus. We operationalize this conceptual map by bringing together corpus of empirical work, newspaper articles, and our fieldwork interviews in Accra and Kumasi. The paper does not seek to add new or refute existing evidence but to offer an alternative conceptual lens to (re)read the existing evidence about the problematic, complex and often contradictory relationship between Ghana's planning system and its dual legal land systems. In other words, we synthesize and connect the dots among existing empirical studies in ways that illuminate alternative insights into how and why planning is and might remain paralyzed in Ghana. More importantly, our use of alternative conceptual lens to (re)read existing evidence aids to properly articulate why there is the need to

move beyond, for instance, prescriptions that center on "enforcing planning laws". Such prescriptions ignore, albeit inadvertently, the fact that (1) laws can be (mis)used to reinforce the power of the ruling elites and (2) the dual nature of land and planning laws present enforcement challenges—i.e. which laws must be enforced and by who?

Planning idiom within dual legal land systems: Conceptual landscape

The planning of cities in Africa must confront the colonial vestiges of dual legal land systems. Notably in 1894, some influential citizens and traditional leaders of the then Gold Coast formed what became known as the Aborigines Right Protection Society, which was formed to resist the Crown Lands Bill of 1894 that sought to vest the country's land and mineral rights in the British Crown (Amanor, 2008). The ensued contestation between customary land owners and the state created parallel legal land systems, which existed in the colonial era till today (Agbosu, 2000; Amanor, 2008). This dichotomy of customary and public (statutory) interests in land also presents informal–formal processes on land ownership and use: land rights can be obtained and transferred informally through land market transactions within the customary legal land system but the titling, registration and use decisions (e.g. zoning and building permits) must adhere to statutory land and planning processes (Arko-Adjei, 2011; Aryeetey et al., 2007). This dichotomy is elevated by ambiguity in laws. The land and planning laws seem to confer enormous empower on both customary and statutory authorities with often unclear distinctions in mandates and authority on land ownership and use decisions (Berry, 2008; Crook et al., 2007; Ubink, 2006).

This customary-statutory dichotomy presents multiple challenges in African cities. For instance, Ubink (2006: 4) reports on local land struggles and negotiations due to the unclear nature of the customary legal land system and the inherent powers this system confers on chiefs and other customary land owners. Although chiefs are required by customary land laws to hold land in trust for families and members of their respective communities (i.e. vested ownership), many claim outright ownership. Some chiefs claim that the "land belongs to the royal family, since it was members of the royal family who fought for the land," and the chief, as the leader of the royal family, has administrative powers over the land (Ubink, 2006: 5). Kasanga et al. (1996) also point to practices that complicate ownership and use decisions around publicly acquired lands, including lawsuits over land compensations.

At the core of these land-related challenges is the question, how does planning and colonially-inherited land tenure systems engender the seemingly chaotic comingling of formal–informal urban and peri-urban development processes in African cities? In what he terms as the state's "brutal presence or convenient absence," Amoako (2016: 5) argues that the state in Ghana is complicit in creating informal areas (brutal presence) but is also inactive (conveniently absent) in addressing challenges facing informal communities. In what they refer to as "nomotropic urban spaces," Frimpong Boamah and Walker (2017) also argue that a (re)look at the rules and actions of state, customary authorities, individual land owners, and residents in informal communities reveals how formal–informal areas are (re)created through multi-actor, multi-legal, and multi-scale co-production processes.

This paper builds on the above arguments by drawing ideas from Roy's (2009) "idiom of urbanization" and "idiom of planning" to explore how urban planning practices (un)map urban and peri-urban areas for state and non-state accumulation and authority in Ghana (cf. Roy, 2003). Roy (2009) argues that there is an idiom to the urban crisis in Third World cities (i.e. idiom of urbanization) and informality is a key feature of this idiom. This idiom is inextricably linked to another idiom, idiom of planning, which is the prevailing idiom in developing countries. The idiom of planning is characterized by a system of "deregulation,

unmapping, and exceptionalism;" that is, when the law to ownership, use, and purpose of land is subject to multiple interests and interpretations such that the legal–illegal and authorized–unauthorized ownership and use of land become arbitrary (Roy, 2009: 86). This idiom of planning is made possible through what Roy (2009) likens to the Schmittian logic of exception. That is, when the state, "as the sovereign keeper of the law, is able to place itself outside the law in order to practice development" (Roy, 2009: 81). Thus, the meaning and interpretation of the law regarding the ownership, use, and purpose of the land changes to fit what the state says. This manifests through the state's (a) arbitrary allocation of land to new land uses and owners, (b) "illegal" alteration of land uses, and (c) abusive deployment of eminent domain to acquire land. Hence, the crisis or idiom of urbanization in developing countries, rather than it being seen as a failure of planning, constitutes the prevailing planning regime or idiom. Put differently, planning is both cause and effect of the urban crisis in developing countries. In what she terms as the "(mis)rule of law," Roy (2009: 80) thus poses the question, "Who then is authorized to (mis)use the law in such ways to declare property ownership, zones of exception, and enclaves of value?"

Ghana's planning idiom: A terrain of complications?

In what follows, we unpack, conceptually, Roy's question, especially when discussed within Ghana's dual legal land and planning systems. The dual nature of land and planning laws in Ghana implies multiple sovereign keepers of these laws—i.e. national and subnational state as well as different customary authorities (cf. Frimpong Boamah and Walker, 2017). Hence, interpretations of the laws on land ownership, use, and purpose could be an ambiguous business: *which laws do different actors* (*e.g. state planning and customary land authorities*) *(mis)use to declare ownership, zones of exception, and enclaves of value?* In other words*, how does Ghana's dual legal land systems support or constrain a prevailing planning idiom of deregulation, unmapping and exceptionalism?*

Land ownership and use decisions in a dual legal setting are shaped by multiple laws, not a single law. In fact, legal pluralism is rather the norm of societies (Tamanaha, 2008). The land ownership in Ghana is and has always been shaped by statutory and customary laws on land (Agbosu, 2000; Amanor, 2008). Decisions about what the land should be used for is determined by statutory planning laws. There are series of overlapping stages characterizing land development in Ghana: acquisition (lease), registration and titling, obtaining authorization and permits, and final development (see Figure 1). Conceptually, a prospective land owner has four paths in developing a land as shown in Figure 1. The first path is to lease land from customary or private land owners, register land with the state, obtain authorization and permits to develop land from local government planning authorities, and develop the land according to zoning and building regulations. Alternatively, the prospective land owner can lease land from state (which often means that the land will automatically be registered and titled for the land owner), obtain authorization and permits to develop the land, and finally develop the land. The second path involves leasing land from customary or private owners, registering and titling the land, and finally developing the land without authorization and permits from the local government. The third path is to acquire land from customary or private land owner and develop it right away (no land registration/titling and non-compliance with zoning and building regulations). The final path is to squat on a land, which is when land is developed without legally (1) acquiring land based on statutory or customary land laws, (2) registering land based on statutory land laws, and (3) developing land according to statutory planning laws. The first path is the ideal or so-called "legal" path to land ownership and use and the remaining three are the "illegal" paths.

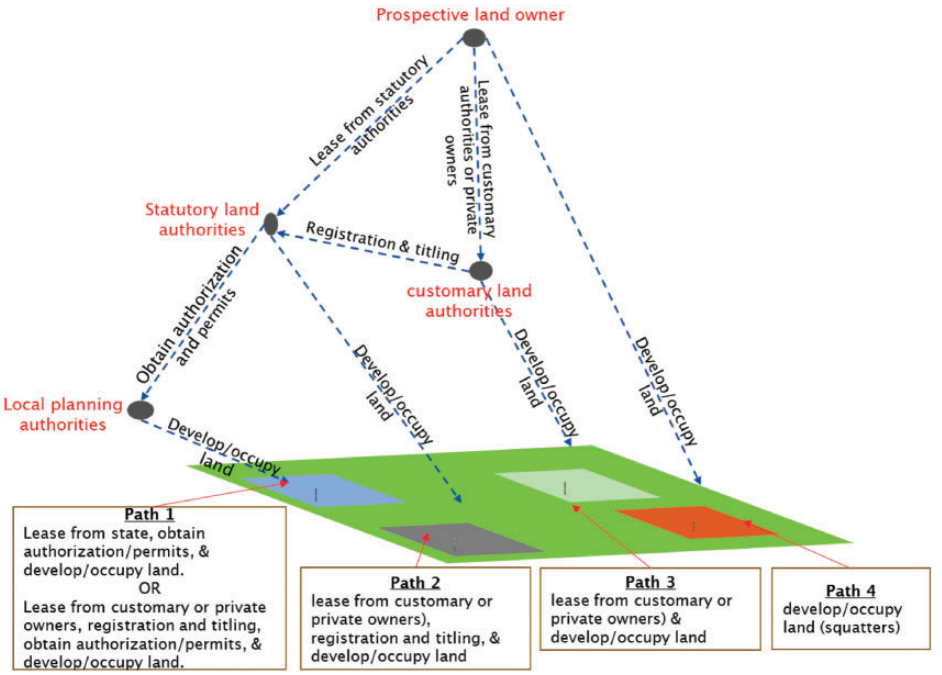

Figure 1. Alternative paths to obtaining land ownership and use rights within Ghana's dual legal land systems. These four illustrated paths are meant to capture the complications in urban planning and land ownership and use laws, procedures and decisions in Ghana. These paths are not exhaustive. In reality, there could be other paths not captured in this diagram. The multiple paths, decisions and procedures foster opportunities for different actors to (mis)use laws to authorize the land use actions of some people (e.g. political elites) and unauthorize the land use actions of others (e.g. street hawkers and residents of informal settlements).
Source: Authors' Construct.

Frimpong Boamah and Walker (2017) use empirical examples to illustrate how and why these four paths play out in urban Accra, Ghana.

More important to this paper is to demonstrate how these four paths present multiple opportunities for state and customary authorities to declare property ownership, zones of exception, and enclaves of value in planning of urban and peri-urban areas in Ghana. There are multiple procedures (state and customary), laws and actors involved in authorizing land ownership and use decisions beginning from land acquisition to development. Figure 2 summarizes procedures in acquiring land for development. Multiple actors are involved in these procedures and must make decisions based on (1) multiple laws (e.g. 1992 Constitution of Ghana, 1994 National Development Planning Systems Act (Act 480), 2016 Land Use and Spatial Planning Act, (Act 925), 1996 National Building Regulations (L.I. 1630), 2018 Ghana Building Code GS1207, 1993 Local Government Act (Act 462), Land Title Registration Act, 1986 (PNDCL 152), Land Registration Regulations, 1986 (L.I.1341), Land Registry Act, 1962 (Act 122), and Land Registry Regulations, 1965 (L.I. 439)), (2) policy frameworks and (3) bylaws of local governments.

The existence of these multiple procedures, laws, and frameworks has provided multiple paths that have characterized Ghana's planning idiom of deregulation, (un)mapping and exceptionalism. Building on Figures 1 and 2, Figure 3 provides a matrix to summarize

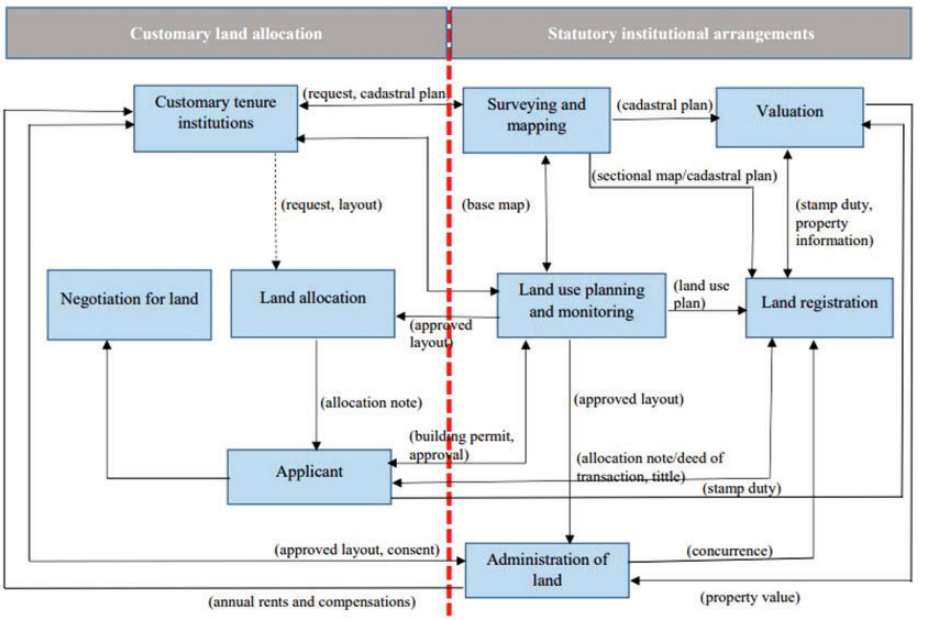

Figure 2. Land acquisition procedures in Ghana's dual legal land systems.
Source: Arko-Adjei (2011).

instances where urban planning and land ownership and use laws can be (mis)used to authorize certain land ownership and use actions. From the matrix, the state and customary institutions, as sovereign keepers of these land and planning laws, are able to (1) misuse both state (planning and land) laws and customary land laws (i.e. misrule of laws), (2) misuse either state (planning and land laws) or customary land laws (i.e. partial misrule of laws), and (3) properly use (comply with) both state (planning and land) laws and customary land laws (i.e. rule of laws). Benton's (1994: 237) idea of "rule shopping" suggests that the above three instances are empirically possible because, in reality, actors shop for rules when making decisions and taking actions. That is, humans are not just *rule-takers*, they are *rule-makers* as well. The state and customary authorities are able to place themselves within and outside of customary and statutory land and planning rules to take several actions such as demolishing specific urban enclaves while protecting others. Whether or not these actions are pursued deliberately is of less interest to us in this paper. Rather, our interest here is to examine and describe instances where laws are made and unmade by state and customary authorities to develop or demolish, plan or ignore certain spaces. That is, we seek to characterize how Ghana's prevailing planning idiom is being shaped by the (mis)use of state (planning and land) and customary land laws to declare property ownership, zones of exception, and enclaves of value within urban and peri-urban areas. From our conceptual matrix in Figure 3, we seek to interrogate the first two instances of (mis)use of laws:

a. state and/or customary authorities (mis)use statutory planning and land laws to (un)map or declare property ownership, zones of exception, and enclaves of value: *planning by (mis)rule of statutory planning and land laws*; and
b. customary and/or state (mis)use customary land laws to (un)map or declare property ownership, zones of exception, and enclaves of value: (*planning by the (mis)rule of customary land laws*).

Customary land rules	Statutory planning and land rules: Misuse or nonuse	Statutory planning and land rules: Comply (use properly)
Misuse/ignore	**Misrule of state and customary laws** Misuse of both customary and state laws	**Partial misrule of laws** Misuse of customary laws and comply with state laws
Comply (use properly)	**Partial misrule of laws** Comply with customary laws and misuse state laws	**Rule of state and customary laws** Comply with both state and customary laws

Figure 3. Conceptual matrix to illustrate moments that the law can be (mis)used by statutory and customary authorities to authorize or unauthorize land ownership and use decisions and actions. Source: Authors' Construct.

The inability to distil and deeply interrogate the two delineated instances of (mis)use of laws, perhaps, underlies why the country still struggles to properly characterize and address the planning challenge posed by Ghana's dual legal context. Land reforms, such as the national land policy in 1999, have failed to restructure and (re)align land ownership and use decisions. Other initiatives have been launched since 2003 (e.g. Land Administration Project, Land Use Planning and Management Project, Ascertainment of Customary Law Project, and National Urban Policy Framework) to restructure and reconcile land ownership and use procedures. Regrettably, none of these national policies and projects has achieved the needed impact of streamlining customary land administration into statutory planning system. The planning idiom of deregulation, unmapping, and exceptionalizing areas still exists and continues to entrench socio-spatial conflicts and marginalization especially in urban and peri-urban areas. In 2016, a new Land Use and Spatial Planning Act, Act 925 was promulgated to improve on urban planning at all levels. However, the full impact of this law is yet to be felt. We next discuss how the prevailing planning idiom is animated and sustained through the (mis)use of laws in Accra and Kumasi.

Study approach and method

The study employed a three-step process in gathering and analyzing data on the nexus between urban planning and land tenure in Ghana. This paper is part of a larger project, which was designed based on two a priori determined issues: conflicting and complimentary instances in planning and land laws, practices and discourses; and effects/impacts of such conflicting and complimentary instances. The first and second steps involved content analysis (Krippendorff, 2012) of documents, and the last step involved analysis of responses from interviews and focus group sessions conducted. The first step involved documents related to land and planning laws and policies: 1992 Constitution of Ghana, Act 480, Act 925, GS1207, Act 462, L.I. 1630, PNDCL 152, L.I.1341, Act 122, L.I. 439, 2011 Zoning Guidelines and Planning Standards, and 2015 Development Permitting Guidelines, National Spatial Development Framework, spatial development frameworks for Accra and Kumasi, bylaws for Accra Metropolitan Assembly (AMA) and Kumasi Metropolitan Assembly, and National Urban Development Policy and Action Plan. Since this is a problem-driven research (see Krippendorff, 2012), we used a priori determined criteria to capture statements on (1) land ownership and use decisions (2) actor(s) responsible for these decisions, (3) deontic modalities related to permissions, obligations, and rights, and (4) sanctions/penalties. The independently coded statements by two research team members

were compared to check face and semantic validities, which also allowed us to check inter-subjective agreement. Some statements were later recoded after deliberations by the research team. The (re)coded statements were later grouped into four themes to reflect the four above-mentioned criteria. Within the four themes, we created two cross-cutting themes to group statements that potentially conflict with or complement each other. We used NVivo 12 (a qualitative data analysis software) for the coding and content analysis.

In the second step, we first followed methodology in Scientometric studies by using the Publish or Perish software, which searches for scholarly publications using Google Scholar, Scopus and Web of Science databases (Harzing, 2010). We collected published documents using multi-query search criteria based on one or combination of these search terms: Ghana, land right, planning, zoning, customary tenure, public land, stool land, evictions, land transactions, land grabbing, demolition, eviction, landguard, and land conflict. These search items were also used to search through the online search portals of the Daily Graphic and MyJoyOnline, two of Ghana's authoritative news sources with online presence (Note: The use of online newspaper sources limited a comprehensive search of all available newspapers. The intent, however, was not be comprehensive but to capture sample news stories on land and planning issues in Ghana.). The search outputs were refined to include records from the 1990s, when seminal publications highlighted land struggles and planning practices in Ghanaian cities (e.g. Kasanga et al., 1996; Larbi, 1996; Quarcoopome, 1992). Statements from these documents were coded into two categories: statements that identified conflicts or complementarity in land and planning laws and policies; and statements that mentioned specific empirical examples or events that illustrated the effects/impacts from land and planning laws, practices, and discourses. Again, we compared independently coded statements to check face and semantic validities and revised the coding of statements where necessary. We compared coded statements in step 2 with statements in the cross-cutting themes in step 1 (see Figure 4). With this comparison, our content analysis in steps 1 and 2 helped elicit (1) instances where laws and regulations on land and planning were in conflict or complemented each other, and (2) empirical narratives (events and stories) on specific effects or impacts from land and planning laws, practices and discourses in Ghana.

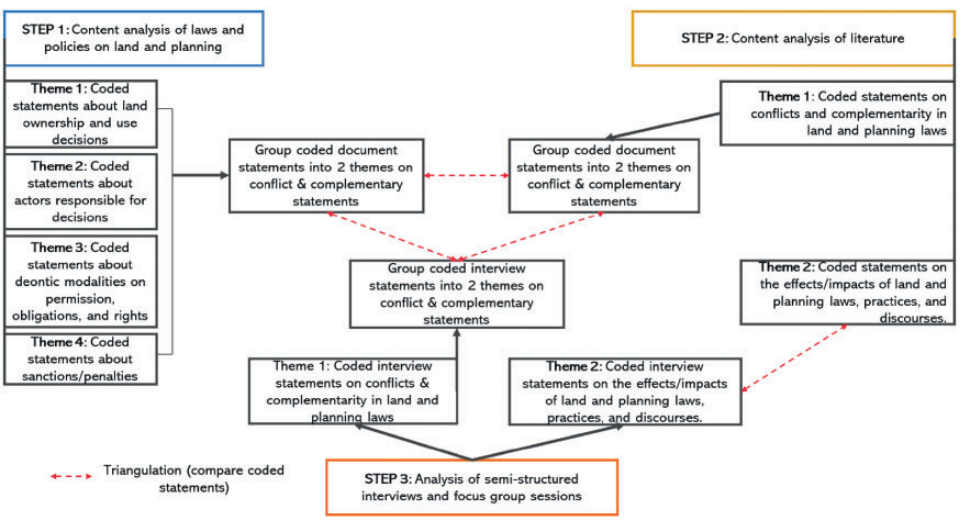

Figure 4. Study approach and method.

In the final step, we conducted semi-structured interviews and focus group sessions with stakeholders to clarify and confirm (in some instances) results obtained in steps 1 and 2. We purposively sampled stakeholders responsible for and impacted by land and planning decisions. We interviewed 25 officials in planning (11) and public land agencies (14) in Kumasi and Accra, and five representatives each from the customary land secretariats (CLSs) in both cities—Gbawe Kwatei Family Land Secretariat in Accra, and Asantehene's Land Secretariat in Kumasi. Two neighbourhoods in each city were selected, with advice from interviewed government officials and customary authorities, to conduct interviews and focus group sessions with existing and prospective developers, opinion leaders and residents. In Accra, 22 interviews were conducted with developers and opinion leaders in Achimota (13) and Gbawe (9), and 20 interviews were conducted in Kumasi, involving Breman (9) and Atafoa Aboahia (11). A focus group session was organized in each neighbourhood, with an average of five people attending each session.

Study contexts

With almost similar population sizes in 2010, Accra (2,076,546 people) and Kumasi (2,035,064 people) are the two largest urban centers in Ghana (World Bank, 2015: 3). Their comparable population sizes present opportunities to tease out differences and similarities in how socio-political and economic issues are experienced by their residents. Accra is the capital city of Ghana and was established as the economic and administrative capital of the then Gold Coast in 1877 by the British Crown (Grant and Yankson, 2003). Kumasi on the other hand serves as both the capital of the historical Asante state and current Ashanti Region.

Although there are some slight differences in the customary land tenure systems within Accra and Kumasi, both cities are characterized by dual legal land systems, which again presents opportunities to examine how urban planning intersects with customary land tenure and statutory land and planning laws in both cities. Customary land in Accra, which forms over 78% of land in the city, is vested in indigenous Ga communities represented by traditional leaders known as chiefs and heads of various clans and families (Kasanga et al., 1996; Kasanga and Kotey, 2001). There are two categories of customary lands in Accra: stool and family lands. Stool lands belong to the various Ga communities held in trust for the citizens by the chiefs. Family lands are owned by various Ga families within the communities usually represented by their family heads. Family lands were initially part of stool lands, which some families had acquired for farming before Accra became a city (Larbi, 2009). Interests in customary land ownership by the indigenous communities are "secured, inalienable and inheritable" (Kasanga and Kotey, 2001: 13). State lands constitute about 20% of land in Accra and the remaining lands fall broadly under private/customary lands (cf. Kotey, 2002; Obeng-Odoom, 2014).

Land in Kumasi previously belonged to the Asantehene (i.e. the paramount chief of the Asantes) but today, ownership is shared by the stools (customary authorities) and the state (Hammond, 2011). Land in this city is statutorily categorized into (1) part one and two lands with their boundaries fixed by statutory provisions, and (2) public lands. Part one land or "Kumasi Town Lands" form 18% of Kumasi's land area (Amoako and Korboe, 2011) and they include all lands within a kilometer radius of the Kumasi Fort. This land is vested in the state (or President) to be held in trust for the Golden Stool and the natives of Kumasi. Apart from public lands (state-owned), which form 1% of the lands in Kumasi, the remaining lands constitute part two lands, also known in Article 267 of the 1992 Constitution as stool lands. Stool lands, which form approximately 81% of the city's land, are vested in the Asantehene on behalf of all Asantes. Stool lands are managed directly by the Asantehene's Land Secretariat, which predates and runs alongside Ghana's statutory

legal land system, was established to, among others, process land title, generate funds, and maintain up-to-date land records (Amoako and Korboe, 2011).

Findings and discussion: Planning by (mis)rule of laws in Ghana

Within Accra and Kumasi's dual legal land system emerges a planning idiom characterized by the mis(use) of statutory planning and land laws and customary land laws. The discussions here focus on instances where planning occurs by (1) (mis)rule of statutory planning and land laws and (2) misrule of customary land laws. We also highlight how these two (mis) rules of laws are interconnected to shape the prevailing idiom of planning within Ghana's dual legal land systems.

Planning by (mis)rule of statutory laws

This is when statutory planning and land laws provide opportunities for stipulated provisions to be (mis)used or ignored in (un)mapping areas for planning purposes. Two instances help to demonstrate such opportunities. In the first instance, section 84(2) of Ghana's newly enacted Land Use and Spatial Planning Act (Act 925) talks about structure plans and zoning schemes, "Subject to subsection (3), after the coming into force of the structure plan, the District Assembly shall ensure that buildings and other structural and infrastructural developments in the district conform to the zoning scheme incorporated in the structure plan."

This provision reinforces earlier provisions in section 53 of the 1993 Local Government Act (Act 462), which allows local governments to "prohibit, abate, remove, pull down or alter so as to bring into conformity with the approved plan, a physical development which does not conform to the approved plan. . ." In effect, section 84(2) of Act 925 expects already developed lands to retroactively conform to yet-to-be-developed structure plans and zoning schemes. The challenge is and has always been to determine, who and how to decide which existing buildings and infrastructural developments conform to these yet-to-be developed structure plans and zoning schemes. Even though Act 925 requires public participation in developing structure plans and zoning schemes (e.g. sections 68 and 75 of Act 925), its provision for retroactive conformance provide opportunities for planning by misrule of state planning and land laws. For instance, on 15 August 2018, the Daily Graphic reported an exercise by the AMA, which involved demarcating and mapping about 1800 structures (affecting 8000 people) to be demolished within Agbogbloshie (Daily Graphic report by Ngnenbe, 2018). According to the newspaper's account, residents protested and their spokesperson, Mr Robert Nii Ashie, opined

> . . .we will not allow anyone to come and demolish our homes because we are not illegal settlers. . .If the officials of the AMA fail to listen to our plight and want to go ahead with the exercise, they must as well kill all of us because we will not leave.

The local elected representative, or Assembly member for the area, Mr. Ashong, also spoke against this exercise,

> I am the assembly member for the area and I can tell you that I have not been contacted on this issue, neither was it raised at any assembly meeting. I had to stop them from going ahead with the demarcation last Wednesday because they cannot evict people and bring tomato sellers to use the place as a market. (Daily Graphic report by Ngnenbe, 2018)

This demolishing exercise and resultant protests, which occurs frequently in both Accra and Kumasi (see instances in Bob-Milliar and Obeng-Odoom, 2011; Owusu et al., 2008), help to unpack how misrule of statutory planning and land laws is fostered, intendedly or otherwise. In this demolishing exercise story, like many others, the AMA places itself within statutory planning and land laws to unmap and declare certain areas "authorized" and must therefore be removed to ensure retroactive conformance to statutory planning laws. Simultaneously, the AMA places itself outside of these same statutory planning and land laws by not consulting residents before carrying out demolishing exercises. Again, by placing itself outside of these statutory laws, AMA attempts to map out residential uses while mapping in other uses, such as rezoning the residential use into commercial use for tomato sellers: "We want to move tomato sellers who ply their trade in very deplorable conditions from the Agbogbloshie Market to that place" (Statement made by the Public Relations Officer of the AMA, Daily Graphic report by Ngnenbe, 2018).

Thus, planning by misrule of statutory planning and land laws is embedded within politics of inclusion and exclusion of people and spaces to ensure retroactive conformance to rules. It is naïve at best to assume that the public participation provision in Act 925 safeguards against misrule of statutory planning laws. Korah et al. (2017) remind us about the "little influence" urban residents have over the design of spatial plans for Kumasi. If anything, one can argue that unfettered power to include and exclude people, areas, buildings and other developments are now entrenched in state planning and land use laws—in casu Act 925. This bolsters the already arbitrary powers wielded by local authorities to declare and raze down the so-called "illegal areas" in urban and peri-urban Ghana. In fact, the analysis of Accra's informal economy by Bob-Milliar and Obeng-Odoom suggests how misrule of statutory planning and land laws represents instances "where politicians 'pay their dues' to those people [informal residents] who support them and 'discipline' those who do not" (2011: 279).

In the second instance, misrule by statutory planning and land laws occurs through the exercise of the state's eminent domain powers:

> Where a District Assembly is unable to purchase a land or a building required under subsection (1), the land or building may be acquired under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the district. A land or a building acquired under this section shall be used only for, or in connection with the scheme for which that land or building was acquired and a failure to use the land or building for the purpose for which it was acquired entitles the original owner to be given the option to acquire the land back… (Section 167 (2)(3) of Act 925)

The State Lands Act 1962 (Act 125) and Act 925 outline mechanisms and procedures for compulsory acquisition of lands, which include compensations to land owners. Lands, so acquired, should be used for their intended purposes or must be returned to their original owners. In reality, however, this eminent domain power is enacted in a manner disruptive of urban planning processes, which also helps bolster accumulation and authority of both state and non-state actors (e.g. government officials, and customary and private land owners). Land parcels claimed through eminent domain sometimes do not have clearly defined proposed land use. Even when there is a proposed use for these claimed land parcels, the land is eventually leased to private developers or abandoned completely. Kasanga et al. (1996: 32) use "encroachment by public/government land officials" to describe instances where publicly acquired lands are leased to private parties to be used for other purposes (see also Dowuona-Hammond, 2019; Owusu, 2008).

Sometimes, these publicly acquired but privately sold lands are eventually accorded the proper planning status (e.g. provided with the needed legal title and social infrastructure) because the land is owned and developed by individuals and developers connected to the "right" people in both national and subnational government authorities. In an interview with some local residents living in the so-called authorized areas in Kumasi, one resident opined:

> *. . .It is quite simple to understand why we struggle to get access to facilities like toilets, electricity, and water here. . .They [local government authorities] say it's because we do not have land titles but we know that's not true. They come to us for votes during our elections and promise to provide us with all these things [i.e. toilets, water, electricity, etc.]. But they turn around and say we do not have land titles after they get our votes. . .In fact, I can show you places around [i.e. Kumasi] that belong to rich people who have electricity and water because they can pay to get them. . .* (Resident interview, Kumasi, 2017)

Gillespie (2016) also discusses an instance where farm areas in La, a community in Accra, were expropriated from farmers for public use. The expropriated land was later leased to private developers to build luxury mansion (AU Village) and other high-income residential and commercial developments (see also Kotey, 2002; Yeboah, 2008). These developed high-income areas within and near the La community have now been mapped as authorized planned areas, which sit in close proximity to other areas that have been declared and unmapped as unauthorized. Such instances of misrule by the state's eminent domain powers also animated contestations surrounding publicly acquired lands in areas such as Ofankor, Abeka, former Star Hotel, Government Bungalows on 4th and 5th Circular Roads, and Airport City, Accra Central (Ayee et al., 2011; Kasanga et al., 1996).

In some cases, land compensations are either not paid or paid below the market rate. Gillespie (2016) observes that the state now serves as the intermediary among transnational elites, wealthy Ghanaians (both home and abroad), tourists and private developers. It plays this role through expropriating urban land, leasing it (often below market rate) to private developers, and granting them legal planning status after the lands are developed into enclaves of high value (Grant, 2009; Obeng-Odoom, 2014). In other cases, the state does not follow through with the acquisition process. In Kumasi, two scenarios pointed to this situation. Firstly, members of the traditional authorities of Kotei, Gyinyaase and Ahinsan, fringe communities to the Kwame Nkrumah University of Science and Technology (KNUST), lamented on the compulsory acquisition of their land to build the university without adequate compensation. A member of the traditional authority noted:

> *Even though the lands for the university was given by Otumfour[Asantehene], the state should have made arrangements to pay adequate compensations to the families and clans whose farm lands were acquired for the project. Many descendants of the families whose land were acquired for the construction of the university have died out of hunger and poverty.* (Stakeholder interview, Kumasi, 2017)

Secondly, it was also revealed that most lands acquired by the state as open spaces in Kumasi did not follow statutory land laws. For instance, an interview with the Department of Parks and Gardens in Kumasi revealed that some of the open spaces in the city are not properly registered/titled. Our team was directed to contact the Lands Commission, which also could not produce any documented evidence of state ownership over some of the open spaces in Kumasi. The lack of documentation, contestations, and

misunderstandings around land documents is discussed as a source of land conflicts. Agbosu (2000) observed that many land disputes in court are as a result of misunderstanding about the nature and quality of state-issued land documentation (cf. Sackeyfio, 2012). The CLS, established in 2003 as part of the Land Administration Project (phases 1 and 2) by the World Bank was an attempt to ensure proper documentation, transparency, fairness and expediency in land documentation process (Mireku et al., 2016; World Bank, 2003). However, based on case study findings in Accra and Tema, Andrews (2018) found that land documentation process under the CLS has offered opportunities for state actors to extract bribes from land agents and prospective developers.

The state conveniently places itself within statutory planning and land laws to enforce its eminent domain power for the so-called "public" good. But it simultaneously places itself outside of these laws to (1) refuse paying compensation, (2) sell of publicly acquired land to private developers, and/or (3) take bribes in executing its fiduciary planning and land duties. The mis(use) of eminent domain allows state officials the "territorialized flexibility" (Roy, 2009: 81) to (1) deregulate and sell lands, (2) convert land to uses other than what they were publicly acquired for, and (3) exceptionalize some areas by granting them "legal" planning status. The misrule of statutory planning and land laws also bolster accumulation and authority of state and its actors in ways such as payment of bribes to some state actors, which increasingly reveals state actors in Ghana as "a deeply informalized [illegalized] entity" (Roy, 2009: 81) or what Amoako (2016) sees as the state's complicit role in the haphazard planning of urban and peri-urban areas in Ghana.

Planning by (mis)rule of customary laws

As sovereign keepers of customary land laws, customary authorities are able to simultaneously place themselves within and outside customary land laws, which continues to shape how and when planning is carried out in Accra and Kumasi. Here, planning by misrule of customary land laws can be demonstrated in two instances: actions of customary authorities in matters of eminent domain and lease of same land to multiple land buyers (double dipping). First, the state is not the only one complicit in the (mis)use of eminent domain for accumulation and authority. Customary authorities place themselves within customary land laws to negotiate with state authorities during eminent domain proceedings. However, customary authorities place themselves outside of the laws by (re)leasing publicly acquired lands. Based on interviews with customary and state authorities in both cities, customary authorities (re)lease publicly acquired lands when the state (1) abandons the land or plans to use the land for purposes other than what it was acquired for (2) (re)leases publicly acquired land to private individuals, and (3) does not pay compensation (see also Dowuona-Hammond, 2019; Kotey, 2002; Larbi et al., 2004). Recall that based on provisions in Acts 125 and 925, these cited reasons present prima facie case for customary authorities to contest, not to arbitrarily (re)lease publicly acquired lands.

More importantly, there seemed to be an implicit understanding, at least on the part of customary authorities, that leasing land parcels through customary authorities, gives buyers the permission to use such land for any purpose (not necessarily according to the zoning code). This implicit understanding was strongly expressed more in Kumasi than in Accra partly because customary authorities, drawing power from the immense influence of the Asantehene, are able to exert considerable influence over land ownership and use decisions: traditionally, an Asante chief's word, especially on land matters, is law. For instance, when asked if he expects buyers of clan land to check with local planning authorities about the zoned use of the land, a clan head responded:

> *Once the land has been given to a prospective developer and the necessary customary requirements performed [including cash payments and presenting bottles of Schnapps], the developer has every right to use the land. We give them the necessary documents for them to follow up on the government procedures; but we are not in charge of enforcement*. (Stakeholder interview, Kumasi, 2017)

The disconnect between customary land owners and state planning authorities provides opportunities for the misrule of customary land laws. By (re)leasing publicly acquired land, customary authorities ignore state's planning and land laws such as local structure plans and zoning schemes (see Amoateng et al., 2013). They do this by often (mis)citing their allodial rights to (re)appropriate these abandoned land parcels (i.e. (mis)use of customary land law): after all, some of these customary authorities argue that the land belongs to them, not the government. Cobbinah and Darkwah (2017) point to this in their interview in Kumasi:

> ... the land is ours [traditional leaders]. We are the traditional custodians ... Nobody can develop our land without our consent, not even the government. If the planning people [TCPD] want to plan our community or land, they should contact us first and seek our approval ... (Stakeholder interview by Cobbinah and Darkwah, 2017: 1239)

The (re)leasing of publicly acquired lands further widens the gap between land ownership decisions (by customary authorities) and land use decisions (by state planning authorities), which has forced some scholars to question state's rights "to set-up regulation (such as enacting zoning ordinances) for the use of lands it does not own" (Frimpong Boamah and Walker, 2017: 90). Others (e.g. Amoateng et al., 2013; Korah et al., 2017), having looked at urban and peri-urban communities in Kumasi (e.g. Aboabo and Ayeduase), question the extent to which statutory planning and land laws can be adaptive to the day-to-day and embedded power relations within informal land use decisions in communities (see also conceptual arguments in Adjei-Poku, 2018).

The second and final instance of misrule of customary land laws is through (re)leasing same land to multiple land buyers or what we refer to in this paper as double dipping in the land market. As custodians of customary land laws, customary authorities are within legal bounds to lease land to prospective land buyers. However, these authorities are also able to place themselves out of customary land laws by (re)leasing the same plot of land to multiple prospective buyers. Obeng-Odoom (2014) recounts an instance where the Asantehene dethroned one of his sub-chiefs, the Chief of Atwima, who was accused of leasing the same land to 12 different people. This instance of double dipping in both Accra and Kumasi land markets has been variously discussed in the literature (e.g. Mireku et al., 2016; Owusu-Ansah and O'Connor, 2010).

However, we are yet to connect how this initial (mis)use of customary land laws sets in motion series of interconnected violations of statutory planning and land laws. For instance, because prospective land owners are aware of double dipping in the land market, they would rather develop their land quickly to avoid losing their land to another (Barry and Danso, 2014). This often implies avoiding the long, bureaucratic process of obtaining building permits from local planning authorities: better to ask for forgiveness than to seek permission. Alternatively (or in addition) some land owners also employ landguards to protect their lands, which has led to very troubling results for local planning authorities, security officials and other land owners (Hughes, 2003; Obeng-Odoom, 2014). In what they refer to as "landguardism," Darkwa and Attuquayefio (2012: 143) discuss instances where these vigilante landguard groups extort money from developers and attack (or even murder) suspected encroachers including agents of state authorities (e.g. law enforcement and

local planning agencies). In effect, by placing themselves outside of customary land laws through the use of landguards, customary authorities and private land owners now have the opportunity to declare their areas of value, zones of exception and property ownership. This also bolsters their power and helps them accumulate by physically enclosing certain areas, as suggested by Gillespie (2016). This (mis)use of customary land laws, however, prevents state planning authorities to map these areas for planning purposes unless they accept (and work with) or reject (and get rid of) the landguards. In other words, (mis)use of customary laws must either be accepted or rejected under statutory planning and land laws. The state has often resorted to the latter by arresting these landguards.

Thus, although weak rule enforcement indeed constrains planning efforts in Ghana, as severally argued by scholars (e.g. Adarkwa, 2012; Boamah et al., 2012; Yeboah and Obeng-Odoom, 2010), the co-existence of statutory and customary rules on land and planning raises questions such as, (1) which rules must be enforced? and (2) how does the enforcement or violation of one rule system (say, statutory planning and land laws) affect the compliance or violations of another rule system (say, customary land laws)? In effect, the (mis)use of customary land laws is not independent of (mis)use of statutory planning and land laws. We observe a deeply complicated account of Roy's (2009) discussion on the Schmittian logic: both state and non-state (e.g. customary authorities) actors, as sovereign keepers of statutory and customary land and planning laws, are able to simultaneously place themselves within and outside Ghana's dual legal land rules to declare property ownership, enclaves of value, and zones of exception. Within this complicated planning–land tenure nexus lies Ghana's planning idiom and dilemma.

Conclusion

Till date, many scholars have commented on the complicated urban planning challenges facing Ghana. In this paper, we draw from and build on existing studies to offer an alternative lens to view this complicated nexus between urban planning and dual legal land systems. In what we afore-discussed as planning by (mis)rule of laws, we synthesize empirical findings to suggest that planning occurs through the (mis)rule of statutory and customary land and planning laws. That is, both state and customary authorities, as sovereign keepers of statutory and customary land and planning laws, are able to place themselves within and outside Ghana's dual legal land rules to declare property ownership, enclaves of value, and zones of exception.

The arguments presented and conceptualizations deployed in this paper is only the beginning of what should be further explored by planning scholars, practitioners and policy-makers. From a policy standpoint, there is a need to re-examine statutory and customary laws on land and how they intersect with current local, regional, and national planning practices and procedures. This re-examination, all things being equal, will elevate the need for planners to engage substantively (not symbolically) with customary land owners in land use decisions. From a research standpoint, there is the need to ask questions critical of current planning orthodoxies in Ghana. For instance, there is the need to critically interrogate the political economy of statutory planning and land laws: that is, understanding how and why certain planning and land laws are enacted and the specific social, political, and economic effects of these laws. Here, urban planning scholars in Ghana can learn from political economy scholars, who, over the years, have been looking at the effects of Ghana's decentralization laws (Ayee, 2013; Crook, 2017; Debrah, 2014; Frimpong Boamah, 2018). A political economy analysis of planning and land laws can help planners move beyond, for

instance, prescriptions that seem to (over)emphasize the need to enforce planning rules: what's the point of enforcing rules that marginalize poor and vulnerable groups in society?

Acknowledgements

We are grateful to the Editor, Professor Patricia Daley, and the two anonymous reviewers for their insightful comments. All errors and omissions are ours.

Declaration of conflicting interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This work was supported (in part) by the Community of Global Health Equity, University at Buffalo.

References

Abu-Lughod J and Hay RJ (2013) *Third World Urbanization*. Abingdon: Routledge.

Adarkwa KK (2012) The changing face of Ghanaian towns. *African Review of Economics and Finance* 4: 1–29.

Adjei-Poku B (2018) Rationality and power in land use planning: A conceptual view of the relationship. *Journal of Planning Literature* 33: 45–60.

Agbosu LK (2000) *Ghana Land Law: Contradiction between Anglo-American and Customary Conceptions of Tenure Practices*. Working Paper. Tenure Centre, Institute for Research and Education on Social Structure, Rural Institution, Resource Use and Development. Madison, USA: University of Wisconsin.

Amanor K (2008) The changing face of customary tenure. In: Ubink JM and Amanor K (eds) *Contesting Land and Custom in Ghana: State, Chiefs and the Citizen*. Leiden: Leiden University Press, pp. 55–78.

Amoako C (2016) Brutal presence or convenient absence: The role of the state in the politics of flooding in informal Accra, Ghana. *Geoforum* 77: 5–16.

Amoako C and Korboe D (2011) Historical development, population growth and present structure of Kumasi. In: Adarkwa KK (ed.) *Future of the Tree – Towards Growth and Development of Kumasi*. Kumasi: University Printing Press, pp.35–54.

Amoateng P, Cobbinah PB and Owusu-Adade K (2013) Managing physical development in peri-urban areas of Kumasi, Ghana: A case of Abuakwa. *Journal of Urban and Environmental Engineering* 7: 96–109.

Andrews E (2018) *Navigating Land Rights Institutions in the Greater Accra Region of Southern Ghana: An Actor Network Theory Approach*. Ottawa, Canada: School of International Development and Globalization Studies, Université d'Ottawa/University of Ottawa.

Arko-Adjei A (2011) *Adapting Land Administration to the Institutional Framework of Customary Tenure: The Case ofPeri-Urban Ghana*. Netherlands: Delft University of Technology.

Aryeetey E, Al-Hassan R, Asuming-Brempong S, et al. (2007) *The Organization of Land Markets and Production in Ghana*. Accra: ISSER.

Ayee JR (2013) The political economy of the creation of districts in Ghana. *Journal of Asian and African Studies* 48: 623–645.

Ayee JR, Frempong KDA, Asante R, et al. (2011) *Local Power Struggles, Conflicts and Conflicts Resolution. The Causes, Dynamics and Policy Implications of Land-Related Conflicts in the Greater Accra and Eastern Regions of Ghana*. Dakar: CODESRIA.

Barry M and Danso EK (2014) Tenure security, land registration and customary tenure in a peri-urban Accra community. *Land Use Policy* 39: 358–365.
Benton L (1994) Beyond legal pluralism: Towards a new approach to law in the informal sector. *Social & Legal Studies* 3: 223–242.
Berry S (1997) Tomatoes, land, and hearsay: Property and history in Asante in the time of structural adjustment. *World Development* 25: 1225–1241.
Berry S (2008) Ancestral property: Land, politics and 'the deeds of the ancestors' in Ghana and Cote d'Ivoire. In: Ubink JM and Amanor K (eds) *Contesting Land and Custom in Ghana: State, Chiefs and the Citizen*. Leiden: Leiden University Press, pp. 27–53.
Blocher J (2006) Building on custom: Land tenure policy and economic development in Ghana. *Yale Human Rights & Development Law Journal* 9: 166.
Boamah NA, Gyimah C and Nelson J (2012) Challenges to the enforcement of development controls in the Wa municipality. *Habitat International* 36: 136–142.
Bob-Milliar GM and Obeng-Odoom F (2011) The informal economy is an employer, a nuisance, and a goldmine: Multiple representations of and responses to informality in Accra, Ghana. *Urban Anthropology and Studies of Cultural Systems and World Economic Development* 40: 263–284.
Cobbinah PB and Darkwah RM (2017) Urban planning and politics in Ghana. *GeoJournal* 82: 1229–1245.
Crook R, Affou S, Hammond D, et al. (2007) The law, legal institutions and the protection of Land Rights in Ghana and Côte d'Ivoire: Developing a more effective and equitable system. *IDS Research Report*. UK: IDS.
Crook RC (2017) Democratic decentralisation, clientelism and local taxation in Ghana. *IDS Bulletin* 48. ISSN 1759-5436.
Darkwa L and Attuquayefio P (2012) Killing to protect: Land guards, state subordination and human rights in Ghana. *SUR – International Journal on Human Rights* 17: 141.
Debrah E (2014) The politics of decentralization in Ghana's Fourth Republic. *African Studies Review* 57: 49–69.
Dowuona-Hammond C (2019) Rationalising the basis for utilization of compulsorily acquired property in Ghana: Issues arising. *Land Use Policy* 81: 546–552.
Fay D (2009) Land tenure, land use, and land reform at Dwesa–Cwebe, South Africa: Local transformations and the limits of the state. *World Development* 37: 1424–1433.
Frimpong Boamah E (2018) Constitutional economics of Ghana's decentralization. *World Development* 110: 256–267.
Frimpong Boamah E and Walker M (2017) Legal pluralism, land tenure and the production of "Nomotropic Urban Spaces" in post-colonial Accra, Ghana. *Geography Research Forum* 36: 86–109.
Gillespie T (2016) Accumulation by urban dispossession: Struggles over urban space in Accra, Ghana. *Transactions of the Institute of British Geographers* 41: 66–77.
Gough KV and Yankson WKP (2000) Land markets in African cities: The case of peri-urban Accra, Ghana. *Urban Studies* 37(13): 2485–2500.
Grant R (2006) Out of place? Global citizens in Local Places: A study of informal settlements in the Korle Lagoon Environs in Accra, Ghana. *Urban Forum* 17: 1–24.
Grant R (2009) *Globalizing City: The Urban and Economic Transformation of Accra, Ghana*. Syracuse, NY: Syracuse University Press.
Grant R and Yankson P (2003) Accra. *Cities* 20: 65–74.
Hammond DNA (2011) Harmonising land policy and the law for development in Kumasi. In: Adarkwa KK (ed.) *The Future of the Tree – Towards Growth and Development of Kumasi*. Kumasi: University Printing Press, pp. 55–68.
Harzing A-W (2010) *The Publish or Perish Book*. Melbourne, Australia: Tarma Software Research Melbourne.
Hughes T (2003) *Managing Group Grievances and Internal Conflict: Ghana Country Report. Working Paper Series*. Netherlands: Netherlands Institute of International Relations 'Clingendael', Conflict Research Unit.

Kasanga K (2003) *Current Land Policy Issues in Ghana in Land Reform: Land Settlement and Cooperatives*. Washington, D.C., USA: World Bank Publications.

Kasanga K, Cochrane J, King R, et al. (1996) *Land Markets and Legal Contradictions in the Peri-Urban Area of Accra, Ghana: Informant Interviews and Secondary Data Investigations*. Madison, WI: Land Tenure Center.

Kasanga K and Kotey NA (2001) *Land Management in Ghana: Building on Tradition and Modernity. Land Tenure and Resource Access in West Africa*. London: IIED.

Korah PI, Cobbinah PB and Nunbogu AM (2017) Spatial planning in Ghana: Exploring the contradictions. *Planning Practice & Research* 32: 361–384.

Kotey NA (2002) Compulsory acquisition of land in Ghana: Does the 1992 constitution open new vistas? In: Toulmin C, Lavigne Delville P, Traoré S, et al. (eds) *The Dynamics of Resource Tenure in West Africa*. Paris: GRET, pp. 203–214.

Krippendorff K (2012) *Content Analysis: An Introduction to its Methodology*. Thousand Oaks, CA: Sage Publications.

Larbi WO (1996) Spatial planning and urban fragmentation in Accra. *Third World Planning Review* 18: 193.

Larbi WO (2009) Compulsory land acquisitions and compensation in Ghana: Searching for alternative policies and strategies. *Land Reform, Land Settlement and Cooperatives* 1: 20–29.

Larbi WO, Antwi A and Olomolaiye P (2004) Compulsory land acquisition in Ghana – Policy and praxis. *Land Use Policy* 21: 115–127.

Mireku KO, Kuusaana ED and Kidido JK (2016) Legal implications of allocation papers in land transactions in Ghana – A case study of the Kumasi traditional area. *Land Use Policy* 50: 148–155.

Ngnenbe T (2018) Tension mounts at Agbogbloshie over intended demolition exercise. *Daily Graphic*. Graphic Online. Available at: https://www.graphic.com.gh/news/general-news/tension-mounts-at-agbogbloshie-over-intended-demolition-exercise.html (accessed 20 December 2018).

Njoh AJ (2003) *Planning in Contemporary Africa*. London: Routledge.

Njoh AJ (2009) Urban planning as a tool of power and social control in colonial Africa. *Planning Perspectives* 24: 301–317.

Nyame FK and Blocher J (2010) Influence of land tenure practices on artisanal mining activity in Ghana. *Resources Policy* 35: 47–53.

Obeng-Odoom F (2014) Urban land policies in Ghana: A case of the emperor's new clothes? *The Review of Black Political Economy* 41: 119–143.

Obeng-Odoom F (2015) Africa: On the rise, but to where? *Forum for Social Economics* 44(3): 234–250.

Owusu-Ansah JK and O'Connor KB (2010) Housing demand in the urban fringe around Kumasi, Ghana. *Journal of Housing and the Built Environment* 25: 1–17.

Owusu G (2008) Indigenes' and migrants' access to land in peri-urban areas of Accra, Ghana. *International Development Planning Review* 30: 177–198.

Owusu G, Agyei-Mensah S and Lund R (2008) Slums of hope and slums of despair: Mobility and livelihoods in Nima, Accra. *Norsk Geografisk Tidsskrift – Norwegian Journal of Geography* 62: 180–190.

Peters PE (2004) Inequality and social conflict over land in Africa. *Journal of Agrarian Change* 4: 269–314.

Quarcoopome SS (1992) Urbanisation, land alienation and politics in Accra. *Research Review* 8: 2.

Roy A (2003) *City Requiem, Calcutta: Gender and the Politics of Poverty*. Minneapolis: University of Minnesota Press.

Roy A (2009) Why India cannot plan its cities: Informality, insurgence and the idiom of urbanization. *Planning Theory* 8: 76–87.

Sackeyfio N (2012) The politics of land and urban space in colonial Accra. *History in Africa* 39: 293–329.

Smith DM (2003) *The Apartheid City and Beyond: Urbanization and Social Change in South Africa*. Abingdon: Routledge.

Tamanaha BZ (2008) Understanding legal pluralism: Past to present, local to global. *The Sydney Law Review* 30: 375–411.

Ubink JM (2006) Land, Chiefs and Custom in Peri-Urban Ghana. In: *ISS Conference on Land, Poverty, Social Justice & Development*, 9-14 January 2006, The Hague.
Ubink JM and Amanor K (2008) *Contesting Land and Custom in Ghana: State, Chief and the Citizen*. Leiden: Leiden University Press.
Watson V (2009) Seeing from the South: Refocusing urban planning on the globe's central urban issues. *Urban Studies* 46: 2259–2275.
Wily LA (2011) 'The Law is to Blame': The vulnerable status of common property rights in sub-Saharan Africa. *Development and Change* 42: 733–757.
World Bank (2003) *Project Appraisal Document on a Proposed Credit in the Amount of SDR 15.1million (US$20.5 Million Equivalent) to the Republic of Ghana for a Land Administration Project*. Washington, DC: World Bank Group.
World Bank (2015) *Rising through Cities in Ghana: Ghana Urbanization Review Overview Report*. Washington: DC: The World Bank Group.
Yeboah E and Obeng-Odoom F (2010) 'We are Not the Only Ones to Blame': District Assemblies' Perspectives on the State of Planning in Ghana. *Commonwealth Journal of Local Governance* 7: 78–98
Yeboah E and Shaw D (2013) Customary land tenure practices in Ghana: Examining the relationship with land-use planning delivery. *International Development Planning Review* 35: 21–39.
Yeboah IE (2008) Ethnic emancipation and urban land claims: Disenfranchisement of the Ga of Accra, Ghana. *Geographical Research* 46: 435–445.

Emmanuel Frimpong Boamah (PhD), holds a joint faculty appointment with the Department of Urban and Regional Planning and the Community for Global Health Equity. As an interdisciplinary scholar, he deploys multiple theoretical and methodological lenses to interrogate issues related to urban health, public policy, environmental governance, land tenure and sustainable urbanism in Global North and South countries.

Clifford Amoako (PhD), is a senior lecturer at the Department of Planning, KNUST – Kumasi, Ghana. He is a Development Planner with special interest in Urban Development, Transportation and Environmental Planning and Disaster Management. His current research interests are in development planning, human vulnerability and responses to natural hazards in the Global South.