Background

Ghana's Political History and Regime Type

Ghana is a unitary Republic with a Constitution based on the model of the United States of America. The 1992 Constitution stipulates that the state is based on a quasi-executive presidential system of government. However, unlike the American presidential system which maintains a separation of powers, the Ghanaian Constitution stipulates that a majority of ministers of state in Ghana be appointed from Parliament. The principle of separation of powers is nevertheless a central feature of the 1992 Constitution, and is supposed to promote checks and balances. However, as already indicated, the principle is undermined by the fusion of the Executive and Legislature in that the Constitution stipulates that the majority of ministers must be sitting Members of Parliament. The independence of the judiciary is also restricted because there is no upper limit to the number of Justices of the Supreme Court that can be appointed.

Five key principles are enshrined in Chapter 6 of the Constitution, collectively called, 'The Directive Principles of State Policy'. They are the realization of (a) basic human rights and popular participation; (b) a healthy economy; (c) the right to work; (d) the right to good health care; (e) the right to education. These positive rights, it must be noted, exist in theory rather than in practice.

However, the government has taken steps to ensure their full and early realization. As subsequently spelled out by the government, the principles involve the following:

(i)   establishment and strengthening of a democratic state, values, processes and social order based on the ideals and principles of freedom, equality, regional and gender balance, justice, probity, accountability, transparency and competence;

(ii)   eradication of corrupt practices and the abuse of power;

(iii) institution-building and reform;

(iv)   establishment of a sound and healthy economy, with a reduction in the role of the state in the economic life of the country through shifting of more responsibility to the private sector and an environment that encourages investor confidence;

(v)   decentralization of administrative and financial machinery of government to the regions and districts; and

(vi)   development of 'value for money' public services (Republic of Ghana 1992; 1994; 1995).

Ghana has had significant experiences with democratic political life (see Box1). It has vacillated between civilian and military rules. However, since the return to multi-party rule, there has been political stability as demonstrated by four successive national-level elections which were held in 1992, 1996, 2000 and 2004. The first two elections were won by Jerry Rawlings' National Democratic Congress (NDC) while the last two were won by New Patriotic Party (NPP) of incumbent president, John Kuffuor. The next elections are scheduled for December 2008.

Box 1: Key Events in Ghana's History

1957: Ghana gained independence from Britain.

1960: Ghana gained republican status with a republican Constitution (First Republic).

1964: Ghana became a one-party state under Kwame Nkrumah's Convention People's Party (CPP).

1966: Nkrumah overthrown in Ghana's first military coup and the setting up of the National Liberation Council (NLC) government.

1969: K.A. Busia elected as Prime Minister under the 1969 Constitution (Second Republic).

1972: Military coup led by General Acheampong to overthrow Busia's Progress Party (PP) government and setting of National Redemption Council (NRC) government.

1975: Replacement of NRC by the Supreme Military Council (SMC) as executive arm of Government.

1978: General Acheampong removed as Head of State in a palace coup led by General Fred Akuffo.

1979: First military intervention by Flt. Lt. J.J. Rawlings and the setting up of the Armed Forces Revolutionary Council (AFRC).

1979: Hilla Limann elected as President under the 1979 Constitution (Third Republic).

1981: Second military intervention by Rawlings with the overthrow of Limann's People's National Party (PNP) government and the formation of Provisional National Defence Council (PNDC).

1983: Introduction of Economic Recovery Programme by the PNDC.

1991: Setting up of Committee Experts to draft a Constitution.

1991: Setting up of Consultative Assembly to deliberate on draft Constitution.

1992: Referendum on 1992 Fourth Republican Constitution and lifting of ban on political activities.

1992: Rawlings elected as President under the Fourth Republic Constitution as candidate of the National Democratic Congress (NDC).

1992: Opposition parties boycotted the Parliamentary elections for alleged rigging of the Presidential elections.

1993: Rawlings sworn in as First President of the Fourth Republic.

1996: Rawlings and NDC elected for second constitutional term.

2000: NDC voted out of office; J.A. Kufuor and New Patriotic Party (NPP) form government.

2004: Kufuor and NPP elected for second constitutional term.

2008: Parliamentary and Presidential Elections due.

The Land Question in Ghana

Ghana appears an oasis of peace in a sub-region which over the last one and half decades has been better known for violent civil conflict than democracy and development. Behind this smokescreen of stability, however, there have been various forms of local conflicts some of which have turned violent. Indeed some of these violent local conflicts preceded independence and have waxed and waned with the politics of the time. But perhaps the intriguing thing is that none has assumed national dimension thus far.

In Ghana, land is an asset and a resource with economic, political, social and cultural ramifications. An important problem of land tenure systems is endemic conflict, which has involved chiefs, family heads, government, individuals and groups in various permutations – (a) inter-ethnic and intra-ethnic; (b) between groups; (c) between chiefs and their people; (d) governments and communities; (e) communities and transnational corporations; and (f) between individuals, who have a claim or derivative rights in land such as strangers, tenants and migrant farmers, women, youths (Aryeetey et.al. 2007). The endemic nature of most of these conflicts suggests their embeddedness in local power structures and social group membership. Indeed, it has been argued that the:

> … Struggle over land and its control is [an] important aspect of ethnic conflicts and identity politics. There is general agreement in Ghana that the land tenure system and its administration are subject to serious problems that have exacerbated land tenure insecurity with negative implications for national development (Tsikata and Seini 2004:4).

Land conflicts entail many political, economic and social costs, including the costs of policing conflicts, loss of life, livelihoods and property, displacement and social and economic insecurity. It is estimated that over 1,000 people lost their lives and more than 150,000 were internally displaced in Northern Ghana as a result of land disputes which led to ethnic violence in 1994-1995.

As a result of their debilitating effects, land conflicts have been a source of public concern as reflected in a study in which 16 per cent of respondents cited boundary or land disputes (compared to 13 per cent for traditional leadership disputes and 10 per cent for political rivalries, leadership contests and exclusion) as the first most common cause of violent conflicts (CDD-Ghana 2003).

Among several initiatives taken to address the conflicts and their underlying causes are an alternative dispute resolution system and the Land Administration Project (LAP) of 2003, which to date is the most comprehensive programme. These initiative have not been able to solve the problem of land management and its associated conflicts in Ghana.

Research Questions

As a contribution to the continuing debate over land tenure and its associated conflicts in Ghana, this study analyzes the causes of some of the land-related conflicts in selected towns in the Greater Accra and Eastern regions. It examines the role of the actors, the dynamics of land tenure, the conflict resolution mechanisms especially the role played by traditional institutions and policy recommendations.

The following key questions will be addressed: What are the causes of land struggles?

(i)   Who originally owned the land and how was ownership assigned?

(ii)   How and why do the land disputes assume ethnic dimensions?

(iii)   Why do the land disputes tend to remain local?

(iv)   What role do traditional institutions play in the land related conflict?

(v)   What alternative conflict resolution mechanisms are feasible in specific contexts and in relation to particular types of conflict?

(vi)   What mechanisms can be deployed to curb disputes and conflicts associated with access to, and disposal of, land?

Sites of the Study

To answer these questions, the study selected the Greater Accra and Eastern regions. In Greater Accra, Osu and La traditional areas within the Accra Metropolis; and in the Ga West District, Amasaman, Sapeima and Pokuase. Land use in Accra, the capital, and its environs is influenced by urbanization and government take-over of land without adequate compensation. There have been mounting tensions and protests for some time now in Accra by the Ga, the traditional land owners, over what they perceive to be the unfair lease of government acquired lands for

private development. Closely related is the multiple sales of land and the resultant growth in land guards[1], which have precipitated violence. The Afram Plains District in the Eastern Region was selected largely for the indigene-settler rivalry arising out of the Volta River Authority (VRA) resettlement programme in the 1960s following the creation of the Volta Lake. It has witnessed conflict between the Kwahu (indigenes) and Ewe (settlers). Both cases revolve around land struggles with ethnic/chieftaincy undertones. Land-based conflicts in the five towns took various forms, which as shown in Box 2, can be classified into nine basic types. Specifically, we will consider the following types of disputes because we think they are more rampant in our study sites:

(i)   Disputes over multiple claimants to compensation payments;

(ii)   Disputes between government institutions and subjects of particular stools/ individuals, for example, sale of lands acquired by government for public purposes to private individual/corporate developers instead of original owners and expired leases (99-year leases in parts of Accra expired between 1989 and 1999 but there has been no notification to the original owners);

(iii)   Disputes between private individual developers and stools/families/ individuals; and

(iv)   Disputes over ownership of resettlement lands.

While this study will take into account the unique nature of the selected local conflicts, it will also examine the national and regional (international) dimensions and how they impact on the modes of conflict resolution. We will undertake a brief review of the histories of the various conflicts and analyse their sources and nature to explore how their uniqueness could contribute to better methods of conflict resolution, while at the same time examining the commonalities that cut across all of them. We shall highlight those modes that have been successful and account for those that have failed, and in the end, distil lessons that can be applied to other local conflicts within and outside Ghana.

   The cases have been selected to illustrate differences in land scarcity, in sources and intensities of land conflicts, and the manner in which they have or have not been resolved. Together, they serve to illustrate both the complexity of contemporary land conflicts in Africa, and their importance as sites of debate over the social meaning of property, and the place of the past.

Land Ownership in Ghana

Land ownership may be classified into two categories, namely, state or public land and customary or private land. Article 257 of the 1992 Constitution recognizes the following as customary or private owners – stools/skins, families, clans and individuals. These constitute 78 per cent of the total land area compared to 20 per cent of land vested in the state for which compensation has been paid, and 2 per cent vested in the President on behalf of the stools/skins, families and clans.

It has been pointed out that the co-existence of customary land tenure systems with formal legislation creates uncertainty in the administration of land rights. This is due to the fact that the two systems stipulate different conditions for the security of title, thereby engendering conflicts (Kasanga and Kotey 2001).

Box 2: Nine Types of Land Conflicts/Disputes

i)	Boundary conflicts usually between different stools and/or between individuals;
ii)	Disputes between chiefs and individuals farmers over the rapid conversion of farm land into residential plots, without consultation and adequate compensation;
iii)	Inter-family and intra-family disputes over family land boundaries, the division of plots and proceeds from land sales, and the right to use certain parcels of land;
iv)	Disputes between chiefs and local people over land allocation practices and the lack of transparency and accountability in land transactions;
v)	Conflicts arising from delayed or inadequate payment of compensation payments for government acquisitions;
vi)	Disputes over multiple claims to compensation payments;
vii)	Disputes between government institutions and subjects of particular stools/individuals, for example, sale of lands acquired by government for public purposes to private individual/corporate developers instead of original owners and expired leases (99-year leases in parts of Accra expired between 1989 and 1999 but there has been no notification to the original owners);
viii)	Disputes between private individual developers and stools/families/individuals;
ix)	Disputes over ownership of resettlement lands.