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Governance Challenges in Sub-Saharan Africa: The Case of Land Guards and Land Protection in Ghana

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GOVERNANCE CHALLENGES IN SUB-SAHARAN AFRICA: THE CASE OF
LAND GUARDS AND LAND PROTECTION IN GHANA

A Doctoral Dissertation

Presented to

The College of Humanities and Social Sciences

School of Conflict Management, Peacebuilding and Development

Kennesaw State University

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In Partial Fulfillment of the

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by

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Dedication

I proudly dedicate this work to my lovely children—Yvonne, Epiphania, Barbara, Delanyo, and Dela—for exhibiting good behavior while I was away on this project.

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Abstract

Land management policy in many developing nations has been riddled with conflict because of competing land tenure systems. Having transitioned through customary tenure systems to bureaucratic property rights regimes without a complete shift from the former, Ghana's land management system, over time, has witnessed administrative challenges such that some desperate land protection schemes are taking root, including the use of unregulated security land guards in peri-urban areas. The fundamental objective of this research, therefore, is to explore and better understand the lengths to which people or groups will go to ensure land rights and protection in a regime of statutory rules and regulations. Relying on the World Bank-sanctioned *Worldwide Governance Indicators (WGI)* framework (2015), this study examines Ghana's land governance structures and gauges citizen-government dynamics in land policy and management. The methodological approach adopted for this study involved the collection and analysis of field interviews across four different land-stakeholder categories: public sector officials; private landowners; land law enforcement agents; and unregulated security land guards. Overall, the study found that the land administration system of Ghana has not fully achieved effective land governance and consequently occasions instances where people have the tendency to seek other means of exercising control over land rights, including the implementation of land-guard operations. Delays in the adjudication of land cases, resulting from excessive numbers of cases, lead to bureaucratic frustrations informing the decisions of many landowners to seek shortcuts to land-dispute resolutions. This study recommends that the land policy administration consider alternative land-dispute resolution mechanisms to those currently in use. Additionally, traditional leaders' involvement in the design of land management systems and dispute resolution, together with state agencies, should provide an acceptable solution toward better land governance for all

stakeholders. The study's findings and recommendations indicate that Ghana, and similar sub-regional countries, stand to improve their levels of compatibility between customary land tenure systems and statutory property rights, thereby enhancing economic development and effective land governance.

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Chapter 1

Introduction

Land management policy in most developing nations has, over the years, been riddled with conflicts (Blocher, 2006; Holmqvist, 2005; Hughes, 2003; Mandere, Barry, & Stefan, 2010), which the literature describes as a result of competing land tenure systems (Amanor, 2005; Atwood, 1990; Obeng-Odoom, 2014; Sittie, 2006). Ghana's land policy, like that of many African states, has transitioned through customary tenure systems to bureaucratic property rights regimes without a complete shift from the former. Within the two parallel strands of customary practices and enacted legislations, two types of land ownership have governed land administration in Ghana: public/state lands and private lands. Thus, since independence in 1957, land allocation in Ghana has been faced with administrative challenges amplifying the debate as to whether land custodian roles should be under the purview of the state or if they should remain under the control of the traditional authorities. Unable to reach consensus, contemporary population expansion coupled with its attendant urbanization and the demand for urban land has increased to such an extent throughout Ghana that some desperate land protection schemes are taking root. One of these desperate means of protecting land, particularly in peri-urban areas of Ghana, is the use of informal security land guards.

As such, the need for land management and protection has received some considerable attention, both locally in Ghana and in the international arena. The debate has generally centered on the assessment of land management strategies that can be instrumental in bringing about sound governance, particularly when a system is developed that can forestall land conflicts in society (Alao, 2007; Amanor, 2007; Arko-Adjei, de Jong, Zevenbergen, & Tuladhan, 2010; Zakout, Wehrmann, & Torhonen, 2006). In the African context, land ownership and acquisition

mechanisms have experienced conflicts because land is considered the most important natural resource (Alao, 2007, 2012; Gough & Yankson, 2000; Plotkin, 1987). Linklater (2013) observes, “In 2010, for the first time in human existence, more people lived in cities than in the country” (p. 4); ever-increasing urban populations, with the attendant demand for urban land in Ghana, exemplify this reality. According to the 2010 Population and Housing Census of Ghana, Ghana’s urban population increased from 43.8% of the country’s total in 2000 to 50.9% by 2010 (Ghana Statistical Service, 2010). The World Bank (2013b) estimates an urban annual population growth rate of 3.37% compared to 0.7% for the rural population of Ghana. Hence, to ensure the security of urban land management in the face of this high demand, the tenets of good land governance should be applied.

Emergence of Land Guards

Commenting on the state of private security operations in Ghana, Badong (2009) attributes the increasing numbers of crimes during the 1990s—including murder, armed robbery, chieftaincy disputes, and land disputes—largely to the rise and proliferation of unregulated private security operatives in the country. Thus, following citizens’ pleas to augment the state security apparatus in the provisioning of adequate security, community watch groups and palace-guards emerged, suggesting a lack of confidence and lack of effectiveness by the state security apparatus, including the Ghana Police Service (Badong, 2009).

Other security experts and research think tanks, including the African Security Dialogue and Research (African Security Dialogue and Research, 2008; Atuguba, 2007; Holmqvist, 2005), all have made similar references to the prevailing instability within the private security domain of Ghana, each calling for revisions to the existing legal frameworks.

However, lingering questions need to be addressed, such as the following: How can unregulated and untrained land-guard operatives continue to flourish when there is a law to control such activities related to private security formation in Ghana? In other words, why is it that, in spite of the clear position of the Private Security Organization Regulations Law as enshrined in the Ghana Police Service Act of 1970 (Act 350), very little has been done to enforce the regulatory laws to manage the private security industry? Why has the call from civil society organizations and scholars—both local and international—for state governments, especially in the developing world, and with specific appeals to Ghana (African Security Dialogue and Research, 2008; “Government Urged”, 2008; Holmqvist, 2005; Twumhene, 2014) to set up a separate private security oversight and control body, not been heeded?

Although little in-depth research has been conducted on land guard activities in Ghana, Ghanaian media—both print and electronic—continue to report on these conflicts. On a regular basis, the public is informed of the havoc, fear, and violence being perpetrated by land guards throughout Ghana. Table 1 reveals content from some notable news stories reported in two major Ghanaian papers—the *Daily Graphic* and the *Ghanaian Times*—on land guard activities between 2010 and 2015. According to some of these reports, land guards caused harm to either an individual or a group, often resulting in deaths, police arrests (particularly of land guards), and some level of unrest and disturbance of the peace in the Ghanaian society. In some of these cases, although there was a show of prowess on the part of the police and pronouncements from authorities to curtail such land-guard related activity, such problems continued.

Table 1

Content from news reports regarding land-guard activities as contained in the *Ghanaian New Times* and the *Daily Graphic* between 2010 and 2015.

Dates of News Stories	<i>Ghanaian New Times:</i> General Topics	<i>Daily Graphic:</i> General Topics
19 February 2010	Land guards arrested at Ashaley Botwe	
06 May 2010	Police urged to stop land guards	
11 August 2010		Minister laments multiple sales of land
06 Sept. 2010		Land guards descend on Sowutuom residence
18 Sept. 2010	Land guards attacked....Residents of Ofinibi appeal	
06 October 2010	Sixteen security guards arrested	
09 October 2010	Sixteen on trial for firearms	
02 Nov. 2010	Land guards attack Mandela village	
18 Nov. 2010	Mandela Chief wants land guards arrested	
02 February 2011	Sixteen land guards arrested	
12 July 2011	Dawhenya residents terrified by land-guard activities	
26 October 2011	Two land-guard groups clash at Dawhenya	
25 Nov. 2011		Land guards harass Kasoa residents
28 Nov. 2011	No land guards here: Asantehene	
27 Jan. 2012	Ngleshie Amanfrom bans land guards	
02 Jan. 2013		Two soldiers clash with land guards
21 Jan. 2013	Four soldiers in battle with land guards in Accra	
02 April 2013	Three land guards held for murder	
05 April 2013	Eight land guards arrested	

15 April 2013	Three land guards grabbed	
23 May 2013	Land guards kill one, injure four others	
03 June 2013		Sixteen land guards help in investigations into clash with police at Cantonments
04 June 2013		Inspector-General of Police orders probe into assault on land guards
06 June 2013		Adjei Ampofo condemns Lands Commission
22 June 2013		Seven Teshie rioters remanded in custody
28 June 2013		MPs concerned about land guards
29 June 2013		Halt land guard activities
17 July 2013	Land guards terrorize Okantah	
19 Sept. 2013	Six suspected land guards arrested	
12 Nov. 2013		Man's hand chopped off in clash over land
25 Nov. 2013	Three land guards nabbed	
09 Dec. 2013	Land guards kill one, injure five at Ayikai Drobo	
09 Dec. 2013		Land guards kill one person at Akim Doblo
28 January 2014		Thirteen land guards arrested at Denkyira
12 March 2014	Chiefs, landowners cautioned against land guards	
04 April 2014	Six suspected land guards arrested	
04 April 2014		Five suspected land guards arrested
15 April 2014	Police warned developers against use of land guards	
28 April 2014		Land guards on rampage; killed one, injured three

01 May 2014	Two anti-land-guards bills in the offing	
01 May 2014	Police to clamp down on land guards	
19 May 2014		Land guards arrested for murder
27 May 2014	Queen Mother urges government to deal with land guards	
04 July 2014		Collaboration needed to discourage land litigation
14 Aug. 2014		Twenty-eight suspected land guards arrested at Tuba
18 Aug. 2014		Ashalaja Homowor turns bloody
21 Aug. 2014		Joma residents express discontent over sand winning
27 Aug. 2014		Police grab land guard for terrorizing Miotso residents
25 Sept. 2014		Two companies illegally selling Kubekro land
29 Sept. 2014		Veep deplors chieftaincy land disputes in Greater Accra
13 October 2014	Chiefs warned against engaging land guards	
16 March 2015		“I am apolitical,” Kofi Boakye tells NDC, NPP
28 March 2015	Nineteen survive gang attack in land dispute	
17 March 2015		Kubekro Traditional Council calls for calm
11 April 2015		Ga South Assembly arrests two notorious land guards
16 May 2015		Soldier arrested for abetment of crime
21 May 2015	Two land guards arrested over rival murder	
27 June 2015		Land guards

04 Aug. 2015		Two arrested with AK47 rifles
02 October 2015		103 land guards arrested in raid by Police
09 October 2015		Ashalaja residents living in fear
14 Nov. 2015		Ga South MCE urges accountability
23 Nov. 2015		Rancor campaign in Ningo Prampram

Note: Compiled by author, March 2016.

Although there are no reliable statistics regarding the exact number of people who lost their lives through the activities of land guards between 2010 and 2015, the above compilation clearly supports this study's position that there were real threats to human security during this time period, including actual killings, as relayed through these media stories and eye-witness reports. The several reported arrests—for instance, “Twenty-eight suspected land guards arrested at Tuba” (August 2014)—require further research to determine how these cases were resolved. This will help in measuring the impacts of police and other security interventions on the land-guard phenomenon in general.

Problem Statement

The right spot from which to start examining urban land conflict in Ghana is to acknowledge the fact that land acquisition there has two main security issues: legal security and real security of ownership. Beyond the possession of a title deed (i.e., legal security) to a plot of land, individuals or groups are also concerned with land tenure systems that are less prone to litigation and direct conflict over ownership and use rights (i.e., real security). What appears to be denying private landowners real security over land stems from the emergent phenomenon of

two or more people claiming the same piece of land based on each having been issued a titled deed (Abdulai, 2006).

Abdulai's (2006) review of the impact of land registration in Ghana establishes that there are many people who are in possession of legally transferred land documents with formal title deeds, yet they feel insecure in holding their lands simply because it is so common to lose ownership to another person with effective means to encroach whether by force or bribery. In such a situation, one would think that the courts should have the capacity to serve as a reliable arbiter in favor of the appropriate titleholder in cases of dispute. But more often than not, court decisions, even when in favor of the title owners, are sometimes ignored by traditional landowners on grounds that judges cannot claim to be authoritative sources of knowledge on customary law, which is based on how land was allocated originally (Atuguba, 2007; Ubink & Quan, 2008). Thus, legal security by way of a formal title to land does not constitute real security to the effect that titleholders cannot confidently go home and wait until such a time that they are ready to develop their titled land. In the face of such insecurity, people may have no choice other than to devise ways of policing their own land even after securing legal titles (Blocher, 2006; Obeng-Odoom, 2014).

Conceivably, any civil society will applaud the services of security providers assuming such services curtail the existing problems. Richard and Smith note (2007), (as cited in Abudu & Nkuah, 2013, p. 16), "Effective private security should be accountable to and serve the needs of users without having negative consequences on either the users or other members of the community, and neither should it expose providers, especially employees, to unacceptable risks." In the same vein, citizens resort to the engagement of land guards to minimize the problem of multiple sales of the same plot of land. This is expected to curb land conflict in peri-urban areas

of Ghana. For that reason, the activities of land guards continue unabated rather than serving as grounds for investigation. In this way, they seem to be filling a security vacuum left by the state and represent a symptom of larger governance issues in Ghana.

What is more puzzling in the midst of this conflict is that the formation and operation of private security organizations are recognized and regulated by statutory laws in Ghana. Under Ghana's Police Service Act, firms that are properly registered are allowed to recruit, train, and hire out security personnel to the general public (Subsections 1, 2, 3; Legislative Instrument [LI] 1571 of 1992; LI 1579 of 1994). In other words, any individual or corporate body that wishes and has the resources may apply and take on security personnel from these regulated security organizations for property protection, such as G4S Ghana, Magnum Force Security Co. Limited, and GOCREST Security. In fact, according to the Association of Private Security Organizations of Ghana (APSOG), more than 350 registered commercial private security organizations are licensed to operate in the country (Hutchful, 2008). It is worth noting that among these registered private security companies, none recruits or trains guards to be used as land guards. In other words, per the Police Service Act, individuals and corporate entities are permitted to hire private legal securities to support their operations, including property protection. The difference, however, is the fact that land guards do not belong to any registered private security organizations, but are rather self-styled security groups without any formal control by, or collaboration with, either the state security agents or legally recognized private security organizations. The unregulated nature of security land guards makes them accessible for and susceptible to other forms of criminal activities, including private militia, extortion operations, and other illegal activities that have the potential to cause further erosion of Ghana's governance.

Therefore, security land guards are a potential symptom of a much larger problem in Ghana, one that will be returned to in the conclusion of this dissertation.

The question this study sets out to investigate is this: Why do private landowners seem to be sidestepping the Private Security Organization's law, as enshrined in the Police Service Act, to engage the services of unregulated land guards? Furthermore, why are the state law enforcement agents, especially the Police Service, seemingly not enforcing laws related to illegal land-guard activities vigorously enough to resolve the proliferation of their use? Until these questions and others surrounding this phenomenon are better understood, media reports, as reflected in Table 1, on land-guard activities will likely continue or even increase as land-related conflicts intensify. It is therefore important to employ a research design that is capable of exploring the activities of land guards as well as citizens' motivations for undertaking such services.

Statement of Purpose

Although the consequences of land mismanagement for many parts of Africa and beyond—despite mountains of policy recommendations—have been elucidated in the literature (Amanor, 2007; Berry, 1993, 2002; Hauge, 2003; Lundy, 2014; Peters, 2004; Toulmin, 2007; Wisborg, 2007), little is known about the irregular means people adopt to traverse and sometimes subvert complex land tenure systems that do not serve their interests. Furthermore, it is just as important to better understand the lengths some people or groups are prepared to endure in order to maintain favorable positions regarding land tenure policies and practices. One such activity considered here in relation to Ghana is the somewhat unique case of engaging youth as unregulated security land guards, although as we will see in the concluding chapter, related phenomena can be found in other areas, such as Cameroon and Nigeria.

Land guards are individuals or groups who are hired by citizens or organizations to protect or guard privately held land. These usually young men, without formal training in security, emerge due to the lack of property rights law enforcement and the lack of jobs. While some people believe land guards provide a beneficial service by filling the security gap created by the state's inability to provide enough land protection, others view them as a violent group causing havoc within the society. For this reason, there have been appeals from citizens for civil society organizations, the police, and the government to curtail their activities (see Table 1).

Why any landowner would bypass public security structures and rely on private land guards for land protection raises concerns that this study frames as governance questions. Assuming people have enough trust in Ghana's land policy and law enforcement, land-guard activities would likely not be an issue. Ironically, one would expect that based on her post-independence democratic credentials, Ghana's state institutions, including those managing land such as the Lands Commission of Ghana, the Ministry of Lands and Natural Resources, the formal courts, and the Police Service, would receive citizens' endorsements. However, the contrary appears to be the case in view of the people's reliance on non-state security actors for land protection. This dissertation examines the relationship between the use of private security land guards in peri-urban land protection and the level of citizens' trust in land-management institutions in Ghana.

Placing the problem within land governance experts' views, I argue that, although Ghana's land laws and policies have undergone changes over time, with current laws and policies exemplifying clear guidelines from the point of procurement, registration, and titling (Republic of Ghana, 2008; Ministry of Lands and Forestry, 1999), traditional/customary and private landowners have lost confidence in the land management system. A good land

governance system must recognize the vital role of non-state actors in property policy formulation. This proposed study seeks to understand the land-guard phenomenon in Ghana as an indicator of citizens' mistrust of state institutions within the land management sector and as a potential indicator of governance issues more generally.

Research Questions

The main research question is this: *Are unregulated security land guards in Ghana a symptom of broader land governance deficits?*

The sub-questions include the following:

(a) *Why are landowners engaging informal land guards to protect their land and property, especially in peri-urban areas of Ghana?*

(b) *Why would citizens not direct their land grievances to the state security apparatus and/or formal private security organizations for redress?*

(c) *Why are state security agencies, such as the police, not effective in curbing the activities of land guards?*

Significance of the Study

The research results, in general, have the potential to influence policy on land administration in Ghana. The literature is explicit on the need for policy intervention in land administration, particularly in most African countries, including Ghana, where many land tenure systems are in conflict (Alao, 2007; Derman, Odgaard, & Sjaastad, 2007). Evidence of this is the fact that, over the last few decades, many international as well as local organizations through several campaigns have given increasing attention to the importance of introducing good governance principles into land administration projects. For example, in a 2013 World Bank report titled *Securing Africa's Land for Shared Prosperity: A Program to Scale up Reforms and*

Investment, it is observed that “[i]mproving land governance is vital for achieving rapid economic growth” (World Bank, 2013a, p. 1). In the same report, Jamal Saghir, World Bank Director for Sustainable Development in Africa, observes, “Land governance is a proven pathway to achieving transformational change and impact that will help secure Africa’s future for the benefit of all its families” (World Bank, 2013a, p. 1). These global campaigns are necessary in the sense that governance in land tenure and administration can hardly be separated from governance in other sectors (Arko-Adjei, de Jong, Zevenbergen, & Tuladhan, 2010; Zakout, Wehrmann, & Torhonen, 2006).

In Ghana’s case, Agbosu et al. (2007), Runger (2008), and Sarpong (2006), all have been quoted in a LANDac (2012) report on issues related to Ghana’s governance, and are in agreement that land laws in Ghana have grown from a complex mix of constitutional and legislative sources, judicial decisions, and customary laws. Thus, Ghana’s land rights and tenure challenges result from the coexistence of these different systems in the regulation of such rights. Consequently, many scholars conclude that “managing these systems to ensure tenure security for levels of society has been a formidable challenge to Ghana’s legal system” (LANDac, 2012, p. 3).

Projecting the land-guard phenomenon as an indicator of citizens’ mistrust of public institutions in terms of policies and practices within the land sector echoes the neglect of non-state actors in policy decision-making, which is a primary focus of this study. If the constitution of Ghana, which firmly recognizes traditional institutions as custodians of private land, does not align with government land practices, then efforts must be made to include customary/traditional landowners in land policy agendas so that they will comply with and have trust in state land laws.

Besides scholars advocating for secure property rights for various economic development reasons, more people across sub-Saharan Africa continue to demand clarity and security of property and land rights. The congestion of the courts with legal property disputes suggests a lack of adequate, trustworthy, and reliable conflict resolution mechanisms in contemporary Africa (Deininger & Castagnini, 2004; Fenrich & Higgens, 2001; Human Right Watch, 2003; Joireman, 1999; Mwangi, 2009; Toulmin et al., 2002). Land-guard activities continue to thrive in spite of their status as dangerous and unregulated forms of land protection. Thus, examining such operations will reveal why and how land management laws have or have not affected land conflicts in Ghana.

Furthermore, the justification for my research project is strengthened by John W. Bruce's assertion (as cited in Blocher, 2006) that "the appropriate tenure system for a given country is ultimately one that will mesh well with its other basic economic and social institutions, be they socialist, capitalist, or whatever" (p. 177). Thus, as long as Ghana's land tenure remains in the web of customary and state laws, a continued search for a compromise and conflict-free land policy is necessary. As such, the proliferation of unregulated security land guards is an outward sign of the transitions of Ghana's land laws and current land tenure policy failures.

Lastly, within the broader academic context, it is clear from the literature that there is little documentation and data on land-guard activities in Ghana in terms of who is involved, how prolific the problem is, and, most importantly, whether land-guard activities have over the years intensified urban land conflicts in Ghana. Largely, findings of this study will lay the groundwork for future research on the relationship between good governance and effective land management.

Definitions of Terms

At the core of my investigation is land accessibility as it relates to governance, security, protection, and the activities of land guards. As such, a number of key terms will be used throughout this dissertation, including *governance*, *security*, *land guards*, and *peri-urban*.

Scholars in the 1990s saw and defined *governance* as a theory that is concerned with deliberate political authoritative actions designed to steer and shape socio-economic structures of society (Mayntz, 1987). Thus, the emphasis was on the process aspect of government, which complements the institutional perspective of governance. However, recent definitions of governance seem to shift from the hierarchical control model to a more cooperative model, in which state and non-state actors participate in mixed public/private networks (Kooiman, 1993; Rhodes, 1997). This shift in focus occurred in the aftermath of new problems identified with political governance. To the extent that political governance is considered to be complete in many regions, specific sector deficits were regularly identified (Kooiman, 1993).

As a result, a blend of state and non-state actors' responsibilities in all sectors of governance continues to dominate contemporary discourses. Generally, Kaufmann and Kraay (2015) explain, "Governance consists of the traditions and institutions by which authority in a country is exercised" (p. 4). This research emphasizes the "capacity of the government to effectively formulate and implement policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them" (Kaufmann & Kraay, 2015, p. 4).

Similarly, this study's definition of governance aligns with that provided by Palmer, Wehrmann, and Friccka, (2009), who state, "Good land governance can be characterized by principles of universality of tenure security, equitable participation, adherence to the rule of law,

sustainability, and effectiveness and efficiency" (p. 4). Thus, the input side of land policy formulation in Ghana (i.e., the voice of traditional/private landowners) is crucial in building citizens' confidence in state policy. To achieve this, the eight characteristics of good land governance principles (Table 3) espoused by Palmer, Wehrmann, and Fricska (2009) feature as the main pivot in the formation of the theoretical framework of my study. Details of this analysis are outlined under "Theoretical Underpinnings" in Chapter 2.

Security in land or land tenure security (as most authors refer to it) is defined as "the right to remain on one's land and make use of and profit from that land in ways the individual or group values" (Boudreaux & Sacks, 2009, p. 1). A report from the United Nations Human Settlement Program (2007) supports the focus of this study, stating, "Land tenure security refers to the right of individuals and groups to effective protection by their government against forcible evictions" (p. 15).

Land guards are individuals or groups who are hired by citizens or organizations to protect or guard land. These typically young people, most often without any formal training in security, in the view of one real estate developer I interviewed during my research, take advantage of the lack of property rights law enforcement to extort money from vulnerable citizens who become desperate to protect their land (personal communication, December 10, 2016). Ghana recognizes regulated private security, comprising mandated corporate organizations, (Hutchful, 2008) that can legally recruit, train, and supply security guards to protect both private and public property. However, land guards do not belong to such legitimized private security organizations. Rather, they are self-employed security groups without any formalized regulation.

Finally, Maconachie and Binns (2006) view *peri-urban* areas as zones with a “blurring” between rural and urban. Mandere et al. (2010) define peri-urban areas as “places of conflict or competition which exist in between new (urban) and traditional (rural) land uses” (p. 74). For the purposes of this study, peri-urban areas are defined as newly developing community-suburbs of a city, which experience both population and infrastructural expansion at both the formal and informal levels where competition for housing land is prevalent. As a result, these areas are predisposed to land conflicts, along with land-guard activities, that tend to exacerbate tensions within these complex environments.

Background of Land Use and Allocation System of Ghana

It is worth establishing that every aspect of life in Ghana today has a trace of colonial collusion, of which Ghana’s land policy has its fair share. In global discourse, it has been largely established that Africans did have their unique way of governance, where citizens received direct instructions from their chiefs that included those related to land ownership, prior to colonization (Ayitey, 1998; Boahen, 1989; Nwauwa, 2003). In the case of the former Gold Coast (now Ghana) during the period between the 1800s and early 1900s, all land (occupied and/or unoccupied) had owners. This is because, fundamentally, land ownership in Ghana was guided by the “first-comers” principle. Whereas occupied land was owned by an extended family or held in trust by a chief, unoccupied land was managed by a chief or a priest for and on behalf of members of the community—living, deceased, or unborn (Amanor, 2006; Obeng-Odoom, 2014).

While the “Indirect Rule” system was generally adopted in all aspects of colonial rule, the British initially tried to use “Direct Rule” when it came to land matters (Firmin-Sellers, 1996, p. 28). This brought to the fore the proposal of the Crown Land Bills of 1894, which determined that all “vacant land” was to be confiscated and administered as “Crown land” under the direct

supervision of the Queen of England (Firmin-Sellers, 1996; Ward, 1958). Fearing that they were going to lose their land ownership rights to the colonial state, the local elites of the Gold Coast colony staged a protest that led to the formation of the Aborigines Right Protection Society (ARPS) in 1897, forcing the British to rescind their decision (Howard, 1978). Subsequently, the colonial state had no choice but to back the existing traditional customary land tenure system. However, chiefs who were acknowledged as the next in command to the governors under the indirect rule structure collaborated with their colonial masters, thereby becoming more committed and involved in the bidding of the colonial governor (Amanor, 2005; Blocher, 2006; Ward, 1958). Coupled with later global events, the land tenure structure began to change dramatically. Following the Industrial Revolution and the abolishment of the Slave Trade, land became a hot economic commodity.

As industries in Britain needed more raw materials, which were to be supplied by the colony, and businesses were losing profits because of the ban on the slave trade, there was an increasing demand for land for agriculture and mining. This increased demand for land resulted in increased monetization of the rural economy, hence the beginning of a scramble for land in the colonies, including the Gold Coast (Agbosu, 1990; Dickson, 1969). Thereafter, land ownership/acquisition began experiencing contestations, creating the urgent need for laws for land management. At this point, some schools of thought held the view that, had it been that the Gold Coast kept to or had clear and harmonious laws for land management free from colonial manipulation, Ghana would not be suffering from the land conflicts that we see today (Howard, 1978; Obeng-Odoom, 2014). One major result of this global economic change was that chiefs became less accountable to their subjects in terms of the sale of land. Emboldened by state power

under the watch of the colonial governor, chiefs began to sell land, especially to foreigners, for their own benefit and profit.

According to Austin (2005), this practice among chiefs prompted the Paramount Chief of the Ashanti Kingdom, Otumfuo Osei Tutu II, to caution his subordinate chiefs through the following statement: “As this practice is exotic and against Native Custom, I should be glad if you and your Elders would take every possible precaution against the outright sale of Stool lands to strangers” (as cited in Austin, 2005, pp. 257-258). As Obeng-Odoom (2014) explains, “The structure of land administration in the colonial period was designed for the interest of imperial British” (p. 125). In the same fashion, Hughes (2003) concludes that the colonial land administration had severe effects on the Gold Coast, and further describes the situation as a “Gordian knot” for contemporary land policies to tackle. True to these predictions, as I will further examine in the next section, either one form of conflict or another has characterized almost all subsequent land delivery policies in Ghana. It is upon this basis that I chose to investigate the underlying factors of Ghana’s peri-urban land conflicts, spotlighting the development of unregulated security land guards as an indicator of the continued failings of land policies and management in the country.

Post-independence Land Policy Complexities

The post-independence state of Ghana did not disrupt the power that chiefs inherited from colonial rule, although some attempts were made to lessen their control. Kwame Nkrumah, Ghana’s first post-independence democratically elected president, who identified with the commoners and looked at chiefs with suspicion (Ward, 1958), championed one such attempt. Unfortunately, dissenting voices did not see the light of day, and the colonial ideology of “communal ownership of land” continued, despite formidable evidence that some chiefs were

acting according to their own best interests and did not manage land for the common good of their people (Amanor, 2005; Ward, 1958).

Fundamentally, land ownership is based on absolute "allodial," or permanent, title from which all other lesser titles to, interests in, or rights over land derive. Allodial title is the highest title in land recognized by law, in that only traditional leaders, families, or the Ghanaian government can hold such a title (Ministry of Lands and Forestry, 1999). Broadly, therefore, land is available and accessible through allodial title means or through the rights of the usufruct. According to the Ministry of Lands and Forestry's definition as set forth in *Ghana National Land Policy* (1999), one is said to have acquired land based on allodial interest when it is owned based on the highest proprietary customary scheme of interest, which is sometimes referred to as the paramount, absolute, or radical titles. The usufruct title rights in land, on the other hand, are held by a member of the land-holding community or a stranger, who has obtained an express grant from the land-holding community, using customary modes of land use requests. In other words, the usufruct titleholder could be described as a second level or a subset of allodial title holding. Thus, the usufruct title is, by implication, limited by allodial title, but in principle, the allodial owner, without the usufructuary owner's consent, cannot alienate the usufruct to another person or group (Blocher, 2006; Ministry of Lands and Forestry, 1999).

Based on the allodial title principle, land administration in Ghana since independence continues to be governed by two parallel strands: customary practices and enacted legislations. As is the case with many countries, including those of the Western world, Ghana's means of exercising governmental control of land has been through compulsory acquisition. The State Lands Act (Republic of Ghana, 1962) governs the compulsory acquisition of land by the State, known as state lands. This act gives the state general power to acquire any land—whether stool,

family, or private land—in the public interest. Thus, the this act empowers the president to expropriate any land for this purpose by publishing an Executive Instrument specifying the site, dimension, and time associated with the compulsory acquisition (Agbosu, 2007; Arthur, & Opoku, 2007).

Traditional communities or confederations—including stools, skins, and families—on the other hand, hold private lands communally.¹ In other words, private lands in most parts of the country are in communal ownership, held in trust for the community or group by a stool or skin as symbols of traditional authority, or by a family, and are referred to as stool or skin lands. Sandwiched between the public and private lands are vested lands, which are a form of split ownership between the state and the traditional owners. Vesting land ownership in Ghana, unlike outright compulsory state acquisition, is a statutory process, in which the land shifts from communal interests to state interests (Thurman, 2010). Per this arrangement, the state holds the land in trust for the community and assumes management responsibilities, but it does not take ownership of the land (Agbosu, 2007). Vesting being governed by the Administration of Lands Act (Republic of Ghana, 1962) has the following features:

1. Communal land interest holders receive no compensation;
2. The state vests in itself the power of alienation, including the right to sell and lease, the right to manage, and the right to receive revenue accruing from land; and
3. The land remains stool, skin, or family land, and it is their right to enjoy its benefits.

The vesting process, therefore, begins with the President of Ghana, by executive instrument, declaring a stool land to be vested in him. Following the declaration, the government

¹ Per the author, “stool” or “skin” lands refer to lands that are attached to traditional rulers/chiefs’ domains as a symbol of the seat, and/or the authority upon which they are installed. Whereas some parts of Ghana en-stool their chiefs with symbolic wooden curved stools, others make use of animal skins, hence the terms stool lands and skin lands.

takes management responsibilities from the traditional owner and passes them to the Lands Commission and Office of Administrator of Stool Lands (Agbosu, 2007). Thus, whereas the legal title is vested in the President of Ghana, the beneficiary interest is vested in the original customary owners. In effect, public lands comprise state lands and vested lands. But, in the case of vested lands, compensation is not paid. Rather, the allodial owners of vested land are entitled to periodic payment of rent when the state re-leases the land for development.

Another angle to the complexity of interests in land lies in the term “freehold.” There are two forms of freehold title interests: customary freehold and common law freehold. Whereas the former refers to an interest that individuals or groups hold in land that is owned by a larger traditional community (i.e., the allodial owner), of which the interest holders are members or subjects, the interest holders for the latter can be strangers. A stranger in this sense refers to a Ghanaian who is not a member of the land-owning community (Ministry of Lands and Forestry, 1999). The fact to note is that the Constitution of the Republic of Ghana forbids the creation of freehold interests in stool land in Ghana where it clearly states that “no interest in or right over any stool land in Ghana shall be created which vests in any person or body of persons a freehold interest, however described” (art. 267, clause 5).

Alluding to the ambiguity in the statutory provision with regards to what constitutes a freehold, Djokoto & Opoku (2010) contend, “There is controversy surrounding the nature of this interest under the new constitutional arrangements” (p. 9), particularly as to whether customary freehold also connotes private freehold interest in land (da Rocher & Lodoh, 1999).

Undoubtedly, the fragmented cultural systems of land holdings lie at the center of the challenges of land administration in Ghana. Traditionally, the various cultural/ethnic groupings of Ghana do have different forms of land ownership arrangements. Whereas the Akan-speaking

traditional groups located in the south and middle belts of Ghana, and most parts of northern Ghana, use a stool or skin land tenure system, in which private lands are held by chiefs on behalf of the community, the Ewe-speaking groups of the Volta Region, as well as some traditional areas of the Central, Eastern, Greater Accra, Northern, Upper East, and Upper West Regions, vest their land ownership either in the clan, family, or the individual.

For the above rather complex customary modes of land ownership to practically operate, the state (Ghana) tries to continually fashion a formal administrative framework, primarily in the form of statute laws and/or legislative instruments. Based on these laws, policies have been formulated and used as a guide for land administration since Ghana's independence from colonial British rule in 1957. So far, Ghana has promulgated a total of 26 major laws and 56 legislative instruments (see Appendix H1 & H2, respectively) with regards to "access to land and land management" (Ministry of Lands and Forestry, 1999, pp. 20, 23-25). Judging from this appreciable number of laws, one would expect a low prevalence of land conflicts in Ghana. However, in the general view of the literature, access to peri-urban land in particular is yet to witness conflict reduction in Ghana (Blocher, 2006; Holmqvist, 2005; Obeng-Odoom, 2014; Sittie, 2006).

To the extent that land-guard activities continue to thrive, in spite of their designation as unregulated and illegal forms of land protection, factors that account for citizens' accommodation of land guards need to be examined, particularly from the experiences of those who use them. Field research through face-to-face interactions with selected categories of participants as previously mentioned, therefore, creates the justification for this dissertation. Thus, understanding this phenomenon should reveal why and how the state-led land management laws have or have not positively impacted land conflicts in Ghana.

Clearly, as long as Ghana's land tenure system remains tangled in the webs of customary and state laws, a continued search for compromises and conflict-free land policies is necessary. The proliferation of unregulated security land guards, in spite of the several transitions of Ghana's land laws, seems to be an indictment of the current land tenure policies.

Research Sites and Participants

My research covers two major cities located within two political regions of Ghana: Accra in the Greater-Accra Region and Kumasi in the Ashanti Region. These research sites were selected purposely since they are undergoing massive peri-urban settlement expansion coupled with a high demand for land. Obeng-Odoom (2013) reports, "There are many problems with land tenure in Ghana, especially in the urban and peri-urban areas. As a result, the courts have had to deal with many cases on competing claims to land" (p. 120). Referencing a World Bank (2003) report, Obeng-Odoom (2013) further states, "The Greater-Accra Region alone is reported to have about 15,000 land cases pending before the courts," whereas, "In Ghana as a whole, it is estimated that there were about 60,000 land cases in court as of 2002" (p. 120).

Commenting on the long period of time land cases can remain in the court system, Ubink (2002) concludes that the uncertainty during the court proceedings of these land cases indicates that, generally, land tenure in Ghana is insecure. The question to ask, therefore, is this: Is this insecurity the result of the proliferation of land guards who are privately contracted to guard or protect the land of others to forestall competing interests? Or is it poor land governance that is leading people to employ land guards? Thus, based on media reports and the proliferation of court cases, Accra and Kumasi are ideal locations from which to conduct this research since they are where land-guard activity is most prominent in Ghana (Crook, 2004; Kasanga, 2002; Obeng-Odoom, 2014; Ubink, 2002; World Bank, 2003).

As indicated above, the study's sample comprises the various stakeholders in the land management sector within the target cities of Ghana. Specifically, the study focuses on three main categories of participants: (1) land policymakers—i.e., those from Ghana Lands Commission and the Ministry of Lands and Natural Resources; (2) land policy consumers and clients of land guards—i.e., traditional leaders (chiefs) and real estate developers; and (3) state law and security enforcement agents (formal and informal)—i.e., the Ghana Police Service, recognized/regulated private security organizations, and land guards themselves. These participants of the study were selected purposively, based on their experience, professions, and involvement in land governance issues. At the state policy institution level, deliberate selection of participants was appropriate in the sense that the issues of private or traditional landowners' involvement in policy decisions is technical and can only be handled by experts within these institutions. The respondent-driving sampling technique was adopted in identifying traditional leaders and chiefs. After locating and interviewing the initial participants in this category, their referrals led the researcher to other traditional leaders who have land ownership and litigation concerns. With regard to the "real estate developers" category, I relied upon the Ghana Real Estate Developers Association (GREDA) membership list to identify participants.

For the law enforcement agents, the Police Service Property Fraud Unit, which is located within the Criminal Investigation Department (CID), deals with land-guard cases. Scheduled officers assigned to land-guard and property-fraud cases were purposively selected after I had secured a research permit through the command hierarchy of the Ghana Police Service.

Another factor that informed the selection of these venues was the consideration of current statistics, which display Accra and Kumasi (Appendix E) as the two largest cities by land space that have also witnessed tremendous increases in population size as a result of rural-urban

drift (Ghana Statistical Service, 2010). The populations of Accra and Kumasi are 2.27 million and 2.09 million respectively (Ghana Statistical Service, 2016). Consistent with the urbanization theory, high demand for land and housing infrastructural developments within these cities is prevalent, hence the number of unusual land litigations coupled with land-guard activities taking place in these areas (Appendix F).

Buttressing the effect of the increasing urban population and the cost of land in Ghana, as the United Nations Human Settlement Program (UN-HABITAT) on Housing and Urban Development in (2004) notes, is that “since the 1990s, the large numbers of migrants to the urban areas have colonized the lands on the urban fringes. As a result, access to land even in the urban fringes has become difficult in terms of both availability and cost” (UN-HABITAT, 2004, p. 18). Citing the urban city of Accra as an example, the organization observes that “a large proportion of households cannot afford even the cheapest plot on the open market . . . within a commuter distance of about 20km, the lowest price of a plot measuring 80ft by 100ft ranges from \$1,000 to over \$1,750” (UN-HABITAT, 2004, p. 18). Regarding the general urban population growth rate, the 2010 Population and Housing Census in Ghana indicates that the proportion of urban population in Ghana increased from 43.8 percent in 2000 to 50.9 percent in 2010 (Ghana Statistical Service, 2010). Kumasi, specifically, has been considered the fastest-growing city in Ghana, with an annual population growth rate of 5.4 percent where land for housing, industrial, and commercial infrastructural development is in high demand (Cobbinah & Amoako, 2012). Consequently, the urge to secure land in most peri-urban areas of Ghana has become a struggle such that citizens, out of desperation, appear to be at the mercy of any available means of land protection, including the use of informal land guards.

The optimum number of interviews covered during the research period was quite difficult to determine at the preparatory stage due to the sensitive nature of the core study participants (i.e., land guards), although the numbers below met the standards of qualitative research as far as the saturation rules are concerned. Thus, in conformity with social sciences research values, Mason's (2010) analysis finds that "case study approaches had the highest mean number of participants in their studies (36), while action research and life history approaches each showed the average number of participants of 23 in their studies" (p. 8). As a guide to this exploratory study, therefore, Table 3 in Chapter 3 shows the numbers per category of participants covered.

Outline of the Dissertation

This dissertation is arranged as follows: Chapter 2 deals with the literature review, in which four sub-topics are examined. The primary focus of this chapter is to identify and align intellectual perspectives to the themes of the study. This includes definitions of governance and land governance, land tenure security and the urgency for land protection, theoretical underpinnings and hypotheses, gaps in the literature, and research implications. Specifically, the six itemized "*Worldwide Governance Indicators (WGI)*," as framed in a World Bank project undertaken by Kaufmann and Kraay (2008), inform the hypotheses of this study. These acclaimed governance indicators, which were considered in relation to Ghana's peri-urban land management, include the following: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; and Control of Corruption (Kaufmann & Kraay, 2008).

Chapter 3 describes the methods by which the research was conducted. Being a qualitative study, I specifically explain the choices of the research design, the two major strategies of data collection adopted (semi-structured interviews and participant observation), the

sampling and identification of research sites and study participants, the methods through which I gained access to the research sites/locations, and the means of data analysis. The chapter also discusses validity, as well as ethical considerations of the study.

In Chapter 4, findings of the research are presented. Results based on the relevant themes emerging from the data collected are arranged in line with the research questions. Relevant exemplary quotes representing their views on the research core themes are provided along with frequency data from the content analysis, with clear connections to findings of the study.

Chapter 5 conveys the analysis and interpretations of the core participants' perspectives (specifically, those of land guards) on the research themes. Additionally, the chapter produces findings based on other themes generated from the data, which were not anticipated based on the governance indicators, but turned out to be relevant to the research questions nonetheless.

Lastly, Chapter 6 presents the summary of the study's findings, with emphasis on policy recommendations as they relate to good land governance and land management.

Acknowledgement of limitations encountered during the course of the research, as well as directions for future research, are also discussed. This final chapter concludes with policy implications of the findings for contemporary land conflict management techniques.

Chapter 2

Literature Review

This chapter considers the theories of land management strategies as they pertain to indigenous rights and historical roots to land tenure, colonial cooperation of localized land management, and post-colonial debates about who owns land and who has the right to occupy or appropriate it.

Since attaining political independence in 1957, Ghana's land policy, like that of many African states, has struggled and continues to try and find a synthesis between customary tenure systems and enacted legislation. Currently, land administration in Ghana encompasses two far-reaching types of land ownership: public/state and private sources, which together constitute the means to land acquisition. Whether through state or private sources, land allocation in Ghana has faced several administrative challenges stemming from multiple sales of the same plots of land, making it difficult to determine legitimate ownership of such properties.

Debate as to whether land custodian roles should be under the purview of the state or if they should remain under the control of the traditional authorities continues. Contemporary population expansion, coupled with its attendant urbanization and the demand for urban land, seems to have increased citizens' demands for land. Particularly, peri-urban areas of Ghana have witnessed conflicts over land to the extent that some desperate land protection schemes are taking root. One of these desperate means of protecting land, which is believed to be an outcome of ineffective land management schemes prevailing, is the use and the proliferation of informal security land guards. Ever since the phenomenon became public knowledge in the 1990s (Badong, 2009), and in the absence of empirical investigation into their activities, the Ghanaian media continue to sensitize the public to violence being perpetrated by land guards. Land guards,

in the course of rendering their purported “land-guarding” services, are reported to create panic in society as a result of their activities, which include the killing and/or maiming of innocent citizens. Some stories document these atrocities, as the following news content represented in Table 1 illustrates: “Land Guards on Rampage . . . Kills One” (April 28, 2014); “Woman killed in crossfire between land guards” (May 3, 2013); “Land Guards Attack Opeikuma Chief’s Palace” (December 18, 2014); and “AK47 Land-guards Grabbed” (April 4, 2014).

In another example, titled “Two Land Guards Groups Clash at Dawhenya” (*Ghanaian Times*, October 26, 2011, p. 5), two separate armed groups of land guards, serving the interests of two different persons, clashed. The report indicates that the persons represented by these two groups claimed to have purchased the same piece of land in Dawhenya, a suburb of Accra city. The story further reveals that many individuals, including members of both land-guard groups, sustained various injuries. This location, Dawhenya, happens to be one of my research locations within the Accra enclave due to its high level of housing infrastructure development, making it an area predisposed to the use of land guards.

Having received considerable attention both locally within Ghana and in the international arena, the need for a kind of land management and protection system that will minimize land-related conflicts should take the center stage in many developing countries. Largely, the debate has centered on the assessment of land management strategies that can be instrumental in bringing about sound governance, particularly when a system is developed that can forestall land conflicts in society (Alao, 2007; Amanor, 2007; Arko-Adjei, de Jong, Zevenbergen, & Tuladhan, 2010; Zakout, Wehrmann, & Torhonen, 2006). As such, the surest means through which accessibility and protection of peri-urban lands can be soundly administered in the face of this high demand for land rests on the tenets of good land governance, through which citizens are

more accepting of rules and regulations. This can only happen when stakeholders within the land sector feel confident of being included in the decision-making process (Enemark, 2009; Palmer, Friccka, & Wehrmann, 2009).

The overriding concern, however, has to do with the practical need for land and its ownership. Linklater (2013) states, “Laying claim to the ground in some form is an inescapable condition of human existence” (p. 4). Based on this universal necessity, the developed world continues to call for prudent management, protection, and conservation of land to counter harsh environmental changes, whereas much of Africa has been struggling with the more basic challenge of establishing land ownership and acquisition mechanisms that are free from human conflicts.

It is impossible to understand Africa’s land governance systems without appreciating the indigenous land tenure systems, the colonial legacy, and post-colonial modernization initiatives—forces that are often in opposition with one another. Described as preludes to the current land management problems in countries of Africa are the majority of tenure systems within the continent that were established according to dualistic systems that discriminated against the localized and impoverished populations (Amanor, 2007; Joireman, 2011). Thus, either the land tenure system fails to recognize communal rights entirely, or strong overriding state provisions, under the pretense of public domain arguments, weaken such rights when they do supposedly exist. In situations where local or communal land rights are acknowledged, legislative reforms fail to translate them into practice. In other words, although the importance of land ownership and/or land acquisition is widely acknowledged, it does not, by the same measure, feature prominently in country strategies (Place, 2009). According to Deininger and Xia (2014), this situation is “possibly because of institutional fragmentation whereby land is

dealt with by many and often ill-coordinated Ministries (agriculture, urban, environment, forest), is technically complex, and often affects powerful vested interests who may resist change” (p. 79).

While the status quo is not insurmountable, after gaining independence from colonial rule, the main challenge the modern African state faces is how to structure her institutions so that they can stand the test of time in a smooth system of governance. As noted by many scholars (Bruce, 2003; Russett, 1993; Tilly, 2000; Vorrath & Krebs, 2009), African countries continue to struggle with the goals of good governance across almost all sectors, including land management (Deininger & Castagnini, 2004; Fenrich & Higgens, 2001; Human Right Watch, 2003; Joireman, 1999, 2011; Mwangi, 2009; Toulmin & Quan, 2002). This brings to focus the discussion of what constitutes both governance in general and good governance specifically.

Governance and Good Governance in Context

Numerous definitions of governance have been tied to various authors and organizations. Whereas some definitions of governance are very broad in scope, covering concepts such as “rules, enforcement mechanisms and organizations” (Gwilliam, 2002, p. 6), others remain narrowly focused. One of these latter strands of governance, which focuses on public sector management issues, is provided in a World Bank report (1992) that describes governance as “the manner in which power is exercised in the management of a country’s economic and social resources for development” (p. 1). In a subsequent detailed examination by Kaufmann and Kraay of what governance entails (2008), governance is defined as “the manner in which public officials and institutions acquire and exercise the authority to shape public policy and provide public goods and services” (p. 67).

Undoubtedly, for a country to succeed in the provision of these public goods and services from which her citizens are positively affected in carrying out their daily economic, social, and political activities, that country must operate according to good governance principles. In this sense, good governance, in the views of Deininger and Feder (2009), must portray “a consistent legal and institutional framework, broad access to information, and competent and impartial institutions (for example, courts and honest bureaucracy) to enforce rights” (p. 238). Thus, good governance is measured in “the sense of the quality of institutional arrangements, adherence to the rule of law, and focus on accountability” (Deininger, Selod, & Burns, 2012, p. 12).

Largely, good governance structures are assessed by way of indicators. According to Deininger, Selod, and Burns (2012), for such indicators of governance to stand the test of time and be useful for policy implementation, they must satisfy three main conditions: (1) they must convey information about a phenomenon or process; (2) they must be based on verifiable data or information; and (3) they can be interpreted within the perspective of agreed-upon policy objectives. Being a complex concept, good governance indicators are operationalized through their categorization as either “rule-based” or “outcome-based” (Kaufmann & Kraay, 2008). Under the rule-based approach, the assessment concentrates on whether those institutions generally presumed to be associated with good governance are in place. The outcome-based approach, on the other hand, is focused on either broad citizen perspectives (i.e., the extent to which potential users find public services to be easily accessed and responsive to their needs), or expert opinions about the de facto implementation of rules (Deininger, Selod, & Burns, 2012, p. 14).

Within these two major modes of assessment exist quite a number of governance indicator frameworks. Whereas some are general in scope, applicable across every region in the

world, others have been developed as indicators for specific regions. In the African context, for instance, the *Mo Ibrahim Index of African Governance (IIAG)* has featured in measuring the performance of African Heads of State. The *IIAG* measurement indicators address four main themes: Safety and Rule of Law; Participation and Human Rights; Sustainable Economic Opportunity; and Human Development. Within the *IIAG* is a governance framework that defines governance as “the provision of the political, social and economic goods that a citizen has the right to expect from his or her state, and that a state has the responsibility to deliver to its citizens” (Mo Ibrahim Foundation, 2017). Its conceptual focus, therefore, is geared towards the assessment of the quality and proper functioning of democratic governance as a symbol of human rights and public safety. On an annual basis, the *IIAG* is used to gauge the performance of all 54 nations across the African continent.

Similar to the *IIAG* are the *Worldwide Governance Indicators (WGI)* propounded by Kaufmann and Kraay (2008) on behalf of the World Bank. The *WGI* framework outlines six governance indicators as tools by which governance can be measured within any nation across the world. Having been gathered through an “outcome-based” method, its themes of assessment include the following: Voice & Accountability; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption; and Political Stability and Absence of Violence. Kaufmann and Kraay’s (2008) *WGI* research report provides a unique definition of governance: “Governance consists of the traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them” (p. 4). What is worthy of note in the *WGI* framers’ definition of governance is their

emphasis on “traditions and institutions,” through which policies need to be formulated to ensure both state and non-state actors’ views and elements in policies affecting governance.

It must be further noted that, in principle, both the *WGI* and the *IIAG* demonstrate the core and relevant means by which good governance should be measured. However, my study’s conceptual framework relies more on the *WGI*’s six elements, which are in tune with the broader good land governance principles of Palmer, Fricska, and Wehrmann (2009). At the same time, *IIAG*’s focus on governance in the African context, particularly in the assessment of human/citizens’ security, was useful in analyzing other themes that emerged from field data, which ultimately represent the African elements of participants’ views on land guards within Ghana’s governance structures.

Land Governance and the Need for a Good Land Governance Framework

Focusing governance on land, the debate shifts to a series of principles, conditions, and success factors necessary for the establishment of sound land sectors and their management. Indeed, the central point among the litany of land governance definitions is the entrenchment of property rights of citizens. In other words, a country only achieves sound land governance when certain basic “evidence-based” principles and conditions exist (Deininger, Selod, & Burns, 2012; Enemark, 2009). According to Mauro, Bending, and Taylor (2009, p. 3), “Land governance refers to formal and informal processes of allocating and securing rights to land, both within the state and outside of it.” Enemark (2009) contends, “Land Governance is about the policies, processes and institutions by which land, property and natural resources are managed. This includes decisions on access to land; land rights; land use; and land development. Land governance is about determining and implementing sustainable land policies” (p. 4). Also, as Lundy and Adebayo (2016) assert, this position of sustainable land policy development—a

panacea for sound livelihoods, conflict minimization, and the transformation of society—has been supported by many other studies (Fasona, Fabursoro, & Sodiya, 2016; Kah, 2016; Odusote, 2016; Santiago, 2016; Shittu, Galtima & Dan, 2016; Tafida & Galtima, 2016). This research, according to Lundy and Adebayo (2016, p. 7), has “demonstrated an increased need for water and resource management, implications of shifting agricultural production, and the increasing need for energy,” all of which relate to the call for prudent and sustainable land policies.

Similarly, for Palmer, Fricska, and Wehrmann (2009), "Good land governance can be characterized by principles of universality of tenure security, equitable participation, adherence to the rule of law, sustainability, and effectiveness and efficiency" (p. 11). The principles these authors adhere to, which provide specific ingredients that feed into the broader research questions posed in this study, are outlined in Table 2 below.

Table 2
Characteristics of Good Land Governance Principles

Characteristics of Good Land Governance Principles
1. Access to land and natural resources should be equitable.
2. Security of tenure should be provided to all members of society.
3. Specific measures should be taken to ensure access to land for, and the security of land and property rights of, women.
4. Decision-making regarding land and natural resources should be transparent, with processes open to all members of society.
5. The rule of law should be applied to all.
6. Land administration should be decentralized based on the principle of subsidiarity, i.e. taken at the lowest appropriate level and based on accountability.
7. Effective and efficient land administration should be provided to all members of society.
8. Sustainability should be ensured by taking a long-term perspective.

Note: Adapted from *Towards improved land governance*, by D. Palmer, S. Fricska, and B. Wehrmann, 2009, p. 11.

Because a reform of land governance structures is quite a complex process and goes well beyond making adjustments to land tenure structures and the distribution of land rights, this land governance debate has engaged the involvement of non-state actors in policy dynamics. In the views of these participants, land policies should take all forms of legitimacy of ownership into consideration and provide guidelines for the development and implementation of the appropriate statutory and/or customary instruments (Enemark, 2009; Kaufmann & Kraay, 2015; Kombe & Kreibich, 2000; Palmer, Friccka, & Wehrmann, 2009). To these scholars, a sound land policy is crucial to the survival and continuation of human existence.

This broad perspective and its accompanying clarion call for good land governance bring to focus the link between land and the political community of every country. According to Deininger, Selod, & Burns (2012), “Because control of land is a key determinant of economic and often political power, the land sector is intensively political” (p. 20). Accordingly, it takes a country’s political and economic will to couch reliable and sustainable land policy. Complicating the problem, however, is that “many developing countries are characterized by serious deficiencies in governance” (Deininger & Feder, 2009, p. 238), and by extension, poor land governance structures.

In the face of these challenges, experts in the land governance field continue to propose remedies based on best practices. In the context of developing countries, Kombe and Kreibich (2000), in relation to the specific case of Tanzania, conclude in their study of land governance that “the legal framework for property and land management has to provide a clear separation of ownership rights and land-use prescriptions” (p. 239). In their view, “The public sector should retain the right to define the principles and concepts for the distribution and assignment of land use, while the individual entitlement to private property ownership should be guaranteed and

protected” (p. 239). As Locke (as cited in Joireman, 2011) points out, “The social contract is undermined when property ownership is denied to some or when not all who work the land have the ability to claim ownership or use right,” adding, “Property rights are the rules that regulate control over a variety of assets, including land” (p. 6). Specifically, in her recent study on property governance in Ghana, Joireman (2011) concludes, “The state does not have a monopoly on property rights enforcement; customary leaders, gangs, local bureaucrats, and nongovernmental organizations (NGOs) provide competing enforcement mechanisms for property rights” (p. 14). Thus, in Ghana, as in many other sub-Saharan African countries, customary laws, in conjunction with state laws, dictate land accessibility and management. Unfortunately, however, customary claims to land contravene statutory laws, thereby creating impediments for the enforcement of property rights, including land (Allen, 2008; Darkwa & Attuquoyefio, 2012; Joireman, 2011; Norrell, 2008).

Similarly, many scholars whose research focuses on countries in sub-Saharan Africa argue that urban land conflicts arise for several reasons: (1) poorly defined property rights (Anderson & McChesney, 2003; North, 2009); (2) outdated customary tenure institutions—a hold-over effect of colonialism (Augustinus, 2003); (3) non-titling of informally held lands (de Soto, 2000); and (4) non-effective legal conflict resolution mechanisms (Deininger & Castagnini, 2004; Fenrich & Higgens, 2001; Human Rights Watch, 2003; Joireman, 1999, Mwangi, 2009; Toulmin & Quan, 2002). This study focuses on the above-mentioned aspects of land security in Ghana, including the institutional land policy intricacies of the state and, in particular, how successful, or otherwise, Ghana has been at synchronizing customary and state land laws. The next sub-section provides an overview of channels through which land is acquired by individuals in Ghana.

The Structure of Land Acquisition and Documentation in Ghana

Historically, in the Ghanaian context, land ownership remains a contest between chiefs and other types of traditional leaders and institutions, such as clan heads, family heads, community trusts (i.e., councils of elders), and individuals, depending on the customs of a particular geographic area. Thus, the customary land tenure system recognizes land ownership based on traditional lineages, political connections, and wealth (Amanor, 2001, 2005). For instance, among the people located at the southeastern portion of Ghana called “Ewes,” an ethnic group to which I belong, “Land (or *anyigba*) refers to the soil itself, as well as the sub-soil and anything under the soil, such as minerals. However, it does not include things on, or, attached to the soil such as trees, houses, or other permanent fixtures” (Agbosu et al., 2007, p. 32; Kludze, 1973, p.103).

According to Ewe law, therefore, a clear distinction is made between interests in land itself (i.e., the earth’s crust) and interests in things on or attached to the land. Customarily, and in practical terms, “The paramount interest in all lands is held by the respective families in Eweland in their own right and not as grants from stools” (Agbosu et al., 2007, p. 32; Kludze, 1973, pp. 107, 109;). Unlike other ethnic groups in Ghana, such as the Akans, the Ewe chiefs do not assume absolute ownership of lands by virtue of their stature as communal leaders, but can only do so if the chief’s family is in possession of said lands. In other words, and as Kludze explains, “The chief’s authority is neither coterminous with nor does it entail proprietary interest” (1973, pp. 110-111).

The question that might interest people and readers, however, is this: What then is the nature of an individual member’s right in the family land? Based on Ewe customary law, “The individual’s interest in the family land is an inherent of occupation and user (provided that it is

not already occupied) for life, which rights are transmitted to the deceased's children and other relations within the family on his death" (Kludze, 1973, p. 133). The caveat here, interestingly, is the customary clause to the effect that individuals may not hold paramount or absolute interest in land, except within the family as a unit. This implies that an absolute interest in land by an individual is unknown or alien to Ewe law.

Therefore, by law, an individual who has acquired land in his individual capacity from either a stool or a family possesses all the benefits of rights and control over the land so acquired. In this instance, he may exclude everybody, including members of his family, from access to the land. In contemporary governance systems, such property ownership claims can only be upheld with paper/documentary evidence issued by an approved authority or institution, which the customary inheritance system of land has largely lacked. Re-emphasizing the need for paper-led evidence backing every private property, Linklater (2013) asserts,

But this was the hidden weapon of private property, paper. Everything was written down. The title deeds described how the property had been created and come into the owner's hands, and any incursion upon it brought the whole panoply of the law against the perpetrator. Paper recruited the power of government to the side of the property owner.

(p. 34)

It is personal/private land ownership, and the means of its protection in the midst of high population influxes into peri-urban centers of Ghana, that this study examines. In particular, the extent to which the inherent problems, complexities, and documentation processes within the sources (stool, family, or state) of land acquisition are responsible for land related conflicts in Ghana form the crux of my research.

Land documentation/titling processes, which are at the behest of formal state institutions, involve legal infrastructure permits and tax/levy-related commitments that a land purchaser needs to honor. Concerning the state, however, irrespective of any customary/traditional ownership contest over land, Article 20 of the Constitution of the Republic of Ghana, in collaboration with State Lands Act (Republic of Ghana, 1962) mandate the state to compulsorily acquire land in the public interest. These lands so acquired are owned and managed by the state on behalf of all citizens of Ghana. Note that state lands, so acquired from traditional owners, are sometimes reallocated to individuals or groups for private use subject to land acquisition laws of Ghana.

In effect, there are two types of land holdings in Ghana: public/state and private, which are the sole sources through which one can acquire land. The process is quite straightforward when it comes to public lands, as the lands are demarcated and allocated by the Lands Commission—a state organization—to an individual or group upon application. By law, Ghanaian citizens can hold these public lands for a maximum of 99 years, while non-Ghanaians can hold leases for up to 50 years. Upon receipt of an application to acquire state lands, the Registrar of Lands then refers the application to the Regional Lands sub-committee where the land is situated. The Town and Country Planning Department is the next to confirm the proposed development plan of the applicant to ensure it conforms to the development plans of the area. The next stage is the Minister of Lands approval, after which the document is returned to the office of the Lands Registrar. When the application is approved and the necessary lease prepared, the applicant then submits it for registration, according to a Lands Commission administrator who participated in this study (personal communication, January 14, 2016).

Sittie (2006) explicates the land title registration process as it exists currently (p. 6). In all, seven steps need to be followed in order to complete the land registration process. Figure 1 demonstrates these steps.

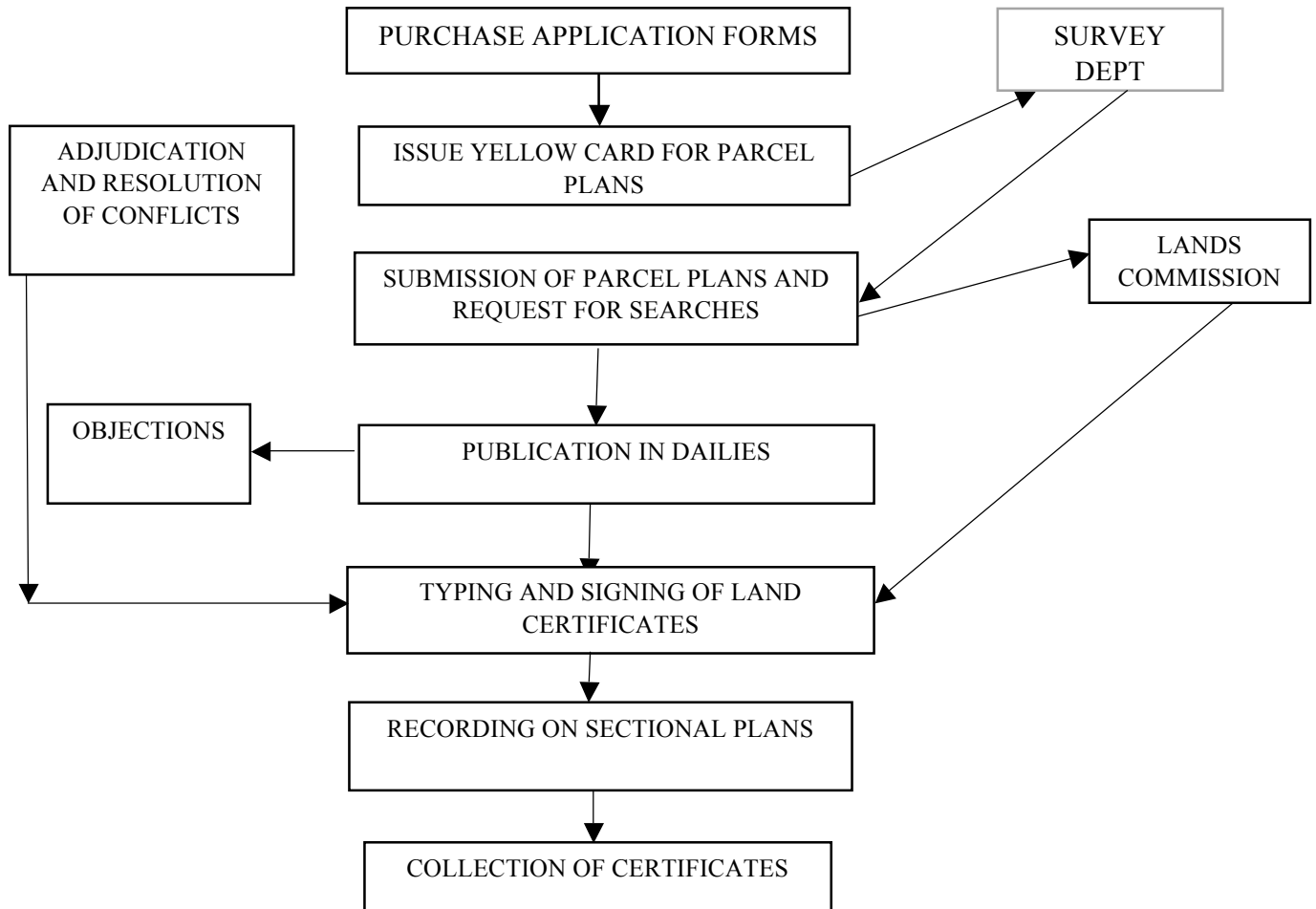


Figure 1: Processes Involved in Title Registration in Ghana. From *Land Title Registration: The Ghanaian Experience*, by R. Sittie, 2006, p. 6.

Step 1—Applicant obtains appropriate registration forms from the Land Title Registry, then completes and submits them to the Registry, together with copies of all relevant documents and the required registration fees.

Step 2—Upon submission of the application, an applicant is issued the following: (i) a receipt of acknowledgment (“yellow card”) and (ii) a letter of request addressed to the Survey Department for the preparation of parcel plans.

Step 3—The applicant pays for and collects parcel plans from the Survey Department whenever they are ready and submits the same to the Land Title Registry to assist in the processing of the application.

Step 4—From the Land Title Registry, the applicant is issued a photocopy of the parcel plan, along with a Request Form to be sent to the Lands Commission for a search report.

Step 5—Upon receipt of the search report by the Land Title Registry, and satisfying itself that there are no objections or adverse findings in the report, the Registry then proceeds to publish the application in the dailies to notify the general public of such application.

Step 6—Counting from the date of publication, a 14-day notice is allowed to receive objections from interested parties who may wish to challenge the application. If no objections are received within the 14-day period, the Registry then continues with the process of registration.

Step 7—The Land Title Registry prints and signs certificates, records particulars on sectional plans, and notifies applicants of the completion of the registration exercise. The Land Title certificates are finally issued to applicants upon submission of their “yellow cards.”

In the case of customary land acquisition, on the other hand, one first needs to contact the caretaker chief (in stool land areas) or clan/family heads (in clan/family land areas) by verbally showing an interest in the land. Usually, the parties enter into negotiations for an acceptable outlay known as *drink* and/or *money*, which, at this stage, may or may not be determined by true

market forces, depending on the traditional area. According to Kasanga (2008), in some jurisdictions, the drink or money is considered a token payment to a traditional head in lieu of a visit. But in other cases, the exchange could amount to huge sums of money, sometimes equivalent to the open market value of the land. What is interesting in either case is that no receipts are usually provided, thereby creating an accountability problem (Kasanga, 2008). Thereafter, a plot or parcel of land is allocated to the applicant without any recourse to technical survey work. This allocation is given on the terms of 99 years on paper. In practice, however, wherever a building or a house is raised on the land, the 99-years clause is normally ignored, and the land is often transferable from generation to generation.

The occupant of the stool—normally the chief—must always countersign when the land location is in a stool area and for the transaction to be recognized and effective. At that point, the applicant incurs another transaction cost, payable to the chief, before the countersigning is completed. As outlined in Chapter 1, this allocation procedure is followed through judiciously in the case of Kumasi (one of the sites of this study), particularly because all lands based on Asante custom are considered stool lands, under the care and supervision of chiefs. In the case of Accra (the second site of this study), most lands are considered family lands headed by appointed family heads. As such, these family heads conduct land allocation management, and where there is disagreement as to who heads the family, land allocation suffers from conflicts and litigation. This assertion manifests itself in my study's findings, which reveal that land-guard operations predominate in peri-urban areas of Accra far more than Kumasi.

The allocation note, if duly signed, signals that the land has been properly acquired, paving the way for the applicant to then prepare a lease, which must be returned for signature by both the caretaker and the occupant of the stool, at which point payment is again demanded.

Thus, in addition to incurring the costs of lease preparation, the applicant also is required to pay the stool before the occupant of the stool can append his own signature. Finally, the signed lease, allocation note, and the approved site plans are then sent to the Lands Commission for endorsement (Nara, Mwingyne, Boamah, & Biitir, 2014).²

Overall, Ghana's Land Registration Division is the final authenticating body of title to all land, whether state or customary. Currently, two forms of land registration laws are in operation in Ghana: the Land Registry Act (Republic of Ghana, 1962), which deals with matters of deed registration, and the Land Title Registration Act (Republic of Ghana, 1986), which deals with matters related to land title registration, and in which lies the Provisional National Defense Council Law [P.N.D.C.L 152]. Interestingly, the latter is intended to address shortcomings in the earlier legislation. The Land Title Registration Act, in addition to the provision for the registration of all interests in land—whether customary law or common law property—also provides that interests held by stools, skins, and families should be registered in the name of the corporate group (Kasanga, 2008). As such, Section 95 of this law (PNDCL 152) specifically makes the stamping of an instrument (i.e., the acquisition papers) a requirement for registration for all landholders.

Viewed as bureaucratic, ineffective, frustrating, time consuming, and difficult to negotiate (Amanor, 2001; Blocher, 2006; Nara, Mwingyne, Boamah, & Biitir, 2014; Sittie, 2006), the titling process can potentially serve as a disincentive to comply with such cumbersome procedures, especially for customary land owners, thereby pushing them to pursue unregulated means of protecting and transferring their lands. Furthermore, there exist several other contentious matters within traditional settings based upon which land is largely claimed as

² It is worth noting that the same, or similar, descriptions of the land registration system were described by the participants who took part in this study's interviews.

customary. Again, it is interesting to note that the various traditional groupings of Ghana do have different forms of land ownership arrangements. The Akan speakers located in the south and middle belts of Ghana, together with most parts of northern Ghana, use stool or skin land tenure systems in which chiefs, on behalf of the community, hold private lands (Kludze, 1973). Ewe speakers of the Volta Region, located at the southeastern portions of Ghana—as well as some traditional areas of the Central, Eastern, Greater Accra, Northern, Upper East, and Upper West Regions—vest land ownership in either the clan, family, or the individual. Even here, chiefs occupy the head position in the traditional administrative hierarchy. To the extent that chiefs may not have absolute ownership over lands, as the case may be in some jurisdictions of Ghana, it is unusual for any individual member to sell land without the knowledge of the chief. Particularly, where land dispute cases more often than not are brought to the attention of chiefs, it is in the interests of the land seller (transferor) and the potential land purchaser (transferee), especially, to consult the chief before the transaction is completed.

What is most contentious at the traditional/private land ownership level is when there are disagreements within the royal lineage to a stool, a clan, or family. Because of this, ownership of land has been, and continues to be, contested among many relatives and parallel chiefs and family heads. This scenario can be juxtaposed with Linklater's (2013) assertion that "most inhabitants of the Western world live in a private property society and are consequently prejudiced in its favor. But across the globe people have evolved a myriad means of owning the places they live in and, as Rudyard Kipling said of competing tribal myths, 'Every single one of them is right'" (p. 5). As Kipling suggests, when everyone within a group, born and yet to be born, has ownership rights over some fixed space of land, then conflict is inevitable.

This study contends that it takes either the state or the traditional institution itself—or both—to fashion clear rules that will identify all legitimate lineages to customary lands, thereby creating solutions to land conflicts that usually emanate from double or multiple sales of the same piece of land, consequently minimizing opportunities for conflict.

Land Tenure Security Deficit

Land tenure system is defined as the ways in which people maneuver politically and socially to establish and secure claims to land (Amanor, 2001; Berry, 2001). But, in a situation where such maneuvers skew towards just a few, conflicts are inevitable. Accordingly, Linklater (2013) is correct when he states, “Throughout the development of human society, laws that defined what belongs to one person and not to another, including land, were complemented by rules and customs that regulated greed” (p. 31).

As to how laws have triumphed within the Ghanaian society, it is worth establishing that every aspect of life in Ghana today has a trace of colonial collusions, and land policy is no exception. Without doubt, Africans did have a unique way of governance, including land ownership and allocation, prior to colonization (Ayitey, 1998; Boahen, 1989; Nwauwa, 2003). However, in practice, following the post-independent arrangement in which the state controlled most natural resources, land acquisition—especially in the urban centers of Ghana—has been exposed to high political influence from the elite ruling-class, usually located within the central government structure. Affirming the genesis of land tenure dynamics, Amanor (2007) maintains that “the whole configuration of identities articulated in discourses in customary land tenure are a product of the integration into the world market through the agency of colonialism rather than pre-colonial African cultural systems” (p. 34).

In practice, Ghana's system of urban land management, which bears similar features to the rest of the continent (Arko-Adjei, de Jong, Zevenbergen, & Tuladhan, 2010; Becker, 2013; Lundy, 2014; Ubink & Quan, 2008; Yaro, 2012), continues to provoke clashes between customary land tenure arrangements that empower traditional rulers as custodians of land and the state. As Derman et al. (2007) explain, "The customary is also defined by the state as the domain of chiefly privilege. However, the most powerful chiefs have come to form a part of the political and business elites. Thus, definition of the customary tends to preserve important resources for the rich and powerful" (p. 57).

Unlike in the pre-colonial period, during which ownership of land rested with the people, the current system of private property has no association with land. Land, which generally was communally owned, belonged to all members within a particular group, whether based on ethnicity, clan membership, or family lineage. Chiefs, family heads, and/or traditional priests played trusteeship roles to maintain social harmony (Palmer, Fricska, & Wehrmann, 2008). Members of the community were at liberty to clear unclaimed land either for cultivation as peasant farmers or for housing. Access and allocation of land, however, began to change with the advancement of agriculture and city formation that largely coincided with state modernization (Agbosu, 1990; Dickson, 1969). Thus, in order for the British, who colonized Ghana and many other states in West Africa, to maintain control over land for commercial purposes, they formed alliances with chiefs under the Native Administration System and invested trusteeship, and ultimate ownership, of land rights to co-opted chiefs. This is in contrast with the pre-colonial era, during which rights to land were mainly associated with community rights, symbolically vested in the community's leadership (Amanor, 2007). It was from this point that land ceased to be communal property and instead became a kind of private property, with chiefs at the center,

thereby necessitating the emergence of laws and regulations related to land allocation and management, particularly among societies in sub-Saharan Africa (Amanor, 2007).

Notably, what is being referred to as customary land in today's terms are the weakening structures of land administration designed during the colonial period for the interests of imperial Britain, which Hughes (2003) describes as a "Gordian knot" for contemporary land policies to tackle. This, he claims, eroded a heterogeneous tradition of laws, through which chiefs—on behalf of citizens, and not as owners—held land in trust and were unaccountable to the people. In this sense, "custom became rules, norms, and practices defined by native elites and European officials with the backing of the colonial state" (Firmin-Sellers, 1996, p. 149). Affirming the negatives of the private property concept according to Linklater (2013), many agree with Winstanley's 17th-century observation (as cited in Linklater) that "private property is fundamentally unjust, being based on violence and inequality, and that an egalitarian society can be created by redistributing land as communal property, [although] making such a society work, however, has always proved exceptionally difficult" (p. 40).

It suffices to conclude that the customary land tenure system in Ghana emerged not only out of economic changes brought about by the colonial system, but also via the political alliances through which the colonial administration was established and, therefore, would unlikely be acceptable or beneficial to a broader citizenry (Obeng-Odoom, 2014). The effect, therefore, is that, as long as the concept of the customary land tenure system remains the economic and political norm supported by an essentialist African cultural framework, urban land acquisition systems will continue to be beset with conflicts due to tendencies of marginalization and exclusion, to the extent that traditional landowners will and do resort to all kinds of means to protect their lands. Any land reform system that fails to guarantee individual land rights is prone

to conflict. While acknowledging this problem, the World Bank (2003) has expressly stated that, “Ghana’s latest land reform under its Land Administration Project (LAP) designed to span between 2003 and 2010 was to improve the country’s land administration framework, to reduce conflicts in land ownership and land use, and provide secure land titles in both urban and rural areas” (p. 4). One question remains, however: was this reform successful? Based on the findings of this study, we will see that, to date, the effort has largely failed, as evidenced by the proliferation of illegal land guards in major peri-urban centers.

Until land security is achieved, the motivation for any private landowner to bypass public structures and rely on security land guards for land protection requires investigation. This study addresses an important question: Do people trust Ghana’s land policy reforms? Based on the initial observations of the land-guard problem recurrent in the news, the study hypothesizes that no, they do not trust the institutions put in place to manage land rights, and that governance related to land rights in Ghana is still broken.

One would have expected that, based on its world-acclaimed post-independence democratic credentials, many state institutions of Ghana, including those related to land management, would be strongly endorsed by the citizenry. Indeed, the 2016 *Mo Ibrahim Governance Index* ranked Ghana 7th on overall performance in governance out of the 54 countries in Africa (Mo Ibrahim Foundation). Similarly, the Natural Resource Governance Institute’s 2017 *Revenue Governance Index* reports Ghana’s relative strong performance when compared to other countries in sub-Saharan Africa, particularly in the revenue mobilization/management sector, while noting continuing challenges in a number of other areas. However, the contrary appears to be the case in view of the people’s reliance on unregulated security actors for land protection. Harrington (as cited in Linklater, 2013) observes, “The drive

toward democracy was not about personal freedom, it was about the distribution of power based on property . . . Once land was either privately owned or state-owned, the politics would follow suit” (p. 51). Such perspectives help explain the relationship between the use of self-styled private security land guards in urban land protection and the level of citizens’ trust in land management institutions in Ghana.

The Urgency for Land Protection

For the purposes of this study, *land* is defined as an 80ft by 100ft plot earmarked for housing infrastructure. Such lands are located mostly in peri-urban areas around emerging cities across West Africa (Maconachie & Binns, 2006; Mandere, Barry, & Stefan, 2010). A United Nations Human Settlement Programme (UN-HABITAT) report (2004) indicates that since the 1990s, Ghana’s urban population and land cost increases have resulted from large numbers of rural migrants settling the lands in the urban fringes of these areas. Consequently, “Access to land, even in the urban fringes, has become difficult in terms of both availability and cost” (Augustinus, Westman, Lacroux, & Proof, p. 18). The report further explains that many people in Accra cannot afford even the cheapest plot of land on the open market. In fact, prices are far above the means of an average Ghanaian, who earns very low wages either as a private or public sector employee. The evidence of low incomes is in line with Ghana’s prevailing minimum wage cut-off point. In January 2016, the country’s minimum wage per day was GhC8.0, the equivalent of approximately one U.S. dollar per day. This means that, for each hour of work, the minimum wage of most unskilled employees in Ghana is Gh1.0 (1.0 Ghana Cedi). Comparatively, the minimum wage per hour was, during the same time frame, \$7.25 in the United States. So for eight hours of working in a day, a full-time U.S. employee earns a total minimum salary of \$58.00, whereas their counterpart in Ghana earns only GhC8.00.

Poorly paid rural migrants have few alternatives to land and/or housing acquisition, such as seeking mortgages within already built communities. The most burdensome obstacle to these necessities of life is the weak purchasing capacity of an average citizen/worker in these regions and the difficulty they might have in acquiring credit. Due to low levels of income, which result in low savings rates for average workers, banks are unable to finance mortgages (Kwakye, 2010). The sale and rental fees of estate houses are out of reach for ordinary citizens, which real estate developers blame on the costs of construction and land. From the outset, the price of land, the cost of borrowing from the banks, currency exchange losses on building materials imports, and other factors continue to plague real estate developers. Further impeding access to housing for many citizens is the fact that owners of housing facilities often demand exorbitant advance payments of rent upfront, often due to concerns over the financial security of prospective tenants. Shockingly, advance payments on rent can range from gross salaries of three to five years, meaning that workers and tenants are placed in a very difficult financial situation when it comes to obtaining urban housing and accommodations.

Based on these unpleasant scenarios, many people are urged to build their own houses rather than buying or renting a house. Such decisions stem from the fact that it is often cheaper in the long run if one owns the land even if a person is not financially ready to construct a house on the land immediately. Thus, following the purchase of land, which in itself can be difficult based on the challenge of identifying the genuine land vendor, there is an unrelenting effort to keep the land secure until the time when one can actually afford to construct their dwelling. Since land is an unmovable asset, the owner must constantly monitor his or her acquired plot to ensure that no other person encroaches. Such monitoring may take the form of hiring a security provider, or

simply displaying a signpost to ward off encroachers from the land. A typical example of the latter follows:

Pam Kohler nailed up a hand painted notice on a tree on the boundary of her land conveying a concept of property so exclusive it claimed for an individual owner the right to kill anyone who stepped on it without permission: ‘If you go past this sign you will be shot’—and according to a neighbor, ‘She shoots.’” (Linklater, 2013, p. 11)

Scenarios like this lead to an important question: With the clear need for security providers related to land disputes, do countries, especially the developing ones, have an obligation and the capacity to privatize security for purposes of protecting private property?

Security Outsourcing through Private Firms and the Position of Land Guards

Among the consequences of a weak state’s security incapacities or failures is the need for private security services (Franke & von Boemcken, 2011; Mienie, 2014). Fearon & Laitin (2003) believe that the proliferation of private security companies in any state amounts to the establishment of parallel or shadow structures of power and authority. As such, for it to serve its purpose of bridging a country’s security deficit, the proper and effective regulation of private security companies is crucial. Otherwise, extensive reliance on private security risks the maintenance of the status quo of inequitable security distribution, where the vulnerable of society tend to benefit less, especially when the cost and the modes of private security supply are not well moderated (Fearon & Laitin, 2003). For this reason, an emphasis on effective regulatory mechanisms dominates intellectual debates on the reliance and use of private security in society. But, in many contemporary modern states, the provision and design of adequate regulation within the private security sector have been challenging. Confirming this assertion, relative to the operations of private security in the United States, Franke (2010) argues, “Even the very latest

regulatory schemes fall short of providing comprehensive mechanisms for controlling the behavior of private security firms or of individual contractors” (p. 18). One of the questions that may continue to agitate the minds of experts is this: What is the connection between the activities of unregulated security land guards and the ineffective regulation of Ghana’s private security companies? Possible answers to this question call for an assessment of how Ghana came by the outsourcing of its security matters to private individuals and firms in the first place, as well as their impact on governance more broadly.

Ghana’s private security organizations’ architecture is regulated according to Ghana’s Police Service Act, which states that an individual or group of individuals qualify as security guards only if they are employees of a corporate legally registered security entity. Thus, it is the responsibility of the Inspector-General of Police, in consultation with the Minister of the Interior, to license, approve, review, and monitor the activities of all private security organizations. Section 38 of the Police Service Act, under the heading “Control of Private Security Organizations,” contains several relevant stipulations.

According to subsection (1) of this act, the Minister may by legislative instrument make regulations—

- (a) Controlling the establishment and operations of any private security organization,
- (b) Requiring the registration of all private security organizations,
- (c) Regulating the conditions under which a private security organization may employ any person,
- (d) Regulating the use of uniforms by any private security organization, and
- (e) Prescribing fees and forms for any of the above purposes. (p. 55)

Subsection (2) of the Act defines as a *private security organization*, any

which undertakes private investigations as to facts or the character of any person, or which performs services of watching, guarding, patrolling, or carriage for the purpose of providing protection against crime, but does not include the Police Service, the Prisons Service, or the Armed Forces of Ghana. (p. 55)

According to subsection (3) of the Act, “The Minister shall determine any doubt as to whether or not an organization is a private security organization for the purposes of this section” (p. 55).

In accordance with subsection (2), two additional legal instruments were enacted by Ghana to regulate the conduct and activities of private security organizations. These include Legislative Instruments (LI) 1571 of 1992 and 1579 of 1994.

The fact that no firm, either public or private, has been licensed in Ghana to operate land-guard security services, and the fact that no land guard operatives belong to any legally registered corporate entity in Ghana, places the land-guard phenomenon outside the domain of legal operations (Atuguba, 2007). In essence, the state recognizes the privatization of security such that certain mandated corporate organizations are allowed to recruit, train, and supply security guards to protect both private and public property, but only under strict rules. Per the Police Service Act, as outlined above, individuals or corporate entities do hire private legal security personnel in support of their operations, including for the purposes of property protection. The difference, however, is that land guards do not belong to any registered private security organization, but are rather self-styled security groups without any formal control by, or collaboration with, either the state security agents or legally/recognized private security organizations.

Interestingly, clients of land guards include chiefs/traditional custodians of land, real estate developers, building contractors, and individuals with the sole aim of protecting land

interests that are suspected to have been sold to multiple persons. The land guards perform their services by physically protecting the land from encroachment and/or preventing competing parties from accessing a building project site. These services might last as long as a client maintains a piece of land for future use or needs the monitoring of a building project to completion. This reality aligns with the claim that, where a security vacuum is created within any sector of society, privately ordered institutions supplement the state when it comes to supplying security (Ellickson, 1991; Greif, 2006; Joireman, 2011). The need in Ghana for my research is clear, based on the proliferation of land guards, whose activities match Joireman's (2011) description of the existence of a "lack of policing in areas outside the center of state control, and tolerance of privately contracted security forces, gangs, and ad hoc private specialist in violence" (p.14).

With this in mind, it is expedient to ask why state law enforcement agents are clearly ineffective in the face of land guard disruptions. In addition to gathering information about land guard operations and the categories of people involved in this phenomenon, this study seeks to determine the motivations of citizens in hiring land guards, when, theoretically, the same services are available from state-recognized private security organizations—and when the option of seeking redress in courts of law when others encroach on legitimately possessed land is available. The fact that citizens ignore legal avenues—hiring unregulated land-guards as an alternative—calls for taking a close look at the status quo, which requires a look into how governance concepts in the land sector have been operationalized and measured by experts and scholars.

Theoretical Underpinnings and Hypotheses of the Study

Without any observable disagreement among scholars that a good land tenure system holds a vital component of a country's development, researchers continue to propound indicators and tools that borrow from the general concept of good governance (de Soto, 2000; Deininger & Feder, 2009; Deininger, Selod, & Burns, 2012; Joireman, 2011). Although it has been considered by some to be a complex concept, land governance theoretical views converge at what Bruce and Migot-Adholla (1994) and the World Bank (2011), in collaboration with partner institutions, have unveiled as a diagnostic tool known as the *Land Governance Assessment Framework (LGAF)*. Under this framework, six major areas of land governance have been benchmarked, including: (1) land rights recognition, (2) land use planning, (3) management and taxation, (4) expropriation, (5) public provision of land information, and (6) conflict resolution. Following from the projections of the *LGAF*, finding a proper balance between the state and private actors in the management and planning of urban land requires an unavoidable compromise, if good land governance is the target (Kombe & Kreibich, 2000). Creating this balance and compromise is most needed in sub-Saharan African states and the developing world, where problematic land tenure regimes are characterized by the tenets of pre-colonial customary norms and legislative regulations.

Ideally, the policies of a state will enable it to thrive and win the confidence of its citizens. This takes the establishment of good governance in the sense of the quality of institutional arrangements, adherence to rule of law, and focus on accountability (Deininger, Selod, & Burns, 2012). The governance structures of Ghana, since the achievement of independence from British colonial rule in 1957—and particularly from the 1990s onward—have been deemed quite phenomenal in terms of democratic credentials. Many local and international

governance assessment bodies and observer groups rank Ghana as a beacon of democracy and good governance in Africa. This assertion portrays an impression that policies and rules, in general, are working properly in Ghana. But for the land sector to be experiencing such negative activities as that of unregulated security land guards begs the question as to whether Ghana's land governance structures are thriving. This dilemma builds into my research question: *Are unregulated security land guards in Ghana a symptom of broader land governance deficits?*

To answer the above question, I measured the performance of Ghana's land policy in terms of the operations and activities of land guards by indicating the reasons why citizens hire them to protect their property rather than relying on the state apparatuses in cases of land disputes. Among the various governance indicators reviewed, including the *Mo Ibrahim Index of African Governance (IIAG)*, I found Kaufmann and Kraay's (2008) framework, known as the *Worldwide Governance Indicators (WGI)*, more applicable in conceptualizing the themes of this research because *WGI*'s definition of good governance aligns best with the comprehensive land governance theory advocated by Palmer, Fricska, and Wehrmann (2009). The *WGI* supports a fundamental idea:

Governance consists of the traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them. (p. 4)

Similarly, Palmer, Fricska, and Wehrmann claim, "Good land governance can be characterized by principles of universality of tenure security, equitable participation, adherence to the rule of law, sustainability, and effectiveness and efficiency" (p. 11).

These two definitions—good governance and good land governance, respectively—emphasize the roles of “traditions and institutions,” among others, in governance policy/land governance policy formulations, and therefore reflect compatibility between the good land governance principles espoused by Palmer, Fricska, and Wehrmann and the Kaufmann and Kraay *WGI* framework. Furthermore, these principles help explicate Ghana’s case, in which customary tenure principles and legislative instruments supposedly comprise the country’s land policies, but are undermined by the land-guard phenomenon. Nevertheless, the *IAG* framework remains relevant for this study. In fact, the themes of the *IAG* framework substantiate analyses of the data collected, whereby participants’ views bring to bear the African elements on governance. Importantly, the *IAG*’s perspectives have been particularly meaningful in the exploration of human security, especially as far as individuals and/or groups encounter land-guard operations are concerned (see Chapter 5).

In light of the above considerations, I have identified effective land governance practices that should prevent outcomes such as the need for security land guards—while promising land protection and ownership security—based on the *WGI* framework, and in alignment with the Palmer, Fricska, and Wehrmann (2009) land governance principles. These include:

- (1) *Voice and accountability in land policy decision-making*—capturing the extent to which customary custodians of land participate in and are held accountable for their constituencies in land policy decision-making processes.
- (2) *Government effectiveness in the management of both public and private lands*—capturing the level of harmony between these strands of land sources, quality of public services, and public servants’ roles in land documentation, state departments, and the degree of their autonomy from political pressures.

(3) *Regulatory quality of land laws and policy*—capturing the ability of the government to formulate and implement sound policies acceptable to private, regular individuals, and traditional landowners.

(4) *Rule of law*—capturing the extent to which citizens have confidence in and abide by the rules and channels of redress in land litigation with the police and the courts.

(5) *Control of corruption in land allocation and litigation processes*—capturing the extent to which public power is exercised for private gains in land dealings.

(6) *Absence of violence in an environment of land disputes*—capturing the ability of formal and informal systems to resolve land conflicts without disputants resorting to violence and causing physical harm.

From the above constructions emerged the guiding themes and definitions upon which field interview data was gathered for the study seen in Table 2 below.

Table 2

Application of WGI Framework to Measure Land Governance in Ghana

Worldwide Governance Indicators Framework (WGIF)	Alignment of Research Themes with Wehrmann and Friscka (2009)
1. Voice and Accountability: The extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and free media.	-Traditional landowners involvement in policy decision-making -Private landowners participation in decision-making
2. Government Effectiveness: The quality of public services, quality of civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies.	-Level of public education by sector institutions -Harmony between private and state lands -Accessibility of registration procedures and officials -Degree of autonomy from political pressure

3. Regulatory Quality: The ability of the government to formulate and implement sound policies and regulations that promote private sector development.	-Recognition of statutory land rights -Formulation of sound policies
4. Rule of Law: The extent to which agents have confidence in and abide by rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts.	-Level of confidence in formal courts -Effectiveness of the police in law enforcement
5. Control of Corruption: The extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as “capture” of the state by elites and private interests.	-Political advantage in land accessibility -Imposed time-frame to utilize land -Multiple sale/registration of same lands
6. Absence of Violence: The likelihood of political instability and/or politically motivated violence.	-Reliance on ADR as supplement to formal courts to avoid violence -Devotion of separate/unique land courts

Note: This table incorporates the *WGI Framework*, as adapted from *Governance Indicators: Where Are We and Where Should We Be Going?*—a report compiled in conjunction with the World Bank by D. Kaufmann and A. Kraay. 2008.

Specifically, I have adopted this framework, including its suggested governance indicators (see Table 2), on the basis that Kaufmann and Kraay’s (2008) assessment of what good governance should entail resonates well with Ghana’s situation. The researchers’ emphasis on “traditions and institutions by which authority is exercised” portrays that the transition from pre-existing or pre-colonial governance structures must influence post-colonial policy formulation. Contemporarily, Ghana’s governance structure maintains a blend of traditional/customary rights, especially in land matters. Granted the marriage between the pre- and post-colonial governance structures meets the aspirations of her citizens, established rules and regulations should be followed in situations of disagreements. It is based upon this premise that this study sets out to use the measures of the Kaufmann and Kray *WGIF* (2008) to determine

their influence on the formation and operations of unregulated land guards—an alarmingly and fast-increasing means of land protection in peri-urban areas of Ghana.

The above connections between land governance and citizens' trust in public land management institutions translate into the research hypotheses below—informed by the principles of the *WGIF*—which also were used to develop the lines of questioning within the semi-structured interview guide contained within Appendix D:

H1: A land governance structure that encourages traditional/private landowners' participation in land policy decision-making processes in ways that benefit their communities is likely to minimize land conflicts and land-guard activities.

H2: When land management institutions provide quality public services and servants who perform their duties independently from political pressures, there is the likelihood that such a system will witness fewer land-related conflicts and land-guard activities.

H3: Citizens are likely to engage unregulated security land guards to protect their lands when they perceive the state as formulating and implementing unsound land protection policies that do not represent their aspirations and land rights.

H4: A land governance structure that lacks the application of rules of law whereby interested parties cannot easily access institutions with clear and well-defined mandates to resolve land disputes is likely to encourage the employment of unregulated security land guards as a means of land protection.

H5: A society in which public officials and politicians are perceived to be financially staked in land allocation and litigation processes is likely to experience land conflict and an increase in the recruitment of land guards.

H6: A governance structure that ignores informal means of land dispute resolution is likely to experience overwhelming demands on the formal legal courts, thereby encouraging citizens' to resort to land-guard engagement that will increase land conflicts.

It is the researcher's contention that by applying the above concepts to Ghana's urban land management system, solutions will present themselves as alternatives to resolving the proliferation of the activities of security land guards that intensify rather than curb land conflicts in Ghana. In the next chapter, I describe in detail how the above hypotheses were revealed through semi-structured interviews and direct participant observation scenarios during the process of answering the primary research question.

Research Implications

As early as the 1800s, Wakefield (as cited in Linklater, 2013) raised vital global population expansion and unemployment concerns, including one that is particularly relevant to this study: "What should be done with the rapidly growing numbers of workless poor who crowded the streets of every major city in the land?" (p. 235). Linking this question to the antecedents of landownership in general, Linklater (2013) concludes, "Amid the many attempts to restore a sense of identity, the most promising in each country seems to be the legal recognition of rights to land based on unwritten evidence of its central position in the community's cultural past (p. 251).

Considering these scholars' conceptual views within the context of land governance, I argue that Ghana's land laws and policies have undergone significant changes over time, with the current policy exemplifying clear guidelines from the point of procurement, registration, and titling (da Rocha & Lodoh, 1999; Republic of Ghana, 2008). At the same time, Ghana has an

elaborate public security structure purported to be capable of enforcing laws in cases of unjustified property encroachment.

However, in support of the commonly held institutional view that a good land governance system must recognize the vital role of non-state actors in property policy formulation, this study seeks to situate the land-guard phenomenon in Ghana as fallout from citizens' mistrust of state institutions within the land management sector. I start with the broad proposition that the activities of security land guards can be partially overcome, if not completely eradicated, when private/customary rights in land are properly recognized and streamlined in the spirit of harmonizing the procedural effects to both private and public lands. In other words, a good land governance policy of a country can discourage the engagement of private security land guards only when landowners have the assurance and trust of the public institutions responsible for enforcing those laws. As such, within the larger structure of land contentions in Ghana are embedded questions such as the following: Do people feel secure with their land even after going through official channels of procurement? Are people confident in legal processes as a means of securing land in times of litigation? Do non-state actors, particularly customary custodians of private lands, fairly and systematically enact their roles in land policy decision-making processes that are good for their constituencies and not just individual leaders? Such concerns, in my view, are at the heart of urban land conflicts, irrespective of whether the distributional system is pro-poor or not.

One major implication of the research, specifically, is that Ghana's urban land insecurity can be squarely situated within the realm of governance failures in line with Bruce and Migot-Adholla's (1994) assertion, as previously referenced. Using Bruce and Migot-Adholla's land governance indicators, which have been adopted as the standardized *Land Governance*

Assessment Framework (World Bank, 2011), this study evaluates the security land-guard phenomenon from the state's institutional malfunctioning perspective. Coupled with the assessment of other governance indicators, including that of Kaufmann and Kraay (2015), bad land governance, to a large extent, has been cited as being responsible for escalating tensions nurtured by security land guards, yielding overall failures of land protection systems in Ghana. Significantly, the contributions of this study can be viewed in three ways.

First, land policy dimensions—as to the proper identification of traditional ownership of land based on customary rights—are expected to add to attempts by scholars to answer growing concerns over the need for good governance in urban lands through the available public administrative services by emphasizing the need to involve customary custodians in land policy decision-making. Thus, this new dimension within the urban land conflicts debate—which Kombe and Kreibich (2000) claim “cannot be closed in the foreseeable future by continuing the conventional practice of highly centralized, top-down urban management with unrealistic legal norms and unachievable standards” (p. 232)—will be seriously considered through the case of Ghana (Deininger, & Xia, 2014; Joireman, 2011; Kombe & Kreibich, 2000, 1997; Palmer, Fricska, & Wehrmann, 2009).

Second, results point to the need for a reassessment of employment opportunities of Ghana's growing workforce of citizens in terms of people's willingness to accept jobs, such as that of land guard, even when all signs point to the fact that such avenues are illegitimate, temporary, and dangerous. Consequently, findings of the research bring to the attention of policymakers the concerns of disgruntled youth. Moreover, how can charitable and economic sectors benefit both the state and the individual? Methods by which the land-guard market can be

thwarted in an effort to discourage potential recruiters from employing people—especially youth—for such duties, have been presented as potential solutions.

And third, within the broader academic sense, it is clear from the literature that there is little documentation on land-guard activities in terms of the category of people involved. Most importantly, it is not certain whether land-guard activity has, over the years, curbed or escalated urban land conflicts in Ghana. Largely, findings of this study will lay the groundwork for future research, not only on land-related issues, but also on good governance, more generally.

Other related, but important, implications of this study cannot be overlooked. Beyond the advocacy of scholars to secure property rights for various economic developmental reasons, the idea that many more people across sub-Saharan Africa continue to demand clarity and security of property and land rights is worthy of discussion. A related concern is the congestion of the courts with legal property disputes, which indicates a lack of adequate, trustworthy, reliable, and timely conflict resolution mechanisms in contemporary Africa (Deininger & Castagnini, 2004; Fenrich & Higgens, 2001; Human Right Watch, 2003; Joireman, 1999; Mwangi, 2009; Toulmin & Quan, 2002). A likely outcome of this research—namely, the engagement of informal landowner institutions, such as community mediation groups, to undertake land policy decision-making and mediating in land litigations—in my view, might minimize the overwhelming demands on the legal courts. Thus, the traditional courts will be in a position to decisively supplement the efforts of the formal court system with land cases that have been part of the land law promulgation structures.

Chapter 3

Methodology

This section gives an overview of the means and strategies adopted to achieve the goals of the research. It begins with the research questions and statements of hypotheses upon which the entire study rest. Following these elements are discussions of research design, strategies of inquiry, and data collection methods (i.e., the two main tools used in data collection—semi-structured interviews and the direct observations of participants by the researcher). Also discussed are issues related to access, sampling, data analysis, the presentation of research results, validity and relevance, and ethical considerations.

Research Questions and Hypotheses

The main purpose of this research is to explore the fundamental reason for private landowners' preferences for unregulated security land guards for the protection of peri-urban land. To better understand the motivation to protect land without relying on the state's legitimate avenues calls to question why the laws and regulations (i.e., governance) regarding land administration in Ghana seem not to have received private/traditional landowners' endorsements. This leads to the main research question: *Are unregulated security land guards in Ghana a symptom of broader land governance deficits?*

The sub-questions include the following:

- (a) *Why are landowners engaging informal land guards to protect their land and property, especially in peri-urban areas of Ghana?*
- (b) *Why would citizens not direct their land grievances to the state security apparatus and/or formal private security organizations for redress?*

(c) *Why are state security agencies, such as the police, not effective in curbing the activities of land guards?*

These questions, in accordance with the six principles that comprise the *Worldwide Governance Indicators Framework* (2015)—voice and accountability, government effectiveness, regulatory quality, rule of law, control of corruption, and absence of violence in an environment of land disputes—are tied to six operational hypotheses through which the avoidance and/or the acceptance of land guards can be examined. These hypotheses are as follows:

H1: A land governance structure that encourages traditional/private landowners' participation in land policy decision-making processes in ways that benefit their communities is likely to minimize land conflicts and land-guard activities.

H2: When land management institutions provide quality public services and servants who perform their duties independently from political pressures, there is the likelihood that such a system will witness fewer land-related conflicts and land-guard activities.

H3: Citizens are likely to engage unregulated security land guards to protect their lands when they perceive the state as formulating and implementing unsound land protection policies that do not represent their aspirations and land rights.

H4: A land governance structure that lacks the application of rules of law whereby interested parties cannot easily access institutions with clear and well-defined mandates to resolve land disputes is likely to encourage the employment of unregulated security land guards as a means of land protection.

H5: A society in which public officials and politicians are perceived to be financially staked in land allocation and litigation processes is likely to experience land conflict and an increase in the recruitment of land guards.

H6: A governance structure that ignores informal means of land dispute resolution is likely to experience overwhelming demands on the formal legal courts, thereby encouraging citizens' to resort to land-guard engagement that will increase land conflicts.

Research Design

This research is designed in alignment with qualitative research principles to explore the fundamental reasons underlying the ever-expanding land-guard phenomenon in contemporary Ghana. As a qualitative study, semi-structured interviews and direct participant observation methods of information gathering were used to help answer the above questions. The land-guard phenomenon as a means of protecting peri-urban land has an unclear definition in the context and scope of legitimate private security operations in Ghana. Whereas legitimate private security guards are identified with corporate security firms recognized by law in Ghana, land guards are labeled as unregulated and illegal, with their operatives not belonging to any corporate entity. As a result, the study of the land-guard phenomenon can only be explored based on its own internal logic, which is best done within the environment in which land guards operate.

According to Woodside (2010), “Humans need to reflect on their own behavior, and collect unconscious-thinking data to achieve high accuracy in describing behavior” (p. 6). Thus, face-to-face interaction between the researcher and various stakeholders creates an avenue for the latter to tell their side of the story about the phenomenon under investigation. In other words, participants' engagement through semi-structured interactions brings to bear an element of self-reflection about either their unique role or experiences related to the phenomenon. Therefore, their disclosures through interviews will give potential directions in predicting answers to the research questions. I have applied this principle by identifying the major stakeholders of land

governance in Ghana, whom I grouped into four categories: (1) land policymakers/implementers (i.e., Lands Commission and Ministry of Lands and Natural Resources officers), (2) land policy consumers (i.e., traditional/private landowners and real estate developers), (3) land law enforcement agents (i.e., the Police Service), and (4) unregulated land-guard operatives.

Indeed, whether or not any predictions based on researcher-participant interactions become a reality, the act of directly observing the participants' activities through visits and follow-ups are crucial and can be a good form of data-checking through the triangulation of methods. For this reason, the second method through which I gathered information was direct observation, which I accomplished during site visits involving the main actors of the phenomenon (i.e., the land guards). As pointed out by Woodside (2010), observing participants for a considerable period of time in the field, a practice that other data collecting methods tend to avoid, alleviates the inclusion of information that is too often padded with "cause-effect" relationships. As such, I visited select land-guard operation sites on four different occasions to directly observe the few land guards I had the chance to interview. Thus, while a qualitative design based on interviews created an iterative opportunity for me to adjust emerging themes by accommodating participants' independent perspectives throughout the fieldwork process, the direct observation of participants helped me to understand and describe the mode of land-guard operations firsthand (Woodside, 2010).

Strategy of Inquiry

Judging from the focus of this study—the case of unregulated land-guard proliferation in Ghana—face-to-face interactions between the researcher and the study participants presented a better option through which answers to my research questions were generated. This was done through a qualitative approach that applied semi-structured interviews and participant

observation strategies. To further authenticate the findings of the study, different views across different categories of participants were coordinated. In all, six individual participant groups located within four major categories—based on different backgrounds and perspectives of individuals with regards to the research topic—were identified and interviewed.

Following Maxwell's (2013) assertion that "[t]he divergent perspectives, information about different aspects of the cases, and the engagement of different actors, remain the core of a qualitative research" (p. 104), my specific and follow-up questions were targeted toward a particular category of people, taking into account their experiences with the subject matter. This ensured a diversity of perspectives and views on land governance in Ghana. My ability to gather information among these diverse groups, in addition to directly observing the main actors of the phenomenon (land guards) in their natural settings, gave me the opportunity to analyze the research questions from different perspectives. To further strengthen the diversity of opinions, I conducted and collated interviews from two different geographical areas—Accra and Kumasi, locations that the literature indicated as having the largest cases of land-guard activity in Ghana (Cobbina & Amoako, 2012; UN-HABITAT, 2004).

Data Collection

This study relied upon two main sources of primary data: face-to-face interactions between the researcher and the study participants (semi-structured interviews) and the direct observation of participants. Whereas these methods provide the best means through which answers to the research questions were generated, secondary sources of current media reports on the phenomenon, as well as an in-depth review of scholarly literature on governance in general and land governance in particular, also helped shape the themes of the research. Ultimately, the reasons given for citizens' reliance on unregulated security land guards to protect their peri-

urban lands, as revealed during the semi-structured interview method, represented one of the best techniques used during the study, in the sense that issues of governance failures, which I have come to perceive as a major factor, seemed largely to reside in the minds of participants. Without face-to-face dialogue, little could have been achieved in accurately answering research questions related to this topic.

During the course of collecting the data, my initial approach was to establish a good rapport with participants, which I did by identifying myself, first as a citizen of Ghana, and second, as a traditional leader who is conversant with the research topic. Mindful of my potential biases as the researcher who has a kind of subtle attachment to that which he is investigating, I made a clear distinction between my role as a traditional leader whose jurisdiction has no experience with the main focus of study—that is, the land-guard activity—thereby avoiding influencing participants' views, while also ensuring an objective research relationship with them. In essence, the skills I have adopted throughout the semi-structured interviewing elicited valuable information. The interview process was viewed as an opportunity for meaning-making, such that the actual circumstances under which a phenomenon functions is meaningfully constructed by the interviewer and the interviewee rather than being an arbitrary or one-sided interview.

Depicting the interview guide and the actual conduct of the interviews in the English language enhanced the data collection processes tremendously. English—a language in which the researcher has a strong background and proficiency—happened to be the same language spoken by all the participant groups except interviewees within the security land-guard category. Granted the informal and unrecognized nature of their status, a majority of persons engaged as land guards have little or no formal education, and therefore were fluent only in their native

languages. However, because English is the national language of Ghana, almost every citizen speaks one form of the language or another. Fortunately, all the security land guards I encountered spoke at least a version of English language popularly referred to in Ghana as “broken English.” Without any major difficulty on my part as the researcher who clearly can speak and understand broken English, the conduct of interviewing and observing this group was successful without the need to employ translators. The two sites of data collection—Accra and Kumasi—presented similar participant scenarios, and therefore, the same recruitment strategies were used at each site.

Data Collection Strategy

The following table presents the numbers of participants interviewed in each category during fieldwork. The main justification for these numbers is the realization and achievement of an interview saturation point in accordance with qualitative research principles. For instance, Mason’s (2010) assessment of how saturation points are established for various strands of qualitative research found that “case study approaches had the highest mean number of participants in their studies (36), while action research and life history approaches each showed mean numbers of participants of 23 in their studies” (p. 8). Thus, in order to avoid redundancy within participants’ responses, I judged the numbers represented in Table 3 as adequate, since information beyond these numbers became saturated.

Even though I encountered a total of 12 active land guards, only three of them were willing to sit for formal interviews. The nine remaining land guards allowed for an initial interaction through participant observation. However, they were unwilling to be verbally recorded, and they refused to sign the IRB informed consent forms for formal interviews. Consequently, the results of my association with this group (through interviews and

observations) have not been officially captured as part of data gathered and/or analyzed, in the spirit of research ethics. Nevertheless, details and coverage of information, based on the three land guards who voluntarily completed the process, show no significant difference from those of the other nine.

Table 3

Breakdown of Interview and Participant Observation Numbers

Participant Categories/Research Site	Accra	Kumasi	Total
Land Policy I: Lands Commission Officers	10	10	20
Land Policy II: Ministry of Lands Officers	3	-	3
Traditional/Private Landowners	4	3	7
Real Estate Developers	3	6	9
Ghana Police Service Officers	4	4	8
Land Guards	3	-	3
Total	27	23	50

Note: Participants were categorized, identified, and interviewed by the researcher.

Semi-structured Interviews

As indicated above, the first stage of the data collection involved the engagement of four major participant groups in face-to-face discussions focusing on the themes of the research. These groups comprise the following categories: (1) Land policy implementers, a category within which contain two separate sub-offices: The Lands Commission Department and The Ministry of Lands and Natural Resources; (2) Land policy consumers, also involving two sub-categories of “real estate developers” and “traditional/private landowners”; (3) Land law

enforcement agents, or the Ghana Police Service; and (4) Land guards. Thus, in all, six separate participant groups were involved. I developed the interview guide alongside the research questions in conjunction with six hypotheses presented in my study. The assessment of Ghana's land governance as a major reason for private/traditional landowners' resorting to the use of unregulated security land guards to protect their land permeates the list of questions. To get a holistic idea of the performance of the state's land policies, the interview guide served as a uniform tool of questioning respondents across all participant categories.

The first category of respondents comprises the land policy formulators and implementers within the Ghana Lands Commission Department and the Ministry of Lands and Natural Resources, where technical land registrations and client service schedule officers were interviewed. The central focus of the interviews within this category was to establish how the land policies, over the years, has involved or accommodated traditional/private landowners' voices, and the level of officers' independence in the exercise of land allocation and registration processes. This group of respondents was very important to the research in the sense that, apart from their knowledge in the formulation and implementation of land policy, they also interact with traditional/private landowners on a daily basis. They do this in cases of title searches, registration, surveying, and other areas. As such, issues of land protection, double or multiple sales of the same plot of land, and land-guard disruption, for instance, are matters that pervade the corridors of land policy formulators' offices.

The next category of respondents is the group I refer to as land policy consumers, comprising traditional landowners and commercial real estate developers. Here, two main issues come to focus: first, their perspectives with regard to being part of the land policy formulation, and second—perhaps most importantly—their reason for hiring unregulated land guards instead

of relying on the state apparatus for the protection of their land. Though I used the same interview guide throughout, each sectors' perspectives propelled the direction of follow-up and probing questions. By so doing, many new themes emerged out of our interactions that have been incorporated into the analysis section of the research.

Law enforcement agents whose attention this study engaged included those from the Ghana Police Service as well as those from state-regulated private security organizations. During their interviews, concerns regarding the state's position on land guards, as well as the interviewees' roles in managing the phenomenon under investigation, were highlighted. Additionally, their perspectives on what the literature describes as overwhelming land litigation cases bedeviling the formal courts in Ghana were addressed. Attempts were also made to capture the difference between "private guard" and "land guard," and why both could not be considered legitimate in the context of private security regulatory laws of Ghana. Lastly, I concluded semi-structured interviews with participants whom I describe as land-guard operatives. Among others, questions focused on their motivation for engaging in an unregulated profession and how they go about their daily assignments, including handling encounters with state security agents.

Participant Direct Observation

The second data collection strategy I adopted was to directly observe a typical day's duties of select security land guards. Due to the unregulated nature of this group, attempts to locate them met some initial challenges. But out of an unrelenting effort, as well as capitalizing on my status as a Ghanaian who knows the research sites well, I was able to identify a total of 12 land guards who operate within two major avenues (i.e., the Dawhenya and Kwabenya suburbs of Accra—see Appendix F). However, as explained previously, only three out of this number met data-reporting ethical criteria. After several weeks of contacts and the display of my status as

a researcher from the United States, and also as a Ghanaian, I was introduced to a number of these people who, upon interaction, confirmed their job status as land guards. I must emphasize that it took the presentation of all my official letters, especially those from the United States, including my school identity card, a research credential letter, and IRB informed consent forms to convince these land guards to accept me as a researcher, and not someone employed to spy on them on behalf of the government.

To confirm the fact that these individuals were indeed land guard operatives, I followed those I had interviewed to their work sites in Accra to observe how they organize themselves in the field. This has given me the opportunity to get firsthand information about how land guards work and what sorts of people engage their services. In the process of participating and observing, I constructed new themes, to the extent of acknowledging the existence of two different categories of land guards. The first category consists of those who are hired and live on landowners' pieces of land in temporary/provisional housing structures, usually made of wood. Their duty is to ward off any encroachers. A second category of land guards includes those who do not live on the landowner's piece of land, but visit the site they are guarding periodically. In addition to keeping an eye on their employer's property, they also interrogate any unfamiliar individual within the vicinity of their operation, while looking for potential additional clients within the same enclave.

This method of participant direct observation did not only afford me the avenue to assess security land guards, but it also enabled me to locate many individual small landholders that I later interviewed within the category of private landowners. This became possible when some of the landowners paid surprise visits to their property for two reasons: (1) to find out whether their land was intact, and (2) to ensure that their employee—the land guard—was at their post. As a

result, the participant observation section of my data collection presented a very convenient and reliable avenue whereby I could easily compare and contrast information regarding both the reasons for engaging security land guards and their modes of operations.

To achieve my aim of observing the activities of security land guards while maintaining their trust, there were certain ethical and behavioral standards I had to adopt. In order not to be noticeable and to not to influence the participants' activities, I had to "dress down." I also had to resort to speaking "broken English." At the end of my observations, I had a very clear picture and understanding of why small landholders use land guards and why people present themselves as land guards. Most importantly, the site interactions gave me in-depth knowledge about the challenges faced by state security agents to clamp down on the activities of land guards, which I explain in detail in the findings section of the research.

Who is a Land Guard? A Personal Account

Land guards are largely untrained job seekers who are prepared to guard landed property, irrespective of its legitimacy. As long as their contractors are ready to pay them for their services, they will drive anybody away from a plot of land, or an entire area for which they are hired to protect, through any means possible. When asked how they determine the genuine owner(s) of the property they are hired to protect, all 12 indicated that they make no active attempts to do so.

The land guards I encountered were between the ages of 20 and 38 years old, and all of them were males. Among them, only two claimed to be married with children, with their families living elsewhere. Four others had children, but were not married. Their children lived with the mothers. None were specific about their places of birth or ethnic affiliations. Interestingly, seven

of the nine were from northern Ghana, and none were originally from Accra, having only moved to that location for employment.

My research revealed that these security land guards are either permanently stationed on a piece of land they have been hired to protect, residing in temporary wooden structures, or they occasionally visit their designated property, taking action in cases of encroachment. All of the land guards I interacted with—those who resided either on or off the properties they were assigned to protect—were hired as part-time employees, giving them the liberty to engage in any other economic ventures as well. In situations where the piece of land being guarded has not yet been developed, land guards can use the property for gardening, in which case crops such as maize, cassava, yams, and/or vegetables are grown. These land guards have no job security in terms of their duration of service, retirement benefits, or any other benefits apart from wages, which, to them, are of limited availability anyway. Granted that, land guards have reason to maintain cordial relationships with their contractors until the land they are responsible for protecting is resold or otherwise developed. Thereafter, the job is terminated, usually without any compensation or warning.

Access

My research targeted participants from six distinct groups, including the following: (1) The Ghana Lands Commission, (2) The Ministry of Lands and Natural Resources, (3) Traditional/private landowners, (4) Real estate developers, (5) The Ghana Police Service, (6) Land Guards. Access to participants from this rather large collection of groups took time, but overall, my efforts to obtain information were well received for several reasons. First, my status as a Ghanaian had a positive bearing on the high level of acceptance I received across the various groups. In my view, there appeared to be a kind of consensus among respondents to the effect

that the researcher could be part of the implementation strategy of the research recommendations by virtue of his status as a Ghanaian. This resulted in admirable cooperation from the participants as a whole. Second, my status as a traditional leader who has knowledge of land matters—even though not in the area of the core research theme—seemed to have led to my ability to deal decisively with the research topic, hence participants’ readiness and willingness to support the data collection process.

At another level, whereas my Kennesaw State University International Conflict Management departmental dissertation/research credential letter played a vital role in accessing almost all the participants—and with the consent of their respective organizations—the process of engaging participants from the Ghana Police Service took a different, and more time-consuming, form. I had a written clearance to conduct the research within the Police Service only after the office of Inspector-General of Police (IGP) issued a letter to that effect (Appendix B). With such a letter, I was able to interview the well-versed police officers on land conflict matters located within a special department called the Property Fraud Unit. In particular, having directed all station commanders per this letter to cooperate with the research, accessing respondents in the second research site—Kumasi (Appendix H)—was quite easy and fruitful.

Sampling Frame

The general reasoning behind a sampling strategy is to achieve representativeness and validity of the study findings. In other words, the generalizability and applicability of the research findings either in statistical or theoretical terms depend largely on how representative the data is. Due to their unique nature, probability methods are rarely found appropriate among qualitative researchers. Consequently, according to Maxwell (2013), “A form of nonprobability

techniques such as purposeful selection is relied upon by qualitative researchers to strengthen internal validity and theoretical applicability” (p. 97).

The population of this research comprises stakeholders in the land governance sector within the target cities of Ghana—Accra and Kumasi. Unable to determine the actual population within these categories, this study relied on the purposive or judgment-sampling technique to select the appropriate participants, as Table 3 indicates. Using this deliberate kind of technique, the guiding principle was to select only the participants who, based on their experience, could provide relevant information to help answer my research questions. Thus, the purposive method of selection was more appropriate to this study, and therefore, it was adopted across all participant categories. To ensure the effectiveness of the purposive selection method that focused on participants’ experiences, the snowballing method of sampling served as a complementary sampling method to find the appropriate respondents quickly.

The appropriateness of a deliberate selection of participants at the state land policymaker level (I & II) echoes the idea that issues of private/traditional landowners’ involvement in policy decisions are rather technical, and can only be addressed by experts within these institutions. Thus, technical officials within the policy and planning departments of the Lands Commission and the Ministry of Lands were deliberately selected to engage in the semi-structured interviews of the study. Concerning traditional/private landowners, the snowballing sampling method was mainly adopted to identify those who were potential users of land guards. Thus, following the identification and interviewing of the first participants in this category, their recommendations led the researcher to more individuals who shared the selection criteria. Notably, although a standing association membership list exists for real estate developers, known as the Ghana Real Estate Developers Association (GREDA), a purposive selection of members operating in land-

guard-prone areas informed their inclusion as participants, since land-guard operations are more pronounced in some areas within research sites.

Within the categories of law enforcement agents, the Ghana Police Service's Property Fraud Unit, among others, deals specifically with land-guard cases. Scheduled officers assigned to land-guard and land-conflict cases were subsequently selected based on consultations with the command structure within the Police Service. Having replicated the same strategy and method of participant selection across the two research sites—Accra and Kumasi—the numbers of interviews and direct observations covered for the study are indicated per the data compiled in Table 3 above. These numbers represent obvious saturation levels in the sense that ideas and information emanating from further interview responses became similar and repetitive, which signaled a saturation point—a point at which the researcher is justified in suspending any further data collection (Mason, 2010).

Data Analysis and Presentation of Research Results

My analytic approach to data generated through interviews was informed by the scholarship of Coffey and Atkinson (1996), who suggest that collection and analysis of data should be done simultaneously. Accordingly, I resorted to engaging with data collection and analysis concurrently to keep abreast with tentative ideas about theme/concept categories. Also, utilizing this approach enabled me to establish productive relationships easily—which continued throughout subsequent interviews and observations—as well as conduct further gradation of analysis. Borrowing from the techniques of thematic analysis, and prior to data collection, I developed a codebook based on my literature review of land governance in conjunction with the *Worldwide Governance Indicators (WGI)*, which provided a foundation for the research hypotheses. Because my interview guide questions were established based on concepts captured

within the research questions and existing scholarly literature, it was reasonable to develop this coding system prior to the inception of the fieldwork. With this system in place, reading field notes and listening to interview audiotapes immediately after each daily session was the style I adopted, which helped in writing memos, analyzing narrative structures, noting contextual relationships/trends, tracing connections for similarities/differences and patterns, and creating matrices.

Conceivably, a thematic style of analysis, according to Greg, MacQueen, and Namey (2012), provides the most standard method of analyzing qualitative textual data. In the case of my research, the following are some highlighted broad concepts around which the pre-coding, memo writing, categorizing strategies, narrative structures, conceptual relationships, and matrices were built:

- *Land tenure systems, initial codes:* customary and bureaucratic;
- *Land ownership sources, initial codes:* public/state land, private land (*sub codes:* communal land, family land, individual land, ownership by virtue as a chief, legal backing for ownership);
- *Means of land acquisition initial, codes:* inheritance, lease holding, outright purchase
- *Means of land protection, initial codes:* unregulated land guards, state regulated private security, use of the formal courts, and traditional means of arbitration;
- *Land documentation process, initial codes:* time frame, access to schedule officials, level of transparency, bureaucracy of the process, amounts/stages of fee/levy payments, and validity of final title deed;

- *Land conflict mediation, initial codes*: formal courts, informal/traditional courts, cost of hiring legal counsel, time frame for resolution, transparency/fairness, and enforcement of verdict.

Having developed these codes, I relied on the “Content Data Analysis” method to group the entire interview notes into similarities, differences, and conceptual themes (i.e., thematic pattern recognition). By comparing and contrasting the interview notes, clusters of concepts were developed in line with the study’s main research and sub-questions. At the same time, however, I made provisions for open coding, whereby unexpected relationships, antecedents, and consequences that emerged, particularly from participants’ direct observations field notes, were noted and considered. This was important because, beyond my research focus and pre-coded concepts, there remained the possibility that additional dimensions might be identified as relevant for new conceptualization within the land-guard phenomenon. Thus, new theories (grounded) were open to consideration based on such emergent concepts, with the potential for informing future research. Some of these new concepts are dealt with in Chapter 5, which analyzes the research perspectives on land guards and land acquisition.

Concepts and theme mappings dominate the summary analysis and presentation of the research results. These methods are used as a way of elaborating on and presenting pictorial versions of themes/concepts that were established during data analysis. Thus, the research results reporting format is a combination of narratives, theme identification, and pattern recognition. Mostly, I used selected exemplary quotes from the interviews to illustrate particular emergent themes (Chapters 4 and 5).

Testing of Hypotheses

During data collection, participants were largely asked questions that they answered, with the flexibility of expanding interviews with probing and follow-up questions. This process teased out perceptions on the use of land guards and whether the exclusion of customary custodians of land, such as private landowners, contributes significantly to peri-urban land conflicts in Ghana. All the major stakeholders in land delivery, clients of land-guard activities, land law enforcement agents, and land guards in turn responded to the same questions related to each of the six study hypotheses.

An example of how the testing mechanism explored the relationship between the main research question and each hypothesis is given below, using the first hypothesis (H1) to demonstrate:

Main research question: *Are unregulated security land guards in Ghana a symptom of broader land governance deficits?*

Hypothesis 1: *A land governance structure that encourages traditional/private landowners' participation in land policy decision-making processes in ways that benefit their communities is likely to minimize land conflicts and land-guard activities.*

Questions administered to test Hypothesis 1 (Questions 1, 2, and 3; see Appendix D):

1. (a) Are you involved in land policy decisions? If so, in what ways? Can you provide any specific examples?
(b) If no, in your opinion, should you be involved? Why?
2. (a) As a private landowner or public servant, how do you engage in policy discussions and decisions when it comes to private landownership?
(b) Please tell me how you access land sector services? Do you take advantage of them? In what ways? Could these services be improved in your opinion? In what ways?

- (c) How have you seen the state treat traditional land rights? Do you think this is fair? Why or why not?
- (d) Are you aware of what the state land institutions do regarding land acquisition procedures? If so, how did you learn about these services? Was it difficult to get clear and accurate information regarding land acquisition? Why or why not? In your opinion, how might their messaging to the public be improved?
3. (a) From your perspective as a private landowner or public servant, do you believe that Ghana's land policy in terms of access and registration protect your and other's interests? Why or why not? Can you provide any examples when these laws were effective? Can you provide any examples when these laws were not effective?
- (b) In your opinion, who benefits most from the current land-related laws in Ghana? Why do you think that is? How might they be changed to better serve your needs?

Once participants' questions were answered, their perceptions regarding whether Ghana's present land policies/governance represent their aspirations for the public good, or otherwise, were sorted into thematic groups. Ultimately, based upon the cumulative strength or weakness of responses by way of percentage frequency analysis, conclusions were drawn showing support for the study's first hypothesis (H1), which helped definitively answer the main research question, as well as sub-question (a): *Why are landowners engaging informal land guards to protect their land and property, especially in peri-urban areas of Ghana?* This method of testing was applied to each hypothesis, as will be further explained in the data analysis and presentation of research findings sections in Chapters 4 and 5, respectively.

Validity and Relevance

As contemporary scholars debate the merits of qualitative methods of research, there is general agreement regarding two broad assessment criteria: validity and relevance (Mays &

Pope, 2000). Maintaining that “all research involves subjective perception and that different methods produce different perspectives” (p. 51), Mays and Pope (2000) refer to triangulation, respondent validation, clear exposition of methods of data collection and analysis, reflexivity, attention to negative cases, and fair dealings as major justifications for the validity of qualitative research. The adoption of either two or more methods (e.g., interviews and direct observations) or two or more data sources (e.g., interviews with different categories of interest groups), gratifies the term “triangulation” in research. While my study considered two data collection methods (i. e., interviews and direct observations), it relied more upon the views of six divergent groups. As such, the study’s analysis and findings have embodied the establishment of patterns out of differing perceptions on how Ghana’s land governance has fared in terms of the level of land conflicts in peri-urban areas and the role of land guards in land protection.

Judging from the procedures through which the themes and concepts of the study were determined, both the semi-structured interviews and the observation of participants extensively accommodated respondents’ views. Prior to finalizing the research findings, preliminary analyses based on the data collected were shared with their sources for comparison and authentication. Through the member-checking strategy, the validity of the study results has increased tremendously in the area of error reduction. The evidence of the impact of member-checking on the study results can be seen with the amount of original data/emergent concepts that are interpreted, particularly in Chapters 4 and 5. Most importantly, this research has witnessed complete auditing through rigorous reviews, at all stages, by a committee of faculty.

Another means of validating the research was accomplished through data analysis. The method of combining the processes of data collection and data analysis exposed the level of corroboration among concepts and themes. The ability to narrow down concepts and their

interpretation into the research findings, upon which recommendations are made, followed intellectual thematic patterns (Greg, MacQueen, & Namey, 2012). From the preparatory listing of codes to the use of detailed content analysis, an audit trail account was established for both processes of data collection and analysis, thereby clearing doubts about how the study conclusions were drawn.

The validity of this research, again, cannot be determined without the declaration and clarification of my attachment as the researcher of the study topic. My role as a traditional leader who, by virtue of this position, has been bestowed with overseeing communal lands, cannot be overemphasized. Particularly, stages of one-on-one interactions through either interviews or direct observations began with self-introduction and the acknowledgement of my status as a student and traditional chief. However, the non-existence of the study phenomenon (i.e., the land-guard cases) in the researcher's area of jurisdiction diluted my familiarity with the topic. This declaration, which may be construed as a bias, has rather enhanced the credibility of this study in the sense that my professional and traditional prior knowledge of the study subject undoubtedly fine-tuned discussions with respondents in line with the research question, yielding enhanced validations of findings.

Furthermore, in the course of data analysis, the study has acknowledged the emergence of new concepts based on participants' in-depth knowledge, which eventually presented other dimensions and predictions. This has also enhanced the validity of findings. These emergent themes, one way or another, helped with the exposition and explanation of other hidden factors underlying the land-guard phenomenon that future research might rely upon. Thus, the engagement of divergent views emanating from the different participants' perspectives enabled the generation of emergent themes/concepts through the researcher's fair dealings during the

course of data collection and analysis. This was achieved through strict observance of research ethics, from the study's initial design stage through the incorporation of the wide array of participant experiences with the research theme.

In the area of relevance, Mays and Pope (2000) claim, "Research can be relevant when it either adds to knowledge or increases the confidence with which the existing knowledge is regarded" (2000, p. 52). Within the broader academic sense, it has been established through the literature that there is little documentation/data on land-guard activities in terms of the category of people involved and, most importantly, whether land-guard activities have over the years curbed or escalated urban land conflicts in Ghana. Thus, findings of this study prepare a good grounding for future research not only on land-related issues, but also on good governance. Accordingly, state policy on land management and administration can be impacted by the application and implementation of the study recommendations regarding, for instance, the need to better engage non-state actors, such as traditional landowners, in land policy dialogue. Overall, the findings of the study provide additional data on the natural resource mismanagement debate, specifically regarding land policy in Ghana, as far as the unregulated security land-guard phenomenon is concerned.

Another means by which the relevance of this research is enhanced is through the presentation of a detailed report that captures quite a large group of participants' views on Ghana's land governance. Though the findings of this study are limited to Ghana's case, the general position of the literature suggests that land and other natural resource management conundrums exist within numerous sub-Saharan African states, all likely stemming from similar situations (Alao, 2007, 2012; Gough & Yankson, 2000; Joireman, 2011; Plotkin, 1987). Therefore, the export and application of this study's findings to settings in similar countries is a

worthy consideration. As a caveat, the findings in this study are based specifically on observations of main actors within the land-guard phenomenon in Ghana. Nonetheless, similar private security issues that may be occurring throughout sub-Saharan Africa can potentially be addressed and further explored based on the application of this study's findings.

Ethical Considerations

Prior to field data collection, approval of Kennesaw State University's Institutional Review Board (IRB) was sought and granted in accordance with the ethics of human subject research. From this, informed consent forms based on IRB criteria were given to each participant who could read and understand the terms of the research. Copies of signed consent forms, indicating voluntary agreement of participation, were retrieved from all study participants. For those who could not read, I made time to explain the content of the informed consent forms and engaged any such participants only after he or she had endorsed the form with copies retrieved. Areas of emphasis during the process of explanation included, but were not limited to, the benefits of the study to the participants, confidentiality clauses, procedures related to data collection, freedom to answer or not to answer particular questions, and the option of complete withdrawal from the interview or observation process at any point of interaction. Where audiotaping was applicable, participants were informed and were recorded only with their consent.

Land-guard activity, at the time of the fieldwork, was considered an unauthorized activity in Ghana, such that operatives were often apprehensive about their participation in my study, demonstrating concern with strained facial expressions. Being mindful of this, I employed all the necessary confidentiality clauses and ensured the avoidance of any potential harm that might afflict respondents because of their participation in the study. This I did with a proof of my status

as a student/researcher and as a Ghanaian. Thus, during both the interviews and observations of participants, no actual names were revealed of any participant. Instead, pseudonyms were applied in all references and descriptions of participants, including descriptions of events and the sites of their operation. To further maintain confidentiality, I maintained my physical appearance as the researcher in a fashion similar to that of the participants throughout the period of my involvement and during my presence at the various land-guard operation sites.

Official written/verbal research permissions were sought for by relying on the internal structures of each organization in which I sampled participants. With the Police Service, for instance, official permission was granted through the office of the Inspector-General of Police (IGP), where all regional directors of police were informed about the research and the demand for their support. In compliance with the ethical requirements of this state security organization, interview notes and audio recordings conducted with the police were replayed immediately after they took place for the hearing of the participant, a process that I did follow rigidly. This was done not for the purpose of editing the records, but rather as an assurance that the research results were transparent and not tampered with. In these recordings, I also used pseudonyms to identify each participant and to conform with the non-disclosure clause covering information retrieved. Furthermore, informed consent forms displayed no names, contact telephone numbers, or locations.

All hard copies of data documentation, including field notes, audiotapes, and signed informed consent forms, are securely located, accessible only to myself, to be used only for future reference and/or used as evidence to support the existence and the conduct of the study. Likewise, soft copies relating to all aspects of data for the research are kept within a password-protected computer. These documents will remain locked in accordance with Kennesaw State

University's Internal Review Board's requirements as they relate to human subject research, and can only be discarded or destroyed at their demand.

Conclusion

This chapter has presented the detailed methods through which a total of 50 participants were engaged in two major means of data collection: semi-structured interviews and direct participant observation. Participants were drawn from six diverse backgrounds, but all have a common interest in Ghana's land policy and the role of unregulated security land guards in land protection. Even though the research may be viewed as a single qualitative study, two major strands of diversification were incorporated into the research architecture to boost validity and relevance of findings. These included the involvement of several different participant categories, as previously discussed. Also, identical participant categories were engaged in the data collection process within the two biggest cities in Ghana—Accra and Kumasi—whose selections were based on the study's literature, which determined these sites as the most exposed locations of the land-guard phenomenon under study (Cobbina & Amoako, 2012; UN-HABITAT, 2004).

Due to the wide scope of participants covered, a considerably long period of eight months was spent on field data collection. The choice of the semi-structured interviews and participant observation as the best methods to achieve answers for the research questions was revealed through the literature, which prescribed such methods for cases that lack sufficient theoretical data (Berg & Lune, 2011; Holstein & Gubrium, 1995; Maxwell, 2013). Essentially, these methods not only afforded me the opportunity to study participants in the context of their natural settings, but also opened cordial dialogue spaces, in which the participants and myself realigned the concepts and themes for the study. The methods also generated quite a number of emerging themes that brought to focus other dimensions of the case for future research.

The identification and location of study participants took the much-admired qualitative method of purposive sampling (Maxwell, 2013). This enabled me to reach out to the ideal respondents, based on their experiences with the research subject. Data analysis borrowed from the thematic analysis techniques, in which main themes are classified according to the theories underlining the research at hand (Greg, MacQueen, & Namey, 2012). Based on the thematic analysis mechanism, I have identified, by borrowing from the *Worldwide Governance Indicators (WGI)*, prominent themes of land governance including the following: voice and accountability in land policy; government/state effectiveness in land management; regulatory quality of land laws; rule of law in land litigation; and control of corruption in land allocation. The assessment of these themes was then linked to the kinds of land protection methods people have been motivated to adopt in peri-urban areas of Ghana. In summary, these efforts point to the fact that the data gathered has the capacity to reveal reliable answers to the research questions. The next two chapters, Chapters 4 and 5, catalogue the findings.

Chapter 4

Research Findings

The fundamental objective of this research is to explore and have a better understanding of the lengths people or groups are prepared to endure in order to maintain favorable positions regarding land rights and protection in a regime of statutory rules and regulations. Thus, the motivation to use unregulated security land guards in Ghana, in lieu of legal options to protect land in peri-urban areas, forms the core of this study. The main research question being asked in order to achieve this objective is the following: *Are unregulated security land guards in Ghana a symptom of broader land governance deficits?* Three related sub-questions have been identified:

(a) Why are landowners engaging informal land guards to protect their land and property, especially in peri-urban areas of Ghana??

(b) Why would citizens not direct their land grievances to the state security apparatuses and/or formal private security organizations for redress?

(c) Why are state security agencies, such as the police, not effective in curbing the activities of land guards?

With these questions in mind, this study examines land governance indicators to gauge citizens' roles in land policy decision-making processes in Ghana. The six indicators of good governance, as set forth by Kaufmann and Kraay (2008) and discussed at length in Chapter 2, serve as a guide in answering the main question and related sub-questions. These indicators are as follows: (a) whether citizens have enough "voice and accountability" in land policy; (b) whether the "government," through public agencies, is "effective" in educating the general public on land acquisition procedures; (c) whether land laws have an appreciable "regulatory quality"; (d) whether the "rule of law" is being adhered to in land disputes/litigation; (e) the level

of “control of corruption” in land delivery; and (f) whether there is the “absence of violence” within the land sector. Based upon interviewees’ views, expressed during in-depth one-on-one interviews centered around the above themes/indicators, the study examines how these dynamics do or do not contribute to the proliferation of unregulated security land guards in peri-urban areas in Ghana. In all, six distinct participant groups were studied in two separate urban cities of Ghana—Accra and Kumasi—areas which are known to experience the highest incidents related to the use of security land guards. The breadth of these categories helped to ensure a diversity of views related to each land governance indicator in order to assess the overall effectiveness or failings in dealing with this issue.

Findings were determined following thematic analyses of the interview data. Exemplary quotes pulled from the interviews illustrate significant themes as shared by the participants. In order to ensure the confidentiality of interviewees, interview locations, dates, and the names of participants’ institutions are used throughout in lieu of individual names. Field interview transcripts and notes, analyzed data, exemplary quotes, and interpretations have been cross-checked with key interviewees to ensure their accuracy. Table 4 summarizes the findings based on the emergent sub-themes for each land governance indicator and references the sub-questions they help answer.

Table 4

Summary of Land Governance Indicators and Emergent Sub-Themes

Land Governance Indicators	Emergent Sub-Themes	Research Question/ Sub-Questions
Voice and Accountability	-Traditional owners’ involvement in policy decision-making -Private landowners’ participation in decision-making	-Main Question -Sub-Question (a)

Government Effectiveness	-Level of public education -Harmony between private and state lands -Accessibility of registration procedures and officials -Degree of autonomy from political pressure	-Main Question -Sub-Questions (a), (b), (c)
Regulatory Quality	-Recognition of statutory rights -Formulation of sound policies	-Main Question -Sub-questions (a), (b), (c)
Rule of Law	-Level of confidence in formal courts -Effectiveness of the police in law enforcement	-Main Question -Sub-questions (b), (c)
Control of Corruption	-Political advantage in land accessibility -Imposed time frame to utilize land -Multiple sale/registration of same lands	-Main Question -Sub-questions (a), (b), (c)
Absence of Violence	-Reliance on ADR in place of courts -Devotion of separate/unique courts	-Main Question -Sub-questions (b), (c)

Note: This model, developed by the researcher to help answer the study's research questions, incorporates the six *Worldwide Governance Indicators* identified by Kauffman and Kray (2008) and set forth in conjunction with the World Bank.

Land Governance Indicator One: Voice and Accountability

Governance as an essential component of this study has not only been emphasized in both its narrow and broad scopes, but it has also been related to land governance and, therefore, a watertight connection between the two has emerged. This is evidenced in the literature reviewed in Chapter 2 of this study. As such, the results have been framed based upon six *Worldwide Governance Indicators* (Kaufmann & Kraay, 2008; World Bank, 2015). In this chapter, I explore how each indicator is perceived to contribute to the link between land governance and ownership security.

First, I consider “Voice and Accountability” in land policy decision-making, which captures the extent to which custodians of land participate in Ghana’s land policy decision-

making processes. In responding to the main research question that asks whether or not Ghana's land policy has failed, as well as the sub-question (a) that asks why landowners are engaging informal land guards to protect their property, I hypothesize that the involvement of traditional and private owners in land policy decisions is instrumental in explaining the negative outcomes related to the employment of unregulated land guards. My analysis of the data obtained in this study regarding whether or not landowners are involved in land policy decisions shows the affirmative from 31 out of 50 respondents, representing 62% of the total. Applying this result suggests that landowners are involved in land policy decision-making more than half the time. The results also suggest a need to accommodate landowners and hear their voices. There are, however, a few participants in the study who share a contrary view regarding the idea that landowners should participate in land policy decision-making. These participants, representing 38% of the 50 participants, did not feel that landowners had a voice in land policy decisions. Probing further into the results around voice and accountability, I found similarly mixed results related to whether or not landowners *were* involved in making land policy decisions and whether or not they *should be* involved.

Traditional Landowners' Involvement in Land Policy Decision-Making

The subtheme above emerged from the varied perspectives of the interviewees regarding the ways in which landowners are involved in land policy decisions. There are two underlying points about how landowners participate in land policy decision-making processes. The first is that traditional rulers/authorities are accorded a role in the land policy decisions by virtue of their position as custodians of the lands. Of the 31 respondents who indicated that landowners participate in land policy decisions, 74% recounted that traditional rulers, or leaders, participate in land policy decision-making. This comprised 14 land policymakers, 4 traditional landowners,

3 real estate developers, and 3 law enforcement agents. A land policymaker working at the Lands Commission of Ghana in Accra stated, “Traditional rulers are represented on land policy agencies” (personal communication, July 21, 2016). Another respondent, also a land policymaker working at the Lands Commission in Accra, mentioned that “consultation between policymakers and various levels of traditional owners” paves the way for traditional rulers to participate in the policy decisions (personal communication, July 21, 2016).

The role of traditional authorities in land policy decisions stems from the power they wield over lands in Ghana. It must be clarified that some of the respondents talked about traditional authorities, referring to them as traditional institutions, traditional landowners, traditional rulers, or chiefs. For instance, one land policymaker in Accra, in responding to a question about the participation of traditional authorities in land policy decision-making, stated that “the procedure [of policymaking] starts with traditional owners,” adding that “traditional institutions are part of the land governance structure” (personal communication, July 22, 2016). In separate conversations, views from a police officer at the Property Fraud Unit of the Ghana Police Service and a real estate developer, both of whom are from Accra, identified chiefs, or traditional rulers, as credible informants on land policy decisions because of their direct participation in land policy decision-making and, because to the real estate developer, these representatives are “custodians of land” (personal communications, August 11, 2016; July 27, 2016). These responses indicate that information about land from traditional authorities is considered vital input when it comes to policy decisions on land, and for that reason, traditional institutions are vital to the land governance structure.

Such findings support the assertion that, historically, land in Ghana has been ascribed to chiefs and other types of traditional leaders, such as clan and family heads (Amanor, 2001).

There is also the observation that customary land tenure empowers traditional rulers as custodians of the land (Arko-Adjei et al., 2010). Echoing this notion, a number of the interviewees, including 10 land policymakers, four police officers at the Property Fraud Unit of the Police Service, three real estate developers, and three traditional landowners further indicated that the traditional landowners' participation in land policy decisions is accorded the recognition of the traditional rights of land ownership. Having regard for traditional authorities as landowners, it is advisable that they are involved in making land decisions that might affect them directly. This finding complements the argument that the state does not have a monopoly on property rights enforcement, and therefore must include customary leaders in decision-making (Joireman, 2011).

A finding that substantially challenges the fact that traditional landowners are permitted to actively participate in land policy decision-making emerged from three traditional landowners (i.e., traditional authorities). In the first of these instances, a traditional landowner in Kumasi revealed that “policies are formed by the state without their input” (personal communication, November 14, 2016). In another interview, a traditional landowner expressed worry that “traditional councils are not consulted on policy matters” (personal communication, July 25, 2016). In each instance, however, it appears that the traditional landowners have recognition of their traditional right to be involved in land policy discussions, yet they are not at all times represented at such forums. As further evidence of the dissatisfaction of traditional landowners, another Accra respondent expressed that he is “convinced to be part of decision-making process,” but was quick to add that there is difficulty within the system due to “non-available avenue for policy inputs” (personal communication, July 26, 2016). These findings emphasize that traditional leaders feel they should participate in land policymaking, and it further enhances

scholars' assertions that traditional authorities should fully participate in land policymaking processes (Allen, 2008; Darkwa & Attuquoyefio, 2012). The absence of full participation causes dissatisfaction with land policymaking among some traditional authorities, who believe their collaboration with state agencies to formulate laws to dictate land accessibility and management in Ghana is vital.

Private Landowners' Participation in Decision-Making

Apart from traditional authorities, the second subtheme to emerge related to voice and accountability is that other stakeholders of the land governance system do participate in land policy decision-making. A viewpoint relative to consultations involving land policymakers and other stakeholders emerged from 12 out of 31 interviewees, representing 39% of the total, who indicated that private landowners are involved in making land policy decisions. Some of these interviewees gave the impression that meetings and forums are held for various stakeholders in the land administration to deliberate on land policy issues or regulations. A land valuation officer of the Lands Commission of Ghana in Accra described the nature of the meetings as an "annual general meeting," and further pointed out that rules and regulations to govern land emanated from such meetings (personal communication, July 27, 2016). In addition, both a land economist and a policymaker mentioned that there is a forum where stakeholders in government lands, private lands, and all landlords can confer and deliberate on matters, particularly those concerning land regulations. Citing an example of a land bill, one Accra respondent explained how stakeholders had been involved in this process:

Well, like the land bill for instance . . . I mean, it involves those owning government lands. It involves private landowners as well. It's more like bringing all the landlords in

Ghana together, and all that. So, I mean it caters for the public and the private land owners. (personal communication, July 21, 2016)

In agreement with the above, another land policymaker, working at the Lands Commission, expressed the understanding that policymaking requires consultations and shared responsibilities. This Kumasi respondent explained that public workers are involved in land policymaking decisions “through consultations and effective platforms”—where the concerns of individuals who own land, chiefs, private people, and the government are considered—in which “shared responsibility” is exercised (personal communication, November 14, 2016).

In sum, the views above reflect a participatory land management approach through which the opinions and advice of appropriate parties on particular policies are obtained for a properly inclusive land management system. This finding is in agreement with studies showing that land policy should take all forms of legitimacy of ownership into consideration and provide guidelines for the development and implementation of the appropriate instruments (Enemark, 2009; Kaufmann & Kraay, 2015; Palmer, Friccka, & Wehrmann, 2009). Furthermore, the findings echo the views of Kombe & Kreibich (2000) that an agenda for improving land tenure security should acknowledge non-state actors’ involvement in policy dynamics.

Some interviewees (land policymakers) at the regional levels—an notably, within in the Greater Accra Region and Ashanti Region—pointed out that when stakeholders have misunderstandings about land ownership or land documentation processes, clarification and/or support services should be provided to those stakeholders. The ensuing dialogue between the land policymakers and the stakeholders then constitutes the participatory approach to matters of land policy. Articulating this view, a land economist and valuer at the Lands Commission in Accra, who is also a land policymaker, stated,

People actually come to us—some of them before they want to make an application to the Commission for a registration or consent or whatever. They try to seek some expert advice and through that; we are able to advise them or show them the steps as to how to hold a particular land title or something like that. (personal communication, July 22, 2016)

My analysis of the interviews of the land policymakers highlights the idea that consultancy services provided by officials at the Lands Commission of Ghana can pave the way for landowners to steer clear of catastrophe in acquiring legitimate ownership of land by creating an avenue through which landowners are involved in land policy matters. Through those consultations, misunderstandings of landowners—which might not necessarily be limited to land ownership, but could also include stringent land documentation processes—can be clarified by the officials in line with existing policy and legal requirements. Nara et al. (2014) and Sittie (2014) give vivid accounts of the processes involved in land entitlements and ownership based on policies as duly established. My findings reveal that such efforts are being attempted in Ghana, in the sense that the policies are not just made available to landowners, but assistance is also given to promote agreement with established policies. By making land policies available to landowners, and by providing compliance assistance for those policies, Ghana's Land Commission officials, in my view, are contributing to productive land policy implementation more directly than through their participation in land policy formulation.

What is largely missing from dominant literature are the practical means by which landowners might participate in land policy decisions in Ghana. One point is clear: the Parliament of Ghana deliberates on land policy issues that are originated by, or of interest to, the people whom parliamentarians represent as established by the 1992 Constitution of the Republic

of Ghana, Article 20. From this study, consultations with traditional authorities and/or traditional institutions, general meetings, and forums emerge as critical means by which landowners can participate in land policy decision-making.

Having explored the levels of voice and accountability affecting the participation of landowners in land policy decision-making, in the next section, I proceed to analyze the next land governance indicator: government effectiveness.

Land Governance Indicator Two: Government Effectiveness

From the narratives of the interviewees' participation in land policy decision-making, it is relevant to next illuminate the level of effectiveness of statutory and institutional arrangements set up by government for proper land governance. Furthermore, in order to understand the main focus of the study as enshrined in the research question, it is important to analyze government effectiveness in terms of public education, harmony between private and state land accessibility, levels of access to land registration procedures and officials, and the degree of autonomy from political pressure, all of which were emergent subthemes represented in the interview responses.

Level of Public Education

Regarding public education of land-related issues, all the interviewees admitted that this is done on a minimal level, if not completely overlooked by the agencies responsible. The view that public education has been completely ignored is immanent in the comments made by 44% of the interviewees, who comprised 11 land policymakers, three real estate developers, six police officers, a traditional landowner, and a land guard.

According to one land policymaker working at the Lands Commission of Ghana in Accra, public education has totally been ignored by the Lands Commission, and he stated that it "is one of the modules which I feel we have to do." He added, "The fact that you go to the

institution and ask questions there should be a public education concern” (personal communication, August 16, 2016). A real estate developer, also from Accra, admitting the non-availability of land information to the public, added, “The people in need of land information just have to contact people they know who have experience” (personal communication, July 27, 2016). A police officer working at the Property Fraud Unit of the Ghana Police Service succinctly lamented the lack of information to the public in the following response:

Honestly, I think it’s a cumbersome process. It is very cumbersome. It is very frustrating even as an officer of the law [law enforcement officer]; in accessing the services to enhance investigations is even difficult, so you can imagine how the ordinary citizen feels even if those of us in public office trying to access this information get frustrated.

(personal communication, August 15, 2016)

In the opinion of a police officer in Kumasi, the problem is exacerbated by the rate of illiteracy among citizens, which impedes their ability to know where and how to seek information. Yet, another land policymaker of the Land Commission mentioned that the availability of information to the public is low, and the chance of getting information to the public is almost nonexistent, regardless of one’s level of education. As he observed, “I don’t think if you go to the Commission’s website, you will get information of value to the public” (personal communication, November 14, 2016).

The above responses invite an important concern about the inability to exploit the benefits of technology and the media in informing the public about land administration in the country. As one land policymaker in Accra observed, “It is only when a land issue crops up in the media that you see people talking about it,” suggesting a potentially useful option: “A lot of talk shows on television and radio could be used to educate the populace on land issues”

(personal interview, July 22, 2016). Another police officer, working at the Property Fraud Unit of the Ghana Police Service, added the urgency to employ social media platforms in educating people on land policies. This police officer, whose view was shared by a traditional landowner, indicated that educating the general public on matters such as land policies is in the purview of state institutions: “That is why we have the NCCE [National Commission on Civic Education]” (personal communication, August 12, 2016). The only contradictory view to the above was expressed by a land policymaker working at the Lands Commission in Kumasi, who, while admitting that the state of public education regarding land issues in Ghana is poor, also acknowledged the country’s occasional efforts to inform citizens:

Once in a while, officers from the Lands Commission go on radio to sensitize the public. Also, we have flyers that we give to clients who come around at the customer service at the Lands Commission; we distribute the flyers and if you have questions you could ask us for further explanations. (personal communication, November 18, 2016)

These findings overwhelmingly suggest a very low level of public education when it comes to land-related issues. A formally structured program of public education or civic education is also lacking. This has created a situation in which information about land issues in Ghana is at a central location, but access to this information is extremely frustrating to obtain, as well as costly. People constantly visit the Lands Commission of Ghana, in fruitless search for various kinds of land information, much of which could be obtained more easily if avenues of disseminating land information were created by the Lands Commission. The findings, again, contravene the rule of public provision of land information as a vital component of land administration identified in the *Land Governance Assessment Framework*, unveiled by Bruce and Migot-Adholla (1994) and the World Bank (2011) in collaboration with partner institutions.

Accessibility of Registration Procedures and Officials

Closely associated with the level of public education is the level of access to registration procedures and officials of the land administration agencies. Indeed, the level of accessibility to registration procedures and advice from officials of the Lands Commission of Ghana do invariably determine the availability of information regarding land in Ghana. Only four out of 50 interviewees, representing 8% of the total, gave any indication that certain measures have been put in place to ensure accessible registration procedures and officials for clients. One such interviewee, a land policymaker from Kumasi working at the Lands Commission of Ghana, stated, “There is a CSAU [Client Service Access Unit] at the land evaluation division. So I’m sure if you get there it is like a central point, so if you need information you could be given [it]” (personal communication, November 15, 2016). Thus, the creation of the Client Service Access Unit has availed an easy access to the Commission’s information. Additionally, the respondent indicated that brochures are provided to give vital information about the procedures and reasons necessary for land registration. A land policymaker from Accra who works at the Lands Commission stressed, “We have an operational manual that I always fall on when I need any information in a particular service” (personal communication, July 25, 2016). Yet another land policymaker from Accra agreed that progress is being made in to improve access to the services of the Lands Commission, stating,

Trying to use technology to send messages, the Lands Commission has what we call Client Service Access Unit. We are trying to incorporate technology, where messages will be sent to people instead of them coming to the office in which we have a problem with people extorting money from people who go to process their documents. (personal communication, August 16, 2016)

This, however, appears to be the point where the appreciation of good access to services and procedural information or officials ends, since the remaining interviewees have contrary opinions. Until October 2015, the Client Service and Access Unit (CSAU) for the Lands Commission—which provides to the general public a platform to access all land services at the Lands Commission—was nonexistent (“Police Seek,” 2015). Yet, after its establishment, many clients have continued facing challenges with the processes of procuring land and registering land titles, specifically, describing them as fraught with needless time-consuming procedures (“Gun-wielding Land Guards,” 2017).

The rest of the interviewees, representing 92% of the total, had a negative impression of access to registration procedures and officials. One real estate developer explained that getting access to the right personnel is often undermined due to staffing constraints at the Lands Commission. A land policymaker added that at the Lands Commission of Ghana, the standard is that the Commission *should* ensure “access” with “timeliness.” He, however, feared this was typically not the case with the Commission because many clients fail to comply with the right procedures in accessing services in pursuit of their interests; they bribe their way to having their interests quickly met, a practice that clogs the system and causes deficiencies in timely access to services for many other users.

Referring to an example of a client who needed a certificate, the aforementioned respondent from Accra noted, “There are people who feel like because they have money, service to them should be instantly done. We live in a system where everybody wants to jump the queue. If nothing seems to be working, the same general public will complain” (personal communication, July 22, 2016). To one police officer from Kumasi who works at the Property Fraud Unit of the Ghana Police Service, extreme dissatisfaction with the access to land

registration services at the Lands Commission is a result of “delays at the land agency” (personal communication, November 16, 2016). Yet another police officer expressed, “Reliance on formal procedure is frustrating.” Also, it seems that low supervision and ineffective staffing make access to officials challenging, as expressed by a land policymaker in Accra who explained, “There is a lack of supervision and low head-count of staff,” which affects service delivery (personal communication, July 25, 2016). Revealing another angle to the problem, a traditional landowner from Accra added that a “lack of good record keeping” makes access very cumbersome (personal communication, August 15, 2016).

Findings reveal that defects in the access to the registration system and officials far outweigh and overshadow any consideration or appreciation that the service system is good. Access to registration procedures and officials is far too limited. The CSAU in place at the Lands Commission, therefore, cannot yet be said to have met the expectations of the majority of their clients. This finding indicates that Ghana’s land governance system runs contrary to the position held by Enemark (2009): land governance is as much about decisions on access to land and land use as it is about the policies, processes, and institutions. Therefore, my findings reveal high levels of ineffectiveness in the country’s system of land registration and clients’ access to officials.

Harmony Between Private and State Lands

Only four interviewees out of 50, representing 8% of the total, were under the impression that there is harmony between the private and state lands administration. One land policymaker in Accra stated, “There is recognition of traditional land rights based on democracy” (personal communication, July 22, 2016). In support of this sentiment, a land policymaker in Kumasi claimed that the system allows “fair traditional rights” and that “the laws connote a win-win

situation to the parties” (personal communication, November 17, 2016). A real estate developer in Accra added, “There is provision of solution to land disputes at the institutional level” (personal interview, July 27, 2016).

In contrast to the positions of these respondents, there is a preponderance of views to the effect that the harmony between private and state lands is inadequate—as indicated by the remnant of the interviewees, constituting approximately 92% of the total. The first of the contentions expressed by the interviewees concerned the laws governing land issues in general. One land policymaker in Accra held the view that “the laws [regulating private and state lands] are not understandable to the lay people” (personal communication, July 27, 2016). This he attributed to the technical language in which some of the laws are couched. Specifically, the respondent contended that individuals often do not know their rights as allowed by the land laws, and might fall short of protection under the law. The suggestion that the laws need to be updated was widespread, evoking the sense from the interviewees that people need clarification regarding land laws. Simply put, people would prefer to understand the laws and have the ability to apply them, and they would welcome an update of the land laws that reflects these considerations. These sentiments support the findings of Palmer, Friccka, & Wehrmann (2009), who argue that good land governance can be characterized, *inter alia*, by equitable participation and adherence to the rule of law. The findings above undoubtedly reveal a demand for participation in the land laws as a conditional premise to adherence. They also provide strong evidence that existing land laws are not as clear and effective as they should be.

In addition to the aforementioned findings regarding land laws, there are widespread perceptions of a lack of coordination within the land administration system, a factor that certainly inhibits attempts to attain harmonious land management—the second category of

contentious issues expressed by the interviewees. With the land tenure system in Ghana existing in two forms—private and state/public lands—there is a phenomenon in which private landowners, including traditional owners, are being short-changed by the state. This is because the state has been rendered more powerful by law [Article 20 of the 1992 Constitution of the Republic of Ghana and the State Lands Act 1962 (Act 125)] than traditional or private owners, as the state's interest in land acquisition supersedes private interests whenever the two are in conflict.

Notably, the state has the mandate to compulsorily acquire land in the public interest irrespective of any ownership contest over the land. This marginalizes the influence of private or traditional landowners and jeopardizes harmony within the land management system. As a real estate developer in Accra observed, “The system is unfair to traditional owners” (personal communication, July 25, 2016). In his response to one of my questions, another real estate developer in Accra stated, “Political regime gratification breeds the phenomena of land-guards” (personal communication, July 27, 2016). Obeng-Odoom (2013) notes this fracas among displeased private landowners whose lands have been taken over by the state. Though the state always compensates landowners for such actions, in the urban and peri-urban areas, it is often either the courts who must deal with cases of this nature or security land guards employed by the private owners who make a strong case about landowners' displeasure (Obeng-Odoom, 2014, p. 131; World Bank, 2003). Complicating the issue is concern that private or traditional land registration is not well coordinated across the country as compared to the same procedures regarding state lands, leaving room for private land ownership disputes—and an increased risk of private landowners' interventions via the use of land guards—much of which seems to have been ignored by the state. Due to this lack of coordination in land registration of private lands as

opposed to state lands, the former suffers from the problem of multiple land sales. A police officer at the Property Fraud Unit of the Ghana Police Service in Accra explained the problem in the following way:

In fact, to me I will say it [is] very cumbersome when dealing with private or traditional owners. I have encountered certain instances where you go to the boundary, let's say, a place like Ayi Mensah—the boundary between Greater Accra and Eastern Region there is a spot or a place where part of the land that is registered in both Greater Accra and Eastern Region. So if you are a prospective purchaser, you go to, maybe, Greater Accra to conduct your search or your inquiry and got to know there is nobody's name associated with that land in Greater Accra. So you buy the land only to later realize that [the] same spot or region is also registered for somebody in Eastern Region. So it is very difficult to me. (personal communication, August 15, 2016)

According to Amanor (2005), and as outlined in the 1992 Constitution of the Republic of Ghana, there are two types of land holdings in Ghana: public and private. Scholars such Sittie (2006) and Amanor (2001, 2005) agree that public/state lands are characterized by few obstacles because they are well demarcated and allocated; conversely, private land acquisition involves intricacies, (Kasanga, 2008; Nara et al., 2014) which therefore raises the concern about how to maintain harmony within the land administration practices of these two distinct types. The findings from this study give ample evidence that conflict issues compromise the harmony between state lands and private lands. There is the concern that some private landowners, including traditional owners, are displeased with takeovers by the state, and unlike the state lands, private lands are fraught with potential multiple conflicting ownership claims, thereby,

creating high security risks. These issues are further complicated with problems related to the understanding of and therefore, adherence to, the laws governing the land management system.

Degree of Autonomy from Political Pressure

Following from the previous finding that the state is in a superior position in terms of land management in Ghana, the view that “the government is most powerful” was stated by a police officer in Kumasi (personal communication, November 18, 2016). Noting a further disadvantage of private landowners, a land policymaker in Kumasi stated that “there is no protection clause entrenched in law to protect private owners juxtaposed to that of the state” (personal communication, November 21, 2016). These observations imply that the government, i.e., the state, has significant influence over private parties in land holdings in Ghana, with which the 1992 Constitution of the Republic endowed it. As a result, political power directly impacts land management, as noted by a land policymaker in Kumasi, who suggested that “there is high political influence” in land-related issues in Ghana (personal communication, November 15, 2016). Abdulai (2006) points to the land security risks that political influence has had on land ownership in Ghana, noting that one losing his/her land ownership to another person depending on the person’s political lineage is commonplace. For instance, it is reported that some political figures have acquired or bought state lands, including buildings, from one regime to another. Although some of these may not contravene the laws of Ghana, the costs of acquisition and the location of the properties in question often evoke undertones of political influence. Indeed, Amanor (2007) also contends that land acquisition in urban Ghana is exposed to high political influence made up of the elite and ruling class, especially among individuals within the central government structure.

The above concerns invite questions as to whether or not institutions have autonomy and the ability to work independently from political pressure. Interviewees suggest that this is not the case. Like many other interviewees, one land policymaker's suggestion that "strengthening institutions is the way to control the insurgence of land guards" revealed his preference for the current empowerment of state agencies to regulate land issues. At the same time, many other interviewees expressed that the inability of land management agencies to work according to regulations without external influence tended to encourage private landowners to engage in the unregulated means of protecting their land. It certainly seems, as Amanor (2001) contends, that when the political elites allow their interests to interfere with the land management system, bureaucracy, inefficiency, frustration, time exhaustion, and negotiation difficulty in land management processes characterize the land management system in Ghana, thwarting the frustrated efforts of private landowners to have their own interests regarding land met. This is a conduit for private landowners to use illegitimate means to meet their interests, as will be discussed later in the chapter. These findings provide signposts to landowners' engagement of land guards, and they help explain why landowners might not direct their land grievances to state agencies and why state agencies do not act effectively. In the next section of the analysis, I specifically inquire about the regulatory quality regarding land management in Ghana.

Land Governance Indicator Three: Regulatory Quality

Regulatory quality must be assessed to determine whether legitimate statutory rights are being upheld and if sound policies are being formulated. Results provide clues in response to the main question of the study as to whether Ghana's land governance has failed, the sub-question (a) as to why landowners are engaging land guards, the sub-question (b) regarding why citizens would not direct their grievances to state security apparatuses, and the sub-question (c) reflecting

on why state security agencies are not effective in clamping down on the activities of land guards. The quality of regulations about land in Ghana is discernibly critical to the questions posed above. Sub-themes that emerged from this analysis concern, first, the recognition of statutory rights and, second, the formulation of sound policies.

Recognition of Statutory Rights

Good land governance, as indicated by Palmer, Fricska, & Wehrmann (2009), includes rule of law, effectiveness, and efficiency. To the extent that laws are made to dictate land accessibility and management, as noted by Darkwa and Attuquoyefio (2012), such laws must be seen to uphold statutory and/or customary land rights. From my study, 15 out of the 50 interviewees, representing 30% of those interviewed, gave a clear indication that the land laws in Ghana are healthy for land accessibility management. In other words, these interviewees indicated that the laws provide recognition of land rights, which meet their expectations. Of these interviewees, a land policymaker in Accra described the laws as “strong regulations” (personal communication, July 25 2016). A number of interviewees count among these strong regulations laws that recognize traditional land rights, which another land policymaker in Accra described as “win-win land laws” (personal communication, July 27, 2016).

However, a few interviewees in this group cautioned that, though the laws are good, there are enforcement gaps. This strand of responses echoes LANDac (2012) findings, which show that Ghana’s current land laws have grown out of a complex mix of laws and legislation, including customary laws. The emerging land laws and legislation are a result of practices and judicial decisions from different sources. The findings further note that ensuring land tenure security for society is a formidable challenge to Ghana’s legal system, as lamented by one interviewee, a real estate developer, who commented that there are “effective laws but there are

enforcement gaps ” (personal communication, July 25, 2016). As another real estate developer from Kumasi noted, “The laws are not well enforced,” (personal communication, November 24, 2016), which exacerbates the existence of this challenge. A Kumasi land policymaker, criticizing the lack of enforcement, said that the “lack of law enforcement is blamable for land conflicts and land guard[s]” (personal communication, November 16, 2016).

Views that land laws and regulations are merely “empty words” were predominant among interviewees, further marked by the perception that these laws and regulations lack enforcement. Seventy percent of the interviewees did not support the view that land laws and regulations offer good security. For instance, a land policymaker in Accra mentioned that “the laws are effective on paper” and, perhaps dismayed by the phenomenon where the state “unfairly” takes advantage of private landowners, added that “government takes over all lands” (personal communication, July 22, 2016). Another land policymaker from Kumasi, portraying a loss of confidence and good faith in the land laws, said that he has “no confidence in the state institutions” (personal communication, August 17, 2016). Supporting this stance, a real estate developer in Accra said that “the system lacks trust” (personal communication, July 27, 2016). These findings echo several studies contending that non-effective legal mechanisms and poorly defined property rights are part of the critical factors accounting for land conflicts (Anderson & McChesney, 2003; Deininger & Castagnini, 2004; Fenrich & Higgens, 2001; Human Rights Watch, 2003; Joireman, 1999; Mwangi, 2009; North et al., 2009; Toulmin et al., 2002).

The interview data suggests that the laws and regulations around land rights and security in Ghana are ineffective. Although a few interviewees did consider the laws and regulations as being healthy, it was the enforcement of them that was considered the essential problem. Others lacked confidence in the actual laws and institutions of the state. One can discern a propensity of

certain individuals to rely on assistances outside the laws and regulations. For good land governance to exist, the legal framework and land rights must, to a large extent, be seen as fairly and equitably administered, in consonance with Joireman's (2011) argument that the state does not have a monopoly on property rights. The findings in Ghana, however, show a case contrary to this argument, as the country's government is perceived to have all the power and rights to take over lands. There is a lack of trust in the land laws and institutions, and there is also a lack of equitable and fair enforcement of the land laws.

Formulation of Sound Policies

Clarity of policies, friendliness of policies to clients, and effectiveness and efficiency of policies are the key areas that arise from the varied responses obtained from the interviewees in the study. Twenty-seven out of 50 interviewees (54%) believed that there are policy defects in at least one of the areas mentioned above. In showing that there are problems associated with the clarity of land policy, one land policymaker in Accra stressed the fact that there are "mixed feelings regarding policy formulation" (personal communication, July 25, 2016). This perception is symptomatic of policy misconceptions or misunderstandings. A traditional landowner in Kumasi stated, "Insufficient information denies laymen an understanding of the procedures" (personal communication, November 18, 2016). This viewpoint essentially speaks to the apprehension surrounding the meaning of given policies. Unfortunately, if the information contained in a policy is not clear, then most people, particularly those with low literacy, will find it difficult to understand and comply with the policy.

Emerging concomitantly with the above is a multiplicity of suggestions that might help curb the difficulties associated with clarity of policy. Some of the suggestions lead to the inference that policies lack friendliness to the clients they are supposed to serve. A land

policymaker in Kumasi, for example, mentioned that “middlemen exist due to lack of education,” whose help is enlisted by some clients in their quest to negotiate a clear path in land matters (personal communication, November 14, 2016). Yet another land policymaker, this one from Accra, bemoaned the lack of public education and affirmed the need for “local public education” (personal communication, July 22, 2016). These comments make clear that there should be involvement of land stakeholders in policy issues, which various scholars, including Joireman (2011) and Amanor (2007), have illustrated. This study supports the claim that public education on land issues needs to be intensified as a means to break the trend toward the lack of confidence with the land management system that ineffective policy formulation has bred.

Along with clarity and friendliness of policy to clients, another group of comments from the interviewees betrayed their desire for effective and efficient policy. A land policymaker from Kumasi strongly felt that “digital processing, social media platforms, including texting and emailing” should be deployed by way of policy (personal communication, November 21, 2016). A land policymaker from Accra added, “The manual operations [currently in place] pose a serious challenge” (personal communication, July 25, 2016). As a matter of fact, many Ghanaians observe that service provision at the Lands Commission of Ghana has enormous efficiency challenges (“Gun-wielding Land Guards,” 2017). Along with the establishment of the Customer Services and Access Unit, a computerized information system known as the Ghana Enterprise Land Information System (GELIS) has been proposed for the Lands Commission since 2016. The idea behind GELIS is to develop a comprehensive land administration system that can enable all users from relevant ministries and agencies to carry out their daily businesses efficiently in a digital environment. Unfortunately, the benefits of such system are yet to be realized, since the effort is still in the pipeline (Dean, Owen, & Quaye, 2017).

Another angle to the issue of effectiveness and efficiency concerns people: namely, the fact that existing policies do not completely address the issue of unethical behavior of personnel of land management agencies (in particular, the Lands Commission of Ghana); the ineffectiveness of the police; and the activities of land guards. The unethical behavior of personnel within land agencies highlighted by the interviewees included issuing “fake documents”; “posing as middlemen”; and practicing “nepotism,” as stated by three Accra land policymakers respectively (personal communications, July 22, 2016). Nepotism breeds, or is at least related to, what one Kumasi real estate developer noted as “backdoor preference” (personal communication, November 17, 2016). In recognition of problems like these, the fifth President of the Fourth Republic of Ghana recounted the incidence of land title documents going missing or being replaced with different names as the mark of unruly behavior and corruption in the Lands Commission of Ghana (“Gun-wielding Land Guards,” 2017). Such behavior typifies unprofessional—and certainly unethical—behavior among personnel of the Lands Commission.

Regarding the police, a “lack of logistics” was seen by one land policymaker as a constraint to effective performance. A real estate developer in Kumasi added that “the police are not proactive,” and by that he meant that they do very little about the land guard problem (personal communication, November 14, 2016). In addition to these observations, one traditional landowner in Kumasi asserted, “Land guards connive with the police” (personal communication, November 15, 2016). The Ghana police are often criticized by citizens for the rise in crime rates in several areas: namely, their seeming inability to respond effectively, incompetence, misconduct, and corruption—all of which serve to encourage rather than reduce crime and violence (“Police Seek Public Support,” 2008). Apart from that, a view has been projected in the media that failure to adequately resource the Ghana Police Service with key logistics has created

credibility problems for the government, and for that matter, the police service (“Land Guards Invade,” 2017). These institutional roadblocks call for strong policy directions to steer quality regulations and institutional performance.

Comparing the findings above with the widely agreed upon view that land policies should take all forms of legitimacy of ownership into consideration and provide the guidelines for the development and implementation of the appropriate statutory and customary instruments (Enemark, 2009; Kaufmann & Kraay, 2015; Kombe & Kreibich, 2000; Palmer, Fricska, & Wehrmann, 2009), one can discern from a significant section of land stakeholders a lack of appreciation of the existing land policies, and overall dismay with how policy is currently implemented. These unclear and contentious areas of the land policy prepare the ground for agitations and eventual remedies around emergent illegitimate/informal apparatuses, especially land guards.

Land Governance Indicator Four: Rule of Law

It is often construed that the courts are the arbiters between opposing parties: all conflicts can be resolved in court. But this is the case if and only if the rule of law prevails. A properly functioning rule of law depends on the level of confidence of citizens in formal courts and other related institutions (Kaufmann & Kraay, 2008). The level of confidence in formal courts and effectiveness of the police in law enforcement are, therefore, sub-themes explored in this section to further understand whether Ghana’s land policy, which should be well coordinated and implemented under a befitting legal regime, has failed by producing an uncontrolled land protection mechanism such as the use of unregulated security land guards.

Level of Confidence in Formal Courts

This study reveals a preponderance of the idea that the formal courts educe low confidence from people. Fewer than half of the interviewees (44%) had a positive regard for the orders and procedures followed in land judicature. To this minority of the interviewees, the common view seems to be that formal courts play a major role in resolving land disputes and that verdicts are justly made. Notwithstanding these perspectives, 28 out of the 50 interviewees (56%) revealed that there was low confidence in the law courts for varied reasons.

A response from a land policymaker in Accra bluntly expressed one of the underpinnings of low confidence in the formal courts: “Too many pending court cases [are] making the court system ineffective” (personal communication, July 27, 2016). The sentiment here is that there are land cases in excess of the capacity of the courts, introducing critical delays in adjudication. As it is often expressed, “Justice delayed is justice denied.” Obeng-Odoom (2013) and the World Bank (2003) report that land cases pending in Ghana’s courts are many, due to increasing land disputes that the courts have to deal with. According to Professor Nii Ashie Kotey, a Coordinator for the German Technical Cooperation (as cited in “Eighty Thousand Land Cases,” 2003) there were approximately 80,000 land cases pending before the High Courts in Accra alone in early 2013. He noted that most of the cases pending at the High Courts at that time were more than ten years old, adding that these cases need to be addressed to pave the way for development in the affected areas. This incidence poses a worry to people competing over land who want to seek remedy in the courts, and it threatens confidence in the ability to obtain justice through the legal system.

Closely associated with the aforementioned nepotism is the way by which some, notably those with political connections and wealth, can have their interests addressed in their favor. A

police officer in Accra expressed reservations about fairness in the legal system by saying, “Fairness in ownership is the way to go” (personal communication, August 12, 2016). Some interviewees also perceived that one’s ability to protect landownership in the courts depends on the financial muscle of the parties to the case. As pointed out by a real estate developer in Kumasi, “The ability to afford counsel determines the verdict” (personal communication, November 21, 2016). A traditional landowner in Accra, meanwhile, indicated, “People can buy their ways based on political connection and wealth” (personal communication, July 27, 2016). In the same vein, Abdulai (2006) and Amanor (2005) observe that in Ghana, the economic wealth and political connections of individuals determine how favorable the land management system will be to them.

Another problem emerging from the responses obtained during my fieldwork regarded land documentation. Land litigations are regularly influenced by the existence of certain documents, and any shortfall in their acquisition invariably means suffering a defeat over legal rights to land. A land policymaker in Accra, for instance, maintained that cases suffer due to a “lack of documented proof” (personal communication, July 26, 2016). Due to the documentation problem, there seems to be a looming fear that certain available land documents may not carry evidential value in court, as emphasized by one land policymaker from Accra who said, “Registration does not protect ownership” (personal communication, July 25, 2016). This scenario is not far-fetched in an era when some land registration staff of the Lands Commission have been reported to have replaced original documents with forged ones, or caused the loss of documents that could be tendered in court as evidence (“Ghana Drops Further,” 2017).

To the extent that there is contention regarding the law courts, especially their inability to win the confidence of people through acceptable land adjudication processes, it is discernible

that some who lack faith in the system might seek land protection elsewhere. To illustrate, a real estate developer in Accra said, “Traditional institutions could handle land disputes better” (personal communication, July 27, 2016). Another real estate developer, this one from Kumasi, held that “protection is still needed alongside court arbitration” (personal communication, November 14, 2016). There is, thus, an insistence on alternative land dispute resolution mechanisms. Indeed, a fact worthy of mention is one effort to provide such alternatives: in 2003, Alternative Dispute Resolution (ADR) training to equip chiefs with the necessary skills to handle some land cases to complement the courts was carried out for chiefs, particularly in the Greater Accra Region, by the German Technical Co-operation (GTZ), presently known as GIZ (“Eighty Thousand Land Cases,” 2003).

A noticeable aspect of the responses obtained through interviews was the tendency of the interviewees to think that the low levels of confidence in formal courts has led to the surge in land-guard employment. A real estate developer from Kumasi clearly stated that a “weak court system leads to land-guarding” (personal communication, November 17, 2016). Recognizing this kind of problem, a multiplicity of scholars mention the importance of a legal framework for land management. Linklater (2013) argues that laws define what belongs to one person and not to another, a mechanism that regulates greed. Palmer, Friccka, & Wehrmann (2009) note that good land governance has everything to do with the rule of law. Kombe and Kreibich (2000) also support a legal framework for land management that provides clear ownership rights and land use. The courts must be seen as the gatekeepers of a well-functioning legal system. The absence of that, coupled with the inability to settle land disputes at the level of traditional authorities, brings the system crashing down, which could give way to the use of unrestricted security land guards in states such as Ghana.

Effectiveness of the Police in Law Enforcement

In Ghana, as in other countries, the law courts and the police have a symbiotic working relationship. The work of the police usually ends in court and the work of the court directs the police. By the same token, the fact that there is low confidence in the justice delivery system implies a low confidence in the police. This study, not surprisingly, indicates that the police in Ghana are indeed not living up to citizens' expectations as members of a law enforcement agency charged with controlling land guards.

This finding highlights the shortcomings of the 1970 Ghana Police Service Act, which mandates the Inspector-General of Police, in consultation with the Minister of Interior, to license, approve, review, and monitor the activities of all private security organizations, including land guards. Across the media landscape in Ghana, there have been calls on the police to deal with the issue of land guards in urban centers like Accra. The police, who have not been oblivious to the issue, have staged some attempts to curtail the activities of land guards. In a report from *Ghanaweb* ("Police Seek Public Support," 2014), the police called on the public to volunteer information about land guards in an effort to arrest offenders. In spite of these attempts, many land-guard activities have been documented, including a few recent ones in East Legon ("Land Guards Invade," 2017), Spintex ("Gun-wielding Land Guards," 2017), and Adjiriganno ("Land Guards Strike," 2017). In such incidents, the residents asked for police protection, particularly when the thugs in question were armed or raided the vicinities. From the media landscape, what is noticeable is the consistent call on the police to deal with land guards. In one 2017 news report ("Police Hunt," 2017), a concerned citizen pleaded with the president of the Republic to clamp down on the activities of land guards. Prior to this, another news report relayed that police, at an end-of-year get-together, had declared war on land-guard activities in Accra a month following

the attack on an officer by a land guard in the area (Abbey, 2017). The incessant nature of land-guard activities, coupled with the many calls on the police to deal with those activities, not only demonstrates how formidable land guards are, but it also shows a certain inability of the police to curtail their activities. At the height of this concern, a member of Ghana's Parliament has, in the media, criticized some senior police officers for being "in bed with land guards," adding that the situation is making the police unpopular ("Police Officers In Bed," 2017). The police, therefore, appear to be ineffective in dealing with land-guard activities, at least in the minds of many in the public.

In the next section, my analysis delves into "control of corruption" as included in the six governance indicators framing this study. The analysis is to provide further clarity surrounding the question of why landowners engage informal land guards to protect their property, why citizens do not direct their grievances to state security apparatuses, why state security agencies are not effective in clamping down on the activities of land guards, and consequently, whether Ghana's current land policy has failed.

Land Governance Indicator Five: Control of Corruption

This broad theme embodies political advantages in land accessibility, imposed time frames to utilize land, and multiple sales/registrations of the same land parcels as ways to determine levels of control and corrupt practices associated with that control. The examination of these factors helps determine whether Ghana's land policy has failed, why landowners are engaging informal land guards, why citizens do not direct their land grievances to state security apparatuses for redress, and why state security agencies are not effective in clamping down on the activities of land guards—all tied to the main research question, sub-question (a), sub-question (b), and sub-question (c), respectively. The extent to which corruption can be controlled

will help determine the willingness of stakeholders to adopt the land governance framework that is being proposed.

Political Advantage in Land Accessibility

All the interviewees shared the view that certain people, due to their positions in the country, have an influence on the land management system in Ghana. This influence is, understandably, seen as very exploitative in the land management system, one that is tantamount to corruption. The role of politicians in this exploitative venture cannot be ignored. A land policymaker in Accra harbored a belief that there is “unfair accessibility to landed properties,” stating further that “political corruption is real,” and the cause of this unfair access (personal communication, July 25, 2016). A land policymaker in Kumasi observed, “Politicians take advantage of their position to access land” (personal communication, November 15, 2016). Yet another land policymaker, this one from Accra, stated that land ownership is beset with “political interference” (personal communication, July 22, 2016). Abdulai (2006) points to the land security risks that political influence has had on land ownership in Ghana, contending that losing one’s land ownership to another person based on the recipient’s political lineage is commonplace. For instance, it is reported that some political figures from one regime to another have acquired or bought state lands, including buildings. Although some such practices may not contravene the laws of Ghana, the low cost of acquisition and the location of the acquisition in prime settlements the capital city, Accra, often evoke the undertones of political influence as the avenue for acquiring such properties. In urban Ghana, Amanor (2007) has observed that land acquisition is exposed to high political influence made up of the elite and ruling class, especially those located within the central government structure. One land policymaker extended the argument by introducing possible collusion between political elites and state agencies. This

respondent from Accra suggested that “deliberate cover-up by the police” is one method used by political elites to fulfill their wishes (personal communication, July 27, 2016). Furthermore, as highlighted by a police officer, political interference is also the means by which favoritism is practiced to give access to land.

It can be discerned that some politicians take advantage of their position to circumvent processes in the acquisition of land. A lesson from Joireman (2011) is that good governance is undermined when property ownership is denied to some, or when not all who work the land have the ability to claim ownership or have the right to use it. The phenomenon of political advantage in land matters tends to give some citizens undue advantage over the many.

Imposed Time Frame to Utilize Land

Many of the interviewees were noticeably silent on the issue of imposed time frames to utilize land. This, perhaps, is because the interviewees had averted their attention from the reality of the time frames allowed by law for land use. This notwithstanding, three land policymakers are aware that there is a limitation decree that specifies the time frame within which someone can occupy or make use of land. One respondent from Accra stated, “The constitution allows land to be owned and used by citizens over a lease period of 99 years” (personal communication, July 22, 2016). This implies that when a piece of land is allocated to a buyer, the land has been leased over a valid period of 99 years. This limit is quite reduced in the case of foreigners. From this interviewee’s understanding, foreigners can only get up to a 50-year lease period when they buy a piece of land. In contrast to these perspectives, a respondent from Kumasi made reference to a limitation decree, which mandates that an owner of a piece of land who fails to warn or ward off squatters, allowing them to continue making use of the land for more than 12 years, stands the

risk of forfeiting the usage of the piece of land to the “squatter” (personal communication, November 18, 2016).

Of course, these findings underscore the limitations of rules stipulated in the land laws of Ghana. When landowners or land users are unaware of these limitation rules, they risk losing their entitlements to land. This certainly motivates apprehensive and disgruntled landowners to seek various remedies, including the employment of security land guards, to protect their status as landowners.

Multiple Sales/Registrations of the Same Lands

Sixty-two percent of the interviewees gave the indication that multiple sales and/or registrations of the same parcel of land is a crucial issue that affects the land acquisition process in Ghana. A real estate developer in Accra asserted, “Multiple sale of [the] same plot of land is a general trend” (personal communication, July 22, 2016). A land policymaker from Kumasi added, “Multiple sales and boundary disagreements dominate land disputes” (personal communication, November 22, 2016). Thus, it seems to be common knowledge that incidents of multiple sales of the same land are rampant. For this reason, land cases in court are frequently the highest in number of all the cases in court (“Eighty Thousand Land Guard Cases,” 2003).

As one land policymaker explained, multiple sales of the same plots of land are the result of “fake documentation.” The multiplicity of fake documentation in the system shows the inability to scale up security features and monitor checks and balances for improvements to the system. This is demonstrated by the ease with which many people are able to counterfeit documents and produce such documents as evidence of entitlements to land. This also means that there can be multiple registration documents tied to the same parcels of lands. The problem introduces much uncertainty in the system, as despairing landowners fear they can lose their

entitlements as represented in the following comment by a real estate developer from Kumasi: “Land protection is a much more serious challenge than its purchase” (personal communication, November 16, 2016).

Another major factor that appears to contribute to multiple sales of the same plot of land is the cost involved in following correct procedures to get things done. People try to cut costs and opt for shortcuts, practices that, end the end, do not entitle them to their lands. A traditional landowner from Kumasi stated, “Too expensive charges for registration of land culminate into double registration as the cost discourages landowners from duly completing the registration process” (personal communication, November 21, 2016).

In considering remedies to the problem of multiple sales of the same parcel/s of land, a land policymaker from Accra noted that the absence of an “all-round education is a major source of conflicts on sold lands” (personal communication, July 21, 2016). It should be emphasized that most of the interviewees seemed to attribute the incidence of multiple sales of the same plot to a weak land management system. Hence, most of the remedies they proposed spoke directly to enhancing the land management system. For instance, a land policymaker from Accra believed that the “creation of a land database and involvement of traditional institutions must be the first point to deal with land disputes” (personal communication, July 27, 2016). Another respondent, a land policymaker from Kumasi, stated that it is the “lack of enforcement of land laws that produces swindlers in the system” (personal communication, November 14, 2016). Further considering the issue, a real estate developer from Accra suggested, “A thorough search must precede a purchase [to satisfy one’s self of the proper owner of the land in question]” (personal communication, July 26, 2016).

The resulting challenges from the multiple sales of land parcels are land disputes, conflicts, and violent outbursts. One land guard in Accra explicitly stated, “Multiple sale of land is at the center of land conflicts,” adding that this creates the need for land-guard activities to protect property (personal communication, December 16, 2016). The findings are in consonance with Linklater’s (2013) observation that, unlike in the developed world, prudent management, protection, and conservation of land in the developing world and much of Africa is difficult due to the dearth of land ownership and acquisition mechanisms that are free from conflicts. To the extent that a prudent land management system is lacking, people resort to employing measures that they feel will help them protect their property. When there is no ultimate power or institution to resolve land conflict justly, the imagery formed in the words of Hobbs (as cited in Linklater, 2013) is worthy of consideration:

There there is no common power, there is no law, where no law, no injustice . . . no propriety, no dominion, no mine and thine distinct; but only that to be every man’s that he can get, and for so long as he can keep it . . . in such a condition every man has a right to everything. (p. 47)

This sentiment illuminates forces that lead to very violent encounters between parties seeking ownership and protection of land, characterized by the use of weapons to take human life as a way of affirming power over land. The possibility of violence in the midst of land disputes is the issue that the following land governance indicator addresses.

Land Governance Indicator Six: Absence of Violence

It is a trite lesson from history that laying claims to land often results in conflict between parties. However, in contemporary dispensations where territories are governed by a system of

laws, it is expected that, through the supremacy of the laws, justice will be administered and order restored to curtail extreme incidents of violent outbursts.

All the interviewees in this study admitted that land disputes are not new phenomena in Ghana. A land policymaker in Accra points out that “traditional institutions are mostly involved in land disputes” (personal communication, July 22, 2016), while a real estate developer in Kumasi mentioned that there are “too many land cases at the courts” (personal communication, November 18, 2016). An overriding concern among many is that some of these disputes are characterized by violence. A land policymaker in Accra, for instance, blamed violence associated with land disputes on the multiple sales problem, stating, “Multiple sale of same land is the cause of violence” (personal communication, July 27, 2016). With firsthand knowledge, one Accra land guard averred, “Violence is the mode by which land guards operate” (personal communication, December 15, 2016). This acknowledgment clearly associates land guards with violence in land disputes, and a land policymaker in Accra agreed, stating unequivocally, “Land guards increase violent conflicts” (personal communication, July 22, 2016). Can a reliance on Alternative Dispute Resolution (ADR) in place of courts, along with the devotion of separate unique courts, be used as a means to counteracting violent land disputes in Ghana, and elsewhere?

Reliance on Alternative Dispute Resolution in Place of Courts

There is copious evidence that suggests that the resolution of land disputes through the courts is ineffective and often tedious. Responses from 54% of the interviewees indicated that outside court settlements of land disputes are preferable to other remedies. Court settlements are often disapproved of, as suggested by a land policymaker in Accra: “Overcrowding in court and too many cases lead to prolonged time of settlement” (personal communication, July 25, 2016).

In concurrence, a land policymaker in Kumasi stated, “The informal means of mediation is endorsed” (personal communication, November 23, 2016).

It is incisive to note that the preference of the informal means of dispute settlement, which includes out-of-court settlements to court settlements, is due to perceived difficulties or challenges confronting the formal court system. A real estate developer from Accra stated, “People hardly rely on the court for protection” (personal communication, July 27, 2016). The notoriety of court settlement is, obviously, a result of the delay in adjudication of cases due to a great number of land cases before the court. A land policymaker from Accra noted that “delays at the court negatively affect business,” and another said, “Too many court cases drag court cases far too long” (personal interviews, July 25, 2016). Consequently, many people bypass the courts due to excessive court cases. Apart from this, the court has other challenges to address. A real estate developer from Accra perceived that there is a “weak court system which gives way for security land guards” (personal communication, July 27, 2016). The technical nature of court proceedings dissuades people from in-court settlements of land disputes. This was emphasized by a police officer from Kumasi, who said, “Knowledge of court procedures is limited to insiders” (personal communication, November 18, 2016). Acknowledging these concerns, the court itself gives “recognition to alternative dispute resolution as a supplementary avenue,” as stated by another police officer from Kumasi (personal communication, November 18, 2016).

The more popular alternative dispute resolution that identified in this study is one that is implemented through traditional means. A land policymaker from Accra referred to this as “traditional mediation,” which he stated is “an asset” to land dispute resolution (personal communication, July 27, 2016). Extending this view, another land policymaker from Accra noted, “Traditional institutions are involved in land dispute resolution and are able to bring

conflicting parties to the settlement table” (personal communication, July 21, 2016). Buttressing the reliance on traditional means of land dispute settlements with an example, a land policymaker from Kumasi relayed, “By the resilience of the traditional council in Ashanti Region, it was able to curb land conflicts” (personal communication, November 15, 2017). Clearly, the penchant for traditional means of alternative dispute resolution is high, albeit court settlements cannot be relegated to a lower priority. In furtherance of this penchant, a number of the interviewees held the view that traditional institutions must be the main focus of land dispute resolution, or better still, take the center stage in land conflict resolution.

Article 20 of the 1992 Constitution of the Republic of Ghana and the State Lands Act 1962 (Act 125) declare public and private as constituting the two types of land holdings in the country. Many scholars (Amanor, 2001, 2005; Darkwa & Attuquoyefio, 2012; de Soto, 2000; and Palmer, Friccka, & Wehrmann, 2009) are in consensus that a good land tenure system must include equitable participation, adherence to the rule of law, sustainability, and effectiveness and efficiency. However, in Ghana, the law gives superior power over land to the state and renders private interests subservient to that of the state. Meanwhile, the findings from this study show that there is preference for alternative dispute resolution in land disputes far exceeding the resolution of land disputes through the courts. Whereas the court system, due to perceived defects in its ability to settle land disputes, is thought to be associated with the reasons for the surge in the employment of security land guards, the traditional means of land dispute settlements is identified as the main focus of alternative dispute settlement and should take the center stage in land dispute resolution. These findings show a disinclination among people to accord high regard to the state’s land dispute settlement arrangement.

Devotion of Separate/Unique Courts

The court is an essential component in maintaining law and order. Indeed, for the rule of law to function well, the court must be seen in its perfect manifestations. The ability of the court to demonstrate its devotion to justice is, therefore, a sine qua non. The essential question that is pursued here is how the court is devoted to land conflict settlements by forming separate units dedicated to land conflict resolution. This is to help provide answers to why citizens are or are not willing to direct their land grievances to state apparatuses.

As identified in earlier findings, the court is notably perceived to be inefficient and potentially corrupt. A preponderance of views from the interviewees is to the effect that the court is inundated with land cases, causing serious delays in dispute settlements. Apart from the existing court system, which in its purview adjudicates land cases, there is no indication from the interviewees of any separate or unique courts dedicated to the settlement of land disputes. This is suggestive, first, of the fact that there is no clear or easily accessible information on the organization of the court system as to where land disputes can best be resolved. Second, it suggests that separate or unique courts devoted to land dispute settlement are not widespread in a way that is easily noticeable by the public. In other words, the added effect of any such separate or unique courts is infinitesimal. This reality is a factor that accounts for the perception that the courts are inefficient when it comes to resolving land disputes. The culminating effect of all this is that landowners will often seek other avenues through which to address their land grievances.

Conclusion

The preceding analysis utilized the six indicators of land governance to frame this chapter's argument. The first section provided findings on "voice and accountability" in land governance. The related significant finding illustrated the extent to which traditional and private

landowners are involved in land policy decision-making. Two underlying points regarding how landowners participate in land policy decision-making were found. First, the interviewees revealed that traditional authorities or rulers are accorded a role in the land policy decisions by virtue of their positions as the custodians of land. Second, private landowners participated in land policy decision-making. These findings reflect a participatory land management approach in land policy decision-making. The discussions on the findings provided the first basis on which to determine Ghana's current land policy and institutional arrangements in regulating land tenure.

The second section delved into "government effectiveness", focusing on levels of public education, harmony between private and state lands, accessibility of registration procedures and officials, and the degree of autonomy from political pressure. In the discussions, the interviewees admitted that public education regarding land governance issues is poorly administered, and in some cases, completely ignored by the agencies responsible for it. There was predominantly a negative regard for access to registration procedures and officials. The finding regarding the defects in access to the registration system and officials far outweighed and overshadowed any consideration or appreciation that the service system is effective. There was also a preponderance of views to the effect that harmony between private and state lands is inadequate, as there existed dissenting views on the approach to the rule of law and lack of coordination among institutions involved in land administration. Due to the lack of harmony between state and private lands, private lands suffer from the problem of multiple land sales. Government (i.e., the state) has significant influence over private parties in land holdings. Political interests also diffuse into this influence and infect state institutions' power to act independently, equitably, and fairly.

The third section, under the theme "regulatory quality," focused on determining whether or not legitimate statutory rights are being upheld and what processes can lead to sound policy

formulation. Views obtained from the interviewees did not support the assertion that the laws and regulations offer a good service. Furthermore, there was weak support for any claim that the laws and regulations are effectively implemented. The findings indicate that land policy has not sufficiently been tackled in Ghana. Current policy is characterized by a lack of clarity, friendliness, effectiveness, and efficiency. There is, thus, a widespread consensus among the interviewees that steps should be taken to curb difficulties associated with land policy formulation.

The fourth section focused on the “rule of law” in land administration and management. The significance of this effort was to determine the courts’ approach to arbitration in land conflicts. Levels of confidence in formal courts and the effectiveness of the police in law enforcement were the major concerns in this section. The findings show that there is low confidence in the formal courts, primarily because justice is often delayed and administered by potentially corrupt individuals. Notably, the surge in activity of security land guards was largely tied to Ghana’s weak court system. There is also the perception that the police are not living up to expectations as law enforcement agents, particularly with regards to controlling land guards and providing needed security.

The fifth section focused on the “control of corruption.” This section paid attention to issues surrounding political advantage in land accessibility, imposed time frames to utilize land, and multiple sales/registrations of the same land parcels in determining control of corruption. All the interviewees shared the view that politicians influence the land management system and state institutions, including the police, to bid their parochial interests against those of national cohesion. This influence is used to exploit the land management system and is tantamount to corruption. The findings show that the imposed time frame to utilize land is not a matter that

seriously occupies the minds of people. A few interviewees highlighted a limitation decree, which specifies the time frame within which someone can occupy or make use of land. The significance of this finding is its likelihood to deprive people of land use in the event that the time limit is lost on them. The findings also indicate that multiple sales/registrations of the same parcels of land is a crucial issue that affects the land acquisition process in Ghana. It is associated with fake land documentation and a pervasive lack of transparency, giving rise to irregular and unregulated land protection measures. Another significant finding is the fact that multiple sales of the same land further creates the need for land-guard activities to protect property, especially in cases of idle plots of land.

The sixth and final land governance indicator explored the “absence of violence.” This examines how disagreements in land issues are solved decisively. First, violence in land disputes was found not to be a new phenomenon in the country. Multiple sales of the same land are the main cause of this kind of violence. Violence is also the mode by which land guards tend to operate. The path chosen in this study was to examine reliance on alternative dispute resolution efforts in place of courts, and the use of separate/unique courts. The findings suggest that current attempts to resolve land disputes through the courts are inefficient and tedious. Out-of-court settlements of land disputes are more popular and acceptable. Notably, the courts are characterized by too many cases, leading to prolonged time periods of dispute settlements and corrupt practices, which negatively affect business. The popular alternative for dispute resolution as identified in this study is through traditional means. This involves traditional authorities and institutions bringing conflicting parties to the dispute settlement table. The significance of this finding is that it highlights the penchant for people to invoke traditional authorities in solving land disputes as an alternative dispute resolution. The findings also show that—apart from the

existing court system, which adjudicates land cases—there was no indication from the interviewees of any separate or unique courts dedicated to the settlement of land disputes.

The findings from the study have helped to answer the main research question: *Are unregulated security land guards in Ghana a symptom of broader land governance deficits?* They also address the sub-questions: (a) *Why are landowners engaging informal land guards to protect their land and property, especially in peri-urban areas of Ghana?*; (b) *Why would citizens not direct their land grievances to state security apparatuses and/or formal private security organizations for redress?*; and (c) *Why are state security agencies, such as the police, not effective in curbing the activities of land guards?*

Note must be taken of the fact that the main research question has a direct bearing on the three sub-questions (i.e., a, b, and c), with a central concern as to why the services of land guards are becoming attractive to citizens when there are other legal and state-monitored means to solicit the same services as that of the land guards. In other words, the focus of the research questions are intertwined such that the interview questions (Appendix D) applied holistically in answering the core dilemma, which rests on the activities of land guards. Having said that, the study hypotheses as listed below demonstrate the means by which each was tested per participants' views on interview questions (Appendix D) and the specific research question(s) each attempted to answer (see Table 4).

H1: *A land governance structure that encourages traditional/private landowners' participation in land policy decision-making processes in ways that benefit their communities is likely to minimize land conflicts and land-guard activities.*

Interview question(s) administered: Questions 1, 2, and 3 (Appendix D)

Research question(s) answered: Main question and sub-question (a)

H2: *When land management institutions provide quality public services and servants who perform their duties independently from political pressures, there is the likelihood that such a system will witness fewer land-related conflicts and land-guard activities.*

Interview question(s) administered: Questions 3, 4, 5, 7, 8, and 9 (Appendix D)

Research question(s) answered: Main question; sub-question (a), (b), and (c)

H3: *Citizens are likely to engage unregulated security land guards to protect their lands when they perceive the state as formulating and implementing unsound land protection policies that do not represent their aspirations and land rights.*

Interview question(s) administered: Questions 1, 2, 3, 4, 5, 7, 8, and 9 (Appendix D)

Research question(s) answered: Main question; sub-questions (a), (b), and (c)

H4: *A land governance structure that lacks the application of rules of law whereby interested parties cannot easily access institutions with clear and well-defined mandates to resolve land disputes is likely to encourage the employment of unregulated security land guards as a means of land protection.*

Interview question(s) administered: Questions 3, 4, 5, 7, 8, and 9 (Appendix D)

Research question(s) answered: Main question; sub-questions (b) and (c)

H5: *A society in which public officials and politicians are perceived to be financially staked in land allocation and litigation processes is likely to experience land conflict and an increase in the recruitment of land guards.*

Interview question(s) administered: Questions 3, 4, 5, 7, 8, and 9 (Appendix D)

Research question(s) answered: Main question; sub-questions (a), (b), and (c)

H6: *A governance structure that ignores informal means of land dispute resolution is likely to experience overwhelming demands on the formal legal*

courts, thereby encouraging citizens' to resort to land-guard engagement that will increase land conflicts.

Interview question(s) administered: Questions 3, 4, 5, 6, 7, 8, and 9 (Appendix D)

Research question(s) answered: Main question; sub-question (b) and (c)

To summarize, the findings show that in testing the current land management system in Ghana against Kaufmann and Kraay's (2008) *Worldwide Governance Indicators* (voice and accountability, government effectiveness, regulatory quality, rule of law, control of corruption, and absence of violence), voice and accountability was more than half of the time acknowledged by interviewees as crucial in allowing private landowners and traditional landowners to participate in land policy decision-making. Government effectiveness in managing both public and private lands was deemed to face significant challenges due to the lack of harmony between private and state ownership of lands, with private interests in land clearly subservient to state interests, placing the former in a disadvantaged position. Services from the land management agencies were considered inefficient and ineffective among more than half of interviewees, who also expressed considerable concern about corrupt and unethical behaviors of service staff. Political influence was perceived to affect the autonomy of the land management system, exposing it to corruption and favoritism.

Regarding regulatory quality, while there currently seem to be strong land laws, people lack an understanding of them, along with the technical language in which these laws are couched, making them unfriendly to potential users. As revealed during interviews, the main problems are the lack of implementing these laws consistently and the unfair application of the law to suit political elites who benefit from favoritism and corruption. Rule of law, the next indicator, evoked low confidence in landowners because the agencies responsible for maintaining law are perceived as ineffective and engulfed in corrupt practices. Consequently,

controlling corruption is considered problematic because politicians are able to maneuver the system and acquire land unfairly, while the courts are inundated with land cases and lack the capacity to promote the rule of law in all land dispute cases. All of these factors were considered to encourage alternative dispute resolution. Finally, regarding the indicator absence of violence, the findings reveal a strong preference for traditional authorities forming alternative conflict resolution as a way to eradicate violent land disputes, particularly since the courts can benefit from complementary efforts to address these issues.

Overall, the ineffectiveness of Ghana's land management system, as the findings illustrate, tends to create more disgruntled landowners who resort to alternative, and often violent, means of claiming ownership and protection of land. It should be no surprise that a proliferation of land guards is the result of the land governance system as it currently exists in Ghana.

Chapter 5

Perspectives on the Role of Land Guards in Land Protection

This chapter presents a deep analysis of the phenomenon of land guards in land protection efforts in Ghana, including insights into why people and groups deploy irregular and unregulated land guards to protect their land holdings instead of using statutory and sanctioned measures. The previous chapter explored popular opinions and observations made by land policymakers, law enforcement officers, real estate developers, land guards, and traditional landowners. Results demonstrated a clear lack of confidence in statutory rules, regulations, and institutions charged with ensuring compliance with existing laws surrounding proper land governance. These conclusions were deductively drawn based on the study's hypotheses as explained in Chapter 4. For a broader perspective, this chapter presents the inductive-based aspect of the study's findings, which are directly related to themes that emerged from human security perspectives regarding the land guard phenomenon. As such, findings at this stage are indicative of governance needs based on the *IIAG Framework*, which focuses mainly on human security (Chapter 2). While somewhat unexpected, in the sense that they are not directly aligned with the study's hypotheses, these findings tremendously help to support answers to the research questions, particularly the sub-questions.

Theoretically, the phenomenon of security land guards in Ghana is understood vis-a-vis the urgency for land protection in Ghana. Considering threats to landowners and their property, individuals have the right to protect their land by any means necessary without breaking the laws of Ghana. From the position of the laws of Ghana, the Ghana Police Service (Inspector-General of Police) and the Minister for the Interior have the sole mandates to sanction private security organizations in accordance with the Ghana Police Service Act. The term "land guard" reflects

the necessity for people to protect their land using a private security service to counterclaims of ownership others might make to their land, in any form. There is a school of thought that no land-guard operating firm or corporate entity has been licensed in Ghana under the laws of Ghana, which places the phenomenon of land guard activity outside the domain of legal operations (Atuguba, 2007). However, according to the Police Service Act, individuals or corporate entities are allowed to hire private legal security personnel in support of their operations, including property protection. Such actions are too often necessary to counter the efforts some people make to lay claim to land that rightly belongs to others, a situation that has fueled the phenomenon of land-guards.

Furthermore, the phenomenon of land guards is also attributed to a perceived ineffectiveness of institutions that are supposed to maintain a sound land governance system in Ghana. This chapter further attempts to answer the main research question: *Are unregulated security land guards in Ghana a symptom of broader land governance deficits?* In so doing, insights into the study's following three sub-questions are also further developed:

- a) *Why are landowners engaging informal land guards to protect their land and property, especially in peri-urban areas of Ghana?*
- (b) *Why would citizens not direct their land grievances to the state security apparatuses and/or formal private security organizations, for redress?*
- (c) *Why are state security agencies, such as the police, not effective in curbing the activities of land guards?*

To answer these questions, I now narrow my analysis of the semi-structured interview data to specific experiences, observations, and reflections around the phenomenon of security land guards in Ghana. Specifically, I will explore the experiences of private landowners with

land guards, experiences of the police with land guards, social and economic factors affecting the operations of land guards, and interpret emergent patterns about land guards in relation to land management, protection, and governance in Ghana.

Importantly, traditional landowners were identified in the previous chapter as key employers of security land guards. Their views on land guards, then, represent a firsthand account of the phenomenon of these agents. Second, views from the police as law enforcement agents provide insights into the legitimacy and security issues as they relate to the operations of land guards. Finally, in addition to the above, land policymakers and real estate developers, either as contributors to policy decisions or as private landowners, offer diverse views that address salient concerns of citizens and other stakeholders regarding land-guard operations.

Experiences of Private Landowners with Land Guards

The first theme to emerge from the variety of responses obtained from the study addresses the “experiences of private landowners with land guards.” Security land-guard operations appear as a land ownership protection measure in Ghana. In recent years, the phenomenon of security land guards has surged and gained notoriety. There is copious evidence, notably from vicinities in the Greater Accra Region, revealing how land guards are carrying out their activities. In January 2017, land guards struck in Adjiriganno in Accra, laying claims to tracts of all lands that had not yet been developed in the area. It was reported that—wielding cudgels, sledgehammers, and crowbars—the land guards caused mayhem in the area, vandalizing properties, tormenting residents, and obstructing property owners from embarking on developmental projects (“Land Guards Strike,” 2017). Following that violent occurrence, there have been many similar reported instances of land-guard activities, such as the burning down of a church at Spintex during a land ownership challenge (“Gun-wielding Land Guards,” 2017).

The Ghana Police Service, in their attempts to control land guards, has noted that land guards are often hired by dealers in land—unscrupulous individuals who profit from the sale of individual tracts of land to multiple persons—to terrorize landowners (Abbey, 2017). All respondents in this study indicate that land guards are people who are hired for the purpose of securing the ownership of land for their clients. For instance, an Accra-based real estate developer stated, “Land-guards are a forceful means of protecting land” (personal communication, July 19, 2016). Another respondent, a land policymaker in Kumasi who resides in Kumasi, added that “multiple sales [of the same land] is a factor of land-guards operations” (personal communication, November 22, 2016). Another land policymaker who reside in Accra provided further observations of the conditions that give rise to land-guard activities:

Though the law upholds the right to own property, I keep saying we live in a system where the laws do not always work as they are supposed to work. We have situations now which make us know that there are areas in Greater Accra where people know, for certain, that the next [step], after acquiring a land in that area, is to get land guards to protect your land. Of course, to get land guards to protect your land is not free, so he who has the money sometimes does call the shots.
(personal communication, July 22, 2016)

Not surprisingly, the remaining respondents share similar views on “land-guardism,” agreeing that a watertight association exists between land guards and land protection in Ghana, especially in areas across Greater Accra, where land is under fast development. Situations such as this one highlight the existence of security land guards as individuals hired to protect land. People’s predilection for land protection increasingly necessitates land protection measures, which have made the challenge of controlling security land guards and their threatening activities

a major topic in Ghanaian society. In particular, attention is directed toward efforts to end land guard activities (Abbey, 2017; “Mr. President,” 2017).

In the instance of the perceptions about security land guards being here identified, the respondents indefatigably demonstrated at every opportunity during interviews that the operations of land guards are associated with malicious forces perpetrated through “muscular men wielding machetes” and carrying guns. It stands to reason that if the state has the monopoly on security and is responsible for providing it to its citizenry, then citizens will have no choice but to provide their own security when the state fails to do its job. This is what seems to be happening in the case of Ghana; landowners are taking security into their own hands through the employment of these irregular and unregulated land guards, which in fact is causing many citizens to feel less, not more, secure (Greif, 2006; Joireman, 2011).

Indeed, land guards are menacing to many people from all sectors of society, but to landowners who are concerned about protecting their property, they are a necessity. During interviews, a real estate developer stated, “Land guards are a forceful means of land protection” (personal communication, July 23, 2016). A police officer noted, “People in positions of authority or who have the money, if they choose, do get ‘macho men’ to guard their land. The use of land guards is the source of what I describe as ‘survival of the fittest’” (personal communication, July 27, 2016). By “survival of the fittest,” the respondent is referring to the condition presented in which power over land is obtained by agitation and show of force by land guards over their helpless victims.

There is the belief by some that people who engage land guards are not genuine landowners, but who are rather out to press false claims through force, intimidation, and violence. For instance, in the case of the strike at Adjiriganno by land guards in Accra, a chief of

Bortianor who claimed lawful ownership of the land in question expressed utter surprise, describing a land guard strike as mind-bending, particularly in how the land guards were claiming ownership without following due cause (“Land Guards Strike,” 2017). Most certainly, in laying claim to land, money and force stand as significant determining factors of success (Amanor, 2005; Joireman, 2011). An unfortunate dispensation exists in which those who have the advantage of money and force can, with wanton disregard for due processes and regulations, maintain such claims to land. This condition mirrors a “global land grab” that, as explained by Sassen (2013), is occurring for economic purposes across the world. This scholar explains that land everywhere is in high demand due to the forces of capitalism, leading to rapid commodification and financialization of property on a global scale.

There is an intricate connection between the claims to land by unregulated land guards and the money at stake for those who are attracted to these positions. Overwhelmingly, the job of land guard tends to attract the youth of Ghana, who are participating in land-guard activities as a form of employment in a country with an approximately 48% unemployment rate among the youth (“Forty-eight Percent Ghanaian Youth,” 2016). Therefore, complemented by increasing youth unemployment and the zeal to right a perceived unfair ownership or inequitable distribution of land resources, there seems to be a ready labor force for land-guard operations. A real estate developer gave insight into the issue above, stating,

Because of unemployment, if you have idle youth who don't see a good future for themselves, it is these kinds who pose as ‘macho men’ and engage in such things. That's why it is important for politicians to create opportunities. Let the youth see that there is light at the end of the tunnel. (personal communication, November 12, 2016)

A potential apex of the land-guard phenomenon is a fatal and anarchical outcome, whereby, with no recognized rule of law, those who make claims to land could be at war with everyone else. Such a scenario would result in chaos, as every “landowner” would have property only for as long as he or she might be able to keep it (Linklater, 2013). It is understandable, then, that this study’s interviewees collectively demonstrated contempt with the ways in which many landowners carry out their land-guard operations. One respondent gave a particularly candid observation about the kinds of people who are willing to become land guards and the need for strong state protection regarding land:

Why land-guards? I will even term them as criminals, macho men, and weed smokers, hoodlums who have been employed by certain people to cause mayhem and to scare away people from carrying out business on their land. So I don’t think that they are the right people to protect our lands for us. We should let the institutions and the laws protect our lands for us. (personal communication, July 22, 2016)

In addition to the above, another prominent view held that land protection through land guards is “illegal.” The following collection of comments reflects similar opinions: “they are a terrorist group”; “they increase land conflict”; “they are a recipe for disaster”; there is “a multiplicity of court cases surround land-guard operations.” Such views held about land-guard operations are apparently widespread among the general public, and they are leading to incessant calls on the Ghana police to clamp down on land-guard activity (“Gun-wielding Land Guards,” 2017; “Police Declare War,” 2017; “Mr. President,” 2017).

Regarding the legality of security land-guard operations, it was shown in Chapter 2 that the only ambit under which these activities might possibly be deemed legal can be found in the

Ghana Police Service Act. One of the primary emphases in Act 350 is that an individual, or group of individuals, can qualify as security guards only if they are employees of a corporate legally registered security entity, and thereafter, their activities are monitored by the Inspector-General of Police. Against this backdrop, however, is the fact that no organization to date, either public or private, has been licensed in Ghana to operate land-guard security services. As such, no land-guard operatives belong to any legally registered corporate entity in Ghana (Atuguba, 2007), which places the land-guard phenomenon outside the domain of legal operations—a status that I have referred to throughout this study as irregular and unregulated. The findings in this study are consistent with this observation.

Although there is plenty of public outrage against security land guards (“Gun-wielding Land Guards,” 2017; “Police Declare War,” 2017; “Mr. President,” 2017), it is the case from erstwhile findings that their activities remain in high demand in relation to land protection strategies. Notably, these land guards are engaged by a wide range of employers, including traditional authorities. In fact, one of the traditional authorities in this study pointed out that, albeit illegal, “security land-guard activity is normal in urban areas” (personal communication, December 17, 2016), underscoring the reality that while land guards are not highly regarded in Ghana, they are all too commonplace. Another traditional landowner went so far as to contend that the use of land guards actually “reduces land conflicts” (personal communication, July 19, 2016). This respondent added another contrarian, and controversial, take on the phenomenon: “Land-guard operations give jobs to the teeming youth.” Comments like this suggest a measure of predilection by some for the existence of land guards—a notion that land guards are not so bad after all. Even so, and especially in light of an overwhelming public displeasure with the existence of illegal land-guard operations, I ask why the phenomenon prevails (Atuguba, 2007).

From the perspectives of the interviewees, the dominant reason that landowners negotiate the services of land guards to thwart the risk of being a victim of multiple claims to land. To the extent that the land management system in the country is not able to uniquely identify land ownership, and as gaps remain in the ownership processes that bring about multiple claims over the same parcels of land, the ineffective land management system is to blame for the surge in numbers of land guards and their accompanying violence.

This breakdown in land governance was demonstrated in the last chapter, which included the opinions of interviewees who, like one land policymaker, feel that “the police are not up to the task” in dealing with land guards (personal communication, July 24, 2016). Another stated, “Court cases take too long . . . there is a multiplicity of court cases” (personal communication, July 24, 2016). Yet another said, “Cumbersomeness and delay in land registration process encourage multiple sales of same lands and security land-guard operations” (personal communication, July 18, 2016). One traditional landowner added, “There are fragmented systems of landownership, which is a major cause of land disputes and raises the need for land guards” (personal communication, November 22, 2016).

These responses suggest that there is lack of a concerted effort among the land regulation agencies to deal with land disputes, which is backed up by scholarly research (Kasanga, 2003; Kasanga & Kotey, 2001). Kasanga (2003), for instance, observes that even with the emergence of customary land laws, the common law and rules of equity have not been jettisoned. Thus, enforceable rights in land may still exist outside the land registration system, and this affects the reliability of the register. But this superiority of the land register in the determination of land ownership can be abandoned and replaced by other means. While admitting that the courts are relevant institutions in land management and play a crucial role in the determination of land

disputes of all kinds, Kasanga and Kotey (2001) also note that, regrettably, the court system in Ghana suffers from congestion that results from several factors, including the following: poor case management, a shortage of judicial staff, an antiquated system of trial, procedural roadblocks (e.g. the recording in longhand of all evidence in a court case by the prevailing judge), corruption, and administration (Kasanga & Kotey, 2001, p. 12). There is, therefore, a huge backlog of land cases waiting to be heard, resulting in uncertainty, insecurity, and countless unresolved land disputes. The system that registers and declares true ownership of land continues to have low confidence among the populace (Kasanga, 2003). Together, these challenges contribute to the surge in numbers of security land guards.

Experiences of the Police with Land Guards

Due to the undeniable activities of security land guards in the protection of landed property, it is discernible that they would interface with the police. As such, the fallout from their engagements with the police was explored in this study. As demonstrated in the previous chapter, the police were not perceived to be fully engaged in eradicating the land guard problem, for various reasons—a lack of will, inadequate direction, and/or outright corruption.

There is evidence that the police have encountered security land guards. For instance, *Graphic Online* (2017) reported an incident in which a policeman was manhandled by a security land guard in Accra in a police encounter with land guards (“Police Declare War”). In addition, the police have often restated the onus that lies on them as the prime security agency in the nation to clamp down on land guards, and so they purported to do just that (“Police Hunt,” 2017). Beyond these declarations, there does seem to be public awareness that the police are to be called on in the fight against security land guards (“Police Seek Public Support,” 2017). This knowledge is bolstered by other news reports, including one that described an incident in which

police were on a mission to arrest land guards, calling on the public to provide any information on the whereabouts of such operatives in an attempt to aide their mission (“Police Seek Public Support,” 2014). The police, therefore, do seem to have some intelligence on the activities and organization of security land guards.

As police increase their efforts to thwart land-guard operations, one police officer I interviewed made an important point regarding the role of population trends as they relate to the land-guard phenomenon: “Rural-urban drift is a major factor that contributes to the supply of labor for ‘land-guardism.’” In a recent study, Poku-Boansi and Afrane (2016) reinforce the long-held view that the rural-urban migration witnessed in Ghana significantly accounts for the quest, especially of the youth, for employment. But with this migration comes the population expansion in the urban areas, particularly Accra, and the increasing need for land to reside on and for economic purposes. Land management undoubtedly becomes of utmost relevance under these conditions. The rural-urban drift is being observed here as an antecedent to the labor supply for land guards, as teeming youths seek to earn some income by working in such operations, or to support the quest to reclaim land. And with this increasing supply of willing participants comes a conundrum, as the aforementioned police officer points out: “There is no clear description of the land-guard phenomenon in the 1992 Constitution of the Republic of Ghana as well as other statutory laws” (personal communication, July 23, 2016). This gap results in a lack of clear direction and mandates for police intervention. Making the situation all the more complex are the ambiguous, conflicting land governance laws and policies in Ghana, which invite discord, as yet another police officer observed: “The people who engage land guards are not genuine owners, but they resort to applying force to perpetrate fraud which increases conflict” (personal communication, July 23, 2016).

It makes sense from these responses that the police are aware of land-guard activities and, at least in principle, are in opposition to these activities and the people participating in them. In reality, however, the requisite force expected from the police to counteract land guards does not seem to be consistent with the actual practices of law enforcement agents. A land policymaker, for instance, stated, “There is lack of confidence in the police to deal with land guards” (personal communication, July 16, 2016). Three more of the respondents shared the same view that it is futile to place confidence in the police. A real estate developer noted, “The preponderance of land-guard activities, especially in urban areas, is the effect of lack of security” (personal communication, July 18, 2016). Discernibly, this speaks to the fact that the perception of some landowners that the land management system does not give an ultimate guarantee of entitlement to land has created a parallel need for other means of maintenance of land ownership; employing land guards provides a forceful means of maintaining land ownership not otherwise available.

In Ghana, the police are the prime security agency without whose sanction other security agencies could not be legally constituted, as stipulated in the Ghana Police Service Act. If the police are perceived as condoning any association of legally recognized security agencies with illegal ones, then the police have succeeded in putting themselves in a position to be perceived as empowering illegal security agencies. Young, poor youth are employed by wealthy landowners to protect land, and when the police do seem to act, it is against these young land guards, not their employers. Indeed, not holding employers accountable could very well mean that police may actually be a factor in perpetuating the problem, not controlling it. As a result, some seem to believe that the police are in league with land guards—or more likely—their employers. At a minimum, this accountability breach is very possibly facilitating the proliferation of land-guard operations.

One media report explicitly suggests that police are indeed condoning the activities of land guards, or at least turning a blind eye to them, which most certainly hampers attempts to clamp down on land-guard activities effectively (“Police Officers in Bed,” 2017). This breakdown of confidence in the police then leads even more landowners to seek other sources of protecting their property, which seems to perpetuate and exacerbate the land-guard problem. Consequently, most of the respondents in this study have indicated that the phenomenon of land guards, facilitated by ineffective police intervention, has increased land conflicts in recent times.

A very important question that arises is whether the police have the mandate to disband security land guards. It is the Ghana Police Service Act that empowers the Inspector-General of Police, in consultation with the Minister for the Interior, to license private security agencies. The responsibilities of these agencies does not end with licensing; they are also charged with approving, reviewing, and monitoring the activities of any private security agencies that are licensed. The law, in Section 38 of Act 350, in clear terms establishes that responsibility for private security organizations lies within the auspices of the Minister for the Interior, including the control of operations of such security agencies and the regulation of the conditions under which private security organizations may hire and employ someone. Atuguba (2007) argues that the land-guard phenomenon is outside the domain of legal operations. In other words, the land-guard phenomenon is illegal. And because the laws of the country place control of private security organizations under the Minister for the Interior, from which the police service derives its authority, then the police service itself is clearly mandated to ensure compliance with law and order, including as it relates to land-guard activity. Any private security entities operating without due compliance with the law as stated in the Police Service Act—namely, those employing land guards—therefore, stand to be disbanded by the police.

Despite this mandate, however, there is growing concern that police are not adequately monitoring and addressing illegal land-guard activities. Without measures to counteract and curtail security land-guard operations, police have inadvertently enabled the land-guard problem to proliferate, particularly in the context of Ghana's current deficient land governance system. As one real estate developer noted, "The collapse of the legal system has called for land guards" (personal communication, July 13, 2016). Alluding to the limitations in combating land-guard activities, one traditional landowner added, "There are no clear-cut statutory laws to stop the activities of land-guards" (personal communication, July 13, 2016). The police are, therefore, being connected to the failure of the legal system to deal decisively with security land guards.

Other Social and Economic Factors Affecting the Operation of Land Guards

Considering that the activity of security land guards prevails in Ghana, as most of the respondents have pointed out, is there a way to incorporate and streamline their activities and make them conform to the ethos of the Ghanaian community? This kind of question has led this study to analyze factors averse to land-guard operations, or better still, to determine if there have been any attempts to permit the operations of land-guards in a legal capacity. Focus was, therefore, put on social and economic factors affecting land-guard operations. This assisted in finding out the degree of docility toward security land-guard operations and aided in answering the question of whether Ghana's current land policy has failed the institutional test, thereby producing an uncontrolled land protection mechanism—the use of unregulated security land guards.

Lack of Jobs and Employment for the Youth

Based on the responses obtained from the participants in this study, two sub-themes have emerged in relation to social and economic factors within the land-guard phenomenon. The first

is the problem of a lack of jobs and employment among Ghana's youth. Corruption and the complicity of security forces is the second. Several studies have shown that unemployment among the youth in Ghana is a great challenge. Baah-Boateng (2013) finds that employment growth in Ghana continues to trail economic growth due to the high growth of low employment-generating sectors coupled with the sluggish growth of high labor-absorption sectors.

Considering geographic factors affecting employment rates, Sackey and Osei (2006) conclude that unemployment is more prevalent in urban than rural Ghana, while underemployment is pervasive in rural Ghana. One news story (2016) reported a World Bank statistic indicating that approximately 48% of the youth in Ghana were unemployed at the end of 2016 ("Forty-eight Percent"), meaning that nearly half of all the youth in Ghana are unemployed. Poku-Boansi and Afrane (2016) evidence the fact that youth unemployment in Ghana today is a critical concern, further noting that unemployed youth are forced to find alternatives to generating income, including what they term "survival-type activities" in the informal sector, and even criminal activity in extreme cases. These survival-type activities include street hawking, menial contractors, porters, house-helpers, and some of the criminal variety, such as stealing, defrauding, prostitution, and so forth. Unemployed young individuals in "survival" mode face a high risk of engaging in the more criminal activities, leading some to resort to security land-guard operations, irrespective of the illegalities surrounding that option. The struggles and unquenchable desires of some youth to put food on the table and enjoy life's delicacies cause them to be involved in land-guard operations, as they are motivated by the income promised to them. The aforementioned scholars most certainly give weight to unemployment as a social and economic issue of concern in Ghana.

As many as 58% of the respondents stated that the prevalence of security land-guard activities is related to the fact that these operations provide employment avenues for the teeming youth who are seeking jobs in the urban and peri-urban areas of Ghana. In other words, the operations of land-guards persevere, in part, because they provide jobs for youth, and there is a large supply of youth in Ghana who are willing and able to participate. It cannot be overstated that the quest to be free from the dent of unemployment forces many undereducated youth to find alternatives to unavailable formal-sector jobs in order to generate enough income to survive. Youth are pushed into the informal sector, which include criminal activities in extreme cases (Poku-Boansi & Afrane, 2016). A glaring example of the relationship between youth unemployment and the land-guard phenomenon can be found in Accra, the capital of Ghana, where access to prospective land guards by employers is made easier with so many youth migrating to the area from towns and villages far and near in pursuit of livelihoods—a phenomenon that has popularly been termed “rural-urban migration” (Poku-Boansi & Afrane, 2016). This breeds a full-fledged labor force, available for operators of security land guards to exploit.

The responses obtained during interviews echo the research in discussion. A land guard in Accra stated, “The land-guard job is for economic survival.” This respondent further observed that “population explosion has aggravated the incidence of land guards” (personal communication, December 12, 2016). An actual land guard confirmed this point: “The land-guard operation means creation of jobs for the teeming youth” (personal communication, December 12, 2016). One traditional landowner alluded to the relationship between employment opportunities and the decisions by some individuals who are in need of jobs to become land guards: “Creation of jobs potentially minimizes land-guard activities” (personal communication,

July 24, 2016). Clearly, many interviewees feel that if there were a greater number of employment avenues, the land-guard system would lose much of its labor force and have the interests in its operation deflated.

Effectively, the lack of jobs and the resulting unemployment that is much dreaded by the youth casts a positive regard for land-guarding as a means of livelihood. In this instance, any move to call for the discontinuation of land-guard operations will seem to be unfriendly, especially to those whose livelihoods depend on the employment these activities creates. In sum, the need to earn an income has led many of Ghana's young people to seek employment, legal or not, and has thus greatly augmented the participation of youth in land-guard activities, which has only exacerbated problems related to the land-guard phenomenon.

Discussions on corruption on the international and domestic scenes have led some scholars to conclude that there is a need to root corruption out from society. Studies such as those conducted by Ayee (2000) and Shah and Schater (2004) observe that corruption distorts public choice, affects service delivery, contributes to the failure of public policies and programs, and signifies governance failure at the national level. These factors, in addition to the intention of the government in Ghana to make it a priority to fight corruption (Kasanga & Kotey, 2001), not only make the existence of corruption a critical concern, but also present the practice as a social and economic issue of concern throughout Ghana, one that can negatively affect all areas of society and government, including land management.

As such, the lack of jobs and employment for the youth, coupled with the impacts of corruption and complicity, can be situated as influential factors that facilitate the operations of security land guards, and they are critical social and economic concerns in the discourse on land guards.

Corruption and Complicity of Security Forces

A majority of the participants in this study, in the earlier analyses, revealed that there is a systemic challenge in land administration. The police, the Lands Commission of Ghana, and the law courts were all cited as playing significant roles in land administration in the country. Unfortunately, the police have been mentioned as having difficulties in playing their role in bringing security land guards under control. As previously illustrated, security land guards, in some respondents' thinking, exacerbate tensions in Ghana's land ownership system, leading to increasing land conflicts. The Lands Commission of Ghana was considered in a negative regard in the area of access to registration documents and officials by 92% of those interviewed. The court system, among 56% of the respondents, evoked low confidence when land adjudication processes were in question. In effect, such sentiments indicate a high degree of frustration among people who use these systems in addressing whatever issues they may be having regarding their land. These perceptions also inform people's preferences for alternative avenues to address their land issues. For instance, some of the respondents suggested that traditional institutions might be better able to handle land disputes. Other respondents said that land protection is still needed, alongside court arbitration. Ultimately, the interviewees linked this systemic ineffectiveness to the proliferation of security land guards.

The question that is brought forth from the issues raised above is this: What is it that is responsible for these perceptions of systemic ineffectiveness? Corruption in public offices in Ghana has been a major factor leading to ineffectiveness within public institutions. The problem, however, has been that it is difficult to prove corruption when the facts or evidence of corruption are obscured by those who participate in it. Theoretically, in order to define corruption of an official or institution, one needs an account of how the official ought to act or how the institution

ought to function (Hellman, 2013). A critical view on the impact of corruption on public organizations' effectiveness, as pointed out by Ayee (2000) and Shah and Schater (2004) is that corruption is inimical to the delivery of good governance. When state agencies that are charged with security and national cohesion are alleged to be inefficient, it sends a clear indication to examine the role of corruption in that inefficiency. A watch group called Transparency International (2017) analyzes corruption in terms of the misuse of entrusted power for private gain, contending that it hurts everyone who depends on the integrity of people in a position of authority. According to the group's *Corruption Perception Index 2016* (Transparency International, 2017), bribery was reported as rampant across all the public services in five African countries: Cameroon, Guinea, Liberia, Nigeria, Sierra Leone, and also in Ghana in year 2015, with a 36% rate of incidence of bribery. For that time period, it was also reported that Ghana ranked 70 out of 176 countries globally in the index, scoring 43 out of a clean score of 100, and having dropped 4 points from its earlier score of 47 ("Ghana Drops Further," 2017). The rate of corruption in Ghana, perceived or real, is alarmingly high, with even the judiciary being one of the institutions that have come under serious corruption challenges. The indictment of not less than seven high court judges in a landmark judicial corruption scandal in 2015 comes to heighten the perception of corruption in the judiciary ("Ghana Drops Further," 2017). The perception of corruption is also heightened in light of another recent notable case, which was a police recruitment scam involving a high-ranking Commissioner of Police. In fact, the police were perceived in 2016 as the most corrupt public agency in Ghana (Transparency International, 2017).

In this study, particular reference has been made to the police as being unable to clamp down on the operators of security land guards decisively. The police were not perceived by

interviewees to have been able to stand up to the task of counteracting land guards or solving the problem associated with them. A response from an Accra-based land policymaker reflects the frustration endured by some due to the actions or inactions of the police. As the following response stresses, not every Ghanaian is given equal security in land matters. This interviewee also highlights the perception of corruption within the police system in addressing land issues:

I don't think every Ghanaian has equal chance of protecting and acquiring land.

The police service should have ensured that once you have validly acquired a property, the constitution says you have a right to property. But it is not so every time because, as I keep saying, we live in a system where the laws do not always work as they are supposed to work. (personal communication, July 25, 2016)

In another instance, the same land policymaker complained about the tendency of the police to remain aloof when it comes to land cases, asserting that people feel like the Police Service will not give them remedies that they deserve: "The court systems are unduly delayed. In a system where everybody cares about no one but himself or herself, anybody can take the law into his/her own hands (personal communication, July 25, 2016).

This line of interview responses indicates a widely held perception that the police are involved in corrupt practices based on their inability to work according to the law. More importantly, they are also perceived as corrupt because of their penchant to remain aloof in matters of land governance. One real estate developer in Kumasi suggested, "You know the problem with Ghana is not about policy, it's about implementation. The difference between the West and us is that the West is hard on police corruption while we are loose in police corruption. That is the difference" (personal communication, November 15, 2016).

With specific reference to the way the police engage with security land guards, a land policymaker further confirmed the perception of police corruption, stating:

You see there is a lot of corruption, fraud in Ghana. The people who engage in land guards obviously have some money and they are also the people who I will say that sometimes are not the rightful owners but they want to show their strength and take that which is yours. So you arrest these land guards, you take them to the police, the next day they are released and they are there because they are paying bribes to the police. Even the people who are using them are giving the people lands, so they want to be there for those who they think can afford to service them, but they are not the rightful owners. (personal communication, July 17, 2016)

This statement suggests that corruption is imputed to the police through the manner in which they have handled cases involving land guards. The statement shows that the police sometimes handle the land-guard issue in a biased way, and in the process become favorably disposed to land guards, or, more likely, their wealthy employers. In fact, some of the respondents noted that the police are directly linked to some land guard operations. An example of this claim is found in a response from one land policymaker in Accra who said bluntly, “The police are perceived to be in link with land guards” (personal communication, July 23, 2016).

Displeased with the inability of police to ensure the enforcement of land rights, landowners tend to avoid engaging their services, choosing other avenues of land protection when land disputes arise. The ineffectiveness of the police, blamed by some on corruption and complicity, has been attributed to the proliferation of security land guards in Ghana. Kasanga and Kotey (2001) point out that the land management system—particularly in regards to title

registration—has failed to assure certainty and security. This problem is in part due to the existence of erroneous maps and site plans, along with personnel problems, much of which are attributable to corruption. Documentation costs are inflated as a consequence of this corruption, and meager salaries and generally poor conditions of service have had an adverse effect on morale and job satisfaction, further engendering corrupt practices. In the next section, I explore views on the means of land management and protection in Ghana, which offer acceptable and effective ways of potentially managing lands.

Consensus on the Means of Land Management and Protection in Ghana

The natural occurrence from the difficulties or challenges expressed by the respondents in this study in land matters is discontentment with how the land management system is organized for good outcomes in land management. For this reason, there is a multiplicity of views from the respondents in this study regarding how the land management system should be organized to produce the expected results of resolving or reducing land conflicts and disagreements in Ghana. In fact, more than half of the respondents in this study offered some suggestions regarding the ways in which land issues resulting in disputes might be addressed. Some of the suggestion will be revisited as recommendations in the next chapter, which encapsulates the findings of this study.

There were varying views among respondents concerning what should be done to ensure proper land management and protection in the country. The first of the very pertinent views raised by the respondents was that the system of land management and protection in Ghana can and should be improved through concerted efforts at public education. About 56% of the respondents suggested public education and/or civic engagement as channels through which to

promote good land management and protection practices. One case in point is the following response from a land policymaker, who stated,

Land management and protection can be improved through public education. If the Ministry of Lands and other agencies, like town and country planning district assemblies, try to educate the citizens about what the land policy is and what people should do when they want to acquire land and then all land owners should try and register their interest. (personal communication, July 29, 2016)

There is a penchant for personnel in public institutions to hoard information pertaining to land governance and policies. Frustratingly, some secretaries exercise their control over people by sitting on information that would otherwise be useful to people in a harmonious society. This is the situation with land information in Ghana: many citizens do not have necessary information on land policies to sufficiently inform their decisions regarding land procurement and protection. People with insider information on land are, overwhelmingly, closely related to high officials who are privy to information on land in the agencies that administer land acquisition and ownership. This occasions events where people fall victims to fraudsters, multiple sales of the same lands, corruption, and land disputes. The response provided by the land policymaker seeks to cure this mischief by ensuring that information and policies on land acquisition or ownership are promulgated by the agencies in charge of land administration. Viewpoints like this, of course, imply that the Client Service and Access Unit (CSAU), which was set up as a separate department to handle all the issues regarding information provision to the public on land, is yet to achieve its full purpose.

Another Accra land policymaker's response also spoke to the need for improved mechanisms for educating the public, addressing what the Land Commission of Ghana and its adjunct public institutions in charge of land administration might do to achieve that aim:

Do publicity, talk shows; do flyers telling citizens your requirements, and you educate them about the types of ownership in the country and what is required of any person who buys land. Citizens should get to know that everybody who buys land has the need to try to register the land and anyone should not just get up and go and buy land—you have to do your due diligence before you buy land. If things are made known to the populace, I believe it will go a long way in advising them in their decision-making when they are acquiring land. (personal communication, July 16, 2016)

Though educating the public on land policies and regulations, including how to steer clear of trouble in acquiring a land, is a laudable goal, the situation at hand in Ghana demonstrates that little such actions to do so have been taken. In this study, the respondents suggested that the acquisition and ownership land system in Ghana is overwhelmed by disputes and disagreements, sometimes leading to assertions of ownership through land guards and the use of force. Moreover, the courts responsible for adjudicating land disputes are apparently inundated with cases, creating backlogs—as witnessed by the respondents in this study—that lead to prolonged delays for settling land disputes (Kasanga & Kotey, 2001). There is also the phenomenon of multiple sales of the same plots of land, which is the cause of most land disputes that end up in court—and also the motivation for the use of land guards. In accordance with this finding is the fact that the majority of land cases that end up in court are boundary disputes, land titles, disputes over double ownership, and so forth (Kasanga & Kotey, 2001). In sum, there has

not been much education available to the public regarding land ownership and acquisition policies and regulations, which has only exacerbated the proliferation of land disputes and the use of land guards in Ghana.

If educating the public on the topic of land policies and regulations in Ghana is considered a potentially effective means of helping prospective buyers, as well as current landowners, better understand the expectations of the land administration system—thus avoiding confusion and perhaps even the use of land guards—a salient question must be asked: Why is public education on land issues so lacking? As this study indicates, the answer is one key to addressing the land administration dilemma and the accompanying land-guard phenomenon in Ghana.

As to good land management and protection in Ghana, it is evident to most that registering all lands is an obvious necessity. Of course, this proposition assumes that all land in Ghana has an owner (i.e., there is no land without an owner, and there is no landowner without land). To avoid complications related to land registration in the country, the respondents of this study suggested that all registration documents that cover landownership should be duly given to the owners. How the above is tied to the need for public education on land policies and regulations is this: if a solid mechanism for land registration were coupled with ready access to information about policies and procedures, landowners would be knowledgeable and confident in the system that should exist for their protection. As one respondent in Accra explained,

In trying to defeat the problems, we need to have the registers of all lands. We need to publish it and make sure that people have access to the land ownership register in such a way that if the land has been registered, even close relations of the landowner cannot go and give another ownership certificate beside the one

already available by virtue of the register. Further to that, people should know of the effects of registration and then how the land certificate can be cancelled based on fraud and many other things. (personal communication, July 24, 2016)

The same respondent further believes that the policies and regulations at present need thorough review to address what he regards as undue delays in the process of registration. As evidence of these delays, it emerged in Chapter 4 of this study that the registration process is cumbersome, sometimes frustrating, and demanding. Acknowledging this problem, Kasanga and Kotey (2001) note that the registration system that has operated in Ghana for over a century has failed to assure certainty and security. According to these scholars, factors contributing to this failure include non-registration of oral customary law transactions, flawed maps and site plans, personnel problems, and corruption. Some people, unfortunately, are able to circumvent the registration system in this process. Such rampant corruption in land administration in Ghana, and the nepotism associated with it, are undoubtedly tied to the cumbersomeness of the registration process that the majority of law-abiding citizens have to face. One respondent from Accra draws attention to the need to amend the land policies and regulations to reduce the burdens of time and cost:

I think we should amend some portions of the law. If you are going to register, it takes you so many processes and delays. I think the registration process is expensive as well, and we have so many intermediaries (agents) who inflate charges or prices in excess of what is due. (personal communication, July 17, 2016)

A related issue, which should not be overlooked in reviewing the responses shared in this study, is the inflation of charges or pricing in excess of what is due to intermediaries or agents in

the land registration process. There is no doubt that this occurrence increases the cost of registering land to prospective landowners. This reality supports the fact that there are people who pose as intermediaries or agents and work in that capacity to get land registered for their clients at a faster rate, but certainly at a high cost to those clients, further clogging the land registration system. As a result, the integrity of the system is compromised. Apart from making land registration costly and delayed, these practices discourage people from complying with the system by registering their land properly. Meanwhile, ambiguous data about land and its ownership in the country only compounds problems that lead to conflict and disagreements, and can even degenerate into violence.

The land ownership registration process, therefore, represents another area in which consensus-building needs to take place. Effectively, every consideration should be given to encourage people to register their land properly. Making it easier to complete the registration process is one clear way to do this, and by utilizing proper procedures, landowners will find it much easier to protect their property through legitimate means—without resorting to land guards for help.

Probing into the existing procedures for registering land, one will find that there are two quite complex procedures—title registration and deed registration. The cost of and time needed to complete registration for each category is different. Title registration takes a little longer to complete, as a result of inherent due processes and counter-checks. However, on average, it takes about two and a half months in Ghana to get property registered through the completion of both procedures, assuming there are no obstacles based on document problems or contesting interests to the land, as both have the potential to cause delays (Awkwensivie, 2017). In fact, the World Bank (2016) reports that it takes approximately 46 days to complete property registration in

Ghana, ranking it 77 out of some 190 countries recently surveyed about the ease of doing business. As to the costs of land registration, the report establishes that it costs approximately 1.2 percent of the value of the given property to complete the registration process.

The Lands Commission is mandated by law to register lands in Ghana. A land title registration starts with a stamp duty payment. The accompanying application should be made to the Customer Service and Access Unit (CSAU) of the Commission in the capital of the region where the land is situated. Thus, documents presented for land title registration must first be assessed for a stamp duty—a tax levied to give legal recognition to the document brought into being for the purpose of recording transactions. Once the stamp duty is paid, the document is embossed to signify and confirm that the tax has been paid in accordance with the law (Akwensivie, 2017). The stamp duty—in an amount ranging from 0.02 percent to 1 percent of the value of the property—is collected by the Ghana Revenue Authority (GRA). The amount of the tax is determined after a valuation has been completed by the Land Valuation Division of the Lands Commission to facilitate the payment/collection of the stamp duty. GRA staffs are on standby at the Lands Commission premises to complete this transaction (Akwensivie, 2017). There are many more human interactions that go on into the whole process of getting one's land registered, all of which increase the inefficiencies and corrupt practices that may exist in the system.

The next issues regarding land management and protection in Ghana that emerged from the responses obtained revolve around the need to strengthen the land dispute resolution system. Providing a brief background in Chapter 4, I observed that the law courts have not yet met the public's expectations relative to the capacity for handling all land cases. One of the apparent needs in this regard has been to ensure that courts that specialize in land dispute adjudication are

properly constituted and equipped to handle land cases. Furthermore, for land dispute resolution settlements it is felt that alternative dispute resolutions (ADR) provide a rich option in the bid to strengthen the land dispute settlement system. The courts and ADR, working in tandem, could provide the great synergy required to settle land disputes in the country. The response from one land policymaker located in Accra most clearly and succinctly puts the argument surrounding this issue into perspective:

It can be better solved if we resort to courts and people try to register their interests. But if based on the release people have secured they can sometimes settle disputes out of court, then it is a good approach. (personal communication, July 21, 2016)

Akin to the above is an opinion that has gained wide acceptance among the interviewees: traditional authorities can provide an alternative to solving problems relating to land ownership. Traditional authorities are recognized by customary law as the custodians of the land. As this study has determined, the activities of land guards have, in a sense, superseded the authority of traditional authorities based on their abilities to influence the outcomes of land disputes. This finding suggests that traditional authorities (chiefs or traditional rulers) have the potential to collectively play a more significant part of any efforts to provide solutions to land disputes, as they have done in the past. It most certainly suggests that their involvement can be crucial in efforts to provide solutions to land disputes in Ghana.

Seventy-four percent of the respondents in this study agreed with the view that relying on traditional authority is one potentially effective form of alternative dispute resolution in land disputes, and that chiefly through this avenue are traditional authorities able to make meaningful inputs into land policy. Seven respondents, representing 14% of the total, however, indicated that

the traditional institutions are too often ignored in land dispute settlements, in spite of the fact that traditional authorities are considered to be custodians of the land. One respondent, an Accra-based land policymaker, stated, “There should be support for traditional mediation” (personal communication, December 12, 2016). Another land policymaker in Kumasi affirmed this sentiment, saying, “Traditional institutions are one point for mediation” (personal communication, November 28, 2016). A traditional landowner in Accra advocated for the “facilitation and equipping of traditional institutions” (personal communication, July 22, 2016) to enable their support of land dispute settlements.

Traditional authorities or institutions’ engagement in land matters, reasoning from the foregoing, also represents an arena in which consensus needs to be built as a means of land administration and protection in Ghana. Bolstering the involvement of traditional institutions, such as the Traditional Council and the House of Chiefs, needs to be seriously taken into account as an avenue for alternative dispute resolution in land disputes.

The current manner in which security land guards are organized and operate evokes disapproval, and sometimes passionate rejection, from various people for many reasons. Primarily, they are violent groups that cause conflict and unrest. For example, they promote the illegal acquisition of land by means of force. The respondents in this study labelled land guards in numerous ways: “violent groups,” “terrorist groups,” “illegal groups,” “extortion groups,” and “rebel groups.” As previously explained, there seems to be a unanimous rejection of the activities of security land guards—at least among this study’s respondents—as a means to resolving land conflicts, with these means most productive for the landowners who hire them and the youth who receive remuneration for becoming land guards. To ordinary citizens, however, land-guard activities provide neither land management nor protection. Consequently, security land guards

and those who hire them are not likely to be recognized as legitimate participants in potential future consensus-building arrangements. However, it is worth looking into the possibility that land guards might be capable of being reoriented and incorporated into formal security apparatuses to provide security of properties in a legally accepted manner for the benefit of Ghana's citizenry.

Conclusion

This chapter has explored in depth the security land-guard dilemma in Ghana, examining the underpinnings of the phenomenon and the issues associated with its proliferation. Following an initial discussion in Chapter 4, which considered land-guard activities as an outcome of poor land governance, this chapter concentrated on the organization, modes of operation, acceptability, and the legal issues surrounding the use of land guards. In addition, the contents within have shed light on whether the practice of land-guard utilization by landowners has eroded the formal land security apparatuses of the state. The theoretical perspectives from which this chapter was developed emerged from the natural tendency of individuals to protect their property and their rights to uphold laws, particularly in the country of Ghana. While the Ghana Police Service Act—providing the framework within which private security can be administered in Ghana—allows no provision for the legal employment of land guards by landowners, the actual use of these agents to protect land is common knowledge. This chapter has explained that no land-guard operating firm or corporate entity has been licensed in Ghana under the laws of Ghana; nonetheless, many people have resorted to making claims to land and protecting property by using private land guards. The analysis of the interviews conducted during my study, and the discussions that ensued therefrom, have helped to the answer the main research question as to whether Ghana's land governance has failed—thereby fostering an irregular land protection

mechanism in the form of unregulated security land guards. These discussions also have sought to give more clarity to the answer to the study's sub-questions (a), (b), and (c). In this regard, the responses to questions specifically related to security land guards have been analyzed under four thematic areas.

The first theme has concentrated on the experiences of private landowners with land guards. I found that the existence of security land guards in Ghana is common knowledge. According to the private landowners who employ land guards, as revealed through interviews, land guards are people who are hired for the purpose of providing security to landed property, and they use forceful and often unregulated means to accomplish their purposes. To landowners, the distinguishing feature of security land guards is that they operate with intimidation and force—they are “muscular men,” often wielding machetes and guns. Their operations embody the idea of “survival of the fittest,” as one of the respondents explained. This phrase encapsulates the idea that land guards use force and arms at their disposal to coerce other people, and they illegally and illegitimately assert their employers' interests in entitlements to land. The private landowners' interviewed during this study explained that the services of their employees are not free; they are costly, paid for by “big men” who can afford these “irregular” services through their disregard for due processes and regulations, ultimately enabling them to hold claims to the land.

Because of the financial compensation land-guard operations deliver to their operatives, the position of land guard is regarded as an employment avenue for many youth, who are most certainly enticed by the money. Interview responses related to the experiences of private landowners with land guards fundamentally have revealed only negative descriptions of land guards and their operations. Although resorting to the use of land guards is often a desperate

attempt by some people to protect their land, the practice is nonetheless illegal; moreover, land guards are essentially terrorists who are members of a criminal group, and they ultimately increase, rather than mitigate, land conflicts. In fact, the multiplicity of court cases related to land disputes was considered by respondents to largely be the result of security land-guard operations, as explained by the private landowners interviewed during this study.

The laws contained in the Ghana Police Act further establish land guards as illegal operatives, especially since such groups are not registered agents according to the Act's provisions. It is a fact that no firm, either public or private, has ever been licensed in Ghana to provide land guard security services, which illustrates the illegitimacy of these operations. My findings also reveal that traditional authorities are most culpable when it comes to engaging the services of security land guards. The dominant reason, in the perspective of the respondents, why landowners negotiate the services of land guards is that, in Ghana, multiple claims on single pieces of property create a plethora of land disputes that devolve into attempted settlements through illegal channels (i.e., land-guard operations). Exacerbating the problems is the perception that Ghana's statutory land management system fails when it comes to properly identifying and administering land ownership. Simply put, gaps in the land ownership registration system often lead to multiple sales of the same parcel of land. From the perspectives of the private landowners I interviewed, this ineffective land management system is to blame for the proliferation of land guards. Unfortunately, the system that is responsible for registering and determining true ownership of land is a major factor leading to Ghana's land-guard dilemma.

The second theme discussed in this chapter is related to the experiences of Ghana's police with land guards. Similar to the experiences of private landowners, the experiences of police officers, as shared through interviews, reveal that land guards do exist, and they evoke a strong

opposition from the police. The police have appreciable levels of intelligence when it comes to how security land guards are generally organized. They are also aware that there is no clear provision for land-guard operations in the 1992 Constitution of the Republic of Ghana, nor in any other statutory laws. Despite the police force's knowledge that land guard operations are illegal, land guards brazenly use force to claim ownership rights to land on behalf of their employers. In legal contexts, it is typically the land guards who suffer consequences for their actions in cases where police successfully detain them, not those for whom they work. Success in holding land guards accountable by police, however, is rare, as represented in another remarkable finding of an overriding lack of confidence among citizens in the police to effectively manage the problem of land guards in Ghana—even though their activities are illegal. The police, in fact, are often perceived as condoning, or ignoring, the activities of land guards, which leaves many feeling as if their security is threatened. Ultimately, citizens seem frustrated that police appear unwilling to, or incapable of, successfully confronting the land-guard problem, even though they are mandated by law to do so (Republic of Ghana, 1970).

The third theme discussed has been related to other social and economic factors affecting the operations of land guards. Within the first two themes, the interview results projected the fact that land guards, irrespective of their measure as protectors of land, are illegal and must be opposed. Under this third theme, the study has sought other factors that contribute to the land-guard phenomenon in Ghana. Two sub-themes emerged—namely, the lack of jobs and employment for the youth on one hand, and corruption and the complicity of security forces on the other. Unemployment and the lack of jobs are common social and economic problems in Ghana. Thus, it is important to situate the country's job conundrum within the land-guarding business vis-a-vis this research topic. While land-guarding is a readily available employment

option for youth, research indicates that such activities are not in fact healthy pursuits for young people. These youth, forced to find alternatives to generate income in the face of scarce legitimate employment opportunities, sometimes resort to low-grade “survival-type activities” in the informal sector, and criminal activity in extreme cases. Being a land guard, as already established, is one such example of criminal activity. However, even with survival as a motivator, the pressure to make money does not warrant breaking the law. Undoubtedly, though, the willingness of youth to resort to criminal activities does demonstrate that land-guard operations are able to persist in part because there are so many Ghanaian young people left with no choice but to accept employment as land guards.

Corruption, as a sub-theme of the social and economic factors that play roles in the land-guard phenomenon, has also been found in this study to be a major factor that results in ineffective public agencies. As noted, the police are not perceived to be up to the task of counteracting land guards or solving the problems associated with their activities. Aside from perhaps being inept at their jobs, these agents of the state are also thought to perhaps engage in corruption when it comes to the issue of land guards, in particular the way land-guard cases are handled. With little confidence in the police, landowners often avoid engaging their assistance, choosing to pursue other avenues of land protection when land disputes arise. In sum, the ineffectiveness of Ghana’s police, attributed to corruption and/or complicity, is definitely seen to be a contributing factor in the proliferation of security land guards.

The fourth theme explored in this chapter stems from the views among interviewees that consensus-building among the many players in land governance in Ghana has the potential to promote good land management and protection policies and practices. Four sub-themes related to the theme of consensus-building have been points of discussion, as outlined below.

- 1) Public education can play a crucial role in helping people understand what is required of them to become legitimate landowners. This includes acquiring an awareness of the importance of land registration in improving land management outcomes.
- 2) Consensus-building focused on enhancing the land ownership registration process should be a priority. Huge costs and long delays throughout the process are a barrier for many. To minimize such obstacles, authorities should encourage people to register their land, which will be more likely if they improve the registration process and ensure that registered land is protected in a way that makes it more appealing for people to endure the effort of doing so.
- 3) The land dispute resolution system needs to be strengthened. The respondents pointed out that consensus needs to be built on alternative dispute resolution (ADR) options to provide support to the court system. One opinion that gained a wide acceptance among the respondents is that traditional authorities provide a good foundation for solving problems related to land ownership. The engagement of traditional authorities/institutions in land matters represents an arena in which consensus should be built as a means of effective land administration and protection in Ghana.
- 4) The methods by which security land guards are organized and operated seem to evoke disapproval—and sometimes passionate—responses from people. This leads to a total rejection of the activities security land guards use to settle land conflicts. In this regard, any attempts to include land guard employers and their operatives during consensus-building in land management and protection should, therefore, be rejected outright.

In summary, this chapter has provided insight into some relevant characteristics of security land guards as seen through the eyes of the study's respondents. The analyses and

discussions organized under four themes offered information that helps illuminate the answer to the main research question as to whether the *unregulated security land guard phenomenon in Ghana is a symptom of broader land governance deficits*. The information provided in the chapter also provides insights about why landowners are engaging land guards (sub-question a), whether the police are ineffective in dealing with land guards (sub-question c), and why landowners are not using state agencies to address their land issues (sub-question b).

The findings explicate landowners' experiences and police interactions with land guards, notably revealing where the state land management and protection system ends, at which point the security land guards take control. In order to provide some answers to any of the aforementioned research questions, it was important to take into account the strength of the state land management system in matters concerning security land guards and vice versa, which the study's respondents were helpful in clarifying. They further made evident the fact that security land-guard activities are generally unpopular. However, the inefficiencies and ineffectiveness within Ghana's land management and protection system—including the police, the law courts, and the Land Commission of Ghana—seem to necessitate the use of land guards as an alternative to legal land protection measures, at least in the eyes of some landowners.

Examining the findings from theoretical perspectives, it seems that Ghana's security land-guard phenomenon is defined in terms of its location outside the domain of legal private security operations, in conjunction with the Ghana Police Service Act and as Atuguba (2007) observes. As discussed at length, although land-guards are not part of any state security apparatuses, the use of illegal and often violent strategies to accomplish their objectives is considered necessary by the many who hire them for the purpose of maintaining and protecting land interests.

As such, if the state—with its monopoly on security, and with the responsibility for providing protection to its citizenry—fails to provide protection and security, citizens are then led to feel vulnerable to potential threats. Under these conditions, people tend to do what they consider is necessary to protect their property and safety (Linklater, 2013). The study's findings have portrayed the land-guard challenge in Ghana as a response by citizens to the lack of security in land entitlement, a problem that has emerged within a confusing and sometimes corrupt land management system, and one that is symptomatic of an insecure populace (Greif, 2006; Joireman, 2011). The ineffectiveness of the agencies that should contribute to the proper functioning of the land management system has created a situation in which land guards are now being sought by some citizens as an alternative means to claiming lands and/or protecting their interests within a faulty system, albeit by illegitimate means. This ineffectiveness in land management occasions an overload of land disputes—many directly related to land-guard operations—ending up in the courts (Kasanga & Kotey, 2001). Delays in the adjudication of these land cases, corruption within land management agencies, frustrations along with excessive demands of the land title registration process on landowners, and the inability of police to decisively deal with land-guard operations have collectively produced a land management system that lacks the confidence of clients and the citizenry as a whole.

Moreover, youth unemployment, coupled with rural-urban migration, brings to the urban areas, particularly Accra, many young people who feel the need to engage in survival-type activities such as street hawking, menial contracts, house-helping—and too often criminal behaviors such as stealing, defrauding, and prostitution (Poku-Boansi & Afrane 2016). These desperate youth increase the potential labor supply for land-guard operations.

This combination of land governance, social, and economic challenges has bred an environment in which land guards are used by some as an alternative means of exerting claims to land. The practice is not only frowned upon by the laws of Ghana, but also rejected by the larger section of citizens and residents who are affected by land-guard operations. These concerns call for urgent steps to be taken to eliminate and replace the phenomenon of land guards with a more acceptable land dispute management system.

Toward eradicating the phenomenon of land guards in Ghana, the land title registration system needs to be managed more effectively. Because land disputes often revolve around misunderstandings about who the right owner of land is at a given time, an improved land registration system can ameliorate such problems. In pursuit of this aim, thoroughly educating the public can help citizens understand how to best navigate the land registration process. Furthermore, policies that encourage landowners to more seriously consider the registration of their entitlements will help officials establish an accurate and comprehensive database on land holdings, compiled for the benefit of all citizens. In addition, the costs involved in land title registration and related procedures should be minimized to encourage land ownership and public participation in the land management system, and the capacity of the Client Service and Access Unit (CSAU) to serve more clients needs to be expanded by the Lands Commission. Finally, Alternative Dispute Resolution (ADR) emerges as a practical and viable option for resolving conflicts, one that that incorporates the input of traditional chieftaincy institutions.

Being a qualitative study, a major limitation of the findings is the fact that the data came from self-reported interviews—potentially leaving room for personal biases on my part—since much of the data has been subjectively interpreted. In recognition of this validity threat, however, I support subjective data with facts derived from scholarly research. This effort has

further legitimized the study's results, which rest not only on data from interviews but also on objective data from outside sources.

Consequently, sub-question (a), (b), and (c) have been solidly answered, both deductively and inductively, based on the strength of the data supporting the findings. Specifically, sub-question (a) was answered when study participants, first and foremost, confirmed the existence of land guards. Other results are relevant: that land guards are hired to protect land in peri-urban areas of Accra city; that the state is unable to provide enough security for the citizenry, hence the “survival of fittest” syndrome among those with land sector interests; that multiple sales of the same properties are a contributing factor to land-guard activities; that there is a lack of concerted efforts among land regulatory agencies to deal decisively with land disputes; and that a formal court system suffers from congestion—resulting in corruption, uncertainty, and insecurity—all of which cast doubt on the ability of courts to handle cases fairly and promptly.

The majority of these results also apply to sub-question (b), which asks why citizens are failing to direct their land grievances to state security apparatuses for redress. Finally, to help answer sub-question (c), which asks why citizens do not direct their grievances to state security apparatuses, the following points were taken into consideration: lack of will, inadequate directions, and outright corruption, as portrayed by participants. To the extent that police interface with land guards has been confirmed, and considering that land guard activity is illegal within the premise of the law regulating private security operations, obstacles that prevent state officials, including police, from clamping down on the activities of land guards remain a cause for worry in the context of land governance in Ghana.

Chapter 6

Conclusion

This research is a qualitative work that engaged the perspectives of private landowners, traditional landowners, police officers, land policymakers, real estate developers, and security land guards. The study is supported by Linklater's (2013) assertion that laying claim to the ground is an inescapable condition of human existence, an assertion that gives rise to the relevance of owning land and maintaining ownership and/or protecting the land. The interest in maintaining or protecting ownership of land is hotly debated in Ghana following institutional deficiencies in land administration and the increase in the use of the security land guards. The inception of security land guards for the purpose of land protection is the result of the belief that by applying force one can lay claim to land and circumvent statutory regulations. The main question posed in this study is this: *Are unregulated security land guards in Ghana a symptom of broader land governance deficits?*

To answer this question, the World Bank's six Worldwide Governance Indicators (WGI), developed by Kaufmann and Kraay (2008), were considered: Voice and Accountability; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption; and Absence of Violence (World Bank, 2015). The study collected qualitative data, using questions that were developed with an intentional connection to all six of these indicators, which ultimately were instrumental in answering the main research questions and three relevant sub-questions.

Results provide a glimpse into critical issues surrounding the land governance system in Ghana. In effect, the study provides an assessment of how successfully the land governance system in Ghana is accomplishing its purpose, and whether defects in the system have given way to other means of exercising maintenance and control of land by the country's landowners,

specifically through the use of security land guards. Additionally, the study provides a better understanding of the land-guard phenomenon based on observations and experiences of a broad range of respondents who were interviewed during my research.

This concluding chapter is organized into four major sections: (1) a summary of the findings, (2) limitations of the study, (3) implications of the study, and (4) recommendations. The summary of the findings gives a succinct overview of the main findings, indicating how they connect with the main research question and the related three sub-questions. The limitations of the study communicate the challenges encountered in the course of doing the research, and offer caveats based on these challenges. Next, the implications of the study are drawn from the findings of the study. In this section, I make a precise claim as to whether or not Ghana's current land policy has failed the institutional test, thereby producing an uncontrolled land protection mechanism—namely, the use of unregulated security land guards. Finally, I proffer some relevant recommendations as to how land management and protection policies can be strengthened to benefit and become more relevant to the people in Ghana.

Summary of Findings

In Chapter 1, I laid the foundation for this study by showing that land management policy in most developing countries has, over the years, been saddled with conflicts, which are often the result of competing land tenure systems. I demonstrated that Ghana's land policy, like that of many other African states, has transitioned from one based solely on customary land tenure systems to a more bureaucratic property rights regime, without a complete shift from the former. This has created parallel strands of land governance in Ghana: that of customary practices coupled with enacted legislations regarding land administration, which apply to the two types of land ownership in the country: public/state lands and private lands. Ghana has been faced with

administrative challenges amplifying the debate as to whether land custodian roles should be the mandate of the state or if they should remain under the control of, or be administered in concert with, traditional authorities. Increasing tensions in land ownership as a result of population expansion, in addition to confusion surrounding policies and procedures that govern the two types of land ownership, have resulted in desperate means of protecting land, particularly the use of security land guards in peri-urban areas of Ghana.

Furthermore, because it is not uncommon to lose ownership of land in Ghana to another person due to political, social, and economic influences, some unethical people are able to wield power with government officials, leading many landowners to feel insecure about the status of their land holdings—even when they are in possession of legally transferred land documents with formal title deeds. Understandably, a regime in which legal security by way of formal title to land does not constitute real security, and to the effect that title holders cannot be sure that in all cases, their land is secure, creates an environment of suspicion and anxiety. Even with the provision for legitimate private security organizations in Ghana—enshrined in the country's Police Service Act—to engage the services of unregulated land-guards, private landowners seem to be sidestepping the laws pertaining to private security organizations by engaging the services of unregulated land guards instead of going through proper channels. To better understand the reasons, this study has undertaken to explore the activities of land guards, as well as the motivations of citizens for employing them, at an empirical level.

Chapter 2 summarizes my thorough review of pertinent literature related to themes that have guided this study. The review primarily gives recognition to the fact that people's instinctive attachment to land explains the importance of land as a natural resource. In other words, the need to lay claim to the ground in some form is an inescapable condition of human

existence (Linklater, 2013). The first section of the literature review elucidates the land governance of Ghana within contemporary contexts. This section points out that, due to significant contests in land ownership throughout much of Africa, many countries in the continent, unlike those of the developed world, struggle to establish land ownership and acquisition mechanisms that are free from conflicts. In essence, this is a problem of land governance, which is defined in this study as the determination and implementation of sustainable land policies, management, and enforcement (Enemark, 2009, p. 2).

The second section of the chapter provides a thorough examination of the structure of land acquisition and documentation in Ghana, and it further frames the topic within the Ghanaian historical context, one in which, according to established practices, land ownership remained a contest between chiefs and other types of traditional leaders, such as clan heads, family heads, and individuals, depending on the customs of an area. In modern Ghana, two discrete types of land holdings exist: public and private. Public land consists of land belonging to the state, while private land is any land holding that is outside the ownership of the state. Importantly, the research reveals that, irrespective of any customary/traditional ownership contest over land, the Constitution of Ghana, Article 20, in concert with State Lands Act 1962, (Act 125), mandates that the state can compulsorily acquire any lands for the purposes of public interests. The Lands Commission, the Registrar of Lands, the Regional Lands Sub-Committee, the Town and Country Planning Department, and the Ministry of Lands and Natural Resources are major state institutions concerned with land management of all kinds, and thus are key components of Ghana's system of land governance as it relates to both public and private lands.

The third section of Chapter 2 explores land tenure security, explicating the ways in which people use available structures—both politically and socially—to establish and secure

claims to land (Amanor, 2001; Berry, 2001). This section reveals that customary land tenure practices were systematically displaced in post-independent Ghana, during which time the state exerted control over most natural resources; land acquisition, especially in the urban centers of Ghana, has since been exposed to high political influence from the elite ruling class, which is usually located within the central government structures. As this study indicates, urban land management by the state continues to experience clashes with customary land tenure arrangements that have empowered traditional rulers as custodians of land, an untenable state of affairs that must be addressed. Indeed, ever since the notion of private property has become established in Ghana, the concept has been seen by many as a source of injustice, violence, and inequality (Linklater, 2013).

Furthermore, arguments and observations from different studies have shown that any land reform system that fails to guarantee individual land rights is prone to conflict. It was realized that Ghana's latest land reform under its Land Administration Project (LAP), designed to operate between 2003 and 2010, was intended to improve the country's land administration framework—specifically to reduce conflicts in land ownership and land use, and to provide secure land titles in both urban and rural areas (World Bank, 2003). This study fills a gap in the literature by determining whether people have sufficient trust in Ghana's most recent land policy reforms.

In the fourth section of Chapter 2, I present issues in the literature relevant to the urgency for land protection. Here, I also provide this study's operational definition of land as a plot, usually measuring at least 80ft by 100ft, that is earmarked for housing infrastructure, primarily located in peri-urban areas around emerging cities across West Africa (Maconachie & Binns, 2006; Mandere & Stefan, 2010). The discussion of critical factors creating the urgency for land

protection includes Ghana's contemporary urban population increases, high costs of land, access to land, as well as typical uses of land, especially for building a home (UN-HABITAT, 2004). Land documentation procedures and processes of acquisition are explained as fundamental to legal issues connected with regard to land ownership.

In the fifth section, I outline the theoretical underpinnings of the study's six hypotheses. There is essentially a wide consensus within scholarly literature that a good land tenure system holds a vital component of a country's development (Bruce & Migot-Adholla, 1994). Based on the question of whether Ghana's current land policy has failed the institutional governance test, thereby producing uncontrolled land protection mechanisms such as security land guards, I have created a framework of good governance to test how it is applied in the context of land management in Ghana. This framework is based on the *Worldwide Governance Indicators* (2015) developed by Kaufmann and Kraay (2008) in conjunction with the World Bank.

I relied the six *WGIs* to measure features of good land governance in Ghana, features that have the potential to eliminate the need for landowners to employ security land guards for purposes of land protection and ownership security. These *WGIs* and descriptions of each are as follows: (1) Voice and Accountability—capturing the extent to which customary custodians of land participate in and are held accountable by their constituencies when it comes to land policy decision-making processes; (2) Governance Effectiveness—capturing the level of harmony between the public and private strands of land sources, quality of public services and public servants' roles in land documentation, as well as state departments and their degree of autonomy from political pressures; (3) Regulatory Quality of Land Laws and Policy—capturing the ability of the government to formulate and implement sound policies acceptable to private and traditional landowners; (4) Rule of Law—capturing the extent to which citizens have confidence

in and abide by the rules and channels of redress in land litigation cases with the police and the courts; (5) Control of Corruption in Land Allocation and Litigation Processes—capturing the extent to which public power is exercised for private gains in land dealings; and (6) Absence of Violence in an Environment of Land Disputes—capturing the ability of formal and informal systems to resolve land conflicts without disputants resorting to violence and causing physical harm.

In Chapter 3, the research design and methodology of the study are outlined. A qualitative approach was used, with semi-structured interviews and my observation of participants as the methods of data collection. Land policymakers/implementers (i.e. the Lands Commission and the Ministry of Lands and Natural Resources), land policy consumers, (traditional/private landowners and real estate developers), land law enforcement agents (the police), and security land guards were sampled for the study and engaged through semi-structured interactions to bring to bear an element of self-reflection with regards to either their roles or their experiences in the land management system, and especially with the phenomenon of land guards.

A total of 50 participants were engaged in face-to-face discussions focusing on the themes emerging from the research questions and the study's hypotheses. The first group of respondents interviewed were those from the Ghana Lands Commission Department and the Ministry of Lands and Natural Resource (a total of 23 individuals). The central focus of these interviews was on establishing how the land policies, over the years, have involved or accommodated traditional/private landowners' voices and determining the level of administrators' independence in the exercise of land allocation and registration processes. This group of respondents was very important to the research in the sense that, apart from their

knowledge of and participation in land policy formulation and implementation, they also interact with landowners on a daily basis. Land policy consumers comprise the next category (a total of 16 individuals), and with them, the two primary aims were to determine their perspectives on land policy formulation, and most importantly, the reasons some resort to the use of land-guard services. Within the category of law enforcement agents (eight individuals), the interviews explored the position of the state in regulating land guards and land through the judicial system. Finally, the land guards (three individuals) provided unique insights into motivations for engaging in this irregular and unregulated profession and the methods they use to carry out their assignments.

Chapters 4 and 5 present the analysis of the data and subsequent findings, which were used to answer the study's main research question and related sub-questions. The analysis was done by grouping related data and identifying emerging themes in line with my hypotheses and research questions. Significant views that were revealed in the respondents' interviews were reported, and inferences were made to arrive at the findings. I present here a summary of seven major themes that emerged from the findings therein, as contained in Chapters 4 and 5.

With respect to voice and accountability, landowners, to a large extent, indicated that they are involved in land policy decision-making. This finding is evidence that the land governance system makes considerable accommodations to hear the voices of landowners when it comes to land matters.

A focus on the specifics of landowners' involvement in land policy decision-making reveals two points underlying how landowners participate in land policy decision-making. First, traditional rulers or authorities are accorded a role in the land policy decisions by virtue of their positions as custodians of lands. In this capacity, traditional authorities have rights in land

matters, and thus, in theory, have the opportunity to exercise those rights through involvement in land policy decision-making. However, a major impediment to the effective involvement of traditional authorities in land policy decision-making is the apparent unfettered capability of the state to unilaterally develop land policies without consulting traditional landowners. Second, the findings show that private landowners are also, to a certain extent, involved in land policy decision-making through their attendance at meetings, forums, and consultations. There is a sense among these respondents that their involvement in land policy decision-making fosters an environment of shared responsibility. In addition, private landowners are somewhat involved in land policy decisions in that they inform personnel from state agencies in charge of land administration when there are misunderstandings about land ownership or land documentation processes. As such, the resultant dialogue between executives at the Lands Commission of Ghana and private landowners is viewed as an example of how private landowners are involved in land policy decisions. However, the findings make clear that the aforementioned involvement of private landowners in decision-making is not in itself sufficient. Officials must also relay established policies to these landowners and assist them with compliance for the system to work properly. In other words, policy decision-making requires not only dialogue, but also clarity of policies and the willingness of officials to help stakeholders correctly follow these policies. This point can allay any misconceptions about the extent to which private landowners are involved in land policy decision-making in Ghana.

The hypothesis (H1) under this study that—“*A land governance structure that encourages traditional/private landowners’ participation in land policy decision-making processes in ways that benefit their communities is likely to minimize land conflicts and land-guard activities*”—is certainly supported based on the findings. Potentially jeopardizing this

decision-making arrangement is, on the one hand, the state's penchant to arbitrarily and unilaterally make policies before consulting with and/or informing traditional councils, and on the other hand, the state's failure to standardize and communicate clearly the ways in which private landowners can be involved in land policy decision-making.

Emergent themes around the government effectiveness indicator include public education, harmony between private and state land, levels of access to registration procedures and officials, and the degree of the state's autonomy from political pressure. The findings reveal that there is very little public education about land registration. Furthermore, the Lands Commission has been identified as one state agency that has dismissed the need to educate the public on land matters, as has the National Commission for Civic Education (NCCE). The effect of this lack of public education is exacerbated by the problem of illiteracy in Ghana, which impedes the ability of many people to know where and how to seek information about land registration and entitlement. Furthermore, information available to the public is minimal, even for those who are literate. It is also clear that there are few, if any, attempts to exploit the optimum benefits of technology and the media in informing the public about land issues in the country. Consequently, while the availability of information has been identified as a vital component of effective land administration according to the *Land Governance Assessment Framework* unveiled by Bruce and Migot-Adholla (1994) and the World Bank (2011), the land governance system does not meet citizens' needs in this area.

Indeed, access to registration procedures and the officials who handle them is proven to be difficult in Ghana based on this study's interview results, which indicate that for approximately nine out of ten of the respondents, getting access to information or to the right personnel is undermined due to staffing constraints at the Lands Commission. Very often, people

who are financially able bribe their way through the system as a short cut. This further undermines the access and timeliness with which ordinary people can and should receive information or access to the system. Adding to the problem are poor record-keeping practices. Understandably, these bureaucratic obstacles are frustrating for those who find it very cumbersome to attempt to access information and services through Ghana's land governance system.

The study found little harmony between the governance of private and state lands. The laws applying to state and private lands are not understandable to the layperson, particularly due to the technical language in which they are couched, therefore compromising strict adherence to these laws. According to respondents, laws are not seen as protective of citizens' land rights. In fact, the perceptions are the opposite when it comes to laws surrounding state property. These findings are incompatible with the findings of Palmer, Fricska, and Wehrmann (2009), who provide that good land governance can be characterized, *inter alia*, by equitable participation and adherence to the rule of law. This study has determined that Ghana's lack of coordination among state institutions involved in land administration has produced a plethora of inadequately documented or non-registered private lands across the country, in turn marginalizing the influence of private or traditional landowners relative to the influence of the state. Therefore, the state is considered to be in a superior position in matters of land acquisition and administration compared that of landowners of private or traditional lands.

Stemming from the view that the state is more powerful than private individuals in the land administration system, the government naturally is considered to have a great deal of influence in matters of land management. Therefore, some are concerned that state institutions tasked with land administration might not have much incentive to act in strict accordance with

the laws pertaining to them, especially since there seems to be a tendency among land administration officials to gratify the political regime. In other words, political pressure very likely has an undue influence on Ghana's land management system. According to this study's respondents, this is a crucial concern because of the many associated difficulties: frustration, inefficiency, unnecessary bureaucracy, and negotiation challenges. Ultimately, these difficulties lead private landowners to utilize illegitimate land guards to protect their property (Amanor, 2001; Blocher, 2006; Nara et al., 2014; Sittie, 2006).

From this observation, it follows that hypothesis (H2)—“*When land management institutions provide quality public services and servants who perform their duties independently from political pressures, there is the likelihood that such a system will witness fewer land-related conflicts and land-guard activities*”—is a sound one. Minimal public education, poor access to registration procedures and staff, and disharmony between the governance of private and state lands are all symptomatic of inadequate public services and servants. Political influence over the land administration system further fuels the sense that the system is weak. Therefore, strife is immanent in the system, yielding little confidence among citizens that conflict will be resolved justly, hence raising the need for such services as security land guards.

This study espouses the assertion that good land governance includes rule of law as well as effectiveness and efficiency (Palmer, Friciska, & Wehrmann, 2009). Land laws and regulations in Ghana, albeit strong to some degree, are too often merely empty words due to a lack of enforcement. The findings showed that the country's statutory rights regarding land are, in large part, not equitably recognized because the state unfairly overlooks the rights and needs of private landowners, many times in favor of its own interests. The findings also show that land laws and regulations are too complex to most laymen, and are therefore ineffective, which only

compounds the lack of confidence in the institutions charged with enforcing these laws and regulations.

Another finding points to a problem with clarity within existing land policies, leading to yet another hurdle for citizens to overcome when they attempt to navigate the land governance system in Ghana. Until intermediaries are enlisted by some of the land stakeholders to clarify some of the land policy issues, a clear path to understanding land matters is missing, and these policies will remain unfriendly to land stakeholders. Just as clarity can strengthen the effectiveness of Ghana's land governance system in terms of making information clear and available to users, so can the incorporation of technological applications. Beyond ensuring access to and clarity of information, addressing the corrupt, unethical, and unprofessional behaviors of personnel within the country's land administration and management structures is an essential step that must be taken to make the system fair and efficient for all stakeholders. In sum, as Hypothesis 2 sets forth, with quality public services and servants, the market for security land guards will be greatly diminished.

Hypothesis (H3)—“*Citizens are likely to engage unregulated security land guards to protect their lands when they perceive the state as formulating and implementing unsound land protection policies that do not represent their aspirations and land rights*”—is most certainly supported in my research findings. As noted in interview responses, the formal courts educe low confidence from people due to their ineffectiveness related to several factors that impede the justice delivery process: too many pending land cases, corruption, cost of land litigation, and gaps in land documentation measures. It was found that the lack of confidence in the courts has resulted in an insistence by landowners on alternative land dispute resolution mechanisms, such as those available through traditional landowners (traditional authorities or chiefs) and also those

available through the use of land guards. A remarkable finding, tied to the latter alternative, is the low confidence among interview respondents in formal courts to curtail the use of land guards.

The law courts and the police have a symbiotic working relationship, which makes it no surprise that the police as well have, to a large extent, been ineffective in their dealings with land-guard matters. The laws of Ghana do empower the police to investigate such matters and find factual evidence that can aid legal action, and the laws also direct the courts to adjudicate cases when the facts merit such proceedings. Ultimately, the work of the police usually ends in court and the work of the courts is dependent on that of the police. Consequently, the low confidence in the justice delivery system is unavoidably tied with low confidence in the police, who have not been able to live up to the mandates given to them by the Ghana Police Service Act: to license (or revoke the license), review, and monitor activities of private security agencies.

Hypothesis (H4)—“*A land governance structure that lacks the application of rule of law whereby interested parties cannot easily access institutions with clear and well-defined mandates to resolve land disputes is likely to encourage the employment of unregulated security land guards as a means of land protection*”—is also sustained following the analysis of my research. Corruption surrounds the land governance system by way of political advantage in land accessibility. Due to influential political positions held by certain individuals in the country, the land administration system is exploited to satisfy parochial interests leading to unfair access, for a select few, to landed properties.

The study reflects that citizens do not give enough consideration to the fact that the constitution allows land to be owned and used by citizens over a lease period of 99 years, with foreigners allowed a 50-year lease period. Nor do many people seem to understand that a

limitation decree declares that an owner of a piece of land has ignored due ownership of that land when he or she fails to warn or ward off squatters, which results in the ability of interlopers to continue utilizing the owner's land for an additional 12 years. It is deduced from these findings that the limitation decrees can constrain people who do not pay due attention to these decrees, placing land ownership at risk and understandably leading to disgruntlement among those affected. In addition, multiple sales or registrations of the same parcels of land can also undermine the land acquisition process in Ghana, as can the practice of utilizing fake documentation. Such impediments to maintaining security of land ownership introduce despair among those trying to navigate the system, as landowners fear they can lose their land entitlements for reasons beyond their control. Indeed, a very critical aspect of this finding is that problems such as the multiple sales of parcels are indicative of Ghana's weak land management system, characterized by the lack of enforcement of land laws, the inability to render thorough and accurate land searches prior to purchase, and the high costs associated with getting things done through the proper channels, all of which increase land conflicts and beget land-guard operations. The results above pertain directly to the confirmation of Hypothesis 5 (H5)—“*A society in which public officials and politicians are perceived to be financially staked in land allocation and litigation processes is likely to experience land conflicts and an increase in the recruitment of land guards.*”

The final hypothesis (H6)—“*A governance structure that ignores informal means of land dispute resolution is likely to experience overwhelming demands on the formal legal courts, thereby encouraging citizens to resort to land-guard engagement that will increase land conflicts*”—is equally sustained. It has been soundly established that land disputes are a commonplace phenomenon in Ghana. Many are the direct result of multiple sales of the same

parcels of land, resulting in violence as land guards are deployed to resolve such disputes. As a way to curtail violence, the findings have established a remarkable preference among respondents for out-of-court settlements in land disputes. In other words, landowners in Ghana strongly desire alternative dispute resolution as options to both the use of land guards and litigation within the formal courts. One of these alternatives includes informal means of mediation, such as the use of traditional authorities or traditional institutions. Respondents indicate a considerable amount of trust in alternative dispute resolution avenues that can help curb land conflicts, often much more so than they have in the court system—which the study has found to be backlogged, technical, and subject to risk when overly complex procedures are not followed, jeopardizing the outcomes of cases. The weak court system is yet another factor leading to the surge in the use of security land guards. Notably, research findings indicate that the court itself gives recognition to alternative dispute resolution as a supplementary avenue, which suggests optimism for the success of this recommended measure. Significantly, the law in Ghana renders superior power over land to the state and makes private interests subservient to those of the state; it is understandable that, for the populace, the preference for alternative dispute resolution in land disputes far exceeds the interest in resolving land disputes through the courts, which consider state interests above all others. Overall, these findings make clear people's displeasure with the state's formal land dispute settlement arrangements, rather than the informal options many people would prefer. Moreover, any options for alternative dispute resolution need to be communicated to potential litigants, as findings have determined that Ghanaians are, largely, unaware of options outside of the country's formal court system. With increased choices and awareness of them, the heavy burden of land litigation on Ghana's courts can be mitigated.

Having explored pertinent characteristics of Ghana's land management system in the context of the Worldwide Governance Indicators Framework and identifying challenges associated with the system, my research provides enlightening perspectives on the role of land guards in land protection. These perspectives have aided in determining how land guards activities are organized, their modes of operations, the levels of acceptability (or likewise) among the country's citizenry, and, of course, issues of legality surrounding their operations. Doing so has definitively answered the study's main research question: *Are unregulated security land guards in Ghana a symptom of broader land governance deficits?* Furthermore, perspectives on land guards as relayed through interviews of stakeholders have answered the related sub-questions.

The findings showed that land guard activities are commonly known throughout Ghana. A general understanding is that land guards are people hired with the purpose of providing security to landed property. Their activities are illegal, implemented as means by which people lay claim to land and oppose any force to the contrary. Through the eyes of interview respondents, land guards are malicious, muscular men wielding machetes and carrying guns. Accordingly, land-guard operations are seen as violent, employing force and arms to claim possession of land, even under false claims, and often as a sheer display of the financial power of their employers over substance, or even justice. Such activities are considered a wanton disregard for due processes and regulations to assert claims to land. Interview results also have revealed perceptions among landowners that youth unemployment, complemented by the zeal of those involved to right perceived societal conditions of unfair ownership or inequitable distribution of land resources, provide a ready labor force for land-guard operations. This illegal

group is also perceived as the a major cause for the overwhelming number of court cases related to land disputes.

Findings further reveal that land-guard activities are illegal under the Ghana Police Service Act, and as asserted by Atuguba (2007), who confirms the fact that no firm has been licensed in Ghana to operate as a land-guard service, meaning that land guards operate in clear contravention of the law. Notably, the landowners interviewed during my study indicate with regret that the police who are mandated to enforce laws, including those related to land-guard activities, lack the will to do so. Moreover, when it comes to addressing problems and concerns surrounding the use of land guards, landowners' experiences with the police are not positive. In fact, while the police overall seem to be aware of land guards and their illegal activities, are opposed to their operations, and have intelligence about how security land guards are organized, citizens seem to have little confidence in their ability to effectively handle land-guard problems. It is believed that the police are not able to provide security when land guards are a threat, and that, in the opinions of some, police actually at times condone their illegal activities. In other words, respondents directly link the police with failures in the legal system to eradicate illegal land-guard activities in Ghana.

My research has also pointed to significant social and economic factors facilitating the operations of land guards, including the lack of jobs and employment for Ghana's youth on one hand, and corruption and the complicity of Ghana's security forces on the other. The findings demonstrate that the position of security land-guard is one potential source of employment for the teeming youth in Ghana who are faced with the country's structural economic problem of unemployment (Poku-Boansi & Afrane, 2016). Furthermore, with many young people migrating

to major cities like Accra, the capital of Ghana, and Kumasi, from towns and villages far and wide, a full-fledged labor force is available for employers of security land guards to tap into.

As to matters of corruption and complicity of the police within Ghana's land governance system, particularly noted is this obstacle to dealing effectively to the menace of security land guards. The Lands Commission of Ghana, the courts, and the country's police are all regarded as important state institutions whose functions collectively impact land security. However, the study has found much evidence from sources, including Transparency International as well a plethora of media stories, that corruption is one critical factor underlying the ineffectiveness of these institutions. This finding is consistent with Aye (2000) and Shah and Schater (2004), who confirm the perception that the police are involved in corrupt practices based on their inability to apply the law. Not only that, but they are also perceived as being complicit in land-guard activities because of their penchant to stay aloof in matters involving land guards.

In light of the numerous challenges associated with Ghana's land governance system, the findings decisively demonstrate that a consensus is necessary to support public education as a means to promoting good land management and protection. Clearly, as the research confirms, public education on land-related issues in Ghana is a social necessity, with the potential to help prospective landowners forecast what the land administration system requires of them so as to avoid complications over land acquisition. However, there is apparently no commitment to ensuring that sufficient and relevant information or education will be made available to the general public any time soon. Furthermore, the findings call for a consensus to amend outdated land policies and regulations to suit the changing needs of land administration and management in the country. The current registration process is cumbersome—often so frustrating and demanding that people take extreme measures to complete it. Understandably, this situation

introduces corruption and nepotism into the registration process as people with influence try to circumvent the system. Associated with corruption are high costs and delays, which can discourage people from complying with necessary steps to ensure the legitimate registration of their landed property.

Finally, the findings indicate that consensus needs to be built on alternative dispute resolution (ADR) for land-related concerns. ADR—through informal or traditional means—which makes use of traditional authorities as arbiters, is presented as a relevant and potentially effective means of settling land disputes. This option has much support because traditional authorities, who have historically been regarded as custodians of the land, garner a greater say in land matters, suggesting that they should be involved as mediators in land conflicts. The formal court system and ADR, working in tandem, can provide the great synergy required to settle land disputes in the Ghana. As a caveat, the participation of security land guards should not be included in any consensus-building efforts related to land governance in the country, as these individuals participate in extremely dangerous and threatening activities. Their methods are, across the board, unacceptable solutions for problems related to land management and protection.

Limitations of the Study

The main limitation of this study emerged from the fact that the findings are based on self-reported data, which poses the challenge of biases and threats to the validity of the findings. To mitigate these challenges, the findings were triangulated, and included data that provides insight into real-world instances from news stories, additional literature, and related research.

With the slightest hint that this study was an attempt to investigate Ghana's land administration system, specifically as it relates to the problem of illegal land-guard operations,

some potential participants for the study were either unwilling or uninterested in assisting with my research efforts. This reduced the number of interview respondents overall. For instance, from land guards—comprising one important category of participants in this study—there was a low participation rate, perhaps because they did not find the study to be friendly to their business. To mitigate this issue, my research incorporates quality content within the responses as represented by the results of in-depth interviews with persons with more experience and expertise identified among the sampled respondents.

A related limitation of the study is that the land guards, in particular, were largely unwilling to participate in the study for fear of being exposed. A large section of Ghanaians, realizing the conflict that land guards cause in society, have rallied against land guards, and they are calling for a total ban of land-guard activity. As a result, many security land guards operate in the shadows. They are therefore reluctant to voice any issues concerning their work and welfare in an effort to save themselves from any further criticisms and protect their employment status. Even with the assurances of confidentiality, declining to participate in this study was understandably a way for land guards to avoid potential confrontation and legal trouble. To address this limitation to some extent, I familiarized myself with one key member from a group of land guards and was at least able to solicit in-depth views from a total of three land guards, which is the most limited participant category in the study. In addition, I proffer in the recommendations subsection below that the researcher is not oblivious to the fact that this study alone may not have covered every aspect of land guard operations and challenges, which opens the door to rich opportunities for future research to examine in more detail the land guard phenomenon and its ramifications on the land administration system in Ghana.

Finally, and most importantly, my dual status as a chief/traditional leader and a researcher on such a vital topic that has inputs from other traditional rulers risks portraying a potential conflict of interest on my part. However, all measures outlined at the proposal stage of this study to mitigate credibility issues within the research results were met. To the extent that all interviews were tape-recorded, conclusions and findings were largely based on the participants' views as captured verbatim during my research. Furthermore, throughout the course of field interactions, my deliberate physical appearance presented the image of a student rather than a traditional ruler to those I interacted with. And, because chiefs are identified by a unique dress code in Ghana, my status as a chief was not evident, so it was unlikely to have been recognized by participants, nor to have had any substantial influence on their responses.

Importantly, both research sites—Accra and Kumasi (Greater-Accra and Ashanti Regions, respectively)—are located in different regions from my home region (Volta), with different customary land tenure regimes. Consequently, what neutralized my biases in this sphere the most is the fact that the phenomenon investigated (i.e., land guards and their operations) does not operate in my area, since the region remains very remote in terms of urbanization. It is also worth noting also that the official IRB consent form, which was vigorously reviewed by and with participants prior to their engagement with interviews, described me only as a researcher/student. Any hint of my status as a traditional ruler, therefore, took place during post-interview/unofficial discussions. Alternatively, and on a positive note, my role as a chief, which has vested me with the practical details of the general customary land tenure systems in Ghana, has given me valuable knowledge of the subject matter, which helped me to design both relevant and precise questions that convincingly encompassed the research questions.

Implications of the Study

My study has examined land administration in Ghana as a function of land governance to explore how the land administration system is consistent with good land governance.

Specifically, the study establishes that Ghana's land administration system has not fully passed the test of good land governance and consequentially occasions instances where people either seek or have the tendency to seek other means of exercising control over land such as through the use of land-guard operations. Some of the findings are not only consistent with previous research, but they also provide new insights into the land management and protection system in Ghana. Some of the implications of the study are itemized and elaborated on below.

Because this study has focused on determining if Ghana's current land policy and institutional arrangements have contributed to the proliferation of the use of land guards in the country to protect the interests of landowners, there was the need for a standard framework through which the soundness of the country's policies can be determined. The theoretical underpinnings of this study were identified and adopted using the World Bank's Worldwide Governance Indicators Framework, which include the factors of voice and accountability, government effectiveness, regulatory quality, rule of law, control of corruption, and absence of violence. These indicators comprise the standard framework by which land management and protection outcomes can be thoroughly tested (Kaufmann & Kraay, 2008; World Bank, 2015). The indicator of voice and accountability captures the voices of people in land policy and how accountability through the land policy is ensured and rendered by the institutions tasked with the management and protection of land. Government effectiveness captures the level of harmony between different kinds of land tenure arrangements, the quality of public services and public servants in land documentation, and the effectiveness of the institutions in charge. Regulatory

quality captures the ability of government to formulate and implement sound policies acceptable to the various stakeholders in land management and protection (private/traditional landowners and public lands). Rule of law captures the extent to which citizens have confidence in and abide by the rules and channels of redress in land litigation with regard to the police and the courts, even in times of violence and crime. Finally, control of corruption captures the extent to which public power is exercised for private gains. Based on this framework, this study has examined the land management system in Ghana, and it concludes that various aspects of the land management and protection system in Ghana do not contribute effectively to the total wellbeing of land administration, thus facilitating an illegal and often violent phenomenon in the form of security land-guard operations.

The answer to the main research question confirms that the proliferation of land-guard activity in Ghana is clearly a symptom of broader problems of governance. It follows, then, that land-guard activity as practiced in Ghana has the potential to produce similar negative ramifications in other developing countries, especially those with significant governance challenges. Thus, the phenomenon is in need of serious attention. Policymakers must heed contemporary social discourses that address the threat of ready-made gangs of young men who are, in many cases, being used during political elections within vigilante groups and/or private militia whose modes of operation are very much like those of the land guards in Ghana.

Recommendations

The phenomenon of land-guard operations as a means of laying claim to land in Ghana is widely considered to be illegal, with attendant violent, injurious, and sometimes, fatal consequences. A major implication of this study is that land-guard operations flourish as Ghana's land management and protection system fails to be effective for the majority of stakeholders in

land administration in the country. In addition, these operations serve as a source of employment for the youth, and therefore, many youth are attracted to the idea of working as land guards. A good land governance system that evokes the confidence and trust of the people is, therefore, imperative to confront and solve problems associated with land guard operations. The recommendations are proffered based on the findings of this study, including the suggestions that emerged from the respondents in their estimation of what can make a good land governance system.

Landowners' Participation in Land Policy Decision-Making

One import of my study is the recognition of the need for landowners to participate in land policy decision-making. Traditional authorities are customarily considered by Ghanaians as custodians of the land; therefore, traditional leaders should be given ample room to participate in land policy decision-making as it relates to governing the land management system and resolving disputes in land matters. Traditional authorities have been, in this study, found to be remarkable players in the hiring of security land guards. Paving the way for traditional authorities to participate in land policymaking can help curb the incidence of land-guard use, especially since these individuals are known to be involved in the hiring of land guards. Traditional institutions should be designated as channels through which traditional authorities can convene for the purpose of policymaking. The Traditional Council and the House of Chiefs should be retooled and repositioned in this direction. A complementary recommendation is that traditional authorities' participation in land conflict dispute is a viable Alternative Dispute Resolution option, which can enhance and alleviate cogs in the formal, court-based dispute resolution system.

Improvement of Land Registration Processes

The difficulties surrounding land acquisition, boundary demarcation, land registration and entitlement, and the like, are due to deficiencies within the land registration processes. The registration processes should be such that they encourage landowners to register their lands. There must be no land without a landowner and no landowner without land as far as the land register is concerned. But this requires that landowners show enthusiasm in registering their landed property—a stance that can be evoked only when the registration process is reorganized in a way that motivates the landowners to register their property. This implies that there must be improved access to registration processes. Establishing the Client Service and Access Unit established by Ghana's Land Commission has been a step in the right in the direction, but the capacity of this unit should be further developed in terms of improving the quality of staff and leveraging technology to provide timely information to stakeholders. Delays and costs involved in the registration process should be addressed and maintained at acceptable levels. The improved land registration processes should also be such that they eradicate the significant problem of multiple claims to same parcels of land in the country.

Improving access to Information and Public Education

Another very critical issue within the land management and protection system is the lack of available information and public education. There are multiple effects on the system because of this issue—primarily, the exacerbation of disagreements and land disputes. There must be improved access to information through the use of flyers, news bulletins, magazines, and publications provided at consistent intervals, ideally with updates every six months. Media and internet capabilities within the system should be explored by the Lands Commission to ensure that information is made relevant and accessible to the public, who currently are daily in search of

information that can help facilitate legitimate claims to land. The land administration institutions—especially the Lands Commission of Ghana, the Law Courts, and the police—should set a relevant agenda on land-related issues to help ensure that there is quality information about policies and procedures available to the public. This information should address what is required of landowners to maintain legitimate claims to landed property as well as where to go to have different kinds of needs addressed within the land management and protection system in the country. Information about relevant documentation and evidence of land entitlements should also be explained for the public to assimilate. The current regime, in which public officials hoard or impound information that should otherwise be relevant for public consumption, should be discouraged by arming landowners and/or the public with the ability to make complaints that can be investigated; officials found culpable of unprofessional or unethical deeds should be sanctioned in a manner that will deter subsequent misconduct on the part of land administration personnel. These measures should all be implemented in the spirit of promoting transparency in land governance.

Enforcement of Land Laws

Much as the integrity of any governance system depends on effective laws of governance, it is important that Ghana's land management and protection system is devoid of the kinds of conflict and instability that currently derail it. The impartial and firm enforcement of land laws can offer the advantage of winning back confidence of stakeholders in the system of land governance in Ghana. The police, as the front liners in the course of rule of law, need to enforce the law impartially so that Ghana's people can trust and rely on them. Only then can there be harmony in society, where living and life do not degenerate into a chaotic jungle in which everyone is at war with others as people lay claim to land based solely on their power and/or

physical strength over an opponent. In this direction, the laws must be strengthened through the courts. Specialized courts to adjudicate land matters should be equipped properly and strengthened in order to earn the confidence of people and put the fear of the law in lawbreakers, so that no one can take the law into his or her own hands.

Furthermore, and on a personal note related to my role as a traditional leader, I believe that opening evidence-based dialogues with other traditional leaders/chiefs around land governance principles can enhance and amplify the possible remedies to land conflicts in Ghana presented here. Thus, as part of my recommendations, I suggest the establishment of an informal community-based land governance/policy training facility that collaborates with state land policy institutions, as well as similar local and/or international organizations, to offer potential opportunities for bridging the gaps between land acquisition through public and private sources. It is my firm believe that Ghana has come a long way as far as good governance is concerned. The fact that democracy has transcended throughout the country's 60 years of post-independence state governance deliveries—and continues to transcend—leads me to recommend that it is now an opportune time to apply the same democratic good governance prowess entrenched within the Ghanaian traditional/customary structures, especially within the customary land tenure systems. To be precise, I advocate for the enforcement of an immediate pragmatic action toward synthesizing the various ethnic-based land tenure regimes prevailing in Ghana, for a possible adoption of one uniform unique platform that will cut across all ethnic lines. By so doing, the hitherto fragmented traditional land ownership systems will be levelled, thus inuring to an integrated and well-focused land policy design, through which all land matters—dispute, acquisition, documentation, and transfer—can be dealt with.

Until such a time when the current fragmented ethnic-based systems of customary landholding and tenure regimes are unified across all regions, communities, and traditional institutions, the current administration of policies based on a unitary governance architecture will continue to be flouted with such conflicting ways of solving problems, particularly as currently experienced with the use of land guards within the land sector. I am aware that it takes parliamentary approval to sanction policy changes in a democratic regime, but, fortunately, Ghana is known for and has been credited with unbiased democratic tendencies. As part of my post-doctoral endeavours, I am prepared to initiate the debate of harmonizing traditional ways of handling land issues. To emphasize, I wish to state strongly that this call is not to discard or disband traditional/customary land tenure systems of Ghana in their entirety, but rather, it is an urgent proposal to revisit our land traditions in line with the real effects of globalization and political, social, economic, and technological advancements, all of which are affecting every aspect of societies around the world.

Future Research

My research has provided the opportunity to examine possibilities for good land governance in Ghana, taking into consideration critical issues concerning land management and protection in urban Ghana and the related dangers posed by the use of land guards. This study takes a specific look at whether land governance in Ghana has failed and given way to the insurgence of these unregulated land guards as a way for some to establish and/or maintain their claims to land. There is extremely limited research in this area, particularly in specific geographic contexts, though the phenomenon of land guards is fast taking root within the structure of land governance in the country.

This study alone, of course, could not have explored all the intricacies of the land management and protection system, and the system's related problems, in urban Ghana. For one, the limited samples represents respondents who may all not be landowners, even though they have insight or experience with the land management system in Ghana. Future research, therefore, should concentrate on experiences of more sizeable numbers of landowners within the land management and protection system in order to establish broader and more generalizable findings, particularly from the perspectives of landowners.

A second point is that—while Ghana touts herself as a beacon of good governance in sub-Saharan Africa, if not Africa as a whole—the findings of this study resonate the debate as to whether good governance indeed trickles down to the vulnerable within the Ghanaian society. Specifically, future research should determine if the provision of social services with regards to land allocation through both the government (public lands) and customary (private lands) sources should be merged in the interest of stemming land conflicts in Ghana. Thus, it would be beneficial to find out if the government take-over of all lands—including traditional ones—a possibility that has as emerged from this research—is in the best interests of citizens for the sake of instilling good land governance devoid of perennial conflicts over urban land in Ghana.

Another area that must catch the attention of future researchers is the need to examine the problem of youth unemployment, which is clearly tied to their employment in land-guard operations in Ghana. In particular, there is a need to study the link between land-guard activities and tag mobilization, organized crime, and street protests—especially during seasons of political campaigns—and how idle or illegally employed youth might potentially be re-engaged in other economic ventures that benefit the country. Such an investigation is important, especially in light of some theories suggesting that attempts to disband a typical criminal group (for example,

unregulated security land guards) further entrenches their activities while forcing them to operate undercover. In other words, finding answers to the question of whether security land guards can be successfully identified, re-trained, and integrated into legitimate private/public security apparatuses can help guide future research on the transformation of illegal security land guards into productive citizens.

Ominously, there seem to be clandestine youth movements and groupings—similar to Ghana’s land guard operatives—within some other states of West Africa, such as Nigeria, Cameroon (where multiple sales of the same parcels of land are rampant), and Guinea-Bissau (Vigh, 2006), a situation that deserves further attention in relation to the findings discussed here. In the case of Nigeria, for example, Nieman (2010, p. 42) explains that the term *Area Boys* is used to describe gangs of unemployed young men that, through violence and coercion—extort money from drivers and passengers caught in the traffic of Legos (“Taking Stock,” 2010). Alarming scenarios such as these parallel the land-guard phenomenon in Ghana, demanding future research into relationships between labor, governance, and the irregular activities of unemployed and at-risk youth.

In sum, this study invites future research and comparative analyses of regions or countries, particularly within West Africa, where rapid urbanization/city expansion is occurring—with its attendant cultural, economic, social, and political challenges. Specifically, issues bordering on land acquisition and protection may potentially present conditions ripe for the proliferation of land guards, engendering the same kind of the problem Ghana is experiencing. Although this study was contextualized and conducted within the Ghanaian space, its replication in these regions is likely to produce comparable findings, such that the same remedies

recommended within this study may apply to urban land management problems elsewhere, which has the potential inure into good governance well beyond Ghana.

References

- Abbey, E. (2014, April 28). Land guards on rampage, kill one, injure three. *Graphic Online*. Retrieved from <https://www.graphic.com.gh/news/general-news/land-guards-on-rampage-kill-one-injure-three.html>
- Abbey, E. (2015, October 9). Ashalaja residents living in fear. *Graphic Online*. Retrieved from <https://www.graphic.com.gh/news/general-news/ashalaja-residents-living-in-fear.html>
- Abbey, E. (2017, May 1). Police declare war on land guard activities in Accra. *Graphic Online*. <https://www.graphic.com.gh/news/general-news/police-declare-war-on-land-guard-activities-in-accra.html>
- Abdulai R. (2006). *Is land title registration the answer to insecure and uncertain property rights in sub-Saharan Africa?* (Research paper 6[6]). London, UK: Royal Institution of Chartered Surveyors.
- Abdulai, R. (2011, September 14). The rule of land guards. *Modern Ghana*. Retrieved from <https://www.modernghana.com/news/350618/the-rule-of-land-guards.html>
- Abudu, A., Nuhu, Y. & Nkuah, J. (2013). Bridging the security gap in Ghana: The role of private security actors. *Developing Country Studies*, 3(10), 1-21.
- Adjei, K. (2014, December 18). *Land-guards attack Opeikuma chief's palace*. Retrieved from <http://www.adomonline.com/ghana-news-audiophotos-land-guards-attack-opeikuma-chief-s-palace-2-injured>.
- African Security Dialogue and Research [ASDR] (2008, July). *Report of the workshop on 'The state of the private security service providers in Ghana*. Presented at the Mensvic Hotel East Legon, Accra, Ghana. Retrieved from <http://www.africansecuritynetwork.org>

- Agbosu, L. (1990). Land registration in Ghana: Past, present and future. *Journal of African Law*, 34(2): 104-127.
- Agbosu, L., Awumbila, M., Dowuona-Hammond, C., & Tsikata, D. (2007). *Customary and statutory land tenure and land policy in Ghana* (Technical publication No. 70). Accra, Ghana: Institute of Statistical, Social and Economic Research (ISSER), University of Ghana Press. Retrieved from https://www.growingforestpartnerships.org/sites/gfp.iiedlist.org/files/docs/ghana/ghana_land_tenure-gfp_project.pdf
- Akwensivie, G. (2017, May 3). Land registration in Ghana—A step-by-step Guide. *Ghana Business and Finance Magazine*. Retrieved from <https://ghanabusinessnfinance.com.gh/2017/05/03/land-registration-in-ghana-a-step-by-step-guide-part-1/>
- Alao, A. (2007). *Natural resources and conflict in Africa: The tragedy of endowment*. Rochester, NY: University of Rochester Press.
- Alao, A. (2012). *Mugabe and the politics of security in Zimbabwe*. Montreal: McGill-Queen's University Press.
- Allen, D. (2008, March). *Compliance and imposition: Adding depth to institutional theories of nation-building*. Paper presented at the International Studies Association Convention, San Francisco, CA.
- Amanor, K. (2001). *Land, labor and the family in Southern Ghana: A critique of land policy under neo-liberalization* (Research Report No. 116). Uppsala: Nordic Africa Institute.

- Amanor, K. (2005). Night harvesters, forest hoods and saboteurs: Struggles over land expropriation in Ghana. In S. Moyo & P. Yeros, (Eds.), *Reclaiming the land: The resurgence of rural movements in Africa* (pp. 102-117). London, UK: Zed Books.
- Amanor, K. (2006, May). *Family values, land sales and agricultural commodification in Ghana at the frontier of land issues*, Paper presented at the symposium *At the frontier of land issues: Social embeddedness of rights and public policy*, Montpellier, France.
- Amanor, K. (2007). Conflict and the reinterpretation of customary tenure in Ghana. In B. Derman, R. Odgaard, & E. Sjaastad (Eds.), *Conflicts over land and water in Africa* (pp. 33-59). Oxford, UK: James Currey.
- Ameyaw, D. (2014, October 14). *Land-guards menace: Police must act now or never*. Accra, Ghana: Crystal Clear Lens.
- Anderson, T., & McChesney, F. S. (2003). *Government as definer of property rights: Tragedy exiting the commons?* Princeton, NJ: Princeton University Press.
- Annan, N., Kabran, E., & Onoma, A. (2013, August). Ghana: The land question in El Dorado. *ECOWAS Peace and Security Report*, 6. Retrieved from <https://issafrika.s3.amazonaws.com/site/uploads/ECOWAS-Report-6-ENG.pdf>
- Arko-Adjei, A., de Jong, J., Zevenbergen, J., & Tuladhan, A. (2010, April). *Customary tenure institutions and good governance*. Paper presented at the FIG Congress, Sydney, Australia.
- Arthur, E., & Opoku, K. (2007). *Strengthening voices for better choices: Ghana country assessment report*. Gland, Switzerland, International Union for Conservation of Nature.
- Asubonteng, B. (2017, July 26). Mr. President, for heaven's sake clamp down on land guards! [Letter to the editor]. *JoyOnline*. Retrieved from

<http://www.myjoyonline.com/opinion/2017/July-26th/mr-president-for-heavens-sake-clamp-down-on-land-guards.php>

Attenkah, R. (2014, January 21). Tema Development Corporation, National Security to clamp down on land-guards in Adjei Kojo. *The Ghanaian Chronicle*.

Atuguba, R. (2007, May 30). *Ghana police must learn from 'land-guards' and private security companies*. *Ghana News Agency*.

Atwood, D. (1990). Land registration in Africa: The impact on agricultural production. *World Development*, 18, 659-662.

Augustinus, C. (2003, June). *Surveying and land information for secure land tenure*. Paper presented at the USK/CASLE/UN-Habitat Regional Seminar on Security of Land Tenure, Nairobi, Kenya.

Augustinus, C., Westman, U., Lacroux, S., & Proof, A. (2004). *Pro poor Land Management: Integrating slums into city planning approaches* [HS/728/04E]. Nairobi, Kenya: UN-HABITAT.

Austin, G. (2005). *Labor, land and capital in Ghana: From slavery to free labor in Asante, 1807-1956*. New York, NY: University of Rochester Press.

Ayee, J. R.A. (2000). *Saints, wizards, demons and systems: Explaining the success or failure of public policies and programmes*. Accra: Ghana Universities Press.

Ayittey, G. B. N. (1998). *Africa in chaos*. New York, NY: St. Martins.

Aziz, A. (2014, August 14). Twenty-eight suspected land-guards arrested at Tuba. *Graphic Online*. Retrieved from <https://www.graphic.com.gh/news/general-news/28-suspected-land-guards-arrested-at-tuba.html>

- Aziz, A. (2015, April 11). Ga-South district assembly two notorious land-guards. *Graphic Online*. Retrieved from <https://www.graphic.com.gh/news/general-news/ga-south-assembly-arrests-two-notorious-land-guards.html>
- Baah-Boateng, W. (2013). Determinants of unemployment in Ghana. *African Development Review*, 25(4), 385-399.
- Badong, P. (2008). *Security provision in Africa: What is the role and impact of non-state actors?* (Report No. 5). Nairobi, Kenya: African Leadership Centre.
- Becker, L. (2013). Land sales and the transformation of social relations and landscape in peri-urban Mali. *Geoforum*, 46, 113–123.
- Berg, B. & Lune H. (2011). *Qualitative research methods for social sciences* (8th ed.). London, England: Pearson Education Ltd.
- Berry, S. (1993). *No condition is permanent: the social dynamics of agrarian change in sub-Saharan Africa*. Madison, Wisconsin: University of Wisconsin Press.
- Berry, S. (2001). *Chiefs know their boundaries; Essays on property, power and the past in Asante, 1896-1996*. Portsmouth, NH: Heinemann, Oxford: James Currey and Cape Town: David Philip.
- Berry, S. (2002). The everyday politics of rent-seeking: Land allocation on the outskirts of Kumasi, Ghana. In C. Lund and K. Juul (Eds.), *Negotiating property in Africa*. (pp. 107-134). Portsmouth: Heinemann.
- Blocher, J. (2006). Building on custom: Land tenure policy and economic development in Ghana. *Yale Human Rights and Development Law Journal*, 9, 166-202.
- Boahen, A. (1989). *The Ghanaian sphinx: Reflections on the contemporary history of Ghana, 1972-1987*. Accra, Ghana: Academy of Arts and Sciences.

- Boudreaux, K. & Sacks, D. (2009). Land tenure security and agricultural productivity. *Mercatus on Policy*, 57. Retrieved from https://www.mercatus.org/system/files/Land_Tenure_and_Agriculture.pdf
- Bruce, B. J. (2003). *Agricultural land ownership and tenure patterns in Nebraska*. Lincoln, NE: University of Nebraska.
- Bruce, J.W. & Migot-Adholla, S. (1994). *Searching for land tenure security in Africa*. Dubuque, IA: Kendall/Hunt Publishing Company.
- Bureau of National Affairs. (2014, September). Investigate the activities of land-guards. Retrieved October 21, 2016, from <http://www.ghana.gov.gh/index.phpnews/sports/884-parliament-to-establish-budget-office>
- Cobbinah, P., & Amoako, C. (2012). Urban sprawl and the loss of peri-urban land in Kumasi, Ghana. *International Journal of Social and Human Sciences*, 6, 388-397.
- Coffey, P., & Atkinson, A. (1996). *Making sense of qualitative data*. Thousand Oaks, CA: Sage Publications.
- Crook, R. (2004). Access to justice and land disputes in Ghana's state courts: The litigants' perspective. *Journal of Legal Pluralism*, 50, 1-28.
- Curb land guard activities in Greater Accra (2006, April 9). *GhanaWeb*. Retrieved from <https://www.ghanaweb.com/GhanaHomePage/regional/Curb-land-guard-activities-in-Greater-Accra-102358>
- da Rocha, B. & Lodoh, C. (1999). *Land law and conveyancing in Ghana*. Accra, Ghana.
- Darkwa, L., & Attuquayefio, P. (2012). Killing to protect? Land guards, state subordination and human rights in Ghana. *International Journal on Human Rights*, 9(17), 141-162.
- de Soto, H. (2000). *The mystery of capital*. London, UK: Bantam.

- Deininger, K. & Castagnini, T. (2003). *Land policies for growth and poverty reduction* (Policy report). Washington, DC: The World Bank and Oxford University Press.
- Deininger, K., & Castagnini, A., (2004). *Improving governance of land and associated natural resources: The land governance assessment framework*. The World Bank, Washington, DC.
- Deininger, K., & Feder, G., (2009). Land registration, governance, and development: Evidence and implications for policy. Oxford University Press on behalf of the International Bank for Reconstruction and Development/The World Bank. *The World Bank Research Observer*, 24(2), 233-266.
- Deininger, K., Selod, H., & Burns, A., (2012). *The Land Governance Assessment Framework: Identifying and Monitoring Good Practice in the Land Sector*. Washington, DC: International Bank for Reconstruction/The World Bank.
- Deininger, K. and Xia, F. (2014). *Sources and impacts of land tenure insecurity in Nigeria* (Policy Research Working Paper). Washington, DC: The World Bank.
- Derman, B., Odgaard R., & Sjaastad, E. (2007). *Conflicts over land in Africa* (Eds.). Oxford: James Currey.
- Derman, B. (2007). *Conflicts over land and water in Africa*. London, UK: James Currey.
- Dickson, K. (1969). *A historical geography of Ghana*. London, UK: Cambridge University Press.
- Djokoto, G., & Opoku, K. (2010). *Land tenure in Ghana: Making a case for incorporation of customary law in land administration and areas of intervention by the growing forest partnership*. Bonn, Germany: International Union for the Conservation of Nature and Growing Forest Partnership.

Dodowa, V. (2014, June 10). Dodowa land guards on rampage. *Modern Ghana*. Retrieved from <https://www.modernghana.com/news/548029/1/dodowa-land-guards-on-rampage.html>

Eighty-thousand land cases before Accra high courts (2003, April 3). *Modern Ghana*. Retrieved from <https://www.modernghana.com/news/33430/80000-land-cases-before-accra-high-courts.html>

Ellickson, R. C. (1991). *Order without law: How neighbours settle disputes*. Cambridge, MA: Harvard University Press.

Enemark, S. (2009, August). *Sustainable land administration infrastructures to support natural disaster prevention and management*. Paper presented at the U.N. Regional Cartographic Conference for the Americas, New York, NY.

https://unstats.un.org/unsd/geoinfo/RCC/docs/rcca9/ip/9th_UNRCCA_econf.99_IP6.pdf

Essandoh, C. (2014, September 10). Land guards dressed in military uniforms. *GhanaWeb*.

Fasona, M., Fabusoro, E., Sodiya, C., Adedayo, V., & Olorunfemi, F. (2016). Some dimensions of farmers'-pastoralists' conflicts in the Nigerian Savanna. *Journal of Global Initiatives: Policy, Pedagogy, Perspective*, 10(2). Retrieved from <http://digitalcommons.kennesaw.edu/jgi/vol10/iss2/7/>

Fearon, J. D., & David, D. L. (2003). Ethnicity, insurgency, and civil war. *American Political Science Review*, 97(1):75–90.

Fenrich, J., & Higgins, T. (2001). Promise unfulfilled: Law, culture and women's rights in Ghana. *Fordham International Law Journal*, 25, 259-341.

Firmin-Sellers, K. (1996). *The transformation of property rights in the Gold Coast: An empirical analysis applies rational choice theory*. Cambridge, UK: Cambridge University Press.

Forty-eight percent Ghanaian youth jobless—World Bank. (2016, May 12). *Citifmonline*.

Retrieved from <http://citifmonline-ne.com/2016/05/12/48-ghanaian-youth-jobless-world-bank>

Franke, V. (2010). *Security by Contractor: Outsourcing in Peace and Stability Operations*.

Complex Operations Case Studies Series Case Study 1. Center for Complex Operations, Naval Postgraduate School. Retrieved from <http://digitalcommons.kennesaw.edu/facpubs/1196/>

Franke, V., & von Boemcken, M. (2011). Guns for hire: Motivations and attitudes of private security contractors. *Armed Forces and Society*, 37(4), 725–742.

Frimpong, E. D. (2014, February 13). Land-guards threaten our peace. *GraphicOnline*. Retrieved from <https://www.graphic.com.gh/editorials/land-guards-threaten-our-peace.html>

Ghana drops further in 2016 corruption ranking. (2017, January 25). *GhanaWeb*. Retrieved from <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Ghana-drops-further-in-2016-corruption-ranking-504038>

Ghana Statistical Service (2010). *2010 Population and housing census: Summary of final results* (Data file). Retrieved from http://www.statsghana.gov.gh/docfiles/2010phc/Census2010_Summary_report_of_final_results.pdf

Ghana Statistical Service (2016). *Population of Ghana 2015: Based on 2010 population and housing census and growth dynamics*. Accra: Ghana Statistical Service.

Gough, V., & Yankson, W. (2000). Land markets in African cities: The case of peri-urban Accra, Ghana. *Urban Studies*, 37(13), 2485– 2500.

- Government urged to regulate private security. (2008, April 9). *GhanaWeb*. Retrieved from <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Govt-urged-to-regulate-private-security-companies-142038>
- Greg, G., Macqueen, K.M., & Namey, E. (2012). *Applied thematic analysis* (1st ed.). Thousand Oaks, CA: SAGE Publications.
- Greif, A. (2006). *Institutions and the path to the modern economy: Lessons from medieval trade*. New York: Cambridge University Press.
- Gwilliam, K. (2002). *Cities on the move: a World Bank urban transport strategy review*. Washington, DC: World Bank.
- Gun-wielding land-guards burn down church at Spintex. (2017, August 28). *Citifmonline*. Retrieved from citifmonline.com/2017/08/28/gun-wielding-land-guards-burn-down-church-at-spintex
- Hauge, W. (2003). *Causes and dynamics of conflict escalation: The role of economic development and environmental change. A comparative study of Bangladesh, Guatemala, Haiti, Senegal and Tunisia* (Unpublished doctoral dissertation). University of Oslo, Oslo.
- Hellman, D. (2013). *Defining corruption and constitutionalizing democracy. Michigan Law Review*. 1385-1421. Retrieved from <http://repository.law.umich.edu/mlr/vol111/iss8/1>
- Holmqvist, C. (2005). *Private security companies: The case of regulation* (Policy paper no. 9). Stockholm: International Peace Research Institute.
- Holstein, J., & Gubruim, J. (1995). *The active interview*. Thousand Oaks, CA: Sage.
- Howard, R. (1978). *Colonialism and underdevelopment in Ghana*. London, UK: Croom Helm.
- Hughes, T. (2003). *Managing group grievances and internal conflict: Ghana country report, working paper series* (Working Paper no. 11). The Hague, The Netherlands: Netherlands

- Institute of International Relations. Retrieved from
https://www.clingendael.org/sites/default/files/pdfs/20030600_cru_working_paper_11.pdf
- Human Rights Watch. (2003). *World report 2002*. Retrieved from
<https://www.hrw.org/legacy/wr2k2/africa3.html>
- Hutchful, E. (2008). Ghana. In A. Bryden B. N'Diaye, & 'F. Olonisakin (Eds.), *Challenges of security in West Africa* (p. 7). Geneva Centre for the Democratic Control of Armed Forces Geneva, Switzerland: Geneva Center for the Democratic Control of Armed Forces.
- Joireman, J. (1999). Additional evidence for validity of the consideration of future consequences scale in an academic setting. *Psychological Reports*, 84, 1171-1172.
- Joireman, S. (2011). The mystery of capital formation in sub-Saharan Africa: Women, property right, and customary law. *World Development*, 36(7): 1233–1246.
- Kah, H. (2016). The laimbwe ih'neem ritual/ceremony, food crisis, and sustainability in Cameroon. *Journal of Global Initiatives: Policy, Pedagogy, Perspective*, 10(2). Retrieved from <http://digitalcommons.kennesaw.edu/jgi/vol10/iss2/5>
- Kasanga, K., & Kotey, N., (2001). *Land management in Ghana: Building on tradition and modernity*. London, UK: International Institute for Environment and Development.
- Kasanga, K. (2002). *Land resource management for agricultural development in Ghana*. London, UK. Our Common Estate Programme, RICS.
- Kasanga, K. (2008, April). *Land policy and land management from the traditional perspective in Ghana*. Paper presented at the University of Leeds, West Yorkshire, England.
- Kaufmann, D. & Kraay, A. (2008). *Governance indicators: Where are we and where should we be going?* (Report No. 76778). Washington, DC: The World Bank. Retrieved from

<http://documents.worldbank.org/curated/en/260351468179971208/Governance-indicators-where-are-we-where-should-we-be-going>

Kaufmann, D., & Kraay, A. (2015). Governance matters III: Governance indicators for 1996, 1998, 2000, and 2002. *World Bank Economic Review* 18(2): 253- 87.

Kipling, R. (1994). *The second jungle book*. London, UK: The Folio Society.

Kludze A. (1973). *Ewe law of property. Restatement of African law*. London, UK: Sweet and Maxwell.

Kombe, W., & Kreibich, V. (2000). Reconciling informal and formal land management: An agenda for improving tenure security and urban governance in poor countries. *Habitat International*, 24(2), 231-240.

Kooiman, J. (1993). *Modern Governance: New government-society interactions*. Thousand Oaks, CA: Sage Publishing.

Kwakye, J.K. (2010). *High interest rates in Ghana: A critical analysis*. Accra, Ghana: Institute of Economic Affairs (IEA).

LANDac (2012). Ghana: Food security and land governance factsheet (Data file). Retrieved from <http://www.landgovernance.org/system/files/Ghana%20Factsheet%20-%202012.pdf>

Land guard activities high in Kasoa. (2013, May 2). *News Ghana*. Retrieved from

<https://www.newsghana.com.gh/land-guard-activities-high-in-kasoa/>

Land guards attack Opeikuma Chief's palace. (2014, December 18). *GhanaWeb*. Retrieved from

<https://www.ghanaweb.com/GhanaHomePage/economy/Landguards-attack-Opeikuma-Chief-s-Palace-339667>

Land guards invade East Legon, others; Residents demand police protection (2017, September 4). *MyJoyOnline*. Retrieved from <https://www.myjoyonline.com/news/2017/September-4th/land-guards-invade-east-legon-others-residents-demand-police-protection.php>

Land guards must be flushed out—MP. (2013, July 1). *Ghanaian Chronicle*.

Land guards on rampage—Kills one. (2014, April 28). *Peacefmonline.com*. Retrieved from <http://www.peacefmonline.com/pages/local/news/201404/-land-guards-on-rampage-kills-one>

Land guards strike in Adjiriganno (2017, January 12). *GhanaWeb*. Retrieved from <https://www.ghanaweb.com/GhanaHomePage/regional/Land-guards-strike-in-Adjiriganno-500284>

Land guards terrorizing Kwabenya property owners. (2014, February 18). *GhanaWeb*. Retrieved from <http://www.citifmonline.com/2014/02/18/land-guards-terrorizing-kw-abenya-property-owners>

Linklater, A. (2013). *Owning the earth: The transforming history of land ownership*. New York, NY: Bloomsbury.

Lundy, B. (2014). Negotiating development: Valuation of a guesthouse project in southern Guinea-Bissau. *Journal of International and Global Studies*, 6(1), 72-89. Retrieved from <http://digitalcommons.kennesaw.edu/jgi/vol10/iss2/2/>

Lundy, B., & Adebayo, A. (2016). Sustainable livelihoods, conflicts, and transformation: *Journal of Global Initiatives: Policy, Pedagogy, Perspective* 10(2), 1–168.

Maconachie, R., & Binns, T. (2006). Sustainability under threat? The dynamics of environmental change and food production in peri-urban Kano, Northern Nigeria. *Land Degradation and Development*, 17, 159-171.

- Mandere M., Barry, N., & Stefan, A. (2010). Peri-urban development, livelihood change and household income: A case study of peri-urban Nyahururu, Kenya. *Journal of Agricultural Extension and Rural Development*, 2(5), 73-83.
- Mason, M. (2010). Sample size and saturation in PhD studies using qualitative interviews. *Forum on Qualitative Social Research*, 11(3).
- Mauro, A., Bending, T., & Taylor, M. (2009, March). *Advancing the monitoring of land governance for ensuring impact on poverty reduction*. Paper prepared for the World Bank Initiative Land Governance in Support of the MDGs: Responding to New Challenges, Washington, DC. Retrieved from http://siteresources.worldbank.org/INTIE/Resources/A_Mauro-_Final.pdf
- Maxwell, J.A. (2013). *Qualitative research design: An alternative approach* (3rd ed.). Thousand Oaks, California: Sage Publications.
- Mayntz, R. (1987). Political governance and social control problems: Notes on a theoretical paradigm. *Yearbook on state and administrative science, Bd. 1. Baden-Baden: Nomos*, 89-110.
- Mays, N., and Pope, C. (1998). Assessing quality in qualitative research. *Qualitative research in health care. British Medical Journal*, 320, 50-52.
- Mienie, E.L. (2014). *South Africa's paradox: A case study of latent state fragility* (Doctoral Dissertation, Kennesaw State University). Retrieved from <http://digitalcommons.kennesaw.edu/etd/636/>
- Ministry of Lands and Forestry (1999). *Ghana National Land Policy*. Accra, Ghana: MLF
- Mo Ibrahim Foundation. (2017). *Ibrahim Index of African Governance (IIAG)* (Data set). Retrieved from <http://mo.ibrahim.foundation/iiga/>

Mwangi, E. (2009). Property rights and governance of Africa's rangelands: A policy overview.

Natural Resources Forum, 33(2): 160-170.

Nara, B., Mwingyne, T, Boamah, A., & Biitir, B. (2014). Enhancing efficiency in land management through the customary land secretariats (CLSs) in Upper West Region, Ghana. *Developing Country Studies*, 4(1), 24-31.

National Security arrests eight armed land-guards in a police/military operation. (2014, February 1, 2014). *Ghana News Agency*. Retrieved from <http://www.ghananewsagency.org/human-interest/national-security-arrests-eight-armed-land-guards-70240>

Natural Resource Governance Institute. (2017). *2017 Resource Governance Index* (Data file). Retrieved from <https://resourcegovernance.org/analysis-tools/publications/2017-resource-governance-index>

Norell, L. (2008). *Is the market value a fair and objective measure for determining compensation for compulsory purchase? Land reform*. Rome, Italy: Food and Agriculture Organization of the United Nations.

North, D., (1990). *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.

Nwauwa, L. O. E. (2003). *Determinants of market participation of maize farmers in rural Osun State of Nigeria*. Ibadan, Nigeria: University of Ibadan.

Nyarko, A. (2015, May 21). Two land guards arrested over rival murder. *Ghanaian Times*. Retrieved from <http://www.ghanaiantimes.com.gh/2-landguards-arrested-over-rivals-murder/>

Obeng-Odoom, F. (2013). The mystery of capital or the mystification of capital? *Review of Social Economy*, 71, 427-442.

Obeng-Odoom, F. (2014). Urban land policies in Ghana: A case of the emperor's new clothes?

Review of Black Political Economy, 41, 119-143.

Odusote, A. (2016). Nigeria: The matrix between fragility of livelihoods and conflict. *Journal of*

Global Initiatives: Policy, Pedagogy, Perspective, 10(2). Retrieved from

<http://digitalcommons.kennesaw.edu/jgi/vol10/iss2/3>

Palmer, D., Friccka, S., & Wehrmann, B. (2009). *Towards improved land governance* (Land

Tenure Working Paper 11). Rome, Italy: Food and Agriculture Organization of the United

Nations and United Nations Human Settlements Programme.

Parliament calls for stiffer punishment on land guards. (2013, June 27). *MyJoyOnline*. Retrieved

from [http://www.myjoyonline.com/ghana-news/parliament-calls-for-stiffer-punishment-on-](http://www.myjoyonline.com/ghana-news/parliament-calls-for-stiffer-punishment-on-land-guards)

[land-guards](http://www.myjoyonline.com/ghana-news/parliament-calls-for-stiffer-punishment-on-land-guards)

Peters, P.E. (2014). Inequality and social conflict over land in Africa. *Journal of Agrarian*

Change, 4(3), 269-314.

Petetsi, J. (2011, October 26). 2 Land-guards group clash at Dawhenya, *Ghanaian Times*.

Petetsi, J. (2015, March 28). Arrests: 19 survive gang attack in land dispute. *Ghanaian Times*.

Petetsi, J. (2015, 15 April). Police warned developers against use of land-guards. *Ghanaian*

Times.

Place, F. (2009). Land tenure and agricultural productivity in Africa: A comparative analysis of

the economic literature and recent policy strategies and reforms. *World Development*, 37(8),

1326–1336.

Plotkin, S. (1987). Property, policy and politics: Towards a theory of urban land-use conflict.

International Journal of Urban & Regional Research, 11(3), 382-404.

- Plotkin, S. (2013). Potential reductions in emissions and petroleum use in transportation: perspectives from the transportation energy futures project. *Journal of the Transportation Research Board*, 2375, 37-44.
- Poku-Boansi, M., & Afrane, S. (2016). Magnitude and impact of youth unemployment in Ghana. *West Africa Review*, 18, 74-89.
- Police hunt for land guards who manhandled officer at Ojobi (2017, April 20). *MyJoyOnline*. Retrieved from <http://www.myjoyonline.com/news/2017/April-20th/police-hunt-for-land-guards-who-manhandled-officer-at-ojobi.php>
- Police officers in bed with land guards (2017, March 14). *GhanaWeb*. Retrieved from <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Police-officers-in-bed-with-land-guards-Ken-Agyapong-518785>
- Police seek public support to fight land guards (2014, April 29). *GhanaWeb*. Retrieved from <https://www.ghanaweb.com/GhanaHomePage/regional/Police-seek-public-support-to-fight-land-guards-307599>
- Pring, C. (2015). *People and Corruption: Africa Survey 2015*. Berlin, German: Transparency International. Retrieved from https://www.transparency.org/whatwedo/publication/people_and_corruption_africa_survey_2015
- Taylor, M. (2017). Land guards terrorizing East Legon residents. *Pulse*. Retrieved from <http://www.pulse.com.gh/news/local/in-accra-land-guards-terrorizing-east-legon-residents-id7255006.html>.
- Republic of Ghana Constitution art. 267. (1992).
- Republic of Ghana Constitution art. 20. (1992).

- Republic of Ghana. (1962). Administration of Lands Act (Act 123).
- Republic of Ghana. (1962). Land Registry Act (122).
- Republic of Ghana. (1962). State Lands Act (Act 125).
- Republic of Ghana. (1970). Police Service Act (Act 350).
- Republic of Ghana. (1986). Land Title Registration Act (PNDCL 152)
- Republic of Ghana. (2008). Lands Commission Act (Act 767).
- Rhodes, D. (1997). *Policy networks in British politics: A critique of existing approaches*. Oxford, UK: Clarendon Press.
- Richards, A. and Smith, H. (2007). Addressing the role of private security companies within security sector reform programs. *Journal of Security Sector Reform*, 5(1).
- Runger, M. (2006, March). *Governance, land rights, and access to land in Ghana: A development perspective on gender, equity*. Paper presented at the conference of the 5th Regional FIG. Accra, Ghana.
- Sackey, H. A., & Osei, B. (2006). Human resource underutilization in an era of poverty reduction: An analysis of unemployment and underemployment in Ghana. *African Development Review*, 18(2), 221-247.
- Santiago, A. P. (2016). Agenda-setting in Uganda: Influencing attitudes on land through policy and persuasion. *Journal of Global Initiatives: Policy, Pedagogy, Perspective*, 10(2), 31-52.
- Sarpong, G. (2006). *Improving tenure security for the rural poor: Ghana—country study* (LEP Working Paper No. 2). Rome, Italy: Food and Agriculture Organization of the United Nations.
- Sassen, S. (2013) Land grabs today: Feeding the disassembling of national territory. *Globalizations*, 10(1), 25-26.

- Shah A., & Schacter, M. (2004). Combating corruption: Look before you leap. *Finance and Development*, 41(4), 10-14.
- Shittu, W., Galtima, M., and Yakubu, D. (2016). The application of geospatial analytical techniques in the assessment of land use conflicts among farmers and cross-boundary nomadic cattle herders in the Gombe Region, Nigeria. *Journal of Global Initiatives: Policy, Pedagogy, Perspective*, 10(2). Retrieved from <http://digitalcommons.kennesaw.edu/jgi/vol10/iss2/9/>
- Sittie, R. (2014, October). *Land title registration. The Ghanaian experience*. Paper presented at the 23rd International Federation of Surveyors (FIG) Congress, Munich, Germany.
- Tafida, A., & Galtima, M. (2016). An assessment of rural household vulnerability in the hadejia-nguru Wetlands Region, Northeastern Nigeria. *Journal of Global Initiatives: Policy, Pedagogy, Perspective*, 10(2). Retrieved from <http://digitalcommons.kennesaw.edu/jgi/vol10/iss2/>
- Taking stock of the area boys in Legos, Nigeria. (2010). *NiemanReports*. Retrieved from <http://niemanreports.org/articles/taking-stock-of-the-area-boys-in-lagos-nigeria/>
- Tenyah, L. (2014, April 4). AK47 land guards grabbed. *Modern Ghana*. Retrieved from <https://www.modernghana.com/news/533677/ak-47-land-guards-grabbed.html>
- Thurman, K. (2010). Land use regulations and urban planning initiatives in Accra, Ghana. *Advanced Issues in Development Planning*. Retrieved from <http://mci.ei.columbia.edu/files/2013/03/Land-Use-Regulations-and-Urban-Planning-Initiatives-in-Accra-Ghana.pdf>
- Tilley, J. (2000). Cultural relativism. *Human Rights Quarterly*, 22, 501-547.

- Toulmin, C. (2007). Securing land and property rights in sub-Saharan Africa: The role of local institutions. *Land Use Policy*, 26, 10-19.
- Toulmin, C., & Quan, J. (2002). *Evolving land rights, policy and tenure in Africa*. London: International Institute for the Environment and Development.
- Transparency International. (2017). *The Corruption perception index 2016*. Retrieved from https://www.transparency.org/news/feature/corruption_perceptions_index_2016
- Two land guard groups clash. (2011, October 26). *Ghanaian Times*, p. 5.
- Twumhene, P. (2014, March 16). A proposed policy guidelines concerning the oversight and control of private security companies in Ghana. *Modern Ghana*. Retrieved from <https://www.modernghana.com/news/529651/5/a-proposed-policy-guidelines-concerning-the-oversi.html>
- Ubink, J. (2002). Courts and peri-urban practices: Customary land law in Ghana. *University of Ghana Law Journal*, 22, 25-77.
- Ubink, J., & Quan, J. (2008). How to combine tradition and modernity? Regulating customary land management in Ghana. *Land Use Policy*, 25(2), 198-213.
- United Nations Human Settlements Programme (UN-HABITAT). (2004). *A post-conflict land administration and peace-building handbook*. Nairobi, Kenya: United Nations.
- Vorrath, J. & Krebs, L. (2009). Democratisation and conflict in ethnically divided societies. *Living Reviews in Democracy* 1(1). Retrieved from <https://www.lrd.ethz.ch/index.php/lrd/article/viewArticle/lrd-2009-1/7>
- Wakefield, E. G. (1968). *England and America: A comparison of the social and political state of both nations*. In P. M. F. Lloyd (Ed.), *The collected works of Edward Gibbon Wakefield* (pp. 314-646). Glasgow: Collins. (Original work published 1834).

- Ward, W. (1958). *A history of Ghana*. London, UK: George Allen and Unwin.
- Wehrmann, B. (2008). *Land conflicts: A practical guide to dealing with land disputes*. Eschborn, Germany: Deutsche Gesellschaft für Technische Zusammenarbeit.
- Wehrmann, B. (2008). *Land conflicts: A practical guide to dealing with land disputes*. Eschborn, Germany: Deutsche Gesellschaft für Technische Zusammenarbeit.
- Wehrmann, B. (2011). *Land use planning. Concept, tools and applications*. Eschborn, Germany, GIZ. Retrieved from www2.gtz.de/dokumente/bib-2011/giz2011-0041en-land-use-planning.pdf
- What is Transparency International? (2017). Retrieved from <https://www.transparency.org/about>
- Wisborg, P. (2007). Land tenure reform in a Namaqualand rural area, South Africa: Contesting Komaggas. In B. Derman, O. Rie, & S. Espen (Eds.). *Conflicts over land and water in Africa* (pp. 116-137). Oxford: James Currey.
- Woman killed in crossfire between land guards. (2013, April 11). *Daily Graphic*. Retrieved from <http://www.ghheadlines.com/agency/peacefm/20130503/493780/woman-killed-in-crossfire>
- Woodside, A. (2010). *Case study research: Theory, methods and practice*. Bingley, UK: Emerald Group Publishing.
- World Bank (1992). *The housing indicators program: Extensive survey, preliminary results*. Washington, DC: The World Bank.
- World Bank (2003). *Project appraisal document on a proposed credit in the amount of SDR 15.1 million (US\$20.5 million equivalent) to the Republic of Ghana for a Land Administration project* (Report No. 25913). Washington, DC: The World Bank.
- World Bank (2011). *Implementation completion and results report: Ghana land administration project* (Report No. ICR2083). Washington, DC: The World Bank.

- World Bank. (2013a). *World Bank Group: Working for a world free of poverty* (Report No. 62474). Washington, DC: The World Bank.
- World Bank. (2013b). *World Development Indicators 2013*. Washington, DC: The World Bank.
Retrieved from <http://databank.worldbank.org/data/download/WDI-2013-ebook.pdf>
- World Bank. (2015). *Worldwide Governance Indicators*. Washington, DC: The World Bank.
Retrieved from <https://www.quandl.com/data/WWGI-World-Bank-Worldwide-Governance-Indicators>
- World Bank. (2016). *Doing Business 2017: Equal Opportunities For All Report*. Washington, DC: The World Bank. Doi: 10.1596/978-1-4648-0948-4
- Yaro, J.A. (2012). Re-inventing traditional land tenure in the era of land commoditization: Some consequences in peri-urban northern Ghana. *Geografiska Annaler: Series B, Human Geography*, 94(4), 351–368. Retrieved from <http://www.academia.edu/3185197/>
- Zakout, W., Wehrmann, B., & Torhonen, M. (2006). *Good governance in land tenure and administration*. Washington, DC: The World Bank FAO.

APPENDIX A: IRB FORMS (ENGLISH)**SIGNED CONSENT FORM**

Title of Research Study: Governance Challenges in sub-Saharan Africa: The Case of Land-guards and Land Protection in Ghana.

Researcher's Contact Information: David Kwasi Bansah, 404-395-9806,
dbansah@kennesaw.edu

Introduction

You are being invited to take part in a research study conducted by David Kwasi Bansah of Kennesaw State University. Before you decide to participate in this study, you should read this form and ask questions about anything that you do not understand.

Description of Project

This research explores the measures being adopted by some peri-urban dwellers in parts of sub-Saharan African states in dealing with peri-urban land accessibility/protection challenges. Using Ghana as a case, the project investigates the role and the procedure of engaging private security land-guards to protect plots of land in its peri-urban areas even after securing legal titles. The purpose therefore, is to find out the institutional challenges in dealing with Ghana's urban land conflict as it relates to the processes of acquisition and protection of private property and suggest remedies to this problem.

Explanation of Procedures

You have been selected to take part in this research based on your experience on the subject matter and therefore, your participation is important to the study and I do appreciate your taking time to help. As a participant, our conversation will be recorded while we engage in the discussions about the recruitment processes, the assignment of tasks, and the reward/motivation

system of security land-guards. In case you are uncomfortable with the use of audio-recording, our conversation can still take place without the use of the recording device, while the researcher takes notes instead. Some of the questions you should expect may include: Why do you employ the services of security land-guards? How did you go about hiring a security land-guard? How much do you pay for security services on a weekly, monthly, or annual basis?

Time Required

It is generally assumed that our conversation will last between 30-60 minutes.

Risks or Discomforts

You will be asked questions that relate to the use of security land-guards activities and the peri-urban land acquisition processes in Ghana. However, the fact that your participation is voluntary, you do not have to provide any information, or answer any question that you prefer not to answer. If for any reason, at any stage of our conversation, you decide not to continue, just say so and the interview will be terminated without any penalty.

Benefits

This research will examine the reasons behind the use of security land-guards in Ghana. The study is intended to inform policy in taking measures to help correct any shortfalls in Ghana's land acquisition and protection. While there are no direct benefits to your participation in this study, you will be helping to understand land-related issues in Ghana.

Compensation

There is no direct compensation for the time you will spend in answering my questions. However, you should consider the potential policy changes that may result from this research as a sign of appreciation for sharing your knowledge and time on this important topic.

Confidentiality

The results of your participation will be kept confidential by the researcher, and no one outside of the research team will be allowed access to any information. Data collected for the purposes of this research, will remain under lock and key with password protection for safe keeping as required by Kennesaw State University in collaboration with its Institutional Review Board (IRB) and State Law.

Inclusion Criteria for Participation

All anticipated participants in this research will be above the age of 18. By the nature of the topic, government officials dealing with land in Ghana, landowners, and security land-guards will be recruited for participation in this study based on their expertise and experience.

Signed Consent

I agree and give my consent to participate in this research project. I understand that participation is voluntary and that I may withdraw my consent at any time without penalty.

Signature of Participant, Date

Signature of Investigator, Date

PLEASE SIGN BOTH COPIES OF THIS FORM, KEEP ONE AND RETURN THE OTHER TO THE INVESTIGATOR

Research at Kennesaw State University that involves human participants is carried out under the oversight of an Institutional Review Board. Questions or problems regarding these activities should be addressed to the Institutional Review Board, Kennesaw State University, 585 Cobb Avenue, KH3403, Kennesaw, GA 30144-5591, (470) 578-2268.

APPENDIX B: POLICE PERMIT FOR RESEARCH

RESTRICTED

In case of reply the
Number and date of this
Letter should be quoted

**Headquarters**

Ghana Police Service

ACCRA

Tel: (0302)783409/7

Email: hq.wpc@police.gov.gh

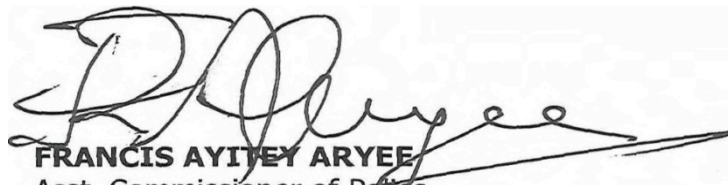
24 Dec. 2015

My Ref. No..BF.330/344/01

The Associate Director
Kennesaw State University
College of Humanities and Social Sciences
GEORGIA, SA

RE- DISSERTATION RESEARCH**DAVID BANSAH, A STUDENT OF KENNESAW STATE UNIVERSITY**

1. I am directed by the Inspector-General of Police to refer to your letter dated 20th November, 2015 on the above subject matter and to respectfully inform you that your letter has been referred to the Regional Police Commanders to accord your student, David Bansah, the necessary assistance in conducting his research please.
2. Best Regards



FRANCIS AYITEY ARYEE
Asst. Commissioner of Police
Chief Staff Officer

Info

All Regional Police Commanders.

APPENDIX C: RESEARCH INVITATION LETTER

KA IPTC/268/A

5th November 2015

TO WHOM IT MAY CONCERN**INVITATION FOR RESEARCH WORK**

The Kofi Annan International Peacekeeping Training Centre has the honour to officially invite **Mr. David Kwasi Bansah**, PhD Candidate and Research Assistant in International Conflict Management at Kennesaw University, USA to develop his dissertation research project on the topic: '*Land Acquisition and Protection in Sub-Saharan Africa: Security Land-Guards and the Question of Land Insecurity in Peri-Urban Areas of Ghana.*'. Mr. David Bansah is expected to start his data collection in Ghana from December, 2015 till July, 2016 and Kofi Annan International Peacekeeping Training Centre (KA IPTC) fully supports all the activities in relation to his research project.

I respectfully count on your cooperation.

Yours faithfully

EW KOTIA, PhD
Colonel
for Commandant

Direct Phone: 233(0) 302 718 200, Fax 233(0)302 718 201

Location: Off Teshie – Tema Road, Adjacent GAFSC

Website: www.kaiptc.org

APPENDIX D: INTERVIEW GUIDE

Governance Challenges in sub-Saharan Africa: The Case of Land-guards and Land Protection in Ghana

Date of Interview.....**Institution/Location**.....**Time**.....

Participant Category: Land policymaker.....Traditional landowner.....Real estate developer.....Law enforcement agent.....Land-guard.....

Demographic/Personal Information:

Age Group: 18-29.....30-39.....40-49.....50-59.....over 59.....

Sex: Male.....Female.....

Employment Status: Employed for wages.....Self-employed.....Out of work.....Retired.....Unable to work.....

Profession:

Education: Never attended school.....Elementary.....Higher school.....Technical/Vocational.....University (First Degree).....University (Advance Degree).....

Specific Interview Questions:

1. (a) Are you involved in land policy decisions? If so, in what ways? Can you provide any specific examples?

(b) If no, in your opinion, should you be involved? Why?

2. (a) As a private landowner or public servant, how do you engage in policy discussions and decisions when it comes to private landownership?

(b) Please tell me how you access land sector services? Do you take advantage of them? In what ways? Could these services be improved in your opinion? In what ways?

(c) How have you seen the state treat traditional land rights? Do you think this is fair? Why or why not??

(d) Are you aware of what the state land institutions do regarding land acquisition procedures? If so, how did you learn about these services? Was it difficult to get clear and accurate information regarding land acquisition? Why or why not? In your opinion, how might their messaging to the public be improved?

3. (a) From your perspective as a private landowner or public servant, do you believe that Ghana's land policy in terms of access and registration protect your and other's interests? Why or why not? Can you provide any examples when these laws were effective? Can you provide any examples when these laws were not effective?

(b) In your opinion, who benefits most from the current land-related laws in Ghana? Why do you think that is? How might they be changed to better serve your needs?

4. (a) Have you ever been involved in a dispute over land? If yes, could you please tell me about it? How was the problem resolved? If no, do you know of anyone personally who was? What happened?

(b) Would you say that the land courts and dispute mechanisms in Ghana work well based on your experience? Are the laws clear? Well enforced? Why or why not?

5. (a) What are your views about the role of public officials and politicians in land accessibility and litigation? What led you to these views do you think?

(b) Is your chance of acquiring a parcel of land the same as any other Ghanaian? Is your chance of protecting your land the same as any other Ghanaian? Why or why not?

6 (a). Have you ever heard about instances where traditional land institutions like the "house of chiefs" were involved in land-related issues in Ghana? Should they be? Why or why not?

(b) Have you ever been involved in traditional or informal mechanisms of land conflict resolution? If so, was it successful? What happened? If not, are there traditional/informal options that you are aware of?

(c) Do you think land-related court cases are excessive? Why or why not? If you were involved in a land-related court case, how long did it take to get resolved? Was that acceptable for you? Why or why not?

7. (a) Have you ever engaged the services of land-guards? Why or why not?

(b) In your opinion, why are so many land-guards are being employed in Ghana? Is this normal? In your opinion, how might conflicts related to land be managed better in Ghana? Why do you think this?

(c) In your opinion, would you say that land-guard activities have lessened or increased land conflicts in Ghana? Why do you think this?

8. (a) Do you think the state security agents like the police have adequately handled land-guards issues? Why do you think this?

(b) Do you think private security organizations have adequately handled land-guard issues? Why do you think this?

9. What measures do you think, if adopted, could minimize urban land acquisition problems in Ghana?

APPENDIX E1: LIST OF STATUTE LAWS ON LAND AND NATURAL RESOURCES

1. Administration of Land Act. 1962 (Act 123)
2. Administration of Lands (Amendment) Decree. (A.F.R.C.D. 61), 1979 .
3. Conveyancing Decree. 1973 (N.R.C.D. 175)
4. Farm Lands (Protection) Act. 1962 (Act 107)
5. Hemang Lands (Acquisition and Compensation) Law. 1992 (P.N.D.C.L.294)
6. Land Development (Protection of Purchasers) Act. 1960 (Act 2)
7. Landed Properties of Ghana Rubber Estates Limited and Firestone Limited (Miscellaneous Provisions) Decree. 1977 (S.M.C.D. 84)
8. Land Planning and Soil Conservation Ordinance, 1953 (No. 32)
9. Land Planning and Soil Conservation (Amendment) Act. 1957 (No. 35)
10. Land Registry Act. 1962 (Act 122)
11. Land (Miscellaneous Provisions) Act. 1963 (Act 161)
12. Lands (Statutory Wayleaves) Act. 1963 (Act 186)
13. Limitation Decree. 1972 (N.R.C.D. 54)
14. Mortgages Decree. 1962 (N.R.C.D. 96)
15. Mortgages (Amendment) Decree. 1979 (A.F.R.C.D. 37)
16. Public Conveyancing Act. 1965 (Act 302)
17. Public Lands (protection) Decree, 1974 (N.R.C.D. 240)
18. Rents Stabilization Act (Repeal) Decree. 1966 (N.L.C.D. 49)
19. Rents Stabilization Act (Amendment) Decree, 1966 (N.L.C.D. 103) 20. 20. State Lands Act. (Act 125).
21. State Lands 1962 (Amendment) Decree. 1968 (N.L.C.D. 234)
22. State Lands (Amendment) Decree. 1974 (N.R.C.D. 307)
23. State Land (Amendment) Decree. 1979 (A.F.R.C.D. 62)
24. State Lands (Revesting) Decree. 1979 (S.M.C.D. 227)
25. Survey Act. 1962 (Act 127)
26. Survey (Amendment) Decree. 1974 (N.R.C.D. 283)

APPENDIX E2: LIST OF SUBSIDIARY LEGISLATIONS

- 1 . L.I. 311 Timber Lands (Protected Areas) Regulations
- 2 . L.I. 118 Land Development (Protection of Purchasers) (Accra Prescribed Areas) Instrument, 1961
- 3 . L.I. 178 Farm Lands (Prescribed Areas) Instrument, 1962
- 5 . L.I. 232 Administration of Lands Regulations, 1962
- 4 . L.I. 230 State Lands Regulations, 1962
- 6 . L.I. 234 Land Registry Act, 1962 (Commencement) Instrument. 1962
- 7 . L.I. 251 Administration of Lands (Appeal Tribunal) Regulations, 1963
- 8 . L.I. 252 State Lands Tribunal Rules, 1963
- 9 . L.I. 283 Administration of Lands Regulations, 1963
10. L.I. 285 State Lands (Amendment) (No.2) Regulations, 1963
11. L.I. 295 Administration of Lands (Amendment) Regulations. 1963
12. L.I. 334 Lands (Statutory Wayleaves) (Amendment) Regulations, 1964
13. L.I. 361 Administration of Lands (Kumasi Open. Spaces) (Exclusion) Regulations, 1964
14. L.I. 362 Administration of Lands (Amendment) Regulations, 1964
15. L.I. 439 Land Registry Regulations, 1965
16. L.I. 450 Land Registry Act, (Commencement) Instrument, 1965
17. L.I. 485 Public Conveyancing Regulations, 1965
18. L.I. 520 State Lands (Amendment) Regulations, 1966
19. L.I. 591 State Lands (Amendment) Regulations, 1968
20. L.I. 1042 Lands Registry (Amendment) Regulations, 1975
21. L.I. 1142 Administration of Lands (Amendment) Regulations, 1978

22. L.I. 1163 Land Registry (Amendment) Regulations, 1978 .
23. L.I. 1176 Stool Lands Boundary Settlement Commissioner (Conduct of Enquiry and Proceedings) Regulations, 1978
24. L.I. 1164 State Lands (Amendment) Regulation, 1978
25. L.I. 1201 State Lands (Amendment) Regulation, 1979
26. L.I. 1341 Land Title Registration, 1986
27. L.I. 1345 Land Title Registration (Amendment) Regulations. 1987
28. L.I. 1356 Land Title Registration - Declaration of Registration District (Accra District 03) Instrument, 1988
29. L.I. 1521 Land Title Registration - Declaration of Registration District (Accra District 04) Instrument, 1991
30. L.I. 1534 Land Title Registration - Declaration of District (Accra District 01) Instrument, 1992
31. L.I. 1536 Land Title Registration - Declaration of Registration District (Accra District 02) 1992
32. L.I. 1552 Land Title Registration (Amendment) Regulations, 1993
33. L.I. 1553 Land Title Adjudication Committee Instrument, 1992
34. L.I. 1554 Land Title Adjudication Committee (Amendment) Instrument, 1992
35. L.I. 1555 Land Title Registration (Amendment) Regulations, 1963
36. L.I. 1563 Land Title Registration - Declaration of Registration District (Accra District 05) Instrument, 1993
37. L.I. 1564 Land Title Registration - Declaration of Registration District (Accra District 06) Instrument, 1993

38. L.I. 1565 Land Title Registration - Declaration of Registration District
(Accra District 07) Instrument, 1993
39. L.I. 1566 Land Title Registration - Declaration of Registration District (Accra District 08)
Instrument, 1993
40. L.I. 1567 Land Title Registration - Declaration of Registration District (Accra District 09)
Instrument, 1993
41. L.I. 1568 Land Title Registration - Declaration of Registration District (Accra District 10)
Instrument, 1993
42. L.I. 1607 Land Title Registration - Declaration of Registration District (Tema 018)
Instrument, 1995
43. L.I. 1608 Land Title Registration - Declaration of Registration District (Tema 019)
Instrument, 1995
44. L.I. 1609 Land Title Registration - Declaration of Registration District (Tema 020)
Instrument, 1995
45. L.I. 1570 Land Title Registration (Amendment) Regulations, 1994
46. L.I. 1588 Land Title Registration (Kumasi) Regulations, 1994
47. L.I. 1590 Land Title Registration - Declaration of Registration District (Kumasi District K.I)
Instrument, 1994
48. L.I. 1611 Land Title Adjudication Committee, 1995
49. L.I. 1612 Land Title Adjudication Committee, 1995
50. L.I. 1620 Land Title Registration - Declaration of Registration District (Accra District 11)
Instrument, 1996

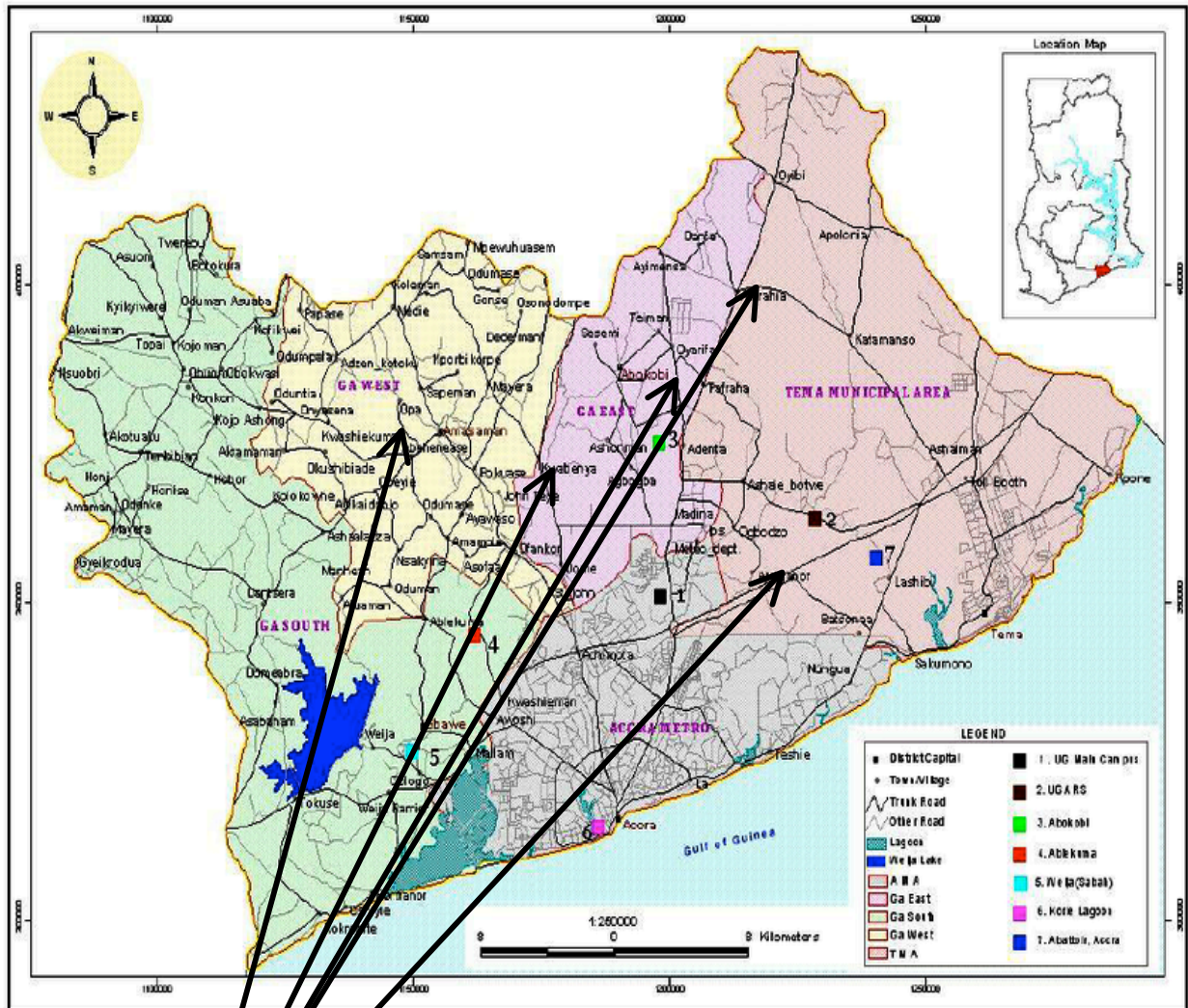
51. L.I. 1621 Land Title Registration - Declaration of Registration District (Accra District 12)
Instrument, 1996
52. L.I. 1622 Land Title Registration - Declaration of Registration District (Accra District 13)
Instrument, 1996
53. L.I. 1623 Land Title Registration - Declaration of Registration District (Accra District 14)
Instrument, 1996
54. L.I. 1624 Land Title Registration - Declaration of Registration District (Accra District 15)
Instrument, 1996
55. L.I. 1625 Land Title Registration - Declaration of Registration District (Accra District 16)
Instrument, 1996
56. L.I. 1626 Land Title Registration -Declaration of Registration District (Accra District 17)
Instrument, 1996.

APPENDIX F: MAP OF GHANA (Showing Accra and Kumasi)



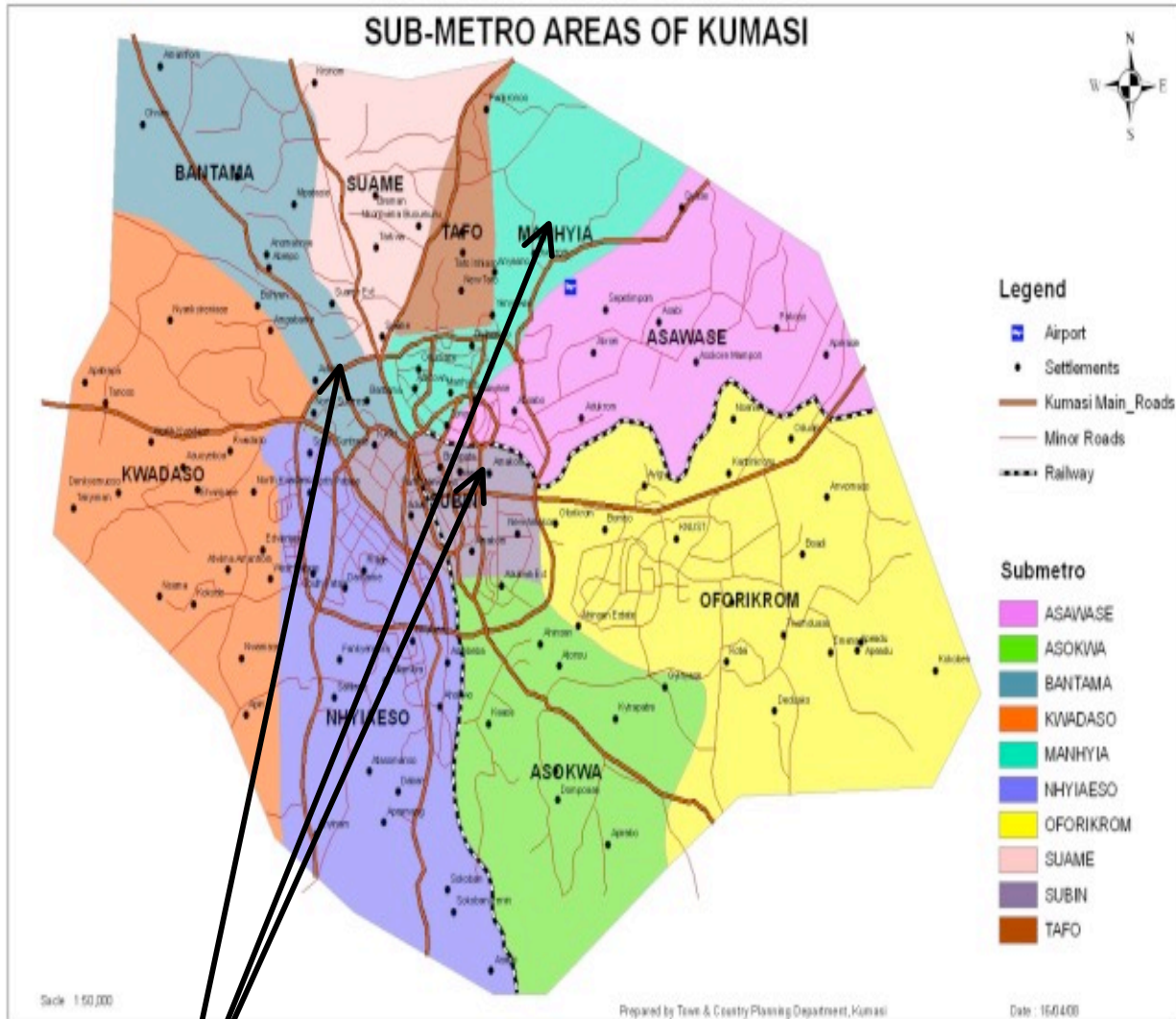
Accra and Kumasi

APPENDIX G: MAP OF ACCRA (Showing Study Sites)



Land-guard Prone Areas of Accra (Abokobi, Adjingonor, Amasaman, Frafraha, and Kwabinya)

APPENDIX H: MAP OF KUMASI (Showing Study Sites)



Kumasi Study Sites (Manhyia, Adum, Asokore)