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Navigating Traditional and Modern Institutions in City Governance: The Role of Chieftaincy in Spatial Planning in Tamale, Ghana

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ABSTRACT

At a time of intensifying urbanisation in Ghana, ineffective spatial planning is one of the symptomatic challenges of urban growth in the country. In the Ghanaian context, traditional authorities (chiefs) play a disproportionate role in urban land management due to the fact that a vast proportion of the country's land is held in customary tenurial arrangements. The role of the traditional authorities in (urban) land management is given legal status by national constitutional provisions that recognise chiefs as fiduciaries of the land held under customary tenure. The state-supported customary land secretariats (CLSs) perform these responsibilities in conjunction with the local government structures. They are largely being operationalised through urban land-use planning. However, the complex factors and processes of rapid urban growth have had unintended consequences. These include increased urban land values, speculative and informal land markets, and overlapping governance/power structures. The outcome has been the reported commodification and administration of urban land by chiefs for personal gain. These complex processes evolve at the intersection of traditional and modern governance structures which are opportunistically interpreted and applied to achieve certain ends. This article demonstrates how these changes in customary land administration are evolving in Tamale, Ghana. Qualitative interviews were undertaken with participants from relevant statutory land sector institutions, local government officials and traditional authorities. Using the lens of urban governance and planning practices, the article explores the outcomes of chief-led spatial planning and customary land administration practices and associated land markets in Tamale. These are social, economic and spatial inequalities, as well as urban governance challenges.

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Ghana's demographic transition mirrors that of the global trends whereby the majority of the country's population now lives in urban areas. How urban land is managed remains one of the key influencers of inclusive and sustainable urban development in the country. As urbanisation intensifies in Ghana, so ineffective spatial planning emerges as one of the symptomatic challenges of urban growth in the country (see, for example,

Adarkwa 2012; Akaateba, Huang & Adumpono 2018; Fuseini & Kemp 2015; Yeboah & Obeng-Odoom 2010; Yeboah & Shaw 2013; Yeboah, Samuel, Codjoe & Maingi 2013). The challenge of ineffective planning exists in the context of Ghana's local government law that proposes collaborative governance among key stakeholders, specifically state actors, traditional leadership, community-based organisations, non-governmental organisations and transnational development agencies. Spatial planning is considered an aspect of collaborative local governance per the provisions of Ghana's local government law (Republic of Ghana 2016), therefore chiefs occupy a unique position because over 80 per cent of all land holdings in Ghana is in their hands (Kasanga & Kotey 2001; Ubink & Quan 2008). Most of the land under the control of chiefs is held under customary tenurial arrangements. Chiefs are therefore fiduciaries (supervisors and caretakers) who are supposed to administer land for the benefit of their subjects. The Constitution of the Republic of Ghana recognises the fiduciary role of chiefs and mandates them to administer customary land for the benefit of their people (Article 36(8) of the 1992 Constitution of Ghana, Republic of Ghana 1992).

In the context of global policy orientation (for example the sustainable development goals), the New Urban Agenda (NUA) and Ghana's national urban policy framework coupled with the framework for collaborative and participatory local governance, the control over land by chiefs under customary tenure holds a normative potential for inclusive urban development in Ghana. For example, viewed from the perspectives of sustainable development goal 11 and the NUA, both envision sustainable cities and communities. This operationalises 'the concept of cities for all' in terms of the social, economic, environmental, service and infrastructural functions through participatory and empowered engagements (Watson 2016) could impact positively on inclusive urban development. Ghana's national urban policy also has a cluster of objectives to achieve spatially integrated cities and communities through improved planning and urban governance (Fuseini & Kemp 2015). It follows that chiefs could play a key role in the attainment of both global and national sustainable, inclusive urban development imperatives by functioning effectively as fiduciaries of communal land within the framework of empowered, participatory local government.

Yet, as far as spatial planning is concerned, chiefs/traditional leaders play a disproportionate role in the hybrid system of governance provided for in the local government act – with real and potential exclusionary consequences. At the heart of the observed dynamic lies reported commodification and disposal of customary land owing partly to opportunistic interpretation of customary land ownership. The phenomenon of traditional authorities 'hijacking' spatial planning by virtue of being custodians of customary land and the attendant poor planning outcomes is well documented in Ghana. This is what Emmanuel Boamah and Clifford Amoako (2019, 13) summarise as 'planning by (mis)rule of customary land law' in Ghana. Some scholars argue that commodification, dispossession and allocation of urban land for personal gain remain the key ways that chiefs manipulate spatial planning for their personal benefit (see for example, Boamah, Gyimah & Nelson 2012; Cobbinah & Darkwah 2016; Ubink 2008a; Yeboah & Obeng-Odoom 2010; Yeboah & Shaw 2013). The chiefs are able to expropriate land for personal gain because of weak state institutional frameworks. These frameworks are unable to provide adequate safeguards for the enforcement of the fiduciary responsibility handed to traditional authorities to manage customary land for the benefits of their people.

This article interrogates how these changes in customary land administration are evolving in Tamale, Ghana, using the lens of urban governance and planning practices. Tamale has an emergent land market following the transfer of customarily owned lands from state control to control by the chiefs. It is reported that the consequences of this is the commodification of customary land and associated loss of land rights and access to land by indigenous groups (Kuusaana & Eledi 2015a; Yaro 2010, 201). The article contributes to our understanding of the practical ways traditional leaders control the planning processes to exact maximum personal gain. This focus aligns with a recommendation by Alhassan Siiba, Ellis Adams and Patrick Cobbinah (2018) that calls for further research to ascertain whether or not dominance by chiefs in planning generates positive social and environmental outcomes. The article departs from a study (on the same subject) by Millicent Akaateba, Huang Huang and Emile Adumpono (2018) that focuses on co-production between traditional authorities and public servants in land management in Tamale. Instead, this article explores the role of the chiefs in planning, whether or not this is exercised within institutionalised public land management structures, and what this means for social, economic and environmental outcomes. It is argued that in Tamale chiefs exercise disproportionate influence in planning, principally for personal gain, which then leads to social inequalities and injustice, as well as spatial development vulnerabilities.

The focus is on land administration in the Dagbon Kingdom, within which Tamale is located. The kingdom occupies thirteen local government units (metropolitan, municipal and district assemblies);¹ twelve in the Northern and one in the North East regions of Ghana. With Yendi as its capital (located about 90 kilometres east of Tamale), the kingdom has a total land area of about 23 527 square kilometres, which is about ten per cent of the total land area of Ghana. In 2010, the kingdom had a total population of 1 254 476, which was 51 per cent of the total population of the then Northern Region² that hosted four kingdoms (Ghana Statistical Service 2013b). The Yaa-Naa (ruler) is at the apex of the kingdom's governance structure. His title 't'ih'i ni mori lana' (owner of the land and the grasses and trees on it) is apt because, as ruler, he holds allodial title to land, giving him ultimate title and final authority on land administration and allocation. Land in the kingdom is controlled under customary tenurial arrangements. This offers a point of entry for analysis of the role of chiefs in land administration and planning. The article establishes the dominant role played by chiefs in spatial planning, and argues that this has created a situation where customary land is administered for the benefit of the chiefs resulting in uncoordinated, haphazard spatial development. The implications of this on urban governance and inclusive urbanisation are also explored.

The article is based on a qualitative research methodology. It is developed from a broader study on the conduct of urban governance and spatial planning for sustainable management of urbanisation in Tamale. The information used in the article was generated from qualitative interviews with key stakeholders responsible for spatial planning as set out in Ghana's Local Government Act 462 of 1992, now amended by Act 936 of 2016 (Local Government Act). Respondents were drawn from the statutory planning committees³ of the Tamale Metropolitan Assembly and the Sagnarigu Municipal Assembly, two local government units that constitute Tamale Metropolitan Area (TAMA). The choice of the TAMA as study site was informed by it being 1) the most populous and most urbanised centre in the entire Northern Ghana (made up of five of the sixteen

regions of Ghana) and 2) within the Dagbon King. According to the national census of 2010, the TAMA had a total population of 371 351 with 74 per cent of this being urban, and is ranked as the fourth largest urban agglomeration in Ghana (Ghana Statistical Service 2013a; 2013b). Overall, Tamale emerged from a position of being a depressed, rural settlement during colonialism to a rapidly expanding city such that it recorded higher annual growth rates than Accra and Kumasi (7.3 per cent for 1960–1970 period compared to about five per cent and 4.2 per cent respectively) in the first two national censuses of post-independence Ghana (Dickson 1968; Fuseini, Yaro & Yiran 2017). These dynamics, together with Tamale being the regional capital of the Northern Region, mean that demand for land, local land market dynamics and associated land administration issues are far more complex than anywhere else in the Dagbon Kingdom. This made Tamale the perfect study site to contribute to our understanding of the implications of the control of planning by chiefs in terms of social and environmental outcomes (Siiba, Adams & Cobbinah 2018). The data was transcribed and analysed based on relevant themes relative to the objective and structure of the article.

Following this introduction, a brief context is provided of customary land tenure dynamics in Dagbon and Tamale. Next is an outline of Ghana's local government law that establishes a hybrid system of local governance in which the chiefs function. The main discussion is then presented, followed by conclusions.

Customary land tenure dynamics in Ghana and Tamale

Although the notion of collective ownership and land-not-for-sale existed prior to colonialism, Kojo Amanor (2008) argues that the concept of customary land tenure in Africa was established during European colonisation. The argument goes that in order to achieve indirect control of land in the colonies, it was expedient for the colonialists to grant collective ownership of land to the chiefs. The local intelligentsia and businesspeople⁴ (Eades 1994; Yakubu 2018) had a stake in land transactions but with terms that may not have been very favourable to the colonialists. Thus, installing chiefs as custodians of collectively owned land, with the sole legitimate responsibility to allocate land, essentially established notions of African customary land tenure. In Ghana, the legislation that facilitated this was the Native Administration Ordinance of 1927. This ordinance instituted the native authorities as colonial surrogate local institutions that vested greater powers to the chiefs including land administration (Amanor 2008; The Okyenhene 2010).

Since independence in 1957, land administration in Ghana has been mediated by modern and traditional institutions with notions of customary land tenure increasingly being interpreted opportunistically to benefit chiefs (Amanor 2008; Yaro 2012). Once the customary land tenurial arrangements were established in Ghana, kings, paramount chiefs and, in some cases, family heads emerged as allodial land title holders, possessing final authority on land transactions, even though such new allodial authority was occasionally challenged, as exemplified by protests by some town chiefs in the Akyem Abuakwa Kingdom in 1928 (Amanor 2008). In Dagbon and Tamale, the Yaa Naa assumed the allodial title holder over land, and this also happened with the Asantehene (King of the Ashanti Kingdom), the Okyenhene (King of the Akyem Abuakwa Kingdom) and many others.

Changes in customary land tenure arrangement in Dagbon and Tamale can be discussed under three politico-policy orientations in Ghana. The first policy decision was the vesting of northern Ghana lands to the state and the eventual restitution of this land to the various tribal groupings. The second key policy shift was the pursuit of economic liberalism under the structural adjustment programmes and subsequent neoliberal globalisation. The third and last policy that made an impact on customary land administration was the declaration of the entire country as a planning area (Fuseini & Kemp 2015; Fuseini, Yaro & Yiran 2017). Each policy decision will be elaborated in the following section.

The vesting of northern Ghana lands and restitution thereof

Sensing that chiefs in northern Ghana might not administer customary land to the benefit of their subjects or, perhaps, due to widespread corruption among chiefs under the native authority systems, as argued by The Okyenhene (2010), the colonial authorities moved to vest all northern Ghana lands to the state for 'safe' keeping for the people under the 'land and native rights ordinance' of 1927 (Bening 1995; Yaro 2010). While the truth about the reasons for the vesting may be unknown, some argue that it was all for the good of the people (Bening 1995; 1996), a position that points at potential maladministration on the part of the chiefs as the basis for the vesting. For example, the vesting happened at a time that Governor Gordon Guggisburg, the undisputed most progressive colonial governor in the Gold Coast (Adarkwa 2012; Fuseini & Kemp 2015), had planned infrastructure development (extension of railways from the south of Ghana) in northern Ghana. This development had the potential to attract interest from wealthy southerners to acquire large tracts of land in ways that could dispossess the indigenous peasants of their land holdings (Yaro 2010). Raymond Bening (1996) contributes to this line of argument when he asserts that 'this act prevented wealthy persons from the South from acquiring large tracts of land at low fees thereby obviating the prospects of a landless peasantry in the future'. Joseph Yaro (2010, 205) adds that:

This policy insulated the customary tenure system from the forces of commercialisation experienced in the south of Ghana [...] The effectiveness of customary tenure systems in terms of security of tenure, easy access to land and productivity were guaranteed during the colonial era.

However, the argument for protecting the rights of the indigenes is questionable given that the vesting enabled colonial authorities to charge rent for occupancy relating to both the indigenes and non-indigenes (Bening 1995; Yaro 2010). It is also questionable in the context of colonial land policies in Africa, which were underpinned by the belief that individual land ownership was a requisite for agricultural modernisation and increased productivity (Chitonge, Mfune, Umar, Kajoba, Banda & Ntsebeza 2017), as well as appropriating large tracts of native lands for the purpose of extracting resources (Bening 1995).

The vesting of northern Ghana lands continued after independence albeit differently. Under the new Administration of Land Act 123 of 1962, the vesting of northern Ghana lands was changed from 'in the state' for the people of northern Ghana (collectively owned private property) to 'in the president' for the people of Ghana (public property).

During this period, northern Ghana lands were administered to benefit a few public servants and influential people (Yaro 2010). Therefore, northern Ghana lands remained public lands until 1979 when a new constitution started the process to return these lands back to their original owners. The restitution was formally completed upon the promulgation of the 1992 Constitution of Ghana, restoring the de facto management role to chiefs, and in the case of Dagbon and Tamale, under customary tenurial arrangements. The newly acquired management role following the restitution has interacted with other factors — rapid urban growth, the forces of neoliberal globalisation and a decentralised local government system — to influence the role of chiefs in spatial planning and urban governance as explained below.

Declaration of entire Ghana as a planning area: Effects on the role of chiefs in planning in Tamale

The 1992 Constitution of Ghana ushered in the current democratic dispensation in Ghana. The Constitution makes provisions that have had far reaching implications for democratic governance ranging from decentralisation and representation of the people to how spatial planning is done. Aimed at achieving economic, social and spatial equity with regard access to services and infrastructure, the 1992 Constitution of Ghana declared the entire country as a planning area (personal communication with a planning officer April 4 2014). By this declaration, anywhere in Ghana can be planned and developed without a specific legislative or executive instrument mandating it. This approach contradicted the use of incremental planning as was the case during colonialism when the power to declare areas for planning resided with the town and country planning board as set out in the 1945 town and country planning ordinance (CAP 84). Planning was incremental because the board had to determine on a case-by-case basis whether or not there was a need to plan an area based on attributes of interest such as population, increased human activity and sanitation issues (Fuseini & Kemp 2015).

The nationwide declaration of the planning area eased out some of the bureaucratic procedures involved in the process of determining a planning area. As will be demonstrated later in this paper, the act of declaring the whole country a planning area gave chiefs greater leverage to function in the dual land governance regime (statutory and customary) in the neoliberal economic environment, making use of their allodial title status as described below.

Era of neoliberal globalisation and the role of the chiefs in planning in Tamale

Faced with very poor economic performance in the late 1970s and early 1980s, Ghana, like many other countries in the developing world, implemented the International Monetary Fund and the World Bank sanctioned economic restructuring programmes. Popularly known as structural adjustment programmes, these were launched officially in 1983. The liberalisation of the economies following the structural adjustment programmes has had influential effects on the transformation of urban areas in the implementing countries (see, for example, Briggs & Yeboah 2001; Grant 2009; Grant & Yankson 2003; Otiso & Owusu 2008; Yeboah 2003; Yeboah 2000). Specifically, neoliberal globalisation

has impacted greatly on the transformation and governance of Tamale (Fuseini, Yaro & Yiran 2017).

The aspect of neoliberal forces that is of interest here is the evolving land market in response to both local and global demand. Arguably, the development of the local land market in Tamale has emerged as the most influential factor driving (in) effective planning and urban governance in Tamale (Fuseini 2016; Fuseini, Yaro & Yiran 2017; Yaro 2010; 2012). Over the last three decades, neoliberal globalisation-induced development of land markets has been at the forefront of re-defining customary land tenurial relations across the African continent (Amanor 2008; 2009; Chimhowu 2019; UN-Habitat 2015; Yaro 2012; Yeboah & Shaw 2013).

Neoliberal globalisation has led to an evolving land market in Tamale. The chiefs take advantage of their position as 1) allodial title holders in customary land and 2) the declaration of the entire country as a planning area, in order to allocate land at will and for their personal benefit. As will be seen later, the chiefs employ a range of strategies including opportunistic interpretation of customary land tenure arrangement, engaging self-styled planners, as well as taking advantage of weak institutional capacity of public sector land management agencies to aid their commodification of customary land. What is happening in Tamale mirrors what Admos Chimhowu (2019) describes as 'new' African customary land tenure, which is characterised by the creation of new class dynamics, changing power relations and potential social differentiation. It must be noted, however, that the evolving land market in Tamale also has the positive effect of making land affordable to a range of citizens, thereby impacting positively on home development and ownership. The following section outlines the local government framework of Ghana (Local Government Act) as it pertains to the role of chiefs in governance and planning.

Collaborative governance framework of Ghana's local government law

The 1992 Constitution of Ghana instituted a decentralised local governance system based on participatory and collaborative engagement between and among government and non-governmental agencies, civil society, community-based organisations, traditional rulers, and transnational development agencies and organisations. The framework for the decentralised governance system was given effect by Ghana's Local Government, section 12(3), under which local government units – metropolitan, municipal and district assemblies (MMDAs) – were made responsible for the overall social, economic and spatial development of areas under their jurisdiction (Republic of Ghana 2016). The machinery of the MMDAs is composed of 30 per cent appointed members and the remaining 70 per cent is elected. At the electoral and community level, assembly members⁵ and unit committee members⁶ are elected to represent their electoral areas and communities, respectively.

Traditional rulers/chiefs are considered key stakeholders in the bottom-up local governance processes. They are mandated by legislation to work closely with elected assembly members and unit committees to collate local development aspirations for onward submission to the MMDAs for harmonisation and action. The chiefs also participate actively in implementing decisions, policies and programmes of the MMDAs in their areas of jurisdictions. The assembly members serve as a link

between the chiefs and communities on the one hand, and the MMDAs on the other. Assembly members forward local development aspirations for harmonisation at the MMDAs and also communicate the decisions of the MMDAs to the communities and chiefs for implementation. The chiefs are also consulted with regards the choice of MMDA members who are appointed by the government in office. A hybrid system of governance is thus established, working upwards from traditional leaders and communities, and downwards from the MMDAs.

The aspect of local governance that elicits active involvement of chiefs is that of spatial planning as it concerns to land. Section 82[1] of the Local Government Act establishes district planning authorities responsible for economic and spatial planning in the MMDAs. The district planning authorities discharge their planning responsibilities through the district planning coordinating units. According to Section 84(2) of the Local Government Act, membership of the district planning coordinating units is made up of heads of decentralised departments of the MMDAs. For spatial planning, the relevant decentralised departments include the land use and spatial planning authority (LUSPA), survey department, lands commission, building inspectorate unit, environmental protection agency (EPA), customary land secretariats (CLSs) and utility service providers (Ghana Water Company Limited and Electricity Company of Ghana). The CLSs represent the traditional leaders/chiefs at the district planning coordinating unit (DPCU). The CLSs have been established by the state within chieftaincy paramountcies⁷ to enhance effective customary land administration. Generally, the CLSs seek to ensure integrity of traditional land governance processes including accountability, to improve record keeping on land transactions so as to address instances of multiple 'sale' of land, and also to empower traditional land governance structures to engage effectively with state line agencies responsible for land management (LUSPA, lands commission, survey department, etc) (Ubink & Quan 2008). There are two CLSs in the Tamale Metropolitan Area (TAMA), namely Gulkpegu and Sagnarigu CLSs. However, the city's rapid growth (Fuseini 2016; Fuseini, Yaro & Yiran 2017) means that there are now overlaps with jurisdictions of other paramountcies such as Nanton, Savelugu, Kumbungu, and Bamvim. Therefore, at least six CLSs have functional jurisdiction in customary land administration within the TAMA. This presents a complex land governance structure that occasionally serves to trigger conflict among these CLSs. Although they are not mentioned specifically to play a role in planning at the MMDAs, the assembly members were interviewed in this study because of their position as representative of the people at the community level.

Reflective of the spirit of the Local Government Act, spatial planning is supposed to be participatory. Section 88(1) and 88(3) of this Act mandate the holding of public hearings in respect of a proposed district development plan and sub-district plan/local action plan. The structure has community-level planning (sub-district plan/local action plan), district level planning (district development plan), planning at the regional level (harmonisation of district development plans by the regional coordinating councils) and national level planning (national development planning commission). The Act thus provides for a four-stage hierarchical planning from community to national level. The national development planning commission harmonises the district development plans that have come through the regional coordinating councils. Local community participation is key in the planning processes, and it is at this level that individual traditional leaders can participate as opinion leaders in their communities. Statutorily, the LUSPA is mandated to initiate and

drive the process with other stakeholders, including the chiefs, participating at different stages and in different ways, with the ultimate planning decisions taken at the deliberations of the district planning coordinating units. Practically, however, the LUSPA and other land sector agencies are poorly resourced and barely able to drive the process, which includes community needs assessments, surveying and preparation of base maps, drawing of land use plans and eventual implementation of plans (Akaateba, Huang & Adumpon 2018; Fuseini & Kemp 2015; Yeboah & Obeng-Odoom 2010; Yeboah & Shaw 2013). The paramount chiefs, through the CLSs, engage the LUSPA, the survey department and the lands commission, and the ultimate allodial title holder, the Yaa Naa, to plan and register any sanctioned land transactions. However, there are many others, especially divisional and sub-chiefs, who do not engage the statutory land sector agencies when planning. These chiefs employ the services of self-styled planners (popularly known in the Ghanaian parlance as 'quack surveyors') whose only expertise is to help the chiefs generate a maximum number of residential plots for 'sale'⁸.

The following sections present the workings of the hybrid governance system regarding spatial planning in terms of participation in planning, outcomes and implications on governance in Tamale.

Participatory or hegemonic planning in Tamale?

It was mentioned earlier that chiefs in Tamale take it upon themselves to initiate the planning process contrary to stipulations of local government law. They finance the process for two reasons. First, limited financing of state land sector agencies means that it is quicker for planning to be done with private funding. The second reason is that financing the process gives the chiefs greater leverage to influence the process to their advantage. Two types of planning led by chiefs are discussed here. The one is done in conjunction with state land sector agencies and the other without. But both have an element or semblance of hegemonic control on the part of the traditional leaders, reflective of a contradictory legislative situation whereby chiefs are given power over customary land and are directed to exercise fiduciary role over such land, but are given no clear legislative guidelines on how to discharge the fiduciary role. There is nothing wrong with chiefs initiating planning in the context of participatory governance as the activity concerns customary land that they control. Initiation of the planning process by the chiefs may serve two useful purposes. First, it respects natural democratic justice whereby decision making is not imposed from the top. Second, it connotes ownership of the process, which is essential to engender cooperation and collaboration in multi-stakeholder governance spaces, leading to responsive and accountable governance. However, as is discussed below, the role of the chiefs is that of domination and commoditisation rather than empowerment of their communities and people.

Planning with state land sector agencies starts with chiefs requesting, through the CLSs, that land-use schemes be prepared for their areas of jurisdiction. There is no special requirement for this since the entire country has been declared a planning area. What may pass for a sufficient condition to trigger the desire for development of a local scheme can be very arbitrary, which illustrates the commodification agenda of some chiefs. For instance, during fieldwork the author encountered a chief at the offices of LUSPA pushing to have a local scheme developed for his area so that he

could 'sell' the plots to raise enough money to finance the wedding ceremonies of his twin children.

When the LUSPA receives a seconded formal request for a local scheme from the relevant CLS, it refers the matter to the survey department to go in and pick relevant information to prepare a base map to start the process of developing the scheme. It is expected that at this stage, community members will be given the opportunity to participate in deciding on the content of the local scheme because as stakeholders it is their lives and livelihoods that will be affected by the implementation of the scheme. The participants, however, noted that this is not done in practice, and the survey department merely focuses on physical features of the land and then prepares the base map as requested by the LUSPA. The LUSPA develops the local scheme in close collaboration with the chiefs, giving the latter the opportunity to influence the quantity and types of land uses catered for in the scheme. The communities or people are completely sidelined in determining the content of local schemes that affect them.

The draft scheme is put before the DPCU for vetting as the final act that approves or rejects the scheme. In deciding to approve or reject a scheme, the DPCU is supposed to audit the scheme to ascertain whether or not it reflects community needs and aspirations. At this stage, sections 88(1) and 88(3) of the Local Government Act stipulate that the DPCU organises public hearings to achieve public buy-in for the planning process (Republic of Ghana 2016). However, the reality on the ground is that the DPCU is either not given the opportunity to perform this important role or, when it does, the outcome is more of a rubber stamp. Consequently, there appears to be collusion between the statutory land sector agencies and traditional authorities to act *ultra vires* in ways that translate to (mis)rule of statutory and customary land laws relating to planning (Boamah & Amoako 2019). However, as noted earlier, the effectiveness of the DPCU is affected by the generally weak capacity of the MMDA structures (Yeboah & Obeng-Odoom 2010). In terms of participation, the chiefs do not participate at the DPCU and their representative, the CLS, has no direct connection with the people. This creates a structural challenge for participatory planning, especially when public hearings are not done as prescribed by the Local Government Act. Nonetheless, the chiefs, in their individual capacity, practically remote control the process by subtly engaging with officials of the LUSPA. The assembly members do not also participate and they are not consulted by the chiefs at the community level, nor are they engaged with at any stage of the planning process. However, most of the assembly members who participated in the study opined that when crises arise, as they do, they are at the centre of efforts to mediate settlement.

The engagement of the quack surveyors/planners by the chiefs is a more direct way to control and turn planning into a lever for commodification of customary land. This process involves no state land sector agency, nor is there any participation by the people who will be affected by the plan. Aimed at generating maximum benefits to the chief, these plans fail to meet the most basic of standards for comprehensive land-use planning. For example, public land use such as schools, hospitals, parks and open spaces, and environmentally sensitive areas are given very little attention. Access roads are provided for, but again these often do not meet basic standards, such as minimum ratio of roads to residential plots per a defined land area. Thus, by employing the quacks, the chiefs are able to commoditise communal land holdings to maximise the

benefits that accrue to them at the expense of their subjects who lay claim to the benefit of such lands through customary land tenure. This mode of dispossession of citizens of a customary land holding is consistent with what Janine Ubink (2008b) describes in peri-urban Kumasi whereby peri-urban families are dispossessed of their farmlands with little or no compensation, and this renders families poor and vulnerable. This points to broader changing relations between traditional leaders and their subjects regarding customary land holdings (Amanor 2008).

Subsequent to the development of plans and allocation of land, the chiefs go back to unilaterally adjust the plots that have already been acquired by people so that new plots are created for reallocation. The act of adjusting official plans for reallocation by the chiefs sometimes includes converting many land use zonings originally reserved for public use to residential plots. During fieldwork, two participants related how the residential plots they acquired changed locations three times due to illegal adjustments and distortions. A chief sent a letter requesting LUSPA to rezone community school land for residential use so that he could sell the plots to finance his investiture ceremony (Fuseini 2014). Although the request in question reflects the self-seeking attitude of the chiefs, the chief in this case at least resorted to legal channels to appropriate community property for his personal benefit. However, some members of the DPCU accused other committee members of connivance. For example, some participants expressed their frustration that the assemblies unnecessarily yield to the chiefs over illegal planning and they therefore cannot help but suspect the connivance and complicity of the assemblies.

What is happening in Tamale can best be described as hegemonic planning whereby the chiefs exercise disproportionate influence in planning such that both the process and outcome are tailored to their benefit. This attitude of the chiefs occurs within the context of the three key developments enumerated earlier as laying the foundation for the commodification of customary land. Part of the problem is that, while the national Constitution recognises the fiduciary role of chiefs in the management of customary land, no specific legislation has been made to enforce the execution of such fiduciary responsibility (Fuseini 2016; Ubink & Quan 2008; Yaro 2012). A related issue is the laissez-faire attitude of public officials to interact with chiefs with regards the management of customary land. According to Janine Ubink and Julian Quan (2008), such a hands-off attitude by public officials emboldens the chiefs to manage customary land purely for personal gain. In the context of the Dagbon traditional area, the laissez-faire attitude of public officials is complemented by unbridled reverence for traditional authority to the extent that people feel powerless to protest against any unpopular conduct by a chief (Fuseini 2016). In the final analysis, neoliberal globalisation is driving a process of redefining customary land tenure relations in Tamale. This is leading to an evolving land market that has some implications for governance and management of the city's urban growth, as discussed below.

Implications of control by chiefs of spatial planning on overall city governance

The evolving land market in Tamale has implications for meeting the targets of sustainable development goal 11, the NUA and the objectives of Ghana's urban policy framework. On the one hand, the emergent land market had the positive effect of making land accessible to all income groups for residential development. This stems from the

control by the chiefs of planning, making it less bureaucratic and involving less stringent requirements, including documentary and technical requirements to develop a property. The argument has been that very stringent, bureaucratic and, at times, repressive planning codes have served to exclude certain groups of urban inhabitants from accessing urban land markets in the developing world, including sub-Saharan Africa (Alterman 2013; Kamete 2009; 2013; Tibaijuka 2007; Watson 2009). On the other hand, Rachelle Alterman (2013) notes that planning regulations can encourage the supply of adequate housing that promotes social integration. Because the control of planning by the chiefs in Tamale is flexible and less bureaucratic, more people are able to acquire land for self-provisioning of housing. For instance, many property owners hold allocation letters from the chiefs. These have no legal status in the face of state land sector agencies, such as the lands commission. Yet, the holders of those documents feel confident that with the chief's signature, they are guaranteed security of tenure, and thus move to develop their land holdings on their own terms using materials accessible to them.

The evolving land market improves access to land for housing development. This is important in the context of a huge housing deficit in Ghana grapples and also in Tamale (Yakubu, Akaateba & Akanbang 2014; 2016). Therefore, it is plausible to argue that in some respects the control by chiefs of planning in Tamale is helping to widen access to the urban land market, development that may help promote the attainment of some of the policy imperatives of the NUA. However, it is noteworthy that such housing development leads to poor quality houses, haphazard spatial development and chaotic governance issues when urban services and infrastructure are being extended to these areas. For example, Ibrahim Yakubu (2018) describes how urban upgrading as a result of unregulated spatial development remains a contentious issue in Tamale because many homes are demolished to create access roads and lay key urban infrastructure.

While the dynamics playing out in Tamale have the positive effect of engendering wider access to land for residential development, there are many other ways that social justice and inclusivity are being undermined. The evolving land market disenfranchises other members of the customary land system from benefiting from their 'birth right' (Chimhowu 2019). Commodification of customary land for personal benefit thus creates a scenario of social injustice, exclusion and impoverishment of large sections of the indigenous population within the TAMA. This is particularly the case for peri-urban populations whose livelihoods are still tied to access to land but who suffer systematic dispossession as their adjoining farmlands take centre stage in the evolving urban land market. In so doing, the processes of dispossession and commodification of customary land in Tamale violate the national Constitutional provision that mandates custodians of customary land to manage such lands for the benefit of their subjects. The development is also at variance with the NUA's expectation of cities and human settlements to fulfil their social functions of land – promotion of inclusive development. Unfortunately, and unlike in some countries where such dispossessions can be challenged through complaint to higher governmental authorities (for example in Zambia, Chitonge et al. 2017), the dispossessed in Tamale have no such opportunity.

Social and economic vulnerability is further perpetuated through the conversion of public interest land-use zonings to residential plots for 'sale'. By converting public open spaces, zonings for schools, hospitals and local markets, the general public is denied

access to vital social services and infrastructure. This has a potential negative effect on quality of life contrary to the shared vision statement of the NUA. The accessible nature of the land market with no or very little regulation by statutory planning agencies means that spatial growth of the city occurs haphazardly, and this constrains the ability of city authorities and parastatals to provide urban services and infrastructure in tandem with the growth. For example, due to the rapid and unregulated spatial expansion of the city's sanitary services, domestic water supply and road infrastructure are poorly delivered, creating both social and spatial inequalities with regards access (Fuseini & Kemp 2016; The World Bank 2015). This state of affairs suggests that urban governance outcomes in Tamale do not align with Ghana's national urban policy's objective to ensure efficient urban infrastructure and service delivery (Government of Ghana 2012).

The conversion of zonings for local market spaces has a particularly detrimental effect on the economic lives and livelihoods of the people because the majority of the active population of the TAMA work in the informal sector (Ghana Statistical Service 2013b). The local markets serve as the engine of the local economy in terms of job creation and contribution to local government revenue (Fuseini 2016), and the conversion of spaces reserved for local markets also affects the functioning of local governments.

The consequence of control by the chiefs of spatial planning on the pattern of growth unfolding in Tamale also has sustainability implications. This can be considered in two ways: the environmental and social dimensions. A participant lamented that the urban form encountered in Tamale is that of mass residential development, and this is mainly because quack planners, based on orders from chiefs, do not make provisions for other social land uses. In instances where formal planning provides for these community amenities, the chiefs will go back and rezone these to get more residential plots for 'sale'.

I am of the view that in the near future we would have a lot of problems; we would not have enough roads, no entertainment or recreational grounds, there would not be anything apart from residential facilities. If you look at the cemetery [points in direction of community cemetery], it was also very large. There was no residential zoning between the fence of [...] and the cemetery. But now the area is fully occupied by houses leaving only a fraction of the original space for the cemetery purposes (interview, member of the Sagnarigu Municipal Assembly, 2014).

The participant went on to say that a future consequence of the mass residential development would be increased stress due to a lack of public spaces for physical activity and social interaction. He mentioned the availability of more than six stadia in London that host several soccer clubs compared to just one in Tamale (with virtually no available space to build more) to illustrate his point about lack of foresight on the part of authorities in Tamale to provide for a future city resourced with spaces and facilities to produce a healthy and active population. Another assembly member of the Sagnarigu Municipality narrated a case where the entire community cemetery was unilaterally rezoned by a chief for residential plots without any alternative being provided. The participant could not hide his frustration when he said, 'I mean, a cemetery where everybody knows they will go one day! Have you ever heard that somebody died, and the corpse thrown into the air?!' (interview, member of the Sagnarigu Municipal Assembly 2014).

The other sustainability argument relates to the disregard for environmentally sensitive planning, for example, along river courses and low-lying areas that are prone to flooding. Because planning led by chiefs does not benefit from the right expertise or because it is

geared towards maximising personal benefits, areas that ought not to have been zoned for residential use are zoned for such, and this exposes unsuspecting property owners to natural disasters such as flooding. Dealing with perennial floods has become a big governance issue in Tamale, following loss of lives and property in recent years. Since the natural ecological systems are disturbed, it is logical to argue that vital ecosystem functions will be affected as a result, exposing the city and its inhabitants to a deficit of key ecosystem services.

The disproportionate participation in planning by chiefs also adds complexity to urban governance in Tamale in terms of conflicts arising from contestations over land. The lack of coordination in land allocation as a result of the dominance of chiefs in the land market and in planning means that there are multiple 'sales' of land to many prospective buyers (chieftaincy title rotates among families on the death of the current occupant, and each family that ascends the throne seeks to 'sell' land). When this happens in the peri-urban areas it is possible to relocate affected people but often with reduced plot sizes and at less desirable locations. Such relocations are associated with the displacement of others, which serves to create conflict among prospective property owners. The 'court' of the paramount chief of the Tamale metropolis, the Gulkpe-Naa, is becoming busier with litigants seeking settlement of land-related conflicts (Fuseini, Yaro & Yiran 2017). To illustrate this point, a land conflict between the military and some chiefs is discussed below. The conflict arose when some chiefs sold land believed to have been acquired by the state and kept in the name of the military. The military demolished a whole neighbourhood that they claimed encroached on their territorial land holdings. The chiefs who sold the land were powerless to stop the military and they did not offer any compensation to the affected people. A similar case involved a group of sub-chiefs who sold residential plots to hundreds of people based on planning schemes developed by quack planners. In 2016, about five years later, the statutory planning agencies were brought in to re-plan or regularise the illegal plans, and this resulted in many people losing their plots. The regularisation had led to increased land values in the area, and people who were fortunate to retain their plots were asked to pay between five to 20 times the amount they had paid five years earlier. In this instance, the chiefs knew they could afford to compensate people (with proceeds from the 'top up' payments), and an option was given for people to pay the new prices or lose their entitlement to the plots they had bought several years earlier. These are some of the injustices that characterise land administration and chief-led spatial planning in Tamale. The risk of losing one's land without compensation increases because land transactions generally do not have associated records. What documentation exists only covers statements that Chief A allocates plot B to Mr/Madam C at location D. The money received as payment for allocation of land is considered only as 'drink money' (Ubink & Quan 2008), which is the equivalent of 'cola' used previously to seek permission to occupy a piece of land. It is difficult seeking redress in state courts partly because the legal cost may outweigh the final settlement awarded a litigant or, more importantly, due to the 'abominable' nature of taking a chief to court (Fuseini 2016, 122).

The emerging land-related conflicts sometimes escalate to the level of paramountcies. In March 2015, for instance, two communities engaged in clashes that could be described as a proxy war involving the Gulkpegu and the Kumbungu traditional areas. There had been latent disquiet between the communities over a boundary dispute between the

two traditional areas. Conflict erupted when one community tried to assert its ownership and control over the contested land. As the city's growth has outstripped its official and traditional boundaries, conflicts involving the Gulkpegu traditional area and other adjoining traditional areas are becoming common even though large scale and open confrontation has been averted.

While no effective legislation has been made to help with management of customary land to benefit the collective, some minimal benefits could accrue to the larger society if chiefs and other managers of customary land adhered to the guidelines (from the Office of the Administrator of Stool Lands) for sharing and managing revenue accruing from the allocation of customary land. The 1992 Constitution of Ghana provides for an Office of the Administrator of Stool Lands¹⁰ (OASL) and this was given legislative backing by the OASL Act 481 of 1994. The OASL is thus made responsible for mobilising and disbursing revenues accruing from customary land. Article 1 (a) of the Act mandates that the OASL creates an account into which 'rents, dues, royalties, revenue or other payments whether in the nature of income or capital from the stool lands' be paid. The revenue would then be shared among the OASL, the traditional council and the local government authorities (MMDAs). According to the disbursement formula, ten per cent of the total revenue be paid to the OASL to cover its administrative costs. Of the remaining 90 per cent, 25 per cent is to be paid to the stool concerned; twenty per cent to the traditional authority concerned; and the remaining 55 per cent goes to the MMDA concerned. Normally, the 90 per cent of total revenue could be spent to benefit the larger society. However, three reasons make such a proposition less likely to be effective. As argued by Ubink and Quan (2008), the Constitution and the Act do not suggest any requirement for the stool's share to be reinvested back into the community other than for the maintenance of the stool in keeping with its status. The precise use of the traditional authority's share is not specified. Liz Alden Wily and Daniel Hammond (2001) write that the silence on the use of the traditional area's share seems to endorse the management of the said revenue by chiefs as their personal property. The third reason why revenue from the OASL may not necessarily benefit the people is that there is very little knowledge about revenues being mobilised. None of the assembly members who participated in the study had any knowledge about how effective the OASL was, and how much money went to the traditional authorities or the local government authorities.

The overall discussion on land governance and planning in the broader context of urban governance in Tamale suggests that control by chiefs of spatial planning creates social injustice through the appropriation of customary land by chiefs. The land market develops in such a way that it leads to uncoordinated spatial growth, which itself makes urban governance and service delivery a challenge.

Conclusion

The article discussed the role of chiefs in spatial planning in Tamale, Ghana, within the context of broader urban governance processes. The main argument was that chiefs perform a disproportionate role in spatial planning thanks to their position as custodians of customary land. It was further established that the involvement and control of planning by the chiefs was largely for personal gain. The chiefs commodify, alienate and appropriate communal land for their private benefit by employing several methods and tools to

achieve their objectives. The processes of commodification were facilitated by the restitution of northern Ghana lands that cemented the position of chiefs as custodians of customary land, the declaration of the entire country as a planning area, and these interacted with neoliberal globalisation forces to establish a vibrant demand and supply relationship. The neoliberal globalisation forces in particular facilitated the creation of local land market that was flexible, less cumbersome and was generally in tune with the ability of different income and social groups to acquire at least a plot of land. This fed into the demand and supply equation even in the face of uncertainties, such as people losing their land without any compensation, but this did not serve as a deterrent to prospective buyers. While the evolved local land market and control of planning by chiefs had a positive effect of enabling people to access land for self-provisioning of housing, several negative implications were drawn to highlight the potential challenges the control of customary land administration and spatial planning by chiefs could pose to indigenous people and city governance generally. By virtue of control over customary land and planning of the use of that land, the traditional leaders in Tamale have become very powerful and their conduct only serves to enrich themselves at the expense of the larger society. Given the city form that emerges from the chief-led spatial planning and customary land administration, social, economic, spatial inequalities and urban governance challenges are the inevitable outcome.

Notes

1. The following population (lower) thresholds apply for local government divisions in Ghana. District Assembly, 75 000; Municipal Assembly, 95 000; Metropolitan Assembly, 250 000.
2. In December 2018, the Northern Region was split into three regions: Northern, North East and Savannah Regions.
3. Membership of the spatial planning committee spanned land use and spatial planning authority (LUSPA) (formerly department of town and country planning), lands commission, survey department, customary land secretariat, utility service providers, department of urban roads and environmental protection agency. Other stakeholders were interviewed outside of the spatial planning committee, for example, assembly members.
4. These were made up of some indigenous elites, Lebanese and Yoruba businesspeople, and migrants from southern Ghana (Yakubu 2018). These groups dominated commerce and trade in Tamale during the colonial period and immediate post-independence periods. Therefore, these group had keen interest in land use and spatial planning in Tamale.
5. An elected representative at the MMDAs representing an electoral area.
6. Elected community representative at the electoral area level.
7. A paramountcy as used here connotes an office at the apex of the hierarchy of traditional governance structures of small tribal/acephalous groups or co-equal offices just below the office of the king at the apex of traditional governance structures of bigger and centralised groups. Paramountcy in Dagbon connotes the second option where paramount chiefs sit below the overlord of the kingdom, the Yaa Naa. Paramount chiefs in Dagbon supervise divisional and sub-chiefs to ensure efficient day-to-day management of the kingdom.
8. The chiefs often maintain that they do not sell land as that will be against their traditions, rather they allocate based on 99-year lease agreement for residential plots.
9. Name of a prominent facility withheld to ensure anonymity of the response and/or participant.
10. Refers to customary land generally but has such specific meaning in southern Ghana where the symbol of chiefly authority is represented by a stool as opposed to a 'skin' in northern Ghana including Dagbon.

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