

The Role of the Manhyia Palace in Traditional Land Resource Conflict Management in Kumasi, Ghana

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Abstract

This paper explores the role of Manhyia Palace, a traditional political office of the *Asantehene* (King of Asante Kingdom) in traditional land conflict management in Kumasi. Land conflicts remain a major hindrance to land use and tenure security in most parts of Ghana. Sometimes, the institutions governing land use and management are crucial to the occurrence and adjudication of these disputes. Consequently, statistics at the Accra High Court Registry shows that, land litigation ranks first in the number of cases pending with about 60,000 cases being registered in the superior courts. Using secondary data sources, including journals, articles, books, internet publications etc. the study reveals that, the Manhyia Palace, headed by the *Asantehene*, *Otumfuo* Osei Tutu II, has resolved as much as 80 percent of the traditional land conflicts within the Asante Kingdom via history, the 'great oath swearing', assistance from professional sub-Chiefs and the 'Manhyia Powers'-the final supremo. Hence, the study recommends the emulation by traditional political institutions within and outside Ghana battling land conflicts, the successes of the Manhyia Palace in traditional land management and conflict resolution.

Keywords: Land, Natural Resources, Management, Conflict, Manhyia Palace, Ghana

Introduction

Natural resource utilisation is being recognised both in terms of the socio-economic benefits and in terms of their contribution to other aspects of human well-being, through direct and indirect use. By implication, a community's or an individual's access to natural resources often determines their wealth and status in the world economic system. Natural resources can be categorised as land, water bodies, oil and gas, timber and other minerals (such as gold, diamond, manganese, copper, bauxite, etc.) among others. The World Bank for that matter has affirmed water, air, land, forest, fish and wildlife, topsoil, and minerals as natural resources useful to the human survival (United States Institute of Peace (USIP), 2007), indicating the value of land not only at the individual levels (such as for livelihood), but also at the national levels for the growth of the national economy (such as mineral resources found on and beneath the land). Hence, land resource is the focus of this study.

According to Dale and McLaughlin (2003), land is defined to include the surface of the earth, the materials beneath, the air above and all things fixed to the soil. It is also defined to comprise not only the land itself, but also things on the soil, which are enjoyed as naturally belonging to the land, such as rivers, streams, lakes, lagoons, woods and wild vegetable (Mechthild, 1987). Specifically, Ollenu (1962) argued that, lands in Ghana are defined to include any estate or right in or over the land or over any of the things which land denotes, for example right to hunt, to collect snails and firewood, and other resources etc. Finite as it is, land is becoming increasingly a scarce resource because of the appropriation for personal, industrial or agricultural purposes coupled with the rapid population growth and environmental degradation. As a result, the possession of adequate land means access to many other resources, such as minerals, timber and animals with a high economic value (USIP, 2007).

Essentially, national economies depend on land as an input for growth and development. It is almost hackneyed to say that land is the greatest resource that society has. Therefore, access to land and secured land rights are instrumental to the socio-economic development of a village, town/city, or nation. This is why lands in Ghana have become a valuable asset passed down to future generations, hence it is a source of identity (UN-HABITAT, 2012). Many societies see land and identity in tandem where the history, culture and ancestors of communities are tied up in the land. Therefore, without land, a community may lose its classifiable identity due to its economic, social and emotional importance (ibid). Significantly, land is also an important source of power and authority. The United States Institute of Peace (2007) indicates that communities often have a strong authority, emotional and symbolic attachments to land and the resources on it. This typifies why competition for control of valuable lands, including issues of government authority and regulation, multiple sales of land, lack of proper documentation, encroachment etc. have eventually led to violent conflicts in many parts of the world.

Many conflicts in Ghana for instance, are land-induced conflicts. These conflicts emanate from the high demand for land, encroachments, the government's refusal to fulfil his institutional bargain process with local leaders, high illiteracy rate among traditional leaders, corruption, poor documentation etc. According to Acquah (2013), land clashes and litigations in Ghana have become rampant, causing troubles within and among families, communities and ethnic groups all over the country. He adds that the problems may be due to mismanagement and lack of education, delays in adjudicating land disputes in court, improper documentation, and lack of understanding between tenants and landowners or Chiefs (Acquah, 2013). However, while many of these lands-induced conflicts remain protracted in other regions, in the Ashanti region and Kumasi¹ to be precise, most of the conflicts are either resolved or sufficiently managed owing to the *Otumfuo's*² structures at the Manhyia Palace³.

In the Kumasi Traditional Area, the majority of the land conflicts relating to traditional management had been resolved by the *Otumfuo's* structures (Aikins, 2012). The paper explores the role of the *Otumfuo's* Manhyia Palace in the traditional land conflict management in the Kumasi Traditional Area. The first part of the paper takes a brief review of literature on statutory and state land management systems in Ghana; customary land management systems and customary land tenure rights. The second part looks at land conflicts in Ghana, with specific reference to the Alavanyo/Nkonya, and Nawuri/Gonja land cases as protracted land resources conflicts in Ghana. Discussion of findings is treated in the final part of the paper along with the conclusion and recommendations.

Literature Review

Statutory and State Land Management System in Ghana

Using its power of eminent domain, the Government of Ghana has amassed considerable amounts of land in Ghana since colonial times under various enactments. The eminent domain used here refers to, "The power possessed by the state over all property within the state, specifically its power to appropriate private property for public use" (Larbi, 2008:1). Government has the right of compulsory land acquisition, with compensation, for the good of the public (Deininger, 2003). Such power, however, is not without controversy (Kotey, 2002). The exercise of the power of eminent domain has resulted in the state owning 20% of land in Ghana, while 2% is owned by the state and customary authorities in a form of partnership (split ownership) (Larbi, 2008).

The constitution of Ghana recognises the idea of trusteeship in land ownership by indicating that those with responsibility for managing land must act in the wider interests of their communities. Article 36 (8) of the 1992 constitution states: "*the state shall recognise that ownership and possession of land carry a social obligation to serve the larger community and, in particular, the state shall recognise that the managers of public, stool, skin and family lands are fiduciaries charged with the obligation to discharge their functions for the benefit respectively of the people of Ghana of the stool, skin or family concerned, and are accountable as fiduciaries in this regard*".

Furthermore, Article 257 (6) of the constitution provides that *“every mineral in its natural state in, under or upon any land in Ghana, rivers, streams, water, courses throughout Ghana, the exclusive economic zone and any area covered by the territorial sea or continental shelf is the property of the Republic of Ghana and shall be vested in the President on behalf of, and in trust for the people of Ghana”*.

Principally, it is worth noting that, with lands that have been compulsorily acquired, all previous interests is eliminated. Both the legal and beneficial titles and rights are vested in the President, and chunk sum compensation should, under the law, be paid to the expropriated victims. In the case of “vested land”, the instruments create dual ownership where the legal title is transferred to the state, whilst the beneficial interests rest with the community (Kasanga & Kotey, 2001), i.e. split ownership (Larbi, 2008). Meanwhile, under the vested lands, the state does not pay compensation. Any income accruing however, is paid into the respective stool land account and is dispersed according to the constitutional sharing formula (Kasanga & Kotey, 2001). While Article 20 (1) provides that *“no property of any description, or interest in or right over any property shall be compulsorily taken possession of or acquired by the State unless the taking of possession or acquisition is necessary in the interest of defence, public safety, public order, public morality, public health, town and country planning or the development or utilisation of property in such a manner as to promote the public benefit’ and the compulsory acquisition is made under a law which makes provision for the prompt payment of fair and adequate compensation”* (Constitution of the Republic of Ghana, 1992). Kotey (2002) argues that acquisition in the public interest could mean not only the acquisition by the government for public bodies and statutory corporations, but also for private companies and individuals for purposes, which, although they may contribute to public welfare, confer a direct benefit, including profit, on the user.

It is crucial to note that in theory when customary lands are vested the beneficial interests rest with the community whilst the legal estate is transferred to the President. However, in practice, both the beneficial interests and the legal domain are transferred to the President, who then passes the management functions to delegated authorities, including the Lands Commission and its Secretariats (Kasanga & Kotey, 2001). In such instances, the customary landholders are wholly stripped of their legitimate land management functions at the local level. This incidence can and normally becomes a stressor for land disputes and conflicts.

Customary Land Management System in Ghana

Land management under customary law is expressed in terms of rights established within a particular tradition of society. The land in many traditions is alleged to be an ancestral heritage with a spiritual affinity attached and which defines the identity of such society. Customary land tenure is simply defined as the set of rights in land that derive from customs or practices handed down from generation to generation (Paaga, 2013). More so, customary land tenure is believed to be a communal arrangement of land ownership where trustees on behalf of the whole community hold inalienable land rights.

According to Ollennu (1962:4), “Land belongs to a vast family of which many are dead, a few are living and countless hosts are still unborn”. The customary land tenure regimes in Ghana are diverse in concepts and practices, and are location specific, but exhibiting some commonalities (Kasanga & Kotey, 2001). Under the customary land tenure system, land is managed by traditional rulers or heads of families (with the council of elders, land or earth priests, family or lineage heads as trustees). Its principles stem from rights established through conquest, settlement, first clearance of land, and as gifts (Senu, 2014). The members of the landowning community enjoy rights as usufructs. Each member has a right, indeed an inalienable right, to the portion of the land, s/he is cultivating and no other member has that same right to the land (Woodman, 1996; Kasanga & Kotey, 2001).

According to Kasanga and Kotey (2001), the customary sector holds about 80 to 90 percent of all the undeveloped land in Ghana, with varying tenure and management systems, while Larbi (2008) pegged it at 78 percent (the remaining 20% is owned by the state/government, while 2% is owned by the state and customary authorities in a form of partnership). The difference is an indication that state acquisition of land in Ghana is increasing. Moreover, customary land consists of the categories of rights and interests held within a traditional system and which include stool lands, skin lands, clan lands, and family lands (ibid) and *Tendamba*⁴. They occur where the right to use or to dispose of used-rights over the land rest, neither on the exercise of brute force, nor on the evidence of rights guaranteed by government statute, but on the fact that the community recognises them as legitimate, and also by the rules governing the acquisition and transmission of these rights being usually explicitly and generally known, but normally not put in writing or formal documentation (Bower, 1993). Such ownership may also arise through discovery and long uninterrupted settlement; conquest through war and subsequent settlement; gift from another land owning group or traditional overlord; and purchase from another land owning group (Larbi, 2008).

There is a vivid and significant difference in customary tenure and management systems between the North and South of Ghana. Their varied historical integration into the colonial economy where the North was made a labour reserve of the South explains the difference. Empirical evidence shows that the South was developed as an export-producing zone, resulting in high rates of migration from the North to the large towns and cocoa producing areas of the South (Benneh, 1975 cited in Agbosu et al, 2007). According to Benneh (1975) cited in Kasanga and Kotey (2001), before the introduction of chieftaincy by the colonial rulers in the North, there was the *Tendamba*. Accordingly, the functions and duties of the *Tendamba* used to include the allocation of vacant land to “strangers”; settlement of land disputes; pouring of libations and sanctifying the land when sacrilege has been committed. Aside these, the *Tendamba* introduced new Chiefs to the “earth-god” and acted as an advisor to the Chiefs; performed annual sacrifices to ensure peace and prosperity; in charge of enforcement of covenants in respect to communal lands; and imposing sanctions against trespassers and deviant members (Kasanga & Kotey, 2001).

The introduction of chieftaincy by the colonial government through till today on the contrast robbed the *Tendamba* of its powers (duties and functions). Thus, land ownership and management regimes have changed in the North. For instance, in Dagomba and Nanumba, paramount Chiefs have delegated control of the land to their sub-Chiefs who no longer consult the local “*Tindana*” (Kasanga & Kotey, 2001). As a result, the *Tendamba* have lost their ultimate authority in land in much of the Northern region. Consequently, in the Upper East and Upper West regions some Chiefs now assert land holding rights and management functions. These assertions of power over land by Chiefs, however, are relatively modern developments and have no basis in indigenous systems and practices (Kotey, 1995).

Customary Land Tenure Rights in Ghana

Allodial Title Rights: The allodial interest is the highest interest or right that exists in customary land, which is not subject to any restrictions on the rights of users or obligations other than restrictions or obligations, which are imposed by statute. Landholders under allodial title include individuals, families and communities and the variations depended on the lineage. Among the matrilineal lineage such as the Akan tribe in Southern Ghana, allodial title is vested in the stool, represented by Chiefs, while allodial title is vested in the patrilineal lineage among ethnic communities in Northern Ghana. For this reason, Bentsi-Enchil (1964) acknowledges two forms of the allodial title to land; the state ownership and family ownership. The state ownership is those lands in the occupation of paramount stools, a common practice within the Akan community. It is based on the principle that a transfer can only be made by the Chief subject to the consent and concurrence of the principal elders and councillors of the stool (the case of the Asante Kingdom). In this regard, all transfers granted are lesser than the allodial title. The family ownership on the contrary, is premised on the fact that heads of families hold the land in trust for their members. Any transaction therefore requires the consent of members of the family.

Customary Freehold or Usufructuary Rights: The usufructuary title in Ghana is the highest type of land ownership a subject or individual member of a family can hold in stool/skin or family. It is an interest in land held by subgroups and individuals. These individuals acknowledge the land to be under the allodial ownership of a larger community of which they are members. Holders of usufruct rights have the right of possession; use and enjoyment; right to action in trespass; right of alienation; heritability of the usufructuary title; rights to compensation; and right to customary service (Bentsi-Enchil, 1964; Asante, 1965; Ollunnu & Woodman, 1985; Woodman, 1996; Senu, 2014).

Leasehold Interest: When land becomes scarce and more valuable, it was here that the grantor could impose conditions, hence the evolution of the license and tendencies. Leasehold occurs where customary freeholders lease a land to a third party or strangers. Woodman (1996) uses “tenancy” to refer to the interests held on terms set predominantly by standard categories, while “licence” is used of the interests held on expressly negotiated terms. Used commonly in the Southern parts of Ghana, two main categories come under leasehold interest; *Abunu*⁵ and *Abusa*⁶.

The *Abunu* is a share tenancy arrangement in Ghana, where a tenant farmer and his landlord share the proceeds of the farm or the matured farm in two equal parts. The *Abusa* on the other hand, implies the division of the farm or its proceeds into three parts, and while one farmer takes 2/3, the other takes 1/3 depending on their respective values of contributions in establishing the farm (Kidido, Ayitey, Kuusaana & Gavu, 2015).

Research Objective and Methodology

This paper is an exploratory study that seeks to examine the role of *Otumfuo's* Manhyia Palace in traditional land conflict management in Kumasi. Data for the study was drawn and thoroughly examined from a wide range of secondary sources, including textbooks, journals, articles, magazines, newspapers, theses and internet publications.

Study Area

Ashanti region is a city-state autonomous region of Ghana and is the homeland of the Ashanti ethnic group, occupying a total land surface of 24,389 km² (9,417 sq mi). The region occupies 10.2% of the total land area of Ghana as the third largest of ten administrative regions. In addition, Ashanti region is centred on the Ashanti capital, Kumasi, also known as Kumasi metropolis. The Ashanti region has a population of about 11 million in 2015 and is principally centred urbanely in the Kumasi metropolis. The region is the host to the Manhyia Palace, the residence of the *Asantehene*, *Otumfuo* Osei Tutu II. *Otumfuo* Osei Tutu II is the 16th *Asantehene*. He ascended the Golden Stool on 26th April 1999. He is a direct descendant of the founder of the Asante Kingdom; Osei Tutu I.

Overview of Manhyia Palace

The Manhyia Palace is situated in Kumasi and is both the seat of the *Asantehene* and his official residence. Originally, the Manhyia Palace served as the residence of *Otumfuo* Prempeh I and *Otumfuo* Sir Osei Agyeman Prempeh II, K.B.E. the 13th and 14th Kings of the Asante Kingdom. The British Government built the palace for *Otumfuo* Prempeh I in 1925 who returned from exile in the Seychelles Islands in 1924, to replace the old *Asantehene's* palace at Adum that was destroyed during the Yaa Asantewaa war. Today, the Manhyia Palace consists of the durbar ground, accommodation for attendants, stool room, the museum, the court and offices of the *Asantehene* and the residences of the *Asantehemaa* (Queen Mother), and the *Asantehene* (Asamoah-Hassan, 2011). The *Asantehene* is the head of the Asante's power structure and reigns over all the chiefs in Asante in a hierarchical structure.

Historically, the first *Asantehene* was Nana Osei Tutu I who reigned from 1675 as *Kumasehene* and from 1701 to 1717 as the *Asantehene* and after him were successive *Asantehene's*. However, in 1902 when the Asante nation became a British Protectorate, the office of the *Asantehene* was abolished.

Interestingly when Nana Prempeh I who had previously been exiled was repatriated to Kumasi in 1926, the British allowed him (Nana Prempeh I) to use the title *Kumasehene* rather than *Asantehene* (in actual sense he got back his title as *Asantehene* because the Asantes know the *Kumasehene* as the *Asantehene*) (Asamoah-Hassan, 2011). Principally, in 1935, during the reign of Nana Osei Agyeman Prempeh II, the British officially restored the title *Asantehene*. Today the traditional ruler of the Asantes is still known as the *Asantehene* (Asamoah-Hassan, 2011).

The Manhyia Palace has been very instrumental in chieftaincy conflict and land dispute resolutions not only in Kumasi, but also in other regions and generally in modern politics and governance. This means that the importance of Manhyia Palace cut across traditional and modern political governance. For this reason, successive and current governments of Ghana sometimes impute sensitive assignments to the palace. For instance, in 2003, the then president of Ghana; John Agyekum Kufour constituted a Committee of four Eminent Chiefs led by the Manhyia Palace via *Otumfuo* Osei Tutu II to find a durable solution to the protracted chieftaincy conflict in Dagbon, between the Abudu and Andani gates. After a long period of deliberations and a series of negotiations led by *Otumfuo* and his team, representatives of the two feuding gates in Dagbon signed a “Roadmap to Peace” on 30 March in 2006 (Issifu, 2015a). Additionally, before the 2012 presidential and parliamentary elections in Ghana, a tripartite initiative in Kumasi (Kumasi Declaration) organised by the *Asantehene*’s Manhyia Palace resulted in a peace accord of a fair play declaration by all presidential candidates (Issifu, 2015b). Therefore, using the Manhyia Palace, the study looks at how land disputes and conflicts are resolved in the Kumasi Traditional Area.

Results and Discussion

Land Resource Conflicts in Ghana

Conflict is a universal phenomenon of the human society that cannot be prevented completely. As Kendie (2010) rightly asserts, conflict cannot be avoided in social life, but can only be contained. It can occur at any given time and in any place, originating between two individuals or groups when there is a disagreement or difference in values, attitudes, needs or expectations (Conerly, 2004). Oyeniyi (2011) also add that conflict usually occurs primarily because of a clash of interests in the relationship between parties, groups or states, either because they are pursuing opposing or incompatible goals. In Ghana, land resource conflicts abound almost in every region with diverse incompatible goals underlying them. The Alavanyo/Nkonya, Peki/Tsito and Nkwanta conflicts in the Volta region, Gonja/Nawuri, Kpandai, Bimbilla, Bunkprugu Yooyuo, Dondoli, and Gushegu disputes in the Northern region, and the Weija-Oblogo conflict in the Greater Accra region, are examples of land resource conflicts in Ghana. Importantly, all these conflicts have apart to blame on market structures, corruption, and power struggle. For instance, as the market demand for resource use continues to grow, there is potential for conflicts over natural resources, including land to intensify (Effah, 2014).

As such, Hammill and Bescançon (2010) note that, when such stressors as social inequality, poverty, contested resource rights, corruption, ethnic tensions increase, mechanisms of resource control and power can become politicised and lead to resistance and conflict.

The increasing demand for land resulting from rapid urbanisation and population growth (Kasanga & Kotey, 2001; Ubink, 2004) has led to the commoditisation of land in the wake of the breakdown of traditional norms on land holding (Wehrmann, 2002). Importantly, competing claims to land and land boundaries between individuals; between individuals and traditional authorities; between communities; between community members and their traditional authorities; and between traditional authorities and state institutions, abound throughout the country (Tsikata & Seini, 2004; Wehrmann, 2008) and form the basis of land conflicts. In Ghana, resource based conflicts are therefore the misunderstanding in the utilisation and ownership of resources, which could be state owned, privately owned, communally owned or an open access.

The study also reveals that many land resource conflicts in Ghana just like in many parts of Africa are due to the complexity of the tenure arrangement under the customary law. As noted under the statutory land management systems, failure on the part of the government to acquire land compulsorily without due process is also a causative agent of land disputes. In addition, Kidido et al. (2015) opine that, the customary land tenure arrangement in Africa based on its equalitarian values often gives rise to multiple and sometimes overlapping claims by different parties over a given parcel of land. Specifically, in Ghana, statistics at the High Court Registry in Accra shows that land litigation ranks first in the number of cases pending in the courts. And about 60,000 cases have been registered in the superior courts in 2002 alone (Ghana News Agency, 2002). Interestingly, a private legal practitioner, Nene A. O. Amegatcher, adds that for the lower courts, land conflicts are so overwhelmed that they are unable to give the statistical data pertaining to land matters filed and pending before them (Ghana News Agency, 2002). This challenge could be resulting from the complex nature of customary land tenure arrangements, such as the leasehold (*Abunu* and *Abusa*), and delays in adjudication, frustrations and huge financial losses to contestants (Ghana News Agency, 2002), as well as the lack of transparency in the sale and acquisition of lands (Aikins, 2012).

Additionally, ill-defined property rights [where property right is defined as “a bundle of entitlements defining the owner’s rights, privileges, and limitations for use of the resource” (Tietenberg & Lewis, 2011:22)] under the customary land management system also triggers land disputes and conflicts in most parts of Ghana. The Bunkprugu Yonyuo district land conflict is a typical example. The primary known cause of this violent conflict was a misunderstanding between two individual ethnic groups, a Konkomba man and a Bimoba man over a piece of land meant for the construction of a school. Members of each ethnic group supported their Kinsman to claim ownership of the particular land that was meant for a communal project. This misunderstanding resulted in violence, which was characterised by intermittent shootings and the burning down of houses and shops. It appears as the problem is the multiple claims made over the same piece of land where property right is supported by oral history, but not legal documents and have lasted a couple of generations (UNDP, 2012).

Meanwhile, violent land conflicts decelerate the progress of development (Canterbury & Kendie, 2010). Different types of conflict have different effects not only on the economy of the conflicting areas, but also on the national economy. Destructions of social infrastructure like schools, water and health facilities during violent conflicts impacts heavily on the development of education and health in Ghana. Furthermore, conflicts lead to internal displacement of people and migration of people usually the youth. The consequences of land triggered violent conflict at the community levels also include heavy loss of life, injury to affected and innocent bystanders, destruction of public and personal property, ruined social relations, polarisation and the fictionalisation of every aspect of social life and exodus of community members to safe areas as well as destruction of livelihoods (Awedoba, 2009).

Land Resource Conflicts in Ghana: Cases of Alavanyo-Nkonya and the Nawuri-Gonja Land Conflicts

Alavanyo-Nkonya Land Conflict

According to Midodzi and Jaha (2011), the evolution of the conflict between the Alavanyo and Nkonya communities began around 1923. It has been established that the root cause of this conflict was a land demarcation process that culminated in the Gruner map being drawn up in 1913 by the colonial German administration. In reality, the land under dispute passes through both Nkonya and Alavanyo communities. According to Ohene (2013), history establishes that the Alavanyo community migrated from Saviefe to Sovie, and settled in a land that was given to them by the Nkonya community in 1840. Following their settlement, the Alavanyo formed a number of communities on agricultural land owned initially by the Nkonya community. The land in disagreement is a forest rich in timber, bamboo, cola nuts, and tested fertile for the cultivation of cocoa and other economic food crops. Between the 1923 and 1958, the Nkonya and Alavanyo clashed over the land in question until a Supreme Court ruling in 1958 favoured the Nkonya community. This triggered an increased discontentment among the Alavanyo community, with the conflict taking a further angle when the Alavanyo disputed the accuracy and legitimacy of the 1913 Gruner map. Since its inception, there have been occasional incidents of violence over the disputed land.

During the late 1990s, leading to the 2000s and more recently since 2013, there has seen numerous heightened violent clashes between the Nkonyans and Alavanyos, resulting in significant loss of lives and property. In 2000 for example, each of the communities pointed an accusing finger at each other for engaging in farming activities as well as logging of timber in the disputed forest. This tension triggered attacks and counter-attacks on the inhabitants of these communities. In early 2003, some newspapers in Ghana reported the shooting of an Nkonya man and his child on their farmland, leading to the death of the man (*The Ghanaian Times*, 2003; *The Evening News*, 2003). The *Evening News* further reported that the murder of the man on his farmland led to marauding and stealing of farmlands, setting ablaze farmlands and foodstuff. Despite the periodic occurrences of land clashes in the area, there seems to be no effective way of managing or resolving these long-standing conflicts. However, government interventions via peacekeeping, curfews, the law courts, commission of inquiries, committees have been used to address this conflict, but to no avail.

The Nawuri/Gonja Land Conflict

According to Mbowura (2012), claims over allodial rights in land are the main issues that underlay the Nawuri-Gonja conflict. The Nawuri (indigenous people and language spoken) shares territorial borders on the Northern part of the Volta Region to the East, West, South and to the North it shares common boundaries with the Achode/Chanla, Nchumurus, Krachi and Nanumba. This territory was the scene of a destructive inter-ethnic conflict between the Nawuri (autochthones) and the Gonja (immigrants and overlords) in 1991 and 1992. The root causes of the conflict between the Nawuri and the Gonja have been traced to the colonial policy of indirect rule introduced in the Northern Territories in the 1930s, which incorporated the Nawuri under the Gonja as part of the colonial government's effort of rationalising existing social and political structures for administrative purpose (Ladouceur, 1979).

The indirect rule system introduced into the administration of Northern Ghana in 1932 allowed centralised states to consolidate their power over the subsumed ones, because of which the Nawuri, for example, lost their sovereignty to the Gonjas. As overlords, the Gonja also claimed allodial rights to Nawuri lands. From 1932, a state of conflict existed between the two ethnic groups as they contested jurisdictional authority and allodial rights in Alfai (Nawuri-land). The colonial political super-structure, which super-imposed the Gonja over the Nawuri in contravention of history and tradition created the conflict structures between the Nawuri and the Gonja over traditional authority in the Nawuri territory (Mbowura, 2012).

Gonja rule over the Nawuri was made irreversible, as Nawuri attempts between 1932 and 1991 to rectify the anomalous political structure yielded no positive results as both the colonial and post-colonial governments of Ghana appeared unwilling to dismantle the colonial political super-structure. The failure to correct the anomalous ruler-ruled relationship between the Gonja and the Nawuri brought them to the brink of war in 1991 from which retreat seemed impossible (Mbowura, 2012). Although the conflict is resolved, a few land tensions exist in the area.

Traditional Land Management System in the Kumasi Traditional Area

In the Kumasi traditional area there is a common knowledge relating to land; everybody believes that every stool have properties. According to Aikins (2012), the properties include human beings. The system of land ownership in the traditional area is the state ownership type as described by Bentsi-Enchil (1964). An interesting common sense is that, in the Kumasi Traditional Area, not every Chief is a custodian of the land, but administrators, who ensure that everybody, including subjects of their stools and outsiders have access to land under their administration. The actual custodians are the *Gyaasehenes*⁷. Aikins reiterates that the custodians of all Kumasi lands are under *Gyaasehene*. Odotei and Hagan (2003:75) in their study found the *Gyaase*⁸ as the palace administration, and means "The properties of the King are in the hands of the *Gyaase*." Paramount chiefs within the Asante Kingdom own allodial titles to land (Aikins, 2012). In Kumasi specifically, *Otumfuo* Osei Tutu II is the administrator of all lands.

However, due to the vast land size and the growing population, *Otumfuo* has delegated customary powers to his sub-Chiefs to manage lands under their jurisdiction within the Kumasi Traditional Area. Therefore, all sub Chiefs who hold lands in trust for their subjects are only caretakers for *Otumfuo* (Aikins, 2012).

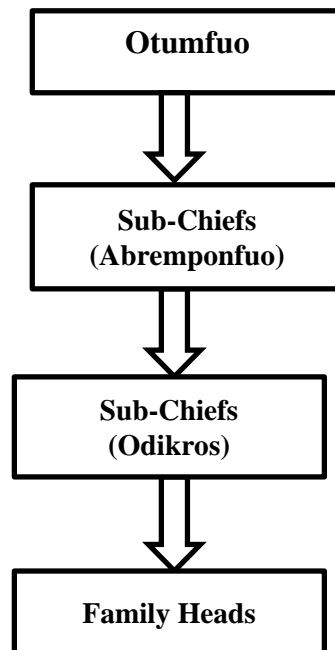


Figure 1: Structure of Land Management System in the Kumasi Traditional Area

Fig. 1 shows the hierarchical structure of traditional land management administration in Kumasi. In the case of a traditional land transaction, a potential buyer of a land will first make contact with a family or a family head, who then reports the supposed transaction to the *Odikro* or an *Obrempon* for the appropriate documents. The chain of command continues upwards to the *Otumfuo*, who finally appends his signature of approval. Interestingly, in Kumasi, “*Otumfuo* is the chief administrator, sub chiefs are caretakers, and *Gyaasehenes* of chiefs are custodians, but in practise families own the lands (Aikins, 2012: 134).

Land Conflict Management in the Kumasi Traditional Area

As noted by the *Otumfuo*, the modern traditional chief is very active in dispute and conflict resolutions when disputes arise between ethnic groups or individuals in the local area or community (Otumfuo Osei Tutu II, 2009). It is not surprising, therefore that, the majority of land conflicts within the Kumasi Traditional Area/Council are either resolved or not in existence.

The resolutions have been through the efforts of the traditional leadership, who first of all habitually resort to history, and secondly rely on traditional belief systems such as ‘great oath swearing’, skills of professional and educated sub Chiefs and finally, the wisdom of ‘Manhyia Powers’ (Aikins, 2012). In essence, *Otumfuo* in consultation with his council of elders and the diverse representatives of the people in the traditional area has made laws and rules that help him in land dispute resolutions and day-by-day governance of his people. For example, when two families fight over a piece of land or over a boundary and it gets to the chief’s palace, the elders use history to settle the matter. Thus, “*Sometimes, they will go locus inco, go on site and look at the boundary features. Somebody might say, “a river is the boundary,” somebody might say, No, it’s a coconut tree,” and then the traditional rulers will say, “in Ashanti we don’t use a coconut tree to be a boundary feature, but rather a river.” So, based on that, they can determine the case. Each person will give a historical account of how the land was acquired by that person. The historical account will also help the adjudicators to settle the case easily, because sometimes, if you are telling the truth, we know and if you are telling lies, we also know* (Aikins, 2012: 183).

Again, an important basis for managing or resolving land conflicts in the Kumasi Traditional Area is the existing belief and value systems: respect for traditional elders and authority; respect for the gods and fear of making retribution to them for wrongdoing; and belief in the potency of taboos and oath swearing. In similar issues of a boundary misunderstanding in Kumasi, one party would have to swear the ‘great oath’ at the Chief’s palace and that resolves the conflict. The other feuding party would have to end the conflict completely because it is believed that if it did, curses would fall on that party.

However, in extreme cases where the oath did not resolve the conflicts, a goat was thus, slaughtered and the matter transferred to *Otumfuo* at the Manhyia Palace (Aikins, 2012). At the Manhyia Palace, *Otumfuo* will set a committee of professional sub Chiefs some of whom are lawyers, architects, surveyors, land economist and so on to investigate the matter. Based on the findings of the committee, *Otumfuo* pass his ultimate verdict. Because of the validity and reliability of the *Otumfuo*’s Manhyia Palace, parties most often than not accept the ruling in good faith. Importantly, why *Otumfuo* and his Manhyia Palace have been able to resolve 80 percent of conflicts in the Ashanti Kingdom, both in chieftaincy and land disputes is attributed to the method of video recording of proceedings. The essence of the video recording is for evidence sake. In effect, the recording would be played back where a disagreement surfaced again after the *Otumfuo* adjudication so that all members could know who rightly belongs to the land (Aikins, 2012).



Figure 2: Process of Land Conflict Resolution at the Manhyia Palace

Resolution of land conflicts within the traditional area passes through the process described in Fig. 2. According to Aikins (2012), at the Manhyia Palace, the case is first of all heard at the lower level sub chiefs, who also belong to divisions. These divisions include the *Akom*, the *Krontire*, and others. After the role of the lower level sub chiefs, may be in the case where the ‘great oath swearing’ could not resolve a conflict, it would be forwarded to the committee of professional sub chiefs, who also presents their findings to *Otumfuo* for his final verdict. Obviously, cases move through the hierarchical divisions until it finally reaches the *Otumfuo*. In sum, the *Otumfuo*’s structures had pre-empted many potential conflicts in Kumasi (Aikins, 2012).

Conclusion and Recommendations

Land conflicts in Ghana are wide and broad, spreading through every administrative region. The increasing demand for land resulting from rapid urbanisation and population growth has led to the commoditisation of land in the wake of the breakdown of traditional norms on land holdings. While many land conflicts in Ghana are due to the increasing demand, many have historical roots. Although Kumasi has a relatively low rate of land disputes, the Kumasi Traditional Area has been bewildered with some land disputes and conflicts. Nevertheless, thanks to the good governance structures put in place by *Otumfuo* Osei Tutu II and his Chiefs, the majority of those conflicts are resolved. As a result, there is quite an easy access to land within the Kumasi Traditional Area, vibrant land market, sound and resilient traditional and state authorities, and an improved customary land administration system. With the new trend in land administration in the city and the neighbouring districts, together with the ongoing reforms at the Lands Secretariat, Kumasi will continue to be the finest place to invest in Ghana.

It is recommended that afflicting parties fall back on their traditional authorities for adjudication of land disputes. Most of the land disputes piled up in the courts could also be referred to the traditional authorities either at the local, regional or at even the national house of chiefs for adjudication. Essentially, traditional political leaders must learn from the video recording method of conflict resolution applied at the Manhyia Palace as part of the *Otumfuo's* traditional conflict resolution process. This is because, once proceedings are visually recorded, in the event where the conflict reoccurs, the video recording tape can be played back and or could be used as references for resolving similar land conflicts in the future.

References

- Abgosu, L., Awumbila, M., Dowuma-Hammond, C. & Tsikata, D. (2007). *Customary and statutory land tenure and land policy in Ghana*, Institute of Social Statistical and Economic Research (ISSER).
- Acquah, S. K. (2013, December 10). Land disputes and litigation. *Daily Graphic*. Online at <http://graphic.com.gh>.
- Aikins, S. K. (2012). *"Institutionalising effective local government in Ghana: Challenges from informal customary practices"*. Ghana Universities Press, Accra.
- Asamoah-Hassan, H. R. (2011). *Manhyia palace art symbols as a medium for education and information dissemination*. A PhD dissertation submitted to the School of Graduate Studies, Kwame Nkrumah University of Science and Technology, Kumasi.

- Asante, S. K. B. (1965). "Interests in land in the customary law of Ghana-A new appraisal", *The Yale Law Journal*, Vol. 75, No. 5, pp. 848-885.
- Awedoba, A. K. (2009). *An ethnographic study of northern Ghanaian conflicts: Towards a sustainable peace*, Accra.
- Benneh, G. (1975). "Traditional political systems, titles to land and tenures in Ghana", *Bulletin of Ghana Geographical Association*, Vol.17.
- Bensti-Enchil, K. (1964). *Ghana land law-An exposition, analysis and critique*, London.
- Berry, S. (1997). Tomatoes, land and hearsay: Property and history in Asante in the time of structural adjustment. *World Development* 25 (8), 1225–1241.
- Bower, P. (1993). *Land tenure policy and development in tenure in the holding of office or of land or other permanent property of accommodation*. Paper presented at International Conference organised by the RICS, University of East London. London.
- Canterbury, D. & Kendie, S. B. (2010). Development in context: power dynamics and underdevelopment of the Third World – implications for poverty reduction and conflict management in Ghana. In S. B. Kendie (Ed.), *Conflict management and peace building for poverty reduction*. Tamale: GILLBT Press.
- Conerly, K. (2004). What is your conflict style? Understanding and dealing with your conflict style. *Journal for Quality and Participation*. Retrieved on October 18, 2015 from www.findarticles.com/p/articles/mi_qa3616/is_200407/ai_n9425833/print.
- Dale, P. & McLaughlin, J. (2003). 'Land administration', Oxford University Press, New York.
- Deininger, K. (2003). *Land policies for growth and poverty reduction*, Washington DC. The World Bank/Oxford University Press.
- Effah, G. (2014). Assessing natural resource use conflicts in the Kogyae Strict Nature Reserve, Ghana (MPhil Thesis). University of Science and Technology, Kumasi.
- Ghana News Agency (2002, November 29). Land litigation tops court cases, *Modern Ghana*. Accessed from www.modernghana.
- Hammill A. & Bescançon, C. (2010). *Promoting conflict sensitivity in transboundary protected areas: A role for peace and conflict impact assessments*. Paper prepared for the workshop on Transboundary Protected Areas in the Governance Stream of the 5th World Parks Congress, Durban, South Africa.
- Hill, P. (1963). *The migrant cocoa farmers of southern Ghana*. Cambridge: Cambridge University Press.

- Human Security Centre (2005). *The human security report 2005*. Human Security Centre, University of British Columbia.
- Issifu, A. K. (2015a). An analysis of conflicts in Ghana: The Case of Dagbon chieftaincy. *The Journal of Pan African Studies*, Vol.8, No.6. Pp. 28-44.
- Issifu, A. K. (2015b, October 10). The evolution of Ghana's national peace council: Successes and failures. *Modern Ghana*, <http://www.modernghana.com>.
- Kasanga, K. & Kotey, N. A. (2001). *Land management in Ghana: Building on tradition and modernity*. International Institute for Environment and Development, London.
- Kendie, S. B. (2010). *Conflict management and peacebuilding for poverty reduction*. Tamale: GILLBT Press.
- Kidido, J. K., Ayitey, J. Z., Kuusaana, E.D. & Gavu, E. K. (2015). Who is the rightful recipient of mining compensation for land use deprivation in Ghana? *Resources Policy* 43,19-27
- Kotey, N. A. (1995). "Land and tree tenure and rural development forestry in Northern Ghana" *University of Ghana Law Journal* 102-132.
- Kotey, N. A. (2002). Compulsory acquisition of land in Ghana: Does the 1992 Constitution open new Vistas? In Toulmin, C., Delville, P. L. & Traoré. S. (Eds). *The dynamics of Resource Tenure in West Africa*, London, GRET/IIED, James Currey & Heineman.
- Ladouceur, P. A. (1979). *Chiefs and politicians: The politics of regionalism in northern Ghana*. Longman Group Limited, London and New York.
- Larbi, O. W. (2008). *Compulsory land acquisition and compensation in Ghana: Searching for alternative policies and strategies*. FIG/FAO/CNG International Seminar on State and Public Sector Land Management Verona, Italy.
- Mbowura, C. K. (2012). *Nawuri-Gonja conflict, 1932-1996*. PhD Thesis (published) submitted to the University Of Ghana, Legon.
- Mechthild, R. (1987). *Land law and land use control in Western Sudan: The case of Southern*. Darfur 53.
- Midodzi, P. & Jaha, R. (2011). Assessing the effectiveness of the alternative dispute resolution mechanism in the Alavanyo-Nkonya conflict in the Volta region of Ghana. *International Journal of Peace and Development Studies*, 2, 195-202.
- Odotei, I. K. & Hagan, G. P. (Eds.) (2003). "The king returns. Enstoolment of Asantehene Otumfuo Osei Tutu. II and the Ayikese (great funeral) of Otumfuo Opoku Ware II". Legon: Institute of African Studies.

Ohene, F. (2013). The facts of the case between Nkonya and Alavanyo. Retrieved from <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=270233>.

Ollennu, N. A. & Woodman, G. R. (1985). Ollennu's principles of customary land law in Ghana, Birmingham, Cal Press.

Ollenu, N. A. (1962). *Principles of customary land law in Ghana*. Accra, Ghana.

Otumfuo Osei Tutu II (2009). *The Role of the modern traditional Chiefs in development of Africa*. Welcome address by His Royal Majesty Otumfuo Osei Tutu II Asantehene at the 2nd Bonn Conference on International Development Policy. World Conference Centre, Bonn, Germany.

Oyeniya, A. (2011). *Conflict and violence in Africa: Causes, sources and types*. TRANSCENT Media Service.

Paaga, D.T. (2013). Customary land tenure and its implications for land disputes in Ghana: Cases from Wa, Wechau and Lambussie. *International Journal of Humanities and Social Science Vol. 3 No. 18, pp 263-270*.

Senu, M. A. P. (2014). *Customary land tenure practices and land markets in Ghana: A Case study of Odupong Ofaakor*. (Mphil Thesis). Kwame Nkrumah University of Science and Technology, Kumasi.

The Constitution of the Republic of Ghana (1992). Government Printer, Accra.

Tietenberg, T. & Lewis, L. (2011). Environmental and natural resource economics- ed. Pearson Education, Inc, USA.

Tsikata, D. & Seini, W. (2004). *Identities, inequalities and conflicts in Ghana*. CRISE Working Paper 5.

Ubink, J. M. (2004). "Struggles for land and the role of Chiefs, indigenes and the State in Peri-urban Ghana: Customary law manipulated?" Paper presented at Congress on Law, Plural Societies and Social Cohesion hosted by Commission on Folk Law and Legal Pluralism, Fredericton, Canada.

UNDP (2012). A draft Report for Conflict Mapping in Northern Ghana. National Peace Council, Ghana

UN-HABITAT (2012). *Land conflicts: Toolkit and guidance for preventing and managing land and natural resources conflict*. United Nations Interagency Framework Team for Preventive Action.

United States Institute of Peace (2007). *Natural resources, conflicts and conflict resolutions*. United States Institute of Peace, Washington, DC.

Wehrmann, B. (2002). The easiest way to make money is to sell land. Land conflicts in the Peri-urban areas of Accra, Ghana. *Trialog* (74), 26-32.

Wehrmann, B. (2008). *Land conflicts: A practical guide to dealing with land disputes*. Eschborn, Germany: Deutsche Gesellschaft für.

Woodman, G. R. (1996). *Customary land law in the Ghanaian courts*. Ghana Universities Press, Accra.

News Paper Articles

The Ghanaian Times (January 3 2003).

The Evening News (March 3 2003).

Endnotes

¹ The administrative capital city of Ashanti Region of Ghana

² The traditional title name for the King of Ashanti

³ The office of the King of Ashanti

⁴ *Tendamba* refers to the first settlers of a community and representative of the 'earth god', it is a term used within the Northern parts of Ghana.

⁵ Strangers and migrant farmers who do not own land and cannot rent land. However, one comes into terms with their landlord and land is given to them for production. In *abunu* the cultivated land and crops are proportionally shared in halves (1/2).

⁶ In *abusa* the land and the cultivated crops are proportionally shared in 1/3 (to the landlord) or 2/3 (to the farmer) or the vice versa depending on their respective levels of contrition to the establishment of the farm (Hill, 1963)

⁷ The *Gyaasehene* is the custodian of all properties of the stool, including royals.

⁸ The *Gyaase* is a traditional portfolio in the traditional political system in the Asante Kingdom and in most Akan communities.