

An Overview of Compulsory Land Acquisition in Ghana: Examining Its Applicability and Effects

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Abstract

In Ghana, to ensure life that is sustainable now and in the future, the government need to provide basic infrastructures that will promote economic, cultural, health and social wellbeing of its citizens. For this development to take place the government need to acquire land that will act as a platform for such interventions. Whereas in the country, land ownership is guaranteed in the lordship of customary interest, the state has no option than to employ eminent domain to acquire private rights in land without complete accepted agreement from the owners for societal benefit. The framework within which implementing organisations in the country carry out the processes is highly appalling and has resulted in detrimental outcomes. The application of compulsory acquisition in the country has led to undermine the principles of good governance. The need to strictly adhere to the rules and procedures of the legislative tool and also inadequate payment of compensation has become obvious and apparent. Considering these intricacies and complications involved in the compulsory acquisition process in the country requires some perceptible revision that will promote good practices among governments at local, regional and national level.

The methodology applied for this paper was drawing on pragmatic and realistic studies pertaining to compulsory acquisition in Ghana through qualitative and quantitative analytical framework. The research design used for the research was the case study approach to put the study in context. Study difficulties as well as wide-ranging nature of research were taken into consideration in employing this approach. The research focused on how compulsory acquisition has been applied in Ghana. Issues considered include principles underpinning the legislative tool, argument in support and against compulsory acquisition. It also goes on to discuss the pattern of land ownership in Ghana and procedures for exercising compulsory

acquisition. Lastly, this paper also puts much emphasis on how lands acquired by the government of Ghana have been utilised.

Characteristically, compulsory acquisition in the Ghana can be described as disturbing and disruptive. This is highly manifested particularly from the ownership structure of land occupied by customary tenure. The study reveals some bottlenecks in the processes and procedures of land acquisition where involvement of land owners at the initial stage is missing. An inventory of land acquired in Central Region (Ghana) showed that about 82% of land size acquired by the state did not follow proper executive instruments. Also about 44% of lands acquired by the state have not been utilised. These implications have resulted in non-payment of fair and equitable compensation and states land been encroached.

Effective determination of appropriate compensation, protection of government lands through proper safeguarding mechanisms, development of unused lands and strictly adhering to the spelt out policies governing compulsory acquisition in the country could help eliminate, if not reduce its associated impacts.

Keywords: Compulsory Acquisition, Compensation, Land Ownership, Land Use, Ghana

1. Introduction

Worldwide, land is described as one of the most important asset among politicians, researchers, estate development agencies, urban planners, policy makers and community based organisations. Land is not only considered important to the agrarian communities but in modern times it is regarded as the main pillar for measuring economic growth in terms of capital and wealth (Ding, 2004). The quest for land is as a result of the increasing urbanisation in our cities and towns coupled with high population growth.

In 2008, for the first time in history more than half of the entire world population (3.3billion) lived in urban areas and this figure is expected to increase to 5billion in 2030 (UN-Habitat, 2008). Available data shows that in the future, urban population will increase from 3.29 billion in 2007 to 4.58 billion people in 2025 in contrast with rural population of 3.28billion in 2007 to 3.43 billion people in 2025 over which about 96percent of this increase will accumulate in developing countries especially Africa and Asia (UN-Habitat, 2008). The pace of this population growth is engulfed with the provision of services and infrastructure such as water supply, transportation, agricultural expansion, health and recreational facilities that promotes human wellbeing in social, economic, physical, environmental and cultural manifestations. At the moment Ghana urbanisation rate (3.54%) is growing faster with four out of ten people living in urban areas and it is predicted that by 2050, more than three-fourth of the population (75.6%) will live in urban centres in contrast with the rural population (24.4%) if the trend should not change (Obeng-Odoom, 2010).

In Ghana majority of the land (>80%) is owned by customary tenure with state lands less than twenty percent (<20%). This issue has been a major problem to the government in its attempt to provide infrastructure in cities due to its limited ownership of land. This drawback provides the government with no choice than to acquire individual lands compulsorily resulting in the displacement of people. In most parts of Africa, the standard and process for

implementing compulsory acquisition has been undermined because sometimes little or no compensation is paid to land owners. This negative attitude is likely to lead to land tenure insecurity, inequity and ambiguity (Deininger, 2003).

Ghana is one of the countries in Africa that is sited along the northern coastline of the Gulf of Guinea with a total land area of 238,533 square kilometres. The country is surrounded by extreme rivers and streams in addition to both natural and man-made lakes including Lake Bosomtwe and Lake Volta. The first population census conducted after the independence in 1961 recorded 6.7 million citizens and this figure rose quickly to 8.5 million inhabitants following the 1970 national census and this figure is marked as about 27% increase in the period 1961-1970. However, the current official population of the country is 25 million inhabitants. Considering the provisional results of the 2011 census estimates by the Ghana Statistical Service, the sector that recorded the highest growth was the service segment (8.8%). Industrial sector was the second followed by Agriculture recording 7% and 2.6% respectively. Though the figure recorded from the agricultural sector indicates an improvement, it can also be said that its contribution over the years have kept declining with its share reducing to 23.1 percent from 25.6 percent.

Most lands in Ghana are owned primarily by customary entities and families, therefore the government can access land through acquisition subject to legislation. Larbi 2008, stated that such legislation have been used widely generating problems such as encroachment, transferring state corporations to private companies, unfair and inequity compensation and change of use of land as against the purpose for which the land was acquired.

Considerably, the volume of this paper describes the framework in which compulsory acquisition is initiated in Ghana based on pertinent related literatures.

2. Definition and Concepts of Compulsory Acquisition

“Compulsory acquisition is the power of government to acquire private rights in land without the willing consent of its owner or occupant in order to benefit society. It is a power possessed in one form or another by governments of all modern nations. This power is often necessary for social and economic development and the protection of the natural environment. Land must be provided for investments such as roads, railways, harbours and airports; for hospitals and schools; for electricity, water and sewage facilities; and for the protection against flooding and the protection of water courses and environmentally fragile areas. A government cannot rely on land markets alone to ensure that land is acquired when and where it is needed. Compulsory acquisition requires finding the balance between the public need for land on the one hand, and the provision of land tenure security and the protection of private property rights on the other hand” (FAO 2008).

The execution of compulsory acquisition needs a thorough understanding of the various processes involved due to its complex nature. It is characterised by two main features, these are, acquiring of private property for public interest and a fair compensation to the affected people. It should however, be noted that the term compulsory land acquisition is used differently in the developed and developing countries. Currently, whereas in the developed

countries, the term is used to protect natural environment such as the forest and nature reserves, water resources, provide public facilities such as recreational centres and open spaces and also to prevent land use conflict (Ding, 2007), the term is also used in the developing countries to provide facilities for public interest and also to promote equity and fairness between the rich and poor.

2.1 Standards for Compulsory Acquisition Application

FAO (2008) of the United Nations have outlined three basic principles to which compulsory acquisition should be applied. They include:

- ✓ **Protection of law and fair procedure:** Rules and laws are necessary to guide and shape the legislation of compulsory acquisition. People are often self-assured and confident when there are spelt out regulations and conventions on the process of compulsory acquisition. The rules must be adhered strictly to prevent any misfortunes and misunderstandings between implementing agency and the people. The law should also outline the process through which affected people can address their grievances when they are unsatisfied about their compensation.
- ✓ **Good Governance:** Good governance requires institution and people working at local, regional and national level to achieve goals and objectives. The process of land acquisition should be transparent and apparent to the people to help build trust among peoples whose properties are acquired. Institutions must always be held accountable in their endeavours to help prevent corruption and abuse of power. Sanctions should be applied when the need arises to prevent any leading occurrences.
- ✓ **Equivalent compensation:** If possible there should be spelt out laws that govern fair and equitable compensation mechanisms. Implementing agencies must always ensure that affected people are compensated not less than their acquired property but if necessary a value identical to their acquired properties. Fair compensation helps restore people's lives quickly to prevent any economic failure which are likely to occur. Qualified and efficient quantity surveyors from appropriate agencies must be employed in undertaking the assessments for compensation. The process of compulsory acquisition can only be completed when every affected person have been fully satisfied. A good example is applicable in Australia where majority of compensational claims are resolved without taking to court actions. A paper by Graeme Newell and others in 2011 stated that over 2650 cases on compensational claims, more than 96% were solved without any court interferences, and where there were claims the law sees the court as an independent body to ensure fair and equitable compensation based on value of land to the holder.

2.2 Arguments in Support of Compulsory Acquisition

Many policy makers, researchers, NGO's and CBO's have criticised compulsory acquisition of land and properties, some on the other hand have also advocated for it, seeing it as a necessary tool for development. Ding 2007 in his paper "Policy and praxis of land acquisition in China," outlined the following theoretical reasons for the legislation:

✓ Provision of public goods

Especially in developing countries, certain infrastructure requires huge amount of money for provision by the private sector. Such public infrastructure includes dams for water supply, electricity, reservoirs, airports, roads, railways, police stations and urban development such as urban upgrading and regeneration. There are also certain types of infrastructure that government doesn't want private firms to operate because of their profit oriented motives. In this way, governments will want to provide such facilities which require land for their execution. The only way government can achieve these goals is to acquire land compulsorily using eminent domain. The provision of such infrastructure often leads to equitable distribution of resource among the rich and the poor. If private firms are allowed to operate and provide such facilities the poor cannot access because such firms are profit oriented.

✓ Land use compatibility

Government may require land compulsorily to ensure compatibility of land uses. This is particularly apparent in developing countries where land ownership and determination of its use is in the hands of private individuals. To prevent haphazard development, government may restrict land use in terms of type and intensity to create harmony, safety, convenience, economy and functionality in our towns and cities. This is particularly obvious in developing countries where there are conflicting land uses due to the customary ownership of land.

✓ Promote equity and justice

Compulsory acquisition is used as a tool to ensure fairness, equity and justice among the rich and the deprived especially in the accelerated urbanised cities. Considerably, the poor have limited access to land due to price escalation and intensification of land. Land is regarded as an important asset in the developing world where the rich often wants to own greater percentage of land. The rich with their supremacy often exploits the land market and tenure security deserting the poor since they cannot afford to buy. To control this dilemma, government may enter the land market through compulsory acquisition to ensure justice distribution of land.

There is insufficient provision of public basic facilities such as open spaces, recreational parks and conservation of the natural environment when land is allowed to operate at the profit marketplace. Meanwhile such provisions in our communities are very important in ensuring sustainable development. The private sector often provides infrastructure that they can easily make profit. This problem is very critical in the developing countries where there are few parks and recreational centres and also tree planting. In this way government may acquire land compulsorily to provide such facilities.

2.3 Arguments against Compulsory Acquisition

A lot of arguments have been outlined by scholars in support of compulsory acquisition of land. The opportunity cost associated with the instrument is the forgone use of land and its conveying cultural, social, economic and health outcomes (Larbi et al, 2004). I will rather say its associated consequences on property owners cannot be measured and quantified. The

process of the initiatives is basically meant to enrich lives but it simply end up peoples in impoverishment losing their capital assets and deny their access to basic human rights needed to improve standard of living.

The discrepancies and irregularities that result from unfair payment of compensation lead to social injustice. To implement acquisition effectively and efficiently requires enough resources. There is an abuse of human, social, cultural and economic rights when people are not compensated reasonably. Tensions are likely to rise up between implementing organisation and the affected peoples. For example in china, there are disparities in compensation determination. Lands that are acquired for commercial purposes receives higher compensation than those acquired for public services such as highways, airports, water supply and canals (Ding, 2004). To ensure a good practice, whatever the reason for the acquisition equivalent disbursement should apply.

According to Tzu-Chin Lin and Sen-Tyan Lin 2006, productive structures, commercial activities and people livelihoods are altered when land is acquired compulsory. People may be displaced from their suitable homes that will result in modifying their family composition. Social network relationship is also destroyed especially where there are inadequate economic opportunities available at host communities. In this case, the young are always unwillingly to follow their family members to the new place. It also makes especially farmers landlessness when their farm land is been acquired. A good practice is to employ land to land option as a livelihood strategy to help quickly restore farmer's life. During land acquisition most communities are been deprived from their cultural and historical sites. In their research "*The Impact of Compulsory Land Acquisition on Displaced Households in Nairobi*" Syagga and Olima 1996, found out that an average income of household from a project area before resettlement was \$1126 per hecter per year gained from the production of cattle and crops. \$ 122,196 was obtained by the entire population from crops and woodlots each year. Following the displacement, the average income obtained by household was only \$205.50 representing 18% of their earlier income which is marked as an intensified reduction.

Compulsory acquisition of land may lead to land tenure insecurity among the affected people. People begin to lack tenure security if government who is suppose to maintain law and order is using eminent domain. There is abuse of trust following the malice in the policy and legislation that protect individuals and communities. It also delays project especially when land owners are not satisfied with their reimbursement packages.

Strong and controversial are the arguments for and against compulsory acquisition. I, however, in my opinion believe that the impact on the livelihood of people should be critically examined because even in situations where the procedure for the acquisition is applied and fair compensation is given to the affected parties; there are still associated human costs. Where there is resettlement, Climate differences between the displaced original place of abode and host community can affect the elderly and the vulnerable groups such as the disabled and children. The problem of food insecurity will occur when there is displacement. It takes time sometimes years for farmers to develop lands because at the initial stage they are often described as conservatives. They are characterised as risk adverse thinking that their

crops will not thrive well which results in malnutrition and starvation. During land acquisition, places of cultural and historical sites such as shrines, places of worship and cemeteries are destroyed causing anxiety among displaced people especially among indigenous families. If governments argue that the main aim of land acquisition is to ensure equity and protect public interest, then these impacts should be taken into consideration by involving the affected persons as early as possible to prevent any misfortunes, if this is done they will bring problems confronting them at the initial stage on board and these issues can be dealt with through a cordial remedy. Compulsory land acquisition when carefully planned can restore people back in their original life before the acquisition or better their lives by providing social amenities to the community. It is therefore important that acquisition implementing agencies should adhere to the processes of the acquisition applying transparency and precision.

3. Land Ownership in Ghana

There have been a lot of controversies about the ownership structure of land in Ghana. Some have argued that there are three types of land ownership in Ghana namely state lands, vested lands and customary lands. Others also have categorised them under two main types, lands that belongs to the state and those that belongs to the customary. Government lands, customary lands, family or private lands and lesser interests are the latter forms of land ownership in Ghana. However whatever the case maybe, In Ghana, there are two broad categories of land ownership, customary and public land ownership (Nyame & Blocher, 2010).

3.1 Customary Tenure

Many parts in Africa have strengthened their land policy to promote customary land ownership due to its unique principality based on equitable communal title that is regarded as dynamic (Toulmin & Quan, 2000). In Ghana for instance, legislation have been passed indicating that no customary land should be sold but should rather be leased for a specific period of time depending on the use to which the land is put. The different types of customary titles in Ghana are elaborated below:

- ✓ Allodial title: This title in Ghana is recognised as the highest right in customary law. The title is vested in stools and skins in that the person who occupies the stool is given jurisdiction over the land on behalf of the people. In some places in Ghana, the interest in land ownership is held by families, individuals, sub stools and skins. We must bear in mind that land ownership in this title is a collective possession and cannot be used in the will of one individual. For example, in the Ashanti kingdom of Ghana, the land is owned by the paramount chief in trust of the people; however sub chiefs have been permitted by the paramount chief to take care of the land. These sub-chiefs have the right and capability to lease land to private individuals. Rents collected from the lease of land are used by the government for infrastructural development.
- ✓ Freehold title: In this title, it is further categorised into two, namely Usufructuary and customary law freehold. Usufructury title, I will call it “first come first serve”. People take possession of land based on the fact that they were the first people to cultivate or till and also

through inheritance. In many parts of Africa, customary tenure originated from this title. Whereas in the common law freehold, interests in land are acquired either by sale or gift by the allodial owner.

✓ Leasehold title: This title is the right given to a person to occupy a land within a specified period of time and is subject to common law and not customary land. It must be noted that the occupier have the right to use the land within a specified period of time after which the land would be returned to the owner. In Ghana for instance, land for commercial activities takes up to 50 years while those for residential occupies up to 99 years and this is subject to change. Under this ownership, the lessee pay for the use of the land often through annual rent but also have the right to create sublease to another person when there are still unexpired duration as specified by the agreement. Use of land specified in the agreement cannot be changed or contradicted.

✓ Lesser interests in land: This form of ownership often takes place at the farming communities where owners of allodial titles or customary freeholds lease their lands to farmers for cultivation. Usually, the share of the produce is distributed among the tenant and the owner of the land. The commonly terms often used in Ghana to describe this ownership structure is the “Abunu and Abusa” system. In the Abunu system, the produce from the land is shared equally among the tenant and landlord whereas the landlord takes two third of the produce in the Abusa system of land ownership. This system is very considerate as it gives peoples with no access to land a place for undertaking their farming activities.

✓ Alienation holdings: This is the absolute right by a person outside a community holding land ownership to acquire land for use.

✓ Common property rights: Rights and privileges enjoyed by community members in possession of ownership of community properties such as historical sites, religious activities, water reserves and many others just to mention a few.

3.2 Public Tenure

Subsequent to the customary tenure are lands owned by the state. State lands are acquired through proper legislation for public purposes and interests. Successive governments in Ghana before and after independence have used compulsory acquisition to acquire land from stools and these lands are managed by land commission, the state agency responsible for managing and administering government lands. These lands are used for infrastructural development and also provide government services. There are situations where some communities also give out lands to the government free of charge for development that they will benefit most.

4. Policy Context and Process of Compulsory Acquisition in Ghana

4.1 Policy Context

The 1992 constitution of Ghana has enshrined trust in government through eminent domain to compulsorily acquire lands that are necessary for public interest and purpose. Clearly, genuine reasons should be well defined to compel the state exercise such rights and

obligations. It is however declared that no property ‘shall be compulsory taken possession of or acquired by the state’ unless otherwise indicated “to promote public benefit”. Article 20 of the constitution further elaborates that “No property of any description, interest in or over any property shall be compulsorily taken possession unless”

- ✓ The taking of control or acquisition is indispensable.
- ✓ The inevitability for the acquisition is noticeably stated and is as such to prove reasonable justification for causing hardship that may result to property owners.
- ✓ Prompt payment of fair and adequate compensation must be followed.

Again, it states that where property acquired by the government was not used for the specified purpose or public interest, the property owners can claim back their property. There is uniqueness stating that where there is relocation of affected people, resettlement should be followed taking into consideration cultural, historical and social significance.

Also, compulsory acquisition in the country have relied on State Lands Act, 1962 (Act 125) and State Lands (Amendment) 2005, Act 586. The two statutes are limited to the acquisition of private interest in real estate whiles stool lands are acquired drawing on Administration of Lands Act, 1962 (Act 123). States Lands (Act 125) also provide for lump sum of compensation payable to property owners affected by acquisition. Section 4 also spells out the procedure for making claims whiles section 11 also outlines mechanism for settlement of disputes generating from dissatisfaction of compensation.

4.2 Procedure of Compulsory Acquisition in Ghana

In Ghana, the first stage of compulsory acquisition by government is the determination of appropriate and suitable land. An application is then lodged to the regional minister in charge of the region where the land is to be obtained. The regional minister quickly set up a committee “Site Advisory Committee” to consider the significance and purpose of the acquisition. Issues often considered include an investigation on whether there are sufficient funds to implement the use for which the land will be acquired for. At this point, the body also try to find where there are alternative suitable lands that can be used instead of such possession. At this stage, the site advisory group will make some studies about the land and make suggestions and submissions to the minister which can be consented or condemned. Application is then forwarded by the minister to land commission which is the state agency responsible for administering land issues in the country. Land commission will quickly prepare an executive instrument for the acquisition and also forward to the minister in charge. After the executive instrument have been accepted and endorsed by the minister, the next stage is the publication of the instrument in the newspapers to let the populace aware of the acquisition. The use of media such as the television and radio broadcasting becomes very crucial especially where the affected people do not understand the official language. In this way, an interpretation is done to help educate the property owners about the purpose and process of the acquisition.

Submission by claimants and valuation of properties is then followed. This is the stage property owners send their claims to the land valuation board which is the national agency for assessing the value of properties. Corresponding compensation is estimated by the valuation board based on defined principles. The personnel of the valuation board are qualified persons from public universities in the country with long time working experience. Compensation is then made to the property owners and sometimes resettlement is followed. Where government think providing financial compensation is not only appropriate, resettlement initiatives are implemented to prevent any perils especially in the agrarian communities. In most of the time, an alternative land is searched and shared among farmers to help them continue their livelihoods. There are circumstances that land owners happen to be dissatisfied with their compensation packages. In this way, they send their claims to the land tribunal and high court for resolution of inconsistencies and conflicts. Based on judgment, compensation is repaid and claimant satisfied and government now take possession of property. What is evident from the acquisition process is that property owners are not consulted at the initial stage and they only become aware of the acquisition during the delineation and demarcation of the land (Kotey 2002). The figure below depicts the process of acquisition by the state.

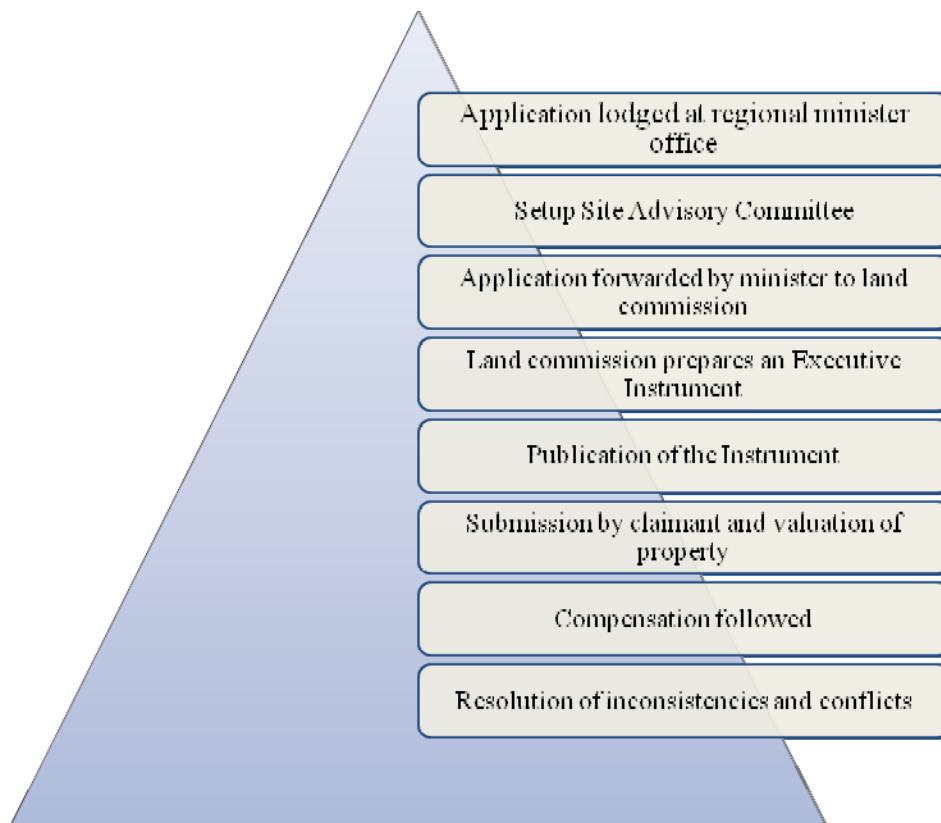


Figure 1. Showing the process of compulsory acquisition in Ghana

Source: Author's construct 2012

5. Land Acquisition in Ghana and Its Uses

5.1 Land Acquired and Its Use

Successive government over the years (before and after independence) have used the legislative tool to acquired land in the country. For the purpose of this paper the use and purpose of the acquisition have been categorised under various distinct land uses as indicated in the figure below.

Table 1. Specified uses for acquired lands (hectors) in Ghana

Major land use	Before independence		After independence	
	Land size	percentage	land size	percentage
Industrial	51.65	0.09	638.39	0.61
Commercial	131.96	0.24	122.73	0.12
Open space/ recreation	551.35	1.01	1507.24	1.44
Agriculture	18127.76	33.33	69756.44	66.74
Education	2943.20	5.41	5095.95	4.84
Health	421.43	0.8	2126.18	2.03
Transportation	3235.14	5.94	187	0.18
Human settlement	24388.24	44.84	5119.16	4.90
Religious activities	128.88	0.24	-	-
Security	1041.59	1.91	2746.93	2.63
Public utility	25.28	0.05	8991.48	8.60
Water and sanitation	668.39	1.23	5531.43	5.29
Others	2666.84	4.90	2736.95	2.62
Total	54381.51	100%	104523.85	100%

Source: adopted from Larbi et. al 2004

From the table above, the total land size that has been acquired is 158905.36 hectares with 34.22% acquired before independence with the later been 65.78% (Larbi et al 2004). Before self rule, the colonial government political agenda was mainly focused on human settlement and agricultural development. This land uses alone recorded 78.17% of the total land acquired. However there was a shift of change after independence with agriculture alone taking 66.74% of the total land. This can be reflected by the fact that agriculture is the backbone of the nation's economy, with about 60% of the labour force engaged in agriculture and in 2005 alone the sector accounted for 41% of the gross domestic product.

Also, a vast land was acquired for the development of the Volta River Development project, which alone occupies 8.1% of the land size. After independence, government have failed to promote human settlement and planning and this has resulted reduction from 44.84% to 4.90%. No lands have been acquired for religious activities. This is because religious functions are now owned by private individuals unlike during the colonial administration, government owned churches. Land acquired for security purposes also increased from 1.91% to 2.63% and this is marked by government policies to maintain peace and order in the country.

5.2 Use of acquired lands in Central Region of Ghana

The table below is an illustration of how the legislative tool has been applied in one administrative region (central) in Ghana. It demonstrates the total size of land in hectares that have been compulsorily acquired by government in the region as at 2008. It continues to distinguish between the total land size that have been used and those that have not been used.

Table 2. Inventory of land acquired in Central region

Name of district	Size (hectores)	Land size used	Land size not used
Cape Coast	1,304.94	653.31	651.63
Mfantseman	582.39	253.52	328.87
Awutu-Effutu-Senya	914.19	611.44	302.75
Agona	265.95	32.02	233.93
Gomoa	470.72	154.88	315.84
Ajumako-Enyan Essiam	487	96.27	390.73
Upper Denkyira	273.90	258.55	15.35
Assin South	676.94	44.64	632.3
Assin North	1,603.74	226.22	1377.52
Abura-Asebu-Kwamangkese	33.01	16.02	16.99
Komenda-Edina-Eguafo-Abrem	6,361.82	5422.54	939.28
Asikuma-Odoben-Brakwa	381.47	205.51	175.96
Twifo-Hemang Lower Denkyira	1,005.83	95.89	909.94
Total	14,361.90	8,070.81	6,291.09

Source: adopted from Larbi 2008

From the table, it can be realised that out of the total land acquired by the government for development projects only 56.2% have been fully utilised with the 43.8% not been utilised. In Komenda-Edina –Eguafo-Abrem district that recorded the highest degree of acquisition 6,361.82 hectors, 14.8% of the land have not been utilised. Whereas respectively, in Agona and Assin North districts 87.9% and 85.9% of lands acquired have not be utilised. With this estimation, I could conclude that if this trend should continue with government awareness in acquisition of land, eventually the average size of lands not utilised will increase. It is therefore regarded as a threat to citizens who at anytime of the process will be affected by the acquisition.

5.3 Acquired Lands Based on Executive Instrument

One important issue that hinders land administrative system in Ghana is the contemptible application of good governance in terms of efficiency and effectiveness, transparency and accountability, equity and fairness (Arko-Adjei et al., 2010). Over the past years the state has undermined these principles and has been involved in predatory of lands that in law belong to ordinary innocent land users. The case is very critical in the central region of Ghana where majority of land acquired by the state was not based on proper executive instruments. The figure below shows occupied lands without proper acquisition procedures.

Table 3. Inventory of land acquired in Central region

Name of district	Occupied lands	Land based on EI
Cape Coast	5,992.25	3,559.75
Mfantiman	1,260.09	618.59
Awutu-Effutu-Senya	8,384.69	116.45
Agona	1,581.41	-
Gomoa	880.76	880.76
Ajumako-Enyan Essiam	487.18	-
Upper Denkyira	1,943.78	-
Assin South	1,178.92	-
Assin North	3237.13	781.37
Abura-Asebu-Kwamangkese	905.94	-
Komenda-Edina-Eguafo-Abrem	14,307.95	1,703.33
Asikuma-Odoben-Brakwa	880.04	-
Twifo-Hemang Lower Denkyira	2,329.77	-
Total	43369.91	7660.25

Source: Adopted from Larbi 2008

From the table it can be realised only 7660.25 out of 43,369.91 hectors of land acquired by the state was based on executive instrument. This means the state did not follow laid down rules and regulations governing compulsory acquisition and standards outlined by international organisations such as FAO whose interest has been influenced to promote good

governance. This means that 35,709.66 hectares of land were acquired without proper procedures. Looking at the situation it has become very difficult for land owners to seek for compensation and this has implications on their livelihoods. Albeit, the state argues that such acquisitions are needed for the provision of public infrastructure and warrant equity and fairness, such acquisitions have yielded unpleasant results where state lands are now given to private entities whose motives is to make profit returns (Larbi 2008)

6. Findings from the Application of the Legislative Tool in Ghana

Based on discussions from various literatures and fictions, it has become very imperative to identify the following critical issues resulting from the application of compulsory acquisition in Ghana:

6.1 Non Adherence to Acquisition Process

One criticality in land acquisition is the enthusiasm by governments to adhere to the process and procedures accordingly. Many international organisations for example, (FAO) have specified a guide to enable governments undertake this exercise. From the analysis, it is clear that government have failed following the procedure in the application of compulsory acquisition. As noted by Kotey 2002, there are situations where affected people only become aware of the acquisition at the time they see surveyors on their land making demarcations. Larbi 2008 also noted that affected people are not represented on the membership on the compulsory acquisition board. The absence of the people on board have a lot of consequences as it can slow down the implementation of project especially where there are conflicting views among land owners and government. It is also noted that there are at times where the acquisition process ends up at the executive instrument committee which at that stage the government have already spent some resources.

6.2 Non-payment of Compensation

Part and non-payment of compensation often result when implementing agencies have little resources. Though lands are acquired for public interests and purposes, appropriate and just payment must apply. In his research 'Compulsory Land Acquisition and Compensation in Ghana: Searching for Alternative Policies and Strategies' Larbi 2008 noted that out of 692 sites acquired by the government, only twenty percent were properly acquired with the remaining 80% without any legal acquisition procedure followed. Where compensation is fully initiated, affected people can easily restore back their livelihoods. Whereas people's lives may be at danger when they do not receive merit compensation.

6.3 Encroachment of Public Lands

In a country where there is high value for land, encroachment is likely to prevail whenever there are unoccupied lands. The end result of encroachment is haphazard development which Ghana is no exception. Because such lands have been demarcated as government property hardly do people have permit to build in such places. In their own way they go ahead to develop such lands which leads to the deformity of the town and town planning rules and regulations. This issue has become very critical in Accra and Kumasi where value for land is

very high. People do not want to live at the periphery of the city and these attitudes have generated in encroachment on state lands.

6.4 Utilisation of Acquired Lands

From the discussions, we have also realised that government have not been able to utilised the land it has acquired. In an inventory of land (14,361.90 ha) acquired by government, only 8070.81ha have fully been utilised. This practice does not account for human development as it often followed with unconstructive outcomes. It is especially decisive when the poor who are mostly described “vulnerable” property have been acquired and at the end no use will be put to the property. This may generate a lot of mischief and can affect future acquisition as the people may not be willing to give out their property again. On other hand, affected people may seem to welcome actions by the government to acquire such properties since such acquisitions are done for public interest. In this way the people themselves will benefit from such developments and promote their wellbeing.

7. Conclusion

We have now realised that compulsory land acquisition is the right and power entrusted in government to attain private lands without a determined consent of the owner for societal development. These development provisions are necessary to make life comfortable and secured. With this definition, I could say compulsory acquisition is inevitable and unavoidable. This is particularly evident in Ghana where land ownership is guaranteed in the lordship of customary tenure and private individuals. In this circumstance, government apply compulsory acquisition instrument to gain land to provide infrastructure and services to promote social, cultural, health and economic wellbeing of its citizens. However, if it is not carefully planned and implemented it may lead to pessimistic consequences that derail man’s life. It is often associated with part/non-payment of compensation, non-utilisation of acquired lands and encroachment when the processes are not adhered to stringently. The end result will be putting peoples life at risk of losing their jobs, making them homelessness, marginalisation, food uncertainty and social dislocation.

In this way, I recommend that implementing agencies both at local and national levels in their endeavours offer just and fair compensation to prevent any risks and economic failures. Compensations should also be appropriately determined through the market price to at least restore and if possible better the lives of property owners. Purpose for acquisition should also be well defined to minimize the non- occupancy rate. Government should make sure that there are enough funds to develop the acquired land as soon as possible when it is taken from the people. There may be at times that land will be acquired for future development and such lands may be protected by implementing proper safeguarding mechanisms to help prevent encroachment. I do suggest government to take notes of these recommendations accordingly to help promote peace, harmony and understanding between implementing agencies and land owners.

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