

UNIVERSITY OF EDUCATION, WINNEBA
COLLEGE OF TECHNOLOGY EDUCATION, KUMASI

THE IMPACT OF LAND ACQUISITION ON CONSTRUCTION PROJECT
DELIVERY IN THE SUNYANI MUNICIPALITY



DECEMBER, 2016



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**THE IMPACT OF LAND ACQUISITION ON CONSTRUCTION PROJECT
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**A Dissertation in the DEPARTMENT OF CONSTRUCTION AND WOOD
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to the School of Graduate Studies, University of Education, Winneba in partial
fulfillment of the Requirement for the award of the Master of Technology Education
(Construction) degree.**

DECEMBER, 2016

DECLARATION

STUDENT'S DECLARATION

I, **Sampson Sampana Alanyina**, declare that, this Dissertation with the exception of quotations and references contained in published works which have all been identified and acknowledged, is entirely my own original work, and it has not been submitted, either in part or whole, for another degree elsewhere.

SIGNATURE.....

DATE.....



SUPERVISOR'S DECLARATION

I hereby declare that the preparation and presentation of the Dissertation were supervised in accordance with the guidelines on supervision of Dissertation laid down by the University of Education, Winneba.

SUPERVISOR'S NAME: **Dr. Paa Kofi Yalley**

SIGNATURE.....

DATE.....

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DEDICATION

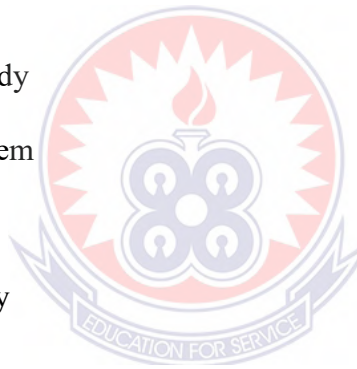
This dissertation is dedicated first and foremost to the Almighty God, for protecting me throughout all my years of formal education and for making this Master of Construction Technology Education Programme a reality at this hard time.

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ABSTRACT

This study assesses the impact of land acquisition on construction project delivery in the Sunyani Municipality. The challenges in acquiring land than generally exists in the urban centres especially within regional capitals such as Sunyani Municipal, Accra, Tema, Kumasi etc. among others which stand out as areas where it is difficult and expensive to obtain land for construction purpose. Purposive sampling technique with emphasis on convenience sampling was adopted to select 30 participants which comprised contractors, landlords, chiefs/traditional leaders, town and country planning officers/district planning officers in the Sunyani Municipality, were interviewed. A structured interview was used and it emerged that most people obtain land from private persons and customary landowners, and Chiefs. That due to pressure on the available land for development, there is reduction in the size of land for construction projects. Again, the result indicated that they buy land directly from family head, reliable agents, and traditional rulers and later do documentation. On the role of land owners/stakeholders in land acquisition, the result revealed that land owners and family heads played significant role and it becomes easy to acquire land through them since they allocate land to people through lands commission and the Municipal/District planning officers who work in consultation with lands commission to demarcate land for sale. Multiple sale and high cost of land and relationship between the chiefs and lands commission is a major challenge in the municipality which affect land documentation and processing at the lands commission. Also people should do due diligence before buying land for any construction projects. The scope of the study should be broadened to capture more data, that is by broadening the number of respondents in the study area and extend the same to every part of the country which will give room for generalization in the study.

CHAPTER ONE

INTRODUCTION

This first chapter sets out the outline of the study which comprised the background of the study, the problem statement, purpose / objectives of the study, research questions, significance of the study, limitations and finally ended with the organization of the study.

1.1 Background of the Study

The 1992 constitution of Ghana stress on the concept of trusteeship with regards to landholding, it emphases that, those assigned with the responsibility of managing land must act in the interest of their communities (Constitution of Ghana, 1992).

There is a plurality of land tenure and management system (state/public and customary) in the country. These systems are poorly articulated and appear to be on collusion (Kasanga & Kotey, 2001). Public lands in Ghana fall into two main categories: land which has been compulsorily acquired for a public purpose or in the public interest under the State Land Act (Act 125).

Article 36 (8) of the 1992 constitution stipulates that;

‘The state shall recognize that the ownership and possession of land carry a social obligation to serve the larger community and in particular, the state shall recognize that the manager 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 regards’.

Although land is a natural asset, it has a plurality of tenure and management and therefore owned by different ownership. Land ownership in Ghana can broadly be categorized under four main types namely: Government/state ownership, vested land (split ownership), partnership between the state and the customary, Customary Ownership and Private Ownership (Kasanga & Kotey, 2001).

State lands are those which have been expressly acquired by the state through compulsory acquisition for a public purpose or in the public interest under the state Land Act 1962 (Act 125) or other relevant statute. All previous interests are extinguished with state lands. Legal and beneficial titles are vested in the president and lump sum compensation should, under the law be paid to the victim or expropriation.

Boundaries of state lands are cadastrally survey but scattered throughout the country. They vary in sizes depending on the purpose for which they are acquired. Leases of these lands are granted to statutory institution as well as private individuals for development (Larb et al., 1998).

Vested land ownership occurs when the state takes over the legal incidents of ownership (the right to sell, lease, manage and collect rent among others) from the customary land owners and holds the land in trust for the land owning community. Under the vesting order, the government does not pay any compensation. However, any income accruing is paid into the respective stool land account and is shared according to the constitutional starting formula where the indigenous land owners usually have equitable interest in the land thus, the right to enjoy the benefits that accrue from the land (Larb et al., 1998).

Customary lands are usually owned by various stools and chiefs in most part of the country especially the Southern portion of Ghana. Customary land ownership occurs where the right to use or to dispose of use right over land rest neither on the exercise or brute force nor on the evidence of right guaranteed by government statute, but on the fact that they are recognized as legitimate by the community. The rules governing the acquisition and transmission of these rights are usually explicitly and generally known, however not normally recorded in writing (Bower, 1993).

Such ownership may occur in any one or a combination of the following ways;

1. Gift from another land owning group or traditional overlord
2. Conquest through war and subsequent settlement
3. Purchase from another land owning group and
4. Discovery and long uninterupted settlement Larbi, Odoi-Yemo&Darko, 1998.

Private or Family lands are individual or family acquisitions which are species of stool land and as a result of passage of time, these lands have gained individual or private identity. Transaction of clean or family land is normally not necessary to be processed through the Land Commission but it is prudent that such lands are duly documented (Kassanga &Kotey, 2001).

Acquisition of land for construction project delivery in Ghana has become so laborious and very frustrating. Access to land is therefore associated with numerous setbacks that tend to hinder construction project delivery and scare many would be house owners through self-development.

Accentuation of conflicts involving land acquisition is also assuming alarming proportions. This is partly because of trust deficit that has come to exist in the peasantry

because the promises accorded to them on earlier occasions for rehabilitation and settlements in case of displacement due land acquisition have not been fulfilled.

According to Abusah (2004), many people have abandoned their projects and initiative of becoming house owners completely due to the emergence of brute force and land litigations in recent time especially in the cities like the study area and many of these occurrences have hindered construction project delivery in many places in Ghana.

The United Nations Environment Programme has noted that about one-tenth of the global economy is dedicated to construction and civil engineering works for homes and offices (UNEP. 1996). Further observation revealed that the construction industry depends on the natural resource; land for its sustainability. It is therefore vital that the construction industry as well as the state and stakeholders be acquaintant to the impact of land acquisition on construction project delivery.

Housing plays a pivotal role in the life of man and therefore one of the basic necessitates in life according to Abraham Maslow's hierarchy of needs. Adequate shelter in the form of housing therefore has the capacity of enhancing the social, physical and economic class of the individual as well as his psychological well-being. As good housing delivery therefore provides leisure and protection against health hazards, and also speaks volumes on one's social status in the community as well as enhancing productivity of workers (Abusah, 2004).

Domfeh (1992) added that good laying service as a means of facilitating family integration and cohesion which is desired by all. Ghana as a country is seriously beset by acute housing problems due to the complexity and challenges in the acquisition of land.

Lack of residential is experienced in the urban towns such as the Sunyani Municipality, Kumasi, Accra, Sekondi-Takoradi among others.

Abusah added that no part of man's environment affects his health well being more directly than the house in which he seeks shelter, security and dignity. The environment of one's abode helps to shape life and attitude, thus its development is central to the improvement of general living conditions of man. Man's abode is not only a basic need, but also a shield against all predatory elements. It influences man's civic and communal responsibility and relates him to his physical environment or surrounding. This dissertation therefore assessed the impact of land acquisition on construction project delivery in the Sunyani Municipality.

1.2 Statement of the Problem

The difficulties in acquiring land generally exist in the urban centers especially within regional capitals, such as the Sunyani Municipality, Accra, Tema, Kumasi, Sekondi /Takoradi among others which stand out as areas where it is difficult and expensive to obtain land for construction purposes. Not only is accessibility to land a problem, but the cumbersome land titling and administrative procedures cause lengthy delays whilst competing demand for various land uses lead to high prices and other related challenges involved in acquiring land in Ghana especially in cities like the Sunyani Municipality, (Konadu-Agyemang, 2001).

The 2010 Population and Housing and Housing Census (PHC) stated that 51% of the entire Ghanaian population is urbanized with an annual growth rate of 3.4% (Ghana

Statistical Service, 2010). This rate of urbanization has serious implications on current and future land use systems especially in the construction industry.

The land tenure system in Ghana coupled with urbanization comes along with increasing land values for hitherto rural lands. This implies a transformation of the nature of land market transactions in the urbanizing regions, as well as the parties involved. As an area becomes urbanized, land tenure systems and practices pertaining to developmental and other land uses are becoming practically insecure, and under siege by new urban dwellers, (Ghana Statistical Service, 2010).

The Sunyani Municipality is not exempted in terms of urbanization and land acquisition on construction project delivery for construction projects. According to the Ghana News Agency (2004) that the Association of Family Heads and Landowners within the Sunyani Municipality appealed to the Brong-Ahafo Regional Secretariat of the Lands Commission to suspend the allocation of plots in the regional capital, especially in Adomako and Asufufu, until a satisfactory deal is reached with it. The association further advised people within the Municipality not to buy any plot of land at Adomako and Asufufu from the Lands Commission secretariat without the knowledge of the owners "since the development of such plots would be vehemently resisted.

This is because the association made the request at a press conference where the family heads and landowners, both men and women, were in mourning clothes with red bands around their necks, and complained that since the Sunyani lands were vested in the government in 1961/62 due to certain developments in the area, staff of the regional secretariat of the Lands Commission "had assumed the status of legitimate or original owners of Sunyani lands, Ghana News Agency (2004). It is based on the difficulties in

acquiring land for construction project delivery in the country that motivated the researcher to embark upon this study to ascertain the true nature of issues related to this study for construction projects within the Sunyani Municipality.

1.3 Purpose of the Study

The main purpose of this study is to assess the impact of land acquisition on construction project delivery in the Sunyani Municipality.

1.4 Objectives of the Study

The main aim of this research was to assess the impact of land acquisition on construction project delivery in the Sunyani Municipality. The specific objectives of this study were to:

1. Find out how land is acquired within the Sunyani Municipality for construction projects.
2. Examine the role of land owners and other stakeholders in land acquisition for construction projects delivery within the Sunyani Municipality.
3. Investigate the challenges people go through in acquiring land for construction projects within the Sunyani Municipality.
4. Examine best practices for land acquisition for construction projects within the Sunyani Municipality.

1.5 Research Questions

This research tries to find answers to the following questions:

1. How is land acquired within the Sunyani Municipality for construction projects?
2. What is the role of land owners and other stakeholders in land acquisition for construction projects within the Sunyani Municipality?
3. What are the challenges people go through in acquiring land for construction projects within the Sunyani Municipality?
4. What recommendations can be made for best practices for land acquisition for construction projects within the Sunyani Municipality?

1.6 Research Methods

The approach adopted to meet the objectives included the following: We obtained relevant data from both primary and secondary sources. The secondary source of the data included reports such as published materials in libraries, journal articles and papers that hinge upon the theme of the study. A primary source of the data was generated through interview survey covering some selected respondents such as, construction companies, individuals or recent builders and government institutions that deal with land delivery.

Research instruments that were used for the primary data collection included the administration of interview guide by the researcher to ascertain the impact of land acquisition on construction project delivery in the Sunyani Municipality.

1.7 Significance of the Study

The significance of this study is indicated below;

In the first place, this study will add to the existing knowledge in this subject matter on the impact of land acquisition on construction project delivery and the Sunyani Municipality in particular. The study will also create an opportunity for further research work on other areas that are not catered for by this research.

Additionally, this dissertation will be a body of knowledge which will serve as a reference material to other researchers highlighting on areas in relation to the impact of land acquisition on construction project delivery in the Sunyani Municipality and Policy makers could come out with strategies to reduce the impact of land acquisition on construction project delivery within the Sunyani Municipality.

Furthermore, this study will also help to stimulate the activities of the stakeholders in the construction industry such as the contractors, landlords as well as would be house owners, chiefs/traditional leaders, town and country planning officers or district planning officers within the Sunyani Municipality and the country at large to ensure smooth functioning of the various stakeholders towards enhancing land acquisition for construction project delivery.

1.8 Limitations of the Study

The study is limited in scope as it is limited to assessing the impact of land acquisition on construction project delivery in the Sunyani Municipality. This study is particularly limited to some selected people in the Sunyani Municipality since it was difficult for the researcher to consider all the stakeholders in the study area due to time

constraint, financial difficulty and the fact that the study had to be completed within a short period of time.

The researcher is also aware that not all the respondents are willing to provide adequate information to the study due to the human nature and the Ghanaian attitude towards dealing with issues of this kind.

1.9 Organization of the Study

This study consists of five chapters. The first chapter consists of the background to the study, statement of the problem, objectives of the study and significance of the study, limitations of the study, and lastly the organization or structure of the study.

Chapter Two provides a review of literature related to the impact of land acquisition on construction project delivery in the Sunyani Municipality by considering key issues of the research objectives.

Chapter three provides the research methodology which consist the research design, research population, sampling technique or sample size adopted, research instrumentation, sources of data, data collection techniques and the procedure for data analysis. Chapter four looked at data presentation, analysis and discussion of the collated data and the last chapter five talked about the summary of findings, conclusions and recommendations of the study for further researchers.

CHAPTER TWO

RELATED LITERATURE REVIEW

In this chapter, the researcher conducted a search meant to review the works of other people in relation to the study. For this matter, the researcher gathered literature from varied sources some of which included journals, books, newspapers, and the internet. The understated objectives were carefully looked at in line with the existing literature of this study such as; how land is acquired within the Sunyani Municipality for construction projects, the role of land owners and other stakeholders in land acquisition for construction projects within the Sunyani Municipality, challenges people go through in acquiring land for construction projects within the Sunyani Municipality and made recommendations for best practices of land acquisition for construction projects within the Sunyani Municipality.



2.1 Related Definitions

Housing production, access, affordability and maintenance are some of the most intractable problems facing many cities in the world,(Konadu- Agyeman, 2001). Rapid population growth and increasing urbanization in the face of inadequate supply of housing have made housing one of the most critical problems facing many developing countries, Ghana not being an exception, (Konadu- Agyeman, 2001).. Despite attempts by various governments past and present to solve the housing problem through the introduction of various schemes and policies, the problem still persist.

In all respect, the housing market in Ghana today is a clear case of inadequate supply of residential accommodation against a background of excessive demand for non-existing affordability housing units, a situation which has led to a very high pricing of units beyond the means of the average Ghanaian.

A study by the ministry of works and housing in the mid 1980s revealed that there was an accumulated backlog of 250,000 units with the country's annual housing requirement being 70,000 units against an actual delivery of only 28,000 units. Thus an average of delivery of 133,000 new houses were needed each year for the next twenty years in order for housing to be provided for all by the year 2000 and to enable the country to decongest urban occupancy rate from 12 per house to a more acceptable and decent 7 per household. (Business and financial concord 1995).

In contrast to the above requirements, the current annual production of the formal sector is very low, with the private sector providing over 90 percent of the units, which are often beyond the means of low-income groups due to very high unit cost. Currently, Ghana's annual housing demand is estimated at about 260,000 units and supply is estimated at only about 40% of the demand (Kumi, 2003).

The inability of the housing delivery system to meet demand over the years has created strains on the existing housing stock and infrastructure, especially in the cities such as Accra-Tema, and Kumasi, (Kumi, 2003). The housing needs of the majority of the urban population are not being met and their choice of habitation is often restricted to substandard structures and unsanitary environments in squatter and slum environments. In the rural areas, where housing has almost entirely been produced by the informal

private sector using mostly traditional building materials, the problem is one of quality as most of the houses are made of swish coupled with the low technology applied which causes the houses to develop structural problems a few years after their construction and hardly guarantee basic human safety and comfort.

The housing problem is traceable to motley of causes perceivable from the demand supply standpoints. In this section we will attempt to briefly look at some factors that influence the demand and supply of housing in Ghana.

2.2 How Land is acquired for Development

According to Freeman Setrana (2012), land acquisition in Ghana is almost the same in every part of the country but with few variations based on the particular area or location and the reason behind the sale of the land. In most cases what need to be understood by people seeking to acquire land for development or construction projects within the Sunyani Municipality or any part of the country requires the person to:

- Verify land ownership
- Check with the Land Commission to find out who truly owns the land
- Check the seller's reputation
- Find out whether the land is a leasehold or freehold
- Ask for a transfer of ownership process
- Check the cost to transfer and register the land at the lands commission or court and in most cases too, the land has to be certified by the paramount chief or Queen mother of the particular area to prevent future litigation.

He indicated that the constitution of Ghana which was approved in April of 1992 stated that all public land was vested in the President on behalf of the people. Prior to this time, Customary Land had been granted to individuals and families. The customary land is considered to be private land. And to purchase private land therefore, it is necessary to talk to the individual who owns it; otherwise, all land is purchased from the government.

He further added that, land acquisition in Ghana can either be in the form of Freehold or Leasehold. The distinct difference between leasehold and freehold land is that, when someone owns freehold land, they have exclusive rights to the land as well as the building or home on that land. Contrastingly, purchasing a leasehold property means that you purchase the rights to the building or home on a given property for a certain amount of time – several decades, usually – but the actual land does not belong to you for about 99 years or less depending on the locality and it is upon meeting these requirements that the land purchasing process goes on more smoothly, Freeman Setrana (2012).

2.3 Land Tenure Systems in Ghana

Land tenure denotes the system of landholding, which has evolved from the peculiar political and economic circumstances, cultural norms and religious practices of a people regarding land as a natural resource, its use and development. Implicit in this definition are the rules, regulations and institutional structures both customary and enacted legislations, which influence the holding and appropriation of land and its resources for socioeconomic development (Ministry of Lands and Forestry, 2003).

Again, land tenure in Ghana is generally communal in nature and this has determined the nature of land administration over the years. To the Northern tribes, land is generally believed to be owned by the “Fendaneena” who are fetish priests. In the Akan states, land is regarded as a feminine spirit, “AsaaseYaa”, which in the words of Asiamah (1983) is “helpful when appropriated and harmful when neglected”.

Again, in the Akan states, land is seen as an ancestral trust which must be passed on to succeeding generations, with the chief, being the link between the living and the departed, is the administrator of this heritage. To the Ga states, land is said to be owned by the lagoon gods and its administration is in the hands of the “Wulomei”, who are the fetish priests of the lagoon gods.

These religious notions of land ownership have doubtlessly determined the administration and manner of usage of land. To a large extent, these underpinnings have gradually been marginalized or even ignored in the urban economy owing to the growth of urbanisation and its concomitant effects of industrialization, education and Christianity (Asiamah, 1983). Nevertheless, the tenurial system of land in Ghana is defined by the 1992 Constitution of the Republic of Ghana. The Constitution recognises two (2) tenurial systems namely: public and customary, cited in WaterAid Ghana (2009).

In conclusion, one could say that in Ghana the Constitution recognises two (2) tenurial systems namely: public and customary namely, public lands which are vested in the President, and the Vested/Stool Lands where the legal interest is transferred to the state whilst the beneficiary or financial interest rests with the community or stool.

2.4 Types of Land for Construction Projects in Ghana

2.4.1 Public/State Lands

These are lands acquired by government through compulsory acquisition powers. These lands are vested in the President and held in trust by the State for the entire people of Ghana. Under the provisions of the State Lands Act- SLA, 1962 (Act 125), the President of the Republic of Ghana can acquire the absolute interest in any land in the country by publishing an Executive Instrument (EI) clearly identifying the required area of land and declaring that the said land is required in the public interest.

On the publication of the EI, all previous interests are extinguished. Both the legal and beneficiary interests are then vested in the President. Provision is made for the payment of compensation to all whose interest is adversely affected. Where it is deemed necessary, however, land of equivalent value may be offered as compensation.

Though the Act is silent on what public interest is; the 1992 Republican constitution of Ghana defines public interest to include "defence, public safety, public order, public morality, public health, Town & Country Planning or the utilisation of any property in such manner as to promote the public benefit". The SLA has been used by the state to acquire land for public bodies such as government ministries, departments and corporations.

According to Water Aid Ghana (2009), public lands are vested in the President, on behalf of, and in trust for the people of Ghana based on the relevant provisions of the Administration of Lands Act, 1962, (Act 123). Public lands also include any other land acquired through the State Lands Act, 1962, (Act 125) or through any other statutes, in the public interest. Public lands are administered by the Lands Commission and its

secretariats, as provided in the Lands Commission Act, 1994, (Act 483). Public lands can be grouped into two categories –state lands and vested lands.

State Land - refers to land that the Government has compulsorily acquired for a specified public purpose or in the general public interest by the lawful exercise of its constitutional or statutory power of eminent domain. All previous interests are extinguished and persons who previously held recognizable interests in such lands are entitled by law to compensation either monetary or replacement with land of equivalent value. Laws governing the compulsory acquisition of land by the government include Article 20 of the 1992 Constitution, Administration of Lands Act 1962, (Act 123,) the State Lands Act 1962, (Act 125) the Land Statutory Wayleaves Act 1963, (Act 186) and regulations made under these statutes.

Vested Lands - is a unique situation brought about by statutory intervention where the landowner retains the customary land ownership but the management of the land is taken over by the state in trust for the owners. The management responsibilities cover legal (e.g. prosecution), financial (e.g. rent assessment, collection, disbursement) and estate management (e.g. physical planning and its enforcement and administration of the property). Vested lands are administered under the Administration of Stool Lands Act, 1962 (Act 123) and the Lands Commission Act, 2008 (Act 767).

2.4.2 Private/Family Lands

In contrast however, private lands in most parts of the country are in communal ownership, held in trust for the community or group as symbol of traditional authority or by a family. In other words, these are individual or family acquisitions, which are species

of stool lands but as a result of the passage of time, have gained individual or private identity.

Sandwiched between public and private lands are vested or stool lands which are forms of split ownership between the state and the traditional/customary owners. This occurs when there is a dispute between stools as to the ownership of a particular land. The state intervenes and then vests the said land in itself, (or acquires it compulsory).

2.4.3 Vested/Stool Lands

In the case of vested lands, the instruments create dual ownership where the legal interest is transferred to the state whilst the beneficiary or financial interest rests with the community or stool. The President then holds the land in trust for the people of Ghana. In some cases, the absolute interest may vest in a person other than the President and this may arise under section 7 of the Administration of Lands Act (ALA) 1962 (Act 123). Though the absolute interest in the affected land would still be vested in the owners, the president is vested with the power to administer such lands. Under the vesting order, the state does not pay any compensation.

Practically, this means that all decisions connected with alienation and utilisation may be taken by the President without reference to the owners. This Act has been extensively used throughout the country to vest land in the President in trust. All revenues accruing from lands so vested are to be collected by the state and paid into a stool lands account to be apportioned between the Local Authority (L.A) and the stool in whose area of jurisdiction the land is situate. The state retains 10% of such revenues to defray administrative charges incidental to its management.

Another 10% is paid to the stool in whose jurisdiction the land falls and 20% paid to the Traditional Council of the area and the remaining 60% to the District Assembly (D.A) of the area to help pay for its development projects.

Under section 10 of the ALA the President may authorise the occupation and use of any stool land if he believes that such occupation and use would be in the interest of the State. The President is required, where he makes such an order to pay annual rents into the stool lands account except that such amounts are to be offset by whatever benefits the people in the area may derive from the use to which the land is put. The Act further makes provision for the payment of compensation to all who may be adversely affected by reason of the disturbance, i.e. the authorisation given by the President.

According to the Water Aid Ghana (2009) Report, customary lands are also known as stool lands and are lands owned by stools, skins, families and clans usually held in trust by the chief, head of family and clan or fetish priests for the benefit of members of that group. Section 36 (8) of the 1992 Republican Constitution of Ghana recognises customary ownership of land. Private ownership of customary land can be acquired by way of a grant, sale, lease, gift or marriage. Ownership is by way of outright purchase from customary land owners or private individuals. Customary lands support the livelihoods of the majority of the population in the country and therefore sustainable management of such lands is critical to the overall socio-economic development of the country.

The Ascertainment of Customary Law Project, a joint research project established by the National House of Chiefs and the Law Reform Commission with support from the Good Governance Programme of the German Development Cooperation (GTZ), has as

its purpose, the ascertainment and codification of customary law on land and family law in Ghana. The project appreciates challenges with tenure on customary lands and its concomitant effects. Considering the wide range of variants of local land tenure practices applicable in the various geographical and ethnic communities in Ghana, there is the need to agree on a uniform terminology with regard to land administration.

The meanings of key concepts such as “allodial title”, “usufructuary interest”, “freehold”, among others are to be ascertained and documented as part of the basic terminology applicable in land tenure administration in Ghana. The outcome of the study will be fed into the establishment of Customary Land Secretariats under the Land Administration Project. The project is being piloted in twenty-two (22) traditional areas-two from each of the ten (10) administrative regions of Ghana.

The implication of rapid urbanisation on land management in Ghana is similar to those of many countries in Sub-Saharan Africa. Given the generally informal land allocation and unplanned physical development, the prevailing mode of settling on virgin land in the urban periphery and of re-densification in the already built up cities is a common feature of most major cities in Sub-Saharan Africa including Ghana. This has culminated in the development of slums and a rather fast pace of physical development on the periphery with generally poor delivery of social infrastructure. This situation affects access to land in urban areas for urban work.

The policy, legal, regulatory and institutional framework regulating land tenure, land use and management in Ghana is confusing and contradictory due to duplication and overlapping of roles and mandates of the institutions charged with the responsibility for planning, use and management of land. A number of legislations on land administration

and management in Ghana are outmoded, conflicting and overlapping. For instance, the concurrent operation of Cap 84, Act 462, Act 479 and Act 480 have made the entire process of physical planning cumbersome and confusing. All the laws have different procedures and mechanisms for plan preparation, approval and appeal. While the planning standards and regulations accompanying Cap 84 are old and out of tune with present realities, there is no subsidiary legislation under Act 462 that defines planning standards and regulations for enforcing the provisions under the law. This renders Act 462 ineffective in managing settlement planning. The implication of this situation is the unplanned nature of physical development in urban areas resulting in inappropriate use and scarcity of land.

The agencies involved in land administration in Ghana have technically been operating manually in an environment beset with conflicting and unreliable data, dubious manipulations of existing data by some recalcitrant staff and tedious retrieval of available information, (Karikari, 2006). Currently, there is virtually no land information system in the country. Apart from the Survey Department and the Lands Commission which have just some digital data, none of the other land sector agencies have the capacity and capability to produce digital data, (Karikari, 2006). Impliedly, there is the need to establish or develop computer based land information systems network through re-engineering processes and improving morale of staff.

2.5 The Procedures Involved in Land Acquisition

In Ghana, there are various ways by which land is acquired for construction purposes which seems to be the same in almost every part of the country. Land is

acquired through Public / State Lands, Private / Family Lands and could also be acquired through Vested or Stool Lands.

According to Abusah (2004), land in Ghana is governed by both customary practices and enacted legislation. Basically two types of land ownership are in force, i.e. Public/State lands and Private lands. In Ghana the customary sector holds about 80-90% of all land whereas the state sector holds about 13% with varying tenure and management systems, Abusah (2004). This section therefore considered how land is acquired within the Sunyani Municipality for construction purposes as discussed.

2.5.1 Acquiring Public/State Lands

In acquiring public/state land, a prospective developer applies to the Executive Secretary (ES) of Lands Commission (regional or national) for a piece of land after filling in a form. If a plot of land is available, the ES grants one to the applicant and forwards the application to the Lands Commission for approval, identifying the plot that has been allocated and how much the grantee is supposed to pay towards infrastructural development. The quantum of this fee is dependent on the amount of utilities the government intends to bring to the area in question. After the payment of the development fee, an offer letter is given to the grantee stating the terms upon which the commission is offering the plot.

The grantee then detaches a form, (form A) attached to the offer letter and within 14 days forward it to the Commission stating his acceptance or otherwise of the offer. Where the grantee accepts the offer, a right of entry is given to begin his building

operation which should normally commence within 12 months of the grant and be completed within 36 months, (Kasanga & Kotey 2001).

A leasehold agreement is prepared and the grantee executes his part, which is then forwarded to the chairman of Lands Commission for execution on behalf of government whereupon a seal of the commission is embossed. The lessee then pays a processing fee and administrative charges which include the cost of surveying and demarcating the plot. The lessee is then given the document for stamping and registration. In practice, the process of state land lease preparation can take 14 stages and from 6 months to 10 years or more to complete, (Kasanga & Kotey 2001).

2.5.2 Acquiring Private/Family Lands

The process of acquiring a private land begins when an individual identifies a parcel of land in which he has interest and then makes a formal approach to the family to express such interest. A prudent buyer will then request a site plan of the area concerned to conduct a search at the Lands Commission to verify the claim of ownership by the said family or individual. Pertinent to all this is to make an enquiry at the Town & Country Planning Department to verify whether the use to which the land will be put conforms to the approved planning scheme of the area, (Kasanga & Kotey 2001).

According to (Kasanga & Kotey 2001), if all these conditions are satisfied, the grantee would have to contact the land owning group or head of family together with his principal elders for their consent and concurrence then pay for the cost of preparation of a deed of indenture, site plans and the consideration fee to the family head or the individual. This is important because at this stage the buyer must be sure that he is

dealing with the right person that is, the family head or individual, to forestall any falsification and clear any doubt whatsoever.

2.5.3 Acquiring Vested/Stool Lands

Acquiring a stool land on the other hand begins by identifying the tract one wants to acquire and the respective stool responsible for that area. The process of acquiring this type of land (customary) has remained consistent overtime with the person requesting the said land engaging in a custom of presenting drinks to the chief and traditional elders and then paying a small introductory fee nicknamed “drink money” as well as an annual sum for the plot, (Kasanga & Kotey 2001).

Again in acquiring the vested or stool lands, the chief then designates his land manager or surveyor who parcels out a piece of land to the prospective owner following the preparation of a site plan and an indenture to that effect. To ascertain the rightful customary authority to deal with, the individual needs to conduct a search at the Lands Commission where an abstract/root of title reveals the rightful stool to alienate land in the area in question after which all the necessary documents are then ready for processing at the Lands Commission as in Figure 2.1, (Kasanga & Kotey 2001).

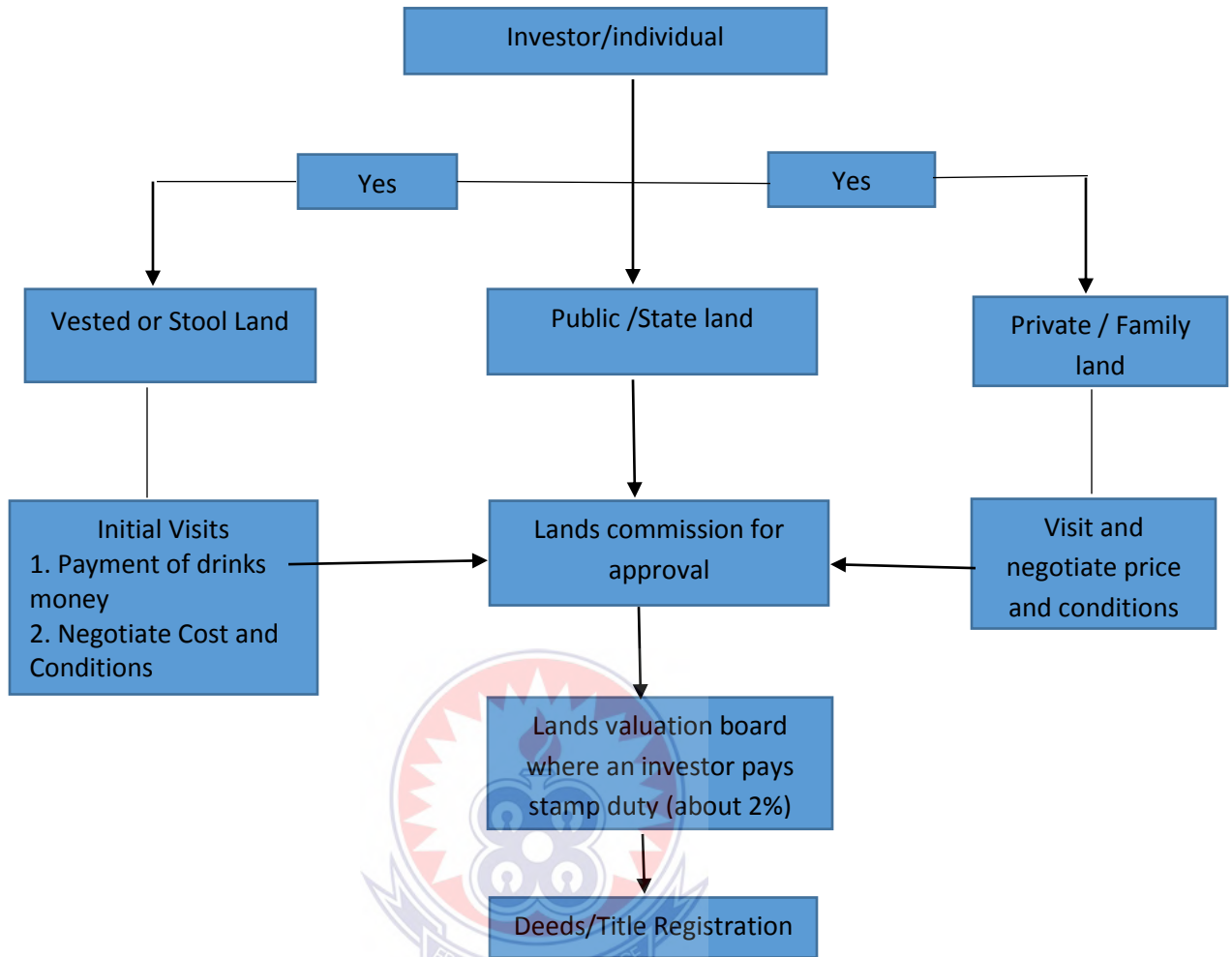


Figure 2.1 Land Acquisition Procedure and Registration

Source: Abusah (2004)

2.5.4 Institutional Arrangements for Land Acquisition

A number of agencies provide land or land related services in the country. Below are some principal ones but for the purpose of this study, I will elaborate on the first four.

Lands Commission

1. Survey Department
2. Deeds Registry

3. Land Title Registry
4. Office of the Administrator of Stool Lands
5. Land Valuation Board
6. Department of Town & Country Planning

2.5.4.1 Lands Commission

The Lands Commission came into existence and currently operates under the Lands Commission Act 1994 (Act 483) with the responsibility of advising government, local and traditional authorities on land policy. Article 258(1) of the 1992 constitution of Ghana spells out the functions of the national and regional land commissions as follows.

1. To manage public or vested lands on behalf of the president.
2. To advise the government, local and traditional authorities on the policy framework for the development of particular areas to ensure that the development of individual pieces of land is coordinated with the relevant development plan for the area concerned.
3. To formulate and submit to government, recommendations on national policy with respect to land use and capacity.
4. To advise on, and assist in, the execution of a comprehensive programme for the registration of title to land in Ghana.

Additionally, the commission oversees the disposition of stool lands and must grant its consent on all such dispositions. It is also the central government body responsible for the expropriation of land for public purposes. The commission has a secretariat technically divided functionally into five departments namely, Finance &

Administration, Legal, Technical, Estates & Investment, and Research. It also has oversight responsibility for the Deeds Registry. It maintains a record office where copies of recorded leases are kept. Its functions are decentralized as the Act also establishes Regional lands commissions in each of the 10 regions in the country with the head office in Accra.

2.5.4.2 Survey Department

The Survey Department is the central government department responsible for surveying and mapping in the country. These include cadastral, geodetic, topographic and hydro graphic surveying and the production of base maps and cadastral plans on which title registration is based. It derives its authority from the Survey Act, 1962 (Act 127). It plays a crucial role under Section 34, of the Land Title Registration Law, 1986 (PNDC Law 152) for the preparation of relevant maps and plans for the implementation of title registration in each registration district. Though it prepares the base maps on which the plotting of parcels is done, the site plans which accompany most instruments are prepared by licensed surveyors.

The department has over the years experienced a number of problems and constraints, which has militated against sustainable land management in the country. Inadequate funding and shortage of trained staff and equipment have plagued the department. One consequence of these constraints has been the slow preparation of base maps. In some cases land sales and development has occurred in areas where base maps have not yet been prepared. This has resulted in multiple sales, haphazard development and land disputes. Thus land title registration in parts of Accra has been delayed because

of the absence of base maps and the inability of the department to produce them at a fast enough pace.

2.5.4.3 Land Title Registry

The Land Title Registry, established under the Land Title Registration Law, 1986 (PNDC) Law 152 is responsible for the registration of title to interests in land in a parcel based registration system. The chief registrar heads the Land Title Registry.

The Headquarters of the Land Title Registry is in Accra and there are branch offices in Kumasi and Tema to service the districts that have been designated as registration districts in these areas. The entire registry employs a staff of 55. It is divided functionally into the Recording and Receiving Section, Technical Section, Records Management Section and General Administration Section.

2.5.4.4 Historical Viewpoint of Land Title Registration in Ghana

The period of colonial rule saw laws being passed particularly between 1876 and 1883 to facilitate the acquisition, administration and registration of interests in land. The Public Lands Ordinance of 1876 empowered the British authorities to acquire land compulsorily or purchase it by private treaty.

Deeds registration was established under the Land Registry Ordinance No 8 of 1883 and regulated the voluntary registration of private interests in land throughout the Gold Coast colony, now Ghana. The registry had only one office in Accra, supported by land management under the then Lands Department which existed until 1986, when it was replaced by the Lands Commission, (HUDA-Housing and Urban Development

Associates, 1990). Because registration under the ordinance was not compulsory, many interests in land were not documented. Following the defeat of the Ashantis, their lands were declared crown land by (Administration) Kumasi Ordinance of 1902, Rattray (1929). Lands in the coastal towns, including Accra, continued to be administered under the traditional authorities.

Following the release of the Asantehene in 1957, Kumasi lands were divested under Kumasi Lands Ordinance of 1943, except lands within a one mile radius of Kumasi fort. In order that records were not confused, the Asantehene was charged to establish with all reasonable speed an office for transacting and recording all dealings in land under his control. A government registry was also established in Kumasi separately from the Asantehene's private registry, to register Ashanti lands. After the transfer of the relevant information to the new registry, the Asantehene has continued to maintain his private registry. It can arguably be said that the most reliable and up-to-date traditional land record is to be found in this registry.

Throughout the period of colonial rule, and particularly between 1926 and 1954, some preparatory work had been made for the introduction of Land Title Registration (LTR) to replace Deeds Registration established in 1883. Although LTR is considered superior to deeds registration, it nevertheless depends on accurate survey, maps and demarcation of the entire country. The system of LTR was expensive at the time. Consequently, upon attainment of independence in 1957, the Land Registry Act, 1962 (Act 122) was passed to unify all procedures for registration of deeds throughout Ghana. Although the Act, which is still in force, does not give title to land, deeds registered under it provide the prima facie evidence of title to land. It soon suffered some setbacks.

Deeds registration failed to ensure security of ownership, security of tenure, reduction in land disputes and improvement in transfers. It also failed to safeguard the stimulation of the land market, security of credits, easy monitoring of the land market, easy land reform, greater efficiency in land taxation, improvements in physical planning and support for land resource management (Simpson 1976, Dale & McLaughlin 1988).

Furthermore, in deeds registration, reproduction errors have occurred when new documents prepared from old deeds failed to take account of un-used names, wrong dimensions and boundaries in earlier grants. Unfortunately, no serious effort had been made to improve deeds registration since its inception. For example, modernizing the system through the use of computers and geographical information systems began only recently as part of a World Bank assisted programme. By 1980 there was a general feeling by landowners, developers, surveyors, lawyers, land economists, architects, the Ghana Law Reform Commission (GLRC) and the donor community that deeds registration had outlived its usefulness. Discussions on land title registration were therefore revived. The preparatory works for the eventual establishment of LTR that began in 1926 came to its peak in 1980.

Notable among all the initiatives were the reports by Lt. General Rowe, Surveyor General and Commissioner for Lands in 1926, the Harvesters' Commission of Inquiry in 1945 and reports by Ernest Dowson and VLO Sheppard in 1946. This culminated in the visit by S. R. Simpson, a world expert in land registration systems at the time. He drafted the adjudication and registration laws for future consideration. Post-independence efforts witnessed a review by GLRC in 1973, a recommendation by government advisory

committee for Land Administration Research Centre in 1976 and a workshop organized by the Land Administration Research Centre in 1980 (Lawrence 1980).

Other considerations include the need to work slowly and exactly and only to register absolute titles, such as can be guaranteed with practically no risk at all, even if at first the numbers dealt with were small. Lt Gen. Rowe argued that ‘only by such careful methods and by opening very small areas at a time to registration can a really clean and reliable register be built up’.

Other criteria were laid down. The essential ingredients for LTR included the need for the building of an initial clean register, establishing local land courts, using good identifiers and simple forms for registration and ensuring adequate remuneration for the staff. The reports also suggested the establishment of adjudication committees and the grant of provisional titles in view of the fact that it would not be possible in all cases to trace title back to a good root. The law was consequently passed in 1986 and a separate registry was established to handle title registration in Accra, the pilot area, with financial and technical support from the World Bank, Somevi (2001).

2.5.4.5 Land Title Registration Framework

2.5.4.5.1 First Registration

The Land Title Registration Law, 1986 (PNDC Law 152) introduced land title registration- LTR in the country and this law is an improvement on the Land Registry Act-(LRA) Act 122 because it aims at registering interests in land rather than mere instruments. The law is currently applicable only to Accra and parts of Kumasi, the two largest cities. All other areas still operate under deeds registration under the LRA.

The process of securing title to land begins by registering land or instruments onto the land register. Two forms of registration are currently in force in the country. The first is the registration under the LRA, 1962 Act 122. This registration is for instruments affecting land and is referred to as Deeds Registration. The registration only refers to the deed evidencing the transaction and does not guarantee title. It means that technically, more than one registration can take place with respect to the same interest in the same piece of land. The registrations are recorded by the deeds registry, which operates under the Lands Commission. Since 1986, this has been replaced by the LTR Law-1986, (PNDC Law 152). This law was enacted to provide the machinery for the compulsory registration of titles and interests in land throughout Ghana. This became necessary because of the inherent weaknesses of the system of Deeds Registration. These weaknesses generated litigation due to the absence of documentary proof of rights in respect of land occupation, the absence of maps and plans of scientific accuracy to aid in the identification of parcels and ascertaining of boundaries, and lack of prescribed forms. Again, deeds registration does not ensure sufficient and effective investigation of titles before registration.

The objective of LTR is to give certainty, and facilitate proof of title, and to render dealings in land simple, safe, cheap and prevent fraud on purchasers and mortgagees. Additionally, owners, purchasers, solicitors, lenders, auditors and estate agents will all benefit from the greater clarity, security and ease of use of a title registration system.

The legal implications of registration under the LTR Law, 1986, (PNDC Law 152) are that the right of a registered proprietor of land is indefeasible (i.e. cannot be

legally defeated except in situations where it was obtained by fraud) and is ~~held~~ by the proprietor together with all privileges and appurtenances attached to it free from all other interests and claims whatsoever (section 43)". Registration is considered as notice to the whole world and any person acquiring an interest in any registered land is deemed to have notice of the registration (section 50). The land register is considered to be ~~conclusive~~ evidence of title of the proprietor of any land or interest in land appearing on the register" (section 18). Once title to land is registered, the interest can only be disposed of in accordance with the law.

Registered interests are guaranteed by the state and except for clerical errors in the dimensions of the land, which are certified by the Director of Surveys, the registrar may not amend an entry in the register. However the courts may direct that a registration be cancelled or amended where it can be proven that the registration was obtained by fraud or mistake.

Section 123 of Law 152 provides that a person who has suffered any damage because he has been deprived of land or been prevented from acquiring an interest in land should be compensated from a fund established under the law for the purpose. The only proviso is that the person should not have contributed to the damage complained of either by fraud or negligence, directly or indirectly. Rights and or interests in land, which may be registered under Law 152, are (section 19)

- I. Allodial Title – held by stools or in some cases clans and families
- II. Stool/Skin, family or individuals
- III. Usufruct – customary freehold
- IV. Individual freehold held by individuals

V. Leaseholds, which are more than two years

VI. Holders of customary tenancies such as abunu or abusa⁸ tenancies

VII. Concessions

Law 152 applies only to areas that have been declared as registration districts by the minister of lands and forestry. Upon the declaration, the chief registrar of lands, in consultation with the director of surveys, may direct that the boundaries of any land within the area affected by the declaration be surveyed. The chief registrar must within 14 days, issue notice to claimants of lands within the area so declared to submit their applications for First Registration (FR) (section 11).

First Registration is the process whereby unregistered land or registered instruments under the (LRA) 1962 are brought onto the land register. Applications for FR can be made through the post or through authorised agents or solicitors attending at the registry. An application for FR must be accompanied by the following.

- a. Title Deeds – these may be for either leasehold interests or freehold interests
- b. Judgments – where the applicant derives his title to the land through a court judgment, a copy of the judgment must be produced.
- c. Where there is no documentary evidence of the applicant's title to the land, the applicant can use a Statutory Declaration (Form 53).

Site plans should be attached to all applications for FR to aid in the identification of the parcel. Also a search at the Lands Commission should be attached to enable the Registry ascertain ownership to the land. In addition, since title registration is authentication of recognized interests in land, whoever wants to register land must produce evidence to prove his quantum or extent of interest, (i.e. duration of the lease),

the commencement date of the interest and parties involved in the transaction, etc. FR begins when an applicant submits a completed registration form obtained from the LTR, pays the prescribed registration fee and lodges the application together with the attachments, with the registry. The application is entered in the presentation book popularly known as the Day Book (DB), which is kept on the counter in the registry and contains a list of all applications received in a day. The DB is an essential part of the machinery of registration of title because priority of every instrument must be determined at the moment the instrument is presented to the registry and recorded in the DB. The applicant is then issued with an acknowledgement card, also known as the Yellow Card. This is to show that the applicant has his/her application for FR with the registry. Upon lodgment of the application for FR, the registrar, by letter requests the survey department to survey the land, demarcate the boundaries and produce a scientific or cadastral/parcel plan of the land. A site plan showing the extent of the applicants land is attached to the registrar's letter. Upon completion of the cadastral/parcel plan, the applicant pays for it and submits it to the Registry.

Regulation 6(2) of the Land Title Registration Regulation, 1986 states that, ~~the~~ notices shall be given publicly by notice in the gazette or by way of announcement on the national radio or television or in the newspapers or by gong gong(drum beat) of a chief or other expeditious medium of mass communication or by notice served personally on the adjoining owners or persons who claim to have an interest in the land to which the notice relates and also a copy of the notice shall be displayed or posted conspicuously at any vantage place on the land in the registration district”.

In practice, the Registrar advertises the application for 14 days in a daily or weekly newspaper. Where the advertisement attracts objections, the registrar attempts to settle the dispute before registration. Where he is unable to do so, he sends the dispute to the land title adjudication committee for settlement before the land is registered. Where no objections are received within 14 days of the advertisements, the registrar proceeds to place the land on the land register and issues the Land Certificate.

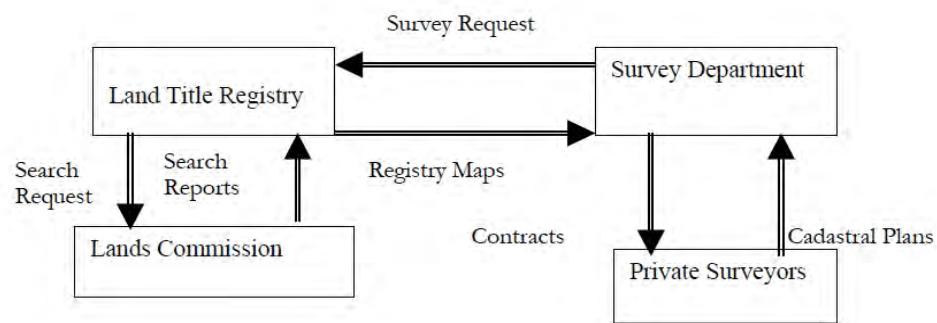
Where a person has possession of land or is in occupation of land but the Registrar does not consider him to have a sufficiently good title to enable him to be registered as the absolute owner of such land, the Registrar may register him as a proprietor with a provisional title and issue him with a provisional certificate. The Law provides that the registration of a provisional title has the same effect as the registration of a person as proprietor with absolute interest. A person with a provisional title may apply to the registrar for the conversion of his title into an absolute title if he can show to the registrar that the conditions necessitating the registration of provisional title no longer exists. Also the provisional title may be converted into an absolute title after twelve years; this is in accordance with the law on limitations.

2.5.4.5.2 Subsequent Registration

Law 152 has also made provisions for the registration of transactions after FR. Such transactions include among others: leases, mortgages, transfers, easements, restrictive covenants/agreements, merger of registered interests, etc.

From the forgoing, it is clear that the LTR does not work in isolation. Preparation of the various maps and plans and the search reports are very important and without

them, the whole registration process will be on hold. There is therefore the need for cooperation between the title registry, lands commission and the survey department (including private surveyors). Below is a diagrammatic presentation of the interaction between various key players in the registration process.



Source: Abusah (2004)

Figure 2.2: Interaction between Title Registry, Lands Commission Secretariat, Survey Department (private surveyors)

From the diagram above, the Land Title Registry sends a survey request to the survey department and receives a response in the form of a registry map. The survey department liaises with private surveyors to produce these registry maps. The Land Title Registry also sends requests to the Lands Commission for search reports regarding roots of title for applicants.

2.6 Challenges of Acquiring Land for Construction Projects in the Sunyani Municipality

Municipality

A wide variety of factors affect the availability and use of land for housing. There is no absolute shortage of land but there are supply bottlenecks in the delivery of affordable land in appropriate locations. The state now lacks the human and logistic resources and funds to undertake further land acquisition to sustain the land-banking

concept and pay compensation within the Sunyani metropolitan area and other urban areas in Ghana. There is high and rising prices of land increasingly that make it less and less affordable to the moderate and low-income earning groups, who face the added problem of having no access to limited available credit facilities. Residential lands delivered in the private/traditional sector are usually without infrastructure. As far as the grantors are concerned, they do not have any obligation to provide such services so they continue to make land grants in its unserviced form. Yet, the grantor stands to reap, among other things scarcity value, which accrues from the provision of infrastructure with the taxpayer's money, Abusah (2004).

Among the factors which limit the supply of land for housing development are the inadequate institutional arrangement which exists for land management and administration and thus slows down the land title registration process; litigation in land disputes (currently, there is an enormous backlog of such cases pending in the courts which has virtually locked up vast stretches of land); and the poor security of land title in the traditional sector owing to the large number of owners operating in the market. The lack of adequate information about land, particularly urban land, creates problems, constricts the urban market and interferes with the delivery of shelter.

Again, Ghana is not adequately served with a network of financial institutions that mobilise savings, which are channelled either directly or indirectly into the housing and mortgage markets. The overall financial policy, including housing finance policy comes under the regulatory authority of the Bank of Ghana. The First Ghana Building Society and to a lesser extent, Commercial Banks extend retail loans. The Social Security and National Insurance Trust (SSNIT) and Home Finance Company have recently taken on a

wholesale role. The Bank for Housing and Construction (now liquidated) also played retail and wholesale roles.

The housing finance market in Ghana is woefully under developed and this has seriously impeded the rate at which housing is supplied. Low and moderate-income earners are unable to meet the current loan criteria of housing finance schemes. Existing housing finance institutions shy away from devising suitable loan portfolio for low-to-middle income groups because of the substantial risk of depending on short term borrowing to finance long term assets and the high transaction cost of dealing with numerous small household borrowers. Incentives have not been created which allow for the mobilisation of savings from non-conventional sources that would give these people increased access to home ownership finance and also encourage them to use existing institutions to enhance their savings capacity, Abusah (2004).

Building Materials for Construction purposes is yet another challenge in the study area because it constitutes the single largest component in the construction sector. Therefore the construction sector is regarded as one of the backbones of the development process. In Ghana, however, a large variety of items are imported into the country for use in the building materials industry. They include cement clinker, lime, galvanized iron and asbestos roofing sheets, sanitary wares and fittings, electrical fittings and fixtures, glass, steel reinforcing bars, paints and varnishes.

There is still an over dependence on external markets, particularly for building materials for which local substitutes can be developed. The vast raw material resources of the country have not been exploited to maximum advantage by the local building industry. Building material production based on the comparative advantage that each

region has with respect to a specific material has not been pursued as a policy, Abusah (2004).

Another challenge involved in land acquisition in the study area is transaction costs and fees even though cost of title registration in itself is not considered high, other pre-conditions and associated costs may make it very dear especially when compared with deeds registration. One of such costs is the cost of surveying. The table below indicates that whereas it costs \$230 to register title to a plot of land measuring about 0.16 acres, this decreases to as low as \$95 with deeds recording. An analysis of the above revealed that one of the main reasons for the sharp drop in cost is attributed to the absence of surveying and mapping regarding deeds recording, Abusah (2004).

Another condition is that the applicant should have paid stamp duty 12 on the transaction. When stamp duty is added to the transaction costs for registration, the cost of title registration can be quite high and this may serve as a disincentive for people to register their interests. Though payment of tax is considered a civic responsibility and must be met by all citizens, providing a tax clearance certificate as a pre-requisite may indirectly increase cost of title registration. It must be mentioned that because tax evasion is quite high, this tax obligation also serve as a hurdle as people do not readily consider tax a duty.

In addition to that, there are times too, the kind of frustration one encounters at the Internal Revenue Service (IRS) in order to procure the tax certificate is sufficient disincentive to title registration. The analysis above especially the one that borders on surveying points to the fact that though Land Title Registration is superior to deeds

recording, it nevertheless depends on accurate survey maps and demarcation of the area concerned, Abusah (2004).



CHAPTER THREE

RESEARCH METHODOLOGY

This chapter presents the research design, population, sample and sampling technique and procedure and type of data used for the study. It concludes with, data collection, an overview of the interview guide design and data analysis.

3.1 Research Design

Research design includes everything the researcher will do during the period of project work from data collection through data analysis to report writing and to report preparation and submission. The study employed a cross-sectional descriptive survey. This type of study enables an examination of large and small populations by selecting and studying samples chosen from the populations to discover the relative incidence, distribution and interrelations of sociological and psychological variables, Kerlinger (1986). The major variables in this study were to assess the impact of land acquisition on construction project delivery in the Sunyani Municipality. This research used both qualitative and quantitative approaches based on data collection from interviewing, observation and survey. In line with the research questions and accompanying objectives, the study adopted the descriptive survey design. The descriptive survey is used because it presents an opportunity to fuse both quantitative and qualitative data. With the descriptive survey, the phenomenon is already established.

Again, the descriptive design was also used because it offers greater confidence with regard to particular questions of special interest or value of the researcher since in-

depth follow-up questions can be asked on issues not clear to the respondent or the researcher. To ensure that the questions to be answered or statements to be responded to using the descriptive design are clear and not misleading since survey results can vary significantly depending on the exact wording of questions or statements. The researcher ensured that interview guide items that were found to be culturally biased and would not address the objectives of the study, they were reviewed and modified before administering.

3.2 Population

The population or the total group of people under this study included all the contractors, individual land developers, and other Municipal Assembly Officers within the Sunyani Municipality. An important step in research is the means of selecting the sample of individuals who will participate (be observed, interviewed or questioned) in the process of the study and due to time constraints and other factors the researcher could not conduct the study to cover all the total group of people and as such, a sample size must be chosen for the study.

3.3 Sampling Technique / Sampling Size

In order to ensure equal representation of the participant, a multi-stage sampling technique was adopted through the use of purposive sampling technique with emphasis on convenience sampling technique or method to sample the respondents. For the sake of time and the fact that the responses of respondents was likely to provide the researcher similar ideas, the study used 30 respondents as the sample size for the study which

comprised contractors, chiefs/traditional leaders, town and country planning officers or district planning officers within the Sunyani Municipality who were interviewed using interview guide.

3.4 Sources of Data

In this research work the researcher used qualitative method to collect data for this dissertation work. Basically, the data for this study was gathered using primary source.

The Primary data source provide the researcher with first-hand information directly from the teachers and parents, through the use of structured interview designed with closed and open ended questions to gather data from the selected contractors, landlords, chiefs/traditional leaders, town and country planning officers and district planning officers within the Sunyani Municipality.

A structured interview was the main research instrument used to gather data from the respondents in the study area. The secondary data was gathered from Journals, Internet, the library, and other relevant published and unpublished research works relevant to the study.

3.5 Data Collection Procedure

The major data collecting tool or procedure for this study was the interview which is easy and fast to administer. The interview guide was prepared and administered to the respondents to gather first-hand information for the study. The researcher found it appropriate to use the interview guide to obtain information from the selected

stakeholders in the construction industry like contractors, landlords as well as would be house owners, chiefs/traditional leaders, town and country planning officers or district planning officers within the Sunyani Municipality. The interview guide were self-administered which composed of unrestricted or open-ended and closed ended type of questions which sought for the respondent's own views in relation to the objectives of the study.

3.6 Data analysis

The data analysis will be done after gathering the interview guide from respondents. The observed data will be transcribed and content analysis done. The researcher will then look at the emerging patterns and make deductions in accordance with the purpose of the study at the time of developing the research plan.

The interview data will be processed by editing, coding, classification and tabulation of collected data to enable easy analysis of the information received from the field work. In order to ensure an effective analysis of the data, qualitative data collected from the field work will be edited thoroughly, coded and analysed.

The coded response will then be computed using the Statistical Package for Social Scientists (SPSS) as well as Microsoft Office Spread sheet(thus Excel) to organize the data into figures and charts and frequency tables for easy understanding and interpretation. The Descriptive Analysis Unit of the SPSS is used to summarize the data, create appropriate tables, graphs, and examined the relationship among the variables. This will facilitate interpretation of results and provide answers to the various research questions.

3.7 Research Validity

In this study, the research questions were design according to the purpose of the study and administered to the selected stakeholders in the construction industry like contractors, landlords as well as would be house owners, chiefs/traditional leaders, town and country planning officers or district planning officers within the Sunyani Municipality, which were randomly selected for the study. In order to obtain a valid data, the interview guide were carefully designed, cross-check by the researchers' supervisor as well as colleagues as a way of ensuring that the questions are related to the objectives of the study.

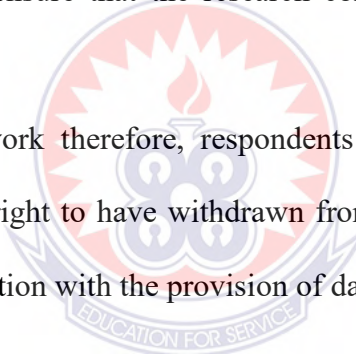
3.8 Research Reliability

In this study, the researcher chose a method for gathering data that will make the study more reliable. To achieve reliability the researcher first presented the research questions to some colleagues to read through and help make corrections before submitting them to the supervisor for further corrections, and effected the supervisors corrections before administering the research instrument. The respondents to the interview were additionally treated with diplomacy and the questions carefully administered so that it will not have any effect on their response and compared the different opinions of respondents in the data analysis.

3.9 Ethical Considerations

Ethical considerations are very vital in every research work and should not be overlooked when considering any research work. This is because in carrying out research work, institutional heads for that matter the selected stakeholders in the construction industry like contractors, land owners as well as would be house owners, chiefs/traditional leaders, town and country planning officers or district planning officers within the Sunyani Municipality with regards to this study and individuals would be contacted before one gathers data, analyses of data and reports the information gathered. As a result, every research work should involve an express moral approval or should be subjected to approval to ensure that the research conforms to acceptable standards of conduct.

In this research work therefore, respondents willingly took part in the study though they also had the right to have withdrawn from the research while ensuring that their confidentiality in relation with the provision of data was highly assured.



CHAPTER FOUR

PRESENTATION OF DATA, ANALYSIS AND DISCUSSIONS

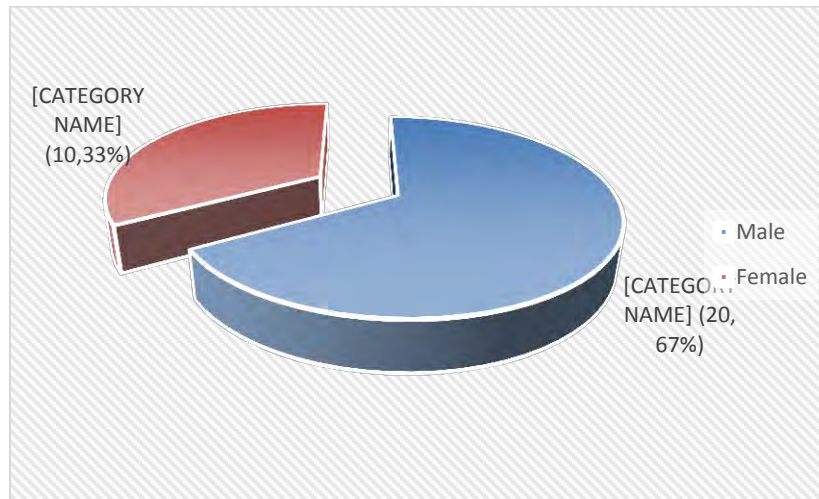
4.1 Introduction

This chapter presents the analysis and discussion of the empirical aspects of the study. The data obtained using the research instruments are analyzed and presented in the form of frequency tables and figures. The researcher further discussed the findings of the study and related it to the existing literature of the study. The sample population for the study was 30 which comprised of contractors, land owners, would be house owners, chiefs/traditional leaders, town and country planning officers or district planning officers within the Sunyani Municipality to enable the researcher compare their results with those who responded to the interview guide.

4.2 Socio-Demographic Data of Respondents

This section presents the findings of the field research with respect to the demographic characteristics of the participants of the survey. Particular areas of interest to the researcher under this section were the sex or gender of respondents, Age distribution of respondents in years, and the Highest Educational or Professional Attainment of respondent as presented.

4.2.1 Sex or Gender of Respondent



Source: Field Survey, (December, 2016)

Figure 4.1: Sex or Gender of respondent

Concerning the gender of the respondent as shown by Figure 4.1, 20 of the respondents representing 67% was male and the remaining 10 respondents made of 33% were also female. This finding shows that there were more males who responded to the interview guide than their female counterparts. The researcher could therefore conclude that this finding has no significant relation with the main objective of the study since it was not one of the main areas under the study.

4.2.2 Age Group or Distribution of Respondent

Table 4.1: Age Group or Distribution of Respondent

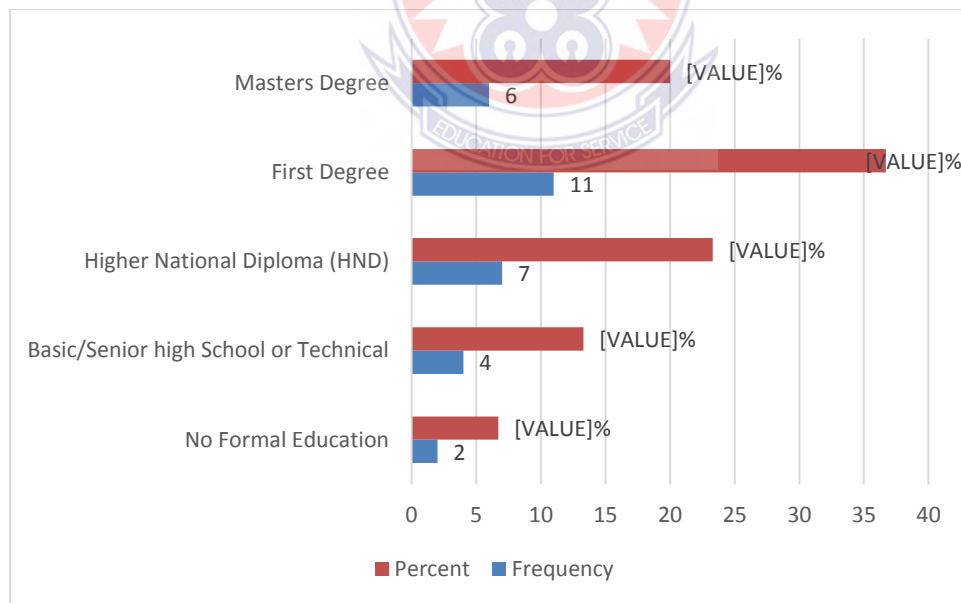
Variables	Frequency	Percent
20-29 years	3	10.0
30-39 years	7	23.3
40-49 years	9	30.0
Above 50 years	11	36.7
Total	30	100.0

Source: Field Survey, (December, 2016)

Table 4.1 showed the Age distribution of respondent in years. Out of the 30 respondents who responded to the interview, 11 respondents representing 36.7% indicated that they were above 50 years, 9 of them made of 30.0% were between 40-49 years, while 7 respondents constituting 23.3% were between 30-39 years and only 3 of them made of 10.0% were between 20 -29 years.

The findings under the age distribution of respondents meant that many of the people who responded to the interview guide within the study area were within the age group of 40 to 50 years. This then implies that, majority of the stakeholders in land tenure system are of middle age.

4.2.3 Educational or Professional Level



Source: Field Survey, (December, 2016)

Figure 4.2: Highest Educational or Professional Level

Figure 4.2 presents the results on the Highest Education or Professional Attainment of respondent. It revealed that out of the 30 respondents, 2 respondents made of 6.7% had No Formal Education, 4 respondents constituting 13.3% indicated that they had Basic/Senior high School or Technical Education, 7 respondents representing 23.3% were Higher National Diploma (HND) certificate holders, 11 of them made of 36.7% had First Degree and the remaining 6 respondents made of 20.0% had Masters Degree.

The stakeholders in land appreciation issues have wide range of educational levels.

4.2.4 Status

Table 4.2 Status of respondents

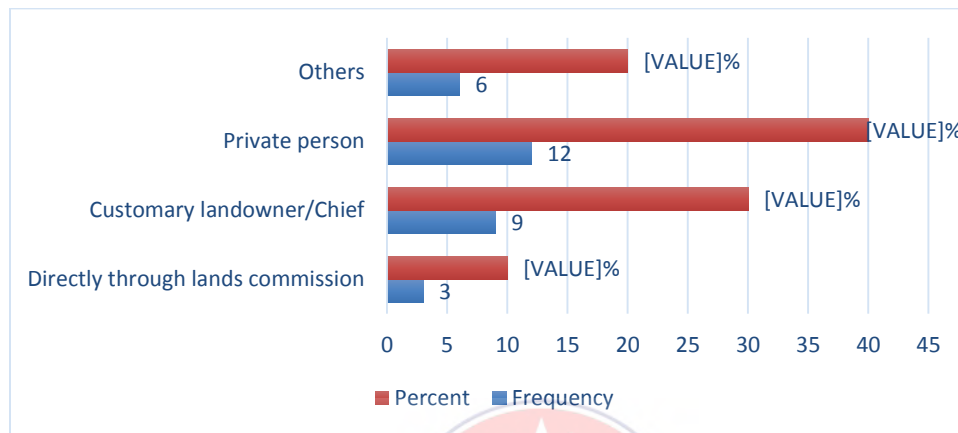
Variables	Frequency	Percent
Land owners/landlords/Family heads	8	26.7
Would be house owners	9	30.0
Chiefs/Traditional Leader	10	33.3
Municipal/District planning officers	3	10.0
Total	30	100.0

Source: Field Survey, (December, 2016)

Table 4.2 shows the status of respondents, and revealed that 8 of the respondents made of 26.7% were Land owners/Landlords/Family heads, 4 respondents, constituting 13.3% are would be house owners, 10 respondents, made of 33.3% were Chiefs/Traditional Leaders, while 3 respondents, representing 10.0% Municipal/District planning officers and 5 respondents, made of 16.7% indicated others.

4.3 How land is acquired within the Sunyani Municipality for construction Projects

This section answered the objective that sought to find out how land is acquired within the Sunyani Municipality for construction projects and the results presented in frequency distribution tables and figures as presented below.



Source: Field Survey, (December, 2016)

Figure 4.3: Source(s) of land acquisition for construction projects in Sunyani Municipality

Figure 4.3 above displays the views of respondents, on the various source(s) of which land is acquired for construction projects within the Sunyani Municipality. The results shows that out of the 30 respondents, 12 of the respondents representing 40.0% indicated that land is obtained from private persons or individuals within the Sunyani Municipality for construction projects, 9 respondents, representing 30.0% stated that land is obtained from customary landowners/Chiefs for construction projects within the Sunyani Municipality, 6 respondents constituting 20.0% stated that land is obtained through others like the lands commission for construction projects within the Sunyani Municipality and 3 of them made of 10.0% indicated that land is directly obtained through lands commission for construction projects within the Sunyani Municipality.

This shows that most of the respondents are of the view that people in the Sunyani Municipality obtain land for construction project purposes from private persons or individuals and customary land owners and chiefs.

4.2.5 The size of land that is usually sold for construction projects

Table 4.3 The size of land that is usually sold for construction projects

Variables	Frequency	Percent
100' x 100'	3	10.0
80' x 90'	7	23.3
100' x 50'	8	26.7
Others	12	40.0
Total	30	100.0

Source: Field Survey, (December, 2016)

Table 4.3 presents the views of respondents on the size of land that is usually sold out for construction projects within the Sunyani Municipality. It shows that 12 respondents made of 40.0% indicated Others, thus the size of land they bought for construction was different from the sizes given and indicated sizes like; 70' x 90', 100' x 90', 70' x 80', and 80' x 50'. Again, 8 respondents made of 26.7% stated 100' x 50', 7 of the respondents also made of 23.3% indicated that the land sold to them for construction projects was 80' x 90' and the remaining 3 respondents made of 10.0% stated that the land sold to them for construction projects was 100' x 100'.

In gathering the views of respondents on the size of land that is usually sold out for construction projects within the Sunyani Municipality, the following reasons were given by the respondents: Land in the Sunyani Municipality is being owned by private individuals who later sell it to estate developers and the fact that there is so much pressure on the little land left for development within the Sunyani Municipality.

Another reason given was that due to the high demand for land in Sunyani Municipality, most land owners have reduced the size of the land sold out to people to 80' x 90' so as to serve many prospective house owners, and that land in the municipality is scarce and for that matter the size of plots have been reduced, which agrees with Konadu-Agyemang (2001) that not only is accessibility to land a problem, but the cumbersome land titling and administrative procedures cause lengthy delays whilst competing demand for various land uses lead to high prices and other related challenges involved in acquiring land in Ghana especially in cities like the Sunyani Municipality.

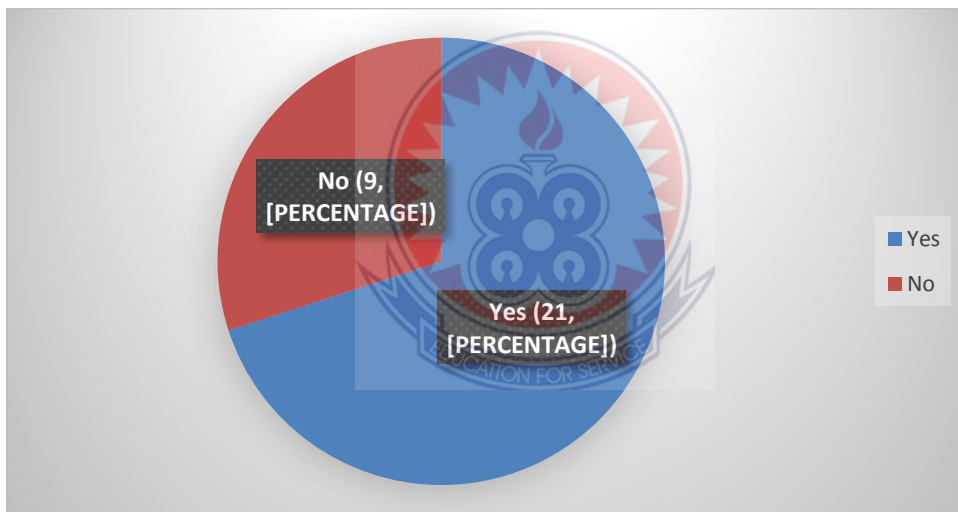
In addition to that, to acquire land in the Sunyani Municipality for construction projects, one has to buy the land directly from family heads/land lords or at times contact some so called agents before one can get a piece of land to develop. Land is acquired through traditional rulers and later on do the documentation at the Municipal Assembly/planning office and lands commission.

The findings on how land is acquired for construction project delivery agrees with Freeman Setrana (2012) who stated that, land acquisition in Ghana is almost the same in every part of the country but with few variations based on the particular area or location and the reason behind the sale of the land. In most cases what need to be understood by people seeking to acquire land for development or construction projects within the Sunyani Municipality or any part of the country requires the person to perform the following; first and foremost verify the land ownership, check with the Land Commission to find out who truly owns the land, check the seller's reputation, find out whether the land is a leasehold or freehold, ask for a transfer of ownership process, and also check the cost to transfer and register the land at the lands commission or court and in most cases

too, the land has to be certified by the paramount chief or Queen mother of the particular area to prevent future litigation.

4.4 The Role of Land Owners and Other Stakeholders in Land Acquisition for Construction Projects Delivery within the Sunyani Municipality

This section answered the objective that sought to examine the role of land owners and other stakeholders in land acquisition for construction projects delivery within the Sunyani Municipality and the results presented in frequency distribution tables and figures as discussed below.



Source: Field Survey, (December, 2016)

Figure 4.4: Is it easy to acquire land from landowners for construction projects within Sunyani Municipality?

As whether it is easy to acquire land from landowners for construction projects within the Sunyani Municipality as presented by Figure 4.4, it was realized that out of the 30 respondents, 21 of them representing 70.0% indicated that it is easy to acquire land from landowners for construction projects within the Sunyani Municipality, and 9

respondents constituting 30.0% stated No to the question that it was not easy to acquire land from landowners for construction projects within the Sunyani Municipality.

Those who stated ‘Yes’ to the question that it was easy to acquire land from landowners for construction projects within Sunyani Municipality said, it happened so if the land was acquired from the right source thus from landlords and those who stated ‘No’ to the question also added that; there are a number of land litigation issues in the Sunyani Municipality and at times some landlords sell land to more than one person which creates problem for would be house owners. The results also showed that family lands are almost insufficient to members who want to develop it themselves.

This point agree with Abusah (2004) that there is high and rising prices of land increasingly that make it less and less affordable to the moderate and low-income earning groups, who face the added problem of having no access to limited available credit facilities.

The study revealed the views of respondents on the right sources of acquiring land within the Sunyani Municipality that; people with the intention of acquiring land has to apply through chiefs and traditional leaders or stool land owners, and at times also apply through lands commission for land earmarked for construction project delivery.

In further finding out the role of the land owners in land acquisition for construction project delivery within the Sunyani Municipality it showed that; they owned the land and sell it to people for development, and also liaise with the lands commission.

Table 4.4 Role of stakeholders in land acquisition

Variables	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	19	63.3	63.3	63.3
No	11	36.7	36.7	100.0
Total	30	100.0	100.0	

Source: Field Survey, (December, 2016)

In finding out whether land owners and other stakeholders play significant role in land acquisition within the Sunyani Municipality as presented by Table 4.4, the results revealed that 19 respondents made of about 63% were of the view that the land owners and other stakeholders play significant role in land acquisition within the Sunyani Municipality, and 11 of them representing 37% stated No to the question. These results therefore showed that most of the respondents agree that land owners and other stakeholders play significant role in land acquisition for construction project delivery in the Sunyani Municipality.

Some of the reasons given in support of those who stated ‘_Yes’ to the point that land owners and other stakeholders play significant role in land acquisition for construction project delivery in the Sunyani Municipality were that; the land owners and other stakeholders are the only people who sell land to estate developers all because most lands in the study area are owned by family heads and you cannot by pass them for the land. Again, they sign documents to prove that the sale of land or transfer of land is genuine and they are also the custodians who serve as witness to anyone who bought land. Finally, it is the land owners and other stakeholders who sign the documents and give receipt of sale and approval.

The research also showed that other people involved in land acquisition for construction projects within the Sunyani municipality are the lands commission and some

private so called agents, town and country planning department, and the stool land administration.

In finding out the specific roles played by stakeholders such as the land owners/Family heads, would be house owners, chiefs/traditional leaders, and Municipal/District planning officers as follows;

On the part of the specific roles played by land owners/ Family heads, the results shows that, they sell or allocate land to would be people or house owners, and they are also to inform land commission about the availability of land for construction projects. This findings on the role of land owners/family heads confirms the Ghana News Agency (2004) that the Association of Family Heads and Landowners in the Sunyani Municipality where they appealed to the Brong-Ahafo Regional Secretariat of the Lands Commission to suspend the allocation of plots in the regional capital, especially in Adomako and Asufufu, until a satisfactory deal is reached with it. The association further advised people within the Municipality not to buy any plot of land at Adomako and Asufufu from the Lands Commission secretariat without the knowledge of the owners "since the development of such plots would be vehemently resisted.

With regards to would be house owners; they buy acquire land and develop it, prospective house owners also have to acquire the land from the traditional leaders or family heads, they have to apply for land from chiefs, or land owners or the lands commission for development, they enquire from land owners whether they have land for sale, and have to find out about the availability of land for construction projects.

Concerning the role of chiefs/traditional leaders in land acquisition within the Sunyani Municipality, participants indicated that; chiefs / traditional leaders allocate land

to people and are also those who append their signature or witness the sale of land and also approve land documents. These results is in consonance with Bower, (1993) that customary lands are usually owned by various stools and chiefs in most part of the country especially the Southern portion of Ghana.

Customary land ownership occurs where the right to use or to dispose of use right over land rest neither on the exercise or brute force nor on the evidence of right guaranteed by government statute, but on the fact that they are recognized as legitimate by the community. The rules governing the acquisition and transmission of these rights are usually explicitly and generally known, however not normally recorded in writing.

The respondents indicated the following as the roles of the Municipal/District planning officers in land acquisition for construction projects delivery within the Sunyani Municipality; these officers in consultation with land commission demarcate land for sale, they ensure that buildings are put up at the right place, and are to ensure that all buildings have permits.

In addition to that they have to see to it that the allocated land is in the master plan of the town, they also make sure that people buy the right land and use it for the intended purpose for which it was acquired, ensure that land sold to private individuals are not government land or earmarked for other projects and it is also the role of the Municipal/District planning officers to ensure that land sold to individuals for construction has no problems.

4.5 Challenges in Acquiring Land for Construction Projects within the Sunyani Municipality

This section answered the objective on the challenges in acquiring land for construction projects within the Sunyani Municipality using frequency distribution tables and Chi-Square Goodness of Fit Test as discussed below.

Table 4.5: Chi-Square Goodness of Fit Test; People go through a lot of Challenges in Land Acquisition for Construction Projects

People go through a lot of challenges in land acquisition for construction projects				
Variables	Observed N	Expected N	Residual	
Yes	21	15.0	6.0	
No	9	15.0	-6.0	
Total	30			
Test Statistics				
People go through a lot of challenges in land acquisition for construction projects				
Chi-Square			4.800 ^a	
Df			1	
Asymp. Sig.			.028	

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 15.0.

Source: Field Survey, (December, 2016)

A Chi-Square ‘Goodness of Fit’ was run on whether people go through a lot of challenges in land acquisition for construction projects on the 30 participants sampled. It was evaluated that the number of respondents who indicated that people go through a lot of challenges in land acquisition for construction projects was 21 representing 70.0% and 9 them made of 30.0% stated No to the question. Using the Chi-Square goodness of fit test, the null hypothesis was rejected with chi-square (X^2) (1) = 4.800^a, $P \leq 0.028$.

These results means that more than half of the respondents under the study indicated that people go through a lot of challenges in land acquisition for construction projects within the study area and is statistically significant.

The reasons given by respondents in support of their answer is that; land owners at times sell land to multiple people or double sale of land by different family members was a common challenge in the Sunyani Municipality which create problems when it comes to developing the land, some chiefs also have problems with the lands commission on their lands, hence such land documentation cannot be processed at the lands commission, at times too people who buy lands for development projects in the Sunyani Municipality fall into wrong people.

More so, the results shows that some people claim ownership of land and sell to people after which they cannot be traced, there is a whole lot of beauracracy people have to go through before acquiring land documents which at times discourage people, land litigation also at times occur due to indeterminate boundaries, while others stated that the high cost of land are were some of the challenges people go through with regards to acquiring land for construction projects within the Sunyani Municipality.

The findings on the challenges of land acquisition confirm Kassanga & Kotey, (2001) that acquisition of land for construction project delivery in Ghana has become so laborious and very frustrating. Access to land is therefore associated with numerous setbacks that tend to hinder construction project delivery and scare many would be house owners through self-development.

The results further agree with Abusah (2004) that the challenge involved in land acquisition involves transaction costs and fees even though cost of title registration in itself is not considered high, other pre-conditions and associated costs may make it very dear especially when compared with deeds registration and that one of such costs is the cost of surveying.

Table 4.6 Major challenges in Land Acquisition for Construction Projects

Variables	Frequency	Percent	Valid Percent
Land is subject to litigation due to multiple sales arising from indeterminate boundaries	12	40.0	40.0
Land is subject to eminent domain powers/or compulsorily acquisition by government	5	16.7	16.7
The amount of money or cost of the land	9	30.0	30.0
Others	4	13.3	13.3
Total	30	100.0	100.0

Source: Field Survey, (December, 2016)

Table 4.6 presents the views of respondents on what they see as the major challenges in land acquisition for construction projects within the Sunyani Municipality. It revealed that out of the 30 respondents, 12 of them representing 40.0% wholeheartedly indicated that land is subject to litigation due to multiple sales arising from indeterminate boundaries, this was followed by 9 respondents made of 30.0% who were of the view that the amount of money or cost of the land was the major challenge in land acquisition for construction projects within the Sunyani Municipality, meanwhile 5 respondents constituting 16.7% stated that land is subject to eminent domain powers/or compulsorily acquisition by government in the Sunyani Municipality and the remaining 4 respondents made of 13.3% stated Other challenges that people go through in land acquisition for construction projects within the Sunyani Municipality that; the processing of the papers on the land was not easy and costly too.

The following views were raised by respondents as best practices that should be adopted for land acquisition for construction projects delivery within the Sunyani Municipality; sales of land should be done only by chiefs who are the custodians of the land, land should be acquired from land commission. It also revealed that there should be an introduction of land agents in the Sunyani Municipality and that since most lands are

stool lands it should be in the hands of the traditional leaders and that the chiefs should liaise with lands commission in the sale of lands in order to reduce land litigation. More so, anybody buying land should do a search before paying for any land for construction projects.

The results confirms Abusah (2004), that many people have abandoned their projects and initiative of becoming house owners completely due to the emergence of brute force and land litigations in recent time especially in the cities like the study area and many of these occurrences have hindered construction project delivery in many places in Ghana.



CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

This chapter presents a summary of the main findings of the study, conclusions and recommendations and areas that may call for further research or study.

5.1. Summary of Findings

5.1.1 Findings on the Socio-Demographic Data of Respondents

This section presents the findings of the field research with respect to the demographic characteristics of the respondents of the survey. Particular areas of interest to the researcher under this section were the sex or gender of respondents, Age distribution of respondents in years, and the Highest Educational or Professional Attainment of respondents as presented.

Concerning the sex or gender of the participants as shown by Figure 4.1, 20 of them representing 67% were male and the remaining 10 respondents made of 33% were also female which shows that there were more males who responded in the interview guide than their female counterparts. This finding therefore has no significant relation with the main objective of the study since it was not one of the main areas under the study.

With regards to the age group or distribution of respondents in years as shown by Table 4.1, it revealed that most of the respondent's age group or distribution was between age group of 40 to 50 years meaning that most of them were within the youthful age group.

Taking the Highest Educational or Professional Attainment of respondents as shown by Figure 4.2 revealed that out of the 30 respondents 2 respondents representing 6.7% had no Basic education, 4 representing 13.3 had either Basic/Senior/Technical education, 6 respondents representing 20.0% had Masters Degree, 7 them representing 23.3% were Higher National Diploma (HND) certificate holders followed by 11 respondents made 36.7% had First Degree.

The study further revealed that out of the 30 respondents, 10 (33.3%) of them were Chiefs/Traditional Leaders, 8 (26.7%) Land owners/Family heads, 4 (13.3%) Would be house owners, and 3 (10.0%) Municipal/District planning officers.

5.1.2 Findings on how land is acquired within the Sunyani Municipality for construction Projects

The results under this objective sought to find out how land is acquired within the Sunyani Municipality for construction projects and emerged that most people obtain land for construction project purposes from private persons or individuals for construction projects followed by customary landowners / Chiefs.

Again, about 40% of the respondents indicated that the size of land that is usually issued to people for construction projects within the Sunyani Municipality ranges between 70' x 90', 100' x 90', 70' x 80', and 80' x 50' and 80' x 90' due to inadequate land and the fact that there is so much pressure on the available land left for development within the Sunyani Municipality.

Again, the study showed that in order to acquire land in the Sunyani Municipality for construction projects, one has to buy the land directly from family heads or at times

contact some so called agents, and traditional rulers and later on do the documentation at the Municipal Assembly/planning office and lands commission.

5.1.3 Findings on the role of land owners and other stakeholders in land acquisition for construction projects

The study revealed that land owners and other stakeholders in the Sunyani Municipality played significant role in land acquisition for construction projects delivery and 70.0% of the respondents indicated that it easy to acquire land from land owners for construction projects.

It further showed that the land is owned by the land owners and they sell it to people for development, and also liaise with the lands commission. Their role was also much felt if the land was acquired from the right source which would reduce land litigation issues among would be house owners.

In addition to that, the study revealed that to acquire land from the right source within the Sunyani Municipality, one has to apply through chiefs and traditional leaders or stool land owners, and at times also apply through lands commission for land earmarked for construction project delivery.

Finally, the study showed that most lands in the study area are owned by family heads and estate developers cannot by pass them for the land because they finally sign the documents to prove that the sale of land or transfer of land is genuine and they are also the custodians who serve as witness to anyone who bought land.

They further showed that other people involved in land acquisition for construction projects within the Sunyani municipality are the lands commission and some

private so called agents, town and country planning department, and the stool land administration.

On the part of the specific roles played by landowners/Family heads, the results shows that, they sell or allocate land to would be house owners, and usually inform land commission about the availability of land for construction projects.

With regards to would be house owners; they buy acquire land and develop it, have to acquire the land from the right traditional leaders or family heads or apply for land from chiefs, or land owners or the lands commission for development.

Concerning the specific role of chiefs/traditional leaders in land acquisition within the Sunyani Municipality, it revealed that they allocate land to people and are also those who append their signature or witness the sale of land and also approve land documents.

On the specific role of the Municipal/District planning officers in land acquisition for construction projects delivery within the Sunyani Municipality, it showed that these officers in consultation with land commission demarcate land for sale, ensure that buildings are put up at the right place, and are to also ensure that all buildings have permits.

In addition to that they must ensure that the allocated land is in the master plan of the town, they also make sure that people buy the right land and use it for the intended purpose for which it was acquired, while ensuring that land sold to private individuals are not government land or earmarked for other projects. Finally, the Municipal/District planning officers are to ensure that land sold to individuals for construction have no problems.

5.1.4 Findings on the challenges of acquiring land for construction projects within the Sunyani Municipality

A Chi-Square ‘Goodness of Fit test’ which was run on whether people go through a lot of challenges in land acquisition for construction projects revealed that 70.0% of the participants agree that people within the study area go through a lot of challenges in land acquisition for construction projects with chi-square (X^2) (1) = 4.800^a, $P \leq 0.028$.

The results also showed that land owners at times sell land to multiple people or double sale of land by different family members and that some chiefs also have problems with the lands commission on their lands and as such hamper land documentation and processing at the lands commission. And that some people claim ownership of land and sell it to people after which they cannot be traced.

Other challenges is the beauracracy people go through before acquiring land documents and land litigation which at times occur due to indeterminate land boundaries and high cost of land regarding land acquisition for construction projects within the Sunyani Municipality.

5.2 Conclusions

In conclusion, considering the findings of the study, the following conclusion can be made: On how land is acquired within the Sunyani Municipality for construction Projects, the results emerged that most people obtain land for construction project purposes from private persons or individuals for construction projects followed by customary landowners / Chiefs.

Again, about 40% of the participants stated that due to inadequate land and the fact that there is so much pressure on the available land left for development within the Sunyani Municipality the size of land that is usually issued to people for construction projects ranges between 70' x 90', 100' x 90', 70' x 80', and 80' x 50' and 80' x 90.

Again, the study concluded that in order to acquire land in the Sunyani Municipality for construction projects, one has to buy the land directly from family heads/land lords or at times contact some so called agents, and traditional rulers and later on do the documentation at the Municipal Assembly/planning office and lands commission.

Again, the findings on the objective that sought the views of respondents on the role of land owners and other stakeholders in land acquisition for construction projects concludes that land owners and other stakeholders in the Sunyani Municipality played significant role in land acquisition for construction and 70.0% of the respondents indicated that it easy to acquire land from landowners for construction projects.

That the role of land owners and other stakeholders was much felt if the land was acquired from the right source which would reduce land litigation issues among would be house owners.

Again, the study revealed that to acquire land from the right source one has to apply through chiefs and traditional leaders or stool land owners, and at times also apply through lands commission for land earmarked for construction project delivery.

More so, the study showed that most lands in the study area are owned by family heads and estate developers cannot by pass them for the land because they finally sign the

documents to prove that the sale of land or transfer of land is genuine and they are also the custodians who serve as witness to anyone who bought land.

They further showed that other people involved in land acquisition for construction projects includes the lands commission, some private so called agents, town and country planning department officers, and the stool land administration.

Some specific roles played by landowners/Family heads, were that, they own and sell or allocate land to would be house owners, and usually inform land commission about the availability of land for construction projects.

The would be house owners; must therefore acquire lands from the right traditional leaders or family heads or apply for land from chiefs, or landowners or the lands commission for development in order to avoid land litigations.

Concerning the specific role of chiefs/traditional leaders in land acquisition within the Sunyani Municipality, it revealed that they allocate land to people and are also those who append their signature or witness the sale of land and also approve land documents.

On the specific role of the Municipal/District planning officers revealed that they work in consultation with land commission to demarcate land for sale, ensure that buildings are put up at the right place, and also ensure that all buildings have permits.

In addition to that the study concluded that the Municipal/District planning officers must ensure that the allocated land is in the master plan of the town, while ensuring that land sold to private individuals are not government land or earmarked for other projects, and to ensure that land sold to individuals for construction have no problems.

Moreover, the findings on the challenges of acquiring land for construction projects within the Sunyani Municipality shows that 70.0% of the respondents agree that people within the study area go through a lot of challenges in land acquisition for construction projects due to the following reasons; land owners at times sell land to multiple people or double sale of land by different family members and that some chiefs also have problems with the lands commission on their lands which affect land documentation and processing at the lands commission.

Finally, the study concluded that some people sell land to people and cannot be traced in case of litigation and the beauacracy that people go through before acquiring land documents and land litigation which at times occur due to indeterminate land boundaries and high cost of land for construction projects within the Sunyani Municipality.



5.3 Recommendations

From the above findings and conclusions, the following recommendations were made. On how land is acquired within the Sunyani Municipality for construction Projects, that people should buy the land directly from family heads/land lords or at times contact recognised agents, and do the documentation at the Municipal Assembly/planning office and lands commission.

Again, the study recommended that people should acquire land from the right source by applying through chiefs and traditional leaders or stool land owners, and at times too apply through lands commission for land earmarked for construction project delivery.

In addition to that, the study recommended that the Municipal/District planning officers should work in consultation with land commission to demarcate land for sale, and ensure that buildings are put up at the right place with the correct permits.

It further recommends that the Municipal/District planning officers must ensure that the allocated land is in the master plan of the town, and is not government land or earmarked for other projects.

Moreover, the study recommended that land owners should not sell land to multiple people or double sale of land and family members and some chiefs resolve all issues with the lands commission on their lands which will not affect land documentation and processing at the lands commission.

The study recommended that the beauracracy that people go through before acquiring land documents for construction projects within the Sunyani Municipality. That best practices should be adopted for land acquisition for construction projects delivery within the Sunyani Municipality; sale of land should be done only by chiefs who are the custodians of the land, from the lands commission, and there should be an introduction of land agents in the Sunyani Municipality.

Finally, the study recommended that to reduce land litigation, anybody buying land should do a search before paying for any land for construction projects.

5.4 Suggestions for Further Studies

The researcher recommends the following for future researchers who may wish to do further research on the topic under study;

In the researchers view, for future studies, the scope of the study should be broaden to capture more data thus by broadening the number of respondents in the study area and extend the same to every part of the country which would give room for generalization on the study.

The sample size of the study should also be increased to cover many District and Municipal Assemblies in the study area and the whole country.



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APPENDIX

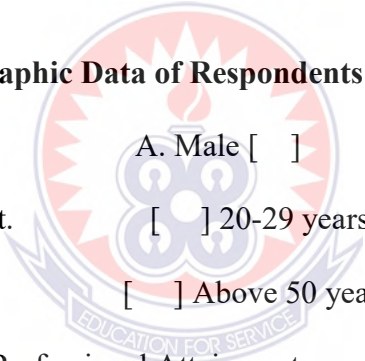
**STRUCTURED INTERVIEW TO STAKEHOLDERS IN THE CONSTRUCTION
INDUSTRY WITHIN THE SUNYANI MUNICIPALITY**

Dear respondent,

The researcher is a student of the University of Education Winneba, Kumasi Campus and is seeking your views on **“The Impact of Land Acquisition on Construction Project Delivery in the Sunyani Municipality”**. *This work is purely for academic purpose and you are highly assured that any information you provide is strictly confidentiality.*

Please tick [√] the appropriate response(s) or provide your views to the questions below.

Section A: Socio-Demographic Data of Respondents

- 
1. Sex of respondent
A. Male []
B. Female []
 2. Age group of respondent.
[] 20-29 years [] 30-39 years
[] 40-49 years [] Above 50 years
 3. Highest Educational or Professional Attainment
A. [] No Formal Education B. [] Basic/Senior High School or Technical
C. [] Higher National Diploma (HND) D. [] First Degree E. [] Masters Degree
F. [] Others {please specify}.....
 4. Please state your status. [] Landowners/ landlords /Family heads
[] Would be house owners [] Chief/traditional leader
[] Municipal/District planning officers [] Others, specify
.....

SECTION B: How land is acquired within the Sunyani Municipality for construction Projects

5. How is land bought here for construction purpose?

Directly through Lands Commission Customary landowner/chief

Private Person Other source(s) please specify

.....

6. What is the size of the land that is usually sold out to people here?

100' x100' 80' x 90' 100' x 50' Other(s) specify.....

7. Please give reasons to your answer

.....

.....

8. In addition to the above questions, briefly describe how land is acquired here for construction Projects

.....

.....

.....



Section C: The role of land owners and other stakeholders in land acquisition for construction projects delivery within the Sunyani Municipality.

9. Is it easy to get land from the right source for construction projects within the Sunyani Municipality? A. Yes B. No

10. Please give reasons to your answer

.....

11. What are the right sources of acquiring land for construction projects delivery within the Sunyani Municipality?

.....
.....

12. What role do land owners play in land acquisition for construction projects delivery within the Sunyani Municipality?

.....
.....

13. Land owners in this area play a significant role in land acquisition for construction projects. A. Yes [] B. No []

Please give reasons to your answer

.....
.....

14. Which other people are involved in land acquisition for construction projects here?

.....
.....

15. Please state the specific role played by the following in land acquisition for construction projects delivery within the Sunyani Municipality.

a) Landowners/ landlords /Family heads

.....
.....

b) Would be house owners

.....

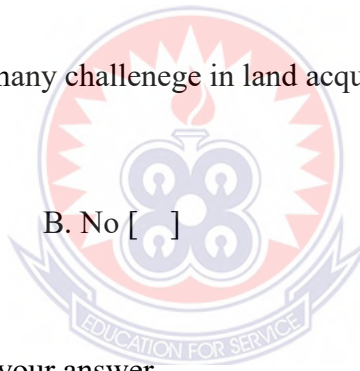
- c) Chiefs/traditional leaders
-
-
- d) Municipal/District planning officers
-
-
- e) Others, specify the role
-

Section D: Challenges in acquiring land for construction projects within the Sunyani Municipality.

16. People go through so many challengee in land acquisition for construction projects here?

A. Yes []

B. No []



17. Please give reasons to your answer

.....

.....

18. What would you say are major challenges in land acquisition for construction projects within the Sunyani Municipality? (tick as appropriate).

[] Land is subject to litigation due to multiple sales arising from indeterminate boundaries.

[] Land is subject to eminent domain powers/or compulsorily acquired by government but adequate compensation entitlements have not been paid.

[] The amount of money or cost of the land

[] Others(s), please specify.....

.....

19. What best practices should be in place for land acquisition for construction projects delivery within the Sunyani Municipality.

.....

.....

.....

Thank You.

