

Governance in the Role of Customary Land Tenure Institutions in Peri-Urban Development

Kwabena Obeng Asiama (Ghana)

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SUMMARY

The nature, composition, and role of customary land tenure institutions in Sub-Saharan Africa, like customary law itself, has taken a dynamic path, with each customary area, being unique. Recent developments across the sub-region have shown a direction towards regularisation and recognition of customary land rights and its related institutions. In Botswana, the Tribal Land Act of 2018 provided for the continued recognition of tribal lands, and institution of tribal land management via the Land Borads. In Kenya, the Community Land Act of 2016, provides for the recognition of community lands which was hitherto not recognized by the state, and its registration went hand in hand with the conversion of lands into freehold property. Similarly, in Ghana, the Land Act of 2020 has been passed, in part to regularize the management and administration of customary lands. A key component of this is the institution arrangement, both formal and informal, of customary land administration. This has led to the formalization of the Customary Lands Secretariats (CLS) around the country. However, in no place in the sub-region is this conflict seen than in the peri-urban areas. With the gradual expansion of cities, competing land uses together with the change in the view of land from a social connection to an economic commodity, little is known on how the establishment of the CLSs influence governance in land acquisition and urban development.

This paper seeks to develop a theoretical model that is to assess governance in customary land tenure institutions in the scope of peri-urban development. The theoretical framework developed should be able to be adapted to customary lands in Sub-Saharan Africa.