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MANAGING LAND FOR THE COMMON GOOD? EVIDENCE FROM A COMMUNITY DEVELOPMENT PROJECT IN AGONA, GHANA

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ABSTRACT

The common and dominant view that customary land tenure systems in Africa are inefficient because they forbid individuation, are not registered, are insecure, discourage access to credit, and provide incentive for free rider problems is examined through a case study of one community in Ghana, West Africa. A ninety-day field study in the case study area explored the extent to which the land tenure system has supported a community-based housing project and how that, in turn, has shaped or constrained infrastructural and socio-economic and political development. The paper reveals that communal ownership in the case study area deviates from the orthodox description of land tenure systems in Africa and escapes the problems associated with the so-called 'tragedy of the commons'. Abuse by both the corporation and corporators is possible and probable, but not because of custom. Growing processes of modernisation, commodification, and secularisation will undermine this system.

Keywords: Africa, Land, Housing, Communal, Individuation.

INTRODUCTION

In the last decade, orthodox economists have written widely about the stresses of land tenure systems in Africa (De Soto, 2000; 2004; Singh and Huang, 2011). The argument is that these communities have open range land rights systems which are abused, are insecure, impede access to credit, and are inappropriate for the purpose of public administration and planning. They imply that the systems are backward and are in need of transformation to a more formal, Western system of land tenure relations. Countries in the Global South, especially those in Africa, have been promised considerable prosperity if they shed off their system of land use and ownership and embrace a Western version of securing property rights.

The argument against customary land ownership is not new. It is traceable to the work of Hardin (1968) whose influential paper, 'the tragedy of the commons', claimed that common pool¹ resources tend to be mismanaged because people are individualistic, selfish, and

profit oriented. From this perspective, there is a tragedy if there is no individuation and no markets in land. For Hardin, common property is an aberration and its ills are intensified by population growth. While he considers privatising the commons may be unjust, he argues that '[t]he alternative of the commons is too horrifying to contemplate. Injustice is preferable to total ruin' (Hardin, 1968, p. 1247). Land tenure systems in Africa are commonly believed (see, for example, World Bank, 1975; 2003) to fit this open range system. Being customary is equated with being open range, being undefined, being waste or 'no person's land', and being incapable of exchange (World Bank, 1975; De Soto, 2000; Deininger, 2003; Norberg, 2006) a view based on which expensive and extensive land reform programmes have been carried out in Africa (Gilbert, 2012).

Many scholars, writing from different disciplinary backgrounds, have contested the claims of the private property view point. Some contest its assumptions (Sjaastad and Cousins, 2008); others its empirical support (Domeher and Abdulai, 2012), and a few its various conceptions (Chimhowu and Woodhouse, 2006). The new twist in the debate is the debate about the so-

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called 'investment in land for development', that is, the use of customary land tenure systems and private individual rights to bring about pro-poor growth (Borras Jr and Franco, 2012).

Whether customary land rights contribute to community development is relatively understudied, with a few notable exceptions (e.g., Kea, 2010; Berry, 2013; Goodwin, 2013). So we conducted fieldwork in Agona, a peri-urban community in Ghana, West Africa, where the rights to land are customary. We studied the Habitat for Humanity Housing Scheme in one community and analysed how it takes advantage of the customary system to enhance community development, an aspect of which appeared in an earlier report (Aryee *et al.*, 2005). This further analysis extends the literature on land rights formalisation which currently focuses on six themes, namely whether formalisation leads to access to credit (e.g., Domeher and Abdulai, 2012), the benefits of the Land Administration Project (e.g., Hammond, 2008), women's land rights and customary land ownership (e.g., Duncan, 2010) and problems in the land market (e.g., Karley, 2009), transformations in land tenure (e.g., Amanor, 2010), and the history of land, labour, and capital (e.g., Austin, 2005). This paper, on the other hand, stresses the community development angles of the customary system of land tenure. It is an important addition to studies on the politics of land reform in Africa (see Lund and Boone, 2013 on an overview of such studies).

The paper reveals that (1) the customary land tenure system is communal but not an open range common pool system with no rules, explaining why it can escape the so-called tragedy of the commons and (2) even without formalisation, the customary system works to the common good of community members; (3) the customary system of land tenure derives its social good character not from the inherent tenurial arrangement itself, but from collective decision making protocols; (4) social credit is possible under customary land tenure system; and (5) there is security of tenure arising from collective social regulation, not necessarily enforced by the state.

Following this introduction, the paper is divided into four sections. Section 1 reviews the argument in favour of individualising land tenure. Section 2 introduces the community where the fieldwork was undertaken. First, it explores the geography, demography, and land tenure system of the community. Next, it describes the Habitat

for Humanity Housing Scheme. Then, it raises the research questions based on which the fieldwork was conducted. Section 3 describes the method used to collect data from the field, while section 4 discusses and analyses the findings.

The Case for Individual Tenure Explained: While some anthropologists and other social scientists have continued to extol the benefits of customary land tenure systems (e.g., Alden Wily, 2011; 2012), neoclassical economists and advocates of neoliberalism have consistently argued that individual and Western forms of land tenure are more desirable and ought, therefore, to be imposed in areas where they are non-existent. The characteristics of these Western tenurial arrangements include formal title registration, regarding land as an asset that must be traded to be efficient, and subdividing customary land. Variations of these ideas, incorporating state planning, and intended to enhance the operation of land markets have also been advocated (Lai and Lorne, 2006; Lai, 2010).

The World Bank has been championing these views since the 1970s. In its seminal report on land, *Land Policy Reform* (World Bank, 1975), a strong case was made for the use of formal title registers, individual tenure, and promoting market exchange in land. Its lead economist with responsibility for land and development economics, Klaus Deininger, was later to publish a paper reporting that the World Bank had changed its views (Deininger and Binswanger, 1999). The revised World Bank position is stated in its 2003 report, *Land Policy for Growth and Poverty Reduction* (Deininger, 2003). Like the 1999 paper, the World Bank stresses its change in orientation, but a critical reading reveals that the structural argument remains the same or similar: The marketization of land is key for economic development and poverty reduction; Customary land requires recording and state backing to be secure; Secure tenure is given by government through enforcing formal land rights; Women's rights are better guaranteed by formal rights; More formal tenure is the only reason credit can be given; Customary tenure ought to evolve to individual tenure in the process of economic development; and Land must be regarded as an 'asset' and its exchange encouraged (Deininger, 2003, pp. xvii -xlvi).

Supporting analyses, recommending greater private property and the demise of customary tenure, have come from many orthodox economists, but recently from the Peruvian economist, Hernando de Soto (see de

Soto, 2000, 2004) and Johan Norberg, especially in his book, *In Defence of Global Capitalism* (Norberg, 2005, pp. 32-36; 51-57). Criticisms of these proposals have grown (see, for example, the papers in Benda-Beckmann *et al.*, 2009), but these recommendations have been widely embraced in Africa (Gilbert, 2012). It will be wrong, however, to contend that the experience of title registration in Africa is only a post-colonial dynamic. The coloniser attempted and, in some countries, succeeded in bureaucratically manage land. Thus, registration is both a colonial and neocolonial attempt to commodify and secularise tenurial arrangements which, even when not common pool are communal, customary, and non-Western (Njoh, 2012).

Most critical studies (e.g., Abdulai, 2006; Hammond, 2008, Gilbert, 2012) on the issue of formalisation have contested the claims on the basis that the transformed system does not work. Important questions remain, nevertheless, about customary tenancies themselves: How do they operate? Do they and in what ways do they define, constrain, enhance or obstruct pro-poor growth and development?

Ghana presents an interesting case study because, while its land tenure system has undergone major transformations, and have been vigorously subjected to tenure registration and formalisation, a substantial share remains customary. Yet, the existing studies have tended to focus more on the effectiveness of registration (e.g., Hammond, 2008; Aryeetey and Udry, 2010) and less on how peri-urban and unregistered land performs, with Bugri (2008) and Berry (2013) as respectable exceptions.

Land Tenure in Ghana: Land tenure in Ghana is a complex mix of state, customary, and individual systems of use, ownership, and transfer. By definition, state land belongs to the state and is governed by formal laws. Customary land, on the other hand, is largely managed along customary rules. It is held by the traditional leaders (e.g. chiefs and priests) and families for the individuals of the community. So, it does not preclude individual ownership, but the individual's title is usually inferior to the community, family, or other group's interest in the sense that it is less absolute. It is the community or, what Bentsi-Enchil, called the 'corporation' that owns the highest interest in land and the chief or priest that is the trustee or, in Betsi-Enchil's terms, 'corporator' (Asabre, 1994). Family ownership is largely regarded as deriving from community interest

too, (e.g., either as a gift from the community or a purchase by the entire family from a community), so it is the community, ipso facto, that holds the original allodial interest (Woodman, 1963; Nana Nketsiah, 2013). While some hold the view that customary land could never be sold, there is proof that even in pre-colonial Ghana land markets existed although they were not capitalist in nature (see Asante, 1965).

The advent of colonialism introduced two important changes. First, the coloniser tried to confiscate customary land under the guise of 'waste land' or 'no man's land'. This attempt was rejected by the natives who formed the Aborigines' Rights Protection Society to defend traditional land. The coloniser backed off, eventually, and then adopted a second approach – commodification of land to ensure the transfer of land to business magnates from the coloniser's country. Working in cahoots with comprador traditional rulers, greatly incentivised by the prospects of accumulating personal wealth, large amounts of land were sold (Kimble, 1964; Austin, 2005). A third, related policy of expropriation and appropriation was also used. Expropriation entailed the use of the power of eminent domain to compulsorily acquire land from indigenous owners in Southern Ghana who were paid compensation whose adequacy or promptness are yet to be fully studied. Appropriation entailed the confiscation of land from Northern Ghana without the payment of compensation (Larbi *et al.*, 2004). These three approaches substantially disturbed the nature of pre-colonial land tenure systems.

Since colonial times, the two forces, one of eminent domain, and the other of marketization have remained. On the first one, Larbi (2008) has discussed the various laws used for compulsory acquisition, including the State Lands Act, 1962 (Act 125) as amended, the Land (Statutory Way leaves) Act, 1963, (Act 186), State Property and Contracts, Act, 1960 (CA 6), the Administration of Lands Act, 1962 (Act 123) and the Public Conveyancing Act, 1965 (Act302). The Constitution of Ghana also gives the state the power to confiscate land. According to Larbi (2008), some 20 per cent of all the land in Ghana has been confiscated by the state.

Successive governments have also been making effort to introduce formal registration and commodification. More concrete plans started when the Land Administration Research Centre submitted proposals for

a land title registration system on August 2, 1976. In January 1977, the proposals were approved for implementation. The objectives of title registration as stated were to '(a) simplify land transactions, in particular, by simplifying the conveyance itself and the number of subsequent administrative steps; such a register would enhance the need for introspective check on root of title; (b)[t]o provide security to the title holder against any subsequent claims of interests, and by providing state guarantee of the authenticity of the title; (c)[t]o save time and expense for the parties to a conveyance, or land change, and for the administrators of the system d) to provide a means of storing the Title information that (i) keeps the material safely (b) enables quick retrieval of the information from the register for the public' (Benneh, 1980, p.20).

According to George Benneh, then the Minister in charge of lands, '[t]he innovation of Title registration provides a sense of security for all persons in their land transactions, and, from the state's point of view, allows its chief asset, the land, to circulate with speed, simplicity, low cost, and safety' (Benneh, 1980, p.xxi).

It took some six years after these proposals and claims were made before the Land Title Registration Law, 1986 was enacted by the government that implemented it as part of the Structural Adjustment Program. In 1999, The Ghana *National Land Policy* (Ministry of Lands and Forestry, 1999) was launched and, in 2003, the Land Administration Project was started to implement the objectives of the Land Policy, mainly to formalise the land tenure system because indigenous systems do not work well, impede women's access to land rights, inhibit access to credit, and create conflict in terms of access to land (for a discussion, see World Bank, 2011, pp. 1-5).

A number of eminent scholars have contested the view that formal, Western form of tenure is the only one that enures to the common good of society and that common and community resources constrain development. For instance, Elinor Ostrom, first female to win the Nobel Prize in Economic Science, observed in her stimulating book, *Governing the Commons* (Ostrom, 1990) that 'instead of presuming that the individuals sharing a commons are inevitably caught in a trap from which they cannot escape, I argue that the capacity of individuals to extricate themselves from various types of dilemma situations varies from situation to situation....(p.14). To open up the discussion of institutional options for solving commons dilemmas, I

want now to present a fifth game in which the herders themselves can make a binding contract to commit themselves to a cooperative strategy that they themselves will work out' (p.15).

So, it is important not only to evaluate whether the market alternative works, but also to examine whether traditional systems fail, as critics claim. Herein lies the mandate of this paper. Its empirical referent is Agona, a peri-urban settlement in the Ashanti Region of Ghana where the traditional system of land tenure is in operation.

Afigya Sekyere District (or Sekyere South District), Agona: Case Study Area: The Ashanti region of Ghana is one of the ten regions in the country. It is one of the most populous. Rich in both minerals and culture, it is a prominent tourist site in Africa. The Afigya Sekyere district is one of the 30 political administrative units in the Ashanti region. It was established in 1974 during which time it was called the Kwabre District. With the expansion of its boundaries in 1988, the Government of Ghana, using LI 1606, changed that name to the Afigya Sekyere District (Aryee *et al.*, 2005) and recently to Sekyere South District.

Physically, the district is about 3.3 per cent of the entire region. Some of the towns that make up the district are Tano, Kona, and Wiomoase. Since 1984, the district has been growing at an average rate of 3.1 per cent. About 130, 000 people reside in the district composed of 125 settlements of which only 5 are urban (defined as settlements of 5, 000 or more people) (Boateng, 2008; Ayarkwa, 2013).

One of such urban centres is Agona, where the present study was carried out. Only the results of the penultimate census are available to the public. According to that census, conducted in 2000, Agona has a population of 9,321 people of whom about 50 per cent are female. On average, the population has been growing at 2.7 per cent since 1984 (Aryee *et al.*, 2005).

Sixty four per cent of the people in Agona work as farmers, so the local economy is predominantly agrarian. The land tenure system is customary, which means that it is governed mainly by rules of custom, not statute. Unlike the situation in the bigger district, where most land is owned by families (Ibel, 2009), land is owned by the community in Agona and held in trust by a traditional chief who is supported by a council of elders (Aryee *et al.*, 2005).

As with land, housing is predominantly communal. Most

of the houses are traditional compound houses which comprise several rooms (at least 8 rooms) that share a common compound and may be secured by a gate but for which the compound is itself not roofed. Kitchens, bathrooms, and toilets are all shared in these compounds (Afigya Sekyere District Assembly, 2005). A total of 811 houses and 1,834 households were counted in Agona in 2000. And, around that time, the average household size was 5.1 (Ghana Statistical Service, 2000).

Apart from 29 per cent of the people who have individual tenure, most residents in Agona occupy houses free of charge, drawing on their connection to a larger family and hence being entitled to live in the family house which is the compound type too (Afigya Sekyere District Assembly, 2005).

The Habitat for Humanity International is taking advantage of these communal characteristics of Agona to use housing as a vehicle for community development.

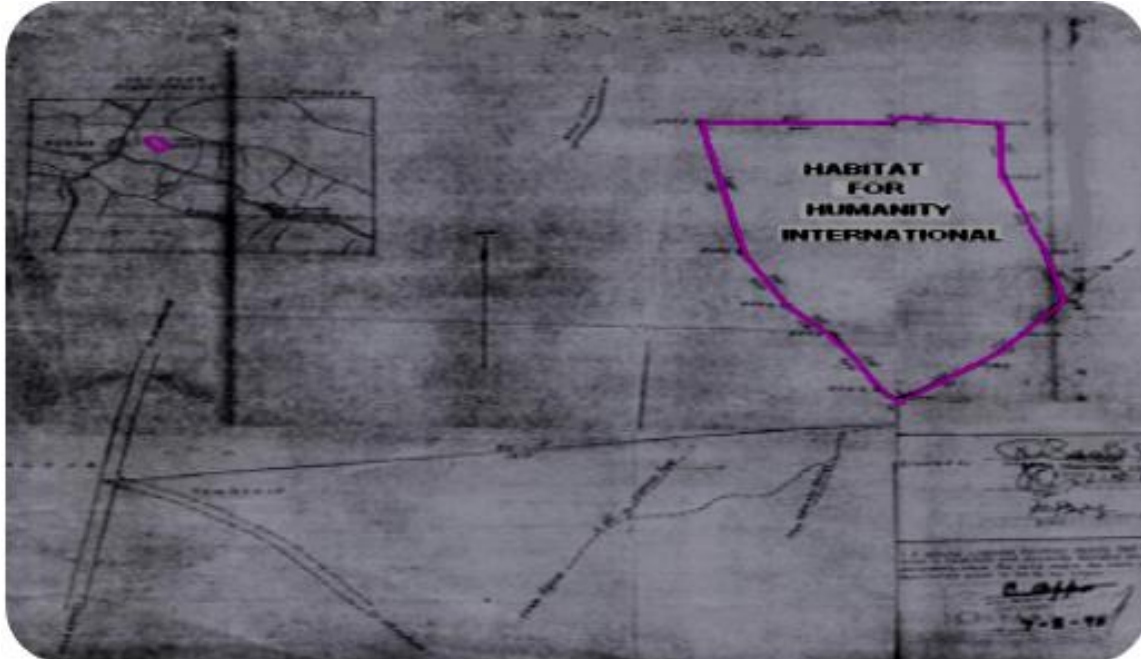


Figure 1: Site Plan, Okomfo-Anokye Habitat, Agona. Source: Habitat for Humanity Ghana, Agona Affiliate, 2005.

Figure 1 shows a site plan of the housing scheme in Agona. The scheme seeks to provide a no interest building materials loan to the people in Agona to enable them to become homeowners. How the scheme works is that local people through their traditional leader make an application to the Habitat For Humanity International (or its representative in Ghana), demonstrating their readiness to provide land for the housing projects and the readiness of local people who constitute committees to determine eligibility based on membership of the community (for a more detailed description of the scheme, see Adarkwa and Oppong, 2007; Obeng-Odoom, 2009).

It is this nexus between communal land, communal spirit, and communal housing and how it impinges on community development that provides the context to consider the claim that the 'Afro land tenure system' (Asabre, 1994) – in which land is owned by the

corporation and held in trust by corporators – is problematic.

The questions we sought to answer are how the customary land tenure system shapes and constrains community development through the Habitat for Humanity Housing Scheme. The specific sectors of community life which we explored are housing provision and whether land rights are insecure, as suggested by critics of African land tenure systems, and whether housing is well maintained. We assess the extent to which the scheme has, in turn, impacted infrastructure provision, the provision of skill training to the community members, and enhanced poverty reduction.

The Data: To gather the data needed to answer the research questions, we submitted initial questions for vetting by the Department of Land Economy, Kwame Nkrumah University of Science and Technology for screening or what is known in other jurisdictions as

'Ethics Clearance' before the Department introduced us to the community by a letter of support. Science and We gained community confidence as a result.

We collected qualitative and quantitative data during a 90 day field study in 2005. We designed four types of questionnaires. One set was to obtain data from people in the community who had benefitted from the housing scheme. The second set was to get data from community officials of the scheme. The third was designed to obtain

data from national officials of the scheme. And the fourth was to guide us in interviewing the traditional authority (see attached appendices for details of the questions).

The community existed on a 20.33-acre land and had 21 blocks of houses, clearly divided by 'lanes' which served as strata for our stratified sampling made possible by our knowledge of the finite number of beneficiaries of the scheme.

Table 1: Details of Interview

Community	Number of Homeowners	Number of Respondents	Percentage of Respondents (%)
Agona	85	54	63.53

Table 1 contains descriptive statistics on the interviewees and total number of beneficiaries of the scheme. Only 63.53 per cent responded because the rest were either working on the farm working or were away from the community for other reasons. We also obtained data through participant and non-participant observation on the field. Team members took turns

observing and asking questions throughout the period of study. The questionnaires were structured, but the interviews themselves were recursive (Halse, 2011) to enable us probe deeper into the dynamics that we wanted to study. Figure 2 and Table 2 contain further descriptive information on the site and our respondents.

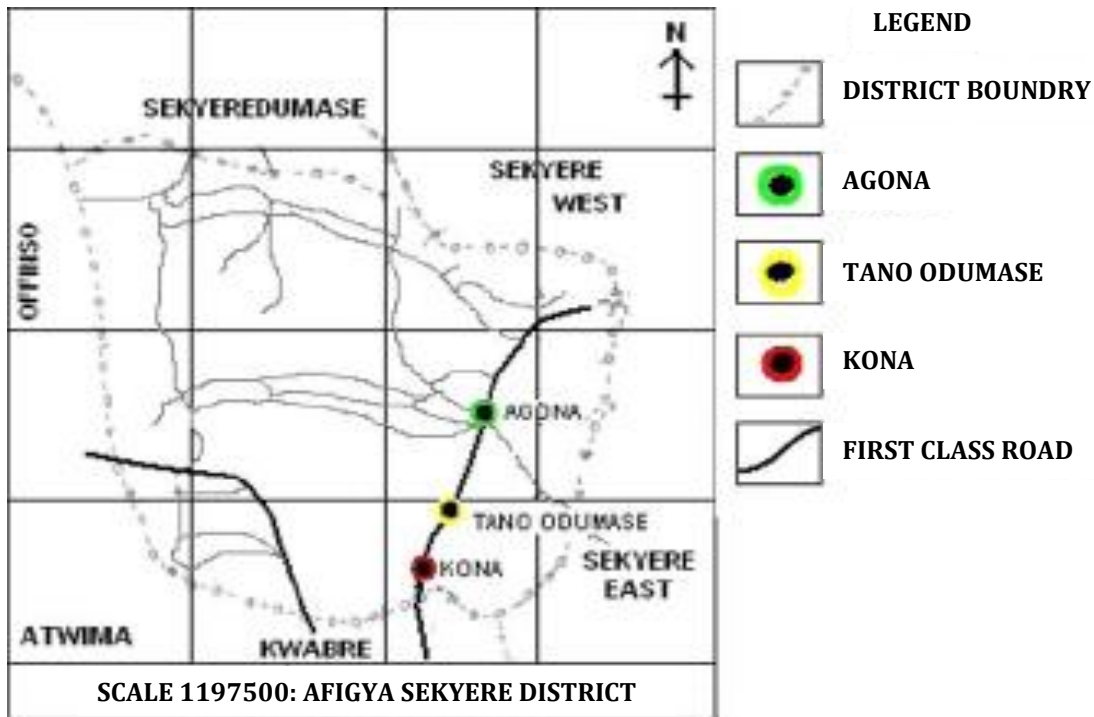


Figure 2: Communities in the Afigya Sekyere District where Habitat for Humanity International - Ghana operates Source: Afigya Sekyere District Office, 2005.

Table 2 contains a breakdown of the people we interviewed by occupation. The respondents were pooled from a range of occupations, but most of them were farmers.

While we do not claim that the study is comprehensive, the 'mix' of respondents makes it possible for us to come close to telling the 'story' of the community through its land tenure and housing systems.

Table 2: Occupations of the Respondents at Agona

Occupation	Agona	
	Number	Percentage
Farming	34	62.96
Petty trading	10	18.50
Teaching	3	5.56
Carpentry	1	1.86
Masonry	1	1.86
Security	2	3.70
Cleaner	3	5.56
Totals	54	100

RESULTS AND DISCUSSION

The interviews showed that access to land ownership was not a problem, neither was it confusing or open to overuse. For these reasons, the investment in housing has worked well. Also, most people have obtained a dwelling which has at least two rooms, depending on how much the people can afford to pay. The breakdown of the housing characteristics of the various housing designs is captured in Table 3.

Table 3: Housing Types in the Agona Community

House-Types	No. of cement bags	Other Descriptive characteristics	% No. of beneficiaries
A	168	2 bedrooms, lounge, open verandah, and detached utility block (containing a toilet, bath, and kitchen), all on a 20" x 20" site	13
B	174	2 bedrooms, lounge, open verandah, and detached utility block (containing a toilet, bath, and kitchen), all on a 31" x 13" site	16
C	138	1 bedrooms, lounge, open verandah, and detached utility block (containing a toilet, bath, and kitchen), all on a 23" x 13" site	31
D	184	2 bedrooms, 2 lounge rooms, open verandah, and 2 detached utility blocks (containing a toilet, bath, and kitchen), all on a 23" x 13" site	-
New Design	178	2 bedrooms, hall, open verandah, and in built utility facility (containing a toilet, bath, and kitchen), all on a 31" x 20" site	4

Source: fieldwork 2005

The rooms are fitted with halls and sanitary facilities, some of which are attached and others detached depending on personal preferences. While some community members raise problems of leaking roofs and cracks, compared to some of the rental housing units in compound houses in urban Ghana elsewhere (UN-HABITAT, 2011), the situation in Agona seems less problematic. Contrary to the economic narrative that it is the lack of individuation that explains poor maintenance, we found that the main driver of this problem in Agona is poverty and possible poor construction.

Also, unlike the problems of insecure tenure which are commonly reported with renting private

accommodation or living in private accommodation in urban areas in Ghana (UN-HABITAT, 2011), the people in Agona have secure land rights. Indeed, no one reported any problem of eviction or encroachment, although there is not elaborate title registration in the town other than a simple recording of who owns what house.

The certificate of ownership provided does not confer the absolute title in land on the beneficiary of housing, so land is owned by the traditional authority even when a family member has a Certificate of Ownership. The interest in the house is synonymous with the interest in the land, namely usufructuary title and hence all the incidents thereof such as heritability. The communal

nature of the tenure system, therefore, comes down to restrictions on what type of interest individuals have in land, what kinds of rules govern the operation of the tenure system, and the restrictions on the sale and rent of land. One of the incidents of the usufructuary interest is heritability, so upon the demise of the original owner, the house and the land on which it stands devolve to the successor of the deceased chosen customarily or legally as the case may be. Alternatively, if the death is intestate, the property will be shared according to the provisions of law (PNDCL 111).

With binding restrictions on leasing out or sale of residential property, it may be argued that this imposes constraints on mobility and occupational choice. Our interviews included one case in which the original owner was working outside of Agona and a relative was occupying it on her behalf. So, there are practical ways of going around this dilemma. Also, it is arguable that migration will remove pressure on the system and so should not be regarded as a problem.

Further, while in principle the system can become a source of disputes around intergenerational transfer of property, especially in cases where the parents have made significant investments into improvements or renovations of their houses, we did not encounter any such case. In practice, like the family system elsewhere in Africa, this system of large families will make it possible for a family member to occupy rent free. This is consistent with findings of people living rent-free in family houses elsewhere (Tipple *et al.*, 1997; Tipple and Korboe, 2006; Tipple and Speak, 2009). In the event of death either *inter vivos* or interstate, matters of inheritance will be resolved by resort to the will of the deceased person or by resort to the Intestate Succession Law. While some cases are resolved by customary rules of sharing which, contingent on the type of system of inheritance, is discriminatory against women, such cases are weakening, although slowly (see Korboe, 1992; Gedzi, 2012) but the courts have shown great support for women in reinterpreting custom to be more women friendly (Ndulo, 2011; pp. 108 -110).

In our case study, there was no evidence that the traditional authority discriminates against women in giving land out for the housing scheme. While most beneficiaries (76 per cent) are married and so it might be interpreted as women's rights are contingent on their marital status, as reported elsewhere in Ghana (Duncan, 2010), we observed that married couple dominate the

scheme because they are better able to show ability to repay the building materials loan. According to the traditional authority, every native to whom land is given has a usufructuary interest or the customary freehold interest. The only requirement to obtain this interest is being a native and giving *aseda* or 'drink money'ⁱⁱ to the traditional authority. The housing scheme itself does not discriminate on gender lines either. Similarly, there was no evidence of discrimination against people on religious grounds, although Christians dominated at 85 per cent. The Muslims and traditionalists did not report being discriminated against.

Through the scheme, the community has benefitted from water projects. The repayments from beneficiaries and donations to the community are invested in a revolving fund, part of which has been used to finance the sinking of a borehole in the community. At the time of the study, electricity was not available, but there were plans to provide it. The community has a post office, a digital radio access subscriber, few health centres, and basic/elementary and high schools.

Some residents have developed skills in both craftsmanship and governance. Some have become carpenters, plumbers and masons, through the scheme. Others have developed skills in governance, as they learn to serve the community by serving on committees. The committee members are responsible for book keeping, storage, and education. There was no evidence of some people using the skill anywhere else outside of the community in a classic 'brain drain' style.

Democracy is further enhanced through a system called, 'sweat equity' by which people contribute their labour or food to assist others to build their houses. While the concept of sweat equity has experienced some challenges, relating to apathy on the part of people who have already built their houses, by either failing to turn up for 'communal labour' or sending some of their children to do sweat equity, on their behalf, drawing on Ostrom's idea of establishing common and enforceable rules to manage common pool resources (Ostrom, 1990), the communal spirit in Agona can be enhanced.

While clearly the chieftaincy institution is one of dynastic arrangement and is therefore not democratic, we did not find any abuse of power by the traditional ruler through bribery or charging exorbitant drink money, a problem which has been reported elsewhere in Ghana (Ubink, 2007; Berry, 2013). It may be that the difference in Agona is the result of limited

commercialisation and hence inducement of capital, as the other factors in Ubink's and Berry's studies are similarly prevalent in Agona. The relationship between the Habitat for Humanity Housing Ghana and the traditional authority and the community leaders is very cordial. In turn, the traditional authority reported that it would be willing to release more land for the project.

The customary land tenure system and the housing scheme in Agona have also impacted the levels of poverty in the community through political, environmental, economic, and social effects. Politically, the people in the community manage the housing scheme themselves, so they are obtaining some experience in governance. Socially, obtaining housing may be said to be a form of poverty reduction, as is the explicit attempt to overcome ethnic, gender, and religious biases that plague land tenure systems elsewhere. Environmentally, while there is scope to use more local materials to bring the cost of the housing projects further down, the processes of building are labour intensive with limited impact on the environment. While we did not find any evidence of a conscious effort to be 'green', the environment in Agona remains relatively undisturbed also because of the absence of large scale commercial and mechanised farming.

Economically, unlike elsewhere in urban Ghana (Tipple, 2006), the community does not use homes as a source of income or selling. Although a few people sell items like food in their houses, it is not allowed to sell the houses to other people to make extra money, in a typical neoclassical sense of the housing-economic development nexus (see de Soto, 2000; 2004). However, by comparing the situation of the beneficiaries 'before and after' the intervention, as Adarkwa and Oppong (2007) Obeng-Odoom (2009) propose that such analysis proceeds, it becomes clear that the scheme has left important economic impacts.

Also, the non-payment of rent and non-payment of labour cost in building may be said to be imputed gains from the system. In terms of inequality, however, we found no evidence that the scheme is trying to curtail the high levels of inequality in the community, arising from working different jobs. However, this downside cannot be blamed on the customary land tenure system. Rather, it provides a challenge for the community, the local, and central government institutions to consider.

Conclusion and Key Lessons: These findings from Agona would suggest that the customary system of tenure is not only 'customary', but also 'communal'. Further, the evidence suggests that it is possible to have a system of tenure which is largely unregistered and largely customary without abuses from either the corporators or the corporation. Thus, the abuse of customary system reported elsewhere in Ghana may not be inherent in the system itself. This micro, community study gives credence to the account of radical social scientists (e.g., Michalopoulos and Papajoannou, 2011) that it is the transformation and commercialisation of custom, which arose from the tendency of capital to expand, via both colonialism and now market-enhancing land registration systems, that disturb the nature of customary land rights. The gender angle in this account is interesting because it shows that traditional authority and institutions of governance can reinterpret custom to enhance gender sensitive development.

These findings do not suggest that the experiences in Agona are the same elsewhere, but they do suggest that another system of land tenure, different from the market based and the abused customary system, is possible without their so-called pathogens.

The story of customary tenure and housing development in Agona shows how the grand narrative of a free rider problem or tragedy of the commons can be misleading. Here is a community that works with and within a traditional system to meet its daily needs. The community collaborates to house one another using a 'common resource' and their labour for a shared vision of community development. The problem of poor housing maintenance is not traceable to lack of individuation or simply weak individual property rights. Indeed, the notion of strong property rights is not tied to individuation. The people in the community have strong property rights in the commons and community members have security without individuation, titling, marketization, or state support. People can collaborate and the result will not always be 'a tragedy'.

A communal land management model is possible and desirable, especially if it removes biases on grounds of religion, ethnicity, race, age, and gender, and commercialisation is kept to a minimum. In addition, the 'tragedy of the commons' argument, referring to situations where there is rivalry in consumption (one person's consumption reduces the amount available to

others) and consumption is non-excludable (no one can be precluded from consuming), does not apply to all types of customary land tenure systems in Africa. The context in Agona is that consumption is excludable, but non-rivalrous. Further, people do not simply act on their individual interests without considering community ethos. Thus, the 'tragedy of the commons' type of arguments are not applicable in all customary settings. Individual and families do have 'ownership' of the 'property' they reside in, and they cannot be evicted, so they do enjoy the benefits of any improvements to the property they create, and there is social regulation about what to do and not to do, so this customary system using communal and common principles do not lead to the 'tragedy of the commons' type problems such as insecurity of tenure. Credit is also advanced by the Habitat for Humanity Housing Scheme which offers credit for need; not for profit, so even if it is taken as crucial, the rules of credit can also be changed rather than simply making them friendlier to markets. Population dynamics over time and their impact on the system ought to be studied in future, as a common view in the charge against customary system is that population growth destroys the commons. A summary rebuttal can be that population growth will not necessarily exert untold pressure on the customary model because vertical development and migration can provide a way of reducing the so-called stress on the system.

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ⁱ According to Elinor Ostrom (1990, p.30), common pool resources (CPRs) refer to systems of resources that are so vast that access to their entry is difficult to curtail. So, CPRs can be regarded as collective resources from which individuals can benefit.

ⁱⁱ A symbolic, public 'payment' to say 'thank you' in the form of a drink when community members are given land by the traditional authority.

APPENDIX A

Questionnaires administered to beneficiaries of Habitat for Humanity Ghana.

Kindly answer the following questions by ticking/filling where appropriate. Data collected will be treated with utmost confidentiality unless otherwise desired.

Date of Interview.....

Name of respondent.....Location (House No.).....

1. Religion: Christianity [] Moslem [] Traditionalist [] others (specify).....

2a. Age: <20 [] 20 – 30 []; 31 – 40 [] 41 – 50 [] 60+ []

2b Household size (No).....Sex: Male [] Female []

3. Marital Status: Single [] Married [] Divorced [] Widowed [] Separated []

4. Hometown.....Region.....

5. Main Occupation.....Secondary occupation.....

6. Income per month: <100000 [] 100000-300000 [] 300000-400000 [] 500000+ []

7. What is the source of your water supply?

Pipe borne [] Well [] Borehole [] Stream [] Others (specify).....

8a. What is the source of your energy supply?

Gas [] Firewood [] kerosene [] Electricity []

8b. How did you get to know Habitat for Humanity, Ghana?.....

9a. When did you acquire this house? (Day/month/year).....

9b. What condition did you fulfil before being given access to the housing unit?

.....

9c. Which of these conditions did you find difficult in fulfilling?.....

Explain your answer.....

9d. What was the most attractive thing in the package that made you opt for a Habitat housing unit?.....

10a. How did you finance your project?

a. Loan [] (indicate source).....

b. Personal savings [] (over how many years).....

c. Others [] (please specify).....

10b. What was the regularity of the payment?

Weekly [] Monthly [] Quarterly [] Yearly []

Agreement

11a .Do you have any legal document covering your interest in this house?

Yes [] No []

11b. Did you sign any agreement with Habitat in the acquisition of this house?

Yes [] No []

11 c. If yes, what are the main tenets of the agreement?

Your obligations.....

Habitat’s obligations.....

11d.Are you satisfied with the terms provided in the agreement? Yes [] No []

Reason for answer.....

Housing

12 How many rooms do you have in this house?.....

13. What facilities do you have in the house? (Please tick)

Kitchen [] Store [] Water [] Electricity [] Telephone [] Toilet [] (WC/ K.V.I.P)

14a .Did you contribute directly to the construction of your house?

14b. What did you contribute directly to the construction of your house? Yes [] No []

Labour [] Building material [] Land [] others (specify).....
 14c. What was the influence of such contribution?.....
 14d. Do you have the right to make extensions to the building? Yes [] No []
 15a. Do you have any other problems with your house Yes [] No []
 If yes, please specify.....
 15b. What do you think you can do to solve the problem?.....
 15c. Do you contribute towards the housing project of other beneficiaries of the scheme? Yes [] No []
 Reason for answer.....
 15d. Do you have other housing units other than the one you are being interviewed on? Yes [] No []
 16. Do you have plans to acquire additional housing units? Yes [] No []
 (Additional issues that may arise during the course of the interview)

.....Thank you.

APPENDIX B

HABITAT FOR HUMANITY GHANA
 FAMILY SELECTION FORM

Affiliate:.....Community.....
 Date of Interview.....Date of Site Visit.....

A) GENERAL INFORMATION

A.1 Name of Applicant.....A.2 Application Number.....
 A.3 Place of Birth.....A.4 Religion/Denomination.....
 A.5 Marital Status: Single/ Married/ Divorce/ Widow/ Widower
 A.6 Name of Spouse:.....
 A.7 Educational Background (circle one)
 No Schooling/ Primary/ Secondary/ Tertiary
 A.8 Present Workplace:.....
 A.9 Name of Employer if employed:.....
 A.10 Present Place of Residence: Name of Town:.....
 Street Name.....House Number.....

B) FAMILY RESPONSIBILITIES

B.1 Number of Dependants.....
 B.2 List of Dependants:

Name	Relationship	Age	Occupation	Marital Status

C) FINANCIAL INFORMATION:

C.1 What is the applicant's occupation:.....
 Work condition: Full time/ Part Time/ Contracted / Seasonal
 On what days of the week does the applicant work?.....
 C.3 List sources and amounts of income for all family members

Name	Income Source	Weekly Amount	Monthly Amount	Annual Income
Total Estimated Annual Income				

Instructions: The object of this section is to estimate the family's total annual income. List all incomes sources. Some family members may have more than one source of income. List each source separately. If the income is obtained weekly or monthly, fill in those columns and then determine the annual estimated amount by multiplying it by 52 weeks or twelve months. Each column should have an annual total.

C.4 Is there a period when the applicant earns the most during the year? Yes [] No []

When?.....

C.5 How much bulk advance payments can the applicant make during peak periods to avoid default during lean periods.....

C.6 Does the applicant have any savings? Yes [] No []

C.7 Does the applicant own any property? Yes [] No []

C.8 Does the applicant own ant assets? Yes [] No []

If yes, specify.....

C.9. Has the applicant ever taken a formal loan before? (from a bank, cooperatives, credit, institutions or employer)

From where?.....

From what purpose?.....

The amount borrowed.....

For how long (loan period).....

Did you pay it back? Yes [] No []

If No, why?.....

C.10 How much does the applicant believe he/she will be able to pay per month in pre-payments or repayments?.....

C.11 How will the applicant be able to pay for artisans' fee?.....

D) THE HABITAT HOUSE

D.1 Habitat can provide a house with a maximum size of 505 square feet

This maximum size includes: 2 bedrooms (size.....)

A hall (size.....) A kitchen (size.....)

Will this provision be acceptable for your family?

D.2 If you were unable to afford the maximum house size, would you consider accepting a smaller design? Yes [] No []

D.3 Can you live without utilities such as electricity and water? Yes [] No []

D.4 How many people will live in your house?.....

D.5 How many of the people who will live in your house do you expect to live there on a temporary basis (less than five years)

E) HOW HABITAT WORKS

E.1 Habitat builds in partnership with beneficiary's families. Habitat provides durable building materials and families provide labour and artisan fees. Do you agree to this type performance? Yes [] No []

E.2 If you are selected, you will be required to work on your own house. You will also be required to workdays on other people's homes or in communal labour before you begin construction of your own home. Do you agree to this? Yes [] No []

E.3 Do you have any experience in house construction? Yes [] No []

E.4 Homeowners provide both the skilled and unskilled labour to construct their homes.

Should a homeowner decide to withdraw or if the homeowner gets sacked from the programme for non-compliance with Habitat's regulations, no monetary reward is given to such a homeowner for work done. Only house payments are refundable.

Do you agree to this? Yes [] No []

E.5 Would you be ready, willing and able to occupy your house as soon as it is finished?

Yes [] No []

E.6 Would you agree to making monthly payments prior to building and moving into your house? Yes [] No []

E.7 Habitat operates a revolving fund. The payments you make for your house will be used to build other houses. Do you agree with using the cement index as a means for

adjusting for inflation and protecting the revolving fund? Yes [] No []

E.8 Habitat is a Christian organisation. Although it is not required to be or become a Christian in order to become homeowner, Habitat witnesses to the gospel of Jesus Christ? What do you think of this?.....

F. THE APPLICANT'S PRESENT HOUSING SITUATION.

F.1 Where is the house in which you currently live? (town, street, house No. and point of reference).....

F.2 Condition: Self owned/ family house/ rented/ staff bungalow/ putting up with a friend or family/ other.

F.3 Name of Landlord.....

F.4 Do you share with other relations/ or friends? Yes [] No []

F.5 How many rooms do you have in the house?.....

F.6 How many rooms do you have to your self?.....

F.7 How long have you lived in you present house?.....

F.8. How long have you lived in your present community?.....

F.9 Do you have a toilet in the house? Yes [] No []

F.10 How many people share toilet/bath facilities?.....

F.11 Which basic utilities do you have at your current house?.....

.....

F.12 Have you ever tried to solve your housing problem? Yes [] No []

If yes, how?..... What were the setbacks?.....

F.13 What don't you like about your current housing situation?.....

.....

F.14 Why do you need a Habitat house?.....

.....

F.15 How do you think your life will improve once you have a Habitat house?.....

.....

Questionnaire administered to Habitat for Humanity Ghana.

Kindly answer the following questions by ticking/filling where appropriate. Data collected will be treated with utmost confidentiality unless otherwise desired.

Date of Interview.....

Name of respondent.....Position.....

1a. When was Habitat for Humanity Ghana formed? (Day/month/year).....

1b. What was the objective behind its formation?

.....1c. How long have you been operating in Ghana?.....

2a Which areas in Ghana are your projects located?.....

.....

2b. What factors informed your decision to locate in these areas?

.....2c. How many housing units have been provided so far?.....

2d. Generally, would you say the project has been successful? Yes [] No []

Please, explain your answer.....

3a. How many people have benefited from your projects since January 2000?.....

3b. Into which of these categories will you place your beneficiaries?

a. Low income [] b. Middle income [] c. High income []

3c. Why do you think that category prefers your housing scheme?.....

.....3d. Who are the beneficiaries of your projects in a particular area?

a. Indigenes [] b. Non indigenes [] c. Both []

4a. How do you select your beneficiaries? (Please outline the process step by step)

.....4b. Is there any agreement signed between you and the beneficiaries? Yes [] No []

If yes, what are the main tenets?.....

.....If no, why.....

4c. What are the terms of payment for the housing units?.....

4d. How easy is it for the beneficiaries to honour their financial commitments?

Reason(s).....

Housing

5a. What range of housing types do you have for your clients?

5b. What are the prices for these housing types?

6a. What is the initial fee charged per client?.....

6b. Which of these housing types is the most preferred?.....

Reason for such preference.....

6c. What type of building materials do you normally use?

a. Foundation: Cement [] Laterite [] others (please specify).....

b. Wall: Sandcrete [] Landcrete [] Mud [] Wood [] others (please specify).....

c. Roofing: Aluminium [] Asbestos [] Tiles [] Concrete [] Others (please specify).....

6d. Does a client have the option of determining what material to use for his building?

Yes [] No []

If yes, under what conditions is this right granted?

7a. How do you finance your housing projects? (Please specify with examples)

.....7b. How do you manage the funds you receive from the houses you provide?

8a. Do you operate mortgage transaction? Yes [] No []

8b. If yes, what are the terms of the mortgage transaction?

.....8c. Is there any item you would like to amend in the mortgage agreement?

Yes [] No []

Reasons for answer.....

9. Do you engage in other projects apart from housing? Yes [] No []

If yes, please specify.....

10a. What problems do you face in your housing?

10b. How do you think these problems can be solved?

APPENDIX C

Questionnaire administered to traditional heads of case study areas.

Kindly answer the following questions by ticking/filling where appropriate. Data collected will be treated with utmost confidentiality unless otherwise desired.

Date of Interview.....

Name of Stool.....Area of jurisdiction.....

Name of respondent.....Position.....

1a. In terms of housing delivery, what do you provide?

a. Building materials, [] please specify.....

b. Land []

c. Others, please specify.....

1b. How have you identified the boundaries of lands in this locality?

.....

2. What is the procedure for acquiring land for housing development? (Please outline the process step by step).....

.....

3a. Is this procedure different from the process of acquiring land for other purposes?

Yes [] No []

3b. Do you have documents covering grants of land for development?

Yes [] No []

Reason for answer.....

3c. If yes to Q.3b, what are the main components of such a document?

a. Term [] (for how long).....

b. Consideration [] (average amount).....

c. Parties (signatories of traditional authority).....

d. Others.....

4. What measures have been put in place to prevent land litigation? (If any)

.....

5a. How many parcels of land have you given to Habitat for Humanity Ghana (HFHG)?

.....

5b. What was the consideration paid for these lands?.....

5c. What legal interest does HFHG have in such lands?

Allodial [] Freehold [] Leasehold [] Others (Please specify).....

7. Will you give more lands to HFHG? Yes [] No []

Reason for answer.....

8. In what other way(s) have you contributed to the success of HFHG?

.....

9. What other things do you expect from Habitat for Humanity Ghana?

.....

10. What other benefit do you foresee from the housing scheme of Habitat?

Thank you.