



Between co-production and institutional hybridity in land delivery: Insights from local planning practice in peri-urban Tamale, Ghana

Millicent Awialie Akaateba^{a,b,*}, Huang Huang^b, Emile Akangoa Adumpon^c

^a Department of Planning, FPLM, University for Development Studies, Wa, Ghana

^b Habitat Unit, Department of Architecture, School VI Planning Building Environment, Technical University of Berlin, Strasse des 17. Juni 152, 10623 Berlin, Germany

^c Institute of Social Sciences, Humboldt—University of Berlin, Unter den Linden 6, 10099 Berlin, Germany

ARTICLE INFO

Keywords:

Customary
Land administration
Co-production
Chiefs
Hybridity
Equity
Local bureaucrats

ABSTRACT

This article examines emergent engagements between state and customary actors in planning and land delivery in Tamale, Ghana. In the context of a resurgence of traditional authorities in many African countries and the resulting hybrid and multiple governance arrangements that emerge, the article questions the potential of co-production practices to promote equitable land delivery. In many rapidly urbanising cities in Ghana, increased demand and value for land has precipitated the conversion of peri-urban and hitherto rural lands into urban uses. Consequently, various forms of functional interfaces, formal, semi-formal, and informal negotiations have evolved and flourished in land delivery. These largely take the form of local chiefs making various payments (in cash and kind) to cover the cost of surveying, planning, and sub-dividing customary lands. Drawing on the concept of co-production in public services delivery, we analyse in this paper the drivers and conditions under which chiefs and public servants engage with each other in local planning and land delivery in Ghana. The evidence gathered suggests that although locally adaptive, these emergent engagements are not the panacea to the challenges of land management in Tamale, Ghana. The case studies contradict the largely theorised positive outcomes of co-production as they are driven by motivations that are unduly self-serving, resulting in modest positive and largely negative and inequitable outcomes for indigenous landholders.

1. Introduction

In many African cities, state-society relations in land markets and land management have evolved and flourished in the wake of rapid urbanisation and weak local authorities. Likewise, a global resurgence in the concept of ‘co-production’ (which traces its roots to the work of the political economist, Elinor Ostrom in the 1970s) in public service delivery has emerged across several disciplines; albeit, under conceptual and definitional ambiguity (Albrechts, 2013; Alford, 2002, 2009; Mitlin, 2008; Pestoff, 2012; Watson, 2014; Workman, 2011). Therefore, across various geographical contexts today, the dominant language in public service governance and planning is pragmatism, eclecticism, pluralism, context-specific adaptation, and agonism with a more preferential shift towards inter-organisational partnerships between state and non-state actors (Joshi and Moore, 2004).

Although the most classical definitions of co-production are given by Elinor Ostrom (Ostrom, 1996, p. 1073) and Roger Parks and colleagues (Parks et al., 1981, 1002), in this study, we adopt Joshi and Moore’s (2004, p. 40) narrow definition of co-production to examine

the interactions between traditional chiefs and public bureaucrats in local planning and peri-urban land delivery. They define institutionalised co-production as “the provision of public services (broadly defined to include regulation) through regular, long-term relations between state agencies and organized groups of citizens, who both make substantial resource contributions” (Joshi and Moore, 2004, p. 40). In many developing countries, various forms of ‘unorthodox’ organisational arrangements captured by the concept of ‘institutionalised co-production’ have emerged as a relatively dominant mode of public services delivery. These have structured and continue to influence public service delivery and urban development processes albeit with little recognition, empirical research, and publication in the urban planning and management field (Watson, 2014).

As a parallel but mutually reinforcing line of research to the concept of co-production, the concept of ‘hybrid governance’ which addresses the resurgence of traditional authorities and the interaction between state (formal) and non-state (informal) actors in local governance and service delivery has emerged in the context of sub-Saharan Africa. Complementary to the literature on hybrid governance is research on

* Corresponding author at: Habitat Unit, Department of Architecture, School VI Planning Building Environment, Technical University of Berlin, Strasse des 17. Juni 152, 10623, Berlin, Germany.

E-mail addresses: makaateba@uds.edu.gh (M.A. Akaateba), huang.huang@campus.tu-berlin.de (H. Huang), adumpoem@hu-berlin.de (E.A. Adumpon).

legal pluralism which studies the interactions between normative orders, that is interactions between official and unofficial norms and regulations (Reyntjens, 2015; Tamanaha, 2008; Tamanaha et al., 2012). Some researchers on hybrid governance have focused on non-state actors providing public services either in substitution of, or complementary to the state, under various forms of negotiated relationships, in areas such as policing, taxation, (in)security, crossborder trade and regulation (Boege et al., 2008; Colona and Jaffe, 2016; Goodfellow and Lindemann, 2013; Helmke and Levitsky, 2004; Meagher, 2012, 2014; Meagher et al., 2014). Yet other scholars have focused on the persistence or resurgence of traditional authorities in the context of ‘weak’ or ‘failed’ states, neoliberalisation, decentralisation and claims of popular legitimacy (Acemoglu et al., 2014; Baldwin, 2016; Beall et al., 2005; Beall and Ngonyama, 2009; Englebert, 2002; Logan, 2009, 2013; Ubink, 2008b).

Goodfellow and Lindemann (2013) however stressed that hybridity should not be confused with the co-existence of multiple institutions (institutional multiplicity) and that, hybridity occurs only when there is a synthesis or incorporation of state and non-state institutions/structures, one into the other. The various lines of research on hybrid governance, however, converge on the fact that many African states have to adapt to various processes of state and non-state actor engagements in public service delivery and local governance leading to various forms of co-productive practices at the interface between formal and informal institutions. This convergence notwithstanding, the everyday interactions and practices of hybrid governance and the resulting governance outcomes across various contexts remain under-researched.

In many rapidly urbanising African cities, the expansion of urban centres into their *peri*-urban and rural environs is a ubiquitous phenomenon (Adam, 2014; Kombe, 2005; Selod and Tobin, 2013). This has created challenges for many local authorities to efficiently manage urban land due to weak capacities. As a result, various forms of functional interfaces, intricate relationships, and state-society relations have evolved in land delivery. These largely take the form of locally adaptive, appropriated and hybridised practices at the interface between formal and informal (customary/neo customary) land management systems. Notwithstanding the practical and normative insights the emergent practices present to the ‘hybrid’ governance debate, they have not been recognised and documented in mainstream co-production research. Much of the recent scholarship on co-production in service delivery has been western dominated (Anglo-American, European, Scandinavian & Australasian) and covered traditional service sectors like education, health, neighbourhood security, safety, and waste management (Alford, 2002, 2009; Bovaird, 2007; Fledderus and Honingh, 2016; Parrado et al., 2013; Pestoff, 2006; Van Eijk and Steen, 2016) with notable exceptions like (Joshi and Moore, 2004; Olivier de Sardan, 2011; Ostrom, 1996; Workman, 2011) for developing countries. Cepiku and Giordano (2014, p. 324) point to this gap in the literature and posit that ‘although the seminal article of Ostrom on co-production was dedicated to co-production in two developing countries, the following waves of research have neglected the study of co-production in these settings, although they can provide a rich and relevant empirical contribution to the co-production theory’.

It is useful therefore to know how the concept of co-production plays out in a rarely studied policy sector and country, the land sector in Ghana where chiefs,¹ state actors, and private individuals are the key protagonists in urban land management. This will help deepen the understanding of co-production and hybrid governance in a broader regional setting and policy domain. Ghana is often seen as a model case in Africa that has provided legal recognition to customary land

management. The position and authority of traditional authorities (such as chiefs and earth priests) over land is also strong and widely respected in comparison to other countries in Africa. Therefore, drawing on Joshi and Moore’s (2004) concept of ‘institutional co-production’ and the general literature on co-production and hybrid governance, this paper analyses the conditions under which chiefs and public servants engage with each other in local planning and urban land delivery. The question of why and how chiefs and public servants engage in this practice and how these motivations influence the outcomes produced is both of practical and theoretical significance to the advancement of the scholarly debate on hybrid governance and co-production in public service delivery. We argue that contrary to theoretical and taken for granted assumptions that the bottom-up, hybrid, and unorthodox arrangements involved in co-productive practices would work to the benefit of the public interest; co-productive engagements could become a conduit for private wealth accumulation in the context of weak institutional capacities. Actors with privileged access to power and resources could largely take advantage of such engagements to the detriment of the larger society thus retarding efforts at promoting equitable and pro-poor governance. Such inequitable outcomes, therefore, need to be taken into account when formulating policies on co-production and in theoretical debates.

2. Customary land administration and the role of chiefs in Ghana and Sub-Saharan Africa

Across most of sub-Saharan African, land tenure relations are mostly characterised as customary or traditional. Boone (2014) broadly categorised (though not mutually exclusive) authority-based land tenure regimes in Africa into *statist* and *neocustomary*. She distinguishes *statist* land tenure systems (where the role of the state in structuring land allocation is direct and visible) from *neocustomary* tenure systems (shaped and codified by colonial and post-colonial governments) where the authority of land allocation is devolved to state-recognised customary authorities under indirect rule arrangements. Boone’s categorisation is akin to the land tenure system in Ghana, which is characterised by a hybrid land governance regime reflecting both statutory systems and (neo) customary systems. Two categories of tenurial systems, namely; public and customary/private are outlined in the 1992 Constitution and the 1999 Land Policy of Ghana. Public land comprises both state lands (land compulsorily acquired by government for public purposes through the invocation of the appropriate legislation e.g. under the State Lands Act, 1962, Act 125) and vested lands (lands vested in the president on behalf of and in trust for a landholding community under the Administration of Lands Act, 1962, Act 123). Customary land however, comprises lands, which are owned by stools/skins, clans, families and sometimes individuals. These lands constitute up to 80% of all lands and are regulated by the prevailing customary law operating in a particular geographic context. The management of these lands are vested in chiefs (stools or skins), or designated family/clan heads (Alden Wily and Hammond, 2001; Kasanga, 1995; Kasanga and Kotey, 2001). Article 36(8) and 267 (1) of the 1992 Constitution of Ghana enjoins both public and traditional authorities to act as fiduciaries with the obligation to discharge their duties for the benefit of all and be accountable in this duty.

Formal written accounts and representations of customary law and customary land relations in Ghana differentiate between two rights to land: the “allodial interest” (the ultimate or most comprehensive interest to land beyond which there is no other interest) and the “usufructuary interest”/“proprietary occupancy” (Asante, 1965; Ollennu, 1962; Woodman, 1994). The allodial title is vested in the community, represented by customary authorities such as chiefs, heads of families or clans (Woodman, 1994). The other members of the landowning group (family, clan, or community) have use rights to vacant lands, which gives them the usufructuary title or the customary freehold to land. Strangers who are not members of the landowning community

¹ Articles 270 (1) and 277 of 1992 Constitution and sections 57(1) and 58 of Act 759 (the Chieftaincy Act, 2008) defines a chief as a person, who, hailing from the appropriate family and lineage, has been validly nominated, elected or selected and enstooled, enskinned or installed as a chief or queen mother in accordance with the relevant customary law and usage.

Download English Version:

<https://daneshyari.com/en/article/6546591>

Download Persian Version:

<https://daneshyari.com/article/6546591>

[Daneshyari.com](https://daneshyari.com)