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NOTES ON LANDLORD-TENANT RELATIONS
IN GHANA SINCE 1982

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Introduction

From the beginning of its tenure in January 1982 the government of the Provisional National Defence Council (PNDC) placed on the political agenda the goal of ameliorating the inequalities in the social, economic and political life of this country. Among the many issues which were pushed to the forefront of the turbulent politics of the 1982-83 period, the unfair treatment meted out to rural and urban tenants by their landlords featured prominently. This had become unavoidable for two reasons: the political situation at the time was conducive to the articulation of those rights; and also because the problem of access to farm land and to shelter in the towns and cities of the country had become quite severe by the time the PNDC came to power. With regard to the latter, there was a critical shortage of residential accommodation and landlords had taken advantage of the situation to increase rents to abnormal levels and also extort huge sums of money as deposit from prospective tenants. Ejections were also quite rampant. In the rural areas, peasant farmers were confronted with the problems of access to arable land, security of title to the land once access had been secured, and to interminable harassment by their landlords, among whom were big tenants who had acquired lands for commercial farming, land speculators and communal heads.

The following comments are based on very preliminary investigations into the relationships between agrarian landlords and peasant farmers on one hand, and between urban landlords and tenants on the other. They focus on how the government had dealt with the vital question of (i) the right of access to land and security of title to land once access had been secured; and (ii) the right to shelter in an urban situation of acute housing shortage.

Agrarian Landlords and Peasants

Throughout the 1970s the demand for land increased as successive governments encouraged companies, both indigenous and foreign, as well as individual entrepreneurs and members of the middle class to go into food and cash crop production. Large tracts of land were either sold or leased to such farming interests by chiefs and others who have taken advantage of the looseness of customary land law to turn themselves into *de facto* landlords. In the Ashanti, Brong Ahafo and Northern Regions of

the country as much as 1,276,509 hectares of land had been cropped with grains by 1977. ⁽¹⁾ A similar scramble for land has occurred in response to the oil palm boom where a total of 84,729 hectares of farm land had been planted with oil palm by 1984. ⁽²⁾

During the 1980s another wave of scramble for farm land, complementing what has been in motion as a result of the boom in the oil palm and grains industries, has also been in progress. Individuals and organisations have been attracted by the favourable investment climate created by the PNDC government's Economic Recovery Programme to rush into the timber, gold and diamond mining industries. These industries are among the key sectors of the economy. The government has therefore been providing investors in such sectors with considerable credit and technical support as a way of stimulating production for export.

The effect of these measures in terms of economic activity has been impressive. For example, by September 30, 1988, as many as 39 Ghanaian and 18 foreign companies had been granted gold prospecting licences by the appropriate government agency. The data on the total size of land that has been granted to the various companies is incomplete. But based on the available data the smallest land size is 13.31 square kilometers while the largest is 163.17 square kilometers. The data for timber concessions is much less complete as the initial evaluation of application for timber concession is done at the regional level where the particular concession is situated. However, the fragments of evidence available suggest that investments in this industry also picked up in response to the government's economic recovery programme. For example, during the 1980-84 period only 7 concessions were recorded. Between 1985 and October 1988 as many as 192 timber concessions had been granted. ³ As indicated earlier, these figures are incomplete because of the fact that the granting of concessions has not just been regionalised, but it has also been highly bureaucratised. Accordingly, the register for land concessions does not reflect the total transactions on timber concessions. Nonetheless, the trend, as shown by these figures, should be highly revealing.

These developments on the land have boosted land values considerably. Land transactions have therefore become very profitable and rampant. In a number of cases, the land that has been sold or leased has been developed already by either some members of the communal group or by some tenant farmers. Accordingly, a growing number of peasant farmers are falling victim to such rampant alienation of communal lands: some are ejected; and others are incessantly harassed. Reported cases of loss of the usufructuary right in land, and even of the right of access to alienated lands for the purpose of cutting firewood seems to be on the increase. It would appear that even though

one cannot speak of blatant land hunger, yet landlessness is likely to become a major social problem in the very near future. According to one report from the Western Region, "Most of the farmers have become squatters in their own land. (Because of this, they are being constantly harassed by the owners of the commercial farms whose development has deprived them of their land). What can these farmers do ... (when the chiefs/landlords are in league with these commercial farmers)? Is there no law in this country to regulate the allocation of farm lands?"⁽³⁾ What seems to have muted the impact of widespread land alienation is the absorption of some of those affected as farmworkers on adjacent commercial farms ⁽⁴⁾ rather than the absence of laws regulating the acquisition of land.

At any rate, there are several laws regulating the acquisition of land in this country. During the 1970s, the Acheampong government for example enacted the Limitations Decree 1972 NRCD 54 and the Conveyancing Decree 1973 NRCD 175 to deal with aspects of the problem of land acquisition. Earlier on, the Land Registry Act 1962 (Act 122) and the Administration of Lands Act 1962 (Act 123) had been enacted by the government of the Convention People's Party also to regulate some aspects of the same problem. Many more of such laws were passed in the 1960s and 1970s. But out of the lot, it was the Farm Lands (Protection) Act 1962 (Act 107) and Rents (Stabilisation) Act 1962 (Act 109) and related instruments which responded to some of the problems facing peasant farmers on the issue of land acquisition and security of interest in lands acquired for farming.⁽⁵⁾

There is evidence to suggest that successive governments from the colonial period have merely responded to the demands from interest groups other than those of the peasantry. During the 1870-1910 period, it was the anxieties of foreign investors in the mining and timber industries concerning the effect of rampant land litigation on their interest in the concessions they had acquired that engaged the attention of the colonial administration. The solution to that was provided in the Concessions Ordinance of 1900. This law, as explained by Bentsi-Enchill, instituted "a machinery for giving protection to foreigners seeking title security in respect of interests in lands acquired by them (as well as safeguarding those interests and rights embodied in communal lands)"⁽⁶⁾ From the 1950s to 1965, the land question was defined as a problem of access to communal lands by both the state and the petty-bourgeoisie who had congregated in the CPP. The corpus of laws enacted by the CPP government, including the Land Registry Act of 1962, was aimed at securing easy access to farm lands for agricultural purposes, including timber extraction and urban lands for real estate development. Since 1966, the land question has

increasingly centred around the security of lands which have been acquired from chiefs and other communal heads for commercial farming and other economic activities.

By the 1980s, the situation had come to a head. It was clear that the provisions of the 1969 and 1979 Constitutions as well as the Limitations and Conveyancing Decrees of the NRC era had all failed to guarantee security of title. Furthermore, the dominant social groups in the country had become stronger, politically and economically. They had made huge investments in agriculture (food production), timber and mining. They were therefore in a much stronger position to demand protection for their investments in land. These developments coincided with the government's economic liberalisation policies and its determination to promote and protect private investments in the key sectors of the economy. Hence, the Land Title Registration Law 1986 PNDC Law 152 which seeks to secure land title for all those who have purchased land.

In a memorandum accompanying this law, its objectives were stated as follows: "to provide a machinery for the registration of title to land and interests in land." The memorandum further explained that this had become necessary because of "radical weaknesses" of existing legislation dealing with the problem of land security.(7) As may be expected, the law is silent on those specific problems which have saddled peasant farmers since the commercialisation of agriculture - and consequently of land, gained momentum in the wake of the cocoa boom.

Urban Landlords, Rents and Tenants

The PNDC government was quick to act on the urban housing question apparently because its initial support had come mainly from urban workers. The government defined the problem as if it were one of excessive rents which were being charged by landlords. Accordingly, its immediate response to it was the passage of the Rent Control Law PNDC Law 5. This law reduced the rent for all residential accommodation by 50 per cent and also froze rents which were considered to be at a reasonable minimum at the time of the law's enactment. At those levels landlords were forbidden to raise rents until one year had elapsed; that is until March 6, 1983. That law further imposed a 50 per cent tax on all rents which were one thousand cedis or more. Any breach of the law was made punishable by forfeiture to the state of the premises concerned. When landlords tried to circumvent this law, the government quickly responded with a new law - the Compulsory Letting of Unoccupied Rooms and Houses Law 1982 PNDC Law 7. This second law made it an offence for any landlord to refuse to let out a house or room(s) in a house. The state reserved the right, under this law, to unilaterally let out the premises in question. Meanwhile the government had imposed a new

tax on landlords under the Rent Tax Law 1984 PNDC Law 82.

Given the dramatic upsurge in mass political militancy, the PNDC's assault on urban landlords won much favour with the urban masses most of whom were suffering untold hardships from their landlords. At the same time landlords seem to have been intimidated by the political situation so much that they decided to bide for a more opportune time, especially since the balance of political forces was not in their favour.

They seized the opportunity of the period of intense anti-government agitations and political struggles with the PNDC government itself during the greater part of 1983 to strike back. Tactically, they waited till PNDC Law 5 had lapsed. Thereafter, they resorted to ejections and arbitrary rent increases. There were allegations in the press that landlords had enlisted the support of rent control officers, magistrates and police personnel to implement these actions in contravention of pre-1982 rent control laws. There were some serious cases of infringements of the law, including assaults on tenants, in the course of this revenge by urban landlords.

The conduct of landlords became so alarming that the National Secretariat of the CDRs was compelled to issue a statement on November 15, 1985 urging them to refrain from further acts which were calculated to infringe the law. In particular, they were entreated to refrain from further arbitrary acts and instead apply to the Rent Courts whenever they had a grievance against a tenant. Contrary to the political practices of the 1982 period they were not threatened with 'revolutionary discipline'. In Kumasi, the Ashanti Regional Secretary was also compelled by the situation to form a Tenants Anti-Arbitrary Ejections Committee, with sub-committees in all the CDR district and zonal centres. But all these could not revert the situation to where it was in 1982. For by the close of 1983 the political situation was changing rapidly in favour of the status quo.

It would appear that the same economic imperatives that secured protection for the interests of investors in farm lands also justified protection for the interests of urban landlords. Politically, the same conjuncture made it possible for urban landlords to assert themselves collectively in defence of their interest. One clear sign of this was the formation of Landlords Associations in the main cities and towns. Among the various regional groupings that emerged during this period, the Ashanti Region branch appeared to be the most militant and vocal. This branch association reacted regularly to the various government policies which affected landlords.⁽⁸⁾ By 1986 it had initiated moves towards the formation of a National Conference of Landlords Associations; because, in the opinion of its leadership "together we (i.e., landlords) represent a formidable force to reckon with".⁽⁹⁾

There is no evidence of the outcome of these moves, and of the extent landlords could employ their newly acquired political power to influence government thinking on the urban housing question in so far as it affected their interests. But we could conjecture that the cumulative effect of developments in the economy and politics of the country after 1983 was the enactment of a new rent law, the Rent Control Law 1986 PNDC Law 138. The significant thing about this law is that it took the government three solid years - that is, after the PNDC Law 5 of 1982 had lapsed - to enact it. Furthermore, during those three years the relations between urban landlords and their tenants were among the most turbulent in recent memory. For the government to back down from its 1982 position, which supported tenants against their landlords, therefore shows how far the political situation had changed.

The Rent Control Law of 1986 repealed previous laws, including PNDC Law 5 of 1982, thereby abolishing the temporary relief and protection which tenants enjoyed. But more especially, it appears to have provided a political and legal justification for landlords to intensify their harassment of tenants, including demanding extortionate rents from them. The severity of the treatment that was meted out to tenants following the enactment of this law compelled *The Pioneer* (of Wednesday, 1 April 1987) to lament in its editorial as follows:

Landlords have waged a large scale war on tenants. There are cases of arbitrary increase of rents, arbitrary ejection of tenants, and absolute provocative harassment of tenants by landlords ... all totalling up to (the) uncomfortability (sic) and unhappiness of tenants.

Concluding Remarks

The problem of land security does not face only the dominant groups in Ghanaian society, especially those who are investing heavily in land-based economic activities. It appears to be a far more serious problem for peasant farmers - both tenant and non-tenant farmers, especially in the wake of the rush to invest in agriculture, timber and mining during the past two decades.

The contradiction posed by this situation is quite clear. For the entrepreneurs who are investing heavily in agriculture, timber and mining, the lands in the country have become a source of lucrative profit - a theatre of accumulation. But for the peasantry who are being gradually expelled from the land by these investments, the land is a source of livelihood.

The pertinent question is whether the peasantry who stand to lose most from current developments on the land could expect any relief from PNDC Law 152! The law itself came into force in 1986; but apart from the fact that its effective application has, for practical reasons, been restricted to the Greater Accra

Region, the first certificate of title could be issued only two years after. If the machinery for registering title is so cumbersome as to take over one year to complete, what chance do the predominantly illiterate population of peasants have in securing their rights when the law finally reaches their areas of existence? How many peasants are even aware of the existence of this important law? Among those who are aware of it, how many have been made conversant with the requirements and procedures under it? These and many more questions remain to be investigated and answered if the interest of peasant farmers is to receive the deserved attention.

The PNDC's rent laws also raise a problem of definition as well as the question: Who gets what? Is the urban housing question an ordinary one of exorbitant rent? Does an attempt to control rents therefore constitute a satisfactory solution to the urban housing question? Recent developments would seem to suggest that the government has shifted position on the matter. There have been suggestions regarding the establishment of a housing fund, trust or foundation. There are also strong indications of renewed interest in the exploitation and use of local building materials in promoting the housing industry. And finally, strong signals have been sent out to the private sector to intensify its effort. But these do not amount to a new direction in housing policy. What is perhaps evident from all of these is the failure of public policy in this area particularly, in so far as the State Housing Corporation are concerned. But does the mere shuffling of public policy and institutions, from one decade to another, constitute a solution in itself? Over the years both the public and private sectors of the housing industry have shared responsibility in providing accommodation for workers in the towns and cities. Therefore the persistence of the crisis in urban housing simply calls for a fundamental reappraisal of public policy regarding this industry with a view to ensuring that the right to shelter of tenants is adequately catered for as much as the right of landlords to secure their investments. Or else, the relationship between urban landlords and tenants will continue to be violent and bitter to the same degree as the relations between agrarian landlords and their tenants have been deteriorating in recent times in both cases, with the connivance of the state.

Notes

1. These figures were reported in the Report of the Land Use Planning Committee. (Unpublished) Accra: Ministry of Lands and Natural Resources, 1979.

2. See National Investment Bank (Economic Research and Statistics Department). *An Agro-Industrial Study: The Oil Palm Industry*. Accra: March 1987.
3. These figures were obtained from the Minerals Commission, Accra and Lands Department, Accra in 1988.
4. The report from the Western Region was made by A.E. Amoah in an article entitled "How much land ...?" See *People's Daily Graphic*. Tuesday, July 19 1988. page 5.
For an insight into the impact of such widespread land alienation on land rights refer to the following essays which are a small sample of a number of studies that has been done by undergraduates on this subject. Namely, Mike Abohen. *The Gbedembiase-Pumbai Valley Dispute in the Builsa District*. B.A. Long Essay, Department of Political Science, University of Ghana. 1978; J.K. Agbezinu. *Politics of Control in Ghana. Case Study of the Shallot Farmers of Anloga*. B.A. Long Essay. Department of Political Science, University of Ghana. 1982; A. Ajaari. *The Politics of Land Disputes in the Builsa District*. B.A. Long Essay. Department of Political Science, University of Ghana. 1979; E.K. Ayansu. *Political and Social Dimensions of Land Tenure and Land Alienation in the Wassa Plains Traditional Area*. Department of Political Science, University of Ghana. 1977; Francis Baginiba. *The Political Economy of the Upper Region Agricultural Development Programme (UNAREP) - A Case Study of the Upper West Area*. B.A. Long Essay. Department of Political Science, University of Ghana. 1982.
5. The purpose of Act 107 of 1962, as stated in its preamble, was "... to protect farmers whose title to land are found to be defective".
6. Bentsi-Enchill, K. *Ghana Land Law*. (Lagos: African Universities Press, 1964) p.334.
7. Refer to the exposition on the *Land Title Registration Law* by the Chief Registrar of Lands which appeared in the *Weekly Spectator* of August 16, 1986.
8. For instance, this Association had found it necessary to meet on Friday October 26, 1984 to discuss the implications of the *Rent Tax Law 1984 PNDC Law 82* and *Wealth Tax Law 1984 PNDC Law 94* for landlords.
9. Refer to *The Pioneer* of Monday June 30 1986, page 2.