Zoning standards and compliance in the context of customary tenure system - A case study of west Ashiye, Adentan municipality in Ghana

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**Land Tenure**
- Statutory tenure
- Customary tenure
- Legal pluralism (thus multiple land governance institutions e.g. state, customary)

**Land Use Planning**
A responsibility of a government institution e.g. (municipalities, physical planning organizations, etc.)

Purpose: Promote efficient and effective management of land

Implemented through zoning standards, zoning plans

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Basic components of land administration
Research Problem, Objective, Questions

• **Problem**: Zoning regulations *impose rules on how land may be used*. Rules and standards *may interfere* with the freedom of residents to enjoy their land rights under *customary tenure system*

• **Question**: How is LU planning, a responsibility of a government institution organized, implemented and enforced where customary land institutions govern land?
This study: Implementing zoning plans in customary areas

Study area & context

- Customary institutions: administer land rights
- Government institutions
  1. (planning unit): enforce zoning standards
  2. (land registry): confer title certificates

Methods: Case study

- Interviews – Residents, Key informants Land institutions
- Spatial analysis
Three sub-questions
Focus: Residential standards

1) Factors influencing compliance with zoning standards

2) Effects of zoning standards on enjoyment of land rights under customary tenure

3) Spatial conformity between reality and local plan

- Building Types: Detached building, row houses, compound house, chamber, hall
- Maximum Plot coverage: 60% - 70%
- Minimum plot size: 320m²
Factors influencing compliance with residential standards

Awareness of residential standards

<table>
<thead>
<tr>
<th>Category</th>
<th>Awareness Percentage</th>
</tr>
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<tbody>
<tr>
<td>Permitted uses</td>
<td>30%</td>
</tr>
<tr>
<td>Maximum Plot coverage</td>
<td>50%</td>
</tr>
<tr>
<td>Minimum Plot size</td>
<td>60%</td>
</tr>
<tr>
<td>Type of building</td>
<td>70%</td>
</tr>
</tbody>
</table>

Legend: Yes, No
Household Size

Larger households exceeded max plot coverage
Visits by enforcement teams, penalties

- About 60% had no building permits
  - absence of enforcement team
  - lengthy, costly processes

- Penalties are light

- Respondents possessed the indenture, which stipulates what the land is to be used for
Zoning standards do not affect enjoyment of their rights to land rights.

According to residents:

• Land rights from customary authorities.
• By registering their rights (title certificate) at the lands commission, respondents obtain greater security of tenure. Respondents believe that verification of the title document (search at Land Title Registry) prior to acquiring the land was important.
• Planning authority fine for non-compliance, not influencing land rights.
According to key informants:

It is the responsibility of individuals to obtain zoning standards before acquiring land through any of these 3 methods:

1. **Customary authority**: provide indenture (showing LU type & plot size), and zoning standards **if one asks**

2. **Notice boards** at the Assembly: details on zoning standards are **posted** there

3. Monthly **awareness meetings at the Assembly** representative: **participation optional**
Spatial analysis for assessing conformity and compliance between zoning plan and reality

- Created jointly by Municipality & Customary Authority
- Parcel allocation by Customary Authority
- All study samples/parcels comply with permitted uses (residential); parcel sizes
All parcels (study samples) misalign with the local plan

**Four main types of non-conformity:**

1. Orientation of the parcel boundaries
2. Shapes of plot boundaries
3. Plot sizes
4. Houses constructed on the boarder, or straddle parcel boundaries.

Municipality aware, believes about 50% compliance with residential standards; and about 30% conformity with parcel boundaries and planning with the local plan.
Conclusions & Recommendations

• Zoning standards exist, but are distant from the residents

• Unclear procedures and coordination between multiple institutions - municipality, customary authority and lands commission. Resident’s own responsibility.
  - When citizens encounter multiple institutions, they learn to assert which is most relevant for them. Citizens prioritize the security tenure—in paying ground rent to customary authority and registration at lands commission, rather than the Municipality – to implement the zoning standards

• How could procedures from formal and customary institutions be synchronized to effectively govern land?
Thank you