

## Research

# Emergent neo-customary land tenure and non-indigene smallholders' access to farmlands in peri-urban Ghana

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## Abstract

Land dispossession within the emerging neo-customary land tenure system is not a novel phenomenon in sub-Saharan Africa (SSA). However, the landholding systems across SSA are as diverse as the societies themselves. In Ghana, research on peri-urban land dispossession primarily focuses on centralized areas and indigene landholders, neglecting acephalous and non-indigene smallholders. This gap in knowledge hinders our understanding of how neo-customary land tenure affects land access for non-indigenous smallholder farmers. This paper examines how non-indigene smallholders navigate neo-customary land tenure in peri-urban Wa, Ghana. The study employed a qualitative research design, conducting in-depth interviews and focus group discussions with 56 participants. The findings reveal that large-scale appropriation, covert land sales, and speculation are the primary drivers of land dispossession. The previously unconditional access to land for non-indigene smallholders, based on perpetual usufructuary interest, has also become temporary and conditional on their acceptance of roles as caretaker farmers or sharecroppers. The resulting dispossession and its consequences, such as inadequate subsistence food production, have led to socially undesirable outcomes. The study recommends that the Municipal Assembly and civil society organizations utilize Ghana's Land Act (Act 1036) to advocate for and safeguard the usufructuary interest of non-indigene individuals in land tenure.

**Keywords** Farmers · Landowners · Neoliberal market · Urban sustainability · Ghana · West Africa

## 1 Introduction

Ghana's Land Act 2020 (Act 1036) marks a significant departure from prior customary tenure principles regarding usufructuary interest in land. Previously, only indigenes were entitled to this interest. Still, the Act now stipulates that non-indigene individuals or groups, along with their descendants, can acquire usufructuary interest after residing on land for 50 years or more with the permission of the allodial title holder [1, 2]. The Act protects non-indigenes' usufructuary interests from appropriation, ensuring their rights over the land they have occupied and utilized over extended periods. However, in peri-urban areas of Ghanaian cities, the ideals of the Land Act 2020 face challenges due to urbanization and the resultant high demand for land. This demand is fuelled by neoliberal land markets responding to various land use needs [3–5]. The emergence of a pervasive neoliberal economy, bolstered by land formalization reforms, has led to heightened interest in urban and peri-urban land across Africa [6]. These reforms, influenced by international organizations like the World Bank, aim to leverage the adaptive nature of customary land tenure systems to provide land for urban infrastructure development [1]. However, these changes reflect what [7] terms the “neoliberalization of nature,” a

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concept at odds with Amartya Sen's theory of capabilities and functions. Sen argues that freedom to achieve well-being is of primary moral importance, emphasizing access to resources such as land as the basis for people's capabilities and functions [8]. In this context, smallholders, especially non-indigenes, face challenges in retaining their land amid intense pressures. Non-indigene smallholders, previously excluded from usufructuary interests, struggle to assert their rights, as many allodial title holders still perceive them as ineligible. Also, non-indigenes have limited influence over decisions to release land to meet growing urbanization demands. This situation contradicts Sustainable Development Goal 11, which aims to make cities inclusive, safe, resilient, and sustainable by 2030. Amid these challenges, the question arises of how non-indigene smallholders navigate the dynamic neoliberal peri-urban land market to sustain food production. This study aims to fill this knowledge gap by focusing on non-indigene smallholders, a specific group facing land dispossession as urbanization drives demand for their lands.

Land dispossession is described as an economic phenomenon wherein affluent individuals acquire extensive tracts of farmland in non-indigenous communities for future investment, depriving non-indigene individuals of land ownership [9]. This trend is particularly prevalent in peri-urban areas within sub-Saharan African cities [10, 11]. Peri-urban areas, bordering or surrounding urban centres, blur the distinction between rural and urban landscapes, exhibiting characteristics of both [12]. These areas are marked by land grabs and rapid conversion driven by urban residents seeking land to fulfill their socioeconomic needs, given the limited space available in urban cores [13]. The surge in peri-urban land dispossession stems from unprecedented urban population growth in Ghana and other developing countries undergoing rapid urbanization [13]. Projections indicate a significant global population increase, with sub-Saharan Africa expected to nearly double its population by the 2040s, contributing to more than half of the world's population growth between 2022 and 2050 [14]. Urbanization is a crucial driver of this growth. Africa and Asia are projected to experience substantial urban expansion, leading to half of Africa's population residing in cities by 2035 and a predominantly urban population by 2050 [13]. However, urbanization in Africa, particularly sub-Saharan Africa, is challenged by inadequate planning systems and public institutions ill-equipped to manage associated issues, resulting in uncontrolled and unsustainable peri-urban land consumption as individuals seek land to meet their socioeconomic needs [6], thereby jeopardizing the goal of achieving inclusive, safe, resilient, and sustainable cities by 2030.

Contrarily, the peri-urban areas are expected to be the new enclave of the rapidly urbanizing Africa as more land is required to support a sustainable urbanization agenda. Ironically, these areas are also expected to provide low-cost fresh food to feed the growing urban population. It makes land a critical resource to smallholder farmers and public and private interests. The competing demand for peri-urban land has led to vibrant neoliberal land markets that allow private individuals to appropriate large parcels of land for infrastructural development. In contrast, others seek to profit from speculation, Abdulai et al. [6] argue. The mad rush for peri-urban land in recent times and the emergence of the neoliberal peri-urban land market have incentivized the original landowners (Tindaamba<sup>1</sup>) to deliver land for urban uses and capture revenues from the transactions [5]. This development has turned non-indigene smallholders into squatter farmers who farmed on portions of land for millennia but have suddenly lost "ownership and use right" to private developers. The practice of dispossessing non-indigenous smallholders of their longstanding parcels of land through the market system is a source of concern because the sustenance of their farming and land-based livelihoods now lies with the munificence of fewer but wealthier individuals. A significant outcome is uncertainty in the ability of non-indigenes to care for themselves. One significant outcome, therefore, is the loss of fertile agricultural lands to urban development in the peripheral areas of rapidly urbanizing regions, especially in sub-Saharan Africa [6]. Fortunately, some of the acquired portions, especially those on speculation, are eventually left undeveloped, whereas others are partly developed, making it possible for smallholders to temporarily cultivate their crops on the patches for household consumption and the urban market [15, 16]. Farming on undeveloped patches, however, exposes the smallholders to the risk of losing their crops or being forcefully evicted from their farms to pave the way for infrastructural development. It makes it imperative for smallholders and new interest holders to negotiate on the terms of utilization of undeveloped portions of land.

However, the peri-urban literature in Ghana and other sub-Saharan African cities has yet to explore the nature of negotiations and the outcomes thereof fully. This gap may stem from the subtle manner in which peri-urban land dispossession occurs, particularly within non-indigene communities. For example, recent research in Ghana [2, 6, 15, 17, 18] has predominantly focused on indigene smallholder farmers, overlooking the unique challenges faced by non-indigene smallholders. Consequently, these studies fail to show how non-indigene smallholders navigate land dispossession

<sup>1</sup> Non-indigene smallholders are people who have settled and worked in a community for several decades but do not own the land according to customary arrangements.

pressures to sustain food production and the ensuing ramifications. Non-indigenous smallholders in peri-urban areas may encounter distinct challenges amidst urbanization pressures, including land dispossession. However, the neo-customary processes they employ to secure land for farming amid urbanization remain poorly understood. This limited understanding hampers effective urban land governance and planning for sustainable urban development. To address this gap, this study draws evidence from three non-indigenous peri-urban communities in Wa, Ghana, with the following objectives:

1. Ascertain the land dispossessory practices in non-indigenous peri-urban communities,
2. Examine how non-indigene smallholders negotiate for land to sustain farming,
3. Explore the challenges non-indigene smallholders encounter in their quest to secure land for farming, and
4. Analyse the implications of the phenomenon for sustainable urbanisation.

The focus on non-indigenous smallholders is significant due to their longstanding presence and cultivation on the land, suggesting entitlement to perpetual and inheritable usufructuary interest under the Land Act 2020 (Act 1036). The study aims to uncover insights into how these smallholders navigate access to land for food production amidst ongoing land dispossession trends. By shedding light on their experiences and strategies, the findings can inform policymakers, urban planners, and stakeholders in devising inclusive policies to foster mutually beneficial outcomes for all parties involved. The structure of the paper is as follows: the next section delves into the literature review, followed by a discussion of the methodology in the third section. The fourth section presents the study's findings, with the subsequent section offering a detailed analysis and interpretation of the results. Section six explores the implications of the findings for sustainable urbanization, while the conclusion and policy recommendations are presented in the final section.

## 2 Literature review

### 2.1 Ghana's customary land tenure and sustainable urbanisation nexus

In sub-Saharan African nations like Ghana, the land tenure system is deeply rooted in cultural and philosophical beliefs that consider land as not just for the living but also for ancestors and future generations [19, 41]. According to this perspective, deceased ancestors, present inhabitants, and future generations share responsibilities towards the land. The living inherits land from their ancestors and is entrusted with its stewardship, judicious use, and preservation for posterity [19]. Thus, customary land tenure is governed by local customs and norms, often unwritten and specific to traditional areas as recognized by the 1992 Constitution of Ghana. Various modes of land ownership, such as first clearance and occupation, conquest, or settlement, form the basis of customary land tenure principles [1, 19]. However, this customary arrangement is characterized by complex power dynamics and social relations, often resulting in control of land by chiefdoms, families, clans, and specific communities. This communal land ownership has been a longstanding tradition in many African societies. Nevertheless, the government of Ghana possesses the authority of eminent domain/escheat (Article 20 [5] of the 1992 Constitution), enabling it to acquire land for public purposes compulsorily. Consequently, approximately 20% of all land in Ghana is under state control, with the remainder owned by chiefs, families, and clans [20]. Despite provisions in the Land Act 2020 (Act 1036) allowing non-indigenous individuals to acquire useful actuary interest in the land after residing on it for at least 50 years, the dynamics of urbanization and neoliberal land market systems have influenced Ghana's customary land tenure system. These changes have led to land dispossession, particularly affecting non-indigenous communities in peri-urban areas of Ghanaian cities.

Urbanization is a global megatrend that has garnered significant international attention due to its potential to impact economies, environments, and societies, particularly in developing nations where future trends are projected to escalate. Recognizing the challenges posed by rapid urbanization, world leaders in 2015 established Sustainable Development Goal 11 (SDG 11) to foster inclusive, safe, and resilient cities to promote prosperity for all. However, the rapid and unregulated population growth experienced by many cities in developing countries, including Ghana, has resulted in a substantial demand for housing, urban services, and consumer goods. Consequently, agricultural land has been converted to urban infrastructure in peri-urban areas, negatively affecting rural and urban communities by undermining farming activities and livelihoods. This urbanization trend in sub-Saharan Africa has spurred the development of dynamic land markets, particularly in peri-urban regions where land is increasingly treated as a commodity, shifting land tenure from communal to private ownership. Consequently, peri-urban landscapes face constant threats of expropriation by private individuals, land speculators, and intermediaries, often leading to the conversion of farmland into urban infrastructure

and the displacement of farming communities. This expropriation typically occurs through informal channels shaped by urbanization and land development patterns, resulting in the loss of land and livelihoods for those who have depended on it for generations. Non-indigenous communities are particularly vulnerable in this scenario, as they often do not benefit from land expropriation proceeds and are left without land for sustenance. Such developments undermine the objectives of sustainable urbanization outlined in SDG 11, which seeks to ensure equitable access to land and prosperity for all.

## 2.2 Land dispossession practices and non-indigene access to land in peri-urban areas

Research into land access dynamics among indigenes and non-indigenes in peri-urban areas of developing countries has been ongoing. For instance, studies conducted in China by Kan [21] reveal that the commodification of land in peri-urban regions led to new dispossession practices, wherein elites illicitly extracted value through rent relations, resulting in land grabbing that often went unnoticed. Similarly, Feola et al. [12] found in their work in Cambodia that peri-urban land grabbing occurred subtly, usually blamed on urban expansion, leading to fragmented land characterized by conflicts. This trend was mirrored in peri-urban Jakarta, Indonesia, as shown by Susanto et al. [22], who highlighted challenges faced by non-indigenous communities due to discriminatory practices and legal barriers. In Lima, Peru, Garcia et al. [23] identified disparities in land tenure security between indigenes and non-indigene, with the latter often losing their land rights. Patel and Desai's [24] work in Mumbai, India, shed light on the complexities of land access, with indigenous populations grappling with encroachment and displacement for infrastructure development. Abdulai and Owusu [18] emphasized similar complexities in land access in Tamale, where indigenes leveraged customary land tenure systems to retain control over peri-urban land, limiting opportunities for non-indigene. Amoako et al. [25] uncovered tensions over land ownership and access in Kumasi, Ghana, exacerbated by rapid urbanization and informal land markets, leading to the socioeconomic marginalization of non-indigenes. Mensah et al. [1] observed similar disparities in land tenure security between indigenes and non-indigenes in Accra, with the latter facing challenges due to discriminatory practices and exclusionary policies. Akaateba [1] highlighted increased demand and land value resulting from rapid urban population growth in Tamale, leading to peri-urban land grabbing for residential development and the conversion of agricultural lands. Otieno and Oyando [26] revealed tensions over land ownership and access in Nairobi, Kenya, driven by rapid urbanization and informal land markets, leading to the socioeconomic marginalization of non-indigene populations. Akinbobola and Olofinjana [10] in Lagos, Nigeria, emphasized the complexities of land access, with indigenes leveraging customary land tenure systems to maintain control over peri-urban land, limiting opportunities for non-indigenes. Sumbo's [33] research in peri-urban Kumasi further illustrated how indigenes lost their land rights due to high demand and emerging urban land markets, with traditional authorities benefitting as community land custodians. Insightful as these studies are, how non-indigenes navigate the neo customary tenure to access land for farming and consequences have not been discussed yet.

## 2.3 How land dispossession affects non-indigene access to farmlands in peri-urban areas of developing countries

Land dispossession in developing nations' peri-urban regions poses significant food production challenges. For instance, Otieno and Oyando [26] highlighted in Nairobi, Kenya, how rapid urbanization and land commodification fuel land speculation and displace farming communities, particularly impacting non-indigenous groups' access to land and food production. Similarly, in Lagos, Nigeria, Akinbobola and Olofinjana [10] documented the hurdles indigene and non-indigene populations face in securing agricultural land amidst urban expansion and land grabs. In the peri-urban zones of Johannesburg, South Africa, Ngwenya and Zachary [27] noted a rise in landlessness and food insecurity among non-indigenous communities, exacerbating social disparities and rural–urban migration pressures. In Jakarta, Indonesia, Susanto et al. [22] observed that urban expansion and land speculation marginalize peri-urban farmers, including indigenous and non-indigenous groups, affecting food production and livelihoods. Additionally, in peri-urban Lima, Peru, Garcia et al. [23] highlighted how land speculation and the conversion of agricultural land for urban purposes limit land access for both indigenous and non-indigenous populations, leading to displacement and loss of livelihoods, as seen in Mumbai, India, where Patel and Desai [24] reported on the displacement of farming communities, further exacerbating food insecurity. Moreover, Oliveira and Silva [28] demonstrated in peri-urban areas of São Paulo, Brazil, how land speculation and informal land markets disproportionately impact food production and livelihoods among indigenous populations, contributing to social inequalities and land conflicts.

In Ghana, Awuni and Ninsin [29] investigated the correlation between land rights and rural–urban migration in peri-urban Accra, revealing that land dispossession prompts rural–urban migration as non-indigene farmers encounter obstacles in accessing farmland. This phenomenon leads to socioeconomic transformations in peri-urban regions. Similarly, research by Nkansah and Owusu [30] in peri-urban Techiman, Ghana, highlighted how land dispossession disrupts agricultural activities, particularly for non-indigene farmers struggling to secure farmland access. Adu-Gyamfi and Egyir [31] delved into peri-urban land grabbing and its impact on food security in the Ga West Municipality of Ghana, indicating that land dispossession affects both indigenous and non-indigenous farmers' farmland access, exacerbating food insecurity in peri-urban zones. Additionally, Ayambila and Kuire [32] noted that land dispossession disrupts tenure security for non-indigenous farmers, impeding their farmland access and productivity levels in Ghanaian peri-urban areas. Mensah et al. [11] emphasized the repercussions of land dispossession on farming land access for indigenes and non-indigenes, advocating for policies safeguarding agricultural land in peri-urban regions. More recently, Mensah and Kuire [34] examined the influence of land tenure insecurity on agricultural productivity in peri-urban areas, focusing on the Kumasi Metropolitan Assembly in Ghana. Their study underscored how land dispossession undermines tenure security for non-indigenous farmers, constraining their farmland access and productivity.

### 3 Methodology

#### 3.1 Study area

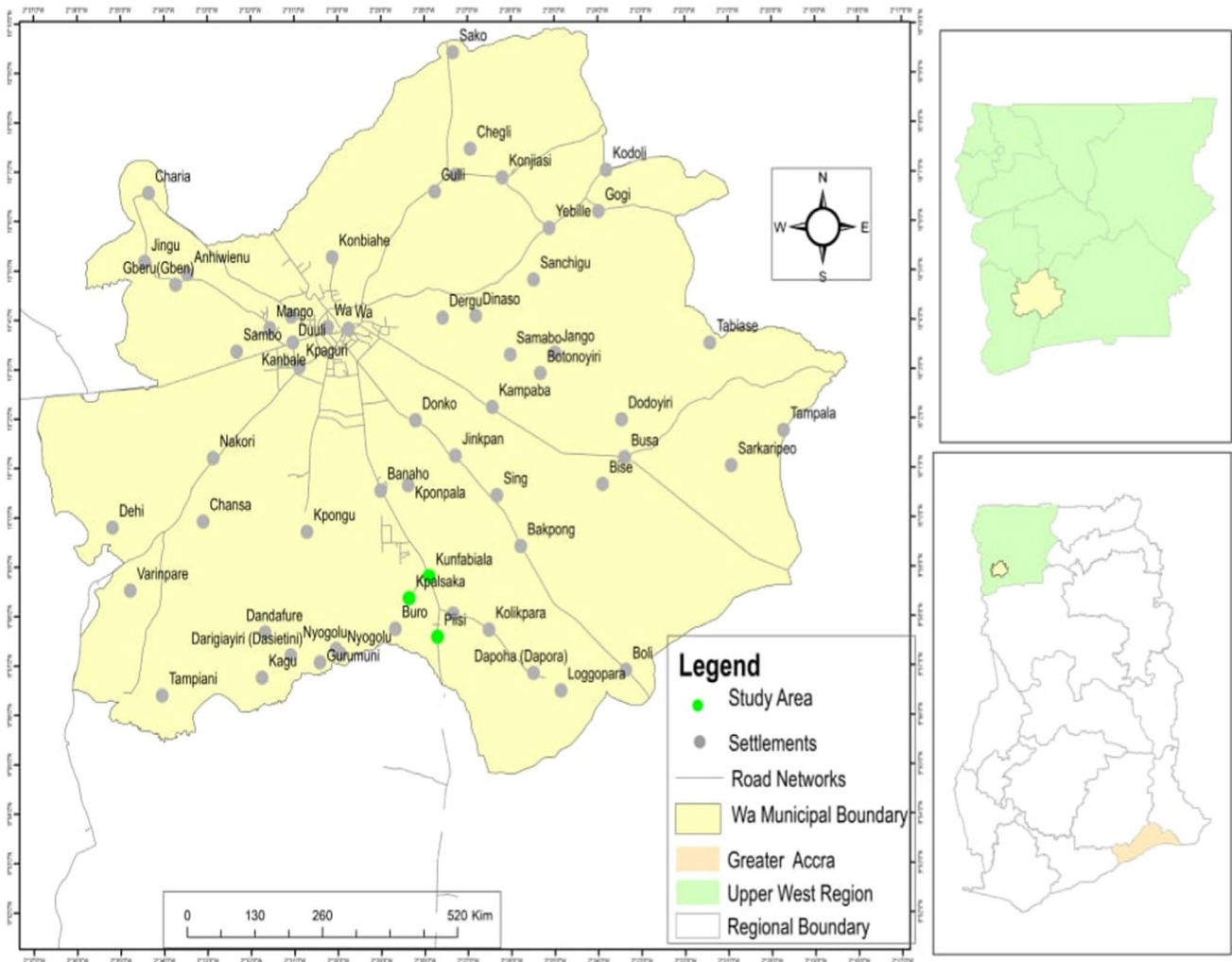
The study was conducted in three peri-urban communities—Kunfabilia, Piisi, and Kparisaga—in Wa, Ghana, as depicted in Fig. 1. Wa serves as the administrative capital of the Upper West Region and the Wa Municipality, bordered to the north, east, west, and south by Nadowli-Kaleo, Wa East, and Wa West Districts, respectively [35]. The municipality has a population of 200,672, with 143,358 residing in urban localities and the remainder in rural and peri-urban communities [36]. Notably, the population skews towards females, mirroring the gender distribution in rural and urban areas. The livelihoods of Wa Municipality residents span various sectors, including agriculture, services and sales, craft and related trades, and other professions. However, agriculture predominates, with 58% of households in rural and peri-urban areas engaged in this sector, primarily focusing on food crop production. The guinea savanna grassland vegetation prevalent in the area provides fertile ground for farming, characterized by short trees with sparse canopy, shrubs, and grass ground cover during the rainy season. Indigenous tree species like shea, dawadawa, kapok, and baobab are abundant, alongside exotic varieties such as cashews and mangoes, which thrive in the region [35].

#### 3.2 Research design

The study embraced a qualitative research approach to comprehensively examine non-indigenes land dispossession and its impact on their everyday livelihood activities for survival. Qualitative research is chosen when delving into the intricacies of the social realm, particularly to illuminate the lived experiences of research participants [37, 38]. This is the reason why Farrelly [39] states that qualitative research captures culturally specific information concerning individuals' values, perspectives, behaviours, and social contexts. Given the complex social backdrop in which land dispossession unfolds, qualitative methods are deemed suitable for acquiring nuanced data reflecting non-indigenous smallholders' viewpoints and social circumstances. This approach proves practical as it allows for exploring diverse perceptions, values, and unique situations, facilitating an in-depth understanding of complex phenomena. Consequently, it allows for deep delving into the experiences of non-indigenous smallholders as they navigate the neoliberal land market to secure land for agricultural purposes and its implications for sustainable urban development.

#### 3.3 Brief history of study communities

**Kunfabilia:** Preliminary interviews with elders of Kunfabilia revealed that the people of the community initially come from Lawra and Nandom in the Upper West Region and somewhere in *La Côte d'Ivoire*. However, the land on which the community is situated belongs to the Sing Tindaamba, who granted permission to the great-grandfathers of the current generation of Kunfabilia. It was discovered that the land was acquired through the traditional process of giving out kola nuts and schnaps to the Tindaamba. As such, there were no formal arrangements or written documentation between the settlers and the Tindaamba. However, with the high demand for peri-urban lands, the Tindaamba have developed



**Fig. 1** Study area map

the desire to capture revenue from land and, as such, have begun to allocate portions to prospective buyers without recourse to the non-indigene smallholders who have lived and worked on the land for ages.

**Piisi:** The inhabitants of the Piisi community originally hail from Lawra Pavu, Briffo, and Jirapa Duori. The first settlers were Aura and his brother Tingile, who sought permission from the Tindaamba of Tanina to settle at their present location after settling in Nyoli. The relocation from Nyoli to Piisi was because of a lack of water for their livestock (cattle). Accordingly, they paid homage to the chief of Tanina until there was a contestation over the land between Tanina and Sing Tindaamba. The Wa High Court decided the case in favour of the people of Sing and against Tanina. Therefore, the court's decision invalidated the Tanina community's claims over the land of Piisi. However, since the case did not involve the settlers directly, the outcome is insufficient to safeguard the rights of settler smallholders against expropriating their farmlands. As a result, the "new" landowners have embarked on a wanton alienation of the land, including the settlers' farms, for urban infrastructure development. It has led to the loss of farmlands to the settler smallholders, making them squatter farmers on their "land."

**Kparisaga:** Kparisaga is made up of different ethnic groups who trace their ancestry to Nandom, Jirapa-Duori, Lawra, and Eremon, all in the northwestern corner of the Upper West Region. According to the community elders, their ancestors sought permission from the Tindaamba of Kpongou to settle at their present location. The various groups migrated to the community at different times for farming and water for their livestock. However, the elders interviewed could not tell whether there were formal agreements between their ancestors and those of Kpongou to settle on the land. The parcels of land on the farm are now being released to private individuals for urban development without considering their

**Table 1** Research participant categories and data required

| Participant category        | Data required  |
|-----------------------------|--|
| Heads of households         | <i>Effects of land dispossession on land access, food crop farming, youth employment, land access negotiation practices, effects on private housing construction, land disputes, etc</i>   |
| Youth groups                | <i>Effects of land dispossession on land access, food crop farming, youth employment, land negotiation practices, effects on private housing construction, land disputes, etc</i>  |
| Women groups                | <i>Effects of indiscriminate sale of land on farming, access to shared resources, and livelihoods</i>  |
| Community leaders           | <i>History of the community, how land was acquired, the arrangement between communities and respective land-owners</i>   |
| Head of landowning families | <i>How land was released to non-indigene communities, the prior arrangements with the non-indigene communities, the motivation of the recent indiscriminate sale of land in non-indigene communities, how non-indigenes are compensated, etc</i> |

livelihoods, which revolve around the land. The development has created a land shortage for food production, which makes non-indigenous households vulnerable to food insecurity.

### 3.4 Sampling and sampling methods

In terms of sampling, the study employed the maximum variation purposive sampling method to ensure a diverse representation of research participants. This method involves selecting participants with varied opinions, experiences, and knowledge relevant to the social phenomenon under investigation, thereby reflecting the breadth of perspectives on the topic [40]. By employing this approach, the study aimed to capture the multifaceted nature of land dispossession and its impact on the livelihood activities of non-indigenous smallholders. In line with the sampling strategy, non-indigene smallholders and landowners (Tindaambas) were purposefully selected to participate in the study. Specifically, household heads, women's groups, youth leaders, community leaders, and heads of landowning families were identified as key informants. A total of six non-indigenous household heads, three youth leaders, three community leaders, and three landowning family heads were selected for individual interviews. Three focus group discussions were conducted with women's groups in the study communities. In total, 56 participants were involved in the study, each selected based on their relevance to the research objectives and their potential to provide valuable insights into the phenomenon of interest. The rationale for choosing each participant is detailed in Table 1. This sampling approach facilitated a comprehensive exploration of land dispossession dynamics and its implications for non-indigenous smallholders in peri-urban areas.

### 3.5 Data collection and analysis

Between June and July 2023, a comprehensive research study was conducted in the Kunfabiala, Piisi, and Kparisaga communities in Wa, Ghana. This study involved in-depth interviews and three focus group discussions with participants, including non-indigene smallholder farmers and landowners. The interviews and discussions focused on various aspects, such as the reasons behind the rush for land, the nature of land grabbing, its effects on farmland access, negotiation processes, arrangements with new interest holders for farming, challenges with these arrangements, and landowners' perspectives on releasing land for urban infrastructure development, negotiation processes, and land allocation to non-indigenous individuals. Participants gave their consent for the interviews and discussions to be tape-recorded. After that, the responses were transcribed from local languages (Waale, Dagaare, and Briefo) into English for analysis. The transcripts were subjected to qualitative content analysis (QCA) using NVIVO software. Initially, 112 codes were generated from iterative review and analysis of interview transcripts, which were later refined into 10 themes and subsequently into eight themes for presenting the findings. Discussions with academic qualitative research experts further enriched the analysis, ensuring the credibility and rigor of the data analysis process. Additionally, poignant, and representative quotes were incorporated into the narrative to support the findings drawn from the interviews and focus group discussions. Overall, this rigorous research methodology provided valuable insights into the dynamics of land dispossession and its implications in peri-urban areas of Wa, Ghana. To validate the findings and ensure the trustworthiness of the data, member checks were conducted involving 10 participants.

## 4 Results

Drawing from empirical data, this research sheds light on the evolving usufructuary rights over land among non-indigene smallholder farmers in peri-urban Wa. Initially, the study delineates the mechanisms and motivations driving land grabbing within non-indigenous communities. Subsequently, it elucidates the diverse agreements between new land titleholders and non-indigenous smallholders to facilitate the latter's access to land for agricultural pursuits. Finally, the study delineates the consequences stemming from peri-urban land grabbing.

### 4.1 Explaining land dispossessory practices in non-indigene peri-urban communities

This study unveils various factors contributing to land dispossession in the examined communities. Primarily, land dispossession often occurs without the awareness of non-indigene smallholder farmers. Despite residing and actively engaging in agricultural activities within these communities, non-indigenes smallholders may be unaware that their farmlands have been allocated to private individuals. Typically, non-indigene individuals only become aware of these land transactions once the new titleholders commence taking control of the acquired parcels. This revelation surfaced during a focus group discussion with a women's group from Piisi.

*Land sale occurs when the non-indigenes are not on the farm or home. So, the Tindaamba secretly go to their farms to restrict the portions to private individuals without informing those who have lived and worked on the land for several decades. Sometimes, the non-indigene smallholder farmers only wake up to see different people erecting pillars on our farmlands. When they ask, they are often told that the land has been sold to them by the Tindaamba (FGD with women from Piisi, 12th July 2023).*

The subtle approach employed in land transactions highlights a land accumulation strategy that undermines non-indigene smallholders' ability to mobilize resources and purchase land, forcing them to involuntarily relinquish their usufructuary interest in the land.

Furthermore, land dispossession involves the appropriation of substantial tracts of farmland. Affluent individuals and organizations often acquire and control large portions of land in non-indigenous communities through leasing arrangements, disadvantaging smallholder farmers. This results in converting agricultural land to other purposes, making it challenging, if not impossible, for agriculture to resume. Such changes restrict non-indigene individuals' access to land and resources previously essential for their livelihoods. A household head from Piisi reported this.

*The grabbing of large parcels of land is occurring in the community as private individuals have taken control of these portions without considering the plight of non-indigene smallholder farmers' livelihoods that revolve around the land (Interview with a household head from Piisi, 18th July 2023).*

The scenario severs the bond between non-indigene smallholders and the land integral to their lives and livelihoods.

Thirdly, the data analysis reveals that many land purchasers are speculators. Non-indigenes often disclosed instances where individuals bought land with the expectation of its future appreciation in value, intending to profit from its resale. These individuals acquire large land parcels, sometimes up to 20 acres, holding them as assets until their value increases for lucrative resale. The current land prices in these communities are relatively lower than those closer to the city centre, aligning with the bid rent theory. It prompts more private individuals to invest in large land parcels. However, interviews and focus group discussions indicate that such acquisitions offer little opportunity for non-indigenous smallholders to support their families. As stated by a community leader from Kapisaga.

*People are buying the land here as a form of investment for future profit. I cannot imagine that someone would buy the whole of my farm, which is more than 20 acres, if not for such purposes. I know private individuals who have purchased more than 20 acres of land. It is not to build a house or something of that sort; for me, it is for profit-making in the future. (Interview with community leader from Kapisaga, 15th July 2023)*

The passage underscores the predominant motive behind land appropriation: the accumulation of assets for future profit, often at the expense of impoverished smallholder farmers whose livelihoods depend on the land.

Lastly, the desire of landowners to capitalize on the high demand in these areas exacerbates land dispossession. As land demand increases, so does its value, prompting the Tindaamba to exploit the situation to generate revenue from land transactions. This pursuit of revenue from land transactions is a driving force for landowners, regardless of the





**Fig. 2** Undeveloped portions used for farming in the Piisi community

consequences for non-indigene smallholder farmers' livelihoods and their communities' well-being. As expressed by a Tindaana from Kpongou.

*The land of the Kparisaga community belongs to us. We have no formal agreement with them [non-indigenes] concerning releasing portions when the need arises. So, if the demand is high and we can profit from it, why should we not release it? (Interview with a Tindaana from Kpongou, 20th July 2023).*

The excerpt expresses the overriding powers of the Tindaamba over the non-indigene smallholders to allocate or reallocate land under Ghana's customary land tenure regime.

#### **4.2 Land access arrangement between titleholders and settler smallholders**

Amidst the displacement of non-indigene smallholders' usufructuary interests, their fate is concurrently transferred from traditional landholders to new titleholders. Non-indigene smallholders were observed to make informal arrangement with the neo-customary landowners for access to farmland under various agreements. The study delineated four distinct land access arrangements between non-indigenous smallholders and new titleholders. Firstly, some non-indigenes consented to become caretakers of the parcels acquired by the new titleholders, retaining the freedom to farm on them until development occurs. This arrangement safeguards the interests of the new titleholders by averting encroachment and competing claims while allowing non-indigene to cultivate crops on the land, thereby serving the interests of all parties, including those of the traditional landowners. Consequently, non-indigenes' erstwhile potentially perpetual usufructuary interests transition into terminable and precarious temporary access. It was revealed in a focus group discussion with a youth group in Kunfabiala.

*Some new titleholders grant the "former landowners" permission to keep farming on their portion until they are ready to develop it. This arrangement creates a win-win for the two parties. This is because the farmer can continue to farm on the portion to make a living while, at the same time, protecting it from disputes (Focus group discussion session with a youth group from Kunfabiala, 10th August 2023).*

The account explains how "landowners" have been reduced to being squatter farmers on their land due to outright sales. However, not all non-indigenous smallholder farmers had the opportunity to enter such caretaker arrangements; only a fortunate few managed to connect with new titleholders who obtained substantial parcels suitable for farming. Additionally, numerous non-indigenes voiced concerns that many newly acquired plots are too small to support farming, and they face challenges in reaching out to multiple new holders to consolidate plots into viable farming units. Observations reveal that, in many cases, building materials, boundary markers, and ongoing projects on the acquired parcels hinder ploughing activities (Fig. 2).

In the second arrangement, like the first, non-indigenes are permitted to farm on certain portions while the new titleholder works on another part of the land. This setup is feasible only when the land is sufficiently sizable to accommodate both parties. However, if the land portion is not large enough for sharing, non-indigenes are prohibited from farming. A community leader from Pissi elucidated this arrangement.

*When the land is large, some new titleholders agree to give out part of it to the smallholders to continue farming while they (new titleholders) also farm on the other part. Most of us here rely on the benevolence of those who understand our plight and intend to help us continue making a living out of farming (Interview with a community leader from Piisi, 17th July 2023).*

The excerpt explains the transformation of customary land tenure into neo-customary frameworks to preserve non-indigene smallholder farmers' usufructuary rights.

Thirdly, non-indigene smallholder farmers resort to sharecropping with new titleholders to access land for farming. Under this arrangement, non-indigene smallholders are granted permission to utilize the land and must share a portion of the harvested produce with the new holder. In traditional land tenure principles, this practice is known as ubuntu, where the produce is divided equally, or abuse, where the new titleholder receives only one-third of the harvest. This arrangement was disclosed during a focus group discussion with a youth group from Kunfabiala.

*In some instances, the new titleholder would allow a non-indigene to continue to farm on the land on the condition that the farm harvest would be shared between them. (Focus group session with a youth group from Kunfabiala, 6th August 2023).*

While this arrangement facilitates land access for non-indigene smallholders, it carries the risk of indebting them to their new titleholders and potentially creditors if crop failure occurs, as smallholders often rely on credit to procure inputs, repaying upon harvest.

Fourthly, some titleholders and non-indigenous smallholders opt for contract farming as a means for the former to secure land access. In this setup, the new titleholders cover the ploughing expenses and provide agricultural inputs like fertilizers and herbicides. The non-indigene smallholders, in turn, are responsible for all farming labour, including weeding, nurturing, and harvesting crops. Harvests are then divided based on a predetermined proportion. A household head from Kapisaga shared this insight.

*Some new titleholders support farming by paying for the tractor or farm inputs (fertilizer, seeds, and weedicides). At the same time, the non-indigene smallholders weed and nurture the farm until harvest. The harvest is then shared between the parties based on a predetermined agreement (Interview with a household head from Kapisaga, 6th August 2023).*

The passage expresses how non-indigenous smallholder farmers can access tractor services and agricultural inputs that may otherwise be inaccessible. Nonetheless, this arrangement, particularly amidst climate uncertainty, could heighten the risk of smallholders becoming indebted to their sponsors, the new titleholders, if not carefully overseen.

### 4.3 Outcomes of land dispossession practices in non-indigene farming communities

Numerous adverse consequences of land dispossession have been discerned. Land holds paramount significance for non-indigene smallholder farmers whose livelihoods hinge on their residence and labour on the land. Nevertheless, land dispossession has precipitated a shortage of land for food cultivation, as a substantial portion of it is now earmarked for residential and commercial purposes, as per insights gleaned from interviews and focus group discussions. The scarcity of land in non-indigene communities stems from the prohibition imposed on smallholder farmers to continue agricultural activities on such land, resulting in a decline in their agricultural output, as elucidated by a community leader from Kunfabiala.

*Access to land for farming has become difficult here in the community. The scarcity is not because of the lack of land but because some of the new titleholders prevent the non-indigene smallholders from continuing their farming activities on their portions, affecting food production (Interview with a community leader from Kunfabiala, 8th August 2023).*

The passage describes how affluent neo-customary landholders assert dominance over land, disadvantaging peasant farmers, impeding food production, and potentially leading to food insecurity if alternative sources are not secured.

Additionally, land dispossession has resulted in the depletion of economic trees, which previously served as a livelihood source for non-indigene individuals, particularly women and the broader peri-urban community. Losing access to economic trees, such as shea and dawadawa, and their byproducts, like shea butter, affects both sustenance and income generation. This loss occurs through two means: firstly, some new titleholders prohibit non-indigene individuals from harvesting shea and dawadawa products on their parcels, and secondly, the trees are felled to make way for infrastructure development. The felling of economic trees restricts access to their products, including fruits, fuelwood, and charcoal, as disclosed in a focus group discussion in Piisi.

*The community had a lot of economic trees such as shea and dawadawa that, for example, the women depended on to make a living through shea butter and dawadawa processing, fuel wood, and charcoal for domestic use and the urban market. However, land use changes have led to the destruction of trees that served as the source of income and livelihood for the non-indigenes (A focus group discussion with women from Piisi, 11th August 2023).*

The passage underscores how the prohibition of shea and Dawa Dawa harvesting and the felling of economic trees for infrastructure development deprives individuals of vital trees and their products.

Land transactions and development in these areas also often engender conflicting interests, leading to land disputes. Such conflicts manifest on two fronts. Firstly, conflicts may arise between multiple parties due to selling a single parcel of land to different individuals. Competing claims to the land among these parties often lead to contestations, complicating the identification of the rightful titleholder for non-indigenous smallholders seeking access to farming.

Secondly, conflicts frequently emerge between non-indigene smallholders and traditional allodial landowners, as well as among non-indigene smallholders themselves. Conflict between non-indigene smallholders arises when new titleholders allocate portions of land to additional non-indigene smallholders who were previously not farming on the land. This allocation sparks disputes between the parties as they vie for land utilization rights. These dynamics were discussed during an interview with a community leader from Kunfabiala.

*I was farming on this portion for several years. I inherited it from my father and have farmed on it for many years. However, when one woman bought the land from the Tindaamba, she instead allocated it to another person (also non-indigenous) to do farming, which I disagreed with. This has led to a conflict between the two of us over who should farm on the portion (Interview with a community leader from Kunfabiala, 10th July 2023)*

The excerpt highlights the potential for conflict among non-indigenous smallholder farmers due to land allocations made by new titleholders. Likewise, in Kparisaga, an elderly family had expressed concerns that allocations by allodial title holders are creeping closer to their farms, extending into their backyards, prompting resistance from the non-indigenes. He explained:

*One afternoon, we were returning from farms earlier than usual and met a surveyor demarcating our backyard for allocation. The demarcated parcel encroached upon our piggery, and this agitated the young non-indigenes and caused confrontations with the surveyor and potential new titleholder (Interview with household head in Kparisaga).*

The passage illustrates that land dispossession not only interrupts agricultural endeavours but also jeopardizes secure spaces for housing expansion in peri-urban areas.

## 5 Discussion

The primary objective of this study was to investigate how non-indigene smallholder farmers in peri-urban areas secure land for food production under neo-customary land tenure. The research delved into the practices of land dispossession prevalent in non-indigene peri-urban communities, explored negotiation tactics for land access, and analyzed the resultant outcomes. Land dispossession mechanisms include subtle sales, large-scale expropriation, and speculative practices, all hindering smallholder farmers' access to land for farming. It contradicts Ghana's Land Act 2020 (Act 1036), which grants usufructuary interest to those who have settled or worked on land for over 50 years. The rush for peri-urban land is fueled by neoliberal tendencies, empowering Tindaamba to allocate land to the highest bidder as reported in previous studies in Ghana and Nigeria [10, 32]. It underscores Tindaamba's dominance over non-indigene smallholders under Ghana's customary land tenure, a trend observed in urban and peri-urban areas across sub-Saharan Africa [1, 2]). However, unlike indigene beneficiaries, non-indigene smallholders are often excluded from land allocation benefits, undermining customary land tenure systems' philosophical foundations, and jeopardizing their livelihoods and well-being [41]. Previous

studies, such as Bonye et al. [17] in Wa, Ghana, highlight the consequences of peri-urban land grabbing, including food insecurity among indigene farmers' households.

Although land dispossession is expected, non-indigene smallholder farmers have devised mechanisms to access land to sustain food production. They do this by becoming caretakers of the portions, sharing land with the new titleholder, sharecropping, and undertaking contract farming. These mechanisms adopted by the non-indigenous smallholder farmers suggest how "landowners" have become squatter farmers on their land due to outright sales underpinned by the profit motive of wealthy individuals [18, 42]. The arrangements have ramifications that may impede the ability of the smallholders to sustain farming in the coming years. For example, the caretaker arrangement did not apply to all non-indigene smallholder farmers but only to the few fortunate enough to access new title holders who acquired significant parcels suitable for farming. Apart from these, it limits the freedom to carry out farming activities that inure to the non-indigenes as espoused in Sen's capabilities and functioning proposition [44, 45]. It also points to an irreversible process of "neo-liberalization of customary tenure that pertains across much of sub-Saharan Africa [42], especially in rapid urbanization. However, previous studies have reported similarities in changing customary tenure regimes by peri-urban areas in sub-Saharan African cities [1, 2, 45]. However, such dispossessory practices subjugate on-indigene smallholders and limit their ability to attain well-being [8, 47]. It further highlights the restructuring of the customary land tenure into neo-customary arrangements that occur in many peri-urban areas in many African cities [47]. Besides, the sharecropping arrangement can plunge them into deep debt to their new titleholders and creditors (if any) from one harvest season to the next, mainly when crop failure occurs. It may perhaps further impoverish them since they struggle to realize their functioning [44, 48].

The ramifications of land dispossession are profound for non-indigene smallholders in affected areas. These include decreased land and food production, restricted access to economic trees crucial for livelihoods, particularly impacting women, and conflicts over land allocation. This highlights how wealthy neo-customary titleholders wield control over land, disadvantaging peasant farmers [49]—additionally, constrained access to land results in diminished food production, potentially leading to food insecurity among non-indigene smallholder households unless alternative solutions are implemented [31, 32]. The situation in peri-urban Wa is not unique; similar land dispossession outcomes have been documented across Africa, reflecting unfavorable conditions for smallholder farmers [47, 50, 51]. Moreover, the loss of economic trees and tree products deprives women of coping mechanisms during difficult periods exacerbated by food production challenges [52], heightening vulnerability to impoverishment [53, 54]. The prevalence of competing interests and ensuing land conflicts underscore governance deficiencies in addressing these issues effectively [55].

## 6 Implications of the findings for sustainable urbanisation in Africa

Sustainability revolves around utilizing resources, including land, to ensure future generations can meet their needs using the same resources. In peri-urban areas, secure land tenure is crucial to enhancing access to economic opportunities and sustenance. Sustainable urbanization involves balancing economic growth with social development, resource utilization, and environmental conservation in rapidly expanding urban regions [55]. This concept is rooted in the Brundtland Commission Report's recommendation to meet present needs without compromising the ability of future generations to meet their own [56]. It is essential to ensure that current citizens, including those in peri-urban areas, have access to social and economic opportunities and resources without hindering the prospects of future generations [58]. However, the ongoing trend of land grabbing in peri-urban areas undermines food production, exacerbating the plight of non-indigenous populations and hindering progress towards sustainable urban development by 2030.

The findings suggest three implications. Firstly, the current pace of peri-urban land dispossession among non-indigenous communities contradicts the Sustainable Development Goals (SDGs) target, which aims for a land consumption rate proportional to population growth. This exclusion of non-indigene smallholders and their descendants from land resources and economic opportunities undermines the creation of inclusive, safe, resilient, and sustainable cities. Secondly, SDG Target 11. a emphasizes the importance of positive economic, social, and environmental connections between urban, peri-urban, and rural areas. However, the observed trend of land dispossession does not align with this target, as it hampers coordinated land use planning and leads to negative social, environmental, and economic consequences. Finally, achieving sustainable urbanization, as outlined in SDG Target 11.3, is unattainable within the current scenario of peri-urban land dispossession. This target encourages city authorities to promote inclusive and sustainable urbanization through participatory, integrated, and sustainable human settlement planning and management. However, the observed practices do not align with the mechanisms outlined in SDG 11 for building a desirable urban future. Consequently,

achieving sustainable development in sub-Saharan African cities remains elusive without implementing proper land governance mechanisms in peri-urban areas in Ghana and other African countries.

## 7 Conclusions

The study's primary aim is to investigate the evolving usufructuary interest in land and access to land for farming among non-indigenous populations in peri-urban areas. The implications of these findings for urban sustainable development, aligned with SDG 11, are subsequently explored. Land dispossession in non-indigenous peri-urban communities primarily stems from urbanization-induced factors, including large-scale land appropriation, covert allocation to wealthy individuals, land speculation, and revenue capture by landowners. Consequently, non-indigene smallholders must negotiate agreements with new titleholders to secure access to land for farming. These agreements, ranging from sharecropping, caretaker farming, and contract farming to land sharing, provide non-indigenous populations access to farming land but do not ensure land tenure security. Non-indigene smallholders remain vulnerable to the whims of new titleholders and face constant uncertainty regarding displacement. Land dispossession has resulted in land-related conflicts, hindering non-indigene smallholders' ability to engage in food production and exacerbating food insecurity in these communities. The ongoing trend of land dispossession and constraints on agricultural production indicate declines in food production and farmers' access to shared natural resources. Women, who heavily rely on shared resources such as shea trees for income generation, are particularly affected. Consequently, achieving sustainable urban development is challenging due to land dispossession and excluding non-indigene smallholders from the city planning process, a trend observed in other sub-Saharan African cities.

## 8 Policy implications

Moving forward, one approach could involve leveraging Ghana's Land Act (Act 1036) to protect the usufructuary interest of non-indigenous individuals in land. This initiative could be spearheaded by Municipal Assemblies and civil society organizations dedicated to upholding human rights. Additionally, there should be encouragement for Tindaabas to allocate portions of land to non-indigenous individuals or prioritize them in land releases to private entities. Furthermore, new titleholders should permit non-indigene farmers who have historically worked the land to continue their agricultural activities until development plans for the area are finalized. It is crucial to elevate the visibility of non-indigenes in peri-urban research and scholarship in Ghana and other sub-Saharan African countries, given their susceptibility to land dispossession and challenges in adapting to urban environments without adequate skill sets. It can inform local initiatives aimed at safeguarding livelihoods through urban development policies and planning. Considering this evidence, urban planning efforts should prioritize the preservation of agricultural land reserves and greenbelts in peri-urban areas, rejecting layouts that do not account for such provisions. One limitation of the study is the absence of quantifiable data on the extent of land loss, the magnitude of food production reductions, and the impact on household food security. Future research endeavours could address these gaps to enhance our understanding of land dispossession among non-indigenous peri-urban farmers.

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**Data availability** Data will be made available upon reasonable request.

## Declarations

**Ethics approval and consent to participate** Ethical approval was sought from the Research Ethics Review Board of SD Dombo University of Business and Integrated Development Studies before the commencement of data collection. Approval was given for the data collection after the data instruments were reviewed, and suggestions provided to improve the content were incorporated. Also, verbal consent was sought from each of the research participants after the objectives and purpose of the research were explained to them. All the research participants voluntarily consented to participate before interviews were conducted.

**Competing interests** The authors declare no competing interests.

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