

In a state of slum: governance in an informal urban settlement in Ghana*

PAUL STACEY AND CHRISTIAN LUND

*Global Development, Department of Food and Resource Economics,
University of Copenhagen, Denmark*

Email: pas@ifro.ku.dk and clund@ifro.ku.dk

ABSTRACT

Old Fadama in Accra, Ghana, is a vast informal settlement. A legalistic approach by successive governments has meant a near-absence of statutory institutions and the emergence of alternative public authorities. These endeavour to provide the area with a range of basic public services to solve the area's serious developmental challenges. Through processes of informal negotiation residents establish rights and social contracts that underpin and define what will constitute ideas of state and law. At the same time, self-governance emerges while relations with statutory institutions shift back and forth between vilification, tacit acceptance, and productive cooperation. The article contributes to studies of governance in informal urban settlements on two fronts. First, it shows how informal arrangements lead to the provision of basic public services and influence the workings of formal institutions of government. Second, it challenges facile understandings of large-scale informal settlements as generally chaotic, lawless or subversive.

INTRODUCTION

Every day hundreds of people traverse three rickety wooden bridges over a garbage-strewn gully in Old Fadama, about three kilometres from central Accra. At the end of a bridge two youths sit listening to the radio under a parasol, on makeshift chairs with a plastic bucket inviting

* The article is based on joint data analysis and Paul Stacey's fieldwork. The research was funded by The Danish Council for Independent Research | Social Sciences (FSE).

coins. The bridges join the unprepossessing settlement to an expansive dumping ground for city waste supplied regularly by trucks on the other side. The garbage is pecked at and nosed over by scrawny, street-wise vultures, gulls, chickens, cows, goats, and feral dogs and cats. In between are 'pickers', who come across from the settlement and glean various leavings for further sale. These are tied into large bagged headloads and carried back across the bridge into the city. The bridges serve as convenient shortcuts to homesteads, working places, schools, transport hubs and markets. All who cross them – apart from schoolchildren, who are exempt – pay a toll of five or ten pesewas, depending on the length of time spent 'on the other side'. A single headload comes at no extra cost, while motorbikes, barrows and animals are extra.

The bridges are an essential part of local infrastructure, but were not planned by government. Instead, like most physical, social and local political infrastructure in Old Fadama – water supply, sanitation, building regulation, schooling, law and order – they are operated and informally regulated by individuals and groups out of government view. In fact, the settlement, now home to some 80,000 people, is legally invisible to the Accra Metropolitan Assembly. This article focuses on emerging institutions in this settlement and their endeavours to provide the area with basic public services and implement rules that produce local governance. This happens predominantly outside, or on the margins of where statutory institutions operate. The case of Old Fadama exemplifies governance as a function of relationships and processes of competition and cooperation between community-based organisations, residents and statutory institutions. The forming of an enabling social contract in the settlement defies simplistic conceptualisations of such areas as inherently powerless or chaotic, and it nuances our understanding of African states and governance in urban areas. In Old Fadama, the structuration of governance is thus characterised by a distinction between locally produced institutions that sporadically enjoy the power to govern but do not have the legal backing to exercise authority, and the institutions of government with the formal authority to rule but which often lack the power to do so.

Roughly 72% of Africa's urban populations live in informal settlements.¹ This concentration is expected to increase, in both quantity and density, as urban populations in African cities double to some 1.3 billion by 2050 (Cohen 2004: 24; UN-Habitat 2010: 1). In attempts to stem the growth, many African governments undertake forced evictions, often with violent repercussions (du Plessis 2005: 24) – even though their bulldozing operations directly undermine the eleventh

Millennium Development Goal, which explicitly aims to significantly improve the lives of ‘at least 100 million slum dwellers’ by 2020, and to which many African governments, including Ghana, are signatories.² All African governments face the very difficult task of striking a balance between (1) providing a basic level of services to the very poorest segments of the urban population who reside in slum areas; (2) discouraging the movement of migrants to such areas and halting their spread; and (3) following the rule of law and punishing squatters who settle on land that legally belongs to others. Rural–urban migration in Ghana means that approximately 5 million people, or 20% of the total population, currently live in slums. Government expects this to increase by about 1.8% per year.³ In Accra alone, city authorities have identified some 78 slums and informal settlements of varying size and quality. Old Fadama is the largest, and has some of the poorest living standards.⁴

In recent years the approach of government has shifted from the explicit aim of eviction to tacit acceptance and the formulation of ambitions to upgrade the area in line with broader urban policy development. However, the position of the immediate government authority, the Accra Metropolitan Authority, shifts indecisively between tacit support and acceptance, on the one hand, and confrontation on the other. More broadly, the area is frequently stigmatised or shunned by public officials and media alike as chaotic, inherently criminal, and an eyesore (Obeng-Odoom 2011; Gillespie 2015). The article is based on four months of fieldwork over five visits spread between July 2014 and January 2016. Altogether over 50 semi-structured interviews were conducted with politicians, community leaders, elders, shop owners, city officials, residents and local NGOs. The interviews were supplemented with ethnographic observation and focus group interviews with residents undertaken by research assistants. A key aim of data collection for the article was to uncover the organisation of basic service provision and to map local social contracts and relations between informal providers, settlement residents and statutory institutions.⁵

APPROACHING INFORMAL SETTLEMENTS – CONCEPTS AND DYNAMICS

It has long been recognised that much, if not most, of the economy will be imperceptible if attention is given only to the formal sector (Hart 1973). The present analysis extends this understanding to the sphere of governance, asserting that a focus on statutory institutions alone will

not provide adequate insight into *actual* governance (Hagmann & Péclard 2010). This is not to romanticise the ‘informal’. Non-statutory governance is not the consummation of an emancipatory project of popular rule. For many, life in places like Old Fadama remains nasty, brutish, and short, despite efforts at self-governance and informal regulation. Yet, as actual governance, it deserves actual attention.

Large-scale urban settlements have attracted attention from the entire range of social sciences. Yet the dominant focus on dysfunctional developments, the incapacity of state institutions, or contentious relations between informal institutions and governments displays a Eurocentric tendency towards understanding the African state as *intrinsically* weak (Freund 2007; Locatelli & Nugent 2009: 2). Also, studies of poverty and health levels in slum areas rely on attention to relatively accessible, quantifiable measurements of daily life, while more subtle processes of institution building are often overlooked. Large-scale informal settlements are also perfunctorily conceptualised as power and resource-weak, chaotic, or occupied by the losers of globalisation.⁶ Other significant themes include the role of urban informal economies (Hansen & Vaa 2004; Bryceson & Potts 2006; MacGaffey 2009); dimensions of urban–rural migration (Lynch 2005; Trefon 2011); questions and issues concerning urban development (Pieterse 2010); urbanisation as a feature of globalisation (Appadurai 2000; Grant 2006); youth culture and mobility (Langevang 2008); and urban livelihoods (Potts 2009).

Addressing relations between informal settlements and governments, the influential work of De Soto (2000) has created a widely shared view of such areas as inherently insecure and under-productive. Governments are tasked with formalising land titles to spark economic growth and abate social unrest. Yet this approach assumes a false dichotomy between, on the one hand, formal, ostensibly effective institutions and, on the other, their supposedly disorderly and ineffective informal counterparts. It also supposes the existence of a capable set of state institutions willing to undertake formalisation, while the heterogeneous and contested nature of both formal and informal institutions is glossed over (Roy 2005: 148). Another dominant position takes a pessimistic view of slums as powerless entities. Davis (2006) entertains narratives of developing and uncontrollable megacities accompanied by depictions of insurmountable developmental challenges. Against this backdrop, and often opposed to it, is a focus on subaltern dynamics of agency, habitation and politics (Roy 2011: 224). Still, there is often an underlying current here that correlates ‘informality’ with exclusion, marginalisation

and a deficit of agency.⁷ At the same time, it is important to remember that planning narratives for future cities, which frame informality in derogatory terms, provide governments with strong arguments for their upheaval and removal (Brown *et al.* 2015). Besides, studies of urban governance in informal settlements have also concentrated on illegality and informality as negotiable categories, where political stability increases as state institutions become more tolerant (Scott 1998: 31). Nevertheless, it is recognised that those in marginalised socio-economic environments often have to continue to work and live ‘informally’ there (Obeng-Odoom 2011: 368). Old Fadama itself has been analysed as an arena of informal mechanisms that legitimise formal political institutions (Paller 2014), from the perspective of the development of institutions of global citizenship following NGO activities (Grant 2006), and to exemplify how negative discourses of ‘informality’ and ‘squatters’ both act to isolate the site from Ghanaian society, making questions of development intractable (Obeng-Odoom 2011; Afehan 2012). As eviction suggests a deficit of spatial justice, it is acknowledged that professed progressive legal frameworks towards informal settlements fail to integrate the urban poor into the broader fabric of cities (Strauss & Liebenberg 2014). The case of Old Fadama resonates with this insight, in that governments’ legalistic approach certainly reproduces spatial marginalisation (Lund 2014). However, we also draw attention to negative social consequences resulting not only from the *failure* of legal frameworks, but also from the relative *success* of legal decisions. Thus, injustice and marginalisation result from government departments successfully upholding judicial decisions that settlement is illegal, which in turn limits the flow of resources. The corollary is that urban marginalisation is not only based on the inability of governments to implement progressive law, but also on judicial decisions that aim to protect the legal title holders of the land. This dynamic means that grassroots governance emerges from a combination of productive and contested agendas involving a multitude of actors across spatial and institutional scales (Pieterse 2008; Myers 2011).

With our focus on local agency and non-statutory governance, we approach governance and public authority as the outcome of social and political relationships rather than something imposed from an abstract ‘above’ (Migdal *et al.* 1994; Stacey 2015). We show that different actors claim a variety of rights and services – to land, to building and settlement, to schooling for their children, to health services, to conflict resolution, and to security, to name but the most basic. This produces a range of ‘problematics of government’ (Rose & Miller 1992). When

institutions that deliver such services and exercise authority recognise these claims as valid, they entitle the claimants as ‘rights subjects’. Conversely, people who have rights recognised and services provided legitimise the authority – or governance capacity – of the institution in question, which in this case is the Old Fadama Development Association (OFADA). Thus, claims to rights are also invocations of political authority and the governing capacity of different institutions, and this reciprocal dynamic is central to the production of rights and authority (Sikor and Lund 2009; Lund 2011, 2014; Lund & Boone 2013; for a more elaborate discussion see Lund, [forthcoming](#)).

The formal eviction order prevents public investment and service provision in Old Fadama and statutory institutions are conspicuously absent. Therefore, reciprocal dynamics are not established between a singular coherent authority and a population, regarding the provision of services. Rather, different institutions – whether statutory or not – compete and collaborate to exercise authority, just as different claimants compete and cooperate to acquire rights. Thus, authority is not exercised by government as an extension of formal state law, but emerges through everyday negotiations of claims to services in return for obligations. At the same time, statutory institutions maintain relations to the settlement ranging from heavy-handed dawn raids that displace thousands to tacit recognition of the *de facto* local government organisation and the use of such organisations to undertake duties normally reserved for themselves.

In what follows we briefly describe the recent history of Old Fadama and the composition of OFADA. Then we analyse two different types of relationship of mutual recognition produced in the delivery of services and the exercise of public authority. We focus first on internal relations of recognition between the population of Old Fadama and OFADA resulting from efforts to improve security and justice, and to secure tenure rights. These dynamic relations produce elements of citizenship, on the one hand, and public authority on the other. Second, we focus on external relations of recognition between OFADA, the Accra Metropolitan Authority, and international operators such as NGOs that shape the tentative jurisdiction of OFADA.

A CONTEXT OF STALEMATE

Settlement in Old Fadama is traceable to Hausa and other migrants who established peri-urban villages around Accra from the late 19th century, although present-day narratives of settlement highlight Old Fadama as

practically uninhabited some 40 years ago and comprising bush, swamp, floodplain and lagoon with a rich diversity of natural resources (Acquah 1958). The first large wave of migrants is traceable to the late 1980s when members of ethnic groups from northern Ghana fled to the quietness of Old Fadama to escape conflict in the Northern Region and to seek better economic opportunities. Since then, sporadic urban decongestion purges in other parts of the city have driven people to the site. Nationally, the dearth of rural employment opportunities, cycles of economic contraction, an absence of a viable urban planning policy, and investor preference for high-end housing have all directed people of modest means to urban informal settlements. Push factors also include the withdrawal of state support for agricultural inputs as a consequence of structural adjustment programmes from the late 1980s and increasing commercialisation and commodification of agriculture and support of cash crops (Amanor 2001; Songsore 2009).

The economic life of Old Fadama is vibrant. The nearby agricultural market is a main *entrepôt* for a wide variety of seasonal produce from smallholder farms in the north of the country, and in turn serves as a breadbasket for Accra and beyond. The area is home to thousands of diverse small businesses and a hive of casual labour opportunities securing countless urban livelihoods. It is also a commercial and public transport hub that earns city authorities a range of levies, rates and taxes. A 2009 census of Old Fadama numbered the population at just over 79,000, with a large working-age percentage (People's Dialogue 2009). This is divided neatly between males and females, with 38% below 18 years, 76% aged 35 or below, and just 1% above 55 years of age. Ethnically, the largest group is Dagomba (49%), followed by Akan (15%) and Konkomba (12%). Some 16 other ethnic groups comprise the remaining quarter. About 70% originate from Ghana's northern regions and just 1% are non-Ghanaians, while nearly 90% consider Old Fadama their permanent home (People's Dialogue 2009). Since at least 2010, city authorities have tried unsuccessfully to cajole the sprawling agricultural market to a site some 35 km away in Adjen Kotoku, outside the city limits, in the hope of diverting its occupation by seasonal migrants and reducing the considerable traffic congestion generated in the proximity of arterial roads (Afenah 2012).

Legally, however, Old Fadama appears condemned. An eviction notice served in 2002 by the Accra Metropolitan Authority followed approval of an internationally funded, large-scale environmental clean-up of the Korle Lagoon, which borders the settlement.⁸ To date however, all substantial efforts at restoring the lagoon have been impeded by a

mix of contractual disputes, litigation, politicisation and the encroachment of the settlement onto lagoon banks. Meanwhile, the steady increase in population over the years has meant that effective large-scale eviction looks less and less likely. The workings of government appear suspended, with a marked absence of statutory institutions such as government schools, health clinics, post office and public infrastructure. Since the eviction order, public gestures and political discourse have included demands to enforce the eviction order; promises by political parties to upgrade the site in return for electoral support; plans for a partial relocation and clearance; partial upgrading; and the scheme mentioned above for an entire relocation of the agricultural market. The most recent ideas propose government support for low-cost housing financed through micro-loans to residents. While there is a distinct want of concrete action from governments, city authorities undertake the occasional, sudden and heavy-handed bulldozing operations along border zones to clear waterways and reduce filth. Such actions give residents unexpected and vivid reminders of their squatter status, and add to the permanent sense of uncertainty.⁹

Politically therefore, Old Fadama is in limbo. Since 2002, successive governments have had to realise that clearing the site entirely is not an option: economic viability, social desirability and political feasibility all rule out its removal. In the meantime Old Fadama has developed steadily.¹⁰ The need to reduce the risk of fire and flooding, however, gives the municipality good reason to exercise force to contain the settlement while other forces work for the *de facto* suspension of the eviction order. The 2009 census, for example, coincided with large-scale demonstrations against eviction, an increased organisational capacity of residents, the formation of local NGOs, and international support gained from global movements taking up the cause of Millennium Development Goals.

Legal pluralism is a central feature of land relations in Ghana, and in Old Fadama this is immediately evident. Overlapping claims involve statutory, non-statutory and traditional institutions with political and historical dimensions (Grant 2006). In the colonial period disagreements developed between traditional claims to the area by the Ga ethnic group, who consider the area as sacred, and the colonial government, which earmarked the area for urban infrastructural development and modernisation. The divide between customary and secular government institutions persisted in the independence period, when Kwame Nkrumah's Convention Peoples Party (CPP) acquired control over Old Fadama and reclaimed low-lying areas for manufacturing and

light-industrial purposes from 1961. This meant the dismissal of Ga claims to the area. The third period of contention commenced in the early 1990s, with increased settlement in the area and urban migration following ethnic unrest in the north of the country.

DYNAMICS OF RECOGNITION BETWEEN OFADA AND THE OLD
FADAMA POPULATION

OFADA organisation and membership

Several organisations have emerged over the years to facilitate a level of basic services to the population. Among these are People's Dialogue on Human Settlements (PD), whose principal aim is to develop relations between residents in informal settlements and government. To this end, People's Dialogue aided the formation of a national organisation, the so-called Ghana Federation of Urban Poor (GHAFUP), as well as OFADA in 2004. OFADA comprises a loose configuration of community leaders and acts as an umbrella body, with some 16 members from the different ethnic and religious communities that reside in Old Fadama. To avoid larger ethnic groups dominating the organisation, membership is not based on election. Instead, each ethnic group has a right to representation regardless of size, and many OFADA members are chiefs or sub-chiefs of their respective communities. Several OFADA members also combine developing the organisation with the pursuit of individual ambitions – party-political, traditional or NGO-related. Presently, all members are from northern Ghana, male, numerate, literate and aged between about 30 and 50. According to OFADA, an ideal member should take an active interest in and have a proven ability to solve community problems; have resided in Old Fadama for a 'long time'; and be locally known and popular. Despite the outward portrayal of ethnic and party-political neutrality, however, some community leaders complain that OFADA is dominated by the Dagomba and is unwilling to incorporate Konkomba chiefs. This suggests that long-established institutions of differentiated citizenship along native-settler lines, evident in the northern region, are reproduced in Ghanaian urban settlements. It is also alleged that OFADA is closely aligned to the incumbent National Democratic Congress (NDC) and, in its ethnic-traditional dimension, to the Andani lineage of the Dagomba. Circumstantially, these claims find support when one looks at the current composition of OFADA and the affiliations and local political influence of some of its members (Paller 2015). However, the

allegations are vehemently denied by OFADA members themselves, and local opinions about OFADA recorded for this study portray widespread backing. Outwardly at least, the organisation promotes the ideal of inclusiveness and independence from ethnic and political alignments.¹¹

OFADA members are assigned positions such as task force leader, financial officer, administrative officer, waste manager or public relations officer by an executive committee. Ordinary members elect eight executives who in turn elect a chairman. OFADA meets at least fortnightly in a well-kept, one-room office in Old Fadama paid for by donations.

Public tasks and the provision of services

In between normal daily business, OFADA members monitor numerous aspects of community life. They look out for new constructions that block pathways; they call on emergent businesses; they ensure broader access roads are kept clear of containers and vehicles; they caution young people riding motorbikes carelessly; if they spot leaky pipes they contact volunteer plumbers; they identify fire hazards and endeavour to 'keep the rubbish moving' to minimise problems with vermin; they look in on recurring domestic disputes and shoo children to school; they follow up on complaints of theft and damage to property, and pursue disagreements over rental payments; they give newcomers advice on building; after heavy rain they inspect low-lying areas for flooding; they rally communal labour to clear blocked waterways and ensure unsafe buildings are demolished after outbreaks of fire; they also organise the collection of contributions to cover medical bills, funeral expenses and support to families when a deceased person must be returned to what is often a remote northern village; and in some instances they cover bail money when it cannot be raised by relatives.

In exchange for these services OFADA enjoys the recognition of residents in numerous reciprocal ways. This shapes the social contract. People show their approval and support by following the rules and guidance issuing from OFADA. A part of this is an underlying, widely held attitude that the absence of services from statutory government compels people to make an active and conscious effort beyond their own doorsteps, thus upholding common standards to make life bearable in Old Fadama. The social contract is similarly asserted when OFADA communicates its successes to communities through its members and Public Relations Officer. In January 2015, for example, OFADA announced that its constant proposals to government to improve

services was paying off. The constituency MP agreed to forward a quantity of electricity poles, which, together with a transformer and electricity meters (gleaned from good relations with an electricity company) were welcomed by residents. Their instalment reduced fire risk and improved residents' sense of security. In their perception, city authorities had acknowledged their right of residence – although recent demolition exercises demonstrate that such incremental improvements and their security of residency remain precarious. Recent proposals sent to city authorities by OFADA include plans for gutter systems, a health clinic and schools. In this way, OFADA derives local legitimacy from demonstrating its ability to acquire resources from outside institutions to solve community-wide challenges. Moreover, local interpretations of OFADA's claims of success feed into popular understandings of development. A noteworthy example is the claim that OFADA and People's Dialogue are central to the stalling of the eviction order, and that large-scale eviction now looks unlikely. This claim is based on the census of the settlement, which apparently prompted government realisation that large-scale relocation or eviction was not possible (Farouk & Owusu 2012). Nevertheless, the most recent demolition of settlements in border areas during June and September 2015 exemplifies the Accra Metropolitan Authority's use of such clearances to affirm and re-establish control over land-related development.

Waste management

The issue of waste management highlights how government's legalistic approach diminishes the quality of everyday life and leads inadvertently to the transferral of ordinary tasks of government to non-statutory institutions. Here, 'waste' symbolises the (in)ability of different institutions to govern. City authorities refuse to organise waste collection and persistently rebuff OFADA pressure to do so by citing the settlement's illegal status. Thus, drainage, sewerage and household waste collection depend on improvisations by individuals, neighbours and communities, or *ad hoc* private-sector or NGO support. However, these endeavours cannot tackle broader management and planning imperatives related to infrastructure, community health and safety. Although OFADA stands out as the key umbrella organiser of public services, there are countless other, smaller, enterprises and institutions. The most ubiquitous of these is a loose network of several hundred public shower and toilet facilities, which are crammed between stalls, shacks and rooms all over the settlement. Together with OFADA, these businesses

attempt to find common solutions to the perennial challenges of drainage, flooding and sanitation. To this end, micro loans from the NGO Slum Dwellers International have financed public toilet blocks and bath-houses (Gillespie 2013). Meanwhile, OFADA has purchased bins from the Accra Metropolitan Authority for distribution to shower businesses, toilets and food stalls, in order to encourage the phasing out of plastic and rubber bins, thus curbing fire risk. OFADA also contracts local smiths to produce suitable metal bins and negotiates delivery of large metal containers that are placed in earmarked locations for regular collection by private companies.

Occasionally the Accra Metropolitan Authority provides local businesses with waste bins when they register with the authority, but this mark of recognition has not led to systematic waste collection. The suspension of waste management by the city authorities has created space for non-statutory actors to organise and gain local legitimacy as they provide residents with much-needed services, while government suffers in the popular view as it has failed to ensure a basic level of public health. Despite OFADA's efforts, the lack of regular, organised collection means that household waste is either dumped on the banks of the lagoon or alongside artery roads, or burnt. Latrines run directly into the lagoon and pose constant health risks.¹² In Accra in 2014 the accumulation of waste, poor sanitation and seasonal flooding (compounded by a strike by contractors) contributed to what became Ghana's worst cholera epidemic for 30 years. Nationally there were over 17,000 confirmed and suspected cases, and about 130 deaths.¹³ Cholera did not affect Old Fadama directly but city authorities were overstretched and OFADA organised communal labour to clear open drains and channels. As one young resident explained:

Whenever this environment is dirty, we come out and do community cleaning. We clean the whole place, so we make sure that cholera and other germs do not destroy our lives. ... The chairman [of OFADA] will give a 'dong dong' and go around and announce, this particular day, we need to clean our environment. If we don't come to clean, and he sees it, he will say come and clean and stop working.¹⁴

The suspension of statutory governance affords a role to OFADA as a key actor in the management of waste and establishes the organisation as a public authority associated with residents through a social contract. In turn, the ability to organise communal labour facilitates political relations and a degree of recognition between OFADA and the city authorities. In this way OFADA develops a capacity to solve serious

developmental challenges. Meanwhile, the Accra Metropolitan Authority, as the actor with the formal mandate to perform such tasks, is held to account as the cause of public health threats – since it fails to tackle root causes. This means that relations between OFADA and city authority are tenuous and sometimes competitive, as the former undertakes tasks that the legalistic approach of the latter prevents it from performing.

Regulation of building and construction

There are numerous small-scale, jack-of-all-trades building contractors in Old Fadama. Typically, they construct one- or two-storey concrete houses with tin roofs. Projects may take several years to complete or remain unfinished. Again, OFADA has assumed the task of implementing a basic set of rules to reduce the risks of fire or flooding, and to increase safety. There is a great risk of fire in Old Fadama and every year there are several outbreaks that destroy dozens of households. The configuration of high population density, lack of access roads, the predominance of wooden shacks built back-to-back, the use of open kerosene stoves or charcoal fires for cooking, the blocking of narrow alleys, decrepit electrical wiring with overloaded meters exposed to weather and a lack of hydrants creates a high risk of any fire causing extensive damage (Owusu 2013). To reduce risk, OFADA strongly advises the use of concrete for flooring and cement blocks instead of wood for walls. Constructions on particularly low-lying areas are discouraged to avoid flooding, and houses that create bottlenecks in access roads are removed. To avoid subsidence, builders are advised to dig concrete foundations at least one metre deep, and buildings over two stories high are discouraged. In the case of a new building, OFADA enquires into the transferral or purchase of land, from whom it is rented, what permission has been sought, how many people are moving in, and the line of business of the new residents. If an existing building is sold, OFADA encourages the parties to have an OFADA member witness the deal to avoid cheating, multiple sales and subsequent disputes. At present OFADA does not document construction, occupation or local understandings of ownership. To implement its guidelines, OFADA undertakes systematic tours and divides Old Fadama into six zones that were first designed for the census. While patrolling the zones, members check up on whether advice given to house builders has been followed. If they come across an ‘irresponsible’ or ‘illegal’ building

they give notice for its removal and a red cross is marked on the door and walls. After a given period, the task force will raze the building themselves if necessary. If a fire has gutted an area, OFADA will often aim to oversee the marking out of new plots with stakes that follow the external walls of the destroyed houses. OFADA strives to regulate the process of rebuilding and to prevent internal encroachment and opportunism, and it will facilitate the transferral of plots in the event of previous occupants not being able to afford rebuilding. The efforts of OFADA to plan, organise and manage property development in Old Fadama are not always successful and there are countless instances where the guidelines are opposed and their authority not respected. Still, the role OFADA plays as makeshift surveyor, construction engineer and urban planner – together with its efforts to reduce the risk of fire and flooding, regulate construction and demarcate access roads – have all meant that areas of Old Fadama are now safer than before. Consequently, non-statutory governance of Old Fadama has shaped its physical landscape and is experienced positively, with some areas resembling ‘planned development’. Concrete buildings in straight lines phase out wooden shacks; pathways enjoy street lighting; and designated alleys are widened. In turn, the developments earn the tacit approval of city authorities because security, safety and access for emergency services improve.

Policing

OFADA’s role as facilitator of local development is inseparable from its provision of security and policing, including effective sanctions against undesirable behaviour. The regulation of social behaviour by customary leaders in specific ethnic groups is replicated in their role as task force members under the broader framework of OFADA. In this way the delivery of policing as a basic service by OFADA builds on and adds legitimacy to already existing relations of consensus and representation within communities. Mutual recognition between ethnic and traditional leaders, on the one hand, and OFADA, as a secular organisation, on the other thus produces public authority that projects both ‘modern’ and ‘traditional’ images. In turn, the relatively effective policing strategy shapes localised notions of citizenship, belonging and compliance, legitimising social control within various rationales of authority. Typically, OFADA members take serious incidents such as gang fights, beatings, rape and domestic violence to traditional superiors; they, in turn, are likely to escort suspects to the nearby police officers, with whom they work closely. OFADA members can also call on the Task Force

Leader, who in turn can despatch a multi-ethnic force of up to 50 men, recruited at short notice via text messaging.

Although OFADA members are sometimes threatened and OFADA authority is sometimes contested, it is widely acknowledged that OFADA is a force for good, successful in curbing misdemeanours and establishing order.¹⁵ As one resident explained:

[W]e have established chiefs here. Most of the ethnic groups that are here, they have their chiefs, their leaders that lead them. [We] share agreements [about] how to develop Old Fadama, or about some challenges, how we sweep our roads, about sanitation, a lot of things. ... [O]ur leaders have to call all of us. They will make announcements, and all of us will gather, and then they will bring out some ideas [about] what are you going to do, and it will help us in this community, and we will all share ideas. And finally, they have to make sure that what we have discussed should be put into use, so that all of us can benefit from it. I think because of the leaders that we now have in Old Fadama it is very hard to see somebody just misbehaving. ... [It] may be 30 minutes [until] I will be called to the chief's palace [where] I will be disciplined. ... We are living together and we know each other very well. ... We have all agreed to it – that we have to have elders, and because of these elders, whenever the government or the Accra Metropolitan Authority wants to come and do something here, they too [communicate] the message to our elders that they are coming to do something. So because of this I think the leaders are playing an important role in this community.¹⁶

Clearly, social behaviour in Old Fadama is shaped by a variety of non-statutory ethnic and customary institutions, and moral codes of individual behaviour. These not only define common rules about what is socially acceptable, but also contribute to solving community-wide developmental issues. In this way, the social and political subjectivities of individuals and groups are beholden to non-statutory authorities.

Revenue collection

Since neither central government, the Accra metropolitan authorities nor political parties provide economic backing, OFADA is dependent on donations from diverse actors and also generates revenue directly from the population to finance its operations. On occasion, it organises collections and the chairman estimates that 99% of its revenue is internally generated, although this cannot be confirmed. The delivery of services provides a telling argument when the association seeks to extract this support. OFADA collect 'taxes' from local businesses such as food vendors and operators of public toilets and showers in the area, and

receives contributions from powerful local notables. Still, OFADA members emphasise that all payment is voluntary, as they are unable to enforce it. Previously, they experienced limited success in establishing a flat-rate tax base, coming up against residents' variable willingness or inability to pay, and the impossibility of enforcement.

Non-statutory institutions of governance are thus established within Old Fadama. OFADA is not the only facilitator of development in the area and its powers and resources are limited. Still, its authority arises through the creation of inclusive relations of consensus with large segments of the population. A social contract has emerged based on OFADA providing what it can. In return, segments of the population pay taxes, abide by rules, and contribute intermittent communal labour duties. In this way, OFADA has emerged as a public authority exercising state practices, which, together with the fulfilment of modest obligations by residents, produces some social and political development. The resilience and persistence of the organisation depends on the implicit acceptance, by OFADA and residents alike, that the tasks and obligations performed should not fulfil particular individual or sectarian preferences but be directed towards a shared public good. Again, this does not go uncontested, but the process takes place in contrast to statutory government mired in a legalistic, hackneyed approach to the area. This limits government activities to containment and the exercise of brutish, coercive force, which reduces the local legitimacy of statutory institutions.

EXTERNAL DYNAMICS OF RECOGNITION

We have seen that People's Dialogue was central in the creation of OFADA and plays a key role today as mediator between residents, OFADA and the Accra Metropolitan Authority. The organisation's activities are traceable to 2002 when representatives from Shack/Slum Dwellers International (SDI) visited Old Fadama to counter the eviction proposed by the High Court order of the same year.¹⁷ According to People's Dialogue and Slum Dwellers International, their actions stalled and overturned the eviction after negotiations with city authorities as representatives of the area (Farouk & Owusu 2012). Still, it is important to realise that the considerable social, economic and political costs of large-scale eviction undoubtedly also contributed to government hesitancy.

At this time the NPP government opened itself to the possibility of relocating residents and agricultural market traders (Gillespie 2013: 210).

Vital to People's Dialogue's strategy was to undertake a census of the area using locals trained as enumerators. This was designed as a first step toward improving local economies, to assist in the relocation, and to ease community concerns.¹⁸ To this end, in 2003 the Ghana Federation of the Urban Poor (GHAFUP) was formed and initiated savings groups. Increasingly detailed censuses were carried out in 2004, 2006/7 and 2009, with government backing and People's Dialogue providing logistical support and experience from other countries. The population of 48,000 determined by the 2006/7 census increased to 79,000 in the 2009 census.¹⁹ To push through plans for either relocation or eviction, successive governments had argued on the assumption of a much smaller and decidedly transient population. So, the new knowledge of the size and demographics of the settlement forced government to reconsider the plan of large-scale eviction (Farouk & Owusu 2012). Accordingly, People's Dialogue greatly improved the organisational capacity and level of awareness of OFADA. It brought international experience, awareness of human rights agendas and knowledge of international agreements to slum dwellers. This suggests elements of global citizenship as international institutions take up the plight of Africans and develop knowledge of rights and development, challenging and transcending obligations to government that rest on national identity (Grant 2006). Involvement by organisations like People's Dialogue and Shack/Slum Dwellers International helps to define Old Fadama as part of a global problem, and contributes to the global profile of these international NGOs as facilitators of urban development with a human face. At the same time, it is acknowledged that the production of such knowledge following the involvement of global institutions may not only be favourable to marginalised slum dwellers. Elsewhere, for example, the role of civil society organisations in urban development and the process of governmentality based on the resulting civic structures is accompanied by the exclusion, rather than the inclusion, of the urban poor (Roy 2009: 165–8).

Relations between OFADA, government and city authorities

The illegal status of the settlement and the changing priorities of successive governments and actors have meant relations between OFADA and statutory institutions of government have varied over the years. The NPP government of John Kufuour (2001–9) took an overall confrontational stance towards the area and pushed for the enforcement of the eviction

order. Old Fadama is situated in the constituency of Odododiodoo and has been an NDC stronghold since 2004. In 2009, the NDC won the seat again as well as the presidential elections. This quietened resident fears of imminent eviction. Nevertheless, the newly installed NDC mayor initially pushed for the ‘squatters’ to be evicted without redress to housing alternatives – a hostile position reinforced by some demolitions in June 2015. Other factors, however, have made widespread eviction look less likely. These include pre-election promises, the parliamentary and presidential election results, indecision and divisions within the Accra Metropolitan Authority, the impracticalities and unpopularity of moving the agricultural market, large-scale demonstrations against eviction in September 2009, media coverage, the presence of international NGOs and the results from the new census. In a broader perspective, even if large-scale demolition and eviction were carried out, neither of the two leading challenges Accra faces of city-wide shortage of affordable housing and a steady population growth of poor migrants would be solved (Konadu-Agyemang 2001). Meanwhile, the urban-planning idea initiated around 2010, that ‘if you move the market the people will follow’ – anticipating a wholesale relocation of the population to the sparsely populated peri-urban site of Adjen Kotoku (where market infrastructure has been built but stands idle) – has also stalled, presumably because of the complexity of the challenges related to large-scale relocation described above.²⁰ Moreover, the stalling of government plans demonstrates the preponderance of informalised power relations inside modern, formal, political institutions of the state (Blundo & Olivier de Sardan 2006). As elsewhere in Accra however, the Accra Metropolitan Authority has undertaken forced evictions from a number of other urban sites. The most recent was in 2014, when some 5,000 residents of the informal settlement of Mensah Guinea were given three days’ notice to leave before bulldozers moved in, following claims by the Accra Metropolitan Authority that the area posed a serious cholera risk.²¹ Occasionally, too, government has purged crowded urban areas of unlicensed marketers. In September 2014, for example, the Ministry of Trade and Industry issued a 30-day ultimatum to all non-Ghanaian market traders to vacate 35 Accra markets or face prosecution. This was part of a national campaign, following pressure from the Ghana Union of Traders Association (GUTA) to protect domestic markets.²² Such actions show that under certain circumstances crisis and political imperatives provide governments with reasons to evict large numbers of squatters forcefully. But such manoeuvres also contradict the liberal and more sympathetic gestures to informal

settlements that are evident in utterances by the same government in international urban development fora.

NGOs often claim that city authorities and government alike tacitly accept the persistence of Old Fadama because they have been brought to accept their obligations to a global human rights agenda and the Millennium Development Goals. In reality, however, this forbearance is enforced by the considerable political, economic and social challenges a total clearance of large sites would entail. This realisation fits ill with the claims of community-based organisations that their activities have forced government to recognise the civil, social and political rights of squatters in slum settlements. A senior planning officer at the Accra Metropolitan Authority, for example, explained the balance in the following way:

We will recognise them as residents of the city, but we will not recognise them as land owners. ... I don't know if anybody will recognise them as land owners, but their interest [is] as stakeholders [and] as residents of the city, and [with] the current houses they are building. ... I know in future that if we get adequate funding and if the project comes on stream ... we should be able to build different types of houses that can be accessed by low-income people so that everybody can be catered for, so there are many different packages and models for that area. ... [A]s for eviction, it's been out of the question for some time. The relocation is on board and after the relocation there will be fertilisation and upgrading of the area.²³

A convoluted relationship of recognition thus emerges between OFADA and statutory institutions of governance, in which interactions are open to multiple interpretations, claims and counter-claims as the question of outright eviction is replaced by strategic no-nonsense clearances alongside talk of upgrading. When asked if Old Fadama is covered by the social services department, for example, a senior manager answered that officially 'they were not supposed to go there' and in the past the mayor's office had warned the department not to deliver any services. Yet social services had 'forced their way in' to support the most needy (notably post-natal aid for single, young mothers). Other senior officials at the Accra Metropolitan Authority claimed they had heard of OFADA but did not know who they were and had no dealings with them; appreciated that OFADA and People's Dialogue organised and carried out tasks the Metropolitan authority itself undertook only with great difficulty; said that they liaised with 'influential individuals' from the settlement but not under the auspices of OFADA; or simply dismissed the status of any institutions based in Old Fadama on the basis of it being an 'illegal squatter camp'. Despite this array of responses, the position of People's Dialogue is that relationships between the

settlement and governments have definitely improved. As the executive director explained:

I can assure you it's the same Parliament of Ghana that has been very, very progressive, and in fact the most impressive and forward-looking response to the crisis of Old Fadama. In fact there was a parliamentary hazard [bill] in September 2008 [and] in that pamphlet you will realise that the Government of Ghana, the Parliament, had a whole loan that was contracted, and on that day the floor of parliament was full of [positive] discussions around Old Fadama and the Korle Lagoon.

Considerable uncertainty remains on the part of OFADA as to if, when and how the current, ambitious plans of government might be implemented.²⁴ Awkward and uncertain dynamics of recognition have developed. And while OFADA members invariably claim they have cordial and productive relations with the Accra Metropolitan Authority, the organisation does not figure in recent city policy documents.²⁵ Interactions shift from confrontation to begrudging acceptance, from improvised cooperation based on individual relations, to mutual accusations of institutional obduracy. Actors in both statutory and non-statutory institutions of government thus develop contrasting and contradictory stances towards each other. Overall, OFADA interprets interactions with government as a validation of their claims as a legitimate local authority and facilitator of local development.

Meanwhile, city officials try to stay within the law while also acknowledging the need to work with the local organisation. More powerful figures may exercise discretionary powers for the delivery of material support to OFADA to consolidate political backing. In turn, OFADA and People's Dialogue will claim that *ad hoc* gains are due to increasing respect for human rights, democratisation and their constant pressure. Authority and structures of governance will continue to arise not only from statute and common law, but also from everyday negotiations and interpretations of social and political interactions between more and less powerful institutions.

CONCLUSION

The case of Old Fadama shows how governance of a large-scale urban space is established as relationships between community-based organisations and residents rough out an enabling social contract between Old Fadama's citizens and its actual governing institutions. Simple monochrome images of informal settlements as arenas of decay – deprived

of authority, occupied by the losers of globalisation, and set adrift from wider power relations (Davis 2006) – must give way to more polychromatic ones. These areas are poor, but not ungoverned. Public revenue in the form of tax or labour, public services such as schools and health amenities, and public authority such as policing, building regulation, and recognition of property transfers, are evident in the area. But they have a sporadic, sometimes episodic, character. All the same, the local organisation, OFADA, has emerged as a significant political authority with which the population has established a social contract. Tax and labour are rendered for clearing the area at OFADA's behest, while a variety of services are provided in a not entirely aleatory way. The internal structure of the organisation ensures some form of representation along ethnic lines, with its vexing issues of accountability and representation. Yet, while some have voiced opposition, this seems to be directed against unjust proportions of influence rather than the principle as such. This does not mean that the social contract will endure or consolidate. Social and political life in Old Fadama operates under a range of pressures beyond the simple control of the residents and local institutions.

The relationships between city authorities and government, on one side, and community-based organisation exemplified by People's Dialogue and OFADA on the other, nuance our understanding of African states in urban areas. Old Fadama exemplifies a sharp contrast between locally produced institutions that enjoy the power to govern but do not have the legal backing to exercise authority, and statutory institutions that are assigned the formal authority to rule but do not have the power to do so. The governance field is thus not controlled exclusively by any of the actors. The apparent abandonment and relative absence of service provision by government does not proceed from simple 'state weakness', however, but rather from the zealously legalistic approach to the governance of the area adopted by successive governments. As it is not within the law to provide services to an area where the physical structures have been sentenced to demolition, government has painted itself into a corner. Yet different problematics of government remain and are identified through practice (Rose & Miller 1992). Hence, competition and cooperation between OFADA and the metropolitan authorities determine how governance proceeds. While OFADA claims effective jurisdiction over policing, property and building regulation, and provides some public services, they also appeal to the Accra Metropolitan Authority for recognition of their role – thus effectively recognising that the statutory body itself has an important role to play (Lund 2003). This recognition is reciprocated but in a less

ostentatious fashion. While the Accra Metropolitan Authority is legally prevented from operating and providing service in the settlement, a tacit understanding seems to have emerged whereby official guidelines and some resources can be funnelled from the metropolitan authorities to OFADA in order to let them perform a role in governance. The ambient and institutional aesthetics of Old Fadama leave much to be desired by the population and the various institutions. Yet, nonetheless, the dynamics of recognition of rights and authority in the area have produced contours of governance and ‘state’ in the slum.

NOTES

1. ‘Slum’ refers to the generally poor standards of material and physical features in residential areas, or ‘the visual expressions of urban poverty’ (UN-HABITAT, here from Obeng-Odoom 2011: 358). In contrast, ‘informal settlement’ means ‘areas where groups of housing units have been constructed on land that the occupants have no legal claim to, or occupy illegally’ (United Nations 1997). Thus, slum areas need not be illegal or informal although it is common for the terms to be used interchangeably.

2. The Millennium Development Goals: <www.unmillenniumproject.org/goals/gti.html>, accessed 2.8.2015.

3. See Owusu *et al.* (2008: 183). African urban growth is disputed by Potts (2009, 2012).

4. Based on access to sanitation, water, population density, housing quality and security of tenure (UN-Habitat 2011). The e-waste dumping ground at neighbouring Agbogbloshie was described as earth’s ‘highest toxic risk to human life’ in 2013 by *The Blacksmith Institute/Green Cross*. <<http://www.bbc.com/news/science-environment-24994209>> accessed 2.8.2015.

5. Fieldwork for this article overlapped with data collection for two other articles by Paul Stacey (in progress). Thus, the three articles together share contextual, background and conceptual material but pursue different research questions.

6. Evident for example in Davis (2006), Grant (2006), Mohanty (2006), Arimah (2010), UN-Habitat (2010) and Shabane *et al.* (2011). Gilbert (2007) and Owusu *et al.* (2008) criticise the conceptualising of such areas as socio-politically homogeneous.

7. For example Hart (1973), De Soto (2000), Davis (2006). Here from Roy (2011: 233).

8. See Grant (2006: 2); Korle Lagoon Ecological Restoration Project (KLERP). ‘Sodom and Gomorrah To Be Destroyed’, <<http://www.ghanaweb.com/GhanaHomePage/NewsArchive/photo.day.php?ID=32026>>, accessed 2.8.2015.

9. The latest bulldozing displaced thousands. The exercise followed disastrous flooding and fire that claimed over 150 lives in Accra on 3.6.2015.

10. An eviction would also contradict the pledge of government to fulfil the MDGs, and announcements made at the World Urban Forums in Barcelona (2004) and Vancouver (2006).

11. A previous OFADA member is now an MP for the NDC, the present OFADA chairman is also the NDC constituency secretary, and OFADA’s current public relations officer plans to contest a northern constituency for the NDC in the 2016 elections.

12. Since at least February 2014, the AMA has contravened court directives that followed Environmental Protection Agency demands by dumping thousands of tons of untreated human waste at the nearby Korle Gonna, a site (un)affectionately known as Lavender Hill. *Daily Graphic*, ‘AMA running foul of the law?’, 23.4.2015.

13. Press release. US Embassy, 21.9.2015, <http://ghana.usembassy.gov/pr_092114.html>, accessed 2.8.2015.

14. Interview, youth, Old Fadama, 21.7.2014.

15. However, Old Fadama is generally considered as unsafe after dusk.

16. Interview, teacher, Old Fadama, 10.8.2014.

17. Shack/Slum Dwellers International (SDI) works in 30 countries.

18. GHAFUP has since developed a national network of community savings groups (Gillespie 2013: 210).
19. The increase suggests a present population of about 100,000.
20. The results of the 2009 census undermined key assumptions of the relocation plan. See People's Dialogue (2009).
21. *The Guardian*, 20.10.2014. 'Accra slum dwellers suspect cholera demolitions are a pretext for profit', <<http://www.theguardian.com/global-development/2014/oct/20/accra-cholera-ghana-mensah-guinea-slums-demolished-commercial-profit>>, accessed 2.8.2015.
22. Nationally there were several large-scale forced evictions between 2003 and 2006. See Afenah (2012: 531).
23. Interview, senior planning officer, AMA, 30.7.2014.
24. Current government plans are contained in UN-HABITAT (2011) and Government of Ghana (2012).
25. For example, see UN-HABITAT (2011).

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