

FEBRUARY 2012

# Final Report: Improving Land Sector Governance in Ghana

---

Implementation of the Land Governance  
Assessment Framework

Dr. John Tiah Bugri  
Department of Land Economy  
College of Architecture and Planning  
Kwame Nkrumah University of Science and Technology, Kumasi  
Email: [jtbugri@yahoo.com](mailto:jtbugri@yahoo.com)  
Tel: +233244015616

## Contents

1	Executive Summary.....	4
1.1	Background .....	4
1.2	Land governance context .....	4
1.3	Key findings .....	7
1.4	Policy recommendations .....	9
1.5	Conclusion.....	11
2	Process for implementation of the LGAF.....	12
2.1	General description of process .....	12
2.2	Expert work .....	12
2.3	Panels .....	13
2.4	Survey or Sampling.....	14
2.5	Coordination.....	14
2.5.1	PANEL 1- LAND TENURE .....	15
2.5.2	PANEL 2- URBAN LAND USE, PLANNING AND DEVELOPMENT .....	16
2.5.3	PANEL 3- RURAL LAND USE AND LAND POLICY .....	16
2.5.4	PANEL 4- LAND VALUATION AND TAXATION .....	17
2.5.5	PANEL 5- PUBLIC LAND MANAGEMENT .....	17
2.5.6	PANEL 6- PUBLIC PROVISION OF LAND INFORMATION .....	18
2.5.7	PANEL 7- DISPUTES RESOLUTION.....	18
2.5.8	PANEL 8- LARGE SCALE ACQUISITION OF LAND RIGHTS .....	19
2.6	Assessment .....	19
3	Background data and information .....	21
3.1	General data and information.....	21
3.2	Land Issues .....	24

4	Land Governance Assessment.....	44
4.1	Legal and institutional framework: .....	44
4.2	Land use planning, management and taxation .....	51
4.3	Management of public land.....	59
4.4	Public provision of land information .....	62
4.5	Dispute resolution and conflict management: .....	69
5	Policy Analysis and Policy Recommendations .....	72
6	Conclusions .....	89
7	Annexes .....	91
7.1	LGAF Dimensions ordered by Thematic Areas.....	91
7.2	Definitions.....	99
7.3	AIDE MEMOIRES REPORT .....	106

# 1 Executive Summary

## 1.1 Background

Ghana is basically an agrarian economy with a total land mass of about 238,540 sq. km and an estimated population of 24million people. Agriculture contributes about 36% of Gross Domestic Product (GDP) and is the main source of livelihood for most Ghanaians, especially in the rural areas. To many Ghanaians, land is also of critical social, cultural and religious significance. It is widely regarded as a deity and a heritage won for the living by their ancestors in the various ethnic communities. The country is estimated to have about 24 million hectares of land, 57% of which are assessed to be suitable for agriculture with an estimated 54% of these agricultural lands under cultivation as of 2009 (Ahwoi, 2010). If these estimates are correct, only about 3% unused agricultural land exists that could be used for large scale agricultural investments. Yet, Ghana has attracted considerable attention from both multinationals and local companies in the area of agricultural investments. Over 20 companies from countries like Brazil, Italy, Norway, Israel, China, Germany, The Netherlands, Belgium and India are in Ghana currently developing investments, mainly for the cultivation of jatropha, on vast acres of lands in the Volta, Brong Ahafo, Ashanti, Eastern and Northern Regions of Ghana.

The centrality of land to national development efforts in Ghana cannot be overemphasized. Land as a resource, has the potential to play a primary role in indicators such as poverty reduction, environmental management, social reconstruction, enhancing economic opportunities for women, promoting conflict resolution, strengthening governance and driving agricultural modernization. The *land question* therefore critically examines the available land resources, the systems of evolved land governance for the sustainable use and management of these land resources and the role of the state in the use of policy instruments to regulate these traditional land governance systems in the national interest. This needs to be done in the context of changing social, economic and environmental conditions in the country. The realization of the potential of land in national development is however intricately linked to the nature of land governance practiced. The governance of land has an important bearing on the democratic process as a whole. It is the land governance context in Ghana that is next considered.

## 1.2 Land governance context

Land governance comprises the rules, processes and organizations through which decisions are made about access to land and its use, the manner in which these decisions are implemented and the ways that competing interests in land are managed. In Ghana, this takes place within a state of legal pluralism. Basically, two types of land exist in the country. These are customary and public lands (Ministry of Lands and Forestry, 1999; Kasanga and Kotei, 2001; and Ministry of Justice, 2003).

The customary land sector holds about 80% of the land area and operates under diverse tenure systems (Kasanga, 1988). In broad terms, however, tenure systems in the three northern regions:

Northern, Upper East and Upper West Regions differ considerably from of the rest of the country. These regions have similar ethnic, cultural and ecological conditions as to occupy a tenure niche in which land inheritance is predominantly patrilineal. Here, a mixture of chiefs and tendamba (earth-priests), depending on the locality, occupy the apex of the tenure group to exercise land governance responsibilities in a fiduciary capacity (Bugri, 2007). On the other hand, in the other regions of the country, popularly referred to as the South, the dominant land inheritance pattern is matrilineal; and mainly chiefs are at the apex of the tenure group exercising their fiduciary responsibilities in respect of land. In a few areas in this part of the country, for example, the Ga in the Greater Accra Region and Ewe of the Volta; patrilineal land inheritance exists and in the specific case of the Ewe, family heads occupy the apex of the tenure group (see Asante-Ansong, 1978; Kom, 1979; Asante, 1975). The level of urbanization between the northern and southern parts of Ghana also accounts for differences in tenure practices in which the less urbanized north has a predominance of traditional land tenure practices which discourage the sale of land. On the other hand, the more urbanized south has land tenure practices which largely regard land as a saleable commodity. The implication of this difference is that many more land owners and users in the south than in the north patronize state mechanisms such as titling and registration of land to improve on their tenure security.

Confrontation between the customary and state land governance institutions has in the past not augured well for good land governance practices in the country. An important cause of the failure in land tenure reform in Ghana has been a lack of understanding of the complexity of customary tenure systems resulting an over-simplified approach of making radical attempts at supplanting these tenure systems with western forms of tenure. However, since 1999 when a national land policy was formulated as a means of improving land governance, a new spirit of cooperation rather than confrontation and recognition of customary land rights has resulted.

The aim of the national land policy is to ensure *“the judicious use of the nation’s land and all its natural resources by all sections of the Ghanaian society in support of various socio-economic activities undertaken in accordance with sustainable resource management principles and in maintaining viable ecosystems”*.

The specific objectives of the national land policy are to:

- Ensure that Ghana’s international boundaries are maintained at all times and cross border activities are managed jointly.
- Ensure that shared water bodies are utilized to the mutual benefit of all stakeholder countries.
- Ensure that every socio-economic activity is consistent with sound land use through sustainable land use planning in the long-term national interest.
- Facilitate equitable access to and security of tenure of land based on registered land.
- Protect the rights of land owners and their descendants from becoming landless or tenants on their own lands.

- Ensure the payment, within reasonable time, of fair adequate compensation for land acquired by government from stool, skin or traditional council, clan, family and individuals.
- Instill order and discipline into the land market to curb the incidence of land encroachment, unapproved development schemes, multiple or illegal sales, land speculation and other forms of land racketeering.
- Minimize and eliminate where possible, the sources of protracted land boundary disputes, conflicts and litigations in order to bring their associated economic costs and social-political upheavals under control.
- Create and maintain effective institutional capacity and capability of the national, regional, district and, where appropriate community levels for land service delivery.
- Promote community participation and public awareness at all levels in sustainable land management and development practices to ensure the highest and best use of land and thereby guarantee optimum returns on land.
- Promote research into all aspects of land ownership, tenure and the operations of the land market and the land development process.
- Ensure continuous education of the general public on land matters.

In pursuing the above objectives, a key guiding principle of the national land policy is the enhancement of security of tenure and protection of land rights. Thus, from 2003 to 2011 Ghana assisted by her development partners, implemented phase 1 of the Land Administration Project (LAP-1) intended as a vehicle for the attainment of the objectives of the national land policy. This comprised four component areas as follows:

*Component 1: Harmonizing Land Policy and Regulatory Framework for Sustainable Land Administration.* The focus of this was on:

- Revision of policies, laws and regulations for effective and efficient land administration;
- Strengthening of civil courts to expedite resolution of land cases and developing alternative land dispute resolution mechanisms;
- Inventory of all acquired state lands and determination of outstanding compensation;
- Policy studies on land tenure registration to formulate government policy on what rights will be registered on land titles, divestiture of vested lands, finance and fees structure of land administration to inform government policies on fees and taxes on registration of land transactions, gender study and analysis, and assessment of current land administration services provided by customary land authorities; and
- Land policy development process

*Component 2: Institutional Reform and Development,* which dealt with:

- Restructuring of public sector land agencies;
- Decentralising and strengthening land administration services;

- Strengthening customary land administration;
- Strengthening private land sector institutions; and
- Strengthening land administration and management training and research institutions

*Component 3: Improving Land Titling, Registration, Valuation and Information Systems*, under which the following activities were pursued:

- Developing cadastre and land information systems;
- Establishing model land titling and registration offices;
- Improving deed and title registration;
- Land use planning and management;
- Establishing land valuation data base;
- Piloting demarcation and registration of allodial land boundaries; and
- Piloting systematic land titling and registration

*Component 4: Project Management, Monitoring and Evaluation* that focused on coordination and management, human resources development, communication strategy; and monitoring and evaluation and impact assessment.

However, it has been observed that the interplay of customary systems and institutions for land tenure, the legal plural environment and the multiplicity of institutions for land administration in Ghana provided challenges for administration reform under phase 1 of LAP ( Larbi, 2006), leading to modest achievements and the need for a second phase of LAP to build on the achievements of LAP-1.

### **1.3 Key findings**

*Legal and institutional framework:*

- (a) The legal and institutional reform process does not reflect the norms, values and traditions of the various ethnic groups in the country.
- (b) Customary Land Secretariats (CLS) lack legal framework needed to function as decentralized land governance structures performing important land functions.
- (c) Land functions of Ministerial, Department and Agency levels overlap and need streamlining. District Assemblies and Town and Country Planning Departments still have “an autonomy safeguarding mentality” of their functions which does not contribute to harmonious articulation of land governance roles.
- (d) Land speculation produces land scarcity in the case of many peri-urban fringes as agricultural lands are taken and left undeveloped for enhanced market values to be reaped by speculators over time.

*Public land management:*

- (a) Most interests in land are not registered and therefore are kept unknown. Leasehold is the only interest commonly registered as a deed or title. In practice, difficulties exist in the registration of the other interests in land. CLS started recording of some, especially the usufructuary interests and customary tenancies (as part of the tasks of Component 2 of LAP 1). These customary land secretariats serve as local sources of records of people's claims to land but may not necessarily follow formal legal processes of deeds or title registration.
- (b) High public perception of land institutions as corrupt.
- (c) Arbitrariness in the application of the rate impost in rating valuation by district assemblies leading to unfairness in rateable values. The district assemblies have little incentives to improve valuation methods and increase land tax collection.
- (d) Compulsory land acquisition and vesting of land have negative effects on livelihoods of indigenes.
- (e) The phenomenon of land guards is a hindrance to good public land management.

*Land use planning, management, and taxation:*

- (a) The planning system in Ghana is weak and as a result, urbanization processes create a series of problems such as uncontrolled growth of urban areas in the nature of urban sprawls. The planning system has been unable to cope with the uncontrolled urbanization process. This compromises the future sustainability of cities and their relationship with the rural areas.
- (b) In the capital city, as a result of the need of a better use of space, condominiums are being put in place spontaneously without any policy or legal guideline thus creating potential conflicts.
- (c) Revenues obtained from land-related services for vesting /devesting lands are distributed according a formula constitutionally established. Office of the Administrator of Stool Lands (OASL) retains 10% to itself for administrative services rendered; and of the remainder treated as 100% gives the District Assemblies (55%); the Stool/Skin (25%) and the Traditional Council (20%). This is inconvenient because the revenue application is unfair, and there is lack of accountability and transparency.

*Dispute resolution:*

- (a) Boundary delimitation of communal lands has been initiated at pilot project level and important experience has been accumulated. Completing boundary delimitation is necessary to reduce conflicts.
- (b) Courts are overwhelmed with numerous cases and under-resourced to equal the challenge of justice delivery in a timely manner.

*Public provision of land information:*

- (a) Large sections of the population do not participate in land administration services (either as providers and users of information) due the large illiterate rate.
- (b) Access to information on land dependant on status and recognition rather than being a public service to be delivered.

*Large scale land acquisition:*

- (a) There is need for comprehensive and clear guidelines and standards for investors to follow in large scale land acquisitions as often land deals with transnationals are conducted with chiefs as representatives of their communities but who only seek personal gains in the process of deals negotiation. This often leads to displacement of families from their lands and thereby sources of livelihoods.
- (b) Attractive corporate social responsibility packages of investor groups are promised communities, but these are often not delivered.
- (c) Environmental, social and economic impact assessments of large scale land acquisitions for investments are often not carried out and even where they are, monitoring and evaluation procedures and practices are inconsistent and ineffective in application.

## **1.4 Policy recommendations**

Based on the above findings the following policy recommendations were agreed on at a policy dialogue meeting between the LGAF team and key policy makers in the land sector in Ghana.

*Legal and institutional framework:*

- (a) Forthcoming Land Act to envisage harmonization of land laws including revisions and proposed solutions to overlapping functions of Office of the Administrator of Stool Lands and Lands Commission.
- (b) Legal basis for Customary Land Secretariats (CLS) enshrined in forthcoming Lands Act and a gradual scaling up of CLS from current 37 to 50.
- (c) Tailor made capacity development of CLS required; informed by ongoing evaluation of 19 CLS and oversight responsibility of CLS clarified in the forthcoming Land Act.
- (d) LAP-2 to provide for a review of fee structure land sector agencies *services*

*Public land management:*

- (a) Retry piloting of customary usufruct recordation in collaboration with engaged traditional authorities (via OASL) in at least two (2) pilot areas.
- (b) Educate district assemblies on benefits of enhanced property rates collection as that is factored into the common fund sharing formula for monies released from central government to local authorities for administration.

- (c) Develop a human resource development plan to address overall human resources strategy of Lands Commission (availability, skills, competence, and attitude; productivity and client responsiveness) for implementation.
- (d) LAP-2 to continue and complete inventory of public land.
- (e) LAP-2 to analyse and address challenges for women's' land rights related to inheritance and ensure passage of spousal rights to property bill.
- (f) LAP 2 to promote women's land rights' registration and build on the success of some 30% titles/ deeds in name of women under LAP 1, for example, by facilitating CLS to engage in sensitization activities.
- (g) Policy frameworks for compulsory acquisition, vesting and divesting as well as land guards developed.
- (h) More collaboration in the nature of regular periodic meetings between officials of the Lands Commission and LAP-2.

*Land use planning, management, and taxation:*

- (a) Town and country planning authority to be established to guide strategic planning and mechanisms of implementation by district assemblies, as part of the forthcoming Land Use Planning Act.
- (b) Fast track Strategic planning for regions where investments are expanding fast (e.g. western region)
- (c) On existing unauthorised developments, develop regulations and publicise same for stakeholders to regularise their unauthorised developments.
- (d) Institute measures to increase capacity of the Town and Country Planning Department/ District Assemblies; for example, by training of more planners in the Kwame Nkrumah University of Science and Technology (KNUST) and recruitment. This will require significant level of resource their capacity development in skills and infrastructure provision.
- (e) Need for law on condominiums for the country for the economic utilisation of urban space.

*Dispute resolution:*

- (a) LAP 2 to support local level dispute resolution mechanisms in 10 traditional authority areas on a pilot basis, centered on effective CLS areas.
- (b) Evaluate results LAP-1 on the 10 customary boundary demarcation pilots and prepare proposal for LAP-2 and scale up to 30 pilot areas of customary boundary demarcation.

*Public provision of land information:*

- (a) Improve on the publicity to and enforcement of the code of ethics that guides the conduct of staff of the land sector agencies to serve as a deterrent to corrupt practices
- (b) Institution of a district, regional and national reward system for staff who show exemplary service with integrity.
- (c) Post at vantage points in all offices of the land sector agencies schedules of fees for all services rendered and encourage clients to report cases of rent seeking behaviour by staff of the land sector agencies.
- (d) Increased automation of services and reduced staff-client interaction to the barest minimum.

*Large scale land acquisition:*

- (a) The Lands Commission in consultation with traditional authorities to as a matter of urgency draft rules and regulations for large scale land acquisitions for agricultural and other investments, with emphasis on pre-contract negotiation agreements and publicised same.
- (b) The Civil Society Coalition on Land (CICOL), the District Assemblies and Customary Land Secretariats should undertake periodic public education and sensitization of communities on their land rights and how these can be protected.
- (c) The Ghana Investment Promotion Centre (GIPC) and the Environmental Protection Agency (EPA) need collaborate more on imposing standards and conditions for compliance by investors that will take into account the societal needs of the communities where investments are situated and these must be monitored and implemented.

## **1.5 Conclusion**

The LGAF study has highlighted in the case of Ghana that, land policy decisions reflect societal choices and the balance of power. Given the diversity of interests, consensus building is vital to the effective implementation of land policy. This is particularly important given the dominance of traditional land governance in the country. Attempts by Ghana at improving land governance have achieved modest results under LAP-1. The above findings of LGAF however indicate that a lot remains to be done if Ghana is to become an example of best practice in land governance in Africa. It is in this regard that, a concerted effort at factoring the above policy recommendations in LAP-2, if executed and well monitored stands a strong chance of further improving land governance in the country. Both LAP-1 and LAP-2 are donor-funded projects towards improving land administration in the country. These projects are regarded as the main vehicles for the implementation of Ghana's land policy and there is therefore considerable Government support and commitment. Therefore, all stakeholders in the land sector need contribute their quota towards making LAP-2 a success.

## **2 Process for implementation of the LGAF**

### **2.1 General description of process**

The LGAF is a diagnostic tool that provides governments with an objective assessment of land governance in their countries. Its need is underscored by the fact that rapid changes in land use associated with economic development (or the lack of it), climate change, environmental degradation, urbanization, ever increasing demand for food and industrial raw materials and demographic changes have brought about an urgent need for good land governance. In many agrarian economies such as Ghana where land is fundamental to the survival of a vast majority of the people, the effects of weak or bad land governance will be particularly harmful. Ironically, weak or bad land governance is endemic in these countries, hence the relevance of LGAF to Ghana.

The overall process for the implementation of LGAF consisted of a series of inter-linked activities described as follows.

First, based on expression of interest by the Country Coordinator (CC) to execute the task a contract was executed for the purpose. In accordance with the terms of reference (TOR) of the contract, revision of a compilation of LGAF definitions to take account of country specific issues was undertaken to constitute the first deliverable of the assignment.

Secondly, a background country report was prepared to inform the LGAF process in the country along the specified thematic areas of: 1) land tenure; 2) land use planning and policy; 3) public land management and 4) land administration. In undertaking the preparation of the background report, expert investigators were hired to prepare reports on the above areas of their expertise, highlighting the country context of their thematic areas. LGAF as a diagnostic tool prepared indicators and dimensions for assessment. The activities of the CC in the preparation of the country background report included expert investigator role for land tenure and the review and synthesis and the reports of the other expert investigators for the compilation of the background report as second deliverable of the assignment.

Thirdly, the CC undertook the actual implementation of the LGAF process along the panel compositions suggested in the LGAF manual for implementation. Thus, eight (8) expert panel workshops were conducted from 22<sup>nd</sup> July to 5<sup>th</sup> August, 2011 in Ghana as part of the Land Governance Assessment Framework.

### **2.2 Expert work**

The tasks of expert investigators were assigned to four experts. The CC who holds a PhD in land tenure from the University of Greenwich; an MPhil in Land Economy from the University of Cambridge and a BSc in Land Economy from the Kwame Nkrumah University of Science and Technology, (KNUST) Kumasi and has considerable teaching experience in the Department of Land Economy, (KNUST) took the task of investigating land tenure issues in the country.

The land use planning expert investigator was Mr Prince Anokye and he holds an MPhil (Planning, Growth and Regeneration) from the University of Cambridge, a BSc (Planning) from KNUST and a Diploma (Land Management and Informal Settlement Regularisation) from IHS, Netherlands with several years of teaching experience in the Department of Planning, KN UST.

The third expert investigator tasked with investigating public land management issues was Wilfred Anim Odame; who holds a PhD (Real Estate Finance and Investment), an MSc (Property Investments) both from City University, London; a Postgraduate Dip (Urban Management) from IHS, Netherlands and a BSc (Land Economy) from KNUST and has several years of working experience with the Lands Commission which is the body charged with public land management in Ghana.

Finally, the land administration expert was Isaac Karikari with a PhD (Geo-Information Systems) and an MSc (Geo-Information Systems) both from University of Leeds and BSc (Land Economy) and Diploma (Estate Management) both from KNUST. He has several years of working experience with the Lands Commission and the Millennium Development Authority in Ghana and is currently the Project Coordinator for LAP 2.

All four experts were deemed qualified for their tasks and notwithstanding delays in submission of reports and data constraints for assessment of some indicators were able to execute their work well; which the CC then synthesized as background report for assisting panel assessments as reported in the aide memoires.

For possible improvements regarding expert work it is suggested that after the CC has identified these experts and had their agreement to execute the tasks assigned, a workshop could be organized to brief them on the LGAF process before the commencement of work.

### **2.3 Panels**

The role of experts in achieving good land governance cannot be overemphasized. However, if we define good governance itself as a democratic process where societies achieve broad agreement on relevant policies, and pursue, implement and enforce those policies through an agreed set of institutional arrangements, laws and administrative procedures, then it requires more than only those with expertise on land matters in diagnosing and fixing the challenges and problems of land governance.

There are ten (10) Regional offices of the Lands Commissions in the country. These are mandated by the Constitution and the Lands Commission Act, 2008 (Act 786) as agencies for the management of public lands and all lands vested in the President. Panel representation was gotten from all the various divisions of the Lands Commission: Land Valuation Division (LVD), Public and Vested Land Management Division (PVLMD), Land Registration Division (LRD) and Survey and Mapping Division (SMD). Other land sector agencies, namely; the Town and country Planning Department, District, Municipal or Metropolitan Assemblies and the Office of the Ad-

administrator of Stool Lands (OASL) were also represented in relevant thematic panels. This was done in four (4) of the ten (10) Regional Lands Commissions jurisdictions of Ashanti, Brong Ahafo, Upper East and Northern Regions. The rationale for this was to strike a balance between cost and representation to reflect the national scope of the exercise. Staff of the various divisions of the Lands Commission and the other land sector agencies brought on board the panel discussions practical experiences of their routine land governance roles most relevant for a diagnostic assessment of land governance. Others were prominent academics in land from the Universities and polytechnics, private practitioners in the land and media professionals. Non Governmental Organizations, Civil Society Organizations and Customary Land Secretariats had representation in the panel workshops. The knowledge and expertise of panel members in a given thematic area is critical to proper assessment of indicators and the panel size of five (5) was seen as adequate for effective moderation by the CC. There however had to be some flexibility given panel composition to take account of country specific issues which the CC could define and address.

It is important to remark that a national scope of the assessment is taken seriously in the LGAF process, so that panels are held in a sample of geographical areas that will make the findings representative of land governance in the country. Focus on the national capital has the shortcoming of producing biased findings that may not reflect the national picture of land governance. However, because the national capital is often the nerve centre of policy making in a country, the policy dialogue meeting needs to take place there.

In all the panel assessments appropriate monetary compensation was paid for the time of the panel members and during the exercise tea and coffee was available. In some cases lunch was additionally provided for members after the assessments.

## **2.4 Survey or Sampling**

Survey or sampling as necessary to have relevant data to assist in the LGAF implementation process was encouraged within the cost limitations of budgetary allocations. To this extent, sample data were gathered from interviews with High Court Registrars in Kumasi and Sunyani on land disputes and their resolution and factored into assessment panel on dispute resolution.

## **2.5 Coordination**

The sample of four(4) out of the ten (10) Regions selected for the conduct of panel workshops was carefully done to not only to ensure a geographical balance of north-south representation, but to equally address the north-south tenurial divide of the country as well as reflect the differences in levels of urbanization. However, while the Regional Lands Commissions Offices are in the Regional capitals and, therefore, Kumasi, Sunyani, Bolgatanga and Tamale being Regional capitals of Ashanti, Brong Ahafo, Upper East and Northern Regions respectively became easy to

select as venues for the conduct of panel workshops; it was not so straight forward choosing thematic areas for panel workshops in these venues.

To accomplish the task of assigning thematic areas of panels to Regions, the CC was guided largely by his local experiences in determining which Region was more likely to produce panel assessments of two thematic areas that largely reflected the national situation. In the end, panels 1 and 2 on land tenure and urban land use, planning and development respectively were conducted in Kumasi while panels 4 and 7 on land valuation and taxation and disputes resolution respectively were undertaken in Sunyani. Bolgatanga became the venue for panels 3 and 6 on rural land use and land policy and public provision of land information respectively. Finally, both panel 5 on public land management and panel 8 (optional module) on large scale acquisition of land rights had their panel workshops held in Tamale.

Given that the Country Coordinator (CC) was based in Kumasi and had to commute to the other locations to conduct the panel workshops, it was found appropriate to appoint three (3) focal persons in the other Regions whose task it was to help identify a team of panel members most appropriate to the thematic areas of the two panel workshops in each Region following predetermined areas of work place and expertise by the CC and based on comments by the Global Coordinator. A letter of invitation to panel workshops, relevant parts of the draft background report prepared by CC and dimensions for assessment as contained in the LGAF implementation Manual by a panel were then sent to focal persons for distribution to potential participants by the focal persons. Focal persons were also tasked with networking with potential participants to confirm their participation and the arrangement of venues and logistics for the panel workshops. In the case of Kumasi, the CC played the role of the focal person.

In the light of the above challenges of coordination by the CC, it is suggested that budgetary allocations be increased for the CC to be able to provide for full time assistant(s) for the entire duration of the LGAF process; and in doing this an important consideration has to be the size of the country and the complexity of its land governance issues. Consequently, much more time than four months could be needed by some countries to undertake the LGAF study.

These panel workshops were rolled out from 22<sup>nd</sup> July to 5<sup>th</sup> August, 2011 beginning in Kumasi and ending in Tamale.

### **2.5.1 PANEL 1- LAND TENURE**

This panel workshop took place on the 22<sup>nd</sup> of July, 2011. The venue was the postgraduate room of the Department of Land Economy, Kwame Nkrumah University of Science and Technology, Kumasi. Panel members present were:

1. Mr Mark Owusu Yeboah, Centre for Land Studies, KNUST, Kumasi
2. Mr Joseph Kidido, Estate Management Department, Kumasi Polytechnic
3. Mr William Mark Adolwine, Department of Land Economy, KNUST, Kumasi

4. Mr Joel Paapa Whyte, Land Title Registry Office, Kumasi
5. Mr Ato Hinson, Public and Vested Lands Management Division, Lands Commission, Kumasi.

Proceedings commenced at about 10 am with a prayer by Mr Joseph Kidido. The CC then officially welcomed all participants and thanked them for honouring the invitation. The panel objectives were explained and the panel then taken through all the thirteen (13) dimensions based on three (3) indicators LGI 1-3 that needed assessment, highlighting the meanings and issues involved in each dimension statement. Following that, the procedure for assessment was explained and the individual assessment exercise was the first to be carried out. The individual assessments were tallied by the CC and variations declared to the panel for discussion and building of consensus for a single score as the final assessment for a dimension.

### **2.5.2 PANEL 2- URBAN LAND USE, PLANNING AND DEVELOPMENT**

This panel workshop took place on the 26<sup>th</sup> July, 2011 in the postgraduate room of the Department of Land Economy, Kwame Nkrumah University of Science and Technology (KNUST), Kumasi. The panel members present were:

1. Mrs Rosamund Edusei, Town and Country Planning Department, Kumasi
2. Mr Prince Anokye, Department of Planning, KNUST, Kumasi
3. Mr Andrews Asiamah, Metropolitan Assembly, Kumasi
4. Mr Michale Asigri, Retired Regional Town and Country Planning Officer, Kumasi
5. Prof. Romanus Dinye, Centre for Human Settlements, KNUST, Kumasi.

The CC welcomed members to the discussion and an opening prayer was offered by Mrs Edusei to commence proceedings at about 10 am. The objective of the assignment was and how the scoring exercise was to be carried out was explained to members for the exercise to be undertaken.

### **2.5.3 PANEL 3- RURAL LAND USE AND LAND POLICY**

This panel workshop took place in an office of the Regional Lands Commission on the 1<sup>st</sup> of August, 2011. Present were:

1. Mr James Dadson, Regional Lands Officer, Bolgatanga
2. Mr Charles Agana, Land Valuation Div., Lands Commission, Bolgatanga
3. Mr Felix Offei, Town and Country Planning Department, Bolgatanga
4. Miss Rebecca Lariba Seidu, Community Self Reliance Centre, and NGO, Bolgatanga
5. Mr F. Bediako-Mensah, Survey and Mapping Division, Lands Commission, Bolgatanga
6. Mr Baba Atampubire, Customary Lands Secretariat, Bolgatanga
7. Mr Pogane Anafo, Land Valuation Div., Lands Commission, Bolgatanga

After the CC welcomed members to the workshop a prayer was said by one panel member at about 9.30 am to commence proceedings. The CC explained the all the indicators to the assessed to members and the procedures to be followed. Though the panel composition was seven and exceeded the usual number of five members, the CC decided to proceed with the seven member panel because given that land information in rural areas was often non-existent a bigger panel size could provide diverse information sources for discussion. Additionally, it was seen as inappropriate to decline the participation of any two members who had also being invited by the focal person to ensure the five panel membership was achieved should there had been absentees.

#### **2.5.4 PANEL 4- LAND VALUATION AND TAXATION**

This panel report is the outcome of a panel workshop held in Sunyani on the 28<sup>th</sup> of July, 2011. Mr Emmanuel Tinsari offered a prayer for proceedings to commence at about 10 am. The venue was the conference room of the Regional Lands Commission. The panel members present were:

1. Mrs Christiana Nyarko, Land Valuation Division of the Lands Commission, Sunyani
2. Mr Peter Subaab, Centre for Sustainable Development, an NGO in Sunyani
3. Ms Grace Kusi-Aboraa, Office of the Administrator of Stool Lands (OASL), Sunyani
4. Mr Augustine Kusi, Town and Country Planning Department, Sunyani
5. Mr Emmanuel Tinsari, Land Valuation Division of Lands Commission, Sunyani.

The objectives of the panel workshop and the procedures for its conduct were explained to the panel members by the CC and each land governance indicator and its assessment options also explained.

#### **2.5.5 PANEL 5- PUBLIC LAND MANAGEMENT**

This panel workshop was the penultimate of the eight panels to be undertaken and took place on the 5<sup>th</sup> of August, 2011 in the conference room of the Lands Commission in Tamale. Panel members present were six (6) as listed below:

1. Mr Christopher Anokye, Office of the Adm. of Stool Lands, Tamale
2. Mr Christopher Chipie, Survey and Mapping Div. of the Lands Commission, Tamale
3. Mr M. A. Alhassan, Metropolitan Assembly, Tamale
4. Mr Salifu Masahudu Zanya, Public Lands Mgt. Div. of the Lands Commission, Tamale
5. Mr Simon Laryea Okang, Public Lands Mgt. Div of the Lands Commission, Tamale
6. Alhaji B. A. Yakubu, Customary Lands Secretariat, Tamale

Mr Salifu Masahudu Zanya said a prayer at about 9.45 am to commence proceedings. After the prayer members were welcomed to the panel discussion by the CC and were taken through all the indicators and dimensions and procedure for assessment to ensure everyone understood the nature of the assignment.

### **2.5.6 PANEL 6- PUBLIC PROVISION OF LAND INFORMATION**

This panel workshop was held in Bolgatanga on the 2nd of August, 2011. Mr Emmanuel Tinsari offered a prayer for proceedings to commence at about 10 am . The venue was the conference room of the Regional Lands Commission. The panel members present were:

1. Mrs Betty Ayagiba, Widows and Orphans ministries, an NGO in Bolganatanga
2. Mr O.N.D.K. Boateng, Town and Country Planning. Department, Bolgatanga
3. Mr Eric Mwin, Public and Vested Lands Mgt Div. of the Lands Commission, Bolgatanga
4. Mr John K. Laari, Office of the Adm. of Stool Lands, Bolgatanga
5. Mr Justice Asanguna Atiah, Public and Vested Lands Mgt. Div., Lands Commission, Bolgataga

The objectives of the panel workshop and the procedures for its conduct were explained to the panel members by the CC and each land governance indicator and its assessment options also explained.

### **2.5.7 PANEL 7- DISPUTES RESOLUTION**

This panel workshop took place on the 29th of July, 2011. It was the second of the two panel workshops in Sunyani and took place at the Conference Room of the Regional Lands Commission. Panel members present were:

1. Mr A. T. Kuuleneh, Survey and Mapping Division of the Lands Commission, Sunyani
2. Mr Maxwell Amponsah, Town and Country Planning Department, Sunyani
3. Mr Raphael Ahenu, Global Media Foundation, NGO, Sunyani
4. Mr John K. Zida, Public and Vested Lands Mgt. Div. of the Lands Commission, Sunyani
5. Lawyer Kwame Brefo, Lands Commission, Sunyani

Proceedings commenced at about 10.30 am with a prayer by Mr John K. Zida. The CC then officially welcomed all participants and thanked them for honouring the invitation. The panel objectives were explained and the panel then taken through all the thirteen (7) dimensions based on indicators LGI 20 and 21 that needed assessment, highlighting the meanings and issues involved in each dimension statement. Following that, the procedure for assessment was explained and the individual assessment exercise was the first to be carried out. The individual assessments were tallied by the CC and variations declared to the panel for discussion and building of consensus for a single score as the final assessment for a dimension. The CC had tasked the focal person to liaise with the High Court Registrar in Sunyani for sample data for LGI 21 Dimension I and that was accomplished and used for the assessment of the dimension as filled out in the table of that dimension. Additional data was also applied from the background report.

### **2.5.8 PANEL 8- LARGE SCALE ACQUISITION OF LAND RIGHTS**

The workshop undertaken by panel 8 was the final in the schedule of activities and took place on the 5th of August, 2011 in conference room of the Lands Commission in Tamale. Panel members present were:

1. Mr A. Baffour Zakaria, Office of the Adm. of Stool Lands, Tamale
2. Miss N. N. Nyaabu, Goldsreet Estate Consult Tamale
3. Mr M. Kanko, Land Valuation Div. of the Lands Commission, Tamale
4. Mr Samuel Anini, Land Valuation Div. of the Lands Commission, Tamale
5. Mr A. E. French, Public and Vested Lands Mgt. Div. of the Lands Commission, Tamale.

Proceedings commenced at about 10. am following a prayer by Miss N. N. Nyaabu. The CC then officially welcomed all participants and thanked them for honouring the invitation. The panel objectives were explained and the panel then taken through all the thirteen (16) dimensions that needed assessment, highlighting their meanings and issues involved. Following that, the procedure for assessment was explained and the individual assessment exercise was the first to be carried out. The individual assessments were tallied by the CC and variations declared to the panel for discussion and building of consensus for a single score as the final assessment for a dimension.

### **2.6 Assessment**

The LGI dimensions were to a large extent adequate to cater for the country specific nature of land governance in Ghana. This is borne out by the minimum amendments to these as provided in Annex 7.1 However; LGI 2 (v) on condominium regime that provides for appropriate management of common property was largely inapplicable due to the absence of any legislative framework for the management of condominiums in Ghana. Given the need for economic use of space, especially in the urban centres, condominiums are springing up in the national capital necessitating the need for such legislation. Thus, the indicator was assessed with the view to making a policy recommendation towards this end. It is also important to suggest that given the duality of land governance systems in Ghana (customary and public); and the dominance of the customary system, it would have been more appropriate in that respect and notwithstanding the need for cross-country comparisons of the LGAF process that a panel was designed to focus on traditional or customary land management in Ghana.

In respect of definitions for application in the assessment process, it is important to note that a single but important qualification was in the definition of freehold. Freehold, equivalent to the legal term fee simple absolute is full ownership of land in English law providing the owner with the largest ‘bundle of rights’ of ownership. In Ghana, this is known as the allodial title paramount or radical title and vested in communities. However, other freeholds such as the customary freehold and common law freehold exist. The common law freehold is used in contradistinction to the customary freehold; which is an interest held by subgroups and individuals in land

acknowledged to be owned by a larger community of which they are members and as such entitled to the beneficial occupation and use of such land (see Annex 7.1).

### 3 Background data and information

#### 3.1 General data and information

Ghana gained independence from Britain in 1957. It was the first independent country south of the Sahara, and since independence, political power has changed between military and civilian regimes. However, following the return to multi-party democracy in 1992; five successive national elections have been held five (5) times in 1992, 1996, 2000, 2004 and 2008. It is expected that in 2012 the next national elections will be successfully conducted and the country would have achieved a reasonably long period of political stability of twenty (20) years. The country is multi-tribal with over one hundred dialects spoken. English is the official language and the main local languages are Twi, Ga, Ewe, Dagbani, among others. Christianity, Islam and traditional religion are the dominant forms of worship.

In terms of geography, Ghana is located in the centre of the West African coast and shares boundaries with Burkina Faso to the north, Togo to east, Cote d'Ivoire to the west and the Gulf of Guinea to the south. The land area is about 238, 540 sq. km and is generally of low relief. The highest relief point of some 900m is Mountain Afadjato in the Volta Region. The country can be divided into the coastal savannah, forest, transitional and the northern savannah zones with their distinct agro-ecological features. The climatic conditions are generally warm and humid with annual mean temperatures varying between 26 and 29 degrees Celsius.

For administrative reasons, the nation is divided into ten (10) political regions as shown in the political map of Ghana below (see Fig. 1) In line with the decentralization process of governance, these political regions are sub-divided into 170 metropolitan, municipal and district assemblies. Based on the provisional results of the 2010 population and Housing Census and the 2000 Census data, the regional demographic characteristics of population is presented in Table 1. The male proportion of the population is 48.7% and the corresponding figure for female is 51.3%.

Table 1 Regional Demographic Characteristics of Population

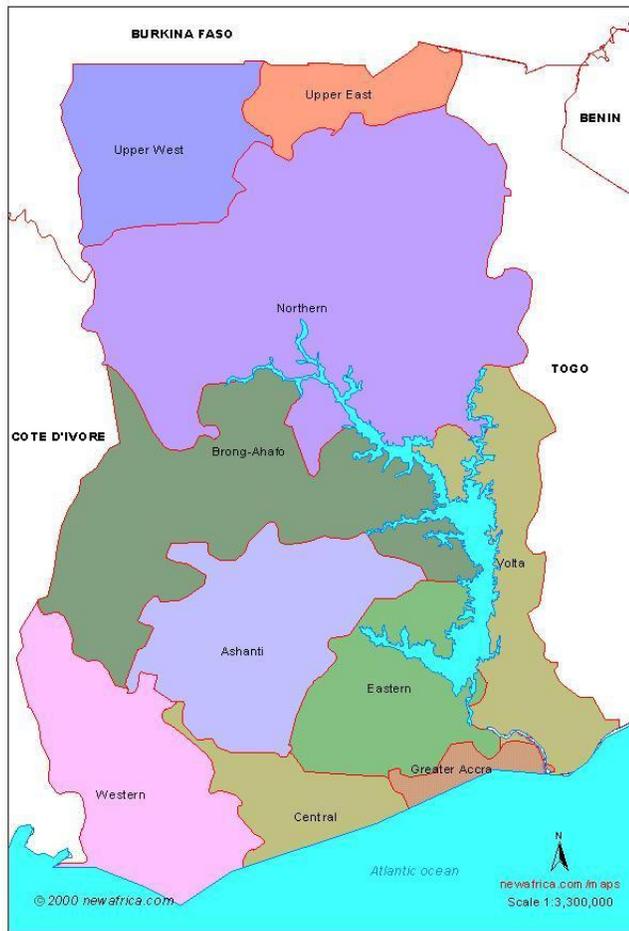
Region	2010	2000	% Increase (2000-2010)	2010 share %	2010 Densities
Western	2,325,597	1,924,577	20.8	9.6	97
Central	2,107,209	1,593,823	32.2	8.7	214
Greater Accra	3,909,764	2,905,726	34.6	16.1	1,205
Volta	2,099,876	1,635,421	28.4	8.7	102
Eastern	2,596,013	2,106,696	23.2	10.7	134
Ashanti	4,725,046	3,612,950	30.8	19.5	194
Brong Ahafo	2,282,128	1,815,408	25.7	9.4	58

Northern	2,468,557	1,820,806	35.6	10.2	35
Upper East	1,031,478	920,089	12.1	4.3	117
Upper West	677,763	576,583	17.5	2.8	37
Total	24,223,431	18,912,079	28.1	100	102

Source: Based on 2010 Population Census Provisional Figures

Agriculture is the backbone of Ghana’s economy. It contributes about 36% of GDP and employs some 70% of the rural population. Cocoa is the main agricultural export commodity and Ghana is second to Cote d’Ivoire as a world leading producer of cocoa. The country is estimated to have 23 million hectares of land area of which 57% is cultivable and a population of about 24 million people of which a third is urban population (Ahwoi, 2010).

Fig 1 Political map of Ghana showing the ten (10) Regions.



According to Ahwoi (2010), estimates of land uses and their relative proportions to total land area at the national level and land distribution on a regional basis are as shown in Tables 2 and 3 below.

Table 2 Land Use Types and their Relative Sizes of Total Land Area

Type of Land Use	Area in Million Hectares	Percentage of Total Land Area
Savanna Woodland	7.1	30%
Bush Fallow and others	6.0	25%
Unimproved Pasture	3.6	15%
Forest Reserves	2.6	11%
Tree Crops	1.7	7%
Annual Crops	1.2	5%
Wildlife Reserves	1.2	5%
Unreserved Forests	0.5	2%
Total	23.9	100%

Source: (Ahwoi, 2010)

Table 3 Regional Proportions of National Land Area and Population Densities

Region	Land Area (Million Hectares)	Percentage of National Total	2010 Population Density/sq.km
Northern Region	7	29.5%	35
Brong Ahafo Region	4	16.6%	58
Ashanti Region	2.5	10.2%	194
Western Region	2.4	10%	97
Volta Region	2.1	8.6%	102
Eastern Region	1.9	8.1%	134
Upper West Region	1.8	7.7%	37
Central Region	1.0	4.1%	214
Upper East Region	0.9	3.7%	117
Greater Accra Region	0.3	1.4%	1,205
Total	23.9	99.9%	102

Source: Based on 2010 Population Census Provisional Figures

From the above demographic and land information, it is evident that changes in the dynamics of land use, development and management are inevitable and the more land acquires scarcity value, the more the resulting competing demands will bring about complexities in land governance. These complexities raise several land governance issues as examined below.

### 3.2 Land Issues

Given the agrarian structure of Ghana's economy, land is the main source of livelihood for the vast majority of people. Land rights are therefore fundamental to the survival of most Ghanaians. Land tenure i.e. the way a people are connected to their land, is thus the most important factor in the lives of most Ghanaians. It is the foundation of an intricate web of social, economic, political and mystical relations between people and land that underlines not only the basis of agricultural production but also the entire social and economic system of the country. The relations people have in respect of their land have historical, cultural, demographic and geographical underpinnings and are in constant change.

As land tenure defines the access to and use of land resources it is at the centre of any programme of activities with the view to improving on land governance. To put the land tenure problem in perspective, it is instructive to highlight the theoretical relationship between land tenure, sustainable livelihoods and poverty reduction. The relationship between land tenure and livelihood sustainability has been illustrated by Quan (1998, p167) as follows:

Land tenure institutions...determine rights to land and other forms of natural capital...facilitate long-term planning, investment and the adoption of sustainable production methods...and...are thus central factors in determining the livelihood strategies of the rural poor (ibid).

Dalrymple *et al.* (2004) also concluded that land tenure security in agrarian societies is analogous to livelihood security and poverty issues because both are dependent on the right of access to, and use of, land and natural resources. Cohen (1978, p1) observed that without a suitable institutional framework to regulate rights over land, "civilisation degenerates chaotically into a condition of war of all against all; life for the individual becomes solitary, poor, nasty, brutish and short". Without an institutional framework, sustainable livelihoods for the majority of people would become difficult to achieve as access to land resources becomes limited to the powerful in society, for example, community leaders. Access to land for most rural poor African farmers, including Ghanaians is often based on custom, following traditions and the ways in which community leaders assign land use rights to community members or non-members (Bruce, 1988). Without an institutional arrangement within which farmers land use rights are guaranteed, security of title to land is assured, land resources are equitably distributed and landlord and tenant relations are fair, agricultural development could be largely impaired in Ghana (Kasanga, 2001). There is, however, yet to be found an effective solution to land tenure problems in the country (Ministry of Lands and Forestry, 1999; Hooko, 1999).

An important cause of the failure in land tenure reform in Ghana has been a lack of understanding of the complexity of customary tenure systems resulting in an over-simplified approach of making radical attempts at supplanting these tenure systems with western forms of tenure. For example, Okoth-Ogendo (1998) noted that the term ownership is not a useful framework for the

analysis of African tenure regimes. The nature of African tenurial systems is, therefore, often concealed, misrepresented or abbreviated as they receive extensive generalisation (Mafeje, 1993). This has often resulted in confrontation between customary and western (statutory) tenures and hence the failure of tenure reform. In the developing world, including Ghana, it has been asserted that issues surrounding land policy, land tenure and land management constitute a classic example of “wicked problems”. Rittel and Webber (1973) described a wicked problem in contrast to “tame problems”. Tame problems are the kind of problems which can be tackled with confidence because a sufficient level of understanding of the problems exist enough to resort to the application of established methods for analyses and finding of solutions. In contrast, wicked problems cannot be easily defined, require complex judgments, have no clear measures of success and are often characterized by strong moral, political or professional dimensions. The solution to wicked problems of which land tenure problems belong requires a “soft system thinking approach”. Tenure systems are systems of human behavior and according to Senge (1990) these comprise invisible fabrics of interrelated actions which often take long periods to play out their effects on each other to bind the system of behavior and the recognition and appreciation of these is vital to successful tenure reform.

Over the last four decades, and particularly, since Hardin’s (1968) famous “tragedy of the commons” the conditions and institutional arrangements under which land is held and used in the country has received the attention of government, donor partners and the international community. This attention has focused on how to resolve the land problems emanating from the co-existence of customary and statutory tenure systems, develop effective legitimate institutions for land rights management at the local level, promote the development of land markets and secure the land rights of the vulnerable and marginalized segments of society such as the poor, women and migrant-farmers (Bugri, 2005). These measures are critical to the provision of an effective system of land governance. Thus there has been renewed interest by the Government in recognising customary land tenure in the national land policy of 1999 as a new approach to tenure reform.

It is clear from the above that land tenure is the most important institution through which the livelihoods of most Ghanaians are achieved. This institution operates in a state of legal pluralism in which customary and state institutions play key roles in land governance. As observed by Agbosu et al. (2007): “*The land tenure system in Ghana is an amalgam of customary rules with a heavy statutory overlay*”. Indeed, one of the central issues of land tenure in Africa generally has been observed as the confrontation between customary tenure and statutory tenure systems (Lund, 1998; IIED, 1999). Tenure reform has to do with what is generally referred to as the *land question* and in situation of legal pluralism as exists in Ghana; this further complicates the *land question*.

The *land question* critically examines the available land resources, the systems of evolved land governance for the sustainable use and management of these land resources and the role of the state in the use of policy instruments to regulate these traditional land governance systems in the

national interest. As Toulmin and Quan (2000) emphasized that “[t]he question of who gains access to land and on what terms can only be understood by seeing how control over land is embedded within the broader pattern of social relations”. In the case of Ghana, government has given recognition to customary tenure in the national land policy of 1999 (Ministry of Lands and Forestry, 1999), as an approach to dealing with the confrontation between the customary and state institutions of land governance. This approach is particularly important given the dominance of the customary sector (which holds about 80% of land area) with the state holding only 20% of land in the country. Box 1 below contains the parameters that were used in calculating the tenure typology areas and populations shown in Table 4.

Box 1: Parameters used in Calculations of Tenure Typology Areas and Populations

In broad terms, the following parameters were applied in the tenure typology table calculations.

Total land area of Ghana = 238,540sq km

Public land = Government/state land + Stool/skin vested land

Customary land = Stool/skin land (not vested) + Family/individual land + Communal lands

Vested lands have the legal interest held by the State and the beneficial interest held by the communities and these arise from the state invoking an Executive Instrument under the Administration of Lands Act, 1962 (Act 123). Stool/skin lands not vested means the customary authorities largely exercise their powers of use and control over the land.

Previously vested lands that now have the powers of use and control of customary authorities restored to them by due process are described to be divested lands.

**Table 4: Tenure Typology for Ghana**

Tenure	Area & Population	Characteristics (legality, recording, transfer)	Overlap with other Rights	Current Issues
<b>Rural Sector</b>				
<p><b>a) Government/State Land</b></p>	<p>Area: 3% of 47708 sq km which is total estimate of public land (20% of total of 238540) = <b>1431 sq km</b>. Population: Average population density of 120 per sq km x 1431 = <b>171,720</b></p>	<p>Legal recognition: The allodial title is legally recognized under the Constitution of the Republic of Ghana and the national land policy of 1999 and is vested in the President on behalf of the people of Ghana in state land. Registration/recording: The Lands Commission grants leases of state land to applicants and these are registrable under deeds or title registration. Transferability: Grantees can transfer their interests to others in accordance with the conditions of the grants made to them.</p>	<p>Customary freehold Common law freehold Leasehold Customary tenancies</p>	<ul style="list-style-type: none"> <li>▪ The national land policy recognizes that compulsory acquisition by government of large tracts of lands which have not been utilized and for which payment of compensation is not made or delayed; resulting in landlessness and livelihood deprivation of people, poverty and land disputes.</li> <li>▪ It is now the case that some of these lands are being returned to their original owners.</li> <li>▪ A policy direction for compulsory acquisition and compensation is needed.</li> <li>▪ Generally, registration of interests acquired in state land in a rural area is more likely than in other tenure typologies in the rural area.</li> </ul>

<p><b>b) Stool/Skin Vested Land</b></p>	<p>Area: 2% of 47708 sq km which is total estimate of public land (20% of total of 238540) = <b>954 sq km.</b>  Population:  Average population density of 120 per sq km x 954 = <b>114,480</b></p>	<p>Legal recognition: The Lands Commission is the legally mandated body for the management of vested land and it accordingly grants leases to applicants for vested land.  Registration/recording: In stool land vested areas grants made by the Lands Commission are registrable as deeds or titles as appropriate.  Transferability: Grantees can transfer their interests in accordance with their grant conditions.</p>	<p>Leasehold  Customary tenancies</p>	<ul style="list-style-type: none"> <li>▪ The devesting of skin lands under the 1979 Constitution and re-emphasized in the 1992 Constitution is source of inspiration for other traditional authorities to demand the devesting of their lands.</li> <li>▪ The current problems of management of vested lands is adding to the voice of those demanding devesting of their lands</li> <li>▪ A national policy on vesting is urgently required to address the complex question of vesting or devesting</li> <li>▪ Less likelihood of registration of interests acquired than in state land.</li> </ul>
---	---	---	---	--

<p><b>c) Stool/Skin Land (not vested)</b></p>	<p>Area: 50% of 190832 sq km which is total estimate of customary land (80% of total of 238540) = <b>95,416 sq km.</b> Population: Average population density of 120 per sq km x 95,416 = <b>11,449,920</b></p>	<p>Legal recognition: Stool or skin lands are a legally recognized source of tenure under the 1992 Constitution and the national land policy of 1999; with traditional authorities as custodians of the allodial title to such lands. Registration/recording: The various interests which co-exist in stool or skin land are registrable subject to the limitations of the law as detailed above. Transferability: The various interests in stool or skin land are also transferable subject to the limitations of the law as explained earlier.</p>	<p>Customary freehold Common law freehold Leasehold Customary tenancies</p>	<ul style="list-style-type: none"> <li>▪ Constitutional limitation on the creation of the common law freehold.</li> <li>▪ Customary freeholds are registrable as of now only in the form of leases of 99 years for residential purposes.</li> <li>▪ Allodial boundaries of stool or skin lands are poorly demarcated, resulting stool/skin land boundary disputes.</li> <li>▪ Few interest holders register their interest.</li> <li>▪ Allocation of large tracts of land for the promotion of land-based investments.</li> </ul>
---	---	--	---	---

<p><b>d) Family/Individual Land</b></p>	<p>Area: : 7% of 190 832 sq km which is total estimate of customary land (80% of total of 238540) = <b>13,358 sq km.</b> Population: Average population density of 120 per sq km x 13,358 = <b>1,602,960</b></p>	<p>Legal recognition: Family /individual lands are legally recognized under the 1992 Constitution and the national land policy of 1999 subject to the limitations imposed and family heads regarded as heads of tenure groups. Registration/recording: Interests in this tenure typology are by the Lands Commission but without their consent and concurrence as in the case of dealings in stool or skin land. Transferability: Interests are transferable subject to the limitations of the law.</p>	<p>Lease Sub lease Customary tenancies</p>	<ul style="list-style-type: none"> <li>▪ The justification of customary freeholders having to obtain leases for 99 years on their lands when their customary freeholds are for all practical purposes perpetual.</li> <li>▪ Accountability of land revenues in the case of family lands requires a redefinition of the term stool/skin to include clans and families to ensure broader societal interests are met.</li> <li>▪ Few register their interests in the rural areas.</li> </ul>
---	--	---	--	---

<p><b>e) Communal Lands</b></p>	<p>Area: 3% of 190,832 sq km which is total estimate of customary land (80% of total of 238540) = <b>5 725 sq km.</b>  Population: Average population density of 120 per sq km x 5725 = <b>687,000</b></p>	<p>Legal recognition: Communal lands have a long origin in customary tenure and are legally recognized as such. The draft lands bill has however made comprehensive provisions towards the management of communal lands in a more streamlined manner within customary areas and with the assistance of customary land secretariats.  Registration/recording: To be recorded in customary land secretariats acting as local land registries.  Transferability: Uncertain as these are communal property.</p>	<p>-</p>	<ul style="list-style-type: none"> <li>▪ In most communal lands, it is difficult enforcing the rules that govern their management as currently practiced and the intervention by the draft lands bill may provide the way forward in the effective management of communal property to avoid degradation, especially most grazing lands in the rural north of the country.</li> </ul>
---------------------------------	--	---	----------	--

Urban Sector				
<p><b>a) Government/State land</b></p>	<p>Area: 13% of 47708 sq km which is total estimate of public land (20% of total of 238540) = <b>6,202 sq km.</b>            Population: Average population density of 250 per sq km x 6,202 = <b>1,550,500</b></p>	<p>Legal recognition: The allodial title is legally recognized under the Constitution of the Republic of Ghana and the national land policy of 1999 and is vested in the President on behalf of the people of Ghana in state land.            Registration/recording: The Lands Commission grants leases of state land to applicants and these are registrable as deeds or title registration.            Transferability: Grantees can transfer their interests to others in accordance with the conditions of the grants made to them.</p>	<p>Customary freehold            Common law freehold            Leasehold            Customary tenancies</p>	<ul style="list-style-type: none"> <li>▪ These are the most sought after lands in urban areas due to improved security of tenure when grants are made from government/state lands.</li> <li>▪ Inequities in the allocation of state lands in urban areas exist and the urban elite and cronies of politicians appear favoured in access to such lands.</li> </ul>

<p><b>b) Stool/Skin land vested</b></p>	<p>Area: 2% of 47708 sq km which is total estimate of public land (20% of total of 238540) = <b>954 sq km.</b></p> <p>Population: Average population density of 250 per sq km x 954 = <b>238,500</b></p>	<p>Legal recognition: The Lands Commission is the legally mandated body for the management of vested land and it accordingly grants leases to applicants for vested land.</p> <p>Registration/recording: In stool land vested areas grants made by the Lands Commission are registrable as deeds or titles as appropriate.</p> <p>Transferability: Grantees can transfer their interests in accordance with their grant conditions.</p>	<p>Leasehold Customary tenancies</p>	<ul style="list-style-type: none"> <li>▪ The devesting of skin lands under the 1979 Constitution and re-emphasized in the 1992 Constitution is source of inspiration for other traditional authorities to demand the devesting of their lands.</li> <li>▪ The current problems of management of vested lands is adding to the voice of those demanding devesting of their lands</li> <li>▪ A national policy on vesting is urgently required to address the complex question of vesting or devesting.</li> <li>▪ The above problems are so grave in the urban vested areas, especially the brong Ahafo region that an explosive land conflict is imminent.</li> </ul>
---	--	---	--	---

<p><b>c) Stool/Skin Land (not vested)</b></p>	<p>Area: 15% of 190832 sq km which is total estimate of customary land (80% of total of 238540) = <b>28,625 sq km.</b></p> <p>Population: Average population density of 250 per sq km x 28,625 = <b>7,156,250</b></p>	<p>Legal recognition: Stool or skin lands are a legally recognized source of tenure under the 1992 Constitution and the national land policy of 1999; with traditional authorities as custodians of the allodial title to such lands.</p> <p>Registration/recording: The various interests which co-exist in stool or skin land are registrable subject to the limitations of the law as detailed above.</p> <p>Transferability: The various interests in stool or skin land are also transferable subject to the limitations of the law as explained earlier.</p>	<p>Leasehold Customary tenancies</p>	<ul style="list-style-type: none"> <li>▪ Constitutional limitation on the creation of the common law freehold.</li> <li>▪ Customary freeholds are registrable as of now only in the form of leases of 99 years for residential purposes.</li> <li>▪ Allodial boundaries of stool or skin lands are poorly demarcated, resulting stool/skin land boundary disputes.</li> <li>▪ Regularisation of development in some urban areas urgent</li> <li>▪ Families and stool struggle for control over land</li> <li>▪ The problem of private benefit from land sales by chiefs is high in urban areas.</li> <li>▪ Many interest holders register their interest to improve on their tenure security.</li> </ul>
---	---	--	--	--

<p><b>d) Family/Individual lands</b></p>	<p>Area: 4% of 190832 sq km which is total estimate of customary land (80% of total of 238540) = <b>7,633 sq km.</b></p> <p>Population: Average population density of 250 per sq km x 7,633 = <b>1,908,250</b></p>	<p>Legal recognition: Family /individual lands are legally recognized under the 1992 Constitution and the national land policy of 1999 subject to the limitations imposed and family heads regarded as heads of tenure groups.</p> <p>Registration/recording: Interests in this tenure typology are by the Lands Commission but without their consent and concurrence as in the case of dealings in stool or skin land.</p> <p>Transferability: Interests are transferable subject to the limitations of the law.</p>	<p>Lease Sub lease Customary tenancies</p>	<ul style="list-style-type: none"> <li>▪ The justification of customary freeholders having to obtain leases for 99 years on their lands when their customary freeholds are for all practical purposes perpetual.</li> <li>▪ Accountability of land revenues in the case of family lands requires a redefinition of the term stool/skin to include clans and families to ensure broader societal interests are met.</li> <li>▪ Limited to a few traditional areas, particularly the Volta and Greater Accra Regions.</li> </ul>
--	--	---	--	--

<p><b>e) Communal Lands</b></p>	<p>Area: 1% of 190832 sq km which is total estimate of customary land (80% of total of 238540) = <b>1 908 sq km.</b></p> <p>Population: Average population density of 250 per sq km x 1908 = <b>477,000</b></p>	<p>Legal recognition: Communal lands have a long origin in customary tenure and are legally recognized as such. The draft lands bill has however made comprehensive provisions towards the management of communal lands in a more streamlined manner within customary areas and with the assistance of customary land secretariats.</p> <p>Registration/recording: To be recorded in customary land secretariats acting as local land registries.</p> <p>Transferability: Uncertain as these are communal property.</p>	<p>-</p>	<ul style="list-style-type: none"> <li>▪ Communal lands in the context of urban areas are state lands taken over by immigrants for the development of squatter settlements. This normally takes place where there is unoccupied state land and over time, their long stay of 12 years or more could result in valid title in accordance with the statute of limitations.</li> </ul>
---------------------------------	---	---	----------	---

NB: The calculations of population of tenure typology area are based on provisional 2010 census data of a national population of 23, 837, 261. There is no known systematic measurement of urban and rural land in the country and thus official data is unavailable. 80% of the total land area of 238,540 sq. km is customary held lands and 20% are public lands. The estimation of the rural population in Ghana is about 70% of the national population and the national average population density is 102 persons per sq. km. Accordingly, 120 and 250 persons per sq. km rural and urban population densities respectively have been used in the calculations. The fact that several interests can subsist in land at the same time, however, eliminates the need for high level accuracy in the land areas and populations per tenure typology area. Thus, total populations in both rural and urban tenure typology areas total 23,090,480 as against the national estimate of total population of 23,837,261.

In deriving Table 4b, first, the main interests in land deriving from both customary and statutory sources were examined. Secondly, using the rural-urban split of the country and the dominance of these interests in the respective geographic regions; populations densities were estimated and applied to land areas to arrive at estimates of populations for government or public land, stool land vested, stool/skin land, family/individual land and communal land typologies of tenure. The interests in land derive from both Ghanaian customary and English common law sources. This naturally led to a state of confusion as differences exist in the conception of land between customary law and common law. Based on da Rocha and Lodoh (1995), Ollennu (1962) and Asante (1975); the following interests that are capable of existing in land in Ghana and are examined as below. It should however be emphasized that all of these interests are capable of co-existing in the same parcel of land and therefore, overlaps in the estimation of tenure typology areas and populations is inevitable.

#### **(a) The allodial title**

This is the root of title to all other interests in land. It is the highest title capable of being held in land and subject only to limitations or restrictions as may be imposed by the general laws of the country. In some traditional areas it is acknowledged to be vested in the community which is symbolized by stools or skins and occupied by chiefs; while in others, clans, families and individuals are said to be capable of owning it. In the case of public land, the allodial title is vested in the state. Its ownership carries with it absolute freedom to dispose of it subject to the laws of the land. As Article 267 (1) of the Constitution stipulates: “All stool lands in Ghana shall vest in the appropriate stool on behalf of, and in trust for the subjects of the stool in accordance with customary law and usage”. da Rocha and Lodoh (1995) argued that in the absence of any law the contrary, the allodial title is transferable. However, because it is vested in the community, defined to range from a small group of people to whole tribes and townships and comprises the living, dead and yet unborn; practical limitations exist in the transfer of the allodial title. It is thus not surprising that only limited cases of registration of this title have been reported (Ministry of Justice, 2003); though the demarcation and recording of the allodial title boundaries of land owning groups is being undertaken under LAP.

#### **(b) Customary freehold**

This is an interest in land held by subgroups and individuals acknowledged to be in the allodial ownership of a community of which they are members. The holder of this interest is in a beneficial occupation of the land in respect of which the interest is held and can transfer it to his successors in title. The interest is held for an indefinite duration and prevails against the whole world, including the allodial title from which it derives. It is acquired either impliedly by occupation and use of vacant land in the community or expressly by grant from the owning group of which a person is a member. Under the LAP, there have been consultations with the traditional authorities for it to be made practically possible for usufructs to register this interest. In the meantime, however, the only option available for usufructs is to register these interests as leaseholds. This interest in land as explained above presented the only concept specific case in relation to the glossary of definitions for the purpose of implementation of the LGAF that was explained to enlarge the definition of freehold in the glossary as typically a common law freehold.

### **(c) Common law freehold**

The common law freehold arises only through express grant in accordance with the rules of common law. Both non members of the community (strangers) and community members are capable of the grant of a common law freehold. The common law freehold interest confers on its holders the right of beneficial occupation of the land. As an express grant, the grantor may impose on the grantee terms and conditions provided these are not contrary to public policy or unconscionable. It is transferrable to successors in title but will come to an end upon failure of successors. A common law freehold is no longer permitted under Article 267 (5) of the Constitution which states that: "Subject to the provisions of this Constitution, no interest in, or right over, any stool land in Ghana shall be created which vests in any person or body of persons a freehold interest howsoever described". While the effect of this provision is clear in the case of non Ghanaians where a maximum period of 50 years is what any foreigner who obtained a common law freehold should now have with effect from 1992, the position regarding Ghanaians who obtained customary freeholds is not well defined under the Constitution nor any other legislation. It is however reasonable to assume that such Ghanaians may not be rendered worse than the positions of customary freeholders and legal interpretation by the Supreme Court is needed to clarify the situation.

### **(d) The leasehold**

Leaseholds have their origins in common law but can now be commonly created from allodial title, customary freehold or common law freehold sources on land that these primary interest holders have not already granted any conflicting interests. Leases are created for specific durations and the commonly occurring period is 99 years and for any lease to be valid, it has to conform to the common law requirements for the creation of a valid lease. Subleases may be created by lessees if there are no covenants to the contrary. It is this interest which is the most commonly registered as deed under the Land Registry Act, 1962 (Act 122) or the title registration system of the Land Title Registration Law (PNDCL152) of 1986. The latter registration system is currently on a pilot basis and limited to a few urban centres in southern Ghana, viz Accra, Tema and Kumasi.

### **(e) Customary tenancies**

These customary tenancies are lesser interests deriving from contractual arrangements between an allodial, customary, common law freeholder or a lessee on the one hand; and a tenant-farmer on the other. Typically, a specified portion of the farm produce is agreed upon to be given to the landowner or landlord in exchange for the release of the land and possibly other farm inputs contributed to the tenant-farmer to work with. The common sharing arrangements are ratios of 1:2 and 1:1 and popularly referred to as *abusa* and *abunu* arrangements respectively in Akan speaking communities. There are other forms of contractual agreements in which the consideration is not produce from the farm, but money or even the sharing of the farm itself or the land (Ruf, 2009).

The national land policy of 1999 provides the policy framework and direction for a new agenda of tenure reform with the view to improving on land governance. The aim of the national land policy is to ensure "*the judicious use of the nation's land and all its natural resources by all sections of the Ghanaian society in support of various socio-economic activi-*

*ties undertaken in accordance with sustainable resource management principles and in maintaining viable ecosystems*". The specific objectives of the national land policy are to:

- Ensure that Ghana's international boundaries are maintained at all times and cross border activities are managed jointly.
- Ensure that shared water bodies are utilized to the mutual benefit of all stakeholder countries.
- Ensure that every socio-economic activity is consistent with sound land use through sustainable land use planning in the long-term national interest.
- Facilitate equitable access to and security of tenure of land based on registered land.
- Protect the rights of land owners and their descendants from becoming landless or tenants on their own lands.
- Ensure the payment, within reasonable time, of fair adequate compensation for land acquired by government from stool, skin or traditional council, clan, family and individuals.
- Instill order and discipline into the land market to curb the incidence of land encroachment, unapproved development schemes, multiple or illegal sales, land speculation and other forms of land racketeering.
- Minimize and eliminate where possible, the sources of protracted land boundary disputes, conflicts and litigations in order to bring their associated economic costs and social-political upheavals under control.
- Create and maintain effective institutional capacity and capability of the national, regional, district and, where appropriate community levels for land service delivery.
- Promote community participation and public awareness at all levels in sustainable land management and development practices to ensure the highest and best use of land and thereby guarantee optimum returns on land.
- Promote research into all aspects of land ownership, tenure and the operations of the land market and the land development process.
- Ensure continuous education of the general public on land matters.

The above policy objectives are predicated upon a largely participatory and equitable approach. In pursuing these objectives, therefore, a key guiding principle of the national land policy is the enhancement of security of tenure and protection of land rights. Accordingly, it has been enshrined in the national land policy that: "All traditional sources of land tenure and rights as well as those derived from common law, that is, the allodial owner, customary law freeholder, an estate of freehold vested in possession or an estate or interest less than freehold under common law, leasehold interest, interest in land by virtue of any right contractual or share cropping, or other customary tenancy arrangement, are recognized as legitimate sources of land titles and are to be classified as such" (Ministry of Lands and Forestry, 1999). Through the Ministry of Lands and Forestry (now Ministry of Lands and Natural Resources) Government has therefore been working closely with traditional authorities under a multi-donor funded long-term Land Administration Project (LAP) since 2003 with the objective of developing a sustainable and well functioning land administration system that is fair, efficient,

cost effective, decentralized and that enhances land tenure security. Thus, LAP has become the vehicle for the realization of the objectives of the national land policy.

With funding from the World Bank, DFID, KfW, GTZ, CIDA and Government of Ghana, LAP is a long term programme of the Government of Ghana to enhance economic and social growth by streamlining land administration based on clear, consistent and coherent policy system and institutional framework to be implemented in five-year phases over 15-25 years.. The first phase (2004-2008) was however extended to 2010 due to initial difficulties encountered and focused on ensuring tenure security for effective and efficient land administration It comprised the following four components:

*Component 1: Harmonizing Land Policy and Regulatory Framework for Sustainable Land Administration undertook:*

- Revision of policies, laws and regulations for effective and efficient land administration;
- Strengthening of civil courts to expedite resolution of land cases and developing alternative land dispute resolution mechanisms;
- Inventory of all acquired state lands and determination of outstanding compensation;
- Policy studies on land tenure registration to formulate government policy on what rights will be registered on land titles, divestiture of vested lands, finance and fees structure of land administration to inform government policies on fees and taxes on registration of land transactions, gender study and analysis, and assessment of current land administration services provided by customary land authorities; and
- Land policy development process.

*Component 2: Institutional Reform and Development focused on:*

- Restructuring of public sector land agencies;
- Decentralising and strengthening land administration services;
- Strengthening customary land administration;
- Strengthening private land sector institutions; and
- Strengthening land administration and management training and research institutions

*Component 3: Improving Land Titling, Registration, Valuation and Information Systems dealt with:*

- Developing cadastre and land information systems;
- Establishing model land titling and registration offices;
- Improving deed and title registration;
- Land use planning and management;
- Establishing land valuation data base;
- Piloting demarcation and registration of allodial land boundaries; and
- Piloting systematic land titling and registration

*Finally, under Component 4: Project Management, Monitoring and Evaluation* issues of coordination and management, human resources development, communication strategy; and monitoring and evaluation and impact assessment were undertaken (Larbi, 2006).

LAP-1 was officially ended on June 30, 2011 and this paved the way for the commencement of LAP-2 on July 1, 2011. However, it has been observed under LAP 1 that the interplay of customary systems and institutions for land tenure, the legal plural environment and the multiplicity of institutions for land administration in Ghana provided challenges for administration reform ( Larbi, 2006). That notwithstanding, modest achievements have been made under LAP 1, including the passage of the Lands Commission Act, 2008 (Act 767) based on which the land sector agencies have been restructured, establishment and/or support for 37 Customary Land Secretariats, piloting of customary land boundary demarcations and commencement of inventory of state acquired and occupied lands that need building on.

Thus, LAP-2 was launched on September 14, 2011 and noted that:

Land administration systems are evolving from a focus on core functions of regulating land and property development, land use controls and land taxation and dispute to a focus on integrated land management systems designed to support sustainable development. Consequently, a more efficient land management system is required for natural and environmental management, food security and vulnerability monitoring, human settlements planning, transportation and communication infrastructure planning, service delivery, commerce, health, education, governance, social welfare and tourism development and management (LAP-2, 2011).

Accordingly, the higher level objective of the Project is to contribute to the Ghana Shared growth and development Agenda (GSGDA) 2010-2013 and its Food and Agriculture Sector Development Policy (FASDEPII) both of which identify access, use and security of land as a major development issue, frustrating the country's industrialization which has to be addressed. The GSGDA specifically lists a number of strategies which are consistent with LAP-2. These are:

- (i) establishment of Land Banks by District Assemblies and Land Owners and Stools to resolve the problem of land acquisition and security of title;
- (ii) Promote the development of community land use plans and the enforcement of their use, particularly in urban and peri-urban agriculture;
- (iii) Promote the establishment of agri-business zones and Land Banks with special consideration for needs of women; and
- (iv) Improved access of operators in peri-urban agriculture to sustainable land and environmental management practices The FASDEP, in particular, emphasizes on sustainable land management practices as essential in addressing agricultural productivity and the environmental resilience in the country's overall development agenda.

The four (4) components of LAP-2 are as follows:

*Component 1: Strengthening the Policy, Legal and Regulatory Framework for land Administration*

The component will provide a platform for continued work on the legal and regulatory framework governing land administration and land use, building upon the progress made under LAP-1. This component will also support specific supporting studies and policy development. These include: (i) review and formulation of policies on fees and taxes which are conducive to the financial sustainability of the system and to the registration of titles; (ii) in collaboration with the proposed “Commercial Agriculture Project”, support studies to develop suitable strategies and institutional arrangements in order to facilitate access to suitable land for investors whilst ensuring that the rights and interests of owners and the local communities are respected; and (iii) any other consultancy services that may be identified in the course of project implementation with the approval of IDA.

*Component 2: Decentralizing and Improving the Business and service Delivery Processes*

Functional decentralization of services to the Regions and selected Districts; and consultant services to re-engineer and automate business processes to shorten the time taken to deliver services will be undertaken under component 2. As part of decentralization of Land administration Services, new and selected existing Customary Land Secretariats (CLS) will be supported in collaboration with traditional Authorities who are willing to make initial investments in office accommodation and basic office facilities and who will enter into Memoranda of Understanding with the Project in establishing minimum norms of transparency, respect for right and quality control in the generation of documentation, management of records, provision of services and other matters.

Ascertainment of customary practices will form an integral part of the establishment and ongoing support of CLS and will be carried out by a team of consultants under the guidance of the OASL. In selected CLS areas, the Project will support the piloting of a systematic process of demarcating and documenting rights to all parcels and support the automation and proper records management.

Systematic title registration will be undertaken on a pilot basis in selected regions, and special attention will be devoted to clear backlog of application for the registration of titles.

*Component 3: Improve Maps and Spatial Data for Land Administration*

This component will provide up-to-date maps and other spatial products and develop the infrastructure for collecting and sharing data and information to be used as inputs directly or indirectly in land administration. Support will be provided to (i) developing policies for surveying and mapping other spatial activities; (ii) preparation of base maps on a scale of 1:5000 in rural areas and 1:2500 in urban areas as direct inputs to the other activities including title registration and customary boundary demarcation as well as serve as the basis for the creation of the universal parcel number, land use planning and developing a street address system; (iii)

establishment of geodetic reference network; (iv) pilot boundary demarcation for customary and private land holders; (v) preparation of land use plans for selected areas; (vi) revaluation of properties in selected District capitals; and (vii) ‘street addressing system’ for urban management and improved revenue collection starting in Accra.

*Component 4: Human Resource Development and Project Management*

The component aims to develop human resources capacity and provide logistical support and equipment to the Land Sector Agencies, Land Owners as well as the private sector to improve service delivery. A comprehensive review of the human capacity skill requirements will be undertaken for the Land Sector Agencies. The Human resource division of the LC will be strengthened to carryout skill gap analysis in order to develop a coordinated staff training and recruitment program for the LC, OASL and TCPD. The core of the training would be imparting skills for better customer and service orientation. The component will provide capacity for private and public sector service providers including surveyors, planners, valuers, real estate agents, tenant farmers and NGOS involved in land administration such as Civil Society Coalition on Land (CICOL).

The implementation of the gender, civil society engagement and communication (i.e. public education and outreach) strategies prepared under LAP 1 will be integrated across all the project components. The component will also support better working environment buy way of the construction of Regional Lands office in Kumasi to facilitate service provision and will also provide equipment, transport and operational budget to all the Regions.

## 4 Land Governance Assessment

### 4.1 Legal and institutional framework:

It is clear from Table 4 above that legal recognition has been given to a broad range of interests in land. However, besides the leasehold which is commonly registered as a deed or title, in practice, difficulties exist in the registration of the other interests in land. There is however the recording of some of these, especially the usufructuary interests and customary tenancies in customary land secretariats established in some communities as part of the tasks of Component 2 of LAP-1. These customary land secretariats serve as local sources of records of people's claims to land but may not necessarily follow formal legal processes of deeds or title registration.

Despite recognition by the state of land rights in the above tenure typologies, legislative intervention suggests a lack of coherence between land rights and practice of enjoyment of same by holders. The Provisional National Defence Council Law 42 of 1962 stipulates that land transactions involving cash or in-kind transfers must be approved by the Lands Commission, which has the power to regulate the size and duration of transfers as well as assess their fairness. According to Article 267 of the 1992 Constitution, Regional Land Commissions are mandated to regulate land transactions in their areas of jurisdiction to ensure consistency with local development objectives. Furthermore, the Office of Administrator of Stool Lands Act, 1994 requires paramount chiefs to establish stool land accounts for the deposit of all payments land revenues for sharing under a determined formula by the state.

The assessment of LGI 1-4 on recognition and enforcement of land rights as well as on restrictions on these land rights (see Aide Memoire of Panel 1 in Annex 7.2) concluded that both rural and urban land rights were recognized by legislation, notably, the 1992 Constitution of Ghana. For example, the results of analysis on recognition of both rural and urban land rights by Panel 1 on land tenure showed that:

- *The tenure typology matrix in the background report identified all rural/urban tenure categories in the country. The panel concluded that the issue of recognition of rural/urban tenure rights was enshrined in the Constitution of the country and the national land policy document of 1999.*
- *The panel also observed that nature of the rights held (either by individuals or groups) determined the level of enjoyment of these rights. For example, the panel indicated that undemarcated land boundaries affected the security of tenure by rights holders. Thus, to whom devested lands should be returned is problematic and in the case of some traditional areas in the northern part of the country where earth-priests (tendanas) and chiefs are in contestation over ownership rights to communal lands, obstacles to rural/urban tenure recognition existed.*
- *The recognition of land rights is a Constitutional provision for all customary rights in land, so all rural/urban populations are covered and the tenure typology table in the background report makes reference to such recognition.*

- *It was also the view of the panel that emergence of land guards in the urban areas was a result of this uncertainty over ownership rights over land in urban areas. Also, resulting from this state of affairs was the problem of increased litigation that the formal court system is unable to cope with.*

However, state restrictions on these land rights were also noted. These included restrictions on size of land transfers, land revenue sharing, land use and ultimately the transfer of ownership by the power of compulsory acquisition and were justified on grounds of public interest. An analysis of the results on restrictions revealed that:

*The panel was unanimous that land use restrictions on zoning and ownership were justified:*

- (a) on the basis of public interests, for example, in the provision of public goods, even if at the risk of been seen as an intervention on the land market;*
- (b) the Constitutional limitation of not offering freeholds in land to foreigners was seen as justified on the basis of national interest;*
- (c) the fifty year lease maximum duration was seen as reasonable for foreign investments; and*
- (d) requirement for citizens to also pay ground rents was also justified on the basis of landlord tenant relationships.*

However, a fundamental weakness of land governance in Ghana is the lack of capacity to enforce land rights. As noted by the national land policy of 1999, there is “poor capacity and capability to initiate and coordinate policy actions let alone resolve contradictory policies and policy actions among various land delivery agencies”. According to Kasanga (2000), “[given] the weakness of the decentralized land management agencies (District Assemblies, Regional Lands Commission, Administrator of Stool Lands, etc) in finance, personnel, office equipment and machinery, housing and office accommodation, etc it would be suicidal to leave all land management functions to them (and) the active involvement of local communities in land management will go a long way to relieve the public land agencies of most of their burden in land administration”.

For example, on LGI 2(iii) on individual registration of urban land parcels, the panel assessment was a score of D and noted that: “ ... *while in urban areas claims and counter claims were motivation factors for land rights holders to register; the absence of site plans in peri-urban locations, costs of registration, ignorance and the rapid pace of urbanization that has pushed development ahead of planning in the country all operate to limit urban land registration especially given the weak institutional capacity to deliver such services*”. Similarly, on meaningful incorporation and monitoring of equity goals in land policy, the panel assessment was a score of C and commented that: “... *monitoring and evaluation of these changes was not done in any meaningful way as for example, capacity to deliver was still a key problem in the land services sector and enforcement was yet to be achieved*” (see Annex 7.2).

To address the capacity problems in Ghana’s land governance requires seeing capacity building as: “*the development of knowledge, skills and attitudes in individuals and groups of people relevant in the design, development and maintenance of institutional and operational infrastructures and processes that are locally meaningful*”(Groot and Molen’s (2001). Similar-

ly, UNDP (1998) defined capacity building as: *the ability of individuals and organizations or organizational units to perform functions effectively, efficiently and sustainably*". These definitions emphasize the human development dimension of capacity building which is crucial to the role of CLSs in land management. Human capital as a resource in land management reflects the individually possessed knowledge, competencies, education and skills embodied in individuals that help them efficiently and effectively discharge their roles.

As FAO (2007) noted, good governance in land administration cannot be found where there is insufficient capacity to deliver services. Thus, under LAP 1, the hitherto separate formal sector land machinery has been reconstituted into a single Lands Commission under a new Lands Commission Act, Act 767 of 2008 with the following objectives and functions:

**Objectives:**

- (a) Promote the judicious use of land by the society and ensure that land use is in accordance with sustainable management principles and the maintenance of a sound ecosystem; and
- (b) Ensure that land development is effected in conformity with the nation's development goals.

An assessment of the above objectives in the context of the capacity weaknesses of the land sector institutions suggests there is still a long way to go in achieving their achievement. For example, as panel assessment of LGI 7(i) on land use planning revealed, *"the agencies involved in executing these functions are under-resourced and quite incapable of delivering on their mandates. This, coupled with the rapid rate of urbanization has resulted in development in the country always ahead of the planning process"*. Thus capacity weaknesses as admitted by the national land policy of 1999, need to be addressed if any headway is to be made in achieving these objectives. Accordingly, the functions of the Lands commission as spelt out below have not been effectively and efficiently undertake.

**Functions:**

- (a) On behalf of the Government, manage public lands and any other lands vested in the President by the Constitution or by any other law and any lands vested in the Commission;
- (b) Advise the Government, local authorities and traditional authorities on the policy framework for the development of particular areas of the country to ensure that the development of individual pieces of land is coordinated with the relevant development plan for the area concerned;
- (c) Formulate and submit to Government recommendations on national policy with respect to land use suitability or capability;
- (d) Advise on, and assist in the execution of, a comprehensive programme for the registration of title to land throughout the country;
- (e) Register deeds and instrument that affect land throughout the country;
- (f) Facilitate the acquisition of land on behalf of Government;

- (g) Establish standards for and regulate survey and mapping of the country;
- (h) Provide surveying and mapping services where necessary;
- (i) License practitioners of cadastral survey;
- (j) Provide land and land related valuation services;
- (k) Ensure that through sound, sustainable land use planning, socio-economic activities are consistent with sound land use through sustainable land use planning in the long term national development goals;
- (l) In collaboration with other bodies instill order and discipline into the land market through curbing the incidence of land encroachment, unapproved development schemes, multiple or illegal land sales, land speculation and other forms of land racketeering;
- (m) In collaboration with other bodies minimize or eliminate, where possible, the sources of protracted land boundary disputes, conflicts and litigations in order to bring their associated economic costs and socio-political upheavals under control;
- (n) Promote community participation and public awareness at all levels in sustainable land management and development practices to ensure the highest and best use of land;
- (o) Promote research into all aspects of land ownership, tenure and the operations of the land market and the land development process;
- (p) Impose and collect levies, fees, charges for services rendered;
- (q) Establish and maintain a comprehensive land information system, and
- (r) Perform other functions the Ministry may assign to it.

### **Divisions of the Lands Commission**

The Commission shall have the following divisions:

- (a) Survey and Mapping,
- (b) Land Registration,
- (c) Land Valuation,
- (d) Public and Vested Lands Management, and
- (e) Any other Division the Commission may determine

### **Functions of the Survey and Mapping Division**

The Survey and Mapping Division has the following functions:

- (a) Supervise, regulate and control the survey and demarcation of land for the purposes of land use and land registration;
- (b) Take custody of and preserve records that relate to the survey of any parcel of land;
- (c) Direct and supervise the conduct of trigonometric, hydrographic, topographic and engineering surveys;
- (d) Coordinate the preparation of plans from the data derived from survey and any amendment of the plans;

- (e) Coordinate the production of photogrammetric surveys including aerial photography, orthophotomapping, and remote sensing;
- (f) Survey, map and maintain the national territorial boundaries including maritime boundaries;
- (g) Supervise and regulate operations that relate to survey of any parcel of land;
- (h) Develop and maintain the national geodetic reference network for the country;
- (i) Supervise, regulate, control and certify the production of maps; and
- (j) Other functions determined by the Commission.

### **Functions of the Land Registration Division**

The functions of the Land Registration Division include

- (a) Publication of notices of registration upon receipt of an application for registration;
- (b) Registration of title to land and other interests in land;
- (c) Registration of deeds and other instruments affecting land in areas outside compulsory title registration districts;
- (d) Maintaining land registers that contain records of land and other interests in land;
- (e) Other functions determined by the Commission.

### **Functions of the Land Valuation Division**

The functions of the Land Valuation Division include

- (a) Assessing the compensation payable upon acquisition of land by the Government;
- (b) Assessment of stamp duty;
- (c) Determining the values of properties rented, purchased, sold or leased by or to Government;
- (d) Preparation and maintenance of valuation list for rating purposes;
- (e) Valuation of interests in land or land related interests for the general public at a fee;
- (f) Valuation of interests in land for the administration of estate duty; and
- (g) Other functions determined by the Commission.

### **Functions of the Public and Vested Lands Management Division**

The functions of the Public and Vested Land Management Division include

- (a) Facilitating the acquisition of land for Government;
- (b) Managing state acquired and vested lands in conformity with approved land use plans; and
- (c) Other functions determined by the Commission.

### **Functions of Customary Land Secretariats:**

At the informal or customary sector level, it is the values, norms and traditions of the customary areas that define the functions of traditional institutions in land governance. The concept of customary land secretariat (CLS) was already operational in Ghana by some corporate tenure authorities before the coming into being of the Ghana Land Administration Project (LAP).

Examples include the Ashantene and the Gbawe Kwetei family land secretariats. Thus, the national land policy states as a policy action, to:

assist the various traditional authorities and other land owning families and clans to establish land secretariats to facilitate the work of government departments and agencies involved in land service delivery (Ministry of Lands and Forestry, 1999).

Accordingly, subcomponent 2.3 of LAP 1 had as its goal “to lay a foundation for clearer and more cohesive development in the customary land administration sphere and for its further consolidation and evolution in subsequent land administration projects” (Government of Ghana, 2003). To achieve this, the project was tasked to work directly with customary land authorities to help them improve and develop customary land administration. Thus CLS have been established in several land owning communities to undertake the following functions:

- consolidate and develop landholding rules and develop public land allocation and transaction procedures to limit double or multiple allocations;
- adopt simple land use planning of the customary area to minimise inappropriate land use and project areas of common interest to the community;
- identify and resolve overlapping claims of rights among landholders;
- develop more effective dispute resolution procedures, including the adoption of record keeping to help establish precedent;
- reach agreement with neighbouring communities on the boundaries of the customary land area;
- establish simple registries to record land allocations, transactions and land use planning decisions;
- develop forms of certificates or entitlement which precisely reflect the nature of rights over the property awarded and the terms and conditions;
- methodically identify, adjudicate, demarcate and register holdings in the customary area, without formal survey input as appropriate; and
- develop mechanisms which improve the security of those identified as most likely to be vulnerable, women, very poor and landless families in the community and strangers and tenants (Government of Ghana, 2003).

Regional Lands Commissions have been established in all ten regions of the country to undertake the above functions, and it is expected that the functions as defined above will be executed without overlapping and struggles for dominance and control of power. For reasons of rent seeking, control of power and show of authority among others, however, personnel of the Lands Commission complain that notwithstanding the institutional reform process, some functions are still executed with overlaps. Furthermore, functional overlaps can still be found in the overall context of land sector at level of sector ministries of land, environment, water resources, food and agriculture and roads and highways. Also at the decentralized level, overlaps in functions were noted for example, between the Town and Country Planning Department and the Metropolitan, Municipal and District Assemblies in the discharge of development control functions (see Aide Memoire of Panel 3 in Annex 7.2) based on LGI 5. Thus, the panel assessment and analysis of LGI 5 was that:

*... in respect of development control functions there was overlap between the Town and Country Planning Department (TCPD) and the District, municipal and Metropolitan Assemblies which both derive the mandate to execute these functions under the Planning Ordinance of 1945 (Cap. 84) the Local Government Act of 1993, Act 462 respectively. The consequence of this being non-performance of function and blame games as to who should have carried out the functions of development control. Besides, the Lands Commission and the Office of the Administrator of Stool Lands (OASL) were noted by the panel to be engaged in the collection of land revenues under the mandates given them by Act 767 of 2008 and Act 485 of 1994 respectively. For legal convenience, the panel noted, Act 462 merely put the TCPD as a decentralized body of the District Assemblies, but the autonomy of the body is what largely defines it to date. There was equally the concern that if the functions of customary land secretariats were not defined by legislation there could be overlaps between these bodies and the other land sector agencies, particularly the District Assemblies.*

The assessment of LGI 6 on level of participation and equity in Ghana's land governance as seen in Aide memoire of Panel 3, indicated improvement in stakeholder participation in land policy formulation as well as equity issues. The detailed analysis by the panel is indicated government commitment to:

- (a) reviewing the phenomenon of landlessness and iniquities in sharecropping arrangements of migrant or tenant farmers;*
- (b) collaborating with traditional authorities to harmonise and streamline customary practices of land tenure;*
- (c) creation of land banks;*
- (d) financing mechanisms for payment of compensation;*
- (e) improving taxation of land to reduce land speculation;*
- (f) legislation on real estate dealers and land developers;*
- (g) improving service delivery of land sector agencies;*
- (h) removing subsidies on government lands; and*
- (i) collaborating with traditional authorities to enhance land governance.*

*The panel noted that under phase I of LAP, some progress has been made in many of these areas; for example, return of compulsorily acquired land to some traditional authorities to improve upon the landlessness situation; codification of customary law under a GTZ project; provision of a directory for available land in different parts of the country; establishment of customary land secretariats for improved land governance; and institutional reform of the land sector agencies culminating in the present structure of the Lands Commission. Yet, the panel noted, monitoring and evaluation of these changes was not done in any meaningful way as for example, capacity to deliver was still a key problem in the land services sector and enforcement was yet to be achieved. Thus the panel was of the view that tenant farmers especially in the cocoa industry were still working under contractual arrangements that left much to be desired, women and other vulnerable segments were still generally finding it difficult to access land in many parts of Ghana, payment of compensation was still a burden on the state and last but that least, government lands were still sold under without transparency to government cronies of the political party in power.*

Yet, more work needs to be done in the areas of participatory land governance and equity in land resource utilization for the positive impacts to be felt by the majority of Ghanaians; especially the marginalized land rights holders to whom equitable access to land rights underpins their very survival.

## **4.2 Land use planning, management and taxation**

The history of land use planning in Ghana dates back to the colonial era when Health and Sanitary boards were set up. Charged with the mandate of ensuring that there is good public health and safety, the duties of these boards included housing delivery, town planning, sewage, water supply just to mention a few. In 1925 however, the promulgation of the town planning ordinance gave birth to the establishment of the Central Town Planning Board. Like the previous board, members were mainly professionals thus made no room for public views to be elicited. It should also be said that land use planning during this period was rather ad hoc and piecemeal in nature.

Logically the passage of Cap 84 in 1945 was with the view to correcting the many ills that had come to be associated with the previous legislation and its provisions. Among the sterling effects of the Cap 84 were the creation of the Town and Country Planning Boards, and the declaration of all regional capitals and a good number of towns as statutory planning areas. The latter meant that no use decision by way of development either on land, over land or under the land could be carried out without prior approval from the appropriate Town Planning Authority.

Land use planning has been defined as the art of ordering the use of space, masses and communication channels in order to achieve maximum efficiency in terms of economy, convenience and visual pleasure. Space and masses used here refer to land and buildings respectively. The definition thus establishes that there is an important relationship that exists between land, buildings and communication channels. Also referred to physical planning, it involves the detailed planning of how buildings and land are used in an area. It involves not only deciding on how best to use space and masses - land and building but in addition to this defines the regulatory dimension by which land use is overseen. It in effect involves making use decision and management decisions with respect to land and buildings in a given planning area with the view to achieving a set of objectives. This can be contrasted with another term which is sometimes used interchangeably with land use planning, i.e. spatial planning. Spatial planning is typically seen as a broader set of ideas and practices which give geographical expression to a society's social, economic and other policies. Spatial planning occurs at the strategic level of overall guidance and encompasses land use planning (LUPMP, 2009). From this perspective, spatial planning unlike land use planning brings together and combines intents of land development with other policies and programmes which influence human settlements and their functionality.

This explains the genesis of the Town and Country Planning and its place in Ghana's land use planning history to date. Unfortunately however this legislation has not seen much changes since Ghana became independent although Ghana as a nation has gone through many change phases marked by urbanisation, globalisation, decentralised system of government just to cite

a few. To date even under the decentralised system, the Town and Country Planning Department at the district level still has the mandate to make land use decisions, enforce development control and to grant development permits drawing its powers from the Cap 84.

A fundamental feature of the land use planning process in Ghana is that development is constantly ahead of the planning process due to immanent capacity weakness in the face of a fast pace of urbanization. In relation to capacity weaknesses, for example, the findings made by the Haldrup (2003) cited in the LUPMP (2009) appraisal report, identified a shortfall of 451 of key personnel for all ranks out of the total of 837 required. For all the ranks as many as 120 Town Planning and Assistant Town Planning Officers and 92 Senior Town Planning Officers were not at post in the various offices. In the wake of this shortage of staff come other problems such as the deplorable working conditions, lack of base maps either in the hard copies or digital form, lack of archives, and deterioration of existing hard copies of maps, only 9 vehicles for a total of 78 offices. The effects of these have been the hijacking of the land use planning and management process by the few skilled or unskilled personnel who in most instances oversee two or more districts.

Given that the top ranks of the Town and Country Planning Department who are expected to provide the needed leadership as well as guide the technical aspect of the process are mostly not available, the survey, analysis and the actual plans made are not responsive to the ever changing demands of Ghanaians for land or urban spaces. This has been compounded by what Olima (1993) refers to as lack of accurate information. Estimating future needs and predicting growth paths of our towns and villages in a rapidly urbanising and globalising country like Ghana without adequate and reliable data has been a major drawback for land use planning and management. The effect of this has been the reversal of the process where planning is done, services are provided; buildings are constructed and occupied to one of occupation-building-servicing and planning. The situation would have been better if re-zoning was not abused as it currently is even sometimes to accommodate unauthorized development.

Amidst all these hurdles, the separation of the right to make land use decisions by one institution whereas the land ownership decision rests with yet another, coupled with weak enforcement systems makes it attractive for land use development to precede planning as land owners develop their lands in disregard of planning legislation and are not held accountable. Highlighting how non compliant the customary land sector is in Ghana, Kasanga (1988) is quoted as saying “if the government were to charge people for defying its legislation on land, almost all the whole country would be on trial”. This may have been ameliorated if the participatory elements in land use planning process were enforced thus making collective enforcement a useful possibility. There have been two sides to the low participation.

First the legal provision that oblige the planning authority to publicly engage the citizenry has itself been restrictive as per the provision in the Cap 84 that requires that notice of such deposit and the period of which any person may inspect and make representation is published in the gazette and two daily papers. Issues that arise from this include the effect globalisation has on the proliferation of electronic and print media and the associated reduction in the possibility of one chancing on the local daily in which the publication is made. Also to mention

is the literacy level and willingness to read not to mention the cost of these dailies. For example, the panel discussion on LGI 7(i) on land use plans and changes to the plans observed that:

*In a discussion dominated by the Ashanti Regional Town and Country Officer, the Kumasi Metropolitan Assembly participant and a retired planning officer, it emerged that some attempts are being made in peri-urban communities where changes are needed in their land use plans to survey affected communities and gather views of community members on the changes to be made; publications are also made in the media for wider public comments before the changes are effected. However, it also came to light that the agencies involved in executing these changes are under-resourced and quite incapable of delivering on their mandates.*

The other side to the low participation and for that matter transparency has been blamed on the technical aspect of the planning process which has been used as an avenue to hijack the process. Under resourced, some Town and Country Planning officers have justifiably short circuited the planning process thus shrouding the whole business of goal formulation and standard setting to guide land use development in mystery. Having well in hand the power to re-zone to accommodate the ever changing societal needs, the reality has come to reflect the popular saying that “power corrupt but absolute power corrupts absolutely” as some unscrupulous planners have in the dark colluded with chiefs to alter approved plans to the detriment of public interest and welfare. . The participatory aspect of the process requires that inputs are elicited from the general public. As a proviso, planning authorities are required to place the draft plan in the public domain by way of notices and advertisement, display of the draft plan in public places etc for a stipulated period etc. The inputs gathered by way of discussions and debates feed into the revision of the plan. A revised draft plan is ready for approval and adoption. For the day to day administration of the prepared plan, detail lay outs are then developed from the plan which is also supposed to go through a similar process of public participation. At this level individual parcels are subdivided, allocated and developed subject to the issuance of development and building permits.

The other dimension which is market induced is fuelled by the rapid urbanisation and the resultant commoditization of land. This has caused land sale to be put ahead of planning because the planning authority is unable to keep pace with the demand and pressure to plan. Some chiefs have met this increased demand for land by engaging surveyors who are not trained to prepare planning schemes or layouts to draw up plan which do not stand the test of time as the mostly lack all ancillary services that come along with such schemes. In contrast as observed by Gough and Yankson (2000) most of the state and vested lands follow the approved process of planning-servicing-building and occupation whereas development on stool lands remains mostly unapproved.

At the plan management level the major challenges have been lack of clear land rights, lack of legal provision for newly emerging land uses, multiple permitting agencies, applications that fall short of standards, wrong site plans, proposed uses that are incompatible with zoning regulations and the high incidence of conversion, invasion and succession

The Tables 5, 6 and 7 below highlight the demographic and urbanization trends in the country from 1960 -2010 as an attempt to put the land use planning problems in perspective.

Table 5 Regional Rural -Urban Splits of Population

Region	Proportion	
	Urban	Rural
Western	37.5	62.5
Central	37.5	62.5
Greater Accra	87.7	12.3
Volta	27	73.0%
Eastern	34.6	65.4%
Ashanti	51.3	48.7
Brong Ahafo	37.4%	62.6
Northern	26.6	73.4
Upper East	15.7	84.3
Upper West	17.5	82.5

Source: 2000 Population and Housing Census. Ghana Statistical Service

Table 6 Regional Population Distribution

Region	Population Size					Growth Rate		
	1960	1970	1984	2000	2010*	1960-1970	1970-1984	1984-2000
Western	626,155	770,087	1,157, 807	1,924, 577	2,558,113	2.1	2.9	3.2
Central	751,392	890,135	1,142,335	1,593,823	1,864,104	1.7	1.8	2.1
Greater Accra	541,933	903,447	1,431,099	2,905,726	4,358,263	5.1	3.3	4.4
Volta	777,285	947,268	1,211,907	1,635, 421	1,878,316	2.0	1.8	1.9
Eastern	1,044,080	1,209,828	1,680,890	2,106,696	2,297,565	1.5	2.4	1.4
Ashanti	1,109,133	1,481,698	2,090,100	3,612,950	4,839,100	2.9	2.5	3.4
Brong	587,920	766,509	1,206,608	1,815,408	2,257,304	2.7	3.2	2.6

<b>Ahafo</b>								
<b>Northern</b>	531,573	727,618	1,164,583	1,820,806	2,259,671	3.1	3.4	2.8
<b>Upper East</b>	468,638	542,858	772,744	920,089	1001926	1.5	2.5	1.1
<b>Upper West</b>	288,706	319,865	438,008	576,583	637,157	1.0	2.3	1.7
<b>All Regions</b>	<b>6,726,815</b>	<b>8,559,313</b>	<b>12,296,081</b>	<b>18,912,079</b>	<b>23, 837,261</b>	<b>2.4</b>	<b>2.6</b>	<b>2.7</b>

Source: 2000 Population and Housing Census. Ghana Statistical Service

Table 7 Regional Populations from 1960-2010

Region	Population Size					Growth Rate		
	1960	1970	1984	2000	2010*	1960-1970	1970-1984	1984-2000
<b>Western</b>	626,155	770,087	1,157, 807	1,924, 577	2,558,113	2.1	2.9	3.2
<b>Central</b>	751,392	890,135	1,142,335	1,593,823	1,864,104	1.7	1.8	2.1
<b>Greater Accra</b>	541,933	903,447	1,431,099	2,905,726	4,358,263	5.1	3.3	4.4
<b>Volta</b>	777,285	947,268	1,211,907	1,635, 421	1,878,316	2.0	1.8	1.9
<b>Eastern</b>	1,044,080	1,209,828	1,680,890	2,106,696	2,297,565	1.5	2.4	1.4
<b>Ashanti</b>	1,109,133	1,481,698	2,090,100	3,612,950	4,839,100	2.9	2.5	3.4
<b>Brong Ahafo</b>	587,920	766,509	1,206,608	1,815,408	2,257,304	2.7	3.2	2.6
<b>Northern</b>	531,573	727,618	1,164,583	1,820,806	2,259,671	3.1	3.4	2.8
<b>Upper East</b>	468,638	542,858	772,744	920,089	1001926	1.5	2.5	1.1
<b>Upper West</b>	288,706	319,865	438,008	576,583	637,157	1.0	2.3	1.7
<b>All Regions</b>	<b>6,726,815</b>	<b>8,559,313</b>	<b>12,296,081</b>	<b>18,912,079</b>	<b>23, 837,261</b>	<b>2.4</b>	<b>2.6</b>	<b>2.7</b>

Source: Ghana Statistical Service, Population Data Analysis Report, Socio-Economic and Demographic Trend Analysis (Volume 1), August, 2005. \*2010 figures obtained from provisional census report at <http://www.statsghana.gov.gh>

The above demographic and urbanization trends if put in the context of a inadequate legislative framework and rather weak capacity base for the delivery of planning services does not augur well for planning. Thus, it is perhaps not an exaggeration to conclude that planning

regulations are observed more in their breach than their compliance in Ghana as explained in the case of building permits below.

Building permits are building development consents granted to any worthy or prospective developer or person by a statutory authority or organizations to construct buildings or related structures in an approved location, within a set time frame and in line with local or national regulations. It is a legal document covering any building or property for which its plans are found to be suitable for implementation and eventual human habitation or use. Building permits are commonly granted to cover permanent structures, which include residential, industrial to commercial buildings, as well as temporary or makeshift structures such as kiosks, metal sea containers, local fabricated metal containers otherwise known as container shops and that of advertising hoardings or signs.

It is true that public knowledge about building permit, especially the lay public, is scanty and unfavorable except amongst people of the middle and upper brackets of our society who have the wherewithal to fund building projects. Building Permits are generally seen by the public as a document difficult to obtain from the appointed agencies. Complaints about poor public relations, undue delays and lack of effective means of correspondence make up additional problems. Many developers, the public and housing agencies lack sufficient knowledge about the essence of a permit, conditions attached to a permit, the rights of every property owner with regard to approved development and acceptable procedures.

Petitions by aggrieved developers in relation to applications are rare or are hardly pursued. Petitions are not quickly dealt with by the Assemblies either. Queries raised on building proposals are not sorted out quickly by developers for re-submission. Most applicants are generally not familiar with relevant or key departments responsible for processing this type of permits. Planning committees that consider and approve: building permits most often fail to meet to consider such applications.

For example, intended to serve as a practical guide, the procedures to the customer/ client and officials of the Accra Metropolitan Assembly to enhance transparency and trust in the building permitting system, the following stages have been devised.

#### Stage 1: BASIC REQUIREMENTS FOR ALL BUILDING DEVELOPMENTS

Every applicant/developer is required to have the following:

- Building Permit Application Form
- Town & Country Planning Development Application Form 1
- Two (2) sets of site plans(one on transparency)
- Four (4) sets of building fence and block plans (scale not less than 1:20 or 1:40 or
  - metric equivalent 1:100 and 1:2000)
- 4 sets of working drawings
- Certificates/ official letter or search on status of land (lands Commission or Land
  - Title Registry)

- 5 self addressed envelopes

#### Stage 2: COMPLETION OF APPLICATION FORMS

- Complete in full the Building Permit Application Form and the Town & Country Planning Development Application Form 1

#### Stage 3: SUBMISSION OF FORMS

- Submit completed Development application and the Building Permit Application forms with all necessary attachments to the desk officers at the Town and country Planning Department (TCPD) any day except Friday.
- On submission you shall be informed of Corrections to be made or additions if any and the Date for site inspection
- The payment of procession fee (obtain an official receipt)

#### Stage 4: PROCESSING OF APPLICATIONS

- Thereafter the Joint Technical Sub-Committee undertakes site inspection with the applicant(s) or prospective developer(s) on the agreed date.
- Relevant AMA departments and agencies undertake preliminary assessment of applications and submit report to the Joint Technical Sub-Committee within ten (10) working days.

#### Stage 5: NOTIFICATION FOR PAYMENT OF FEES

Application notified when to pay building permit fees:

- List of names will be posted on the notice boards of the following offices
  - Head offices AMA
  - TCPD (near old Passport Office)
  - Metro Works Department AMA
  - Sub-Metro Offices, AMA
- Or if requested by registered mail to the applicant within fourteen (14) days of site inspection

#### Stage 6: PAYMENT OF BUILDING PERMIT FEES

Applicant/developer pays building permit fees at the Metro Works Department of the AMA only. The payment receipt is not a building permit certificate and refusal or inability to make payment within (28) twenty-eight working days indicates loss of interest. The process is re-activated when the applicant settles the appropriate bill. Applicants will bear the cost for re-inspection. The various known and official costs range from Fifty to Three Hundred Ghana Cedis (GHC50.00 to 300.00) depending on the type of property as

processing fee by the TCPD and a factor of 0.625 multiplied by the value of the property after the statutory committees have met and approved the application.

Since most people develop their properties before applying for building permits to regularise their developments, the values of properties become very high and hence the cost of building permits even officially. Applicants therefore find themselves at the receiving end in the process and most therefore ignore to regularise their developments by obtaining building permits.

#### Stage 8 FINAL APPROVAL

- The Accra Planning Authority meets for final approval of application within nine (9) working days after Joint Technical Sub-Committee evaluation meeting.
- Applicants notified of decision by the Accra Planning committee within ten (10) working days of meeting.

#### Stage 9: ISSUANCE AND COLLECTION OF BUILDING PERMIT

- Applicant collects building permit certificate from the Metro Works Department duly signed by the Metropolitan Engineer within ten (10) working days of receipt of approval list from the Secretary of the Accra Planning Authority.

The above notwithstanding, lengthy processing durations and high cost deter developers from applying for permits in urban Ghana. Most developers are unaware of laws on housing and many old and emerging communities have no planning permission. Certain communities have multiple planning schemes, making plan implementation difficult. This is the disturbing building permit state in the country and this has negative implications for orderly development. For example, in a report by Sebastian Freiku of the Ghanaian Chronicle titled "KUMASI DEVELOPMENT GETTING WORSE, CHAOTIC", the poor state of building development administration in Kumasi township was clearly painted; 80 per cent of buildings in the metropolis are without building permits and between 1990 and 2000 only 7.2 per cent of buildings in the metropolis had permits. Appointed approving planning committees do not meet regularly and acquisition of lease documents or title, to necessitate the granting of a permit is not easy.

This situation is no different in the other urban centres, and as a result, the 1996 National Building Regulation L.I. 1630 Section 8 (1 and 2) provided that: "Where a person submits an application for a building permit the District Planning Authority shall notify him within seven days of the receipt of the application and shall within a period of three months thereafter notify the applicant whether the application is granted or refused". It goes on to conclude that "an applicant not informed about the grant or refusal of his/her application may after the expiry of the three months commence development on the basis that the application is acceptable to the District Planning Authority".

Yet the above provision is far from observed as lamented by the Greater Accra Regional Minister on June 30, 2009:

At the Accra Metropolitan Assembly for instance, there are more than 50 bureaucratic procedures that a developer has to follow before permits are issued. The procedure exists at the Tema Metropolitan Assemblies and Ashaiman Municipal Assemblies where 50 conditions would have to be met. At the Tema Assembly initial approvals to applications processed by the Tema Development Corporation are rejected and the developers are asked to go through the same applications anew.

The above assertion of the state of land use regulation in Ghana leaves much to be desired and it is not surprising that the planning process in the country is behind the development process and in need of urgent reversal. This was corroborated by the assessment of panel 4 of the building permits situation that:

The requirement of title to property before building permits are issued in the context of fast urban development which has left planning behind the development process was noted by the panel to delay the process of application as well as even the desire for people to apply for building permits. Also, the rent seeking behavior of staff responsible for the issuance of building permits was remarked as creating difficulty for timely decisions on applications. Other problems discussed were reluctance of Chair to Statutory Planning Committee to delegate functions and thus facilitate work, few meetings of committees to take decisions on applications, delays in applicants' response to queries sent to them, political changes and general bureaucracy.

### **4.3 Management of public land**

The critical question that needs to be addressed in the management of public land in Ghana under the on-going land administration reforms is institutional reform and capacity building and development of the Lands commission to execute its mandate as the manager of public land in the country. As noted earlier, public land comprises compulsorily acquired and vested land. The use of powers of eminent domain by the Government of Ghana to expropriate private interest in land for public use is challenged by its ability to pay fair and adequate compensation promptly. Compulsory acquisition of landed asset by Government through its Ministries, Departments and Agencies (MDAs) and other institutions in the public interest is, as expected, subject to the payment of fair, adequate and prompt compensation. This principle is now well-known among the people of Ghana. In general, apart from land, buildings and other structures of all types as well as crops – food and cash – may be adversely affected by compulsory acquisition to warrant compensation payment. However, the LGAF study revealed in a panel discussion on LGI 12 as follows:

*Based on the tenure typology table in the background report and knowledge of panel members, the broad types of public land identified were:*

*(a) Compulsorily acquired land*

*In the case of compulsorily acquired land, the panel understood the justification of compulsorily acquiring private lands in the public interest for the provision of public goods, for example. Yet using the national land policy document the panel was able to criticize Government for excessively compulsorily acquiring lands and neither using these for intended purposes nor paying the relevant compensation to expropriated parties. The result of this as evidenced in the national land policy document is origi-*

*nal land owners becoming landless and reduced to tenants on their own lands at the very best.*

*(b) Vested lands*

*In the case of vested lands which were described as arising out of the Administration of Lands Act, 1962 , Act 123; participants again saw a justification in Government vesting lands in the President and ensuring that the legal interest was in the state and the lands managed by the Lands Commission with beneficiary interest to the communities where these lands are located if the lands were a subject matter for dispute between communities. However, given the current policy direction in favour of divesting it was argued that this needs to be done on a case by case basis as blanket divesting could lead to the emergence of land conflicts. Especially in the case of the Brong Ahafo Region, the question was raised as to whether given the tension between the different traditional authorities' claims and counter-claims to even lands that are vested in their areas of jurisdiction it was appropriate to divest and risk inflaming these tensions.*

The need for an inventory of public land was underscored by the following panel comments:

- The panel observed that public lands comprised compulsorily acquired lands and vested lands as earlier noted for LGI 12 Dimension i above.*
- It was also noted that available records on these lands were hard to come by as the first ever inventory of public lands in the country was yet underway and only that for Central Region had been completed as carried in the background report.*
- The records on public lands include the Executive Instruments of acquisitions and vesting orders by Government as well as the boundaries of these lands and the sizes of the acquisitions in relevant site plans.*
- It was noted by the panel that all these records were difficult to access in the country, making a determination of the extent of public lands and the locations of these lands extremely difficult to ascertain and hence the need for the inventory that is currently ongoing.*
- In the inventory sample of 713 sites in the Central Region which were sites acquired by Government and/or occupied by Government, only 138 were having records to to the effect that they were state lands.*
- An analysis of this sample data showed that less than 20% of these lands have documents on them and given that this sample was typical of the rest of the country, the assessment was by consensus taken as C for LGI 12 Dimension ii as highlighted above.*

Post-independence acquisitions have primarily relied on the State Lands Act, 1962 (Act 125) and the State Lands (Amendment) 2005, Act 586. Provisions of these two statutes are rather restricted to the acquisition of “private” interest in real estate. In contrast, “acquisition” of stool<sup>1</sup> lands has been accomplished using the Administration of Lands Act, 1962 (Act 123).

---

<sup>1</sup> A stool means the seat of a chief of an indigenous group or community which represents the source of authority of the chief. It is a symbol of unity and its responsibilities devolve upon its living representatives, the chief

Under Act 125 and Act 586, a lump sum compensation is payable to claimants. Section 10 of Act 123 on the other hand prescribes the payment of annual compensation rental for stool land acquisition taking accounts of the degree of social benefit inherent in the acquisition. Compulsory acquisition procedures are deemed to be opened and publicized to attract claims from expropriated owners. Under Act 125, the acquisition instrument commonly known as the Executive Instrument is published and publicized in a prescribed manner (see Section 2 of Act 125).

However, Article 20 of the 1992 Constitution of the Republic of Ghana underpins the authority of the State to compulsorily acquire landed property in the public interest subject to prompt payment of fair and adequate compensation. And any aggrieved person shall have access to the High Court for redress on determining matters of ownership right and quantum of compensation.

A limited number of studies in the country have narrowly dealt with the subject of compulsory acquisition and compensation. One of such studies, nonetheless, provides a clear distinction between acquisition for public interest and public purpose (see Kotey, 2002). The State has over the past years applied its powers of eminent domain to execute projects such as roads, schools, hospitals and electrification through compulsory acquisition of land. Such an option is, however, likely to generate challenges for land administration. For instance, out of 713 of state acquired and occupied sites in the Central Region of the country, only 58 sites were fully acquired, compensation paid and lands fully utilized; 11 sites were fully acquired; compensation paid but lands not fully utilized (Ministry of Lands and Forestry, 2008). A periodic inventory of such acquired and occupied landed assets is necessary to provide inputs for policy formulation. In a related study, Larbi (1994) provided a qualitative account of the state of undeveloped land acquired by the State in Accra. A more recent study, Larbi, et al. (2004) analyses compulsory acquisition practice in the country, but falls short of critically examining compensation assessment. Thus, Burns *et al.* 2010 argue that Land Governance Assessment Framework (LGAF) is meant to assess the land governance situation at the country level and identify the key issues for improvement. On this account, LGAF may comparatively be used to identify best practices that can determine benchmarks for other countries. In the case of fairness of expropriation the panel observed that:

- *Prior to the 1992 constitution it was sufficient for the state to merely state that land which was the subject matter of compulsory acquisition was required in the “public interest”.*
- *What constitutes this public interest is broad and thus the pre-1992 position was that at a later date when the state diverted this land to another use other than what was originally intended; but which served the public interest, no problem arose.*

---

and his councilors (elders). Land owned by such a group or community is referred to as stool land. (National Land Policy, Ministry of Lands and Forestry, 1999). A skin in Northern Ghana is the equivalent of a stool in Southern Ghana.

- *Post-1992 constitutional requirements were noted by the panel to impose on the state a duty to fulfill including making explicit the specific use or uses to which the land is to be put before the acquisition becomes valid. Should there arise a diversion of use, then the original owners had a legal basis to mount a challenge in the courts to argue that there was a violation of the constitutional requirement which rendered the acquisition invalid and the lands be returned to them under a right of pre-emption. This, the panel noted had cut down considerably on the diversion of expropriated land to private purposes.*
- *Additionally, it was discussed and agreed that Government had become more aware of the problems of compulsory acquisition of land and the non-payment of compensation and become cautious in the misuse of that power of eminent domain...Yet, the panel was concerned that the policy actions of the national land policy that direct the establishment of land bonds as a financing mechanism for compulsory land acquisition was yet to commence and thus the hitherto financial limitation in the payment of compensation have not disappeared.*
- *Thus even though the compulsory acquisition of land now places a duty on any Government agency asking for the land to have also the money to pay compensation, lands acquired compulsorily could still not be transferred to their destined uses in a timely manner because of the lack of resources to undertake the payment of compensation and execution of projects at the same time or soon after the former.*

The above observations are a clear pointer to the need for a policy direction on both compulsory acquisition and vesting or divesting of land in the country; and such a policy direction should be informed by a detailed national study of the issues within a broad stakeholder analysis of perspectives that equally recognizes individual differences of the land issues involved.

#### **4.4 Public provision of land information**

Land information is important to all stakeholders in the land market and absolutely vital to the development of vibrant land markets. Making land information available in a timely and user friendly manner to the public is a *sine qua non* to the effective and efficient utilization of land resources. The role of public land institutions in this regard cannot therefore be overemphasized. Therefore, public perceptions of these institutions as sources of valuable information on land and that the information is available, up-to-date and accessible at an affordable cost would play key roles in the dissemination of land information and improve on land management and administration.

The role of land registries in this regard is particularly important and relevant data on land registration is provided below.

Table 8 Documents Registered at Regional Land Registry Offices 2005-2010

<b>DEEDS OFFICE</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>TOTAL</b>
Sunyani	-	495	274	1,018	448	506	2,741
Tamale	9	255	210	248	194	208	1,124
Bolga	40	233	103	254	402	414	1,446
Wa	-	354	553	517	524	451	2,399
Ho	34	332	446	617	751	666	2,846
Koforidua	99	1,698	947	1,970	2,094	1,011	7,819
Takoradi	167	1,016	870	1,780	1,942	2,714	8,489
Cape Coast	20	685	718	922	1,512	1,866	5,723
Kumasi	-	-	-	-	12	277	292
<b>Total</b>	<b>369</b>	<b>5,068</b>	<b>4,121</b>	<b>7,326</b>	<b>7,882</b>	<b>8,113</b>	<b>32,879</b>

Source: MASDAR (2011)

Table 9 Land Title Certificates issued from 1987-2010 in pilot areas of Accra and Kumasi

<b>YEAR</b>	<b>NO. OF APPLICATIONS LODGED</b>	<b>CERTIFICATES ISSUED</b>
1987	-	-
1988	2,274	-
1989	4,378	150
1990	5,659	400
1991	6,554	200
1992	11,848	1,010
1993	17,474	1,360
1994	23,409	2,000
1995	3,730	650
1996	5,856	1,906
1997	6,025	1,018
1998	5,830	1,977
1999	4,811	1,098
2000	4,447	1,147
2001	5,077	1,250
2002	4,412	2,663
2003	4,534	1,131
2004	3,629	2,222
2005	3,443	1,264
2006	6,306	1,994
2007	9,305	2,518
2008	9,604	3,227
2009	9,480	3,658
2010	7,739	3,575
<b>Total</b>	<b>165,824</b>	<b>36,418</b>

Source: Land Title Registry, Accra

Table 10 Gender Distribution of Title Registration in Accra from 1989 to 2002

Year	Male	Female	Joint	Total
1989	10	4	1	15
1990	26	8	3	37
1991	10	6	2	18
1992	54	36	6	96
1993	91	29	7	127
1994	120	46	12	178
1995	40	12	5	57
1996	133	42	15	190
1997	71	31	10	112
1998	102	46	18	116
1999	58	23	10	91
2000	66	28	16	110
2001	70	30	16	116
2002	85	26	16	127
<b>Total</b>	<b>936</b>	<b>367</b>	<b>137</b>	<b>1440</b>

Source Kotey (2003)

Table 11 Gender Distribution of Title Registration in Kumasi from 2008 to 2009

Year	Male	Female	Joint	Institutions	Total
<b>2008</b>	41	13	4	6	64
<b>2009</b>	72	34	8	23	137
<b>Total</b>	113	47	12	29	201

Source: Land Title Registry, Kumasi

The data in Tables 8, 9 and 10 show data gaps arising out of poor records keeping and management of land information. Furthermore, the data is not up-to date in most land institutions and consequently, availability to the public at the right time of need is not possible. All of these data problems have implications for cost of acquiring data and Tables 12 and 13 below highlight the situation in the country.

Based on the above data, panel 5 on public and information observed: *“In aggregate terms the panel concluded that land registered to physical persons nation-wide in the names of women either individually or jointly was less than 15%. It was noted that registration of land was a predominantly urban phenomenon, though some customary land secretariats in rural areas are encouraging documentation leading to a few formal registrations especially in the peri-urban fringes of the country.*

The reason adduced by the panel for their conclusion was time and cost of registration as highlighted in tables 12 and 13 below.

Table 12 Procedures, Time and Costs of Title Registration in Ghana (2010)

Indicator			
No.	Procedure	Time to Complete	Associated Costs
1	The Seller obtains a Title Transfer Form at the Land Title Registry	2-5 days	GHC 100 - 150
2	Assessment of the property value and payment of Stamp duty	3-14 days	GHC 55 (Processing fee) + 0.5% of property value (stamp duty)
3	Submit application for title certificate at Land Title Registry	1 day	GHC 2
4	Publication of transaction in national weekly newspaper	7-21 days	GHC 25
5	Issuance of title certificate	1-14 days	No cost

Source: [www.doingbusiness.org](http://www.doingbusiness.org)

While Table 12 captures procedures, time and cost of title registration in a reasonable number of procedures, i.e. five (5), time of less than sixty (60) days and what may appear as a reasonable cost. However, the practice is always different as delays are encountered and informal fees are paid due to rent-seeking behavior of staff of land institutions in the provision of services to clients. For example, on LGI 3(iii) and LGI 3(iv): *“The panel agreed that informal fees existed but could neither list them nor quantify them as they related to secret attempts by clients to facilitate the processing of their documents. Reference was made to the generally high perception of the land sector agencies in the country as corrupt. It was even suggested that not all the fees paid by clients were receipted even where these are formal, begging the question of where the money ends up.* This situation is similar to that of deeds registration, the fees and charges of which are shown in Table 13 below.

Table 13 Schedule of Fees and Charges in 2011 under the Fees and Charges (Miscellaneous Provisions Act, 2009 (Act 793).

REVENUE ITEM	Current	New Rate (GHC)
	Rate (GHC)	
1. Land Advisory Service to customary land owners	Free	Free
2. Land Use Planning Advisory Service to Metropolitan, Municipal and District Assemblies (MMDAs)	Free	Free
3. Searches for Military and Police	Free	Free
4. Land Acquisition services for public purposes	Free	Free
5. On presentation for registration of each Instrument	10.00	13.00
6. For registration of Instrument Deed Registry	10.00	31.00
7. For every official search in respect of residential plot (One	5.00	18.00

acre or part of an acre)		
8. For every official search in respect of residential plot (every additional One acre or part of an acre)	1.00	1.80
9. For every official search in respect of an industrial or commercial plot (One acre or part of an acre)	10.00	60.00
10. For every official search in respect of an industrial or commercial plot (an additional One acre or part of an acre)	1.00	10.00
11. For every official search in respect of land for Agricultural purposes (10 acre or more)	6.00	18.00
12. Provision of a certified copy of an extract from any deposited or registered instrument deposited at the Deeds Registry	3.00	31.00
13. Official search in respect of land for Land Titling purpose (every additional acre or any part of an acre)		15.00
14. For every administrative search in respect of land (one acre or any part of an acre)		1.50
15. For every administrative search in respect of land (every additional one acre or any part of an acre)		2.30
16. For every search in respect of land for securing development permit (one acre or any part of an acre)		16.00
17. For every search in respect of land for securing development permit (every additionally one acre or any part of an acre)		1.60
18. For plotting or concurrence for each instrument on any land (one acre or any part of an acre)	20.00	60.00
19. For processing or concurrence for each land instrument for a residential land (more than one acre)		6.00
20. For plotting or concurrence or both for each instrument on any land for Commercial or industrial purposes (one acre or any part of an acre)	10.00	60.00
21. For plotting or concurrence or both for each instrument on any land Commercial or industrial purpose (more than one acre of attract % of value)		1%
22. For Inspection of land		
i. Within a Regional Capital	5.00	16.00
ii. Outside a Regional Capital charge	8.00	31.00
23. Provision on request of any Site Advisory Service acquisition of land relating compulsory Acquisition of Land		
Minimum	50.00	309.00
Maximum	300.00	1,542.00
24. On presentation for processing of applicable for regularisation, plotting		
and concurrence for instrument	10.00	
25. For preparation and processing of lease for residential, industrial or Commercial purposes (state land, vested lands)	10.00	
26. Residential Lease Preparation and Processing where the commission prepares the lease in respect of stool lands	10.00	155.00
27. Processing Fees for Consent to Mortgage a residential, industrial or a	20.00	

Commercial leasehold	20.00	60.00
28. Processing fees for consent to assign or sublet the whole or part of an industrial or commercial leasehold	2.50%	2.50%
29. For preparation of a lease for a Petrol Filling Station on public land	-	355.00
30. Preparation of any License for any temporary use of public land	-	155.00
31. For preparation and processing of a lease in respect of land for agricultural Purpose		
32. Processing and Plotting of lands, the ownership of which is declared by		
33. Statutory Declaration (% of total cost of 3 news paper publication)	33.30%	33.30%
34. Demarcation, Surveying and Pillaring of government residential plot	20.00	
35. Demarcation, Surveying and Pillaring of government commercial plot	50.00	
36. For processing of document on land (private transaction) (one acre or any part of an acre)		32.00
37. For processing of document on land (private transaction) (every additional acre or any part of an acre)	1.00	10.00
38. For mounting big size bill board on public land (above 3.05 x 3.05m)		150.00
39. For mounting medium size bill board on public land (below 3.05 x 3.05m) but to 1.52m x 1.52m)		100.00
40. For mounting small size bill board on public land (below 1.52m x 1.52m)		20.00

The above exposition raises questions of efficiency and transparency in the provision of land administration services that were assessed under LGI 18 and LGI 19. The panel analysis based on a matrix of legal fees chargeable for title registration revealed that:

- *Taking into account the exemptions required under LGI 18 Dimension i, the resultant total sum for a property worth GHC50,000 was thus used for the assessment of this dimension. This was done using both and upper lower limits of fess and resulted in a sum of GHC432 for the lower limit and GHC482 for the upper limits for a property worth GHC50,000.*
- *Currently, the pilots areas for title registration are in Greater Accra/Tema and Kumasi and under LAP a few sub-registration centres have been established to bridge the wide gap in deeds registration as well. The system of land registration hitherto was over-centralized with everything emanating from Accra. This situation has changed for the better.*
- *Capacity to undertake registration has also been boosted somewhat by on the job training through LAP assisted programmes. A major limitation is however the lack of qualified land surveyors to assist in boundary demarcations and town and country planning staff to execute physical planning in the country.*

- *While the LAP 2009 Progress report records the turn around time for deeds registration to be 2.5 months and that of title registration as 8 months, these were taken with some elements of skepticism by panel members.*
- *A clear schedule of fees was acknowledged by the panel to be publicly accessible and posted at vantage points of various land institutions (though not all). But these fees though publicly accessible, the panel was of the view that issuance of receipts for all the fees collected was not consistently done in all the land institutions. The result of this was revenue leakages in the system.*

Land management and land administration are two interrelated concepts and rely heavily on land information to deliver on service provisions. Broadly defined, land management is the process by which land resources are put to good effect. It entails all the activities associated with the sustainable management of land and natural resources. Land administration is an integral part of land management regarded as the “process of determining, recording and disseminating information about the ownership, value and use of land when implementing land management policies” (UNECE, 1996). Dale and McLaughlin (1999) also defined land administration as “the process of regulating land and property development and the use and conservation of land, the gathering of revenues from the land through sales, leasing, and taxation, and the resolving of conflicts concerning the ownership and use of land”. Based on the communal nature of the customary tenure regime of land management and administration, conventional wisdom dictated that solutions to the land problems on the African continent, including Ghana were to be found in land policy reforms that emphasized individualisation of title to land along western systems and practices (see World Bank, 1974; Deininger, 1998, Migot-Adholla, 1999). This led to the failure of most land policy reforms in Africa (Toulmin, and Quan, 2000). Donor agencies, as a result of the failure of their imposed model and pressure from recipient countries and multinational NGOs, have often considered a return to the customary systems as offering a positive foundation for evolving tenure relations and economic development (CPS/Terradigm, 2009, Agbosu *et al.* 2007).

However, while the customary system has evolved over time, it has not necessarily taken into account current realities and contemporary norms. For example, commoditisation, human migrations, urbanisation, and land pressures are exerting considerable pressures on the traditional system and its decision-making processes to the point that the positive characteristics of the system such as adaptability, flexibility and negotiability may be working to the disadvantage of certain sectors of society such as the landless, illiterate, women, and youth who are unable to negotiate on an equal or at least equitable footing. At the same time flexibility allows those with power and influence to take actions and make decisions that deviate from the concepts of trust and fiduciary responsibility that were part of traditional practice, and are part of the Constitution of Ghana (e.g., Chapter 22, Article 267 (1)).

The independent Government of Ghana inherited from the colonial administration a dual system of land administration practices in which the then Northern Territories (now comprising the Upper East, Upper West and Northern Region) in terms of land policy were administered as public lands and the rest of the country having traditional political authority and control over land administration (Agbosu, 1980). This situation continued until the coming into be-

ing of the Land Administration Act, (Act 123) of 1962 which was an attempt at providing a unitary basis for land administration in Ghana. Yet, it was not until 1979 that the public status of these lands was reversed in through divesting and legal meaning given to the unified system of land administration between the north and south of Ghana. But there still vested lands in other parts of southern Ghana. Hence land information should occupy a central place in the process of management in Ghana if the complexities of land use, management and development are to be properly managed. Below is an assessment of these considerations in the case of Ghana using evidence of panel analyses and discussions.

#### **4.5 Dispute resolution and conflict management:**

Galtung (1996) defined the term conflict in general terms as incompatibility or clash of goals, or mere disagreement. Thus social conflict is broadly regarded as struggle over values, claims to status, power or scarce resources in which the aims of the conflicting parties are not only to gain but also to neutralize, injure or eliminate their rivals. Conflicts can therefore be seen as a claim for “entitlements” and are an inevitable consequence of the utilitarian aspects of land in Ghana (Ninsin, 1989). It has also been noted that:

In Ghana, as in the West African region generally, contestation over **land** is particularly acute, and seems likely to intensify. The pressures of population growth, cash crop led marketisation, large scale migration, and rapid urbanisation have produced increased competition and land scarcity, and increasingly politicised conflict over land (IIED, 1999).

Ayee et al. (2011) underscored the above assertion when they observed that in Ghana “[a]n important problem of the land tenure systems is endemic conflict...The endemic nature of most of these conflicts suggest their embeddedness in local power structures and social group membership. Similarly, Boone (2009) in a case study of southern Ghana reported that:

Conflict over land has been a pervasive feature of life in rural and peri-urban parts of southern Ghana for many decades. Today, the stakes and tensions are heightened by rising land values, demographic increase and urban sprawl, and broader changes in the national economy that conspire to place rural families in situations of land shortage...[t]he character of the land tenure regime goes very far in defining the socio-economic contours of this process.

Based on available literature (e.g. Ayee et al, 2011; Ministry of Lands and Forestry, 2008/9; Wehrmann, 2005 and Ministry of Justice 2003, Ministry of Lands and forestry, 1999) the following typologies of land conflicts were identified in Ghana and discussed by panels 7 and 8 (see :p186 and p192).

- 1) Boundary conflicts usually between different stools/skins or between individuals (Ayee et al (2011); For example, Sowah (2011) has noted that only 8% of the total land area of Ghana is properly surveyed, demarcated and registered.
- 2) Disputes between chiefs and individual farmers over the rapid conversion of farmland into residential plots , often without consultation and adequate compensation (Ayee et al, 2011, Ministry of Land and Forestry, 1999);

- 3) Inter-family and intra-family disputes over family land boundaries, the division of plots and proceeds from land sales, and the right to use certain parcels of land (Ministry of Lands and Forestry, 2008/9);
- 4) Disputes between chiefs and local people over land allocation practices and the lack of transparency and accountability in land transactions (Ayee et al, 2011);
- 5) Conflicts arising from non-payment, delayed or inadequate payment of compensation for government compulsorily acquired lands (Ministry of Lands and Forestry, 1999);
- 6) Disputes over multiple claims to compensation claims (Ayee et al, 2011);
- 7) Disputes between government institutions and subjects of particular stools/skins over sale of lands compulsorily acquired in the public interest to private individuals or corporate bodies for development (Ministry of Lands and Forestry, 1999);
- 8) Disputes between private individuals land developers and stools, skins, families or individuals (Ayee et al, 2011);
- 9) Conflicts in vested land areas between traditional authorities and public land agencies over control of land allocation functions and receipts of land revenues (Ministry of Lands and Forestry, 1999);
- 10) Conflicts over who receives land hitherto compulsorily acquired by government and now returned to original owners (Ayee et al, 2011);
- 11) Disputes over ownership of resettlement lands (Wehrmann, 2005; Ayee et al., 2011).

The social, economic and political costs of land conflicts are high and of great concern to government. It is estimated that 1,000 people were killed and 150,000 internally displaced in Northern Ghana during the 1994-95 ethnic violence which had land as its root cause (Ayee et al., 2011).

It is clear from the above that land conflicts are a characteristic of feature of the evolving political ecology of the country. However, there is no available data on the share of land affected by pending conflict in the country. It is generally agreed that there is a huge backlog of land cases in the formal court system and there is an increasing call for intensifying the use of alternative dispute resolution (ADR) mechanisms. Thus, under the CLS system, more attention has been paid to the use of ADR and significant progress has been achieved (CPS/Terradigm, 2009; MLFM/LAPU, 2008).

On accessibility of conflict resolution mechanisms, the panel on dispute resolution observed:

*...difficulties in access to justice using the formal system e.g. the lack of first instance courts and magistrates and judges at the local level. However, local institutions for the resolution of conflicts were noted to have predated the formal justice system and available in all rural communities in the country. These were identified to include:*

- (a) Chiefs' court system
- (b) Clan/family heads
- (c) Commission for Human Rights and Administrative Justice (CHRAJ)
- (d) Land Sector Agencies at the district level
- (e) Assembly Men and Human elected as part of the local government system
- (f) Organised groups like the Ghana Private Road Transport Union (GPRTU)
- (g) Opinion Leaders, and

(h) *The Police*

*These institutions were noted to have varying degree of effectiveness depending on the type of case and the value of the issue in contention. Overall, however, it was noted that the Chiefs' court systems were very effective in dispute resolution at the local level, especially where traditional values and norms are still widely respected. In the case of institutions where the issue of 'quo warranto' i.e. by what authority the panel undertakes the resolution of a dispute arises, impliedly, effectiveness is less as parties to the dispute, especially the losing ones may choose to ignore the award reached in the resolution of the dispute, notably the use of ADR mechanisms.*

In respect of efficiency, it was also noted by the panel that:

*While the informal system largely lacks an inbuilt appeal system, the opposite was noted by the panel to be the case for the judiciary in the country, until the Supreme Court is reached. Both these two sets of institutions for dispute resolution dealt with largely similar cases, except in high level criminal cases or that of treason that the informal system gives way to the judiciary. It was also however noted that cases relating to chieftaincy were only reluctantly sent to the judiciary, parties encouraged to subject the dispute to the resolution mechanisms of the National and Regional Houses of Chiefs as enshrined in the Constitution of Ghana and the Chieftaincy Act, 2008, Act 759.*

Clearly, the above panel observations have negative implications for conflict resolution in the country and it is therefore not surprising that data in Crook (2004) based on a sample of cases in the Kumasi high Court from 1997 to 2002 revealed that year on year basis land cases as a percentage of total cases were as shown in Table 14.

Table 14 Land Cases as a percentage of Total Court Cases

Year	Total Cases	Number of Land Cases	Percentage of Land Cases
1997	17,178	7,759	45
1999	17,708	7,739	44
2000	18,413	8,011	44
2001	19,526	9,044	46
2002	19,876	9,214	46

Source: Crook (2004)

The above findings are similar to Ministry of Justice (2003) which reported land cases as a percentage of total cases yearly in Accra to be about 40% and that of the Sunyani High court sample of 480 total cases of which 302 were land cases (representing 63%). Records at the High Court in Kumasi also revealed that from July 2009 to July 2010, there were 899 land cases filed while Kotey's (2004) study of Accra found that an average of 900 cases were filed in the courts each month in Accra; constituting 40% of cases.

## 5 Policy Analysis and Policy Recommendations

The results of this LGAF study revealed that the land resources of Ghana have been identified as fundamental to the livelihoods of most Ghanaians, and the traditional or customary sector is a major source of land for the livelihood needs of these people. Thus, both the state and traditional authorities are major institutional settings for the performance of land governance functions and neither of which is without land governance problems. Both of these institutions therefore need cooperation as against confrontation if improvement in land governance is to be achieved. Accordingly, a comprehensive national land policy and other legislative interventions backed by a reasonably high political will and commitment have been put in place by Government to ensure good land governance practices.

Unfortunately, capacity weaknesses, functional overlaps and attitudinal change problems have been pervasive of both the public and customary land institutions and implementation of these interventions has not achieved the desired result. Thus, development partners have come to the aid of the country through the Land Administration Project as the vehicle for building the required capacity for the implementation of the country's land policy since 2003. That notwithstanding, land governance problems still persist and are in need of attention. This LGAF study, which is a diagnostic tool for good land governance, encountered data limitations as a challenge in some indicators, especially relating to registration of interests in land on a gender disaggregated basis, large scale acquisition processes of land rights for investment, land use planning and taxation and land disputes resolution information. Despite the challenges posed by data limitations in the objective assessment of some indicators, where this was the case, reliance was placed on the expert knowledge and experiences of panel members for assessment of indicators. The assessed scores are therefore a reasonable reflection of the state of land governance in Ghana, and a way forward is needed for improved land governance in the country. It is in this regard that the following policy analysis suggestions are made.

Legal and institutional reform in the land sector was the focus of LAP 1 under Components 1 and 2 and some degree of progress has been made, particularly, in the enactment of the Lands Commission Act, 2008 (Act 767); which reconstituted the Lands Commission. However, other pieces of legislation such as the Lands Bill and the Land Use Planning Bill are being worked on. As envisaged under LAP 2, the policy, legal and institutional framework needs further strengthening and in this regard, the following policy implications are worthy of consideration.

First, it is difficult to impose the will of governments on unwilling people and thus the participatory land governance procedures and practices as suggested in the national land policy are advised in land governance decision-making and implementation. Secondly, socio-cultural factors play important roles in defining what changes will be acceptable to a people and therefore context specific scenarios have to be identified, mapped and taken into account in land governance, especially given the diverse tenurial systems and practices in the country. Thirdly, due to lack of documentation, the security of tenure of vulnerable land rights holders, for example, women and strangers under customary land tenure is generally limited and in

need of targeted interventions for improvement. These policy implications require careful analysis and suggestions for good land governance and the LGAF study policy recommendations that were validated at a national workshop and agreed to at a policy dialogue meeting are summarized below.



<ul style="list-style-type: none"> <li>Land functions of Ministerial, Department and Agency levels overlap and need streamlining. District Assemblies and Town and Country Planning Departments still have "an autonomy safeguarding mentality" of their functions which does not contribute to harmonious articulation of land governance roles.</li> <li>Land speculation produces land scarcity in the case of many peri-urban fringes as agricultural lands are tak-</li> </ul>	<ul style="list-style-type: none"> <li>Land Use Planning Bill must deal with horizontal overlapping, particularly in the case of development control functions of District Assemblies and the Town and Country Planning Department.</li> <li>Provide for the review and formulation of appropriate fees for land services delivery and particularly fees on land acquired for speculative purposes and left undeveloped in many peri-urban fringes of the country as envisaged under</li> </ul>	<ul style="list-style-type: none"> <li><i>LAP-2 will up-scale CLS to 50 – demand led approach to promote ownership/ commitment</i></li> <li><i>Tailor made capacity development of CLS required; informed by ongoing evaluation of 19 CLS</i></li> <li><i>Clarify responsibility for capacity development and oversight of CLS (Lands commission)</i></li> <li><i>LAP-2 will provide for review of fee structure</i></li> </ul>	<p>FIVE (5) CLS PER ANNUM FOR FIVE YEARS</p> <p>CAPACITY OF FIVE (5) CLS DEVELOPED PER ANNUM FOR FIVE YEARS</p> <p>MARCH, 2013 WITH PASSAGE OF LANDS ACT.</p> <p>DECEMBER, 2012</p>	<ul style="list-style-type: none"> <li>Number of workshops and dissemination activities carried out</li> <li>Decreased land speculation in peri-urban areas.</li> </ul>
---	---	---	---	---



<p>pecially the usufructuary interests and customary tenancies (as part of the tasks of Component 2 of LAP 1). These customary land secretariats serve as local sources of records of people's claims to land but may not necessarily follow formal legal processes of deeds or title registration.</p> <ul style="list-style-type: none"> <li>• Public perception of land institutions as corrupt is high.</li> <li>• Arbitrariness in the application of the rate impost in rating</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide support to CLSs to embark on public sensitization to facilitate implementation at the local level as attempted under LAP 1 but discontinued due to opposition from some Chiefs.</li> <li>▪ Reform the Common Fund Sharing Formula to include rewards to district assemblies that perform and meet set targets of internal revenue generation from property rates.</li> <li>▪ Improve upon</li> </ul>	<p><i>setting property rates, but education of DA required.</i></p> <ul style="list-style-type: none"> <li>▪ <i>Address overall Human resources strategy of Lands commission ( availability, skills, competence, attitude; productivity and client responsiveness), requiring human resource development plan and implementation of same; LAP-2 can provide support on request</i></li> <li>▪ <i>LAP-2 supports inventory of public land, involving CLS</i></li> </ul>	<p>HRD PLAN IN PLACE BY JUNE 2013 AND ROLED OUT OVER LAP 2.</p>	<p>land valuations.</p> <ul style="list-style-type: none"> <li>○ Reduced perception of land institutions as corrupt.</li> <li>○ Increased women registration of land rights.</li> <li>○ Fewer cases of compulsory acquisition and all cases of compulsory acquisition backed with available money to pay in an escrow account before acquisition takes place.</li> <li>○ Reduced incidence of land guards in urban and peri-urban Ghana</li> </ul>
---	---	--	---	--

<p>valuation by district assemblies leading to unfairness in rateable values. The district assemblies have little incentives to improve valuation methods and increase land tax collection</p> <ul style="list-style-type: none"> <li>• Compulsory land acquisition and vesting of land have negative effects on livelihoods of indigenes.</li> <li>• The phenomenon of land guards a hindrance to good public land management.</li> </ul>	<p>the image of the land institutions as corrupt by enhancing service delivery without rent-seeking behavior through refresher courses on client service training as started by the Millennium Development Authority for the staff of the Lands Commission.</p> <ul style="list-style-type: none"> <li>▪ Policy on compulsory land acquisition and vesting/devesting developed and the principle of prompt, adequate and fair compensation</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Continue approach LAP-1 in LAP 2 to promote women's land rights' registration (LAP-1: 30% titles/deeds in name of women);</i></li> <li>▪ <i>analyse and address challenges for women's' land rights related to inheritance and ensure passage of spousal rights to property bill.</i></li> <li>▪ <i>Engage CLS in sensitization on women's' rights</i></li> <li>▪ <i>More collaboration between the Lands Commission and the LAP to facilitate task</i></li> </ul>	<p>ONGOING INVENTORY OF PUBLIC LANDS COMPLETED BY DECEMBER, 2014.</p> <p>OVER THE DURATION OF LAP</p> <p>PASSAGE OF SPOUSAL RIGHTS TO PROERTY ACT BY JUNE, 2013.</p> <p>THROUGHOUT LAP DURATION</p> <p>ENGAGE IN REGULAR MEETINGS AS FROM MARCH, 2012.</p>	
--	---	--	--	--

	<p>implemented effectively.</p> <ul style="list-style-type: none"> <li>▪ Inventory of public lands to be completed as envisaged under LAP-2.</li> <li>▪ Policy and appropriate legislation to control land guards developed.</li> </ul>	<p><i>executions in land governance and periodic meetings between these two bodies suggested.</i></p> <ul style="list-style-type: none"> <li>▪ <i>Policy frameworks for compulsory acquisition, vesting and divesting as well as land guards developed.</i></li> </ul>	<p>DECEMBER, 2014</p>	
<b>LAND USE PLANNING, MANAGEMENT AND TAXATION</b>				
<ul style="list-style-type: none"> <li>• The planning system in Ghana is weak and as a result, urbanization processes create a series of problems such as uncontrolled growth of urban areas in the nature of urban sprawls. The planning</li> </ul>	<ul style="list-style-type: none"> <li>▪ Improve upon the delivery of planning services as a means to ensuring that future development conforms to planning legislation in the country as envisaged under Component 3 of LAP 2</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Implementation component 3 of LAP 2</i></li> <li>▪ <i>Town and country planning authority will be established to guide strategic planning, implementation is with district assembly</i></li> <li>▪ <i>Fast track Strategic planning for regions where in-</i></li> </ul>	<p>MARCH, 2013</p> <p>JUNE, 2014</p>	<ul style="list-style-type: none"> <li>○ No of urban areas with development control practice effective increased.</li> <li>○ No of urban group land rights holders titles regularised increased.</li> <li>○ Law to regulate</li> </ul>

<p>system has been unable to cope with the uncontrolled urbanization process. This compromises the future sustainability of cities and their relationship with the rural areas.</p> <ul style="list-style-type: none"> <li>• In the capital city, as a result of the need of a better use of space, condominiums are being put in place spontaneously without any policy or legal guideline thus creating potential conflicts.</li> <li>• Revenues obtained from land-related services for</li> </ul>	<p>for both individual and group land rights holders.</p> <ul style="list-style-type: none"> <li>▪ Undertake and promote the large scale regularization of unauthorized developments where appropriate in urban and peri-urban communities.</li> <li>▪ Put in place a policy on the development of condominiums based in the experience underway in the national capital.</li> <li>▪ Prepare design study to include mass valuation</li> </ul>	<p><i>vestments are expanding fast (e.g. western region)</i></p> <ul style="list-style-type: none"> <li>▪ <i>No agreement on best way forward to enforce development control legislation, for example, use of provisional title to land favoured by town planners, while Lands Commission insists on proven title to land before development can take place. However, on existing unauthorised developments, consensus was that regulations are made and publicised to ensure enforcement.</i></li> <li>▪ <i>Increase capacity Town and country</i></li> </ul>	<p>OCTOBER, 2012</p>	<p>condominium used developed.</p> <ul style="list-style-type: none"> <li>○ Constitutional review of Common Fund Formula</li> <li>○ Land agencies better funded</li> <li>○ Percentage of urban communities working toward becoming sustainable cities increased.</li> <li>○ Reduction in days to obtain development permits and decreased number of informal developments</li> </ul>
---	--	--	----------------------	--

<p>vesting – divesting lands are distributed according a formula constitutionally established. (OASL) retains 10% to itself for administrative services rendered; and of the remainder treated as 100% gives the District Assemblies (55%); the Stool/Skin (25%) and the Traditional Council (20%). This is inconvenient because the revenue application is unfair, there is lack of accountability and transparency.</p>	<p>methodologies for the revision of valuation rolls.</p> <ul style="list-style-type: none"> <li>▪ Review the Common Fund Sharing Formula by including rewards to district assemblies that perform and meet set targets of internal revenue generation from property rates.</li> <li>▪ Improve upon the delivery of planning services as a means to ensuring that future development conforms to planning legislation in the country as envisaged under Compo-</li> </ul>	<p><i>planning department/ DA; training of more planners (KNUST) and recruitment</i></p> <ul style="list-style-type: none"> <li>▪ <i>Need for law on condominium for the country but existing ones currently registered as strata titles by the Land Title Registry</i></li> </ul>	<p>THROUGHOUT DURATION OF LAP2</p> <p>DECEMBER, 2015</p>	
---	---	--	--	--

	<p>ment 3 of LAP 2 for both individual and group land rights holders.</p> <ul style="list-style-type: none"> <li>▪ Proactive planning rather than ad hoc and reactive planning.</li> </ul>			
<b>DISPUTE RESOLUTION</b>				
<ul style="list-style-type: none"> <li>• Boundary delimitation of communal lands has been initiated at pilot project level and important experience has been accumulated. Completing boundary delimitation is necessary to reduce conflicts.</li> <li>• Courts are overwhelmed with numerous cases and un-</li> </ul>	<ul style="list-style-type: none"> <li>▪ Scale up pilot projects for surveying and demarcation of communal land boundaries, from current 10 to 30, building upon lessons learnt under LAP 1.</li> <li>▪ Facilitate the adoption of local level dispute resolution mechanisms to help reduce the backlog of land cases in the</li> </ul>	<ul style="list-style-type: none"> <li>○ <i>Evaluate results LAP-1 and prepare proposal for LAP-2</i></li> <li>○ <i>LAP 2 to support local level dispute resolution mechanisms in 10 traditional authority areas on a pilot basis, centered around effective CLS areas.</i></li> <li>○ <i>LAP 2 supports consolidation and effective-</i></li> </ul>	<p>JANUARY, 2013- SEPTEMBER 2016.</p>	<ul style="list-style-type: none"> <li>○ N° of communities surveyed and registered.</li> <li>○ Reduction of boundary conflicts.</li> <li>○ Increased confidence in people's participation in local level disputes</li> <li>○ Overall reduction of conflicts that are land-related.</li> </ul>

<p>der-resourced to equal the challenge of justice delivery in a timely manner.</p>	<p>courts as complementary to the special land courts established under LAP 1 and ensure that CLSs play a key role in the resolution of land disputes in their areas of jurisdiction by improving on their efficiency and enforcement of decisions made.</p>	<p><i>ness of CLS</i></p>		
<p><b>PUBLIC PROVISION OF INFORMATION</b></p>				
<ul style="list-style-type: none"> <li>• Large sections of the population do not participate in land administration services (either as providers and users of information) due the large illiterate rate.</li> <li>• Access to information on land</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitate the recording and keeping of land information and the accessibility of land information by the public through the use of advertisements, drama programmes and jingles on radio</li> </ul>	<ul style="list-style-type: none"> <li>○ <i>Publicity to and enforcement of the code of ethics that guides the conduct of staff of the land sector agencies to serve as a deterrent to corrupt practices</i></li> </ul>	<p>OCTOBER, 2012</p>	<ul style="list-style-type: none"> <li>○ The number of Customary Land Secretariats increased.</li> <li>○ Increased public awareness of CLS as an institution to obtain information on land resources.</li> </ul>

<p>dependant on status and recognition rather than being a public service to be delivered.</p>	<p>and television in local languages and sensitization in areas like churches and mosques as additional to the print media in reaching to the vast majority of Ghanaians.</p>	<ul style="list-style-type: none"> <li>○ <i>Institution of a district, regional and national reward system for staff who show exemplary service with integrity</i></li> <li>○ <i>Post at vantage points in all offices of the land sector agencies schedules of fees for all services rendered and encourage clients to report cases of rent seeking behaviour by staff of the land sector agencies.</i></li> </ul>	<p>DECEMBER, 2012</p> <p>MARCH, 2012</p>	
--	---	---	--	--

		<ul style="list-style-type: none"> <li>○ <i>Increased automation of services and reduced staff-client interaction to the barest minimum.</i></li> <li>○ <i>For CLS – see areas above</i></li> </ul>	THROUGHOUT DURATION OF LAP2	
<b>LARGE SCALE LAND ACQUISITION</b>				
<ul style="list-style-type: none"> <li>• There is need for comprehensive and clear guidelines and standards for investors to follow in large scale land acquisitions and often land deals with transnationals are conducted with chiefs as representatives of their communities but who only seek personal gains in the process of deals</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Lands Commission in consultation with traditional authorities should as a matter of urgency draft rules and regulations for large scale land acquisitions for agricultural and other investments.</li> <li>▪ The Civil Society Coalition on Land (CICOL), the District As-</li> </ul>	<ul style="list-style-type: none"> <li>○ Guidelines on LSLA process are developed for landowners by Lands commission and will be made public Mid February 2012</li> <li>○ Lands Commission proposes to put more emphasis on pre-contract phase (consultation with land users, contract negotiation)</li> </ul>	FEBRUARY, 2012	<ul style="list-style-type: none"> <li>○ Guidelines and standards for large scale land acquisitions developed and implemented.</li> <li>○ Increased CSO and NGO activities in exposing improper land deals that tend to benefit only a minority few.</li> <li>○ Social, economic and environmental impact assessment of large scale land acquisitions for</li> </ul>

<p>negotiation. This often leads to displacement of families from their lands and thereby sources of livelihoods.</p> <ul style="list-style-type: none"> <li>• Attractive corporate social responsibility packages of investor groups are promised communities, but these are often not delivered.</li> <li>• Environmental, social and economic impact assessments of large scale land acquisitions for investments are often not carried out and even where they are, monitoring and evaluation pro-</li> </ul>	<p>semblies and Customary Land Secretariats should undertake periodic public education and sensitization of communities on their land rights and how these can be protected.</p> <ul style="list-style-type: none"> <li>▪ The Ghana Investment Promotion Centre (GIPC) and the Environmental Protection Agency (EPA) need collaborate more on imposing standards and conditions for compliance by investors that will take into account the societal needs of the communities</li> </ul>	<ul style="list-style-type: none"> <li>○ Lands commission to engage with GIPC and EPA to improve on compliance of investors to social, economic and environmental standards in legislations, guidelines or negotiated upon</li> </ul>	<p>THROUGHOUT DURATION OF LAP 2</p>	<p>investments carried out and effectively enforced by the Environmental Protection Agency in collaboration with the Ghana Investment Promotion Centre.</p>
---	--	---	-------------------------------------	---

<p>cedures and practices are inconsistent and ineffective in application.</p>	<p>where investments are situated and these must be monitored and implemented.</p> <ul style="list-style-type: none"> <li>▪ The constitutional provision that government should not interfere with the chieftaincy institution must be reviewed to enable some level of interference especially where the land rights of communities are usurped by a chief for personal gains.</li> </ul>	<p>No agreement reached.</p>		
---	--	------------------------------	--	--

	<ul style="list-style-type: none"><li>• The Lands Commission should publicize the land transactions of transnational and other investors involving large scale land acquisitions for the public to evaluate how transparent and accountable and equitable these transactions are to both present and future generations.</li></ul>	No agreement reached.		
--	--	-----------------------	--	--

## 6 Conclusions

In undertaking this study, a key methodological weakness was the lack of suitable quantitative data in the objective assessment of some LGAF indicators and dimensions, for example, on land disputes and inventory of public lands. While this was not surprising in a developing country such as Ghana, the approach was to rely on expert knowledge and expertise of panel members to make the relevant assessments. Available data on the ongoing inventory of public lands as provided by the public land management expert investigations were also used. In that regard, it was noted that using the qualitative approach required a broad and detailed understanding of land issues but which not all the panel members were familiar with given the nature of the indicator of assessment and the diversity of backgrounds.

Thus to achieve the objectives of the study, and on the basis of foreseeable difficulties in accessing/generating data due to unavailability or limitations of access for some key indicators and dimensions, it is suggested to conduct the investigation using a broad based stakeholder approach. The approach recognizes that land governance requires broader stakeholder consultation and analysis of diverse factors at both national, regional and district levels.

The LGAF study revealed as key findings, immanent capacity weaknesses in the land sector, legislative inconsistencies and lack of comprehensiveness, weak linkages for coordination and functional overlaps and a need for attitudinal change to imbibe change, a weak planning system which is reactive rather than proactive in addressing development control problems, an overburdened formal judicial system for justice delivery in land governance, corrupt land sector agencies and lack of policy guidelines for large scale land acquisition which undermines the land rights of local communities and their livelihood sustainability, among others.

Thus the policy recommendations made include: designing and implementation of a human resource development, harmonizing statutory and customary laws on land in forthcoming legislation, improved coordination among land sector agencies, re-structuring and resourcing of the Town and Country Planning Department, increased use of alternative dispute resolution mechanisms with the assistance of customary land secretariats, implementation of a code of ethics for the land sector agencies and reward system for exemplary staff conduct and the publishing of guidelines for large scale land acquisition in the country.

Based on the dominance of customary land governance in the country, however, it is evident that the customary land secretariats which were established or supported as part of LAP-1 need to be subject to further research for their developmental process to be mapped out for these to emerge as an important nucleus in the land governance structure of the country and their full potential realized. While this could lead to improvements in land governance, it is worth mentioning data gaps in land disputes, inventory of public land, development of land banks, recording of customary land rights, land revenues, land transactions, etc. if addressed under LAP -2 and on a gender disaggregated basis where appropriate at local, regional and national levels would further improve the status of land governance in Ghana.

The need arises, therefore, for proper monitoring and evaluation of targets for achievement under LAP 2. Rather than leave this exercise to LAP officials as an internal exercise, or use Interim Support Missions with limited representation to benchmark and monitor progress under LAP 2; the Civil Society Coalition of Land (CICOL) and the Ghana Institution of Surveyors and Ghana Institute of Planners and the Ghana Bar Association could be facilitated by the World Bank to establish some form of watchdog responsibility over LAP 2 and let officials beware of their concerns for remedial measures to be taken as required. However, potential challenges that could make this watchdog process counter-productive e.g. disagreements among members need to be carefully identified and managed. These professional bodies and the academic institutions could be conduits for the dissemination of findings of this study at various platforms for sustained government will and commitments to improving land governance in Ghana.

## 7 Annexes

### 7.1 LGAF Dimensions ordered by Thematic Areas

The definition of a freehold was expanded to reflect the Ghanaian context of a customary freehold as shown below. In the absence of a law on condominiums and the emergence of such properties in some urban areas in Ghana, it was decided that its application was relevant as a means of policy and legal recommendation on condominiums for land governance in Ghana. The dimensions by thematic area and definitions applied in the LGAF process in Ghana are as presented below.

#### LGAF Dimensions ordered by Thematic Areas

##### **THEMATIC AREA 1. LEGAL AND INSTITUTIONAL FRAMEWORK**

***LGI-1. Recognition of a continuum of rights: The law recognizes a range of rights held by individuals as well as groups (including secondary rights as well as rights held by minorities and women)***

- 1 i Existing legal framework recognizes rights held by most of the rural population, either through customary or statutory tenure regimes.
- ii Existing legal framework recognizes rights held by most of the urban population, either through customary or statutory tenure regimes.
- iii The tenure of most groups in rural areas is formally recognized and clear regulations exist regarding groups' internal organization and legal representation
- iv Group tenure in informal urban areas is formally recognized and clear regulations exist regarding the internal organization and legal representation of groups.
- v The law provides opportunities for those holding land under customary, group, or collective tenure to fully or partially individualize land ownership/use. Procedures for doing so are affordable, clearly specified, safeguarded, and followed in practice.

***LGI-2. Enforcement of rights: The rights recognized by law are enforced (including secondary rights as well as rights by minorities and women)***

- 2 i Most communal lands have boundaries demarcated and surveyed/mapped and communal rights registered.
- ii Most individual properties in rural areas are formally registered.
- iii Most individual properties in urban areas are formally registered.
- iv A high percentage of land registered to physical persons is registered in the name of

women either individually or jointly.

- v Common property under condominiums is recognized and there are clear provisions in the law to establish arrangements for the management and maintenance of this common property. The emergence of these type of property in urban areas requires legislation to manage the use of common areas like stairways, paths, etc.
- vi Loss of rights as a result of land use change outside the expropriation process, compensation in cash or in kind is paid such that these people have comparable assets and can continue to maintain prior social and economic status.

***LGI-3. Mechanisms for recognition of rights: The formal definition and assignment of rights, and process of recording of rights accords with actual practice or, where it does not, provides affordable avenues for establishing such consistency in a non-discriminatory manner***

- 3 i Non-documentary forms of evidence are used alone to obtain full recognition of claims to property when other forms of evidence are not available.
  - ii Legislation exists to formally recognize long-term, unchallenged possession and this applies to both public and private land although different rules may apply.
  - iii The costs for first time sporadic registration for a typical urban property is low compared to the property value.
  - iv There are no informal fees that need to be paid to effect first registration.
  - v The requirements for formalizing housing in urban areas are clear, straight-forward, affordable and implemented consistently in a transparent manner.
  - vi There is a clear, practical process for the formal recognition of possession and this process is implemented effectively, consistently and transparently.

***LGI-4. Restrictions on rights: Land rights are not conditional on adherence to unrealistic standards.***

- 4 i There are a series of regulations regarding urban land use, ownership and transferability that are for the most part justified on the basis of overall public interest and that are enforced.
  - ii There are a series of regulations regarding rural land use, ownership and transferability that are for the most part justified on the basis of overall public interest and that are enforced.

***LGI-5. Clarity of mandates and practice: Institutional mandates concerning the regulation and management of the land sector are clearly defined, duplication of responsibilities is avoided and information is shared as needed.***

- 5 i There is a clear separation in the roles of policy formulation, implementation of policy through land management and administration and the arbitration of any disputes that may arise as a result of implementation of policy.
- ii The mandated responsibilities exercised by the authorities dealing with land administration issues are clearly defined and non-overlapping with those of other land sector agencies.
- iii Assignment of land-related responsibilities between the different levels of government is clear and non-overlapping.
- iv Information related to rights in land is available to other institutions that need this information at reasonable cost and is readily accessible, largely due to the fact that land information is maintained in a uniform way.

***LGI-6. Equity and non-discrimination in the decision-making process: Policies are formulated through a legitimate decision-making process that draws on inputs from all concerned. The legal framework is non-discriminatory and institutions to enforce property rights are equally accessible to all.***

- 6 i A comprehensive policy exists or can be inferred by the existing legislation. Land policy decisions that affect sections of the community are based on consultation with those affected and their feedback on the resulting policy is sought and incorporated in the resulting policy.
- ii Land policies incorporate equity objectives that are regularly and meaningfully monitored and their impact on equity issues is compared to that of other policy instruments.
- iii Implementation of land policy is costed, expected benefits identified and compared to cost, and there are a sufficient budget, resources and institutional capacity for implementation.
- iv Land institutions report on land policy implementation in a regular, meaningful, and comprehensive way with reports being publicly accessible.

## **THEMATIC AREA 2. LAND USE PLANNING, MANAGEMENT, AND TAXATION**

***LGI-7. Transparency of land use restrictions: Changes in land use and management regulations are made in a transparent fashion and provide significant benefits for society in general rather than just for specific groups.***

- 7 i In urban areas, public input is sought in preparing and amending changes in land use plans and the public responses are explicitly referenced in the report prepared by the public body responsible for preparing the new public plans. This report is publicly accessible.
- ii In rural areas, public input is sought in preparing and amending land use plans and the public responses are explicitly referenced in the report prepared by the public body responsible for preparing the new public plans. This report is publicly accessible.
- iii Mechanisms to allow the public to capture significant share of the gains from changing land use are regularly used and applied transparently based on clear regulation.
- iv Most land that has had a change in land use assignment in the past 3 years has changed to the destined use.

***LGI-8. Efficiency in the land use planning process: Land use plans and regulations are justified, effectively implemented, do not drive large parts of the population into informality, and are able to cope with population growth.***

- 8 i In the largest city in the country urban development is controlled effectively by a hierarchy of regional/detailed land use plans that are kept up-to-date.
- ii In the four major cities urban development is controlled effectively by a hierarchy of regional/detailed land use plans that are kept up-to-date.
- iii In the largest city in the country, the urban planning process/authority is able to cope with the increasing demand for serviced units/land as evidenced by the fact that almost all new dwellings are formal.
- iv Existing requirements for residential plot sizes are met in most plots.
- v The share of land set aside for specific use that is used for a non-specified purpose in contravention of existing regulations is low

***LGI-9. Speed and predictability of enforcement of restricted land uses: Development permits are granted promptly and predictably.***

- 9 i Requirements to obtain a building permit are technically justified, affordable, and clearly disseminated.

- ii All applications for building permits receive a decision in a short period.

***LGI-10. Transparency of valuations: Valuations for tax purposes are based on clear principles, applied uniformly, updated regularly, and publicly accessible***

- 10i The assessment of land/property values for tax purposes is based on market prices with minimal differences between recorded values and market prices across different uses and types of users and valuation rolls are regularly updated.
  - ii There is a policy that valuation rolls be publicly accessible and this policy is effective for all properties that are considered for taxation.

***LGI-11. Collection efficiency: Resources from land and property taxes are collected and the yield from land taxes exceeds the cost of collection***

- 11 i There are limited exemptions to the payment of land/property taxes, and the exemptions that exist are clearly based on equity or efficiency grounds and applied in a transparent and consistent manner.
  - ii Most property holders liable for land/property tax are listed on the tax roll.
  - iii Most assessed property taxes are collected.
  - iv The amount of property taxes collected exceeds the cost of staff in charge of collection by a factor of more than 5.

**THEMATIC AREA 3. MANAGEMENT OF PUBLICLAND**

***LGI-12. Identification of public land and clear management: Public land ownership is justified, inventoried, under clear management responsibilities, and relevant information is publicly accessible.***

- 12 i Public land ownership is justified by the provision of public goods at the appropriate level of government and such land is managed in a transparent and effective way.
  - ii The majority of public land is clearly identified on the ground or on maps.
  - iii The management responsibility for different types of public land is unambiguously assigned.
  - iv There are adequate budgets and human resources that ensure responsible management of public lands.
  - v All the information in the public land inventory is accessible to the public.
  - vi Key information for land concessions is recorded and publicly accessible.

***LGI-13. Justification and time-efficiency of expropriation processes: The state expropriates land only for overall public interest and this is done efficiently.***

- 13 i A minimal amount of land expropriated in the past 3 years is used for private purposes.
- ii The majority of land that has been expropriated in the past 3 years has been transferred to its destined use.

***LGI-14. Transparency and fairness of expropriation procedures: Expropriation procedures are clear and transparent and compensation in kind or at market values is paid fairly and expeditiously.***

- 14 i Where property is expropriated, fair compensation, in kind or in cash, is paid so that the displaced households have comparable assets and can continue to maintain prior social and economic status.
- ii Fair compensation, in kind or in cash, is paid to all those with rights in expropriated land regardless of the registration status.
- iii Most expropriated land owners receive compensation within one year.
- iv Independent avenues to lodge a complaint against expropriation exist and are easily accessible.
- v A first instance decision has been reached for the majority of complaints about expropriation lodged during the last 3 years.

***LGI-15. Transparent process and economic benefit: Transfer of public land to private use follows a clear, transparent, and competitive process and payments are collected and audited.***

- 15 i Most public land disposed of in the past 3 years is through sale or lease through public auction or open tender process.
- ii A majority of the total agreed payments are collected from private parties on the lease of public lands.
- iii All types of public land are generally divested at market prices in a transparent process irrespective of the investor's status (e.g. domestic or foreign).

#### **THEMATIC AREA 4. PUBLIC PROVISION OF LAND INFORMATION**

***LGI-16. Completeness: The land registry provides information on different private tenure categories in a way that is geographically complete and searchable by parcel as well as by right holder and can be obtained expeditiously by all interested parties.***

- 16 i Most records for privately held land registered in the registry are readily identifiable in maps in the registry or cadastre.
- ii Relevant private encumbrances are recorded consistently and in a reliable fashion and can be verified at low cost by any interested party.
- iii Relevant public restrictions or charges are recorded consistently and in a reliable fashion and can be verified at a low cost by any interested party.
- iv The records in the registry can be searched by both right holder name and parcel.
- v Copies or extracts of documents recording rights in property can be obtained by anyone who pays the necessary formal fee, if any.
- vi Copies or extracts of documents recording rights in property can generally be obtained within 1 day of request.

***LGI-17. Reliability: Registry information is updated, sufficient to make meaningful inferences on ownership***

- 17 i There are meaningful published service standards, and the registry actively monitors its performance against these standards.
- ii Most ownership information in the registry/cadastre is up-to-date.

***LGI-18. Cost-effectiveness and sustainability: Land administration services are provided in a cost-effective manner.***

- 18 i The cost for registering a property transfer is minimal compared to the property value.
- ii The total fees collected by the registry exceed the total registry operating costs.
- iii There is significant investment in capital in the system to record rights in land so that the system is sustainable but still accessible by the poor.

***LGI-19. Transparency: Fees are determined and collected in a transparent manner.***

- 19 i A clear schedule of fees for different services is publicly accessible and receipts are issued for all transactions.

- ii Mechanisms to detect and deal with illegal staff behavior exist in all registry offices and all cases are promptly dealt with.

## **THEMATIC AREA 5. DISPUTE RESOLUTION AND CONFLICT MANAGEMENT**

***LGI-20. Assignment of responsibility: Responsibility for conflict management at different levels is clearly assigned, in line with actual practice, relevant bodies are competent in applicable legal matters, and decisions can be appealed against.***

- 20 i Institutions for providing a first instance of conflict resolution are accessible at the local level in the majority of communities.
- ii There is an informal or community-based system that resolves disputes in an equitable manner and decisions made by this system have some recognition in the formal judicial or administrative dispute resolution system.
- iii There are no parallel avenues for conflict resolution or, if parallel avenues exist, responsibilities are clearly assigned and widely known and explicit rules for shifting from one to the other are in place to minimize the scope for forum shopping.
- iv A process and mechanism exist to appeal rulings on land cases at reasonable cost with disputes resolved in a timely manner.

***LGI-21. Low level of pending conflict: The share of land affected by pending conflicts is low and decreasing***

- 21 i Land disputes in the formal court system are low compared to the total number of court cases.
- ii A decision in a land-related conflict is reached in the first instance court within 1 year in the majority of cases.
- iii Long-standing land conflicts are a small proportion of the total pending land dispute court cases.

## 7.2 Definitions

The following is a set of definitions of technical and legal words that are commonly used in the field of land administration. These were interpreted in the local context in application, while considering the need to remain consistent for global comparison of the LGAF process.

<i>Acquisition</i>	Assumption or attainment of rights in property.
<i>Ad valorem</i>	Latin term meaning ‘based on value’.
<i>Adjudication</i>	Process of final and authoritative determination of the existing rights and claims of people to land.
<i>Adverse possession</i>	Possession of land through long term peaceful occupation as a trespasser or squatter. The right to possession after a statutorily prescribed period of limitation can be gained if there is no legally defensible claim.
<i>Assessed tax</i>	Taxation based on an assessment of the value of the property.
<i>Assessed value</i>	A value recorded by a public body on the market price of the property.
<i>Building permit</i>	An approval by the local governing body on land use and planning for construction or renovation to a property.
<i>Building standards</i>	Regulations or bylaws that set out standards one must conform to when constructing or renovating buildings or immovable objects. Examples include building heights, setbacks from roads or neighbors etc. Where standards are not met the local authority can impose fines or instruct on construction changes.
<i>Cadastre</i>	A cadastre is normally a parcel based and up-to-date land information system containing a record of interests in land (i.e. rights, restrictions and responsibilities). (FIG 1995) <sup>2</sup>
<i>Classification</i>	Classification is a land use and management mechanism to assist decision making. Classification is based on the use of the land, not on the type of ownership or necessarily the rights associated with the land/property.
<i>Collective rights</i>	Collective ownership of a natural resource is where the holders of rights to a given natural resource are clearly defined as a collective group, and where they have the right to exclude third parties from the enjoyment of those rights.
<i>Common property</i>	Common property is typically land and other resources in which entitled beneficiaries, whether individual or community defined, have specific common rights to common areas. The community controls the use of the common property and can exclude non-members from using it.
<i>Concession</i>	A concession is a restricted use right granted to a private party for a large parcel of public land that is granted for a specific purpose (for example forestry, bio-fuel, cultural/tourism etc).

---

<sup>2</sup>FIG, 1995. *The FIG Statement on the Cadastre*, Federation of International Surveyors.

<i>Communal land</i>	Land over which a community has rights or access to. The community may or may not have legally recognized ownership over the land. In some cases for instance the State may be considered the owner.
<i>Condominiums</i>	A condominium is a collection of individual home units along with the land upon which they sit, also known as strata. Individuals have private rights within the complex/building, but they also have use and access to common facilities, including hallways, stairwells, and exterior areas etc. There are typically common property areas included in the property that require management by the commons.
<i>Conveyance</i>	The conveyance of land is the actual process of transfer of that land.
<i>Customary tenure</i>	The holding of land in accordance with customary law. Customary land law regulates rights to enjoy some use of land that arises through customary, unwritten practice, rather than through written or codified law. Customs are a set of agreed, stipulated or generally accepted standards, social norms and practices.
<i>Decentralization</i>	Decentralization is the principle of delegating policy-making and authority responsibility to local levels of public authority.
<i>Deed</i>	Written or printed instrument that effects a legal action such as a contract for sale
<i>Disposition</i>	Arrangement for relinquishment, disposal, assignment or conveyance of rights in property.
<i>Dispute resolution</i>	There are typically a range of dispute resolution mechanisms available in a country. These could be grouped into two broad classes: formal dispute resolution mechanisms; and informal dispute resolution mechanisms. The formal dispute resolution mechanisms include the formal court system as well as a range of other options that may include administrative dispute resolution and state administered or sanctioned alternative dispute resolution (ADR) mechanisms. The informal systems typically involve community leaders, village elders, village assemblies or committees in resolving disputes. They may or may not have formal recognition by the state or under the law.
<i>Easement</i>	Easements are rights exercisable by owners of one parcel of land over other land.
<i>Eminent Domain</i>	Process of the exercise of rights by the State as the sovereign owner of all the land when in the act of compulsory acquiring land or property by the State.
<i>Encroachment</i>	Occupation of land, typically unclassified or under-utilized State land.
<i>Encumbrance</i>	A right that adversely affects the land. Many are registerable in formal real estate registration systems; such as restrictive covenants, easements, mortgages and registered leases.
<i>Eviction</i>	Eviction is the removal of someone from their occupation of land or property. The term is very commonly used in connection with the eviction of squatters, but may also be used in the context of unlawful eviction.

<i>Exemption (tax)</i>	Release from the obligation to pay tax. Property tax exemption is typically based on criteria such as the particular use of the property (such as use as a place of primary residence, public use, agricultural production, etc), ownership (with exemptions for particular types of owners such as investors, government etc.), or other factors (such as the status of improvements on the land, location or size of the holding etc.).
<i>Expropriation</i>	Expropriation is the act of taking away individuals' land by the state due to public interest but prior to respect of procedures provided for by law and prior to payment of fair compensation.
<i>First instance (Basic tribunal)</i>	This is the first judicial instance (court) which serves as the place of a first hearing of a dispute in the judicial system. Decisions served in such courts can be appealed and raised to a higher level of the judicial court system.
<i>Forests</i>	There are typically many different forest classifications, designated for different uses, management authority levels and with various effective bi-laws. Management regulations typically outline user rights, production rights, extraction rights, hunting and gathering rights etc. Community forests and community land care groups use and manage designated areas by an identifiable community, but in many cases they must gain governmental approval of their management plan. In a more general sense, forest classifications can extend to a wide range of natural resource management areas including wetlands, grasslands, deserts, and cleared areas.
<i>Freehold</i>	Freehold, equivalent to the legal term fee simple absolute, is full ownership of land in English law providing the owner with the largest 'bundle of rights' of ownership.  <i>In Ghana, this is known as the allodial title paramount or radical title and vested in communities. However, other freeholds such as the customary freehold and common law freehold exist. The common law freehold is used in contradistinction to the customary freehold; which is an interest held by subgroups and individuals in land acknowledged to be owned by a larger community of which they are members and as such entitled to the beneficial occupation and use of such land.</i>
<i>Governance</i>	We define governance as the traditions and institutions by which authority in a country is exercised. This includes (i) the process by which governments are selected, monitored and replaced; (ii) the capacity of the government to effectively formulate and implement sound policies; and (iii) the respect of citizens and the state for the institutions that govern economic and social interactions among them (Kaufmann et al., 2002 <sup>3</sup> )

---

<sup>3</sup>Kaufmann, D., et al., 2002. *Assessing Governance: Diagnostic Tools and Applied Methods for Capacity Building and Action Learning*. Discussion Draft 1. Washington, D.C., World Bank Institute.

<i>Governance (land)</i>	Concerns the process by which decisions are made regarding access to and use of land, the manner in which those decisions are implemented and the way that conflicting interests in land are reconciled. Key elements of the definition include decision making, implementation and conflict resolution, with dual emphasis on process and outcomes. (GLTN, 2008 <sup>4</sup> )
<i>Group</i>	A group is a collection of households residing in a locality and operating under some common organization or set of rules and norms, with or without formal recognition of the state. In rural areas these groups include indigenous, nomadic and pastoral communities. In the urban context these groups include organized informal settlements, collectively organized migrants who cluster in a particular locality and clusters of traditional communities.
<i>Informal settlements</i>	Occupation of an area by a group of individuals (households) that is not legally registered in the name of the occupiers. There is great variety in the form of informal settlements ranging from well established, well-built communities that simply lack formal recognition to very heterogeneous groupings of houses that are poorly planned and lack access to infrastructure such as roads, utilities etc.
<i>Indigenous</i>	The term ‘indigenous’ refers to communities that are native to the locality and frequently have specific cultural identities and practices, including practices related to land, that differ from the mainstream society and as a result are often marginalized and vulnerable. The status of “indigenous communities” may be defined by law.
<i>Land administration</i>	The processes of determining, recording and disseminating information about tenure, value and use of land when implementing land management policies (UNECE 1996 <sup>5</sup> ).
<i>Land dispute / conflict</i>	A land dispute is a disagreement over land. A land dispute occurs where specific individual or collective interests relating to land are in conflict. Land disputes can operate at any scale from the international to those between individual neighbors.
<i>Land management</i>	The activities associated with the management of land.
<i>Land tenure system</i>	Land tenure refers to the legal regime in which rights in land are exclusively assigned to an individual or entity, who is said to "hold" the land.  A land tenure system refers to the regulation for the allocation and security of rights in land, transactions of property, the management and adjudication of disputes regarding rights and property boundaries.
<i>Land use plan</i>	A plan that identifies areas for a designated use for the purpose of land management. Used for classification, resource management planning, identification of areas for future development uses, including road widening.

<sup>4</sup> 2008, GLTN, *Common Definitions of the Global Land Tools Network*, UNHabitat, <http://www.glt.net/en/finding-common-definitions.html> [access date: 30 March 2009].

<sup>5</sup>UNECE, 1996.*Land Administration Guidelines*, United Nations Economic Commission for Europe, Geneva.

<i>Lease</i>	A lease is a contractual agreement between a landlord and a tenant for the tenancy of land.
<i>Legal framework</i>	Judicial, statutory and administrative systems such as court decisions, laws, regulations, bylaws, directions and instructions that regulate society and set enforcement processes.
<i>Mortgage</i>	A transfer in the interest of land for the security of a debt.
<i>Municipal land</i>	Land or property where the municipal government or local authority has custodianship.
<i>Notary</i>	Legal attester of documents.
<i>Operating costs (of the registry)</i>	For the purposes of the LGAF, total operating costs include all non-capital investment costs (i.e. salaries and wages, materials, transportation, etc.) associated with registry operation. Registry operating costs do not include long-term capital investment or associated depreciation expense.
<i>Parcel (of land)</i>	A parcel is a defined area of land with a unique record of ownership, use, or other characteristics
<i>Potential (property) tax</i>	Tax that could be collected based on existing tax policies.
<i>Public approval</i>	Approval of a decision or instrument such as a land use plan through some participatory process that involves public display and consultation.
<i>Public good</i>	An asset, facility, resource or infrastructure provided for the benefit of the public.
<i>Public information</i>	Public access to information is a feature of public policy by which each society defines what information, particularly about private citizens and corporate entities, should be available to the public.
<i>Public land</i>	Public land is the land in the custodianship of the State, municipality, or local authority, as opposed to private land.
<i>Publicly accessible</i>	Referring to information that can be obtained by the public without any special requirements or certifications placed on the person/body making the enquiry.
<i>Registry</i>	The term ‘registry’ or ‘register’ is used to denote the organization where the information on registered land rights is held. Information on registered land is typically textual and spatial, with the former typically maintained in a registry and the later in a cadastre office. In some countries there is a combined organization that has both sets of data and in some countries this office is called the cadastral office (in the Balkans, for example). In others there are separate registry and cadastre offices. For the purpose of the LGAF, unless clearly specified otherwise, we use the term ‘registry’ to cover both the registry and the cadastre (if one exists).

<i>Registered</i>	In applying the LGAF, the term ‘registered’ means that the rights are recorded unambiguously in the land administration system and there are generally few disputes over the recorded information. The term ‘registered’ does not necessarily mean that the final certificate or title has been issued.
<i>Regularization / formalization</i>	Regularization of tenure is where informal or illegal occupation of land is legalized by statute, giving occupiers the legal right to ownership, occupation or use of the land.
<i>Resolution - formal</i>	Resolving a dispute through an administrative or judicial process where the outcome is legally binding.
<i>Resolution - informal</i>	Resolving a dispute through a process where the outcome is not legally binding.
<i>Restrictions</i>	These are limitations on one’s rights.
<i>Secondary rights</i>	Rights that are beyond the primary rights to transfer property through sale, gift, exchange or inheritance or encumber property through mortgage, lien or other charge. Secondary rights are typically associated with use rights that may or may not be eligible for registration.
<i>Sporadic registration</i>	The process of registering rights over land on a case-by-case basis.
<i>State land</i>	Property in the custodianship of the Central/National Government.
<i>Systematic registration</i>	The registration of rights over contiguous parcels on an area-by-area basis, involving adjudication, surveying, and registration.
<i>Transaction cost</i>	Costs associated with an agreement over property rights and the costs of enforcing those rights. For example, purchase of land may require not only payment of the negotiation asking price but also legal land transfer fees to establish who is the rightful owner, survey and valuation costs, arrangement of credit and drafting the legal transfer document. Taxes and duties are not considered part of a transaction cost.
<i>Transfer tax</i>	Taxes associated with the transfer of properties payable to the State. The most common is in the form of a stamp duty or capital gains tax.
<i>Typology of tenure situations</i>	A country-specific typology of land tenure is established during the implementation of the LGAF. It distinguishes Public ownership/use, Private ownership/use and Indigenous and non-indigenous community tenure.
<i>Tenure Upgrading</i>	A mechanism for increasing tenure security by formalizing interests in property in an incremental process. All or some rights may be registered with varying degrees of restrictions placed on the property.
<i>Urban group rights</i>	Refers to identifiable groups in an urban setting. Those which people can be easily classified as members or non-members for the purpose of benefitting from specific rights to an area.

<i>Usufruct, use rights</i>	Usufruct is the legal right to use and derive profit or benefit from property that belongs to another person or entity.
<i>Valuation roll</i>	A list of taxable properties and associated property values used in assessing property tax within a jurisdiction (typically a local government authority).

Many of these definitions were derived or adapted from the following references:

FAO, **Multi-lingual Thesaurus on Land Tenure**, Rome 2003. Accessed on:

<http://www.fao.org/docrep/005/x2038e/x2038e00.HTM>

Leonard R, Longbottom J, **Land Tenure Lexicon**: A glossary of terms from English and French speaking West Africa, published by IIED, March 2000. Accessed on:

<http://www.iied.org/pubs/pdfs/7411IIED.pdf>

### 7.3 AIDE MEMOIRES REPORT

# LAND GOVERNANCE ASSESSMENT FRAMEWORK FOR GHANA REPORT OF AIDE MEMOIRES



**SUBMITTED BY DR JOHN BUGRI, KNUST, KUMASI**

COUNTRY COORDINATOR FOR LAND GOVERNANCE ASSESSMENT FRAMEWORK (LGAF)

## REPORTS ON PANEL ASSESSMENTS

The eight (8) panel reports or aide memoires are as follows. In all the panel sessions the CC was the moderator of the panel.

### PANELS 1- LAND TENURE SCORING BOXES

The individual scores recorded for LGI 1 Dimension i were three panel members scored A and one panel member each scored B and C. Following panel discussions however, the consensus score was A as highlighted in the box below.

LGI 1, Dimension i	Assessment
Rural land tenure rights are legally recognized.	<p><b>A – Existing legal framework recognizes rights held by more than 90% of the rural population, either through customary or statutory tenure regimes.</b></p> <p><b>B – Existing legal framework recognizes rights held by 70% - 90% of the rural population, either through customary or statutory tenure regimes.</b></p> <p><b>C – Existing legal framework recognizes rights held by 50% -70% of the rural population, either through customary or statutory tenure regimes.</b></p> <p><b>D – Existing legal framework recognizes rights held by less than 50% of the rural population, either through customary or statutory tenure regimes.</b></p>

### Comments for LGI 1 (i)

1. *Analysis:*

*It was noted by the panel that the tenure typology matrix in the background report identified all rural tenure categories in the country and concluded that the issue of recognition of rural tenure rights was enshrined in the Constitution of the country and the national land policy document of 1999. The panel however observed that the nature of these rights held (either by individuals or groups) presented a major obstacle to their tenure security and enjoyment of the rights. The panel noted this was the result of un-demarcated land boundaries which resulted in tenure insecurity. Thus, to whom devested lands should be returned is problematic and in the case of some traditional areas in the northern part of the country were earth-priests (tendanans) and chiefs are in contestation over ownership rights to communal lands, obstacles to rural tenure recognition existed. Because legal recognition is a Constitutional provision for all customary rights in land all rural populations are covered and the tenure typology table in the background report makes reference to such recognition.*

2. *Data source: The 1992 Constitution of Ghana; The National Land Policy of 1999.*

3. *Data reliability: 100% reliable*

4. *Rank this dimension and provide policy commentary: The panel recommended the statutory recognition of the tendanans where they are recognized as customary authorities over land to reduce contestation between tendanans and chiefs in such jurisdictions. Increased awareness on the need for land rights demarcation and documentation was recommended.*

LGI 1 Dimension ii had individual assessments of three (3) A and one (1) B and one (1) D. The resulting consensus score was A as highlighted in the box below.

LGI 1, Dimension ii	Assessment
Urban land tenure rights are legally recognized.	<p><b>A</b> – Existing legal framework recognizes rights held by more than 90% of the urban population, either through customary or statutory tenure regimes.</p> <p><b>B</b> – Existing legal framework recognizes rights held by 70% - 90% of the urban population, either through customary or statutory tenure regimes.</p> <p><b>C</b> – Existing legal framework recognizes rights held by 50% -70% of the urban population, either through customary or statutory tenure regimes.</p> <p><b>D</b> – Existing legal framework recognizes rights held by less than 50% of the urban population, either through customary or statutory tenure regimes.</p>

#### Comments for LGI 1 (ii)

1. *Analysis:*

*As in the case of rural land rights, urban land rights are equally recognized by the Constitution and the national land policy of 1999. However, the panel noted that the indeterminate land boundaries even in urban areas and the pressure on land in these areas have made claims and counter-claims over land rights even worse in the urban areas. It was the view of the panel that emergence of land guards in the urban areas was a result of this uncertainty over ownership rights over land in urban areas. Also, a result of this state of affairs was the problem of litigation that the formal court system is unable to cope with. Similarly, as in the case of rural tenure, urban tenure was Constitutionally recognized for sections of urban population.*

2. *Data source: The 1992 Constitution of Ghana; The National Land Policy of 1999.*

3. *Data reliability: 100% reliable.*

4. *Rank this dimension and provide policy commentary: The panel suggested that expanding the use of Alternative Dispute Resolution Mechanisms, documentation of urban land rights and boundary demarcations based on survey and mapping on urban land as is undertaken on pilot basis by LAP should be encouraged and strengthened.*

The scores were four (4) A and one B, resulting in a consensus score of A as shown in the box below.

LGI 1, Dimension iii	Assessment
Rural group rights are formally recognized.	<p><b>A</b> – The tenure of most groups in rural areas is formally recognized and clear regulations exist regarding groups’ internal organization and legal representation.</p> <p><b>B</b> – The tenure of most groups in rural areas is formally recognized but ways for them to gain legal representation or organize themselves are not regulated.</p> <p><b>C</b> – The tenure of most groups in rural areas is not formally recognized but groups can gain legal representation under other laws (e.g. corporate law).</p> <p><b>D</b> – The tenure of most groups in rural areas is not formally recognized.</p>

**Comments for LGI 1 (iii)**

1. *Analysis:*

*Panel members deliberated at length on the issue of clarity regarding groups internal organization and representation and came to the conclusion that these were very clear to group members in most cases even though non-members may not find them so because they are not written. The criteria defining these, the panel noted varied from one ethnic group to another as matters of social identity. However, based on corporate law, cooperative societies are capable of being formed in both rural and urban areas and these could also gain rights over land as corporate entities based on the requirements of the law, e.g. farmers’ cooperative societies. Examples however, exist of similar groups such as illegal chain saw operators associations or illegal small-scale miners’ groups whose activities are detrimental to the national interest and cannot be accorded formal recognition.*

2. *Data source: Non-Banking Financial Institutions Law 1993, (PNDCL) 328, Minerals and Mining Act, 2006 (Act 703).*

3. *Data reliability: 90% reliable.*

The panel viewed LGI Dimension iv with individual scores of four (4) C and one (1) D. The consensus score was C as highlighted in the box below.

LGI 1, Dimension iv	Assessment
Urban group rights are recognized in informal areas.	<p><i>Only rank this dimension if group tenure in urban areas exists.</i></p> <p><b>A</b> – Group tenure in informal urban areas is formally recognized and clear regulations exist regarding the internal organization and legal representation of groups.</p> <p><b>B</b> – Group tenure in informal urban areas is formally recognized but ways for them to gain legal representation or organize themselves are not regulated.</p> <p><b>C</b> – Group tenure in informal urban areas is not formally recognized but groups can gain legal representation under other laws.</p> <p><b>D</b> – Group tenure in informal urban areas is not formally recognized.</p>

**Comments for LGI 1 (iv)s**

1. *Analysis:*

*The panel applied this dimension to informal settlements in the case of urban Ghana and reached the conclusion that squatters, for example, though were an urban group their land rights were not formally recognized. Reference was made to numerous attempts at evicting such groups in informal settlements in the country, for example the settlement of Sodom and Gomora in Accra and artisans who illegally occupy government lands to ply their trade. It was however noted that as far as the limitations decree is concerned, if such squatters enjoyed undisturbed possession of land for 12 years, then they could lay claims to legal ownership of the land if their position is challenged.*

2. *Data source: The 1992 Constitution of Ghana, the national land policy of 1999 and the Limitations Decree, NRCD 54.*

3. *Data reliability: 90% reliable*

4. *Policy suggestions: Government land machinery to be proactive in dislodging squatters before they gain long periods of occupation of state lands, regularizing some squatter settlements by upgrading schemes and marshalling the political will and resource base to enable development control practice take root.*

All five (5) panel members individually scored LGI 1 Dimension v as C and consensus was therefore reached without discussion as C and shown in the box below.

LGI 1, Dimension v	Assessment
<p><b>When desirable, opportunities for tenure individualization exist and are accessible.</b></p>	<p><b>A – When desirable, the law provides opportunities for those holding land under customary, group, or collective tenure to fully or partially individualize land ownership/use. Procedures for doing so are affordable, clearly specified, safeguarded, and followed in practice.</b></p> <p><b>B – When desirable, the law provides opportunities for those holding land under customary, group, or collective tenures to fully or partially individualize land ownership/use. Procedures to do so are affordable and include basic safeguards against abuse but are not always followed in practice and are often applied in a discretionary manner.</b></p> <p><b>C – When desirable, the law provides opportunities for those holding land under customary, group, or collective tenures to fully or partially individualize land ownership/use. Procedures are not affordable or clear, leading to widespread discretion or failure to apply even for cases where those affected desire to so.</b></p> <p><b>D – Although desirable, the law provides no opportunities for those holding land under customary, group, or collective tenures to fully or partially individualize land ownership/use.</b></p>

### Comments for LGI 1 (v)

1. *Analysis:*

*Leading the analysis, the panel members from the Lands Commission and Land Title Registry Office in Kumasi were quite emphatic that the procedures and mechanisms available to people to formalize their rights to property were available but that most members of the public were unaware of their existence. The procedures and mechanisms the panel noted were as identified and discussed in the background report. A notable restriction of such formalization processes was the case of the usufruct that is perpetual but which cannot be formalized as such but rather has to be converted to a 99 year residential lease for Ghanaians. As was remarked by a panel member, “if tax clearance certificates are required of a farmers before formalization of land rights, but who do not engage in activities that require such certificates, how fair is this restriction to the farmer?” The public image of the land institutions where formalization takes place was noted to be in need of improvement as far as rent seeking behavior and other corrupt practices are concerned.*

2. *Data source: Field experience of panel members, Records of the Lands Commission, Kumasi.*

3. *Data reliability: 70% reliable.*

The panel scored LGI 2 Dimension i individually as four (4) D and one (1) C, resulting in a consensus score of D as highlighted in the box below.

LGI 2, Dimension i	Assessment
Most communal or indigenous land <sup>6</sup> is mapped and rights are registered.	<p><i>Only rank this dimension if communal or customary tenure exist.</i></p> <p><b>A</b> – More than 70% of the area under communal or indigenous land has boundaries demarcated and surveyed and associated claims registered.</p> <p><b>B</b> – 40-70% of the area under communal or indigenous land has boundaries demarcated and surveyed and associated claims registered.</p> <p><b>C</b> – 10-40% of the area under communal or indigenous land has boundaries demarcated and surveyed and associated claims registered.</p> <p><b>D</b> – Less than 10% of the area under communal or indigenous land has boundaries demarcated and surveyed and associated claims registered.</p>

<sup>6</sup> ‘Communal land’ is land over which a rural group or community has rights or access to. Such land may be held under customary tenure and in some cases, occupants may belong to ‘indigenous communities’ or their equivalent (e.g. ‘scheduled tribes’ in India) as defined by law.

<b>LGI 2, Dimension i</b>	<b>Assessment</b>
---------------------------	-------------------

**Comments for LGI 2 (i)**

1. *Analysis:*

*The status of land demarcation, surveying and registration in Ghana is not good but the situation is slowly improving. The panel noted that under phase I of LAP, ten (10) pilot customary boundary demarcations were undertaken but regrettably only two could be completed. Estimates of land rights documented and registered nationwide fall far below expectation due to reasons of cost, bureaucracy, time and in some rural areas a present lack of need.*

2. *Data source: Quarterly Reports of Land registration data to LAP and Lands Commission Offices Records.*

3. *Data reliability: 90% reliable.*

Individually, all the panel members were of the view that D was the assessment for LGI 2 Dimension ii. The resulting consensus score of D is thus highlighted in the box below.

<b>LGI 2, Dimension ii</b>	<b>Assessment</b>
Individually held properties in rural areas are formally registered.	<p><b>A</b> – More than 90% of individual properties in rural areas are formally registered.</p> <p><b>B</b> – Between 70% and 90% of individual properties in rural areas are formally registered.</p> <p><b>C</b> – Between 50% and 70% of individual properties in rural areas are formally registered.</p> <p><b>D</b> – Less than 50% of individual properties in rural areas are formally registered.</p>

**Comments for LGI 2 (ii)**

1. *Analysis:*

*In the absence of statistics on ratio of rural land parcels registered to total rural land parcels, the panel relied on field knowledge and the general view even of documents including the national land policy of that lack of documentation of land rights was a key problem in land administration to conclude that less than 50% of individual properties in rural areas was registered. Indeed, it was the assertion of the panel that the concept of individualization of tenure in the context of communal ownership was more known as an urban phenomenon than a rural one; and even in the urban context, measures of sensitization and ease of registration were required to make it gain popularity. Consequently, rural lands were largely unregistered.*

2. *Data source: Field knowledge of panel members and available data on land registration in Regional Lands Commission Offices sent LAP and captured in the background report.*

3. *Data reliability: 70% reliable*

Individually, all the panel members were of the view that D was the assessment for LGI 2 Dimension iii. The resulting consensus score of D is thus highlighted in the box below.

LGI 2, Dimension iii	Assessment
Individually held properties in urban areas are formally registered.	<p><b>A</b> – More than 90% of individual properties in urban areas are formally registered.</p> <p><b>B</b> – Between 70% and 90% of individual properties in urban areas are formally registered.</p> <p><b>C</b> – Between 50% and 70% of individual properties in urban areas are formally registered.</p> <p><b>D</b> – Less than 50% of individual properties in urban areas are formally registered.</p>

#### Comments for LGI 2 (iii)

1. *Analysis:*

*Yet again, in the absence of data on number of registered urban land parcels to total urban land parcels in the country, the panel used the anecdotal evidence of land registration data provided in the background report (although not disaggregated into rural and urban registrations) and their field experiences to conclude on the score of D above. Of particular mention were the fact that while in urban areas claims and counter claims were motivation factors for land rights holders to register; the absence of site plans in peri-urban locations, costs of registration, ignorance and the rapid pace of urbanization that has pushed development ahead of planning in the country all operate to limit urban land registration especially given the weak institutional capacity to deliver such services.*

2. *Data source: Quarterly and Annual Reports of the Lands Commission and Land Title Registries as well as field experience of panel members.*

3. *Data reliability: 70% reliable.*

Regarding LGI 2 Dimension v, four (4) panel members scored C and one (1) scored D. The consensus score was therefore C.

LGI 2, Dimension v	Assessment
A condominium regime provides for appropriate management of common property.	<p><b>A</b> – Common property under condominiums is recognized and there are clear provisions in the law to establish arrangements for the management and maintenance of this common property.</p> <p><b>B</b> – Common property under condominiums is recognized but the law does not have clear provisions to establish arrangements for the management and maintenance of this common property.</p> <p><b>C</b> – Common property under condominiums has some recognition but there are no provisions in the law to establish arrangements for the management and maintenance of this common property.</p> <p><b>D</b> – Common property under condominiums is not recognized.</p>

**Comments for LGI 2 (v)**

1. *Analysis:*

*All five panel members agreed that there was currently no legislation on condominiums, although a few such developments were springing up in some urban areas. However, regarding the few that have emerged, panel members indicated that individual tenancy agreements were the more likely regulatory framework for the management of condominiums and the common property areas they provide.*

2. *Data source: Field knowledge of panel members.*

3. *Data reliability: 60% reliable.*

4. *Policy Recommendation: The introduction of legislation on condominiums and the management of their common property areas inn the country as it is clear that based on current rates of urbanization, intensity of land use as found in condominiums provided the way forward to housing the ever increasing population.*

There were four panel members who individually assessed LGI 2 Dimension vi as C and one (1) member whose assessment was D. However, after discussions and filling in of the relevant codes as shown in the boxes below, the consensus score was C.

LGI 2, Dimension vi	Assessment			
There is compensation for loss of rights due to land use changes.	<p><i>Please fill out following matrix for background information and use it to choose ranking below:</i></p> <p><b>A</b> – Where people lose rights as a result of land use change outside the expropriation process, compensation in cash or in kind is paid such that these people have comparable assets and can continue to maintain prior social and economic status.</p> <p><b>B</b> – Where people lose rights as a result of land use change outside the expropriation process, compensation in cash or in kind is paid such that these people have comparable assets but cannot continue to maintain prior social and economic status.</p> <p><b>C</b> – Where people lose rights as a result of land use change outside the expropriation process, compensation in cash or in kind is paid such that these people do not have comparable assets and cannot continue to maintain prior social and economic status.</p> <p><b>D</b> – Where people lose rights as a result of land use change outside the expropriation process, compensation is not paid.</p>			
Process	Level of compensation	Compensated rights	Implementation	Comments
Rural-urban conversion	2	2	2	Compensation for loss of secondary rights recognized is treated on the basis of fixed rates , e.g. per cocoa tree of a farmer and not on the basis of the cocoa farm as an investment whose annual incomes have to be capitalized over the productive life of the cocoa tree.
Establish reserved land	1	2	2	In most of reserved lands that are forests, the locals are denied access to the forests for even non-forest products like snails and medicinal plants or dead wood for their energy sources.
Other (please specify: e.g. rezoned land)	1	2	2	When rezoning blights a property, then reverse compulsory purchase is recommended so that Government is compelled to compulsorily acquire the property and pay compensation at current market values.

<b>Codes:</b>	<p>1 = Compensation paid in cash or in kind on the same or similar basis as compulsory acquisition;</p> <p>2 = compensation paid in cash or in kind but at significantly lower level than compulsory acquisition;</p> <p>3 = little or no compensation paid.</p>	<p>1 = All secondary rights recognized;</p> <p>2 = Some secondary rights recognized;</p> <p>3 = No secondary rights recognized.</p>	<p>1 = Consistently implemented;</p> <p>2 = Implemented with some discretion;</p> <p>3 = Implemented in highly discretionary manner.</p>	
---------------	--	---	--	--

### Comments for LGI 2 (vi)

1. *Analysis:*

*The main situations in which land use changes result in loss of rights are found in peri-urban conversions of agricultural land to residential use. In these situations most usufruct farmers' land rights are lost to real estate and other project developers with compensation that does not reflect market values. The chiefs in whose communities these conversions take place may simply employ their own land surveyors to demarcate the lands, prepare layouts and choose to give a few plots as compensation to use rights holders and retain the bulk of the land to sell out to these developers. Note that under these circumstances, compulsory acquisition which is the preserve of the state does not apply, and therefore the provisions of adequate, fair and prompt payment of compensation under the Constitution and the State Lands Act, 1962 (Act 125) do not apply. Clearly, the chiefs actions, the panel noted put them in the position of proprietary land rights holders, when in the real sense they are only custodians of the land for the enjoyment of the members of the community. The political will and commitment to fight this injustice, the panel noted was yet to arrive in Ghana due to the powerful position of chiefs that Government is afraid to confront.*

2. *Data source: Constitution of Ghana, State Lands Act, 1962 (Act 125), Field Knowledge of panel members and Records of the Land Valuation Division of the Lands Commission in Kumasi.*

3. *Data reliability: 80% reliable.*

In the case of LGI 3 Dimension i , three panel members scored C and the other two scored D. The consensus score after panel discussions was taken C and is highlighted in the box below.

LGI 3, Dimension i	Assessment
There is compensation for loss of rights due to land use changes.	<p><b>A</b> – Non-documentary forms of evidence are used alone to obtain full recognition of claims to property when other forms of evidence are not available.</p> <p><b>B</b> – Non-documentary forms of evidence are used to obtain recognition of a claim to property along with other documents (e.g. tax receipts or informal purchase notes) when other forms of evidence are not available. They have about the same strength as the provided documents.</p> <p><b>C</b> – Non-documentary forms of evidence are used to obtain recognition of a claim to property along with other documents (e.g. tax receipts or informal purchase notes) when other forms of evidence are not available. They have less strength than the provided documents.</p> <p><b>D</b> – Non-documentary forms of evidence are almost never used to obtain recognition of claims to property.</p>

#### Comments for LGI 3 (i)

1. *Analysis:*

*The legal basis for the use of non-documentary evidence to establish claims for compensation was agreed by the panel as the Statutory Declarations Act, 1971, Act 389 of Ghana. When the relevant declaration is made in accordance with the Act, it is published in the media as notice to the entire world and 30 day period reserved for any objections to the declared claim. The panel noted that in the absence of any objections, compensations are payable to the claimants of such rights in the absence of documentary evidence of ownership. Furthermore, the panel member from the Lands Commission indicated that even allocation notes of land from chiefs, rent demand notices and receipts of earlier payments of ground rents are all acceptable pieces of evidence for compensation claims in practice. These were commended as important practices because oral grants of land are dominant in the customary sector and documentary form of evidence of ownership such as leases should not be the only means of proof of ownership of land to enable one to claim compensation.*

2. *Data source: Statutory Declaration Act, 1971, (Act 389), Field Knowledge of panel members and Records of the Lands Commission in Kumasi.*

3. *Data reliability:90% reliable*

LGI 3 Dimension ii was scored C by three (3) panel members and one (1) A and one (1) B. The consensus score was however agreed as C and is highlighted below.

LGI 3, Dimension ii	Assessment
There is formal recognition of long-term, unchallenged possession.	<p><b>A</b> – Legislation exists to formally recognize long-term, unchallenged possession and this applies to both public and private land although different rules may apply.</p> <p><b>B</b> – Legislation exists to formally recognize long-term, unchallenged possession but applies only to one specific type of land (e.g. either public land or private land).</p> <p><b>C</b> – Legislation exists to formally recognize long-term, unchallenged possession but due to the way this legislation is implemented, formal recognition is granted to very few or no applicants for recognition on either public or private land.</p> <p><b>D</b> – Legislation to formally recognize long-term, unchallenged possession does not exist.</p>

#### Comments for LGI 3 (ii)

1. *Analysis:*

*The panel discussions noted that formal recognition of long term unchallenged possession of land existed under the Limitation Decree of 1972 (NRCD 54) and that for peaceful enjoyment of possession for a period of 12 years and over, the formal court system was inclined to favour the right possessor and give right of ownership to. The formal court system is thus the means through which adverse claims to ownership are undertaken. However, this was observed by the panel as entirely alien to customary law, and not easy at all to initiate and succeed. It was also noted by the panel that in even cases where possession is challenged and evictions are effected, Government ended up paying some forms of compensation to those affected for political rather than legal reasons, for example, based on threats of not voting the party to power in subsequent elections. Payments of compensation could also be undertaken by Government on humanitarian grounds.*

2. *Data source: Limitation Decree of 1972, NRCD 54.*

3. *Data reliability: 80% reliable.*

4. *Policy Recommendation: The panel recommended that given the conflicting positions of customary and statute law on the issue of formal recognition long term unchallenged possession; education of the public was crucial to make people aware and sensitive to the protection of their land rights in a fast changing pluralistic legal environment.*

Individual panel members who scored LGI 3 Dimension vi a rank of C were three (3) and the other two (2) scored a rank of D. After discussions and filling in of the various codes as shown below in the boxes, however, the consensus score was C and is highlighted below in the box.

LGI 3, Dimension vi	Assessment			
There is an efficient and transparent process to formalize possession.	<p><i>Please fill out following matrix for background information and use it to choose ranking below:</i></p> <p><b>A</b> – There is a clear, practical process for the formal recognition of possession and this process is implemented effectively, consistently and transparently.</p> <p><b>B</b> – There is a clear, practical process for the formal recognition of possession but this process is not implemented effectively, consistently or transparently.</p> <p><b>C</b> – The process for the formal recognition of possession is not clear and is not implemented effectively, consistently or transparently.</p> <p><b>D</b> – There is no process for formal recognition of possession.</p>			
Formalization	Formalization process	Implementation	Growth in informality	Comments
1. Informal urban settlement on private land	3	3	1	Better protected by owners, e.g. by the use of land guards..
2. Informal urban occupation on public land	3	3	3	Not well protected due to capacity constraints.
3. Informal occupation of forest land or protected areas (national parks, wildlife reserves, etc.)	3	3	1	Relatively better protected by the state due to sensitive nature of sites involved.
4. Other (please specify:-----)				
<b>Codes:</b>	1 = Clearly defined rules that cover most cases; 2 = Clearly defined rules that cover about half the cases; 3 = Rules not clearly defined, and/or most cases not covered.	1 = Efficient & transparent; 2 = Some discretion in implementation; 3 = Significant discretion	1 = Very limited number of new informal settlers in the past year; 2 = Some new informal settlers in the past year; 3 = Many new informal settlers in the past year.	

**Comments for LGI 3 (vi)**

1. *Analysis:*

*Despite the widespread evidence on the ground that weaknesses in the land administration system has led to development taking place ahead of planning, especially in the urban and peri-urban areas of the country, there are hardly any corresponding attempts to formalize such informality. Only a few individuals, the panel noted who may due to the necessity of some requirements (e.g. bank loans) make attempts to formalize their possession and acquire the needed documentation. Thus, few formalization programs exist and the best example was the attempts by MiDA to register land rights holders in the Central Region as reported in the background report.*

2. *Data source: Background Report, Lands Commission Records, MiDA Records.*

3. *Data reliability: 80% reliable.*

4. *Policy Recommendation: The development of policy guidelines on urbanization, population growth and awareness creation and sensitization of land rights holders on the need to formalize their ownership were suggested by the panel.*

**PANEL 2- URBAN LAND USE, PLANNING AND DEVELOPMENT SCORING BOXES**

The individual scores on LGI 3 were four (4) scores of C and one (1) score of D. This resulted in a consensus score of C. This score is highlighted in the box below.

LGI 3, Dimension v	Assessment
Formalization of urban residential housing is feasible and affordable.	<p><b>A</b> – The requirements for formalizing housing in urban areas are clear, straightforward, affordable and implemented consistently in a transparent manner.</p> <p><b>B</b> – The requirements for formalizing housing in urban areas are clear, straightforward, and affordable but are not implemented consistently in a transparent manner.</p> <p><b>C</b> – The requirements for formalizing housing in urban areas are not clear, straightforward, or affordable but many applicants from informal areas are managing to satisfy the requirements.</p> <p><b>D</b> – The requirements for formalizing housing in urban areas are such that formalization is deemed very difficult.</p>

### Comments for LGI 3 (v)

1. *Analysis:*

*Two scenarios were identified in formalizing housing in informal areas. These were (a) in areas were not yet zoned and (b) in areas where zoning has taken place. In the case of areas zoned, the panel noted that the process involved the following steps:*

- *Inspection is carried out in the area.*
- *Planning officers go around assessing possible areas where access roads and services could be placed and the potential changes that would occur in the area.*
- *Qualified surveyors pick up the details on the ground.*
- *Meeting is held with the residents to discuss properties that will be affected in regularizing properties in the area*
- *Land owners could be engaged for the release of vacant land to provide services.*
- *A sketch of the layout is prepared*
- *Public forum is held to discuss effect of the layout on their properties.*

*In the case of zoned areas, the discussions concluded that developers in these areas are encouraged to bring whatever documents in their possession evidencing ownership for the regularization to be effected. Variations were noted in terms difficulties in execution of the task of regularization. For example, it was highlighted that it was a lot easier to regularize in rural areas as compared to urban areas due the need for provision of services and amenities to go with the developments in an era of fast growing urban populations.*

*The rules for regularization were regarded as unclear to most people in need of regularization of their developments.*

2. *Data source: Background report and Field Knowledge of panel members.*

3. *Data reliability:90% reliable*

4. *Policy Recommendations: The following policy recommendations were made by the panel:*

- *Harmonise laws on land use planning in the land use bill before it becomes law*
- *Provide base maps for the preparation of schemes*
- *Use modern technology in land use planning*
- *Improve social/community involvement in the preparation of schemes*
- *Provide adequate staffing and resourcing of planning agencies*
- *Taxes/property rates should be invested in the communities to improve conditions within them*
- *Reconsider the acquisition of a title as a pre-requisite for obtaining permits for development*

The individual scores for LGI Dimension i were all a B. The consensus was thus a score of B and is highlighted in the box below. Also in the boxes below are the responses for background information on restrictions on urban land use for used in arriving at the scored B for the indicator.

LGI 4, Dimension i	Assessment			
Restrictions regarding urban land use, ownership and transferability are justified.	<p><i>Please fill out following matrix for background information and use it to choose ranking below:</i></p> <p><b>A</b> – There are a series of regulations that are for the most part justified on the basis of overall public interest and that are enforced.</p> <p><b>B</b> – There are a series of regulations that are for the most part justified on the basis of overall public interest but that are not enforced.</p> <p><b>C</b> – There are a series of regulations that are generally not justified on the basis of overall public interest but are not enforced.</p> <p><b>D</b> – There are a series of regulations that are generally not justified on the basis of overall public interest and are enforced.</p>			
Restrictions on land ownership (for each one of the restrictions listed below, tick appropriate column and provide comment where relevant)	Non-existent	Exists, but not enforced	Exist & enforced	Brief description of restriction and comments
Restrictions on:				
Land transactions			✓	These transactions largely involve sales, assignments and mortgages and are regulated by the relevant legislation. However, enforcement mechanisms are weak, as for example, the Constitution forbids the sale of land as freehold to non-Ghanaians, but measures on the ground are inadequate in determining who is a non-Ghanaian in a transaction.

Land ownership			✓	As noted in the case of land transactions above, Section 36 (8) of the Constitution was referred to by the panel. It states that: “ <i>The State shall recognize that ownership and possession of land carry a social obligation to serve the larger community and, in particular, the State shall recognize that the managers of public, stool, skin and family lands are fiduciaries charged with the obligation to discharge their functions for the benefit respectively of the people of Ghana, of the stool, skin or family concerned and are accountable as fiduciaries in this regard</i> ”. Enforcement mechanisms are however weak.
Owner type			✓	The allodial (freehold) title is vested in the community and therefore cannot be sold outright. But in a few cases freeholds have been sold to individuals in some communities, e.g. in the Ga Communities of Greater Accra and few such interests have been registered. Land can also be acquired compulsorily under State Lands Act, Act 125.
Use			✓	Land use restrictions range from zoning restrictions to approvals before use but enforcement mechanisms are weak.

Size of holding			✓	Public lands are supposed to be sold on a first come first served and one man one plot bases, but these restrictions are not often enforced. Customary lands are not regulated in terms of size of holdings that can be transferred, and recent large scale land acquisitions in this sector have brought the need for policy direction and guidelines in this area.
Price	✓			
Rent	✓			Ground rents are regulated but rental for housing sector are demand and supply driven.
Other (please specify:-----)				

#### Comments for LGI 4 (i)

1. *Analysis:*

*The panel was unanimous that land use restrictions on zoning and ownership were justified on the basis of public interests, for example, in the provision of public goods, even if at the risk of seen as an intervention on the land market. Also, the Constitutional limitation in not offering freeholds in land to foreigners was seen as justifiable on the basis of national interest and the fifty year leases seen as reasonable for foreign investments. Requirements for citizens to also pay ground rents also justified on the basis of landlord tenant relationships.*

2. *Data source: Constitution of Ghana, State Lands Act, Act 125, Lease Agreements in the Lands Commission and Allocation Notes of land from chiefs to land users.*

3. *Data reliability: 90% reliable.*

4. *Policy Recommendations:*

- *Restrict the granting of large scale of land to private individuals that could be detrimental to future acquisitions for public purposes*
- *Create land banks*
- *Resource Planning Departments to meet the planning needs of communities*
- *Ensure collaboration between the Planning Department and other relevant institutions, especially utility service providers*

The scores for LGI7 Dimension i were three (B) and one (1) C and one (1) D. The consensus score that emerged after discussions was B; and this is highlighted in the box below.

LGI 7, Dimension i	Assessment
In urban areas, land use plans and changes in these plans are based on public input.	<p><b>A</b> – Public input is sought in preparing and amending land use plans and the public responses are explicitly referenced in the report prepared by the public body responsible for preparing the new public plans. This report is publicly accessible.</p> <p><b>B</b> – Public input is sought in preparing and amending land use plans and the public responses are used by the public body responsible for finalizing the new public plans, but the process for doing this is unclear or the report is not publicly accessible.</p> <p><b>C</b> – Public input is sought in preparing and amending land use plans but the public comments are largely ignored in the finalization of the land use plans.</p> <p><b>D</b> – Public input is not sought in preparing and amending land use plans.</p>

#### Comments for LGI 7 (i)

1. *Analysis:*

*In a discussion dominated by the Ashanti Regional Town and Country Officer, the Kumasi Metropolitan Assembly participant and the retired planning officer, it emerged that some attempts are being made in peri-urban communities where changes are needed in their land use plans; to survey affected communities and gather views of community members on the changes to be made; publications are also made in the media for wider public comments before the changes are effected. However, it came to light that the agencies involved in executing these changes are under-resourced and quite incapable of delivering on their mandates. This, coupled with the rapid rate of urbanization has resulted in development in the country always ahead of the planning process. Studies were also said to be commissioned by some District, Municipal and metropolitan Assemblies to bring the problems of planning and changes in land use plans to light for the Assemblies to find remedial measures. The extent to which public comments are factored into the plans to be made was generally seen as unsatisfactory; but low public participation in the process was also blamed.*

2. *Data source: Records of Kumasi Metropolitan Assembly, Background Report, Records of Town and Country Planning Department, Kumasi.*

3. *Data reliability:80%*

4. *Policy Recommendations: The panel suggested the dissemination of information on public comments sought to take the form of use of information vans in communities affected to make announcements; radio talks; the print and electronic media.*

LGI 7 Dimension iii was scored by for panelists as C and one (1) as D, resulting in consensus score of C as highlighted in the box below.

LGI 7, Dimension iii	Assessment
The public captures benefits arising from changes in permitted land use.	<p><b>A</b> – Mechanisms to allow the public to capture significant share of the gains from changing land use (e.g. betterment taxes, levies for infrastructure, property tax) are regularly used and applied transparently based on clear regulation.</p> <p><b>B</b> – Mechanisms to allow the public to capture significant share of the gains from changing land use (e.g. betterment taxes, levies for infrastructure, property tax) are applied transparently but not always used.</p> <p><b>C</b> – Mechanisms to allow the public to capture significant share of the gains from changing land use (e.g. betterment taxes, levies for infrastructure, property tax) are rarely used or applied in a discretionary manner.</p> <p><b>D</b> – Mechanisms to allow the public to capture significant share of the gains from changing land use (e.g. betterment taxes, levies for infrastructure, property tax) are not used or not applied transparently.</p>

#### Comments for LGI 7 (iii)

1. Analysis:

*The panel members did not take long to agree that betterment levy as provided for in the Planning Ordinance of 1945 (Cap. 84) as amended; the property rates as legislated for in Local Government Act, 1993 Act 462 were good sources of revenue for Government. However, the collection of these revenues were in the case of betterment levies hardly implemented except when there was a compulsory acquisition by the state and it was applied as a set-off to reduce compensations sums to be paid by government. Also property rates were not generating the desired amounts of revenue due to difficulties in revaluations and poor revenue collection mechanisms. In the case of levies for infrastructure, legislation in the area was lacking.*

2. Data source: Local Government Act, 1993 Act 462; Planning Ordinance 1945 ((Cap 84) as amended.

3. Data reliability: 100% reliable.

4. Policy Recommendations: Greater proportion of the amount collected should be used for the purpose for which it was collected Data base should be regularly updated for effective assessment of the value of taxes rents etc.

Panel members scored LGI 7 Dimension iv as two (2) B, two (2) C and one (1) C. This resulted in consensus score of B as highlighted in the box below after discussions.

LGI 7, Dimension iv	Assessment
Actual land use changes to the as-signed land use in a timely manner.	<p><b>A</b> – More than 70% of the land that has had a change in land use assignment in the past 3 years has changed to the destined use.</p> <p><b>B</b> – Between 50% and 70% of the land that has had a change in land use assignment in the past 3 years has changed to the destined use.</p> <p><b>C</b> – Between 30% and 50% of the land that has had a change in land use assignment in the past 3 years has changed to the destined use.</p> <p><b>D</b> – Less than 30% of the land that has had a change in land use assignment in the past 3 years has changed to the destined use.</p>

### Comments for LGI 7 (iv)

1. *Analysis:*

*The panel discussed this indicator dimension at length before reaching a consensus because the data available in the background report on land use changes in the past three years was limited to only a few neighbourhoods in Kumasi. However, basing their arguments on field experience, it was concluded that if just in the case of the last three years, it was more likely 50-70% of land that had had a change land use, resulted in the destined change in use taking place. It was noted that rural land uses were not so changeable compared with peri-urban and urban areas; but the enforcement mechanisms need to be strengthened in all parts of the country and planning made to be proactive in nature.*

2. *Data source: Background Report, Field Knowledge of panel members.*

3. *Data reliability: 90% reliable.*

LGI 8 Dimension i was scored by three (3) as C and two (2) as D and the consensus score taken as C as highlighted in the box below.

LGI 8, Dimension i	Assessment
Land use planning effectively controls urban <b>spatial expansion</b> in the largest city in the country.	<p><b>A</b> – In the largest city in the country urban <b>spatial expansion</b> is controlled effectively by a hierarchy of regional/detailed land use plans that are kept up-to-date.</p> <p><b>B</b> – In the largest city in the country, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban <b>spatial expansion</b> is guided by the provision of infrastructure without full implementation of the land use plans.</p> <p><b>C</b> – In the largest city in the country, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban <b>spatial expansion</b> occurs in an ad hoc manner with infrastructure provided some time after urbanization.</p> <p><b>D</b> – In the largest city in the country a hierarchy of regional/detailed land use plans may or may not be specified by law and in practice urban <b>spatial expansion</b> occurs in an ad hoc manner with little if any infrastructure provided in most newly developing areas.</p>

LGI 8, Dimension i	Assessment
<b>Comments for LGI 8 (i)</b>	
<p>1. <i>Analysis:</i></p> <p><i>The panel discussed the goal of Ghana’s human settlement policy of promoting a sustainable spatially integrated and orderly development of human settlements with adequate shelter and services, efficient institutions and sound living working environments for all people to support the rapid socio-economic transformation of the country. In this regard, it was pointed out during discussions, that, five (5) grades of settlements were identified based on population size, range of functions, location, natural resource base and spacing of service centres and distribution of urban centres. This has resulted in five (5) grades of settlements with grade 1 settlements to play the roles of large cities and the highest level of urban functions e.g. Accra, Kumasi, Takoradi and Tamale. Grade 2 settlements which are a step lower than grade 1 settlements are expected to play the role of administrative functions and these included the remaining six regional capitals of Cape coast, Koforidua, Wa, Ho, Sunyani and Bolgatanga. In the case of grade 3 settlements, political and administrative district capitals were examples. The final grades 4 and 5 were basically settlements that are not district capitals, but performed rural service functions. All these grades of settlements are expected to have relevant plans to facilitate their roles, but this has not been achieved largely due to weak institutional arrangements to prepare and implement these plans effectively.</i></p> <p>2. <i>Data source: National Development Planning Commission Records, Ghana Human Settlements Report (2005).</i></p> <p>3. <i>Data reliability: 90% reliable.</i></p> <p>4. <i>Policy Recommendations: Franchise the collection of property rates, market tolls, etc. of District Assemblies; Institute and effectively implement taxation of large tracts of undeveloped lands acquired for speculative purposes; Improve institutional collaboration of land and planning institutions to enhance their operations.</i></p>	

LGI 8 Dimension ii was scored by three (3) as C and two (2) as D and the consensus score taken as C as highlighted in the box below.

LGI 8, Dimension ii	Assessment
<p>Land use planning effectively controls urban development in the four largest cities in the country, excluding the largest city.</p>	<p><b>A</b> – In the four major cities urban development is controlled effectively by a hierarchy of regional/detailed land use plans that are kept up-to-date.</p> <p><b>B</b> – In the four major cities, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban development is guided by the provision of infrastructure which implements only a part of the land use plans.</p> <p><b>C</b> – In the four major cities in the country, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban development occurs in an ad hoc manner with infrastructure provided some time after urbanization.</p> <p><b>D</b> – In the four major cities in the country a hierarchy of regional/detailed land use plans may or may not be specified by law and in practice urban development occurs in an ad hoc manner with little if any infrastructure provided in most newly developing areas.</p>

**Comments for LGI 8 (ii)**

1. *Analysis: Same analysis as above for LGI 8 Dimension ii.*
2. *Data source: Same as sources for LGI 8 Dimension ii above.*
3. *Data reliability: Same as reliability for LGI 8 Dimension ii above.*

LGI 8 Dimension ii was scored by all four (4) panel members as C and one (1) member as D resulting in consensus as C . Score C is therefore highlighted in the box below.

<b>LGI 8, Dimension iii</b>	<b>Assessment</b>
Planning processes are able to cope with urban growth.	<p><b>A</b> – In the largest city in the country, the urban planning process/authority is able to cope with the increasing demand for serviced units/land as evidenced by the fact that almost all new dwellings are formal.</p> <p><b>B</b> – In the largest city in the country, the urban planning process/authority is able to cope to some extent with the increasing demand for serviced units/land as evidenced by the fact that most new dwellings are formal.</p> <p><b>C</b> – In the largest city in the country, the urban planning process/authority is struggling to cope with the increasing demand for serviced units/land as evidenced by the fact that most new dwellings are informal.</p> <p><b>D</b> – In the largest city in the country, the urban planning process/authority cannot cope with the increasing demand for serviced units/land as evidenced by the fact that almost all new dwellings are informal.</p>

**Comments for LGI 8 (iii)**

1. *Analysis:*

*Panel discussions revealed that the bane of serviced plot provision has been the lack of coordination, cooperation, collaboration and consultation among service or utility providing agencies; the inability of Government to plan and make these serviced plots available for prospective developers before development commences leading to only few private real estate developers engaging in the activity and the general rapid rate of urbanization the country has witnessed over the years. This situation has brought about few serviced sites and thus prices are very high, especially in highly populated areas. The situation in rural areas was quite the opposite as these services are largely non-existent and development is undertaken to satisfy basic living conditions of shelter.*

*In the case of urban roads, available data from the Department of Urban Roads that a 2006 physical inventory of urban road network nation-wide showed that of a total road network of 5504 km only 3164 km (representing 42.5% were paved. Access to electricity nation-wide is also estimated to be about 48% with 77% of urban households enjoying the serviced as compared to 17% of rural households. In respect of water, estimates of 52% access to water is achieved country-wide. Telephone penetration it was noted was fast improving due to the use of mobile telephones in both urban and rural communities.*

2. *Data source: Department of Urban Roads, Accra; Ministry of Works and Housing Community Water and Sanitation Agency Strategic Investment Plan (2005-2015), Accra.*
3. *Data reliability: 90% reliable.*
4. *Policy Recommendations: Encourage the intensification of land use for housing, mortgage financing for accommodation political will and commitment to rural development.*

Three (3) panel members scored C and two (2) scored D for LGI 8 Dimension iv and the consensus score of C was arrived at and is highlighted in the box below.

LGI 8, Dimension iv	Assessment *
Residential plot sizes are adhered to in urban areas <sup>7</sup> .	<p><b>A</b> – Existing requirements for residential plot sizes are met in at least 90% of plots.</p> <p><b>B</b> – Existing requirements for residential plot sizes are met between 70% and 90% of plots.</p> <p><b>C</b> – Existing requirements for residential plot sizes are met between 50% and 70% of plots.</p> <p><b>D</b> – Existing requirements for residential plot sizes are met in less than 50% of plots.</p>

<sup>7</sup> This assessment covers the total housing stock and includes both the formal and informal sector, if one exists.

**Comments for LGI 8 (iv)**

1. *Analysis:*

*The standard plot size the panel noted was 100ft x 120 ft. However, due to pressure on land in the urban areas, it was pointed at that this was hard to achieve these days. Thus plot sizes are variable and people even now buy plots half the standard size due to inadequate land available to as a function of their ability to pay. The situation was similar across all the urban cities with increasing severity as one moves from grade 5 to grade 1 settlements. Statistical data was however unavailable and reliance was placed on the expert knowledge of the panel members.*

2. *Data source: Expert Knowledge of Panel Members.*

3. *Data reliability: 60% reliable.*

4. *Policy Recommendations: Increase stock of rental housing, investment in serviced plots and encouraging high rise development were suggested by the panel.*

**LGI 9, Dimension i**

**Assessment**

Applications for building permits for residential dwellings are affordable and effectively processed.

*Please rank below and also fill out following matrix for background information:*

**A** – Requirements to obtain a building permit are technically justified, affordable, and clearly disseminated.

**B** – Requirements to obtain a building permit are technically justified and affordable but not clearly disseminated.

**C** – Requirements to obtain a building permit are technically justified but not affordable for the majority of those affected.

**D** – Requirements to obtain a building permit are over-engineered technically.

Step	Agency	Justification	Efficiency and transparency of process	Estimate time (days)	Comments
					All the steps and relevant comments in the table that follows relate the Kumasi Metropolitan Assembly. But these do not vary much from the data in the background report which was based on Accra Metropolitan Assembly.

<p>Step 1</p> <p>Submission of Application and its requirements and general screening by Technical Committee followed by detailed vetting for corrections to be made by applicant.</p>	Town and Country Planning Department (TCPD).	1	2	14	Agency appropriate and actions justified.
<p>Step 2</p> <p>TCPD recommends the application to the technical planning sub committee</p>	TCPD Regional Officer, Metropolitan Engineer, Metropolitan Director of Health, Regional Architect.	1	2	14	Agencies appropriate and actions justified.
<p>Step 3</p> <p>Statutory Planning Committee meets to consider Application</p>	TCPD Regional Officer, Metropolitan Engineer, Metropolitan Director of Health, Regional Architect.	1	2	21	Agencies appropriate and actions justified.
<p>Step 4</p> <p>Secretary to Statutory Planning Committee signs approved development permits</p>	Metropolitan Assembly	1	2	7	Agency appropriate and actions justified.
<p>Step 5</p> <p>Calculation of fees for payment, further verification of plans submitted and final signature on permit obtained.</p>	Metropolitan Assembly, Metropolitan Health	2	2	21	Agencies appropriate and actions justified.

<b>Codes:</b>		1 = Clearly justified; 2 = Somewhat justified; 3 = Not justified	1 = Efficient & transparent; 2 = Some discretion in implementation; 3 = Significant discretion.	Estimate typical number of days	Provide comments on the appropriateness of the agency, justification
---------------	--	--	---	---------------------------------	--

## Comments for LGI 9 (i)

### 1. Analysis:

The panel considered the steps provided in the background report and agreed that the details in obtaining building permits were well covered in the report for Accra and observed regional variations which are minor in nature, e.g. time taken to complete a step or sets of drawing plans to submit. These details as captured in the report and reproduced below were taken for the analysis.

#### Stage 1: BASIC REQUIREMENTS FOR ALL BUILDING DEVELOPMENTS

Every applicant/developer is required to have the following

- Building Permit Application Form
- Town & Country Planning Development Application Form 1
- Two (2) sets of site plans (one on transparency)
- Four (4) sets of building fence and block plans (scale not less than 1:20 or 1:40 or metric equivalent 1:100 and 1:2000)
- 4 sets of working drawings
- Certificates/ official letter or search on status of land (lands Commission or Land Title Registry)
- 5 self addressed envelopes

#### Stage 2: COMPLETION OF APPLICATION FORMS

Complete in full the Building Permit Application Form and the Town & Country Planning Development Application Form 1

#### Stage 3: SUBMISSION OF FORMS

Submit completed Development application and the Building Permit Application forms with all necessary attachments to the desk officers at the Town and country Planning Department (TCPD) any day except Friday.

On submission you shall be informed of Corrections to be made or additions if any and the Date for site inspection

The payment of procession fee (obtain an official receipt)

#### Stage 4: PROCESSING OF APPLICATIONS

- Thereafter the Joint Technical Sub-Committee undertakes site inspection with the applicant(s) or prospective developer(s) on the agreed date.
- Relevant AMA departments and agencies undertake preliminary assessment of applications and submit report to the Joint Technical Sub-Committee within ten (10) working days

#### Stage 5: NOTIFICATION FOR PAYMENT OF FEES

Application notified when to pay building permit fees:

- List of names will be posted on the notice boards of the following offices
  - Head offices AMA
  - TCPD (near old Passport Office)
  - Metro Works Department AMA
  - Sub-Metro Offices, AMA
- Or if requested by registered mail to the applicant within fourteen (14) days of site inspection

#### Stage 6: PAYMENT OF BUILDING PERMIT FEES

The various known and official costs range from Fifty to Three Hundred Ghana Cedis (GHC50.00 to 300.00) depending on the type of property. The processing fee by the TCPD is dependant on the type of property and a factor of 0.625 multiplied by the value of the property after the statutory committees have met and approved the application make up the the bulk of official cost of the permit. Since most people develop their properties before applying for building permits to regularise their developments, the values of properties become very high and hence the cost of building permits even officially. Applicants therefore find themselves at the receiving end in the process and most therefore ignore to regularise their developments by obtaining building permits.

#### Stage 7 FINAL APPROVAL

- The Accra Planning Authority meets for final approval of application within nine (9) working days after Joint Technical Sub-Committee evaluation meeting.
- Applicants notified of decision by the Accra Planning committee within ten (10) working days of meeting

#### Stage 8: ISSUANCE AND COLLECTION OF OF BUILDING PERMIT

- Applicant collects building permit certificate from the Metro Works Department duly signed by the Metropolitan Engineer within ten (10) working days of receipt of approval list from the Secretary of the Accra Planning Authority.

### 2. Data source: Background report, Records of Kumasi Metropolitan Assembly.

3. *Data reliability: 90% reliable*

There were three (3) scores of C and one (1) score of B and another one (1) score of D. The resultant consensus rank of C was made and is highlighted in the box below.

LGI 9, Dimension ii	Assessment
The time required to obtain a building permit for a residential dwelling is short.	<p>A – All applications for building permits receive a decision within 3 months.</p> <p>B – All applications for building permits receive a decision within 6 months.</p> <p><b>C – All applications for building permits receive a decision within 12 months.</b></p> <p>D – All applications for building permits receive a decision after a period exceeding 12 months.</p>

**Comments for LGI 9 (ii)**

1. *Analysis:*

*Despite the legal requirement of 3 months for building permits to be issued, the panel members from the Kumasi Metropolitan Assembly and the Town and Country Planning Department observed that most permits without application irregularities were met within 12 months. But the other members disagreed and were of the opinion that there are applications that have been lodged for years and have still not been considered, using their own applications as examples. This created a problem of arriving at a consensus because it was not entirely true that all applications were decided on after a year nor was it the case that all applications also received a decision within a year as the assessment scores were provided for D and C respectively. In the end, the consensus was a score of C; given that no comprehensive hard data was available to base the decision on. The requirement of title to property before building permits are issued in the context of fast urban development which has left planning behind the development process was noted by the panel to delay the process of application as well as even the desire for people to apply for building permits. Also, the rent seeking behavior of staff responsible for the issuance of building permits was remarked as creating difficulties for timely decisions on applications. Other problems discussed were reluctance of Chair to Statutory Planning Committee to delegate functions and thus facilitate work, few meetings of committees to take decisions on applications, delays in applicants' response to queries sent to them, political changes and general bureaucracy.*

2. *Data source: Expert Knowledge of panel members.*

3. *Data reliability: 70% reliable.*

4. *Policy Recommendations: The panel suggested that a reduction in the number of signatories to the permits, the institution of the Functional Organizational Assessment Tool (FOAT) in all District Planning Offices and general sensitization of the public on the processes and practices could assist in timely decisions on applications to conform to the requirement of 3 months.*

*PANEL 3- RURAL LAND USE AND LAND POLICY SCORING BOXES*

Individually five (5) scored LGI 4 ii as B, one scored it as A and one as C and a consensus score of B resulted after discussions as shown in highlighted below.

LGI 4, Dimension ii	Assessment			
Restrictions regarding rural land use, ownership and transferability are justified.	<p><i>Please fill out following matrix for background information and use it to choose ranking below:</i></p> <p><b>A</b> – There are a series of regulations that are for the most part justified on the basis of overall public interest and that are enforced.</p> <p><b>B</b> – There are a series of regulations that are for the most part justified on the basis of overall public interest but that are not enforced.</p> <p><b>C</b> – There are a series of regulations that are generally not justified but are not enforced.</p> <p><b>D</b> – There are a series of regulations that are generally not justified and are enforced.</p>			
Restrictions on land ownership (for each one of the restrictions listed below, tick appropriate column and provide comment where relevant)	Non-existent	Exists, but not enforced	Exist & enforced	Brief description of restriction and comments
Restrictions on:				
Land transactions		✓		These include sale, mortgage and assignments as regulated by the Conveyancing Decree, NRCD 175 of 1973. However there is weak compliance enforcement in rural areas.
Land ownership		✓		Constitutional limitations on freehold creation exist and non Ghanaiana can only enjoy leaseholds of maximum of 50 years. The case for the creation of freeholds for citizens is unclear in the Constitution.

Owner type			✓	Types of ownership such as allodial and usufructuary rights are well recognized and largely enforced in all rural areas of the country.
Use			✓	Where use restrictions apply customarily these are recognized and largely enforced, but state restrictions on the other hand are largely ignored, especially on land use planning as provided in the land use planning bill.
Size of holding	✓			Only now and as a consequence of large scale land acquisitions in rural areas has it been suggested that guidelines be made on size of holdings.
Price	✓			Price of land in rural areas as in urban areas is a product of market forces of demand and supply.
Rent		✓		Rent of land or housing in rural areas as in urban areas is a product of market forces of demand and supply though there are restrictions in the Rent Act, Act 220 on rents and a rent control office exists to adjudicate on rent problems between landlords and tenants.
Other (please specify:-----)				

**Comments for LGI 4 (ii)**

1. *Analysis:*

*The panel had difficulty in the filling in of the matrix of restrictions above because it was observed that even though most of the restrictions in the matrix existed in rural areas, enforcement was weak. So it was not strictly true to state categorically that they did not exist; and neither true was it also that they were in existence and enforced because enforcement left much to be desired. Thus such a middle ground was lacking and could only be made clear as in the comments provided where necessary.*

*Given that land is the source of livelihood for nearly every rural community, it was noted by the panel that the need for guidelines on large scale land acquisitions was urgent and justified. Similarly, the restriction on land transfers to non-Ghanaians as freeholds was justified on the basis of national sovereignty, while those on land use planning were justified on the basis of orderly development. However, rent and price restrictions were noted to interfere with the free market; although somewhat justified if only as a safeguard for the vulnerable in society such as women and the poor.*

2. *Data source: The 1992 Constitution of Ghana; Conveyancing Decree, NRCDC 175 of 1973; Land Use Planning Bill, Rent Act, Act 220.*

3. *Data reliability:90% reliable.*

LGI 5, Dimension i	Assessment
<p>There is an appropriate separation of policy formulation, implementation, and arbitration roles.</p>	<p><b>A – In situations that can entail conflicts of interest or abuse (e.g. transfers of land rights)</b>there is a clear separation in the roles of policy formulation, implementation of policy through land management and administration and the arbitration of any disputes that may arise as a result of implementation of policy.</p> <p><b>B – In situations that can entail conflicts of interest or abuse (e.g. transfers of land rights)</b>here is some separation in the roles of policy formulation, implementation of policy through land management and administration and the arbitration of any disputes that may arise as a result of implementation of policy, but there are overlapping and conflicting responsibilities that lead to occasional problems.</p> <p><b>C – In situations that can entail conflicts of interest or abuse (e.g. transfers of land rights)</b> there is some separation in the roles of policy formulation, implementation of policy through land management and administration and the arbitration of any disputes that may arise as a result of implementation of policy but there are overlapping and conflicting responsibilities that lead to frequent problems.</p> <p><b>D – In situations that can entail conflicts of interest or abuse (e.g. transfers of land rights)</b>there is no clear separation in the roles of policy formulation, implementation of policy through land management and administration and the arbitration of any disputes that may arise as a result of implementation of policy.</p>

The individual scores for LGI 5 I were five (5) assessed at C and one each for A and B. After lengthy discussions as to whether B or C should be the assessment, however, the consensus score was accepted as B as highlighted above.

**Comments for LGI 5 (i & ii)**

1. Analysis:

List the main institutions involved in land and their responsibilities, and discuss separation of functions. Use this table5 for describing LGI 5 i, ii, and iii.

<b>Institutions (central (ii) and decentral- ized (iii) authorities)</b>	<b>Type of land / resource</b>	<b>Responsibility / Mandate (ii)</b>	<b>Separation of poli- cies and functions (i)</b>	<b>Overlap occurs with which other institu- tion?</b>
<b>Central</b>				
(a) Ministry of Lands and Natural Resources	Public/ Vested Lands, forests, wildlife and minerals	Policy formulation, coordination, monitoring and evaluation	Policy and functions overlap exists	All (b) to (f) at central level of ministries
(b) Ministry of Environment, science and Technology	Environmental Resources	Development of policy strategies for human settlements	Policy and functions overlap exists	(a), (c), (e).
(c) Ministry of Water Resources, Works and Housing	Water Resources and Housing	Policies for housing and rent control	Policy and functions overlap exists	(a), (b), (c), (f).
(d) Ministry of Local Government and Rural Development	Public lands and environment	Policies for democratic governance and decentralization	Policy and functions overlap exists	(a), (b), (c).
(e) Ministry of Food and Agriculture	Agricultural lands, private and public	Policies for agricultural growth and development	Policy and functions overlap exists	(b), (d)
(f) Ministry of Roads and Highways	Transport Infrastructure	Policies for transport development and financing	Policy and functions overlap exists	(c), (d).

<b>Decentralized</b>				
(a) Lands Commission	Public /vested lands	Public land management	Largely separated functions	(c) , (d)
(b) Town and Country Planning Department	Private/public lands	Land use planning	Largely separated functions	(d)
(c) Office of the Administrator of Stool Lands	Stool/skin lands	Collection of stool/skin land revenues	Largely separated functions	(a)
(d) District, Municipal and metropolitan Assemblies	Land in political areas of jurisdiction	General development of localities	Largely separated functions	(a), (b), (c)
(e) Traditional Authorities	Land in traditional areas of jurisdiction	Land allocation	Clearly separated functions	(a)
(f) Customary Land Secretariats	Land in traditional areas of jurisdiction	Basic land registries For land documentation	Clearly separated functions	(a)
<p>2. Data source: Lands Commission Act, 2008 Act 767; National Land Policy, 1999; <a href="http://www.ghanagov.gh">www.ghanagov.gh</a></p> <p>3. Data reliability:90% reliable</p>				

Three panel members scored LGI 5 ii as C while two scored it as D and only one did so as A. The consensus score at the end of discussion was C as highlighted below.

LGI 5, Dimension ii	Assessment
<p>The responsibilities of the <b>ministries and agencies</b> dealing with land do not overlap (horizontal overlap)</p>	<p><b>A</b> – The mandated responsibilities exercised by the authorities dealing with land administration issues are clearly defined and non-overlapping with those of other land sector agencies.</p> <p><b>B</b> – The mandated responsibilities of the various authorities dealing with land administration issues are defined with a limited amount of overlap with those of other land sector agencies but there are few problems.</p> <p><b>C</b> – The mandated responsibilities of the various authorities dealing with land administration issues are defined but institutional overlap with those of other land sector agencies and inconsistency is a problem.</p> <p><b>D</b> – The mandated responsibilities of the various authorities dealing with land administration are defined poorly, if at all, and institutional overlap and inconsistency is a serious problem.</p>

#### Comments for LGI 5 (ii)

1. Analysis: [use table 5 (i) above

*The panel observed that in respect of development control functions there was overlap between the Town and Country Planning Department (TCPD) and the District, municipal and Metropolitan Assemblies which both derive the mandate to execute these functions under the Planning Ordinance of 1945 (Cap. 84) the Local Government Act of 1993, Act 462 respectively. The consequence of this being non-performance of function and blame games as to who should have carried out the functions of development control. Besides, the Lands Commission and the Office of the Administrator of Stool Lands (OASL) were noted by the panel to be engaged in the collection of land revenues under the mandates given them by Act 767 of 2008 and Act 485 of 1994 respectively. For legal convenience, the panel noted, Act 462 merely put the TCPD as decentralized body of the District Assemblies, but the autonomy of the body is what largely defines it to date. There was equally the concern that if the functions of customary land secretariats were not defined by legislation there could be overlaps between these bodies and the other land sector agencies, particularly the District Assemblies.*

2. Data source: Local Government Act, 1993 Act 462, Planning Ordinance, 1945, Cap. 84; Lands Commission Act, 2008 Act 767 and OASL Act, Act 485, 1994.
3. Data reliability: 90% reliable

LGI 5 iii was assessed by five individuals as C, while one each assessed it as A and B. The consensus score became B as highlighted below following discussions which centered on whether overlaps were minor or large.

LGI 5, Dimension iii	Assessment
Administrative (vertical) overlap is avoided.	<p><b>A</b> – Assignment of land-related responsibilities between the different levels of <b>administration and</b> government is clear and non-overlapping.</p> <p><b>B</b> – Division of land-related responsibilities between the different levels of <b>administration and</b> government is clear with minor overlaps.</p> <p><b>C</b> – Division of land-related responsibilities between the different levels of <b>administration and</b> government is characterized by large overlaps.</p> <p><b>D</b> – Division of land-related responsibilities between the different levels of <b>administration and</b> government is unclear.</p>

**Comments for LGI 5 (iii)**

1. *Analysis: [use table 5 (i) above]*

*The panel discussed administrative overlap in functions and concluded that responsibilities between the different levels of land institutions and Government was clear, but minor overlaps were noted involving political interference in performance of functions, for example, in compulsory acquisition, development control and land taxation in the country.*

2. *Data source: Expert Knowledge of panel members.*

3. *Data reliability: 70% reliable.*

The panel members were all of the view that LGI 5iv has B as the score in assessment and that was the consensus score as highlighted below.

LGI 5, Dimension iv	Assessment
Land information is shared with interested institutions.	<p><b>A</b> – Information related to rights in land is available to other institutions that need this information at reasonable cost and is readily accessible, largely due to the fact that land information is maintained in a uniform way.</p> <p><b>B</b> – Information related to rights in land is available to interested institutions and although this information is available at reasonable cost, it is not readily accessible as the information is not maintained in a uniform way.</p> <p><b>C</b> – Information related to rights in land is available to interested institutions but this information is not readily accessible as the information is not available at a reasonable cost.</p> <p><b>D</b> – Information related to rights in land is not available to interested institutions as a matter of policy or practice.</p>

**Comments for LGI 5 (iv)**

1. *Analysis:*

*The various land information related to ownership, value, use, location and site plans, layouts and maps of entire settlements. Bits and pieces of all the information could be found in the Lands Commissions in its various divisions for land registration, valuation, public land management and survey and mapping. Most maps were however to be found in the TCPD which is outside the Lands Commission. The Ghana Investment Promotion Centre and the Land Administration Project were also noted as sources of land information; while the traditional authorities and customary land secretariats served as the first basic sources to have land information, particularly on ownership and use rights, though often times in oral forms. The bulk of land information were it is documented, existed in hard copies and stored in files. These files are often not freely accessible to other institutions and even within an institution the records room may be out of bounds to some staff of the organization for various reasons. Upon written requests and relevant fees paid, the information could be made available, and these fees are reasonable to a large extent.*

2. *Data source: The Lands Commission (2001) The New Charter (as amended).*

3. *Data reliability: 90% reliable.*

LGI 6 i was assessed by four panel members as C, and one each for A, B and D scores. However, B (highlighted below) resulted as the consensus score after discussions that used the national land policy document as the reference source of evidence.

LGI 6 Dimension i	Assessment
Land policy is developed in a participatory manner.	<p><b>A</b> – A comprehensive policy exists or can be inferred by the existing legislation. Land policy decisions that affect sections of the community are based on consultation with those affected and their feedback on the resulting policy is sought and incorporated in the resulting policy.</p> <p><b>B</b> – A comprehensive land policy exists or can be inferred by the existing legislation. Land policy decisions that affect sections of the community are based on consultation with those affected but feedback is usually not sought or not used in making land policy decisions.</p> <p><b>C</b> – Policy exists or can be inferred by the existing legislation but it is incomplete (some key aspects are missing or only covers part of the country such as only urban or only rural areas) or land policy decisions that affect some sections of the community are made without consultation with those affected.</p> <p><b>D</b> – No clear land policy exists or can be inferred by the existing legislation and/or land policy decisions are generally taken without consultation of those affected.</p>

### Comments for LGI 6 (i)

1. Analysis:

*Various legal instruments and customary practices defined Ghana's land policy direction until the national land policy of 1999 was carved out to provide a comprehensive land policy for the country. The national land policy is quite comprehensive its implementation tool is the Land Administration project which started in 2003 and is now in its phase II. The broad policy guidelines of the document are:*

- 1. Securing Ghana's international boundaries and shared water resources*
- 2. Facilitating equitable access to land*
- 3. Security of tenure and protection of land rights*
- 4. Ensuring sustainable land use, and*
- 5. Enhancing land capacity and land conservation.*

*The document was the product of wide ranging consultations between government and all the major Stakeholders, particularly the traditional authorities.*

2. Data source: National Land Policy, 1999.
3. Data reliability: 90% reliable.

The assessment of LGI6 ii produced four scores of C, two scores of B and two scores of D. The consensus score after discussions was C as highlighted below.

LGI 6, Dimension ii	Assessment			
There is meaningful incorporation and monitoring of equity goals in land policy.	<p><i>Please fill out following matrix for background information and use it to choose ranking below:</i></p> <p><b>A</b> – Land policies incorporate equity objectives that are regularly and meaningfully monitored and their impact on equity issues is compared to that of other policy instruments.</p> <p><b>B</b> - Land policies incorporate equity objectives that are regularly and meaningfully monitored but their impact on equity issues is not compared to that of other policy instruments.</p> <p><b>C</b> - Land policies incorporate some equity objectives but these are not regularly and meaningfully monitored.</p> <p><b>D</b> –Equity issues are not considered by land policies.</p>			
Rights of ...	Considered in policy	Meaningfully monitored	Impact compared to other policy instruments	Comments
Indigenous	1	2	2	
Migrants	1	2	2	
Landless	2	2	2	

Women	1	2	2	
Other (please specify)				
<b>Codes:</b>	1 = Well considered; 2 = Considered but could be improved; 3 = Not considered; N/A = Not applicable.	1 = Well monitored; 2 = Monitored but could be improved; 3 = Not monitored; N/A = Not applicable	1 = Impact compared; 2 = Impact not compared; N/A = Not applicable.	

### Comments for LGI 6 (ii)

#### 1. Analysis:

*Facilitating equitable access to land is the second policy guideline of the national land policy. This broad goal is considered in the land policy document with respect to:*

- *a commitment to reviewing the phenomenon of landlessness and iniquities in sharecropping arrangements of migrant or tenant farmers;*
- *collaborating with traditional authorities to harmonise and streamline customary practices of land tenure;*
- *creation of land banks; financing mechanisms for payment of compensation;*
- *improving taxation of land to reduce land speculation;*
- *legislation on real estate dealers and land developers;*
- *improving service delivery of land sector agencies;*
- *removing subsidies on government lands and collaborating with traditional authorities to enhance land governance.*

*The panel noted that under phase I of LAP, some progress has been made in many of these areas; for example, return of compulsorily acquired land to some traditional authorities to improve upon the landlessness situation; codification of customary law under a GTZ project; provision of a directory for available land in different parts of the country; establishment of customary land secretariats for improved land governance; and institutional reform of the land sector agencies culminating in the present structure of the Lands Commission. Yet, the panel noted, monitoring and evaluation of these changes was not done in any meaningful way as for example, capacity to deliver was still a key problem in the land services sector and enforcement was yet to be achieved. Thus the panel was of the view that tenant farmers especially in the cocoa industry were still working under contractual arrangements that left much to be desired, women and other vulnerable segments were still generally finding it difficult to access land in many parts of Ghana, payment of compensation was still a burden on the state and last but not least, government lands were still sold without transparency to government cronies of the political party in power.*

2. *Data source: National Land Policy, 1999.*

3. *Data reliability: 90% reliable.*

Three panel members scored LGI6 iii as D, two did so as C and two as B. The consensus score after discussions was C as highlighted below.

LGI 6, Dimension iii	Assessment
<p>The implementation of land policy is costed, matched with benefits and adequately re-sourced.</p>	<p><i>Only answer this dimension if land policy exists (even if the policy is not comprehensive) or can be inferred from existing legislation or other documents.</i></p> <p><b>A</b> – Implementation of land policy is costed, expected benefits identified and compared to cost, and there are a sufficient budget, resources and institutional capacity for implementation.</p> <p><b>B</b> – The implementation of land policy is costed, though not necessarily based on a comparison of expected benefits and costs. There is an adequate budget, resources and institutional capacity.</p> <p><b>C</b> – The implementation of land policy is not fully costed and/or to implement the policy there are serious inadequacies in at least one area of budget, resources or institutional capacity.</p> <p><b>D</b> – The implementation of land policy is not costed and there is inadequate budget, resources and capacity to implement the land policy.</p>

#### Comments for LGI 6 (iii)

1. *Analysis:*

*The panel bemoaned the immanent capacity weaknesses of the land sector agencies, the lack of logistics with which to operate even with what in operation and concluded that all these were the result of budgetary inadequacies and concluded that if even costing of land policy existed and land sector agencies submitted these budgets, funding was inadequate. For example, it was made known by the panel that it is client who have to hire taxes and carry staff of the Lands Commission to the location of their property for inspections and other works to be executed, a situation that existed not only in Bolgatanga but the in all the regions of Ghana. Given this background, it was difficult to comprehend how under LAP of 100 4x4 vehicles purchased 72 of these were retained in Greater Accra Region alone and the remainder of 28 shared by all the other nine Regions.*

2. *Data source: Expert Knowledge of panel members, Records of the Lands Commission and TCPD of Bolgatanga and LAP documents and background report.*

3. *Data reliability: 90% reliable.*

4. *Policy Recommendation: The panel suggested that phase II of LAP should emphasize on capacity development of the land sector agencies based on their unique organizational needs.*

On LGI6 iv, three individuals scored it as D two as C and one each as A and B. The consensus score was C as highlighted below after discussions.

LGI 6, Dimension iv	Assessment
There is regular and public reporting indicating progress in policy implementation.	<p><i>Only answer this dimension if land policy exists (even if the policy is not comprehensive) or can be inferred from existing legislation or other documents.</i></p> <p><b>A</b> – Formal land institutions report on land policy implementation in a regular, meaningful, and comprehensive way with reports being publicly accessible.</p> <p><b>B</b> – Formal land institutions report on land policy implementation in a regular and meaningful way but reports are not made public.</p> <p><b>C</b> – Formal land institutions report on land policy implementation but in a way that does not allow meaningful tracking of progress across different areas or in a sporadic way.</p> <p><b>D</b> – Formal land institutions report on policy implementation only in exceptional circumstances or not at all.</p>

#### Comments for LGI 6 (iv)

1. *Analysis:*

*The panel discussed quarterly and annual reports from the various land sector agencies to the headquarters of the Lands Commission and sector ministry in Accra as the types of reports and reporting system available. However, as was noted, the process was not without delays and analysis to capture progress in policy and institute remedial measures was described as weak. Even if progress of LAP is taken, the panel discussed the various Implementation Support Missions (ISM) that take place and the workings of both a Land Sector Technical Committee as well as Land Policy Steering Committee under the Ministry of Lands and Natural Resources to track progress, yet the land sector problems have persisted and perhaps worsened in some cases over time, e.g. the case of migrant or tenant farmers in the cocoa industry.*

2. *Data source: LAP Progress Report April 2009 to October 2009, Records of the Lands Commission, Bolgatanga.*

3. *Data reliability: 90% reliable.*

Four scored LGI7 ii as D and three as C resulting in a consensus score of D as highlighted below.

LGI 7, Dimension ii	Assessment
In rural areas, land use plans and changes in these plans are based on public input.	<p><b>A</b> – Public input is sought in preparing and amending land use plans and the public responses are explicitly referenced in the report prepared by the public body responsible for preparing the new public plans. This report is publicly accessible.</p> <p><b>B</b> – Public input is sought in preparing and amending land use plans and the public responses are used by the public body responsible for finalizing the new public plans, but the process for doing this is unclear or the report is not publicly accessible.</p> <p><b>C</b> – Public input is sought in preparing and amending land use plans but the public comments are largely ignored in the finalization of the land use plans.</p> <p><b>D</b> – Public input is not sought in preparing and amending land use plans.</p>

#### Comments for LGI 7 (i)

1. *Analysis:*

*The panel members were unanimous in their decision that the planning process was still largely top-down in terms of participation with hardly any public hearings even in the urban communities. This situation it was noted was worse off in the rural areas of the country and public input in amending land use plans in these areas was typically non-existent.*

2. *Data source: Expert Knowledge of panel members*

3. *Data reliability: 80% reliable*

Four scored LGI8 v as D and three as C resulting in a consensus score of D as highlighted below.

LGI 8, Dimension v	Assessment
Use plans for specific rural land classes (forest, pastures, wetlands, national parks etc) are in line with actual use.	<p><b>A</b> – The share of land set aside for specific use that is used for a non-specified purpose in contravention of existing regulations is less than 10%.</p> <p><b>B</b> – The share of land set aside for specific use that is used for a non-specified purpose in contravention of existing regulations is between 10% and 30%.</p> <p><b>C</b> – The share of land set aside for specific use that is used for a non-specified purpose in contravention of existing regulations is between 30% and 50%.</p> <p><b>D</b> – The share of land set aside for specific use that is used for a non-specified purpose in contravention of existing regulations is greater than 50%.</p>

### Comments for LGI 8 (v)

1. *Analysis:*

*Most rural lands were affected in the setting aside of some portions for forest and wildlife reserves in the country. However, it was discussed at length by the panel whether any such land and the specific purpose for which they were set aside to serve were without contradictions in use due to encroachments on these lands. Also, compulsorily acquired lands by government in most of these rural lands but which have not been put to their intended uses were being used by the local people for as their sources of livelihoods. In the end, despite the absence of data to guide panel members consensus reached was that the share of land was greater than 50% for LGI 8 Dimension v.*

2. *Data source: Expert Knowledge of Panel members.*

3. *Data reliability: 70% reliable.*

### PANEL 4- LAND VALUATION AND TAXATION SCORING BOXES

Two panel members ranked LGI 10 Dimension i as A and two (2) also ranked it as B. Only one (1) ranked it as C. However, after discussions it was agreed by consensus that C was the most appropriate score. This is highlighted in the box below.

LGI 10, Dimension i	Assessment
There is a clear process of property valuation.	<p><b>A</b> – The assessment of land/property values for tax purposes is based on market prices with minimal differences between recorded values and market prices across different uses and types of users and valuation rolls are regularly updated (at least every 5 years).</p> <p><b>B</b> – The assessment of land/property for tax purposes is based on market prices, but there are significant differences between recorded values and market prices across different uses and types of users or valuation rolls are not updated regularly or frequently (greater than every 5 years).</p> <p><b>C</b> – The assessment of land/property for tax purposes has some relationship to market prices, but there are significant differences between recorded values and market prices across different uses or types of users and valuation rolls are not updated regularly.</p> <p><b>D</b> – The assessment of land/property for tax purposes is not clearly based on market prices.</p>

**Comments for LGI 10 (i)**

1. *Analysis:*

*The panel observed that the methodology applied in valuations for property rating was laid down by the Local Government Act of 1993, Act 462. In Act 462, it has been provided that the Depreciated Replacement Cost (DCR) should be the basis of valuation for rating purposes. There is therefore a clear Process of property valuation for rating taxation. However, panel members, led by those from the Land Valuation Division of the Lands Commission made arguments to the effect that, under the DCR approach, depreciation is applied in discretionary manner. Furthermore, while market prices reflected value of property, the DCR was primarily based on cost and cost and value are not always the same. Hence differences abound in terms of market prices and rateable values of properties. It was also emphasized that valuation rolls of District Assemblies are infrequently prepared and updated due to reasons of cost and lack of will and desire to so do by the District Assemblies. Most of the district Assemblies, the panel noted relied almost exclusively on Central Government funding through the Common Fund for District Assemblies, thereby not motivated to internally generate their own sources of revenues for local development. Property rate collection where it occurs was noted to be bedeviled with poor returns from rate collectors employed by the District Assemblies, leading to an emerging trend of outsourcing of revenue collection by some of the District Assemblies keenly interested in internal revenue mobilization.*

2. *Data source: Local Government Act, 1993 Act 462, Records of the Land Valuation Division of the Lands Commission.*

3. *Data reliability: 90% reliable.*

4. *Policy Recommendations: The panel recommended that:*

- (a) Cost of revaluations should be put on the Common Fund as a direct charge before the balance due to a particular District assembly was provided it.*
- (b) Awareness and sensitization of District Assemblies by the Lands Commission of the potential value of property rates as a source of revenue to the district assemblies.*
- (c) Human resource development and logistical support for the Land Valuation division of the Lands commission to effectively execute its mandate.*
- (d) Adoption of computerization of property valuations for mass valuation to to undertaken.*

The individual assessments of LGI 10 Dimension ii were three (3) C and one (1) A and one (1) B. In the end, a consensus score of C was adopted as highlighted in the box below

<b>LGI 10, Dimension ii</b>	<b>Assessment</b>
Valuation rolls are publicly accessible.	<p><i>Only answer this dimension if valuation rolls exist.</i></p> <p><b>A</b> – There is a policy that valuation rolls be publicly accessible and this policy is effective for all properties that are considered for taxation.</p> <p><b>B</b> – There is a policy that valuation rolls be publicly accessible and this policy is effective for most of the properties that are considered for taxation.</p> <p><b>C</b> – There is a policy that valuation rolls be publicly accessible and this policy is effective for a minority of properties that are considered for taxation.</p> <p><b>D</b> – There is no policy that valuation rolls be publicly accessible.</p>

**Comments for LGI 10 (ii)**

1. *Analysis: It is a policy for District Assemblies to make valuation rolls publicly available. However, in line with what the panel described as general lack of willingness to make information publicly available by the land institutions in the country, coupled with the high level of ignorance on the part of the public that it is a right to demand and be given such information, non-provision of the information is the norm rather than the exception. As was noted, rarely are there publications in the media regarding the availability of valuation rolls for inspection at the District assemblies, and even if they were so published in the media, the panel observed, the high level of illiteracy would not help the situation.*
2. *Data source: Local Government Act, 1993 Act 462 and Records of the Sunyani Municipal Assembly.*
3. *Data reliability: 90% reliable.*
4. *Policy Recommendation: The panel recommended that educational programmes in the local languages using the radio and television, local drama groups and durbar activities were more appropriate mechanisms to enable the public know and insist on the right to information.*

There were three (3) individual scores of C and one (1) D for LGI 11 Dimension I and the consensus rank of C was accepted by the panel and is highlighted in the box below.

LGI 11, Dimension i	Assessment
Exemptions from property taxes are justified and transparent.	<p><b>A</b> – There are limited exemptions to the payment of land/property taxes, and the exemptions that exist are clearly based on equity or efficiency grounds and applied in a transparent and consistent manner.<sup>8</sup></p> <p><b>B</b> – There are limited exemptions to the payment of land/property taxes, and the exemptions that exist are clearly based on equity or efficiency grounds but are not applied in a transparent and consistent manner.</p> <p><b>C</b> – The exemptions to the payment of land/property taxes are not always clearly based on equity or efficiency grounds and are not always applied in a transparent and consistent manner.</p> <p><b>D</b> – It is not clear what rationale is applied in granting an exemption to the payment of land/property taxes and there is considerable discretion in the granting of such exemptions.</p>

<sup>8</sup> Application in a ‘transparent and consistent manner’ means that the basis for the exemption is clearly defined, widely disseminated and uniformly applied.

LGI 11, Dimension i	Assessment
<b>Comments for LGI 11 (i)</b>	
<p>1. <i>Analysis:</i></p> <p><i>The panel noted that there were no geographic variations in exemptions as they were applicable nationwide as under Act 462. However, under the Free Zones Board, exemptions applied in the geographical locations of the particular free zone enterprise. On the justification of exemptions based on equity or efficiency grounds, there was healthy but heated debate on the issue of exemptions under Act 462 for religious bodies properties like churches. While in the case of diplomatic missions the exemptions under Act 462 were justified, it not easily so accepted in the case of churches. The counter-arguments were that the churches were making so much money from their congregations that such exemptions be lifted. Similarly, cemeteries were found to be generating so much revenue from clients to the extent that they were in the view of the panel, no longer justified as public places for exemptions to be applied. Not every dead person could be buried in any public cemetery because of the attendant high charges for burial space. The implementation of these exemptions was adjudged by the panel to be discretionary too.</i></p> <p>2. <i>Data source: Local Government Act, 1993 Act 462, Provisions of LI i630 on Building Regulations in Ghana.</i></p> <p>3. <i>Data reliability: 90% reliable.</i></p> <p>4. <i>Policy Recommendation: Review of Exemptions under Act 462 and streamlining improving the collection of other property taxes like Estate Duty tax, Capital Gains Tax and Stamp Duty for increased revenue mobilization.</i></p>	

The assessments of panel members were three (3) B and two (2) C. However, after discussions the consensus score that emerged was neither B nor C, but a new score of D.

LGI 11, Dimension ii	Assessment *
Property holders liable to pay property tax are listed on the tax roll.	<p><b>A</b> – More than 80% of property holders liable for land/property tax are listed on the tax roll.</p> <p><b>B</b> – Between 70% and 80% of property holder liable for land/property tax are listed on the tax roll.</p> <p><b>C</b> – Between 50% and 70% of property holder liable for land/property tax are listed on the tax roll.</p> <p><b>D</b> – Less than 50% of property holders liable for land/property tax are listed on the tax roll.</p>

**Comments for LGI 11 (ii)**

1. *Analysis:*

*The panel noted a clear absence of credible data on a disaggregated basis of urban and rural property holders and types and levels of exemptions enjoyed. However, even against this background, discussions showed that most property owners are not captured by the tax roll because of the generally poor property identification system of the District Assemblies. As was pointed out, even in the nation's capital it not possible to freely and easily identify property owners and deliver mail by hand. That apart, even government pay roll was pointed at to always have ghost names, accounting for payments made to non-existing people and therefore fraudulently collected by others. Thus, the panel wondered if this was happening at the highest level, it should surprise anyone even in the absence of data that only a few people are shouldering the tax burden as property owners.*

2. *Data source: No data sources could be cited.*

3. *Data reliability: Not applicable.*

4. *Policy Recommendations: Policy guidance on tax roll revision by district assemblies for all property holders, continuous public education on the importance of taxes in national development, appropriate use of taxes to evidence development and computerization and generation of a data base of property owners at all local authority levels were suggested by the panel.*

LGI 11 Dimension iii was assessed by four (4) panel members as C and one (1) did so as B, resulting in a consensus score of C as highlighted in the box below.

LGI 11, Dimension iii	Assessment *
Receipts from property taxes exceed the cost of collection.	<p><b>A</b> – More than 80% of assessed property taxes are collected.</p> <p><b>B</b> – Between 70% and 80% of assessed property taxes are collected.</p> <p><b>C</b> – Between 50% and 70% of assessed property taxes are collected.</p> <p><b>D</b> – Less than 50% of assessed property taxes are collected.</p>

**Comments for LGI 11 (iii)**

1. Analysis:

*The panel discussed the process to assess and collect property taxes as involving in the case of property rates, a request to be made by the District Assembly to the Land Valuation Division of the Lands Commission. The area is then referenced and data collected to prepare block and divisional plans to derive the valuation roll. The process was seen as largely an urban biased feature, and even in the urban areas where this is done, the collection of property rates still remained a big problem. Thus, not even revenue is generated even though the current situation could be improved upon. For other property taxes like capital gains tax, stamp duty and estate duty; it is only when an applicant in a transaction realizes that it has become a requirement of the process and therefore either pay the relevant tax to complete the transaction, e.g. transfer of property as an assignment that the tax becomes collected. The panel also discussed the payment of ground rents and these are collected by the Office of the Administrator of stool Lands in the case of stool or skin lands and the Lands Commission in respect of vested and public lands. Important issues that emerged in the case of ground rents were the fact that family lands were not covered by the law and therefore raising the question of fairness of the tax burden. Also, land revenues collected are distributed subject to a constitutional formula among the Office of the administrator of Stool Lands, Traditional Authorities and District Assemblies and not much is seen on the ground in terms of the application of these revenues for development purposes. Betterment was mentioned and discussed as a forgotten land tax or levy, expected to be recouped under the planning laws of the country, but hardly is that paid. The only few cases of payment of betterment were said to be in cases of expropriation where it is treated as a set-off against what Government has to pay as compensation. Receipt books from the collecting agencies were noted to be the forms of records that are kept. The background report provided the only source of data on land revenues from the various land institutions, but the data was not disaggregated to enable proportions of payments to be assessed.*

2. Data source: Land Use Planning Ordinance, Cap 84, Office of the Administration of Stool Land Act, 1994, Act 481, the Constitution of Ghana and Filed knowledge of panel members.

3. Data reliability: 90% reliable

4. Policy Recommendations: The panel recommended a review of the constitutional formula for sharing of land revenues, a policy framework to be developed for land revenue distribution and application, regular monitoring and evaluation of agencies involved in land revenues collection and deterrent punitive measures for the misapplication of these revenues as well as motivation for increased revenue collection by staff.

Individually, the scores were three (3) C, one (1) A and one (1) B but the consensus score of the panel was C and is highlighted in the box below.

LGI 11, Dimension iv	Assessment *
Receipts from property taxes exceed the cost of collection.	<p><b>A</b> – The amount of property taxes collected exceeds the cost of staff in charge of collection by a factor of more than 5.</p> <p><b>B</b> – The amount of property taxes collected is between 3 and 5 times cost of staff in charge of collection.</p> <p><b>C</b> – The amount of property taxes collected is between 1 and 3 times cost of staff in charge of collection.</p> <p><b>D</b> – The amount of property taxes collected is less than the cost of staff in charge of collection.</p>

### **LGI 11 (iv) Analysis**

1. *Analysis:*

*The panel noted that collection of property taxes in rural areas was almost non-existent because the majority of the properties are not suitable for assessment as structures and the culture of payment of property taxes was even difficult to comprehend in the urban areas, not to talk of the rural areas. In the urban case, it was noted that not much is achieved in terms of the collection of property taxes due to low motivation for tax collectors, lack of logistics for tax collection and the unwillingness of property owners to pay taxes. Some District Assemblies it was noted, are now using private companies to do the collection of their property taxes for them as a measure to improve upon the situation. Tying the amount of money a District Assembly was likely to receive from Central Government from the Common Fund to the level of property taxes generated was seen as way of addressing the problem by the panel.*

2. *Data source: Records of Sunyani Municipal Assembly.*

3. *Data reliability:60% reliable*

### **PANEL 5- PUBLIC LAND MANAGEMENT SCORING BOXES**

The assessment of LGI 12 i produced a score of B from all individual panel members and therefore a consensus score of B as highlighted below as taken.

<b>LGI 12, Dimension i</b>	<b>Assessment</b>
Public land ownership is justified and managed at the appropriate level of government.	<p><b>A</b> – Public land ownership is justified by the provision of public goods at the appropriate level of government and such land is managed in a transparent and effective way.</p> <p><b>B</b> – Public land ownership is generally justified by the provision of public goods at the appropriate level of government but management may be discretionary.</p> <p><b>C</b> – Public land ownership is justified in most cases by provision of public goods but responsibility is often at the wrong level of government.</p> <p><b>D</b> – Public land ownership is not justified by the cost effective provision of public goods.</p>

**Comments for LGI 12 (i)**

1. *Analysis:*

*Based on the tenure typology table in the background report and knowledge of panel members, the broad types of public land identified were compulsorily acquired and vested lands. In the case of the former, the panel understood the justification of compulsorily acquiring private lands in the public interest for the provision of public goods, for example. Yet using the national land policy document the panel was able to criticize Government for excessively compulsorily acquiring lands and neither using these for intended purposes nor paying the relevant compensation to expropriated parties. The result of this as evidenced in the national land policy document is original land owners becoming landless and reduced to tenants on their own lands at the very best. In the case of vested lands which were described as arising out of the Administration of Lands Act, 1962, Act 123; participants again saw a justification in Government vesting lands in the President and ensuring that the legal interest was in the state and the lands managed by the Lands Commission with beneficiary interest to the communities where these lands are located if the lands were a subject matter for dispute between communities. However, given the current policy direction in favour of divesting it was argued that this needs to be done on a case by case basis as blanket divesting could lead to the emergence of land conflicts. Especially in the case of the Brong Ahafo Region, the question was raised as to whether given the tension between the different traditional authorities claims and counter-claims to even lands that are vested in their areas of jurisdiction it was appropriate to divest and risk inflaming the tensions.*

2. *Data source: Background Report and National Land Policy of 1999.*

3. *Data reliability: 90% reliable.*

On LGI 12 ii there were three scores of C, two of B and one of A from individuals resulting in a consensus score of C as shown below in red.

LGI 12, Dimension ii	Assessment
There is a complete recording of publicly held land.	<p><b>A</b> – More than 50% of public land is clearly identified on the ground or on maps.</p> <p><b>B</b> – Between 30% and 50% of public land is clearly identified on the ground or on maps.</p> <p><b>C</b> – Less than 30% of public land is clearly identified on the ground or on maps.</p> <p><b>D</b> – Public land is not clearly identified on the ground or on maps.</p>

**Comments for LGI 12 (ii)**

1. *Analysis:*

*The panel observed that public lands comprised compulsorily acquired lands and vested lands as earlier noted for LGI 12 Dimension I above. It was also noted that available records on these lands were hard to come by as the first ever inventory of public lands in the country was yet underway and only that for Central Region had been completed as carried in the background report. The records on public lands include the Executive Instruments of acquisitions and vesting orders by Government as well as the boundaries of these lands and the sizes of the acquisitions in relevant site plans. It was noted by the panel that all these records were difficult to access in the country, making a determination of the extent of public lands and the locations of these lands extremely difficult to ascertain and hence the need for the inventory that is currently ongoing. In the inventory sample of 713 sites in the Central Region which were sites acquired by Government and/or occupied by Government, only 138 were having records to the effect that they were state lands. An analysis of this sample data showed that less than 20% of these lands have documents on them and given that this sample was typical of the rest of the country, the assessment was by consensus taken as C for LGI 12 Dimension ii as highlighted above.*

2. *Data source: Background Report*

3. *Data reliability: 90% reliable.*

The assessment of LGI12 iii produced three scores of B, two of C and one of A and a consensus score of B as highlighted below.

LGI 12, Dimension iii	Assessment
The management responsibility for public land is unambiguously assigned.	<p><b>A</b> – The management responsibility for different types of public land is unambiguously assigned.</p> <p><b>B</b> – There is some ambiguity in the assignment of management responsibility of different types of public land but this has little impact on the management of assets.</p> <p><b>C</b> – There is enough ambiguity in the assignment of management responsibility of different types of public land to impact to some extent on the management of assets.</p> <p><b>D</b> – There is serious ambiguity in the assignment of management responsibility of different types of public land with major impact on the management of assets.</p>

**Comments for LGI 12 (iii)**

1. *Analysis:*

*It is the sole responsibility of the Lands Commission to manage both compulsorily acquired and vested lands which constitute public lands in Ghana. Its mandate is clear under the Constitution and the Lands Commission Act, 2008 Act 767. However, the roles of other public institutions such as Town and country Planning Department and District, Municipal and Metropolitan Assemblies have functional overlap especially regarding development control.*

2. *Data source: Background Report.*

3. *Data reliability: 90% reliable*

LGI12 iv resulted in four individuals who assessed it as C and one B and one D; resulting in consensus score of C in discussions.

LGI 12, Dimension iv	Assessment
Sufficient resources are available to fulfill land management responsibilities.	<p><b>A</b> – There are adequate budgets and human resources that ensure responsible management of public lands.</p> <p><b>B</b> – There are some constraints in the budget and/or human resource capacity but the system makes most effective use of available resources in managing public lands.</p> <p><b>C</b> – There are significant constraints in the budget and/or human resource capacity but the system makes effective use of limited available resources in managing public lands.</p> <p><b>D</b> – There are either significantly inadequate resources or marked inefficient organizational capacity leading to little or no management of public lands.</p>

**Comments for LGI 12 (iv)**

1. *Analysis:*

*It was discussed by the panel and concluded that the resources allocated for the management of public land were largely budget allocations by Government as well as internally generated funds of these the relevant bodies. However, given the immanent capacity weaknesses of the Lands Commission it was fair to argue that these resources are severely limited. The resources injected into the land sector agencies under LAP were also discussed and it was the view that much as these have assisted in revamping the Lands Commission to some extent, phase II needed to continue and build upon the achievements of phase I.*

2. *Data source: Background Report*

3. *Data reliability: 90% reliable.*

Four individuals assessed LGI12 v as C and one each as B and D. The consensus score was C as highlighted below.

LGI 12, Dimension v	Assessment
The inventory of public land is accessible to the public.	<p><i>Only rank this dimension of public inventory of land exists.</i></p> <p><b>A</b> – All the information in the public land inventory is accessible to the public.</p> <p><b>B</b> – All the information in the public land inventory is accessible to the public, but information for some types of public land (land used by the military, security services, etc) is not available for justifiable reasons.</p> <p><b>C</b> – All the information in the public land inventory is only available for a limited set of public property and there is little or no justification why records are not accessible.</p> <p><b>D</b> – No information in the public land inventory is accessible to the public.</p>

**Comments for LGI 12 (v)**

1. *Analysis:*

*As noted above, the panel recalled the point made earlier that the current inventory of public lands was the first ever in the country to establish the stock of public land available, the size of the land and where the land is situated. The exercise is incomplete and needs to be completed before made publicly available. But it was expected that access could only be limited in selected information such as financial terms as is currently the practice with public access to land information.*

2. *Data source: Background Report.*

3. *Data reliability: 90% reliable.*

LGI 12vi was assessed by all individuals as a B score and that was the consensus score as shown in red below.

LGI 12, Dimension vi	Assessment
The key information on land <b>land allocations</b> is accessible to the public.	<p><i>Only rank this dimension if concessions have been granted:</i></p> <p><b>A</b> – The key information for <b>land allocations</b> (the locality and area of the <b>land allocation</b>, the parties involved and the financial terms of the <b>land allocation</b>) is recorded and publicly accessible.</p> <p><b>B</b> – The key information for <b>land allocations</b> (the locality and area of the <b>land allocation</b>, the parties involved and the financial terms of the <b>land allocation</b>) is only partially recorded but is publicly accessible; or the key information is recorded but only partially publicly accessible.</p> <p><b>C</b> – The key information for <b>land allocations</b> (the locality and area of the <b>land allocation</b>, the parties involved and the financial terms of the <b>land allocation</b>) is recorded or partially recorded but is not publicly accessible.</p> <p><b>D</b> – There is no recorded information on <b>land allocations</b>.</p>

**Comments for LGI 12 (vi)**

1. *Analysis:*

*Site plans based on which plots are identified carry only the ownership, use, location as well as the size of the plots identified on them. Normally, financial terms agreed to land transactions are not include in this source of land record. While the access to land information when searches are conducted was discussed by the panel and concluded to be publicly available, a notable limitation was that financial terms and value of land parcels were not normally made public information*

2. *Data source: Land Commission Records, Tamale.*

3. *Data reliability: 70% reliable*

The panel members all assessed LGI13 I as a score of A and that was the consensus score as indicated in red below.

LGI 13, Dimension i	Assessment
There is minimal transfer of expropriated land to private interests. <sup>9</sup>	<p><b>A</b> – Less than 10% of land expropriated in the past 3 years is used for private purposes.</p> <p><b>B</b> – Between 10% and 30% of land expropriated in the past 3 years is used for private purposes.</p> <p><b>C</b> – Between 30% and 50% of land expropriated in the past 3 years is used for private purposes.</p> <p><b>D</b> – More than 50% of land expropriated in the past 3 years is used for private purposes.</p>

#### Comments for LGI 13 (i)

1. *Analysis:*

*The discussion on this indicator centered on the legal basis of compulsory acquisition in the country. The panel noted that prior to the 1992 constitution it was sufficient for the state to merely state that land which was the subject matter of compulsory acquisition was required in the “public interest”. What constitutes this public interest is broad and thus the pre-1992 position was that at a later date when the state diverted this land to another use other than what was originally intended; but which served the public interest, no problem arose. Post-1992 constitutional requirements were noted the panel to impose on the state a duty to fulfill including making explicit the specific use or uses to which the land is to be put before the acquisition becomes valid. Should there arise a diversion of use, then the original owners had a legal basis to mount a challenge in the courts to argue that there was a violation of the constitutional requirement which rendered the acquisition invalid and the lands be returned to them under a right of pre-emption. This, the panel noted had cut down considerably on the diversion of expropriated land to private purposes. Additionally, it was discussed and agreed that Government had become more aware of the problems of compulsory acquisition of land and the non-payment of compensation and become cautious in the misuse of that power of eminent domain. In the absence of any available data on compulsory acquisitions in the last three years and in general in the country it was the consensus view of the panel that indicator LGI 13 dimension I be scored A as highlighted above.*

2. *Data source: Expert Knowledge of panel members*

3. *Data reliability: 60% reliable.*

<sup>9</sup> In some countries in the process of urban expansion privately land held maybe acquired before land use planning is implemented and then sold/returned to previous owners in a different form. This is not to be considered for ranking this dimension.

On LGI 13 ii three individuals assessed it as C and three individuals did so too as D. the consensus score that resulted after discussions was D as shown below in red.

LGI 13, Dimension ii	Assessment
Expropriated land is transferred to destined use in a timely manner.	<p><b>A</b> – More than 70% of the land that has been expropriated in the past 3 years has been transferred to its destined use.</p> <p><b>B</b> – Between 50% and 70% of the land that has been expropriated in the past 3 years has been transferred to its destined use.</p> <p><b>C</b> – Between 30% and 50% of the land that has been expropriated in the past 3 years has been transferred to its destined use.</p> <p><b>D</b> – Less than 30% of the land that has been expropriated in the past 3 years has been transferred to its destined use.</p>

#### Comments for LGI 13 (ii)

1. *Analysis:*

*The panel was concerned that the policy actions of the national land policy that direct the establishment of land bounds as a financing mechanism for compulsory land acquisition was yet to commence and thus the hitherto financial limitation in the payment of compensation have not disappeared. Thus even though the compulsory acquisition of land now places a duty on any Government agency asking for the land to have also the money to pay compensation, lands acquired compulsorily could still not be transferred to their destined uses in a timely manner because of the lack of resources to undertake the payment of compensation and execution of projects at the same time or soon after the former. On this basis and supported by anecdotal evidence of such situations by Ministry of Justice (2003) the panel scored this indicator LGI 13 Dimension ii as D as highlighted above.*

2. *Data source: Ministry of Justice (2003) State Land Management Regime Impact on land Rights of Women and the Poor in Ghana, Ghana Publishing corporation, Accra.*

3. *Data reliability: 80% reliable.*

All panel members assessed LGI14i as C and that became the consensus score as highlighted below.

LGI 14, Dimension i	Assessment				
Compensation is paid for the expropriation of registered property.	<p><i>Please fill out following matrix for background information and use it to choose ranking below. <b>The ranking should reflect the situation of the majority of the cases:</b></i></p> <p><b>A</b> – Where property is expropriated, fair compensation, in kind or in cash, is paid so that the displaced households have comparable assets and can continue to maintain prior social and economic status.</p> <p><b>B</b> – Where property is expropriated, compensation, in kind or in cash, is paid so that the displaced households have comparable assets but cannot maintain prior social and economic status.</p> <p><b>C</b> – Where property is expropriated, compensation, in kind or in cash, is paid but the displaced households do not have comparable assets and cannot maintain prior social and economic status.</p> <p><b>D</b> – Compensation is not paid to those whose rights are expropriated.</p>				
Status	Fairness of compensation	Compensated rights	Timeliness of compensation	Implementation	Comments
Registered urban property	2	2	3	2	See Analysis below
Registered rural property	2	2	3	2	See Analysis below
<b>Codes:</b>	1 = Compensation enabling comparable assets and maintenance of social and economic status;  2 = Compensation enabling comparable assets but not maintenance of social and economic status;  3 = little or no compensation paid	1 = All secondary rights recognized;  2 = Some secondary rights recognized;  3 = No secondary rights recognized.	1 = Most receive compensation within 1 year;  2 = About half receive compensation within 1 year;  3 = Most do not receive compensation within 1 year.	1 = Consistently implemented;  2 = Implemented with some discretion;  3 = Implemented in highly discretionary manner	

**Comments for LGI 14 (i)**

1. *Analysis:*

*In the discussions after the table above was filled in, it became clear that while there were constitutional requirements for expropriated owners to receive fair, adequate and prompt payment of compensation, these were hardly met as highlighted in the national land policy document. In specific case of displaced persons the panel again distinguished between the pre 1992 and post 1992 positions. In the former, the panel noted that the State Lands Act, Act 125 of 1962 which has been widely used for compulsory land acquisitions in the country did not impose a duty on the state to resettle them. Only monetary compensation or land of equivalent value could be the duty of the state to do. However, since 1993, the constitution has made resettlement mandatory by stating that where the compulsory acquisition of land involves the displacement of any inhabitants, the state shall resettle them on suitable alternative land having regard to their economic well-being and socio-cultural values. While such cases are infrequent, a most recent example was the Bui Dam Project in the Brong-Ahafo Region of Ghana. This involved the displacement of smallholder farmers for a hydro-electric project and while attempts at resettling these farmers have been on-going, it was all clear to panel members that comparable assets and maintenance of social and economic status of these affected populations was not achievable.*

2. *Data source Ministry of Justice (2003) State Land Management Regime Impact on land Rights of Women and the Poor in Ghana, Ghana Publishing Corporation, Accra.*

3. *Data reliability: 80% reliable.*

Three individuals assessed LGI14ii as B and other three panel members assessed the indicator as C. The resulting discussions produced a consensus score of C as indicated in red below.

LGI 14, Dimension ii	Assessment
<p>Compensation is paid for the expropriation of all rights regardless of the registration status .</p>	<p><i>Please fill out following matrix for background information and rank using this background material as well as the information contained in the matrix for LGI 14 (i):</i></p> <p><b>A</b> – Fair compensation, in kind or in cash, is paid to all those with rights in expropriated land (ownership, use, access rights etc.) regardless of the registration status.</p> <p><b>B</b> – Compensation, in kind or in cash, is paid however the level of compensation where rights are not registered does not allow for maintenance of social and economic status.</p> <p><b>C</b> – Compensation, in kind or in cash, is paid for some unregistered rights (such as possession, occupation etc.), however those with other unregistered rights (which may include grazing, access, gathering forest products etc.) are usually not paid compensation.</p> <p><b>D</b> – No compensation is paid to those with unregistered rights of use, occupancy or otherwise.</p>

Status	Fairness of compensation	Compensated rights	Timeliness of compensation	Implementation	Comments
Unregistered urban property	2	2	3	2	See Analysis below
Unregistered rural property	2	2	3	2	See Analysis below
<b>Codes:</b>	<p>1 = Compensation enabling comparable assets and maintenance of social and economic status;</p> <p>2 = Compensation enabling comparable assets but not maintenance of social and economic status;</p> <p>3 = little or no compensation paid</p>	<p>1 = All secondary rights recognized;</p> <p>2 = Some secondary rights recognized;</p> <p>3 = No secondary rights recognized.</p>	<p>1 = Most receive compensation within 1 year;</p> <p>2 = About half receive compensation within 1 year;</p> <p>3 = Most do not receive compensation within 1 year.</p>	<p>1 = Consistently implemented;</p> <p>2 = Implemented with some discretion;</p> <p>3 = Implemented in highly discretionary manner</p>	

#### Comments for LGI 14 (ii)

##### 1. Analysis:

*The panel discussion on this indicator and dimension centered on the fact that the State Lands Act, 1962 Act 125 provides that any person having right or an interest in any land subject to compulsory acquisition must submit in writing:*

- (a) *Particulars of claim or interest in the land*
- (b) *The manner in which the claim or interest has been affected by the compulsory acquisition*
- (c) *The extent of any damage done*
- (d) *The amount of compensation claimed and the basis of its calculation.*

*The panel noted that while the above legal requirements do not mention the need for the interest or claim to be registered, and for which reason both registered and unregistered interest in land are compensable; the former are more often compensated than the latter.*

*Where even both types of interest i.e. registered or unregistered are to be compensated, the Minister responsible need do this having regard to the market value or replacement value of the land or the cost of disturbance or any other damage suffered or make an offer of land of equivalent value. It is in respect of these bases of valuation that the panel found serious unfairness in compensation claims. For example, it was discussed and noted that outstanding sums of compensation do not attract interest payment for the period of time they remain overdue and the date of the assessment of value is legally fixed at the date of declaration of the instrument which is earlier in time and leads to lower market values to the expropriated. In the case of disturbance payment which includes crops affected, the application of fixed rates per crop was seen as unfair and that the crops, especially if they are perennial, need to be valued as investments with life spans.*

2. *Data source: Background Report, State Lands Act, Act 125 and Ministry of Justice (2003) State Land Management Regime Impact on land Rights of Women and the Poor in Ghana, Ghana Publishing Corporation, Accra.*
3. *Data reliability: 90% reliable.*

There was a score of D by all panel members on LGI14 iii and that was the consensus score as indicated in red below.

LGI 14, Dimension iii	Assessment
Expropriated owners are compensated promptly.	<p><i>Using the information in the matrix in LGI 14 (i) and (ii):</i></p> <p><b>A</b> – More than 90% of expropriated land owners receive compensation within one year.</p> <p><b>B</b> – Between 70% and 90% of expropriated land owners receive compensation within one year.</p> <p><b>C</b> – Between 50% and 70% of expropriated land owners receive compensation within one year.</p> <p><b>D</b> – Less than 50% of expropriated land owners receive compensation within one year.</p>

#### Comments for LGI 14 (iii)

1. *Analysis:*

*The panel was categorical that not even the Government knows what amount is outstanding in terms of compensation payment and data is being compiled in an ongoing inventory of public lands. However, the land policy document makes it clear that these sums are colossal and Kasanga (1999) observed that these have been overdue for payment and in some cases dating back to the 1970s. Though data were unavailable it was unanimously agreed by the panel that less than 50% of expropriated land owners receive compensation within one year, and could have agreed on a worse assessment if included.*

2. *Data source: National Land policy, 1999, Kasanga (2000) Land policy and national development in Ghana, Critical perspectives no. 5, centre for Democracy and Development (CDD), Accra*

3. *Data reliability:90% reliable.*

The individual scores for LGI 14iv were four assessments as C and two assessments as B; resulting in a consensus score of C as shown in red below.

LGI 14, Dimension iv	Assessment
There are independent and accessible avenues for appeal against expropriation.	<p><b>A</b> – Independent avenues to lodge a complaint against expropriation exist and are easily accessible.</p> <p><b>B</b> – Independent avenues to lodge a complaint against expropriation exist but there are access restrictions (i.e. only accessible by mid-income and wealthy).</p> <p><b>C</b> – Avenues to lodge a complaint against expropriation exist but are somewhat independent and these may or may not be accessible to those affected.</p> <p><b>D</b> – Avenues to lodge a complaint against expropriation are not independent.</p>

**Comments for LGI 14 (iv)**

1. *Analysis:*

*It was noted by the panel that while under the State Lands Act, 1962 Act 125 where there is conflict as to the right or interest claimed by reason of conflicting claims or interests or the person is not satisfied with the compensation, reference is made to Tribunal, a body that was never really set up. In the case of State Property and contracts Act of 1960 makes reference the Chief Lands Officer and the High Court in respect of compensation claims. Notwithstanding these legal contradictions, it was decided by panel that neither the Minister nor Chief Lands Officer are creditable independent sources of appeal. The only respectably independent body was observed to be the High Court but as was also noted by the panel the high level of ignorance on the part of land rights holders, the huge backlog of land cases and the cost and lengthy periods of litigation make the High Court less patronized with appeals of compensation claims.*

2. *Data source: State Property and Contracts Act, 1960 and State Lands Act, 1962 Act, 125.*

3. *Data reliability: 90% reliable.*

4. *Policy Recommendation: The panel recommended an independent body other than the Land Valuation Division for the assessment of compensation claims for payment for most expropriated persons as is currently the practice to reduce conflicts in compensation sums.*

The panel members all assessed LGI14v as D and it was the consensus score as shown in red.

LGI 14, Dimension v	Assessment *
Timely decisions are made regarding complaints about expropriation.	<p><b>A</b> – A first instance decision has been reached for more than 80% of the complaints about expropriation lodged during the last 3 years.</p> <p><b>B</b> – A first instance decision has been reached for between 50% and 80% of the complaints about expropriation lodged during the last 3 years.</p> <p><b>C</b> – A first instance decision has been reached for between 30% and 50% of the complaints about expropriation lodged during the last 3 years.</p> <p><b>D</b> – A first instance decision has been reached for less than 30% of the complaints about expropriation lodged during the last 3 years.</p>

**Comments for LGI 14 (v)**

1. Analysis:

*In the absence of sample data on decisions reached by a first instance court on complaints about expropriation, the CC referred the panel to the sample data earlier used in a panel discussion on dispute resolution in Sunyani for the informed decision of the panel members. The summary of the sample data from the High Court Registrar of Sunyani was used and supported by secondary data from Crook (2004), Ministry of Justice (2003) and the background report data on land cases in the Kumasi High Court. All these sources were examined by the panel members. The data in Crook (2004) based on a sample of cases in the Kumasi high Court from 1997 to 2002 revealed that year on year basis land cases as a percentage of total cases were: 17,178 cases of which land cases were 7,759 ( 45%) in 1997; 17,708 cases of which land cases were 7,739 (44%) in 1999; 18,413 cases of which 8,011 (44%) were land cases in 2000; 19,526 cases of which 9,044 (46% ) were land cases in 2001 and 19876 cases of which 9,214 (46%) were land cases in 2002. The general nature of the data pointed to the fact the even if few complaints are presented, yet fewer could be decided upon due to the general lack of capacity to decide these land cases in a timely manner.*

2. Data source: Records of High court in Sunyani, Crook, R. C. (2004) Access to Justice and Land Disputes in Ghana's State Courts: The Litigants' Perspective, Journal of Legal pluralism, No. 50; Ministry of Justice (2003) State Land Management Regime Impact on Land rights of women and the Poor in Ghana, Access to Justice Series No. 2, Assembly Press, Accra.

3. Data reliability: 90% reliable

\* Panel to discuss if sampling is necessary for this dimension LGI 14 (v) – suggestions on sampling jurisdictions and accessibility of data on expropriation case appeals are required.

The panel members all assessed LGI15i as D and that was the resultant consensus score as highlighted below.

LGI 15, Dimension i	Assessment *			
Public land transactions are conducted in an open transparent manner.	<p><i>Considering allocated land over the past 3 years, please fill out following matrix for background information and use it to choose ranking below:</i></p> <p><b>A</b> – The share of public land disposed of in the past 3 years through sale or lease through public auction or open tender process is greater than 90%.</p> <p><b>B</b> – The share of public land disposed of in the past 3 years through sale or lease through public auction or open tender process is between 70% and 90%.</p> <p><b>C</b> – The share of public land disposed of in the past 3 years through sale or lease through public auction or open tender process is between 50% and 70%.</p> <p><b>D</b> – The share of public land disposed of in the past 3 years through sale or lease through public auction or open tender process is less than 50%.</p>			
<b>Destined use of allocated land</b>	<b>Area leased out/sold in last 3 years (ha)</b>	<b>Transparent process</b>	<b>Consideration compared to market values</b>	<b>Percentage of allocated lands that were sold</b>
Residential	No data available	3	3	No data available

Agriculture & NR	No data available	3	3	No data available
Manufacturing	No data available	3	3	No data available
Commerce/building	No data available	3	3	No data available
Tourism	No data available	3	3	No data available
<b>Codes:</b>		1 = All open tender or auction; 2 = Most by open tender or auction; 3 = Most other than open tender or auction.	1 = At market prices for similar land; 2 = A greater than 50% market prices; 3 = Less than 50% market prices.	

### Comments for LGI 15 (i)

1. *Analysis:*

*While the panel noted with regret that there was no data available on public stock of land and the transactions on such lands, what was clear to members was the lack of transparency of the transactions that take place. Recent media revelations that members of Lands Commissions shared public land amongst themselves for virtually free and then resold these lands at market prices other people were debated thoroughly and agreed to be true to a large extent. The situation was similar in both compulsorily acquired land that was unused and vested lands throughout the country.*

2. *Data source: Media Reports.*

3. *Data reliability: 60% reliable*

4. *Policy Recommendation: The panel recommended strict and punitive measures for all lands officers engaged in such criminal activities irrespective of their political affiliations.*

LGI 15 ii was assessed by four individuals as D and two others assessed it as C; leading to a consensus score of D as shown in red below.

<b>LGI 15, Dimension ii</b>	<b>Assessment</b>
Payments for public leases are collected.	<p><i>Only rank this dimension if public land can be leased.</i></p> <p><b>A</b> – More than 90% of the total agreed payments are collected from private parties on the lease of public lands.</p> <p><b>B</b> – Between 70% and 90% of total the agreed payments are collected from private parties on the lease of public lands.</p> <p><b>C</b> – Between 50% and 70% of the total agreed payments are collected from private parties on the lease of public lands.</p> <p><b>D</b> – Less than 50% of the total agreed payments are collected from private parties on the lease of public lands.</p>

**Comments for LGI 15 (ii)**

1. *Analysis:*

*Based on records of the Lands Commission in Tamale, members discussed the view that it was only when individuals appeared at the Commission to carry out a land deal or transaction that the relevant rents and fees are exacted. There were only few cases of the land institutions sending and demanding rents in notices and one panel member remarked that in one such situations he received a rent demand notice for payment and the information it carried was that “the ground rent requested was in respect of his property at Vittin, a suburb of Tamale”. The property could not be sufficiently identified and described and thus he refused to meet his obligation until he was told in clear terms which of his properties at Vittin the ground rent was required to be paid. Following this revelation, both members of the panel from the Lands Commission and the Office of the Administrator of Stool Lands started to blame each other’s organization for the lapses encountered. While the case reported was on a private property in Tamale, it was typical of public lands leased out to private persons in most parts of the country. Some members raised the point that apart from the lack of capacity of the land institutions to collect these revenues effectively, the concept of ownership of land in Ghana was such that most people who own land/property see themselves as absolute owners and do not see the reason why ground rents should be paid. This phenomenon it was noted, could be creeping into the minds of long term lessees on public land the panel indicated.*

2. *Data source: Records of the Lands Commission, Tamale; Expert Knowledge of panel members.*

3. *Data reliability:70% reliable.*

LGI15 iii was assessed by all panel members as D and that became the consensus score as indicated in red below.

LGI 15, Dimension iii	Assessment
Public land is leased and/or sold at market prices.	<p><b>A</b> – All types of public land are generally divested at market prices in a transparent process irrespective of the investor’s status (e.g. domestic or foreign).</p> <p><b>B</b> – Only some types of public land are generally divested at market prices in a transparent process irrespective of the investor’s status (e.g. domestic or foreign).</p> <p><b>C</b> – All types or some types of public land can be divested at market prices in a transparent process, but this only applies to a particular type of investor (e.g. domestic only or foreign only).</p> <p><b>D</b> –Public land is rarely or never divested at market prices in a transparent process.</p>

**Comments for LGI 15 (iii)**

1. *Analysis:*

*The panel observed that while it was the policy option in the national land policy that subsidies on government land be removed, and land sold on the equitable principle of one man one plot and first come first served basis, these were merely on paper and the lack of transparency in the disposition of public lands pointed to the fact that these were sold if at all, at well below market prices. Where investors are involved, the panel noted that with the limited amount of land government owns vis- a- vis the customary sector, it is normally the role of facilitator that government plays in land access by many investors. However, where government properties are subject to divestiture, the political influence factor could never be overlooked in the purchase of such properties below market prices.*

2. *Data source: Expert Knowledge of panel members*

3. *Data reliability: 60% reliable.*

**PANEL 6- PUBLIC PROVISION OF LAND INFORMATION SCORING BOXES**

LGI 2 Dimension iv was assessed by three (3) panel members as D and two (2) as C. The consensus score after discussions was however taken as D and is highlighted in the box below.

<b>LGI 2, Dimension iv</b>	<b>Assessment</b>
Women's rights <sup>10</sup> are recognized in practice by the formal system (in both urban and rural areas).	<p><b>A</b> – More than 45% of land registered to physical persons is registered in the name of women either individually or jointly.</p> <p><b>B</b> – Between 35% and 45% of land registered to physical persons is registered in the name of women either individually or jointly.</p> <p><b>C</b> – Between 15% and 35% of land registered to physical persons is registered in the name of women either individually or jointly.</p> <p><b>D</b> – Less than 15% of land registered to physical persons is registered in the name of women either individually or jointly.</p>

<sup>10</sup> Women's rights may be registered individually or jointly, where jointly means that a woman is registered with others in the records. These others may be a husband or other family members or may include members of a wider group.

### Comments for LGI 2 (iv)

1. *Analysis:*

Using available data in the background report on deeds and title registration, the panel noted that Kotey (2003) found out from a sample 1440 title registrations from 1989-2002 in Accra only 25% registration were done by women and less than 10% jointly by both men and women. Similarly, in the case of Kumasi, available sample data of 201 title registrations for 2008-2009 showed that only 23% title registrations were done by women and less than 6% for joint registrations. In the case of deeds registration which is the most widespread, the panel referred to data in the background report 32,879 registrations from 2005-2010 but which was not gender disaggregated and noted that women registrations of these was probably less than 15% of total registrations. The LAP Progress Report of 2009 also had data to the effect that 8.75% and 16.40 titles and deeds were respectively issued to women in 2008. In aggregate terms, therefore, the panel concluded that land registered to physical persons nation-wide in the names of women either individually or jointly was less than 15%. It was noted that registration of land was a predominantly urban phenomenon, though some customary land secretariats in rural areas are encouraging documentation leading to a few formal registrations especially in the peri-urban fringes of the country.

2. *Data source: Background Report, LAP Progress Report of 2009 and Expert Knowledge of panel members.*

3. *Data reliability: 90% reliable*

4. *Policy Recommendations: The panel recommendation sensitization measures on women's land rights and the benefits of registration via radio and TV drama programmes in the various languages by the Ghana Institution of Surveyors. Also, encouraging participatory land decision-making at all levels of land governance and greater involvement of women groups in land matters were suggested.*

The assessments of individuals were two scores of A, one score of B and one score of C. However, based on evidence from the Lands Commission (LC) records at Bolgatanga and in a discussion lead by Mr Eric Mwin of the LC the consensus score was B as shown below in red.

LGI 3, Dimension iii	Assessment	
First-time registration on demand is not restricted by inability to pay the formal fees.	<p><b>A</b> – The costs for first time sporadic registration for a typical urban property does not exceed 0.5% of the property value.</p> <p><b>B</b> – The costs for first time sporadic registration for a typical urban property does not exceed 2% of the property value.</p> <p><b>C</b> – The costs for first time sporadic registration for a typical urban property does not exceed 5% of the property value.</p> <p><b>D</b> – The costs for first time sporadic registration for a typical urban property exceeds 5% of the property value.</p>	
List the actions or documentation required and associated costs for formal registration:	<b>Administrative Activity Cost</b>	<b>Judicial Costs / Taxes Incurred</b>

Title Registration		
(a) Title Transfer Form	<b>GHC100-150</b>	<b>No Cost</b>
(b) Property Value Assessment	<b>GHC55</b>	<b>0.5% of Property value</b>
(c) Submit Application	<b>GHC2</b>	<b>No Cost</b>
(d) Publication of Transaction	<b>GHC25</b>	<b>No cost</b>
(e) Issuance of Title Certificate	<b>No Cost</b>	<b>No Cost</b>

### Comments for LGI 3 (iii)

1. *Analysis:*

*It was the view of the panel that a typical urban property could be described as a three or four bedroom residential property and the assessment of property value is normal done on the Depreciated Replacement Cost basis in the country. The fees and costs incurred in the sporadic registration of a typical urban property are as indicated in the table above and circumstances that impact on the process and associated cost and time were discussed as including disputed title to land, payment of high informal fees that are not easily quantifiable and waiting to finish development on the part of property owners before seeking to formalize title at an enhanced property value. In the main, these disputes and related factors were noted as been frequent in most urban communities. Deeds registration was noted to be similar to that of deeds above.*

2. *Data source: Background Report and [www.doingbusiness.org](http://www.doingbusiness.org)*

3. *Data reliability: 90% reliable.*

There were three individuals who assessed LGI3 iv as D and two who did so as C; and the consensus after discussion was a score of D as indicated below in red.

LGI 3, Dimension iv	Assessment
First-time registration does not entail significant informal fees.	<p><b>A</b> – There are no informal fees that need to be paid to effect first registration.</p> <p><b>B</b> – There are informal fees that need to be paid to effect first registration, but the level of informal fees is significantly less than the formal fees.</p> <p><b>C</b> – There are informal fees that need to be paid to effect first registration and the level of informal fees is about the same as the formal fees.</p> <p><b>D</b> – There are informal fees that need to be paid to effect first registration and the level of informal fees is significantly higher than the formal fees.</p>

**Comments for LGI 3 (iv)**

1. *Analysis:*

*The panel agreed that informal fees existed but could neither list them nor quantify them as they related to secret attempts by clients to facilitate the processing of their documents. Reference was made to the generally high perception of the land sector agencies in the country as been corrupt. It was even suggested that not all the fees paid by clients were receipted even where these are formal, begging the question of where the money ends up.*

2. *Data source: Privileged Knowledge of panel members.*

3. *Data reliability: 70% reliable*

On LGI16 I there were two individual scores of B, two individuals as C and one individual as D. the consensus score emerged as B and is indicated below in red.

LGI 16, Dimension i	Assessment
The mapping or charting of registry records is complete.	<p><b>A</b> – More than 90% of records for privately held land registered in the registry are readily identifiable in maps in the registry or cadastre.</p> <p><b>B</b> – <b>Between 70% and 90% of records for privately held land registered in the registry are readily identifiable in maps in the registry or cadastre.</b></p> <p><b>C</b> – Between 50% and 70% of records for privately held land registered in the registry are readily identifiable in maps in the registry or cadastre.</p> <p><b>D</b> – Less than 50% of records for privately held land registered in the registry are readily identifiable in maps in the registry or cadastre.</p>

**Comments for LGI 16 (i)**

1. *Analysis:*

*The panel discussed the mapping of registered property and concluded that if layouts and site plans are considered as readily identifiable forms of maps, it could be concluded on the evidence of records produced at the Lands Commission in Bolgatanga which was similar to that in the other regions that this covered 70-90 of cases.*

2. *Data source: Records of the Lands Commission, Bolgatanga*

3. *Data reliability: 70% reliable.*

4. *Policy Recommendations: suggested measure were computerization, capacity development of survey and mapping division of the Lands Commission, staff motivation and effective coordination among the land sector agencies.*

All panel members assessed LGI 16 ii as A and that became the consensus score and is shown below in red.

LGI 16, Dimension ii	Assessment
Economically relevant private encumbrances are recorded.	<p><b>A</b> – Relevant private encumbrances are recorded consistently and in a reliable fashion and can be verified at low cost by any interested party.</p> <p><b>B</b> – Relevant private encumbrances are recorded consistently and in a reliable fashion but the cost of accessing them is high.</p> <p><b>C</b> – Relevant private encumbrances are recorded but this is not done in a consistent and reliable manner.</p> <p><b>D</b> – Relevant private encumbrances are not recorded.</p>

#### Comments for LGI 16 (ii)

1. *Analysis:*

*The most often recorded private encumbrances were identified by the panel as mortgages and some exceptions and reservations in the leasing of parts of property. These were said to be consistently recorded in the various land commissions and as evidenced in the background report, searches for such information can be made at costs that vary with the value of the property on which the search was made but are generally low in nature.*

2. *Data source: Background Report*

3. *Data reliability: 90% reliable*

Four individuals assessed LGI 16 iii as C and one individual assessed it as B; resulting in a consensus score of c in the discussions and this is highlighted below.

LGI 16, Dimension iii	Assessment
Socially and economically relevant public restrictions or charges are recorded.	<p><b>A</b> – Relevant public restrictions or charges are recorded consistently and in a reliable fashion and can be verified at a low cost by any interested party.</p> <p><b>B</b> – Relevant public restrictions or charges are recorded consistently and in a reliable fashion but the cost of accessing them is high.</p> <p><b>C</b> – Relevant public restrictions or charges are recorded but this is not done in a consistent and reliable manner.</p> <p><b>D</b> – Relevant public restrictions or charges are not recorded.</p>

### Comments for LGI 16 (iii)

1. *Analysis:*

*Forest and wildlife reserves were identified by the panel as the main public restrictions that are recorded. However, there was no consistent way of doing this and in most Regional Lands Commissions where such public reserves exist, their records are not up to date. In most urban communities the panel noted, road reservations were fast been encroached on for various commercial purposes.*

2. *Data source: Expert Knowledge of Panel members*

3. *Data reliability: 70% reliable.*

Assessments of LGI 16 iv produced three scores of C and two scores of B but in discussions dominated by the staff of the Lands Commission the consensus score was accepted as C as shown in red below.

LGI 16, Dimension iv	Assessment
The registry (or organization with information on land rights) is searchable.	<p><b>A</b> – The records in the registry can be searched by both right holder name and parcel.</p> <p><b>B</b> – The records in the registry can only be searched by right holder name.</p> <p><b>C</b> – The records in the registry can only be searched by parcel.</p> <p><b>D</b> – The records in the registry cannot be searched by either right holder name or parcel.</p>

### Comments for LGI 16 (iv)

1. *Analysis:*

*It was made clear to all panel members that registry information in all the lands registry offices in the country could only be searched by parcel or plot number. The panel relied on this and requested documentation on samples of previous searches which were produced to satisfy their conscience. The question then arose as to why the searches could not be done by names, since that information was also made available to the lands commission. In response, the panel members from the lands commission indicated that the use of same names could lead to problems and since the plot numbers were unique, they were the best way to conduct a search and report on.*

2. *Data source: Lands Commission Records, Bolgatanga.*

3. *Data reliability: 90% reliable*

All panel members assessed LGI 16 v as A and that is shown below in red as the consensus score following discussions.

LGI 16, Dimension v	Assessment
<p>Accessibility of records in the registry (or organization with information on land rights)</p>	<p><b>A</b> – Copies or extracts of documents recording rights in property can be obtained by anyone who pays the necessary formal fee, if any.</p> <p><b>B</b> – Copies or extracts of documents recording rights in property can only be obtained by intermediaries<sup>11</sup> and those who can demonstrate an interest in the property upon payment of the necessary formal fee, if any.</p> <p><b>C</b> – Copies or extracts of documents recording rights in property can only be obtained by intermediaries upon payment of the necessary formal fee, if any.</p> <p><b>D</b> – Records on land rights are not publicly accessible or can only be obtained by paying an informal fee.</p>
<p><b>Comments for LGI 16 (v)</b></p>	
<p>1. <i>Analysis:</i></p> <p><i>It was emphatically stated by panel members of the lands commission that throughout the country, copies or extracts of documents that searches were made were obtainable by anyone upon payment of the necessary formal fee.</i></p> <p>2. <i>Data source: Records of the Lands Commission, Bolgatanga</i></p> <p>3. <i>Data reliability: 80% reliable.</i></p>	

Three individuals assessed LGI16 vi as B and two did so as C; resulting in a consensus score following discussions of a score of B as indicated in red below.

LGI 16, Dimension vi	Assessment
<p>There is a timely response to a request for access to records in the registry (or organization with information on land rights).</p>	<p><b>A</b> – Copies or extracts of documents recording rights in property can generally be obtained within 1 day of request.</p> <p><b>B</b> – Copies or extracts of documents recording rights in property can generally be obtained within 1 week of request.</p> <p><b>C</b> – It generally takes more than 1 week after request to produce a copy or extract of documents recording rights in property.</p> <p><b>D</b> – It is not unusual that an extract or copy of a record cannot be produced in response to a request as the original record cannot be located.</p>

<sup>11</sup> Intermediaries in relation to interested parties in land ownership records could include notaries, lawyers, and providers of housing finance etc., who assist with dealings in land.

**Comments for LGI 16 (vi)**

1. *Analysis:*

*In accordance with the service charter of the lands commission as reported in the background report, it was the view of the panel that most searches were completed and reported on in a week upon payment of the fee chargeable. Available records at the Lands Commission confirmed this, with some even completed in a day.*

2. *Data source: Lands Commission Records, Bolgatanga.*

3. *Data reliability: 90% reliable*

Four panel members assessed LGi 17i as B and one member assessed it as C. The consensus score that emerged after discussions was B as shown in red below.

LGI 17, Dimension i	Assessment
Service standards are published and monitored.	<p><b>A</b> – There are meaningful published service standards, and the registry actively monitors its performance against these standards.</p> <p><b>B</b> – There are meaningful published service standards, but the registry does not actively monitor its performance against these standards.</p> <p><b>C</b> – Meaningful service standards have been established, but have not been published and there is little attempt to monitor performance against the standards.</p> <p><b>D</b> – There are no meaningful service standards set and no attempt to monitor customer service.</p>

**Comments for LGI 17 (i)**

1. *Analysis:*

*There exists a service charter of the Lands Commission that establishes service standards for the various land institutions regarding time for delivery of service and cost of serviced delivered. While in this charter the various standards are well documented, it was lamented by the panel that their meaningfulness was lost due to the no-compliance in most cases of these services either in terms of time and/or of delivery. This was so because rent seeking behavior of staff made nonsense of published fees and service quality and timeliness suffered for those unable to pay informal fees in response to rent seeking behavior of staff. There was also a remarkable urban bias in terms of service provision as against rural and peri-urban areas, perhaps, the panel noted as a consequence of market demand.*

2. *Data source: Land Policy of 1999, Background Report, Expert Knowledge of panel members and Lands Commission (2001) The Lands Commission Service Charter, Accra.*

3. *Data reliability: 90% reliable.*

LGI 17 ii was assessed by three individuals as B and two as C; resulting in a consensus score of B in discussions and this is highlighted below.

LGI 17, Dimension ii	Assessment *
Registry/cadastre information is up-to-date.	<p>A – More than 90% of the ownership information in the registry/cadastre is up-to-date.</p> <p><b>B – Between 70% and 90% of the ownership information in registry/cadastre is up-to-date.</b></p> <p>C – Between 50% and 70% of the ownership information in registry/cadastre is up-to-date.</p> <p>D – Less than 50% of the ownership information in the registry/cadastre is up-to-date.</p>

#### Comments for LGI 17 (ii)

1. *Analysis:*

*The land registries hold information of those who have undertaken to register their lands and ownership information is thus dependant on this factor and this was extensively discussed by the panel. However, while in most transactions of registered properties prospective property owners make searches and execute assignments that are sources of updating registry records, those which happen and are not brought before the notice of the land registries are not captured. In the absence of available data on how records of registries are updated, the panel relied on expert knowledge of staff of the lands commission to conclude that between 70 and 90% of ownership information is updated.*

2. *Data source: Records of the Lands Commission and Expert Knowledge of panel members.*

3. *Data reliability: 60% reliable*

LGI 18 I produced four scores of C and one score of B and a resultant consensus score of C as highlighted in red below.

LGI 18, Dimension i	Assessment
The cost of registering a property transfer is low.	<p>A – The cost for registering a property transfer is less than 1% of the property value.</p> <p>B – The cost for registering a property transfer is between 1% and less than 2% of the property value.</p> <p><b>C – The cost for registering a property transfer is between 2% and less than 5% of the property value.</b></p> <p>D – The cost for registering a property transfer is equal to or greater than 5% of the property value.</p>

List the procedures or documentation required for registering a property transfer for property valued at [_GHC50,000]	Transfer Related Costs [cost or % of value]
(a) Title Transfer Form (b) Property Value Assessment (c) Submit Application (d) Publication of Transaction (e) Issuance of Title Certificate	GHC100 GHC55 +GHC250 GHC2 GH25 GHC0

### Comments for LGI 18 (i)

#### 1. Analysis:

Based on the matrix of fees for LGI 3 Dimension iii, the panel discussed the figures taking into account the exemptions required under LGI 18 Dimension I. The resultant total sum for a property worth GHC50,000 was thus used for the assessment of this dimension. This was done using both and upper lower limits of fess and resulted in a sum of GHC432 for the lower limit and GHC482 for the upper limits for a property worth GHC50,000. Currently, the pilots areas for title registration are in Greater Accra/Tema and Kumasi and under LAP a few sub-registration centres have been established to bridge the wide gap in deeds registration as well. The system of land registration hitherto was over-centralized with everything emanating from Accra. This situation has changed for the better. Capacity to undertake registration has also been boosted somewhat by on the job training through LAP assisted prgrammes. A major limitation is however the lack of qualified land surveyors to assist in boundary demarcations and town and country planning staff to execute physical planning in the country. While the LAP 2009 Progress report records the turn around time for deeds registration to be 2.5 months and that of title registration as 8 months, these were taken with some elements of skepticism by panel members.

2. Data source: Background Report, LAP Progress Report of 2009, Expert Knowledge of panel members.

3. Data reliability: 90% reliable.

The panel members all assessed LGI 18 ii as D and that was taken as the consensus score after discussions.

LGI 18, Dimension ii	Assessment
The registry is financially sustainable through fee collection.	<p><b>A</b> – The total fees collected by the registry exceed the total registry operating costs.<sup>12</sup></p> <p><b>B</b> – The total fees collected by the registry are greater than 90% of the total registry operating costs.</p> <p><b>C</b> – The total fees collected by the registry are between 50% and 90% of the total registry operating costs.</p> <p><b>D</b> – The total fees collected by the registry are less than 50% of the total registry operating costs.</p>

<sup>12</sup> Total operating costs include all non-capital investment costs (i.e. salaries and wages, materials, transportation, etc.) associated with registry operation. Registry operating costs do not include long-term capital investment or associated depreciation expense.

**Comments for LGI 18 (ii)**

1. *Analysis:*

*The type of fees collected include registration of instruments, searches, stamp duty, statutory declaration, processing fees for consent to assign, preparation of leases etc as spelt under the Fees and Charges (Miscellaneous Provisions Act, 2009) Act 793 and the Minister of Finance and Economic Planning may by legislative instrument amend these fees as provided under Act 793..*

2. *Data source:* Fees and Charges (Miscellaneous Provisions Act, 2009) Act 793.

3. *Data reliability:* 100%

Three scores of C and two of D were the assessments on LGI 18 iii but the consensus score at the end of discussions was C as shown in red below.

LGI 18, Dimension iii	Assessment
There is sufficient capital investment in the system.	<p><b>A</b> – There is significant investment in capital in the system to record rights in land so that the system is sustainable but still accessible by the poor.</p> <p><b>B</b> – There is investment in capital in the system to record rights in land but it is insufficient to ensure that the system is sustainable in the medium to long-term although the system is accessible by the poor.</p> <p><b>C</b> – There is investment in capital in the system to record rights in land but it is insufficient to ensure that the system is sustainable and the poor have limited access.</p> <p><b>D</b> – There is little or no investment in capital in the system to record rights in land.</p>

**Comments for LGI 18 (iii)**

1. *Analysis:*

*It was the considered view of the panel that the main sources of revenue for land registries of the Lands Commission were ground rents, stamp duties and capital gains tax. Using the background report data on land revenues of the land sector agencies, it was easy for the panel to ascertain that on a nation-wide basis if a total of GHCGHC37,657,395.57 is collected, then the financial sustainability of these agencies were under a serious threat. The result is that the capital investment by LAP in these land agencies is insufficient to ensure financial sustainability. Thus apart from what capital items had been acquired for these land registries in the past year in the nature of vehicles as an element of the Lands Commissions, on their own no such acquisitions were recorded in the Regional Lands Commission of Bolgatanga. This, members agreed to be the general trend in the country. Consequently, the system needs: Office accommodation, vehicles, GIS laboratories, computers and other technical equipment to be able to be effective in service delivery.*

2. *Data source:* Background Report, Lands Commission Records.

3. *Data reliability:* 90% reliable.

Four individuals assessed LGI 19 i as C and one assessed it as D; and the result of consensus score was C as highlighted in red below.

LGI 19, Dimension i	Assessment
The schedule of fees is publicly accessible.	<p><b>A</b> – A clear schedule of fees for different services is publicly accessible and receipts are issued for all transactions.</p> <p><b>B</b> – A clear schedule of fees for different services is not publicly accessible, but receipts are issued for all transactions.</p> <p><b>C</b> – A clear schedule of fees for different services is publicly accessible, but receipts are not issued for all transactions.</p> <p><b>D</b> – A clear schedule of fees for different services is not publicly accessible and receipts are not issued for all transactions.</p>

**Comments for LGI 19 (i)**

1. *Analysis:*

*A clear schedule of fees was acknowledged by the panel to be publicly accessible and posted at vantage points of various land institutions (though not all). But these fees though publicly accessible, the panel was of the view that issuance of receipts for all the fees collected was not consistently done in all the land institutions. The result of this was revenue leakages in the system..*

2. *Data source: The Lands Commission (2001) The new Charter.*

3. *Data reliability: 90% reliable.*

All panel members assessed LGI 19 ii as D and this became the consensus decision as shown in red below.

LGI 19, Dimension ii	Assessment
Informal payments are discouraged.	<p><b>A</b> – Mechanisms to detect and deal with illegal staff behavior exist in all registry offices and all cases are promptly dealt with.</p> <p><b>B</b> – Mechanisms to detect and deal with illegal staff behavior exist in all registry offices but cases are not systematically or promptly dealt with.</p> <p><b>C</b> – Mechanisms to detect and deal with illegal staff behavior exist in some registry offices.</p> <p><b>D</b> – Mechanisms to detect and deal with illegal staff behavior are largely non-existent.</p>

**Comments for LGI 19 (ii)**

1. *Analysis:*

*The panel thought long and hard about known mechanisms to deal with illegal staff behavior but could only settle on the fact that this was a matter of the personal management style of the head of a land agency. Clearly, while it was agreed that these institutions fell within the purview of the civil service; the implementation of the civil service code of ethics was the exception rather than the rule in the country in the case of the land sector agencies.*

2. *Data source: Privileged knowledge of the panel members.*

3. *Data reliability: 70% reliable*

4. *Policy Recommendations: The suggestions for policy review by the panel were a code of ethics that was monitored in implementation for the land sector agencies, staff motivation and conditions of service improvement as well as incentives for good working behavior in the nature of annual awards to be instituted.*

## PANEL 7- DISPUTES RESOLUTION SCORING BOXES

Individually, three (3) panel members scored A, one (1) B and one (1) for LGI 20 Dimension i. The consensus score however emerged as B after panel discussions and is highlighted as shown in the box below.

LGI 20, Dimension i	Assessment
Conflict resolution mechanisms are accessible.	<p><b>A</b> – Institutions for providing a first instance of conflict resolution are accessible at the local level in the majority of communities.</p> <p><b>B</b> – Institutions for providing a first instance of conflict resolution are accessible at the local level in less than half of communities but where these are not available informal institutions perform this function in a way that is locally recognized.</p> <p><b>C</b> – Institutions for providing a first instance of conflict resolution are accessible at the local level in less than half of communities, and where these are not available informal institutions do not exist or cannot perform this function that is locally recognized.</p> <p><b>D</b> – Less than a quarter of communities have institutions formally empowered to resolve conflicts and a variety of informal institutions may be available in the rest.</p>

### Comments for LGI 20 (i)

#### 1. Analysis:

*In discussions led by the lawyer of the Lands Commission in Sunyani, the assessment of this dimension resulted in a consensus of score B as the difficulties in access to justice using the formal system were pointed out, i.e. the lack of first instance courts and magistrates and judges at the local level. However, local institutions it was observed for resolution of conflicts were noted to have predated the formal justice system and available in all rural communities in the country. These were identified to include:*

- (i) Chiefs' court system*
- (j) Clan/family heads*
- (k) Commission for Human Rights and Administrative Justice (CHRAJ)*
- (l) Land Sector Agencies at the district level*
- (m) Assembly Men and Human elected as part of the local government system*
- (n) Organised groups like the Ghana Private Road Transport Union (GPRTU)*
- (o) Opinion Leaders, and*
- (p) The Police*

*These institutions were noted to have varying degree of effectiveness depending on the type of the case and the value of the issue in contention. Overall, however, it was noted that the Chiefs' court systems were very effective in dispute resolution at the local level, especially where traditional values and norms are still widely respected. In the case of institutions where the issue of 'quo warranto' i.e. by what authority the panel undertakes the resolution of a dispute arises, impliedly, effectiveness is less as parties to the dispute, especially the losing one may choose to ignore the award reached in the resolution of the dispute, notably the use of ADR mechanisms.*

LGI 20, Dimension i	Assessment
<p>Conflict resolution mechanisms are accessible.</p>	<p><b>A</b> – Institutions for providing a first instance of conflict resolution are accessible at the local level in the majority of communities.</p> <p><b>B</b> – Institutions for providing a first instance of conflict resolution are accessible at the local level in less than half of communities but where these are not available informal institutions perform this function in a way that is locally recognized.</p> <p><b>C</b> – Institutions for providing a first instance of conflict resolution are accessible at the local level in less than half of communities, and where these are not available informal institutions do not exist or cannot perform this function that is locally recognized.</p> <p><b>D</b> – Less than a quarter of communities have institutions formally empowered to resolve conflicts and a variety of informal institutions may be available in the rest.</p>
<p>2. <i>Data source: Chieftaincy Act, 2008 (Act 759); Brobbey, S. A. (2008) The Law of Chieftaincy in Ghana, Advanced Legal Publications, Accra; Arbitration Act, 1962, Act 38 and Expert Knowledge of panel members.</i></p> <p>3. <i>Data reliability: 90% reliable.</i></p> <p>4. <i>Policy Recommendations: Resourcing the judiciary, effective implementation of decentralization and promotion of use of ADR mechanisms and enforcement of awards reached.</i></p>	

LGI 20 Dimension ii was scored by three panel members as B and the remaining two scored it as C. However, based on prompts by the CC, it was subject to further assessment and the resulting consensus score was A. This is highlighted in the box below.

LGI 20, Dimension ii	Assessment
Decisions made by informal or community based dispute resolution systems are recognized.	<p><i>Only to be answered where there is an informal or community-based system that resolves disputes including land disputes.</i></p> <p><b>A</b> – There is an informal or community-based system that resolves disputes in an equitable manner and decisions made by this system have some recognition in the formal judicial or administrative dispute resolution system.</p> <p><b>B</b> – There is an informal or community-based system that resolves disputes in an equitable manner but decisions made by this system have little or no recognition in the formal judicial or administrative dispute resolution system.</p> <p><b>C</b> – There is an informal or community-based system that resolves disputes in a manner that is not always equitable and decisions made by this system have limited or no recognition in the formal judicial or administrative dispute resolution system.</p> <p><b>D</b> – There is an informal system or community-based that makes decisions that are not always equitable but have recognition in the formal judicial or administrative dispute resolution system.</p>

### Comments for LGI 20 (ii)

#### 1. Analysis:

*The informal means of resolving disputes including land disputes were recognized by the panel to vary with the ethnic group in question throughout the country and could not be individually described. However, most ethnic groups were noted to have the chief or relevant head of corporate tenure group such as the earth-priest or tendana in some communities in northern Ghana, apply a mixture of mediation and arbitration procedures to resolve disputes. In the case of the judiciary, the panel was of the view that the rules of the courts system or The Courts Act, 1993 Act 459 applied in the resolution of disputes. This consists of the superior courts of judicature: the Supreme Court, the Court of Appeal, the High Court and the Regional Tribunals; and the lower courts. Special Land courts and Fast Track Courts are also available. The Magistrates' Courts are currently able to hear land cases to a value of 50 million old Ghana Cedis or the equivalent of 5000 new Ghana cedis (Crook, 2004).*

*While the informal system largely lacks an inbuilt appeal system, the opposite was noted by the panel to be the case for the judiciary in the country, until the Supreme Court is reached. Both these two sets of institutions for dispute resolution dealt with largely similar cases, except in high level criminal cases or that of treason that the informal system gives way to the judiciary. It was also however noted that cases relating to chieftaincy were only reluctantly sent to the judiciary, parties encouraged to subject the dispute to the resolution mechanisms of the National and Regional Houses of Chiefs as enshrined in the Constitution of Ghana and the Chieftaincy Act, 2008, Act 759.*

#### 2. Data source: *The Chieftaincy Act, 2008, Act 759; the Courts Act, 1993, Act 459 and Crook, R. C. (2004) Access to Justice and Land Disputes in Ghana's State Courts: The Litigants' Perspective, Journal of Legal pluralism, No. 50.*

3. *Data reliability: 90% reliable*
4. *Policy Recommendations: The panel suggested that mechanism for the enforcement of awards in the informal system if dispute resolution be made and supported by legislation and awareness creation to promote the patronage of the informal system as well as capacity building for the formal system were necessary for expanded access to justice delivery in the country.*

While three (3) panel members assessed LGI 20 Dimension iii as B, two (2) did so as A. The resulting consensus score after discussions was B and is highlighted in the box below.

LGI 20, Dimension iii	Assessment
There is clear assignment of responsibility for conflict resolution.	<p><b>A</b> – There are no parallel avenues for conflict resolution or, if parallel avenues exist, responsibilities are clearly assigned and widely known and explicit rules for shifting from one to the other are in place to minimize the scope for forum shopping.</p> <p><b>B</b> – There are parallel avenues for dispute resolution but cases cannot be pursued in parallel through different channels and evidence and rulings may be shared between institutions so as to minimize the scope for forum shopping.</p> <p><b>C</b> – There are parallel avenues for dispute resolution and cases can be pursued in parallel through different channels but sharing of evidence and rulings may occur on an ad-hoc basis.</p> <p><b>D</b> – There are parallel avenues for dispute resolution and cases can be pursued in parallel through different channels and there is no sharing of information.</p>

#### *Comments for LGI 20 (iii)*

1. *Analysis: The panel noted that within the informal dispute resolution system, it was possible, for example, under cases of communal boundary disputes for affected parties to seek the resolution of their case among all the traditional authorities contesting the boundary claim affecting their land. This it was said was a measure to ensure that whichever traditional authority won the case of boundary dispute; then the party pursuing these parallel measures would be recognized. However, it was also made clear that in the case of a single case pursued in parallel between the informal and formal systems that was not legally acceptable. Thus, the panel noted, when the current King of the Ashanti Kingdom, the Asantehene was enstooled, he requested the withdrawal of number of cases involving chieftaincy and land from the formal court system to be dealt with in the informal system. This request was granted and these cases were expeditiously dealt with to his credit.*
2. *Data source: Records of the Houses of Chiefs, Chieftaincy Act, 2008, Act 759 and Expert Knowledge of panel members.*
3. *Data reliability: 90% reliable.*
4. *Policy Recommendation: It was suggested by the panel that information on where to pursue what type of case be widely disseminated to the public by the judiciary.*

LGI Dimension iv was assessed by four (4) panel members as B and one (1) assessed it as A. The consensus score that resulted after discussions was however C and is highlighted below.

LGI 20, Dimension iv	Assessment
There is a process for appealing dispute rulings.	<p><b>A</b> – A process exists to appeal rulings on land cases at reasonable cost with disputes resolved in a timely manner.</p> <p><b>B</b> – A process exists to appeal rulings on land cases at high cost with disputes resolved in a timely manner.</p> <p><b>C</b> – A process exists to appeal rulings on land cases but costs are high and the process takes a long time.</p> <p><b>D</b> – A process does not exist to appeal rulings on land cases.</p>

#### Comments for LGI 20 (iv)

1. *Analysis:*

*The panel members were in no doubt that an appeal process existed for land cases in the country as under the Courts Act, 1993 (Act 459). However, was in contentious was what time period could be regarded as long and what amount of money as costly. In the case of time, while some panel members were of the view that if an appeal lasted years in a big land case and which was ultimately won it did not matter the long period taken. Also, it was observed by some panel members that parties to big land cases were rich to begin with and thus cost was not a problem to them. The CC intervened to make the panel aware that these were extreme cases but the dimension needed to be examined on the basis of reasonableness, which is what the average person out there in their objective mindedness would see in terms of time and cost. This was necessary in the absence of current statistics on time and cost in appeal cases. In the end, the panel reached a consensus on C as the score for LGI 20 Dimension iv. However, Ministry of Justice (2003) and Crook (2004) were referred to assist in reaching the consensus score.*

2. *Data source: Crook, R. C. (2004) Access to Justice and Land Disputes in Ghana's State Courts: The Litigants' Perspective, Journal of Legal pluralism, No. 50; Ministry of Justice (2003) State Land Management Regime Impact on Land rights of women and the Poor in Ghana, Access to Justice Series No. 2, Assembly Press, Accra.*

3. *Data reliability: 70% reliable*

4. *Policy Recommendations: Promotion of the use of specialized courts to deal with land cases as in the use of Land courts currently in Accra and Kumasi; Implementing the sitting of justices on cases on weekends and some afternoons to speed up decision-making; computerizing the court system from national to district levels, motivating judicial staff and eliminating corruption in the judiciary were suggested by the panel.*

All the five (5) panel members assessed LGI 21 Dimension i as C, resulting in a consensus assessment of C as highlighted in the box below.

LGI 21, Dimension i	Assessment		
Land disputes constitute a small proportion of cases in the formal legal system.	<p><i>Please fill out following matrix for background information and use it to choose ranking below:</i></p> <p><b>A</b> – Land disputes in the formal court system are less than 10% of the total court cases.</p> <p><b>B</b> – Land disputes in the formal court system are between 10% and 30% of the total court cases.</p> <p><b>C</b> – Land disputes in the formal court system are between 30% and 50% of the total court cases.</p> <p><b>D</b> – Land disputes in the formal court system are more than 50% of the total court cases.</p>		
Type of Dispute	Number of conflicts (in sample or dataset)	Average Time to Resolve (months)	Average Cost to Resolve
<b>Total cases in sample/dataset</b>	<b>480</b>	-	-
<b>Total Land Disputes</b>	<b>302</b>	-	-
Inheritance/family dispute	57	18+	GHC3000
Property transaction/contract	68	18+	GHC3000
Challenge to ownership	75	18+	GHC3000
Expropriation	10	18+	GHC3000
Boundary dispute	40	18+	GHC3000
Dispute over use	22	18+	GHC3000
Trespass	20	18+	GHC3000
Right of access/passage	10	18+	GHC3000
Mortgage/loan	-	-	-
Other (please specify)	-	-	-

**Comments for LGI 21 (i)**

1. *Analysis:*

*In the analysis of this dimension, the sample data from the High Court Registrar was used and supported by secondary data from Crook (2004), Ministry of Justice (2003) and the background report data on land cases in the Kumasi High Court. All these sources were examined by the panel members. The data in Crook (2004) based on a sample of cases in the Kumasi high Court from 1997 to 2002 revealed that year on year basis land cases as a percentage of total cases were: 17,178 cases of which land cases were 7,759 ( 45%) in 1997; 17,708 cases of which land cases were 7,739 (44%) in 1999; 18,413 cases of which 8,011 (44%) were land cases in 2000; 19,526 cases of which 9,044 (46% ) were land cases in 2001 and 19,876 cases of which 9,214 (46%) were land cases in 2002. These were similar to findings of the Ministry of Justice (2003) which reported about 40% of land cases as a percentage of total cases yearly in Accra and that of the Sunyani High court sample of 480 total cases of which 302 were land cases (representing 63%). It was on the basis of this analysis that the score of C was confirmed.*

2. *Data source: Records of High court in Sunyani, Crook, R. C. (2004) Access to Justice and Land Disputes in Ghana's State Courts: The Litigants' Perspective, Journal of Legal pluralism, No. 50; Ministry of Justice (2003) State Land Management Regime Impact on Land rights of women and the Poor in Ghana, Access to Justice Series No. 2, Assembly Press, Accra.*

3. *Data reliability: 80% reliable*

The individual scores for LGI 21 Dimension ii were three (3) as D and two (2) as C; and a consensus score of D accepted and is highlighted in the box below.

LGI 21, Dimension ii	Assessment
Conflicts in the formal system are resolved in a timely manner.	<p><b>A</b> – A decision in a land-related conflict is reached in the first instance court within 1 year for more than 90% of cases.</p> <p><b>B</b> – A decision in a land-related conflict is reached in the first instance court within 1 year for between 70% and 90% of cases.</p> <p><b>C</b> – A decision in a land-related conflict is reached in the first instance court within 1 year for between 50% and 70% of cases.</p> <p><b>D</b> – A decision in a land-related conflict is reached in the first instance court within 1 year for less than 50% of cases.</p>

**Comments for LGI 21 (ii)**

1. *Analysis:*

*The panel discussion observed that what is in dispute in the country was the exact number of backlog of land cases and not the fact of their existence. Guided by the data on land cases as a percentage total cases in the courts as provided by Ministry of Justice (2003), Crook (2004) and the High Court Registrar sample data from Sunyaani, the panel had little difficulty in arriving at a consensus decision of a score of D. In Crook (2004) the findings were that percentage of land cases which could be settled in Kumasi in 1997 was 1.5%, 1999 was 0.6%, 2000 was 4.5%, 2001 was 0.7% and 2002 was 0.6% in the High court of Kumasi and these figures were used to support the decision of the panel that fewer than 50% of land cases were resolved in a first instance court in a year.*

2. *Data source: Records of High court in Sunyani, Crook, R. C. (2004) Access to Justice and Land Disputes in Ghana's State Courts: The Litigants' Perspective, Journal of Legal pluralism, No. 50; Ministry of Justice (2003) State Land Management Regime Impact on Land rights of women and the Poor in Ghana, Access to Justice Series No. 2, Assembly Press, Accra.*

3. *Data reliability: 80% reliable.*

LGI 21 Dimension iii was scored by three (3) panel members as C and two (2) as D. The resulting discussions however reached a consensus score of D as highlighted in the box below.

LGI 21, Dimension iii	Assessment
There are few long-standing land conflicts (greater than 5 years).	<p><b>A</b> – The share of long-standing land conflicts is less than 5% of the total pending land dispute court cases.</p> <p><b>B</b> – The share of long-standing land conflicts is between 5% and 10% of the total pending land dispute court cases.</p> <p><b>C</b> – The share of long-standing land conflicts is between 10% and 20% of the total pending land dispute court cases.</p> <p><b>D</b> – The share of long-standing land conflicts is greater than 20% of the total pending land dispute court cases.</p>

*Comments for LGI 21 (iii)*

1. *Analysis:*

*In the absence of any known study and therefore available data on long-standing conflicts of more than 5 years as a percentage of unresolved land conflicts in the country, the panel based their analysis on the high proportion of land cases in the country as shown in the analysis for LGI 21 Dimension I and deduced that against a high backlog of land cases with little capacity of the formal court system to deal with them timely, the likelihood of long-standing disputes being more than 20% of land disputes is high.*

2. *Data source: Data source: Records of High court in Sunyani, Crook, R. C. (2004) Access to Justice and Land Disputes in Ghana's State Courts: The Litigants' Perspective, Journal of Legal pluralism, No. 50; Ministry of Justice (2003) State Land Management Regime Impact on Land rights of women and the Poor in Ghana, Access to Justice Series No. 2, Assembly Press, Accra.*

3. *Data reliability:80% reliable.*

4. *Policy Recommendations: It was suggested by the panel that encouraging the use of ADR in land dispute resolution, improved capacity of courts to deliver services, greater involvement of media in sensitization of public on the use of informal systems to resolve land disputes and above all political commitment to an independent and uncorrupt judiciary were measures towards reducing long-standing conflicts over land.*

**PANEL 8- LARGE SCALE ACQUISITION OF LAND RIGHTS SCORING BOXES**

There were three individual scores of LSLA1 as D and two as B; resulting in a consensus score of D as indicated below in red.

LSLA 1	Assessment
Most forest land is mapped and rights are registered.	<p><b>A</b> – More than 70% of the area under forest land has boundaries demarcated and surveyed and associated claims registered.</p> <p><b>B</b> – 40-70% of the area under forest land has boundaries demarcated and surveyed and associated claims registered.</p> <p><b>C</b> – 10-40% of the area under forest land has boundaries demarcated and surveyed and associated claims registered.</p> <p><b>D</b> – Less than 10% of the area under forest land has boundaries demarcated and surveyed and associated claims registered.</p>

**Comments for LSLA 1**

1. *Analysis:*

*Indeterminate land boundaries resulting from the lack of maps characterize stool/skin lands of which most forest lands can be found in Ghana. This situation was noted by the panel to be an open admission by Government as contained in the national land policy document of 1999 and the consequence discussed as leading to conflicts between stools, skins and other land owning groups. Sowah (2011) has estimated that only 8% of the total land area of Ghana is properly surveyed, demarcated and registered. However, no reliable data exists on the exact percentage of forest land in particular or land in Ghana in general that are surveyed and mapped. Thus, current efforts under LAP in communal land boundary demarcations were encouraged to be a step in the right direction by the panel.*

*Regarding types of rights registered in forest lands, the panel noted timber leases of the private companies involved in timber exploitation as regulated by the Forestry Commission (FC) established as a constitutional requirement. The principal functions of the FC were identified as regulation of the utilization of timber resources, the management of forest reserves and protected areas, the provision of assistance to the private sector, development of forest plantations as means of restoring degraded forests and expansion of national forest cover.*

*However, the panel was of the view that the communities where these forests are located have got the rights to collect fuel wood, snails, medicinal plants or herbs, and these were described as hardly ever registered; much to their disadvantage.*

*Thus Ayine (2008) commented as follows: “Overall, local forest communities, and to some extent, local government agencies have been marginalized in decision-making processes involving the forestry sector”. This was comment was referred to by the panel referred and unanimously agreed with.*

*Data source: National Land Policy, 1999; Forestry Commission Act and Ayine, D. (2008) Social Responsibility Agreements in Ghana's Forestry Sector: Developing Legal Tools for Citizen empowerment Series, IIED, London and Sowah, Y.O. (2011) The Emerging Oil and Gas Industry in Ghana: The Role of the Surveyor, 42<sup>nd</sup> Anniversary Lecture of the Ghana Institution of Surveyors, Accra.*

*Data Reliability: 90% reliable.*

*Policy Recommendation: Forestry Commission to undertake participatory mapping of local forest areas in collaboration with local planning and development authorities.*

On LSLA 2, the assessments were four scores of D and one score of C but the consensus score that resulted after discussions was D as shown in red below.

<b>LSLA 2</b>	<b>Assessment</b>
Land acquisition generates few conflicts <sup>13</sup> and these are addressed expeditiously and transparently.	<p><b>A</b> – Conflicts related to use or ownership rights and directly or indirectly related to land acquisition are scarce (less than 5% of rural land area affected) and emerging conflicts are addressed expeditiously and in a transparent manner.</p> <p><b>B</b> – Conflicts related to use or ownership rights and directly or indirectly related to land acquisition are scarce (less than 5% of rural land area affected) but the process for addressing conflicts is slow and lacks transparency.</p> <p><b>C</b> – Conflicts related to use or ownership rights and directly or indirectly related to land acquisition are relatively frequent (more than 5% of rural land area affected) but emerging conflicts are addressed expeditiously and in a transparent manner.</p> <p><b>D</b> – Conflicts related to use or ownership rights and directly or indirectly related to land acquisition are relatively frequent (more than 5% of rural land area affected) and the inability to address these conflicts expeditiously and in a transparent manner results in long pending disputes.</p>

<sup>13</sup> A conflict is defined as a dispute between parties over property or use rights that the parties cannot resolve themselves and need to seek external assistance or mediation with the objective of resolving the dispute

1. *Analysis:*

*The panel noted that conflicts which relate to land acquisition were many and varied as the background report has identified. These were discussed one after the other as follows.*

- Boundary conflicts usually between different stools/skins or between individuals;*
- Disputes between chiefs and individual farmers over the rapid conversion of farmland into residential plots , often without consultation and adequate compensation;*
- Inter-family and intra-family disputes over family land boundaries, the division of plots and proceeds from land sales, and the right to use certain parcels of land;*
- Disputes between chiefs and local people over land allocation practices and the lack of transparency and accountability in land transactions;*
- Conflicts arising from non-payment, delayed or inadequate payment of compensation for government compulsorily acquired lands;*
- Disputes over multiple claims to compensation claims;*
- Disputes between government institutions and subjects of particular stools/skins over sale of lands compulsorily acquired in the public interest to private individuals or corporate bodies for development;*
- Disputes between private individuals land developers and stools, skins, families or individuals;*
- Conflicts in vested land areas between traditional authorities and public land agencies over control of land allocation functions and receipts of land revenues;*
- Conflicts over who receives land hitherto compulsorily acquired by government and now returned to original owners;*
- Disputes over ownership of resettlement lands (see background report).*

*While it was not possible to disaggregate conflicts and determine the most common one, what was agreed by consensus was that based on Sowah's (2011) estimate of only 8% of lands in Ghana properly surveyed and mapped, and the experiences of panel members, more than 5% of rural land was noted to be affected by conflicts related to land tenure and potential to become protracted conflicts was high due to weak capacity to resolve land disputes in the country, especially in the formal court system.*

*2.Data source: Background Report, Wehrmann, B. (2005) Urban and Peri-Urban Land Conflicts in Developing Countries, Berlin, Germany; Ayee, J. R. A., Frempong, A. K. D., Asante, R. and Boafo-Arthur, K. (2011), Local Power Struggles, Conflict and Conflict Resolution in Ghana: The Causes, Dynamics and Policy Implications of Land-related Conflicts in the Greater Accra and Eastern Region of Ghana, CODESRIA Research Report: no. 3*

*3.Data reliability: 90% reliable*

*4. Policy Recommendation: The judiciary to facilitate the use of ADR mechanisms in land disputes resolution in the country.*

Three individuals scored LSLA3 as D, one as B and one as C; and the consensus score that emerged from discussions was D as shown in red below.

LSLA 3	Assessment
Land use re- strictions <sup>14</sup> on rural land parcels can generally be identi- fied.	<p><b>A</b> – The land use restrictions applying to any given plot of rural land can be unambiguously determined on site for land occupied by more than 70% of the population.</p> <p><b>B</b> – The land use restrictions applying to any given plot of rural land can be unambiguously determined on site for land occupied by 40 – 70 % of the population.</p> <p><b>C</b> – The land use restrictions applying to any given plot of rural land can be unambiguously determined site for land occupied by 10 – 40 % of the population.</p> <p><b>D</b> – The land use restrictions applying to any given plot of rural land can be unambiguously determined on site for land occupied by less than 10% of the population.</p>

### Comments for LSLA 3

1. *Analysis:*

*The most relevant categories of land use restrictions in the discussion of the panel were in the case of rural customary land areas on what crops to cultivate, noting perennial crops were not allowed by most land owners to be cultivated by tenant farmers; and the case of urban land use restrictions zoning restrictions on residential, commercial and industrial use classes. Also, market places, schools, cemeteries, durbar grounds, roads, fetish groves, were undertaken in both rural and urban situations. The authorities involved were noted to be the customary authorities or land owning groups in most rural customary land areas and the land institutions such as the Town and Country Planning Department, District, Municipal and metropolitan Assemblies and the Lands Commission in most urban public and private land situations. Yet again, based on Sowah (2011) as stated above and the experience of panel members it was concluded that less than 10% of the population can unambiguously determine on site what the land use restrictions are due to lack of surveyed and demarcated plots to a large extent.*

2. *Data source: Expert Knowledge of the panel members, Records of Lands Commission and Sowah, Y.O. (2011) The Emerging Oil and Gas Industry in Ghana: The Role of the Surveyor, 42<sup>nd</sup> Anniversary Lecture of the Ghana Institution of Surveyors, Accra.*

3. *Data reliability:70% reliable*

4. *Policy Recommendation: Chiefs to sensitize their communities on land use restrictions and the need to respect these.*

<sup>14</sup> A land use restriction is a restriction imposed on land holders on the specific use of the land.

Four scores of C and one of B were individually scored for LSLA 4 but the consensus score that resulted from discussions was C as indicated in red below.

LSLA 4	Assessment
Public institutions involved in land acquisition operate in a clear and consistent manner.	<p><b>A</b> – Institutions that promote, channel or acquire land for purposes of interest to this study operate following clear guidelines and have high standards of ethical performance that are consistently implemented. Their accounts are regularly audited with results being made available publicly (e.g. for parliamentary debate).</p> <p><b>B</b> – Institutions that promote, channel or acquire land for purposes of interest to this study have high standards of ethical performance that are consistently implemented and have their accounts regularly audited although results are not available publicly.</p> <p><b>C</b> – Institutions that promote, channel or acquire land for purposes of interest to this study have clear standards of ethical performance but implementation is variable and accounts are not subject to regular audits.</p> <p><b>D</b> – Standards of ethical performance for institutions that promote, channel or acquire land for purposes of interest to this study are not clearly defined and accounts are not regularly audited.</p>

**Comments for LSLA 4**

1. Analysis:

*The discussions revealed that the Environmental Protection Agency has ethical standards that investments necessitating large scale land acquisitions need to comply with, as laid down in the Environmental Protection Agency Act (EPA), Act 490 of 1994 and Environmental Impact Assessment Guidelines of 1995. However, weaknesses in implementation were noted to be a major hindrance to effectiveness and violations seen as common practice. While the guidelines are published, it was debated by panel members if the level of publicity was wide enough as most people are unaware of the existence of these regulations and therefore unable to report any violations that may come to their notice. The Regional Lands Officer in Tamale where most large scale land acquisitions are taking place for the cultivation of jatropha for biofuel when contacted remarked that the Lands Commission only played the role of a facilitator in the documentation of title to acquired lands but negotiations in the transaction were done between the investors and customary authorities and these lacked transparency, sometimes resulting in community revolts.*

2. Data source: EPA Act, Act 490 of 1994 and EPA (1995) Ghana Environmental Impact Assessment Procedures, 1995, Accra; Mr Justice Morgan, Regional Lands Officer, Tamale, Northern Region.

3. Data reliability: 90% reliable

4. Policy Recommendations: Lands Commission to publish guidelines on large scale land acquisitions in the country.

On LSLA 5, four panel members assessed it as C and one did so as A; the consensus score that resulted from discussions was C as highlighted in red below.

LSLA 5	Assessment
Incentives for investors <sup>15</sup> are clear, transparent and consistent.	<p><b>A</b> – Incentives for investors are clearly specified in law or regulations, uniform and stable over time, and applied in an equitable and transparent fashion.</p> <p><b>B</b> – There are written provisions in law or regulations regarding incentives for investors but frequent changes (i.e. limited predictability) do not ensure their consistent application in the future.</p> <p><b>C</b> – There are written but unclear provisions in law or regulations regarding incentives for investors and their applicability has to be negotiated on a case by case basis in a way that is often discretionary.</p> <p><b>D</b> – There are no written provisions in law or regulations regarding incentives for investors.</p>

#### Comments for LSLA 5

1. *Analysis:*

*A wide range of incentives as promoted by the Ghana Investment Promotion Centre were discussed. These included in the case of large scale land acquisitions for agriculture and agro-industries, tax exemptions for income tax exemptions for cocoa farmers and producers, cattle ranching, agro-processing etc.; locational incentives in the form of tax rebates for up to 25% rebate in Accra and Tema and 50% rebate elsewhere in Ghana, investment guarantees including free transferability of capital and profits and insurance against non-commercial risks as found at ([www.gipc.org.gh](http://www.gipc.org.gh) ). These exemptions apply to both local and foreign investors. However, these the panel observed were treated on a case by case basis following the filling of Form GIPC/R1 by the prospective investor.*

2. *Data source: Ahwoi, K. (2010) Government’s role in attracting viable agricultural investment: Experiences from Ghana, [www.gipc.org.gh](http://www.gipc.org.gh)*

3. *Data reliability: 90% reliable.*

4. *Policy Recommendation: The Ghana Investment Promotion Centre to implement the incentives to investors in strict accordance with the law.*

<sup>15</sup>Incentives for investors includes any mechanism to increase the attractiveness of investments (tax breaks, subsidies, waiver of fee or licensing requirements, improved credit facility, improved insurance facility, etc.)

There were scores of one D, three C and one B from individuals on LSLA 6; and discussions resulted in a consensus score of C as shown in red below.

LSLA 6	Assessment
<p>Benefit sharing mechanisms for investments in agriculture (food crops, biofuels, forestry, game farm/conservation) are regularly used and transparently applied.</p>	<p><b>A</b> – Mechanisms to allow the public to obtain benefits from the investment (or investing party) other than compensation (e.g., schools, roads, etc.) are regularly used and applied transparently based on clear regulation.</p> <p><b>B</b> – Mechanisms to allow the public to obtain benefits from the investment (or investing party) other than compensation (e.g., schools, roads, etc.) are applied transparently but not always used.</p> <p><b>C</b> – Mechanisms to allow the public to obtain benefits from the investment (or investing party) other than compensation (e.g., schools, roads, etc.) are rarely used or applied in a discretionary manner.</p> <p><b>D</b> – Mechanisms to allow the public to obtain benefits from the investment (or investing party) other than compensation (e.g., schools, roads, etc.) are not used or not applied transparently.</p>

### Comments for LSLA 6

1. *Analysis:*

*In the specific cases of mining and timber contracts, the legislation provides for the broad contents of the contracts. Thus, in the case of timber, for example, the panel noted that the Timber Resources management Act require size of the area subject to the contract to be stated, duration of the contract, clarification of the investor’s undertaking to comply with relevant regulations, to make prompt payment of rents, royalties and compensation and execute reforestation measures etc. The panel also observed that similar contractual arrangements in outline exist in the form of lease documents to prospective land rights acquirers for agricultural purposes in the Lands Commissions records. However, the panel was concerned that the details were normally left out to be a matter between the investor and the community. The result being chiefs making negotiations privately and hence the lack of transparency of the processes. In the end, benefits sharing in the interest of the community are lost or if provided for are not honoured.*

2. *Data source: Records of the Lands Commission, Tamale; Cotula L. (2011) Land Deals in Africa: What is in the Contracts?, IIED, London.*

3. *Data reliability:90% reliable*

4. *Policy Recommendations: Clear mechanisms of enforcement of rights and obligations under the land deals to be documented and monitored by civil society and non-governmental bodies.*

Four scores of B and one score of A were the assessments made by the panel members on LSLA7 and discussions resulted in a consensus score of B as highlighted below.

LSLA 7	Assessment
<p>There are direct and transparent negotiations between right holders and investors.</p>	<p><b>A</b> – Final decisions on land acquisition for large scale investment are made between the concerned right holders and investors; government’s role is limited to checking compliance with applicable regulations which is done in a transparent manner and with clear time limits.</p> <p><b>B</b> – Final decisions are made in direct negotiations but a non-transparent and often discretionary process for obtaining approval is required.</p> <p><b>C</b> – Transfer of land use or ownership rights for large scale investment requires previous acquisition of these rights by the state which follows a clear, transparent, and time-bound process with decision-making authority clearly assigned.</p> <p><b>D</b> – Expropriation of land by the state is required and the process is murky.</p>

#### Comments for LSLA 7

1. *Analysis:*

*Following direct negotiations between investors and land rights holders often driven by the chiefs of the areas, a process of obtaining approval in the form of concurrence by the Lands Commission is required by law of any land leased out in customary jurisdictions. In the case of public land, no such concurrence is needed but the land use involved must comply with the development plans of the area where the land is situated. The current trend of large scale land acquisitions has brought about the need to set standards and guidelines for traditional authorities to apply in their land deal negotiations that will factor in the interest of the larger community as far as livelihood need are concerned. These may very well distinguish between type of investor and land size, but are yet to be fashioned out by the Lands Commission.*

2. *Data source: Lands Commission Act, 2008 Act 767; Dzodzi T. and Yaro, J. (2011) Land Market Liberalization and Trans-National Commercial Land Deals in Ghana since the 1990s, Paper presented at the International Conference on Global Land Grabbing, University of Sussex, April 6-8.*

3. *Data reliability: 90% reliable.*

4. *Policy Recommendation: The Lands Commission and the Ghana investment Promotion Centre to build local negotiation skills of communities for benefits in their dealings with would-be land acquirers for investment in their localities.*

Two individuals scored LSLA 8 as B and three did so as C; but the discussions ended up in a consensus score of c as shown in red below.

LSLA 8	Assessment
Sufficient information is required from investors to assess the desirability of projects on public/community land.	<p><b>A</b> – Investors are consistently required to provide exhaustive information on company background and financial/technical analyses that is sufficient to assess viability and benefits from the project. ;</p> <p><b>B</b> –Investors are consistently required to provide exhaustive information on either company background or financial/technical analyses (but not both) that is sufficient to assess viability and benefits from the project. Investors are required to provide meaningful information but this is not always sufficient to assess the desirability of the project.</p> <p><b>C</b> –Investors are consistently required to provide information on company background or financial/technical analyses but this information is not sufficient to assess viability and benefits from the project.</p> <p><b>D</b> –Information required from investors is not consistently and generally insufficient to assess viability and benefits from the project.</p>

#### Comments for LSLA 8

1. *Analysis:*

*The reference point for discussion by the panel on this indicator dimension was the information requirements asked from investors. This was provided by Form GIPC/R1. The main requirements of the form in its Part 1 ask for enterprise data of the prospective investor. This deals with name, address, head office, Registrar Genera’s particulars, equity structure and contact person of the enterprise. Part 2 of the form requires information on the project including project definition/concept, location, major produce, major raw materials and supply sources, project implementation stages and due dates, project financing sources of funds and application of funds, and employment structure detailing local content of the employment. It is also asked in Part 2 of the investor if assistance is required from GIPC in the areas of land acquisition and provision of utilities as well as seeking of relevant approvals. But given all these requirements, it was contended by the panel that assessment of viability required more than what was provided to include target rates of return of the investor and the costs of project financing from all the sources of funds. Project duration and outgoings are also needed before viability can be assessed. No information on benefits sharing was available as part of the requirements of the form and implementation lacked consistency and was discretionary to since political interference was not possible to rule out.*

2. *Data source: Form GIPC/R1 at [www.gipc.org.gh](http://www.gipc.org.gh)*

3. *Data reliability: 80% reliable.*

4. *Policy Recommendation: Information on benefits sharing to be asked for as part of GIPC/R1 to assist with enforcement of rights and obligations under land deals with local communities.*

The scores on LSLA 9 were two B, one A, one C and one D and discussions resulted in a consensus score of B as shown in red below.

LSLA 9	Assessment
<p>For cases of land acquisition on public/community land, investors provide the required information and this information is publicly available.</p>	<p><b>A</b> – Investors provide all the information required from them and - subject to reasonable limits on confidentiality - this information is publicly available.</p> <p><b>B</b> – Investors provide some information required from them and - subject to reasonable limits on confidentiality - this information is publicly available</p> <p><b>C</b> – Investors provide some or all the information required from them but this information is not publicly available</p> <p><b>D</b> – Investors do not provide the information required from them.</p>
<p><b>Comments for LSLA 9</b></p>	
<p>1. <i>Analysis:</i></p> <p><i>In the case of public land, the Lands Commission has an application form for a request to be allocated a public land and the information required include the personal data of the applicant, location of the land and ownership of the land requested to be allocated, the intended use of the land and the financial preparedness of the applicant to the development. This information is publicly available at the Lands Commissions and considered by the Lands Commission Technical Committee in the making of the decision to allocate the land applied for. Where an allocation has been made and the allottee does not comply with the conditions of the allocation, a right of re-entry can be invoked by the Lands Commission, though this is done on a discretionary basis and is thus not consistent. In opting to concur with the decision of customary authorities in a land allocation to foreigners or citizens, the constitutional restrictions of tenure are followed by the Lands Commission, though it was noted that personal data alone was insufficient in determining who is not a citizen of Ghana, especially given the cultural similarities in names between Ghana, Togo and Cote d’Ivoire.</i></p> <p>2. <i>Data source: Lands Commission Records and Expert Knowledge of panel members.</i></p> <p>3. <i>Data reliability: 80% reliable.</i></p> <p>4. <i>Policy Recommendation: Data on citizenship to be subject rigorous verification by the Lands Commission in allocation of public lands.</i></p>	

There were two scores of A, two scores of B and one score of D on LSLA10 but after discussions in which the staff references to the Biofuel Africa Ltd large scale land acquisition in the Tamale area was referred to, it was agreed that D as shown below was the consensus score.

LSLA 10	Assessment
Contractual provisions regarding acquisition of land from communities or the public are required by law to explicitly mention of the way in which benefits and risks will be shared.	<p><b>A</b> – Contracts must specify risk sharing and benefit sharing arrangement that are understood and agreed to by all parties.</p> <p><b>B</b> – Contracts must specify arrangement regarding sharing of benefits or risk (but not both) that are understood and agreed to by all parties.</p> <p><b>C</b> – Contracts must specify arrangement regarding sharing of benefits or risks but are poorly understood or agreed to by all parties.</p> <p><b>D</b> – Contracts do not have to specify either risk sharing or benefit sharing arrangement.</p>

#### Comments for LSLA 10

1. *Analysis:*

*The panel was quick to conclude that no legal requirements regarding benefits and risks sharing existed between investors and communities in respects of large scale land acquisitions in the country. The details were a matter of negotiation between the parties and thus the result often being non-compliance by the investors of promise after promise. The case of Biofuel Africa and large scale acquisition of land at Kpachaa in the Northern Region as discussed and the failure to meet promises and denied livelihoods to indigenes noted as a consequence of the activities of the company in the production of jatropha for biofuel.*

2. *Data source: Frazier J. (2011) Land Grab: owners have plenty needs, little capacity, article published in the Daily Graphic of June 28, 2011.*

3. *Data reliability: 80% reliable.*

4. *Policy Recommendation: Provision of legislation and guidelines on benefits sharing by the Lands Commission.*

Three scores of D and two scores of C were the individual assessments made but discussions produced a consensus score of D as highlighted below.

LSLA 11	Assessment
<p>The procedure to obtain approval for a project where it is required is reasonably short.</p>	<p><b>A</b> – In most cases, investment application related documents are reviewed and receive a response within 3 months of date of submission.</p> <p><b>B</b> – In most cases, investment application related documents are reviewed and receive a response within 6 months of date of submission.</p> <p><b>C</b> – In most cases, investment application related documents are reviewed and receive a response within 9 months of date submission.</p> <p><b>D</b> – In most cases, investment application related documents are reviewed and receive a response within greater than 9 months from date of submission.</p>
<p>Comments on the answer provided:</p> <p>Panel argued at length on the score because of the different project types and different approval procedures required. In the end, it was agreed that on the average review procedures normally took some time and most could receive a response after nine months of submission. Reference was made to the fact that in the case of title to land alone, most Lands Commissions met only once in quarter and had thousands of applications to deal with in approving allocations and given the need for other approvals, the score of D as highlighted above was appropriate. They however noted the lack of data in this respect.</p>	
<p>Sources of data/information (name and function of contacted persons or institutions, author, title and publication year of report, etc.):</p> <p>Lands Commission Records, Knowledge of Panel members</p>	
<p>The reliability of data: 80% reliable</p> <p>Policy Recommendation: The Lands Commission and Ghana Investment promotion Centre to collaborate and devise guidelines to facilitate project approval process of land-based investments.</p>	

On LSLA 12 three individuals scored it as D and two did so as C; resulting in a consensus score of D as shown in red below.

LSLA 12	Assessment
<p>Social requirements for large scale investments in agriculture are clearly defined and implemented.</p>	<p><b>A</b> – Social safeguard requirements for investors are clearly documented and defined (i.e., with details regarding specific processes and elements in the assessment), include provisions for assessment and mitigation of direct and indirect effects, and consistently implemented.</p> <p><b>B</b> – Social safeguard requirements for investors are clearly documented and defined (i.e., with details regarding specific processes and elements in the assessment) and consistently implemented but do not include provisions for assessment and mitigation of direct and indirect effects.</p> <p><b>C</b> – Social safeguard requirements for investors are clearly documented and defined (i.e., with details regarding specific processes and elements in the assessment) but implemented with discretion.</p> <p><b>D</b> – Social safeguard requirements for investors are not clearly documented and defined.</p>
<p>The panel observed the environmental requirements as the requirements under the Environmental Protection Agency Act, 1994 Act 490 and the Environmental Impact Assessment Procedures of 1995. For example, agricultural investment where land in question is not less than 40 hectares and agricultural projects necessitating the resettlement of 20 families or more are subject to environmental impact assessments. However, the social safeguards requirements for investors were not clearly defined and documented in legislations.</p>	
<p>Sources of data/information (name and function of contacted persons or institutions, author, title and publication year of report, etc.):</p> <p>EPA Act, Act 490 of 1994 and EPA (1995) Ghana Environmental Impact Assessment Procedures, 1995, Accra.</p>	
<p>Data reliability: 80% reliable.</p> <p>Policy Recommendation: Resource EPA to effectively undertake its mandate under the law.</p>	

Four panel members assessed LSLA 13 as a score of C and one as a score of D; resulting in a consensus score of C in the discussions and this is highlighted below.

LSLA 13	Assessment
<p>Environmental requirements for large scale investments in agriculture are clearly defined and implemented.</p>	<p><b>A</b> –Environmental safeguard requirements for investors are clearly documented and defined (i.e., with details regarding specific processes and elements in the assessment), include provisions for assessment and mitigation of direct and indirect effects, and consistently implemented.</p> <p><b>B</b> – Environmental safeguard requirements for investors are clearly documented and defined (i.e., with details regarding specific processes and elements in the assessment) and consistently implemented but do not include provisions for assessment and mitigation of direct and indirect effects.</p> <p><b>C</b> – Environmental safeguard requirements for investors are clearly documented and defined (i.e., with details regarding specific processes and elements in the assessment) but implemented with discretion.</p> <p><b>D</b>- Environmental safeguard requirements for investors are not clearly documented and defined.</p>
<p>The panel noted with starting with the national land policy, it is the objective of government to enhance land capability and land conservation and this is thus a national environmental policy objective. As a result, Environmental Impact Assessment (EIA) procedures require a description of the proposed project; its objectives; other options of executing the proposal; description of the present and future environment and assessment of opportunities and constraints; measures to mitigate negative impacts; an environmental management programme and proposals for public information. Agricultural investment where land in question is not less than 40 hectares and agricultural projects necessitating the resettlement of 20 families or more are required by law to comply with Act 490 for both new and existing projects. Clearly, however, these are not consistently enforced because of immanent capacity weaknesses of the EPA.</p>	
<p>Sources of data/information (name and function of contacted persons or institutions, author, title and publication year of report, etc.):</p> <p>EPA Agency Act, 490 of 1994; National Land Policy of 1999 and EIA Procedures of 1995.</p>	
<p>Data Reliability: 90% reliable.</p> <p>Policy Recommendation: Resource EPA to effectively undertake its mandate under the law.</p>	

Three individuals scored LSLA 14 as D and two did so as C; and the discussions produced a consensus score of D as shown in red below.

LSLA 14	Assessment
<p>For transfers of public/community lands, public institutions have procedures in place to identify and select economically, environmentally, and socially beneficial investments and implement these effectively.</p>	<p><b>A</b> – Procedures to fully cover economic, social, and environmental issues are in place and implemented effectively.</p> <p><b>B</b> – Procedures to partly cover economic, social, and environmental issues are in place and implemented effectively.</p> <p><b>C</b> – Procedures to fully cover economic, social, and environmental issues are in place but not implemented effectively.</p> <p><b>D</b> – Procedures provide at best partial coverage of economic, social, and environmental issues and are not implemented effectively.</p>
<p>The Environmental Protection Agency (EPA) is the body mandated under the EPA Act of 1994 Act 490 to execute the task of ensuring environmental protection which invariably includes economic social benefits. The GIPC is also the body tasked with ensuring investments are economically beneficial to the country and its citizens when they are foreign investments. But capacity weaknesses in these institutions do not allow for effectiveness, the panel noted.</p>	
<p>Sources of data/information (name and function of contacted persons or institutions, author, title and publication year of report, etc.):</p> <p>EPA Act, Act 490 of 1994 and EPA (1995) Ghana Environmental Impact Assessment Procedures, 1995, Accra and GIPC at: <a href="http://www.gipc.org.gh">www.gipc.org.gh</a></p>	
<p>Data Reliability: 90% reliable.</p> <p>Policy Recommendation: Develop the capacity of the land sector and other investment agencies to undertake viability appraisals of projects before approval and monitor same over time.</p>	

The scores for LSLA15 were two B, two D and one C; but in discussions the consensus score emerged as D and this score is shown in red below.

LSLA 15	Assessment
Compliance with safeguards related to investment in agriculture is checked	<p><b>A</b> – The responsible government agencies follow up on the agreements to check for compliance and consistently take reasonable action in cases of non-compliance.</p> <p><b>B</b> – Responsible government agencies follow up on the agreements to check for compliance and, on a discretionary basis, take reasonable action in cases of non-compliance.</p> <p><b>C</b> – Responsible government agencies follow up on the agreements to check for compliance and but do not take reasonable actions in cases of non-compliance.</p> <p><b>D</b> – Responsible government agencies do not follow up on the agreements to check for compliance.</p>
<p>Comments on the answer provided:</p> <p>Given the immanent capacity weakness of the EPA as earlier noted, it was clear to the panel that monitoring for compliance to agreements was not effective. As Dzodzi and Yaro (2011) put it and which the panel referred to and discussed: “The activities of the Environmental Protection Agency (EPA) , not the most robust of regulators are a source of frustration...” In this respect, only some of the mining companies are concentrated on by EPA and agricultural investments are marginalized, the panel concluded.</p>	
<p>Sources of data/information (name and function of contacted persons or institutions, author, title and publication year of report, etc.):</p> <p>Dzodzi T. and Yaro, J. (2011) Land Market Liberalization and Trans-National Commercial Land Deals in Ghana since the 1990s, Paper presented at the International Conference on Global Land Grabbing, University of Sussex, April 6-8.</p>	
<p>Data Reliability: 90% reliable.</p> <p>Policy Recommendation: Strict implementation of the Ghana Environmental Impact Assessment legislation and regulations by the EPA.</p>	

The scores on LSLA16 were two scores of C, two scores of D and one score of B. The consensus score that emerged in discussions was D as shown in red below.

LSLA 16	Assessment
<p>There are avenues to lodge complaints if agricultural investors do not comply with requirements.</p>	<p><b>A</b> – There is a clear process by which affected parties or the public at large can lodge complaints regarding investor compliance with safeguards. Mechanisms to deal with these fairly and expeditiously are in place and consistently implemented.</p> <p><b>B</b> – There is a clear process by which affected parties or the public at large can lodge complaints regarding investor compliance with safeguards. Mechanisms to deal with these fairly and expeditiously are in place but not consistently implemented.</p> <p><b>C</b> – There is a process by which affected parties or the public at large can lodge complaints regarding investor compliance with safeguards but mechanisms to deal with these fairly and expeditiously are not in place.</p> <p><b>D</b> – There is no clear process by which affected parties or the public at large can lodge complaints regarding investor compliance with safeguards.</p>
<p>Comments on the answer provided:</p>	
<p>The panel noted in discussions that public knowledge of EPA procedures was limited, details of contractual arrangements were shrouded in secrecy and it therefore is problematic for complaints to be lodged against investors who may not be compliant. Furthermore environmental awareness and need to protect and the quality of the environment is only becoming an emerging body of knowledge and habits of the old need time to change.</p>	
<p>Sources of data/information (name and function of contacted persons or institutions, author, title and publication year of report, etc.):</p>	
<p>Expert Knowledge of panel members and Dzodzi T. and Yaro, J. (2011) Land Market Liberalization and Trans-National Commercial Land Deals in Ghana since the 1990s, Paper presented at the International Conference on Global Land Grabbing, University of Sussex, April 6-8.</p>	
<p>Data Reliability: 70% reliable.</p>	
<p>Policy Recommendation: Set up complaints desks at district and regional agricultural offices to receive complaints of investors’ non compliance with their obligations under land deals reached.</p>	

## GHANA - Land Governance Scorecard

			Score			
LLGI-Dim	Topic		A	B	C	D
<b>Recognition of Rights</b>						
1	I	Land tenure rights recognition (rural)	■			
1	Ii	Land tenure rights recognition (urban)	■			
1	iii	Rural group rights recognition	■			
1	iv	Urban group rights recognition in informal areas		■		
1	V	Opportunities for tenure individualization		■		
<b>Enforcement of Rights</b>						
2	I	Surveying/mapping and registration of claims on communal or indigenous land				■
2	Ii	Registration of individually held properties in rural areas				■
2	iii	Registration of individually held properties in urban areas				■
2	iv	Women's rights are recognized in practice by the formal system (urban/rural)				■
2	V	Condominium regime that provides for appropriate management of common property			■	
2	vi	Compensation due to land use changes			■	
<b>Mechanisms for Recognition</b>						
3	I	Use of non-documentary forms of evidence to recognize rights			■	
3	Ii	Formal recognition of long-term, unchallenged possession			■	
3	iii	First-time registration on demand is not restricted by inability to pay formal fees			■	
3	iv	First-time registration does not entail significant informal fees				■
3	V	Formalization of residential housing is feasible and affordable			■	
3	vi	Efficient and transparent process to formally recognize long-term unchallenged possession			■	
<b>Restrictions on Rights</b>						
4	I	Restrictions regarding urban land use, ownership and transferability		■		
4	Ii	Restrictions regarding rural land use, ownership and transferability		■		
<b>Clarity of Mandates</b>						
5	I	Separation of institutional roles		■		
5	Ii	Institutional overlap			■	
5	iii	Administrative overlap		■		
5	iv	Information sharing		■		
<b>Equity and Non-Discrimination</b>						
6	I	Clear land policy developed in a participatory manner		■		
6	Ii	Meaningful incorporation of equity goals			■	
6	iii	Policy for implementation is costed, matched with the benefits and is adequately resourced			■	
6	iv	Regular and public reports indicating progress in policy implementation			■	
<b>Transparency of Land Use</b>						
7	I	In urban areas, land use plans and changes to these are based on public input		■		
7	Ii	In rural areas, land use plans and changes to these are based on public input				■
7	iii	Public capture of benefits arising from changes in permitted land use			■	
7	iv	Speed of land use change		■		
<b>Efficiency of Land Use Planning</b>						
8	I	Process for planned urban development in the largest city			■	
8	Ii	Process for planned urban development in the 4 largest cities (exc. largest)			■	
8	iii	Ability of urban planning to cope with urban growth			■	

8	iv	Plot size adherence							
8	V	Use plans for specific land classes (forest, pastures etc) are in line with use							
<b>Speed and Predictability</b>									
9	I	Applications for building permits for residential dwellings are affordable and processed in a non-discretionary manner.							
9	Ii	Time required to obtain a building permit for a residential dwelling							
<b>Transparency of Valuation</b>									
10	I	Clear process of property valuation							
10	Ii	Public availability of valuation rolls							
<b>Tax Collection Efficiency</b>									
11	I	Exemptions from property taxes are justified							
11	Ii	Property holders liable to pay property tax are listed on the tax roll							
11	iii	Assessed property taxes are collected							
11	iv	Property taxes correspondence to costs of collection							
<b>Identification of Public Land</b>									
12	I	Public land ownership is justified and implemented at the appropriate level of government							
12	Ii	Complete recording of publicly held land							
12	iii	Assignment of management responsibility for public land							
12	iv	Resources available to comply with responsibilities							
12	V	Inventory of public land is accessible to the public							
12	vi	Key information on land concessions is accessible to the public.							
<b>Incidence of Expropriation</b>									
13	I	Transfer of expropriated land to private interests							
13	Ii	Speed of use of expropriated land							
<b>Transparency of Procedures</b>									
14	I	Compensation for expropriation of ownership							
14	Ii	Compensation for expropriation of all rights							
14	iii	Promptness of compensation							
14	iv	Independent and accessible avenues for appeal against expropriation							
14	V	Appealing expropriation is time-bounded							
<b>Transparent Processes</b>									
15	I	Openness of public land transactions							
15	Ii	Collection of payments for public leases							
15	iii	Modalities of lease or sale of public land							
<b>Completeness of Registry</b>									
16	I	Mapping of registry records							
16	Ii	Economically relevant private encumbrances							
16	iii	Economically relevant public restrictions or charges							
16	iv	Searchability of the registry (or organization with information on land rights)							
16	V	Accessibility of records in the registry (or organization with information on land rights)							
16	vi	Timely response to a request for access to records in the registry (or organization with information on land rights)							

<b>Reliability of Records</b>									
17	I	Focus on customer satisfaction in the registry							
17	Ii	Registry/ cadastre information is up-to-date							
<b>Cost Effective and Sustainable</b>									
18	I	Cost of registering a property transfer							
18	Ii	Financial sustainability of the registry							



## **SUMMARY OF EXPERT INVESTIGATIONS REPORTS**

### **(a) LAND TENURE EXPERT INVESTIGATIONS**

The expert investigations on land tenure focused on extensive literature review on tenure issues in the country with respect to tenure typology, social legitimacy and recognition of land rights and restrictions, the practical enforcement of the land rights and restrictions as recognised, formal and informal costs of land registration, the clarity of institutional mandates and practice in land governance and the inevitable issues of land disputes and how these are resolved in the country.

The investigations revealed that there was policy, statutory and constitutional recognition given to land rights of people in various tenure typologies in Ghana. However, there was equally a clear lack of effective mechanisms for the effective implementation of enforcement of these rights. There existed in the country a comprehensive national land policy but these implementation difficulties were supported by donor partners in the nature of the Land Administration Project, which is now into its phase 2, having started in 2003.

It also emerged from the investigations that a duality of land governance systems was in practice in which the dominant force was the customary land governance sector which was practiced in about 80% of lands in the country. The remainder of some 20% of land is under the control and management of the state and is described as public land. Both of these sectors face immanent capacity weaknesses in undertaking effective land governance.

The categories of land rights in these two sectors were identified as leaseholds mostly registered in state land agencies; while usufructuary interests are not so registered. The recent emergence of support under the land administration project to customary land secretariats was noted as a potential avenue for strengthening land management at the local level. These secretariats need evaluation of current performance for a development path to be formulated for their full potential to be realized.

## (b) LAND USE PLANNING EXPERT INVESTIGATIONS

The purpose of this exercise was to gather relevant information on land use planning and management in Ghana with the view to providing the needed information to undertake an assessment of transparency of land use restrictions, equity and non-discriminatory policy in land use planning, efficiency in the land use planning process, and speed and predictability of enforcement of restricted land uses in the country. The methodology employed was extensive literature review and interviews backed by practical experiences of the expert gathered from several years of practice and teaching of land use planning in the University.

The planning process is supposed to be participatory, requiring that inputs are elicited from the general public. As a proviso, planning authorities are required to place the draft plan in the public domain by way of notices and advertisement, display of the draft plan in public places etc for a stipulated period etc. The inputs gathered by way of discussions and debates feed into the revision of the plan. A revised draft plan is ready for approval and adoption. For the day to day administration of the prepared plan, detail lay outs are then developed from the plan which is also supposed to go through a similar process of public participation. At this level individual parcels are subdivided, allocated and developed subject to the issuance of development and building permits. But hardly is the above process followed; and the bureaucratic process for obtaining a building permit is long and more respected in its breach than compliance.

The study revealed that the planning process has suffered setbacks such lack of efficiency in enforcing development control; lack of skilled staff; frequent shifting of the department from one ministry to another without resourcing; poor working condition and low morale among staff. Also, the increasing pace of urbanization is unmatched by sound urban development and management policies and there is piece meal and ad hoc planning that has come to be associated with urban planning being more reactive than proactive. This is complicated by the fact that while the right to make land use decisions is by one institution, the land ownership decision rests with yet another, and coupled with weak enforcement systems makes it attractive for land use development to precede planning.

The above suggests that for any improvement in land use planning in Ghana, a complete review of the legislative framework is imperative. This should take into account the functional overlaps of the various bodies, especially the town and country planning department and the district assemblies in respect of development control functions.

Furthermore, capacity development is crucial to the effective performance of the duties of land use planners and in this regard, both existing and new staff to be recruited need skills training in spatial planning to be able to deal with the current crisis.

Another important consideration is to regularize the existing unauthorized structures where they are in conformity with current land use plans, but only became developed without the relevant planning permits. The permit acquisition process itself needs to be made short and easy to obtain.

LGI 3, Dimension v	Assessment	Comments
<p>Formalization of urban residential housing is feasible and affordable</p>	<p>The requirements for formalizing housing in urban areas are clear, but not affordable such that formalization is deemed very difficult.</p>	<p style="text-align: center;"><i>Analysis</i></p> <p>Informal housing in Ghana come under many categories, there are those indigenous communities that had houses built before certain areas were declared planning areas, these existed before planning regulations were introduced in those areas. Although laws and by extension such regulations do not take retrospective effect, in the eyes of these new regulations such are usually fall short of standards. There also exist those houses built without planning permission but the owners have right to the land. Other are those whose owners have titles, built with planning permission but lack utilities hence neighbourhood and community identity. The other category that often presents the greatest challenge for formalization are those without title to land or right of occupation, built without planning permission, with or without utilities and are located in risk areas or unbuildable areas. Informality is thus seen in the light of planning permission, legal access to utilities, right to land occupation and in some instances payment of taxes due the state or municipality.</p> <p>Formalization processes for each of the categories of houses listed above may vary. In the case of indigenous communities this can be done by granting these communities planning recognition and making a case for upgrading by way of infrastructure provision and housing improvements. The benefits of this approach among others are retaining social cohesion and indigenous businesses in the area. It also helps circumvent the need for individuals to apply for permits thus giving the process the required speed barring resource constraint. In cases where informality is not en bloc but there is evidence of right to occupation or legal title to the land, it will involve granting of permit to these individuals thus enabling them to access utilities legally and by bring these individuals into the cadastre they pay the required taxes to the authority in question. Formalizing houses without titles however first require regularization of titles, the ease of which is also dependent on the land ownership regime. Regularization of titles when the occupation is on government lands are fairly straight forward than when it occurs on private lands or on stool lands, factors such the location, the potential use value and the bid rent makes the process more challenging.</p>

		<p>The most challenging are the cases where housing areas fail on all counts the parameters for defining informality and are again in risky areas, ecologically sensitive areas or unbuildable areas. The other dimension that complicates the issue is whether the occupants are indigenes or migrants as this can also inform the formalization process.</p> <p>Citing the case of “Sodom and Gomorrah” in Accra, Mr. Frank Tachie, a private planning consultant highlighted the challenge the above case poses to city authorities. As migrants their choice of location was guided by among other factors availability of the space and proximity to work. Unfortunately however the unsuitability of the land in terms of the risk it poses to life and property not to mention its ecological sensitivity so far as the Korle lagoon is concern makes formalization not only challenging but virtually impossible.</p> <p>The implication of the processes outlined is that it is very difficult if not impossible for many house owners from informal areas who do not have legal titles to secure titles to the land they occupy especially if it is not government lands. A Regional Director, TCPD added another dimension “<i>the cost involved engaging the services of qualified surveyors to prepare especially the base maps which are required before the start of the process presents a challenge</i>”. Others have also argued that the purchasing of “permit jackets” from the Assemblies and the approval fees are high and in fact a disincentive to many informal house owners who would individually have loved to formalize their housing yet most of whom fall within the low income group. Mention can also be made that the inability of the MMDAs to supply or provide infrastructure even to formal housing areas makes many informal house owners indifferent when it comes to formalizing their houses. The bureaucratic and cumbersome procedures and the lack of funds for the provision of collective and public goods syndrome make formalization of houses in urban areas rather difficult but not impossible.</p> <p><b><i>Data Source:</i></b> <i>Personal Interviews with some Regional Directors, TCPD and Land use Planners in the public and private sector. Data is thus reliable and reflects the realities especially in urban areas.</i></p>

LGI 7 Dimension iii		
<p><b>The public captures benefits arising from changes in permitted land use</b></p>	<p><b>D-</b>Mechanisms to allow the public to capture significant share from changing land use (e.g. betterment taxes, levies for infrastructure, property tax) are not used or not applied transparently.</p>	<p style="text-align: center;"><i>Analysis</i></p> <p>As mentioned in the earlier part of the report, the legal provisions that make this possible have been weak and unenforced. Although the Act 462 also makes provision for resource mobilization, many assemblies have depended on property tax which among the many revenue sources is land based. Even in this area the lack of property cadastre and failure to update the few that exist has meant low revenues for MMDAs. Many including some officials of some MMDAs still do not have a clue what betterment charges and infrastructure levies are, under these circumstances coupled with inadequate financial resources for infrastructure development, fungibility of funds tend to be high thus denying the public from benefitting from gains resulting from permitted land use change.</p> <p>In the words of one private planning consultant, “nothing of this sort exists in Ghana”. <b>It can thus be said that currently the mechanisms to allow the public to capture significant share from changing land use (e.g. betterment taxes, levies for infrastructure, property tax) are neither used nor applied transparently.</b> As part of an attempt at correcting this, in the country’ draft planning law, efforts has been made for inclusion, procedures for the capture of betterment charges and for gains made by permitting land uses to be used for the collective good of society. The provisions made in the draft law can be compared to an extent with planning gain applied in the UK which borders on discretion use of planning power and on the other hand a clear and transparent process for measuring what should inure to society. Again in a bid to improving revenue collection through property taxation, the Local Government Development project (LOGODEP) has facilitated the creation and updating of cadastres. This was done by capturing properties in urban areas together with their attributes through an exercise that first named streets and subsequently created a database for property tax collection. It is believed that with this done; property tax collection can even be privatized.</p> <p><i>Data Source: From Author’s professional experience and interviews with some Land use Planning professionals from both the private and public sector. Data can be said to be reli-</i></p>

		<i>ble.</i>
<b>LGI 7, Dimension</b>		
<b>Actual Land use changes to the assigned land use in a timely manner</b>	A-More than 70% of the land that has had a change in land use assignment in the past 3 years has changed to the destined use	<p><i>Analysis</i></p> <p>Land use changes take the form of change of use or re-zoning. The former mostly involve a few parcels of land and mostly occurs at the local plan level. Almost invariably such changes do not necessarily involve the holding of rigorous consultative stakeholder meetings. Re-zoning however is mostly carried out at the structure plan level and might cover a broad land use area requiring a new set of permissible and non permissible uses and activities. In actual facts re-zoning in principle set out new regulation for managing and implementing proposals for land development. Given that new set of rules are prescribed it needs approval and legal backing.</p> <p>Ideally computing this requires, first data on the number of applications made for change of use and changes requiring re-zoning and secondly the number of such re-zoning exercises initiated at the institutional level in response to changing societal needs. The time gap between the effective approval dates granting such changes can then be compared with when the expected land use actually manifested in space. As earlier mentioned land development seems to precede planning in all the large cities and towns. Re-zoning has also been abused by some professional planning either at the whim of politicians or that of their caprice. Again the unbridled informal development that characterizes land development in peri-urban areas all make it difficult to put actual figures to the rate at which approved land use change manifest with time.</p> <p>In the estimation of the professionals interviewed, land use change appears to be rather rapid. For one thing, the weak regulations that allows for development with or without services makes land use change rapid. In some urban areas redevelopment to accommodate new land uses and activities appears to be spontaneous as it is market induced. Given the lapses in the regulatory frameworks and barring other market constraints, by which time some of these applications for permit are granted the new approved land use would have taken effect. <b>An average of the estimates made by the professional planners interviewed posits a figure</b></p>

		<p><b>above 70% for commercial with less than 3 years time lag and over 3 years for residential in most locations or areas.</b></p> <p>The reasons assigned to this estimation is rooted in the argument that the widening and fast growing service sector and rapid urbanization has caused demand for commercial and residential space to grow in the urban centres. Industrial land use has not seen much growth even in some urban areas. They nonetheless admitted that the incremental development due to low income and financing slows down the rapidity of property development in Ghana especially for residential development. Mention was also made that land use changes are rather slow in rural Districts compared to the municipal and metropolitan areas that are experiencing rapid urban growth.</p> <p><i>Data Source: From Author's professional experience and interviews with some Land use Planning professionals from both the private and public sector. Data can be said to be reliable</i></p>
<p><b>LGI8, Dimension i</b></p>		
<p><b>Land use planning effectively controls spatial expansion in the largest city in the country</b></p>	<p>C-In the largest city in the country, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban spatial expansion occurs in an ad hoc manner with infrastructure provided some time after urbanization</p>	<p><i>Analysis</i></p> <p>Until the Land Use Planning and Management Project came into being, structure plans and subsequently sector layouts were prepared for some towns and cities. Depending on the proaction of the planner, plans were updated and changes made in response to the changing need of society. Without modern planning tools and techniques; inadequate skilled planners not to mention the high cost of base maps, preparation of plans have been very sporadic. This in happening at a time where the 2000 Population and Housing Census puts Accra's population at 8 times that of the third largest urban centre. According to Boateng (2009) Accra is growing at 3.4%, at such a rate higher than rate of housing supply, the informal housing sector keeps swelling by the day and like wild fire engulfs the peripheral areas.</p> <p>It is therefore not surprising that some locations in Accra such as Anyaa and Awoshie are growing at 37.5 and 32.7% between 1984 and 2000. The picture above only provides inkling into how ineffective land use planning has been in addressing the challenges of spatial ex-</p>

		<p>pansion. <b>It did not come as a surprise that most of the planners interviewed conceded to this.</b> One planner had this to say “<i>when it comes to the issue of how well land use planning has curbed spatial expansion the evidence speaks for itself hence leaves no room for contestation, as planning in urban areas have been largely adhoc</i>”. An instance was cited where the comprehensive development plan prepared for Accra never saw the light of day in terms of implementation. In the new 3 tier planning system however provision is made for towns within a district or a collection of towns to be designated spatial functions which are further detailed out into broad land uses at the structure plan level and the specific localities that hold these contiguous land used detailed out into specific activities that take place on the individual parcels at the local plan level for the day to day administration of the areas.</p> <p><i>Data Source: Boateng C. N. K (2009), Planning our urban future a presentation made at regional sensitization workshop on formulating Ghana’s Urban policy organised by MLGRD at four regional centres in Ghana November and December, 2009.</i></p> <p><i>Ghana Statistical Service (2005), Population Data Analysis Report, Socio-Economic and Demographic Trend Analysis (Volume 1),</i></p> <p><i>Author’s professional experience and interviews with some Land use Planning professionals from both the private and public sector. <b>Data can be said to be very reliable.</b></i></p>
<b>LGI 8, Dimension ii</b>		
<b>Land use planning effectively controls urban development in the four largest cities in the country excluding the largest</b>	In the four largest cities in the country, while a system of land use planning is specified by law, in practice urban spatial expansion occurs in	<p style="text-align: center;"><b>Analysis</b></p> <p>By their hierarchies Kumasi which is the second largest urban centre is also estimated at 6 times the size of the third largest urban centre. Unlike the other three largest urban centres and even the largest city, Kumasi was said to be growing at 5.4 % between 1984 and 2000. At this pace of urbanization, the lag in housing supply especially in the formal housing markets has only fuelled the rate of expansion and increase in the supply of informal housing. The effect of this has been the unrestrained conversion of agricultural lands in the peripheries of Kumasi into residential use, sometimes without schemes or layouts. There are also in-</p>

city	an ad hoc manner with little if any infrastructure provided in most newly developing areas.	<p>stances where development and building permits were granted but unregulated extensions and alterations have either marred or put a strain on the infrastructure leading to slum formation.</p> <p>Like Kumasi, the other three large urban centres; Sekondi-Takoradi; Tamale; and Cape Coast in Ghana are equally characterized by sprawl and blight. Public areas are encroached upon either by urban migrants in search of place of abode or for sustenance. There is a mismatch between housing development and infrastructure provision. Informal housing provision is still a feature in these areas. As one person said” for now, planning seems to be running behind the wheel of urbanization“. All these are explainable from the weak legal and regulatory frameworks, inadequate resources for monitoring, low skills and staff strength, and interference from politicians and traditional authorities. <b>In view of the above the best and closest depiction of the status quo is that in the four largest city in the country, while a system of land use planning is specified by law, in practice urban spatial expansion occurs in an ad hoc manner with little if any infrastructure provided in most newly developing areas.</b> The exceptions are that developments in Tema are usually accompanied by infrastructure provisions since there is a special development authority (Tema Development Company) in place to see to this.</p> <p><i>Data Source: Personal Interviews with the Ashanti Regional Director, TCPD, Land use Planners in the public and private sector and views of the Author based on professional experience. Data is reliable</i></p>
<b>LGI 8, Dimension iii</b>		
<b>Planning process are to cope with urban growth</b>	C-In the largest city in the country, the urban planning process/authority is struggling to cope with the increasing demand for serviced units/land as	<p style="text-align: center;"><i>Analysis</i></p> <p>Following up on the above and inferring from the background information, urban planning processes have a challenge coping with the urban growth. Ideally estimation of increase in demand for serviced units or housing is supposed to be based on projected population and the anticipated changes in household structure. Using the room occupancy approach the total number of habitable rooms is obtained which then translated into houses based on the number of rooms per house and the housing typology that suits the location and is culturally ac-</p>

	evidenced by the fact that most new dwelling are informal	<p>ceptable for the target group. Attention is however to be paid to the exiting housing stock especially the units that needs replacement. However, in the largest and smallest city in the country, this process has not been followed for a very long time. Serviced plots are thus provided in schemes arbitrarily. As plausible reason for the leap frog development that now characterizes our cities and town</p> <p><i>Data Source: Personal Interviews with the Ashanti Regional Director, TCPD, Land use Planners in the public and private sector and views of the Author based on professional experience. Data is reliable</i></p>
<b>LGI8, Dimension iv</b>		
<b>Residential plot sizes are adhered to in urban areas</b>	Existing requirements for residential plot sizes are met in at least 90% of plots	<p style="text-align: center;"><i>Analysis</i></p> <p>Average Plot sizes for low, medium and high density residential areas are specified in Planning Standards and zoning regulations based on floor space indexes for various housing types and densities. These standard specifications are applied, though flexibly in all residential areas with approved land use plans in the country. In Ghana, until recently, issues of squatter settlements were alien as the customary land ownership system at least guaranteed an individual parcel of land to develop for housing. Currently even in fast urbanising areas people obtain lands from the chiefs. Such lands are also fairly standardized in terms of sizes.</p> <p><i>Data Source: Personal Interviews with Regional Directors, TCPD, Land use Planners in the public and private sector and views of the Author based on professional experience. Data is reliable</i></p>
<b>1. LGI9, Dimension ii</b>		
<b>The time required to obtain a building permit for residential dwell-</b>	<b>D-</b> All applications for building permits receive a decision within a maximum of 12months	<p style="text-align: center;"><i>Analysis</i></p> <p>Ideally, the Statutory Planning Committees (SPCs) of MMDAs in Ghana are responsible for the approval and issuance of development permits are required have quarterly meetings (every four months) through out the year. The building permit is subsequently issued by the works department or city engineers department. However, most of Statutory Plan-</p>

ing is short		ning Committees (SPCs) of MMDAs in Ghana are unable to meet as required. The reasons for this are varied. However, the major reason that account for this is that the SPC is chaired by the District Chief Executive who by law is required to be present at all sittings of the committee. Due to the responsibilities and busy schedules of the DCEs it becomes very difficult for the committee to meet regularly thereby resulting in delays in permit acquisition. The situation gets different in places where the chair is ready to delegate to others. Additionally, it is also difficult getting all Heads of Departments and Agencies at the local level who are members of the committee to converge for meetings on regular basis. The other reasons for the delay include difficulty on the part of the applicant to prove clearly their land right, wrong site plans, just to cite a few.
<b>There is a complete re-cording of publicly held land</b>	A-Public land is not clearly identifies on the ground or on maps.	<p style="text-align: center;"><i>Analysis</i></p> <p>In many instances, public spaces are designated on planning schemes covering the areas where they are located while records on government lands are kept by the Lands Commission. On the ground, however, these lands cannot be clearly identified. In most urban areas, such public lands are not properly acquired and protected by MMDAs. This makes them susceptible to all forms of encroachment by various activity types in the urban space. Again, because community involvement in the preparation of land use plans is not very strong, it becomes impossible to rely on social capital as a means to protecting public lands</p> <p><i>Data Source: Personal Interviews with the Ashanti Regional Director, TCPD, Land use Planners in the public and private sector and views of the Author based on professional experience. Data is reliable</i></p>
<b>LGI9, Dimension (i)</b>		
Application for building permits for residential dwellings are	<p style="text-align: center;"><i>Ranking</i></p> <p>1.Requirement to obtain building permits are technically justified but not affordable for the majority of those affected</p>	

affordable and effectively processed.	<p><b>2.</b>Requirements to obtain a building permit are technically justified and affordable but not clearly disseminated</p> <p><b>3.</b>Requirements to obtain a building permit are technically justified, affordable and clearly disseminated</p> <p><b>4.</b> Requirements to obtain a building permit are over-engineered technically.</p>				
<b>Permit Acquisition (steps)</b>	<b>Agency</b>	<b>Justification</b>	<b>Efficiency and transparency</b>	<b>Estimate (Days)</b>	<b>Comments (appropriateness of agency and justification)</b>
<p><b>1.</b> Prospective applicant(s) approaches the TCPD office with site plans and allocation notes-documents certifying ownership of the land. Preliminary checks are then carried out to ensure conformity of proposed development to the Local Plan for the area.</p>	<p>Town and Country Planning Department</p>	<p><b>1</b></p>	<p><b>1</b></p>	<p><b>Within day 1</b></p>	<p>As the preparation of spatial and land use development plans falls within the mandate of the TCPD, it is only appropriate for the institution to undertake the preliminary checks to first ascertain whether the land has been acquired in an area for which land use plan(s) have been prepared and approved and to also ensure conformity or otherwise of proposed development to the permissible land uses in the area. It also provides opportunity for applicants to prove ownership of the land which they plan to develop through the submission of site plans and allocation notes for authentication. Additionally, this step is critical as it seeks to protect all ecologically sensitive areas and public spaces from encroachment as well as the devel-</p>

					opment of marginal lands in urban areas.
2. Applicants successful at the first stage of the process are advised to purchase the” <b>building permit jacket</b> ” in which will be enclosed the architectural drawings of the proposed building and submitted to the TCPD office to begin the vetting process.-this constitutes the permit application.	Town and Country Planning Department	<b>1</b>	<b>1</b>	<b>Within day 1</b>	Having convinced itself of the conformity of proposed development to approved planning schemes as well as the authenticity of documents submitted, the TCPD again should advice the applicant on whether to proceed on to the next stage of the process. The applicant purchases the permit jacket (cost varies among MMDAs and depends on the type of development i.e. whether residential, commercial etc.). This is actually the stage where the local authority mobilizes funds from building and development permit applications. It is thus an important stage of the process.
2.Application is referred to the Lands Commission for advice on the title and other land matters	Lands, Commission	<b>1</b>	<b>1</b>		This is a critical step of the application process as it seeks to streamline ownership issues and to prevent tendencies of conflicts and litigation regarding ownership in the future. The major challenge encountered by applicants is that, the institution charged with this mandate- The Lands Com-

					mission, is found only at the regional level in the regional capitals. This means that to access its services requires long distance travels and inconveniences on the part of applicants. This also may prolong the days required for the permit acquisition.
3. Applications passed by lands Commission are further checked in detail in their planning aspects at the Town and Country Planning Department. With the recommendation of the Secretary (Town Planning Officer) on each, the applications are put before the Statutory Planning Committee for the grant of <b>Development permit</b> for each approved appli-	Town and Country planning Department	1	2		<p>The Town and Country Planning Department at this stage of the application process vets the application against Development Standard Specifications. In doing this, the department seeks to ensure that certain technical aspects such as maximum/minimum frontages, building lines/setbacks have been allowed to ensure adequate ventilation, light and separation for privacy and in the event of fire outbreaks. The proposed development is also assessed in terms of its conformity or otherwise to Height limits and the ability of the plot to accommodate the proposed development given its size.</p> <p>The vetting at this stage also, seeks to ensure that basic supporting facilities such as toilet, bath and water facilities have been incorporated in the design of the building. The adequacy of these facilities is assessed in terms of the</p>

cation.					number of users or occupants.
The building (detailed) plans of the approved applications, together with the Development Permits are dispatched to the Assembly through the Engineer's Department for checks on the Architectural, Structural and detailed designed aspects of the proposed development.	City Engineers' Department	1	1		The city engineers department functions, among other things to ensure the enforcement of building codes and regulations. During the permit approval process, the department is charged with the responsibility to check the structural integrity and detailed designed aspects of the proposed building. The department also checks to see the strength and aggregates of materials against standard specification. The rationale is to prevent structural deficiencies and the tendency of buildings to collapse thereby promoting public safety.
The Assembly's Medical Officer of Health, on behalf of the Assembly, checks the health and Sanitation aspects of the proposed	Metropolitan Health Directorate/Environment and Sanitation Inspectorate	1	2		The rationale of this stage of the application is to ensure that basic sanitation facilities are present in the proposed development. The medical Officer also assess the detailed design of the proposed development to ensure that adequate consideration has been given to ventilation such that infections could easily be curtailed in the

development					event of outbreak.
When a plan has passed these tests, the Assembly (Engineer) issues to the applicant a Building Permit. With this permit, the Development Permit and approval issued from the Land Commission certifying that the ownership of the land is in order, the applicant is entitled to build.	Local Authority (MMDAs)	<b>1</b>	<b>1</b>	<b>90days</b>	<p>The entire process can take longer than the stipulated schedule due to the difficulty involved in getting the inputs of all the departments and institutions outlined above. Additionally, it becomes increasingly difficult for the Statutory Planning Committee (SPC), which is also constituted by representatives of various departments and institutions to convene meetings regularly for the grant of building permits.</p> <p>It is important to mention that, the process discussed above may involve additional steps and institutional involvement for other proposed developments such as large scale industrial and commercial developments. In such instances, the Environmental Protection Agency will have to assess the environmental impact to inform the granting or refusal of development and building permits. This is also likely to extend then process beyond a three-month period.</p>
<b>Data source:</b> Interviews with Town and Country Planning Officers. Data is 90% reliable.					

**Codes:**

*Justification*

**1**=clearly justified

**2**= Somewhat Justified

**3**=Not Justified

*Efficiency and transparency*

**1**= Efficient and transparent

**2**=Some discretion in Implementation

**3**=Significant Discretion

**(c) EXPERT INVESTIGATIONS ON PUBLIC LAND MANAGEMENT**

The scope of this investigation was to provide relevant data on the incidence of expropriation and the transparency of the procedures of expropriation and generally public land management in Ghana as a means towards improving land governance in Ghana. In undertaking the assignment, literature review on the legislative framework for expropriation was carried out and supported by a sample of 713 public land sites in the Central Region of Ghana that has been subject to a public lands inventory on a pilot basis under the Land Administration Project (LAP-1). The sample data revealed that a marginal 10% of lands expropriated are compensated for and government currently occupies several sites without proper acquisition nor payment of compensation.

The findings of the investigation showed that government is struggling to manage resources that it has no idea of the extent and scope of. Consequently, a policy direction on expropriation, vesting/devesting and compensation payment is needed to address the country’s public land management problems. The Lands Commission as the public land manger should undertake the process of policy formulation in expropriation and compensation as well as vesting and devesting in collaboration with the on-going land administration project in the country.

**Assessment by Public Land Management Expert of LGAF Indicators**

<b>LGI 13, Dimension 1</b>	<b>Assessment</b>
Expropriated land is supported by the full process of acquisition	<b>A</b> – 19% of land used for public purposes are fully acquired

<b>Comments for LGI 13 (1)</b>
<ol style="list-style-type: none"> <li>1. Analysis:               <ol style="list-style-type: none"> <li>a. A total of 713 of public land sites were inventorised in the Central Region of Ghana out of which only 138 were compulsorily acquired.</li> </ol> </li> <li>2. Data Source: Land Valuation Division</li> <li>3. Data reliability: very reliable as field inspection of these sites was conducted and information in records held at the public land sector agencies verified.</li> <li>4. Rank this dimension and provide policy commentary: 4<sup>th</sup>; such lands must remain state lands and properly secured physically to prevent encroachment.</li> </ol>

<b>LGI 13, Dimension 2</b>	<b>Assessment</b>
Compensation paid for expropriated land	<b>A</b> – A marginal 10% of land acquired for public purposes are compensated for.

<b>Comments for LGI 13 (2)</b>
<ol style="list-style-type: none"> <li>1. Analysis: <ol style="list-style-type: none"> <li>b. A total of 713 of public land sites were inventorised in the Central Region of Ghana with compensation paid for only 69 sites.</li> </ol> </li> <li>2. Data Source: Land Valuation Division</li> <li>3. Data reliability: very reliable as field inspection of these sites was conducted and information in records held at public land sector agencies verified.</li> <li>4. Rank this dimension and provide policy commentary: 1<sup>st</sup>; there could be a conflict with Article 20 (2) of the 1992 Constitution which requires fair, adequate and prompt compensation for land acquired.</li> </ol>

<b>LGI 13, Dimension 3</b>	<b>Assessment</b>
Expropriated land fully utilized for its intended purpose	<b>A</b> – Less than 15% of land acquired has been utilized for purposes other than original intention.

<b>Comments for LGI 13 (3)</b>
<ol style="list-style-type: none"> <li>1. Analysis: <ol style="list-style-type: none"> <li>a. A total of 94 public land sites out of the 713 sites inventorised in the Central Region of Ghana are fully utilized for its intended purposes.</li> </ol> </li> <li>2. Data Source: Land Valuation Division</li> <li>3. Data reliability: very reliable as field inspection of these sites was conducted and information in records held at the public land sector agencies verified.</li> <li>4. Rank this dimension and provide policy commentary: 3<sup>rd</sup>; Contravenes Article 20 (6) of the 1992 Constitution which provides for a return of such lands to the owners of the lands immediately before the compulsory acquisition if the land cannot be utilized for its original purposes.</li> </ol>

<b>LGI 13, Dimension 4</b>	<b>Assessment</b>
Known public lands are not compulsorily acquired.	<b>A</b> – Less than 30% of state occupied lands are not compulsorily acquired and compensation paid for.

<b>Comments for LGI 13 (4)</b>	
<ol style="list-style-type: none"> <li>1. Analysis: <ol style="list-style-type: none"> <li>a. 713 sites were inventorised in the Central Region of Ghana, out of which the State occupies 198 sites. These are neither acquired compulsorily nor compensation paid for.</li> </ol> </li> <li>2. Data Source: Land Valuation Division</li> <li>3. Data reliability: very reliable as field inspection of these sites was conducted and information in records held verified.</li> <li>4. Rank this dimension and provide policy commentary: 2<sup>nd</sup>; land owners deprived of property rights and also impoverished. .</li> </ol>	

<b>LGI 13, Dimension 5</b>	<b>Assessment</b>
Availability and accessibility to public land database.	<b>A</b> – Data on the status of acquisition and compensation cover slightly more than 50% of state acquired and occupied lands.
<b>Comments for LGI 13 (5)</b>	
<ol style="list-style-type: none"> <li>1. Analysis: <ol style="list-style-type: none"> <li>a. Out of the 713 sites inventorised in the Central Region of Ghana, data on 377 sites are not readily available and thus assumed not to have either been compulsorily acquired or compensation paid for.</li> </ol> </li> <li>2. Data Source: Land Valuation Division</li> <li>3. Data reliability: very reliable as field inspection of these sites was conducted and information in records held verified.</li> <li>4. Rank this dimension and provide policy commentary: 5<sup>th</sup>, government efforts to develop sustainable land administration policies could be frustrated. And the worth of government landed asset may be underestimated.</li> </ol>	

#### **(d) EXPERT INVESTIGATIONS ON LAND ADMINISTRATION**

The objective of this investigation was to assemble data pertinent to land administration in Ghana to enable an assessment of property rights mechanisms and enforcement, reliability of registry data and cost effectiveness of registries and fee schedules associated with transactions in land. To execute the task, a pilot study of MiDA in the Awutu Senya area of the Central Region was used as a case study.

The MiDA context focuses on how to approach systematic rural land title registration in Ghana, beginning from the identification of a Registration District through to the issuance of Title Certificates to Proprietors by the Land Registration Division of the Lands Commission. The procedures adopted are in accordance with provisions of the Land Title Registration Law, 1986, Provisional National Defence Council Law (PNDCL) 152; and its accompanying Legislative Instrument, L. I. 1341, the Land Title Registration Regulations, 1986.

The main customary rights and interests in land found in MiDA's pilot title registration of Awutu Senya included: Allodial Titles; Customary Freeholds (Usufructs); Leaseholds; Sharecropping Arrangements i.e. Abusa and Abunu; and Renting. Yet such sharecropping arrangements (Abunu/Abusa) appear to have given way to Renting (Akofie) in many parts of MiDA's Registration District. Strategies were developed as needed to register these interests in land in accordance with the Land Title Registration Law, 1986, PNDCL 152. An important finding was that most owners and users of land had no documents of their rights existed only as oral grants.

Parcels were actually surveyed, using GPS/Total Station equipment. Apart from Commercial Farms, virtually 95% – 98% prospective proprietors had no documents whatsoever and therefore had had to be helped by converting oral grants to written forms before migration to Title Registration itself (PNDCL 152). Formalization of land rights in the rural areas is virtually non-existent and would require Government intervention in investment and political will to push for success if agriculture transformation is to occur. It was therefore found necessary to convert these oral arrangements into written contracts (Deed) to facilitate Title registration. Cost, ignorance and ownership problems were indicated as the main reasons for non-documentation of interests in land; and given MiDA bore all costs in the exercise, its success is not in doubt.

Various innovative interventions have been introduced by MiDA for adoption and replication, including very intensive sensitization programs within affected communities than had previously been done, the conversion of oral leases to longer term written documentation of land rights that are registrable, and the use of Alternative Dispute Resolution (ADR) mechanisms as a tool for conflict resolution (before resorting to the formal legal processes where cases of conflicts and disputes are referred to the Adjudication Committee under Section 22(3) of the Ghana Law).

As with the current practice, the Survey work was outsourced entirely to the private sector with the role of the Surveying and Mapping division reduced to that of ensuring standards and giving

requisite approvals. The Survey and Mapping Division still does mainstream surveying themselves.

It is recommended that targeted measures such as the MIDA land title registration exercise are scaled up to improve the practice of land in Ghana, as well as enhance the position of women's rights to land. The use of Customary Land Secretariats in sensitization of locals on their land rights and the need to document these is also recommended.

## REFERENCES

1. Adarkwa K.K and K. Owusu-Akyaw (2001) *Development control in Kumasi a chapter contributed to the "Fate of the Tree: Planning and Managing the Development of Kumasi, Ghana."*
2. Administration of Lands Act, 1962 (Act 123).
3. Agbosu, L. K. (1980) Land Administration in Northern Ghana, in Bimpong-Buta, S. Y. (ed.), *Review of Ghana Law*, Vol. 12, pp105-133.
4. Agbosu, L., Awumbila, M., Dowuona-Hammond, C. and Tsikata, D. (2007) Customary and Statutory Land Tenure and Land Policy in Ghana, technical publication No. 70, Institute of Statistical Social and Economic Research (ISSER), University of Ghana, Accra.
5. Ansu E. (2010) District Assemblies and the Lands Commission in property Rates Administration in Ghana: A Case Study of the Municipal Assembly, Dissertation submitted to the Department of Land Economy, KNUST, Kumasi.
6. Asante, S. K. B. (1975) *Property Law and Social Goals in Ghana 1884-1966*, Ghana Universities Press, Accra.
7. Asate-Ansong, S. (1978) The Executive Control of Land Use, *Review of Ghana Law*, Vol. X, Nos 2 and 3, pp153-167
8. Ayee, J. R. A., Frempong, A. K. D., Asante, R. and Bofo-Arthur, K. (2011), Local Power Struggles, Conflict and Conflict Resolution in Ghana: The Causes, Dynamics and Policy Implications of Land-related Conflicts in the Greater Accra and Eastern Region of Ghana, CODESRIA Research Report: no. 3
9. Boateng C. N. K (2009), *Planning our urban future a presentation made at regional sensitization workshop on formulating Ghana's Urban policy organised by MLGRD at four regional centres in Ghana November and December, 2009.*
10. Bugri, J. T. (2005) *Land Tenure and Sustainable Livelihoods in North-East Ghana*, PhD Thesis, University of Greenwich, England
11. Bugri, J. T. (2007) An analysis of stakeholders' roles and rights to land in north-east Ghana, *Journal of the World Association of Soil and water Conservation*, Vol. 2, pp1-24.
12. Burns, T., K. Deininger, H. Selod, and Dalrymple, K. 2010. Implementing the land governance assessment framework. Paper presented at the FIG Conference in Sydney, Australia, April 11-16, 2010.
13. Cohen, J. (1978) *Land Tenure and Rural Development*, Discussion Paper No. 44, Harvard Institute for International Development, Harvard University, Cambridge, Massachusetts.
14. Constitution of the Republic of Ghana, 1992.
15. CPS/Terradigm (2009) Framework for the Governance and Operations of Customary Land Secretariats, A Consultancy Commissioned by LAP/CLA Unit and conducted

- by The Centre for Property Studies/Terradigm, University of New Brunswick, Canada. in collaboration with the Department of Land Economy, KNUST, Kumasi.
16. Crook, R. C. (2004) Access to Justice and Land Disputes in Ghana's State Courts: The Litigants' Perspective, *Journal of Legal Pluralism*, nr 50.
  17. Dale, P. F. and McLaughlin, J. D. (1999) *Land Administration*, Oxford University Press, New York.
  18. Dalrymple, K., Wallace, J. and Williamson, I. (2004) *Innovations in Rural Land Policy and Tenure in Southeast Asia*, FIG Regional Conference on Developing Land Administration Systems, Jakarta, Indonesia, 3-7 October
  19. da Rocha, B. J. and Lodoh, C. H. K. (1999) Land Law and Conveyancing in Ghana, Accra, Ghana.
  20. Enemark, S. (2006) Capacity Building for Institutional Development in Surveying and Land Management, 5<sup>th</sup> FIG Conferences on Promoting Land Administration and Good Governance, Accra, Ghana, March 8-11.
  21. FAO (2007) *Good Governance in Land Tenure and Administration*, FAO Land Tenure series, No. 9, Rome.
  22. Galtung, J. (1996) *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*. Sage Publications.
  23. Ghana Statistical Service (2005), *Population Data Analysis Report, Socio-Economic and Demographic Trend Analysis (Volume 1)*.
  24. Government of Ghana (1996) *Ghana Vision 2020, A National Development Policy Framework Document*, Accra.
  25. Government of Ghana (1999) *National Land Policy*, Accra.
  26. Government of Ghana (2002a) *Ghana Poverty Reduction Strategy Paper*, Government of Ghana, Accra.
  27. Gough K. V. and P. W. K. Yankson (2001) *land markets in African Cities: the case of peri-urban Accra, Ghana.urban studies*, Volume 37, No. 13 2485-2500, 2000.
  28. Groot, R. and van der Molen, P. Eds. (2001) Workshop on Capacity Building in Land Administration in Developing Countries, Final Report on Workshop held at ITC, Enchede, The Netherlands, November 12-15, 2000.
  29. Hardin, G. (1968) The Tragedy of the Commons, *Science*, Vol. 162, pp1243-1248.
  30. Hueber S. and C. de Veer (1994) *case study of land use patterns in neighbouring urban fringes of Kumasi: Bremang, Ghana research Papers No. 2, Institute of Planning and Demography, University of Amsterdam, Amsterdam*.
  31. Hooko, D. K. (1999) *The Urban Residential Development Process in Tamale, Ghana: An Application of Agency and Structure*, PhD Thesis, Department of Land Economy, University of Aberdeen, Aberdeen.
  32. IIED (1999) *Land Tenure and Resource Access in West Africa: Issues and Opportunities for the Next Twenty-Five years*, International Institute for Environment and Development, London.
  33. Kasanga R. K (1988) *Land tenure and development dialogue: The myth concerning communal landholding in Ghana*. Occasional paper 19, Department of Land Economy, University of Cambridge.

34. Kasanga, K. (2001) Land Resource Management for Agricultural Development in Ghana, A Paper prepared for the Our Common Estate Programme, RICS, London.
35. Kasanga, K. and Kotey, N. A. (2001) *Land Management in Ghana: Building on Tradition and Modernity*, IIED, London.
36. Kom, E. D. (1979) Land Tenure Reform, Review of Ghana Law, Vol X Nos 1-3, pp12-24.
37. Kotey, N. A. (1996) The 1992 Constitution and Compulsory Acquisition of Land in Ghana: Opening New Vistas?, Managing Land Tenure and Resource Assess in West Africa, Proceedings of a Regional Workshop held at Goree, Senegal, November 18-22.
38. Kotey, N. A., 2002. Compulsory acquisition of land in Ghana: does the 1992 constitution open new vistas? In: Toulmin, C. Delville, P. L., Traore, S. (Eds.). The dynamics of resource tenure in West Africa. James Currey, Oxford, pp. 203-214.
39. Kotey, N. A. (2004) Ghana Land Administration project (LAP) Legislative and Judicial Review, Draft Report Submitted to LAP, Accra.
40. Larbi, W. O., 1994. Urban land policies and delivery of developable land in Ghana. Unpublished PhD. Thesis, University of Reading, Reading.
41. Larbi, W. O. (1995) Urban Land Development Processes and Urban Land Policies in Ghana, Our Common Estate, RICS, London.
42. Larbi, W. O., A. Antwi, and Olomolaiye, P., 2004. Compulsory land acquisition in Ghana – policy and praxis. *Land Use Policy* 21, 115-127.
43. Larbi, W. O. (2006) Land Administration Reform in a Plural Environment: The Case of Ghana, a paper presented at the 5<sup>th</sup> FIG Regional Conference, Accra, March 8-11.
44. Lund, C. (1998) *Law, Power and Politics in Niger: Land Struggles and the Rural Code*, LIT Verlag, Hamburg.
45. LUPMP (2008) *Legal and Institutional Task force of the Land Use Planning and Management Project (LUPMP)*
46. Mafeje, A. B. M. (1993) *Where the Theory Doesn't Fit: Attempting to Impose Privatisation on sub-Saharan Africa only Confuses the Real Questions of Agrarian Reform*, Centre for Resource Studies (CERES) No. 139, Amsterdam.
47. Migot-Adholla, S., Hazell, P., Blarel, B. and Place, F. (1991) Indigenous Land Rights Systems in sub-Saharan Africa: A Constraint on Productivity?, *World Bank Economic Review*, Vol. 5(1), pp155-175.
48. Ministry of Justice (2003) State Land Management Regime: Impact on Land Rights of Women and the Poor in Ghana, Access to Justice Series No. 2, Ghana Publishing Corporation, Accra
49. Ministry of Lands and Forestry (2008). Inventory of state acquired and occupied lands in the central region of Ghana, Accra.
50. Ministry of Land and Forestry (2008/9) Report on ADR Survey in 10 CLSs, Phase I and II, Accra.
51. MoFA and AGRA (2010) Bread basket Transformation of Ghana's Northern Region, Final Document July, 2010.

52. Ninsin, K. (1989) The land Question in Ghana since the 1950s, in Hansen, E. and Ninsin, K (eds.) *The State, Development and Politics in Ghana*, Codesria.
53. Nordic Development Fund (2003) *Project Appraisal Report on the Land use planning Sub-component of the Land Administration Project*.
54. North, D. (1990) *Institutions, Institutional Change and Economic Performance*, Cambridge University Press, Cambridge.
55. Norton, A., Stephens, T., Aryeetey, E., Korboe, D. and Dogbe, T. (1995) *Poverty Assessment in Ghana Using Qualitative and Participatory Research Methods*, World Bank, Washington, DC.
56. Okoth-Ogendo, H. W. O. (1989) Some Issues of Theory in the Study of Tenure Relations in African Agriculture, *Africa*, Vol. 59 (1), pp6-17.
57. Okoth-Ogendo, H. W. O. (1991) *Tenants of the Crown: Evolution of Agrarian Law and Institutions in Kenya*, ACTS Press, Nairobi.
58. Okoth-Ogendo, H.W. O. (1998) Tenure Regimes and Land Use Systems in Africa: The Challenges of Sustainability, *Advances in GeoEcology*, Vol. 31, pp1493-1498.
59. Ollennu, N. A. (1962) *Principles of Customary Land Law in Ghana*, Sweet and Maxwell, London.
60. Olima, Washington H.A (1993) *Land use Planning in Provincial Towns of Kenya; a case study of Kisumu and Eldoret towns* . Projekt Verlag, Dortmund, Germany.
61. Osman, A. (2009) Consultancy Services for Capacity Gaps Assessment of Customary Land Secretariats, Ministry of Lands and Forestry, Accra.
62. Quan, J. (1998) Land Tenure and Sustainable Rural Livelihoods, in Carney, D. (ed.) *Sustainable Rural Livelihoods: What contribution can we make?*, DFID, London.
63. Rittel, H. W. J. and Webber, M. M. (1973) Dilemmas in a General Theory of Planning, *Policy Sciences*, Vol. 4, pp155-169.
64. Ruf, F. (2009) “Abunu”, the Emergence of Plantation sharing Contract in Cocoa: The Ghana case with reference to Cote d’Ivoire and Salawesi, CIRAD and GTZ Survey, Provisional Draft, December. State Lands Act, 1962 (Act 125).
65. Senge, P. (1990) *The Fifth Discipline: The Art and Practice of the Learning Organization*, Doubleday, New York.
66. Sowah, Y.O. (2011) The Emerging Oil and Gas Industry in Ghana: The Role of the Surveyor, 42<sup>nd</sup> Anniversary Lecture of the Ghana Institution of Surveyors, Accra.
67. State Lands (Amendment) 2005, Act 586.
68. Toulmin, C. and Quan, J. (eds.) (2000) *Evolving Land Rights, Policy and Tenure in Africa*, DFID/IIED/NRI, London.
69. UNDP (1998) Capacity Assessment and Development: Technical Advisory Paper No. 3. <http://magnet.undp.org/Docs/cap/CAPTECH3.html>
70. UNDP (2002) *Capacity for Development- New Solutions to Old Problems*, New York.
71. Williamson, I. P. (2001) Land Administration ‘Best Practice’ Providing the Infrastructure for Land Policy Implementation, *Land Use Policy*, Vol. 18, pp297-307.
72. Wehrmann, B. (2005) *Urban and Peri-Urban Land Conflicts in Developing Countries*, Berlin, Germany.
73. World Bank (1974) *Land Reform*, Mimeo, World Bank Development Series, Washington, DC.