

# Enhancing Efficiency in Land Management through the Customary Land Secretariats (CLSs) in Upper West Region, Ghana

Baslyd Begerr Nara\*, Darius Tuonianuo Mwingyine, Nicholas Addai Boamah, Samuel Banleman Bitir  
Department of Real Estate and Land Management, University for Development Studies, P.O. UPW 3, Wa  
Campus, UWR, Ghana

\*E-mail of the corresponding author: [bnara@uds.edu.gh](mailto:bnara@uds.edu.gh)

## Abstract

The usefulness of land to the development and wellbeing of any group of people is dependent first on its availability and then on how well it is being managed. However, little or no documentation of land transactions, boundary disputes and petit family disagreements among others have been obstacles to the efficient management of land in the Upper West region of Ghana. The research aims at finding out the extent to which the CLSs have since their inception, contributed to the attainment of an efficient land management system in Ghana using the Wa Municipal, Sagmaalu and Tabiasi CLSs as a case study. It also finds out the prospects of the CLSs and the challenges confronting them. It then provides practical and appropriate approaches to the realization of the ultimate benefits when land is well managed. The paper did these by reviewing the LAP documents and other literature on land management. Data was collected from the CLSs through direct personal and key informant interviews and also by observation. The analysis of data is done through the narrative analytical approach where the researchers captured the live experiences of CLSs in relation to the primary objectives that were spelt out for them. This enabled the researchers to determine the efficiency and effectiveness of the secretariats established based on the different approaches (supply and demand based approaches). The research revealed that the CLSs have been able to ensure peace and harmony in their operational areas through various land disputes resolution mechanisms, and promoted sustainable land use and management practices among all manner of land users in the area.

**Keywords:** Efficiency, Sustainability, Land management, Customary

## 1. Introduction

Land is at the center of all human activities, including real estate development, agriculture, mining, and industrialization. Land tenure, clear acquisition procedures, and documentation of land transactions are therefore essential if society is to benefit fully from its land resources. It is important that the place of land in the socio-political development of a country is recognized and understood (Asiama, 1989) if land is to be made available for human activities such as housing, agricultural and industrial development.

Furthermore, effective and efficient land administration systems are equally necessary if society is to reap optimum benefit from its land resources. Nonetheless, the Ghanaian land sector is bedeviled with a number of problems. These problems include indeterminate boundaries between adjoining landowners, indiscipline in the land market such as multiple land sales, conflicting claims to land, land litigation, insecurity of tenure and generally weak land administration system (Government of Ghana, 1999). There are also problems with acquisition of large tracts of land by Government with little or no payment of compensation, and the lack of consultation, coordination and cooperation among public sector land agencies (now Lands Commission and its Divisions) with land owners (Government of Ghana, 1999). These have made land increasingly inaccessible for investment and development purposes in the country.

The customary land sector which constitutes about 80% of the land ownership in Ghana also reveals inherent weaknesses. These are identified as; lack of consistency and coordination on customary practices and procedures across the country; lack of awareness by traditional authorities of Government policy, programmes and practices in relation to land; varied standards and codes of practice of allodial lands; low level of education of traditional authorities and their agents; poor records keeping; and lack of, or weak administrative machinery for customary land administration and management. These weaknesses further re-enforce the general problems in the Ghanaian land sector (Asiamah, 2011).

To address these problems and to ensure that Ghana obtains the optimum benefits from its land resources, the Land Administration Project (LAP) was initiated in 2003. The LAP aims at achieving a more rational and orderly land administration system in the country. The LAP adopted a bottom-up approach to addressing these myriad of problems. It identified the customary land sector as a key stakeholder in land administration and management. Hence, an important initiative of the LAP is the establishment of the Customary Land Secretariats (CLSs) across Ghana and the strengthening of the existing CLSs.

The CLSs aim at ensuring effective and efficient land management in the customary land sector through collaboration between the Government and traditional authorities and other stakeholders. To this effect, the CLSs were established to facilitate the rationalisation and streamlining of the administration of customary lands, improvement of customary land accessibility, processing of customary land documentation, and improvement information flow between customary land administration and State Land Agencies (Asiamah, 2011).

## **2. Land Ownership in Ghana**

Land ownership in Ghana can be broadly grouped into two; public and customary (stool, skin, clan, family, individual) lands. Two separate, though inter-related tenurial systems are recognized in Ghana- public (state lands, 20 %; vested lands, 2 %) and customary (about 78 %) lands (Kasanga, 2008).

### **2.1. Public Lands**

The public lands comprise state lands and vested lands. The state lands are lands acquired by the State under the State Lands Act 1962, Act 125 and the 1992 Republican Constitution of Ghana, Article 20. These lands are compulsorily acquired in the public interest and are owned and managed by the State. Provision is made for the payment of prompt and adequate compensation to the expropriated. Vested lands are lands that are owned by both the state and the customary owners; the legal title is vested in the President of Ghana, and the beneficiary interest vested in the original customary owners. These lands are managed by the state through the Administration of Lands Act, 1962, Act 123. In the case of vested lands, compensation is not paid. The allodial owners are entitled to periodic payment of rent when the state releases the land for development.

### **2.2 Customary Land Ownership**

Under customary land ownership, the highest interest in land - the allodial title is vested in the occupant of the stools and skins in the Akan and some Ga communities, and in the Northern region respectively in trust for the people. In the Upper West and the Upper East Regions, the allodial title is vested in the tendamba (first settlers), (Kasanga and Kotei, 2001). In some parts of the Greater Accra, Central and Volta regions however, the lands are vested in the clan/family heads but also in trust for the people of the land owning group as customary lands are communally owned. Center for Democratic Development, CDD (2002) notes that customary lands have their allodial or paramount interest traceable to a stool, skin, clan or family. Arko-Adjei (2005) noted that land ownership under Ghanaian customary tenure is based on absolute "allodial" or paramount title from which all other lesser titles, interests and rights in the land are derived. These lesser interests include sub-paramount title, usufructuary, or determinable title. Ollenu (1962) notes that land belongs to a vast family of whom many are dead, a few are living and a countless hosts are still unborn. The community is therefore responsible for ensuring its preservation and subsequent enjoyment by both the present and future generations. The community here could mean an entire tribe or a small family (Bentsi- Enchi, 1964). Customary lands can therefore not be sold outright under the customs and traditions of Ghana. The land cannot be alienated and the living must use the land in a manner that does not jeopardize the interest of future unborn generations (Mends, 2006). Land is sacred, hence the obligation is that it should be used judiciously by ensuring that the present and future well-being of the communities are met, and promoted (Kasanga, 2008).

## **3. Land Administration in Ghana**

Land administration in Ghana is in two main categories; customary and state. Thus the lands are administered by both customary rules and regulations and state institutions and laws. Government of Ghana (1993) attaches great importance to the management of land for the benefit of the owners when it provided in Article 36 (8) that:

The state shall recognise that the ownership and possession of land carry a social obligation to serve the larger community, and in particular, the state shall recognise 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 (1992 Republican Constitution of Ghana, Article 36 (8)).

The Lands Commission is the main statutory body involved in land management in Ghana. This Commission was reconstituted under the land administration project by the Lands Commission Act, 2008, Act 767 comprising a number of divisions. These are Land Valuation Division, Survey and Mapping Division, Land Title Registration Division and Public and Vested Lands Management Division. The Office of the Administrator of Stool Lands and the Town and Country Planning Department are independent bodies that work directly with the Lands Commission.

State lands are particularly entrusted in the care and management of the Public and Vested Lands Management Division which also exercises some control and management functions over customary lands. Article 258 of the 1992 Constitution of Ghana provides for the establishment and functions of the Lands Commission. The Lands Commission was given birth to by the Lands Commission Act, 1994, (Act 483). Among its functions, the Commission is to manage on behalf of the Government, public Lands and any other Lands vested in the

President by the Constitution and by any other law or any lands vested in the Commission. The Commission is also to advise the Government, local and traditional authorities on coordinated land development and assist in land title registration in the country.

The functions of the Land Valuation Division include assessing the compensation payable upon acquisition of land by the Government, assessment of stamp duty and determining the values of properties rented, purchased, sold or leased by or to Government. In addition the Division prepares and maintains valuation list for rating purposes, determines valuation of interests in land or land related interests for the general public at a fee, determines valuation of interests in land for the administration of estate duty and other functions determined by the Commission.

The Survey and Mapping Division supervises, regulates and controls the survey and demarcation of land for the purposes of land use and land registration, takes custody of and preserves records that relate to the survey of any parcel of land; directs and supervises the conduct of trigonometric, hydrographic, topographic and engineering surveys; and co-ordinates the preparation of plans from the data derived from survey and any amendment of the plans as well as the production of photogrammetric surveys including aerial photography, orthophotomapping, and remote sensing. It is also involved in supervising and regulating operations that relate to survey of any parcel of land amongst others

The functions of the Land Registration Division include publication of notices of registration upon receipt of an application for registration, registration of title to land and other interests in land, registration of deeds and other instruments affecting land in areas outside compulsory title registration districts. The others are maintaining land registers that contains records of land and other interests in land and other functions determined by the Commission.

The Office of the Administrator of Stool Lands (OASL) is recognized by the 1992 Constitution of Ghana and was established in 1994 (under Act 481). The chief function of the OASL is to establish stool land accounts for each stool, collect stool revenue and disburse same to the beneficiaries in accordance with constitutional provisions. This is to ensure that fruits that accrue to lands are effectively managed for the benefit of the entire land owning group.

The Town and Country Planning Department, according to the Local Government Act, 1993, (Act 462) comes under the Metropolitan and District Assemblies, is charged with the preparation of planning schemes. This is very fundamental for efficient land development.

The administrative functions of customary lands however, are primarily vested in the occupants of the stool/skin or the clan/family head. Customary lands are regulated in line with the customs and traditions of the people. The allodial title holders can deal with the land in any manner including releasing land for development provided the dealings conform to the customary law and usage of the people. Article 267 (3) of the 1992 of Ghana however makes the disposition of stool/skin or family land ineffective unless that disposition receives the consent and concurrence of the Regional Lands Commission of the region in which the land is situated.

The efficiency and effectiveness of these institutions are however, limited. Various factors are identified as contributory factors to the poor land administration system in Ghana. These factors include: poor coordination between the land sector agencies and with customary institutions and other relevant agencies, overlapping and conflicting functions, slow service delivery, inadequate logistics and human resources, distant administrative centres, inadequacies in legislative provisions and outmoded statutes (Government of Ghana, 1999).

#### **4. Land Acquisition in Ghana**

It is a straight forward process when acquiring public lands as the lands are demarcated and allocated by the Lands Commission to the public upon application. A Ghanaian can have a maximum of 99 years whilst a Non-Ghanaian can have up to 50 years lease. To acquire state land, a developer must first submit his application to the office of the Registrar of Lands who refers the application to the Regional lands sub-committee in the region where the land is situated. The regional sub-committee then verifies at the Town and Country Planning Department to ascertain whether the proposed development conforms to the development plans for the area. The application is sent to the Minister of Lands for approval, after which it is returned to the office of the lands Registrar. If the application is approved and necessary lease prepared, the applicant then submits it for registration.

In the case of customary land acquisition, one has to first contact the caretaker chief (in stool land areas) or Tendaana (in the Upper East and West Regions) or clan/family heads (in clan/family land areas); the parties then negotiate for acceptable “drink money” since land values are not really determined by market forces. The question of ‘drink money’ which pertains in the customary sector is bivalent; at one level, drink money is a token payment to a traditional head in lieu of a visit, at the other level it could be huge sums of money, sometimes equivalent to the open market value of the land but in either way no receipts are usually given thereby creating accountability problems (Kasanga, 2008). A plot or parcel of land is then allocated to the developer. In stool

land areas such allocations must always be counter signed by the occupant of the stool for it to be effective. Irrespective of the amount of drink money paid, allottees also incur another transaction cost by way of payment to the stool before the counter signing could be done by some Chiefs. With the allocation note duly signed and the land properly acquired, the applicant then prepares his lease which must be signed by both the caretaker chief and the occupant of the stool. In addition to incurring the cost of lease preparation, the applicant would also have to pay the stool before the occupant of the stool could append his signature. The signed lease, allocation note and the approved site plans are then sent to the Lands Commission for concurrence.

The Land Title Registration Division does the final registration of title to land whether state or customary. There are currently two forms of land title registration in the country; those made under the Land Title Registration Law 1986, (P.N.D.C.L 152) and registration made under the Land Registry Act 1962, (Act 122). The PNDCL 152 is currently operating in Accra, Kumasi, Tema and their surroundings. In all other parts of Ghana, the Act 122 is the main law governing the registration of land. The PNDCL 152 was promulgated in 1986 to replace the Land Registry Act (Act122) and thereby address the shortcomings of Act 122. It is expected, that in future the P.N.D.C.L 152, will eventually replace Act 122, and thus becomes the only law governing land registration in the country. The Law 152 provides for the registration of all interests in land - customary law and common law, and also provides that interests held by stools, skins, and families should be registered in the name of the corporate group (Kasanga, 2008). Section 95 of the Land Title Registration Law, 1986, PNDCL 152) makes the stamping of an instrument a requirement for registration.

#### 4.1 Insecurity of Tenure in Ghana

There is high indiscipline in the Ghanaian customary land market. It is especially so in high demand areas where multiple sales are common, leading to conflicting claims, vandalism, land litigation and insecurity of title. There is loss of respect for traditional values and some custodians which has brought about serious governance issues in land administration in the country. This indiscipline in the land market is re-enforced with the illegal introduction of land guards to protect people's land. This has adversely affected the smooth administration of land in the country (Kasanga, 2008).

The urban land market is characterised by multiple land allocations, widespread disputes, indeterminate boundaries, unapproved land sales and the absence of dependable database of land owners (Gough and Yankson, 2000, Gamba, 2001, Antwi 2002). Customary lands constitute about 80% of the total land area of Ghana however, their boundaries are seldom demarcated on official maps; unconventional methods such as trees and streams are used. When the tree is uprooted, the boundary line disappears, and provides grounds for disputes, competition for the land, and litigations, by adjourning stools (Gamba, 2001). There is therefore no formal information on these lands at the disposal of government and other land users (Arko-Adjei, 2005). Land boundaries are not drawn up and recorded and need to be defined and accepted by people suspicious of each other (Jaffe and Renaud, 1996).

Land ownership and its associated rights are not established through any formal processes but mainly by one's occupation and use of the land; a situation which has resulted in numerous land litigations and conflicts in customary land areas. The common source of land litigation is the lack of documentary proof establishing the occupant's rights over the land (PNDCL 152, 1986). The major problem associated with the acquisition of customary lands is therefore the identification of the rightful landowners. Until the issues of ownership and boundary rights are resolved, it would be inappropriate to talk about security of title especially in customary land areas. The legal, environmental, social, agricultural and economic proceedings in the country (Arko-Adjei, 2005) have been negatively affected by the insecurity of tenure. Land developers also face high and multiple costs by way of drink money, signing fees for allocation notes, and lease signing fees in addition to other frustrations they go through before being allocated a parcel of land. Land acquisition and documentation costs can simply not be known or estimated until the process is completed. The problem of insecurity of title to land and the uncertainty in land transactions have persisted (Kasanga, 2008) for so long.

Due to the costs and the uncertainty surrounding land transactions, most developers fail to complete the title registration process once they secure the allocation note. This creates grounds for conflicts and vandalism once the original land owners variously sell the same land to different parties and one of them subsequently decides to perfect his title to the land. The land administration system in general is weak and makes us unable to derive sufficient benefits from it. It is unclear as to who has the legal right to allocate lands within family or stool lands (Kasanga, 2008). Different members of the family may make allocations in family land areas. Similarly, in stool land areas different claimants or gates may allocate lands. This system often leads to the multiple allocation of a given parcel of land to different people. Multiple land allocations and land encroachment are therefore prevalent in major cities like Kumasi and Accra where demand for land is high. This has led to conflicting claims to land, land related litigations and insecurity of tenure. It is therefore unsurprising that the Ghanaian land sector is bedeviled with numerous court cases. Land disputes constitute about 45-50% of the total cases in the Ghanaian courts (Crook, 2004) with over fifteen thousand cases in the Greater Accra Region alone (Alhassan, 2004).

Kasanga (2008) notes that statistics at the judicial service registry indicates that land related litigations rank first in the number of cases before the Accra and Kumasi courts despite the implementation of Law 152 and the subsequent establishment of the adjudication committees in these areas. He notes that it takes five to eight years to resolve land cases before the courts. There are even land cases that date back to the 1960s which are still pending in the Accra and Kumasi courts. Resolving land disputes through the courts are rather slow, expensive, associated with unnecessary adjournments and frustrations. The level of land insecurity in the country has exposed those seeking to acquire land for investment or productive purposes to significant risk and embroiled their transactions in huge controversies. The result is under utilised real estate resources, high costs, urban sprawl, high infrastructure gap and high land cost and the rise of land guards in urban cities (Kasanga, 2008).

Land title registration in Ghana is ineffective, time consuming, cumbersome, expensive and frustrating. Kasanga (2008) notes that after two decades of compulsory title registration only selected districts in Greater Accra and Ashanti regions out of the ten regions in the country are currently registering land under the Law 152. The title registration cost, the associated frustration and the cumbersome nature of the registration procedures have discouraged many people from securing formal title to their lands. Addai et al. (2011) finds that only 5 (1.2%) out of 408 private properties and none of the 266 government properties surveyed in the Kumasi metropolis had formal legal titles. Land transactions are mostly informal in customary land areas resulting in countless land disputes and litigations. Title applicants have to move from one agency to the other to complete the various stages of the registration process. For instance a title applicant first submits his site plans to the Lands Commission of the region in which the land is located for verification and approval before concurrence is granted. Where there is no existing site plan, the prospective purchaser would have to contact Regional Survey and Mapping Division for them to prepare a site plan for the plot for it to be sent to Lands Commission. The concurred lease is then submitted to the Deeds Registry for registration (in the case of northern Ghana). The deed procedures are complicated and bureaucratic and are liable to corrupt practices (Arko-Adjei, 2005). The financial cost, time, and frustrations associated with each stage of the process cannot be quantified by the deed applicants. These have created a sound environment for corruption. Most plot owners therefore simply avoid registering the title/deed to their lands/respective plots and make it prone to tenure insecurity. The process is also slow and has created a massive backlog of unprocessed title/deed applications. Gambrah (2001) noted that the backlogged title applications at the Land Title Registry in Accra alone are thirty thousand (30,000) with an annual increase of about three thousand six hundred applications. Only one out of 286 respondents claimed to possess complete formal documents specifying their interests in the property (Antwi, 2002). The land titling registration system in Ghana is isolated from most of the people in customary land areas and in most instances the system is not recognized by the people. The resulting effect is that ownership information on large tracts of land is unknown; thereby leading to conflicting claims to land. The land sector agencies generally therefore are unable to ensure effective and efficient land services delivery under these circumstances.

## **5. The Land Administration Project (LAP)**

The problems in the land sector led to the formulation of the National Land Policy in 1999. This further resulted in the implementation of the LAP. It is a 3 phase (5 years each) project with the possibility of an extension to 25 years; it is now in phase two on the implementation schedule. It is a collaboration between Ghana and six of her development partners - International Development Association (IDA)/World Bank, Department for International Development (DFID), Kreditanstalt für Wiederaufbau (KfW), German Technical Cooperation (GTZ), Nordic Development Fund (NDF) and Canadian International Development Agency (CIDA).

Phase one of LAP has four components; harmonizing land policy and regulatory framework for sustainable land administration, institutional reform and development, improving land titling, registration and valuation, and information systems, and project management, monitoring and evaluation. The long term objective of LAP is to reduce poverty and enhance social and economic growth through improving security of tenure, simplifying processes of land acquisition, fostering prudent land management practices, developing the land market, establishing an efficient and sustainable system of land administration, both state and customary. Under the institutional reforms in the land sector, the LAP sought to restructure the public land sector agencies into a one-stop-shop, decentralize and strengthen land administration services to the district level, fortify private land sector institutions (Ghana Institution of Surveyors, Ghana Bar Association and the Ghana Institute of Planners), strengthen land administration and research institutions and to improve customary land administration through the establishment of Customary Land Secretariats (Larbi, 2007).

### **5.1 Customary Land Secretariats (CLS)**

The LAP has since its inception in 2003 established over 38 CLSs across the country including Wasa Amenfi, (Greater Accra region), Tamale (Northern Region), Dormaa Ahenkro (Brong Ahafo), Okyehene (Eastern Region), Sandema (Upper East), Kete Krachi (Volta Region). These were established based on the following selection criteria set by the LAP; existence of some form of traditional land secretariat, strong central customary

authority, a large area of influence, and the consent of the traditional authority. The Gbawe Kwatei Family and the Otumfuo CLSs which were already in existence were then strengthened by LAP.

The establishment of these secretariats is based on either the demand-driven or the supply-driven approaches. When the provision of the CLS is demand-driven, it implies that the communities are the initiators of the process whilst LAP provides logistical and technical support. The supply-driven approach is where LAP initiates and engages the stakeholders to establish a secretariat.

In the Upper West Region three CLSs have been established namely the Tabiasi, Wa Central and Sagmaalu Customary Land Secretariats. These CLSs form the core of the study. Interviews with these CLSs revealed that their primary objectives are; ensure peaceful coexistence through dispute free land transactions, resolution of land related disputes, and sustainable land use and management practices.

## 5.2 Major Findings

The findings have been structured under the following headings; Structure of CLSs, Responsibilities, Activities and Achievements and Challenges.

### 5.2.1 Structure of CLSs

#### 5.2.1.1 Tabiasi Customary Land Secretariat

The Tabiasi CLS is located in the Tabiasi community in the Nadowli District (now Daffiema-Issa District) of the Upper West Region, Ghana. It is the first CLS established in the Upper West Region. The participating communities are Tabiasi, Sazie, and Kanato which are further sub-divided into sections [Tabiasi (6), Sazie (2) and Kanato (1)] with each section constituting one extended family. The Tabiasi and Sazie communities have one ancestral route and hence a common source of customary title to their lands. The allodial title to the Kanato land is vested in the Tabiasi community.

This CLS is managed by the Land Management Committee (LMC) which is the highest decision making body. The LMC comprises two (2) representatives from each of the nine (9) sections, the Tendamba (from Tabiasi and Sazie), and chiefs (from Tabiasi and Sazie). The LMC is responsible for strategic planning, determination of rightful owners of parcels of land, and the adjudication of land disputes. Under the LMC is the administrative team which comprises the coordinator (head), the secretary and the financial secretary. This team is responsible for the day-to-day running of the secretariat.

#### 5.2.1.2 Wa Central Customary Land Secretariat

The Wa Central Customary Lands Secretariat (WCCLS) is located in the Wa Municipality. Negotiation for the establishment of the CLS started in 2003 but it was officially inaugurated on June 25, 2008. This CLS unlike the Tabiasi CLS is demand-driven such that its establishment was based on the traditional land owners' initiative rather than LAP initiating the process. The highest decision making body is the Land Management Committee (Board of Directors). The Board comprises two representatives and the Tendaana from each of the 26 communities which form the Wa Central CLS. This committee attends monthly meetings and is responsible for supervising the administrative team. Under the LMC is the administrative team which comprises the coordinator (head), Secretary and Assistant, Accountant, Sensitisation Officer, typist and assistant, chairman and vice for dispute resolution. This team manages the day-to-day activities of the secretariat.

The WCCLS has a Dispute Resolution Committee (DRC) which adjudicates on land related disputes that are brought before it. The DRC resolves disputes in a friendly and cordial manner using the customs and tradition of the people. Before the adjudication processes starts, the parties to the disputes take an oath to speak the truth and to accept the outcome of the adjudication.

#### 5.2.1.3 Sagmaalu Customary Land Secretariat

The Sagmaalu CLS is also located in the Wa town. The CLS was established on the 11<sup>th</sup> September 2008. This CLS, just like the WCCLS was demand-driven. The secretariat is managed by a land management committee which is responsible for land dispute resolution. The committee is made up of two representatives from each of the 20 communities which form the CLS. There is also a land allocation committee which facilitates the allocation of land to prospective land users. The day to day activities of the CLS are managed by an administrative staff comprising a coordinator, an accountant, a clerk and a secretariat.

#### 5.2.1.4 Powers and Responsibilities of the CLSs

Generally, the powers of the CLSs are not specifically spelt out. However they exercise some powers which include the prevention of people from misconducting themselves in land acquisition issues like multiple sale of land. They also engage in facilitating the arrest of unlawful land developers and enforcing land transactions. Their responsibilities generally include sensitising people on land issues, facilitating lease preparation on land transactions registered by the CLS, coordinating and harmonizing land transactions, supervising land uses within their jurisdictions, site inspection and registration of lands and persuading land disputants to resort to the secretariat for redress.

#### 5.2.1.5 Achievements

The CLSs within the period of their existence have achieved some successes. These include; the sensitization of

people on land use and development, recording of land transactions, inspection of lands prior to sale as a means of preventing multiple land sales, and land dispute resolution. On dispute resolution, the Wa Central CLS has resolved 7 out of 16 land disputes brought before them whilst the Tabiasi CLS has resolved 3 land related disputes since their establishment. The limited land disputes in the Tabiasi area could be attributable to the strong family ties between members of the communities and the limited demand and competition for land. On land documentation, the Wa Central and the Tabiasi CLSs have recorded 44 residential plots and 72 farm lands allocated to settler farmers and facilitated the registration of same at the Lands Commission.

One interesting feature of the DRC's principles is that land is allocated on a first come first served basis. By this principle, if two people come before the DRC claiming ownership to the same parcel of land, the person who acquired the land first gets the land notwithstanding any fact that this person does not have a lease document covering the land. This principle may have no place in land law especially when the subsequent buyer has superior title to the land. In one of the issues resolved by the DRC, a subsequent buyer with properly documented lease on the disputed land surrendered the lease to the first buyer who had no formal title to the land in exchange for a new land allocated to him. The parties to the dispute also agreed to share the cost of the lease preparation and the documentation of the second land to be allocated.

All the CLSs work in collaboration with the traditional authorities, Land Administration Project Secretariat, the district Assemblies and the Land Sector Agencies. The collaboration with the last two is not however effective.

#### 5.2.1.6 Challenges

The CLSs are faced with a number of challenges. They are inadequate financing and logistics such as vehicles, little cooperation and support from the Municipal Assembly and other Land Sector Agencies (LSAs). There are problems with undemarcated land boundaries, lack of cooperation from some community members and absence of electricity particularly in Tabiasi affecting the effective utilization of the few logistics supplied to them by LAP.

#### 5.2.1.7 Other Findings

CLSs in the study area have the misconception that the Secretariats are supposed to prepare land documents including site plans, lease documents and layouts. The secretariats do not determine land values/land prices. It is left to the market players and forces. All the Customary Land Secretariats studied charge token fee for registration/documentation of plots and the transactions on them

In their adjudication of land related cases, the urban secretariats also charge a fee for adjudication of cases. This is shared between the complainant and the defendant in the ratio of 60% to 40% respectively. This deters complainants from making unsubstantiated cases. After the case has been heard, the vanquished is further required to pay a penalty in the form of cash in the urban secretariats and items in the case of Tabiasi.

## 6. Conclusion

In the short period of existence of the CLSs in general, they are doing well with regards to the aims for their establishment. The WCCLS and Sagmaalu CLS have shown signs of vibrancy as compared to the Tabiasi CLS. The Tabiasi CLS, though the first to be established in the region, it does not have much activity. These differences are due to their location; rural or urban. WCCLS and Sagmaalu CLS are located in the Wa Municipality hence the vibrant land market. Tabiasi CLS on the other hand is located in the rural area with a less vibrant land market.

The administrative structure of the WCCLS is much more organised than that of the Tabiasi CLS. The demand-driven nature of the WCCLS has also contributed to the more vibrant nature of the secretariat as opposed to the supply-driven Tabiasi CLS. The Sagmaalu CLS though demand-driven, does not seem to be very vibrant compared to that of the WCCLS. This is attributed to the fact that the Sagmaalu CLS is composed of more rural communities with much less land transactions than those of the WCCLS. The fact cannot be ruled out that the lack of facilities including electricity in Tabiasi is a contributory factor to the less vibrant activities in this area.

It is remarkable to note that all lands acquired through these CLSs have little or no litigations on them. The simple reason is the fact that all the recognised land owners in these areas are found within one or the other of these CLSs.

Furthermore, the land management challenges in Ghana can be safely overcome when there is increased involvement of the land owners in all land transactions and processes. Also, it is imperative to add that increased sensitisation of all stakeholders in land would lead to a clearer understanding and appreciation of the need to cooperate for an efficient land management system in the various localities in particular and the country as a whole for the benefit of everyone.

## 7. Recommendations

It is recommended that CLSs should be provided upon demand in order to give ownership to the communities and thus ensure sustainability. Among other things, the nature of the land market and the kinds of transactions on

it should facilitate the decision on whether or not to provide a CLS to a particular community. The facilities provided to CLSs should be in conformity with the physical and human environment (i.e. electricity etc and academic qualification/commitment respectively) to guarantee that they would be put to use and not scattered or left to deteriorate more quickly due to non use as observed in Sagmaalu but more especially in Tabiasi.

## 8. Acknowledgements

The authors acknowledge the staff of the various Customary Land Secretariats for cooperating with us and providing us with useful information regarding their activities. We would also like to thank the chiefs, Tendaamba and people of the study area for readily welcoming us and willingly furnishing us with information available to them.

We are further grateful to colleagues who passed one or two comments on this work from the time we started until this final outcome. All these contributions have helped to shape the final output where Ghana is the beneficiary of a more efficient land management system.

## References

- Addai, A., Owusu, J., Poku – Gyamfi, Y., and Gyambibi, D. A. (2011). Systematic Land Title Registration: A Dynamic Approach to Land Registration Using GIS, Bridging the Gap between Cultures, Marrakech, Morocco, 18-22 May 2011.
- Alhassan, O. (2004). “Accessing Customary Land for Development: Consideration for Improvement”. Presented at the Office of the Administrator of Stool Lands Workshop, Kumasi.
- Antwi, A. (2002). A Study of Informal Urban Land Transactions in Accra, Ghana, Royal Institution of Chartered Surveyors Foundation.
- Arko-Adjei, A. (2005). “Titling Customary Lands -Emerging challenges facing the Land Administration Society in the New Millennium: Case from Ghana” Presented at the ITC Lustrum Conference on Spatial Information for Civil Society -Capacity building for the international geo-information society, ITC, Enschede, the Netherlands, 14-16 December 2005
- Asiamah, S.O (1989). Housing Finance and Market Study, LAND MDPI, Accra
- Asiamah, S.O (2011) Land Administration in Ghana: Customary Land Secretariats
- Bentsi - Enchi (1964). Ghana Land Law; Sweet and Maxwell, London
- Centre for Democratic Development (2002). Organizational Study of Land Sector Agencies. CDD: Accra
- Crook, C. R. (2004). “Access to Justice and Land Disputes in Ghana’s State Courts: The Litigants’ Perspective”, *Journal of Legal Pluralism*, 2004-nr. 50.
- Gambra, A. (2001). The General Indiscipline in the Land Market-Pragmatic Solutions: Private Sector Approach. A Workshop Paper, May 2001.
- Gough, K.V. and Yankson, P.W.K. (2000). “Land Markets in African Cities: The Case of Peri-urban Accra, Ghana”, *Urban Studies*, Vol. 37, No. 13, 2485– 2500.
- Government of Ghana (1962). State Lands Act 1962, Act 125. GoG: Accra
- Government of Ghana (1962). Administration of Lands Act 1962, Act 123. GoG: Accra
- Government of Ghana (1999), National Land Policy Document
- Government of Ghana (1986). Land Title Registration Law 1986, P.N.D.C.L 152. GoG: Accra
- Government of Ghana (1992). The Constitution of the Republic of Ghana. Ghana Publishing Corporation, Accra.
- Jaffe, M. and Renaud, B. (1996). “Strategies to Develop Mortgage Market in Transition Economies”, *Policy Research Working Paper*, the World Bank, Financial Sector Development.
- Kasanga, K.R. (2008). Land Policy and Land Management from the Traditional Perspective in Ghana, a Paper Presented at the University of Leeds, April, 2008.
- Mends, T.M. (2006). Customary Land Tenure and Urbanization with a Case Study of the Peri-urban Area in Accra, Ghana, Msc. Dissertation, International Institute of Geo-information Science and Earth Observation, Netherlands.
- World Bank (2005). Doing Business in 2005 Report. Washington DC: WB