



**REDUCING CONFLICTS AND ENHANCING LAND ADMINISTRATION
- CASE OF CUSTOMARY BOUNDARY DEMARCATION IN GHANA**

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**Paper prepared for presentation at the
“2017 WORLD BANK CONFERENCE ON LAND AND POVERTY”
The World Bank - Washington DC, March 20-24, 2017**

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Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



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Abstract: Ghana's National Land Policy of 1999 identified the **indeterminate** boundaries of stool, skin, family and other communally-owned lands, as one major problem and constraint that continues to disturb efficient land administration in the country. The indeterminate boundaries of stool, skin, family and other communally-owned lands, is a direct consequence of the lack of reliable maps, plans, land-data and the use of unapproved, old or inaccurate maps. These have led to great reliance on natural features as land boundaries giving rise to land boundary and ownership conflicts between and among stools, skins, families and other land owning groups and individuals. The indeterminate boundaries have caused a tall list of land boundary/ownership disputes clogging the judiciary making it difficult for the court system to function efficiently, denied investors the access to land for projects and delayed the implementation of development programs thereby thwarting national development.

This work examines the implementation of Customary Boundary Demarcation (CBD) under the Land Administration Project as the panacea to the problem. The work debates implementation successes and challenges. Results confirm that, it is absolutely possible to successfully conduct customary boundary demarcation of allodial interests in complex land tenure systems contrary to belief and that, the Demand Led approach to CBD guarantees a high degree of chance that, there will be commitment from the side of the land owners towards the implementation of the demarcation. The study also found a corresponding reduction in the number of ownership disputes as a direct consequence of the demarcation. The work has underscored the fact that, CBD's have a greater chance of success in areas where Customary Land Secretariats have been established as the CLSs help in the public education and sensitization of community people on the demarcation process and aid in the quick resolution of conflicts as and when they arise. The work concludes that, the Bongo CBD provides many useful lessons that will enable other land owning communities in Ghana and beyond improve upon land management at the customary level through a participatory approach. The work however recommends a process of monitoring located within Civil Society and based at the community level with individuals, groups and communities acting as Monitors to actually help the local people to get deeply involved so as to be able to defend abuses by traditional leaders.

Keywords: Tenure Security, Boundary Demarcation, Customary Land Administration



CHAPTER 1 - BACKGROUND

The importance of land to Ghana's economic development has been acknowledged by studies and reports including the Ghana National Land Policy, the Ghana Poverty Reduction Strategy (GPRS 1), the Growth and Poverty Reduction Strategy (GPRS 11) and the Ghana Shared growth and Development Agenda (GSGDA). These studies and reports all recognize the considerable role the land sector plays in the attainment of poverty reduction and the Millennium Development Goals (MDG's) whose successful implementation and achievements largely depended on how best land issues were tackled. They aim to ensure sustainable equitable growth, accelerated poverty reduction and the protection of the vulnerable and excluded within a decentralized democratic environment.

The specific problems of land administration as identified in the case of Ghana include a system that excludes land owners and chiefs from major decisions on land administration, indeterminate boundaries of customary lands resulting in disputes and litigation and difficult access to Land, thwarting both urban and rural development. A world bank assessment states: *The different types of land tenures and the land administration system prevailing in Ghana evolved over time from the interplay of socio-political organizations of the various tribes, clans and families through trade, wars and incorporation; the advent of colonial rule and the subsequent introduction of tree crop agriculture as well as commercial exploitation of timber and mineral resources; post-independence politics and urbanization.* World Bank (1995) The resultant effects being; inadequate security of tenure caused by indeterminate boundaries of stool/skin and family lands and their effect on access to land for large scale agriculture, industrial, commercial and residential development.

In recognition of these challenge, the Government in 1994 initiated work on formulating a new National Land Policy, following a report by the Law Reform Commission which highlighted the inadequacies and inequities of land administration which were prolonging court cases and subsequently delays in the implementation of development programs.

The production of the Land Policy was consultative, participatory, interactive, inclusive, consensus-based, timely, and professional; gender sensitive, innovative and cost effective. It was approved and adopted by government in January 1999 and adopted in June the same year. The policy laid out the background,



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overall policy objectives, guidelines and actions envisaged and also noted the enormous importance of land capital to Ghana's economic advancement, as it constitutes the nation's socio-economic backbone, the basis of its wealth, the realm of its physical and political strength and the source of its sustainable livelihood and very survival. The policy aimed at facilitating a rational and orderly system of land administration and pledged the government to address the serious problems affecting the sector. Its long term goal was to stimulate economic development, reduce poverty and promote social stability by improving security of land tenure, simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management.

Ghana Government with the assistance of the World Bank and development partners launched the medium to long term (15-25years) Land Administration Project (LAP) in 2003 to implement the policy recommendations. The aim of LAP was to improve the land administration system through institutional and process reforms for both the state and the customary land owners via four components. The reforms aim at improving tenure security, simplifying the processes of land ownership identification, registration, acquisition and ultimately enhance economic and social growth to reduce poverty.

The specific objectives of LAP was to lay the foundation for sustainable land administration system that is fair, efficient, cost effective, decentralized and increasing land tenure security. LAP sought to:

- Harmonize land polices and legislative framework with customary law for sustainable land administration
- Undertake institutional reforms and capacity building for comprehensive improvement in the land administration system
- Establish and efficient, fair and transparent system of land titling, registration, land use planning and revaluation; and
- Issue and register land titles in selected urban and rural areas as a pilot to test (b) and (c) above and innovative methodologies, including community level land dispute resolution mechanisms.

Among others, the project aimed at strengthening Customary Land Administration by putting in place measures that enable customary land owners clearly delineate their lands to attain an accessible, effective, accountable and equitable systems of land administration at local level based on a collaborative approach, building on customary institutions, with the support of local and national government. This was named Customary Boundary Demarcation (CBD). CBD was to help address the many problems particularly the



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risks of poverty and to ensure greater security and certainty of land tenure for land users to encourage further investment in agricultural productivity and sustainable natural resource management. Principal beneficiaries were expected to be the majority of people for whom the land administration system was effectively inoperable, due to uncertain tenure held by many stools, indigenes and secondary rights holders.

The design and implementation of the CBD program depended on substantial innovation and also on a strong, fruitful collaborative relationship between the different actors: the customary land authorities, public land sector agencies, local and national government. Facilitating the sharing of knowledge and experience between the pilot CBD was key to building on best practice and ensure the achievements of the most forward looking CBD to provide the model for emulation more widely. It relied on strengthening customary systems of management and administration operating to a diverse range of values. An iterative, learning approach was essential, to ensure the speed of activity within the initial phase to be commensurate with the capacity of the different actors to play their part following a model developed by the Millennium Development Authority (MiDA).

The MiDA Agricultural Project under its Land Tenure Facilitation Activity carried out a similar land rights project through a systematic land title registration process. The process consisted of a series of activities which included community sensitization, inventory of land rights and occupations, surveys of land parcels, Alternative Dispute Resolution and conversion of oral agreements to written grants and finally registration of land rights which proved a good lesson to be learnt and replicated. That pilot was implemented in twenty-nine communities within the Awutu-Senya district in the Central Region of Ghana.

The CBD under LAP was designed to be tailored along the lines of the MiDA project in selected CLS areas using a team of consultants/NGO's under the direction of the Office of the Administrator of Stool Lands (OASL) in collaboration with the Survey and Mapping Division (SMD) of the Lands Commission (LC) to be implemented in selected Customary Land Secretariat (CLS).

The first phase of the reforms under LAP-1 implemented from 2003 to 2010, laid the foundation by reviewing the statutes on Land carried out institutional reforms and undertook pilots on a number of



initiatives such as Customary Boundary Demarcation, establishment of Customary Lands Secretariats, Digitizing Land Records Establishment of Land Courts, Systematic Title Registration, among others.

The Second Phase (LAP-2), aims consolidate the gains made under Phase 1 by deepening the reforms, enabling the land Sector Agencies to be more responsive to clients, cutting down the cost and time of doing business and providing an enabling environment to reflect the objective of an efficient and transparent service delivery.

CBD implemented under component 2 of the LAP entailed Boundary Demarcation - the delineation (identification, demarcation and survey) of allodial lands depended on substantial innovation and on strong, fruitful collaborative relationship between the different actors: the customary land authorities, public land sector agencies, private sector, local and central government, subjects and individuals. Implementation started slowly, building with caution on lessons as they emerged.

This work seeks to expand understanding of the Customary Boundary Demarcation exercise as implemented in Ghana to highlight implementation successes and challenges and to demonstrate the outcome of implementing CBD under LAP. The main objectives are to assess the effectiveness of CBD in terms of both a) streamlining land administration and b) reducing land boundary and ownership disputes in the country.

Importance of the study: The study is important for many reasons. First, there is little published work on the subject as it pertains to Ghana. Secondly, for the people in Ghana like most African economies, land is central to livelihood for majority of the population which is largely agrarian subsistence farmers. Thirdly, there are over 1,834 (officially validated) land-owning stools and skins that take-up 80% of the lands in Ghana the rest held either by the state or private individuals. Only a hand-full of these officially recognized stools and skins have reliable boundary maps and plans to sustain any efficient land administration system. They do require not only boundary demarcation but the basic information regarding CBD. Information about CBD for these stool and skins has great potential as it provides the platform to learn at firsthand how it has been done successfully for the Bongo Traditional Area in the Upper Region which have the a high probability to activate reduce land boundary dispute, support efficient management of the commons, promote accountability at the local level for overall national



economic development. Findings are based on the analysis of findings from the recently completed CBD for the Bongo Traditional Area in the Upper East Region of Ghana.

Literature comprised mainly of reports submitted by consultants on the project as well as reports prepared by the Bongo Customary Land Secretariat (CLS).

The study employs a case study approach within a Quantitative and Qualitative data analysis paradigm. The research and its findings and conclusion hinges on robust empirical evidence with analysis of field data collated from 17 traditional leaders and 5 project consultants. A questionnaire was also administered to 31 natives of Bongo traditional area. Overall, 53 respondents were selected and interviewed using the purposive sampling technique. Some telephone and E-mail correspondence were used but to a limited extent.

The data used in the analysis was further validated during 2 field visits to the project site. Accuracy in both data collation and compilation was not compromised. Therefore, to ensure that, the level of information and data assembled was of high quality, steps were taken to cross check, verify and confirm conflicting data and information from different sources during the field visits and via structured questionnaire to target groups. These ensure limited discrepancies in the final data analyzed.



CHAPTER 2 - LITERATURE REVIEW

Customary Boundary Demarcation has been defined as the delineation (identification, demarcation and survey) of allodial lands of a land with the adjoining traditional authority to ensure easy identification and documentation. (Office of the Administrator of Stool Lands 2013)

According to the implementation manual of the Customary Boundary Demarcation, implementation of the CBD started by a supply-led concept whereby the project implementation team decided on traditional land owners to benefit from the boundary demarcation. But it was soon to be realized that, there was inadequate involvement of customary land owners in the selection process which soon led to a number of challenges affecting the implementation. The challenges encountered under the supply led system include:

- A lack of cooperation on the part of the land owners due to ownership of the program
- Unpreparedness of some land owners to identify and clear their boundaries as part of their cost for the program
- And a general unpreparedness on the part of some beneficiary and adjoining traditional landowners to solve boundary related disputes.

For this and many other reasons, the demand led approach was adopted under the second phase of the project to ensure that land owners give their utmost support and commitment to the project implementation and were prepared to share in the cost of the project. So the main characteristics of the CBD are:

- Demand-Led
- Cost shared between the Government and the Land Owning group
- Establishment within CLS catchment areas
- Implementation in areas of minimum disputes.

Why land owners need to embrace Customary Boundary Demarcation?

A number of reasons have been put forward as to why customary land owners need to take advantage of the Customary Boundary Demarcation being implemented under the Land Administration Project. First of all, the cost of normal land survey and demarcation is very expensive and because of the huge capital outlay, it would be very difficult if not impossible for the vast majority of Customary Land owners and



land owning families to undertake the activity on their own without any external assistance. Secondly, the implementation of the CBD as in the case of the LAP presents a more reliable way for land owners and their neighbors to know their respective boundaries. Aside of this, the demarcated boundaries could be registered with the land sector agencies which will go a long way to enhance the value of land and promote highest and best use of the land. CBD presents a huge opportunity for land owners and their adjoining stakeholders to resolve existing boundary and ownership disputes since there is a neutral state backed institution at the center of affairs. In addition, the CBD provides a good chance for established CLS and rural land inventory activities particularly in the processes of attribute data and property enumeration as it promotes the recording of accurate data on land boundaries.

Processes involved in a Demand-Led approach to Customary Boundary Demarcation

Altogether, there are 12 steps and processes involved in the implementation of the Demand Led Approach to Customary Boundary Demarcation. The foremost step is **sensitization and awareness creation**. Sensitization and awareness creation involves making information available to stakeholders and all entities likely to be affected one way or the other in the actual process of the demarcation. Therefore, information on the CBD is made available to the traditional authorities, families and individuals to enable them have in-depth knowledge on what the activity is all about and the criteria applied in selection. This process affords the traditional authorities, families and stakeholders the opportunity to ask pertinent questions with which they need to make informed decisions. This process of sensitization and awareness creation is undertaken in conjunction with the National and Regional Houses of Chiefs, other traditional authorities and land owning communities through town hall meetings, durbars, workshops, radio and television discussions, Mobile information dissemination vans and distribution of flyers.

The next process is the **application and selection of suitable** customary land owners. During this process, Traditional Authorities, Land Owning Communities and families willing and able to meet the conditions of cost sharing and other set criteria become beneficiaries and they need to make a formal application. This is done by completing and submitting a standard application form (copy attached as appendix A, can be found at the end of the report) A panel will consider the application and undertake evaluations. Selected qualified applicants are then notified.



The next critical step involves **sensitization of the adjoining traditional authority** and communities of the successful applicant. In this case, a workshop or series of workshops are held for all affected traditional authorities who share common boundary with the beneficiary land owning community. The essence of these workshops is to discuss issues pertaining to the demarcation and survey of the land boundary.

Once the sensitization has been successfully conducted, there is required to be executed by all stakeholders, a **Memorandum of Understanding**. By this, the beneficiary traditional authority and all adjoining traditional would have to enter into an agreement with the Land Administration Project to ensure commitment through to the completion of the exercise the benefit which inure to the beneficiary community and the stakeholders.

As part of the Memorandum of understanding, the parties are required to agree to the process of cost sharing which comes in two main forms.

- That, eighty percent (80%) of the cost of actual survey and demarcation will be borne by the Land Administration Project
- The beneficiary contribution of twenty percent (20%) would be by way of identifying and clearing the land boundary as the survey and pillaring progresses.

One critical feature of the Customary Boundary Demarcation program implemented under LAP is the use and employment of **Alternative Dispute Resolution** in conflict resolution. The use of ADR is underscored by the fact that, majority of people in rural Ghana prefer the use of ADR and Mediation in land boundary and conflict resolution compared with formal litigation which tends to be expensive, time consuming and wasteful in terms of resources.

There is also the process of social accountability assessment, the actual survey and demarcation, the preparation and submission of reports, monitoring and valuation and quality control. This is succeeded by a grand validation workshop on the CBD process and a registration (optional) of the surveyed plans by the beneficiary customary land owners. In this case, the plans produced out of the CBD process would have to be signed by all the traditional authorities and communities whose boundary had been demarcated.



Applying for Customary Boundary Demarcation

There was a conscious effort by the Project Coordination Unit of the Land Administration Project to make the process of applying for CBD as simple and straightforward as possible. First of all, the traditional authorities and the customary land owners should express interest in the engaging LAP for CBD for their area by making a formal application. The application is done by completing a standardized form. The applicant (customary land owning group) must of necessity fall within an area with a Customary Land Secretariat or in an area earmarked for the establishment of one and the applicant must express willingness to share cost by way of identifying the boundaries and providing the manpower to cut and clear the path for the actual demarcation work.

Who can apply? Traditional authorities or customary land owners prepared and willing to share cost as their contribution to the CBD from inception through to completion of the survey of the land is a suitable candidate. Not only that, but they must be prepared to subject to ADR as the first option to resolve all conflicts related to the boundary demarcation. The traditional authority must necessarily be within a CLS area or be prepared to apply for one and meet the requirements for establishing one and willing to enter into an MOU as indicated and discussed above.

SWOT ANALYSIS OF THE CUSTOMARY BOUNDARY DEMARCATION

For many years, the SWOT analyses have been an extremely useful tool for understanding and decision-making for all sorts of situations. SWOT is an acronym for Strengths, Weaknesses, Opportunities and Threats. The SWOT analysis of the CLS provided in appendix “B” gives a good framework for reviewing the strategy, position and direction of the CBD implementing proposition.



CHAPTER 3 – PROJECT DESIGN AND IMPLEMENTATION

The Government of Ghana through the Ministry of Lands and Natural Resources implemented the Land Administration Project Second Phase (LAP-2) with funds provided by the International Development Association (IDA), Canadian International Development Agency and the Government of Ghana. The Project Development Objective is **to consolidate and strengthen urban and rural land administration and management systems for efficient and transparent land service delivery**. The project built on the foundation laid during LAP-1.

The project was implemented through four-interrelated components. These are: Strengthening the Policy, Legal and Regulatory Framework for Land Administration, Decentralizing and improving Business and Service Delivery Processes, providing improved Maps and Spatial Data for Land Administration; engaging in Human Resource Development and Project Management. As part of the decentralization of land administration services the project continued to support the institutional reforms started under LAP-1, scaled up the establishment of Customary Land Secretariats and improved tenure security. New and selected existing Customary Land Secretariats were supported in collaboration with Traditional Authorities who were willing to make initial investments in office accommodation and established minimum norms of transparency and respect of rights and quality control in the generation of documentation, management of records, provision of services and other matters. In selected areas the project supported the piloting of systematic process of demarcating and documentation of rights to parcels and undertook Customary Boundary Demarcation.

THE ASSIGNMENT

The assignment required the combined expertise of the following key professionals: Community Entry Specialist(s), Sensitization Specialist(s), ADR specialist(s) and Surveying firm(s)

For the sensitization specialist, the project recruited a Non-Governmental Organization (NGO) with expertise in Customary Land Governance, Community Development and Gender or other appropriate expertise who undertook sensitization of activities towards Customary Boundary Demarcation in the Bongo area incorporating general issues of vulnerability and exclusion in the formalization of Customary Boundary Rights.



The overall objective of the consultancy was to inform and educate all stakeholders affected by the Customary Boundary Demarcation process, especially locally affected owners, adjoining land owners, and other users including women and vulnerable groups. The project also had as an objective to ensure that the local people, including women and other vulnerable groups understand the procedures of CBD, and surveying that they were well informed in respect of their rights and responsibilities for their rights to be recorded. The consultant also engaged stakeholders to explain to them the steps involved in the CBD process, what was expected of them and obtain needed feedback that was valuable in the implementation of the CBD.

In phase one of the CBD project, the consultancy involved community entry and sensitization of the Bongo Area for CBD. The Community Entry and Sensitization consultants worked in consultation and close collaboration with identified stakeholders under the coordination of the Office of the Administrator of Stool Lands and undertook a vigorous sensitization exercise that created awareness in the communities about the CBD exercise.

In phase two, the Sensitization consultant led the ADR and Survey consultants who had been recruited separately to work with the Traditional Authorities, the Customary Land Secretariats, Land Owners, tenants and existing users and Community representatives, the Lands Commission during the Survey and demarcation of the boundaries and undertook a vigorous sensitization exercise to sustain awareness in the area.

Thus the sensitization was led by a consultant with other assistants and technicians included in the team. The sensitization took community and gender issues into full consideration and used the opportunity to advance their collective understanding as to their rights to access land and the process for registration while at the same time provided them full opportunity assert themselves within the process.

The consultant also sensitized all land owning groups and communities and users in the areas on the overall process and what was expected of them. In order to have the desired impact, the sensitization was continuous and sustained during the field based activities in the CBD area.

The consultant and his team were required to consult and sensitize all interested stakeholders in the communities as well as those who had grants of land within the area. With regards to land owners who lived outside the community, the consultant and his team packaged messages that reached all such people using appropriate information dissemination methods.



Sensitization activities commenced with general sensitization before the commencement of the different stages of the boundary demarcation process such as Alternative Dispute Resolution (ADR) Inventory, Surveying and Pillaring Demarcation. These required separate messages drafted for different and separate stages. The consultant relied also on the expertise of other communication consultants (at the national project coordinating unit) to deliver messages relating to their scope of work and also developed a channel for receiving and processing feedback and concerns from stakeholders, including land owners and other land users, the local authority, the public land sector agencies as well as policy makers, legislators, civil society organizations and the general public during the entire phase of the process.

There were specific tasks and responsibilities. The sensitization consultant identified all target stakeholders who had to be reached including affected Traditional Authorities (TA's), Land Owners and Users, Community Leaders, Local Officials, Settlers, Tenant Farmers and Women Groups while taking cognizance of the inclusion of vulnerable groups.

The consultant also designed tailor messages that suited the different categories of the target audience such as chiefs in relation to boundary demarcation and other users of land in relation to the exercise. The messages explained the nature of the exercise, the objectives, timing, potential benefits expected and the roles to be played by the various participants.

In partnership with other experts namely the National Project Monitoring Committee, Inventory Consultant and the ADR consultant, there was developed appropriate tailor messages for the different steps in the demarcation process, and the follow-on activities of conversion from oral arrangement to written grants and finally to the registration where possible.

The consultant selected different types of media delivery that were used based on the intended audience and determined who should deliver the message, the specific tools to be used, the location, frequency, coverage in the local dialect. The consultant did a good work to have developed a channel for receiving and processing feedback and concerns from stakeholders, including land owners and land users, the public land sector agencies as well as policy makers, legislators, civil society organizations and the general public during the entire demarcation process.



In connection with the sensitization process, the expected results included the fact that it would be continuous and the consultant visited the communities at least five (5) times within the phase of the assignment to ensure that all members of the community as well as those with interests but who resided outside the communities were consulted and sensitized on the demarcation exercise. The consultant planned and held key stakeholder consultation meetings. In all there were three workshops held jointly by the consultant with chiefs and local community leaders within the contract period to discuss issues relating to the boundary demarcation and the key stakeholder meeting included participation from diverse groups including both women and men.

In terms of reporting, the Community entry and sensitization consultants produced 3 reports altogether as follows: inception report for actual sensitization work, draft final sensitization report and final sensitization report. The inception report for the actual sensitization work was submitted to the Office of the Administrator of Stool Lands six weeks after the commencement of the consultancy and included the methodology employed, the plan and description of the consultant and the meetings to be carried, the different categories of stakeholders to be consulted, the different messages to be delivered and different mediums to be used, the expected outcome of the first of the sensitization, critical and or risks issues that will require further deliberations, the expected work plans of the consultancy including timelines and deliverables and recommendation to LAP and the OASL's consultants who were carrying out other field works on the concerns community members and residents and officials were having regarding the process and recommendations as to how to address them.

A draft final sensitization report for the entire assignment was submitted at the end of the Entry and Sensitization activities which provided detailed information on the tasks performed incorporating lessons learned, The report was comprehensive and covered

- How communities were entered and stakeholders sensitized on the steps and procedures required for the boundary demarcation
- Target audiences identified and reached including vulnerable groups
- Data that was disaggregated and analyzed by gender
- Messages tailored for different categories of audiences in relation to boundary demarcation and
- Messages crafted for different phases of activities such as inventory, survey and conversion from oral arrangement to written arrangements.
- The media delivery tools used, location frequency and the language used in the dissemination of information



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- The channels of communication including the channels developed for receiving and processing of feedback and concerns from stakeholders
- The description of the meetings and workshops and other stakeholder consultations that were held to disseminate information and lastly
- Observation as to the extent the strategy of continuous sensitization created awareness on the boundary demarcation exercise.

The project implementation unit provided separate comments on the reports within three weeks of receiving the reports and the consultants in turn considered the comments and incorporated them in their final reports which they did submit within 6 weeks of receiving the comments.

Unlike the Community Entry, the sensitization exercise was continuous and covered the entire phase of the demarcation exercise. The project was very choosy in awarding the contract and had as a minimum requirement an NGO with at least 5 years demonstrated experience in workshop facilitation, the development and implementation of public information programs and research related to rural development projects, land tenure, community land allocation and use issues and associated rural issues. The key personnel was required to possess a minimum first degree in social science or sociology, preferably Land Economy or Natural Resources from a recognized University with at least 8 years' experience and excellent research background in rural development and land-related issues. The specialist demonstrated competency in facilitating skills and experience in delivering interventions in rural settings. Ability to communicate in the local dialect of the Bongo community was also a preferred choice.

In terms of coordination, the OASL arranged a number of meetings with the consultants and this was on average once every month and minutes of the meetings sent to the Project Unit which provided technical directives as and when the need arose.

For undertaking Alternative Dispute Resolution (ADR), the project recruited a consultant with expertise in ADR, customary land governance and community development to undertake ADR within the demarcation area, incorporating general issues of conflict resolution in formalization of boundary demarcation. The ADR specialist worked closely with the sensitization specialist.

The overall objective of engaging the ADR specialist was for him to undertake ADR within the Customary Boundary demarcation process among the traditional authorities, land owners, locally affected



land owners and other land users. The ADR specialist was also to ensure the understanding of the procedure of the ADR to beneficiaries and also ensure that, identified land ownership and boundary conflict between and among traditional authorities, local parcel owners were identified and resolved. The ADR specialist worked closely and in consultation and collaboration with the Sensitization consultant to identify stakeholders under the supervision and coordination of the Office of the Administrator of Stool Lands to undertake a vigorous dispute resolution exercise to facilitate the customary boundary demarcation inventory exercise. The ADR consultant also worked with the traditional authorities, the customary land secretariats, land owners, existing land users including tenant farmers and community representatives and officers of the survey and mapping division of the lands commission during the survey and demarcation process.

The specific tasks of the ADR consultant was to identify all areas of boundary disputes between the traditional authorities and adjoining land owners indicating how long it is either by time or period. The consultant also identified all boundary disputes along the boundaries as they were surveyed and procured from owners, relevant data and documents supporting their respective claims. The ADR consultant also investigated and provided detailed information on the land dispute and took into consideration all available historical, social, economic and judicial antecedents. The Consultant also resolved all boundary disputes and related disputes that were likely to affect the demarcation process within a stipulated time after identifying the dispute. The ADR consultant also resolved most of the boundary disputes that arose during the demarcation and prepared composite and dispute maps and plans, and with the aid of a cartographer indicated the conflict areas graphically. The Consultant then brought these to the notice of the Project for consideration and possible execution, other relevant or related activities that either facilitated or eased or expedited the demarcation process. The consultant also described the steps and processes in a logical sequence that eventually led to the resolution of the boundary dispute or difference.

The ADR consultant produced three reports in all - the Inception report for the actual ADR work which was submitted six weeks after signing the contract, the draft final report and the final report. The inception report included the methodology to be employed, the different consultations to be carried out, the categories of stakeholders to be consulted and the critical issues that will require deliberations. The ADR exercise was continuous. In selecting the ADR consultant, the project took a number of factors into consideration.



The consultant or firm seeking to undertake the assignment was expected to have at least five (5) years demonstrated experience in conflict management and facilitation and research in rural development projects, land tenure and administration, community land administration and use issues and associated rural issues. Specifically, the personnel had the following qualifications.

The leader of the team was required to have a minimum of a degree in social science or sociology, Law, Land Administration, Land Economy or Natural Resource Management or rural development or a relevant field from a recognized university with at least eight (8) years' experience and excellent research experience in rural development and land related issues. The specialist should also have demonstrated competency in facilitation skills. Experience in delivering reports in rural settings was an advantage. Ability to communicate in the local dialect while performing skills in the community setting was preferable. The ADR specialist arranged, organized and held meetings with all the consultants engaged in the CBD process on average once every two (2) weeks to coordinate their activities on the field and submitted minutes of the meetings to the Land Administration Project coordinator about one week after the meeting and the Coordinator provided directives where appropriate. The coordinator provided the ADR consultant with a number of documents and report on similar projects held in the country to enable him have a full grasp of the assignment. The Gender Guidance Notes for Land Facilitation Activity in Awutu-Senya PRD and lessons learnt on CBD under LAPI.

The CBD Project Execution and Deliverables

The scope of work involved:

- The identification and clearing of the Bongo Traditional Boundary in conjunction with traditional stool representatives and the local organizing team made up of local members of the OASL and the Survey and Mapping Division of the Lands Commission who over saw the local management of the project
- Pillaring of boundary
- Data capture and processing and
- Preparation of boundary plan and associated reports

Reconnaissance and Planning: Prior to the start of the actual survey work, meetings were held with the local organizing team to agree on the best and acceptable approach to undertake the works taking due



cognizance of the local public's reaction and concerns of the assignment to be carried out which was to involve clearing of vegetation affecting some farms and planting of pillars across farm lands.

Before that, the Surveying Firm – Rudan Engineering Limited was introduced to the people of the Bongo Traditional Authority and neighboring traditional Authorities on 17th February 2015 at Bongo by a team from the OASL in Accra and the Upper East Regional Office, the Upper East Regional Lands Officer and the Upper East Regional Director in charge of the Survey and Mapping Division of the Lands Commission. Based on hard copy maps of the possible Bongo Traditional Area, provided by the Bongo Traditional Authority, reconnaissance site visits were undertaken within the Bongo traditional Area to better understand the terrain and the equipment that would be required in addition to what was available.

A formal letter of introduction was also provided by the Office of the Administrator of Stool Lands which was used to further inform people who were not present at the initial introductory meeting held on 17th February 2015. With these the local police was engaged and briefed about the works being undertaken.

The first survey team comprised of two (2) surveyors one very senior and an assistant, a driver and two surveying technicians who were aided by local laborers engaged by the traditional authority to undertake the bush clearing and pillaring. The equipment used in the site survey were:

- A 4X4 hardbody vehicle
- Hand-held GPS machines
- South GNSS Dual Frequency Receivers
- Lap-tops
- Walkie-Talkie communication equipment

In accordance with the contract and survey specifications, the new Ghana Traverse Mercator (GTM) system was used as the coordinate for the project. To coordinate the boundary pillars, the Engineers applied for the provision of control points and the regional number for the naming of the pillars to be built. The application was made to the Upper East Regional Office of the Survey and Mapping Division of the Lands Commission. Subsequently, the Engineers were supplied with the regional number SGUE A134/15 which was adopted and used for the entire survey work.

Boundary identification: Together with the Accredited Representatives from the Beneficiary and Adjoining Paramount Skins (ARBAPS) and members of the Local Organizing Team, each section of the boundary was determined on site. It was decided that, in order to save time and resources, undisputed



areas were surveyed first whilst areas in dispute were passed on to the ADR consultant and the Local Organizing Team for resolution whilst the survey work progressed.

Clearing and Demarcation of Boundary Lines: Once the boundary was agreed by all parties, the survey then started with the clearing and demarcation of the boundary line. This was done with the aid of GPS survey equipment as well as local laborers engaged for the assignment.

Construction of Pillars: Concreted pillars were then erected in accordance with the specification set out in the contract. Two sets of pillars were built, namely Land Boundary Pillars and Natural Boundary Pillars. The land boundary pillars were constructed to the dimension 0.3 by 0.3 by 1.2 meters. 0.6m was buried underground whilst 0.6m was above the ground planted at transition points along the land boundaries and at places deemed appropriate. They were planted at reasonable intervals of 150m as per the terms of the contract. Natural boundary pillars of size 0.3m by 0.3 by 0.9m in length were also constructed. They were such that, 0.3m was above the ground while 0.6m was buried in the ground. The survey pillars were also numbered according to sequential regional and serial numbers.

GPS Survey and Detailing: A south S86 static GPS was procured and used for the assignment to obtain the coordinates of all the survey pillars erected. Garmin eTrex Vista hand-held GPS equipment were also employed and used to detail natural mostly river boundaries and other prominent features such as roads and settlements.

The actual survey work was undertaken in the anti-clockwise direction with the international boundary with Burkina Faso being tackled first. This was then followed by surveying the boundaries to the West, south west and finally the eastern portion of the Bongo traditional boundary.

DETAILS OF THE BONGO BOUNDARY DEMARCATION EXERCISE

Altogether, a total of One Hundred and Five Thousand, Nine Hundred and Eighty Four Kilometers (105,984 Km) of the Bongo Traditional Area boundary was identified during the course of the exercise and was fully surveyed. The distance was classified as the undisputed boundary. These boundaries were made up of the international land and river boundary between Ghana and Burkina Faso (which forms part of the Bongo boundary) as well as land and natural boundaries agreed between the traditional representatives from the adjoining stools empowered by their respective Paramount Chiefs. Appendix A provides a summary of the boundary distance identified and surveyed.



With respect to the International (Land and River) Boundary with Burkina Faso, the survey was conducted together with Local Organization Team from the Office of the Administrator of Stool Lands and local representatives of people living near the Burkina Faso boarder in the towns called Feo and Namoo. This section of the Bongo boundary is also the international boundary between Ghana and Burkina Faso was followed, identified, demarcated and surveyed on the ground.

International boundary pillars were located along the path of the boundary and majority of these pillars were found in a good decorative repair state and did not require any maintenance work. Although, the engineers were advised that it was not necessary to survey the international pillars using Static GPS Equipment, permission was granted by the Upper East Regional Surveyor to survey the international pillars and any other relevant detail using Garmin eTrax Vista handheld GPS. A total of Twenty-Six Kilometers, Eight Hundred and Thirty-One meters (26.831 Km) of land and Nineteen Thousand, Three Hundred and Forty-Nine Kilometers (19.349Km) of river- the Red Volta making up the northern and north-eastern boundary of the Bongo/international land and river boundary was surveyed.

Survey along the Natural River Boundary between Dua Apowugu (in Bongo) and Dachio (in Bolgatanga).

Together with the traditional representatives from the Dua Apowugu of Bongo and Dachio of Bolgatanga, a section of the River Azanbawko was agreed as the natural river boundary between the two traditional areas. A total of Nine Thousand and Seventy-Three Kilometers (9.073Km) of River Azanbawko making up the south-eastern section of the Bongo boundary was therefore surveyed. Pillars numbering from SGUE 134/15/6A to SGUE 134/15/17 were planted at alternate locations along the river bed as part of the survey.

Survey along the natural river boundary between Dua Apawugu (on the Bongo side) and Yorogo-Yipala (on the Bolgatanga side)

Together with the traditional representatives from the Dua Apowugu of Bongo and **Yorogo-Yipala (on the Bolgatanga side)**, a section of the River Abimvogse was agreed as the natural river boundary between the two traditional areas. A total of Three Kilometers, Two Hundred and Forty-Six meters (3.246km) of River Abimvogse making up the southern section of the Bongo Boundary was surveyed and



pillars from SGUE 134/15/17 to SGUE 134/15/23 were planted at alternate locations along the river bed as part of the survey.

Survey of River boundary between Dua Apowugu (Bongo) and Yorogo (Bolgatanga)

Together with the traditional representatives from the Dua Apowugu of Bongo and **Yorogo (on the Bolgatanga side)**, a section of the River Kabriga was agreed as the natural river boundary between the two traditional areas. A total of Three kilometers, Three Hundred and Sixteen kilometers of river Kibriga making up the southern portion of the Bongo Boundary was surveyed. Subsequently, pillars with numbers from SGUE 134/15/23 to SGUE 134/15/30 were planted at alternate locations along the river bed as part of the assignment.

Survey of river boundary between Zorko Gambrogo et al at Bongo and Kandiga Kaasi et all at Navrongo

The Zorko Gambrogo, Zorko Kanga, Zorko Kadorogo and Zorko Kadara communities on the Bongo side and Kandiga Kaasi, Kandiga Akanfo, Kandiga Kurugu, Kandiga Bembissi, Sirigu Gunwonko, Sirigu Basiengo and Yuwa Aforigebis on the Navrongo side agreed that the river Atankwidi should form the natural river boundary between the two traditional areas and this was surveyed and pillars planted accordingly. For this, a total of Sixteen Kilometers of river Atankwidi making up the Western boundary of the Bongo Boundary was surveyed and pillars with numbers ranging from SGUE 134/15/250 up to SGUE 134/15/236 were planted at alternate sides along the river to form the boundary as surveyed.

Survey of Land Boundary between Gambrongo (Bongo) and Aguusi (Bolga)

For this phase of the survey the traditional representatives from Gambrongo (the Bongo side) and the Aguusi (Bolgatanga) respectively agreed a land boundary stretching over a distance of Four kilometers, Five hundred and fifty-six meters (4.556km) from the edge of the Atankwidi river eastwards. Pillars SGUE 134/15/228 to SGUE 134/15/201 were planted in the ground as the surveyed indication on ground

Survey of Natural/River Boundary between Gowrie (Bongo) and Yorogo (Bolgatanga)

After a series of consultations and deliberations among the traditional representatives of Gowrie (Bongo) and Yorogo (Bolgatanga), a section of the Abaganabuluka river was chosen as the natural river course boundary between the two traditional areas. For this segment, a total distance of three kilometers, seven hundred and fifty-six meters of the Abaganabuluka river representing part of the southern section of the



Bongo boundary was surveyed. Pillars numbering from SGUE 134/15/71 up to SGUE 134/15/81 were built at alternate locations along the river bed as the boundary of both traditional authorities.

Survey of land boundary between Kunkua/Gowrie (at Bongo) and Yorogo/Faliya-Madina (on the Bolga side).

Just as was conducted for the other areas, the traditional representatives from Kunkwa/Gowrie and the Yorogo/Faliya-Madina agreed a land boundary from the edge of the river Abaganabuluka eastwards to the edge of the river Kabriga for a total distance of Eight Kilometers and One Meter (8.001km) as the boundary between both communities. In that respect, Pillars SGUE 135/15/31 to Pillars SGUE 134/15/81 were built along the boundary to signify the actual and agreed boundary between the parties.

Survey along river boundary between Kansigu (Bongo) and Logre (Nangodi)

Traditional Representatives from both sides i.e. the Kansigu on the Bongo side and those of Logre on the Nangodi side agreed that a section of the Atianna river be adopted and used as the natural river boundary between them. On that basis, a total distance of One Kilometer and sixty three meters was covered and surveyed. Along this path, pillars numbers SGUE 134/15/6A to peg land 4 were erected at alternate locations along the river bed as part of the survey.

Survey of natural river boundary between Kansigu (Bongo) and Logre (Nangodi) - 2

A total of two kilometers, nine hundred and thirty-eight meters (2.938km) along river Afarigan was covered. The traditional representatives of both sides deliberated on and agreed for it to be used as the common boundary between the two traditional authorities. In course of the survey, Pegs Landst to Peg4 were built at alternate locations along the river as part of the survey.

Survey of natural river boundary between Nyariga/Vea on the Bongo side and Nyariga/Zaree on the Boltaganga side

The representatives of the Nyariga/Vea traditional area and their Nyariga/Zaree counterparts from the other side resolved on a path reflective of their boundary. These were between Pillars SGUE 134/15/201 and Peg 82A were planted on the ground. As part of the dispute resolution process, the parties agreed that no concrete pillar should be built into the ground. The people thought that, they were one people and therefore building the pillars would signify separation. Instead, pegs were established on the ground and GPS static surveys carried out in the presence of the representatives. For this, a total distance of five



kilometers, Eight Hundred and Fifty-Two meters of the south eastern portion of the Bongo Boundary was therefore surveyed. It was further ascertained on site and agreed between the parties that the land between Peg 82A and pillar SGUE 134/15/81 belonged to Icour, a state owned farm land. Hence the boundary, a distance of two kilometers and eighty-five meters (2.085km) was not surveyed as part of the Bongo demarcation.

Disputed Boundaries

There were two main tracks with disputes between the bongo paramouncy and the adjoining traditional areas. The first area of dispute was between the Kansigu (of Bongo) and the Logre community of (Nangodi traditional area). The representatives from Kansigu showed their boundary on site which was pegged. However, the Logre community refused to cooperate claiming that the whole of the land including the Kansigu township belonged to them.

The second and significantly large area of dispute was between the Beo Adaboya (of the Bongo paramouncy) and Nangodi township. The Nangodi people laid claim to the whole of the Beo Adaboya and Nangodi townships. Neither sides showed their respective boundaries on the ground.

Attempts at Dispute Resolution

During the process of conducting the field work, several attempts were made by the survey team comprising of the Office of the Administrator of Stool Lands and the Alternative Dispute Resolution consultant to resolve the two main disputes described in appendix “C”. Aside of the meetings with the various communities, two main meetings in the form of durbars were held on the 10th of September 2015 and another on the 7th of March 2016 to bring the communities together in an attempt to resolve their differences. A detailed report of the proceedings was captured by the ADR consultant in his final report. To summarize however, not all disputes have been resolved as at the time of compiling this report due primarily to marked differences in the boundaries shown by the parties. In order to avoid keeping the survey engineers on the field without working, a decision was reached by all stakeholders to temporarily terminate the survey contract while litigation determines the boundary after which survey work continues.

The composite plan for the survey concluded

All the coordinates and the survey data observed and collated from the field except the track under litigation and pending resolution have been processed with GNSS Solutions Software to obtain an ASCII file (an X, Y coordinates of the boundary other pillars). The ASCII was imported into LISCAD software



and computations completed. For the preparation of the composite Bongo Traditional Area Boundary Plan as presented in appendix “B” at the end of the report.

Main challenges

The many disagreements along the way affected the speed at which the work progressed. This also affected the project cost as the Engineers had to spend longer time on the field while disputes were being resolved. Where the dispute resolution took longer than expected, the engineers had to shuttle between Accra and Bongo on many cases. Sometimes, engineers were called to resume work with the assurance that disputes have been resolved but it was soon realized once the survey commenced that, the disputes have not been fully resolved.

Supposition

Altogether, 98% percent of Bongo Traditional Area land boundary has been successfully identified and surveyed. A boundary plan has been produced to that effect showing the undisputed and disputed distance.

This translates to a total of One Hundred and Five Thousand kilometers, Nine Hundred and Eighty-Four meters (105,984 Km) of the Bongo Traditional Area boundary identified during the course of the project and fully surveyed. This distance was classified as undisputed boundary. An approximate distance of Seventeen Kilometers and Thirty-Nine Meters (17.039 Km) of dispute boundary was identified in course of the assignment. The success could be attributed to the participatory approach employed, the dedication of the surveyors to the assignment and the support and enthusiasm of all stakeholders particularly staff of the Office of the Administrator of Stool Lands, the Survey and Mapping Division of the Lands Commission, the Alternative Dispute Resolution consultant, the Local Organizing Team and the Traditional Authorities. The provision of Quality Control by the Survey and Mapping Division of the Lands Commission was also strategic.



CHAPTER 4 - FINDINGS AND CONCLUSIONS

Results confirm that it is absolutely possible to successfully conduct customary boundary demarcation in complex customary land tenure regimes of allodial interests contrary to belief. The study found that, the Demand Led approach to CBD guarantees up to 70 percent chance that, there will be commitment from the side of the land owners towards the demarcation exercise. The study also found a sudden reduction in the number of ownership disputes as a direct consequence of the demarcation.

The work has underscored the fact that, CBD's have a greater chance of success in areas where Customary land Secretariats have been established as they help in the public education and sensitization of community people on the demarcation process and aid in the quick resolution of conflicts as and when they arise.

The study found a sudden upswing in the interest and confidence on the part of investors in the Bongo area with greater than normal persons registering lands. The study found a slow but increasing number of women registering titles to land either alone or jointly with their spouses.

The study found that, the Bongo CBD provides many useful lessons that will enable other land owning communities not only in Ghana but in Africa and beyond improve upon land management at the customary level through a participatory approach.

The work acknowledges the impressive work by the Survey and Mapping Division of the Lands Commission in providing quality control for the survey work by the consultant. The work however recommends a process of monitoring located within Civil Society and based at the community level with individuals, groups and communities acting as Monitors to actually help the local folks to get deeply involved so as to be able to defend abuses by traditional leaders.



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APPENDICES

Appendix “A” - Acronyms

ADR	-	Alternative Dispute Resolution
ARBAPS	-	Accredited Reps from the Beneficiary/Adjoining Paramount Skins
BTA	-	Bongo Traditional Area
BTB	-	Bongo Traditional Boundary
CLS	-	Customary Land Secretariats
CBD	-	Customary Boundary Demarcation
DLA	-	Demand Led Approach
DB	-	Disputed Boundary
GPS	-	Geographic Positioning System
GTM	-	Ghana Traverse Mercator
LC	-	Lands Commission
LAP	-	Land Administration Project
LBP	-	Land Boundary Pillars
LOT	-	Local Organizing Team
MLNR	-	Ministry of Lands and Natural Resources
NBP	-	Natural Boundary Pillars
OASL	-	Office of the Administrator of Stool Lands
SMD	-	Survey and Mapping Division
SLA	-	Supply Led Approach
UER	-	Upper East Region

Appendix “B” - SWOT Analysis of CBD

STRENGTHS	WEAKNESS	OPPORTUNITIES	THREATS
Institution Framework			
Established traditional leadership structures	Polarization of community along partisan political lines	Government commitment to supporting reform	Sustaining community commitment
Organized and identifiable communities	Varied procedures employed by different traditional authorities in land acquisition and management	Involvement of marginalized and vulnerable groups	Absence of a laid down process of land allocation or acquisition by Land Owning Communities
Recognized alternative dispute Resolution	Absence of a well-developed ADR implementation	Availability of international donor	Voluntary nature of applying the ADR



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mechanisms	Mechanism in Ghana	support	Mechanisms
Existence of unique traditional political structures			
Resources			
Existence of land as a culture heritage	Low educational levels	Potential to increase revenue mobilization	Hostile attitude by chiefs and elders due to increase transparency and accountability
Readily available local workforce	Absence of reliable data on land transactions	Improved human capacity through training	Conflicts that may arise in revenue disbursement due to the increased transparency
Availability of stool land revenue	Lack of transparency in the disposal of stool land and the utilization of its resources	Streamline the administrative procedures to ensure efficient management	
Governmental support in the form of logistics	Guarantee of fairness in the alternative dispute mechanism		



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Appendix "C" – Disputed Boundaries

No.	Details of Section Surveyed	Type of Boundary	Estimated Disputed Distance (Km)	Geographical Location of the boundary
1	From peg Land 4 to Peg Landst between Kansigu of Bongo Paramouncy and Longre of Nangodi Paramouncy	Land Boundary	0.867	Southern section of the boundary
2	From Peg 10 to Edge of Red Volta/ on the Burkina Faso border between Beo Adaboya of Bongo Paramouncy and Nangodi of Nangodi Paramouncy	Land Boundary	16.172	Eastern Section of boundary
Estimated total distance			17.039	