Reducing Conflicts and Enhancing Land Administration: Lessons from Customary Boundary Demarcation in Ghana

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Key issues identified in the National Land Policy

- Inadequate policy and regulatory framework
- Weak land administration regime
- **Indeterminate boundaries of customary Lands**
- Multiplicity of Land Disputes
- General indiscipline in land use and development
- Indiscipline in the disposition of land
Indeterminate Boundaries

1. Lack of reliable maps, plans and land data

2. Use of unapproved, old or inaccurate maps

3. Reliance on land forms and natural features: streams, trees, rocks, footpaths, termite and ant hills, rocks, etc.
The Problem

There are at least 1,840 Customary Land Owning groups comprising (Stools, Families & Skins). They own 80% of Ghana’s 270,000 Sq/km land surface.

80-90% of these customary land groups do not have maps and boundary plans for their lands and therefore depend heavily on natural features as boundaries.
Effects of Indeterminate Boundaries

- Ownership/Boundary disputes & fatal clashes
- Clogging the Judiciary
- Denied investors access to land
- Delayed the Implementation of Projects
- Thwarted rural and urban development
Participating Development Partners


THE WORLD BANK
Working for a World Free of Poverty

NDF
Nordic Development Fund

Ghana Government

PHASE TWO (2011 – 2017) US$72M

THE WORLD BANK
Working for a World Free of Poverty

Ghana Government

DFID
Department for International Development

Foreign Affairs, Trade and Development Canada

Beneficiaries
Ghana LAP (Phases 1 & 2)

Given the complexity of the land tenure, LAP 1 laid the foundation by reviewing the Statutes on Land, carried out institutional reforms, digitized land records and undertook a number of Pilots.

LAP-II consolidated the gains under LAP 1 by deepening the reforms. LAP II scaled up the establishment of Customary Land Secretariats, Ascertainment of Customary Law on Land and Family, and implementation of Customary Boundary Demarcation to help remove the problems associated with the indeterminate boundaries land.
Case Study Area (Bongo)

Study area located in the Bongo District, Ghana, West Africa

- Ghana
- Africa
- Regions
- Lake Volta
- Study Area: Bongo District

Map showing the location of Bongo District within Ghana and West Africa.
Scope of Works

- Community Entry/Sensitization/Education
- Identification and Clearing of Boundaries
- Surveying and Pillaring of Boundaries
- Dispute Resolution (via ADR)
- Data Capture and Processing
- Preparation of Reports and Boundary Plans
Lesson Learning Areas

• Community Entry & Awareness Creation
• Method of Education and Sensitization
• Benefit of the Demand-Led Approach
• Cost Sharing and Signing of MOU
• Alternative Dispute Resolution vs. Litigation
• Quality Control by Government Agencies
Awareness & Community Entry

• A firm was appointed through a competitive bidding process for the CEP.
• Consulted and sensitized target stakeholders using packed messages using appropriate information dissemination methods.
Education and Sensitization

• Meetings were held with Traditional Leaders, Opinion Leaders, Security Agencies, Local Assembly Members, Existing land users and Adjoining communities to discuss in detail the work to be undertaken and the approaches to be adopted. Provided an opportunity to be involved in planning of the assignment.
The Sensitization Approach

- Radio Announcements
- One-on-one discussions
- Community to Community sensitization
- Radio Discussions
- Focus Group Discussions
- Use of Mobile Vans
- Town Hall Meetings
MOU and Cost Sharing

- Memorandum of Understanding to inform & document the obligations of parties:
  - obtain buy-in necessary for project success
  - accept cost sharing,
  - Commit to ADR as the first resort…
  - Customary Land Secretariats Areas
  - Areas with no major protracted disputes
Demand Led Approach

• Shift from a Supply-Led to a Demand-Led approach as a result of lessons learned

1. Lack of cooperation from landowners
2. Unpreparedness of landowners to identify and clear boundaries
3. Unpreparedness of landowners to resolve boundary/ownership disputes
Alternative Dispute Resolution

- Consultant recruited by Competitive bidding
- ADR vs Litigation for speedy resolution …
- Customary Land Secretariats and ADR
- Exchange of natural features with pillars
- Production of reliable boundary plans
Recommendation

• What this work found missing…

• The work lends support for a process of monitoring located within Civil Society and based at the community level with individuals, and groups acting as monitors to help the local people get deeply involved so as to be able to defend abuses by their leaders.
Conclusion

• Results confirm that, by employing a participatory approach it is possible to undertake boundary demarcation in the most complex land tenure systems.

• Provides a list useful lessons for land owning communities to improve land management at the customary level by a participatory approach.
HEH, THEY SHOULD BE TALKING TO US!

LOCAL COUNCIL

ACTION-AID PLAN & BUDGET

INCLUDES OTHER COMMUNITIES...

WHAT WE REALLY NEED...