



**Responsible Land Governance:  
Towards an Evidence Based Approach**  
ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 20-24, 2017



**ASSESSMENT OF IMPACTS OF PILOT INTERVENTIONS IN CUSTOMARY LAND  
ADMINISTRATION**

**EVIDENCE FROM THE GHANA LAND ADMINISTRATION PROJECT**

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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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## **Abstract**

The government of Ghana through the Ghana Land Administration Project has initiated pilot interventions in selected traditional areas over the last ten years as part of the overall strategy to streamline land administration system to ensure transparent and accountable land governance based on actions outlined in the National Land Policy (1999). Interventions in the customary land sector include the establishment of Customary Land Secretariats, demarcating customary Boundaries, Systematic and Rural Parcel Right Demarcations and Ascertainment of Customary Laws on Land and Family. Whiles some successes have been achieved in terms of numeric targets, assessment of actual impacts on beneficiaries has not been undertaken. It is against this background that LAP commissioned an independent assessment of the impact of piloted interventions using the services of external consultants.

Using a mixed-methodology approach with a sample size of 300 participants selected from beneficiary communities, the findings shows that interventions has improved transparency and accountability in customary land governance, reduced double allocation of same parcel to two or more individuals in CLS areas, reduced land disputes and protracted land conflicts in some traditional areas and led to general improvement in access and ownership of land particularly for women, migrants and other vulnerable land users. There have been improvement in the preparation of land documentation and records keeping and improvement in land right recordings at the CLSs from as low as 1000 as at 2011 to 30, 811 in June 2016. The pilot interventions in the customary land sector if upscaled would streamline land administration and governance system, improve transparency and accountability to ensure security of tenure, reduce poverty and improve the general wellbeing of people. It also ensures equitable socio-economic development for all in the long term.

## **Key Words:**

**Customary, land administration, parcel, boundary**



## 1. INTRODUCTION

Customary land governance in Ghana has over the years been characterized by lack of transparency and accountability and tenure insecurity due to indeterminate boundaries, protracted land conflicts and litigations, improper records keeping and general indiscipline in the land market among others. Formal laws on land operates alongside customary laws and practices on land. The pluralistic land governance regime which are generally long-standing in nature but evolving in character and intensity, affects transparent and efficient land administration and management in the country due to new economic, demographic, and environmental pressures on land (Bugri, 2013). Customary authorities who own about 80 percent of land in the country often lack the requisite technical and managerial expertise to manage and administer lands effectively. This often results in double allocations of same parcel of land to two or more individuals, protracted land litigations and conflicts, weak women's land rights vulnerability and general insecurity of tenure over land resource use in the country. The problem required immediate intervention to improve the customary land governance system based on the fiduciary principles of the 1992 Constitution of Ghana.

The Government of Ghana through the Ministry of Lands and Natural Resources has been implementing a long term 15-25 years Land Administration Programme based on objectives of the National Land Policy (1999) is to stimulate economic development, reduce poverty, promote social stability by developing a sustainable decentralized land administration system that is fair, efficient, cost and one that enhances security of tenure, development of an efficient land market and prudent land resource management. The first phase which began in 2003 and supported by Development Partners particularly the International Development Association (IDA) laid the foundation for efficient and transparent land administration both at the formal and customary land sector. The Project Development Objective of the second phase which began in 2011 is to *consolidate and strengthen land administration and management systems for efficient and transparent land service delivery*. The project builds on the foundation laid under LAP-1 and focuses on completing outstanding legal and institutional reforms, removing business bottlenecks, promoting transparency and addressing various land administration challenges in the country in order to speed up land registration and delivery of land titles and deeds, enhance security of tenure and strengthen the settlement of land disputes.

As part of the reform agenda to improve the administration systems in the customary sector, the government through the Ghana Land Administration Project Phase I and II initiated a number of pilot interventions in selected Traditional Areas across the country over the last ten years. This forms part of



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the overall land administration reforms in the country to streamline land administration system to ensure transparent and accountable land governance by establishing minimum norms of transparency, respect for land rights; improvement in the management of land records, , efficiency in the provision of land services by customary authorities among others. The Pilot interventions included the establishment of Customary Land Secretariats (offices established by traditional authorities with support from the central government to manage and administer lands and to improve land governance at the local level), demarcation of customary land boundaries, ascertainment of customary laws on land and family and demarcation of rural parcels in selected traditional areas across the ten regions of Ghana.

Even though some successes have been achieved, implementation of these pilot activities has focused largely on the achievement of numeric targets. There has been considerably less systematic attention to monitoring and analysing how these initiatives have functioned in practice regarding, for example, (1) the quality and impact of interventions on tenure security or transparency and accountability in customary land administration; (2) ascertaining beneficiaries' perceptions of the project, (3) whether the cost of the interventions is justified by the benefits derived and (4) whether alternative and cheaper approaches could be used to ensure their sustainability over time.

It is within the above context that LAP has commissioned an independent assessment of the impact of piloted interventions in the customary land administration sector in the areas of (a) establishment of Customary Land Secretariats (CLSs), (b) the piloting of Rural Parcel Rights Demarcation (RPRD), (c) Ascertainment of Customary Laws on Land and Family (ACL) and (d) Customary Boundary Demarcation (CBD) using the services of external consultants.

## **1.1 Objectives of the Study**

The purpose of the assessment was to undertake an independent assessment of the impact of LAP (1 & 2) pilot interventions in the customary land sector. The Assessment mainly focused on the Customary Land Secretariats and other interventions such as the Rural Parcel Rights Demarcation, Ascertainment of Customary Law on Family and Land and Customary Boundary Demarcation. The specific objectives of the assignment are to (a) assess the impacts of the above interventions under LAP (1 & 2), (b) appropriateness of the design, (c) sustainability of the interventions and (d) the lessons learnt to inform future interventions.

## **1.2 Limitations of Study**



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The study used an adaptive management process during the execution of the assignment to improve outcomes by monitoring progress and incorporating data, lessons learnt and findings. One particular limitation was the inability to use counterfactual information in the research design as a means of circumventing the absence of baseline data in the project communities. This would have meant the investigation of non-project intervention communities alongside project intervention communities in similar numbers and the relative differences used as a proxy for the impact of the interventions. However, this could not happen because of time and material resource constraints. Incomplete cost data on project interventions (covered only the second phase of the project), and was therefore inadequate for a comprehensive cost effectiveness analysis of all the interventions. In the context of these shortcomings, both quantitative and qualitative data was collected from selected beneficiary communities to measure Project impacts.

## **1.3 Structure of the Report**

This report is structured in 5 sections. Section one (1) gives the general introduction, objectives and limitations of the study. Section 2 provides the literature review on customary land governance focusing on Ghana. Section three (3) focuses on the methodology for the study and the findings are presented in section 4. The conclusions, lessons learnt and recommendations are presented in section 5.



## **2. LITERATURE REVIEW**

### **2.1 Pre-eminence of Customary Land Administration**

According to Alden Wily (2008) customary land administration comprises the norms, regulations and enforcement mechanisms characteristic of traditional areas that are distinctive by virtue of being indigenous and rooted in community level, neither arising nor delivered through state mechanisms. The distinguishing features of customary land administration in Ghana are the clear legal recognition given it under Ghanaian legislation and land policy and the extent to which lands are still governed under customary control. The pre-eminence of customary land administration is so entrenched that, notwithstanding the lack of any scientific survey to establish boundary domains for customary land administration and that under the sphere of state control, it has been estimated that 80% of land is customarily owned and administered. Most of the rest is held by the state as the result of compulsory acquisition over the years, with some 2% of land as vested lands with split ownership between the customary and state structures (see Bugri, 2012).

The historical origins of customary land administration in Ghana vary by region, rooted in the dual system of land administration of the British colonial government. The then-Northern Territories (now comprising the Upper East, Upper West and Northern Region) were vested in the President and administered as public lands, while lands in the rest of the country were managed under traditional political authority (Agbosu, 1980). This situation persisted into the post-colonial era, until the Constitution of 1979 proclaimed the “divesting” of northern lands from the state and their re-vesting in local traditional owners. This decision was reaffirmed in the 1992 Constitution, which held that all lands in the Northern, Upper East and Upper West regions of Ghana were no longer public lands, except those that were compulsorily acquired.

Over the last five decades, and particularly, since Hardin’s (1968) famous “tragedy of the commons” the conditions and institutional arrangements under which land is held and used in the country has received the attention of government, donor partners and the international community. This attention has focused on how to resolve the land problems emanating from the co-existence of customary and statutory land administration systems, develop effective legitimate institutions for land rights management at the local level, promote the development of land markets and secure the land rights of the vulnerable and marginalized segments of society such as the poor, women and migrant-farmers (Ministry of Lands and Forestry, 1999). Attempts at resolving the land problems have therefore not been lacking (Acquaye, 1973;



Mensah-Brown, 1978; Kasanga, 1988; Abudulai, 1986; Amis and Llyod, 1990). An effective solution to the problems of land administration, however, is yet to be found. A plausible explanation for the persistence of the land problems in the country is found in the complicated nature of her *land question*.

## **2.2 Central Issues of Ghana's Land Question**

The '*land question*' in Ghana for development purposes implies a careful examination of several factors; including available land resources (Young, 1998); systems of land tenure that have evolved customarily to ensure the sustainable use and management (or otherwise) of these land resources (West, 2000); the role of the state in the use of legislative and policy instruments to regulate customary land administration practices to achieve desired national development objectives (Boydell and Holzknicht, 2003); and changes in political ecology (Smucker, 2002). Political ecology as a concept explores the changing nature of resource access and use as embedded within power relations among groups in society, e.g. gender, kinship groups, communities and the state (*ibid*). Indeed, one of the central issues of land administration in Ghana and Africa generally has been observed as the confrontation between customary and statutory systems of land administration (Lund, 1998; IIED, 1999). The key issues in this regard of relevance to this assignment are elaborated on as follows.

### **2.2.1 Legal Pluralism in Land Administration**

Land administration in Ghana is characterised by a state of legal pluralism. According to Kameri-Mbote (2005) legal pluralism is either diffuse or juristic. Diffuse legal pluralism "arises where a group has its own rules regulating social behaviour whose operation is neither sanctioned nor emanates from state law" (Kameri-Mbote, 2005). The juristic arises in situations where the official legal system recognizes several other legal orders and sets out to determine which norms of these legal orders are applicable. In Ghana, the colonial legislations before independence largely remained, and new laws in substance and spirit entrenched state control in land governance. Consequently, the purity of customary land administration in Ghana became tainted with western notions of tenure. Agbosu (2000) described the current state of affairs as "*an amalgam of customary rules with a heavy statutory overlay*" and West (2000) identified the consequences of the current state of land administration as including: (a) a complex overlapping and insecure system of land rights, (b) the dislocation of land resources from the social, cultural and spiritual life of indigenous Africans, (c) the debasing of the power and structural arrangements of indigenous land governance institutions, (d) the emergence of the state as a dominant factor in people-land relations and



(5) a lack of equity in the distribution of land resources amongst various social, economic and political segments of society.

### **2.2.2 Security of Customary Tenure**

Place *et al.* (1994) identified three important components of security of tenure relevant to customary land rights holders as:

1. The possession of certain important rights e.g. farmers' rights to the choice of crops to cultivate their farm produce and their ability to dispose of the produce;
2. A sufficiently long enough duration for a right holder to enable them to recoup with confidence the full income stream generated by the investment in the land; and
3. The type of land rights and their duration being known and can be held with certainty (*ibid*).

The above assertions highlight the fact made by Dalrymple *et al.* (2004) that land tenure security in agrarian societies is analogous to livelihood security and poverty issues because both are dependent on the right of access to, and use of, land and natural resources. The importance of tenure security in realizing Ghana's land policy objectives cannot therefore be over-emphasized.

That insecurity of tenure is an existential threat to good land governance in Ghana is incontrovertible. However, the causes of tenure insecurity and the measures to improve on the security of tenure for improved land governance are matters of endless debate. This is not unexpected given the perceptual nature of the concept of tenure security. Customary land tenure consists of the rights and restrictions in a society that are not documented but based on customs and defines the relationships between people and land. Given the communal nature of customary tenurial systems, an observation was made that the debilitating impact of these tenurial systems due to insecurity of tenure was pronounced so frequently and so loudly by commentators that it was widely accepted as a fact and to question it taken by proponents as "*proof of reduced intelligence*" (Acquaye, 1984). Hence statutory land tenure interventions, for example, land title or deeds registrations, which are forms of individualized tenure, argued as needed to provide security of tenure. Yet, others like Kasanga and Kotey (2001) and Kasanga (2001) have counter-argued that the principal tenets of customary land tenure are progressive and have further concluded that, customary land tenure mechanisms remain strong, dynamic and evolutionary in Ghana. Based on this discourse, Meinzen-Dick *et al.* (2002) concluded that simplistic policy prescriptions to give title to land as



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a way to improve security can be misleading, because there is more to tenure security than paper on which titles and deeds are documented. It has therefore been argued that imposing individualized tenure on the communal land tenure systems could be counter-productive (Mafeje, 1993; Platteau, 1996). This implies insecurity could arise if the hitherto secure customary lands use rights by vulnerable groups in society, e.g. women “disappear” upon the registration of family lands by males in a family (van den Berg, 1997). The phenomenon is often associated with elite capture of land rights in many rural communities and is certainly a matter of concern in Ghana given the emergence of large scale land acquisitions by both domestic and foreign investors (see Schoneveld and German, 2014).

Customary land tenure in Ghana have several components. For example, within the social unit or group (i.e. the social authority or local political entity), there are multiple land rights enjoyed by different people. An individual may claim grazing rights over land subject to the hunting rights of another, the transit of a third and the cultivation rights of a fourth, while a fifth has the right to collect the fruits from the trees (Deininger, 2003). It is the social unit (group) that usually holds the allodial (highest) or primary right over the control of land (Asante, 1975); with land use decision-making powers being exercised by males, especially in patrilineal kinship communities (Bugri, 2007). Consequently, Okoth-Ogendo (1998) concluded that the term ownership is not a useful framework for the analysis of customary tenure regimes. This obviously has implications for any assessment that may rely only on the quantities of registered deeds or titles as a measure of tenure security. The perceptions of beneficiaries matter very much in the judgment of impact made. Others, for example, Bugri (2007) de-emphasize systematic individual title registration for reasons of cost and lack of expertise.

Another important factor relevant to customary tenure security but which is outside the sphere of influence of any individual, group or project intervention is the power of eminent domain of the state. Since the colonial era through to post independence Ghana, compulsory acquisition has been relied upon by governments to acquire lands from the customary sector of land ownership.

### **2.2.3 Diversity of Customary Law and Tenure**

The last census that enumerated Ghana’s population into ethnic groups was done in 1960 and this identified about 100 ethnic groups in the country based on language, historical characteristics, geographic affinity or origin (Census, 1960). However, there is no standard definition of indiginity or community in relation to land resource ownership and use (Agyepong, 2013).



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Yet, it is noteworthy in relation to customary tenure in Ghana that some quite important differences, in practice if not in principle, from one ethnic context to another and above all from one ecological region to another cultural and ecological zone. Thus, social organization counts and this is largely based on a mystical alliance between the people and land for almost all traditional areas in Ghana. The origin of this mystical alliance is believed to lie in the concept of land as a deity, an attribute Cissé (1985) referred to as the ‘non-venal’ character of the land. Additionally, traditional communities are not only mystical, but also ceremonial communities since they encompass both the living and the dead, i.e. the communities’ ancestors (Ollenu, 1962). Land thus acquires important religious and socio-cultural dimensions in the activities of people. Under this traditional conception of land, labour and the other factors of production are traditionally not organized primarily with a view to expanding the economy (Cissé, 1985). Rather, maintenance of the group’s unity and sustenance are the primary considerations (*ibid*). This situation is largely still prevalent in Ghana, especially northern Ghana (Nyari, 2001; Millar, 2002).

In Ghana, and broadly speaking, the customary tenure systems that define the spheres of customary land administration in the three northern regions differ considerably from the rest of the country. These regions have similar ethnic, cultural and ecological conditions and comprise a tenure niche of predominantly patrilineal land inheritance. Chiefs and *tendamba* (land-priests), depending on the locality, occupy the apex of corporate tenure groups in these regions to exercise land governance responsibilities in a fiduciary capacity (Bugri, 2007; Kasanga, 1988). The land therefore remains primarily as a source of spiritual existence before being a source of livelihood or wealth and it is considered that people do not ‘own’ land as in the western sense. Land is not surrounded by restrictions connected to land ownership as exist in the west i.e. customary land tenure is considered to be communal in nature.

The influence of commerce, urbanization and demographic changes provide the basis of the second approach to the diversity of customary tenure in Ghana. In the southern part of the country where these factors are strong, coupled with the evolving nature of customs, the tendencies towards individualized tenure as exist in the west are increasingly dominant. Here, the matrilineal land inheritance system is dominant and mainly chiefs are at the apex of corporate tenure groups exercising fiduciary responsibilities in respect of land. In a few areas, for example, the Ga in the Greater Accra region and Ewe of the Volta, patrilineal land inheritance exists and in the specific case of the Ewe, family heads occupy the apex of corporate tenure groups (Asante-Ansong, 1978).

The diverse nature of customary law and tenure as analyzed above lends credence to the view that interventions into customary land administration cannot be a matter of one size fits all, but situated within



the nuanced nature of this diversity. But diversity comes with issues of power dynamics and associated matters of transparency and accountability in land governance.

#### **2.2.4 Transparency and Accountability in Customary Land Administration**

At the centre of transparency and accountability in customary land administration in Ghana are two issues- culture and power imbalance in people's relations to land. Demand for transparency and accountability in customary land administration has been saddled with practical difficulties. For example, according to Kludze (1987), customary law already insists on accountability from the family head. This position is statutorily affirmed by The Head of Family Accountability Law 1985 (PNDCL 114). The law recognizes customary accountability and even requires that aggrieved family members first try to resolve accountability issues at the family level before proceeding to the court or instituting any action under the law. However, the customary accountability process at the family level as encouraged by the law is beset with some practical difficulties. Per the rule of customary law, the family head is the proper person to have custody and possession of family property (see Ollenu, 1962). The reverence for chiefs in particular, and to some extent family heads as custodians of the land further weakens the resolve of other corporate tenure members to demand for transparency and accountability in customary land administration. As Brobbey (2008) put it, "Ghanaians have such great respect, in some cases almost bordering on reverence, for chiefs that what the chief tells his people is in many cases almost instinctively obeyed" and this situation obviously deters many from demanding transparency and accountability in customary land governance. To some, the reverence for chiefs is not limited to subjects, but extends to even the government. Indeed, it has been noted that:

“the government's attitude towards chieftaincy is [...] influencing chiefs' behavior. The government currently provides hardly any checks and balances on local land administration [...] and government's policy of non-interference in chieftaincy affairs [...] provides them with ample leeway to administer land the way they please [...] and the National Land Policy and Land Administration Program do not seem to predict change in this respect in the near future (Ubink, 2006).

In the current land governance dispensation where transnational corporations have struck deals for the acquisition of large scale lands for investments, the issues of transparency and accountability in customary land administration have become topical in the country. As has been observed, there is a high level of opacity surrounding negotiations on land deals, with traditional authorities increasingly becoming



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notorious for enriching themselves on the basis of undisclosed sums of money described as “drink money” in land transactions. It has been noted that “drink money” is a euphemism for rent capture by traditional authorities and a means of putting a socially acceptable label on the receipt of huge cash payments when, customarily, all that is entailed is a bottle of alcohol, kola nuts and some food products (Schoneveld and German, 2014). Others have examined the issue of transparency and accountability in land deals involving transnational corporations in the country and concluded that:

the different tenure regimes of the various traditional areas and the lack of regulation on transnational land transactions have enabled idiosyncratic deals between investors and land owners, mostly chiefs. In reality contracts are between chiefs and investors and often reflect their motivations and aspirations rather than those of the community (Tsikata and Yaro, 2011).

The above practice by some chiefs, sadly, is a clear violation of the code of royal ethics for chiefs approved by the National House of Chiefs (National House of Chiefs, 2012). It is however noteworthy that in respect of the customary authorities, some chiefs have consistently and publicly decried the practice of chiefs who sell lands in their areas of jurisdiction for their personal benefit and usufructs who also without the consent of the stools and skins sell land to others in a process which could ultimately reduce the mass of the people into landless peasants (Bugri, 2016).

The Lands Commission (2012) responded to the issues of large scale land acquisitions such as transparency and accountability of customary authorities with guidelines to regulate the practice. Unfortunately, the first guidelines were deficient in tackling gender-sensitivity; broader stakeholder participation and capacity to negotiate on the part of local communities for adequate compensation for loss of land rights, among others (see Bugri *et al.* 2015). These defects are vital to ensuring inclusive and accountable decision-making processes in customary land governance. Thus the guidelines have been the subject of expert analysis and stakeholder engagement at national forums towards improving on their relevance to responsible agricultural investments and implementation. This will certainly have positive impact on the land rights of the vulnerable such as women, non-indigenes and the youth.

## **2.2.5 Vulnerability of Land Rights of Women, Non-Indigenes and Youth**

In the process of customary land administration, social identity, defined in terms of gender, descent and traditions of origin and age, becomes an important criterion in gaining ownership and access to land. The political economy of land governance in the country leaves an element of vulnerability in terms of women’s land rights, particularly in patriarchal communities of northern Ghana. In patriarchal



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communities where custom requires that land inheritance is from father to son, women become marginalized in their land ownership position. In the ownership and control over land resources, is a gender-difference based ideology. This difference in ideology has negative implications for the security of women's land rights (Minkah-Premo and Dowuona-Hammond, 2004). Niessen (1985) observed that the social identity of women as situated between the *wife-giving* group and the *wife-taking* group, make women associated with both groups but absolute members of neither and therefore marginalizes their land ownership position. Yet, Bugri (2008) reported on a study in North-east Ghana where patriarchy is practiced that customary practices even under the patrilineal system of land inheritance are changing in favour of women owning land, and access to land for livelihood needs was similar across gender. Moving away from ownership to access, Benneh *et al.* (1995) cited in Fayorsey (2003) examined women's access to agricultural land in households in the Ashanti and Upper West regions and concluded that the existing tenure systems present no significant obstacles to women's access to agricultural land.

In Ghana, the definition of *community* in relation to land resource ownership, control and use is far from one of a common understanding. The traditional belief is that land resources belong to the community which comprises the ancestors, the living and the yet unborn (see Ollennu, 1962). Thus, there is a local saying about non-indigenes in relation to land ownership and access in the communities they find themselves to the effect that “*no matter how long a piece of wood remains floating in a river, it will never metamorphose into a crocodile*”. But who exactly among the living in a township belong to the community of land owners and how this conceptual view is applicable to urbanized settlements requires a great deal of rethinking and deserving of a national debate (Bugri, 2016).

In many agrarian societies the older generations (parents, community elders or chiefs) retain control of land for as long as possible. Land is often owned and controlled by the elderly in traditional African societies (White, 2011; World Bank, 2014). Seniority or age as a social identity card for ownership or access to land is a well-known customary norm in Ghana. There is a local saying that “*when it comes to land, children are seen but not heard*”. This implies a lack of participation by the youth in land-decision making. Boni (2008) found that in the Sefwi area of Ghana, during the second half of the twentieth century, the elders through forest clearing in the previous decades had accumulated prerogatives over large tracks of land while the youth faced land shortage. Again, in the Eastern and Western regions of Ghana, Amanor (2008) also noted that the sale of land to migrant cocoa farmers resulted in land shortage for the local youth. The potential implications of the above vulnerabilities when it comes to the land rights



of women, non-indigenes and the youth on agricultural development and sustainable land administration are quite negative and range from social tensions to land disputes and even violent conflicts. These potential implications have a high probability of becoming reality, especially in this era of a liberalized land market regime characterized by an increasing level of large scale land acquisitions by both domestic and foreign investors within a political economy of customary land administration that lacks transparency and accountability as described above.

### **3.2.6 Land Disputes and Conflicts**

The fixed nature of land resource stocks in the context of increasing demographics leads one to conclude that in the political ecology of Ghana, i.e. the emerging changes in land resource access and use; disputes and conflicts are inevitable. Contestation over land is particularly acute and seems likely to intensify as pressures of population growth, cash crop led marketisation, large scale migration, and rapid urbanization have produced increased competition and land scarcity, and increasingly politicized conflict over land (IIED, 1999). Ayee *et al.* (2011) underscored the above assertion when they observed that in Ghana “[a]n important problem of the land tenure systems is endemic conflict...The endemic nature of most of these conflicts suggest their embeddedness in local power structures and social group membership.

Based on causative factors, Bugri (2012) compiled a typology of land disputes and conflicts from the literature on Ghana and this is summarized as follows: boundary conflicts usually between different stools/skins or between individuals (Ayee *et al.* (2011); disputes between chiefs and individual farmers over the rapid conversion of farmland into residential plots (Ayee *et al.* 2011, Ministry of Land and Forestry, 1999); inter-family and intra-family disputes over family land boundaries, the division of plots and proceeds from land sales, and the right to use certain parcels of land (Ministry of Lands, Forestry and Mines, 2008/9); disputes between chiefs and local people over land allocation practices and the lack of transparency and accountability in land transactions (Ayee *et al.* 2011); conflicts arising from non-payment, delayed or inadequate payment of compensation for government compulsorily acquired lands (Ministry of Lands and Forestry, 1999); disputes over multiple claims to compensation claims (Ayee *et al.* 2011); disputes between government institutions and subjects of particular stools/skins over sale of lands compulsorily acquired in the public interest to private individuals or corporate bodies for development (Ministry of Lands and Forestry, 1999); disputes between private individuals land developers and stools, skins, families or individuals (Ayee *et al.* 2011); conflicts in vested land areas



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between traditional authorities and public land agencies over control of land allocation functions and receipts of land revenues (Ministry of Lands and Forestry, 1999); conflicts over who receives land hitherto compulsorily acquired by government and now returned to original owners (Ayee *et al.* 2011); disputes over ownership of resettlement lands (Wehrmann, 2005; Ayee *et al.* 2011). Although the underlining causes of disputes and conflicts related to land may be several as outlined above, these can be grouped into three main dimensions – contestations over boundaries, disputes over tenure and administrative causes. The diversity of the causes of land disputes and conflicts as enumerated does not only underscore the importance of land to the survival of most Ghanaians, but equally emphasizes the nuanced nature of land issues in the country. Given the negatives consequences of land disputes and conflicts on land resource utilization, their effective resolution is crucial to national development. Land disputes and conflicts stifle development and investment in land and thus undermine efforts to expedite shared economic prosperity. As a result, the National Land Policy (NLP) of 1999 was developed to place the resolution of land related disputes on the front burner of policy discussions. Among others, the NLP aims at:

Minimising, and eliminating, where possible, the sources of protracted land boundary disputes, conflicts and litigations in order to bring their associated economic costs and socio-political upheavals under control (Ministry of Lands and Forestry, 1999).

To achieve the above policy aim, identifying and strategizing in land disputes and conflicts resolution become central to the land governance discourse in Ghana. For example, customary arbitration, negotiation, settlement conference and mediation which are all Alternative Dispute Resolution (ADR) approaches were the preferred choices of dispute resolution for 156 out of 160 respondents, representing 96 percent in a survey of the Ejisu traditional area (Issah, 2015).

The two main approaches to disputes resolution have been the formal court system and the traditional mechanism of customary arbitration, now incorporated into the concept of ADR.

## **2.2.7 Participation in Land Governance**

Of the three main dimensions of land disputes and conflicts: contestations over boundaries, disputes over tenure and administrative causes, it is plausible to suggest that given the power imbalance in land governance decision-making in customary land administration, the opaque nature of customary land governance and resulting lack of accountability; the lack of participation in land governance is at the core of most the causes of these land disputes and conflicts. Participation as used here in the context of



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customary land administration, also includes the involvement of LAP in customary land governance as a state sponsored organization. Given that the designs of the four (4) interventions into customary land administration varied by type of intervention, potential for diverse levels of effectiveness in execution is high. It should however be noted that top-down approaches to land administration such as the contractual and consultative approaches are not truly participatory in nature and often fail to produce desired results. Hence the National Land Policy of 1999 appears to favour the collaborative and collegiate approaches in policy approaches that place both greater recognition and emphasis on traditional systems of land governance (Ministry of Lands and Forestry, 1999). This new spirit of cooperation embraces the concept of interactive land governance, defined as the whole of societal interactions taken to solve land governance problems and create opportunities, including the formulation and application of the principles that guide those interactions and care for the institutions that enable and control land governance institutions (Kooiman *et al.* 2008).



### **3. APPROACH AND METHODS**

#### **3.1 Approach and Methodology**

The study adopted a participatory approach to data collection for the assessment of impacts of the pilot interventions. The PLA thus afforded quick learning of the key tenure issues on the ground and facilitated stakeholder analysis and drafting of data collection instruments. Mixed methods were used to explore the views of key stakeholders on the impact of the interventions. A combination of qualitative and quantitative research paradigms was used in the conduct of the study (Creswell, 2003). The varied nature of data required and the different sources of data collection made the mixed methods appropriate in providing coherent and truthful assessment of impact of interventions. Combining qualitative and quantitative data also provided opportunity to obtain information in a complementary manner as well as undertake triangulation (Mason, 2002). The various methods that were applied in the investigation are elaborated on below.

##### **3.1.1 Desk Review**

The study conducted in-depth of literature on the nature of the land governance dynamics in the diverse tenure regimes in the country and the performance of the project interventions in those contexts. Documents reviewed included project reports on various interventions in CLA, land policies, research reports and relevant journals looking at it from national and local levels became useful in making judgments about project impacts.

##### **3.1.2 Interviews and Questionnaires**

Based on the documents reviewed, key informant interviews and questionnaires were developed for the collection of both qualitative and quantitative data from identified stakeholders. the interviews were used to generate in-depth information on impacts of the project interventions. The questions asked in the use of these instruments for data focused on how information on impact could be generated empirically or enable objective judgments on impact to be made. A framework for evaluation and questions for this purpose is described in detail below. This process became a means of producing not only quantitative data, but also the rich qualitative data required to address the weakness of project successes always being reported in relation to numeric targets. In respect of interviews and questionnaires as instruments for data collection, these were applied concurrently at project intervention sites or communities on visits. Both



interviews and questionnaires were applied to primary stakeholder beneficiaries for the collection of relevant data.

### **3.1.3 Focus Group Discussions**

In using the perceptions of beneficiaries of project interventions to assess project impacts normative judgments occur resulting in diverse perceptions. Where these arose, Focus Group Discussions (FGDs) were used to find common ground on the issue in question. Much of the discussion in focus group literature centres on highlighting the advantages of using groups in research to release inhibitions that individual respondents might face, widen their range of responses and activate forgotten details (Crabtree *et al.* 1993). In addition to these advantages, and for the purposes of this assignment, consensus building was seen as a critical element to the effective implementation of project activities and recommendations for improved land governance.

### **3.1.5 Selection of Intervention Areas**

In the particular case of the Customary Land Secretariats (CLSs), though 88 have been established and/or strengthened by LAP and which reflect a national character, those of relevance to impact assessment were 57. Based on this sample frame, a total of 12 CLS areas were required for data gathering. The selection reflected the consideration of national geographical spread with four (5) from the Northern Zone, namely: Bongo, Yoo, Gulkpegu and Wa Central and Wa Sagmaluu CLSs; the Middle Zone had the Dormaa, Ejisu, Adankrangya and Bekwai CLSs totalling four (4) and Southern Zone was represented by the Akwamu, Wassa Amenfi and Fievie CLSs making three (3). The classification into zones was done to roughly coincide with the broad tenure categories in the country. On this basis, Upper East, Upper West and Northern Regions formed the Northern Zone, while the Brong Ahafo, Ashanti and Eastern Regions constituted the Middle Zone. The rest of the Regions, Western, Central, Volta and Greater Accra constituted the Southern Zone. Other considerations which were critical factors to impact assessment were the trajectory of development of CLSs, their duration of existence and the level of urbanization where a CLS is located. Based on these considerations in sampling intervention areas it was observed that of the 57 CLSs, 37 were established between 2003 and 2008. These had therefore been in operation for quite some time to have made some impacts. On the other hand, the remaining 20 CLSs were established between 2013 and 2014 under LAP-2 and were likely yet to gain traction. Of the 12 CLSs covered for this assignment, ten (10) were sources for both quantitative and qualitative data from primary beneficiaries using questionnaires and interviews, while two (2) were sources that yielded only qualitative data through



interviews with secondary beneficiaries. The two were Wa Sagmaluu and Fievie CLSs. Of the ten (10) CLSs that produced data from primary beneficiaries, seven (7) were established under LAP-1 and three (3) under LAP-2.

### **3.1.6 Stakeholder Selection**

Stakeholders were categorized into primary and secondary stakeholders. Primary stakeholders, often the direct beneficiaries of project interventions, included the traditional authorities (as custodians of land), CLS staff, land management Committees and land users in the project intervention communities. Secondary stakeholders were the local, regional and national level government organizations or institutions and and Civil Society Organizations (CSOs) working to advance the cause of land governance in the various project intervention areas. A sample of 290 primary beneficiaries was used for the study. Of these, 204 (70.3%) were males and 86 (29.7%) females. In the sample of 290 primary beneficiaries, 207 (71.4%) were indigenes and 77 (26.6%) non-indigenes. The sample of secondary beneficiaries (71) also comprised (49) male and (22) female. In all an aggregate total sample size of (361) stakeholders participated in the assessment.

### **3.1.8 Data Analysis**

The quantitative data gathered was analyzed using SPSS software. Findings were presented in the form of frequency distributions and rating scores of beneficiaries' perceptions of impact. cross tabulations were also undertaken using tenure security, transparency and accountability in land governance, level of participation in land governance, vulnerability of women's land rights and project sustainability among others. Particular note was taken of the existence of other possible non-LAP interventions that could have contributed to similar impact in the project communities. This was to ensure that measure of attribution of impact was reflective of reality. The case of qualitative data analysis was executed manually by grouping themes and categorizing indicators to deduce patterns from the qualitative information collected. Typical narratives were then used to verify and triangulate with the quantitative data and desk review to provide a complete picture of the impact of project interventions.



## SUMMARY OF FINDINGS

### Customary Land Secretariats

#### (a) Improvement in the Documentation of land rights

The operations of the CLSs have resulted in an increase in the number of people in various traditional areas documenting their land rights. All the CLSs which were surveyed under this assignment recorded several land transactions and in some instances, these recorded rights are shared with state institutions such as the OASL to help in building the needed database to improve on land administration.

#### (b) Sensitization and Awareness Creation on Land Rights

Most of the CLS have sensitized their communities on their land rights and this has led to improved awareness creation, especially of the land rights of vulnerable groups such as women in the various communities.

#### (c) Disputes Resolution

Dispute resolution processes through the formal court systems have over the years proved to be adversarial, time consuming and expensive. Through the CLS, ADR mechanisms have been integrated into the local setup for land governance and several land related cases which could have ended at the formal courts have been successfully settled. Evidence from beneficiaries indicates that there is high satisfaction regarding the speed with which cases are settled as well as the incidental costs involved.

#### (d) Other Services

The CLS have played various roles aimed at supporting appropriate institutions to effectively discharge their land related functions. For example CLS have coordinated with OASL in the area of revenue collection. In other instances, data from the CLS have supported local government authorities to effectively introduce property rating in their areas. Ensuring transparency and equitable benefit sharing are equally important aspects of land governance which some CLSs are helping to achieve, especially in the face increasing large land based investments.

#### Constraints:



- (a) Lack of a legal basis for the existence and operations of CLSs makes it difficult to provide guidelines to regulate their operations.
- (b) Capacity weaknesses still persist in the operations of CLSs.
- (c) The operational sustainability of CLSs is tied to their financial sustainability. Yet, inadequate funding characterizes their operations resulting in no or poor remuneration to staff.
- (d) Lack of secure tenure for CLS Coordinators due to changes in traditional authorities and poor state of remuneration leads to high rates of staff attrition and further weakens their capacity to deliver.
- (e) Power play amongst paramount and divisional chiefs in CLS locations resulting in mistrust and lack of cooperation among stakeholders.
- (f) The maintenance culture across the CLSs is generally poor and this has resulted in the breakdown of equipment for used for operations.

**Lessons Learnt:**

1. The design and operations of the CLSs appear to be a blend of the collegiate view of land administration which states that government land experts only act to strengthen the capacities of communities to undertake their land administration roles and that of the collaborative view in which government land experts and communities are both actively involved in taking and implementing land administration decisions. Others would argue that the approach is more of the collegiate form of land governance. The downside of this approach is that the moral hazard problem of ownership and drive is not yielding the expected benefits but rather manifesting itself in many CLSs in the form of poor performance and even closure.
2. The design of the CLS concept failed to envisage at the beginning a clear developmental path trajectory of CLSs and how to work actively towards achieving that end goal. The operation of CLSs has been on-going as learning by doing experiments that swung between supply and demand-led approaches without a clear development trajectory framework. This development trajectory framework is required to address not only the differences in location and potential of CLSs, but also what legal effect their roles, especially in documentation of land rights will have in the juristic legal system the country operates.



3. The choice of location of a CLS is important and this must be investigated before arriving at a conclusion. Whereas locating a CLS at the palace of the paramount chief may be necessary to enhance its legitimacy in some traditional areas, doing same in other areas could result in the collapse of the CLS as the Wassa Amenfi case illustrates.
4. The youth appear left out as a vulnerable land rights group deserving of targeted actions under LAP to improve upon agricultural development in the country and this should be factored into future interventions.
5. The flexible nature of the composition of the Land Management Committees in the various communities presents an opportunity to opt for people whose range of skills may be requirement for the effective operation of the CLS. The Dormaa Ahenkro CLS case proved that opting for a retired judge to serve on the Land Management Committee resulted in enhanced capacity of the CLS to effectively adjudicate land-related cases. Learning from this, other CLSs may co-opt people whose skills will be required to enhance the efficiency of their operations.

## **Key Recommendations**

### **(a) Legal Basis for Existence and Financial Sustainability of the CLSs**

- Currently, there is neither a legal basis nor formal sources of funding for the operations of CLSs. Thus, the draft land bill provides for a legal basis for the establishment of CLSs basis as well as some formal sources of funding CLS operations. The legal basis for the operations of CLS as provided in the land bill is however not mandatory for all land owning groups to establish CLSs if bill becomes law. This is in line with the current demand-led approach in establishing CLSs, will reduce the financial burden on the state, and is therefore recommended.
- The sources of funds for the operations of CLSs as provided in section 20 of the draft bill are as follows:
  - (a) in respect of stool and skin land, a portion of the land revenue paid to the land owning stool or skin and the traditional authority by the office of the administrator of stool lands.
  - (b) in respect of clan or family land, a portion of the revenue paid to the clan or family by the Lands Commission.



- (c) a proportion of the revenue paid to the District Assembly by the Office of the Administrator of Stool Lands and the Lands Commission.
- (d) fees for services rendered by the Customary Land Secretariats as prescribed by Regulations; and
- (e) other funds provided by the land owning group.

The proportions of funds shall be determined by the Lands Commission and the Office of the Administrator of Stool Lands in consultation with the affected stool, skin, clan or family and the District Assembly. It is recommended that these provisions of the draft land bill be passed into law and enforced as a means of improving on the financial sustainability of the operations of CLSs. Of the above sources of funding, the most critical to the long-term financial sustainability of CLSs is fees for services rendered by CLSs. This potential, however, can only be realized if the CLSs develop business models of operation that are inclusive in nature. Inclusive business models are those that are market oriented but also provide safety nets for vulnerable members of society and this is important in the context of land resources because they are fundamental to people's livelihoods.

**(b) Capacity of CLS Coordinators/Staff and Power Dynamics of Chiefs**

- It is recommended that the traditional authorities provide secure tenure of office for CLS Coordinators and not unnecessarily change them just because a current Coordinator was engaged by the previous traditional authority. In this regard, the National House of Chiefs in collaboration with OASL and LAP should prepare guidelines for the appointment of CLS Coordinators and other staff as well as regulate the power dynamics within the hierarchy of chiefs in the traditional areas of CLSs for the effective performance of their duties. These guidelines could later be incorporated into the Legislative Instrument (LI) to be prepared to support the implementation of the forthcoming Land Act.



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- To further improve upon the capacity of CLSs to deliver land services, lessons learning and sharing of experiences amongst CLS staff and the sustained training of CLS staff at the regional levels through the collaborative efforts of LAP, OASL, Lands Commission, Judicial Service, Academia and Business Executives are suggested.
- It is also recommended that capacity building training should include assets maintenance and assets registers should be kept by all CLSs for the inspection and verification by OASL staff on their visits to CLSs for monitoring and evaluation.
- Finally, it is suggested that through the collaborative efforts of LAP, the National Service Secretariat, OASL and the Universities, national service personnel with relevant training in land management could be posted to CLSs to undertake their national service and be paid allowances by government thereby reducing the financial burden of CLSs. These measures could build synergies and improve on performance of staff.

## (c) **Data Consistency and Strengthened M&E Roles**

- Under section 16 (4) of the draft land bill it is proposed that a Customary Land Secretariat shall at the end of every six months submit to the Lands Commission and the Office of the Administrator of Stool Lands (OASL) records of each transaction recorded by the Customary Land Secretariat. There will be little value in this requirement if it is passed into law for enforcement without consistency in the way that data will be captured, stored, retrieved and managed to be of benefit to end users. It is thus recommended that LAP, OASL and the Lands Commission investigate the feasibility of developing software for land information of uniform quality and reliability for the benefit of end users.
- There is the need for improved coordination between the state institutions such as OASL, Lands Commission and the CLSs. Periodic M&E visits to the CLSs must be prioritized as a means of enhancing coordination. M&E has generally been weak because the OASL lacks the budgetary support to undertake the supervision of CLSs. Therefore, issues which could have been timely resolved to ensure continuity of the CLSs are often left unattended. The needed budgetary



support to OASL for logistical and other support in this direction such as offices, vehicles and staff should be provided by government.

**(d) Continuous Engagement with Stakeholders for Building of Trust**

The lack of trust provides the grounds for controversies and possible conflicts with negative implications in stakeholder relations. Trust exists where one has the confidence that the behaviour of another will match expectations of the trust holder. The process of working relations is a critical underpinning of the trust level between or among parties. Some key stakeholders such as paramount chiefs, divisional chiefs and other traditional leaders appeared to perceive the CLS as ‘intrusive’. As a result, some of these important partners are failing to provide the needed support to the CLS. In the case of Dormaa, the establishment of the ‘Plot Allocation Committee’, a parallel body to the CLS reflects the mistrust the chief has in the CLS. In Adankrangya, Bekwai and Akwamufie, the lack of coordination and cooperation between the CLS and the divisional chiefs proved problematic for the successful operation of the CLS. Continuous consultations and engagements with these key stakeholders could help in building trust and cooperation among them and the CLSs.

**(e) Development Path Trajectory for CLSs**

The key stakeholders in the CLS agenda, traditional authorities, OASL and the Lands Commission should discuss and define a framework for the development path trajectory of the CLSs and collaboratively work towards achieving that development trajectory. This framework should take into account the context-specifics of locations of CLSs such as rural-urban, tenure characteristics and land market development potential and map that onto a functional hierarchy of simple land recording, deeds registry or title registry units over time.

**(f) Improving Transparency and Accountability in Customary Land Governance**

- The power imbalance between traditional authorities and subjects and the reverence by the latter of the former, makes transparency and accountability in customary land governance a critical consideration. It is therefore recommended that the OASL, LAP and the Lands Commission institute a Land Governance Transparency Index (LGTI) for CLSs to measure indicators such as



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public participation and decision-making, accountability of traditional authorities, voice of vulnerable land rights groups, land rights documentation, disputes resolution, etc. to serve as an incentive scheme for CLSs that meet requirements as well as name and shame those that do not.

- The preparation of periodic accounts of all revenue received at the Customary Land Secretariats in accordance with Article 36(8) of the 1992 Constitution should also be strictly enforced by the OASL.
- It is also recommended that LAP collaborates with the Lands Commission for the revised large scale land acquisition guidelines to be developed to have measures that address issues of transparency and accountability in land transactions in the customary sector.
- Improving transparency and accountability in customary land governance will require addressing the issues of benefits sharing and this is where the meaning of *community* in relation to land ownership and use in contemporary times poses a challenge. There is no standard definition of indiginity or community in relation to land resource ownership and use this situation poses formidable challenges in urbanized communities. In section 274 of the land bill, the interpretation provided is that a “*community*” means a group of families and individuals living in a territorial area and has common interests in areas of habitation, agriculture, communal land use and protection of land, whether cultivated or lying fallow, forests, places of cultural importance, pastures, water sources and areas for expansion”. How this interpretation will be received by Ghanaians remains to be seen and it is recommended that the matter be put to a national debate for a consensus view of what community means in contemporary times.

## Rural Parcel Right Demarcation

### Achievements:

- (a) The rural parcel right demarcation and systematic titling achieved some results in terms of demarcation of parcels, limited registration of parcels and dispute resolutions.



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## **Constraints:**

- (a) The disjointed implementation process of the intervention failed to build the needed synergies for optimum results. For example, the poor sequencing of the recruitment process for consultants and contractors affected the delivery as at the time of the survey, the ADR consultant had completed field work.
- (b) As a consequence of the disjointed implementation process, disputes over boundaries resulted during the survey processes as there was no ADR expert to help address emerging disputes.
- (c) Surveying standards not fit-for-purpose for rural areas because the high level accuracy insisted on by the surveying standards and guidelines are not critical to surveying of rural farmlands.

## **Lessons Learnt:**

1. Sensitization process which preceded the registration exercise was low. Therefore, several interested farmers could not register to be part of the process. Such farmers however turned up during the implementing stage with the expectation that their land will be surveyed. This created difficulty, especially to the survey consultant.
2. Delay in procurement practices impacts negatively on project activities. The expert and consultants were expected to have worked collaboratively and synergies built towards implementing this intervention. Similar interventions in the future should prioritize the timely recruitment of all allied experts and consultants.
3. Improved cost effectiveness could be enjoyed from economies of scale in increased number of parcels in future RRPD interventions.

## **Recommendations**

In order to improve the performance of the RPRD in future, the following steps are recommended.

- i. Effective communication strategy and sustained engagement with all stakeholders.
- ii. Planning the Procurement or Recruitment of Consultants: Given the rigidities of the procurement practices, improved proactive planning of recruitment of consultants for highly technical interventions is suggested.



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- iii The evaluation panels for consultancy bids should be selected based on technical competence and ability to evaluate and identify and eliminate least cost bids that may fail to deliver on the assignment given the quality of work expected.
- iv Scaling up future interventions for increased numbers of parcels to be demarcated and surveyed has the potential for more cost effectiveness through economies of scale.
- v In the survey of farmlands of rural communities the current standard guidelines aimed at ensuring high level accuracy is unnecessary. These requirements should be modified to make them fit-for-purpose in rural land surveys. The resulting benefits here include reduced cost of surveying in rural areas and an increase in demand for surveying in rural communities. It is therefore recommended that the Legislative Instrument (LI) envisaged for the land bill if it is passed into law provides separate categories of guidelines for rural and urban land surveys.

## **Customary Boundary Demarcation**

### **Achievements:**

- (a) The Ejisu and Bongo CBDs are the only largely successful stories.
- (b) Increased awareness creation on land rights in the various communities, especially of vulnerable groups such as women.
- (c) Although the CBD rekindled latent boundary disputes, there were instances where the process resulted in the resolution of existing boundaries.

### **Constraints**

- 1. Lack of adequate sensitization and broad engagement with traditional authorities resulted in several disputes which eventually undermined the entire processes. Success rate of this intervention has been low, with several of the initiated cases having stalled as a result of boundary disputes.

### **Lessons Learnt:**



1. Sustained period of engagement with traditional authorities critical to any future success in this intervention.
2. The consultant who was responsible for the assignment in Dormaa Ahenkro admitted to having underestimated the scope of work which was involved in the sensitization process and which resulted in significant under-pricing. This has negative implications for quality of work and raises the question of how the technical and financial evaluation of consultants' bids was undertaken. Should the least cost bid necessarily win?

### **Recommendations**

- i. Broad consultation within adjoining traditional areas must be prioritized in order to obtain a more rounded view of the existing risks and opportunities in the area.
- ii. Based on the issues identified, tailored sensitization campaigns should be mounted across all the traditional areas which share boundary with the subject traditional area.
- iii. Where there are boundary disputes, these must be resolved before the commencement of the actual survey. The use of ADR specialist is important but should work closely in collaboration with bodies such as Regional House of Chiefs, the Judiciary, Forestry Commission and religious leaders. For example the completion of the CBD in Ejisu was largely as a result of the intervention of the King of the Asante Kingdom to directly oversee the resolution of disputes.
- iv. Upon successful resolution of identified disputes, the actual survey can then start. It is however important that even at this stage, sensitization is still sustained and ADR services made available.

### **Ascertainment of Customary Law**

#### **Achievements:**

- (a) Widespread awareness of customary laws relating to land and family in 20 traditional areas under LAP-1 and currently promoting same in 8 traditional areas under LAP-2.
- (b) Collected and validated or is validating data on land and family in most of the traditional areas of operation.



- (c) Voice for the vulnerable land rights holders such as women through the participatory methodology applied in data collection and validation exercises.

**Constraints:**

- 1. Funding for this activity is complex, with the OASL holding the required funds on behalf of the ACL. This has proved to be a setback in implementation of the intervention.

**Lessons Learnt:**

- 1. The participatory approach utilized in this intervention is useful going forward.

**Recommendations**

**(a) Raising Awareness on the ACL**

Beneficiaries' awareness of this intervention appeared extremely low with only 4 percent of potential beneficiaries being aware of this initiative. With such low level of awareness, it becomes difficult for beneficiaries to establish any discernible linkages between the ACL and any improvement in the area of land administration at the community level. There is the need for high level of sensitization on this intervention across broader interest groups in land. This must be prioritized in the next phase of the project.

**(b) Revising the arrangement for financing the ACL**

The fact that the National House of Chiefs is not considered as an implementing agency in the scheme of the World Bank's funding arrangements means, this body could not directly receive funds from the Bank. Funds meant for this project were accordingly held by the OASL and disbursed to the ACL. This arrangement introduced a layer of bureaucracy and delays to planned programmes became inevitable as a result of the complexities involved in accessing funds from the OASL by the ACL. It must be noted that, the National House of Chiefs has the mandate under the 1992 Constitution to ascertain customary law and this by definition involves some level of implementation. It is therefore recommended that, there should be re-classification of the National House of Chiefs to make it an Implementing Agency. This will enable



it to have direct access to funds to ensure the speedy ascertainment and validation of customary laws across the outstanding traditional areas.

(c) Making the Content of the Ascertained Family Laws more Relevant to Land Administration

Under the ACL, two reports were generated- one on Land and the other on Family. Both sets of ascertained laws are expected to be applied together in order to clarify existing customary bottlenecks which undermine land administration. Issues such as succession, especially among key land holding authorities, should therefore be ascertained and documented in a more coherent and integrated manner in order to highlight the interconnectedness of land ownership and custom as well as ensure clarity and reduce possible threats of future contestations.

(d) Anchoring the ACL on Research Institutions at the Regional Level

In order to improve the implementation of the ACL and enhance its sustainability, it is recommended that the project should be implemented in close collaboration with an established research bodies such as relevant departments of tertiary institutions. Such collaboration can improve the ascertainment process as a result of local knowledge and expertise of the research institutions.

### **Conclusions**

Land remains a critical asset to many Ghanaians who are dependent on it for economic survival and social identity. The customary sector remains the main source of land. Therefore, it is important to address existing structural challenges which impede effective administration of customary lands. This means any attempt to reposition and strengthen customary land administration through separate but related interventions under LAP is of paramount importance. Flowing from this, the CLS, RPRD, CBD and the ACL have all been implemented at different scale levels across the country. Evidence suggests that the different interventions recorded varying degrees of success in different areas. For example, the implementation process of the CBD resulted in the resolution of several inter boundary disputes. The piloting of the RPRD inherently resulted in community level education on issues such as the importance of documentation, gender and women's land rights. The CLSs are increasingly being involved in the documentation of land rights as well as providing a cheaper and more accessible channel for dispute resolutions. However, cost effectiveness of the RPRD revealed that by increasing the parcel numbers in future interventions increased cost effectiveness could result from economies of scale.



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All the interventions have been relevant and important to improving customary land administration across the traditional areas and critical to good land governance at the national level. This investigation points to the fact that, despite the inability to meet the quantitative targets in some instances, the interventions achieved some intended and unintended qualitative gains for project beneficiaries. The interventions have potential for sustainability. But the realization of this potential is linked to resolving the challenges that undermined the implementation of the interventions as identified in this assessment. They should be addressed to improve the uptake of the interventions going forward.



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



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