

Conference Paper

**TOWARDS A RESPONSIVE CUSTOMARY LAND RIGHTS SECURITY IN RURAL GHANA: THE
RURAL PARCEL RIGHT DEMARCATION APPROACH**

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Abstract

Land for diverse uses in Ghana has come under intense pressure in recent times. The situation is even more critical in rural settings where customary tenure prevails. Rapid population increase and other drivers such as urbanization, trade liberalization and large-scale land acquisitions continue to pile up pressure on these lands. These increasing land pressures have rendered land rights of the poor and marginal group volatile, heightening the need for their security. The issue is further exacerbated by the use of unreliable, old or inaccurate maps resulting in a myriad of land administration challenges. This is a disincentive to ensuring security and certainty of tenure for land users and to encourage investment in agricultural productivity.

To mitigate this challenge, the Government of Ghana through the Land Administration Project (LAP) introduced the Rural Parcel Right Demarcation (RPRD) program in 2012. The project implementation adopted the demand led and cost sharing approaches to ensure that land owners give their utmost support and commitment. The project is a major pro-poor attempt to help rural farmers particularly women to initiate steps to formalize and record oral grants and have some form of documentation of their interests in the land.

Currently, two (2) forms of land registration systems are practiced in Ghana - Deeds Registration and Land Title Registration. The latter applies only in the Greater Accra Region and the inner city of Kumasi in the Ashanti Region, whilst the former is practiced in the remaining parts of the country. According to the 2017 Lands Commission Annual Report, it takes an average of between 8-10 month to acquire land title certificate in Ghana. Deeds registration on the other hand takes an average of 42days to acquire. The World Bank 2017 Doing Business 2017 established that it costs approximately 1.2 percent of the value of the property to complete the registration process in Ghana.

The high cost (both official and unofficial) associated with land registration coupled with the long processes involved has resulted in the inability of the current system to meet its objective to deliver tenure security to all land owning groups. Regardless of efforts to decentralize land administration services across the country, the formal government agencies responsible for land registration are located in urban areas, with an insignificant number of district offices. Thus, land registration services are highly inaccessible. The net effect of this phenomenon have been pretty awful with rural settings being the worse affected. Suffice to mention that these areas have the most complexities of the customary tenure in practice. Owing to the limited impact of formal land registration in ensuring changes that inure to the benefit of the poor, both land tenure scholars and practitioners are now re-orienting their thoughts towards pragmatic approaches that are responsive to the local dynamics and aspiration as well as places the task of safeguarding the tenure security of the poor in the hands of the poor.

This strategy makes use of rural folks exposing them to issues of land rights as a step to improving their understanding of tenure security issues and generally land access situation with the rural setting of which they form a part. The study employs a case study of inquiry approach, selecting a rural communities in the Western, Ashanti and Brong Ahafo Region.

The findings of the study showed that the poor and marginalized are mostly ignorant of their land rights under the customary settings. Thus, they consider the chiefs as the owners of the lands and not as custodians/trustees as the customary statutes stipulates. This has given the chiefs the leeway to abuse their mandate under the customs and norms of the land. Again, it was realized from the study that the rural folks are more enthusiastic to support approaches that are

participatory and intended to safeguard tenure security while creating a learning forum in the process insofar as land and its related issues are concerned.

The study therefore recommends that more attention be directed towards devising mechanisms that are low-cost, participatory, educative and responsive to tenure security within the customary set-ups rather than continuing to experiment and relying on western-led land administration system that do not fit our purpose, needs and desires. Most importantly, the novel approach of putting the locals at the forefront of these innovative approaches present a bigger advantage in the quest to scaling up. This is because, the locals appreciate and feel part and parcel of the project enhancing continuity.

Keywords: Customary tenure, mobile-based application, pro-poor, land right security