

Title: ADDRESSING THE CHALLENGES OF LAND ADMINISTRATION  
IN KUMASI: A REVIEW OF THE GHANA NATIONAL LAND POLICY

Name: MICHAEL DELA AHEY

Paper: 11919

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Challenges of Land Administration in Ghana: a Review of the Ghana National Land Policy (11919)  
Michael Dela Ahey (Netherlands)

FIG Working Week 2023  
Protecting Our World, Conquering New Frontiers  
Orlando, Florida, USA, 28 May–1 June 2023

## **Keywords**

Ghana Land Administration  
National Land Policy  
Urban challenge  
Urban Challenges  
Kumasi

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## Acknowledgements

I am most grateful to God for how far he has brought me. I am thankful to my parents for always supporting me and encouraging me to bring out the best in me. I also appreciate to all my friends for believing in me. And to my enemies, you push me to be better.

## Abbreviations

IHS	Institute for Housing and Urban Development
LC	Lands Commission
LUSPA	Land Use and Spatial Planning Authority
LAP	Land Administration Project

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# Chapter 1: Introduction

## 1.1 Background

Land remains an asset of great importance to African economies, as a source of income, food, employment, and export earnings. Apart from its economic attributes, land continues to have social values as well as symbolic and ritual associations, such as burial sites, sacred woodlands, and spiritual life. (Toulmin et al. 2000).

Therefore, access to land and the ability to make effective use of it is crucial to both the rich and the poor. Since land is a key asset for the rural and urban people, there is the need for policies and policy reforms as well as administrative system that will help manage land for the citizen. This makes land administration and land laws, fundamental tools for economic activities, poverty reduction, sustainable management, and the wellbeing of households.

Land policies are formulated with the objective of determining, recording and dissemination of information when land administration (UN/ECE, 1996). Ghana adopted the National Land policy in 1999 with a very clear objective of ensuring proper management of land administration, promote equitable access to land and security of tenure of land, instill order and discipline into the land market to curb the incidence of land encroachment, multiple sale of land, land speculation amongst others.

After 27 years of the national land policy's implementation, land administration in Kumasi is still confronted with myriads of challenges, chief amongst them being complex land administration system, the takeover of informalities in the land sector, indiscipline in the land market, indeterminable boundaries, unreliable land records and unfair compulsory acquisition by the State. This continues to create a lot of confusion amongst institutions and the public at large.

## 1.2 Problem Statement

Kumasi is the capital of the Ashanti region and the second largest city in Ghana. About 80% of all the lands in the city is customarily owned with just 20% being State/ public owned (Cobbinah, 2020). With the passage of the new Lands Act, 2020, Act 1032, half of the State land (called vested land) which was vested in the presidents for and on behalf of the State are to be de-vested back to the Customary landowners.

The city is saddled with complex land administrative system. In a bid to formalize ownership to land, one would have to go through Deed registration, separate from Land Title registration system therefore making the process time consuming and costly. Perhaps this has influenced the many informal land ownership system in the city. The informality in the land ownership ~~creates some gaps, especially in revenue generation to the State in the form of ground rent, property rates etc. land boundary disputes have congested cases in judicial courts resulting if~~ Challenges of Land Administration in Ghana: a Review of the Ghana National Land Policy, (1919) Michael Dela Ahey (Netherlands) more land related cases than any other litigation (Kasanga, 2001).

Prior to the adoption of the Ghana National Land Policy in 1999, land titling was introduced and even made compulsory in 1986 (Agbosu et al). However, its implementation had been scattered and isolated only in Accra and Kumasi. The Ghana Land Policy was therefore brought in to address a series of issues such as weak land administration, conflicts in the land market and expropriation of large tracts of land by the government coupled with lack of consultation with landowners and the non – payment of compensation, general indiscipline in the land market, indeterminable boundaries, etc.

Although there is a National Land Policy adopted and implemented in 1999 and supported by many legislations such as the Lands Act, 2020, Act 1032, the Lands Commission Act, 2006, Act 767 etc., these land administration challenges persist.

They are indeed multiple facets to the complex urban challenge, but this paper only looks at the policy and administrative angle of it. It attempts to explain why these challenges still exist even with the existence and implementation of the National Land Policy.

The paper concentrates on only two of the institutional arrangements i.e., land policy and land administrative activities

### **1.3 Main Objective**

The objective of the paper is to review the National Land policy of Ghana, 1999, which is the main policy document on land matters and attempt to identify its relationship with land administration in the country. It analyses the land policy framework on the pillar of good governance and identify the regulatory and legal frameworks thereon. The paper also elaborates institutional and technical frameworks in Kumasi land administration.

In addition, the objective is not to compare the National Land policy with best practices in other jurisdictions but rather place emphasis on the policy document’s achievements as against the persisting setbacks in land administration within Kumasi. All the above would be used to draw conclusions.

### **1.4 Research Question**

The relation between land policy in addressing land administration challenges brings to fore the main question for this paper which is;

*How has the implementation of the Ghana National Land Policy influenced land administration challenges in Kumasi?*

#### **1.4.1 Sub Questions**

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In an attempt to answer the research question, some other questions need to be answered and they include  
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1. *What has the National Land policy done for far in addressing land administrative challenges in Kumasi?*
2. *Are there implementation and administrative gaps in the National land policy?*
3. *Is there a need for a reform in the National Land Policy?*



## Chapter 2:

There have been various land reforms in a lot of countries in sub-Saharan Africa which are aimed at enhancing the security of property rights (Alden Wily 2003). Ten years after Ghana gained independence in 1957, it was generally accepted that inflexible inhibited agricultural productivity and thus farmers couldn't not afford to practice mechanized farming with its capital intensive and needed new the adoption of new technologies and would increase through the creation of individual property rights. Private property was to solve the lack of tenure security which was considered to exist under customary law. Enhanced security would encourage farmers to invest in their land and hence lead to increased productivity (Acock 1962; Demsetz 1967; Feder and Noronha 1987; World Bank 1975).

### Land Administration

Land Administration (LA) definition was coined in 1993 by the United Nations Economic Commission for Europe (UNECE) in its Land Administration Guidelines. These guidelines define land administration as: “the process of determining, recording and disseminating information about ownership, value and use of land and its associated resources. These processes include the determination (sometimes called ‘adjudication’) of land rights and other attributes, surveying and describing these, their detailed documentation, and the provision of relevant information for supporting land markets” (Binswanger-Mkhize, 2009) . The concept and importance of land administration contained in the UNECE definition was developed based on the work of De Soto in the early 21st century. In his book, De Soto (2001) identifies land titling as a key factor in shaping household capital for people living in poverty.

The year 1999 was the first time in the history of Ghana that a detailed Land Policy was formulated to address Land Administration challenges. Before this time, land in Ghana had been managed via some conventional customary practices and legal instruments which was implemented through the system of the court. Hitherto, provision for total direction for policy development and as well as that of a basis for change and evaluation were not provided by an approach to land management where necessary (Ministry of Lands and Forestry, 1999).

### National Land Policy, 1999

A land policy can be defined as a set of rules and guidelines that determines how a country's administration will govern, manage, and administer land (GLTN, 2021). It should strengthen access to land tenure security; it should especially ensure the land rights of poor and vulnerable communities; ensure sustainable land use, provide direction for fit-for purpose land administration services, and guide the prevention and resolution of land conflicts and disputes. According to the Neumann et al. (2012), Land Policy is “an official statement by a

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government of its intentions and plans regarding the conservation, use and allocation of land, but does not have the force of law”. From the definition, Land Policy may be referred to as

the political choices made by a state with respect to the distribution made by the state and its

citizens. Also, it may be viewed as a set of agreed principles to govern the ownership, use and management of land resources.

Emphasizing based on administration and land delivery system in Ghana, and guided by the customary practices that existed, the State duly established a formal administrative framework. These comprised of several land sector agencies. The land sector agencies, which were mainly under the Ministry of Lands and Forestry, were to facilitate a rational and orderly system of land administration.

Having established the various functions, the land sector agencies performed, as stated in the National Land Policy of 1999, amongst their functions was settlement of Stool Land boundary disputes. Perhaps, the agencies established were not accorded specific role with regards to the settlement of other land boundary disputes (public, vested, individual, family, and other forms of lands) which in effect, will improve security of tenure? Again, more clarity should have been given to the collection, disbursement, and use of Customary land revenue. Would that also presuppose that the established land sector agencies were not empowered with the duties of the collection and disbursement of revenue (property rate in particular) from other forms of land (family and individual lands) aside lands that belonged to Stools?

### **Challenges of Land Administration in Kumasi**

Before the inception of the National Land Policy of 1999 and hitherto, land administration in Ghana had been saddled with numerous problems as well as challenges despite its numerous designated functions. These included the following:

- (a) **general indiscipline in the land market** characterized by the current spate of land encroachments, multiple sales of residential parcels, unapproved development schemes, haphazard development, etc., leading to environmental problems, disputes, conflicts, and endless litigation.
- (b) **indeterminate boundaries of Customary lands** resulting directly from the lack of reliable maps/plans, and the use of unapproved, obsolete, or inaccurate maps, leading to land conflicts and litigation between stools, skins and other land-owning groups.
- (c) **Compulsory acquisition by government of large tracts of lands**, which have not been utilized and for which payment of compensation has been delayed. By this policy, landowners have been left almost landless, denied their source of livelihood, and have become tenants on their own lands, giving rise to poverty and disputes between the state and the stools as well as within the private land sector.
- (d) **Inadequate security of land tenure** due to conflicts of interests between and within landowning groups and the Government, land racketeering, slow disposal of land cases by the courts and a generally weak land administration system.
- ~~(e) **Difficult accessibility to land** for agricultural, industrial, commercial and residential development purposes due to conflicting claims to ownership and varied outmoded land disposal procedures.~~

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(f) **weak land administration system** characterized by lack of comprehensive land policy framework, reliance on inadequate and out-dated legislation, lack of adequate functional and co-ordinated geographic information systems and networks, as well as of transparent guidelines; poor capacity and capability to initiate and co-ordinate policy actions, let alone resolve contradictory policies and policy actions among various land delivery agencies.

(g) **Lack of consultation with landowners and chiefs** in decision-making for land allocation, acquisition, management, utilization, and development has generated intractable disputes between the state and the private landowning groups and within communities.

(h) **Lack of consultation, coordination, and cooperation** among land development agencies.

(i) **inadequate coordination with neighboring countries** in the management of Ghana's international borders, which normally reflects in cross-border activities, such as farming, human settlements, smuggling, cattle grazing, etc., and inadequate management of shared water bodies within the West African sub-region (Gyamera et al., 2017; Larbi, 2006).

Ghana's land policy aimed at the proper use of its land and all its natural resources throughout the country. This was geared towards the support of several socioeconomic activities that ensued for the purpose of sustainable resource management principles and maintaining reliable ecosystem (Bruce, 2002).

The Policy's objectives include:

- a) Ensure that Ghana's territories are always maintained, and cross border activities are managed jointly.
- b) Ensure that shared water international boundaries bodies are utilized to the mutual benefit of all stakeholder countries.
- c) Ensure that every socio-economic activity is consistent with sound land use through sustainable land use planning in the long-term National interest.
- d) Facilitate equitable access to land and security of tenure of land.
- e) Protect the rights of landowners and their descendants from becoming landless or tenants on their own lands.
- f) Ensure the payment, within reasonable time, of fair and adequate compensation for land acquired by government from stool, skin or traditional council, clan, family, and individuals.
- g) Instill order and discipline into the land market to curb the incidence of land encroachment, unapproved development schemes, multiple or illegal land sales, land speculation and other forms of land racketeering.
- h) Minimize, and eliminate, where possible, the sources of protracted land boundary disputes, conflicts, and litigations in order to bring their associated

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economic costs and socio-political upheavals under control.  
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- i) Create and maintain effective institutional capacity and capability at the national, regional, district, and where appropriate, community levels for land service delivery.
- j) Promote community participation and public awareness at all levels in sustainable land management and development practices to ensure the highest and best use of land, and thereby guarantees optimum returns on land.
- k) Promote research into all aspects of land ownership, tenure and the operations of the land market and the land development process.  
Ensure continuous education of the public on land matters (Ministry of Lands and Forestry, 1999).

The Ghana Land Policy was set at the national level. However, its implementation was an interaction amongst the National, regional, and local levels as well as institutional. The Ministry of Lands and Forestry (now Ministry of Lands and Natural Resources, (MLNR)) facilitated the Land Administration Project (LAP) which served as the main tool for implementing the national land policy. LAP is a medium- to long-term project (5 - 15 years), supported by the World Bank and other donors (Kasanga 2001)

## Chapter 3:

### Lessons learned and conclusions drawn.

Management of lands has enjoyed a lot of successes since the implementation of the National Land Policy, 1999 including legal reforms e.g. The Lands Commission Act, 2008, Act 767 and most recently the Land Act, 2020, Act 1036. This statute brought together, under one umbrella, 4 different land administration institutions i.e., the Land Valuation Board, the Survey Department, Land Title Registry, and the Lands Commission under to ensure and improve seamless process in land registration and management.

With the help of the land policy, there was also a reform in the Land Use and Spatial Planning Authority (LUSPA) (hitherto Town and Country Planning Department (TCPD)). In the reform, it assigns local plans to physical planning unit of the Municipalities and the Spatial planning to National Planning authority through the Land Use and Spatial Planning Act.

The policy has helped establish Customary Land Secretariates to somehow formalise customary land administration system; Customary lands constitute more that 80% of the total land mass in Ghana. In addition, there has been an inventory of State Lands Country-wide to improve and better manage the administration of land in Ghana. Also, a citizen charter was established and accepted by all.

### WAY FORWARD

Policy is a definite course or method of action selected from amongst alternatives, and considering underlying conditions, to guide and determine present and future decisions. It is also a high-level overall plan embracing the general goals and acceptable procedures especially of a government body. It is comprehensive and focuses on procedures and the involvement of governmental bodies.

The National land policy is a public interest policy because they were formulated by public institutions. Also, it deals with public problem which is land and controls and use and allocation of land. The policy involves the allocation of land which is a scarce resource and finite resource to competing demands and interests, (Watson 2021; Binswanger-Mkhize 2012).

The rational perspective of the National land policy 1999 involved the will of the people as represented by elected officials (members of parliament). The house sets the objectives and implemented by public servants in the sector. Somehow, they are controlled by politicians thereby true accountability is lost. In the implementation of the policy, the level of discretion of powers of the implementing staff/politicians have been questioned especially in their vested interests.

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It is an urban policy because it focused on urban problem. Man cannot live without the existence of land. That's how important land plays. Land issues are a problem which is

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recognised by all and thus focused on a public interest throughout the country. The policy is basically sectoral as it provides a framework for the land sector. However, it bears the characteristics of an integrated policy that addresses land related issues which are obviously crosscutting and linked to different sectors. There was a strong political will for the formulation of the policy. It was backed by law and had a huge support from institution. In fact, the policy still enjoys massive institutional support. However, it hinged on limited resources in its implementation. These limited resources which includes human capacity slowed down its implementation and has touted some of its achievements as the management of land is still faced with myriads of challenged.

Institutional strengthening and capacity building needs to be strengthened further especially within the land sector agencies to improving the management of lands in the country. Although, laws have been made upon recommendation of the policy, implementing remains a challenge. Bringing in the private sector through Private Public Partnership has been one of the best tools in addressing capacity building in the public sector. This is especially so in land registration, dissemination of land relation information to the public, digitization of land records, the creation of a national spatial data infrastructure, monitoring and evaluation etc.

Perhaps, there is a need for a reform or review of the policy as to increase its efficiency and get abreast with modern day urbanisation and technology. The existing policy do not have an action plan. Also, there are overlapping roles in the land sector agencies as a result of convention of duty execution or just a disregard for it. Roles need to be clearly defined for each of the land sector agencies to ensure efficiency and effectiveness.

With a focus on policies that guarantee security of tenure, access to land, access to credit and human capacity development, land administration in Ghana will become globally competitive.

The Ghana land policy, through the LAP has made tremendous efforts in improving the land administrative system in Ghana. Land administration was high level of insecurity of tenure. These challenges persist, generally attributed to non uniformity of customary procedure, multiple (sometimes contradictory) laws, multiple land litigations, corruption amongst others. However, the main tool for the implementaio of the National Land policy i.e. LAP has ended its 2nd phase and could not proceed to the anticipated 3rd phase. Clearly, theres the urgent need to develop another tool that would continue with the facilitation of the policy implementation.

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