Contributions in Ghana’s Land Sector through the Millennium Development Authority’s Agriculture Project: Strategic and Technical Progress and Lessons

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MCC EFFORT IN PROPERTY RIGHTS AND LAND POLICY (Technical Support Division – Agriculture & Land)

MAIN INVESTMENT THEMES

- Strengthening property rights systems (legislation, institutions and records)
- Access to land (allocation and formalization of tenure)
- Addressing land rights and access issues in other sector interventions
Current Portfolio of Land Property Projects – $221.3 million

- MCA-Benin - $36.0
- MCA-Burkina Faso - $59.9
- MiDA-Ghana - $3.7
- MCA-Mali - $2.5
- MCA-Mongolia - $28.9
- MCA-Mozambique - $37.8
- MCA-Namibia - $21.1
- MCA-Lesotho - $20.5
- MCA-Senegal - $3.8
- MCC Threshold-Liberia - $7.1
MCC Investment Portfolio (cont.)

- Cape Verde - ≈$ (currently in design stage)
- MCA-Nicaragua - $16.5 (project terminated 2009)
- MCA-Madagascar - $37.8 (project terminated 2009)
MCC Model Advantage

- Link strengthening property rights systems and access to land to other sector projects – infrastructure, roads, housing, rural business, rural productive business

- HOLISTIC APPROACH – Compacts are large enough and integrated for broader impacts – reduction in Poverty through Growth

- Focus on baseline, tracking of impacts and evaluation of impacts

- Flexibility during implementation
MCC’s Property Rights and Land Property Project Results (Outputs – at December 2010)

- **REGULATORY, LEGAL AND POLICY WORK**
  60 land policy studies completed
  20 legal and regulatory reforms put in-place

- **PUBLIC OUTREACH & AWARENESS**
  186,000 stakeholders reached

- **INSTITUTIONAL UPGRADE & INFRASTRUCTURE**
  127 land services buildings built or rehabilitated
  $13.65 million in equipment, software etc.
MCC’s Property Rights and Land Property Project Results (Outputs – at December 2010) – cont.

- **CAPACITY BUILDING**
  
  15,600 public and private sector professional and technical staff trained
  
  MCA Land Group formed

- **FORMALIZATION OF LAND RIGHTS**
  
  1,055,000 hectares of rural land mapped (‘cadastered’)
  
  39,600 rural parcels legally formalized
  
  2,500 urban parcels legally formalized
FOCUS ON GHANA

➢ Land Tenure Facilitation Activity of the Agricultural Project

Entry Into Force – Feb. 16th 2007

Currently in Year 5 (final year) of Implementation by MiDA Land Team with Implementing Entity Agreements with Ghana Lands Commission and Judicial Services
What?
The Overall Objective of the Land Facilitation Activity:

Improve access to rural land with secured title within the multi-donor Land Administration Project (LAP) framework

Expected Outcome:
Clearer definition of property rights through improved rural land title registration in the two selected areas of MiDA’s three (3) intervention zones
Why?  
The Two Reasons

1. Improve tenure security for existing land users (Local Farmers – nucleus and out-growers).

2. Facilitate expanding access to (higher value) agriculture land (attract foreign investors).
How?
The Pilot Approach

- Typology of Land Rights Study
- Community sensitization
- Integration of gender issues
- Inventory of land rights, including gathering of legal documentation, and conducting field interviews
- Delineation and surveying parcels using modern technology
- ADR Mechanisms to resolve conflicts
- Demarcation of Individual Parcel boundaries
- Preparation of parcel plans
- Publication in Newspapers and postings in affected Communities
- Issuance of Titles Certificates
- Public Education and Information Dissemination on Title Registration
Formalized Steps for Surveying Parcels

- **Step 1**: Formal Declaration of the Registration District (Section 5 of PNDC Law 152) - 29 Communities, comprising mostly migrant farmers
- **Step 2**: Reconnaissance and Demarcation of Pilot Land Registration District Boundary (Section 26, PNDCL 152)
- **Step 3**: Development of Ownership Database 1 - (Listing from Records) - Section 13(1a) of PNDCL 152, 1986
- **Step 4**: Development of Ownership Database 2 (Field-based Parcel Inventory)
- **Step 5**: Establishment of Survey Control in Registration District
- **Step 6**: Moulding of Standard Survey Beacons/Pillars
- **Step 7**: Pillaring of Framework (Boundary of PRD)
- **Step 8**: GPS Survey of the Framework (Boundary of PRD)
- **Step 9**: GPS Survey of Individual Parcel Boundary Pillars
- **Step 10**: GPS Survey Data Post Processing
- **Step 11**: Creation of Spatial Database and linkage to Inventory Table
- **Step 12**: Development of Registry Map (Section 34, PNDCL 152)
- **Step 13**: Development of Individual Parcel Plans
Clarification and Formalization of Land Rights
Clarification and Formalization of Land Rights
The process of pillaring a parcel has to take place in the presence of the prospective proprietor as well as a representative of the relevant traditional authority. In cases where controversies arise, an ADR team member should also be present to address and hopefully resolve issues of land disputes over boundaries and rights and conflicts between individuals and among groups.

Each parcel corner pillar is to be uniquely labelled with and identified by its Sectional Number, Block Number and a running Pillar Number. An example of this is S5/B/98; where S5 is denoted as Section 005; 02 is denoted Block B; and 98 is denoted Pillar number 98.
It has been suggested from various quarters that unique labelling of pillars in accordance with current practices may not be necessary and that it would from a practical point of view be more advantageous to schematically indicate the parcels numbers on the pillars if there is a Planning Scheme (see above schematic layout).
Copy of Signed Parcel Plan

Clarification and Formalization of Land Rights
Land Component Adopted Outcome
Indicators/Results

<table>
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<tr>
<th>Preparatory Studies Completed; Legal and Regulatory Reforms Adopted</th>
<th>Public Outreach</th>
<th>Institutional Upgrading and Capacity Building</th>
<th>Clarification and Formalization of Land Rights</th>
<th>Expected Outcomes</th>
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<tbody>
<tr>
<td>Regulatory, Legal And Other Prep Work</td>
<td>Stakeholders Reached</td>
<td>Buildings Built or Rehabilitated; Equipment Purchased; Stakeholders Trained</td>
<td>Rural Hectares (Ha) Mapped/Formalized;</td>
<td>Effective Property Rights System</td>
</tr>
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- **• 4 Studies**
  - >10,000 through sensitization and public education efforts (to date)

- **• 2 Reforms**
  - •1 Bldg (to date)
  - •Trained 72 in ADR
  - •100 Lands Commission Staff
  - •40 Judges in ICT, Land Law and ADR etc

- **• Expected Outcomes**
  - •3,807.47 (66%) Rural Ha Mapped (to date)
  - •Issued 550 Title Certificates to date

- **• Reduced Travel Time/Transaction Costs**
- **• Increased Tenure Security**
- **3 Offices**: Winneba; Donkorkrom and Savelugu Nanton
- **Core Staff**: Records Officer, Land Economist; GIS Expert, Legal Counsel etc
- **Land Information Systems**:
  - all maps/surveys/plans and property documents will be managed in a digital format with paper-based as an archive record;
  - all parcel plans and maps will be geo-referenced to the Ghana national coordinate system;
  - the LIS system will permit digital processing of transactions and tracking of transaction process flow; and
  - the LIS system will allow for parcel mutations and conglomerations over time and based on transactions etc.
- **Train 100 Staff** in Leadership for Managing Change in Land Administration
MiDA also has an Implementation Entity Agreement (IEA) with the Judicial Service, seeking to:

- provide baseline data on the number of land cases in the ten selected Circuit Courts;
- upgrade the selected Circuit Courts through automation;
- build capacity of the Judges and Staff of Courts through training; and
- free up lands locked up in litigation by clearing the backlog of land cases.
Some MiDA Success Stories (1)

- **Typology Studies Successfully Conducted:** In MiDAs Land Facilitation Activity, Tenure Typology Study has been completed in order to fine tune the knowledge base for the pilot Registration District (RD) and to identify the existing tenure types and the possible opportunities for title registration.

- **Stakeholders Reached:** To date a total number of over 10,000 Stakeholders comprising 500 stakeholders at National Land Tenure Forum; 4,794 persons sensitized (946 Households/5.068 persons); 164 stakeholders involving 16 Commercial Farmers, 35 Trade Association members, 26 Community Leaders, 45 District Assembly Members, 25 District Assembly Committee Members, 17 Area Council Members and the general Public (via a popular TV Program in *vernacular* ‘*mmaa nkommoo*’ have been reached by MiDA’s land Outreach efforts.
Some MiDA Success Stories (2)

- **Rural Land Title Certificates Given:** MiDA has also converted 1934 oral grants to written forms (most parcels were found not to have been documented) to make the grants registrable under the Land Title Registration Law, PNDCL 152 as at end September 2010. 1348 is remaining to be converted. To date, 550 Land Title Certificates have so far been successfully issued.

- **Procedures Manual for Systematic Land Title Registration in Ghana Developed:** MiDA’s procedures manual focuses on how to approach systematic rural land title registration in Ghana, beginning from the identification of a Registration District through to the issuance of Title Certificates to Proprietors by the Land Registration Division of the Lands Commission. The procedures adopted are in accordance with provisions of the Land Title Registration Law, 1986, Provisional National Defence Council Law (PNDCL) 152; and its accompanying Legislative Instrument, L. I. 1341, the Land Title Registration Regulations, 1986.
Some Lessons Learnt 1 – (Design Stage):

- There was a **strong tendency to be economical with the truth** (on the part of some team members) when it came to analyzing and designing a project of this magnitude;

- Despite extensive consultations with colleagues, some stakeholders, perhaps out of a feeling of detachment, feigned non-awareness of the goal and objectives of the exercise. This may suggest that in future their involvement must be total to give them a **deeper sense of ownership of projects even at the design stage**; and

- **Briefings to the Politicians/Top Management** must be intense and regular as with Civil Society Organisations (CSOs).
Some Lessons Learnt 2 - (Sensitization/Gender):

- The property rights of women are of great concern in any land title registration exercise. Titling exercises also often do not recognize women as land holders, or allow for the possibility of joint recognition of spouses. MiDA’s gender awareness component focused on raising these issues in the PRD community discussions and was very instrumental in registering women singularly (25%) or in joint ownerships.

- Community members need to receive more specific information at various stages of the land title registration process so that they know when and how their specific participation is required. Thus future sensitization programs need to include multiple opportunities for interaction with the communities.
Some Lessons Learnt 3 - (Site Identification):

- **Site identification** focused on an area with agricultural investment potential. Site selection was area based, utilizing physical evidence on the ground (roads, rivers, etc.) rather than community or estimated number of parcels. The end result was that many of the communities (an estimated 22 of 29) were split by the pilot area boundaries. This has obvious social consequences relative to community dynamics. Community-based selection appears more sensible to adopt.
The current pilot project is calculated to cost roughly US$167 per parcel for all work, including all Consultancies and Equipment/Infrastructure.

While the per parcel cost will come down as more parcels are spread over the fixed costs of equipment, even in the US$100-150 per parcel range, a country wide systematic title registration in rural areas would have significant budget issues for Ghana.

Current rough estimates taking Survey Work (Consultant’s Fees) only are around US$43.60 per parcel.
Some Recommendations (1):

- A **tenure typology study of the proposed project area is critical** for the development of appropriate documents for the formalization of property rights. It is critically important to ensure that holders of land rights are not disadvantaged by the documentation and registration process. Care must be taken to ensure that the resulting documents adequately protect landholders and ensure security of tenure.

- **Future sensitization programs need to include multiple opportunities for interaction with the communities.** At a minimum these interventions should occur at times of critical project activities: (site identification, parcel inventory, parcel mapping, rights recording, and follow up) and should be tailored for the issues at hand.
Some Recommendations (2):

- Gender awareness and the sensitization campaigns should be carried out simultaneously and at the same level of intensity. These efforts also need to be integrated into the Alternative Dispute Resolution (ADR) training program.

- Within the context of land registration programs ADR’s relationship to the adjudication committees required by law also has to be clarified. ADR involvement needs to be integrated into all aspects of the rural registration program.

- GoG to assist in the development of a systematic registration process that is replicable throughout Ghana at a reasonable cost and within an acceptable timeframe.
What Next?

- preparing the Lands Commission for expanded land tenure/title registration in the future (LAPII?):
  - Continue with Rural Land Title Registration beginning with Kwahu North – may use Procedures Manual;
  - Resource the 3 Land Registration Offices;
  - Pursue development of GRN for Ghana; and
  - Maintain and sustain the use of Survey equipment left as legacy from MiDA
Possible Use of UAV for Aerial Parcel Survey
Conclusion in Pictures