The Government of Ghana launched a National Land Policy in 1999 which identified several shortcomings and challenges of the land administration system, land ownership and tenural arrangements that constrained the effective use and development of land. The challenges included a weak policy environment, absence of up-to-date base maps for effective planning, weak land administration system characterized by fragmented and uncoordinated public institutions, lack of participation in policy formulation processes, undemarcated customary land boundaries, and extensive use of the State’s powers of eminent domain. These have resulted in inadequate security of tenure, difficult accessibility to land and a general indiscipline in the land market characterized by land encroachments, multiple sales of land, haphazard development and disputes, conflicts and endless land litigation.

In response to the above the Government prepared the Ghana Land Administration Project (LAP) to provide a platform for dealing with the challenges. The revised project development Objective was ‘to undertake land policy and institutional reforms and key land administration pilots for laying the foundation for sustainable land administration system that is fair, efficient, cost effective, decentralized and that ensures land tenure security’. Implementation started in October 2003 and adopted a ‘learning by doing’ approach. The project would close in June 2011.

This paper analyses the main accomplishments, impacts and challenges associated with the implementation of the Project and discusses the way ahead. The discussion is limited to accomplishments in policy/legal reforms including gender, institutional reforms including the establishment of customary land secretariats, and some of the technical pilots including the development of a metadata for mapping products, systematic land titling, customary boundary demarcation and inventory of state acquired and occupied lands. The paper asserts that the ‘learning by doing’ approach adopted for project implementation, though a good one, turned out to be expensive in terms of time and resources particularly in the area of customary boundary demarcation, inventory of state acquired and occupied lands, development of a computerized land information system and the establishment of Customary Land Secretariats. The impact of the project is discussed in the context of increased awareness about land issues and participation by civil society, early warning about potential conflict zones, obstacles to increased registration of land rights of women, and capacity for improved land administration.

Recommendations for the way ahead includes the recognition that land administration reforms are long term measures that demand long term investments and engagement of the development partners, the thorough prior assessment of the capacity of implementation
entities to manage complex projects, development of relatively small, well focused projects, decentralized approach to implementation, addressing procurement challenges and management of civil society organisations.

Key words: Land policy, Land administration, Land titling, Customary land tenure, compulsory acquisition, Land use planning
1. INTRODUCTION:
A National Land Policy was prepared and launched for Ghana in June 1999 which had the long-term objective of stimulating economic development, reducing poverty and promoting social stability by improving security of land tenure, simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management. The policy document identified several shortcomings and challenges of the land ownership and tenural systems, the land administration system and land use planning system that constrained the effective use and development of land. These constraints are summarised below:

1. Weak policy environment characterised by lack of participation in the policy formulation processes, numerous laws and yet inadequate and overlapping, causing duplication of functions and responsibilities and a weak legal framework for land administration. There was poor capacity and capability to initiate and coordinate policy actions, as well as resolve contradictory policies and policy actions.
2. Absence of up-to-date base maps for effective planning, lack of adequate functional and co-ordinated geographic information systems and networks.
3. Weak land administration system characterised by fragmented and uncoordinated public institutions, inadequate infrastructure and use of manual processes and procedures for service delivery. Absence of transparent guidelines and manuals resulting in considerable delays in service delivery.
4. Undemarcated customary (allodial) boundaries and sometimes undefined land rights giving rise to numerous land litigations and sometimes land related disputes and conflicts.
5. Extensive use of the state’s powers of eminent domain resulting in the compulsory acquisition of large tracts of lands some of which have not been utilised for the purposes for which they were acquired and for which payment of compensation has been delayed.
6. Slow resolution of land cases in the courts and sometimes conflicting court judgements which create more land administration problems. (National Land Policy, 1999, 3-4)

The results of the above constraints are inadequate security of tenure, difficult accessibility to land for all purposes and low recording or registration of land transactions. There is also general indiscipline in the land market characterised by land encroachments, multiple sales of the same parcel of land, haphazard development and disputes, conflicts and endless land litigation.

The Land Administration Project was designed to provide a platform and a framework for implementing the provisions of the Land Policy and also for dealing with the challenges. This paper analyses the main accomplishments, impacts and challenges of the project implementation and discusses the way forward in the development of a new land administration system supported by adequate infrastructure for the country.
2. THE LAND ADMINISTRATION PROJECT
The Ghana Land Administration Project was launched in October 2003. The revised Project Development Objective (PDO) is “to undertake land policy and institutional reforms and key land administration pilots for laying the foundation for sustainable land administration system that is fair, efficient, cost-effective, decentralised and ensures land tenure security”. A key feature of the project design was its role in providing an enabling environment for exploration, testing and learning by doing in a sector that has not seen any reforms. (PAD, 2003). The Project sought to:
2. Undertake institutional reforms and capacity building for comprehensive improvement in the land administration system.
3. Establish an efficient, fair and transparent system of land titling, registration, land used planning are valuation.
4. Issue and register land titles in selected urban and rural areas as a pilot to test (2) and (3) above and innovative methodologies, including community level land dispute resolution mechanisms.

The project closes in June 2011 after extending the closing date twice.

3. KEY PERFORMANCE INDICATORS
The key performance indicators for which the project outcomes were to be measured are:
1. Turn around time in registering deeds reduced.
2. Turn around time in registering titles reduced in declared and mapped title registration areas.
3. Land transaction revenues to local and central government increased.
4. Land titles registered by women increased in declared and mapped registration areas.
5. Deeds registered by women increased.
6. 30 customary Land Secretariats established.
9. Backlog of land litigation cases in the High Court and Circuit Courts in regional capitals decreased.
10. 50,000 land titles issued in systematic land titling.
11. Ten customary (allodial) boundaries demarcated.

In addition there were a number of output indicators at the activity level for assessing the performance of the project. The key indicators have been discussed as part of the

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1 The project was restructured in 2008 with this current PDO. The initial PDO was ‘to develop a sustainable and well functioning land administration system that is fair, efficient, cost effective, decentralized and that enhances land tenure security.’ It was noted that this PDO was not achievable within the project period of 5 years. The restructuring affected the Key Performance Indicators as well as the targets set for some of the activities.
accomplishments of the project in the paper. The assessment of these performance indicators against baseline values are provided in Appendix I of this paper.

4. PROJECT COMPONENTS
The Project had four main components, each with several sub-components described briefly below.

Component 1 was on Harmonizing land policy and regulatory framework for sustainable development. It dealt with the processes for reviewing the existing legislation, consolidating and updating them into one comprehensive piece of legislation. It also dealt with collaboration and support to the judiciary with a view to reducing the backlog of land cases in the courts; undertaking inventory of state acquired lands and developing policies to deal with outstanding compensation issues; selected policy studies on gender, land rights and vulnerability, etc.

Component 2 dealt with institutional reforms and development. The key sub-components and activities included institutional reforms to integrate six public sector land agencies; piloting of one-stop-shop service centres for land administration including the construction of a new head office building for the new agency; strengthening customary land administration through the establishment of customary land secretariats (CLS).

Component 3 dealt with improving land titling, registration, valuation and land information systems. This is the main technical component of the project where many activities were piloted. The sub-components included developing a computerised land information system; creation of a metadata base for mapping products in the country; establishment of land registries to decentralise deeds registration to the regions, establishment of a new Geodetic Reference Network (GRN) for the country; developing a new land used planning framework for the country; revaluation of properties for local taxation; piloting of cost-effective means of customary boundary demarcation; and piloting of systematic land title registration.

Component 4 dealt with project management and human resource development, monitoring and evaluation and communication.

5. ACCOMPLISHMENTS
The main accomplishments of the project are summarised below.

a. A new Lands Commission Act 2008 (Act 767) has been passed integrating four of the public sector agencies to secure efficiency and effectiveness in land administration. The Commission has four functional divisions namely Survey and Mapping Division, Land Registration Division, Land Valuation Division and the Public and Vested Lands Management Division all operating under the direction of a corporate head office.

b. Working in collaboration with the Judiciary five automated land courts have been established in Accra to deal with land cases. This is to ensure that land cases are expeditiously dealt with.

c. Inventory of State acquired and occupied Land has been undertaken in 27 districts to create up-to-date and accurate data on state-owned lands. The outstanding compensation in respect of the acquisitions have been determined, running into millions of US dollars. A compensation policy has been drafted for government consideration.
d. A Gender Strategy for land rights and land administration has been developed which details out gender issues to be resolved at the policy, legal, institutional and the local levels. Key among the proposal is a sustained advocacy for the registration of the land rights of women particularly in the rural communities.

e. A land rights and vulnerability assessment were undertaken in three communities. These are Kete Krachi, Dormaa Ahenkro and Builsa. The assessment detailed the land rights typologies in the communities and the security of tenure and vulnerability of each land right. It has provided very useful insight into the customary land tenure systems in these communities, as well as what needs to be done to protect the rights of the vulnerable.

f. Thirty-seven customary land secretariats have been established to strengthen customary land administration and to improve transparency and accountability at the customary level. A framework has been developed for building the capacity of the CLS to ensure that they provide efficient services at the local level.

g. An open-source computerised land information system has been developed at the divisions of the Lands Commission and test runs are being conducted. The system involved individual, stand alone, server-based systems that are being used to pilot land registration processes and procedures.

h. A land registry has been established in each regional capital to decentralise land registration to the regions and to bring land registration services closer to the doorsteps of the people.

i. A document imaging centre has been established to intelligently scan about 200,000 registered deeds and the associated registers and indexes. This is part of the program to convert existing records into digital to enable the registered deeds to be sorted on regional basis for distribution to the new land registries. The process is about 80% complete.

j. A metadata base has been created for all the mapping products in the country. This is to ensure that mapping is not unduly duplicated and to provide up-to-date data to the surveying community.

k. A new Geodetic Reference Network (GRN) in the Universal Transverse Mercator (UTM) reference framework has been established for the southern part of the country with the vertices Accra, Kumasi and Takoradi. It is supported by the installation of three Continuous Operating Receiving Stations (CORS).

l. A three-tier land used planning model comprising of a Spatial Development Framework, Structural Plans and local plans has been developed and is being piloted in six districts, using computerised land information system and spatial data (orthophotos) in UTM.

m. 15000 km² has been flown for aerial photography at a scale of 1:10,000 and the development of orthophotos for land use planning at a scale of 1:2500. This activity experienced considerable delays due to bad weather. Flying is 100% complete but the generation of place names and completion of the orthophotos is about 30% complete.

n. 39,877 properties have been revalued in 5 districts for property taxation purposes. This gave a total rateable value US$386,952,734.00 and is expected to provide an income stream of US$386,952.00 per annum to the District Assemblies as local revenue.
o. Innovative methodology has been used for customary boundary demarcation (CBD) for nine allodial boundaries on pilot basis. One is 100% completed and validated, one is 100% completed but not yet validated. The remaining seven are at different levels of completion (between 30% - 70%).

p. A systematic land titling pilot to deliver 10,000 land titles is on-going in Accra and Kumasi. The surveying and spatial component is 100% complete. The legal component is about 30% complete.

q. A communication strategy has been developed that identifies communication channels for the different key stakeholders in the land sector.

r. The project has facilitated the establishment of a Civil Society Coalition on Land (CICOL) which has a membership of more than 40 civil society organisations engaged in different aspects of advocacy on land rights and other land issues.

6. IMPACT

A full impact assessment of the Project is yet to be undertaken for the project. However it is possible to discuss some preliminary impact.

1. The project has raised considerable awareness of the land issues in the country and placed land on the development agenda. Land issues are no longer considered as ‘no go and difficult’ areas. It has been realised as one of the critical issues to be addressed in modernising agriculture and this has been featured in the Ghana Shared Growth and Development Agenda (GSGDA), recognising that the LAP is the main vehicle for addressing the land issues.

2. The Customary Land Secretariats are making tremendous impact in local land administration through basic records keeping, awareness creation, recording of customary land rights and their protection and dispute resolution. Alternative Dispute Resolution mechanisms are being used to settle many land disputes leading to increased community harmony.

3. A beneficiary assessment of the newly established land registries concluded that the decentralisation of the land registries to the regions have been beneficial. It has reduced the turn around time for registration at both the land registry and the land title registry from more than 36 months to less than 2.5 months and 8 months respectively. The implication is that many more people will seek to register their lands. Of much interest is the increasing number of women registering their lands, which has increased more than 300% since 2005.

4. The inventory of state acquired and occupied lands has revealed the inadequacy and inaccuracies in government records of state lands acquired over the years in the country. The results indicate that over 50% of lands perceived to belong to the state are being occupied without proper acquisition, thus denying the ‘expropriated’ owners the payment of due compensation. No compensation can be paid without an Executive Instrument issued for the acquisition. This has bred tension between the agencies occupying the lands and the original owners, which occasionally lead to confrontations.

5. The customary boundary demarcation is unearthing dormant or otherwise latent disputes, providing early warning mechanisms for identifying hot spots for resolution.
This provides the Project the opportunity to facilitate the resolution of the disputes before effective demand for land and economic considerations exacerbate the problems. The exercise has also raised serious customary land ownership and settlement issues arising out of migration and settlement over time – land rights accruing to migrants who have settled on other people’s land for more than hundred years. This is a nationwide problem and has been the root cause of some of the intractable conflicts in the country. Such issues will require discussions at the national for clear directions.

7. CHALLENGES

Implementation of the project has not been without challenges. The key ones are described below.

1. The project was designed on the basis of testing methodologies and a ‘learning by doing’ approach. This design meant there was nothing like ‘this is the way to do things’. Such approach allowed some ‘experiment’ with various options, approaches and methodologies some of which were very innovative and not tested before. A lot of time was therefore required to think through the methodologies, build consensus and capacity on the approach before implementation. It thus became expensive in terms of time and cost in a time-bound project environment, leading to delays in implementation. For example in devising a cost-effective way of undertaking the customary boundary demarcation (an exercise where the unit cost per distance and the circumference were not known) a fixed sum was given to a number of contractors on the same boundary to compete among themselves in order to assess how much work can be done with the fixed sum. This could then be analysed to obtain the unit cost per distance. This approach reduced the surveyor’s charges by about 40% of the normal survey charges. It was however expensive in time as it delayed the full rolling out of the activity to achieve the set target.

2. The project itself was complex and huge. It was initially designed as an Adaptable Lending Program to span over 15 – 20 years. After appraisal the lending instrument was changed to a Specific Investment Loan for a 5-year project. This change was only for the lending instrument. The project development objective, size and complexity were not modified to suit a 5-year project. Thus a 15 – 20 year project design was to be implemented as a 5-year project. This necessitated the restructuring of the project 5 years after implementation. The restructuring could not be done effectively because resources had been committed to all the different components and sub-components which were at different stages of implementation.

3. The appraisal of the project did not consider the capacity of the implementing agencies to implement such a complex project. It took two years of the implementation period to build capacity in basic project management including preparing terms of reference, work plans, procurement plans, procurement, contract management, etc. There was also little technical assistance to improve the capacity to handle some of the technical pilots such as the new GRN, computerised LIS, systematic land titling and institutional restructuring.
4. Procurement delays were a big challenge due to low procurement capacity within the implementing agencies. This caused a big lag in funds disbursement which, at a point was 12 months.

5. A supply-led approach to some of the pilots created an impression of distributing ‘state largesse’. Beneficiaries expected the project to provide all the inputs required for implementation. This was particularly in the area of establishment of the CLS and in the customary boundary demarcation, where some of the beneficiaries demanded payment before showing their boundaries for demarcation. The commitment of some of the key stakeholders and beneficiaries was therefore not forthcoming as expected. Innovative ways had to be devised to sustain their commitment.

6. Implementing some of the components and activities, especially the pilots have been very difficult. Two of such pilots are the customary boundary demarcation and the systematic land titling. The challenge related to unclear roots of title, rights and interests, and unclear boundaries. The cause is rooted in the customary system of land ownership which were not very clear in some of the communities. This is particularly so in the area of the allodial ownership, rights accruing to migrants who have settled for more than 100 years in a particular area, and documentation of the land rights of the members of the landowning community.

7. Managing expectations from the project by the key stakeholders and actors. Expectations were very high at the inception of the Project. It was expected that all the problems of the sector would be solved within the project period. For example many observers do not understand why within seven years of implementation of the Project the Lands Commission and its Divisions could not computerise their operations and many of the land disputes could not be resolved.

8. Development partners’ (DPs) coordination was a major challenge. The Project was funded by six different Development Partners which came on board at different times between October 2003 and December 2004. They funded different components and used their own different procurement methods for implementation of the project. The funding closed at different times. Very innovative approaches were funded by different DPs that needed sustained investment to deepen the intervention and to make the necessary impact. However, they pulled out early because of change in policy directions and priorities of the home government. This has created sustainability problems for some of the interventions, particularly in the establishment of the CLS to build capacity for customary land administration.

**8. THE WAY AHEAD**
The Land Administration Project has affected several components of the land administrations system in the country. However, it has only scratched on the surface in many areas such as the institutional reforms, computerised land information system, legal reforms, customary boundary demarcation, systematic land titling, geodetic reference network, and the strengthening of customary land administration through the establishment of customary land secretariats. Land administration has reached a point in the country where up-to-date and accurate data sets have to be developed for effective and efficient land administration that
support the socioeconomic development of the country, as has been the objective of the National Land Policy.

Having piloted with different methodologies and innovative ideas and having identified those that work it is time to re-tool and sharpen those that worked to roll out a comprehensive program for continuing the intervention. The key areas to focus on are:

- Completion of the legal and policy reforms to provide a new legal framework for land administration.
- The institutional reforms to include decentralisation to the district level.
- Development of a comprehensive computerised land information system, using open-source platforms that connect the district, regional and national offices.
- A comprehensive programme for systematic recording and registration of land rights throughout the country.
- Demarcation and registration of allodial boundaries to reduce the tension and land related conflicts among customary communities. This is one activity that has the potential to greatly reduce land related conflicts.
- Capacity building across board for the key actors in land administration and dispute resolution.
- Gender must be considered as a cross-cutting issue and should be considered in all aspects of a future project.

Such a program will require a longer engagement of technical assistance to be able to transform the sector into a client-focused service delivery land administration system. Development partners who participate must therefore be committed to a relatively long term engagement.

Smaller, easier to manage well focussed projects would be preferable to big complex projects spread over a large area, due to the sensitivity of the subject matter of the intervention, the methodologies involved, the number of stakeholders and actors and the potential impact. The useful lessons learned during project implementation should guide any successive projects. Particular attention should be paid to:

- Procurement capacity which is essential for timely implementation of activities.
- Implementation capacity without which the project would suffer.
- Decentralised implementation.
- Managing expectations.
- Effective communication with all the actors and stakeholders.
- Capacity building across board.

Participation in implementation at all levels and the active involvement of civil society should be encouraged.

**CONCLUSION**

The National Land Policy of Ghana identified critical challenges besetting the land administration system. The Land Administration Project has been used as the main implementation vehicle to lay the foundation for the achievement of the objectives of the policy and to deal with the identified challenges. A critical assessment of the project indicates
that there has been relative success in the implementation amidst serious implementation challenges. The project is an important intervention in the land administration system which has the potential to transform the land sector in the country. It has laid a transformational foundation which has to be built on.

A good land administration system is indispensable in the socio-economic development of Ghana. The effect of such a system transcends the land sector into the wider community as it ensures the effective allocation of land resources for development, promotes peace and harmony in communities. The Land Administration Project and all the activities carried out offer a platform for further intervention.

References

Land Administration Project, Annual Reports for 2005 to 2010, Accra, Ministry of Lands and Natural Resources.

APPENDIX I: PERFORMANCE OF LAP AGAINST THE KEY PERFORMANCE INDICATORS (KPI)

<table>
<thead>
<tr>
<th>KEY PERFORMANCE INDICATOR</th>
<th>BASELINE VALUE$^2$</th>
<th>END OF PROJECT TARGET (JUNE 2011)</th>
<th>ACCOMPLISHMENT$^3$</th>
<th>REMARKS</th>
</tr>
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<tbody>
<tr>
<td>1. Turn around time in registering deeds reduced</td>
<td>&gt;36 months for average residential plot (0.4 – 0.9 ha)</td>
<td>Less than 1 month</td>
<td>Turn around time reduced to 2.5 months</td>
<td></td>
</tr>
<tr>
<td>2. Turn around time in registering titles in declared and mapped title registration areas reduced</td>
<td>&gt;36 months for average residential plot (0.4 – 0.9 ha)</td>
<td>Less than 6 months</td>
<td>Turnaround time reduced to 8 months</td>
<td></td>
</tr>
<tr>
<td>3. Land transaction revenues to local and central government increased</td>
<td>Total revenue = US$7,582,574</td>
<td>Revenue increased by 130%</td>
<td>Total revenue = US$20,849,723 representing 274.97% increase</td>
<td></td>
</tr>
<tr>
<td>4. Land titles registered by women increased</td>
<td>221 titles registered by women country wide</td>
<td>Increase by 50%</td>
<td>810 titles registered by women representing 366.52% increase.</td>
<td>295 titles were registered as joint owners.</td>
</tr>
<tr>
<td>5. Deeds registered by women increased</td>
<td>288 deeds registered by women countrywide</td>
<td>Increased by 50%</td>
<td>1683 deeds registered by women countrywide representing 738.16% increase</td>
<td>359 deeds were registered as joint owners.</td>
</tr>
<tr>
<td>6. Customary land Secretariats established</td>
<td>3 CLS in existence</td>
<td>30 CLS</td>
<td>37 CLS established or strengthened</td>
<td>The figure includes the 3 existing before</td>
</tr>
</tbody>
</table>

$^2$Baseline data for the Project was compiled in 2005 – 18 months after the project has become effective.

$^3$Accomplishment is as at December 2010.
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<tr>
<td>7. Land Agency Act passed by parliament and operational</td>
<td>6 Public Land Sector Agencies in existence performing overlapping functions</td>
<td>A new Land Agency Act integrating the existing agencies</td>
<td>A new Lands Commission Act 2008 (Act 767) passed integrating four of the six agencies</td>
<td>Office of the Administrator of Stool Lands and Town and Country Planning Dept were excluded</td>
</tr>
<tr>
<td>8. Substantive Land and Land Use Planning Acts passed by Parliament and operational</td>
<td>166 Land Laws and regulations exist</td>
<td>One consolidated land Law</td>
<td>Two draft Bills prepared: the Lands Bill and Land Use and Planning Bill</td>
<td>It became necessary to have a separate Land Use and Planning Bill in the course of preparing the drafts.</td>
</tr>
<tr>
<td>9. Backlog of Land Litigation cases in the High Court and Circuit Courts in Regional Capitals decreased</td>
<td>35,000 cases from Project documents: 7122 given by the Judicial Service</td>
<td>All backlog cleared (100%)</td>
<td>3,684 cases cleared at both the High Court and Circuit Court representing 51.73% of the Judicial service established backlog.</td>
<td></td>
</tr>
<tr>
<td>10. 50,000 land titles issued in Systematic Land titling</td>
<td>1440 titles issued</td>
<td>50,000 titles issued</td>
<td>75 titles issued 10,000 parcels surveyed</td>
<td>The customary system of land ownership is a challenge to the attainment of this KPI.</td>
</tr>
<tr>
<td>11. Deed Registry established in each Regional Capital</td>
<td>2 Registries in existence</td>
<td>8 registries established</td>
<td>8 registries established and operational (100% accomplished)</td>
<td></td>
</tr>
<tr>
<td>12. Ten Customary</td>
<td>Nil</td>
<td>10 Boundaries</td>
<td>9 CBD contracts</td>
<td>The customary</td>
</tr>
</tbody>
</table>

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4 These are Asantehene Land Secretariat in Kumasi, Okyeman Land Secretariat in Kibi and Gbawe Kwatei Land Secretariat in Accra.
| (allodial) Boundaries demarcated | demarcated Surveyed and registered | awarded, one completed and validated, one completed but not yet validated. 7 ongoing. | system of land ownership presents a considerable but not insurmountable challenge to this activity. |
APPENDIX II: LOCATION OF CLS