

# Land Rights in Ghana

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## Abstract

This article is related to a study on the rights to land in Ghana; with emphasis to the aspects of land acquisition structures and processes on the livelihoods of smallholder farmers in the Bawku East District (BED) of Ghana. Almost everyone's history or family root is always a saga of attachment to or alienation from land. There is no land without a titleholder. Naturally land belongs to three groups of people, namely, the dead, the living, and the unborn. At any point in time, the living is just a custodian of the land. The owner of a land is thus any person or group of people that have the reserved right; legally or customary to use, convey, lease, or assign a parcel of land. Land is a gift of nature, and it encompasses components like soil, rocks, and natural vegetation. It is observed as a public property that defined a community's geographical range, its economic asset and socio-cultural heritage. Land covers all minerals and holds all immovable properties and buildings. Land is not just considered imperative to the agricultural villages but then in contemporary times it is viewed as the key pillar for evaluating economic growth with respect to capital and wealth. The study findings generally revealed very unsuitable aspects of land acquisition structures and processes that act as an obstacle to achieving the required livelihoods that accrue from the utilization of land among the farmers in the Bawku East District (BED) of Ghana. Findings further revealed that, escalating and ongoing land disputes continue to inhibit the productivity of smallholder farmers mainly due to reduced cultivation, decreased investment, and loss of economic assets. This study recommended that, the Government of Ghana should modify the current land acquisition structures and processes by empowering and funding the Administrator of Stool lands to survey and register all skin, clan and family lands within all the Kusaug Traditional Area; encourage smallholder farmers to adopt and implement any of the 165 marketable technologies developed and successfully profiled in June 2015 by the CSIR Institutes. Furthermore, the Land Act, 2020 (Act 1036) be revised, harmonised and consolidated to ensure sustainable land administration and management.

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## Keywords

Land Rights, Ghana

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### 1. Introduction

Ghana has a total land size of 238,539 square kilometres, rich in natural resources and land (GLSS-5, 2008). The nation's political and material asset and sustainable development are thus built on these assets. According to the Ghana Statistical Service (2021), the total population of the nation is estimated to be 30.1 million as per the year 2021 population and housing census. From that similar census report, about 60% of the working population was employed in the agricultural sector while 35% of household income is made from agricultural activities. It is furthermore projected that there are 5.5 million family units in Ghana (GLSS-5, 2008). By approximation, 51% of the total population will be living in urban regions by the year 2030. The few statistics provided above show that there is a high demand rate for land for both housing and agriculture. The 1992 Constitution of the Republic of Ghana, for instance, provides the general legal framework for land governance/administration in the country. Weakening of the fundamental principles of customary land law and breakdown of the trusteeship ethos have resulted in landlessness, homelessness, endemic poverty and general insecurity for women and men alike in peri-urban neighbourhoods.

Land is a better investment and a valued asset that does not devalue but instead, increases in value with time. There is no reservation that land is the most important economic asset to humanity, because it is difficult to visualize any economic undertakings that do not need the use of land. Interest in land is thus of vital importance in a business contract, viz., an indispensable pre-requisite for any economic venture. This makes land the most dominant commodity in the world with a high demand level in all facets of development. It constitutes the key source of wealth (comprising 50% to 75%) for every nation, city or town, village, clan, or family.

Apparently, in Chieftaincy or customary administration, a chief's land size determines his power and authority. Land is likewise an undeniable life support resource attributable to its essential input into agriculture and food security across the world. Aside being the main source for collaterals in acquiring credit facilities from financial organizations and security of tenure, land plays an important role in income generation for both local government and traditional rulers. Again, land is highly needed in certain areas as tourism, community development, mining, infrastructure, trade and industries, and forestry. Since land constitute about 73% of most nation's Gross Domestic Product (GDP), emphasis on the land right has immensely increased globally. Land right as an indisputable privilege offered to cooperate society or an individual to freely acquire, own, and made use of the land so far as the undertakings on that land do not affect

others' rights. Land right critically refers to land ownership, which is a major source of capital, food, financial security, shelter, water, and other resources (Paaga, 2013). As a result of this, conflicts are arising with the claiming of land rights or land ownership.

In Ghana, Land acquisition is organized along two main lines; that is, customary and statutory or public. Customary lands are lands owned by stools, skins, families or clans usually held in trust by the chief, head of family, clan, or fetish priests for the benefit of members of that group. Private ownership of land can be acquired by way of a grant, sale, gift or marriage. Public lands are lands which are vested in the president for public use. Ownership is by way of outright purchase from customary landowners or private individuals or headed over from colonial governments.

## 2. Ghana Policy and Legal Framework on Land Acquisition

The section below is an elaboration of policies and legal frameworks that highlight on land acquisition. Land remains an asset of great importance to many economies all over the world. It has been a source of income; food and employment, among other things to millions of people all over the world. In view of its importance, land has been a contentious issue in many parts of Ghana, especially in Northern Ghana where many conflicts or wars have been fought over land. This has led to the formulation of legal instruments to provide the framework for land administration in the country. Article 257 of the 1992 Constitution contains the following provisions which are relevant to land administration in Northern Ghana: 1) all public lands in Ghana shall be vested in the President on behalf of and in trust for, the people of Ghana; 2) for the purposes of this article, and subject to clause (3) of this article, "public lands" includes any land, which immediately before the coming into force of this constitution, was vested in the Government of Ghana on behalf of, and in trust for, the people of Ghana for the public service of Ghana, and any other land acquired in the public interest, for the purposes of the Government of Ghana before, on or after that date; 3) for the avoidance of doubt, it is hereby declared that all lands in the Northern, Upper East and Upper West Regions of Ghana which immediately before the coming into force of this constitution were vested in the Government of Ghana are not public lands within the meaning of clauses (1) and (2) of this article; 4) subject to the provisions of this constitution, all lands referred to in clause (3) of this article shall vest in any person who was the owner of the land before the vesting, or in the appropriate skin without further assurance than this clause.

A noticeable feature of land administration in Ghana is the use of both modern legal instruments and customary land laws. In most parts however, customary land tenure arrangements are widely used in land administration, especially in the rural areas of the country. Property in land is surely one of the most socially embedded of the elements of a legal order. In Ghana the availability of land for any form of use is influenced by the tenurial arrangements that govern the use of the land. Kasanga, (1988), defines land tenure as the various laws,

rules and obligations governing the holding and/or ownership of rights and interests in land. Land in Ghana consists of public or state lands and private lands.

Public land consists of all the land acquired in the public interest by the government and land that was vested in the government before the coming into force of the 1992 Constitution. Private land, constituting around 80 percent of all land is in fact communal land held in trust for the community by a traditional authority (a stool in Southern Ghana and a skin in Northern Ghana) or a clan, family or in some cases, individuals (this varies in the different areas of Ghana). To these two main categories of public and private lands, two other categories can be added to provide for specific cases. These are the category of “vested lands”, whose ownership is split between the state and the traditional owners and the category of “private lands given or sold as freehold by stools, skins and families to individuals, corporations and institutions”. Legitimate tenure rights have been overridden, families have lost their homes and livelihoods, in some cases environmental damage has taken place and disputes over tenure rights have escalated to violent conflicts resulting in deaths and political unrest. Weak government policy, legal frameworks and institutions have played a significant part in this failure.

Countries striving to transition into developed market economies have struggled with the complex requirements of modern land governance systems. Despite often ambitious economic development plans, many countries are constrained by historic land policies and laws, insufficient budgets, low professional and technical capacities, conflicting institutional responsibilities and resistance to change by local elites. By creating incentives for inclusive business models that share value with smallholder farmers and that do not imply the transfer of large areas of land, governments will be instrumental in achieving better living conditions and greater social justice for their people—a prerequisite for peace and stability.

#### **Ghana National Land policy—Processes/Structures for Land Acquisition in Ghana**

The Lands Commission role in the registration of land as stipulated in the 1992 constitution and other constituted authority especially the Ghana Land Act, 2020 Act 1036 is the guiding policy document on land administration in Ghana. A satisfactory system of land administration should give ordinary people a sense of security concerning the lands they hold and freedom from fraudulent claims. It should provide a man who lays out good money whether as a purchaser of land or as a lender against the security of a mortgage of land, with some independent means of assuring himself that he is obtaining good title and not a lawsuit. The ideal situation would seem to lie in the direction of arranging things in a way that an official record is available for inspection, a record, which shows the title situation concerning any given piece of land. This is the primary function of the principal institutions and agencies for land administration and land service delivery in Ghana, namely the Lands Commission, Land Valuation Board, Survey Department, Land Title Registry, Office of the Administrator of Stool

lands and the Town and Country Planning Department.

A review of these institutions reveals serious shortcomings related to design of the state regulatory framework, and in particular inadequate institutional capacity for the implementation of state management policies to protect the wide range of interests in land. The effectiveness of these institutions has been limited by a variety of factors which can be categorised as institutional, logistical, human resource constraints, lack of funding and unclear definition of scope of functions, among others. The result has been an apparent lack of a satisfactory or secure system of land administration for ordinary people as earlier noted. The end state is the apparent lack of confidence by the general populace of the ability of these estate institutions to protect their rights or secure their tenure. Some of the populaces have resorted to self-help by procuring the services of illegal private security known as “land guards”.

Service delivery by the land sector agencies has been characterised by lack of coordination between agencies often with unclear mandates. This has resulted in overlapping and duplication of functions among agencies. A typical example, is in the administration of vested lands where there is an overlap of functions between Lands Commission and the Office of the Administrator of Stool lands. These duplications of functions add to the cost of service to the individual and time involved in service delivery. Operation of all these agencies is characterised by manual procedures; manual forms of record keeping and information management making them labour intensive and ineffective.

### **3. Land Tenure System in Ghana**

The land tenure system is supposed to guarantee one’s access to a given parcel of land and safeguards its security and usage. Land tenure is a field in which there have been major changes of view regarding the best means to control access to land and other resources and promote their development. Changes or reforms in tenurial arrangements have equally been problematic in Africa. The use of multiple legal or institutional arrangements in land administration also presents a recipe for institutional conflict, particularly regarding which institution takes precedence over the other, as well as conflict over land rights administered under different institutional arrangements. As [Lund \(2011\)](#) notes “the colonization and modernization processes engendered a split in the legal system between state law and more customary regulation of social life. This dichotomy has often developed ambiguity and contradictions in terms of which institution is authorized to intervene in a conflict and which principle should be applied”.

According to [Kasanga, \(1988\)](#) a good land tenure system in a rural and agriculturally based economy like Ghana should among other things ensure that: 1) there is an equitable distribution of land resources amongst the people—for their farming, housing and other ventures; 2) a landless class is not created in the community; 3) access to land is guaranteed, and the rights acquired secure for most of the people, if not all; 4) poverty, unemployment, underemployment, so-

cial, economic and political insecurity for a majority, as against a minority landholding class is avoided; 5) the interests/rights acquired are clear to all parties involved—eliminating land disputes and litigation; 6) individual and family effort and rights to land are recognised in the relevant statutory provisions.

Landholdings, in different parts of Sub-Saharan Africa, are customary based tenure that is either recorded informally or unwritten. As stated by Avery (2009) there is no land without a titleholder. Naturally land belongs to three groups of people, namely, the dead, the living, and the unborn. At any point in time, the living is just a custodian of the land. The owner of a land is thus any person or group of people that have the reserved right; legally or customary to use, convey, lease, or assign a parcel of land. Land territory which was conveyed to light owing to enterprise of political philosophy is the extent to which a landowner's power or right over a land end. Land is vested allodially in the cognate (kinship) group which includes the living family together with the ancestors and future generations. This made land ownership joint but not a divided one. Traditionally, land must not be alienated as it does not belong to any present generation alone. Indigenes claim undeveloped land in the best interests of their family unit which over time inclines to evolve into family lineage land and then passed on over to family members over generations. Migrants outside of the associated group may be given the right to live, use and enjoy percentages of the land at the wish of the customary group. Ghana has both statutory and customary land tenure structures that are being run synchronously together. The customary lands are possessed and being managed by the traditional people known as Tribes, Clans, or Families.

According to article 267 of Ghana's 1992 constitution, the chiefs and family heads are the custodians of such lands, and they have the power to enforce rights and obligations to the land which has been granted. This structure applies to rural, peri-urban, and urban centres. Usually, no land is being possessed by the state excluding the one that has been obtained by lawful proclamation, statutory procedures, ordinances, or international treaties. Land can be acquired in Ghana through both Ghanaian citizens and non-citizens of Ghana in any quantity as the constitution does not show the size of land that can be acquired. Unlike Ghanaian citizens, non-citizens of Ghana are not entitled to tenure interest in any land in Ghana but then a lease of up to fifty (50) years is suggested. Nevertheless, Ghanaians can acquire lands on a freehold interest or leasehold basis for ninety-nine (99) years conditional on renewal for a future term. Fundamentally, there are three (3) main tenure of land viz. customary lands, state lands, and private lands. Nevertheless, the current tenure regime in Ghana offers five broad classes of land ownership. These are family lands, the stool/skin lands, state lands, individual/private lands, and vested lands.

**State lands.** All public lands are vested in the president on behalf and in trust for, the people of Ghana. These are commonly known as Government lands as stipulated in the 1992 constitution of Ghana. They were compulsorily acquired by the Government for their administrative and development functions, and

which are in the absolute ownership of the state. Under the State Land Act 1962 (Act 125), the declaration through the publication of an instrument designating a piece of land as required in the public interest, automatically vests ownership of the land in the state. The title thus acquired is the absolute or allodial one. As with expropriation law and policy in many countries, compulsory state land acquisition must be for development projects deemed for the public good. The land can also be acquired in terms of one of the state property and contract Act, 1960 (CA 6), the land (Statutory Wayleaves) Act, 1963 (Act 186). Land may specifically be expropriated under the constitution: “in the interest of defense, public safety, public order, public morality, public health, and the development or utilization to promote the public benefit” (Constitution Act 20 of 1962, Article 20(a)). By law, the state must compensate the customary authorities for the land they surrender to the state. Once surrendered, all previous interests in the land are extinguished. The major source of discontent among customary authorities is a misuse of the system. Thus, land expropriated for a particular purpose will not be used for that purpose but another or even sold.

**Family Lands.** These lands belong to a family to which the absolute interest is operated by the head of that family. The family heads then use the usufructuary obligations to the members of the family as well as strangers. Such lands were acquired through conquest, long settlement or by purchase.

**Vested Lands.** An estimated 2% of Ghana’s land is vested land. These are lands that were previously owned by the traditional indigenous community (i.e., town or village) but declared under the Land Administration Act 1962 (Act 123) S7 to be vested in the state and administered for the benefit of the community. Though vested lands are like state lands because of the incumbent legal ownership of the state, they do differ. For vested lands, the state possesses the legal interest in the land as a trustee while the indigenous community possesses the beneficial interest as a “beneficiary”. Although it removes the power of the customary authority over the land, it does not assume the allodial interest which remains in the cognate group. The cognate group does not receive any compensation for losing the management control. They are however given revenues accruing from the land and the proceeds of every transaction regarding the alienation of the land.

**Stool or Skin Lands.** This type of land belongs to a community that has a stool or skin as the traditional emblem of the soul of ancestors who originally occupied that parcel of land and therefore owned the stool or the skin. The ancestors might have settled there as a result of traversing in search of game (hunting), good water for fishing, good water for drinking, fertile land for farming, or running away from a war front in search of peace. The skin or stool land is administered based on the principles of customary or native law. The occupant of the stool or skin, the chief, administers all the land in trust and on behalf of his people. As a custodian, the chief uses the right attached to the absolute interest to distribute part or portion of the said land to members of the community as well as developers who may be strangers. However, according to clause (3) of



Article 267 of the 1992 constitution of Ghana, any disposition of stool lands must be approved by the lands commission and must conform to the approved development plan of the area concerned. They are also not to be given as freehold interest to both Ghanaians and non-Ghanaians.

**Individual or Private Lands.** When land is acquired by an individual as private property, it is termed as private/individual land. Such lands can be inherited or be transferred and are not subject to any family sanctions or restrictions. Holders of such lands have freehold rights.

#### **Deeds and Land Title Registration.**

Land policy and administration since the colonial days had a feature of a centralised system of registration of deeds on land transactions. Facilities for registration of instruments have been in existence since the C18th. The Land Registration Ordinance of 1883 which was repealed by the Land Registry Ordinance of 1895 governed deeds registration until the enactment of the Land Registry Act 1962, (Act 122) after independence. Currently, Ghana practices two forms of land registration, namely the deeds registration and title registration. The Land Registry Act provided for the registration of all instruments affecting land. Registration constituted notice to the whole world and without registration an instrument affecting land was of no effect. With the exception of judges' certificate, the law required all instruments to be registered, and should include a plan or map with the description of the land. It must be noted however that the purpose of the Land Registry Act was to record the documents to the land which was being registered. The deeds registration only helped in cases of conflict of priority of instruments. In other words, it was only for the purposes of evidence of which instrument was registered first and does not confer title.

The system of deeds registration was found to be deficient in ensuring security of title to avoid litigation as registration did not confer title on the person in whose name the deed was registered.

#### **Implementation of Land Title Registration.**

The Land Title Registration Law was implemented on a pilot basis. An area is first officially declared a title registration district by the Ministry of Lands. The Registrar then proceeds to compile a list of all landowners with registered deeds within the declared district, invites all owners for registration to enable the Registrar to convert the deeds into titles within 80 days of declaration of any registration district. Thereafter, all landowners within the district are required to register their interest. The law provides for a series of steps to be followed. This includes public notification of such registration in the gazette and the print media, making room to receive objections from interested parties and resolution of conflicts arising out of registration by legally establish adjudication committees. It was intended that as much as 70% of landowners in the declared district would register their titles before declaring a new district.

Thus, registration would be systematic. As part of the registration process the Survey Department is required to prepare a parcel/cadastral plan which is recorded in the records of the Survey Department and the Land Title Registry to



prevent multiple registration. The plan is vital to the whole process. Until an applicant's plan is received from the Survey Department, publication cannot be placed in the newspaper, a search cannot be conducted at the Lands Commission and there can be no spatial description in the Land certificate to be issued.

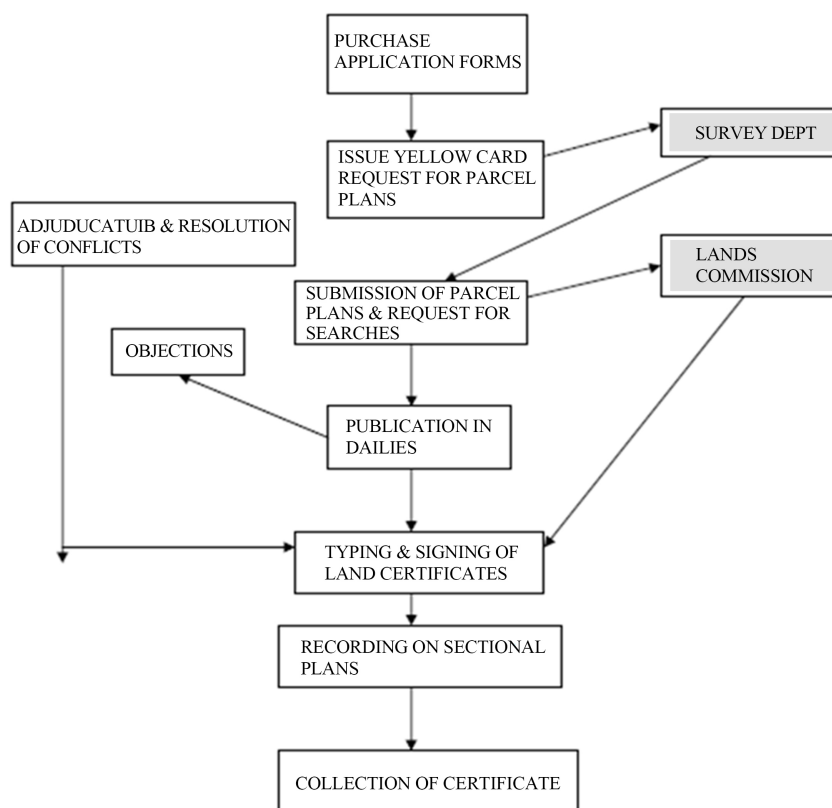
#### **Processes Involved in Title Registration.**

Step #1; Applicant obtains appropriate registration forms from the Land Title Registry, completes and submits them to the Registry together with copies of all relevant documents and the required registration fees. Step #2; Upon submission of application an applicant is issued with: 1) a receipt of acknowledgment ("yellow card") and 2) a letter of request addressed to the Survey Department for the preparation of parcel plans. Step#3; Applicant pays for and collects parcel plans from the Survey Department whenever they are ready and submits same to the Land Title Registry to assist in the processing of their application. Step#4; From the Land Title Registry, applicant is issued a photocopy of the parcel plan together with a Request Form to be sent to the Lands Commission for a search report. Step#5; Upon receipt of the search report by the Land Title Registry and satisfying itself that there are no objections or adverse findings in the report, the Registry then proceeds to publish the application in the dailies to notify the general public of such application. Step#6; Counting from the date of publication, fourteen days' notice is allowed to receive objections from interested parties who may wish to challenge the application. If no objections are received within the fourteen-day period, the Registry then continues with the process of registration. Step#7; The Land Title Registry prints and sign certificates, records particulars on sectional plans and notifies applicants of completion of registration exercise. The Land Title certificates are finally issued out to applicants upon submission of their "yellow cards" (Figure 1).

#### **Challenges of Deeds and Title Registration**

Deeds registration was characterised by certain weaknesses. Most plans attached to the deeds were more descriptive in nature because lands were not properly surveyed and demarcated. These inaccurate plans or maps often created conflicts among land owners because registration was based on the deed and not on the land. It thus led to multiple registration for the same piece of land since there was no system to detect multiple registration of the same piece of land in the registration process. The Memorandum to the land title Registration law, PNDC Law 152 stated as: systematic research in Ghana has revealed radical weaknesses in the present system of registration of instruments affecting land under the Land Registry Act, 1962 (Act 122). The chief among them being litigation, the common sources of which are the absence of documentary proof that a man in occupation of land has certain rights in respect of it. The absence of maps and plans of scientific accuracy to enable the identification of parcels and the challenges arising from registration of instruments under the Land Registry ordinance and Land Registry Act 1962 Act 122 led to the promulgation of the Title Registration Law 1986 (PNDCL. 152) which would be an improvement on the registration of deeds.

## PROCESSES INVOLVED IN LAND TITLE REGISTRATION IN GHANA



**Figure 1.** Workflow processes in land title registration in Ghana.

The Law provided for accurate parcel or cadastral maps which would reduce fraud, multiple registrations and reduce litigation. It also provided for publication and adjudication of conflicts. Title certificates issued was indefeasible and can only be cancelled by a court of law. The Land Title Registration Law provides for the registration of all interests held under customary law and also the common law. Under this law the registrable interests include: allodial title; usufruct/ customary law freehold; freehold; leasehold; customary tenancies; mineral licenses, among others.

**Conversion of Registered Deeds.** Implementation of converting Registered Deeds to title, as has been the experience in other countries like Thailand, was virtually impossible. Most parcel plans in the Deeds were not scientifically derived and could therefore not be physically located on the ground without the assistance of the landowner. Most of the old Deeds in the Land Registry did not have residential or postal addresses. This situation therefore made it virtually impossible for the Land Title Registrar to notify registered Deed owners of the intention to register their interests as statutorily required, once an area has been declared a registration district. Thirdly, the records of the Deeds Registry were not based on district. Deeds were recorded sequentially in the register of deeds for the whole country.

**Preparation of Parcel Plans and Search Reports.** Parcel plans and cadastral

plans took about 3 - 12 months to prepare, thus resulting in undue delays in the registration process. The Land Title Registry has no control over this vital input as this activity was in the domain of the Survey Department. Similarly, request for search reports from another agency, the Lands Commission also often delayed, thus making the entire registration process cumbersome.

**Fees for Registration.** By law all instruments attract stamp duty and is based on the value of the property. In title registration payment of fees is also based on property value. This makes title registration unattractive as it appears as double taxation. This is considered excessive compared to registration under the Deeds system where applicants pay only a nominal fee in addition to the stamp duty.

**Inadequate Public Education.** The introduction of title registration in Ghana was not accompanied by adequate public education, even within the declared district. Public education was mainly through the distribution of flyers and brochures, and some public lectures. However, in a society where over 60% of the population are illiterate, there is the need for intensive, extensive and sustained public education in the major local languages within the registration district. Consequently, title registration has been rather slow and has not been extended country wide.

**Lack of Cooperation among Land Agencies.** There is always some amount of resistance to change on the introduction of major policies. The introduction of title registration was no exception. Its implementation was perceived by some agencies as taking over some of their traditional roles. The needed cooperation from such agencies was therefore not forthcoming. Access to vital records on land ownership from these agencies was therefore very difficult, leading to the situation where one person had title to the land while another person had a registered deed to the same land. Thus, instead of minimizing litigation as envisaged by the law, litigation still continued. In the face of these challenges the past three years has seen an increase in public education through regular media discussions in English and local languages, and better cooperation among all the land agencies. In addition, there has been internal reorganization of the working processes at the Land Title Registry. These efforts have resulted in shortening the processing time for title registration and also increased public response and confidence in title registration.

**Objections.** Land title registration makes provision for any person to raise an objection when he suspects his claim to a parcel of land is threatened by an application for registration. The Land registrars handle objections raised at the first instance. If the registrars are unable to resolve it, the matter is referred to an adjudicating committee of three members for resolution. If the parties are still not satisfied, then they appeal to the High Court. Most objections arise from a basic defect in the law. Though the law provides for the registration of the allodial title, generally held by stools skins and families, it did not require that the members of the land-owning group who are legally required to make grants should be registered. The failure to provide for the registration of these specific persons is a constant ground for members of the group to raise objection against any others

making the grant excluding those objecting to the registration. The effect is that a lot of applications for the registration of the allodial interest are stayed indefinitely while the determination of who are legally entitled to make grants travel to the highest court of the land, the supreme court.

#### 4. Conclusion

A plurality of land tenure and management systems (i.e., state and customary) prevail in Ghana; and these systems are poorly articulated and increasingly cause problems of contradiction and conflict. State management of land has generally worked against the interests of poorer groups while benefiting the government bureaucracy and those able to wield the levers of power in the modern state sector. A significant amount of land has been compulsorily acquired or vested in the state. Such lands are directly managed by delegated public institutions, in particular the Lands Commission. Apart from the management of public and vested lands, public institutions like the Lands Commission, the Metropolitan and District Assemblies and the Office of the Administrator of Stool Lands also exercise extensive land administration functions in the customary sector. In spite of some positive achievements—including the introduction of maps, deeds and registry systems, and the release of land for public infrastructure purposes like schools, hospitals and roads—the practical benefits of the Lands Commission and other delegated authorities to the silent majority (i.e. the rural, peri-urban and urban poor, the disabled, the unemployed, the low and middle-income earners, etc.) are not evident. The evidence suggests that interventions by the Lands Commission, such as compulsory acquisition of land and non-payment of compensation, have resulted in social unrest, displacement of villagers, and landlessness in affected communities. The state land machinery is inequitable, unjust, inefficient and unsustainable; while the legal regime and institutional arrangements appear absolute, they are also, paradoxically, very weak.

Staffing constraints, lack of support services, low morale and pervasive corruption are endemic and occur at all levels and agencies. The division of tasks between the Land Valuation Board, the Lands Commission, Office of the Administrator of Stool Lands, the Deeds Registry and the Land Title Registry has resulted in the fragmentation of responsibility and lack of coordination. The opportunities to settle Ghana's land question, promote efficient land markets and secure economic and financial returns from public and vested lands have all, so far, been missed. Customary land tenure systems and management mechanisms remain strong, dynamic and evolutionary. In spite of the state law and despite their inherent weaknesses, customary tenure systems and traditional land administration practices still reign supreme in the North and remain very strong in the South; customary systems are undergoing rapid change and evolution, especially in the South. Here, tenancy and share cropping are widespread; though able to adapt to new circumstances, customary systems are under extreme pressure, particularly in areas of high population growth and rapid urbanisation, such

as in peri-urban areas. In the North, formal and informal land markets are either non-existent or dormant except in peri-urban areas. By contrast, there are flourishing agricultural, housing and related land markets in the South, underpinned by rapid urbanisation and high levels of demand. These emergent land markets present many opportunities for able and willing investors, whether individuals, private companies, families or government. Land conflicts, protracted litigation and adjudication failures, documentation bottlenecks and uncertainty are widespread problems with informal land markets. Land sales and other dealings in land have increased in all areas. Settlements are being uprooted or livelihoods dislocated in the face of this onslaught. Yet there is no equity, transparency or accountability in the management of this process, neither as it concerns the “disposal” of land nor in the distribution of benefits. The displacement of help-less families and individuals from their legitimately owned land without due re-compense raises legal and moral issues.

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