



# Integrating decentralised land administration systems with traditional land governance institutions in Ghana: Policy and praxis



Samuel B. Biitir\*, Baslyd B. Nara, Stephen Ameyaw

Department of Real Estate and Land Management, University for Development Studies, Wa Campus, Ghana

## ARTICLE INFO

### Keywords:

Customary Land Secretariat  
Decentralisation land administration  
Traditional land governance  
Local land registries  
Technical capacity

## ABSTRACT

The aim of the Land Administration Project (LAP) policy reform for supporting the establishment of the Customary Land Secretariats (CLSs) is to formalise and strengthen customary land administration and management within the context of decentralised land administration. With the prospects of the CLSs becoming the legal local land administrative units, the paper assessed how traditional land governance institutions may have contributed to the decentralisation of land administration in Ghana. The research used case study strategy within the qualitative research paradigm and un-structured questionnaires were used to collect data. The analyses show that, simple land registries exist with traditional local governance institutions through the CLSs. The maintenance and effectiveness of this however depends on continuous improvement of records keeping, quality of office personnel and suitable office accommodation. This should be devoid of local power struggles among current and successive chiefs. Also, collaboration with public land sector agencies especially in areas of sharing information on rights, uses, disputes and preparation of planning layouts is paramount. These registries are mere extension of the state land administration apparatus as service units under the deconcentration of land administration powers. The paper concludes that the current policy focus on strengthening decentralised land administration through the CLSs may fail if attention is not given to the maintenance of the local registries. Revenue generation capacities of the CLSs need to be enhanced in order for them to recruit and maintain quality office staff, and acquire technical logistics. Decentralising land administration to the CLSs under the deconcentration of powers should be maintained in the interim because of the teething problems identified with this current system.

## 1. Introduction

Since the passage of the Ghana National Land Policy in 1999, land administration and management institutions have struggled to improve on land recording system and in particular that of bottom-up local land administration at the local customary land areas. In a system where land allocation is already effectively decentralised, the land administration functions of identifying landholdings, confirming boundaries, certifying land rights and recording of land transactions are overly centralised. While centralisation of land recordation either at the national or regional levels have been proven to be highly successful in the most developed countries, the reverse is what mostly pertains in developing countries (Zevenbergen et al., 2013). This system is overtly slow, expensive and often unable to record many lesser interests in land held by many poor land users (Payne et al., 2009). According to Bruce (2014), the fundamental role of the state in documenting land rights especially in Africa in general have been recognised as a key developmental challenge that needed urgent attention. This challenge is

attributed partly to the over centralisation of the land administration function and inability of the system to address locally felt needs within their means (Payne, 2001; Deininger, 2003).

In response, pundits have advocated for more decentralisation of land administration systems to local levels (Bruce and Knox, 2009; Byamugisha, 2013; Bruce, 2014; Durand-Lasserve et al., 2015). In this paper, decentralisation of land administration refers to shifting of responsibility of documentation of land transactions from the national and regional Lands Commissions to customary landholding institutions. Proponents of decentralised land administration argue that this will empower local institutions to better respond to local needs and aspirations of land users since these institutions have better access to local land information. Besides, they are more likely to be accountable to the local population (Bruce, 2014). The relevance of this argument is based on the fact that in Africa, land ownership is largely customary and it stands to reason that, those who own greater percentage of land also have greater say on how that land is administered. Thus, the logic of decentralised land administration has been to empower these local

\* Corresponding author.

E-mail address: [sbbiitir@gmail.com](mailto:sbbiitir@gmail.com) (S.B. Biitir).

institutions to introduce and develop pro-poor land administration strategies that adapt to locally felt needs and affordable to many land users. These empirically proven propositions have formed the basis on which international development partners and policy think-tanks are advocating for decentralised pro-poor land administration strategies emanating from bottom-up approaches. Consequently, Ghana being a member to some of these international bodies has tried to respond to the issues of decentralisation of land administration, by introducing a policy that seeks to establish, formalise and strengthen CLSs as decentralised land recordation units.

Studies on the decentralisation of land administration systems tend to treat it as a function of good governance. Therefore, the purview of scholars have been that land reforms in general must consider legal and institutional reforms that seek to recognise customary land tenure and traditional landholding institutions within the broader context of decentralisation (Byamugisha, 2013; Bruce, 2014; Durand-Lasserre et al., 2015). Thus, within the broader context of decentralisation, there are three forms — deconcentration, delegation and devolution. According to Bruce and Knox (2009) decentralisation of land administration systems in Africa take the form of decentralising authority over land in one of four basic strategies: (1) replicating locally, with some degree of simplification, granting limited administrative autonomy to existing offices of the central government's land agency; (2) creating more modest and more representative specialized bodies at community level, such as CLSs; (3) decentralising authority over land to non-specialized local governments, such as local councils, possibly with the creation of a subsidiary unit for handling land matters; and (4) relying upon traditional authorities and institutions at the lowest level. Countries can adopt a combination of these strategies but the critical guide is the cost effectiveness of each strategy.

Other studies tend to focus on innovations and alternative land recordation systems built on decentralisation ideas that place emphasis on empowering local institutions at the community levels (Deininger et al., 2008; Bruce and Knox, 2009; Zevenbergen et al., 2013). In addition, scholars have also argued that, it is not enough to decentralise land administration to local institutions, but much more, empower these institutions to develop and manage pro-poor land administration systems (Zevenbergen et al., 2013; Hendriks et al., 2016). The argument is that when local institutions are empowered, they are able to develop and manage simplified processes for land recordation with community involvement. This group of studies argue that the conventional land administration systems have failed to adequately handle customary and informal tenure and therefore, the need to develop alternative recordation systems that can address these gaps (Lemmen, 2010; GLTN, 2012; Zevenbergen et al., 2013; Van Asperen, 2014; Hendriks et al., 2016). The key component of these alternative and innovative recordation systems is local records keeping of land transactions spearheaded by local bodies that act as gatekeepers in documenting land rights. It is a bottom-up approach where locally generated information is recorded by the gatekeepers who provide community leadership in all matters relating to land transactions. The systems are participatory and empower land owners, chiefs and opinion leaders in developing locally accepted land records. To the extent that these have been proven to be successful at least, at the pilot phases, these strategies are becoming increasingly recognised and promoted by international bodies like Global Land Tool Network (GLTN), UN-Habitat and International Federation of Surveyors (FIG) (Zevenbergen et al., 2013; Van Asperen, 2014; Hendriks et al., 2016).

However, while these alternative land recordation systems seek to put land owners, chiefs and customary land leaders at the forefront in decentralised land administration, Ubink (2008) warns that chiefs and custodians of customary lands in some customary areas in Ghana have the tendency to arrogate to themselves powers of being landlords. Thus, the tendency of some of the gatekeepers to reinterpret legal instruments, customs and traditions on land ownership to their advantage has the potential of hampering alternative land recordation systems

(Kalabamu and Morolong, 2004; Ubink, 2009). Biitir and Nara (2016) have also raised the issue of fear and suspicion among *tendamba* within the Wa Central Customary Lands Secretariat that affects systematic recordation of land transactions.

Only a relative handful of studies (Lemmen, 2010; GLTN, 2012; Zevenbergen et al., 2013; Van Asperen, 2014; Hendriks et al., 2016) have specifically examined local land records keeping and recordation systems based on bottom up approaches. The analyses have been on pilot cases usually on project or programme basis irrespective of the type of decentralisation system. However, how land records keeping within deconcentrated conventional land administration could be handled by local institutions and for whose interests such system will serve remains an open question.

The dearth of information on decentralised land records keeping within a deconcentrated conventional land administration system is regrettable because it is the sort of evidence that practitioners require if they are to support innovative or alternative land recordation system. The importance of land records keeping within the broader context of decentralisation of land administration and the fact that such recording system could be a first step to introducing pro-poor land administration strategies cannot be over emphasised.

The purpose of this study was to understand how traditional land governance institutions may have contributed to the decentralisation of land administration in Ghana. Using CLSs as case study, the study focused on roles CLSs have played in terms of recording of land transactions, dispute resolution, boundary demarcation, and land use planning which are instrumental to local land administration; and whether by playing these roles they can act as pivotal local level institutions for effective decentralised land administration in Ghana. The study also examined the limiting factors that affect traditional land governance institutions in carrying out local land administration. In particular, the study explored the commitment and capacity of local institutions to maintain and operate land administration systems at the local level.

## 2. Research methodology

The study is a qualitative research that used the case study approach. The CLSs were selected based on the following criteria: (a) 'Supply-led' and 'demand-led' CLSs, (b) Type of tenurial system (stool, skin, family and individual landholdings), and (c) CLSs in three geographical zones – Southern (Greater Accra, Central, Western, Eastern, and Volta), Mid (Ashanti and Brong Ahafo) and Northern (Northern, Upper West and East). Five (5) CLSs were selected from the Southern zone; two (2) and three (3) from the Mid and Northern zones respectively through purposive sampling. These criteria were considered necessary because the land tenure dynamics in the country, emanating from the customary land holdings, have been classified largely as stool/skin and family lands depending on the geographical location. These criteria reflect the national diversity of land holding systems. In all, 20 out of 38 CLSs were selected but data was collected from 16 of them. The remaining four of the CLSs could not be contacted after several attempts to locate the officers and secretariats proved futile. It is also worth mentioning that even the 16 CLSs contacted, some could not supply some records of land transactions because they either did not keep the records or the records were missing. The CLSs covered in the study are classified under regions, demand or supply led and tenurial system in Table 1.

The data were collected between December 2014 and January 2015. The main instruments for data collection were un-structured questionnaires. These afforded the researchers the opportunity to measure the stakeholders' experiences, attitudes and opinions relevant to the operations of CLSs and also to provide detailed information on land documentations. The questions focused on how effective the existing CLSs have been in their basic functions of ensuring the establishment and maintenance of simple local land registries. The respondents were CLS Administrators or Coordinators.

متن کامل مقاله

دریافت فوری ←

**ISI**Articles

مرجع مقالات تخصصی ایران

- ✓ امکان دانلود نسخه تمام متن مقالات انگلیسی
- ✓ امکان دانلود نسخه ترجمه شده مقالات
- ✓ پذیرش سفارش ترجمه تخصصی
- ✓ امکان جستجو در آرشیو جامعی از صدها موضوع و هزاران مقاله
- ✓ امکان دانلود رایگان ۲ صفحه اول هر مقاله
- ✓ امکان پرداخت اینترنتی با کلیه کارت های عضو شتاب
- ✓ دانلود فوری مقاله پس از پرداخت آنلاین
- ✓ پشتیبانی کامل خرید با بهره مندی از سیستم هوشمند رهگیری سفارشات