

**IMPROVING LAND ADMINISTRATION IN GHANA: LESSONS AND
CHALLENGES IN MOVING AHEAD
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TO NEW CHALLENGES
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The President of the World Bank

Your Excellency Ellen Johnson-Sirleaf, President of the Republic of Liberia

The President of the International Federation of Surveyors

Ladies and Gentlemen

I deem it a great honour to be invited to this august conference on 'Land Governance in support of the Millennium Development Goals: Responding to new challenges'; and to share a few thoughts with you on 'Improving Land Administration in Ghana: Lessons and Challenges in moving ahead'.

We consider that the achievement of at least three of the Millennium Development Goals depends, among other things, on good governance of land. These are the eradication of extreme poverty, promoting gender equality and empowering women, and environmental sustainability. Within this broad context I would like to discuss what we are doing in Ghana under the Land Administration Project.

THE LAND ADMINISTRATION SYSTEM PRIOR TO THE LAND ADMINISTRATION PROJECT

The land administration situation in Ghana prior to the implementation of the Land Administration Project has been aptly described in the National Land Policy of 1999 as follows:

- General indiscipline in the land market characterised by a high spate of land encroachments, multiple sales of residential parcels, unapproved

development schemes, haphazard development, etc. leading to environmental problems, disputes, conflicts and endless litigation.

- Indeterminate boundaries of customary owned lands resulting directly from lack of reliable maps/plans, and the use of unapproved, old or inaccurate maps, leading to land conflicts and litigation between stools, skins, and other land-owning groups.
- Compulsory acquisition by government of large tracts of lands, which have not been utilised to the full and for which payment of compensation has been delayed.
- Inadequate security of land tenure due to conflict of interests between and within land-owning groups and the state, land racketeering, slow disposal of land cases by the courts and a weak land administration system.
- Difficult accessibility to land for agricultural, industrial, commercial and residential development purposes due to conflicting claims to ownership, and varied and outmoded land disposal procedures.
- Weak land administration system characterised by lack of comprehensive land policy framework, reliance on inadequate and out-dated legislation, lack of adequate functional and coordinated geographic information systems and networks, as well as of transparent guidelines; poor capacity and capability to initiate and coordinate policy actions, let alone resolve contradictory policies and policy actions among various land delivery agencies.

The net effect of these constraints is a distorted and dysfunctional land market that is not investor and development oriented and which cannot guarantee security of tenure, resulting in high transaction costs and high incidence of poverty.

THE LAND ADMINISTRATION PROJECT

The Land Administration Project was designed as the implementation mechanism for the National Land Policy and to fix the above mentioned challenges. The Project became effective in October 2003. The Project development objective is to undertake legislative and institutional reforms and key pilots to lay the foundation for a sustainable land administration system that is fair, efficient, cost-effective and guarantees security of tenure. The project, has four components dealing with legal reforms, support to the judiciary, inventory of State acquired lands to formulate policies on outstanding issues arising out of compulsory acquisition, improve participation in policy formulation, institutional reform of public sector institutions, support for customary land administration, support to academic and research institutions, developing computerised land information system, decongestion of land registries, reform of the land use planning system, piloting customary boundary demarcation, systematic land titling, revaluation of properties, human resource development etc. The project has an effect Monitoring and Evaluation System in place.

ACHIEVEMENTS

Since the inception of the project the following has been achieved:

1. All the laws on land and land use have been reviewed and proposals made for their consolidation and update.
2. Based on inventory undertaken on some state acquired lands, government has started returning excess lands to the original owners.
3. The Judiciary has established six land courts which are being furnished by the Project.
4. A new Lands Commission Act 2008 (Act 767) has been passed merging four of the six public land sector agencies.

5. Thirty-eight (38) customary land secretariats have been established to provide support to the customary Land owners.
6. A Civil Society Coalition on Land (CICOL) has been formed.
7. Eight Land Registries have been established in eight regional capitals, leading to a reduction in the turn around time for land registration from more than 36 months to less than 3 months in the regional capitals.
8. The Geodetic Reference Network has been re-organized for the southern part of the country.
9. Pilot customary boundary demarcation is on-going in two areas.
10. Two beneficiary impact assessments have been undertaken on the establishment of the Land Registries which showed a lot of enthusiasm among the populace to register their properties. Of much interest is the number of women who are registering their property. On average about 30% of all lands registered is done by women.

LESSONS

Six years into implementation, we are able to catalogue the following lessons:

1. Land administration reforms are long term interventions and should be conceptualised and planned as such. This is particularly so in situations where the land sector has been neglected for a long time. Short to medium term one-off projects are not likely to make any significant impact. In fact modest gains made during the project period may be eroded. Development partners who are interested in such interventions should be willing to commit themselves to the long term.
2. Expectations must be modest in conceptualisation, design and implementation of the project and must be managed throughout the implementation period. Assumptions of widespread acceptability of land

administration reforms must be well tested. Even though there may be widespread dislike for the existing system, implementation of the reforms must be strategically planned and executed to be successful.

3. Small to medium sized projects which are manageable should be preferable rather than one big comprehensive and ambitious programme. Scoping studies, pilots and good baseline studies including implementation capacity are essential before launching the comprehensive project.
4. Human capacity should be the core around which a land administration project should be designed and implemented, including appropriate remuneration packages. A mixture of consultants and civil servants working together as implementation team is a difficult process to manage. Champions for the reform among key stakeholders must be sought for before implementation.
5. A land administration reform project unit must not be an integral part of the mainstream civil service structure. Whereas mainstream activities rely on compliance with procedures and processes 'projects' are mainly output oriented. Therefore while compliance with all the rules and procedures would have been met in a mainstream environment, actual project outputs could be minimal. On the other hand, mainstreaming project implementation builds capacity of ministries, departments and agencies and helps in assimilating the project into operational activities of the agencies. It therefore provides institutional memory and sustainability when the project ends. The two must be carefully weighed in making a decision as to the implementation structure and what the project seeks to achieve.
6. Political and key stakeholder commitment must not be taken for granted. It must be consciously sustained throughout the project.

7. Practical and innovative approaches are required in developing methodologies for undertaking key pilots to provide a framework for scaling up.
8. Appropriate Communication tools are essential for the dissemination of project deliverables.
9. Access to information about best practices and their adaptability to local conditions are necessary for success.
10. Appropriate technology is a vital input to successful land administration reform – LIS development, Geodetic Reference Network, Surveying and Mapping etc.
11. Participation and transparent practices are essential to increased ownership of the reform process and to obtain sustainability of the project.

CHALLENGES

In moving ahead with the implementation and to achieve the objectives of the Project we have to deal with the following challenges.

a. Management of the change processes and Dealing with resistance to change

Managing the change processes to transform agencies that have merely existed for a long-time into service-delivery oriented ones is a daunting challenge. It requires a lot of transparency, education and participation.

b. Sustaining some of the project deliverables

The establishment of customary land secretariats, nurturing them to grow into proper local land administration institutions and their acceptability by the customary authorities as part of the land management structures require

time. More external financial support to enable them function effectively as sources of local information will be required.

c. Financing the Land Administration Infrastructure

The development of good land administration infrastructure – good and accurate geodetic reference system, accurate and up to date cadastral records and land information system are expensive to maintain, especially when annual licenses for softwares are to be paid. We have decided to use open source software for the national land information system. Where national funds are not available innovative means for attracting private capital must be developed – partnership arrangements between the state and the private sector, build-operate-transfer (BOT) arrangements, turn key operations, outsourcing, etc.

d. Power Play

Where the implementing agencies are themselves subject of institutional reform, - as is the case with both customary institutions and public sector land agencies - there is considerable power play to gain advantage. This must be managed very well.

e. Participation

The big challenge is “when is consultation enough?” especially when dealing with large number of stakeholders in a plural environment. Participation tends to lengthen the implementation period.

f. Integrating project outputs into mainstream activities

Project outputs are still seen as separate results and not part of the routine outputs of the agencies, especially when undertaken by consultants. This should also be managed as part of the change process.

CONCLUSION

The land administration project is on course after initial delays due to capacity. It is still a challenging reform programme but the new administration is committed to ensuring that the project is steered to successful completion and that subsequent phases are developed in time so as to ensure continuity. The challenges are there but there is the desire for change and improvement and this will drive us to achieve the objectives of the programme. We have to be innovative and proactive in many respects in handling a very sensitive issue as land administration reforms. Development partners' commitment, especially in these initial stages is essential. There is also the need to harmonise the participation of such partners so as to reduce the effort needed to comply with the different requirements of each partner. In complex projects such as the land administration project in Ghana development partners should strive to agree on a programme of basket funding.

Thank you.