

A Legacy of Fit-for-Purpose (FFP) Land Administration, Ghana's Example

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SUMMARY

FIG has since 2014 placed the topic “Fit-For-Purpose” on its agenda for the serious consideration of its professional community.

The purpose for introducing the topic was to make members aware that there was the need for “providing appropriate and fit-for- purpose services to society” and not only to keep on “focusing on top-end technical solutions”. In effect there is need to establish two formal approaches in developing the cadastral system in the Land Administration regime of a country as neither approach can be said to be an end in itself in addressing the total survey and mapping needs of a country.

Fit-for-Purpose Land Administration is a means to an end and not an end in itself. In a disciplined land market environment, for example, the ultimate is the development of the cadastral system of the country influenced largely by “only top-end technical solutions” which also a means to an end and not an end in itself.

Ian P. Williamson recognizes in his paper titled “Best practices for Land Administration Systems in Developing Countries” that each country has different requirements for cadastral and land administration infrastructures due to their specific social, legal, cultural economic, institutional and administrative circumstances”. I dare add historical antecedents as part of the circumstances.

He further states that “the design and implementation of land administration structures are influenced by clearly defined principles that are derived from the nation’s peculiar circumstance and provide a basis for “developing a vision for a land administration system within each country.”

James Webb: “Where principle is involved, be deaf to

expediency”.

Walter Savage Landor: “We talk on principle, but we act on interest”.

For both Land Administration forms, there are, and must be basic principles underpinning their implementation. It is time to request the proponents of FFP to explain how the principle of “VALUE” (WHAT IT IS) and STANDARD (THE UNIFORMED END) are set, or will be set in the FFP environment in order not to fall into the trap of sloganeering and academic construction similar to “Land Titling”, which was touted to be the ideal solution to security of tenure and land market influencer in the recent past by almost the same Professional Consultants and their trainers' and their local collaborators in these developing countries with the support of International Banks such as IMF and the World Bank.

Ghana’s recent quest for a sustainable land administration vigorously canvassed by International Consultants and local collaborators supported by loans from the IMF and the World Bank will be shared for an insight into a legacy left behind from a policy akin to the FFP.

In Ghana, the land administration and cadastral system are governed by the 1992 Constitution, a national land policy and statutes relating to survey and mapping. The 1992 Constitution, the supreme law of the land, provides for “the execution of a comprehensive program for the registration of title to land throughout Ghana” (art.258). Title registration and possession of title certificates, invariably, promotes the development of land markets and in such environment the approach towards developing cadastral survey will focus more on “top-end technical solutions”.

In Ghana, therefore, to a large extent, the national vision and policy on title registration, drives the choice of this approach. The high cost of accessing this approach drives potential users away and create job losses for surveyors.

Faced with such a situation the question that one is confronted with is “How do we operate to reduce costs in boundary demarcation in order to make it less costly to carry out surveying using “top-end solutions”?

Fit-for-Purpose approach in Survey approved by Statute in Ghana

In Ghana’s Deeds Registry, instruments/deeds presented for registration are required “to contain a description (which may be by reference to a plan) which, in the opinion of the Registrar, is sufficient to enable the location and boundaries of the land to which it relates to be identified...” (The Land Registry Act, 1962, Act122). This legislation, though passed in 1962, saved similar documents prepared under previous laws. The choice of this path for the LAS was a result of the legacy left behind by the colonialist objectives of natural resource extraction without a clear

concern for the local ownership and land management structures existing before the Country was colonized.

There is evidence of a group-held lands in the Ada area in the south east of Ghana that was prepared by one A.C. Lamptey on a scale of 1 inch to 1 mile on 7th Nov 1903. Such a plan was used for litigation and then put on the register. The effect of converting such a plan into the current title register carries legal and technical challenges for the current register.

After several land administration interventions with multilateral agency support, the overall national outlook is not encouraging but quite chaotic. Therefore the Licensed Surveyors Association of Ghana, (LISAG) is developing an approach in collaboration with relevant State Agencies to make the cost of surveying affordable, services delivered quickly and reliably.

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