

A Conceptual Approach for Enhancing Customary Land Management: Case from Ghana

Anthony ARKO-ADJEL, Ghana

Key words:

SUMMARY

There is widespread consensus that the land holding and management systems in most sub-Saharan African countries like Ghana are complex with indigenous system for holding and managing lands in the various regions that make up the countries. Others argue that many interventions taken by governments since the colonial administration has added to the complexity. Many land administration projects, which are mostly centralized systems, often fail thereby resulting in all forms of tenure systems, uncontrolled physical development and environmental degradation. A wider institutionally based focus is necessary to manage customary land at the local level. Researches have shown that land management in developing areas is facilitated where there is a flow of information to the public from local level registries. Local registries improve the completeness of records, the sustainability of titling and land use controls and conflict resolution over land rights and land management in general.

Placing these in a theoretical framework, the paper recognizes the values attached to customary land and the roles the custodians play in land management and draws conceptual models for enhancing the management of customary lands. The elements being investigated include the establishment of customary land registries or management schemes at the local level where the custodians of customary land together with statutory bodies manage the lands. The paper takes a new look at institutions that are likely to take shape and what new professional activities and personnel needed to be developed in the new system and the legislative implications of the model.

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1. INTRODUCTION

Land management includes the management of land as resource from both environmental and economic perspective towards sustainable development. Land and its good management are central to agrarian development, environmental security and rural governance in Africa and therefore for livelihoods and poverty reduction.

The value of land varies from one community to another. Customary land has cultural, religious and economic values and its proper management and administration is crucial to the government and the individuals as a whole, most especially in countries like Ghana where about 80% of land is customary land vested into stools, skins, families and individual group of peoples. This values attached to the customary land make it an important document in an African society. For these reasons customary land goes through several hands; ranging from the government institutions, traditional authorities and individuals along the chain of land delivery and management system.

Over the years, a number of problems have been encountered in the land delivery and management system. Solutions by many governments have been focused on the establishment of public institutions and promulgation of laws to govern land management rather than the traditional authorities. Litigation on land, which is a result of ignorant by some traditional landholders to keep records of lands that has been allocated, is very rampant. Uncontrolled land use planning often result in slums and squatter settlements in these areas (Tuladhar, 2004). Appropriate land use may also be mismanaged because of unsuitable agrarian patterns, and outdated tenure systems with inadequate protection of tenure rights (Larsson, 1991). Forest lands are exposed to excessive and uncontrolled exploitation with resulting soil conservation and environmental problems. Managing conflicts on land is another problem facing developing cities. Land issues before formal law courts are not resolved in time resulting in many land cases piled up in law courts. Consequently, there is growing outcry for better land management and development controls by the public.

In recognition of this, and in the face of internal demands and external pressure for change, African nations have, since the 1990s, been undergoing a groundswell of policy and legislative change in matters of land tenure and land administration (Quan, etal 2000). There are now clear indications that both governments and donors are recognizing the enduring importance of customary tenure systems, and seeking to integrate these into sustainable arrangements for the allocation and management of land rights both at the local and central levels. Land managements that attempts to do away with traditional authorities have proved divisive, undermining the legitimate rights of many land and resource users (Arko-Adjei, 2005).

Nevertheless, governments and statutory institutions responsible for land management need to enforce policies that enhance proper management of lands at all levels. Traditional authorities and chiefs retain a legitimate role in land management, sometimes also acting as landowners. In addition, customary areas requires policy frameworks which provide some incentives for domestic and inward investments in land and natural resources development at the same time protecting the rights of local people and encouraging business partnerships within them.

Amongst all this, it is clear that good land management can be delivered locally, especially in the context of political and administrative decentralisation. Effective services, clear transparent rules and legitimate, accountable authority over land are all needed to ensure good rural governance and management of customary lands. The demarcation of community lands, recording of rights, resolution of disputes, allocation of resources to parts of the community and the protection of natural resources requires robust and transparent procedures, documentations and institutions and also appropriate technologies that are accessible, simple and cheap enough to be operated and understood at local level. This role play by the informal institutions in land disputes by acting as mediators is very significant (GTZ, 1998).

This presents a challenge for land legislation and land administration institutions in Africa, at the statutory and customary levels. The paper recognises these and conceptually designs a model that presents possible solutions involving varying responsibilities amongst village and community institutions, traditional leaders, local and central governments, surveys departments and land boards.

2. CUSTOMARY LAND TENURE

Customary tenure is the mode of holding rights in land that exists through customs and tradition. It is described as legal tenure system based on customary law. Customary laws are often based on experience of some social group, and are aimed at defending the interest of the group. In Ghanaian customary concept, land has been taken for granted as God given, first to the ancestors and should be preserved and handed to the numerous descendants. The advantage of the system is that the community itself controls and keeps alive the sense of responsibility to society and to the land as the common heritage to be preserved for the future generations. Traditionally, customary systems do not maintain the history and dealings regarding to ownership. This uncertainty over propriety rights to any piece of land leads to insecurity of tenure and conflicts concerning ownership and boundary.

2.1 Local Community Ruling Structure in the Customary Areas

The scheme of customary landholding also reflects on the socio-political hierarchy of the community structure. The political structure of the customary areas is based on kingship, with each lineage being a political unit with its own headman acting as the representative of higher council. Many customary societies in Ghana have hierarchical ruling structure, which can be

shown in five relevant steps. The hierarchy begins with the household head “*Abusuapanin*” and progresses to the village headman “*Odikro*”, the territorial chief “*Ohene*”, the paramount chief “*Omanhene*” and the head of the confederation, e.g. the “*Asantehene*”¹. At all these levels, the Traditional Authorities have the authority to distribute, allocate and supervise the entire society with other means of resources (see figure 1).

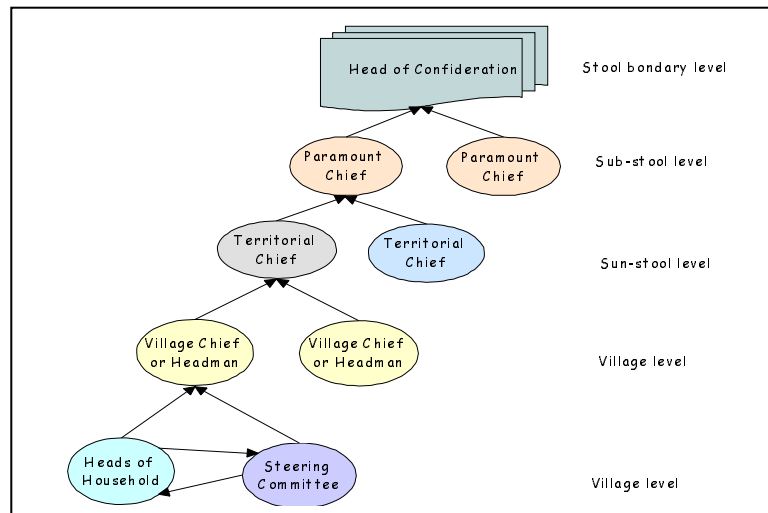


Figure 1: Hierarchical ruling structure of Ghanaian customary areas

2.2 Resolution of Land Conflicts and Disputes in Customary Areas

Conflicts and disputes over land often arise among the people from different families and individual members of the same family. It may also occur between adjacent villages from different traditional areas. The areas of land disputes include:

- conflicting claim over physical boundary of land in the absence of documentary evidence;
- fraudulent transactions by unauthorised members of the land owing groups;
- wrong alienation of land to strangers;
- double allocation of lands.

In any of the above situations, dispute is resolved through the political structure discussed above. Within each traditional area, there are well-defined traditional institutions that resolve land disputes based on customary laws. Disputes over land in most of these cases are solved at the appropriate level.

3. DECENTRALISED LOCAL GOVERNMENT STRUCTURE

In Ghana, the District Assembly is the highest political and administrative authority in each district, with deliberative, executive, and legislative powers. The membership of the District Assembly includes the District Chief Executives who is appointed by the government. Two-

¹ Asantehene is the head of the Asante confederation

thirds of the members are elected while the other third are appointed by the government from the district in consultation with traditional authorities and various associations. The District Assembly is responsible for the overall development of the district.

A local government law allowed the creation of town or area councils under the district assembly. The members of the councils are elected to serve over a period of two or three years maximum. The roles of these councils include strategic planning, economic and development, health and sanitation, education and other social issues.

4. LAND MANAGEMENT IN CUSTOMARY AREAS

4.1 Existing Situation at the National Level

At the national level, the Ministry of Lands, Forestry and Mines, Ministry of Local Government and Rural Development and the Ministry of Science and Environment are responsible for land administration and land management of the entire country.

Guided by the customary practices, the state has accordingly fashioned a formal administrative framework consisting a number of sector agencies, mainly under the above mentioned ministries to facilitate a rational and relatively orderly system of land management. Enabled by enacted legislation, these agencies variously perform the following functions:

- administration of public and stool lands
- settlement of stool land boundary disputes,
- determination of rateable values and compensation for public land acquisitions,
- undertaking of national land surveys and mapping and maintenance of up-to-date scientific data, maps and plans; geographic database and information system,
- registration of titles and protection of interest in land throughout Ghana,
- formulation of land development standards, co-ordination of land development activities and approval of settlement development plans.

The main agencies involved in the management of land are Survey Department, Lands Commission, Land Valuation Board, Office of the Administrator of Stool Lands, Land Title Registry, Town and Country Planning, Environmental Protection Agency. The relation and the flow of information among the departments involved in land management at the national level are shown in figure 2 below.

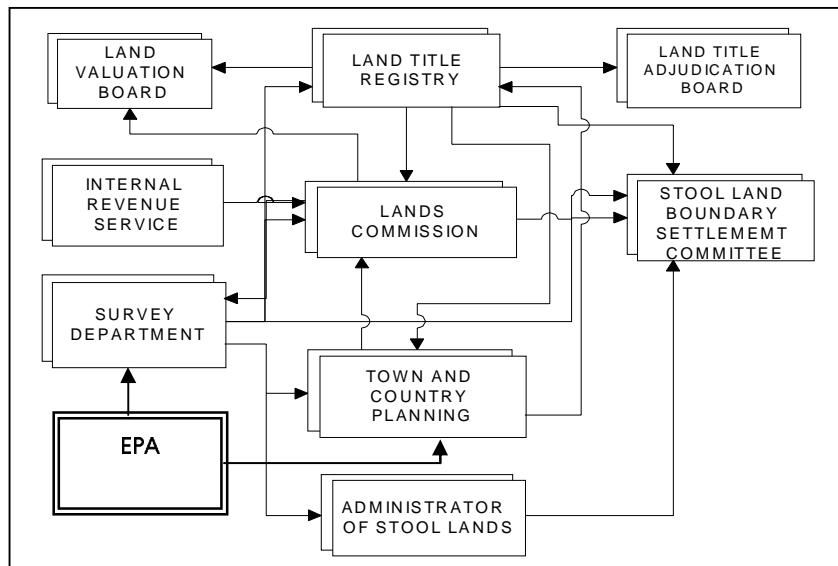


Figure 2: Information flow between Land Administration Institutions

4.2 Existing Situation at the Regional, District and Municipal Levels

Districts and Municipalities do not have well structured land management framework. Although few institutions such as the Administration of Stool Land, the Survey Department and the Town and Country Planning are decentralised to the district level, their presence are not recognised by the local people and therefore land management activities need to get to the regional level before the process is completed. Sometimes, staff members from the regional level are sent to perform certain task at the District and the Municipal levels.

In Ghana, customary land management has been found to be very ambiguous with variety of execution without clearly defined rules. The head of stool/skin is seen to have the most real power. The stool may have several villages with villages having several family homesteads. Typically, a group of close villages is controlled by territorial chiefs and the administrations of lands under their jurisdiction are empowered in them. Often there exist no clear method for allocation of land other than allocation of non-allocated or idle lands and inheritance. These have often led to double allocation of lands since most of these transactions are not documented.

The Land management at the District and Municipal levels starts from the Traditional authorities who have to allocate land for projects. Sometimes individual owing groups may also initiate land management. The development of physical planning schemes is done by the District Planners after the provision of base maps by surveyors. Several situations have happened where base maps used for physical planning do not reflect the situation on the ground because the chiefs have resulted to the use of unqualified surveyors. Approval of planning schemes and building plans is not a common practice. In most cases situation arises where the Municipal and District authorities have to mark on constructed walls to draw attention of builders for the necessary permit. Building in road and water ways, construction

in lowland areas have characterised these areas. Areas formally reserved as recreational areas are re-zoned making local authorities incapable of allocating best places for social amenities. A pragmatic solution needs to evolve in order to come up with a participatory local land management system, through organisational and institutional strengthening.

5. CONCEPTUAL MODELS FOR ENHANCING CUSTOMARY LAND MANAGEMENT

Having reviewed the present land management system in Ghana it can be seen that very little has been done to involve the local people and enhance their capacity in the management of customary lands. To build and enhance the local capacity, we need to understand the roles of the local capacity in the chain of customary land delivery so as to place land administration in a stronger position both at the country wide and the local level. Fourie in her paper argue that we need not just to build capacity in a business as usual framework, but instead build the relevant capacity, which also address the problem at hand (Fourie, 2000).

The challenge of the author and many people who are interested in sustainable land management is that participatory approach to land management at the local level is extremely important. To do this, we have to develop radically new approaches that include the more extensive use of non-professionals and professionals within the land information management system. The adoption of this wider framework would make it possible to build the relevant capacity where the local community is involved in land management in Africa.

Within the theoretical framework described, the idea presented in the Ghanaian customary perspective would contribute to the debate of building relevant capacity for land management.

5.1 Stakeholders of Customary Land Management System

The overview of the existing system gives enough background to design a model to enhance customary land management. It is necessary to know the present and potential stakeholders of the system and what they are required from the system, which is an important requirement for developing any information system. This gives the background of which information has to be taken into account while determining the specification of the new system and its functionality. It will also prevent the introduction of an unnecessarily complicated system, which will be difficult to maintain.

The design of the customary land management system seeks the consents of large variety of stakeholders who require various kinds of information from the proposed system. Stakeholders here refer to potential users and providers of information to the proposed system. In a similar view, (Tuladhar, 2000) in his paper refer to users of land information systems, as interest groups or dependent groups who share a common interest in a piece of land, be it an individual plot, territory of a community, a natural conservation area, a region or a country.

The stakeholders for the customary land management system are classified into four groups: the first group is the potential clients who are normally the politicians, community activist and the general Public. The second group is the senior managers and professionals directly involved either in the operation or consequence implementation of the system. The third group is those who manage the day-to-day operations and are normally office managers and general administrators who oversee the work at the office and in the field. The last group is those who are directly executing the actual work (see Table 1).

Table 1: Stakeholders of Customary Land Management (adopted from Dale, 2000)

Group 1	Group 2	Group 3	Group 4
Politicians (District Chief Executives) District Coordinating Directors and Sector Ministers. <hr/> The General Public including, Traditional Authorities, Land Owners, Land Occupiers	Senior Professionals Senior Managers and Administrators Senior Lawyers Bankers and Accountants Investors	Middle Mangers and Administrators Including District Planners District Forestry Officers District Surveyors District Lands Officers District Agriculture Officers Lawyers	Office staff System Engineers Field Surveyors, Property Valuers Property Agents Utility Officers Planners Extension Officers

Group 2 will include Senior Professionals from the institutions in charge of land management at the national level and non-governmental organisations (NGO's). More junior participants need to have image of the big picture but will have more detailed and specific skills that need to be developed. This means that relevant capacities need to be developed for groups three and four in order for the system to operate effectively and this will be dealt at the institutional level.

5.2 Functional Process Models

The process of customary land management is both technical and administrative. The author has outlined some steps to be followed to enhance customary land management processes. The detail technical directives have not been discussed in the paper. The implementation of the process may vary from place to place.

5.2.1 Initial Recording of Rights over Customary Lands

It is the responsibility of the Community Recorders to record history of the communities in the area and the various rights over land units within the customary area. Preliminary investigation on any underlying rights that would prohibit the development of the area has to be ascertained and recorded so as to be able establish the feasibility of formalising land tenure and development of the area. The possible existence of any mineral rights, servitudes, long leases, road reservations and others will be important.

5.2.2 Land Allocation

This process may not necessarily start after the initial recording of land rights. It is the responsibility of the traditional authorities to allocate land to their subjects and strangers. There should be different ways of defining the rights of occupation of the people and allocation of land to the members of the community and strangers. The method of apportioning and allocating rights over land may differ from community to community. Although the Traditional authorities have the sole responsibility in this exercise, there should be a well-designed framework and procedures for it. It is important that the local people are very much involved in this exercise through a well structured Land Allocation Committee

5.2.3 Demarcation, Survey and Preparation of Maps

It is the responsibility of the technical field staff from the DPO and Community surveyors to demarcate survey and prepare maps of the villages and towns in the traditional area. The procedures include the demarcation and surveying of the boundaries of stool and family lands and Individual lands. To expedite the survey, each stool, family and individual landholders will be required to pre-mark their boundaries in a simple way. Once the clear boundaries of the stool, clan/family and individual lands have been completed, villages constituting the stools are further surveyed by an accurate method of surveying.

Although there are no strict standards of accuracy and survey method to be used, the choice of the method must be on the basis of balance between cost, the available resources and the attitude of the people in the area. Where ground survey methods are to be used, surveys must be done in accordance with the procedures specified in Survey Act 1962 (Act 127) and the Survey Regulations. Where photogrammetry technique is to be used, communities and individual settlers should be allowed to indicate their boundaries on ortho photos. Surveying should be followed by preparation of cadastral maps. When layouts have been approved, in the case of rural-urban infringements, cadastral maps should be updated by either the community surveyors or licensed surveyors.

5.2.4 Physical Planning

The layout to be prepared must be based on well-prepared base maps of the area and must be within the development plan of the District or the Municipality. Physical planning of the area must be the sole responsibility of the District and Municipal Officers. In the villages where

the value of land is low and there exist no pressure on land, it may not be possible to have these well-prepared layouts in place before building begins. However, in order to ensure that future developments are not affected and slams dominating the area, Physical Planning Officers must ensure that developments and constructions takes place under supervision. Builders in these areas should be advised to allow for roads or service provision.

In areas where the value of land is high, within the towns and Municipalities, the proper planning regulations must be enforced. Planning must be based on well-prepared layouts and plots should be demarcated by licensed surveyors or trained community surveyors. Land proprietors should be enforced to obtain building permits before taking any construction to prevent construction along river banks, waterlog areas and in water ways.

5.2.5 Adjudication

When maps are completed and parcels are allocated, names of land owners are recorded in adjudication records. The function of adjudication according to (Dale and McLaughlin, 2000), is to resolve disputes and uncertainties pertaining to who owns what property. For the registration of communal lands, the adjudication is focused on problems that exist when the land is first formalised. Adjudication will accomplish its aim efficiently and in time if the local communities as much as possible are involved while maintaining minimum level of security and professional support. Adjudication must focus on solving all disputes involving the various villages and the communally owned groups and individual proprietors. Adjudication must be preceded by extensive education and publicity in local newspapers, churches, mosque and markets. Local knowledge and capacity must be used in the adjudication processes, most especially the customary structures in the adjudication area. Records obtained in this process will be forwarded to the DPO for registration and issuance of title.

5.2.6 Registration of lands and local registries

After the adjudication process, the information available at the DPO is recorded in the local register. The proposed registration system leans extensively on the existing methods of registration in Ghana under the institutional framework as well as the land policy framework that permits the registration of communal ownership and interest in communal entities. However, the fundamental precept is that, problems already encountered in the development of the existing systems of registration should not be repeated by deviating from the existing framework. At the same time, the system should not ignore the social aspects of land tenure and registration, which ultimately will determine the success of the system.

Registration of customary lands has been categorized based its purpose, the tenure situation with emphasis on the kind of rights and obligations inherent in the area and the extent of development in the area (Arko-Adjei, 2001). The first phase will generally be registering documents in the villages and areas where land value may not be high. It involves the recording of allodial land rights and recording of underlying titles. The second phase will provide an upgraded and improved registration system that can provide information to a large

number of people in the local area. The third and the last phase will be a well-developed cadastre that will support land administration at the local and national levels.

Registration should be done at the DPO where the staff at the office will guide prospective proprietors to complete simple forms. Simple registration procedures must be used. Initial registration must be ended with the provision of provisional certificates. Each time there is change in land proprietorship, the transactions must be recorded at the local registry. The use of computer based registration systems will be of great importance in this exercise. Transactions should be archived by the local property office in order to facilitate auditing of the register.

5.2.7 Arbitration of Disputes

While the technical work at the registry is in process, disputes normally arise over ownership of land or even boundaries. The author proposes the establishment of local land courts, district land courts and National Land courts for resolution of such disputes over land. These courts will be part of the existing court system of the country with special feature that personnel being specialised in land related issues and also knowledgeable in the tenure situation of the area. The paper also recognises the importance of the establishment of Alternative Dispute Resolution Systems (ADRS) in addition to the local land courts as a means of providing mediation and reconciliation services. The personnel in the ADRS must include the local people in the district or the region or even at the central level.

5.2.8 Environmental Monitoring

Environmental monitoring should not be taken as a single process but must be seen as process incorporated into all the other processes discussed above. A preliminary investigation of suitability of sites should be undertaken from environmental perspective. Environmental Boards established must be responsible for ensuring that the social feasibility of the development will be considered as an overall consideration. The focus must be on impacts on the settlement and the society. Local Sanitary Inspectors, Forest Officers and Planners should be automatic members of this Environmental Boards so that their input will be recognised in the monitoring and assessment of environmental factors.

6. INSTITUTIONAL MODEL FOR CUSTOMARY LAND MANAGEMENT

The legislative and social contexts as well as the tenure system discussed above have influenced the design of institutional model through which the proposed functional models can be implemented. Although the existence of the institutional framework discussed has been considered, the proposed model calls for a new task to be handled by some local people and therefore the need for establishing some new institutions at the local level. These new institutions need local capacity to operate efficiently.

This section gives brief description of those institutions that play important role in the proposed land management system. The composition of these institutions will be based on the local legislation and the culture of the local area.

6.1 Community Recorders

These are the persons appointed by the community and are responsible for recording rights and interest in property at the village level. They are also responsible for recording and keeping household information within the community. Information collected from the community is submitted to the Property Office of the appropriate stool for recording. The information collected can directly be sent to the District or Municipal property office for recording.

6.2 Stool Property Office

This office should be located within the Traditional Council of the stool and is responsible for recording and maintaining all the land records pertaining to a given stool. The office is required to co-ordinate well with the Community Recorders at the village level in order to have the necessary data about the stool. Other responsibilities should include:

- Recording of rights and encumbrances on the stool;
- Recording of customary wills, marriages, inheritance, etc.;
- Providing the necessary information on stool lands to the District registry and other related organisations;
- Issuing “allocation note” to prospective landholders for title registration. The allocation note has to be duly signed by the occupant of the stool. It can form basic unit for adjudication in the subsequent phases.

The staff composition of this office should include:

- Data Recorder to record the data submitted by the community recorders
- Legal Adviser to advise the Stool on legal matters. He might not be completely employed by the stool but rather work with the office in legal matters
- Stool Head to sign all allocation notes.

6.3 Local Land Court/Tribunals

The major set backs of the existing land administration is the number of land disputes and litigation in courts. Therefore, the achievement of the proposed registration system could be thwarted by such litigation if appropriate solution is not found. It is estimated that in 1990, there were 17,000 cases pending in the High Court on land, and many of them were for declaration of title (Land Policy, 1997). The solution of most of these issues takes its root from customary rules, which is difficult to solve by ordinary legal means.

It is argued that, the establishment of the Local Land Court or Tribunals at the district levels to resolve land disputes and appeals from adjudication will facilitate the proposed registration

system. The court must be constituted by the local people knowledgeable in the tenure system of the area and chaired by a judge who is knowledgeable in land matters. The court must work together with the custodians within the district. In such a situation, the High courts will handle relatively few cases that cannot be handled by the local tribunals.

6.4 Local Property Office and Registry

These offices are to be established within the local administrative structure. The local property office should be centrally located, easily accessible and user friendly community resources. The establishment of this must be based on the one-stop-shop concept as envisaged by the Land Administration Project (LAP, 2003). The office should serve as a centre for all land information and enquiries.

It is suggested that, the extent to which each local authority sets up local property office or whether one town will serve the whole or part of the region would need to be discussed with the towns and the relevant ministries. The staff of the Local Property Office should include the Community Surveyor, the Local registrar and the Local Property Manger. The functions of the property office include:

- processing and entering of data in relation to transactions;
- maintaining legal and land register;
- archiving all the copies of transactions such as agreements of sales, wills, etc and provide back up copies for computerised systems or microfilms for manual systems;
- issuing provisional certificate to recorded titles;
- supervising the work of the community recorders and stool property offices;
- assisting members of the public in drawing up standard agreement on sale, will, gifts and advise the parties accordingly;
- advising head of stool, family/clan lands;
- organising education programs within the villages;
- providing information to individuals and other organisations;
- facilitating and assist the traditional councils and the local land tribunals in dispute resolution;

6.5 Community Surveyors

The Community Surveyor will be responsible for carrying out surveys in the villages in conjunction with licensed surveyors. Where there is subdivision, the surveyor liase with the local planning authorities to have the work done. He is also responsible to assist the local registrar and the local tribunal in solving disputes over land.

6.6 Central Registry

The Central Registry will be responsible of registering and issuing final title to land. Apart from the prescribed duties of the central registry by the existing law, the central registry has to provide adequate checks on the work of the District/Municipal registry. To ensure an additional safeguard in all the recording processes and the recorded data, it will be advisable

to have documents in the Local property office been examined by a staff from the central registry on regular basis. Their responsibility should include checking on the completeness of records, certification in respect of the work by the Local Registrar, most especially, the legal part of the register.

6.7 Environmental Boards

This board will provide relevant guidelines for meeting the national environmental protection policies. Personnel in this board will ensure that environmental issues are dealt with through sensitisation programs and policies. It is proposed that representative from the Town and Municipal Councils be represented on the Board together with the local representatives.

6.8 Land Allocation Committee

This committee should be responsible for town development and planning and should be part of the Town or Area Council, with representations from the District Property Office (DPO) including a surveyor. The Committee should be tasked to enforce planning regulations and other environmental issues. Land should be allocated only if there is well designed layout prepared by the district planners.

7. A WAY FORWARD

7.1 Proposals for Enhancing Local Capacity

- Surveying discipline has to be transformed to focus on the design, build and management of spatial information. Future graduates need to be trained to solve standard everyday problem as they will appear in a future employment. They are expected to be much better qualified to undertake large and complicated tasks, to combine insight from different fields, to analyse new problems and to make them acquainted with new emerging fields to which the problems of practice are related.
- The provision of basic management and business training for all personnel are very important. In particular, the universities and training colleges should offer relevant courses in land law, land surveying, valuation, planning and business management.
- Continuing professional development through the organisation of short courses and seminars
- At the governmental level, appropriate legislation, organisational structure and corporation among ministries in management of land is very essential
- Governments must take the leading role in the implementation of sharing of land information and the development of awareness of environmental issues.
- New professional should be educated in specific skills in a relatively short time to able start implementation of the proposed model
- New technologies, including Global Positioning System (GPS) and Geographical Information Systems (GIS) could be incorporated in the education, as they might also speed up production processes

- Short-term training and courses should be organised for the local people who will be employed to work at the local registries
- Long-term training leading to the various diplomas will be needed to support the maintenance of the system. Training of geo-information managers and scientists needs to be refocused and tailored towards the continuum of personnel required to take the various tasks
- Workshops and sensitisation programs have to be organised for the traditional rulers and other stakeholder in the land management to enhance their capacities in administration of land and also to have their inputs in the land management.

7.2 Legislative Implications of the Proposed Model

Although the author has made some suggestions, it must be stated that the detail of the legal aspects is beyond the scope of this work. There is the need of legislation that will

- define which rights can be recorded and can be registered at the various phase levels and the content of the registers at each phase;
- define roles and responsibilities of community structures and local government in customary land management and clarify their
- define the powers of Traditional authorities;
- proper definition of the new institutions such as Stool property office, the District/Municipal Registry, Local land tribunals and the Community recorders and their duties must be clearly stated;
- acceptable map to be used as a supporting document for registration;
- the manner in which the survey has to be conducted
- the extent of subdivision and condition under which subdivision can take place;
- the extent of right defined as individual and the conditions for transferring individual title on land to another;
- the review and consolidate all land legislation into a comprehensive legal code so as to promote and facilitate public participation in necessary procedural, institutional and legislative reform.

8. CONCLUDING REMARKS

The paper has identified a number of customary land management problems which has to be addressed by the present land administration system. Some of these problems relate to adjudication, surveying, registration, user-friendliness of the registry, location of registry, lack of knowledge about the systems and lack of participatory approach. The author argues that a local level registry could address some of the land management issues raised. Efforts are required to create a kind of participatory approach in land registration, planning and environmental monitoring in order to improve customary land management.

The reliance of the local community and their ruling structure offers great advantage. It is possible to strengthen the local capacity for management and settlement of disputes rather than imposing the formal state legal system, although the formal legal systems can serve as a guide. Land management systems need to be re-organised under the already established

traditional councils to facilitate conveyance and land management. Decentralisation and local land management based on the customary leaders responsible for land issues alongside with the local government structure will require relatively cheaper resources to establish. Through appropriate institutions where government representatives sit together with the customary authorities, it will be possible to negotiate the best procedures to manage customary lands.

The paper recognises the vital role required by the various degrees of professionals in customary land management. We should therefore build and facilitate local land management and administrative capacity linked to the registry. Local property offices should be built as one-stop-shops where land information will be readily available to the community and decision makers.

A lot of efforts are required by governments, local authorities, traditional rulers and the general public as a whole. Sensitisation programmes and code of eticts should be a major factor.

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BIOGRAPHICAL NOTES

Arko-Adjei Anthony is a lecturer in the Department of Geomatic Engineering at the Kwame Nkrumah University of Science and Technology, Kumasi, Ghana, where he has been since 2002. He holds an MSc in Geo-Information Science from ITC the Netherlands and BSc degree in Geodetic Engineering from the Kwame Nkrumah University of Science and Technology, Kumasi, Ghana. His main areas which he has researched, written about and published, include customary tenure, land management and land administration, and applications of GIS in these areas.

CONTACTS

Mr Arko-Adjei Anthony
Department of Geomatic Engineering
College of Engineering
Kwame Nkrumah University of Science and Technology
Kumasi
GHANA
Tel. + 233 24 4 232 446
Fax + 233 51 60 227
Email: arkoadjei@hotmail.com
Web site: www.knust.edu.gh