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## Conclusions: Towards a Resolution of the Problematic Issues

### Introduction

This study has shown that land is an important resource in Ghana that has been accompanied by disputes and conflicts. The contentious nature of land largely as a result of its commodification has led to increased demand for it, especially in the newly developing settlements within the Ga traditional area. The multiple sales of these lands by individuals and families, and the unfortunate involvement of some chiefs in these dubious land dealings have led to many cases of violent confrontations resulting in the destruction of buildings under construction and sometimes, even death as land guards armed to the teeth are employed by feuding factions. The commodification of land has also led to the Ga traditional authorities calling for commensurate compensations for stool lands taken by the government and also, a call for the return of stools lands acquired by the government but lying fallow or being used for other purposes other than their original intent.

On the question of land tenure, many respondents believe that documentation is a problem in Ghana, which has led to multiple sales of land. They suggested that governments should ensure proper documentation of all lands at the local level.

It was also suggested that the dubious involvement of chiefs in land sales puts the chieftaincy institution into disrepute and so, appropriate guidelines should be put in place to streamline the sale of lands by chiefs.

On the question of land administration, it was revealed that the numerous land agencies currently in existence make land processing cumbersome, sometimes frustrating land owners to the extent that they give up on registering their lands.

The lack of compensation by government for lands acquired from the traditional authorities as well as the diversion from the original purposes for which these lands were acquired was also of a major concern to the respondents.

They suggested that even though government may have a right to acquire lands for whatever developmental purposes, the traditional owners should be adequately compensated, and also, the lands should be used for purposes for which they were acquired.

Conflicts over land hinder efficient and sustainable land use and undermine existing social relationships; while the mode of resolving land conflicts are a reflection of existing power structures and land tenure systems.

The study reveals that the land sector is faced with several challenges, some of which are as follows:

- A large portion of lands in Ghana are not mapped to indicate appropriate land boundaries, hence people sell land way into other properties unknown to them and thus creating room for disputes.
- Double registration and sale of the same parcel of land to different people continue to be among the recurrent complaints of land developers, property owners and business entities. Such circumstances lead to protracted litigation.
- Those who depend on land conflicts are playing a major role in escalating conflicts. Groups like land guards, some lawyers purposefully and intentionally fuel and cause conflicts to their own advantage.
- The laws that govern land administration and the institutions to enforce them are numerous – Lands Commission, Survey Department, Land Title Registry, etc, play a significant role in land administration in the country. However, inconsistencies in their operations exist as these operations are not synchronized to obtain the level of efficiency that minimizes land conflicts.
- The state jurisdiction is overtaxed in finding solutions to conflicts on the regional and local levels despite recent reforms in the economic and legal systems. Too few courts of first instance jurisdiction over land exist in the rural areas.
- The people's trust in the jurisdiction of the law and the path to the courts is avoided at all costs, also in the face of fees, transport costs and money necessary for bribes.
- Insecurity of tenure affects a greater proportion of society than is generally recognized. There is no automatic link between land title and security of tenure. This means to achieve security depends on the context and parties involved. Although it is often possible to identify 'win-win' strategies, hard choices have to be made.
- Ensuring security for farmers and other land users is emerging as a fundamental economic and social issue and also as a key issue of citizenship. This raises institutional questions such as the nature of rules and sources of authority which need to be legal and legitimate and be able to ensure regulation in rapidly changing social and economic contexts.
- Loss of rights is widely occurring because both customary and statutory mechanisms for securing rights are insufficiently effective to protect the full range of land interests in modern circumstances. The state itself is a source of

insecurity in the manner in which it acquires private property. The manner of the VRA resettlement in Afram Plains is a clear testimony in this respect.

### **Recommendations**

Based on our findings, the following recommendations are made to bring order into an already chaotic and turbulent land environment:

- The sources of insecurity are more complex than generally acknowledged. Government therefore needs to adopt strategies that reflect the complex character of land rights and improve tenure security.
- The causes of land conflicts are many and involve many actors. Solving land tenure conflicts and finding possibilities for reconciling differing interests must therefore follow respective cultural-specific norms and guidelines and include institutions at different levels.
- Centralized land administration must give way to locally organized and sustained systems. Big bang approaches which seek to solve problems all at once should give way to incremental and learning-by-doing approaches.
- Government should assist communities to set up and manage their own systems within broadly laid out parameters of fairness and accountability.
- Government must pay adequate compensation for lands acquired by the state to avoid itself becoming a source of land conflicts.
- Lands acquired by the state for must be used for the purpose of acquisition. Otherwise, the original owners should be given the first option of re-acquisition.
- Since approximately 80 per cent of lands in Ghana are owned by traditional communities and ethnic groups, it is expected that the custodians of these land should spearhead the search for solution that minimize land conflicts in the country.
- There is the urgent need to establish special courts to try land case expeditiously or at least specific days should be set aside by the existing courts for land cases.
- Logistics and resources are needed to roll out the process of equipping traditional leaders to be the front liners in the resolution of land conflict.
- Current contradictions between customary practice and statutory codes need to be resolved, to mitigate the uncertainty and insecurity which result from such dualism.
- District Conflict Resolution Committee in the Ga West District must be strengthened and given necessary logistics to function effectively. Based on its success, it can then be replicated. People of integrity must be appointed to serve on the committee so as to function as an Alternative Dispute Resolution (ADR) mechanism. Under the ADRM technicalities will be minimized.
- Capacity of traditional rulers must be built. They should be trained on alternative dispute resolution measures. In view of new trends in land administration, they should be educated.

- Land guards must be checked.
- The state ought not to intervene directly in the land tenure issues, its role should be to define the rules of the game and lay down procedures, while allowing a degree of local autonomy in the way they are implemented.
- There is the urgent need to reform land acquisition to ensure easier access and most efficient land ownership and title processes.
- Government also needs to retain important functions with such processes as the provision of broad framework and principles underlying the rules of tenure and access and ensuring transparency and accountability of local structures.