

## Understanding the challenges and nature of land administration in the Tamale Metropolis, Northern Region, Ghana

Kingsford Gyasi Amakye<sup>1\*</sup>, Mawusi Y. Ameyibor<sup>2</sup>

<sup>1</sup>Faculty of Sustainable Development Studies, University for Development Studies, Tamale

<sup>2</sup>Lands Commission, Tamale, Ghana

\*Corresponding Author: Kingsford Gyasi Amakye, [gyasiamakye@yahoo.com](mailto:gyasiamakye@yahoo.com)

### ABSTRACT

*Land plays an integral role in almost every economic activity. Land administration, therefore, is critical for the national development of a country. It is the hope and aspiration of many to own landed property for various reasons such as for residential, agricultural, and commercial purposes amongst others. Some African countries over the years have embarked on several land administration and land registration reforms to stimulate growth and reduce poverty amongst its people and these programmes are yielding positive results in some of these countries. This paper used semi-structured questionnaires to elicit information from fifty-one (51) participants in the Tamale Metropolitan Assembly, including traditional leaders, members of the general public who have ever registered their lands with the Lands Commission and Divisional heads at the Lands Commission, through randomly and purposefully selected sampling, respectively. This paper reveals that there are still teething challenges affecting land administration in Tamale which include the cost of land, cost of registration, corruption, weak coordination among land sector agencies, encroachment of state land, poor record-keeping on the land transaction and unidentified traditional land boundaries. This paper recommends effective coordination among land sector stakeholders including the land commission, land use and spatial planning authority and the traditional authorities for meaningful reforms on land administration.*

**Keywords:** land administration, Registration, Traditional authority

### INTRODUCTION

Land plays an integral role in almost every economic activity. Land Administration, therefore is critical for the development of a country. The fact that land is regarded as a primary input of production in economic

theory and that more than half of a nation's capital wealth is rooted in its land resources makes land title registration very important (Bejtja & Bejtja, 2014). It is the hope and aspiration of many to own landed property for various reasons such as for residential, agricultural, and commercial purposes

amongst others. The legal proof of possession and ownership is normally through registration of one's title and this is what established man's relationship with the land and the ability to deal with it (Tjia & Coetzee, 2012).

Many international donors or development partners have identified the relationship between Land Title and poverty eradication towards the achievement of sustainable development goals. It is in recognition of this that the World Bank decided to partner with the Ghana Government through the Land Administration Project (LAP) to help carry out reforms in land administration to accelerate the Country's development. Several African countries over the years have embarked on several land administration and land registration reforms to stimulate growth and reduce poverty amongst its people and these programmes are yielding positive results in some of these countries. Indeed, Byamugisha, (2013) contends that this improvement in land administration and registration has been witnessed notably in Rwanda and Ethiopia where more than fifty percent (50%) of their total lands have been registered.

Domeher (2013) in a related study argues that land registration has attracted attention globally and especially in developing economies. This is evident in the collaboration between the Government of Ghana and her development partners such as the World Bank, to the roll-out of several land registration programmes such as the LAP in 2003 and Millennium Development Goals (MDGs) project in 2009 which the Lands Commission and Millennium Development Authority (MiDA) are coordinating respectively.

Land administration in Ghana has been facing and is still facing challenges although several attempts have been made through institutional reforms, enactment of laws, policies, etc. to address these challenges (Forkuor et al., 2013). Despite some interventions and policies that have been put in place by governments such as the National Land Policy of 1999, the establishment of Customary Land Secretariats under LAP, the establishment of Land Courts in 2008, Alternative Dispute Resolution (ADR) avenues, the persistent land disputes with consequential loss of life and property are clear indications that a lot still has to be done to address the issue of Land Title insecurity in the Country (Jones-Casey, 2011). The persistence of these challenges suggests that the objectives of these measures are yet to see the light of day. The land administration system in Tamale, the Administrative capital of the Northern Region is equally bedeviled with teething problems.

The lack of registered Land Title is a potential source of land conflicts that affects the development of landed property markets and investments in the landed property (Mattingly, 2013). In a broader context as noted by Barthel et al. (2011), unsecured Land Title could impede investments in landed property in Ghana and deny the country any potential economic and technological benefits. Unfortunately, the country's courts which are crucial players in land administration and Land Registration under the 1992 Constitution of Ghana and the Courts Act, 1993 (Act 459) have also been overwhelmed by the high volume of land-related cases. It is thought that land cases themselves account for averagely 85% of civil cases filed annually in Ghana's Court (Quaye et. al., 2015). Given these practical challenges of land administration, this paper seeks to examine the nature of land

administration and perhaps point out the challenges confronting land administration in Tamale Metropolis.

## **Theoretical issues**

### **The concept of land administration**

The land is specific in context. What land is, normally depends on the cultural, demographic settings of the particular locality. It carries different meanings across various disciplines. The critical role landed property plays in the life of mankind and constitute a significant portion of a community's or nation's wealth is known to literature (Yeboah & Shaw, 2016). Landed property is believed to form between 50 and 70% of the national wealth of developing countries. Land is an asset or natural resource with many attributes. As an economic asset, it serves as a means of employment, symbol of wealth and remains the fundamental source of livelihood in sub-Saharan Africa and in particular, Ghana (Bell, 2006).

In addition, the economic value of land can be increased through the highest and best use. As a social asset, it connotes social prestige or status. The total physical supply of land however is fixed and this puts pressure on it by population growth and other competing land uses. Other schools of thought contend that it is spirit, which is a revelation of its intricate nature. Land normally belongs to communities, clans, families and individuals (Arko- Adjei, 2007).

The chiefs, elders, family heads and earth priests hold and manage these lands in a fiduciary capacity (Chieftaincy Act, 2008, Act 759). This does not however suggest that the state does not own land except that, it owns it through acquisition. Even with vested lands, the state only manages them in a

fiduciary capacity. Like other areas of discipline, land has been defined in various ways (Williamson et al., 2010).

Due to the unexhausted definitions, it makes it difficult to limit the concept to one particular definition that is universally accepted. The central role of land in economic and social development, as well as poverty alleviation, cannot be discounted. The different arrangements under which land is held, used or possibly alienated have a significant effect on economic growth, distribution of wealth and poverty alleviation.

The nature of land administration as defined by the United Nations Economic Commission for Europe (UNECE) (1996) affects investment and land use. According to UNECE (1996:14), Land Administration is the process of determining, recording and disseminating information about the ownership, value and use of land when implementing Land Management policies. This definition encapsulates the relationship between tools and policies very well. Van der Molen (2002) defines land administration as the process of determining, recording and disseminating information about the ownership, value and use of land when implementing land management policies. This definition encapsulates the relationship between tools and policies very well. They further state that the processes of land administration include the determination or adjudication of rights and other attributes of the land, the survey, and description of these, their detailed documentation and the provision of relevant information in support of land markets (Van der Molen, 2002).

According to World Bank (2003), sub-Saharan Africa remains the poorest region in the world and is partly linked to its land administration system. This is very worrying

because it is well-known that Africa controls abundant natural resources in the world which when judiciously administered would improve the economic and social wellbeing of the people. Ghana had had its share of poor Land Administration which has denied it the needed economic and social development. Land resources in Africa and Ghana are highly under-utilized, which has affected productivity and investment in land over the years (Deininger et al., 2008). Sustainable Development Goal (SDG) of ending poverty in all its forms and zero hunger becomes a mirage if the country does not focus on effective and efficient land administration. Although poverty in Ghana can be attributed to other factors such as unfavorable trade terms, illiteracy, technology, amongst others, this has been aggravated by poor land administration (Ogendo, 2006).

The practices of land administration differ between countries although the purpose of their establishment is similar. Land administration organizations were traditionally developed to prepare land records that could be used to collect land tax. Modern land administration systems however are not only concerned with the collection of land tax but also include issues of management and use of land for sustainable development. Land administration system is expected to provide the needed infrastructure for implementing land policies (Williamson et al., 2010).

### **Land Title**

The path of searcher for a safe Title to land, according to Professor John Rood as cited by Dukeminier (1993), is plagued with snares, dangers and temptations, which requires the root of title to be dug as far back as decades or more and possibly unravel deeds, mortgages, judgments, taxes, and liens to be sure that he is not missing something fatal to

his Title. The World Bank (2003), reports that a vast number of people living especially in the developing countries make living out of the land. This makes property rights pivotal to their very survival. Land Title is acquired through a land registration system and land registration is a system by which the ownership of estates in land, is recorded and registered, usually by the government, to provide evidence of title and to facilitate dealing (World Bank, 2003).

Report from Burns (2007) and United Nations Economic Commission for Europe (1996) indicate that, land registration forms an integral part of Land Administration. Land registration is key to accessing mortgage loans especially in developing economies. It establishes a legal relationship of man with the land. The significance of the above statement was further underpinned by Akwensivie (2017), that land is still the preferred asset for security by financial institutions. The concept of Land registration as further posited by Henssen (2001) is the process of officially recording rights in the land through deeds or Titles. It concerns the recognition of property rights and regulation of characters and transfer of these property rights.

Studies have shown that, land registration is done under two (2) systems, namely; Land Deeds Registration (LDR) or Land Title Registration (LTR). Registration of Land in Ghana started as far back as pre-colonial era under various ordinances. Land registration in Ghana follows same system two (2) systems (Akwensivie, 2017). The two (2) forms of registration though different but not significantly because they are both fundamentally legal documents conferring ownership

Land title registration applies only in areas declared as Registration District in Ghana. Registration Districts in Ghana at the moment, only the Greater Accra and inner city in Kumasi in the Ashanti Region are the registration Districts in Ghana. Therefore, whether your property should be registered under Title or Deeds registration depend on the location. To be more precise, if the property is sited within the Greater Accra region or within two miles square of Adum-Kumasi, the property can only be registered under the Title Registration system (Akwensivie, 2017).

Deed registration started under the Registration Ordinance of 1883, subsequently under the Land Registry Ordinance of 1895 and currently under Deed Registry Act, 1962 (Act 122). This system sought to record land transactions in the land register, referred to as an instrument thereby giving it legal recognition and effect. Therefore, any unregistered instruments apart from the exemptions are invalid. Deed registration as of 2013 operates in eight (8) regions in Ghana, except Greater Accra and part of the Ashanti regions (World Bank, 2003). The Deed registration following its implementation showed some weaknesses necessitating the need to promulgate the Land Title Registration Law, 1986 (PNDCL 152).

### **The Nature of Land Administration in Tamale**

The nature of land administration to a large extent depend on various factors such as the system of land ownership, the type of stakeholders involved, the Constitutional provisions and other Statutory laws among others. practices, amongst others. The paper would attempt to explore a couple of these variances. There are three (3) systems of land ownership in Ghana and these are (i) Public or State Land, (ii) Customarily Land

(Skin/Stool, Family, Clan and Private) and (iii) Vested Land which is a hybrid of Public and Customary. In the Northern Region, about 90% of the land is customarily owned with only about 10% being state land (Yeboah, 2016). In Tamale, which is the study area of this paper, the Land tenure system is dual. These are the State Land and Customary Land Tenure systems (Yeboah & Kakraba-Ampem, 2016).

During the Colonial era, lands in Tamale were acquired by the then colonial government for Governance and administration under the Administration (Northern Territories) Ordinance of 1902 (Cap. 111). Years later, the Land and Native Rights (Northern Territories) Ordinance of 1931 (Cap. 143) was also passed by the then Colonial Government to control and manage land in the Northern Territories of the Gold Coast, on behalf of the people. (Aryeetey *et al.*, 2007). These vested lands however have since been de-vested to the pre-acquisition owners (the rightful skin) following the coming into force of the 1992 Constitution (Lund, 2009).

This system is under the control and management of the appropriate skins although the Lands Commission exercises some supervisory role. The customary land tenure system in Tamale including its precincts is managed following the Customary Law of Dagbon. The allodial title resides in the Overlord of Dagbon while the Customary Freehold resides in the divisional skins. The land is released to individuals and groups who have the usufructuary rights, by the divisional Skin for various purposes. Currently, both usufructs and strangers can acquire land through leasehold arrangements to build houses, health facilities, schools, etc. subject to the observance and performance of certain conditions. The implementation of the first phase of the LAP also saw the establishment of Customary Land

Secretariats (CLSs) across the country to help improve on land management by the Traditional Authorities. On the other hand, the State Lands fall under the direct control and management of the Lands Commission (Article 258, 1992 Ghana Constitution, Act 767, 2008). The mandate of the Lands Commission in the management of State Land includes the acquisition of land on behalf of the State or Public Institutions and management of State Lands.

### **Public/State Land**

According to Article 257(1) of the 1992 Constitution, Public lands are lands which before the coming into force of the 1992 Constitution were acquired by the state and any other land acquired on the said date or thereafter for public purpose. The Lands Commission is mandated by Article 257(1a) of the 1992 Constitution to administer and manage all public lands on behalf of the president. There are laws or Acts of Parliament by which the state through the Lands Commission acquire these lands and administers same. The acquisition either through the power of eminent domain where a combination of State Lands Act 1962 (Act 125) and other Statutory laws are used or through private treaty. The idea of Public Lands is anchored on the fact that the state would be more diligent and efficient in the management of land for the collective interest of society. Under such circumstances, the principle of fairness and social justice requires that the state expropriate such lands and administer them on behalf of members of the Community (Yeboah and Shaw, 2013). The process of allocation starts from the Lands Commission. As per the Operational Manual of the Lands Commission, the applicant first and foremost makes a written application to the Lands Commission. The application goes through the recommendation and approval process at

Standing Committee and Lands Commission meetings respectively.

### **Customary Land**

Customary lands may be categorized into Skin/Stool Land, Family land or Private Lands. These lands are owned by families, clans, ethnic groups but managed and administered by the Stools/Skins or family heads in Trust for the subjects. With Customary Lands, each member of the landowning group holds usufructuary rights. One of the features underpinning Customary land administration is the doctrine of trusteeship in that, the Chiefs or Family heads are only Trustees and are supposed to administer and manage the land following customary practices and be accountable to the members of the landowning group (Yeboah, 2016).

With Skin/Stool lands, the allodial title resides in the paramount chief. In many instances, these paramount chiefs may have divisional chiefs or other low ranked chiefs who are directly involved in the day-to-day management of the land. In the Northern Region, there are four (4) paramountcies. These are Dagbon, Gonja, Mamprusi and Bimbilla with the allodial title in the Ya-Na, Yagbunwura, Nayiri and Nyelinboligu Naa respectively. The process in the allocation of skin land commences from the divisional chief upon payment of “drink money” which is then confirmed by the paramount chief. The deed of a lease is subsequently executed between the lessee, the lessor and the paramount chief. The deed so executed is presented to the Lands Commission for registration.

### **Vested Land**

This type of land has dual features in that, the State holds the legal interest while the

community retains the beneficiary interest. As put by Yeboah and Shaw (2013), they are customary lands managed by the state for the benefit of the customary owners. The State is supposed to ensure that, the benefits due are transferred to the community (Kasanga and Kotey, 2011). The ownership and management of this land are split between the land-owning group with the state represented by Lands Commission. These types of land are estimated to constitute about 2% of all lands in Ghana (Yeboah, 2016).

### **Challenges confronting Land Administration in Tamale**

Though a series of measures have been put in place by governments over the years to help shape land administration in Ghana, the persisting and teething challenges are revelations that more needs to be done (Forkuor et al., 2013). The weak coordination between the new Land Commission under Act 767, 2008, now Land Use and Spatial Planning Authority, Traditional Authorities and other allied institutions is negatively affecting land administration in Tamale. Bortei -Doku (2007) could not have stated this better than the weak coordination and autonomous status of the land institutions resulted in problems in the land market which included tenure insecurity, haphazard spatial development, land disputes and litigation, encroachment of government lands, deficit in human resource, financial and logistical challenges to the institutions themselves.

This was further re-emphasized by Bugri (2012) that, there are gaps in coordination and communication between these sector agencies. The 1992 constitution of the Republic of Ghana says, where the land is located in an unplanned area, 'Planning Consent' shall be obtained from the Planning Authority responsible for the area. The essence of this planning consent is to bring to the attention of the planning authority the

allocation that has been done and also allow them to take note of the allocation and incorporate it into the future layout for the area. Even when these plans are available, they are not made available to the Lands Commission to aid in the registration of land title. Spatial planning, spatial development and revenue mobilization are important parts of land administration. In ensuring a comprehensive integration of these land sector agencies, these functions could have been put under units in the Lands Commission. With the current arrangement, the Lands Commission has no direct control of land use planning and revenue mobilization and this has created a gap in the current land administration system administered by the land commission (1992 Constitution of Ghana). Land boundaries are poorly defined or with temporal structures which have partly accounted for land disputes between stools, clans and landowning groups.

Domeher and Abdulai (2012a) rightly put it that there is the need to replace traditional boundary demarcation methods using temporary features such as footpaths, rivers, trees etc. with more permanent features. The problem appears to be pervasive in customary or traditional land areas. The situation could also be attributed to a lack of reliable and accurate schemes or maps (Domeher & Abdulai 2012a).

The compulsory acquisition of land for purposes that never saw the light of day and the delay in the payment of compensation has resulted in encroachment by the original owners. According to Kasanga (2001), the situation appears to be widespread across the country and this makes administration of these lands difficult. This contradicts the 1992 constitution of republic of Ghana which provides for prompt and adequate compensation to persons whose lands have

been acquired by the state or whose interest in the land has been affected. This has been one of the sources of conflict between the customary landowners and the government (Kasanga, 2001).

The principle of land governance requires transparency and accountability by trustees of land to their subjects in land administration practices. The lack of it has sometimes resulted in backlashes between the chiefs and their subjects especially the youth (Wisborg, 2012). The principles of good land governance are critical at every level of land administration. The transparency may take the form of land transactions and the revenue accruing from the same. Some chiefs and heads of families collect huge sums of money which they term “drink” (premium) money for every parcel of land leased without accounting to their community members. This has created a situation where the vast majority of communities are deprived of benefits accruing from the management of such customary lands. Furthermore, some stools have poor records on land transactions which most of the time result in multiple allocations of the same piece of land. Even where such records exist, they are not made available to the community members who might be interested. The strengthening of customary land administration is key to a successful land administration (Yeboah, 2016).

In addition, one of the greatest threats to effective land administration is corruption. When people have to pay bribes for service delivery, the one unable to pay a bribe is denied service delivery. About 52% of persons who had dealt with land sector agencies paid a bribe to get service delivery (Global Corruption Barometer, 2014). Gbenga (2007) alludes that, corruption represents a deliberate attempt to deviate

from the normal use of resources to satisfy a common interest to satisfying personal interest. The World Bank and Transparency International also define it as the abuse of public office for personal or private gains. This can be seen in the allocation of land and service delivery by land sector agencies. Unseen Political hands and favouritism are a serious threat to land administration (Gbenga, 2007).

Global Corruption Barometer (2014) reported that land administration was the third most corrupt public service. Corruption threatens tenure security and may end up undermining the needed investment in a land which would have otherwise increased productivity and reduced poverty. It is a major barrier to foreign direct investment and a contributing factor to poverty around the world. Corruption is very toxic in the sense that; it comes with ripple effects. It clouds objectivity and distorts the quality of service and consequently results in the failure of policies and programmes which could have been vital for socio-economic development (Yeboah, 2016).

Perhaps, one of the challenges which are seen as social has to do with quacks, land guards, the agents (middlemen) in the land administration system. These people engage in activities such as land demarcation, land surveying, preparation of Planning Schemes amongst others. The high cost of land, registration and transactions in lands can partly be attributed to these people. Almost every single day is a free day for quacks and land guards to terrorize innocent landowners, investors or developers. The law enforcement agencies though have been doing their part, it appears their effort has not been able to address the situation (Gyamera et al, 2017).



## METHODOLOGY

The multi-stage sampling technique was adopted. This technique enabled the researcher to combine the purposive and simple random (lottery technique) to select respondents from the Tamale metropolis. This paper acknowledges that in any inquiry into human behaviour, scientists have often differentiated between two groups of sampling techniques; probability and non-probability because they exhibit different logic and responds to different data requirements (Teddlie & Yu, 2007).

### Unit of Analysis

The study utilizes three (3) units of analysis. The first unit are the Traditional Authorities. There are five (5) paramountcies within the Tamale Metropolis. Out of the five paramountcies namely Bamvim, Nanton, Gulkpegu, Dakpema and Sagnarigu, three were selected for this work using the lottery method. In this method, pieces of paper were cut using the same measurement and the names of the paramountcies were written on them. Each piece of paper was folded, rolled and put in a container. The pieces of paper were then thoroughly mixed. The rolled papers were then picked one by one without the selector looking into the container. This process went on until the three paramountcies were selected namely Bamvim, Sagnarigu and Gulkpegu. The second unit are the general public who have ever registered their land at the Lands Commission and were randomly selected and the third unit are the four Divisional Heads in the Lands Commission. They were also purposively selected.

### Sample Size Determination

The sample size was determined using

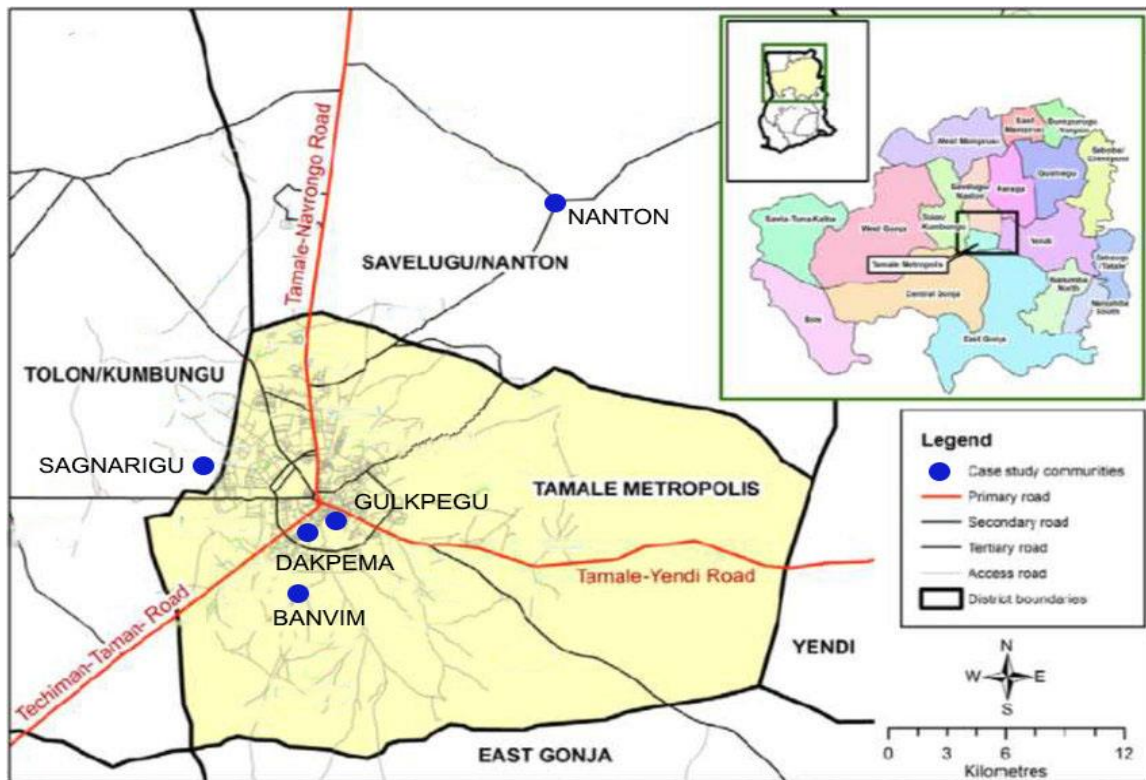
Yamane 1967 simplified formula below:

$$n = \frac{N}{1+N(e)^2}$$

Where **n** is the sample size (required responses), **N** is the population and **e** is the level of significance which is the acceptable sampling error (0.141). From the 2010 census, the population of persons aged 18 years and above in the Tamale Metropolis was 142096. Using this figure, the sample size derived was fifty-one (51).

### Data collection and Analysis

The study collected data through questionnaire administration and face-to-face interviews using both closed and open ended questionnaires. This was to enable the researcher to get first-hand information on the study under discussion. Data collected on the field through the administration of questionnaires and face-to-face interviews were analyzed using the Statistical Package for Social Scientists (SPSS). After coding and numbering the questionnaires, a template was prepared in the SPSS format where the various responses were imputed. Analyzed data was then presented on tables, charts and graphs before interpretation.



**Figure 1: Map of Tamale, Northern Region**

**Source: Land Use and Spatial Planning Authority**

## THE RESULTS AND DISCUSSIONS

### Sex of Respondents

Out of the fifty-one (51) respondents interviewed, twenty-five (25) respondents representing 48 % were females whilst the remaining twenty-five (26) representing 52% were males. This represents fair improvement in the registration of land by females as seen in figure 2. According to Yeboah (2016),

some cultural practices discourage females from owning lands especially in the Northern Region but only made to have user rights. Therefore, contrary to Yeboah (2016), the study reveals that more women are beginning to see the benefits of land acquisition and registration and this also means that some of these cultural barriers that inhibit women from owning lands are gradually giving way.

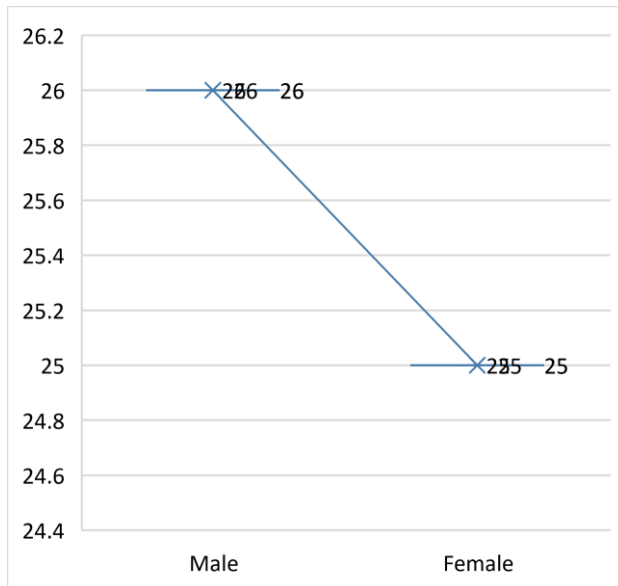


Figure 2: Sex of Respondents

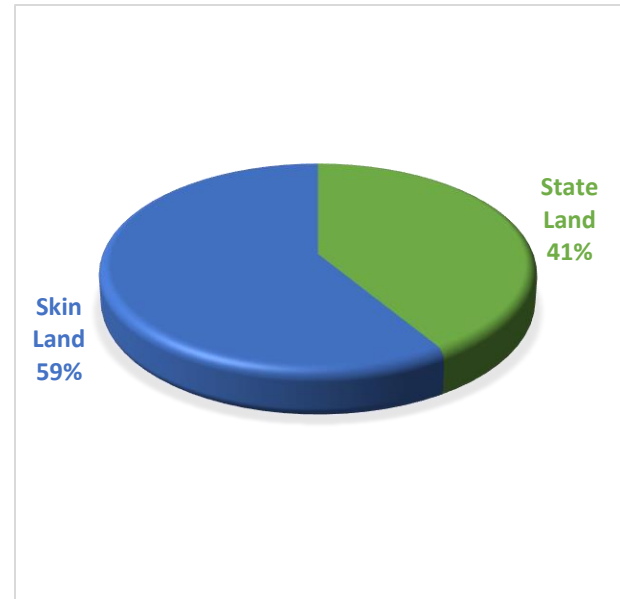


Figure 3: Types of land Acquired

### Marital Status of Respondents

The question on marital status shows that majority of respondents numbering thirty (35) representing 70% were married, followed by Singles who were eight (8) representing 16%. Four (4) of them were divorced representing 8% whilst the remaining three (3) representing 6% were widows/widowers. The study reveals high land registration amongst couples within the Tamale Metropolis.

### Types of Land Acquired

Land administration depends on the land ownership pattern in the area. The survey revealed two forms of ownership in Tamale and these are Customary and State. Thirty (30) respondents representing 60% had acquired skin land whilst twenty-one (21) respondents representing 40% had acquired State Land. The study affirms the proposition as put forward by Yeboah (2016) that, there are two systems of Land Ownership in the Northern Region namely, Customary and

State-owned. The study affirms the proposition as put forward by Yeboah (2016) that, there are basically two systems of Land Ownership in the Northern Region namely Customary and State owned. However, the study revealed that, more people are acquiring and registering State Land in Tamale because of guaranteed security and this is shown on Figure 3.

### Land Acquisition and Registration Requirement for State Land

On the question of the various requirements, respondents gave various responses as follows;

Concerning proof of citizenship, a majority of thirty-four (34) representing 67% were in agreement, whilst fifteen (15) representing 27% strongly agreed. Those who either disagreed or were undecided were in the minority (6%). This shows an overwhelming endorsement of these requirements. Again, on the completion of the State Land form, there were majority endorsement by thirty (30) respondents representing 59% and then

followed by eighteen (18) representing 35% who also strongly agreed. Those who either disagreed or were undecided were in the minority (6%).

With the payment of Statutory fees, there was again a 63% endorsement by thirty-three (32) respondents whilst seventeen (19) representing 37% also strongly agreed. On the need to meet other requirements such as the submission of Tax Clearance Certificate, being of eighteen years and above, an average of thirty-one (31) representing 61% were in agreement whilst an average of twenty (20) representing 39% strongly agreed. As alluded by Yeboah (2016), every efficient land administration is governed by good law, policies and regulatory structures and the overwhelming agreement of these requirements by respondents buttress the argument.

### **Land Acquisition and Registration Requirement for Skin Land**

On the question of payment of all statutory fees, payment of 'drink money', introduction by a native, character investigation, age limit, completion of application form with passport pictures, an average of twenty-five (25) respondents representing 50% agreed whilst the other an average of twenty-five (25) respondents also representing 50% strongly endorsed these requirements. The figures obviously show the support for these pre-conditions for skin land acquisition and registration.

On the payment of ground rent to the Office of the Administrator of Stool Lands and the submission of Tax Clearance Certificate (TCC), there were varied responses. On TCC, a majority of twenty-nine (29) respondents representing 58% agreed, then followed by nineteen (19) respondents representing 38%

who strongly agreed. Two (2) respondents representing 4% each were either undecided or disagreed. The majority endorsement of this requirement supports the argument by Williamson et al (2010), that before any registration of land or any other transaction on land could take place, applicants should be able to show prove of their tax payments to the State.

On the issue of payment of Statutory fees, there was a majority endorsement by of thirty-four (34) respondents representing 68% who agreed whilst fifteen (15) respondents representing 30% strongly agreed. One (1) respondent (2%) was undecided. Therefore, generally, it will not be far from the truth to submit that, majority of respondents were in support of these requirement which form part of any good land administration as put forward by Yeboah (2016).

### **Engagement of your Subject/ Sub-Chief in Land Administration**

When the respondents (Paramount chiefs) were asked whether they engage their subjects in land administration, all of them indicated that periodic meeting were held for the Sub Chiefs and their Secretaries about management of Skin lands and to remind them of the customs governing its management. The study revealed a contrary position to that put forward by Kasanga et al (2001).

### **Requirements for Acquiring a Skin Land**

Also when the Chiefs were asked about the requirement to be met in order to acquire a skin land, all the chiefs mentioned that the person must be of sound mind, in case the person is not a native, he /she should be introduced by a native with a kola. Again, the

chiefs do background checks before they give out the land.

**Problems of Skin Land Acquisition**

This question produced very varied results. Twenty-three (23) respondents representing (45%) mentioned the registration process as a major challenge. Seventeen (17) respondents representing (33%) mentioned the cost of registration, six (6) respondents representing (12%) indicated the process of acquisition whilst five (5) respondents (10%) cited the cost of land. This data reveals that the registration process and its cost associated

requires further reforms and review respectively. This could be a disincentive to people to perfect their Title to land and this could equally affect their chances of access to a mortgage loan. The above figures underpin the argument by Dowuona-Hammond (2003) that due to the time-consuming, bureaucratic and expensive nature of the process, some people find it unattractive and this deters especially the poor from registering their documents or perfecting their Title to land. The study as revealed in Figure 4 shows there are challenges with the acquisition of Skin Land in Tamale.

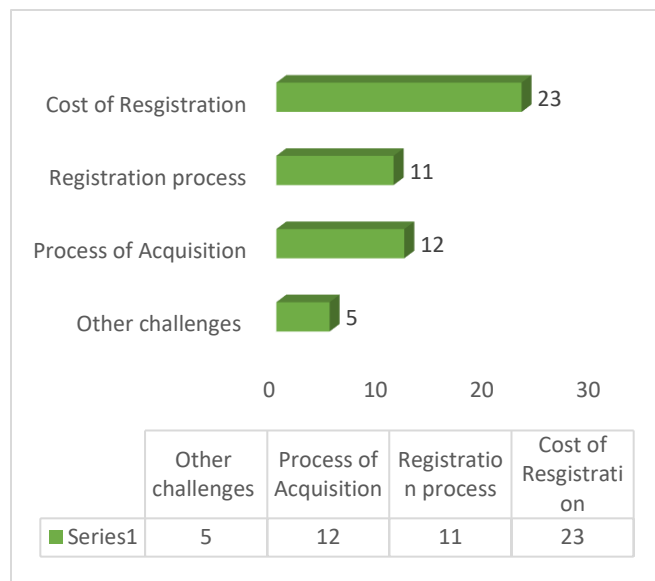


Figure 4: Challenges with the acquisition of Skin Land in Tamale

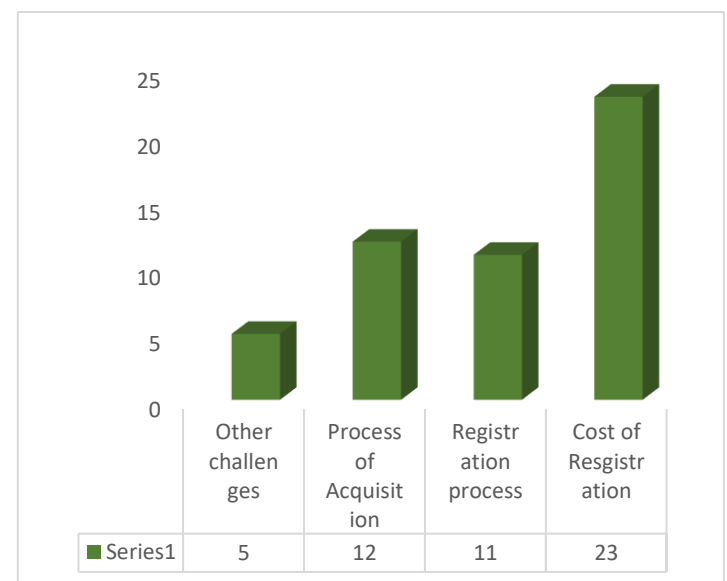


Figure 4: Figure 5: Problems of state land acquisition

**Problems of State Land Acquisition**

Twenty-three (23) respondents representing (45%) cited cost of registration, twelve (12) respondents representing (23%) mentioned process of acquisition, eleven (11) respondents representing (22%) indicated registration process whilst the remaining five (5) respondents representing (10%) cited some other challenges such as the

requirements. These figures show that the cost of registration, the process of registration and the process of acquisition are still challenges that applicants go through. This goes to confirm Gyamena et al. (2017) assertion that the cost of registration and land transactions in Ghana is still high and a major challenge to land administration and this calls for a re-look at the situation. This is shown in figure 5.

### Challenges Facing Land Administration

When participants were asked about the obstacles that impede land administration at the traditional level within the metropolis, all the respondents pointed out that poor record-keeping and undefined traditional land boundaries are among some of the challenges. The study confirms the findings of Domeher and Abdulai (2012a) where poor or non-existence traditional boundary demarcation appears to be pervasive in customary or traditional land areas. This according to them, could also be attributed to a lack of reliable and accurate schemes or maps.

Again, all the respondents representing (100%) agreed that corruption was still endemic in the land sector and seen as a significant challenge. Multiple allocations of the same parcel of land to more than one person, people still pay more than official fees to get services rendered to them. In some instances, monies were collected from respondents but service was not rendered. The overwhelming response rate implies that land administration is still fraught with corruption as posited by Yeboah (2016). All the respondents agreed that weak collaboration amongst land sector agencies, encroachment on state lands and the non-existence of land governance practices are major challenges confronting the service land administration.

All the respondents representing 100% agreed that the level of coordination amongst land sector agencies such as Lands Commission, Land Use and Spatial Planning Authority (LUSPA) is still weak. The response rate shows this is still a challenge to Land Administration and therefore requires that more work be done to strengthen the

level of coordination and communication as alluded to by Bugri (2012).

### CONCLUSION

In Tamale Metropolis, the main forms of land ownership are Customary land and State lands. The Customary lands are owned by the community held in Trust by the Chiefs and Elder and the land is managed and administered by the Chief and Elders. The State lands are managed and administered by the Lands Commission on behalf of the President who also holds it in Trust for Ghanaians. Again, this paper points out that the Paramount Chiefs organize periodic meetings for the Sub- Chiefs and their Secretaries about land management and the laws governing land management to minimize land conflict in the metropolis. The paper further established that the cost of registration, the process of registration and the process of acquisition are still challenges that applicants go through in acquiring State lands. There are still challenges affecting land registration in Tamale, spanning from the land acquisition stage and execution of leases at the traditional level and to the registration at the Land Commission. The main challenges facing land administration at traditional level is poor record keeping on the part of the chief's secretaries leading to double confirmation and determination of Traditional boundaries. Therefore, further reforms are needed to revamp the whole Land Administration system for its full benefits to be harnessed for the transformation and well-being of society.

### Competing interest

The authors declare no competing interest

## REFERENCES

- Akwensivie, G. A. (2017). 'Customary Land Secretariats in Ghana- Building on Traditional and Modernity', African Real Estate Society (AfRES)
- Arko-Adjei, A. (2011). Adapting land administration to the institutional framework of customary tenure: The case of peri-urban Ghana: IOS Press BV.
- Aryeetey, E, Al-Hassan, R. M., Asuming-Brempong, S, Twerefou, D.K. (2007). *The Organization of Land Markets and Production in Ghana*. Accra: ISSER. Technical Publication No. 73. pp 8-21.
- Bejtja, S., & Bejtja, D. (2014). Private Property Issues on Eastern Europe in Restitution and Compensation Problems. *Academic Journal of Interdisciplinary Studies*, 3(1), 271.
- Bell, C.K. (2007), Good governance in land administration. Strategic Integration of Surveying Services - First Working Week for the new FIG Council a big success. Hong Kong, China (SAR, International Federation of Surveyors (FIG)).
- Barthel, F., Busse, M., & Osei, R. (2011). The characteristics and determinants of FDI in Ghana. *The European Journal of Development Research*, 23(3), 389-408.
- Bortei – Doku, A.E., Kotey, N.A., Amponsah, N., Bentsi – Enchill, K. (2007), "Legal and Institutional Issues in Land Policy Reform in Ghana", ISSER, Accra, Technical Publication No. 74.
- Burns, T. (2007). *Land administration reform: indicators of success and future challenges*. Agriculture and Rural Development Discussion Paper 37, World Bank.
- Byamugisha, F. F. (1999). *The effects of land registration on financial development and economic growth: a theoretical and conceptual framework*. The World Bank.
- Bugri, J. T. (2012). Improving Land Sector Governance in Ghana. World Bank, Washington Dc.
- De Soto, H. (2000). *The Mystery of Capital: Why Capitalism Triumphs In The West and Fails Everywhere Else*, Bantam Press, London.
- Deininger, K., D.A. Ali, S. Holden and J. Zevenbergen (2008). Rural land certification in Ethiopia: process, initial impact, and implications for other African countries. *World Development* 36 (10): 1786-1812.
- Domeher, D. (2013). *Secure property rights and access to small enterprises'(SEs) credit: a comparative study of Ghana and England* (Doctoral dissertation, Liverpool John Moores University).
- Domeher, D. and Abdulai, R. T. (2012a) Access to Credit in the Developing World: Does Land Registration Matter, *Third World Quarterly*, 33(1), pp. 161-175.
- Dowuona-Hammond, C. (2003), *State land management regime: impact on land rights of women and the poor in Ghana*. Access to Justice Series, No. 2: 207. Accra, Ghana (Attorney-General and Ministry of Justice).
- Forkuor, D., Kyei, P. O., & Wusu-Adjei, P. O. (2013). Enhancing land administration in Ghana through the decentralized local government system. *International Journal of Development and Sustainability*, 2(2), 1127-1141.
- Gbenga, L. (2007). Corruption and Development in Africa: IDOSI Publications.
- Global Corruption Barometer (GCB) (2014), encyclopedia of Quality of life and

- Well-Being Research. Michalos A.C.(eds). Springer, Dordrecht.
- Gyamera, E. A., Arko-Adjei, A., Duncan, E. E., & Kuma, J. S. Y. (2017). Modelling Participatory Geographic Information System For Customary Land Conflict Resolution. *ISPRS Annals of Photogrammetry, Remote Sensing & Spatial Information Sciences*, 4.
- Jones-Casey, K., & Knox, A. (2011). Ghana: Ghana's Land Administration at a Crossroads. *Focus on Land in Africa Brief*. Washington, DC: World Resources Institute and Landesa.
- Kasanga, K. and Kotey, A.N. (2001). *Land Management in Ghana,: Building on Tradition and Modernity*, Russell Press, Nottingham.
- Lund, C. (2009). Recategorizing 'public' and 'private' property in Ghana. *Development and Change* 40 (1): 131-148.
- Mattingly, M. (2013). Property rights and urban household welfare. *Property Rights and Development Briefing*.
- Ogendo, H.W.O.O. (2006). Reforming Land Right Administration in Africa. A Paper Presented at a Seminar on Land Administration in Africa, Nairobi, Kenya (May 22 to 25, 2006)
- Sittie, R. (2006). Land Tittle Registration: The Ghanaian Experience, Shaping the Change, XXII FIG Congress, Munich, Germany.
- Teddlie, C., & Yu, F. (2007). Mixed Methods Sampling: A Typology With Examples. *Journal of Mixed Methods Research*, 1(1), 77-100.
- Tjia, D. E., & Coetzee, S. (2012). Towards a profile of the land administration domain model (LADM) for South Africa 1. in *Proceedings of Global Geospatial Conference*, May 14-17, 2012, Quebec. Global Geospatial Infrastructure Association.
- UN-ECE (1996). Land administration guidelines with special reference to countries in transition. Geneva (United Nations).
- World Bank (2003), Ghana Land Administration Project. Project Appraisal Document. Washington, D.C. (World Bank): 103.
- Yamane, T. (1967). *Statistics, An Introductory Analysis*, 2nd (Ed.), New York: Harper and Row.