

# **NATIONAL LAND POLICY**

**MINISTRY  
OF LANDS  
AND FORESTRY**

*ACCRA*

*JUNE 1999*

## FOREWORD

This is the first time in the history of this country that a comprehensive land policy has been formulated. Hitherto, land has been managed through various legal instruments and customary practices applied through the court system. Even though an approach to land management was not wrong in itself, it did not provide an overall direction for policy development and therefore did not provide a basis for evaluation and change, where necessary.

For instance, the Land Appropriation Ordinance of 1901, the Kumasi Lands Ordinance, 1943 (Cap 145), the Land and Native Rights Ordinance, 1927 (Cap 143), the Akim Abuakwa (Stool Revenue) Act (No. 28), 1958, the Stool Lands Act, 1960 (Act 27) and the Public Lands Ordinance, 1876 (Cap 134) were some of the statutes that were enacted to deal with specific land-related problems at particular times. These laws eventually, served as the guide to the current land management practices existing in the country. Land management and administration has therefore, been on *ad hoc* basis. Effective and efficient management of lands in the country has, therefore, not been achieved. The numerous land litigation cases in the Courts attest to this fact.

Initial attempt to prepare a Land Policy document dates back to 1973, when the Law Reform Commission submitted its Interim Report on the Reform of Land Law in Ghana. The Final Report of the Commission was submitted to the Government in 1994.

Indeed, the Final Report highlighted major issues, the key among which were the inadequacies and inequities of the existing land laws, especially against the backdrop of the provisions of the 1992 Constitution, and the absence of a policy framework.

Subsequently, the Ministry of Lands and Forestry commissioned various experts and committees to study and make recommendations on the report of the Law Reform Commission and other relevant research data. In order to address the key issues and the reforms recommended, it was decided that a Policy framework should be formulated on the basis of comprehensive principles that offer direction for efficient management and use of land.

A final National Land Policy therefore, would have to provide the foundation for the review of existing laws and enacting new ones to advance rapidly the socio-economic development programmes and plans of government, in general, and specifically, to facilitate the achievement of the objectives set out in the national development policy framework, Ghana Vision 2020.

The policy formulation, which was initiated in 1994. culminated in a

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National Workshop in April 1997. The outcome of the Workshop is this premier National Land Policy document, which was approved by Government on 21st January 1999 for implementation.

The policy seeks to address some of the fundamental problems associated with land management in the country. These include general indiscipline in the land market, characterised by land encroachments, multiple land sales, use of unapproved development schemes, haphazard development, indeterminate boundaries of customary-owned, resulting from lack of reliable maps and plans, compulsory acquisition by government of large tracts of land, which have not been utilised; a weak land administration system and conflicting land uses, such as, the activities of mining companies, which leave large tracts of land denuded as against farming, which is the mainstay of the rural economy, and the time-consuming land litigation, which have crowded out other cases in our courts.

Whilst the policies enshrined in this document do not provide an all round panacea for all our land problems, they provide the framework and direction for dealing with the issues of land ownership, security of tenure, land use and development, and environmental conservation on a sustained basis. One key element of the policy thrust is the involvement of the local community, opinion leaders, traditional authorities, as well as, government agencies in the land development process. It provides for a decision-making framework that takes on board all identifiable stakeholders.

In line with the principle of participatory democracy, provision has been made in the document for periodic review and adjustment of the document and legislation to reflect emerging realities in land administration and challenges in the country.

It is our cherished hope that this Policy Document will serve as a useful guide for the smooth administration of land to facilitate the socio-economic development of our beloved country.



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Accra, June 1999.

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## LAND POLICY

### 1.0 Preamble

Ghana's territory of land and inland water areas cover a total of 238,539 square kilometers. Additionally, the country's territorial waters extends 12 nautical miles and the exclusive economic zone extends 200 nautical miles, both from the low water mark. The nature, scope and totality of the natural resources inherent in Ghana's territorial domain constitute the nation's socio-economic backbone, the basis of its wealth, the realm of its physical and political strength and the source of its sustainable livelihood and very survival.

Ghana recognises that the social, cultural and economic activities of its estimated 8 million people are closely linked to these limited, but highly valued natural resources. This linkage is reflected in such forms of land use as agriculture, forestry, manufacturing industry, extractive industry including mining, human settlement, military and defence applications, transportation networks and various other infrastructural provisions.

In order to enhance the conservation of environmental quality, preserve options for the present and future generations and secure human sustenance, there is the urgent need, more than ever before, to ensure the wise use of land, based on sound principles of resource management through striking a meaningful balance among the competing demands of the very economic activities, which support human livelihood and survival. Central to this policy, therefore, is the application of these principles to the sound management and utilisation of the country's land and water resources.

The policy document is in two parts: the first part deals with the background to the policy and the policy guidelines, whilst the second part deals with the policy actions.

## 2.0 Background

### *2.1 Basis of Administration and Land Delivery System in Ghana*

Land administration in Ghana is governed by both customary practices and enacted legislation. There are basically two types of land ownership: public or state lands and private lands. Public or state lands are defined as lands compulsorily acquired by the government through the invocation of the appropriate legislation, vested in the President and held in trust by the State for the entire people of Ghana. In contrast, private lands in most parts of the country are in communal ownership, held in trust for the community or group by a stool or skin as symbol of traditional authority, or by a family. Stool or skin lands are a feature of land ownership in almost all the Akan traditional groups in Southern Ghana and in most traditional groups in northern Ghana. Sandwiched between the public and private lands are vested lands, which are a form of split ownership between the state and the traditional owners.

However, scattered all over Ghana are a number of traditional groups, which do not recognize a stool or skin as symbolising private communal land ownership. In such instances, the traditional arrangement is normally that of vesting land ownership in the clan, family or individual. This practice is prevalent in the Volta Region and in some traditional areas in the Central, Eastern, Greater Accra, Northern, Upper East and Upper West Regions of Ghana.

Fundamentally, land ownership is based on absolute "allodial" or permanent title from which all other lesser titles to, interests in, or right over land derive. Normally, the "allodial" title is vested in a stool, skin, clan, family, and in some cases, individuals. The traditional arrangement for making land available and accessible for land uses in Ghana consists largely of the exercise of rights under "allodial" title and the rights of the usufruct as limited by the "allodial" title.

Guided by the existing customary practices, the state has accordingly fashioned a formal administrative framework consisting of a number of land sector agencies, mainly under the Ministry of Lands and Forestry, to facilitate a rational and relatively orderly system of land administration. Enabled by enacted legislations, these agencies variously perform the following functions:

- \* administration of public lands,
- \* administration of vested lands,
- \* administration of stool lands,
- \* settlement of stool land boundary disputes,
- \* collection and disbursement of stool land revenue,
- \* determination of land and other property values for various purposes.

where government has an interest (rental, purchases, etc.), rateable values, and compensation for public land acquisitions,

- \* undertaking of national land surveys and mapping, licensing of land surveyors and verification of survey plans,
- \* maintenance of up-to-date scientific data, maps and plans; 'geographic database and information system,
- \* registration of titles and protection of interests in land throughout Ghana,
- \* formulation of land development standards, co-ordination of land development activities and approval of settlement development plans.

**Appendix 1 is a list of the major current legislations that affect land management, land use and development in the country.**

### ***2.2 Problems and Constrains of the Land Sector***

Despite the administrative machinery on the ground to perform the above functions, the land sector has continued to be beset by major problems and constraints involving -

- (a) general indiscipline in the land market characterised by the current spate of land encroachments, multiple sales of residential parcels, unapproved development schemes, haphazard development, etc., leading to environmental problems, disputes, conflicts and endless litigation.
  
- (b) *indeterminate boundaries of stool/skin lands* resulting directly from the lack of reliable maps/plans, and the use of unapproved, old or inaccurate maps, leading to land conflicts and litigation between stools, skins and other land-owning groups.
  
- (c) *compulsory acquisition by government of large tracts of lands*, which have not been utilised and for which payment of compensation has been delayed. By this policy, landowners have been left almost landless, denied their source of livelihood and have become tenants on their own lands, giving rise to poverty and disputes between the state and the stools. as well as within the private land sector.
  
- (d) *inadequate security of land tenure* due to conflicts of interests between and within land-owning groups and the state, land racketeering, slow disposal of land cases by the courts and a weak land administration system.

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- (e) *difficult accessibility to land* for agricultural, industrial, commercial and residential development purposes due to conflicting claims to ownership, and varied outmoded land disposal procedures.
  - (f) *weak land administration system* characterised by lack of comprehensive land policy framework, reliance on inadequate and out-dated legislation, lack of adequate functional and co-ordinated geographic information systems and networks, as well as of transparent guidelines; poor capacity and capability to initiate and co-ordinate policy actions, let alone resolve contradictory policies and policy actions among various land delivery agencies.
  - (g) *lack of consultation with land owners and chiefs* in decision-making for land allocation, acquisition, management, utilisation and development has generated intractable disputes between the state and the private land owning groups and within communities.
  - (h) *lack of consultation. coordination and cooperation* among land development agencies.
  - (i) *inadequate coordination with neighbouring countries* in the management of Ghana's international borders, which normally reflects in cross-border activities, such as farming, human settlements, smuggling, cattle grazing, etc., and inadequate management of shared water bodies within the West African sub-region.



### 3.0 The Policy Framework

This policy provides the framework for addressing these problems and constraints to ensure equity in land allocation and holding and to maintain a stable environment for the country's sustainable social and economic development.

#### 3.1 Guiding Principles

Deriving from both national convictions and international guidelines, agreements and conventions, the principles that guide Ghana's land policy are as follows:-

- \* the principle that Ghana's international boundaries will be protected and secured in accordance with international conventions as enshrined in the International Law of the Sea, Anglo-Francophone Protocols in respect of all these boundaries, as well as decisions of the Ghana-Togo Joint Border Commission, Ghana-La Cote d'Ivoire Joint Border Commission and the Ghana-Burkina Faso Border Commission;
- \* shared water bodies between Ghana and her neighbouring countries are the common resources of all countries concerned and should be managed in accordance with international conventions for the mutual benefit of all stakeholder countries;
- \* cross-border activities by farmers, cattle herdsman and rustlers, smugglers, etc., should be handled with neighbouring countries, such that the welfare of the people, territorial integrity and the security of Ghana are preserved;
- \* the principle of land as a common national or communal property resource held in trust for the people and which must be used in the long term interest of the people of Ghana;
- \* the principle of optimum usage for all types of land uses, including human settlements, industry and commerce, agriculture, forestry and mining, the protection of water bodies and the environment in the long term national interest;
- \* the principle of government facilitating equitable and reasonable access to land within the context of national land use planning
- \* the principle of fair access to land and security of tenure;

- \* the principle that whoever takes land for mining and timber operations should restore same to the state it was before the operation. In effect, the principle that the "Polluter Pays" applies to land, water resources and the environment, i.e., all efforts are made to prevent as much as possible the destruction of the environment and that where this is not possible then the agency or organisation causing the pollution should ameliorate same;
- \* the principle of private sector as an engine of growth and development subject to national land use guidelines;
- \* continued political support at the highest levels, as well as provisions of strong incentives to encourage responsible land-use and respect for regulations, thus offsetting real and perceived costs imposed by loss of access or restriction on use;
- \* land development fees and taxes should reflect the prevailing economic market values;
- \* the principle of community participation in land management and land development at all levels, which is vital for sustainable urban and rural land development;
- \* the principle of promoting land information technology.

### ***3.2 Aim of Policy***

The Land Policy of Ghana aims at the judicious use of the nation's land and all its natural resources by all sections of the Ghanaian society in support of various socio-economic activities undertaken in accordance with sustainable resource management principles and in maintaining viable ecosystems.

### ***3.3 Objectives of Policy***

In specific terms, the objectives of this policy are to:-

- \* Ensure that Ghana's international boundaries are maintained at all times and cross border activities are managed jointly.
- \* Ensure that shared water bodies are utilised to the mutual benefit of all stakeholder countries.
- \* Ensure that every socio-economic activity is consistent with sound land use through sustainable land use planning in the long-term

national interest.

- \* Facilitate equitable access to and security of tenure of land based on
- \* Protect the rights of landowners and their descendants from becoming landless or tenants on their own lands.
- \* Ensure the payment, within reasonable time, of fair and adequate compensation for land acquired by government from stool, skin or traditional council, clan, family and individuals.
- \* Instil order and discipline into the land market to curb the incidence of land encroachment, unapproved development schemes, multiple or illegal land sales, land speculation and other forms of land racketeering.
- \* Minimise, and eliminate, where possible, the sources of protracted land boundary disputes, conflicts and litigations in order to bring their associated economic costs and socio-political upheavals under control.
- \* Create and maintain effective institutional capacity and capability at the national, regional, district, and where appropriate, community levels for land service delivery.
- \* Promote community participation and public awareness at all levels in sustainable land management and development practices to ensure the highest and best use of land, and thereby guarantee optimum returns on land.
- \* Promote research into all aspects of land ownership, tenure and the operations of the land market and the land development process.
- \* Ensure continuous education of the general public on land matters.

## 4.0 Policy Guidelines

Derived from the Policy Objectives are the following policy statements intended to guide policy action and execution:

### 4.1 *Securing Ghana's International Boundaries and Shared Water Resources*

- (a) Ghana's international boundaries will be secured and managed by the Ghana-Togo Joint Border Commission, Ghana-Burkina Faso Joint Border Commission and Ghana-La Cote d'Ivoire Joint Border Commission.
- (b) Shared water bodies between Ghana and her neighbouring countries will be managed by joint commissions for the mutual benefit of all stakeholder countries.
- (c) Cross border activities, such as farming, human settlements and cattle grazing will be managed so as not to have any negative effects on the local economy,
- (d) Smuggling and rustling across Ghana's international borders are prohibited at all times.

### 4.2 *Facilitating Equitable Access to land*

- (a) An individual can have access to land in any part of Ghana, provided that:
  - \* land is available for disposal in the part of Ghana, where he seeks to have access to the land;
  - \* he agrees with the land owner to adhere to the covenants and other customary practices governing the disposal of the land;
  - \* he undertakes to put the land to a use, which conforms to land use plans for the area and to the principles of sound land use and management.
- (b) There can be no valid transaction in private lands between or among private entities if
  - \* there is a conflict of interest within, between or among any category of private landowners or stakeholders;
  - \* the area has been declared a protected area or no planning scheme, which conforms to the provisions in Article 267 Sections (3) and (8) of the 1992 Constitution has been approved for the area, where the transaction is to take place.

- (c) District Assemblies in conjunction with land owners and the Lands Commission should prepare planning schemes for all land uses to facilitate dispositions of land for development.
- (d) Open market or negotiated land values will determine prices for private land transactions, including any land transactions made in accordance with customary practice or common law.
- (e) Compensation to be paid for lands acquired through compulsory government acquisition will be fair and adequate and will be determined, among other things, through negotiations that take into consideration government's investment in the area.
- (f) District Assemblies may negotiate for land for development purposes at concessionary prices or as a gift, but all such grants should be properly documented and processed.
- (g) Registered agents and developers will have to abide by transparent land market guidelines as a measure of protection of their clients from the risks of fleecing and speculative behaviours.

#### ***4.3 Security of Tenure and Protection of Land Rights***

- (a) All traditional sources of land tenure and rights as well as those derived from common law, that is,
  - \* the allodial owner,
  - \* customary law freeholder,
  - \* an estate of freehold vested in possession or an estate or interest less than freehold under common law,
  - \* leasehold interest,
  - \* interest in land by virtue of any right contractual or share cropping, or other customary tenancy arrangement, are recognised as legitimate sources of land titles and are to be classified as such.
- (b) Decision-making with respect to disposal of land should take into consideration -
  - \* natural resources of the land;
  - \* conservation of land for the future generation;
  - \* protection of land rights of the present generation;
  - \* accountability to the subjects for whom the land is held in trust, in 123) and accordance with the provisions of the Administration of Lands Act, 1962 (Act 123) and the Head of Family Accountability Law, 1985 (P.N.D.C.L. 112)

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- (c) No interest in or right over any land belonging to an individual, family or clan can be disposed of or declared stool, skin or traditional council land without consultation with the owner or occupier of the land.
  - (d) No interest in or right over any land belonging to an individual, family, clan, stool or skin can be compulsorily acquired without payment, in reasonable time, of fair and adequate compensation.
  - (e) No ownership of stool, skin, clan or family land can pass to any individual, nucleated family or descendants of that individual, who by customary practice holds that land in trust for a stool, skin, clan or family, other than what any other member of the land holding community is entitled to, and in accordance with the customary practices and usages of the particular community and guidelines of the appropriate House of Chiefs or traditional council.
  - (f) The primacy of a land title derived from customary or common law sources takes precedence over any other interests in the event that land acquired compulsorily by the government is not utilised for the purpose for which it was acquired or used in the public interest.
  - (g) The best evidence of title to land, in any area declared as a land title registration district is the Land Title Certificate issued in accordance with the provisions of the Land Title Registration Law, 1986 (P.N.D.C.L. 152). In areas not declared land title registration districts, instruments registered under the Land Registry Act, 1962 (Act 122) should be sufficient proof of title.
  - (h) As much as possible land disposal or acquisition of any kind for all types of land uses should not render a land title holder, his kith and kin and descendants completely landless or tenants on the land to which they originally had legitimate title, save in the case of compulsory acquisition in the public interest.
  - (i) Any tenant of land anywhere in Ghana is obliged to respect the customary or common law covenants governing the tenancy of land of which he is a tenant.
  - (j) Where land has been allocated to a government or public organisation neither that organisation nor Land's Commission can alienate that land or part of it to a third party in the public interest without

consultation with the Sector Ministry.

- (k) Buildings, structures or sub-structures on lands to which the developer or owner has no title or development/building permit may be demolished at the cost of the developer.

#### **4.4. *Ensuring Sustainable Land Use***

- (a) The use of any land in Ghana for sustainable development, the protection of water bodies and the environment and any other socioeconomic activity will be determined through national land use planning guidelines based on sustainable principles in the long term national interest.
- (b) All lands declared as forest reserves, strict nature reserves, national parks, wildlife sanctuaries and similar land categories constitute Ghana's permanent forest and wildlife estates, and are "fully protected" for ecosystem maintenance, biodiversity conservation and sustainable timber production.
- (c) Fully protected land areas as well as timber and wildlife protected areas may be used for the purposes of education, research, recreation and tourism, provided that such uses are compatible with the conservation of the environment.
- (d) Land categories outside Ghana's permanent forest and wildlife estates are available for such uses as agriculture, timber, mining and other extractive industries, and human settlement within the context of a national land use plan.
- (e) No timber production activities shall be carried out on hill and mountain slopes of at least 30° gradient. Social and economic activities such as agriculture, mining, human settlement and other similar activities may be carried out on hill and mountain slopes provided appropriate technology is employed in each circumstance to mitigate any adverse environmental and ecological consequences. With respect to water bodies a minimum of 100 metres off the high water mark should be declared as protected areas.
- (f) Inland and coastal wetlands are environmental conservation areas and the following uses considered incompatible with their ecosystem maintenance and natural productivity are strictly prohibited:
  - \* Physical draining of wetland waters;

- \* damming of streams and water courses feeding the wetlands;
  - \* human settlements and their related infrastructural development in wetlands;
  - \* disposal of solid waste and effluents in wetlands;
  - \* mining in wetlands.
- (g) Uses of wetlands for farming, grazing, fishing, timber production and salt-wining will be encouraged provided that such uses tend to conserve the ecosystem, biodiversity and sustainable productivity of wetlands.
- (h) In general, land use involving mining, other extractive industries, mechanised agriculture, cattle ranching, dairy farming and manufacturing industry will have to conform to prescribed environmental conservation principles and guidelines.
- (i) Unless approved by the appropriate public authority, no land use change of any kind will be countenanced.
- (j) Land development planning for the purposes of human settlement, industry, large-scale intensive agriculture or their expansion will have to make adequate provisions, among others, for:
- \* population density, growth and distribution pattern;
  - \* settlement location and pattern preference;
  - \* direction for spatial growth.
  - \* physical and social infrastructural development or expansion;
  - \* land and other environmental conservation requirements;
  - \* provision for persons displaced by such development.
- (k) Each rural or urban settlement should make adequate spatial provision for the creation, development and protection of a greenbelt.
- (l) For all construction projects in urban areas, due care should be taken to ensure the provision and maintenance of adequate tree cover to protect the environment.
- (m) All land and water resources development activities must conform to the environmental laws in the country and where Environmental Impact Assessment report is required this must be provided. Environmental protection within the 'polluter pays' principle will be enforced.



- (n) Provided that payment of adequate compensation in reasonable time will be made, government may acquire land wherever and whenever appropriate to, among other things,
- \* secure and control areas of urban expansion;
  - \* facilitate urban renewal and redevelopment programmes;
  - \* implement any rural or urban improvement programme;
  - \* provide social infrastructure;
  - \* supply promptly serviced or un serviced lands at prices, which can secure, socially and economically acceptable patterns of economic development;
  - \* provide for the purposes of national defence, national security, national health and conflict-resolution;
  - \* protect areas of historical, cultural or ecological interest.
- (o) When necessary, Government may intermediate in facilitating investors' access to land owned by stools, skins, clans, families or individuals.
- (p) Conflicts with respect to land use will have to be resolved at local, district, regional or national level before any economic land use activity commences.
- (q) Stewardship ethos and collaborative action among land owners, stakeholders, private sector developers, non-governmental organisations, the general public and the government authorities will be adopted.
- (r) Land with the potential for a wide range of uses should be kept in flexible use forms so that future options for other potential uses are not denied for an unduly long time or permanently lost.

#### ***4.5 Enhancing Land Capability and Land Conservation***

- (a) To ensure the conservation of environmental quality, no land with a primary forest cover will be cleared for the purpose of establishing a forest or tree crop plantation or mining activity.
- (b) No planted tree plantation shall be cleared for the purposes of establishing a mining activity.
- (c) The supply of and increase in usable land will be sustained by all appropriate methods, including soil conservation, improving soil productivity, control of desertification, rehabilitation of degraded

land areas, land reclamation and the use of land capability analysis.

- (d) The explicit condition for mineral extraction - whether surface or underground - is the reclamation and restoration of both the ecology, landscape and land productivity.
- (e) Land users and the public should be well informed of the need and the means of improving soil productivity and conservation. Encouragement and other forms of incentives will therefore be provided for any person or group of persons whose land use methods or practices tend to sustain land capability or conserve land for future uses.
- (f) Under certain circumstances, and in consultation with custodians, shrines, sacred groves and other categories of land use derived from or determined by customary practice will be treated as having protected status after their boundaries have been demarcated.
- (g) Custodians or owners of land may specify uses for their land in consultation with relevant land use authorities and abide by the applicable land use prescriptions and guidelines.
- (h) Any land with potential for ecosystem maintenance, biodiversity or scenic beauty preservation may be declared a protected area by the government through consultation and negotiation with the land owners and subject to the payment of annual rent. as compensation. Management of such areas shall be by the collaborative effort of the government and the community.

## 5.0 Policy Actions

In pursuing the stated policy objectives, the following actions will be implemented by Government in the short, medium and long-term within the policy framework.

### 5.1. *Securing Ghana's International Boundaries and shared water resources*

- (a) Reactivate the Ghana-Togo Joint Border Commission, Ghana Burkina Faso Joint Border Commission and Ghana-La Cote d'Ivoire Joint Border Commission and provide adequate resources for their operations in order to secure Ghana's international boundaries.
- (b) Establish joint technical committees under the Joint Border Commissions with Ghana's neighbours to manage the international rivers flowing through these countries, such as the Oti River, Black Volta, White Volta and the Bia Rivers.
- (c) Initiatives in resolving issues, problems and disputes arising from cross border activities such as farming, human settlements and cattle-grazing will lie with the traditional authorities and District Assemblies under the supervision of the Regional Co-ordinating Council and the Joint Border Commissions.

### 5.2 *Facilitating Equitable Access to Land*

- (a) Review the phenomena of landlessness and migrant farmers and take steps to eliminate, or at least, minimise conditions contributory to migration and encroachment.
- (b) Collaborate with the traditional authorities and other land stakeholders to review, harmonise and streamline customary practices, usages and legislations to govern land holding, land acquisition, land use and land disposal.
- (c) Encourage, through appropriate incentives, stools/skins, clans and land owning families to create land banks for present and future generations.
- (d) Initiate the use of negotiable land bonds as an option for financing timely government acquisitions.
- (e) Pursue enactment of legislation to impose appropriate levies.

penalties and/or taxes on allocated, but undeveloped lands, in order to reduce land speculation and fleecing and ensure equity in capital gains; death duties, etc., with regard to landed property.

- (f) Establish standards and registration requirements for real estate dealers and land developers.
- (g) Establish basic standards by which land delivery agencies must respond to requests from the public within a reasonable time.
- (h) Remove pricing subsidies on government land.

Collaborate with, and support the traditional authorities and other land stakeholders to:

- \* facilitate development of land management knowledge and skills among stool, skin, clan and family landowners;
- \* institute an administrative mechanism to guide the allocation and disposal of land by traditional authorities and family land owners throughout the country;
- \* develop systems that would facilitate proper record keeping in respect of allocation and disposal of stool/skin, clan and family lands by all traditional authorities and other land stakeholders;
- \* assist the various traditional authorities and other land owning families and clans to establish land secretariats to facilitate the work of government departments and agencies involved in land service delivery.

### ***5.3 Security of Tenure and Protection of Land Rights***

- (a) With full participation of traditional and customary land owners undertake tenurial reform process, which documents and recognises the registration and classification of titles under:
  - \* the allodial owner;
  - \* customary law freeholder;
  - \* an estate of freehold vested in possession or an estate or interest less than freehold under common law;
  - \* leasehold interest;
  - \* interest In land by virtue of any right contractual or share cropping or other customary tenancy arrangement.
- (b) Speed up title registration to cover all interests in land throughout Ghana, and phase out deeds registration.

- (c) Pursue the following actions to resolve or minimise land tenurial disputes and their associated ethnic conflicts:
- \* implementation of a programme for the production of large scale maps of land parcels and buildings in all urban areas and locations, where disputes are prevalent;
  - \* enactment of legislation to require stool, skin, clan, family and other land Survey landowners to survey and demarcate their land boundaries with the approval of the Department;
  - \* establishment of an Early Warning Mechanism to detect potential areas of land disputes for the purpose of taking preventive measures;
  - \* **The Chief Justice shall create a special division of the High Court properly equipped to deal solely with land cases.**

#### *5.4 Ensuring Planned Land Use*

- (a) The Ministry of Lands and Forestry in conjunction with other relevant MDAs shall develop and implement a comprehensive District, Regional and National Land Use Plan and Atlas, which zones sections of the country to broad land uses according to criteria agreed among various public and private land stakeholders.
- (b) The Survey Department should be adequately supported to prepare maps to cover local and regional land uses.
- (c) Ensure that all lands for settlement, industrial and commercial development are planned and serviced before disposal of any kind.
- (d) Collate land use specifications and projections from major user interests to prepare revised land use maps of the country and develop and circulate the relevant guidelines.
- (e) Ensure that land sector institutions develop, coordinate and effectively implement management plans or programmes based on categories over which they have administrative responsibility.
- (f) Facilitate timely assessment and approval of planning schemes to make land available for development and approved uses.
- (g) Establish an inter-ministerial technical working group with the Ministry of Lands and Forestry as the lead agency to resolve user conflicts and harmonise land resource use among competing users.

- (h) Organise public fora whenever it is desired that all stakeholders and land agencies contribute to decisions aimed at resolving land use priorities and incompatible competing end-uses.

### **5.5 Developing Effective Institutional Capacity and Capability**

- (a) Restructure, and strengthen land administration agencies to enhance their capacity to deal effectively and efficiently with land administration delivery.
- (b) Establish inter-ministerial and interagency co-operation to coordinate land-use policies, plans and programmes, identify land policy priorities and resolve policy ambiguity or conflicts.
- (c) Establish and maintain the Geospatial Framework Database in Survey Department and require all thematic databases to be referenced thereto.
- (d) Establish and develop land information system and network among related land agencies in the country and link them up with sub-regional and regional networks.
- (e) Encourage international co-operation and support in all aspects of land policy, land administration and sustainable land development.
- (f) Implement human development programmes in each of the land sector institutions to improve capability in policy decision-making and analysis, planning and programming, monitoring, evaluation and co-ordination of land agency performance and effective use of databases, information systems and networks.
- (g) Establish the necessary mechanism for enhancing active collaboration with the traditional authorities and all land stakeholders to educate all traditional landowners on the need to keep proper land records, conserve land for sustainable use, avoid protracted land disputes, litigation and conflicts, as well as involve them in making decisions affecting the allocation, disposal, management and development of their own lands.
- (h) Review and consolidate all land legislations into a comprehensive legal code, and provide transparent guidelines and procedures to give effect to this policy and facilitate land administration delivery.

- (i) Educate, on systematic and continuous basis, the public on the new Land Policy and all measures instituted to achieve policy objectives.

#### ***5.6 Revision of the Policy Document***

The provisions of this policy document and the legislations derived there from will be reviewed and adjusted periodically, to reflect emerging realities and land administration challenges as and when necessary.

**APPENDIX 1****LIST OF STATUTE LAWS ON LAND AND NATURAL RESOURCES****A. ACCESS TO LAND AND LAND MANAGEMENT**

1. Administration of Land Act. 1962 (Act 123)
2. Administration of Lands (Amendment) Decree. (A.F.R.C.D. 61), 1979 . 3. Conveyancing Decree. 1973 (N.R.C.D. 175)
4. farm Lands (Protection) Act. 1962 (Act 107)
5. Hemang Lands (Acquisition and Compensation! Law. 1992 (P.N.D.C.L.294)
6. Land Development (Protection of Purchasers) Act. 1960 (Act 2)
7. Landed Properties of Ghana Rubber Estates Limited and Firestone Ghana Limited (Miscellaneous Provisions) Decree. 1977 (S.M.C.D. 84)
8. Land Planning and Soil Conservation Ordinance, 1953 (No. 32)
9. Land Planning and Soil Conservation (Amendment) Act. 1957 (No. 35)
10. Land Registry Act. 1962 (Act 122)
11. Land (Miscellaneous Provisions) Act. 1963 (Act 161)
12. Lands (Statutory Wayleaves) Act. 1963 (Act 186)
13. Limitation Decree. 1972 (N.R.C.D. 54)
14. Mortgages Decree. 1962 (N.R.C.D. 96)
15. Mortgages (Amendment) Decree. 1979 (A.F.R.C.D. 37)
16. Public Conveyancing Act. 1965 (Act 302)
17. Public Lands (protection) Decree, 1974 (N.R.C.D. 240)
18. Rents Stabilization Act (Repeal) Decree. 1966 (N.L.C.D. 49)
19. Rents Stabilization Act (Amendment) Decree, 1966 (N.L.C.D. 103) 20. 20. State Lands Act. (Act 125).
21. State Lands 1962 (Amendment) Decree. 1968 (N.L.C.D. 234)
22. State Lands (Amendment) Decree. 1974 (N.R.C.D. 307)
23. State Land (Amendment) Decree. 1979 (A.F.R.C.D. 62)
24. State Lands (Revesting) Decree. 1979 (S.M.C.D. 227)
25. Survey Act. 1962 (Act 127)
26. Survey (Amendment) Decree. 1974 (N.R.C.D. 283)

**B. FORESTRY AND WILDLIFE**

1. Concessions Act, 1962 (Act 124)
2. Concessions Ordinance. 1951 (Cap. 136)
3. Concessions (Amendment) Ordinance (Cap. 136A)
4. Concessions (Amendment) 1953 (No. 11)

*Note:* This list is by no means exhaustive.



5. Concessions (Amendment) Ordinance, 1955 (No. 21)
6. Concessions (Ashanti) Ordinance (Cap. 164)
7. Control and Prevention of Bushfire Law, 1990 (P.N.D.C.L. 229)
8. Forests Ordinance, 1951 (Cap. 157)
9. Forests (Amendment) Ordinance, 1951 (Cap. 157A)
10. Forest Protection (Amendment) Law, 1986 (P.N.D.C.L. 142)
11. Forest Protection Decree, 1974 (N.R.C.D. 243)
12. Forests (Amendment) Act, 1957 (No. 10)
13. Forest Improvement Fund Act, 1960 (No. 12)
14. Forests Improvement Fund (Amendment) Act, 1962 (Act 144)
15. Ghana Timber Marketing Board (Recovery of Loans) Decree. 1968(N.L.C.D.294)
16. Timber Concessions (Revesting) Law, 1982 (P.N.D.C.L. 17)
17. Timber Concessions (Revesting) (Amendment) Law, 1982(P.N.D.C.L.35)
18. Timber Industry and Ghana Timber Marketing Board (Amendment) Decree, 1977 (S.M.C.D. 128)
19. Timber Export Development Board Law, 1985 (P.N.D.C.L. 123)
20. Timber Operations (Government Participation) Decree, 1972 (N.R.C.D.139)
21. Timber Operations (Government Participation) (Amendment) Decree.1976 (S.M.C.D. 9)
22. Trees and Timber Decree, 1974 (N.R.C.D. 273)
23. Trees and Timber (Amendment) Act, 1994 (Act 493)
24. Timber Resources Management Act, 1997 (Act 547)
25. Wild Animals Preservation Act, 1961 (Act 43)
26. Wild Animals Preservation (Amendment) Law, 1983 (P.N.D.C.L. 55)

### **C. WATER MANAGEMENT**

1. Beaches Obstruction Ordinance, 1951 (Cap. 240)
2. Fisheries Law, 1991 (P.N.D.C.L. 256)
3. Mosquitoes Ordinance, 1951 (Cap. 75)
4. The Oil in Navigable Waters Act, 1964 (Act 235)
5. The Rivers Ordinance, 1951 (Cap. 226)
6. Volta River Development Act, 1961 (Act 46)

### **D. POLLUTION CONTROL**

1. Diamonds Decree, 1972 (N.R.C.D. 32)
2. Mercury Law, 1989 (P.N.D.C.L. 217)
3. Minerals and Mining Law, 1986 (P.N.D.C.L. 153)
4. Mining Rights Regulation (Amendment) Ordinance, 1957 (No. 31)
5. The Factories, Offices and Shops Act, 1970 (Act 328)
6. The Petroleum (Exploration and Production) Law, 1984 (P.N.D.C.L. 84)

**E. HUMAN SETTLEMENTS**

1. Mining Health Areas Ordinance, 1951 (Cap. 150)
2. National Development Planning (System) Act, 1994 (Act 480)
3. The Town Ordinance, 1951 (Cap. 86)
4. Town and Country Planning Ordinance, 1945 (Cap. 84)

**F. INSTITUTIONS**

1. Atomic Energy Commission Act, 1963 (Act 204)
2. Environmental Protection Agency Act, 1994 (Act 490)
3. Forestry Commission Act, 1993 (Act 453)
4. Forest Products Inspection Bureau Law, 1985 (P.N.D.C.L. 117)
5. Lands Commission Act, 1994 (Act 483)
6. Land Title Registration Law, 1986 (P.N.D.C.L. 152)
7. Local Government Act, 1993 (Act 462)
8. Mineral Commission Act, 1993 (Act 450)
9. National Development Planning Commission Act, 1994 (Act 479)
10. Office of the Administrator of Stool Lands Act, 1994 (Act 481)
11. Pesticides Control and Management Act, 1996 (Act 528)
12. Stool Lands Boundary Settlement Commission Decree, 1973 (N.R.C.D.172)
13. Stool Lands Boundary Settlement (Amendment) Law, 1986 (P.N.D.C.L.147)
14. Timber Export Development Board Law, 1985 (P.N.D.C.L. 123)
15. Timber Industry and Ghana Timber Marketing Board (Amendment) Decree, 1977 (S.M.C.D. 125)
16. Water Resources Commission Act, 1996 (Act 522)
17. Ghana Water and Sewerage Corporation Act, 1965 (Act 310)
18. Ghana Investment Promotion Centre Act, 1994 (Act 478).

**APPENDIX II****LIST OF SUBSIDIARY LEGISLATIONS**

## Lands

- 1 . L.I. 311 Timber Lands (Protected Areas) Regulations
- 2 . L.I. 118 Land Development (Protection of Purchasers) (Accra Prescribed Areas) Instrument, 1961
- 3 . L.I. 178 Farm Lands (Prescribed Areas) Instrument, 1962
- 4 . L.I. 230 State Lands Regulations, 1962
- 5 . L.I. 232 Administration of Lands Regulations, 1962
- 6 . L.I. 234 Land Registry Act, 1962 (Commencement) Instrument. 1962
- 7 . L.I. 251 Administration of Lands (Appeal Tribunal) Regulations, 1963
- 8 . L.I. 252 State Lands Tribunal Rules, 1963
- 9 . L.I. 283 Administration of Lands Regulations, 1963
10. L.I. 285 State Lands (Amendment) (No.2) Regulations, 1963
11. L.I. 295 Administration of Lands (Amendment) Regulations. 1963
12. L.I. 334 Lands (Statutory Wayleaves) (Amendment) Regulations, 1964
13. L.I. 361 Administration of Lands (Kumasi Open. Spaces) (Exclusion) Regulations, 1964
14. L.I. 362 Administration of Lands (Amendment) Regulations, 1964
15. L.I. 439 Land Registry Regulations, 1965
16. L.I. 450 Land Registry Act, (Commencement) Instrument, 1965
17. L.I. 485 Public Conveyancing Regulations, 1965
18. L.I. 520 State Lands (Amendment) Regulations, 1966
19. L.I. 591 State Lands (Amendment) Regulations, 1968
20. L.I. 1042 Lands Registry (Amendment) Regulations, 1975
21. L.I. 1142 Administration of Lands (Amendment) Regulations, 1978
22. L.I. 1163 Land Registry (Amendment) Regulations, 1978 .
23. L.I. 1176 Stool Lands Boundary Settlement Commissioner (Conduct of Enquiry and Proceedings) Regulations, 1978
24. L.I. 1164 State Lands (Amendment) Regulation, 1978
25. L.I. 1201 State Lands (Amendment) Regulation, 1979
26. L.I. 1341 Land Title Registration, 1986
27. L.I. 1345 Land Title Registration (Amendment) Regulations. 1987
28. L.I. 1356 Land Title Registration - Declaration of Registration District (Accra District 03) Instrument, 1988
29. L.I. 1521 Land Title Registration - Declaration of Registration District(Accra District 04) Instrument, 1991
30. L.I. 1534 Land Title Registration - Declaration of District (Accra District

*2 Note:* This list is by no means exhaustive.

- 01) Instrument, 1992
31. L.I. 1536 Land Title Registration - Declaration of Registration District (Accra District 02) 1992
  32. L.I. 1552 Land Title Registration (Amendment) Regulations, 1993
  33. L.I. 1553 Land Title Adjudication Committee Instrument, 1992
  34. L.I. 1554 Land Title Adjudication Committee (Amendment) Instrument, 1992
  35. L.I. 1555 Land Title Registration (Amendment) Regulations, 1963
  36. L.I. 1563 Land Title Registration - Declaration of Registration District (Accra District 05) Instrument, 1993
  37. L.I. 1564 Land Title Registration - Declaration of Registration District (Accra District 06) Instrument, 1993
  38. L.I. 1565 Land Title Registration - Declaration of Registration District (Accra District 07) Instrument, 1993
  39. L.I. 1566 Land Title Registration - Declaration of Registration District (Accra District 08) Instrument, 1993
  40. L.I. 1567 Land Title Registration - Declaration of Registration District (Accra District 09) Instrument, 1993
  41. L.I. 1568 Land Title Registration - Declaration of Registration District (Accra District 10) Instrument, 1993
  42. L.I. 1607 Land Title Registration - Declaration of Registration District (Tema 018) Instrument, 1995
  43. L.I. 1608 Land Title Registration - Declaration of Registration District (Tema 019) Instrument, 1995
  44. L.I. 1609 Land Title Registration - Declaration of Registration District (Tema 020) Instrument, 1995
  45. L.I. 1570 Land Title Registration (Amendment) Regulations, 1994
  46. L.I. 1588 Land Title Registration (Kumasi) Regulations, 1994
  47. L.I. 1590 Land Title Registration - Declaration of Registration District (Kumasi District K.I) Instrument, 1994
  48. L.I. 1611 Land Title Adjudication Committee, 1995
  49. L.I. 1612 Land Title Adjudication Committee, 1995
  50. L.I. 1620 Land Title Registration - Declaration of Registration District (Accra District 11) Instrument, 1996
  51. L.I. 1621 Land Title Registration - Declaration of Registration District (Accra District 12) Instrument, 1996
  52. L.I. 1622 Land Title Registration - Declaration of Registration District (Accra District 13) Instrument, 1996
  53. L.I. 1623 Land Title Registration - Declaration of Registration District (Accra District 14) Instrument, 1996
  54. L.I. 1624 Land Title Registration - Declaration of Registration District (Accra District 15) Instrument, 1996
  55. L.I. 1625 Land Title Registration - Declaration of Registration District (Accra District 16) Instrument, 1996

56. L.I. 1626 Land Title Registration - Declaration of Registration District (Accra District 17) Instrument, 1996

#### Survey

1. L.I. 1017 Survey Rule, 1924
2. L.I. 1026 Examination for Surveyors Licences Regulations, 1924
3. L.I. 1029 Surveyors Fees Regulations, 1924
4. L.I. 1444 Survey (Supervision and Approval of Plans) Regulations, 1989

#### Forestry

- 1 . L.I. 889 Forest Reserves Rules, 1925
- 2 . L.I. 284 Forest Reserves Regulations, 1927
- 3 . L.I. 99 Concessions (Exemption) Order
- 4 . L.I. 368 Trees and Timber (Control Cutting) Regulations
- 5 . L.I. 95 Timber and Woodworkers Union (Extension of Collective Agreement) Order, 1961
- 6 . L.I. 130 Trees and Timber (Control of Export of Logs) Regulations, 1961
- 7 . L.I. 228 Concessions Regulations, 1962
- 8 . L.I. 455 State Timber Products Corporation (Amendment) Instrument, 1965
- 9 . L.I. 1047 Concessions (Amendment) Regulations, 1975
10. L.I. 1649 Timber Resources Management Regulations, 1998

#### Wildlife

1. L.I. 710 Wildlife Reserves Regulations, 1971
2. L.I. 1022 Wildlife Reserves (Amendment) Regulations, 1975
3. L.I. 1084 Wildlife Reserves (Amendment) Regulations, 1976
4. L.I. 1085 Wildlife Reserves (Amendment)(Declaration of Game Reserves) Regulations, 1976
5. L.I. 1084 Wildlife Reserves (Amendment) Regulations, 1977
6. L.I. 1283 Wildlife Reserves (Amendment) Regulations, 1983
7. L.I. 1284 Wildlife Conservation (Amendment) Regulations, 1983
8. L.I. 1357 Wildlife Conservation (Amendment) Regulations, 1988
9. L.I. 1452 Wildlife Conservation (Amendment) Regulations, 1989
10. L.I. 1525 Wildlife Reserves (Declaration of Game Reserves) (Amendment) Regulations, 1991

## GLOSSARY

**ALLODIAL INTEREST:** The highest proprietary interest known to customary schemes of interest in land. It is sometime referred to as the paramount title, absolute title or radical title.

**CONSERVATION AREA:** Any land area reserved under legislative or executive Instrument for the purpose of wildlife, forestry or biodiversity conservation.

**CUSTOMARY LAND TENURE:** The right to use or dispose of use-rights over land which rests neither on the exercise of brute force, nor on the evidence of rights guaranteed by government statute, but on the fact that they are recognised as legitimate by the community, the rules governing the acquisition and transmission of these rights being usually explicit and generally known, though not recorded in writing.

**ENCROACHMENT:** Any development to which the developer has not got any legal interest in the land or planning and building permit for the development

**OPEN MARKET VALUE:** This is the best price at which the sale of an interest in property might reasonably be expected to have been completed unconditionally for cash consideration on the day of valuation, assuming:

- (a) there is a willing seller and a willing buyer;
- (b) that, prior to the date of valuation, there had been a reasonable period (having regard to the nature of the property and the state of the market) for the proper marketing of the interest, for the agreement of price and terms and for the completion of the sale;
- (c) that the state of the market level of values and other circumstances were, as on any earlier assumed date of exchange of contracts, the same as on the date of valuation, and
- (d) that no account is taken of any additional bid by a purchaser with special interest.

**PROTECTED LAND:** Any land area established by the appropriate bye-law on which social and/or economic activities are permitted only in accordance with the bye-laws and under supervision.

**STOOL/SKIN:** The seat of a chief of an indigenous state (sometimes of a head of family) which represents the source of authority of the chief (or head of family). It is a symbol of unity and its responsibilities devolve upon its living representatives, the chief and his councillors. Land owned by such a state is referred to as stool land.

**USUFRUCT:** Rights in land held by a member of the land-holding community or a stranger, who has obtained an express grant from the land-holding community, using customary mode of alienation. It is at times referred to as customary freehold, proprietary occupancy or determinable title.

**WATER BODIES:** Includes water sources, water courses, lakes, rivers, dams, weirs and barrages.