

LGAF Ghana 2011-2012

SUMMARY OF POLICY DIALOGUE RECOMMENDATIONS WITH SUGGESTED TIMELINES FOR IMPLEMENTATION

Results Policy dialogue February 2012. Accra, Ghana

POLICY ISSUE	LGAF PROPOSED ACTION	AGREED ACTION AT POLICY DIALOGUE	PROPOSED IMPLEMENTATION TIMELINE	MONITORING INDICATORS
LEGAL AND INSTITUTIONAL FRAMEWORK				
<ul style="list-style-type: none"> • The legal and institutional reform process does not reflect the norms, values and traditions of the various ethnic groups in the country. • Customary Land Secretariats (CLS) lack legal framework needed to function as decentralized land governance structures performing important land functions. • Land functions of Ministerial, Department and Agency levels overlap and need streamlining. District Assemblies and Town and Country Planning Departments still have “an autonomy safeguarding mentality” of their functions which does not contribute to harmonious articulation of land governance roles. • Land speculation produces land scarcity in the case of many peri-urban fringes as agricultural lands are taken and left undeveloped for enhanced market values to be reaped by speculators over time. 	<ul style="list-style-type: none"> ▪ Forthcoming Land Act to envisage harmonization of land laws. ▪ Legal basis for CLS enshrined in forthcoming Lands Act. ▪ Gradual scaling up of CLS from current 37 to 100 ▪ Draft Lands Bill approved including revisions and proposed solutions to overlapping functions of OASL and Lands Commission. ▪ Land Use Planning Bill must deal with horizontal overlapping, particularly in the case of development control functions of District Assemblies and the Town and Country Planning Department. ▪ Provide for the review and formulation of appropriate fees for land services delivery and particularly fees on land acquired for speculative purposes and left undeveloped in many peri-urban fringes of the country as envisaged under Component 1 of LAP 2. ▪ Establish mechanisms for the 	<ul style="list-style-type: none"> ▪ <i>Overlap with respect to mandate over land use planning will be addressed in upcoming legislation</i> ▪ <i>No agreement on whether a separate legal framework in the nature of an Act for CLS is the best way forward for consolidation, but current provisions in the lands bill provide legal basis for CLS</i> ▪ <i>LAP-2 will upscale CLS to 50 – demand led approach to promote ownership/commitment</i> ▪ <i>Tailor made capacity development of CLS required; informed by ongoing evaluation of 19 CLS</i> ▪ <i>Clarify responsibility for capacity development and oversight of CLS (Lands commission)</i> ▪ <i>LAP-2 will provide for review of fee structure</i> 	<p>MARCH, 2013</p> <p>MARCH, 2013</p> <p>FIVE (5) CLS PER ANNUM FOR FIVE YEARS</p> <p>CAPACITY OF FIVE (5) CLS DEVELOPED PER ANNUM FOR FIVE YEARS</p> <p>MARCH, 2013 WITH PASSAGE OF LANDS ACT.</p> <p>DECEMBER, 2012</p>	<ul style="list-style-type: none"> ○ Legal instruments (laws, by-laws, directives) harmonizing entrenched in local values and traditions are in place ○ Legal framework for CLS completed ○ Increase in number of CLS operational ○ Increase in number of public officials trained in efficient and effective client service delivery ○ Number of workshops and dissemination activities carried out ○ Decreased land speculation in peri-urban areas.

	collection of these fees to improve equity in land distribution and land revenue generation.			
PUBLIC LAND MANAGEMENT				
<ul style="list-style-type: none"> Most interests in land are not registered and therefore are kept unknown. Leasehold is the only interest commonly registered as a deed or title. In practice, difficulties exist in the registration of the other interests in land. CLS started recording of some, especially the usufructuary interests and customary tenancies (as part of the tasks of Component 2 of LAP 1). These customary land secretariats serve as local sources of records of people's claims to land but may not necessarily follow formal legal processes of deeds or title registration. Public perception of land institutions as corrupt is high. Arbitrariness in the application of the rate impost in rating valuation by district assemblies leading to unfairness in rateable values. The district assemblies have little incentives to improve valuation methods and increase land tax 	<ul style="list-style-type: none"> Based on recent experience, develop simplified mechanisms for deeds registration of the customary usufruct as a means to improving on security of tenure. Target programmes for increased women's land rights registration. Provide support to CLSs to embark on public sensitization to facilitate implementation at the local level as attempted under LAP 1 but discontinued due to opposition from some Chiefs. Reform the Common Fund Sharing Formula to include rewards to district assemblies that perform and meet set targets of internal revenue generation from property rates. Improve upon the image of the land institutions as corrupt by enhancing service delivery without rent-seeking behavior through refresher courses on client service training as started by the Millennium Development 	<ul style="list-style-type: none"> <i>Retry piloting of customary usufruct recordation in collaboration with engaged traditional authorities (via OASL) in at least two (2) pilot areas</i> <i>Property rates are already part of common fund sharing formula. DA should follow procedures for setting property rates, but education of DA required.</i> <i>Address overall Human resources strategy of Lands commission (availability, skills, competence, attitude; productivity and client responsiveness), requiring human resource development plan and implementation of same; LAP-2 can provide support on request</i> <i>LAP-2 supports inventory of public land, involving CLS</i> <i>Continue approach LAP-1 in LAP 2 to promote women's land rights' registration (LAP-1: 30% titles/ deeds in name of women);</i> <i>analyse and address challenges for women's' land rights related to inheritance and ensure passage of spousal rights to property bill.</i> 	<p>JUNE, 2013</p> <p>DECEMBER, 2012</p> <p>HRD PLAN IN PLACE BY JUNE 2013 AND ROLED OUT OVER LAP 2.</p> <p>ONGOING INVENTORY COMPLETED BY DECEMBER, 2014.</p> <p>OVER THE DURATION OF LAP</p> <p>PASSAGE OF SPOUSAL RIGHTS TO PROERTY ACT BY JUNE, 2013.</p>	<ul style="list-style-type: none"> N° of deeds registered including usufructuary title to land. N° of households satisfied with the level of generation and judicious application of revenues by District Assemblies, increased equity in land valuation and increased consistency of land valuations. Reduced perception of land institutions as corrupt. Increased women registration of land rights. Fewer cases of compulsory acquisition and all cases of compulsory acquisition backed with available money to pay in an escrow account before acquisition takes place. Reduced incidence of land guards in urban and

<p>collection</p> <ul style="list-style-type: none"> • Compulsory land acquisition and vesting of land have negative effects on livelihoods of indigenes. • The phenomenon of land guards a hindrance to good public land management. 	<p>Authority for the staff of the Lands Commission.</p> <ul style="list-style-type: none"> ▪ Policy on compulsory land acquisition and vesting/devesting developed and the principle of prompt, adequate and fair compensation implemented effectively. ▪ Inventory of public lands to be completed as envisaged under LAP-2. ▪ Policy and appropriate legislation to control land guards developed. 	<ul style="list-style-type: none"> ▪ <i>Engage CLS in sensitization on women's' rights</i> ▪ <i>More collaboration between the Lands Commission and the LAP to facilitate task executions in land governance and periodic meetings between these two bodies suggested.</i> ▪ <i>Policy frameworks for compulsory acquisition, vesting and divesting as well as land guards developed.</i> 	<p>THROUGHOUT LAP DURATION</p> <p>ENGAGE IN REGULAR MEETINGS AS FROM MARCH, 2012.</p> <p>DECEMBER, 2014</p>	<p>peri-urban Ghana</p>
<p>LAND USE PLANNING, MANAGEMENT AND TAXATION</p>				
<ul style="list-style-type: none"> • The planning system in Ghana is weak and as a result, urbanization processes create a series of problems such as uncontrolled growth of urban areas in the nature of urban sprawls. The planning system has been unable to cope with the uncontrolled urbanization process. This compromises the future sustainability of cities and their relationship with the rural areas. • In the capital city, as a result of the need of a better use of space, condominiums are being put in place spontaneously without any policy or legal guideline thus creating potential conflicts. • Revenues obtained from land-related services for vesting – 	<ul style="list-style-type: none"> ▪ Improve upon the delivery of planning services as a means to ensuring that future development conforms to planning legislation in the country as envisaged under Component 3 of LAP 2 for both individual and group land rights holders. ▪ Undertake and promote the large scale regularization of unauthorized developments where appropriate in urban and peri-urban communities. ▪ Put in place a policy on the development of condominiums based in the experience underway in the national capital. ▪ Prepare design study to 	<ul style="list-style-type: none"> ▪ <i>Implementation component 3 of LAP 2</i> ▪ <i>Town and country planning authority will be established to guide strategic planning, implementation is with district assembly</i> ▪ <i>Fast track Strategic planning for regions where investments are expanding fast (e.g. western region)</i> ▪ <i>No agreement on best way forward to enforce development control legislation, for example, use of provisional title to land favoured by town planners, while Lands Commission insists on proven title to land before</i> 	<p>MARCH, 2013</p> <p>JUNE, 2014</p> <p>OCTOBER, 2012</p> <p>THROUGHOUT DURATION OF LAP2</p> <p>DECEMBER, 2015</p>	<ul style="list-style-type: none"> ○ No of urban areas with development control practice effective increased. ○ No of urban group land rights holders titles regularised increased. ○ Law to regulate condominium used developed. ○ Constitutional review of Common Fund Formula

<p>devesting lands are distributed according a formula constitutionally established. (OASL) retains 10% to itself for administrative services rendered; and of the remainder treated as 100% gives the District Assemblies (55%); the Stool/Skin (25%) and the Traditional Council (20%). This is inconvenient because the revenue application is unfair, there is lack of accountability and transparency.</p>	<p>include mass valuation methodologies for the revision of valuation rolls.</p> <ul style="list-style-type: none"> ▪ Review the Common Fund Sharing Formula by including rewards to district assemblies that perform and meet set targets of internal revenue generation from property rates. ▪ Improve upon the delivery of planning services as a means to ensuring that future development conforms to planning legislation in the country as envisaged under Component 3 of LAP 2 for both individual and group land rights holders. ▪ Proactive planning rather than ad hoc and reactive planning. 	<p><i>development can take place. However, on existing unauthorised developments, consensus was that regulations are made and publicised to ensure enforcement.</i></p> <ul style="list-style-type: none"> ▪ <i>Increase capacity Town and country planning department/ DA; training of more planners (KNUST) and recruitment</i> ▪ <i>Need for law on condominium for the country but existing ones currently registered as strata titles by the Land Title Registry</i> 	<ul style="list-style-type: none"> ○ Land agencies better funded ○ Percentage of urban communities working toward becoming sustainable cities increased. ○ Reduction in days to obtain development permits and decreased number of informal developments
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DISPUTE RESOLUTION				
<ul style="list-style-type: none"> • Boundary delimitation of communal lands has been initiated at pilot project level and important experience has been accumulated. Completing boundary delimitation is necessary to reduce conflicts. • Courts are overwhelmed with numerous cases and under-resourced to equal the challenge of justice delivery in a timely manner. 	<ul style="list-style-type: none"> ▪ Scale up pilot projects for surveying and demarcation of communal land boundaries, from current 10 to 30, building upon lessons learnt under LAP 1. ▪ Facilitate the adoption of local level dispute resolution mechanisms to help reduce the backlog of land cases in the courts as complementary to the special land courts established under LAP 1 and ensure that CLSs play a key role in the resolution of land disputes in their areas of jurisdiction by improving on their efficiency and enforcement of decisions made. 	<ul style="list-style-type: none"> ○ <i>Evaluate results LAP-1 and prepare proposal for LAP-2</i> ○ <i>LAP 2 to support local level dispute resolution mechanisms in 10 traditional authority areas on a pilot basis, centered around effective CLS areas.</i> ○ <i>LAP 2 supports consolidation and effectiveness of CLS</i> 	<p>JANUARY, 2013- SEPTEMBER 2016.</p>	<ul style="list-style-type: none"> ○ N° of communities surveyed and registered. ○ Reduction of boundary conflicts. ○ Increased confidence in people's participation in local level disputes ○ Overall reduction of conflicts that are land-related.
PUBLIC PROVISION OF INFORMATION				
<ul style="list-style-type: none"> • Large sections of the population do not participate in land administration services (either as providers and users of information) due the large illiterate rate. • Access to information on land dependant on status and recognition rather than being a public service to be delivered. 	<ul style="list-style-type: none"> • Facilitate the recording and keeping of land information and the accessibility of land information by the public through the use of advertisements, drama programmes and jingles on radio and television in local languages and sensitization in areas like churches and mosques as additional to the print media in reaching to the 	<ul style="list-style-type: none"> ○ <i>Publicity to and enforcement of the code of ethics that guides the conduct of staff of the land sector agencies to serve as a deterrent to corrupt practices</i> ○ <i>Institution of a district, regional and national reward system for staff who show exemplary service with integrity</i> ○ <i>Post at vantage points in all offices of the land sector</i> 	<p>OCTOBER, 2012</p> <p>DECEMBER, 2012</p> <p>MARCH, 2012</p>	<ul style="list-style-type: none"> ○ The number of Customary Land Secretariats increased. ○ Increased public awareness of CLS as an institution to obtain information on land resources.

