

## LAND RIGHTS DOCUMENTATION IN GHANA: EXPERIENCES FROM LOW -INCOME KEY WORKERS

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### ABSTRACT

The land administration system in Ghana can be described by two adjectives: multiple and complex. The system has been governed by multiple laws, regulations, processes and standards and has been managed by multiple land agencies with limited collaboration. This is because the system is co-existence of land tenure and administration -state and customary land institutions. This paper explores public perception of the provision of relevant land documentations. Three focus groups, attended by public key workers who had contacted land institutions before to register their land rights were used to explore experiences and perceptions. Focus group content was analysed using a content analysis approach to identify themes. These findings suggest that in general many people are not inclined to register subsequent dealings, including perception of high fees and charges, the perception of complex rules and procedures; and lack of awareness of procedures. As a consequence, many people still do not have legal rights, and if they have legal rights they do not have formal documents to prove it. Improving land registration systems, planning, and permitting procedures were recommended.

**Keywords:** Land administration, institutions, Ghana, land tenure, documentations.

### INTRODUCTION AND BACKGROUND

Access to adequate, secure and affordable housing is fundamental to the achievement of a socially cohesive and inclusive society (Edgar et al, 2002). Housing the poor in the developing world is one of the major challenges facing mankind. The challenge is particularly acute in urban areas where the population is growing. The housing crisis across Ghana is ongoing, and the housing shortage in the country is steadily increasing. With the country's population set to reach 27 million by 2020, demand is unlikely to ease. While this issue may be most prominent in most cities, population growth will have an impact on all of the towns and villages. The challenge is that housing supply in the country is struggling to keep with the demand. The estimated housing deficit, according to the 2010 Population and Housing Census, is over two million (2,074,391) dwelling stocks (GSS, 2012). The Ministry of Works and Housing put the housing unit deficit at 1.7 million in 2014. This means that as much as over two million housing stocks should have been provided as at 2010 in order to meet the deficit. The 2010 census also recorded a population of almost 25 million, showing that, on average, at least 1.5 million houses could have solved the housing conundrums in Ghana. Currently, the major housing problem is the shortage of affordable accommodation for the urban poor; the low –income majority. Despite the sustained efforts on the part of the government to provide affordable housing, it failed to translate into the actual provision of housing for those who were eligible.

As Ghana Real Estate Developers Association (GREDA) or private developers are motivated by location, the type of development and quality of finishing, houses built are not only expensive relative to wage levels but scarce. In view of their inability to access housing through formal channels, the urban poor and large segments of low-income groups have no choice but rely on informal housing markets for access to shelter. This situation has led to the rapid spatial expansion of irregular settlements. Self-help or progressive housing has played a major role in the production of Ghanaian's low-income housing stock. It is estimated that roughly 90 percent of the housing stock in the category of informal (built by dwellers) while households are said to dwell in rooms rather than houses (UN-Habitat, 2011). Access to land and security of tenure are strategic prerequisites for the provision of adequate shelter (Durand-Lasserve and Royston, 2002). Unauthorised land developments are a widespread phenomenon in most Ghana cities, as most of the self-help housing is built in irregular settlements. Most often, such houses have developed on customary lands. In most Ghana cities, customary owners are the main providers of land for housing, even if their right to the land is not formally recognised by the state. These irregular settlements are characterised by the lack of services, the failure to meet local standards for residential developments and land titles.

The paper reports findings from a focus groups study that took place between June and August 2017 in Kumasi, Ghana. There is increasing evidence that many people do not register subsequent transactions or many people still do not have legal rights, and if they have legal rights they do not have formal documents to prove it. It aims to explore what prevent many people from documenting their land transactions. In order to assess this problems the low incomes groups, key workers households who are building their house incrementally is used as unit of analysis.

The remainder of the paper is organised as follows. The next section provides a review of the literature relating to land documentation process. Section two discusses the methodology while section three presents results and finally section four concludes the paper.

## **THE CONTEXT OF LAND ADMINISTRATION AND DOCUMENTATION IN KUMASI**

Lands in Kumasi can be grouped into two main parts, namely, the part one and part two land. Part one is vested lands while all other lands ( stools or public lands) constitute the part two lands. Stool lands<sup>[1]</sup> have the most concentrated pattern of private land ownership in the Kumasi. The degree of concentration is evident from the fact that majority of land users acquired land from the stool. These lands are managed and administered by the Asantehene land Secretariat (ALS). The Asantehene is the ultimate custodian of all within the Kumasi traditional area. The Asantehene holds the allodial title to all the lands under his jurisdiction on behalf of all his subjects.

The duality in the legal and institutional framework for a land administration which exists in Ghana also applies to Kumasi. This implies that both state law and customary laws apply simultaneously even as state institutions and traditional authorities exist together to manage and administer lands under their jurisdiction. There is also dualism in the land allocation and documentation process. That is, the allocation of lands is done principally by the local authorities (Chiefs, queen mothers, clan heads etc.) while the legal title to lands is provided by the government through its agents.

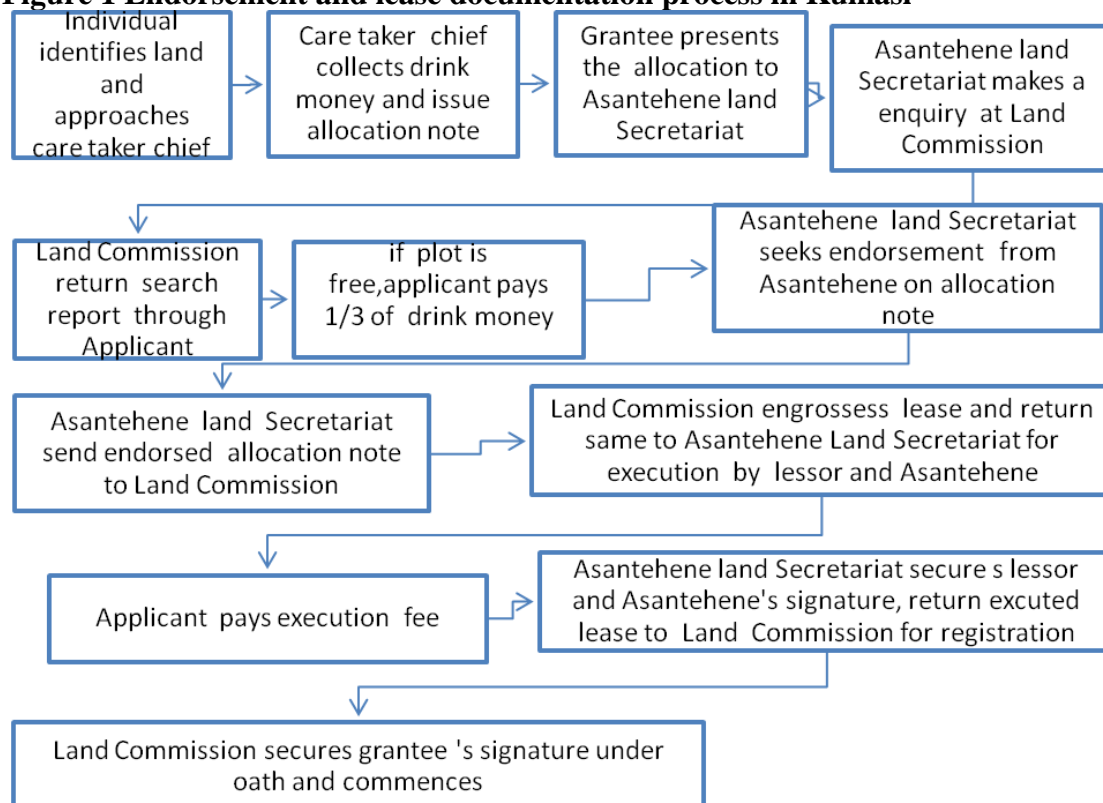
### Land documentation process

Securing property rights requires a combination of two forms of validation, at both local and state levels. Unless they also pass a second form of validation, i.e. recognition by the state, these rights have no formal legal validity. Furthermore, the process of formalising interests in customary land transactions is inextricably linked to the planning and building control processes. A prospective land owner, therefore, cannot obtain formal documents on land transactions until planning and building permits have approved for the intended development. The next sections briefly describe the land leasing, registration, and building permission procedures.

### Lease documentation

Land allocation papers are considered incomplete unless endorsed by the Asantehene. To receive such endorsement one must start the process to convert the allocation paper into a lease. No formal recording of the consideration paid is made on the allocation note. The grant is not enforceable, however, unless it is endorsed by the Asantehene. To obtain the endorsement, the prospective purchaser must present the allocation note together with three site plans to the ALS. The ALS reflects its role as the administrative unit of the customary land administration. The ALS is headed by a Liaison Officer and assisted by secretariat staff. All leases and other grants made by the Asantehene are to be registered by the Commissioner of Lands to make it legally effective. There are a plethora of departments that must interact in order to complete land documentation (Figure 1). The Lands Commission Secretariat brochure 'Concurrence Procedure for stool lands Grants' states that it takes 20-30 working days for documents to be processed and ready for collection'.

**Figure 1 Endorsement and lease documentation process in Kumasi**

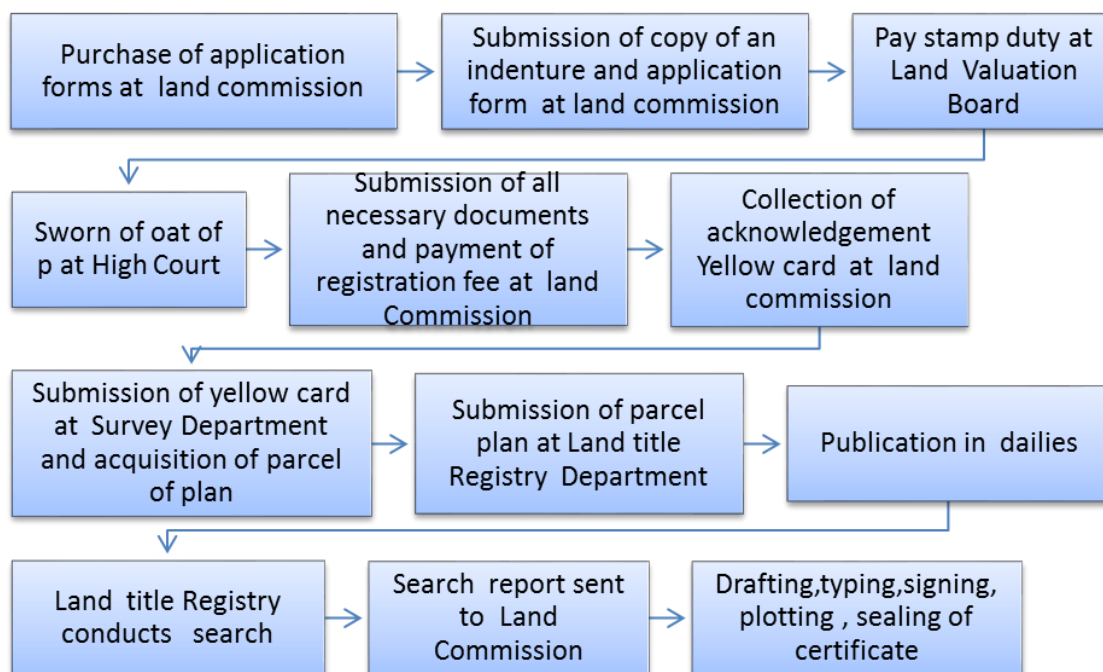


### Land title registration

Land registration procedures in Ghana follow in principle at least a hierarchical top-down procedure. The procedure depends on the ownership and management of land and normally

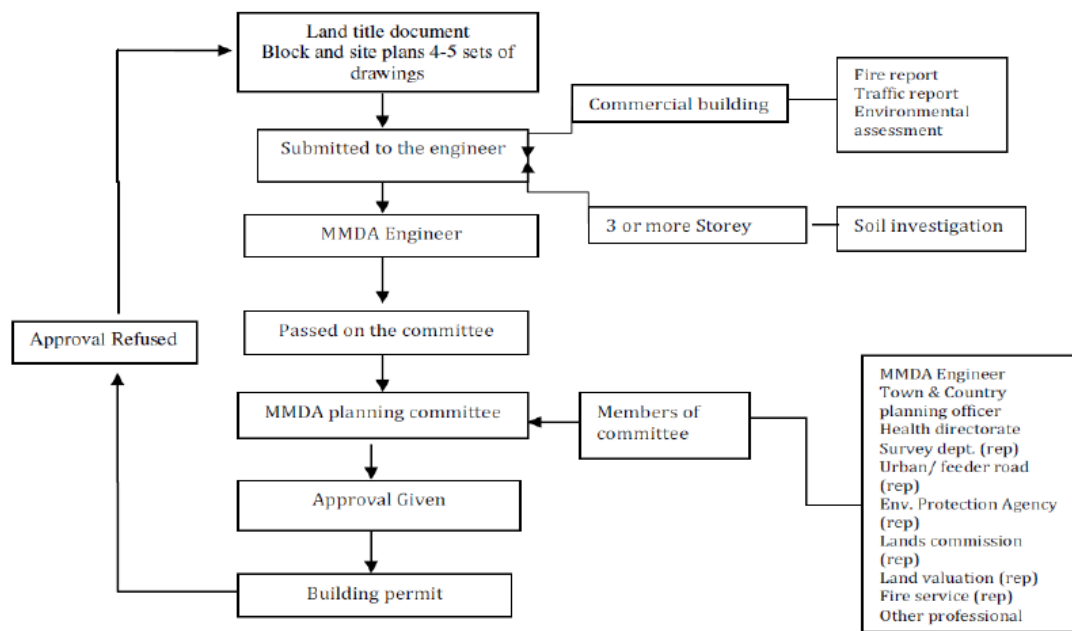
starts at the Land Commission Secretariats (UN-Habitat, 2011). In essence, the entire procedure involves a series of actions and different actors and departments influencing the process. Since most land delivery may take place within the framework of customary law this paper concentrates on the land registration procedures involving stools, skins or clans, families, and private lands. In this regard the process passes through the hands of the Public and Vested Lands Management Division (PVLMD), the Land Commission, the Customary Lands Secretariat (CLS), the Land Valuation Board (LVB), the Office of the Administrator of Stool Lands (OASL) and the Survey and Mapping Division (SMD). Decisions are an executive function of the registering authority and are made by the regional registrar although the steps involved depend on the type of registration. While deed registration takes fifteen (15) steps, land title registration involves an additional eight (8) steps (UN-Habitat, 2011b). As shown in Figure 2, the procedures to land registration have been fragmented, with different agencies responsible for each activity.

**Figure 2 Stages of land title registration processes**



### **Building permission**

The procedure for obtaining building permits is set down in the National Building Regulations, 1996. The onus of such a permit application means that the proposed development has to have a detailed technical design and specification prepared at an early stage. Permits are typically administered through the Chief Civil Engineer of the MMDAs, who works with a team which includes architects, medical officers, environmental officers, fire service officers, surveyors, quantity surveyors and planners to screen all proposed architectural plans presented by prospective builders to ensure compliance with national, regional, and local building codes. Decisions regarding all applications must be made within three months of submission, and any construction which is in conflict with the land use allocations in the plan are deemed to be against the granting of building permission. Figure 3 presents the process of acquiring a building permit.

**Figure 3 Stages of acquiring a building permit**

## METHODOLOGY

The methodology underpinning this research is a coalescence of the positivist and interpretive paradigms. This was demonstrated by seeking to incorporate increased objectivity and a uniformity of approach characteristic of the positive epistemology, along with more interpretive approaches. This mixed approach was undertaken purposefully to obtain a measure of generalisability of results and also to capture the intent of the stakeholders' perspectives so that greater meaning could be made and more relevant recommendations would result (Gay, Mills, & Airasian, 2006). The use of questionnaires and focus group study were selected as the primary tools in order to gain an in-depth understanding of the pertinent issues relating to land documentation process.

This approach was adopted both for the pilot survey and for data collection. The stakeholders in this study were low-income self-house builders who had previous knowledge of land institutions or have visited any offices of local land agencies in the course of their housing activities. The study proceeded in two stages. First, a survey of 102 of self-builders was randomly selected. The sample covered both urban and rural settings in Kumasi. In questionnaires, while the first section sought for socio –demographic and land ownership information on the respondents, the second section was a set of items which respondents rated using a Likert scale to explore the following issues:

- Contact with land institutions.
- Challenges to accessing land institutions.
- Satisfaction with land institutions.
- Confidence with land institutions.

In the second stage, three focus groups were set up to discuss aspects of the land documentation process. The focus group methodology was chosen because it can provide an in-depth understanding of stakeholders' view and experiences (Gilbert, 2008). It reveals "the extent to which there is a relatively consistent, shared view or great diversity of views" (Patton, 2002, p. 386). Participants were chosen during the questionnaire survey who has consented to be approached about the subject-matter, and who had previously expressed an



interest in being contacted for inclusion in a focus group. Participants were invited to attend by letter with accompanying inform about the rationale for the focus groups and expectations of the researcher and participants. As the following discussions concern the perception and experiences of land documentation procedures by the participants, their accounts are a primary focus. Transcripts of the focus groups were analysed using a content analysis approach to identify themes. The text was coded for themes that generated a coding schedule and coding manual. All focus group transcript data has been de-identified and pseudonyms used. These pseudonyms will be used at all times.

### **Participants' familiarity with Land administration and Institutions**

Most participants were highly experienced with the land administration system and land departments in Ghana with over 71% of the participants having knowledge of the land ownership/acquisition procedures or land administration procedures. The discussions were focussed on which offices or departments they visited and the purpose for their visits. Accordingly, the largest proportion of visits were taken to the Lands Commission and other supporting departments (60%), while 27% of visits were made to the Asantehene Lands Secretariat and 13% to Town and Country planning district offices.

While 13% of all visits were made for the purposes of land search, 7% of them visited the land offices for land inspection with land documentation (33%) and land title certification (47%) as other reasons.

## **RESULTS AND DISCUSSION**

The findings have been organised into the main themes that emerged from the data:

### **Transparency in land transactions**

As revealed from FGD evidence, a large number of land transactions are still made under the customary law. All participants perceived that their land transactions are made orally. Land sales are supported by three different documents, depending on circumstances. Receipts, allocation note, and site plans are given to the prospective purchasers. The majority of them reported that they give a site plan when requested by the purchasers but it comes with additional fees on top of the main drink money. However, no further documentary evidence of title is given. The FGD shows that of all participants who own land an estimated 18% have all the three documents, majority lacks one of these documents. The FGD indicated that most participants retain many of the documents themselves.

### **Fees and Charges associated with land transfer**

The transfer of land held by the customary landowner can either be effected by the granting a leasehold interest to a prospective purchaser or most commonly transfer of a freehold interest. All key workers participants' lands were acquired through allodial title holder or customary freehold title holder and they have the right to use the land in conformity to the planned layout through the lease period. For the security of tenure reasons, proper transfer of land needs to be done at ALS. The charge<sup>[21]</sup> is increasing in amount as the land transferred increases in value. It was revealed from the FGD that the land transfer charge calculation is based on the fair market value of the land transferred. Participants reported that the fair market value is to be the value of the land at the time the transfer is tendered for transfer and leasing application at ALS and not the value of the land at the time the agreement for sale was entered into. The cost of land transfer and leasing was frequently cited by the participants as one of the primary constraints to land transferring and leasing documentation. According

to the FGD results, this creates an insurmountable barrier for the majority of the key workers participants, leading to non-formalised transactions.

### **Endorsement of allocation note at ALS and LC**

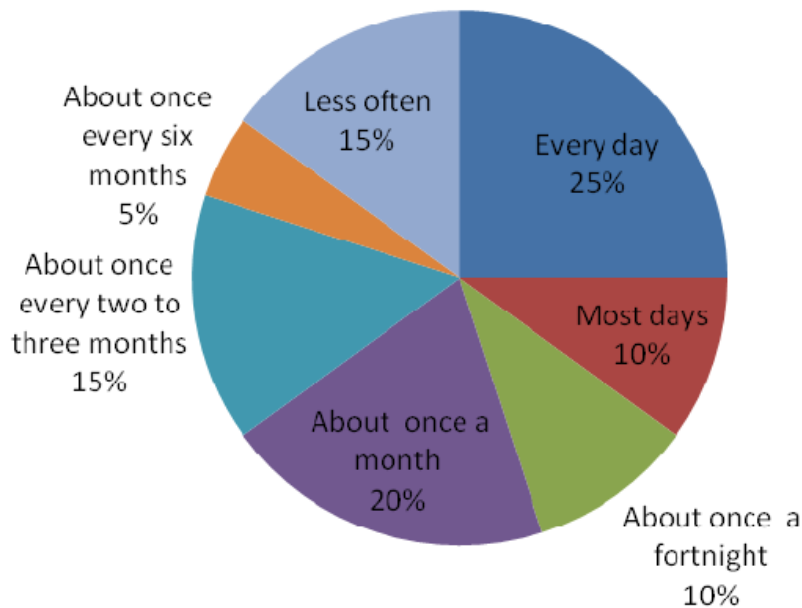
As indicated above, allocation note is addressed to the regional secretary of the LC. However, unless the allocation note is endorsed by the Asantehene, the transaction is not enforceable. According to the FGD, 21(70%) of the participants reported that they had submitted their allocation notes to the ALS before. About 67% of respondents who had applied for endorsement reported at least one problem with service delivery. The biggest problems reported were delays in formalizing all land grants, lack of communication or not being kept informed up to date with the progress of their request, the high cost of endorsement fees. A third of the drink money is paid to the Asantehene. ALS forwards the allocation note to the LC for the concurrence and preparation of a lease. This implies that an authorization may be signed by the Asantehene but the validity of such a release should be confirmed by LC.

The Lands Commission Secretariat brochure ‘Concurrence Procedure for stool lands Grants’ states that it takes 20-30 working days for documents to be processed and ready for collection’. Participants’ experiences show different things from reality. Participants found the allocation process time consuming and unduly cumbersome. Evidence from the FGD revealed that those who had applied for the endorsement, 29% reported it had been endorsed within two months, and a further 51% within three months. 13% reported that it had taken more than three months. Endorsement length had an effect on satisfaction. Overall 15% were satisfied and 77% were dissatisfied.

### **Cost of processing leases**

It was also revealed in the discussion that the documentation process normally attracts extra charges the official lease acquisition fees which often turn out to be unbearably high. As of July 2011, the processing and execution fees varied from 100 to 300 Ghana cedis. Participants confirmed that they had paid the same charges and fees. Accordingly, the majority (85%) reported that they find it difficult (39% very difficult and 46% fairly difficult). 9% found it easy (5% fairly easy and 4% very easy).

Furthermore, the discussion revealed that there is considerable uncertainty associated with the costs for processing the leases. Participants reported that the magnitude of this cost is dependent on the length of time these processes require. While many of the participants reported that the official charges are manageable. It is clear from the number of evidence received from participants that most land users have to make unofficial payments for services that should have been free. 43% participants said they had made additional payments to speed up the process and the unofficial charges often turn out to be unbearable high. Despite these payments made by the participants, participants’ experience shows that many had to influence the system somewhat by paying regular visits to the offices to grease the palms of officers or paid a worker at the office to follow the document. Figure 4 displays how often participants visited the land offices to get their lease processed.

**Figure 4 Frequency of visits at LC and ALS (N=21)**

Given these considerable delays and transaction costs often experienced in the preparing of a lease, it is not a surprise that only a few participants in the FGD were able to confirm that they have full documentation to their land. Furthermore, there are many participants who said they have allocation, but what they have some document such as a receipt and endorsed allocation note showing the beginning of the process without necessarily completing it.

#### **Payment of ground rents at OASL**

Under office of the Administrator of Stool lands Act, 1994, the price for the transaction is to be paid, not to the stool (the vendor), but to the administrator of stool lands who subsequently distributes the monies according to a set formula stipulated in the Act. All interests bought from stools are automatically converted to 99-years leases and periodic ground rents<sup>[3]</sup> imposed by the OASL when they are registered. On a yearly basis, a leaseholder has to pay ground rent to the OASL for a leasehold property. The amount of rent payable as contained in the lease document is dependent on a number of factors some of which are discussed below and as agreed by the parties to the lease (i.e. the Lessee and the Lessor). The assessment of the amount of ground rent payable takes into consideration the following: The type of use, the location<sup>[4]</sup> and the size (acreage)<sup>[5]</sup>. Rents are revised periodically to take care of inflation, the depreciation of the local currency and the price appreciation (in value terms) of the land over time. Evidence from the FGD revealed that almost three-quarters (72%) of participants reported that they had experienced in paying ground rents and all participants would be exposing themselves to paying periodic ground rents if they were to register their interests. Evidence from those participants who reported that they were paying ground rents suggests that the percentage of transactions in which payments are actually made to OASL is not known. Participants, however, asserted that this constitutes an additional cost to the transaction, which is prevented by not formally registering interests.

#### **Registration of land title**

In Kumasi as in the case of most cities in Ghana after the lease has been prepared, the document must be sent to the Lands Title Registry for the title to the land to be registered in the name of the owner or the lessee. The title to the land serves as the highest legal document in terms of the ownership of the allocated land. This is the final stage in the land allocation



and ownership process. This section gathers the views and experiences of the land registration process in the name of land documentation from FGD participants.

### **Processing times and complexity**

Under the Land Title Registration Law 1986, registration of title in the declared districts within regional capital is compulsory. As indicated above many participants stated they lack full title certificate to their land. In addition to the high cost of land registration, the FGD revealed that the reluctance to register land was due to the complexity of the processes involve numerous organisation, legal provisions and technical activities which influence each other. As a result, in total, almost three quarters (72%) participants found that the land registration process is complicated (8%) very complicated and 17% fairly complicated, while one-quarter (25%) of participants did not find it complicated 25% reported that it was very complicated and 44% reported it was not at all complicated.

Evidence from participants who had a full title certificate revealed that turnaround times are cumbersome. Out of these, 40% reported it took 12 months to have their land registered and further 40% within 24 months. Nine per cent reported that it took more than six months to make a decision. As a result, majority participants felt that their land registration took longer than expected. Other participants in FGD indicated that they would have liked to register but they are discouraged from doing so because of the long procedures and bureaucracy. A participant commented *“I submitted my application five years today, I checked twice within the first six months of submission to ascertain the progress made on the application. The last I checked I was informed that my application was still in the process because my site plan did not conform to the master plan at the TCPD. As a result, new cadastral plans need to be prepared for title registration, which is different from the plan used for the original transaction”*

### **Clarity of roles and responsibilities**

The identification of stakeholders in land departments and clarity about their contribution and interest emerges as an important procedural consideration. As indicated above various land departments have a stake in the registration of land procedures. Equally, their activities affect the outcome of the registration procedures. Characteristics of key workers participants suggest that they are intelligent and are familiar with the land institutions. There is significant evidence that participants have little knowledge of formal registration and the departments that involved in the procedures. Participants find land institutional structures very ambiguous, confusing and inefficient. Evidence indicates that a major driver of low motivation for registering of land title among key workers participants' outturn costs is a lack of clarity in the mandate of the administrative department with responsibility for registration in the land institutions. The FGD revealed that information on services of the land institutions are not publically available, which will be necessary to encourage the use of those services and formalization of rights.

Pursuant to this issue, participants commented that complex, costly and inadequate land administration structures can marginalize the poor or vulnerable by discouraging them from formalizing their rights. Lack of clarity about who is responsible for specific stages of the processes was mentioned by the most of the participants as a concern. A majority of the participants reported that even though they are literate but they struggled with ambiguous responsibilities of the land institutions. There was very little variation in how easy it was to get in contact regarding their land registration processes. This was because there is intermediate who specialise in dealing with the entire process of registration at a cost. 88% of

participants reported that they found it not easy to get in contact with land institutions during the course of their registration processes, with 49% reporting it was very easy and 38% fairly easy. 6% of participants stated they had found it difficult to get in contact, 4% reporting it was fairly ease and 2% very difficult. As a result, the majority reported they were not kept up date with progress.

### **Cost of land registration and documentation**

Services delivery charges are important as they represent a key source of revenue for creating sustainable land administration systems. Like most of land administration activities, the cost of registering land rights is born by the applicants. Cost is frequently cited by the FGD participants as one of the primary constraints to land registration. The FGD results indicated that charges and fees on land documentation are of great concern. Accessibility to registration was understood by participants to include affordability. The high transaction costs provide disincentives for them to register land transaction. A further investigation from the FGD indicated that registration charges and fees per se do not completely discourage formal registration of transactions. Informal payments that have to be made in addition to the existing charges and fees for registering land transactions increase transactions costs.

Participants were reluctant to disclose the true number of informal payments they had made; perhaps they also do not keep record. However, most of the participants admitted to making illegal payment or unofficial gifts within the land offices. The majority of these payments were made to get an official to obtain or speed up service, or to get service that has already been paid for and to defend their rights to land. Discussion showed considerable level of uncertainty about the need to pay these unofficial payments. A few participants were in support of these unofficial payments. For instance, some of them were in agreement of these unofficial payments as they refer it as speed money<sup>[6]</sup>. A participant opined that, *'in order to get work done, there is always a need to give some incentives'*. In support of this, a participant commented that *"I had to pay unofficial money to collect my land related documents"*. Another participant concluded by saying, *"Bribery or greasing of palm is part of the system, we cannot do away with it in this atmosphere of low salaries and high cost of living"*

A series of illustrative quotations provide valuable insights in the nature of informal payments surrounding land agencies.

*"Many bureaucrats exercise their power by delaying the process to make it very expensive. In my case, I paid uncounted money to speed up my documentation."*

*"We paid unofficial money at each department in order to check the progress of land title application"*

The implication of this is that the informal payments have to be made in addition to existing fees increases transaction costs and those without the means to make these payments are left out inevitably the poor. According to the results from FGD, these charges and fees create an insurmountable barrier for many participants, leading to unregistered transactions which can eventually compromise the integrity and effectiveness of land administration systems.

### **Acquisition of building permission**

Participants complain of the requirements and the increased volume of paperwork associated in building permission that need to be met to achieve successful applications. Evidence shows that participants are less familiar with the technical requirements of obtaining building permits. These requirements related to permission procedures mostly are preconditions in

order to obtain a permit. For instance, land title certificate or a deed certificate or a clearance form must be duly signed by an appropriate authority, i.e. the Lands Commission of Land Title Registry. These documents need to be approved or provided before the actual permission can start. Personal experience of specific problems in land administration provision also has a negative impact on satisfaction with land administration services. 20% of participants reported that they had experienced difficulties or problems prior to their permission application in the verification of their document at the LC. A range of difficulties or problems was given by participants. The issue associated with the largest reduction in satisfaction levels is payments required for services that should be free, followed by being treated poorly by staff, long waiting times and having no records available. The participants, who reported having a difficulty or problem, reveal that the time taken to certify these documents is extremely variable, and often lengthy. Due to the absence of coordinated permit processes, over three-quarters of participants reported they physically took their application, step-by-step to these approval authorities each with its own sets of procedures and requirements.

### **Length of time in approving the building permission**

As indicated above, district assemblies are required by law to have reviewed the application within 3 months after it is submitted and to inform the applicant of their decision. However, one of the most common areas of complaint received by participants from FGD about the planning system relates to the length of time it takes for building permits to be granted by district assemblies. Most participants indicated that building permission delays were their greatest concern. According to participants who had building permission to their property and those whose applications were still under consideration, 29% reported permission had been approved within one month and a further 51% within three months. 13% reported that it had taken more than three months. As a result, around four in ten (37%) participants reported that the process is complicated. Participants argued that the permitting procedures are difficult to navigate and to interpret. Also, most of them suggested that they need assistance understanding basic principles, proper application procedures, and interpreting the technical regulations. Without proper guidance, they can easily misinterpret the rules and procedures, causing them to stumble through the permitting process.

To add to the confusion, participants asserted that the time and expense to understand the requirements and compile the necessary documentation is a disincentive. Participants reported that this becomes a potential source of contention and additional delays.

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### **Legal certainty and transparency in the building permission regulations**

The FGD revealed that the awareness level of participants on the existence of a development scheme and development control laws is very high. Participants reported that many laws are confusing and incomprehensive. Accordingly, the law governing physical development states that no physical development shall be carried out in a district without prior approval in the form of written permit granted. But, section 8(2) of LI 1630 states that “an applicant not informed of the grant or refusal of the application may after the expiry of 3 months commence development on the basis that the application is acceptable to the District Planning Authority”. Heavy criticism was expressed by participants regarding the increased legal uncertainty and lack of harmonisation of these rules.

Participants asserted that the overlapping nature and confusion of these rules were considered as constituting a substantial impediment to their building operations as they regularly need to seek for the legal validity. Participants reported that this is cumbersome, confusing, and lacking in transparency. As a result of controversial, two-fifths (40%)<sup>[7]</sup> of participants reported that they had finished and occupied the property but had not even bothered to submit papers on them to the appropriate institution for development.

The district assemblies faced with developments which are believed to be unauthorized have several possible courses of action such as do nothing, issue a listed building enforcement notice or seek an injunction to stop on-going work. One in ten participants reported that they had experienced these actions because they do not have any permits to develop the property, which they occupy as their homes but had reported that their applications are in process. Participants asserted that these are confusing and complex. The implication of this

complexity and legal uncertainty is many developers are served with the notices of “STOP WORK OR PRODUCE PERMIT” on structures being constructed. On this evidence, around a third (32%) of participants were requested by the authority at some stage of constructing their building, to stop work, but as much as two thirds (67%) of them reported they either ignored it or tipped the inspector and continued development.

## CONCLUSIONS AND POLICY IMPLICATIONS

It is recognised that this was a small-scale study, which raises questions about the generalisability of the findings. However, the aims was not to be make empirical generalisations but to explore public’ perception and experiences of land documentation process and as such the study achieved. Land documentation processes in Ghana take place by the coexistence of customary and statutory law and institutions. As a result, the processes encompass a wide range of different system for recording land rights and associated transaction. The study has shown that land documentation processes depend on the institutions responsible for its administration

Our findings reveal that the convoluted chain of officials whose signature is required in many jurisdictions to approve many routine functions in the land documentation process adds to transaction time and expense. The processes are very complex, slow and cumbersome and subjected with the weak institutional capacity of competent government agencies. The fees associated with the processes are high which entails transactional cost which prevents the formalisation of land transactions. This means that very few people bother to register documents.

The importance of an effective system for registering property rights and transactions is critical. The issue of inadequate or inefficient title registration is well known and complex. As a result, the findings reinforce the need for efficient and effective land documentation. To consolidate and strengthen land administration and management systems efficient and transparent service delivery, through reviews and enactment of appropriate land administration laws and regulations, capacity building for Land Sector Agencies, Land Owners , and relevant NGOs, and streamline business procedures within the Land Agencies, the second phase of Land Administration Project was inaugurated. This study was carried out before the second phase of the project and in some respects; the author’s conclusions have been superseded by further developments in policy.

### Notes

[1] In Kumasi like most of southern part of Ghana, customary land is referred to as stool land in reference to the carved wooden stool which is a traditional symbol of chieftainship and is believed to contain the souls of the ancestor.

[2] The levies chargeable and disbursement are as follows: Processing fee - GH¢50.00; Administrative fee - 10% of drink money.

[3] These are specified amounts payable annually by holders of leasehold grants and other terminable interests in land transactions in respect of plots/parcels of land for residential, industrial, commercial, religious and other habitation uses. It is payable whether the land is developed or not.

[4] The closer a plot of land is to the built environment, availability of social amenities and neighbourhood quality, the higher the value and hence the bigger the amount of rent payable. Residential neighbourhoods are classified into 1st Class, 2nd Class, 3rd Class, etc and these classifications influence the amount payable as rent.

[5] All things been equal, the bigger the size of the land the more the rent payable and vice versa.

[6] Speed money refers money given or paid in order to ensure that services are provided satisfactorily.



[7] This include participants those who did not have building permits , those still waiting for the outcome of their application and those who had not applied for permit at the time of FGD.

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