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APPRAISAL OF THIRTY-THREE CUSTOMARY LAND SECRETARIATS IN GHANA

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Abstract

Context and Background:

The government of Ghana through the Ministry of Lands and Natural Resources of Ghana has been assisting customary land authorities to strengthen customary land administration through the establishment customary land secretariats. The rationale for the support for customary land administration was to develop more effective and accountable systems of land administration at local level based on a collaborative approach and building on existing customary institutions.

The goal and Objectives:

The work provides the findings based on the study of thirty-three customary land secretariats with the view to understanding the customary land secretariat concept in Ghana over a sixteen-year period from 2005 to 2021. The specific Objectives were to assess the effectiveness of Customary Land Secretariats in terms of: 1) Keeping and maintaining accurate and up to date records on land dealings in their locality, 2) Providing information about the land owning community to the public, 3) Receiving correspondence on behalf of the land management committee, 4) Serving as a link between the land owning community and other stakeholders, 5) Serving as a link between an applicant and the local land management committee, 6) Serving as a link between the land owning community and the public land sector agencies, 7) Providing accounts of income and expenditure on local land transactions, 8) Preparing periodic report on activities of the secretariat, 9) Keeping records of all fees and charges associated with land grants and finally, Resolving land related disputes through Alternative Dispute Resolution mechanisms. In summary, the work seeks to unveil the successes and failures of the customary land secretariats based on the above ten thematic areas.

Methodology:

The study employs a case study approach within a Quantitative and Qualitative data analysis paradigm. The research and its findings and conclusion hinges on robust empirical evidence with analysis of quantitative and qualitative data collated from thirty-three customary land secretariats randomly selected across the country as follows:

Coastal Belt = 11, Middle Belt = 12, Northern Belt = 10, Total = 33

In all 148 respondents were selected from the various customary land secretariats and interviewed using the purposive sampling technique. The respondents were mainly members of the land management committees, the association of coordinators, chiefs and heads of families and clans, some telephone and email correspondence were employed but to a limited extent. Visits were made to 22 of the customary land secretariats to verify and confirm conflicting data collated from the different data sources.

Results:

Results show a reduction in the number of ownership disputes in areas where CLSs have been established and that there is an increase in public education and sensitization of community people on land documentation and that there is an increase in the number persons registering lands including the proportion of women registering titles to their lands.

Keywords:

Customary Land Secretariats, Land Tenure, Land Management Committee, Alternative Dispute Resolution, Ghana

1. INTRODUCTION

Customary Land Secretariats in Ghana are specialized offices established by local land owning stools, skins, clan and families or communities with support from central government to improve land management and administration within their respective territories. The objective for supporting customary land administration since 2013 was to provide the basis for a clearer and more cohesive development in the traditional set-up with respect to land management. The underlying principles for the establishment of the Customary Land Secretariat were – the employment and deployment of very simple, basic, easy to understand and accessible procedures, employing participatory approaches to land use management and the creation of legitimate structures acceptable to the traditional leadership and the land owning group. Stools or skins, clans or families are assisted to establish Customary Land Secretariats to: Consolidate and develop landholding rules and develop public land allocation and transaction procedures to limit double allocations; Adopt simple land use planning system of the customary area to minimize inappropriate land use and protect areas of common interest to the community; Identify and resolve overlapping claims of rights among landholders; Develop more effective dispute resolution procedures, including the adoption of record keeping to help establish precedents; Reach agreement with neighboring communities on the boundaries of the customary land area; Establish simple registries to record land allocations, transactions and land use planning decisions; Develop forms of certificates or entitlements which precisely reflect the nature of rights over the property awarded and the terms and conditions; Methodically identify, adjudicate, demarcate and register holdings in the customary area; and Develop mechanisms which improve the security of those identified as mostly to be vulnerable – women, the very poor and landless families in the community and migrants and tenants. MLNR (2002)

The core mandates of a Customary Land Secretariat are to keep and maintain accurate and up-to-date records of land dealings provide information about the land owning community to the public, receive correspondence on behalf of the land management committee, serve as a link between the land owning community and other stakeholder, prepare accounts on local land transactions and to prepare periodic reports on their activities, resolve disputes by way of alternative dispute resolution. Ministry of Lands and Natural Resources (2004)

The Land Act 2020 (Act 1036) makes specific provisions on Customary Land Administration. The relevant sections have been reproduced below.

2. LAND ACT 2020 (ACT 1036) ON CUSTOMARY LAND SECRETARIAT

- (1) A stool or skin, or clan or family that owns land shall, in accordance with this Act, establish a Customary Land Secretariat as prescribed by Regulations made under this Act for the management of its land.
- (2) The Lands Commission and the Office of the Administrator of Stool Lands shall collaborate in the establishment and performance of functions in relation to a Customary Land Secretariat under this Act.
- (3) The Lands Commission and the Office of the Administrator of Stool Lands shall provide technical and advisory services in the establishment of a Customary Land Secretariat.

- (4) A Customary Land Secretariat shall, at the end of every three months, submit to the Lands Commission and the Office of the Administrator of Stool Lands records of each transaction recorded by the Customary Land Secretariat.
- (5) The records required under subsection (4) shall be in the form prescribed in Regulations made under this Act.
- (6) The Lands Commission and the Office of the Administrator of Stool Lands shall maintain a register of Customary Land Secretariat.

2.1 Functions of the Customary Land Secretariat

- (7) A Customary Land Secretariat shall, in relation to customary interests, rights and transactions, perform the following functions:
 - (i) record the interests and rights in land, and keep and maintain accurate and up-to-date records of land transactions in the area of operation of the Customary Land Secretariat; provide a list of existing customary interests and rights in land in the area of operation of the Customary Land Secretariat including indication of persons with the capacity to make grants of the interests and rights in that area; provide relevant records on land, information on hierarchy interests and rights in land, and laid down processes for effective dispute resolution;
 - (a) facilitate the settlement of land disputes through alternative dispute resolution;
 - (b) facilitate the participatory of local plans;
 - (c) undertake community educations, sensitisation and awareness creation on land issues;
 - (d) prepare periodic accounts of all revenue received at the Customary Land Secretariats in accordance with clause (8) of article 36 of the Constitution;
 - (e) provide facilities for search to be conducted on the records on land; and
 - (f) perform any other functions in relation to land as determined by the land owning group.
- (8) The records maintained under subsection (1) are evidence of transactions in relation to land in the area of operation of the Customary Land Secretariat and, where applicable, serve as notice of a transaction.
- (9) A Lands Officer and a Stool Lands Officer responsible for a district shall within the district perform the functions required by this Act and Regulations made under this Act.
- (10) A Lands Officer and a Stool Lands Officer responsible for a district shall
 - (a) maintain a public register of Customary Land Secretariats in the district as specified in the First Schedule; and
 - (b) ensure that the Customary Land Secretariats within the district comply with their mandates.

2.2 Structure and staffing of Customary Land Secretariat

- (11) A stool or skin, or family that establishes a Customary Land Secretariat shall determine and appoint the required staff on merit and in accordance with best human resource management practice and gender considerations.
- (12) A Customary Land Secretariat shall have an administrator and other staff necessary for effective and efficient management of the Secretariat.

2.3 Power of the Customary Land Secretariat

- (13) The Customary Land Secretariat may
 - (a) charge and collect fees for the services that the secretariat renders to the public; and

(b) enter into agreement with other persons to perform specific tasks for a fee.

2.4 Funds of Customary Land Secretariat

- (14) The sources of funds of a Customary Land Secretariat are
- (a) in respect of stool or skin land, a proportion of the land revenue paid to the land owning stool or skin and the traditional authority by the Office of the Administrator of Stool Land;
 - (b) in respect of clan or family land, a proportion of the revenue paid to the clan or family by the Lands Commission;
 - (c) a proportion of the revenue paid to the District Assembly by the Office of the Administrator of Stool Lands;
 - (d) fees for services rendered by the Customary Land Secretariats;
 - (e) a proportion of moneys received from compulsory acquisition of stool, clan or family land; and
 - (f) other funds provided by the land-owning group.
- (15) A proportion under paragraphs (a), (b), and (c) of subsection (1) shall be determined by the Lands Commission and the Office of the Administrator of Stool Lands in agreement with the affected stool or skin, or clan or family and District Assembly.

3. APPRAISAL OF 33 CUSTOMARY LAND SECRETARIATS

1. Odoitso Odoi Kwao Customary Land Secretariat (Osu-Christianborg) in the Greater Accra Region with Ghana Post GPS Address GA-032-4886 was the busiest Customary Land Secretariat in the region. It was established as a self-initiated land secretariat in 2008. It is operated by the Odoitso Odoi Kwao family of Accra. The secretariat ranked among the top 5% performing land secretariats in the country in terms of patronage and volume transactions, data collection on customary land grants and impact on customary land administration. It opened on Monday to Saturday at 9am to 5:30pm and received between 90 and 120 visitors a week. The 25-member Land Management Committee had successfully resolved 54 land related disputes using Alternative Dispute Resolution mechanisms particularly mediation and customary arbitration. 17 disputes were at various stages of resolution at the time of the appraisal and report writing. The secretariat was well branded. The 36 full-time members of staff included lawyers, licensed surveyors, valuers and estate surveyors. The coordinator of the secretariat also served as the secretary to the family. A total of 2,666 data sets on individual customary land grants had been collected, collated and plotted electronically and plotted manually. It had a fleet of vehicles which were well branded. The secretariat was implementing a tailor-made business plan and maintained good book-keeping practices. For example, receipts were issued for payments received. The secretariat run a scholarship scheme for needy but brilliant Ga students at primary, secondary and university levels and provided portable water for deprived communities at La, a suburb of Accra with internally generated funds. Data base management needed some improvement. A major challenge confronting the secretariat is the lack of recognition from some state institutions particularly public land sector agencies with respect to their claim over lands despite the records and judgments in favor of the family. This work concluded that the secretariat was well on course in performing the functions of a customary land secretariat prescribed by Section 15 (1) of the Land Act 2020 Act 1036). Never the less, there was room for improvement at the Odoi-tso Odoi Kwao secretariat.

2. Gbawe Customary Land Secretariat (Gbawe-Accra) in the Greater Accra Region was strengthened in 2004 during the Land Administration Project Phase One. It was maintained by the Nii Kortey-Kwatey family and opened 6 days a week on Monday to Saturday from 8:30am to 4:30pm. The secretariat is ranked among the top 5% performing Customary Land Secretariats in the country serving as an incubator or model for stools or skins, clans and families seeking to establish Customary Land Secretariats or improve on customary land administration generally. Record keeping was moderately good. The secretariat kept a log of visitors and staff attendance. The secretariat received between 70 and 85 visitors a week. The 9-member Land Management Committee had successfully resolved over 70 land disputes with 34 at various stages of resolution via customary arbitration and mediation. The coordinator, administrator and 17 full-time and part time workers had received training provided by private consultants; Management Development and Productivity Institute. The secretariat had generated 788 sets of records on customary land grants within her jurisdiction as at September 2021. The secretariat also kept copies of indentures on customary land grants made within the jurisdiction. The secretariat had successfully produced a boundary plan financed entirely from internally generated funds. The secretariat was financially self-reliant providing a variety of services including land dispute resolution, facilitation of land documentation and ground rent mobilization. The secretariat undertook regular education and sensitization for members of the public. It had held a durbar on the Land Act 2020 (Act 1036). The secretariat collaborated very strongly with land-based NGO's including COLANDEF for training, etc... Plans were advanced for the introduction of property cards to enhance rent administration. The data base management needed improvement. This work concluded that the secretariat was on course in performing the functions of a customary land secretariat prescribed by Section 15 (1) of the Land Act 2020 Act 1036).

3. Nii Iddrisu Ayaa Tetteh Customary Land Secretariat (Haatso-Accra) in the Greater Accra Region was established in 2008 under the first phase of the Land Administration Project. The secretariat and the Land Management Committee were not active and there was little to show by way of achievements. There was no evidence of data collection on customary land grants and dispute resolution. The problems were largely attributed to boundary litigations. In addition, a large portion of the land owned by the family had been acquired by government for the Atomic Energy installation. The secretariat did not have the full complement of staff. Residents of Haatso and environs engaged as part of the study had never heard about the secretariat. This work concluded that the secretariat had failed to perform the functions of a customary land secretariat prescribed by Section 15 (1) of the Land Act 2020 Act 1036). There was a lot of room for improvement at the Nii Iddrisu Ayaa Tetteh Customary Land Secretariat.

4. La Customary Land Secretariat (La-Accra) in the Greater Accra Region was established in 2006 under Phase-1 of the Land Administration Project. The 10-member Land Management Committee comprised representatives each from the 8-clans of La. The secretariat was not very semi-active at the time of the appraisal. It opened to the public twice weekly on Tuesdays and Thursdays mainly because there were no dedicated full-time staff members. Some members of the Land Management Committee doubled as staff for the secretariat. Data collection, records keeping, filing and the human resource management practices were poor. The main services rendered by the secretariat included assisting

clients obtain documentation for the registration of land within the Madina, Adenta and Ashale-Botwe provinces of the capital city. The secretariat has a lot of potential which remains untapped. Equipment at the secretariat was broken partly due to exposure to the weather as a result of the proximity to the sea. Funding was critical. This work concluded that the secretariat had failed to perform the functions of a customary land secretariat prescribed by Section 15 (1) of the Land Act 2020 Act 1036). There was a lot of room for improvement at the La Customary Land Secretariat.

5. Tsie-We Customary Land Secretariat (Teshie) in the Greater Accra Region was established in 2014 during the second phase of the Land Administration Project. It operates within a family-land enclave. The secretariat had a coordinator, an administrator, a part-time surveyor and two other support staff. It opened at 8:30am to 5:00pm on Monday to Friday and received between 30 and 50 guests a week. The 18-member Land Management Committee with 5 representatives each from the three gates of Teshie met on Thursdays. The three gates are the Osheke-Nye We, Nortey Kuma We and Adjei Sankuma We. Although there are frequent disagreements between the clans the secretariat has unflinching support of the family head called the Dzasetse. The secretariat was serviced with office equipment including computers, copiers, etc. which were in good states of repair. The secretariat collaborated very strongly with land-based NGO's including COLANDEF for training. The staff had benefitted from training in land administration, conflict resolution and records management. The secretariat had successfully collated 237 data sets on individual customary land grants since establishment and employed prudent financial management practices. Storage and retrieval of data was by a customized soft-ware developed by the I.T. officer. The secretariat collaborates with the Office of the Administrator of Stool Lands for the mobilization of ground rent. An educational fund to support needy but brilliant students was created with proceeds from ground rent. There was room for improvement at the Tsie We Customary Land Secretariat.

6. Osu Customary Land Secretariat (Osu) with Ghana Post GPS address: GA 112-8464 in the Greater Accra Region was established in 2016 under the second Land Administration Project and began operations on August 19, 2017. The secretariat is located within the Osu mantse (chief's) palace and opens 6 days a weeks on Monday to Saturday receiving between 10 and 25 visitors a week. The secretariat has the complement of an administrator, a coordinator and a 9-member Land Management Committee down from 12. The secretariat had procured modern office equipment to aid their operations currently centered around the regularization of land titles for lessees on Osu stool lands. A large portion of Osu lands including the popular the Osu mantse layout are either acquired or vested in the state. There was a lot of room for improvement at the Osu Customary Land Secretariat.

7. Nii Odai-Ntow Customary Land Secretariat (Kwabenya) in the Greater Accra Region was established in 2016 during the second phase of the Land Administration Project. Initially dormant but now vibrant since relocating to the purpose-built accommodation and intensified sensitization. The secretariat had a 7-member of staff and a 9-member Land Management Committee and received between 60 and 70 visitors a week. The Secretariat opened 6days a week on Monday to Saturday at 9am to 5pm. The secretariat managed some 12,690 acres of land owned distinctly by 4 families: Abley-We, Tetteh Afrimie-We, Anteh Kwakonam-We and the Ashongman Djemarwon-We who had re-united

following a mediation facilitated by the Customary Land Secretariat. The Land Management Committee comprised representatives of the four gates. The committee met regularly to deliberate on disputes presented for resolution. A total of 132 land disputes had been successfully resolved by the secretariat within the five years of its existence. The secretariat lacked a boundary plan. Land managed by the secretariat is bordered to the north by Berekusu stool, west by Pokuase and Mayra families, south by Onamrokor Adain family and east by Abokobi stool but these are not clearly mapped out. Indeterminate boundary remained the biggest challenge negatively militating the functioning of the secretariat. There was room for improvement at the Nii Odai Ntow Customary Land Secretariat.

8. Dunkwa-On-Offin Customary Land Secretariat (Dunkwa-Offinso) also known as the **Denkyira land secretariat** in the Central Region was established in 2008 during the first phase of the Ghana Land Administration Project for the Denkyira traditional area. The 7-member Land Management Committee was dormant at the time of the appraisal and report writing due to a long standing fight between the Dunkwa chief (who wields authority over Dunkwa lands) and the paramount chief. According to a respondent *"...the Denkyira secretariat is suffering from identity issues as most of the land owning groups do not recognize the secretariat and hence do not submit documents for purposes of recording..."* The secretariat's work was restricted to the Dunkwa-On-Offin divisional area instead of the entire Denkyira traditional area province. Huge growth potentials exist given the emergent vibrant land market and small scale mining activities. Data collection on customary land grants was low so also was the management of the data base. Fewer than 19 land related disputes had been resolved by the Land management Committee since the creation of the secretariat in 2008. This work concluded that the secretariat had failed to perform the functions of a customary land secretariat prescribed by Section 15 (1) of the Land Act 2020 Act 1036). There was a lot of room for improvement at the Dunkwa-On-Offin Customary Land Secretariat.

9. Odupong-Kpehe Customary Land Secretariat (Kasoa) in the Central Region was established in 2006 soon after the launch of the Customary Land Administration component under Phase-1 of the Land Administration Project. The 8-member Land Management Committee had resolved 43 land-related disputes since creation. The record of customary land grants was not readily available for inspection. It was reported that, the secretariat had been through a turbulent phase as a result of poor management. The problem was fixed after the implementation of guidelines developed by the traditional leadership and the introduction of control mechanisms by the Land Management Committee. Due to the influx of people from other regions of the country particularly the Western, Ashanti, Volta and Greater Accra the emergent land market was vibrant. There are also a host of large-scale land-based investments comprising poultry farming, pineapple, cassava and pawpaw plantations by Jei River farms, Mikleb farms, Ismaban farms and Agro-Age Hatchery Limited respectively. Relationship with the land sector agencies particularly the Lands Commission was not strong. Cooperation, coordination and collaboration with the chief's palace were low. The secretariat did not have access to records of customary land grants within the jurisdiction because certain individuals had allotted to themselves the power of land allocation which deprived the secretariat of data, information and revenue. There was a lot of room for improvement at the Odupong-Kpehe Customary Land Secretariat.

10. Eguafu Customary Land Secretariat (Eguafu) in the Central Region was established in 2013 under the second phase of the Land Administration Project. The secretariat had an 8-member Land Management Committee and 3 members of staff including a coordinator. It opened on Monday to Friday at 9am to 4pm. The paramount ruler Nana Kwamena Ansah IV signed the Memorandum of Understanding with the Office of the Administrator of Stool Lands on June 17, 2013 and pledged the full support towards for the secretariat. 89 land related disputes had been successfully resolved via mediation and customary arbitration since 2013 however data collection on customary land grants was low. There was no directional signage to the secretariat. The secretariat lacked proper human resource management practices. There was a lot of room for improvement at the Eguafu Customary Land Secretariat because the area had the potential.

11. Breman Customary Land Secretariat (Breman-Asikuma) in the Central Region was established in 2014 under phase-2 of the Land Administration Project. The 7-member Land Management Committee met regularly to consider issues presented for deliberation. 49 land related disputes had been successfully resolved. Although data on customary land grants was not readily available for inspection, it was reported that more than 200 cases had been collated by the secretariat between 2014 and 2021. The secretariat had two full-time members of staff and one part-time staff. Although the chiefs pledged support for the secretariat at inauguration, this was not manifest. There was a surge in the number of disputes in the Breman Asikuma province due to influx of strangers from other parts of the country who acquired large tracts of land for their agricultural and other commercial ventures gradually making indigenes landless. The secretariat lacked the requisite caliber of staff. The human resource management practice was poor. There was a lot of room for improvement at the Breman Customary Land Secretariat

12. Akwamu Customary Land Secretariat (Akwamufie) in the Eastern region was established in 2014 under the second Land Administration Project. The secretariat was active at the time of the appraisal and was under the direction of a 9-member Land Management Committee. The secretariat opened on Monday to Friday at 8:00am to 4:00pm. All staff except the coordinator were temporal workers from the national service scheme to augment the high staff turn-over. The secretariat had successfully collected data on 179 customary land grants but the data base management system was poor. The secretariat had successfully resolved 31 of the 67 land related disputes presented to it since 2014. Other services provided by the secretariat include land document preparation for clients for registration at the Lands Commission in Koforidua. The secretariat also assisted the Office of the Administrator of Stool Lands in the mobilization of farm tributes and ground rent. The secretariat in partnership with the paramount chief had cultivated a 25 acre mango and a 10 acre pineapple plantation to broaden its revenue base. In partnership with an Non-Governmental Organization known as *Friends of Akwamu - Denmark*, the secretariat provided educational scholarships to brilliant but needy students of Akwamu. Sensitization programmes were held at Asuogyaman, Adjena, Apeguso and New Powmu on the Akwamu Customary Land Secretariat but there is need for more public education. Book keeping was poor. There was room for improvement at the Akwamu Customary land Secretariat.

13. Avatime Customary Land Secretariat (Vane) in the Volta Region was established in 2013 under the second Land Administration Project. The secretariat has a 9-member Land Management Committee,

an administrator and 4 members of staff. The secretariat received the support from the overlord of the traditional area (called *Okusie*). The secretariat is set within a family land area. The secretariat had successfully resolved 31 land related disputes which could have ended up at the law courts. Data collection on customary land grants was low. There was a surge in enquiries at the secretariat by local and international investors for land for tourism related investment. The relationship with the public sector land agencies particularly the Lands Commission was weak. There was a lot of room for improvement at the Avatime Customary Land Secretariat if it is to take advantage of the tourism revenue generation potential.

14. Tapa Customary Land Secretariat (Abotoase) in the Oti Region previously Volta Region was established in 2016 under the second Land Administration Project. The secretariat was housed in the traditional council building. It had a 7-member Land Management Committee that met occasionally. The secretariat was manned by 2-full time staff members. Before 2021, the secretariat opened based on a 4-day market cycle at 9am to 4pm. Over the period of the appraisal and report writing however, it opened daily on Monday to Friday at 10am to 4pm and received about 10 visitors a week who mostly came in to do enquiries and to pick land allocation forms. The secretariat had a cordial relationship with the local and traditional authorities. The District Assembly had renovated the secretariat building. Abotoase province of the Biokoye District has a blend of stools, clans and families that held the allodial titles to land. Data compilation on customary land grants was low. Four land related disputes were successfully resolved in 2020 by the Land Management Committee. Publicity and awareness creation was on-going. The staff and the Land Management Committee undertook public education at the community communication centers at Tapa Amanyia, Tapa Aboatose, Tapa Brewenease, Tapa Odei and Tapa Akaniem. These areas harbor a large migrant population whose primary occupation is fishing and food crop farming. The area had a thriving emergent land market which could serve as the catalyst for a financially self-reliant Customary Land Secretariat. Book keeping is poor. The electronic equipment was broken. Directional signs to convey visitors to the secretariat were not in place. There was a lot of room for improvement at the Tapa Customary land Secretariat.

15. Kete-Krachi Customary Land Secretariat (Kete-Krachi) in the Oti Region previously in the Volta Region was established in 2006 during Phase-1 of the Ghana Land Administration Project. The secretariat has 3 members of staff including an administrator. The 7-member Land Management Committee was inactive and was reported dormant for some time. The secretariat was inactive at the period of the appraisal and report writing attributed to debility of the coordinator. There was not record on customary land grants. About 120 land related disputes were reported to have been resolved by the secretariat since 2006. Collaboration with the land sector agencies and chiefs within the province was low. The secretariat was not known beyond Krachi Township and by majority of people within the Kete-krachi province. For example, four out of 5 adults didn't know about the secretariat. Equipment was broken and there was no means of transport. Record and book keeping were poor. This work concluded that the secretariat had failed to perform the functions of a customary land secretariat prescribed by Section 15 (1) of the Land Act 2020 Act 1036).

16. Asantehene Customary Land Secretariat (Kumasi) in the Ashanti Region was created in 1943 by the Kumasi traditional council and re-energized in 1972 during the reign of Otumfuo Opoku Ware II.

The secretariat was established soon after the promulgation of the Kumasi Town Ordinance in 1943 (CAP 143). Section 16 of CAP 143 provided that: *“The Asantehene shall establish an office wherein shall be transacted and recorded all dealings with land under the stool”* The secretariat was located within the premises of the Manhyia palace and was found to be the most active land secretariats in Ghana. The mission of Asantehene’s land secretariat has been stated *“to be a modern land administration institution, providing quality and value-for-money service that meets national and international standards for socio-economic and cultural development of Asanteman”*. The secretariat opened for business on Monday to Friday, at 8:30am to 5pm and received between 250 and 350 visitors a week. The Land Management Committee met very frequently to address matters referred from the secretariat. Dispute resolution (via customary arbitration and mediation mainly) was organized by four prominent chiefs carefully selected by the overlord. More than 870 land related disputes had been successfully resolved at the secretariat since 1972. The secretariat was manned by over 30 personnel including valuation and estate surveyors (valuers), lawyers, physical planners, records managers and cartographers and drivers/riders. The rest are information technology engineers, office managers, cleaners, etc. The secretariat had the complement of a valuation office, planning office, records and archiving unit and dispute resolution department. There was an on-site banking facility provided by the Société Générale - Social Security Bank. The staff members have benefitted from training programs in land administration, land management, communication, information and data base management. There was an improvement during the period of the appraisal and report writing in the turn-around times for processing documents; the turn-around time for some services reduced from 2months to 3weeks due to the overhaul of the work processes. The main services provided by the secretariat included the provision of land allocation forms to chiefs to gradually phase out old ones and to simplify acquisition processes, preparation of leases and consent documents (assignments, mortgages and subleases) vesting, amendment of records, dispute resolution via negotiation, mediation and customary arbitration, making planning requests on behalf of caretaker chiefs for change of use, re-zoning and preparation of new planning schemes. The secretariat also advised the Office of the Administrator of Stool Lands on initial ground rent to be included in leases, renewal of leases, surrender and renewal of leases for extended periods. The secretariat also received petitions bothering on land from the public and had resolved 66% of the cases. There were a number of public education programmes on land sponsored by the Asantehene land secretariat on most radio stations in Kumasi. This work concludes that the secretariat was on course in performing the functions of a customary land secretariat prescribed by Section 15 (1) of the Land Act 2020 Act 1036).

17. Ejisu Customary Land Secretariat (Ejisu) in the Ashanti Region was established in 2008 during the first phase of the Land Administration Project. The Land Management Committee was inactive and was to be re-constituted. The secretariat opened for business on Monday to Friday at 9am to 4:30pm and received between 60 and 90 visitors a week. The secretariat was dormant for some years until a Valuation and Estate Surveyor with BSc. Land Economy qualification was engaged as coordinator. The surveyor turned the fortunes of the secretariat around. At least 116 land related disputes had been successfully resolved by the secretariat since 2008. The secretariat played pivotal roles in pilot programmes such as the Customary Boundary Demarcation and the Systematic Land Rural Inventory.

The secretariat enjoyed strong support of the traditional council and was making good progress with data collection on customary land grants. More than 432 data sets on customary land grants had been recorded and stored electronically. Public education on land matters by the secretariat staff on Okese FM the main local radio station was low. The secretariat had favorable growth factors – the sprawling city of Kumasi and the location of the settlement along a major transport corridor presented many benefits. There was a surge in land values. The staff had benefitted from training programs including communication, data collection, data base management, land administration, client service management and book keeping. Funding was a challenge. The non-functioning customized software developed for the secretariat is hampering work. There was a lot of room for improvement at the Ejisu Customary Land Secretariat.

18. Bekwai Customary Land Secretariat (Bekwai) in the Ashanti Region was established in 2008 during the first phase of the Land Administration Project in the same period with Agogo, Toase and Mampong. The secretariat was headed by a coordinator who was assisted by three staff members and a national service person. The 11-member Land Management Committee met occasionally and had resolved over 80 land-related disputes in the 13year period. None except the coordinator had benefited from training session in data base management and land administration organized by the Land Administration Project unit in 2018. There were 121 sets of data on customary land grants far lower than the number of land grants that occurred in the province. The secretariat was instrumental in the implementation of the Rural Parcel Right Demarcation project as staff assisted the local coordinating team to resolve the disputes that erupted. The secretariat lacked layouts and planning schemes for areas including the Jacobu Township. The secretariat also lacked the services of licensed surveyors. The few surveyors came from Kumasi and reportedly charged high professional fees for their services. Funding for the secretariat was a challenge. Public education on land and about the secretariat on Nice FM the local radio station was insufficient. Equipment was broken. There was a lot of room for improvement at the Bekwai Customary Land Secretariat.

19. Offinso Customary Land Secretariat (Offinso) in the Ashanti Region was established in 2016 and inaugurated on March 21, 2017 during the second phase of the Land Administration Project. The 3-man secretariat and 9-member Land Management Committee operated from the chief's palace. Over 32 land related disputes had been resolved by the secretariat since 2016. The secretariat opened five days a week on Monday to Friday at 9am to 4pm and received 15-20 visitors a week. The coordinator participated in a short course in land administration, communication, information management and records management. Although data collection on customary land grants was said to be on-going, there was no evidence to that effect. Public education on Life FM a local radio station was not consistent. There were no directional signs to convey visitors to the secretariat. Some members of staff had not received training in many areas. Overall, the secretariat had failed to perform the functions of a customary land secretariat prescribed by Section 15 (1) of the Land Act 2020 Act 1036). There was a lot of room for improvement at the Offinso Customary Land Secretariat

20. Techiman Customary Land Secretariat (Techiman) in the Bono East Region previously in the Brong Ahafo Region was established in 2008 under the first phase of the Ghana Land Administration Project. The secretariat operated from the chief's palace. The secretariat was active and ranked among

the top performing secretariats in the region and country as a whole. The 11-member Land Management Committee was active and has resolved over 118 land disputes using customary arbitration and mediation and other Alternative Dispute Resolution mechanisms since establishment. The secretariat was manned by a coordinator and 4 NABCO personnel. It opened on Monday to Friday occasionally on Saturdays when it was necessary, at 9am to 5pm and received between 25 and 35 visitors a week. Financial and administrative reports were generated periodically and served on stakeholders including the Office of the Administrator of Stool as required under Section 15 (g) of the Land Act 2020 (Act 1036). There was reliable internet connectivity. Public education was provided on Classic FM a local radio station. Due to the dynamism of Techiman as a food and transportation hub, the area had a booming emergent land market propelling inquiries by visitors at the secretariat. There was been a surge in the land values within the jurisdiction. Collaboration with the land sector agencies is good. There was more room for improvement at the Techiman Customary Land Secretariat.

21. Drobo Customary Land Secretariat (Drobo) in the Bono Region previously in the Brong-Ahafo Region was established in 2016 during the second Land Administration Project. The Land Management Committee was inactive. Dispute resolution sessions were held occasionally. The 3-member secretariat was also virtually idle over the period of the appraisal and report writing. Data collection on customary and grants was low. The secretariat was dormant because of a number of factors. Key among the challenges was a land dispute with neighboring Japekrom which was contested at the law courts. The case travelled from the Sunyani High Court to the Supreme Court. Brief facts: The Drobohene filed the suit and laid claims to lands of the entire Mpuasu-Japekrom traditional area including the stool lands of Awasu traditional authority. In the case titled: *Assemblies of God Church and Drobo Traditional Council vs. Kwadwo Osei of Kwasi Buorkrom Nana Ampoa Abeng Kyeremeh*. The central issue was whether or not it was Drobohene or Japekromhene who held allodial title to the land in dispute. The trial court held that although the Drobohene might have some residual interest in the disputed land he failed to prove its nature and extent. Eventually, judgment went in favor of the defendants – Japekrom. The defeat together with funding constraints has caused the secretariat. Patronage of the secretariat was low. The secretariat also lacked the requisite caliber of staff per Section 16 (1) and (2) of the Land Act 2020 (Act 1036). Equipment was broken. Coordination with the land sector agencies and stakeholders was low and there was no boundary plan to guide the work of the secretariat. In effect the secretariat had failed to perform the functions of a Customary Land Secretariat per Section 15 (1) of the Land Act 2020 (Act 1036). There was a lot of room for improvement at the Drobo Customary Land Secretariat.

22. Mim Customary Land Secretariat (Mim) in the Ahafo Region previously in the Brong Ahafo Region was established in 2016 under LAP-2. Hitherto known for timber, the area had an emergent land market dominated by agricultural activity, poultry and isolated light industrial activity. The 4-member Land Management Committee and the 3-man secretariat were not active. It was reported that, the secretariat was very active from 2016 to 2019 and received 25-30 visitors but this had dwindled to just 15 visitors a month. Dispute resolution and data collection on customary land grants was low. The secretariat did not take advantage of the presence of radio stations operating in the area including Re-joice FM for marketing purposes. The secretariat was therefore not known beyond Mim. Within Mim Township, 4 out of 5 adults did not know about the secretariat. Collaboration and consultation with land

sector agencies and relevant stakeholders were weak. The secretariat had a wide area of operations and extending across 3 local authorities: Asunafo North, Asunafo South and Asutifi South Assemblies however there was no boundary plan to guide their operations. There was no means of transport. Funding for the secretariat was a challenge. There was a lot of room for improvement at the Mim Customary Land Secretariat.

23. Bole Customary Land Secretariat (Bole) in the Savanna Region previously Northern Region was established in 2008 during the first phase of the Land Administration Project. The 7-member Land Management Committee was not active. The secretariat was manned by 2 personnel. There was no log of guests and staff attendance. The main business conducted by the secretariat was land document facilitation for prospective investors. Office equipment including computers and furniture was acquired to replace those supplied by the Land Administration Project which was broken. Data on customary land grants and dispute resolution was low. The secretariat was not known beyond Bole. Even within Bole Township the functions of the secretariat was not known by 4 out of 5 adults. There was no boundary plan to aid the work of the secretariat. There was a lot of room for improvement at the Bole Customary Land Secretariat.

24. Damongo Customary Land Secretariat (Damongo) in the Savanna Region previously Northern Region was established in 2008 during the first phase of the Land Administration Project. The secretariat had 4-fulltime staff and a 21-member Land Management Committee chaired by the Damongo Wura. 136 data sets on separate customary land grants had been collected and disaggregated by gender however this was not commensurate with the frequency and volume of customary land transactions in Damongo's emergent land market. The secretariat opened on Monday to Friday at 9am to 4pm and on Saturday at the request of guests. The secretariat was collaborating with Land Use and Spatial Planning Authority and the local authority to produce layouts to facilitate efficient land administration. The Land Management Committee has resolved 107 land related disputes over the 13-year period. The secretariat received support from the traditional council but this was inadequate. There was no log of visitors and staff. Public education was low on Savanna Radio. The data needed to be computerized. There was no directional sign to convey visitors to the secretariat. Equipment was not functioning. The book keeping practice was poor. The secretariat did not have a boundary plan. There was a lot of more room for improvement at the Damongo Customary Land Secretariat.

25. Nanton Customary Land Secretariat (Nanton) in the Northern Region was established in 2014 during the second phase of the land Administration Project spearheaded by the chief of Nanton. The 7-member Land Management Committee met frequently to deliberate on allocation letters and execution of leases. It was reported that, *"...the secretariat building was hijacked by a faction of the traditional leadership. As a result, the staff had to operate from outside Nanton"*. Data collection on customary land grants was on-going with 329 individual customary land grants recorded and disaggregated by gender. Data on dispute resolution was not immediately available for inspection at the time of the appraisal and report writing. There was a surge in investor interest for large land acquisitions in the area which presented opportunities for the secretariat but that remained untapped. Public education was low. The secretariat staff had failed to take advantage of the radio stations broadcasting in the area. The secretariat was not known beyond Nanton and even within Nanton Township, the functions of the

secretariat were not known by 3 out of 5 adults. Funding was a challenge. There was a lot of room for improvement at the Nanton Customary Land Secretariat.

26. Wungu Customary Land Secretariat (Walewale) in the North East Region previously Northern Region was established on September 27, 2016 under the second Land Administration Project. The 11-member Land Management Committee (included a woman) provided control over the 4-man secretariat. 53 land-related disputes had been successfully resolved. 11 were at various stages of resolution at the time of the appraisal and report writing. Publicity was low on the local radio stations and the secretariat was little known outside Walawale. There was no directional sign in the town to lead visitors to the secretariat. Data collection on customary land grants was low. There was weak collaboration with the Land Use and Spatial Planning Authority and land-based NGO's working in the area. Funding was a challenge. There was a lot of room for improvement at the Wungu Customary Land Secretariat.

27. Wa-Central Customary Land Secretariat (Wa) in the Upper West Region was established in 2008 under the first phase of the Land Administration Project. The secretariat had 8 full-time staff including a coordinator and an administrator. The secretariat opened for business on Monday to Friday at 9:30am to 4:30pm. The Wa-Central land secretariat had a 35-member Land Management Committee the largest of all the secretariats appraised as part of this work. The Land Management Committee had representatives from all 31 land owning families within the jurisdiction of the secretariat. The land-owning families are: Kpaguri, Fongu, Nayiri, Tagranaasulayiri, Limanyiri, Dondoli, Dokpong, Suuriyri/Wodaanayiri, Puohuyiri and Sokpayiri. The rest are Polbile, Mangu, Arhiyor, Cheria, Kambalipaani, Guli, Chegali, Nyagali, Bamahu Biihee and Sing. The rest are Boli, Loggu, Tanina, Siiruu, Kpongo, Nakori, Wa-Sombo, Tuomuni, Jonga and Busah families. The co-opted members included a lawyer, police officer and a paralegal from the Judicial Service of Ghana who led the dispute resolution squad. 23 land related disputes had been resolved using Alternative Dispute Resolution mechanisms however there was no evidence of data collection on customary land grants despite the high frequency of land transactions that occurred within the jurisdiction. Public education was low even on Radio Upper West the main local radio station circulating in the area. The secretariat lacked layouts to aid land administration. The surge in disputes from multiple sales and the exorbitant rent paid for the accommodation was militating against progress. There was a lot of room for improvement at the Wa Central Customary Land secretariat.

28. Tabease Customary Land Secretariat (Tabease) in the Upper West Region was established in 2002. The 13-member Land management Committee and the secretariat were been dormant and convened occasionally over the period of the appraisal. There was no evidence of data collection on both customary land grants and dispute resolution. Funding was a challenge. The challenges of the secretariat were compounded by the demise of the coordinator and whose family hijacked the motorbike; the only means of transport for the secretariat. Public awareness creation about the secretariat by the staff was low. The secretariat had failed to take advantage of a special concession offered by Radio Upper West a local radio station. There were no directional signs to convey guests to the secretariat. The secretariat was not known beyond the Tabease Township. Ownership of the

secretariat was still a major problem. There was a lot of room for improvement at the Tabease Customary Land Secretariat.

29. Wa-Sagmaalu Customary Land Secretariat (Wa) in the Upper West Region was established in 2008 during the first phase of the Land Administration Project. The secretariat was not very active. Improper composition of the Land management Committee was identified as a major contributory factor for the dormant state of secretariat. The Land Management Committee did not include Tindaama's who were the spiritual leaders of the land. As a result, the Land Management Committee could not win the trust of the Tindaama's which was very important for the secretariat to become operational. Public education was absent on all channels including Radio Upper West the local radio station. Equipment was broken and funding was a major challenge. There was a lot of room for improvement at the Wa-Sagmaalu Customary Land Secretariat. The work concludes that the secretariat had failed to deliver on the mandate of a Customary Land Secretariat as prescribed by the Land Act 2020 (Act 1036). Efforts should be made to revive the secretariat.

30. Lambussie Customary Land Secretariat (Lambussie) in the Upper West Region was established in 2016 as part of LAP-II. The Land Management Committee has been dormant for some years. The secretariat was manned by 2 full-time staff but there is nothing to show in terms of activities. Public education about the functions of the secretariat was low even on both Nandom Radio and Radio Upper West the local radio station circulating in the area. Patronage of the secretariat was low. Funding was a challenge. The secretariat was not known beyond Lambussie. Data collection on customary land grants and dispute resolution was absent. A new coordinator was yet to be appointed following the demise of the coordinator during the appraisal phase of this project. The secretariat was struggling largely due to lack of sustained funding. For example, money to buy basic inputs such as stationery and payment for utility services were lacking. There was a lot of room for improvement at the Lambussie Customary Land Secretariat.

31. Paga Customary Land Secretariat (Paga) in the Upper East Region was established in 2008. The secretariat had 3 members of staff down from 4 as a result of the demise of the coordinator during the appraisal phase. The secretariat was active at the time of the appraisal. Five of the 11-member Land Management Committee was deceased. This affected the affective functioning of the Land Management Committee. Data on 252 customary land grants had been recorded since 2008 but this were scattered in different places. The secretariat had successfully facilitated 114 land documents for clients. This represented the main source of income for the secretariat. The secretariat had resolved 21 land related disputes through customary arbitration. The secretariat employed prudent accounting practices and produced financial statements on a monthly basis. The human resource management practice was poor. Like many secretariats appraised, remuneration was low. There were plans to engage national service personnel to augment the staffing constraint. The accommodation (provided by the local authority) was in a deplorable state of repair as the roof leaked during a downpour. There were plans to relocate the local authority but provision was not made for secretariat in the new assembly premises. The furniture, fittings and the electronic equipment; computer, printer and copier were broken. There was a lot of room for improvement at the Paga Customary Land Secretariat.

32. Bolga Customary Land Secretariat (Bolga) in the Upper East Region was established in 2008 under the first phase of the Ghana Land Administration Project. The secretariat was active and opened on Monday to Friday at 9am to 4:30 pm. The secretariat was by 5 persons including an administrator. The 23-member Land Management Committee was not active due to a number of reasons. There were marked disagreements among the various Tindaamas resulting in a dormant Tindaama association. There were also marked disagreements between the Tindaama and the chiefs which negatively affected the operations of the secretariat. Not more than 14 land related disputes had been resolved by the Land Management Committee. 211 customary land grants had been recorded since 2008 and these had been disaggregated by gender. Coordination, collaboration and consultation with land-based NGO's such as COLANDEF had improved. COLANDEF provided training for the Land Management Committee in the application of Alternative Dispute Resolution mechanisms. Coordination and collaboration with the Office of the Administrator of Stool Lands was also yielding good dividends. The accommodation challenge was resolved following persistent public outcry. Relocation from the SSNIT Building to the new premises in the heart of the town was yielding good dividends. The number of guests had increased. The main service provided is lease documentation/preparation. A new land allocation system was being piloted at the time of the appraisal. The secretariat has great potential due to the surge in land transactions in the emergent land market where land values saw a surge in previous years. Funding was a challenge. Others included poor records keeping, inadequate human resource and poor customer care. Remuneration was low. There was poor coordination with the traditional council and the Lands Commission and there was no log of visitors to the secretariat. There was a lot of room for improvement at the Bolga Customary Land Secretariat.

33. Bongo Customary Land Secretariat (Bongo) in the Upper East Region was established in 2008 during the first phase of the Land Administration Project. The secretariat and the Land Management Committee were not active at the time of the appraisal. Seventeen land related disputes had been resolved using Alternative Dispute Resolution mechanisms – mainly by customary arbitration. The secretariat was manned by 3 persons including a coordinator. Data on customary land grants was not readily available for perusal however, 176 sets were said to have been collated and disaggregated by gender. There was no boundary plan. Funding was a challenge. The secretariat is not known beyond Bongo Township and patronage was low which was been attributed to the low level of public education and sensitization on GBC URA Radio, the main community radio circulating in that province. There are no benchmarks in determining ground rents payable by lessees and rents were fixed on ad-hoc basis. There was a lot of room for improvement at the Bongo Customary Land Secretariat.

4. SUMMARY OF FINDINGS

1. On keeping and maintaining accurate and up to date records on land dealings in their locality, most customary land secretariat had failed. A few such as Gbawe Kwatei, Odoitso Odoi Kwao and Asantehene Customary land Secretariats have successfully collected and stored records on customary land grants.
2. On providing information about the land owning community to the public, the figures show that, a lot need to be done by way of training of the personnel.

3. On receiving correspondence on behalf of the land management committee and serving as a link between the land owning community and other stakeholders, it was observed that, many of the secretariats were not properly aligned with the public land sector agencies and therefore could not adequately serve the need of clients.
4. On serving as a link between an applicant and the local land management committee, we found bureaucracy as the major challenge especially with the chiefs hindering information flow.
5. On serving as a link between the land-owning community and the public land sector agencies, poor coordination, collaboration and alignment was a challenge.
6. On keeping accounts of income and expenditure on land transactions, the study found that a few customary land secretariats undertook proper book keeping such as issuing receipts for services rendered.
7. On preparing periodic report on activities of the secretariat, the Office of the Administrator of Stool Lands reported that majority of the customary land secretariats did not prepare and provide reports. Where reports were provided, they were of low quality.
8. On keeping records of fees and charges associated with land grants this was a major challenge as less than 10% of the customary land secretariat was doing so.
9. On resolving land related disputes via the application of Alternative Dispute Resolution mechanisms the picture was positive. In fact, more than 250 disputes had been resolved by Customary Land Secretariats over the past four years alone.

5. RECOMMENDATIONS FOR THE CUSTOMARY LAND SECRETARIATS

(a) There is need to employ the requisite caliber of staff to man the secretariats. (b) The existing staff required training in data collection, information management, report writing, office and client management as well as book keeping. (c) The Land Management Committee required training in Alternative Dispute Resolution and Human Resource Management. (d) Improving collaboration with stakeholders particularly the Lands Commission, the Office of the Administrator of Stool Lands, the Land Use and Spatial Planning Authority is recommended. (e) Implementation of a customized business plan is vital. (f) The application of communication strategy will be a plus for all the secretariats. (f) In addition to (e) above, there is the need to give effect to Section 18 (a), (b), (c) and (e) of the Land Act 2020 (Act 1036) to abate the financial constraints facing the secretariat. (g) Coordination and cooperation with land based NGO's is indispensable. (h) Preparation of boundary plans are important for the smooth operation of the secretariats. (i) Chieftaincy disputes need to be resolved to enable the secretariats function effectively. (j) It is important to separate the secretariats from the Palaces to improve patronage. (k) Human resource management practices need to be addressed. In this regard, the remuneration of staff of the secretariats should be reviewed.

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7. FUNDING - NO FUNDING

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9. KEY TERMS and DEFINITIONS