The Role of Customary Land Secretariats in Land Dispute Resolution in Ghana

Case Study of Gbawe Customary Land Secretariat

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Introduction
As a basic economic asset to humanity, land is invariably a source of power and wealth, and therefore has an increasing demand. The current trend of market production, population growth and urbanization has enhanced the economic value of land increasing competition and land scarcity resulting in numerous disputes over land. As at 2003 the number of backlog of land cases in the courts stood at about 35,000. The complexity of factors leading to land disputes, as well as the diversity of stakeholders involved requires a multi-faceted approach for resolving them and preventing future occurrences. The study has investigated into how the Customary Land Secretariat (CLS) has contributed to land dispute resolution in Ghana through Alternative Dispute Resolution (ADR) mechanisms.

Research Objectives
The overall objective of the research is to investigate how the Gbawe Customary Land Secretariat has contributed to ensuring an effective land dispute resolution through Alternative Dispute Resolution (ADR) mechanisms within the catchment area of the CLS and how to improve its efficiency further.

Hypothesis
The Customary Land Secretariat programme is a laudable idea that has a lot of potential benefits for the efficient and effective resolution of land dispute at the customary level through the Customary ADR mechanisms. In order to further improve the system, emphasis should be put on human resource development and also put in place measures to overcome their financial deficiency.

Theoretical Framework –Approaches of Conflict Resolution

Recommendations

Proposed Procedure for Effective Land Resolution

Restructuring of Administrative Set up of CLS

- CLS to evolve into a one-stop-shop (OSS) concept and serve as an interface between the prospective lessee and all other agencies.
- CLS will become the only point of call for applicants.
- This will ensure financial sustainability of CLS/LMC and improve their records database.

Model for an Effective Land Dispute Resolution through ADR mechanisms

Major Field Findings

- The main sources of land disputes in the area are indeterminate boundaries, multiple sale of land, ownership conflicts as a result of legal pluralism.
- Disputes are resolved through customary arbitration by the Land Management Committee (LMC). No laid down procedure is followed, though backed by the ADR Act 2010 (Act 798).
- Land transactions are recorded in both log books and an access database by the CLS. It provides evidence during dispute resolution by the LMC.
- The main challenges faced by LMC and CLS includes lack of adequate know-how in dispute resolution techniques and lack of logistics. They are also not financially sustainable. Dispute resolution does not attract any fees.
- LMC and CLS operates from different offices which are several kilometres apart. This slows down the process.
- Dispute resolution takes place at the office of the LMC, located at the premises of the palace.

Conclusion
The CLS concept is a laudable idea that has a lot of potential benefits for an efficient and effective resolution of land dispute at the customary level through Customary ADR mechanisms. LAP II is therefore an opportunity for Ghana to take the necessary action in order to gain the full benefit of the CLS programme.