



Centre of Land Management and Land Tenure

# Customary Land Administration and Modern Land Markets in Ghana. The case of Akyem Abuakwa Traditional Area

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## Introduction

The debate as to whether customary/indigenous land tenure systems in sub-Saharan Africa can support market-based decisions continues among scholars of land tenure and administration. Critics of the debate hold the view that common ownership and undefined property rights often associated with indigenous tenure is an impediment to market.

However, it has been found that customary land tenure is responsive to market stimuli as studies have shown the existence of trading in property rights within this sector. It has been the major source of supply of land for housing, agriculture, commercial and industrial purposes especially in the peri-urban and rural areas as it usually constitutes the largest form of land ownership in Ghana.

The institution of customary land administration, however, is considered inefficient and beset with problems which result in tenure insecurity.

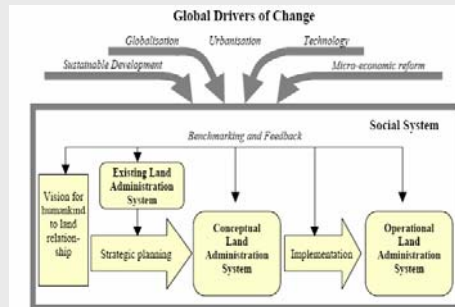
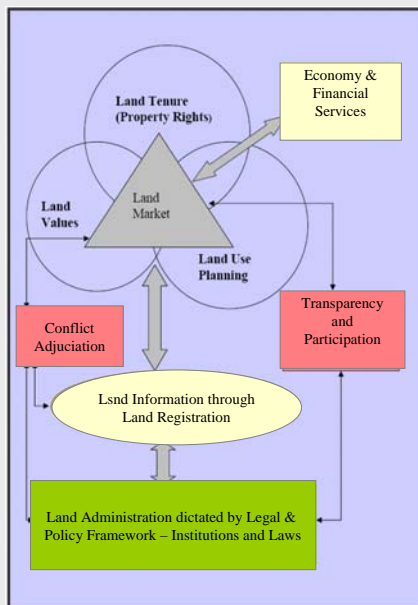
## Objective

The study therefore examines the customary land administration vis-a vis land market activities with view of identifying the constraints inhibiting its ability to conform to the requirements of a functioning land market.

## Theory

- Theory of property rights: evolution of individualised property rights
- Land Administration Concepts
- Land and Property Market Models

## Conceptual Approach



Williamson and Ting, 2001

## Methodology

The study is a qualitative research based on a case study. Respondents constituted the traditional authority, land sector agencies, district assemblies, private professionals and land acquirers within the study area. Data were collected through interviews, document reviews, direct observations and discussions. Descriptive analysis with tabulation was used to process data.



## Key Findings

- Customary land administration is based on customs and norms which are not written.
- Active land market within allodial tenure system: alienation holders, residential, tenant farmers.
- Weak capacity in land administration on the part of traditional authorities – information and staff.
- Prevalence of land conflicts in the form of boundary disputes affecting tenure security.
- Non recording of land transactions (oral).
- Low level of land registration.
- Poor land use planning (spatial – planning schemes to guide allocations) by the district assemblies.
- Absence of land sector institutions at the district/local level.

## Conclusions

- Land markets within customary sector provide access to land to both natives and 'strangers'.
- The emergence of individualised property rights in the allodial tenure, so called customary freeholder.
- Non recording of transactions and the absence of land sector agencies at the local level has resulted in low registration.
- The prevailing legal pluralism has constrained the proper functioning of land market in customary sector.

## Recommendations

- Codification of customary laws and harmonising them with enacted legislations.
- Developing a simple system of recording transactions to ensure tenure security.
- Decentralisation of land sector institutions to districts.
- Engagement of professional land administrators by the traditional authorities.
- Strong collaboration between traditional authorities and district assemblies for effective planning and management of indigenous lands.

**Policy Implications:** Customary land tenure and administration has been found to be dynamic and responsive to markets stimulations, the focus of policy should not be on how to re-structure tenure with its associated cost implications but building on the existing structures in the customary tenure to ensure efficient utilisation of land within it which will promote sustainable socio-economic development.

