



NATIONAL LAND
CONFERENCE, 2022

**Strengthening State
Lands Management -**
*Opportunities and Challenges,
Securing Tenure Rights on
State Lands*

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OUTLINE

State Lands Coverage

Responsibilities For Management

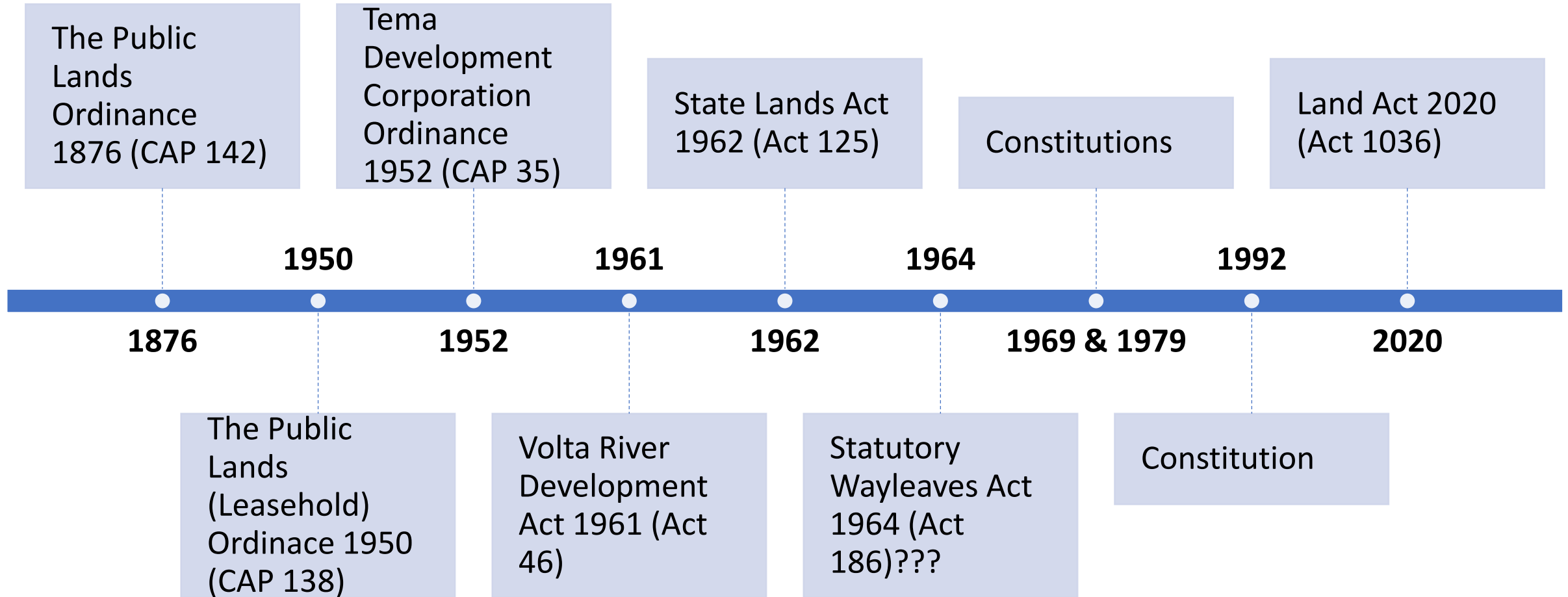
Current Management Architecture

Potentials For Leveraging State Lands

Challenges To Overcome

What Is Required To Be Done

LEGAL BASIS OF STATE LANDS IN GHANA



RESPONSIBILITIES FOR MANAGING STATE LANDS

ARTICLE 257 of 1992 provides:

- “All public lands in Ghana shall be vested in the President on behalf of, and in trust for, the people of Ghana.”

Article 258 (1) provides:

There shall be established a Lands Commission which shall , in co-ordination with the relevant public agencies and governmental bodies, perform the following functions-

- (a) On behalf of Government, manage public lands and any lands vested in President by this Constitution or by any other law or any lands vested in the Commission
- (c) formulate and submit to Government recommendations on national policy with respect to land use and development
- (e) perform such other functions as the Minister responsible for lands and natural resources may assign to the Commission

RESPONSIBILITIES CONTINUED

2. The Minister responsible for lands and natural resources may, **with the approval of the President**, give general directions in writing to the Lands Commission on matters of policy in respect of the functions of the Commission and the Commission shall comply with the directions.

FIDUCIARY RESPONSIBILITY FOR LAND MANAGEMENT

- **Article 36(8) of 1992 Constitution provides:**

“...ownership & possession of land carry a social obligation to serve the larger community and in particular, the State shall recognize that the managers of public, stool, skin and family lands are fiduciaries charged with the obligation to discharge their functions for the benefit respectively of the people of Ghana, of the stool, skin or family concerned and are accountable as fiduciaries in this regard”

COVERAGE OF STATE LANDS IN GHANA

- The total coverage of state lands remains to be definitely determined as at date
- Lands acquired through the courts and the Public Works Department
- Lands acquired by confiscation for various criminal offences under different laws and court jurisdictions
- State lands accruing by virtue of Article 189 (clauses 8 & 9) of the 1969 Constitution which became effective from 22nd August 2019
- Lands acquired by virtue of application of Statutory Wayleaves Act for public works, roads, transmission lines and utilities
- Lands acquired for the VRA project and Resettlement Towns
- 63 square miles for Tema Development Corporation
- State lands acquired under the State lands Act 1962 (Act 125)

POTENTIALS OF STATE LANDS

- Provides easy access for government projects
- Serves as land banks for future development
- Provides secure title and tenure for developers
- Facilitates efficient land use planning and development
- A means of long term planning eg. Tema Development Corporation
- A store of value for the state
- Acquired lands are intended to be put to their highest and best use : economic, social, cultural, political, environmental etc

KEY CHALLENGES IN STATE LAND MANAGEMENT

Lack of knowledge of extent of coverage and usage of all state lands

Public Institutional inertia:

- Lack of co-ordination and co-operation among public agencies
- Turf battles among agencies over state land ownership
- Role confusion among agencies
- MOF unilateral actions & implications

Compensation Issues

- Inability to settle the compensation claims for acquired lands
- Inability to determine quantum of paid and unpaid compensation
- MOF unilateral actions on compensation payments & implications

CHALLENGES

Lands Commission's internal weaknesses

- Limited budget and logistics
- Ineffective co-ordination & co-operation among the different divisions
- Weak supervision in the estate management functions leading to non-payment of ground rents, conversions of use without permission, illegal extension of parcel boundaries etc

CHALLENGES

In Suit No. BL. 78/2007 involving

1. Ezra Douglas Martinson Stephens

2. ELEXRA

Vrs

1. Lands Commission

2. Accra Metropolitan Assembly

3. Tema Municipal Assembly

4. Environmental Protection Agency

5. The Nungua Stool

6. All Developers on Green Belt

The Presiding Judge, Her Lordship, Mrs H. Inkumsah-Abban was scathing in the sloppiness of the first four defendants in failing to protect State Lands which was designated as a green belt.

UN-AUTHORISED CHANGE OF USE – EAST LEGON



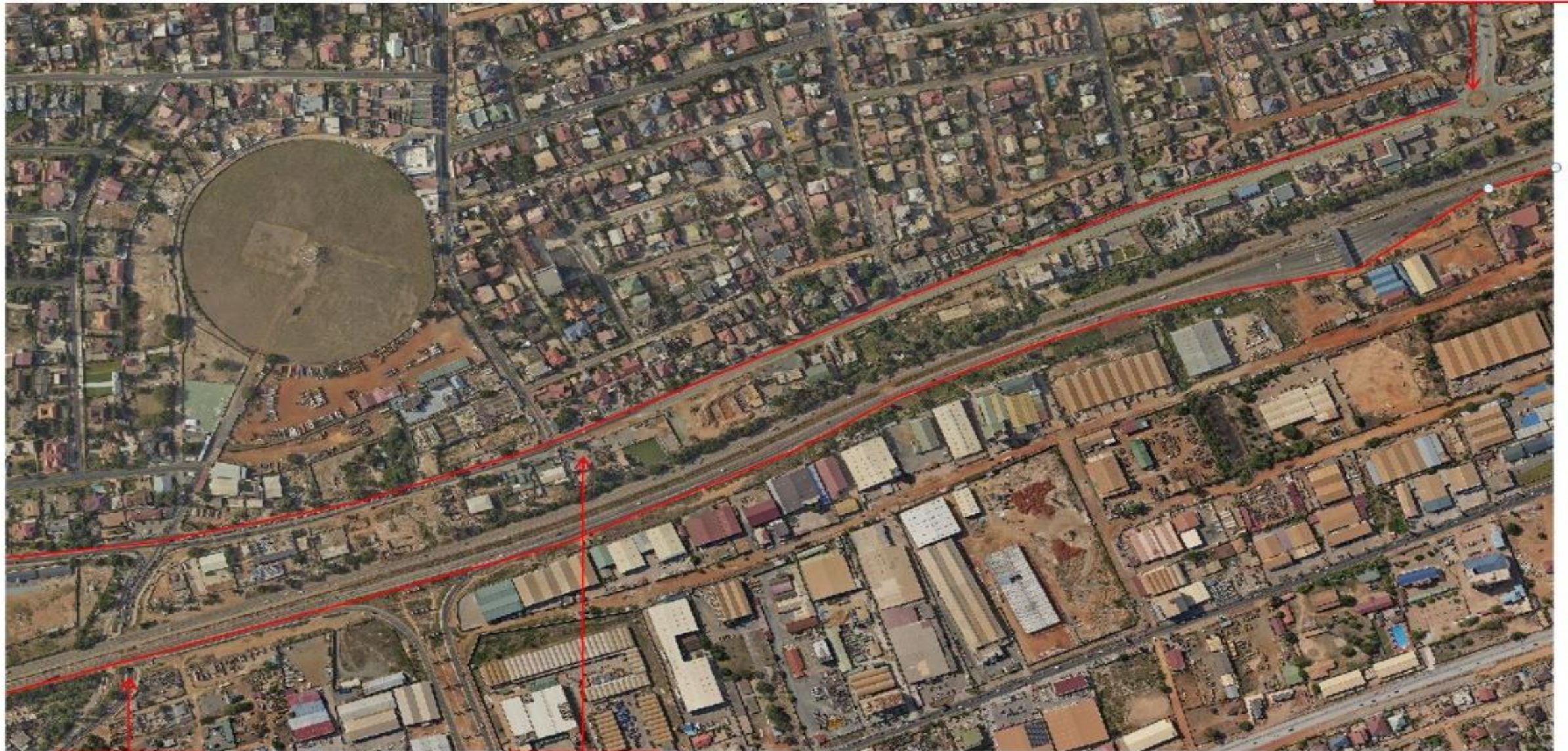
UN-AUTHORISED CHANGE OF USE – EAST LEGON



ENCROACHMENT ON STATE LANDS



ENCROACHMENT ON STATE LANDS



Boundary road
roundabout

Under
Bridge

Police
Station

SQUATTER SETTLEMENTS – MOTORWAY INDUSTRIAL AREA

Encroachment



Accra –
Tema
Motorway

EXTERNAL INFLUENCES ON STATE LAND ADMINISTRATION

Good examples

- Accra Redevelopment Project
- Airport City Project
- Marine Drive Project

Not so good examples

- Agblogbloshie Market
- Sakaman Market
- Kwame Nkrumah Circle Mall

SAKAMAN MARKET

AREA = 9.54 acres

Mallam Goil
Filling Station



Accra - Cape
Coast Highway

Encroachment

Kwame Nkrumah circle Pedestrian Mall

Area = 5.44 acres



SOME CONCLUSIONS

- State land management is far from perfect and does not meet the high expectations of the populace
- The absence of comprehensive data on state to guide policy making and appropriate interventions is a compelling disadvantage
- The Lands Commission as the main state organ for management of state lands is severely handicapped by internal distortions, lack of logistic and heavy external influences
- Rational land management regime requires the co-operation and co-ordination with other State Agencies but this is currently weak
- The highest and best use principles guiding the management of state lands to achieve efficient and effective socio-economic, political, environmental and cultural objectives of the state cannot be realized in this setting

A FEW RECOMMENDATIONS

- You cannot plan with what you don't know about – There must be immediate comprehensive review of all state lands in the country as stipulated by the Constitution, legislations and Judicial decisions
- The independence of the Lands Commission is guaranteed by Article 265 of the 1992 Constitution. This must be respected by all parties dealing with the Commission
- The Land Act 2020 (Act 1036) has clearly stipulated the processes for the payment of compensation. The Ministry of Finance must be advised to make the payments through the appropriate channels and not deal with individual claimants as is the practice now.
- For the Land Commission to play its leading role in land management effectively in general and specifically for state lands, there is need for internal restructuring to integrate their processes, break down divisional barriers, improve communication, provided with adequate logistics and human capacity re-orientation. This planned action needs to be speeded up.
- All public agencies utilizing state lands need to be brought abreast with the rules and regulations regarding occupation and use of state lands