

**ASANTEHENE'S LANDS SECRETARIAT (ALS)
MANHYIA PALACE, MANHYIA, KUMASI**

**THE KUMASI INVESTMENT ROADSHOW,
GOLDEN TULIP HOTEL, ACCRA**

A Presentation on
'STOOL LAND ADMINISTRATION IN KUMASI'

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GREETINGS FROM ASANTEMAN

OUTLINE OF PRESENTATION

- Land Ownership and Management in Kumasi
- The Legal and Institutional Framework
- History of the Asantehene's Lands Secretariat
- Challenges with the Old System of Land Administration: Pre- Nov. **2011**
- The New Land Administration System: Post Nov. 2011
- Needs Identified for the Reforms
- Services Rendered at the Secretariat
- The Users of the Land Administration Services
- Areas of Success
- Initiatives
- Benefits of the Reform
- Conclusion

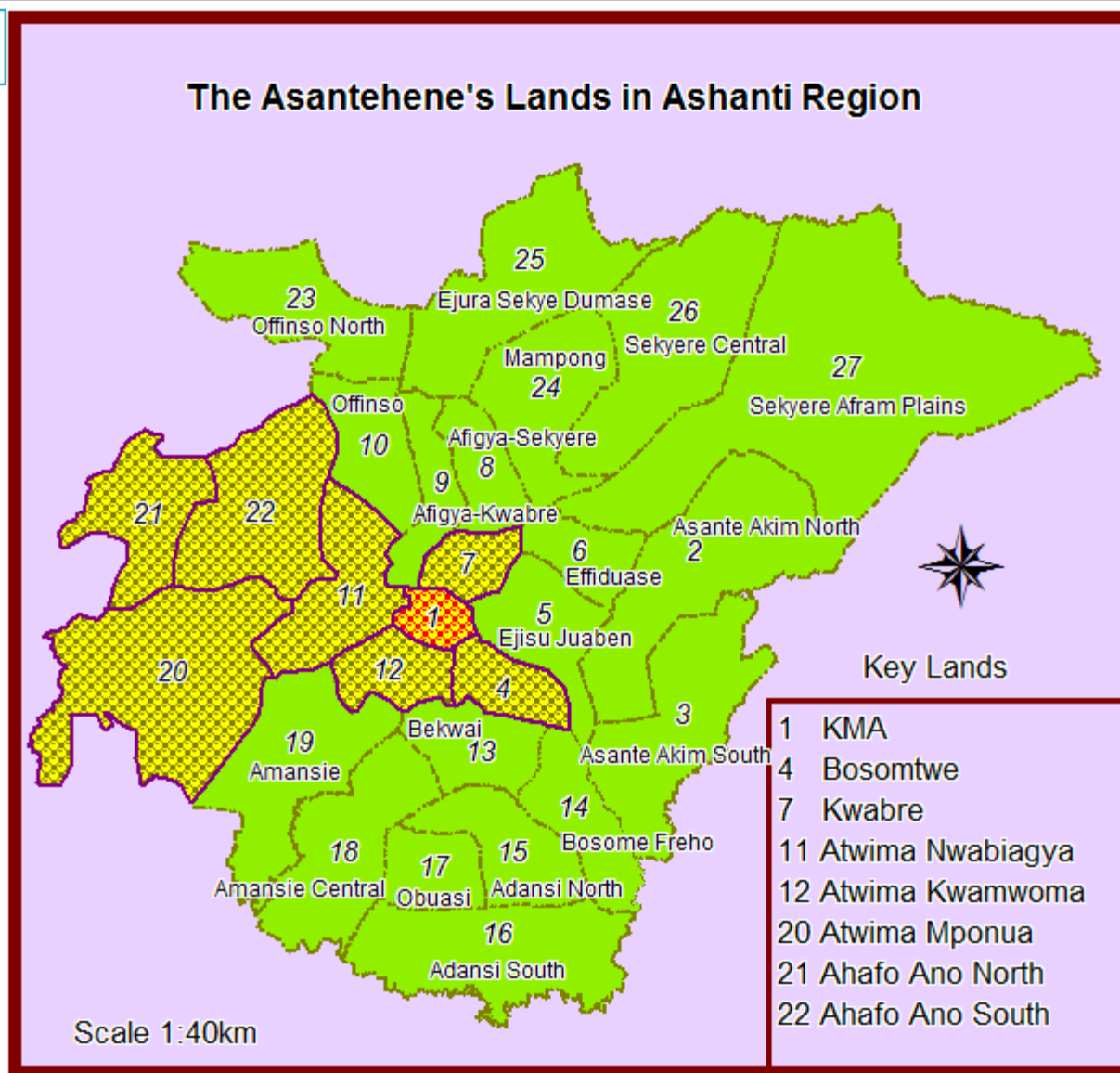
LAND OWNERSHIP AND MANAGEMENT IN KUMASI

- ▶ Administratively, land in Kumasi can be categorized into two main parts namely, the **Part One** and **Part Two** lands. **Part I** lands are **vested lands** while all other lands (**public or stool lands**) constitute the **Part II** lands.
- ▶ **Stool lands** form the greater portion of all lands within the Kumasi Traditional Area (KTA) and are managed and administered by the **ALS**. **Public Lands** (acquired under State Lands Act 1962(Act 125)) and **Vested Lands** (acquired under administration of Lands Act 1962 (Act 123)) are managed by the Public and Vested Lands Division of the Lands Commission.
- ▶ The **Asantehene** is the overlord and ultimate custodian of all lands within the Kumasi Traditional Area (save public lands). The King therefore holds the allodial title to all the lands under his jurisdiction on behalf of all his subjects.

THE LEGAL & INSTITUTIONAL FRAMEWORK

- ▶ The duality in the legal & institutional framework for land administration which exists in Ghana also applies to Kumasi. Both **state laws** and **customary laws** apply concurrently even as **State Institutions** and **Traditional Authorities** exist together to manage and administer lands under their jurisdiction.
- ▶ This paper focuses on the administration of stool land within the Kumasi Traditional Area which is carried out by the **ALS** on behalf of the Golden Stool, the Caretaker Stools and the whole traditional community.
- ▶ The Asantehene's Lands cover the Capital city of the region, Kumasi, (**the Metropolis**), and **seven other districts** just around it. The Golden Stool has pockets of lands all over the remaining 20 districts within Ashanti.
- ▶ **Kumasi Metropolitan Area (KMA)** is seen as the **prime land area**, where there is a vibrant land market and where also is the Palace of His Majesty Otumfuo Osei Tutu II, who occupies the Golden Stool.
- ▶ All these lands are managed by the structures of the **Asantehene's Lands Secretariat (ALS)**, headed by the **Liaison Officer**, under the guidance and directives of the **Asantehene**.

Figure
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History of the Asantehene's Lands Secretariat

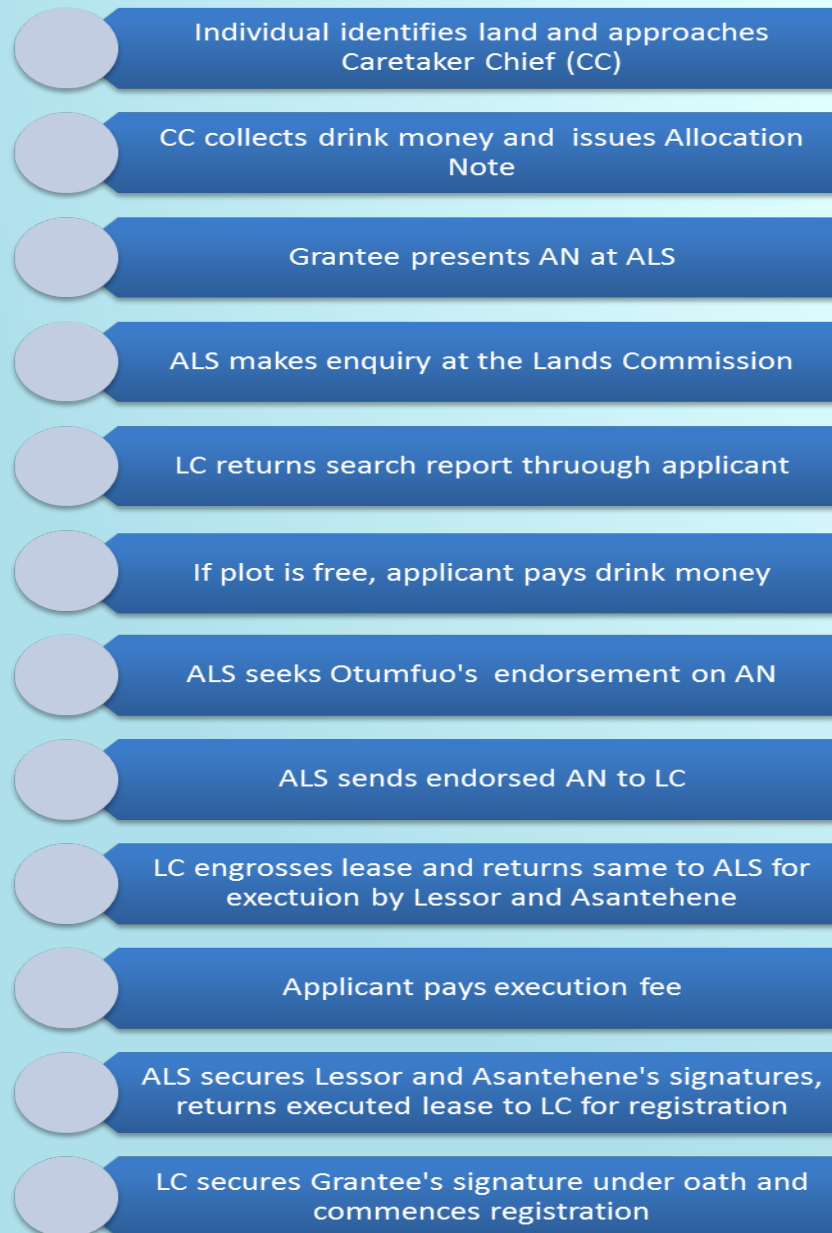
- ▶ Prior to 1902, administration of lands in Kumasi and Ashanti in general was under the traditional authority with the Asantehene and the Kumasi and Asanteman Traditional Councils playing dominant roles.
- ▶ However, after the Yaa Asantewaa war, the Ashanti Administration Ordinance of 1902 (CAP 110) was passed which saw the vesting of all lands within the limit of the Kumasi township in the British Colonial Administration
- ▶ In 1943, the Kumasi Town Ordinance 1943 (CAP 143) was passed which saw the revocation of the Ashanti Administration Ordinance of 1902 (CAP 110). Section 16 of CAP 143 read: ***“the Asantehene shall establish an office wherein shall be transacted and recorded all dealings with lands under his control”***; thus leading to the establishment of the Asantehene's Lands Secretariat.
- ▶ However by virtue of the same 1943 Ordinance (CAP 145), the government retained some prime lands within the central business district for government use. These included areas like Danyame, parts of Nhyiaso, etc

History of ALS *cnt'd*

- ▶ From 1943 to 1958, the ALS and the Kumasi Traditional Council was responsible for all facets of land administration in the Kumasi Traditional Area.
- ▶ However, in 1958, the then government under **Dr. Kwame Nkrumah**, passed the Kumasi Lands Act (out of political expediency) vesting all lands within the central business district and lands falling within 1 mile radius of same within Kumasi, in the President in trust for the Golden Stool and the Kumasi state. The areas affected by this Act are often referred to as **Part I Lands**.
- ▶ The Lands Commission had been responsible for the administration of all Part I Lands since 1958 to date exclusive of the Caretaker Chiefs. The areas affected by this Act are: (**see table**)

CHALLENGES WITH THE OLD SYSTEM OF LAND ADMINISTRATION

- ▶ Poor Physical Office Space
 - ▶ Poor Records Management
 - ▶ Poor Staffing and Organization
 - ▶ Weak Interface between ALS and Relevant Agencies
 - ▶ Weak Logistical Capacity
 - ▶ Delay in Processing Of Documents
- (See the process for obtaining a registered lease in next slide)



THE NEW LAND ADMINISTRATION SYSTEM

- ▶ A restructuring of the ALS began in November, 2011 and the reforms are still ongoing. An operational module has been prepared which sets out clearly the Secretariat's vision and mission, work processes, the resource needs for the ongoing reforms, and a redefinition of the role of the Secretariat.

Vision

- ▶ The vision of the Asantehene's Land Secretariat is to be a modern land administration institution, providing quality and value for money service that meets local, national and international standards towards the socio-economic and cultural development and growth of Asanteman.

Mission

- ▶ As a key stakeholder involved in land administration in Ghana, the ALS has a mission to maintain itself as one of the most productive and efficient in ensuring maximum customer satisfaction in all facets of our service delivery.

Needs Identified for the Reforms

- ❑ **Human resource capacity (Staff strength):*
- ❑ Currently, there are Seventeen (17) members of staff tasked with schedules on Leases documentation processes and Records Management.
- ❑ Staff have qualifications and expertise in Geomatics, Planning, Land Economy, Archival/Records Management, Paralegal Services , Cartographic Draughting, and Office Administration.
- ❑ **Capacity building training of personnel on the paradigm shift,*
- ❑ Currently there is a Technical Advisor (TA) to the Secretariat guiding the capacity building program, from the needs assessment survey carried out.
- ❑ Equipment (Computers and accessories including GPSs) are being acquired for the ICT based Geoinformation Management Activities.
- ❑ Technology transfer on best practices in Land Information Management and processes are on the way with a German group (**Assmann & Dr. Michael Geomatics**) in Mapping and Geoinformation Production with a project termed **GLASS: Ghana Land Administration Solution for Sustainable development.**

Services Rendered at the Secretariat

- ▶ **Printing and sale of Land Allocation Forms to chiefs, to gradually phase out old ones and simplify the acquisition process.**
- ▶ **Preparation of leases for execution by all parties, with a much simplified documentation process.**
- ▶ **Preparation of all kinds of consent documents for execution by all parties –assignments, mortgages, subleases, vesting, legal undertaking, amendment of records, etc.**
- ▶ **Dispute resolution through negotiation, mediation and arbitration**
- ▶ **Others include:**
- ▶ **Making planning requests on behalf of caretaker chiefs including change of use, rezoning, preparation of new planning schemes, etc**
- ▶ **Determining and advising the Office of the Administrator of Stool Lands on initial ground rent to be included in the lease.**
- ▶ **Renewal of leases.**
- ▶ **Surrender and renewal of leases for extended period.**
- ▶ **Dealing with petitions.**
- ▶ **Dealing with general enquiries.**

The New Process for obtaining a registered lease



Individual identifies land and approaches
Caretaker Chief for Allocation Note

Grantee presents AN to the ALS together with a
cadastral site plan and passport size photograph

ALS makes enquiry at the Lands Commission to
confirm that plot is free for allocation

If plot is free, applicant pays the necessary fees
and ALS seeks Otumfuo's endorsement on AN

ALS engrosses lease for execution by Lessee,
Lessor and Asantehene

ALS sends executed document to LC and
Applicant follows up on the registration at the
LC

The Users

- ▶ Who are the beneficiaries of these land administration services?
 1. Financial Institutions
 2. Investors – local and foreign
 3. Traditional Authorities
 4. Private Practitioners – valuers, lawyers, etc
 5. Land Sector Institutions
 6. Non-Land Sector Institutions
 7. The General Public, ...etc, etc.

Some Key Areas of Success so far

1. **Renovation of the existing office and compartmentalization of office space**
2. **Improved practices in revenue collection and disbursement– issuance of receipts, valuations, disbursement formulas and audit of accounts**
3. **Improved documentation processes**
4. **Enhanced co-operation and relationship with relevant land and non-land sector institutions including the Lands Commission, the OASL, the TCPD, the GhIS, the LAP, the police, and the law courts.**
5. **Heightened public confidence and public education through the alternative dispute resolution mechanism adopted by the office and the simplified land acquisition and documentation processes.**
6. **A better approach to records management- Technology transfer on land records management through partnership under the **Ghana Land Administration Solution for Sustainable development (GLASS)** project**



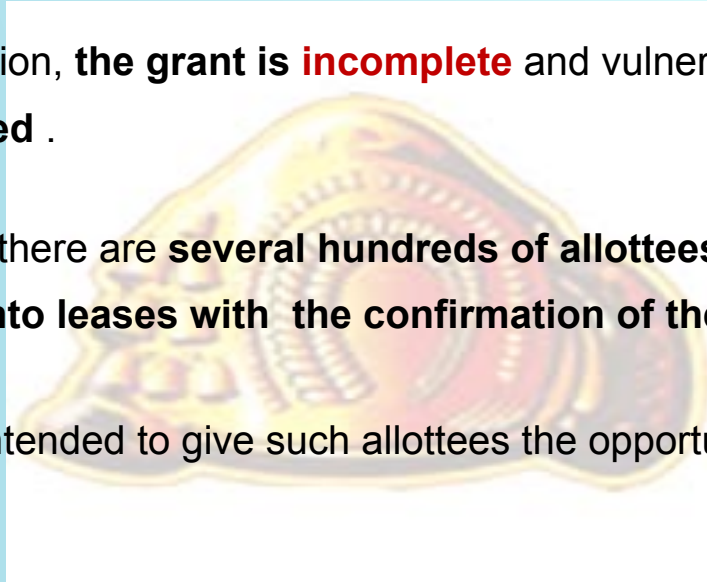
Initiatives:

The Lease Documentation Project

- ▶ **His Majesty Otumfuo Osei Tutu II** recently granted a moratorium to encourage all land owners to regularize their land holdings through a highly subsidized Lease Documentation Project.
- ▶ The project spanned from September 2012 to May 2013, with advocacy/campaign activities on TV, in the Newspapers, and flyers to educate the people to take advantage of the dispensation which had the following benefits:
 - **Reduced drink money (up to 70% discount),**
 - **Reduced cost of land survey,**
 - **Reduced processing fee**
 - **Security of tenure – that can help minimize litigations and improve access to credit.**
 - **Simplified Requirements: Allocation Note, Site Plan, and any other relevant document.**

Why the Project?

- ▶ **In accordance with the Asante Custom and Tradition**, every land allocated within the Kumasi Traditional Area has to receive **confirmation** of the **Golden Stool** before it becomes valid
- ▶ Without such confirmation, **the grant is incomplete** and vulnerable when the **rights of the allottee are challenged**.
- ▶ There is evidence that there are **several hundreds of allottees** whose allocations have **not been converted into leases with the confirmation of the Golden Stool**.
- ▶ The project was thus intended to give such allottees the opportunity to **REGULARISE** their titles.
- ▶ The **Lease Documentation Project (LDP)** is in line with the **Reforms** at the **Secretariat**, and the **national Land Administration Project** now in phase 2 (**LAP II**).
- ▶ The project is also in line with the **GLASS** project upon which is anticipated the state-of-the-art technology, even for e-business processes.



The Lease Doc. Project *cnt'd*

- ▶ Over the 6-month period during which persons were invited to submit applications, over 15,000 applications were received.
- ▶ A large number of these applications have been processed while others are still being processed.

BENEFITS OF THE REFORM

- ▶ After a successful implementation of the reforms at the Secretariat, the office would have established a *framework* to actively co-ordinate and collaborate with traditional authorities, communal landowners, government land sector agencies and other relevant stakeholders to achieve the following:–
 1. Facilitate the development of land management knowledge and skills amongst customary landowners.
 2. Develop a mechanism for effective land allocation and disposal by customary owners.
 3. Promote modern ICT systems that would facilitate proper record keeping and maintaining up-to-date records of all land transactions including records on land availability and land values (with access for prospective developers and investors), applications received, processed documents, and fees and charges associated with land acquisition and documentation.

Benefits of the Reforms ctn'd

- 4. Engage with TAs and other stakeholders on reviewing and harmonizing customary practices and usages affecting land holding, use and disposal.**
- 5. Exploit the existing traditional governance structure to promote the use of ADR in settlement of land disputes and to keep records on land related conflicts.**
- 6. Create awareness and knowledge about land ownership rights, interests, land use and gender issues in land management and administration.**
- 7. Prepare periodic reports on the operations and activities of the secretariat for the information of first and foremost Asantehene, land owning groups and other interested stakeholders.**
- 8. Collaborate and provide a linkage between the traditional landowners and public land sector agencies on land delivery**
- 9. Make revenue collection simple and monitored through a tracking system to ensure zero corruption.**

CONCLUSION

- ▶ Kumasi has relatively lower rate of land disputes, easy access to land, vibrant land market, sound and resilient traditional and state authorities, and an improved customary land administration system.
- ▶ With the new trend in land administration in the city and the neighboring districts, together with the ongoing reforms at the Lands Secretariat, Kumasi will continue to be the finest place to invest in Ghana.

LADIES AND GENTLEMEN
THANK YOU