

**Document of  
The World Bank**

**Report No.: 75084**

**PROJECT PERFORMANCE ASSESSMENT REPORT**

**GHANA**

**LAND ADMINISTRATION PROJECT  
(CREDIT NO. 3817; PROJECT ID P071157)**

**June 5, 2013**

**IEG Public Sector Evaluation**  
*Independent Evaluation Group*

## Currency Equivalents (annual averages)

*Currency Unit = Ghanaian Cedi (C\$)*

2000	US\$1.00	C\$ 0.54
2001	US\$1.00	C\$ 0.72
2002	US\$1.00	C\$ 0.79
2003	US\$1.00	C\$ 0.87
2004	US\$1.00	C\$ 0.90
2005	US\$1.00	C\$ 0.91
2006	US\$1.00	C\$ 0.92
2007	US\$1.00	C\$ 0.94
2008	US\$1.00	C\$ 1.06
2009	US\$1.00	C\$ 1.41
2010	US\$1.00	C\$ 1.43
2011	US\$1.00	C\$ 1.51
2012*	US\$1.00	C\$ 1.91

\*December 31, spot market rate. (The other years show the average annual official exchange rate.)

## Abbreviations and Acronyms

CIDA	Canadian International Development Agency
CLS	Customary Land Secretariat
DFID	Department for International Development (United Kingdom)
GTZ	Technical Assistance Corporation (Germany)
ICR	Implementation Completion and Results report
IEG	Independent Evaluation Group
IEGPS	IEG Public Sector Evaluation
KfW	Reconstruction Credit Institute (Germany)
MASDAR	An international consulting firm headquartered in the United Kingdom and with an office in Accra
M&E	Monitoring and Evaluation
MLF	Ministry of Lands and Forestry (subsequently, Ministry of Lands and Natural Resources)
NDF	Nordic Development Fund
OASL	Office of the Administrator of Stool Lands
PPAR	Project Performance Assessment Report
PPMED	Policy, Planning, Monitoring and Evaluation Department, Ministry of Lands and Forestry

## Fiscal Year

Government: January 1 – December 31

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This report was prepared by John R. Heath, who visited Ghana in August 2012. The report was peer reviewed by Jorge A. Munoz and panel reviewed by Robert Mark Lacey. Marie Charles provided administrative support.

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## Principal Ratings

	<i>ICR*</i>	<i>ICR Review*</i>	<i>PPAR</i>
Outcome	Moderately Satisfactory	Moderately Unsatisfactory	Moderately Unsatisfactory
Risk to Development Outcome	Negligible to Low	Moderate	Moderate
Bank Performance	Moderately Satisfactory	Moderately Unsatisfactory	Moderately Unsatisfactory
Borrower Performance	Moderately Satisfactory	Moderately Unsatisfactory	Moderately Unsatisfactory

\* The Implementation Completion and Results (ICR) report is a self-evaluation by the responsible Bank department. The ICR Review is an intermediate IEG product that seeks to independently verify the findings of the ICR.

## Key Staff Responsible

<i>Project</i>	<i>Task Manager/Leader</i>	<i>Division Chief/ Sector Director</i>	<i>Country Director</i>
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**IEG Mission: Improving World Bank Group development results through excellence in independent evaluation.**

### **About this Report**

The Independent Evaluation Group assesses the programs and activities of the World Bank for two purposes: first, to ensure the integrity of the Bank's self-evaluation process and to verify that the Bank's work is producing the expected results, and second, to help develop improved directions, policies, and procedures through the dissemination of lessons drawn from experience. As part of this work, IEG annually assesses 20-25 percent of the Bank's lending operations through field work. In selecting operations for assessment, preference is given to those that are innovative, large, or complex; those that are relevant to upcoming studies or country evaluations; those for which Executive Directors or Bank management have requested assessments; and those that are likely to generate important lessons.

To prepare a Project Performance Assessment Report (PPAR), IEG staff examine project files and other documents, visit the borrowing country to discuss the operation with the government, and other in-country stakeholders, and interview Bank staff and other donor agency staff both at headquarters and in local offices as appropriate.

Each PPAR is subject to internal IEG peer review, Panel review, and management approval. Once cleared internally, the PPAR is commented on by the responsible Bank department. The PPAR is also sent to the borrower for review. IEG incorporates both Bank and borrower comments as appropriate, and the borrowers' comments are attached to the document that is sent to the Bank's Board of Executive Directors. After an assessment report has been sent to the Board, it is disclosed to the public.

### **About the IEG Rating System for Public Sector Evaluations**

IEG's use of multiple evaluation methods offers both rigor and a necessary level of flexibility to adapt to lending instrument, project design, or sectoral approach. IEG evaluators all apply the same basic method to arrive at their project ratings. Following is the definition and rating scale used for each evaluation criterion (additional information is available on the IEG website: <http://ieg.worldbankgroup.org>).

**Outcome:** The extent to which the operation's major relevant objectives were achieved, or are expected to be achieved, efficiently. The rating has three dimensions: relevance, efficacy, and efficiency. *Relevance* includes relevance of objectives and relevance of design. Relevance of objectives is the extent to which the project's objectives are consistent with the country's current development priorities and with current Bank country and sectoral assistance strategies and corporate goals (expressed in Poverty Reduction Strategy Papers, Country Assistance Strategies, Sector Strategy Papers, Operational Policies). Relevance of design is the extent to which the project's design is consistent with the stated objectives. *Efficacy* is the extent to which the project's objectives were achieved, or are expected to be achieved, taking into account their relative importance. *Efficiency* is the extent to which the project achieved, or is expected to achieve, a return higher than the opportunity cost of capital and benefits at least cost compared to alternatives. The efficiency dimension generally is not applied to adjustment operations. *Possible ratings for Outcome:* Highly Satisfactory, Satisfactory, Moderately Satisfactory, Moderately Unsatisfactory, Unsatisfactory, Highly Unsatisfactory.

**Risk to Development Outcome:** The risk, at the time of evaluation, that development outcomes (or expected outcomes) will not be maintained (or realized). *Possible ratings for Risk to Development Outcome:* High, Significant, Moderate, Negligible to Low, Not Evaluable.

**Bank Performance:** The extent to which services provided by the Bank ensured quality at entry of the operation and supported effective implementation through appropriate supervision (including ensuring adequate transition arrangements for regular operation of supported activities after loan/credit closing, toward the achievement of development outcomes. The rating has two dimensions: quality at entry and quality of supervision. *Possible ratings for Bank Performance:* Highly Satisfactory, Satisfactory, Moderately Satisfactory, Moderately Unsatisfactory, Unsatisfactory, Highly Unsatisfactory.

**Borrower Performance:** The extent to which the borrower (including the government and implementing agency or agencies) ensured quality of preparation and implementation, and complied with covenants and agreements, toward the achievement of development outcomes. The rating has two dimensions: government performance and implementing agency(ies) performance. *Possible ratings for Borrower Performance:* Highly Satisfactory, Satisfactory, Moderately Satisfactory, Moderately Unsatisfactory, Unsatisfactory, Highly Unsatisfactory.

## Preface

This is the Project Performance Assessment Report (PPAR) for the Ghana Land Administration Project (Credit Number 3817). The assessment aims, first, to serve an accountability purpose by verifying whether the operation achieved its intended outcome. Second, the report draws lessons that are intended to inform future operations of this nature.

The credit was approved on July 31, 2003 and became effective on October 13, 2003. The project was restructured, with approval of the Bank's Board, on November 7, 2008. The operation closed on June 30, 2011, 30 months later than initially expected. Total actual costs were US\$48.3 million, compared to the appraisal estimate of US\$55.1 million. The credit amount provided by the International Development Association was US\$20.5 million. Co-financing was provided by the Canadian International Development Agency (US\$1.0 million), the United Kingdom Department for International Development (US\$9.0 million), the German Technical Assistance Corporation (US\$4.0 million), the German Reconstruction Credit Institute (US\$6.0 million) and the Nordic Development Fund (US\$ 6.9 million).

As part of the assessment, IEG visited Ghana in August 2012. In addition to Accra, the mission traveled to Odumase-Krobo, Kumasi, Ejisu, Wasa Amenfi and Takoradi.

The findings of the report are based on a review of project documents, Bank electronic files, academic books and articles, and interviews with Bank staff, government officials, representatives of donor agencies, and civil society partners (listed in Annex C).

IEG much appreciates the assistance of all those who participated in the assessment. It would particularly like to thank Isaac Karikari, Kofi Blankson, and Jimmy Aidoo for the support they provided during and after the mission.

Following standard IEG procedures, the Government of Ghana was invited to comment on the draft PPAR. No comments were received.





## Summary

The constitution of Ghana endorses control of land by a variety of customary authorities (“chiefs”). Surveys of ownership rights and land claims are poorly developed, but it is estimated that 80 percent of all land is under the control of chiefs. Sizeable economic rent accrues to land and, in Ghana, the allocation of these rents is contested by the state, on the one hand, and the customary authorities, on the other. The struggle for rents between the state and the chiefs forms an unspoken part of the rationale for the National Land Policy that the government introduced in 1999. This policy aimed to “harmonize” statutory laws and customary interests bearing on land. The Bank-supported Land Administration Project, which was formulated between 1999 and 2001, aimed to build on this policy.

The objective of the Project was “to develop a sustainable and well functioning land administration system that is fair, efficient, cost effective, decentralized, and that enhances land tenure security, through: (a) harmonizing land policies and the legislative framework with customary law for sustainable land administration; (b) undertaking institutional reform and capacity building for comprehensive improvement in the land administration system; (c) establishing an efficient, fair and transparent system of land titling, registration, and valuation; (d) developing community level land dispute resolution mechanisms; and (e) issuing and registering land titles in selected pilot urban and rural areas.” This statement of the development objective was modified slightly when the project was formally restructured in November 2008 but neither this altered wording nor the other changes introduced led to adding new *outcomes*, or dropping any of the outcomes initially proposed.

The project statement of development objective mixed up plausible outcomes (enhanced land tenure security, a more sustainable system of land administration, and more efficient and cost-effective services) with one of the possible means of achieving these outcomes (decentralization), which is not an end in itself. “Fairness” and “transparency” were also part of the statement of objectives but the results chain did not show which outputs and outcomes bore on their realization. IEG construes the project’s expected outcomes as (a) tenure security (b) efficiency and cost effectiveness, (c) fairness and transparency and (d) sustainability.

In terms of the respect shown for customary land tenure systems, the project’s objectives were consistent with Ghana’s 1992 Constitution and 1999 Land Policy, and also with World Bank policy. Both the 1992 Constitution and the 1999 Land Policy ratify the preeminent role of the chiefs in allocating land. However, the project logic was silent about what checks on the power of the chiefs were needed to prevent them from appropriating rents which might otherwise be treated as a public good. This omission was manifest in the problems that the project faced in attempting to simultaneously strengthen government land administration services and the services provided by customary authorities.

The project’s main results were as follows. It facilitated the merger of four of the six land sector agencies, creating the National Lands Commission. This is a step towards increasing the efficiency of government land administration services, one that may be

consolidated under the follow-on project. But the terms of the merger were not well handled and by the close of this first project the quality of service offered to the client had not changed significantly. The project's biggest achievement was to open deeds offices in eight regions, thereby removing the need for people in these localities to travel great distances to register land.

IEG found evidence from a variety of sources that the delivery of outputs was less substantial than indicated by the completion report. Also, there were gaps in the results chain linking outputs to outcomes. The available direct evidence on outcomes paints a mixed picture. The project's overall outcome is rated moderately unsatisfactory.

Summing up, the findings for each of the four outcomes identified by IEG were as follows. With respect to *tenure security*, the project led, on the one hand, to a significant increase in deed registration based on opening regional offices, reducing the distance that clients had to travel to register their land. On the other hand, there was limited progress with attempts to harmonize customary and statutory law (the relevant bill has still not been approved by Cabinet), there were shortcomings in the steps taken to strengthen Customary Land Secretariats and demarcate customary boundaries, and the coverage of systematic land titling was much lower than expected.

In the case of *efficiency and cost-effectiveness*, the project did facilitate the passage of legislation merging government land agencies, an important first step towards streamlining. Also, land registration speeded up. On the other hand, the agency merger was not well handled—staff and equipment were not always well allocated and, at the time of the IEG missions, the agencies were still to a large degree operating as separate entities. In the absence of a clear baseline, and owing to other data gaps, the progress in resolving land-related disputes is hard to assess.

Referring to *fairness and transparency*, there is mixed evidence about the increase in registration by women and there are conflicting reports on progress toward greater transparency in procedures for enumerating lands held by the state and compensation of those whose land is compulsorily acquired. The major increase in the revenues accruing to the government's land agencies bodes well for *sustainability*, but this evidence needs to be balanced against the lack of data on land agency costs, and the weak finances and limited autonomy of the Customary Land Secretariats.

With respect to efficiency, the cost-effectiveness data adduced at completion offer at best a partial assessment, insufficient by themselves to offset shortfalls in the delivery of outputs.

Despite the (minor) adjustment to the wording of the development objective, the four outcomes remained unchanged when the project underwent a Board-approved revision in 2008, the rationale for which was not clear. At the time of the Board decision, 56 percent of the actual credit amount had been disbursed. However, applying the split-rating formula makes no difference to the outcome rating because the four underlying outcomes are the same, irrespective of the statement of objectives against which they are measured.

Risk to development outcome is rated moderate. Although outcomes were less than expected, the more substantial institutional changes may be expected to endure—particularly the National Land Commission and the regional deeds registration offices set up by the project. The increase in land transaction revenues, which substantially exceeded the 130 percent target, increases the scope for the related agencies to be financially self-sustaining, although it is not clear what share of these revenues may be retained by the agencies that generate them. The deeds registration offices created under the project—probably the operations single biggest achievement—are more likely to be financially self-sustaining than the customary land secretariats that were set up, and which are presently in a precarious state. In one important respect, the assessment of outcome sustainability is moot: the project made little contribution to clarifying land rights, because the comprehensive land bill was not passed and there was no discernible progress toward the project’s objective of “harmonizing” statutory and customary authority over land. With respect to the (limited) progress in land titling, it remains to be seen whether those who received titles under the program of systematic adjudication will be willing to pay the fees associated with registration of subsequent land transactions. However, as land values continue to rise, the perceived value of registration is likely to increase proportionately, making it more likely that benefits accruing to project-provided titles will endure.

Bank performance is rated moderately unsatisfactory. With respect to quality at entry, the design of the project was too complex for the limited period available for implementation, containing a large number of activities that were diffuse in both thematic and regional focus, and calling for coordination with five other donors that was likely to be difficult to orchestrate. The results framework was not adequately fleshed out and the provision for monitoring and evaluation was insufficient. Supervision quality was enhanced by input from the Bank’s legal team but ultimately compromised by the lack of clarity in the restructuring and the two-year delay in implementing it.

Borrower performance is rated moderately unsatisfactory. Although the government took an important step before the project in issuing the 1999 Land Policy, subsequently it did not provide the political drive and management needed to push forward the policy and legislative reform contemplated by the project. During implementation, the government did little to promote the dialogue that was needed on: the divestiture of state-appropriated land; compensation payments; land use planning; the priority attached to deed versus title registration; and the transfer of land administration functions from the state to customary authorities and other decentralized agencies. Project implementation was handled by the Ministry of Lands and Forestry, with project activities adding to the regular work load of ministry staff—an arrangement that was not generally welcomed. Government was slow to recruit the extra staff needed for effective project implementation.

IEG derives five lessons that are of broad relevance to other operations of this nature.

- Attempts to “harmonize” customary and statutory land tenure institutions will not be successful if the conflicts of interest over rent allocation are not addressed, and if priority is not given to distributing rents in accordance with the public good.

- Land tenure reform calls for a long-term commitment by the government and its development partners; this commitment may be facilitated by a programmatic lending instrument but the commitment must precede the choice of instrument—the instrument will not by itself create the necessary commitment.
- The Bank’s annual Doing Business survey may give a misleading impression about trends in the efficiency of property registration services.
- Although the Bank’s good practice guidelines indicate that the efficiency of land administration services tends to be higher when they are handled by a single agency, in practice, consolidating land agencies will not by itself ensure that their efficiency will improve.
- Projects with multiple co-financiers are risky: if each insists on imposing its own procurement and disbursement procedures implementation may be delayed; and the strategic priorities of the partners may diverge in the course of project implementation, undermining support for achieving the project outcomes that were originally agreed to.

Caroline Heider  
Director-General  
Evaluation

## 1. Background

1.1 Land tenure in Ghana differs from that in most other countries (including African countries) because the constitution endorses control of land by a variety of customary authorities, which, in the interest of brevity, this report will refer to as “chiefs” (Box 1). Surveys of ownership rights and land claims are poorly developed in Ghana but it is estimated that 80 percent of all land is under the control of chiefs. The same tenure distribution applies to town and countryside—even land in the capital city, Accra, was predominantly controlled by chiefs (Larbi, Odoi-Yemo and Darko 1998; Alden Wily and Hammond 2001; Kasanga and Kotey 2001; Bugri 2012).

1.2 Only a small proportion of the 6 million land parcels of Ghana are registered. About 30,000 are registered under the *title registration system*, introduced in 1986, while an unknown number of parcels are registered under the *deeds registration system*, an older institution with colonial precedents that was formalized in 1962, five years after Ghana became independent from Britain (World Bank 2011).<sup>1</sup>

### Box 1: The Primacy of Customary Tenure in Ghana

Customary land tenure, which is reckoned to account for 80 percent of the land in Ghana (irrespective of whether the area is urban or rural) takes several forms. In the northern half of the country land inheritance is predominantly patrilineal and land is controlled by a mixture of chiefs and earth-priests, depending on the locality; these lands are referred to as *skin lands*. In much of southern Ghana, the land inheritance pattern is matrilineal and land is mainly controlled by chiefs; these lands are referred to as *stool lands*. But there are parts of southern Ghana where land is controlled by clans and families and inheritance is patrilineal; in these *family lands*, clan and family heads exercise similar authority as chiefs do in other parts of Ghana. Southern Ghana is more urbanized than northern Ghana and land values are higher and rising faster. Thus, there is a bigger incentive for the customary authorities to sell land in the south, even though the constitution does not explicitly endorse the sale of customary land. Land users in the south are more likely than those in the north to use the titling and registration services offered by the state. But the customary and statutory laws applying to a given piece of land may come into conflict. The power of the customary authorities, and their bid to retain the rents they currently collect, complicates any attempt to supplant these tenure systems with western forms of tenure involving fully transferable individual rights to land.

Source: Alden Wily and Hammond 2001; Ubink and Quan 2008; Bugri 2012.

1.3 In Ghana, there is no precision about who owns what land. The boundaries of the different interests in land have not been mapped to any great extent: according to a recent

<sup>1</sup> In Ghana, a Deed records an interest in land without specifying in any detail the dimensions or boundaries of the property; it leaves the final determination of who owns what to the Law Courts. A Title is an ownership certificate based on scientific survey of a specific parcel, with the results registered in a database; the document is final and defensible in the case of counter-claims. Under *deed registration*, transactions are recorded on separate documents in separate registries, filed in chronological order. In order to verify that the land seller is the current legal owner it is necessary to search back through the various documents (“the chain of title”) to ensure that no one else has a more recent claim to, or an outstanding interest in, the property in question. Under *titling*, there is a single document in a single registry and ownership is reflected in the last entry on the document (Dowson and Sheppard 1952; Wallace 2007).

estimate, only 8 percent of the national territory has been surveyed (Sowah 2011). However, it is widely assumed that 80 percent of all land falls under the jurisdiction of “customary authorities,” variously defined (Larbi, Odoi-Yemo and Darko 1998; Alden Wily and Hammond 2001; Kasanga and Kotey 2001; Bugri 2012). Under customary tenure, it is the chiefs who allocate land. Although, in principle they act in the interest of their subjects (including the interests of future generations), in practice, the system for land allocation is not transparent, favoring the powerful over the less powerful, offering fewer rights to women than to men and discriminating against “outsiders”, even those who have been farming the land for many years (Whitehead and Tsikata 2003; Ubink and Quan 2008; Ubink 2009). As population density has risen and the demand for natural resources and building permits has multiplied, land values have soared, creating new opportunities for the chiefs to enrich themselves at the expense of their subjects, and of society at large.

1.4 In addition to the customary authorities, there are six public land agencies in Ghana (Table 1).

**Table 1: Land Sector Agencies in Ghana**

<b>AGENCY</b>	<b>RESPONSIBILITIES</b>
<b>MINISTRY OF LANDS AND FORESTRY</b>	
<b>(A)</b> Survey and Mapping Division	Regulate the surveying, mapping and demarcation of land.
<b>(B)</b> Land Registration Division	Register and record all land deeds and titles.
<b>(C)</b> Land Valuation Division	Assess land values in order to determine property taxes and the compensation due for land that is compulsorily acquired by the government.
<b>(D)</b> Public and Vested Lands Management Division	Acquire and manage government land.
<b>(E)</b> Office of the Administrator of Stool Lands	Collect and administer revenues from the subset of customary lands referred to as “stool lands” and “skin lands”.
<b>Ministry of Environment, Science and Technology</b>	
<b>(F)</b> Town and Country Planning Department	Conduct land use planning and issue building permits.

Source: MASDAR 2011.

Note: (A)-(F) are commonly referred to as the “Land Sector Agencies” and all are involved in some aspect of land administration.

1.5 Arguably, the state has not administered land more fairly than the chiefs. Clients not willing or able to pay bribes receive poorer service when seeking to register and title their land (Bugri 2012). The state has also seized land, often without paying compensation to the users, and later on, the divestiture of those same lands has, in many cases, not been handled transparently (Ubink and Quan 2008). The 1992 Constitution enjoins chiefs to serve as trustees of the land vested in them, on behalf of their subjects (including future generations), and of the nation at large. According to the law, this land can be leased but not sold. In practice, the distinction between leasing and selling is blurred and it is widely acknowledged that chiefs informally sell land, and may sell the same parcel several times over (Ubink and Amanor 2008). Some chiefs have exploited

overlapping land claims for their own gain, allocating land to outsiders without the consent of their subjects, and pocketing the money from land transactions. This process of enrichment is facilitated by the influence that chiefs wield over the elected government and has been fueled by rising land values, which has increased the incentive for chiefs to sell or lease land to outsiders (Hughes, Knox, and Jones-Casey 2011; Sarpong 2006; Berry 2001).

1.6 In any country, sizeable economic rent accrues to land and, in Ghana, the allocation of these rents is contested by the state, on the one hand, and the customary authorities, on the other. The state receives rents from the concession rights paid by companies exploiting forest and mineral resources and from land that has been compulsorily acquired, ostensibly for development purposes. By comparison with these sources, the revenue generated from state-run land administration services (survey and titling fees, stamp duties, property tax) is smaller, reflecting their limited extent.<sup>2</sup> One source of revenue derives from the Office of the Administrator of Stool Lands (OASL), whose remit extends to skin lands as well as stool lands, but does not include family lands.<sup>3</sup> OASL advises government, the district assemblies (that is, local government) and customary authorities on land policy. It collects rents, royalties, compensation, and other payments on behalf of stool and skin lands, distributing the proceeds in accordance with provisions of the 1992 Constitution: 49.5 percent to the district assembly; 22.5 percent to the stool or skin; 18 percent to the customary council; and 10 percent to cover OASL's administrative costs (World Bank 2011).

1.7 From the standpoint of the chiefs, the amount paid to the OASL as a tax on leases of customary land (and the fraction received back, following the formula above) is a pittance. The lion's share of the rent accruing to chiefs derives from the informal "drink money" that they receive for allocating land. In the eyes of the law, it is a lease right that is allocated, but as land values have risen the drink money has ceased to be a token amount, and the distinction between lease and sale has blurred.<sup>4</sup>

1.8 In principle, rents collected by both customary authorities and by the state serve the common good. Chiefs are responsible for the welfare of their subjects, and this extends to public good investments. Central and local governments are responsible for land use planning and for building social and economic infrastructure. In practice, both sides shirk their civic obligations. "Since the main aim of the chiefs is to maximize financial returns within the shortest possible time, important land uses such as open spaces, playgrounds, schools, markets, refuse dumps, roads, etc. are sacrificed, in order to augment the supply of building plots" (Hueber and de Veer 2001: 191). Some might say that the state has not performed much better than the chiefs. Both the sprawl of Accra and

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<sup>2</sup> IEG was unable to verify the relative size of these various land-related inflows to the Treasury, not all of which are well documented.

<sup>3</sup> "Stool lands" and "skin lands" refer to customary lands in different regions of Ghana (see Box 1).

<sup>4</sup> According to custom, a libation is poured on the ground as a way to seek the gods' blessing for the transaction. Whereas a bottle of Schnapps was sufficient in times of land abundance, when land became more valuable a small amount of cash money was added to the Schnapps. In periurban Ghana and other areas where demand for land is rising, the amount of cash demanded by the chiefs has risen and now amounts to a market price for a lease (Alden Wiley and Hammond 2001; Ubink and Quan 2008).

Kumasi, and the pot-holed highway from Kumasi to Takoradi are evidence of the government's failure to regulate land use planning, the non-transparent allocation of building permits, and inadequate road maintenance. The district assemblies are not conspicuously more effective than the chiefs in planning, building and maintaining infrastructure in their respective jurisdictions.

1.9 The struggle for rents between the state and the chiefs forms an unspoken part of the rationale for the National Land Policy that the government introduced in 1999. Like the 1992 Constitution before it, the National Land Policy bowed to the chiefs while ostensibly aiming at the same time to introduce more order and transparency in the administration of land. The Bank-supported Land Administration Project, which was formulated between 1999 and 2001, aimed to build on this policy.

## 2. Objectives, Design, and their Relevance

### Objectives

#### STATEMENT OF OBJECTIVES

2.1 The Project Appraisal Document and the Development Credit Agreement of the Land Administration Project use the same language to describe the project development objective.

“The objective of the Project is to develop a sustainable and well functioning land administration system that is fair, efficient, cost effective, decentralized, and that enhances land tenure security, through: (a) harmonizing land policies and the legislative framework with customary law for sustainable land administration; (b) undertaking institutional reform and capacity building for comprehensive improvement in the land administration system; (c) establishing an efficient, fair and transparent system of land titling, registration, and valuation; (d) developing community level land dispute resolution mechanisms; and (e) issuing and registering land titles in selected pilot urban and rural areas” (World Bank, 2003b: 16).

2.2 Following the Board-approved restructuring in 2008, the project development objective was recast as follows:

“To undertake land policy and institutional reform and key land administration pilots for laying the foundation for a sustainable decentralized land administration system that is fair, efficient, cost effective and ensures land tenure security” (World Bank 2008:12)

2.3 Thus, the revised objective aimed to “lay the foundations for” rather than “develop” the land administration system; it also adds a reference to pilots, although these were already a (smaller) part of the original design, even if the statement of objectives did not mention them. However, the anticipated outcomes of the project –



fairness, efficiency/cost-effectiveness, sustainability, and land tenure security – were unchanged.

## **GEOGRAPHIC SCOPE**

2.4 The legal reforms envisaged by the original and the revised project objectives covered the whole nation. Achievement of other parts of the project objectives rested on pilots conducted in various parts of Ghana. Attempts to reduce the backlog of land litigation cases were limited to three areas: Ejisu, Wasa Akropong, and Gbawe. The study on divestiture of vested lands addressed the effect of divesting lands in the northern third of Ghana in 1978-79. Piloting of the Customary Land Secretariats would be conducted in 50 selected areas spread over the ten regions that make up the country. The ‘one-stop shop’ model of land administration services would be piloted initially in the two largest cities, Accra and Kumasi. The strengthening of land use planning would center on Greater Accra (where the need was greatest), but would also include selected areas in other regions. Other areas, representing the diversity of customary land tenure types, would be chosen as pilots for registering and demarcating customary boundaries. The pilot for systematic land titling and registration would be limited to Accra, Kumasi, and Gbawe (World Bank 2003a: 42-57). This diffuse geographic scope did not alter when the project was restructured (World Bank 2008).

## **RELEVANCE OF OBJECTIVES**

### ***Original Objectives***

2.5 The project’s objectives were consistent with government policy, both when the project was prepared and by the time that it closed. Responding to the need for a more coherent long-term strategy, the government issued a national land policy in 1999 (amended in 2002). The principles of this policy are still espoused by government today. This land policy aims to: “(a) harmonize statute and customary laws to facilitate equitable access to and enhance security of tenure of land through registering systematically all interests in land; (b) create and maintain effective institutional capacity and capability at the national, regional, district and where appropriate, community levels for land service delivery; (c) promote community and participatory land management and land use planning within a decentralized planning system; (d) minimize and eliminate where possible the sources of protracted land boundary disputes, conflicts and litigation in order to bring their associated economic costs and sociopolitical upheavals under control; (e) formalize land markets where appropriate and instill order and discipline to curb the incidence of land encroachment, unapproved development schemes, multiple or illegal land sales, undue land speculation and land racketeering” (World Bank 2003b: 6; World Bank 2011: 4).

2.6 The objectives of the project were in line with the Bank’s country program priorities, both when the project was approved and when it closed. The FY00-03 Country Assistance Strategy noted that attention to land titling was one way that the Bank would strengthen its commitment to poverty reduction in Ghana. Land titling was presented as “an area critical to poor Ghanaians” but the link between titling and poverty reduction was not spelled out (World Bank 2000: 5). The Matrix notes that “Land allocation

remains hampered by inefficient titling and information systems” and pledges to “Improve land administration systems” (World Bank 2000 Annex B9, p. 2). The FY08-11 Country Assistance Strategy, which was current when the credit closed, stated that “the World Bank will continue to support the establishment of a well-functioning land administration system,” noting the “the on-going land Administration Project improves customary and cadastre-based land administration, as well as women’s access to financial services in the informal sector” (World Bank 2007: 8). Land administration occupied a more prominent role in the Matrix than it had done in 2000 and the Bank’s long-term commitment is underscored by the inclusion of a second land administration project in the portfolio (World Bank 2007).

2.7 In terms of the Bank’s corporate strategy on land administration, the relevance of the project’s objectives is less clear cut. There is a large literature on the extent to which secure property rights are a prerequisite for productive investment and economic growth. Orthodox economists and agencies such as the World Bank emphasize the evidence that, as countries become richer, land rights tend to become individualized and transferable, and land markets become more active (World Bank 2006). Whether this trend increases land tenure security is a more contentious matter. The position of the World Bank has shifted substantially over the decades; and there is by no means a policy consensus—macroeconomists tend to be more in line with economic orthodoxy than land policy specialists (Whitehead and Tsikata 2003). The 1975 Land Policy Paper argued for individual land rights and titling (World Bank 1975). A decade later, a seminal study on Thailand argued that farmers with title to their land had better access to credit and were more likely to invest in agriculture than the untitled (Feder and Onchan 1987).

2.8 But the Bank then moved away from this position—particularly with respect to Africa—as new research showed that individual, formal rights to land did not result in higher agricultural productivity compared to customary tenure arrangements (Migot-Adholla and others 1991; Bruce and Migot-Adholla 1994). These findings were embodied in the Bank’s 2003 policy paper and a subsequent article, both of which argued for a more cautious approach to land administration interventions, one more sensitive to local context (World Bank 2003; Deininger and Feder 2009). The new stance tended to eschew blanket support for land titling in favor of a hands-off approach that would allow institutions to evolve gradually and spontaneously toward individualized land rights.

2.9 The terms of this evolving debate about tenure security must be considered when assessing how relevant the objectives of the Ghana land administration program are. The thrust of Ghana’s 1992 Constitution and the 1999 Land Policy would seem to lend credence to the Bank’s new emphasis on respecting customary land tenure systems, because both Constitution and Policy ratified the preeminent role of the chiefs in allocating land (Ubink and Quan 2008). However, without checks on the power of the chiefs, the same framework may primarily serve to enrich them (Alden Wily and Hammond 2001; Alden Wily 2008).

2.10 To complicate matters, there is another strand to Ghana’s policy, underpinned by the 1986 Land Title Registration Act, which favors extension of individual title—although this has only been applied to the cities of Accra and Kumasi (Amanor 2009; Ubink 2009). This policy line has, at various times, been linked to the position that,

ultimately, formalized, individual rights to land will supplant customary tenure. The less precise instrument (deeds) would be replaced by a more precise instrument (title).<sup>5</sup> “Title registration was meant to parallel the process of deed registration until it fully substituted for it, but deed registration has not been phased out and the two processes have been poorly integrated” (Jones-Casey and Knox 2011: 1).

2.11 Thus, a case can be made that the project objective of increasing tenure security is relevant *either* because customary tenure is not properly codified *or* because the right of individuals to own and dispose of land is not adequately protected; alternatively, it could be argued that *both* ways to strengthen tenure security are valid, but each is relevant to different parts of Ghana, with the level of *urbanization* being a key discriminator (see Box 1 above).

2.12 Summing up, the project’s original objectives were fully in line with government’s and the Bank’s country strategy for Ghana. But neither the Bank’s corporate strategy nor the broader literature on land administration offer definitive guidance on the appropriateness of the project’s objective of simultaneously strengthening customary and individual rights to land. The relevance of the project’s original objectives is rated **substantial**.

### ***Revised Objectives***

2.13 The revised objectives referred to “laying the foundation” rather than “developing” a land administration system. This was a subtle difference, the meaning of which was not spelled out in the project documents. Indeed, in late 2006, when the revision was proposed, sector management queried whether the suggested rewording of the objective statement was really significant enough to justify a formal revision. The Board approved the proposed change to the statement of development objectives even though, in IEG’s view, the anticipated outcomes bearing on legal and institutional reform remained unchanged. Therefore, consistent with the rating of the original objectives, the relevance of the revised objectives is also rated **substantial**.

## **Design**

### **COMPONENTS**

2.14 The project had four components.<sup>6</sup> *Component 1 (Land Policies and Regulatory Framework)* financed a land law reform program, including:

- Review of land related policies, laws, customs, regulations, and case law in order to prepare proposals for reform that eliminate inconsistencies, repeal obsolete provisions, and harmonize customary and statutory laws, through the provision of technical advisory services;

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<sup>5</sup> The difference between deeds and titles is explained in footnote 1 of this report.

<sup>6</sup> The description of the components is taken from the Development Credit Agreement (World Bank 2003c:16-18).

- A program in the courts to reduce the backlog of land cases, including a program of alternative dispute resolution;
- A review to identify lands acquired by eminent domain and to determine compensation levels for lands which have not been compensated; and
- Studies concerning: (a) the rights and interests in land and the registration of land titles and deeds; (b) finance and fee structures in land administration; and (c) equality of opportunity for land rights and administration irrespective of gender.

2.15 *Component 2 (Institutional Reform and Development)* funded an institutional reform and decentralization program, including:

- A review of the organization, management and operations of land institutions in order to prepare proposals for reform;
- A study of human resources management in the land administration sector, development of a system for management of land sector agencies, and strengthening of land service delivery, including establishment of one-stop shop centers for land agencies;
- An assessment of customary land secretariats, and carrying out an information campaign and program to strengthen selected pilot customary land secretariats;
- Training and capability strengthening of land administration professionals; and reviewing the licensing procedures for private land surveyors; and
- Strengthening the capacities of land administration training and research institutions to improve training to land professionals and to conduct research on land administration policies and practice.

2.16 *Component 3 (Land Titling, Registration, Valuation and Information Systems)* comprised:

- Design and implementation of a computerized land information system;
- Strengthening of public land sector agencies, and production of cadastral mapping at appropriate scales for customary land boundary demarcations, systematic land titling in urban areas, and land use planning, and construction of offices for the Survey Department;
- Establishment of model land titling and registration offices in selected pilot areas;
- Strengthening of deeds and title registries, and construction of offices for public land sector agencies;
- An information campaign on land administration, land titling and registration, boundary demarcation, and land adjudication;
- Demarcation and registration of allodial [customary] land boundaries in selected pilot areas in a transparent and participatory manner;
- Registration of land titles in selected pilot jurisdictions in a transparent and participatory manner; and
- Establishment of a national land valuation database.

2.17 *Component 4 (Project Coordination)* supported:

- Strengthening the financial management, procurement, project management, monitoring and evaluation, human resource development, and change management capacities of the Land Administration Program;
- Capacity building of the Financial and Administration Department of Ministry of Lands and Forestry (MLF) to handle project financial management and procurement;

- Capacity building of the Policy Planning, Monitoring and Evaluation Department of MLF to handle project monitoring and evaluation; and
- A communication strategy on land policy issues, including policy, legal and institutional reforms, allodial land boundary demarcation, land titling, registration, and dispute resolution.

2.18 The 2008 project restructuring led to some changes (full details are presented in Annex B, Table B1). The mix of proposed studies and pilots altered. Output targets were scaled back. Support to training and research institutions and the national land valuation database were dropped. A significant expansion involved opening land registration offices in all regional capitals rather than simply in pilot areas. Part B was augmented to include a small grants program, to promote civil society participation in local land administration, advocacy, and debate on land issues (see Table 1 above). This was a belated concession to the “counterweight lobby”: those who had advocated early on for developing institutions outside the chieftaincy orbit (Alden Wily and Hammer 2001; Whitehead and Tsikata 2003; Ubink and Quan 2008).

## Relevance of Design

### RELEVANCE OF DESIGN TO THE ORIGINAL OBJECTIVES

2.19 The project statement of development objectives mixed up plausible outcomes (securer land tenure, a more sustainable system of land administration, and more efficient and cost-effective services) with one of the possible means of achieving these outcomes (decentralization), which is not an end in itself. “Fairness” and “transparency” were also part of the statement of objectives but the results chain did not show which outputs and outcomes bore on their realization.

2.20 IEG construes the project’s expected outcomes as (a) tenure security (b) efficiency and cost effectiveness, (c) fairness and transparency and (d) sustainability.

2.21 To increase *tenure security*, the project’s designers chose to strengthen both customary and individual claims to land. This was one way to address an ambiguity in Ghana’s land laws. The 1986 Land Title Registration Law was predicated on the assumption that, ultimately, individual rights would replace customary claims to land, appearing to pull in a different direction from the 1992 Constitution and the 1999 Land Policy, both of which aimed to legitimize the customary tenure regime. To accommodate both mandates, the project included support for customary tenure (parts of Components 1, 2, and 3) and systematic land titling (Component 3), as well as reforms intended to “harmonize” customary and statutory laws (Component 1).

2.22 There are two reservations about the proposed approach to achieving secure tenure. First, although “harmonization” was a theme in the 1999 Land Policy, what it meant in the context of this project was not very clear to those interviewed by IEG. The project logic did not demonstrate how the objective of tenure security could be reached as long as there were conflicting claims to land rents by government and the customary authorities. In the design of the project the political economy dimension—the contest for rents—was not explicitly addressed. Second, is not clear whether titling should have been

included in the project. Few titles had been issued since the 1986 Law had been passed, even in the urban areas where land prices were rising fastest. Commercial banks widely accepted deeds as adequate security for loans. The project component to open new deeds registration offices around the country appeared to make more sense than the systematic titling pilots, the demand for which was not tested during project preparation.

2.23 *Efficiency and cost effectiveness* were pursued through various project activities, scattered across Components 1, 2, 3 and 4. These sought to improve the service provided by the government's six land agencies (see Table 1 above). In a bid to improve service efficiency, the project supported the merger of four of the six agencies. Absent from the proposed merger was the Office of the Administrator of Stool Lands (ostensibly because the 1992 Constitution gave it a protected status) and the Town and Country Planning Department (apparently because this agency did not fall under the Ministry of Lands and Forestry). The merger was envisaged as a step toward the one-stop shop that would simplify procedures for the customers of land administration. Measures to train the staff of the agencies, to develop private surveying and universities, and to improve equipment and infrastructure, were included in the project design.

2.24 Bringing the various land administration services (surveying, land valuation, titling, and registration) under the remit of a single agency may enhance efficiency, partly by ensuring that databases and procedures are compatible. The ultimate aim of the Ghana land administration program was to create a "one-stop shop" for clients, thereby reducing the cost they incurred in having to deal with the six land sector agencies that existed when the project was prepared. Agency merger—an explicit aim of the project—was proposed as a step in this direction. Indeed, the single-agency model of land administration is routinely espoused as good practice in the Bank (World Bank 2006).

2.25 Based on the activities funded by the project, IEG construes *fairness and transparency* to refer to achieving gender equality in land rights and access to land administration services, setting clearer rules for compensating persons whose land was compulsorily acquired by the state, and making more open and contestable the land allocation decisions and land dispute resolutions made by both state agencies and customary authorities. These ends were partly served by activities—particularly studies—grouped under Component 1. Also, the project aimed to create new offices throughout the country to regularize customary land administration in areas subject to chiefly authority (the Customary Land Secretariats: Component 2). There was also a bid to demarcate the boundaries of customary land in selected localities (Component 3).

2.26 *Sustainability* entailed that land rights were stable and defensible; also, that land administration services had adequate resources and were able to retain the revenue from fees in order to reduce their dependence on budgetary transfers. This outcome was served by the proposed legal reforms under Component 1 and the steps to strengthen customary and state agencies involved in land administration (Component 2).

2.27 The treatment of *decentralization* in the project design is mixed. Decentralization is a means to achieving the outcome of increased agency efficiency, not an end in itself. The project results chain is explicit about two aspects of decentralization: opening

government land offices in the regions in order to bring titling and registration services closer to clients; and empowering the customary land secretariats.

2.28 In two other respects, there are gaps in the project design with respect to decentralization. First, the design did not address the allocation of rents from concessions, rents which could in principle be used to fund local development. The revenues from forest and mineral resources on customary lands are, to a large extent, captured by central government and (to a lesser, but unquantified extent, by the chiefs). These revenues are not necessarily reinvested in the localities they derive from (Cotula, Toulmin and Hesse 2004: 13). Second, the project design largely neglected local government. The District Assemblies are empowered to carry out land use planning and to grant building permits, responsibilities that are also claimed by the regional offices of the Town and Country Planning Department and, to some extent, by the Customary Land Secretariats. Even in the absence of an explicit local government component, the project could not be fully effective if the activities that it undertook that coincided with the domain of the district assemblies were not properly communicated to the relevant local authorities. There were no project components or activities explicitly intended to strengthen the role of local government in registering land, and in contributing to land use planning. Moreover, there was potentially a conflict of interest between the district assemblies and the customary authorities with respect to land use planning (Hueber and De Veer 2001: 191).

2.29 Given the lack of clarity in the statement of project objectives and the gaps and contradictions in the results chain, the relevance of the project design to the original objectives is rated **modest**.

#### **RELEVANCE OF DESIGN TO THE REVISED OBJECTIVES**

2.30 The 2008 restructuring introduced changes in the mix of activities and, in some cases, scaled back output targets (see Annex B, Table B1), but the rewording of the statement of project objectives was no clearer than its predecessor, nor was the project results framework strengthened. Expected outcomes did not change. The relevance of design of the restructured project is rated **modest**.

#### **Design of Monitoring and Evaluation**

2.31 Ultimate responsibility for project monitoring and evaluation was vested in the Policy, Planning, Monitoring and Evaluation Department (PPMED) of the Ministry of Lands and Forestry, which was responsible for compiling monitoring reports, based on inputs received from the various agencies to which discrete M&E assignments would be contracted out. Also, it was expected that PPMED would prepare the terms of reference for an impact evaluation and contract universities to implement it. At appraisal, the plan was to strengthen PPMED with additional staff, training and equipment. Translating the project development objective into appropriate performance indicators and targets was inadequate at appraisal: for example, the specification of output targets was incomplete and there were no outcome targets. It was only in 2008, when the project development objective was formally revised, that serious consideration was given to the design of the

results framework. When the credit became effective, none of the baseline studies had been completed, and there were no baseline values for the main outcomes.

### **Implementation arrangements**

2.32 Project implementation was not handled by an independent unit but integrated with the relevant line ministry. Overall management of the project rested with the Chief Director of the Ministry of Lands and Forestry. The project management unit reported directly to the Chief Director, in whose office the unit was located. The Ministry of Environment, Science and Technology was also, in principle, an implementing agency because it housed one of the land sector agencies, the Town and Country Planning Department. According to the project appraisal document, the other agencies that would be involved in project implementation were (in addition to the land sector agencies) the Ministry of Justice, traditional councils, academic and research institutions, NGOs and the private sector. In practice, these other agencies were not central to implementation. Several project-specific institutions were created to provide guidance and improve coordination: a Land Sector Technical Committee, a Land Policy Steering Committee and an Inter-Ministerial Committee.

## **3. Implementation**

3.1 The credit became effective in less than three months after project approval. There were long delays after project startup owing to slow procurement, resulting from the lack of knowledge about Bank procurement procedures in the Ministry of Lands and Forestry and the absence on appropriate specialists in the Bank's country office. Delays in procurement of studies on Organization, Management and Operations and the Land Information System, both of which were central to institutional reforms, hampered startup of the Lands Commission that was created from the merger of four land sector agencies in 2008.

### **Expected vs. Actual Costs**

3.2 The expected cost of the four components (A-D) added up to US\$47.1 million (Table 2) but when allowance is made for the project preparation facility and physical and price contingencies, the total project cost, as estimated at appraisal, was US\$55.1 million. The actual project cost (US\$48.3 million) included US\$0.6 million for the preparation facility. The project restructuring transferred credit proceeds from component B to components A and D, and was associated with a substantial increase in the cost of project coordination.



**Table 2: Project Costs**

COMPONENT	COST (US\$ MILLIONS)	
	<i>EXPECTED</i>	<i>ACTUAL</i>
1. Land Policies and Regulatory Framework	1.0	5.0
2. Institutional Reform and Development	25.3	8.5
3. Land Titling, Registration, Valuation and Information Systems*	14.1	19.3
4. Project Coordination*	6.7	14.9
<b>Total**</b>	<b>47.1</b>	<b>47.7</b>

Source: World Bank 2003a, 2011.

\* The figures for Components 3 and 4 were, according to the Financial Controller of the Ministry of Lands and Natural Resources, transposed in the Bank's completion report—the table above presents the numbers in the right order; the Financial Controller also told IEG that Component 4 captures a variety of expenditures—goods, vehicles and equipment, consultancies, monitoring and evaluation, human resources development, and general operating expenses—only part of which corresponded to administrative costs arising from project management (the actual level of which was estimated at US\$6.0 million).

\*\*The total cost does not include the project preparation facility, and expected physical and price contingencies.

## Factors that affected implementation

3.3 The Policy, Planning, Monitoring and Evaluation Department (PPMED) of the Ministry of Lands and Forestry was slow to launch the baseline surveys and, for the first three years of the project, Bank supervision reports did not provide data on progress toward meeting development objectives. For reasons that IEG could not ascertain, the Bank's five development partners in the project (see Table 1 above and Annex B, Table B2) were slow to exchange letters of agreement with the Ministry of Finance and Economic Planning, holding up disbursement of funds. For example, more than three years after the credit became effective, the delivery of ortho-photo mapping, land use planning, and land information systems had not progressed because the Nordic Development Fund, which was funding these activities, was late in signing its agreement with the government and in sending technical assistance. Delays in donor funding were aggravated by shortfalls in counterpart funding: the Borrower was expected to contribute US\$7.6 million; by closing, the government had provided US\$3.8 million, or exactly 50 percent of the appraisal forecast.

3.4 Coordination between the various pilot activities was weak: the work on the customary land secretariats did not serve as an entry point for the related pilots on boundary demarcation, dispute resolution and decentralized land registration. Startup of systematic land titling was substantially delayed. A Land Policy Steering Committee comprised of relevant ministries and other partners proved ineffective because the Cabinet (the ultimate authority) was reluctant to grant it space in the decision-making process. There was a continuing tension between the priorities of ministry staff (preoccupied with day-to-day business) and the priorities of the project management unit (focused on project-specific results). By and large, ministry staff was reluctant to assume the project-driven tasks that were added to their existing work load.

3.5 When the mid-term review was conducted in September 2006 only 16 percent of the project budget had been disbursed. The project team acknowledged that the project would not meet its development objectives in the two years remaining, recommending that the statement of objectives be formally revised. In October 2006 the Bank also recommended to government that stronger attempts be made to involve private sector and

civil society organizations in project field activities, including surveys, customary boundary demarcation and preparing the inventory of state-acquired lands.

3.6 The revised project development objectives were approved by the Board on November 7, 2008, more than two years after the revision had been proposed. (The government was apparently slow to issue a formal request to the six development partners requesting that the development objective be revised and funds reallocated between components.) At the same time, credit proceeds were reallocated between components (see Table 2 above) and the closing date was extended by two years, from December 31, 2008 to December 31, 2010. In December 2010, closing was extended by a further six months to June 30, 2011, to give more time for output targets to be met.

### **Implementation of Monitoring and Evaluation**

3.7 M&E was hampered by the lack of properly trained and suitably qualified staff and the slow start up of monitoring activities. Baseline surveys were incomplete and launched late. The impact evaluation envisaged at appraisal was not carried out. The diffuseness of project activities (and, in particular, the large number of small pilots, scattered across the country) made M&E harder. In the 2006 mid-term review the Bank reported that the project's M&E team spent most of its time in Accra. The M&E team had not attempted to track the quality of data collected by the regional offices and, during mid-term review field visits, the Bank found that data capture and storage by these offices was poor and management was weak. Information flow between the regions and Accra was haphazard. This deficit had not been rectified when the project closed.

3.8 When the project was restructured in 2008, a belated attempt was made to tighten up the results framework. Performance indicators were redefined or dropped, and output targets were re-specified. Annex B, Table B1 spells out the extent of these changes. The main effect was to define the scope of the original activities more precisely, with a view to greater realism about what could be achieved in the short time remaining for implementation. However, in one respect the bar was raised: the outcome target for the project's legislative initiative was altered to include passage of bills by Parliament, an outcome over which the executive branch, let alone the project team, had little control.

3.9 In the 2006 mid-term review the Bank reported that the project management unit was not using the available M&E reports as a means to improve project implementation. The Bank also noted the lack of coordination with the Policy Planning Monitoring and Evaluation Department (PPMED) of the Ministry of Lands and Forestry, which was effectively dormant, and the weak links to the heads of the land sector agencies. The initial commitment to embedding project M&E in PPMED (rather than creating a separate project unit) did not bear fruit, suggesting that the project did not lead to a significant long-term strengthening of government's M&E capacity.

### **Safeguards**

3.10 The project was assigned a Category B environmental rating, because its potential impacts were considered localized, reversible and manageable. Relevant safeguard policies were Environmental Assessment (OP 4.01) and Involuntary Resettlement

(OP4.12). These policies were triggered by the possibility that the demarcation of customary lands would raise questions about the pattern of land allocation, possibly resulting in the eviction of persons occupying these lands. An environmental and social management framework and a resettlement policy framework were prepared before project appraisal. According to Bank files, both safeguards were satisfactorily complied with at all stages of implementation. The completion report notes that disagreements on a couple of boundaries in one region were resolved amicably through alternative dispute resolution mechanisms established as part of project activities. During its visit to Ghana, IEG found no evidence to suggest that the two safeguards were violated.

## **Fiduciary and Procurement Performance**

3.11 Financial reports and audits were issued on time, and all audits were unqualified. Counterpart funding was erratic. The implementing agency ran into difficulties with procurement and, at completion, the Borrower reported that there were “delays in the supply and installation of goods and equipment; setbacks in completing consultancy requirements; prolonged processing of procurement requests; and ineffective contract management for consulting services and goods” (World Bank 2011: 47). Based on the mission findings, IEG concurs with these assessments of fiduciary and procurement performance.

## **4. Achievement of the Objectives**

4.1 This section assesses achievements under each of the four outcomes that IEG has construed from the project’s incomplete results chain. Given that the expected outcomes did not change significantly with the 2008 restructuring, and to facilitate clarity of exposition, this section does not separately assess achievements against the original and the revised statement of objectives.

### **TENURE SECURITY**

4.2 Based on a review of the expected outcomes and outputs (Annex B, Table B2), IEG infers that the project’s conception of tenure security involves strengthening the laws bearing on land rights, strengthening Customary Land Secretariats, clarifying customary land boundaries, raising public awareness of land rights, and adjudicating and registering claims to land, involving both deeds and land title certificates.

4.3 A key aspect of the *legal reforms* bearing on tenure security involved preparation and passage of a “substantive” (omnibus) land administration bill. After project restructuring in 2008, the bar was raised: in lieu of approval by Cabinet, it was expected that the bill would be passed by Parliament. A draft bill was prepared before project closing but the Bank team expressed reservations about its quality and advised against approval. The team advised IEG that drafting of the bill nevertheless created space for a dialogue on sensitive issues, particularly the appropriate relationship between state and traditional powers and their respective responsibility over land. Consensus on this matter could not be reached within the time frame of the project but the Bank team notes that the

discussion continues under the follow-on operation, along with efforts to finalize the bill. When IEG visited Ghana in August 2012 a third draft of this bill was sitting with the Cabinet, waiting for approval before presentation to parliament. Even if this bill is ultimately approved by the Cabinet it may founder in Parliament owing to resistance from the Chiefs who exercise considerable influence over the legislature.

4.4 According to the project concept, increasing tenure security entailed “harmonizing” customary and statutory tenure. The contradictions implicit in harmonization—the contestation of rents by the customary authorities and the state—were not spelled out when the project was prepared. Implicitly, the project endorsed the support for the customary authorities’ control of land that was embedded in the 1992 Constitution and the 1999 Land Policy. But the project also aimed to strengthen the land sector agencies, thereby increasing the state’s control over land administration, and shifting rents away from the chiefs. This tension at the heart of the project’s design was not resolved during implementation. The net effect was to leave the chief’s control over land unchallenged, an outcome that may, on balance, have reduced tenure security for many land users, particularly in those parts of Ghana where the traditional authorities were seeking to profit from rising land values.

4.5 One aspect of harmonization involved ruling on the legitimacy of *customary freehold*, a matter that the Bank’s legal advisers pursued with some tenacity during the early phase of the project. The customary freehold is a transferable land right of indefinite duration that was acquired either implicitly through mere occupation of vacant community land, or granted explicitly by the community authority. This freehold is a longstanding institution that precedes the 1992 Constitution. When the Land Administration Project was approved some authorities interpreted the Constitution as querying the legitimacy of the customary freehold, making it impossible for freeholders to register this claim to land (Bugri 2012: 33). A Bank legal review found that tenure security in Ghana would be compromised if the freehold was not recognized. The review concluded that there was a trend for customary authorities to replace the freehold with a lease that was limited in duration. In effect, some chiefs were ceasing to act as guarantors of the land rights of their subjects, instead acting as if they were landlords (Bruce 2006). During project implementation the matter was referred to the Attorney General who ultimately ruled that the customary freehold was a legitimate institution. However, the National House of Chiefs, which is the paramount representative of the customary authorities in Ghana, refused to recognize the government’s ruling, illustrating the degree to which the project was unable to achieve its objective of reconciling customary and statutory law.

4.6 One step toward greater tenure security involved *strengthening the capacity of customary authorities to administer land*. The target for establishing and strengthening Customary Land Secretariats was scaled back from 50 to 30 when the project was restructured in 2008. According to project data, by closing, 36 of these agencies had been set up and 30 had been strengthened. Based on IEG’s investigations, attempts to enhance the role of the Customary Land Secretariats (CLSs) appear to have met with mixed results. The CLSs were designed to build on the customary arrangements for land administration, formalizing the demarcation of customary boundaries and the allocation of plots, and making fee collection more transparent. However, these procedures are

sources of rent for the chiefs and clan heads so it is perhaps not surprising that the customary rulers are skeptical about entrusting land registration to the CLSs. Even if CLSs are located outside the palaces, to a large extent, they continue to operate by the grace and favor of the customary authorities.

## Box 2: The Limitations of Customary Land Secretariats

**Gbawe**, on the outskirts of Accra, is said to be one of the more active CLSs. It predates project approval (2003), being one of the three CLS precursors on which the project built. The office is located on the main street, well away from the palace; but even if the CLS is now the first port of call for land registration, clients are expected to make a courtesy call on the palace. The two officers on hand when IEG visited reported that the office received up to 60 visitors per day, although this could not be verified because they do not keep a log (and the office was empty on the Saturday morning that IEG visited—reportedly one of the busier days). The accountant was not on hand to open the books. IEG was shown a printed manifest of services offered but the fees were not itemized. The officers said that the main source of revenue is a 25 percent levy on the annual ground rent that is due for leases of customary land (assuming, of course, that leases are not private arrangements made with the chief). Other 25 percent levies are collected from the tolls applied to parking spaces for trucks and minibuses, and marketplace stands. Title registration is potentially an important source of revenue (with GHC 1200 charged for a 100 x 70 foot residential plot), but the proportion of this charge that is collected as a fee is variable (and is apparently set at the discretion of the customary authorities). CLS revenues must, nevertheless, be significant because they are able to maintain a regular staff of 18. Officers are paid a monthly salary and social security benefits. The salary fluctuates with the revenue captured by the office, accounting on average for about 60 percent of the takings. The office is able to retain some of its revenues, keeping a savings account in a local bank.

The staff told IEG that the main problems in their day to day work arose from limited public awareness of land registration services (which begs questions about the outreach of the CLS office) and boundary demarcation disputes between contending chiefs. IEG were told that, in Gbawe, land disputes were so heated that the project management team felt unable to guarantee the security of consultants sent into the field, thwarting project-sponsored attempts to demarcate boundaries. One of the CLS officers said they needed more training: for example, in map reading. The first project had provided training but, just over a year into the second project, there had been no follow up.

**Manya-Krobo** CLS, is located in the town of Odumase-Krobo, about ninety minutes drive northeast of Accra. The three officers on hand showed IEG the records they kept, including a hand-written ledger of receipts and expenditures. Takings were limited and variable: GHC 1740 (about US\$850) in January-March 2012); and only GHC 182 in April-June 2012. The ledger clearly showed that most incomings were charitable donations from local individuals, rather than fees for land registration. The officers present were unable to say what proportion of revenues was typically disbursed on wages for the four regular staff. There was a computer in the office, provided by the project, but none of the three men knew how to use it, depending on a female secretary (not present) to type up reports.

Although, like Gbawe, this office is sited outside the Chief's palace, it is apparently less independent of the chief's influence, even though it has been running since 2007. There has been some progress with Alternative Disputes Resolution (designed to circumvent the courts): the records showed that six of the ten cases presented to the office in January-June 2012 had been settled. However, unlike in Gbawe, the Manya-Krobo CLS does not receive a percentage of the ground rent from the leases of customary land. Moreover, it is the palace that maintains the CLS bank account. Fees for plot allocation (a key source of revenue) are still levied by the palace authorities, rather than by the CLS.

The customary Plot Allocation Committee keeps no accurate record of parcel boundaries and often issues concurrent leases on the same piece of land, a major source of disputes. IEG were told that the aim is to "bring the Plot Allocation Committee under the umbrella of the CLS". But when IEG subsequently made a courtesy call on the palace, the chief made it quite plain that he opposed the granting of greater autonomy to the CLS. He told IEG that the CLS officers had been remiss in not keeping in touch with him.

In this area (the Accra Plains), the Krobo people still have memories of being driven off the land with little or no compensation when the Volta was dammed in the 1960s. This makes them suspicious of any attempt to formalize land administration.

Source: Findings of an IEG field trip on August 25, 2012.

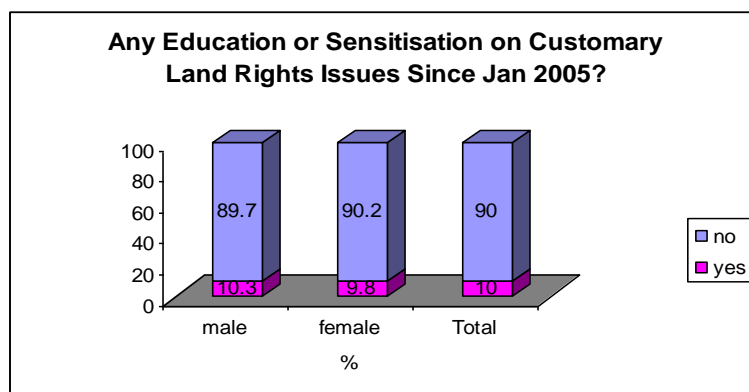
4.7 IEG found that even Gbawe, the most highly-regarded and long-lived CLS (it was set up long before project startup), had significant limitations (Box 2). Other sources also report that many land users have not heard of the local CLS. With respect to the Kete Krachi CLS, which was piloted under the project, “beyond Krachi town and its immediate environs, very little is known about it” (Yankson, Asiedu and Yaro 2009: 4). Two years after Kete Krachi opened, the authors found that, of 380 people interviewed, one-third had heard of the CLS and 10 percent had actually used its services, either seeking answers to general questions about land use or specific advice on registration (Yankson, Asiedu and Yaro 2009: 77-78). Another study found that “reports from the field indicate that the CLS idea, although brilliant, has not been communicated effectively to the chiefs... The number of transactions undertaken... is quite low and may not be able to sustain the secretariats over time.” (MASDAR 2011: 27-28). Yet another source concluded that “the CLS concept is a laudable idea that has a lot of potential benefits for the efficient and effective management of land resources in the country. For example, the use of Alternative Dispute Resolution in resolving land disputes is helping to decongest the thousands of court cases in the formal system. However, the ability of these CLSs to deliver in other respects, such as land rights documentation, land boundary demarcation and improvement on the land rights position of vulnerable groups, is currently hampered by a lack of capacity and capability to deliver on their tasks (Bugri 2009: 26). Nevertheless, the Bank team observed that lessons have been learned, particularly about the need to strengthen the demand-driven approach and Alternative Dispute Resolution, lessons that are now being applied under the follow-on operation.

4.8 Customary boundary demarcation pilots were conducted in eight regions. Their purpose was to take a first step toward strengthening tenure security by *helping to identify and resolve differences in land users’ interpretations of where the perimeter of customary areas lay*. (No attempt was made to clarify the limits of individual parcels within this perimeter, which would have been a more onerous task.) The aim was to reach consensus by bringing together the interested parties, using the project-sponsored system of Alternative Dispute Resolution where necessary.

4.9 At appraisal, the aim was to mark and register the boundaries of 50 customary land areas; by closing only 10 boundaries were marked and none were registered. The pilots made little headway because the chiefs were not briefed sufficiently in advance about the purpose of the exercise, and were, partly for this reason, reluctant to cooperate. In some cases, the consultants were chased off the land when they attempted to do their work. Some clients reported that the pilots seemed to be managed exclusively from the project implementation unit in Accra, with no involvement of regional survey officers or other local representatives of the land sector agencies (MASDAR 2011: 36-39). When the project was restructured, the target number of areas for demarcation and registration was reduced from fifty to ten. The completion report says that ten were indeed demarcated, but none was registered (World Bank 2011: xiv). The Bank team commented that the pilots pointed to the need to: first obtain agreement on boundaries between the neighboring traditional authorities before demarcation is undertaken; to increase the use of Alternative Dispute Resolution procedures; and to require greater upfront involvement of the chiefs.

4.10 Finally, despite the communications campaign conducted by the project, one source found that, between 2005 and 2008, very few people were educated or sensitized, suggesting that the project did not significantly increase *people's knowledge about customary land rights* (Figure 1).

**Figure 1: Education on Customary Land Rights**



Source: Survey results extracted from a 2008 report assessing the Ministry of Food and Agriculture Gender and Agriculture Strategy, cited in Mohammed and Banuoko 2012: 22.

4.11 The project made more headway with deed registration than it did with issuing land title certificates. It eliminated the need for land users to travel to Accra or Kumasi to register their deeds: the 8 offices that were opened in regional capitals have significantly reduced the expenditure of time and money that clients have to make to register land. The number of deeds registered outside Accra increased more than twenty-fold between 2005 and 2010 (Table 3). “The system of land registration hitherto was over-centralized with everything emanating from Accra. This situation has changed for the better” (Bugri 2012: 63).

**Table 3: Deeds Registered at Regional Land Registry Offices, 2005-2010**

DEEDS OFFICE	2005	2006	2007	2008	2009	2010
Sunyani	-	495	274	1,018	448	506
Tamale	9	255	210	248	194	208
Bolgatanga	40	233	103	254	402	414
Wa	-	354	553	517	524	451
Ho	34	332	446	617	751	666
Koforidua	99	1,698	947	1,970	2,094	1,011
Takoradi	167	1,016	870	1,780	1,942	2,714
Cape Coast	20	685	718	922	1,512	1,866
Kumasi	-	-	-	-	12	277
<b>TOTAL</b>	<b>369</b>	<b>5,068</b>	<b>4,121</b>	<b>7,326</b>	<b>7,882</b>	<b>8,113</b>

Source: MASDAR (2011: Table 8)

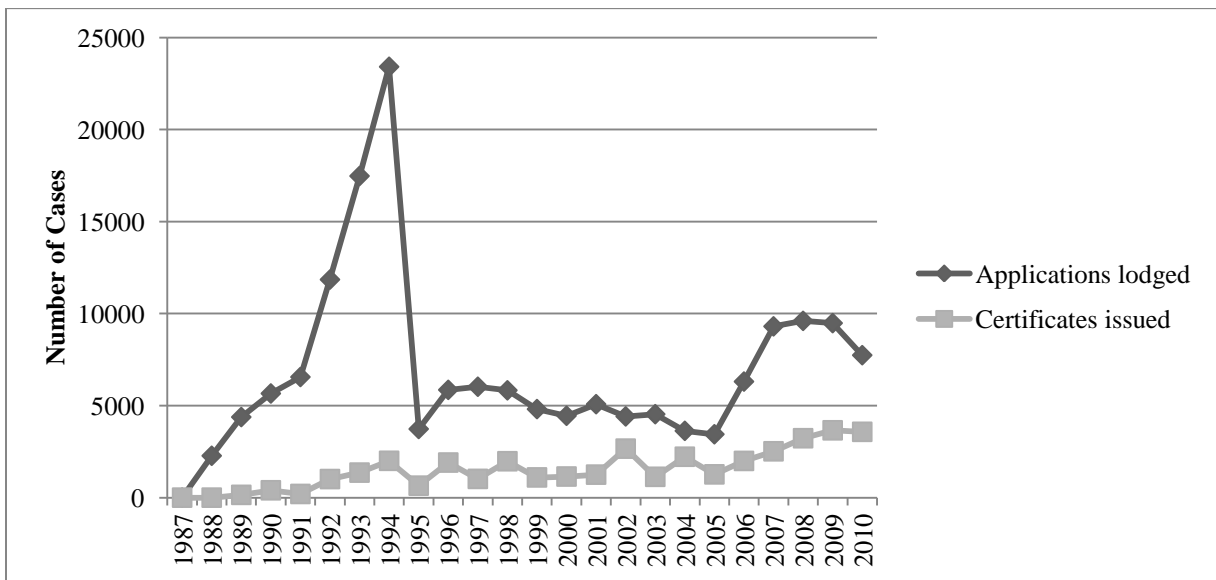
4.12 Since 1986, landowners in pilot areas of Accra and Kumasi have, in principle, been able to increase their tenure security by obtaining *land title certificates*. The project



sought to accelerate this process through a systematic titling initiative in selected areas of these two cities. Between 2003 and 2010—the period of project implementation—there was a modest increase in the number of certificates issued (Figure 2), falling well short of the appraisal target: the aim was to generate 300,000 land titles (scaled back to 50,000 at restructuring) but just 8,000 were issued.

4.13 This was partly the result of delayed startup of the systematic adjudication component, and partly because no attempt was made beforehand to assess how much demand there was in the areas selected for pilots. The authors of the MASDAR report found that “in places like Cantonments and Labone a significant number of property owners had themselves obtained land titles to their properties prior to the declaration of the area for systematic titling; and again, a significant number of the properties happen to be state owned [that is, not eligible for titling]. The number of absentee landlords was also a problem. It is suggested that in future thorough assessments must be undertaken prior to the selection of an area for systematic titling” (MASDAR 2011: 39-40). In the districts surveyed in 2009 and 2010, less than 6 percent of rural households were aware of the services available for land titling, and less than 3 percent were aware of the steps required for land title registration (MASDAR 2011: 31).

**Figure 2: Land Titling in Pilot Areas of Accra and Kumasi, 1987-2010**



Source: Data from the Land Title Registry, Accra, cited in MASDAR 2011.

Achievement of the tenure security outcome is rated **modest**, balancing the significant increase on deed registration against the limited progress on legal reform, strengthening Customary land Secretariats, customary boundary demarcation and land titling.

#### **EFFICIENCY AND COST EFFECTIVENESS**

4.14 Based on a review of the expected outcomes and outputs (Annex B, Table B2), IEG infers that the project’s conception of efficiency refers to strengthening the

performance of the government agencies involved in land administration, reducing the turnaround time for registering titles and deeds, and speeding up the settlement of land litigation cases.

4.15 The project design envisaged that efficiency would be enhanced by merging and streamlining the government's land agencies. Merger was enabled by passage, in 2008, of the Lands Commission Act, which was prepared under the auspices of the project. This merged four of the six agencies, creating the National Lands Commission. The National Lands Commission did not include two of the six land sector agencies. Leaving out the Office of the Administrator of Stool Lands, as well as the Town and Country Planning Department has arguably slowed progress toward a more streamlined land administration service, partly because the duplication of functions is not being addressed.

4.16 The "merged" agencies still operate separate accounts, administration and reporting systems. Interviewees told IEG that the agencies have continued to operate more or less as they did before the merger. Efficiency gains were limited by poor planning, arbitrary decisions about staff reassignment after the merger, and the failure to train staff to make use of the equipment purchased with project funds (MASDAR 2011: 17-23). Scanning of an estimated two million documents has been handed to the Lands Commission but staff lack the skills needed to get on with the job (MASDAR 2011: 38). Resource allocation was centralized. Of the 100 four-wheel drive vehicles purchased under project auspices, 72 were assigned to Greater Accra, with the other 28 spread thinly over the other nine regions. However, the Bank team told IEG that vehicles based in Accra were used to support project activities throughout the country. But the supply of vehicles in the regions is constrained: one source indicated that customers often have to pay for taxis to carry land administration staff to the properties awaiting inspection (Bugri 2012: 177).

4.17 The project-led restructuring of the land sector agencies has not strengthened regional offices. After the merger of four of the agencies, staff and equipment were reallocated between the regions before needs had been properly assessed. Some officers in the regions continue to deal directly with their heads in Accra, sidestepping the Regional Lands Officer who, under the terms of the merger act, should be the first report (MASDAR 2011: 23). Project-sponsored supervision visits to Regional, District and local Land Sector Agencies were infrequent (MASDAR 2011: 29).

4.18 Increasing efficiency first called for an assessment of the existing capacity of the government's land agencies. A skill gap analysis was conducted for the Ministry of Lands and Forestry but the government found the quality unacceptable. This analysis formed part of a larger study on the organization, management and operations of the land sector agencies, a study that was intended to help define the structure and functions of the National Lands Commission that was set up in 2008. The study had neither the substance nor the timeliness of delivery to materially influence the shape of the Commission. Expectations about human resource development were also clarified at restructuring: 1,819 persons were to be trained; by closing, 1,206 persons had participated in short-term study tours and in-service training. However, these output shortfalls need to be put in perspective: compared to other Sub-Saharan countries, Ghana is well endowed with skills

and expertise in land administration—the Lands Commission alone has more than 50 staff with postgraduate degrees.

4.19 Increased efficiency also entailed strengthening the infrastructure and equipment of the government's land agencies. The equipment installed by the project included 3 Continuously Operating Satellite Reference Stations (CORS). IEG visited the Takoradi station; the other two are in Kumasi and Accra. The stations operate 24 hours a day to provide correctional data that removes errors from hand-held Geographical Positioning System (GPS) equipment, thereby enabling surveyors to use these hand-held devices (which cost US\$100-500 each) rather than using Total Stations and Differential GPS sets (which cost about US\$10,000 each). The Bank team advised IEG that CORS may potentially lead to substantial reductions in surveying costs and that the Ghanaian staff is well trained to operate them. However, IEG learned in the field that, in the interests of speeding up project disbursements, the equipment was purchased and distributed to regional offices before needs and training requirements were properly assessed. In the regional land offices visited (Ejisu, Kumasi, Takoradi), some staff members told IEG that the annual budgetary allocation from the Government of Ghana is either insufficient or untimely, leading to underuse (or inadequate maintenance) of equipment, and encouraging informal renting out to private surveyors—a more efficient outcome, at least, than leaving equipment idle.

4.20 The project aimed to increase the speed of land registration. In the case of deeds, the baseline value was more than 36 months, the target was less than one month, and the result at closing was 2.5 months. For titles, the baseline value was more than 36 months, the target was less than six months, and the result was six months. The *Doing Business* surveys serve as an independent check (World Bank 2012). The reference transaction is the sale of a warehouse on the outskirts of Accra. These annual surveys show that the time taken to complete the transaction was 169 days in 2005-07 and 34 days in 2008-12. Both project data and *Doing Business* point to increased efficiency in this respect.

4.21 However, the data need to be treated carefully. The completion report data and those from *Doing Business* are not comparable: the completion report averages across a range of title transactions, spanning the country, whereas *Doing Business* considers just one type of transaction, in Accra. Moreover, *Doing Business* does not report on deeds, which account for a larger number of transactions in Ghana. Also, the mean time taken for a transaction is hard to interpret without knowledge of the range. Finally, and most important, the data do not reflect the bribes that customers may have to pay to obtain deeds and titles on time. The land administration experts paneled by Bugri (2012), and the persons interviewed by IEG, concur that bribery of land administration officials continues to be widespread in Ghana, resulting in significant revenue leakage.

4.22 The Bank's annual survey shows that Ghana performs well relative to other countries: according to *Doing Business 2013*, the cost of property transfer in Ghana averaged 1 percent of the property value in Ghana (down from 3 percent in 2005), compared to an average of 9.4 percent for Sub-Saharan countries and 4.5 percent for OECD countries (World Bank 2012). On the other hand, there was a consensus among members of a panel of Ghanaian experts in land administration that the *Doing Business*

data do not capture the diversity of transaction types and the large differences in performance between rural and urban areas (Bugri 2012).

4.23 A further aspect of efficiency was stepping up the resolution of land related disputes. There are conflicting reports about the size of the land litigation backlog in the courts so it is impossible to assess how effective the project was in clearing it. An output target of cutting the backlog of land litigations from 35,000 was set at appraisal. The size of the backlog was subsequently re-estimated as 7,122 (World Bank 2011). By closing, the Bank reported that 6,300 cases had been cleared, circuit and high courts taken together. According to the Judicial Service, between July 2008 and June 2011, support from the project permitted 8,769 cases to be cleared (circuit and high courts combined). Project support included construction of 5 new land courts which started operating in October 2008; and the purchase of hardware and software that facilitated automation of specialized land courts. The project also sought to promote the resolution of disputes outside the courts, working through pilots in selected Customary Land Secretariats (CLSs). According to the report on a 2009 survey of the CLSs, “the use of Alternative Dispute Resolution in resolving land disputes is helping to decongest the thousands of court cases in the formal system” (Bugri 2009: 26). But IEG was unable to find out how many cases had been settled through this mechanism.

4.24 Achievement of the efficiency and cost effectiveness outcome is rated **modest**, balancing passage of the legislation on agency merger and evidence of improved speed and lower cost of registration against the evidence that, so far, agency performance has not significantly improved as a result of the merger, and the difficulty of assessing progress on dispute resolution.

#### **FAIRNESS AND TRANSPARENCY**

4.25 The project results framework did not spell out the many dimensions of a fair land administration system. Based on a review of the expected outcomes and outputs (Annex B, Table B2), IEG infers that the project’s conception of fairness centered on increasing the number of women with deeds or titles to their land and reforming policies on the divestiture of customary lands under state control, and the compensation payable to those whose land had forcibly been acquired by the state.

4.26 The project sought to achieve a 50 percent increase in the number of titles and deeds registered by women. According to the completion report, the actual achievement amply exceeded this target. The baseline was given as 288 titles and deeds issued nationwide, but it is not clear over what period these titles and deeds were issued, or the breakdown between titles and deeds.<sup>7</sup> By project close, 14,415 titles and 32,879 deeds had been issued to women. However, a separate study concluded that, across six regions of Ghana, the project did not increase land registration by women, and the disparity between men and women did not narrow (Mohammed and Banuoku 2012). In the case of Bolgatanga municipality, in the Upper East Region, two sources reported widely different figures on the number of deeds registered by men and women (Table 4). The most recent data from the Ministry of Lands show that the number of deeds and titles registered each

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<sup>7</sup> Footnote 1 above explains the difference between a title and a deed.

year increased during the project span; but the gap between those registered to men and those registered to women (or to both partners) did not narrow substantially (Figure 3).

**Table 4: Conflicting Reports on Number of Deeds Registered in Bolgatanga**

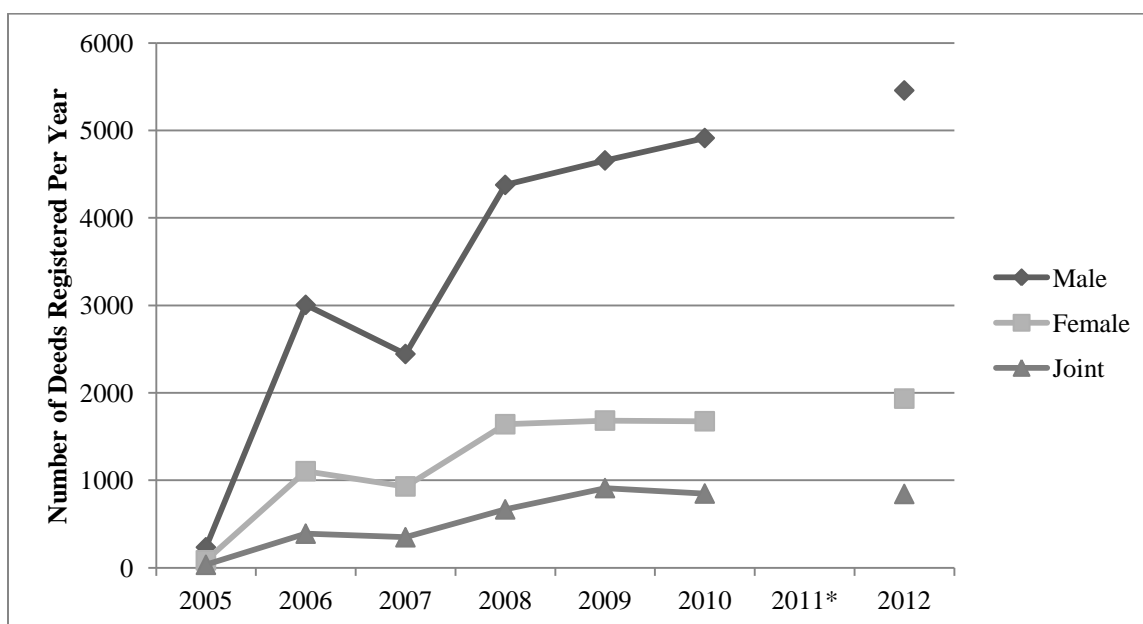
	Mohammed & Banuoko 2012		Ofori 2008	
	FEMALE	MALE	FEMALE	MALE
2005	57	150	5	30
2006	40	113	402	872
2007	45	145	24	71
2008	51	179	33*	86*

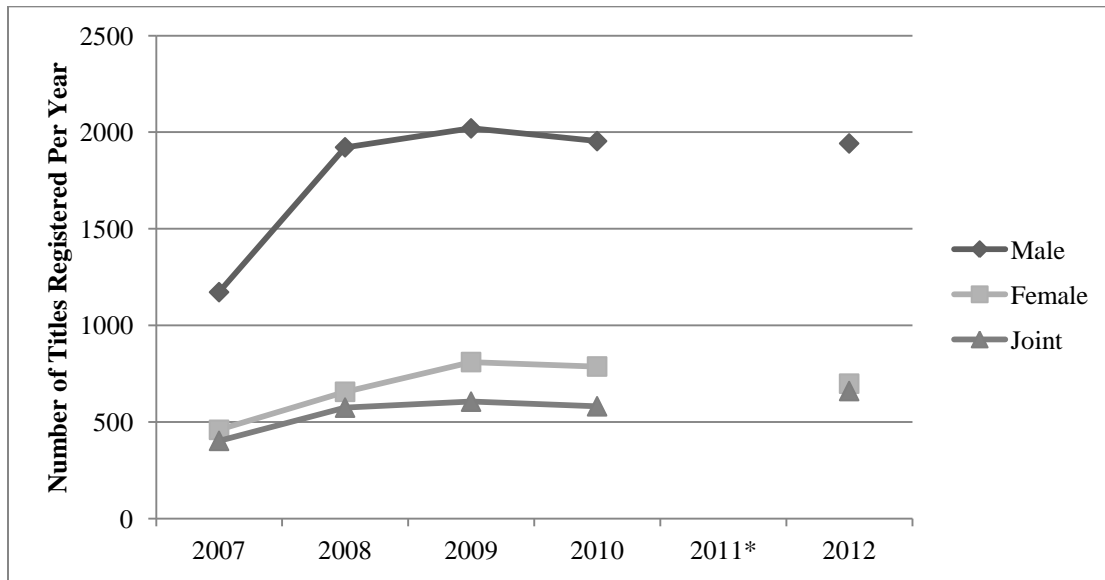
Source: Ofori 2008: 74-75; Mohammed and Banuoko 2012: 23.

\*Quarter 1 plus Quarter 2 only.

**Figure 3: Gender Disparity in Deed and Title Registration**

**(a) Deeds**



**(b) Titles**

Source: Ministry of Lands and Natural Resources.

\* 2011 is omitted because the available data refer only to January-June.

4.27 The project sought to determine compensation levels for eligible persons whose land had been forcibly acquired by the state but this was not achieved. However, a study on divestiture of state-acquired lands was completed and a policy on land compensation was developed and approved by Cabinet.

4.28 Under the project, steps were taken to prepare an inventory of state-acquired/occupied lands. The target (first defined at restructuring in 2008) was to cover 50 pilot districts; by closing, the inventory was complete for 10 districts. For the same 50 districts, a separate task was to identify state-acquired lands on which compensation had not been paid and to determine the level of compensation. A consultant report prepared at closing (MASDAR 2011) found that this second task did indeed cover 50 districts—although the completion report cites 43 (World Bank 2011). This evidence is confusing because if the inventory only ran to 10 districts it is not clear how the compensation owing could have been determined for 43 (or 50) districts. The Bank team informed IEG that the inventory exercise was undertaken for about 60 percent of the estimated area of public land, indicating that this was a sample large enough to guide policy. It pointed out that the exercise provided an interim basis for policy rulings on compensation and on the return of expropriated lands, guidance that will be fine-tuned as the inventory is extended to the whole country (Ahene, undated).

4.29 Limited progress was made towards greater transparency. MASDAR (2011:19) noted that the findings from the *state land inventory pilots* had not been used to create a live database at the Lands Commission on the extent of these lands. The inventory study showed that compulsorily acquired lands were much more extensive than anticipated. The same study revealed that the government occupied large tracts of land that had never

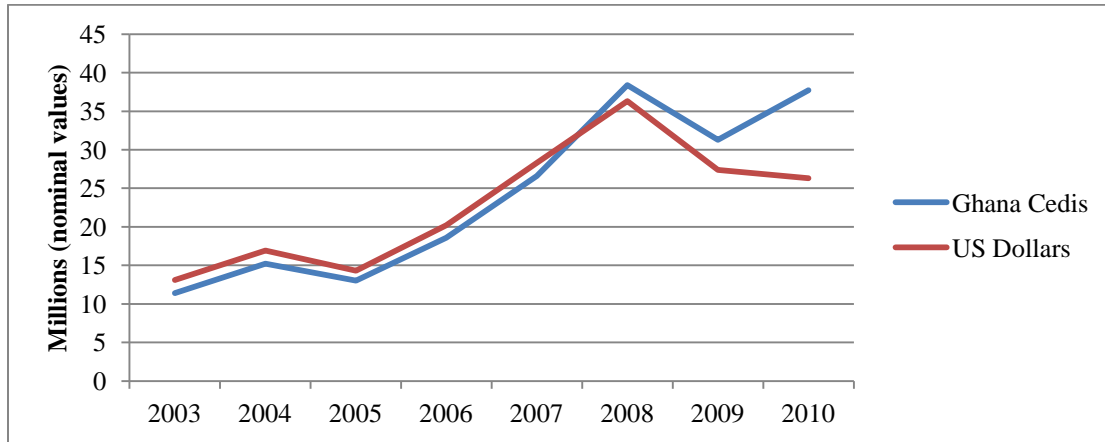
been formally acquired. Although recommendations about the level of compensation were made, there is no indication that the project helped to clarify the arguments for and against compulsory acquisition and the circumstances in which compulsorily acquired or vested lands should be handed back to the original owners. MASDAR (2012: 19-20) suggests that the chief's expectations about compensation may have been unduly raised. Also, there was no awareness on the chief's part about the responsibilities that they would need to assume when lands under state control were returned to them.

4.30 Achievement of the fairness and transparency outcome is rated **modest**, based on the mixed evidence about the increase in registration by women and about compensation and transparency with respect to state lands.

## **SUSTAINABILITY**

The project results framework is not explicit about the outputs and outcomes bearing on sustainability. IEG infers that a primary consideration is the financial integrity of the institutions supported by the project.

4.31 With respect to government land agencies, the available data show a major increase in revenues. When the project was restructured, a target of increasing land transaction revenues by 130 percent was established. In the event, revenues increased more than ten-fold (Figure 4). However, it is hard to interpret these data without information about the costs that central and local governments incur in offering land administration services. Sources differ on the extent to which the land agencies are financially self-sustaining. The Bank team supplied data to IEG showing that, in each of the years from 2005 to 2010, the transactions revenue received by the Lands Commission and its constituent units exceeded the total of capital and recurrent expenditures by Ghana Cedis 5-16 million. On the other hand, a Ghanaian expert panel estimated that the total fees collected by the registry arm of the Lands Commission covered less than 50 percent of the agency's operating costs, making it impossible for them to set aside the funds needed for capital investment, thereby hampering long-term increase in the efficiency of the land administration system (Bugri 2012: 177-178).

**Figure 4: Growth in Revenues of Five Land Sector Agencies, 2003-10**

Source: Annex B, Table B2.

Figure 2 shows revenues aggregated from the Land Valuation Division, Office of the Administrator of Stool Lands, Land Registration Division, Public and Vested Lands Management Division, and Survey and Mapping Division. No revenue data were submitted by the Town and Country Planning Department.

4.32 A further consideration is the sustainability of the Customary Land Secretariats that the project promoted. After project funding was exhausted, many CLSs had difficulty supporting themselves. The chiefs were not willing to pay for staff in their neighborhood CLS. In Western Region, the Wasa Amenfi CLS, which IEG visited in August 2012, keeps meticulous accounts, but the books fail to balance (Annex B, Table B1). In 2011, the year the project closed, income was equivalent to US\$8,599 (with 69 percent of this generated from fees charged for plot allocation and boundary demarcation), while expenditures (mainly on wages and office upkeep) totaled US\$21,955. According to the record, the office had run a large deficit each year since 2006, suggesting that there must be additional income off the books—how else could the office remain open for business? Indeed, in 2005, an academic study found that, in Wasa Amenfi, the CLS was seen by the chief “as a way to seek to maximize land availability for profitable disposals and for allocation within their own communities through changing long-standing land allocations to strangers [migrants]” (Ubink and Quan 2008:207). This is an area where rising land values have encouraged the customary authorities to renegotiate the land deals they made long ago with migrant cocoa farmers, on terms disadvantageous to these “strangers”.

4.33 While it is true that 40 percent of the revenue collected by the Office of the Administrator of Stool Lands is required to be allocated to traditional authorities, none of this funding is specifically earmarked for the Customary Land Secretariats.

4.34 Balancing the evidence about increased land agency revenues with the mixed reports on their financial self-sufficiency, and the weak finances of the CLSs, achievement of the sustainability outcome is rated **modest**.



## 5. Efficiency

A 39 percent *economic rate of return* was estimated at appraisal. This estimate was based on data from the Ghana Living Standards Survey and from plot surveys, using linear regression to analyze the effect of titling on land prices. Land prices were used as a proxy for the economic value of land on the assumption that all titling benefits will eventually be reflected in land price changes. The rate of return was not re-estimated at project completion because, according to the Bank team, the number of titles issued was much smaller than expected, so that this was not a reliable way to measure economic returns to the project investment. Economies of scale were sacrificed when the target was scaled back from 300,000 to 50,000 titles at restructuring—with only 8,000 titles finally delivered. Thus, the actual cost per title under the systematic adjudication sponsored by the project was US\$50, compared to the US\$35 projected at appraisal. This actual cost was lower than in Tanzania (US\$75 per title) but higher than in Thailand and Indonesia (respectively, US\$32 and US\$24).

In any event, land titling accounted for less than ten percent of actual project costs so these results are not a sound basis for assessing overall efficiency. At completion, the approach taken was based on measures of cost-effectiveness (principally, the reduced cost of registering land) and institutional efficiency (increases in land transaction revenues), areas where improvements met or exceeded appraisal targets, as shown in the previous section of this report. Also, mapping costs were lower under the project than in comparable projects in Ethiopia, Kenya and Uganda (Annex B, Table B6); and the Continuously Operated Reference Stations installed under the project to facilitate surveying and geo-positioning had lower unit costs than similar stations in several European countries (World Bank 2011b). These are valid measures but they offer a partial assessment of the overall efficiency of resource use, which must take into account the many output targets that were not met.

5.1 There are other indications that project resources were not used efficiently. First, there were multiple delays and extensions. Second, the resources committed to the 2008 restructuring did not significantly strengthen project outcomes. Third, each of the six co-financiers had its own procedures and priorities. DFID withdrew from the project earlier than expected, mainly owing to changes in corporate strategy (the substitution of projects by budget support operations). The German donor, KfW, insisted that the Land Bill be passed before it released funds for the construction of the headquarters building of the new Lands Commission, diverting the energies of the project management unit from other important matters, such as the skill gap and staff capability analysis that was needed to make the merger of the land sector agencies a success. Fourth, in its visits to Odumase-Krobo, Kumasi and Takoradi, IEG observed several instances where equipment purchased by the project was either poorly allocated between the regions, or left lying idle because staff did not have the training to operate it.

5.2 Efficiency is rated **modest**.

## 6. Ratings

### Outcome

6.1 The project objective was responsive both to government strategy (building on priorities in the 1999 National Land Policy) and to the Bank's country strategy for Ghana. Although the project objective addressed important constraints, principally the lack of clarity about land rights, there was an implicit tension at the heart of the project concept, centered on competition for rents by the state and the customary authorities. This tension carried over into project design and was not resolved when the project was restructured in 2008. Project design was hampered by the incompleteness of the results framework, entailing a lack of clarity about expected outcomes.

6.2 IEG construed four outcomes, assessing achievements for each. With respect to *tenure security*, the project led, on the one hand, to a significant increase in deed registration based on opening regional offices, reducing the distance that clients had to travel to register their land. On the other hand, there was limited progress with attempts to harmonize customary and statutory law (the relevant bill has still not been approved by Cabinet), there were shortcomings in the steps taken to strengthen Customary Land Secretariats and demarcate customary boundaries, and the coverage of systematic land titling was much lower than expected.

6.3 In the case of *efficiency and cost-effectiveness*, the project did facilitate the passage of legislation merging government land agencies, an important first step towards streamlining. Also, land registration speeded up. On the other hand, the agency merger was not well handled—staff and equipment were not always well allocated and, at the time of the IEG missions, the agencies were still to a large degree operating as separate entities. In the absence of a clear baseline, and owing to other data gaps, the progress in resolving land-related disputes is hard to assess.

6.4 Referring to *fairness and transparency*, there is mixed evidence about the increase in registration by women and there are conflicting reports on progress toward greater transparency in procedures for enumerating lands held by the state and compensation of those whose land is compulsorily acquired. The major increase in the revenues accruing to the government's land agencies bodes well for *sustainability*, but this evidence needs to be balanced against the lack of data on land agency costs, and the weak finances and limited autonomy of the Customary Land Secretariats.

6.5 With respect to efficiency, the cost-effectiveness data adduced at completion offer at best a partial assessment, insufficient by themselves to offset shortfalls in the delivery of outputs.

6.6 Despite the (minor) adjustment to the wording of the development objective, the four outcomes remained unchanged when the project underwent a Board-approved revision in 2008, the rationale for which was not clear. At the time of the Board decision, 56 percent of the actual credit amount had been disbursed. However, applying the split-rating formula makes no difference to the outcome rating because the four underlying

outcomes are the same, irrespective of the statement of objectives against which they are measured. The overall outcome is rated **moderately unsatisfactory**.

## **Risk to Development Outcome**

Although outcomes were less than expected, the more substantial institutional changes may be expected to endure—particularly the National Land Commission and the regional deeds registration offices set up by the project. The increase in land transaction revenues, which substantially exceeded the 130 percent target, increases the scope for the related agencies to be financially self-sustaining, although it is not clear what share of these revenues may be retained by the agencies that generate them. The deeds registration offices created under the project—probably the operations single biggest achievement—are more likely to be financially self-sustaining than the customary land secretariats that were set up, and which are presently in a precarious state. In one important respect, the assessment of outcome sustainability is moot: the project made little contribution to clarifying land rights, because the comprehensive land bill was not passed and there was no discernible progress toward the project’s objective of “harmonizing” statutory and customary authority over land. With respect to the (limited) progress in land titling, it remains to be seen whether those who received titles under the program of systematic adjudication will be willing to pay the fees associated with registration of subsequent land transactions. However, as land values continue to rise, the perceived value of registration is likely to increase proportionately, making it more likely that benefits accruing to project-provided titles will endure. Risk is rated **moderate**.

## **Bank Performance**

### **QUALITY AT ENTRY**

6.7 The project concept was a valid response to the lack of clarity about land rights in Ghana, and was consistent with the letter of both government and Bank strategy. But there were significant shortcomings with the objectives and, to a greater degree, the design of the project. Neither the objectives nor the design reckoned sufficiently with the political economy constraints on reforming land administration in Ghana, overestimating the commitment to reform by government and the customary authorities. (There was no relevant Bank analytic work, specific to Ghana, on which the project could build.) The design of the project was too complex for the limited period available for implementation, containing a large number of activities that were diffuse in both thematic and regional focus, and calling for coordination with five other donors that was likely to be difficult to orchestrate. The results framework was not adequately fleshed out and the provision for monitoring and evaluation was insufficient.

6.8 There was a difference of opinion among the development partners about whether the best tactic was to codify (and, by implication, ratify) the powers of the customary authorities or whether, in the interests of greater transparency and accountability, it was better to build up civil society institutions as a counterweight to the chiefs. The United Kingdom aid agency (DFID) was squarely in favor of the second approach (Alden Wily and Hammond 2001). The World Bank was more inclined to accept that the chiefs were so powerful that the first approach was the only politically viable option. The Bank view

prevailed. According to Alden Wily and Hammond (2001), when the Land Administration Project was conceived and designed, there was no wide and open discussion of the role of chiefs in land administration, or of the scope for them to allocate land in line with their own interests rather than those of society at large. Nor was there explicit consideration of the checks and balances that the state could place on the customary authorities. However, the “counterweight option” would not have been straightforward. Compared to many other African nations, civil society organizations in Ghana are weak and there is no independent forum for dialogue on land policy issues, reflecting “widespread deference to chiefly authority and a history of cooption of civil society by both chieftaincy institutions and political parties” (Amanor 2001: 112-113).

6.9 Ubink and Quan (2008: 205) have observed that “from the inception of the Land Administration Project, it has been government’s clear political choice that Customary Land Secretariats (CLSs) should fall under the aegis of traditional authorities rather than opting for more community based approaches to the management of customary land.” The selection of pilot areas for CLSs and customary area boundary demarcation was handed down by the government (influenced by the chiefs); it was not based on surveys or consultations before project approval, initiatives that would have revealed where local support was strongest. Many people interviewed by IEG said that the approach was supply-driven rather than demand--led. The same picture emerges from the academic literature: “The selection of CLS pilot locations has been heavily influenced by a political populist agenda which concedes growing influence to the institution of chieftaincy across the country” (Ubink and Quan 2008: 208).

6.10 When preparation began, the instrument proposed was an Adaptable Program Loan (APL), with reforms phased over 15-20 years (World Bank 2003b: 15, 37 and 2008: 10-11). Such an approach would have allowed for sequencing and would have provided sufficient time for the more challenging initiatives (institutional restructuring, legal reform) to be completed. At the Decision Meeting, the Bank opted instead for a Specific Investment Loan. There was no proportional scale back in the menu of activities, with all activities scheduled for completion in five years. Given the weak institutional capacity identified in the Project Appraisal Document, it was unlikely that this long list of tasks could be satisfactorily carried out in the time available. Also, parceling out the responsibility for components among the donors (see Table above) increased the risk that the expected outputs would not be delivered because of differences in delivery capacity and changes in donor priorities.

6.11 There were two other respects in which quality at entry was compromised. First, the project was overextended, both in geographical coverage and in the range of activities sponsored. Second, the complex range of activities would have benefited from sequencing.

6.12 Quality at entry is rated moderately unsatisfactory.

#### **QUALITY OF SUPERVISION**

6.13 The project had three Bank task managers. Through a combination of cross support and hiring of international consultants, these managers were able to draw on

Bank specialists in land administration, who had worked in other Regions, and distinguished experts on land law (both from within and outside the Bank). The legal experts provided in-depth support on interpretation of Ghanaian land law, pursuing the matter of clarifying the constitutional position on customary freehold with great diligence, and providing sound advice on the format of the substantive Land Bill. Their effectiveness was reduced by inconsistent and untimely support from the national counterpart hired by the project management unit. Before the mid-term review, supervision missions did not sufficiently address the shortfalls in project performance (particularly the weak monitoring and evaluation), and supervision reports lacked substantive detail.

6.14 Project restructuring took place too late (two years after it was proposed): not enough time was left in the implementation cycle for it to make a difference to project achievements. The restructuring missed an opportunity to clarify the outcomes expected from the project and to reduce design complexity, opting instead to tinker with outputs. An attempt was made to retrofit targets (for outputs, not outcomes); and some of the output targets that had been specified at appraisal were reduced (the number of land litigations in the courts remaining to be cleared, the number of titles that would be issued under the systematic adjudication component). These changes were not radical enough to make a substantial difference to the project outcome and the Bank shares responsibility with the government for the delay of over two years in implementing them.

6.15 Quality of supervision is rated moderately unsatisfactory.

6.16 Overall, Bank Performance is rated **moderately unsatisfactory**.

## **Borrower Performance**

### **GOVERNMENT PERFORMANCE**

6.17 Although the government took an important step before the project in issuing the 1999 Land Policy, subsequently it did not provide the political drive and management needed to push forward policy and legislative reform. Between 2003 and 2006, counterpart funding fell far short of what was agreed in the project financing plan, raising questions about government commitment. In October 2006 the Bank voiced concern about: the lack of government lead in public discussions about the divestiture of state-appropriated land; compensation payments; land use planning; the priority attached to deed versus title registration; and the transfer of land administration functions from the state to customary authorities and other decentralized agencies. It also recommended that the government take steps to bolster the project management unit, which was understaffed and poorly equipped. Following the mid-term review, the Bank recommended that the project be restructured but this took over two years to achieve, partly because government was slow to send out a formal request to the six donor agencies involved. The Land Policy Steering Committee had little convening power, partly because links to the various ministries were weak. Repeated changes at the Chief Director level of the Ministry of Lands and Forestry led to a loss of continuity. Government performance is rated unsatisfactory. There was a shortfall in counterpart funding: by closing, the government had provided US\$3.8 million, or exactly 50 percent

of the appraisal forecast. This impeded implementation in districts where funds were scarce.

6.18 Government performance is rated unsatisfactory.

### **PERFORMANCE OF IMPLEMENTING AGENCIES**

6.19 Government wanted to incorporate project implementation into the regular work of the responsible ministries, rather than creating an independent project management unit. The intention was sound but the execution needed to be stronger. A management unit was set up in the Ministry of Lands and Forestry but it was severely constrained. On the one hand, ministry staff did not own the project, objecting to the added work load. On the other hand, government was slow to recruit the staff that the project management unit needed to operate effectively. The anticipated collaboration with the Ministry's Policy, Planning, Monitoring and Evaluation Department failed to bear fruit and project monitoring and evaluation suffered as a consequence. The specialist in land law hired by the unit had other jobs to attend to outside the project, helping to explain the lack of a concerted effort to prepare proposals for legal and institutional reform. Project activities spanned several regions of Ghana but the project management unit made few trips to the field and coordination with the regional offices of the land sector agencies was limited. There was little cross-fertilization between the diffuse pilot activities. For example, the pilot on customary boundary demarcation proceeded on a separate track from the initiative to create customary land secretariats, even though both addressed common constraints concerning the willingness of the chiefs to cooperate.

6.20 The performance of implementing agencies is rated moderately unsatisfactory.

6.21 Overall, Borrower Performance is rated **moderately unsatisfactory**.

### **Monitoring and Evaluation**

6.22 *Design* envisaged coordination between PPMED, a department within the Ministry of Lands responsible for M&E, and a specialized M&E cell within the project management unit. The project results framework was poorly specified, with incomplete indicators, targets and baseline values. *Implementation* was hampered by the lack of coordination between PPMED and the M&E cell, and between both of these and regional land offices; and by the absence of staff with appropriate skills. The 2008 restructuring missed an opportunity to fundamentally revamp the results framework. The impact evaluation that was proposed at appraisal did not materialize. With respect to the *use* made of M&E, the Bank's mid-term review concluded that the project management unit was not using the available monitoring reports as a tool to improve project implementation. The design and implementation of the follow-on project was not significantly influenced by the monitoring and evaluation results from the first project.

6.23 Overall, the quality of monitoring and evaluation is rated **negligible**.

## 7. Lessons

7.1 IEG derives five lessons from the Land Administration Project that are of broad relevance to other operations of this nature.

7.2 *Attempts to “harmonize” customary and statutory land tenure institutions will not be successful if the conflicts of interest over rent allocation are not addressed, and if priority is not given to distributing rents in accordance with the public good.* In Ghana, the customary authorities exercise considerable leverage over the government, a circumstance that stymies attempts by the state to make land administration more transparent and more responsive to the needs of the nation at large. Formalizing land administration threatens the power of the chiefs to allocate, first and foremost in their own interest, the revenues they derive from land. Unless government is prepared to tackle the issue of rent distribution, interventions by external development partners are unlikely to make much headway. There is a related matter that needs to be resolved before projects proceed. Any intervention is likely to confront questions about the terms of decentralization: should the revenues generated through land administration accrue to elected local governments or to neighborhood chiefs? The answer to this question will hinge on which of these authorities is best placed and best motivated to invest the proceeds in building and maintaining the infrastructure that the broader community needs.

7.3 *Land tenure reform calls for a long-term commitment by the government and its development partners; this commitment may be facilitated by a programmatic lending instrument but the commitment must precede the choice of instrument—the instrument by itself will not create the necessary commitment.* Various people told IEG that the Land Administration Project should have been financed by an Adaptable Program Loan (APL), allowing for several tranches of assistance over a 15-20 year period. This was, indeed, the Bank’s original intention but it changed its mind shortly before the loan was approved. While this assessment acknowledges that experience in other countries (most notably, Thailand) demonstrates that a 15-20 year program is needed, the evidence from Ghana suggests that even if the Bank had approved an APL, for reasons of political economy, the various power holders were unlikely to make the necessary commitment.

7.4 *The Bank’s annual Doing Business survey may give a misleading impression about trends in the efficiency of property registration services.* In Ghana, as well as in other countries with land administration projects recently assessed by IEG, the *Doing Business* benchmark indicators for property registration often suggest significant efficiency increases. It is important to bear in mind that the benchmark indicators refer to a single type of property in a single type of area (periurban) and give no indication of the variation around the mean in terms of the time taken and the cost incurred. Some part of this variation may reflect whether or not the client is willing or able to bribe officials to expedite the registration process. Because it is not susceptible to this consideration of wide variation in performance, the *Doing Business* indicator on the number of procedures needed to register property may be a more reliable guide to efficiency than the indicators on time taken and cost incurred.

7.5 *Although the Bank's good practice guidelines indicate that the efficiency of land administration services tends to be higher when they are handled by a single agency, in practice, consolidating land agencies does not in itself ensure that their efficiency will improve.* In Ghana, the 2008 Lands Commission Act merged four of the six land sector agencies. This is widely hailed as one of the more significant achievements of the Land Administration Project. IEG found that despite the change in the legal status of these agencies they continued to operate as separate entities, with separate accounting procedures. In the short term at least, the merger led to a redeployment of staff and equipment that has not increased efficiency and may have lowered it. Much of the equipment purchased by the project lies idle, partly because staff have neither the training nor the budgetary wherewithal to use it.

7.6 *Projects with multiple co-financiers are risky: if each insists on imposing its own procurement and disbursement procedures implementation may be delayed; and the strategic priorities of the partners may diverge in the course of project implementation, undermining support for achieving the project outcomes that were originally agreed to.* The Land Administration Project had six development partners, each of which financed different project activities. It took considerable time for the partners to individually sign letters of agreement with government, holding up disbursement. The German agency, KfW, disagreed with other partners about the sequence of actions needed before it would disburse its contribution. The Bank and DFID differed about how to achieve the “harmonization” of customary and statutory laws that the project sought and, because of a change in corporate strategy, DFID withdrew from the project earlier than expected.



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## Annex A. Basic Data Sheet

### LAND ADMINISTRATION PROJECT (CREDIT 3817-GH; PROJECT ID P071157)

#### Key Project Data (amounts in US\$ million)

	<i>Appraisal estimate</i>	<i>Actual or current estimate</i>	<i>Actual as % of appraisal estimate</i>
Total project costs	55.1	48.3	88
Loan amount	20.5	22.8	111
Cofinancing	27.0	21.6	80
Cancellation		--	

#### Estimated and Actual Disbursements

	<i>FY04</i>	<i>FY05</i>	<i>FY06</i>	<i>FY07</i>	<i>FY08</i>	<i>FY09</i>	<i>FY10</i>	<i>FY11</i>	<i>FY12</i>
Appraisal estimate (US\$M)	3.4	5.6	4.6	3.5	2.3	1.2	--	--	--
Actual (US\$M)	1.3	1.0	4.5	1.7	2.9	4.5	3.2	3.0	0.6
Actual as % of appraisal	38	18	98	49	126	375	--	--	--
Date of final disbursement: December 31, 2011									

#### Project Dates

	<i>Original</i>	<i>Actual</i>
Initiating memorandum	10/16/2001	10/16/2001
Negotiations	03/28/2003	03/28/2003
Board approval	07/31/2003	07/31/2003
Signing	08/18/2003	08/18/2003
Effectiveness	10/13/2003	10/13/2003
Closing date	12/31/2008	06/30/2011

#### Project Administrative Costs (US\$ '000)

	<i>FY01</i>	<i>FY02</i>	<i>FY03</i>	<i>FY04</i>	<i>FY05</i>	<i>FY06</i>	<i>FY07</i>	<i>FY08</i>	<i>FY09</i>	<i>FY10</i>	<i>FY11</i>	<i>FY12</i>	<i>Total</i>
Staff time	44.7	93.3	90.4	10.7	17.7	24.7	26.1	84.8	112.7	62.7	41.9	48.8	658.5
Other	22.0	54.0	131.6	71.4	41.9	48.4	50.8	29.8	24.2	25.4	25.8	64.5	589.8
Total	66.7	147.3	222.0	89.1	59.6	73.1	76.9	114.6	136.9	88.1	67.7	113.3	1,248.3

### Task Team Members

Name	Title	Unit
Solomon Bekure	Retired/Task Team Leader (Preparation, 2001-2003)	AFTS4
Edward Felix Dwumfour	Senior Environmental Specialist/Task Team Leader (Supervision, 2004-2008)	AFTS4
Charles Annor-Frempong	Senior Rural Development Specialist/Task Team Leader (Supervision & ICR, 2008-2011)	AFTAR
Baba Imoru Abdulai	Procurement Specialist	AFTPC
Adu-Gyamfi Abunyewa	Procurement Specialist	AFTPC
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Rose Abena Ampadu	Program Assistant	AFCW1
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Suha Satana	Consultant	AFTAR
Ian Lloyd	Consultant	AFTAR

### Other Project Data

Borrower/Executing Agency: Republic of Ghana, Ministry of Lands and Natural Resources

#### Follow-on Operations

<i>Operation</i>	<i>Credit no.</i>	<i>Amount (US\$ million)</i>	<i>Board date</i>
Second Land Administration Project (P120636)	4870	50.0	03/31/2011

## Annex B. Other Data

**Table B1: Original and Revised Project Components**

	<b>ORIGINAL (showing donor participation in financing)</b>	<b>REVISED (After 2008 Restructuring)</b>
<b>1.</b>	<b>Land Policies and Regulatory Framework</b>	
a	Review land policies, laws, customs, regulations, and case law in order to propose reforms that eliminate inconsistencies, repeal obsolete provisions, and harmonize customary and statutory laws, through the provision of technical advisory services. <b>IDA, GTZ</b>	
b	Reduce the backlog of land cases in the courts, including a program of alternative dispute resolution. <b>IDA</b>	BACKLOG RE-ESTIMATED (7, 212, not 35,000 cases pending).
c	Identify lands acquired by eminent domain, and determine compensation levels for lands which have not been compensated. <b>IDA</b>	
d	Conduct studies on: (a) the rights and interests in land and the registration of land titles and deeds; (b) finance and fee structures in land administration; and (c) equality of opportunity for land rights and administration irrespective of gender. <b>IDA, CIDA (Gender)</b>	SUBSTITUTE (a) by a study on the divestiture of vested lands; REWORD (c): Conduct a study on land rights gender strategy. ADD Subcomponent 4(d): a study on land rights and vulnerability in pilot Customary Land Secretariats.
<b>2.</b>	<b>Institutional Reform and Development</b>	
a	Review the organization, management and operations of land institutions in order to prepare proposals for reform. <b>IDA</b>	
b	Conduct a study of human resources management in the land administration sector, develop a system for management of land sector agencies, and strengthen land service delivery, including establishment of one-stop-shops. <b>IDA</b>	DROPPED: Creation of one-stop shops deferred until follow-on project.
c	Assess Customary Land Secretariats; carry out an information campaign and program to strengthen selected pilot Customary Land Secretariats. <b>IDA, DFID</b>	TARGET REDUCED: Open 30 Customary Land Secretariats (reduced from 50).
d	Train and strengthen the capacity of land administration professionals; review the licensing procedures for private land surveyors. <b>IDA</b>	
e	Strengthen the capacity of land administration training and research institutions; conduct research on land administration policies and practices. <b>IDA</b>	DROPPED: The subcomponent for building and equipping training and research institutions.
		ADD Subcomponent 6: Establish and operate a small grants program, to promote civil society participation in local land administration, advocacy, and debate on land issues.
<b>3</b>	<b>Land Titling, Registration, Valuation and Information Systems</b>	
a	Design and implement a computerized Land Information System. <b>IDA</b>	
b	Strengthen public land sector agencies; produce cadastral maps for customary land boundary demarcation; conduct systematic land titling in urban areas; improve land use planning; build Survey Department offices. <b>IDA, KfW, NDF</b>	
c	Establish model land titling and registration offices in selected pilot areas. <b>IDA</b>	REWORD Subcomponent 3: "Establish land registration offices in all regional capitals."
d	Strengthen deeds and title registries, and build offices for public land sector agencies. <b>IDA, KfW, CIDA</b>	
e	Carry out an information campaign on land administration, land titling and registration, boundary demarcation, and land adjudication. <b>IDA</b>	MOVE Subcomponent 5 to Part D
f	Demarcate and register allodial land boundaries in selected pilot areas in a transparent and participatory manner. <b>IDA, CIDA, KfW</b>	TARGET REDUCED: Demarcate and register 10 allodial land boundaries in selected areas (reduced from 50 areas).
g	Register land titles in selected pilot jurisdictions in a transparent and participatory manner. <b>IDA</b>	TARGET REDUCED: Adjudicate and register 50,000 land titles in pilot areas subject to systematic titling

		(reduced from 300,000 titles).
h	Establish a national land valuation database. <b>IDA</b>	EXPAND Subcomponent 8: Strengthen the geodetic reference network throughout the country, by establishing continuously operating receiving stations.
<b>4</b>	<b>Project Coordination</b>	
a	Strengthen the financial management, procurement, project management, monitoring and evaluation, human resource development, and change management capacities of the Land Administration Program. <b>IDA</b>	
b	Strengthen the financial management and procurement capacities of the Financial and Administration Department of the Ministry of Lands and Forestry. <b>IDA</b>	
c	Strengthen the monitoring and evaluation capacities of the Policy Planning, Monitoring and Evaluation Department of the Ministry of Lands and Forestry. <b>IDA</b>	
d	Carry out a communication strategy on land policy issues, including policy, legal and institutional reforms, allodial land boundary demarcation, land titling, registration, and dispute resolution. <b>IDA</b>	
		ADD Subcomponent 5 (moved from Part C, Subcomponent 5): Carry out an information campaign on land administration, land titling and registration, boundary demarcation, and land adjudication.

Source: ORIGINAL: Development Credit Agreement (World Bank, 2003:16-18); REVISED: Project Paper (World Bank, 2008:14).

#### Lexicon

Component 1c: "lands acquired by eminent domain"—refers to lands compulsorily purchased by the state.

Component 1d (revised): "vested lands"—refers to customary land that has been taken over and managed by the state on behalf of customary land users.

Component 3f: "allodial land boundaries"—refers to the boundaries of customary land.

#### Key to Donors

CIDA	Canadian International Development Agency
DFID	Department for International Development (United Kingdom)
GTZ	Technical Assistance Corporation (Germany)
IDA	International Development Association (World Bank)
KFW	Reconstruction Credit Institute (Germany)
NDF	Nordic Development Fund



**Table B2. Outcome and Output Indicators—Original and Revised**Note

In the following table, the labeling of indicators as “outcomes” and “outputs” is taken from the project documents. IEG has sorted the indicators by the four outcomes that it construed from the results chain—tenure security, fairness and transparency, efficiency and cost-effectiveness, and sustainability.

*Text in italics* indicates which indicators were changed or added as a result of the 2008 restructuring.

A *blank cell* under the “Revised” column means that the original sub-component was dropped at restructuring.

**A: Indicators Bearing on “Tenure Security”**

ORIGINAL	REVISED
<b>Outcomes</b>	
Loan and mortgage financing secured by land titles in pilot areas increased.	
Investment in the property sector increased.	
	<i>Land Agency Act passed by Parliament and operational.</i>
	<i>Substantive Land Act passed by Parliament and operational.</i>
<b>Outputs</b>	
Reports on policy and legislative reviews completed and codified revised land legislation drafted and approved by Ministerial Cabinet.	<i>Reports on policy and legislative reviews completed and codified revised land legislation drafted and approved by Ministerial Cabinet: (a) Legal and judicial review; (b) Institutional review.</i>
Legally conclusive confirmation of the continued validity of customary freehold and other customary titles.	<i>Legally conclusive confirmation of the continued validity of customary freehold and other customary titles.</i>
Studies completed and recommendations adopted on: a. what rights will be registered on land titles.	
Digital and hard copy maps prepared for customary land boundary demarcations, systematic land titling and land use planning.	
50 pilot allodial [customary] land boundaries demarcated and registered.	<i>10 pilot allodial land boundaries demarcated and registered.</i>
300,000 land titles adjudicated and registered.	<i>50,000 land titles adjudicated and registered in pilot systematic titling areas.</i>
Studies completed and recommendations adopted on: e. assessment of current land administration services provided by customary land authorities .	<i>Studies completed and recommendations adopted on: e. Assessment of land rights and vulnerability in 2 pilot Customary Land Secretariat areas (Kete Krachi and Dormaa).</i>
	<i>Revaluation of all [50,000] properties, both private and public, in 12 pilot districts completed.</i>
A communication strategy to sensitize, educate and invite the public to participate in discussion of land policy issues,	<i>Communication strategy developed and implemented.</i>

in designing and implementing allodial land boundary demarcation and land titling and registration and in setting-up alternative land dispute resolution mechanisms, developed and implemented.	
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### **B: Indicators Bearing on the Objective “Efficiency and Cost-Effectiveness”**

<b>ORIGINAL</b>	<b>REVISED</b>
<b>Outcomes</b>	
Turnaround time and transaction cost of processing land administration services reduced.	(a) Turnaround time in registering deeds reduced to less than 1 month countrywide. (b) Turnaround time in registering titles reduced to less than 6 months in declared and mapped title registration areas.
Land litigation cases decreased in courts of pilot areas.	Land litigation cases decreased in courts of 3 pilot areas, namely Ejisu, Wasa Akropong and Gbawe.
	Backlogged land litigation cases lodged at High Courts and Circuit Courts in all ten regional capitals decrease.
Land transaction revenues to local and central government increased.	Land transaction revenues to local and central government increased by 130 percent.
<b>Outputs</b>	
Backlog of land cases reduced from 35,000.	Backlog baseline re-estimated as 7,122 cases
Studies completed and recommendations adopted on: c. finance and fee structures in land administration.	Studies completed and recommendations adopted on: c. finance and fee structures in land administration.
Report of OMO Study on comprehensive organization, management and operations of public land sector agencies completed and recommendations implemented.	Report of OMO Study on comprehensive organization, management and operations of public land sector agencies completed and recommendations implemented.
Private land sector institutions deliver land administration services more efficiently.	
Land administration training and research institutions supported through provision of classroom, laboratory and office buildings and equipment.	
Quality of land sector education enhanced.	
Increased research on land tenure and land administration with linkages to practice established.	Increased research on land tenure and land administration with linkages to practice established.
Cadastre and land information system designed and implemented.	Cadastre and Land Information System designed and implemented. Stage I: Land agency information systems developed and implemented. Stage II: Installation of Land Information System at the national level. Stage III: Digitization of land records.
Deed and title registration procedures and data storage and retrieval systems improved.	
Alternative land valuation and land fees collection designed and implemented.	
Skill gap analysis conducted and master human resources development plan prepared and implemented.	(a) Skill gap analysis conducted within Ministry of Lands and Forestry (b) Master human resources development plan prepared and implemented: 1,819 persons trained at

	<i>home and abroad.</i>
Simplified land information, registration and mapping procedures developed to improve accessibility in rural areas.	
One-stop-shop centers established in at least three regions and functioning.	
50 Customary Land Secretariats established and strengthened through physical and technical assistance, with more effective and inclusive administrative procedures.	(a) 30 Customary Land Secretariats established by traditional authorities. (b) 30 Customary Land Secretariats with more effective administrative procedures.
At least ten NGOs actively involving in promoting improved local level land administration.	
	At least 25 small grants that promote improved local level land administration are under implementation.

### C: Indicators Bearing on “Fairness and Transparency”

ORIGINAL	REVISED
<b>Outcomes</b>	
Land titles registered by women increased.	(a) Land titles registered by women increased by 50 percent in declared and mapped registration areas. (b) Deeds registered by women increased by 50 percent countrywide.
<b>Outputs</b>	
Policy on land compensation developed.	Policy on land compensation developed.
Lands forcibly acquired by the State for which compensation has not been paid identified and compensation levels determined.	Inventory of state acquired/occupied lands undertaken in 50 pilot districts.
Studies completed and recommendations adopted on: b. divestiture of vested lands.	Studies completed and recommendations adopted on: b. divestiture of vested lands.
Studies completed and recommendations adopted on: d. gender analysis of land rights and administration.	Studies completed and recommendations adopted on: d. gender strategy for land rights and land administration.

### D: Indicators Bearing on “Sustainability”

ORIGINAL	REVISED
<b>Outcomes</b>	
Land transaction revenues to local and central government increased.	Land transaction revenues to local and central government increased by 130 percent.

Source: World Bank 2003b, 2008 and 2011.

**Table B3: Financing Plan**

Agency	Commitment Amount (US\$ millions)	
	Original	Revised
Government of Ghana	7.6	3.8
Canadian International Development Agency	1.0	1.3
Department for International Development (United Kingdom)	9.0	7.4
Technical Assistance Corporation (Germany)	4.0	0.8
International Development Association	20.5	22.8
Reconstruction Credit Institute (Germany)	6.0	3.0
Nordic Development Fund	6.9	9.2
<b>Total</b>	<b>55.1</b>	<b>48.2</b>

Source: MASDAR 2011.

**Table B4: Accounts at Wasa Amenfi Customary Land Secretariat, 2005-2012 (In Cedis)**

Year	Income	Of which:		Expenditure	Balance
		Plot registration fees	Demarcation of farm land fees		
2005	3,459	810	-	3,357	102
2006	1,899	172	-	2,717	-818
2007	2,190	410	1,040	3,335	-1,445
2008	9,198	600	-	14,484	-5,286
2009	12,160	930	5,700	23,896	-11,736
2010	7,479	1,150	1,576	26,201	-18,722
2011	13,070	3,960	5,050	33,372	-20,302
2012*	6,350	1,100	3,900	29,106	-22,756

Source: Computer database download at IEG request, August 2012.

Note: All values are nominal. \*January to June only.

**Table B5: Revenues of Land Sector Agencies (Ghana Cedis)**

	2003	2004	2005	2006	2007	2008	2009	2010
<b>LVD</b>	1,630,000.00	2,420,901.98	2,334,966.21	3,901,233.12	8,186,507.63	7,710,092.81	11,095,634.70	4,409,521.63
<b>OASL</b>	5,817,207.31	6,764,024.69	6,822,441.35	8,303,680.00	8,483,965.27	14,429,498.49	12,908,693.63	19,980,465.29
<b>LRD</b>	164,757.61	232,117.38	348,906.29	612,188.07	760,565.31	655,851.00	653,221.00	1,128,816.00
<b>PVLMD</b>	3,573,963.08	2,896,154.03	3,029,990.06	5,245,477.75	8,533,594.81	14,770,480.00	5,614,069.94	10,465,733.17
<b>SMD</b>	187,933.15	2,870,443.04	435,901.98	531,925.62	650,672.92	879,030.76	1,002,966.42	1,672,859.48
<b>TOTAL</b>	11,373,861.15	15,183,641.12	12,972,205.89	18,594,504.56	26,615,305.94	38,444,953.06	31,276,594.69	37,657,395.57
US\$1.00=	C 0.87	C 0.90	C 0.91	C 0.92	C 0.94	C 1.06	C 1.41	C 1.43
US\$ million	13.1	16.9	14.3	\$20.2	28.3	36.3	27.4	26.3

Source: Land Administration Project Monitoring Unit; MASDAR.

Notes: a. All values are nominal. b. The Town and Country Planning Department did not submit a report on land revenues.

LVD Land Valuation Division  
OASL Office of the Administrator of Stool Lands  
LRD Land Registration Division  
PVLMD Public and Vested Lands Management Division  
SMD Survey and Mapping Division

**Table B6: Cost of Orthophoto Maps (2007-2011)**

	Coverage	Year	Resolution (pixels)	Cost (US\$/km <sup>2</sup> )
Europe	Urban & rural	2007	20-50 cm	31.5
<b>Ghana Land Administration Project</b>	<b>Urban &amp; rural</b>	<b>2008/2009</b>	<b>20-50 cm</b>	<b>150</b>
Uganda PSCP IGN Mapping Project	Urban & rural	2010/2011	20-50 cm	195
Kenya JICA Project (Coastal areas)	Urban & rural	2009	20-50 cm	210
Estimated norm for Africa by ORGUT	Urban & rural	2010	20-50 cm	165

**Source:** Data for Europe and Ghana Land Administration Project are from the Implementation Completion Report (World Bank 2011b); Data for Uganda is from PSCP Project Unit; Data for Kenya is from Kenya Informal Settlements Project preparation mission reports; and estimated norm for Africa is from ORGUT Feasibility Study for Ethiopia.

## Annex C. List of Persons Interviewed

<b>Name</b>	<b>Institution</b>
Aboah II, Nana Kwampong	Regional Lands Officer, Kumasi
Abongo, Albert	Chairman and Member of Parliament, Select Committee for Lands and Forestry
Addai, Obeng	Protocol Officer to Ejisu Paramount Chief, Ashanti, Kumasi
Agurdjo, Johannes	Ministry of Lands and Natural Resources
Adama-Issah, Mariama	Gender Advisor, Canadian International Development Agency, Accra
Addo, Willhelmina	Ministry of Lands and Natural Resources
Adu, Godfred Kofi	Project Officer, Judiciary
Agordjo, Johannes K.	Financial Controller, Ministry of Lands and Natural Resources
Agyeman III, Nana Nsuase Poku	Regional Stool Lands Officer, Office of the Administrator of Stool Lands, Ashanti Region, Kumasi
Aidoo, Jimmy	Project Coordinator, (2009-11), First Land Administration Project
Aikins, Ama	Acting Director, Land Valuation Division, Lands Commission, Accra
Ackwerh, Stella	Regional Head, Land Registration Division, Greater Accra Region
Amoah, Patrick	Regional Stool Lands Officer, Western Region, Sekondi
Amowine, Nelson	Ministry of Lands and Natural Resources
Ampong-Fosu, Joseph R.	Director, Judicial Reforms and Projects Judiciary
Anim-Odame, Wilfred	Executive Secretary, Lands Commission, Accra
Antwi-Boasiako, Sarah	Ministry of Lands and Natural Resources
Armah, Stephen	Head of Operations, Gbawe Kwatei Customary Lands Secretariat, Greater Accra
Arthur, Ben	Deputy Chief Valuer, Valuation Division, Lands Commission, Accra
Asare, Ophelia	Assistant Town Planning Officer, Ejisu Juaben Municipal Assembly
Asenso-Gyambibi, Daniel	Research Scientist, Building and Road Research Institute, Kumasi
Atta-Karikari, Kingsley	Chief State Land Registrar, Ashanti Kumasi
Awuah, Malaki Gyau	Senior Accountant, Office of the Administrator of Stool Lands, Head Office, Accra
Bananzi, Gloria	Ministry of Lands and Natural Resources
Bartrop-Sackey, Elliott	Ministry of Lands and Natural Resources
Benson Adjei, Samuel	Regional Valuer, Sekondi

Bioh, Eric	Administrator, Wassa Amenfi Customary Lands Secretariat
Blankson, Kofi Abakah	Senior Officer (Planning & Administration), Second Land Administration Project
Bobobee, Christina Esi	Administrator, Office of the Administrator of Stool Lands, Head Office, Accra
Bortey, Alabi	Ministry of Agriculture
Botchway, Matthew Nelson	Senior Executive Officer, Deeds Registry, Sekondi
Bugri, John Tiah	Senior Lecturer, Department of Land Economy, Kwame Nkrumah University of Science and Technology, Kumasi
Coleman, C.B.	Ministry of Lands and Natural Resources
Darku, Stephen Kwaku	Public Relations Officer, Gbawe Kwatei Customary Land Secretariat, Accra
Dautey, Kwesi	Deputy Chief Stool Lands Officer, Office of the Administrator of Stool Lands, Head Office, Accra
Edusei, Rosamund	Regional Director, Town and Country Planning Department, Kumasi
Ewerkeh, John	Ministry of Lands and Natural Resources
Fawei, Mohammed Adulai	Technical Officer, Survey and Mapping Division, Sekondi
Gyamfi, Yaw Poku	Research Scientist, Building and Road Research Institute, Kumasi
Karaba-Ampeh, Mark	President, Land Resource Management Centre, Kumasi
Karikari, Isaac Bonsu	National Project Coordinator, Second Land Administration Project
Kitcher, Emmanuel	Project Accountant, Second Land Administration Project
Kumadoh, Stephen	Principal Valuer, Lands Commission, Accra
Larbi, Wordsworth Odame	Project Coordinator (2004-09), First Land Administration Project
Lartey, Emmanuel Larkai	Deputy Divisional Head, Survey and Mapping Division, Sekondi
Mahama, Sulemana	Chief Lands Officer, Lands Commission, Accra
Mahamabiyira, Gifty	Ministry of Lands and Natural Resources
Minkah-Premo, Sheila	Managing Consultant, Apex LawConsult, Accra
Mossi, Dante	Senior Country Officer, World Bank, Accra
Odum-Boadu, Felix	Regional Surveyor, Ashanti Region, Kumasi

Oduro-Kwarteng, Stephen	Divisional Head, Lands Commission, Western Region, Sekondi
Opoku, W.K.	Principal Staff Surveyor, Surveys and Mapping Division, Lands Commission, Accra
Owusu-Sekyere, Chapman	Senior Town Planning Officer, Town and Country Planning Department, Accra
Poku, Asiedu	Director, Town and Country Planning Department, Accra
Sackitey, E.K.	Coordinator, Manya Krobo Customary Lands Secretariat, Odumase Krobo
Sakurah, Lawrence Z.	Deputy Director, Town and Country Planning Department, Accra
Samwine, Justin	Land Administration Officer, Millennium Development Authority, Accra
Sarpo, Alex	Executive Director, Ratings Valuation, Valuation Division, Lands Commission, Accra
Seinu, Sauda Ahmed	Senior Economics Officer, Ministry of Finance,
Semeluk, Loree	Development Officer, High Commission of Canada, Accra
Sittie, Rebecca	Director, Land Registration Division, Lands Commission, Accra
Sosu, Kofi	Technical Officer, Town and Country Planning Department Ejisu