

KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY

COLLEGE OF ENGINEERING

DEPARTMENT OF GEOMATIC ENGINEERING

KNUST

**INVESTIGATING THE PREVALENCE OF CONFLICTING LAND-
COURT JUDGMENTS (CL-CJ):- CASE STUDY OF GREATER ACCRA**

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BY

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NOVEMBER 2016

DECLARATION

I hereby declare that this thesis is my intellectual work and does not contains materials previously published by any other person nor material which has been accepted for the award of any other degree of any university, except where express acknowledgment has been made in the text and other references.

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DISCLAIMER

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ABSTRACT

Since the distant past, there has been a growing perception of increasing occurrences of seeming conflicting Land-Court Judgements (CL-CJ). Apart from resulting in prolonged conflicts, conflicting Land – Court Judgements also have adverse effects on implementation of land Administration and Management in Ghana. The causes of these could be varied. This study investigates some major causes and the prevalence of such conflicting land court judgements from respondents of the judiciary, land administration policy makers, land managers, professional surveyors, and private land owners. A purposive sampling approach, through the use of un-structured interview guide was used in administering of questionnaires and interviews. The data was quantitatively analysed through the use of Microsoft Excel tables and charts to interpret results. Potential causes of conflicting land-court judgements were categorised into six groups with their percentage frequencies, as inconsistent systems – 31%; undue influences – 11%; wrong documentation – 27%; un-researched professionals – 4%; wrong boundaries – 19%; and fake documentation – 8%. The prevalence of conflicting land-court judgements was found to be 44% of selected resolved land cases for the period of the study (1960-1999). An updatable geodatabase of land judgment information was developed and incorporated into a LandJudgment Information Management System (L-JIMS). A cartographic model developed was used to facilitate the prevention and detection of CL-CJ, it also helped in the review of already existing cases in the Lands records. The thesis recommends the use of cadastral plans for all land litigations and legal proceedings in the superior courts (high, appeal, and supreme), the use of specialised jury benches for land adjudication and the use of a Land Judgment Information Management System (L-

JIMS) to check judgements against existing ones prior to ruling or review.

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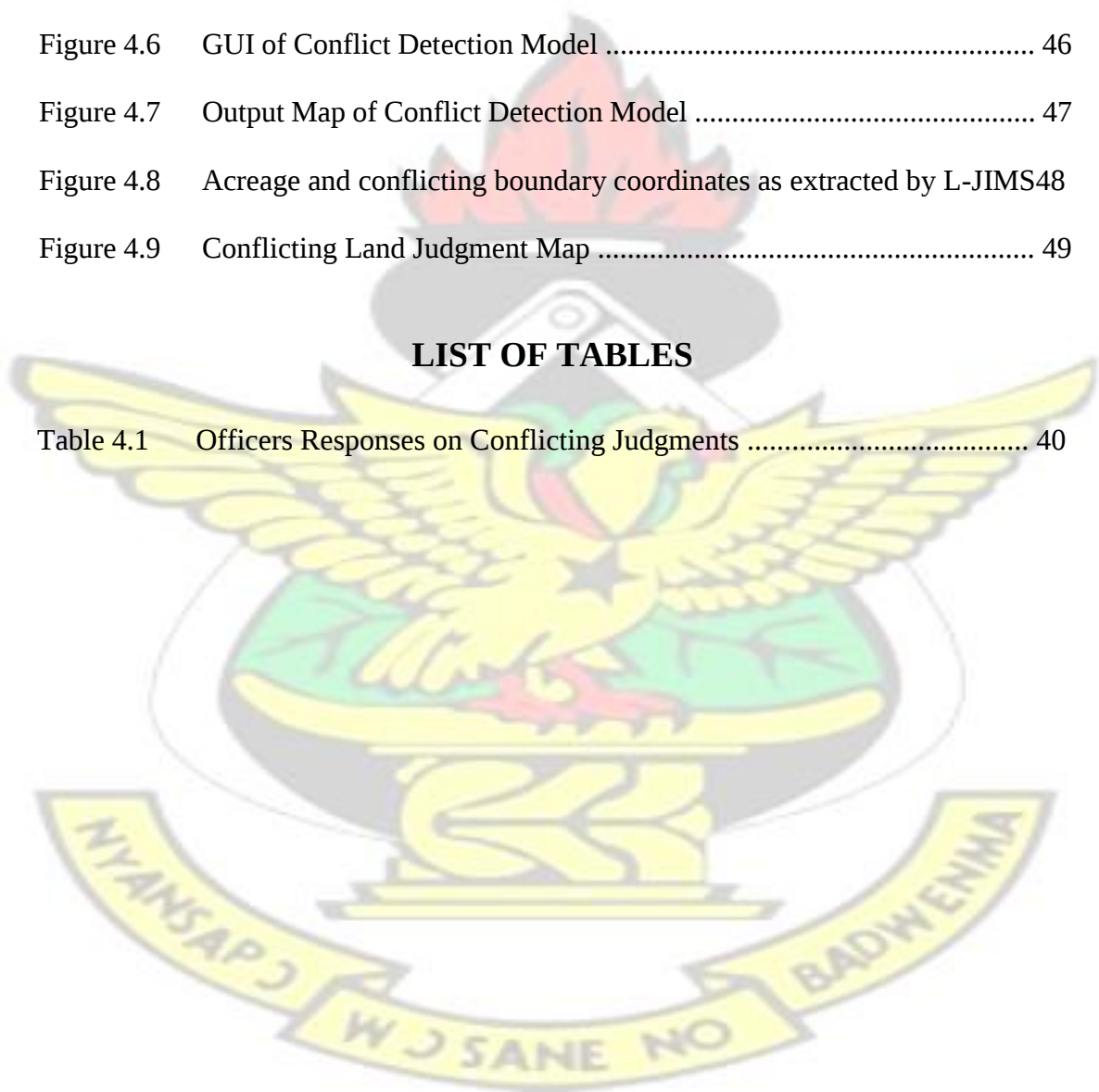
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ABBREVIATIONS

ADR -- Alternative Dispute Resolution

ADRM -- Alternative Dispute Resolution Mechanism

ADRS -- Alternative Dispute Resolution Systems

AOSL – Administrator of Stool Lands (Ghana)

CA -- Court of Appeal

CC – Circuit Court

CLA – Customary Land Administration

CL-CJ – Conflicting Land-Court Judgment

CLS -- Customary Land Secretariat

DA -- District Assembly

DBMS-- Database Management System

DCE -- District Chief Executive (Ghana)

ES -- Executive Secretary

Geo-DB -- Geographic Database

GhIS – Ghana Institution of Surveyors (Ghana)

GIP – Ghana Institute of Planners

GIS – Geographic Information System

GLR -- Ghana Law Reports

GoG – Government of Ghana

GP – General Practice Division of the GhIS

GPS – Global Positioning System

GSS -- Ghana Statistical Service

HC – High Court

IA – Implementing Agency

IMS – Information Management System

KNUST – Kwame Nkrumah University of Science and Technology, Kumasi

LAP – Land Administration Project (Ghana)

LAP-1 – Land Administration Project – the first five-year phase of the LAP

LAP-2 – Land Administration Project – the second five-year phase of the LAP

LAPU -- Land Administration Programme Unit (Ghana)

LC – Lands Commission (Ghana)

LCS – Lands Commission Secretariat

LI – Legislative Instrument

LIS – Land Information System

L-JIM – Land Judgment Information Model

L-JIMS – Land Judgment Information Management Systems

LR D – Land Registration Division (Ghana)

LS – Land Surveying

LSA -- Land Sector Agencies (Ghana)

LVD – Land Valuation Division (Ghana)

M&E – Monitoring and Evaluation

MC – Magistrate Court

MLGRD – Ministry of Local Government and Rural Development

MLNR – Ministry of Lands and Natural Resources (Ghana)

MoFEP – Ministry of Finance and Economic Planning (Ghana)

MoI – Ministry of Information (Ghana)

MP -- Member of Parliament

NAFGIM – National Framework for Geo-Information Management

NGOs – Non-Governmental Organizations

NLP -- National Land Policy

NRMP – Natural Resource Management Program

OASL -- Office of the Administrator of Stool Lands (Ghana)

PAD -- Project Appraisal Document

PC – Project Coordinator

PIM – Project Implementation Manual

PMA – Project Management Advisor

PRAAD -- Public Records and Archives Administration Department

QS – Quantity Surveying

SDI – Spatial Data Infrastructure

SMD – Survey and Mapping Division (Ghana)

TCPD – Town and Country Planning Department (Ghana)

UC -- Unit Committee

WACA -- West African Court of Appeal

CHAPTER 1 INTRODUCTION

1.1 Background

The management of land and other natural resource conflict is one of the most critical challenges facing developing countries in Africa. This challenge has witnessed a rise in land disputes mostly due to disagreement on boundaries (USAID, 2005; SANREMCRSP, 2005; UNIFTPA, 2005). Some of these disagreements from the onset looked like something that could be settled through negotiations. In some instances, this later degenerated into full blown litigations that grew into a hydra-headed monster threatening to ravage the peace, stability and development of the society in particular and the country in general.

During the colonial era, the British who colonized Ghana till independence on 6th March 1957, did compile a record of all Allodial Owners of existing cottages and villages within and outskirts of Greater Accra.

They also recorded the names of the sections of Ga quarters (Asere, Abola, Gbese, Otublohum, Ngleshie Alata, Sempe and Akumajay) who had usufruct title to the land, and the names of their representatives who were in charge as chiefs and custodians in a document dated as far back as 1946, called “The Gold Coast Chiefs List”.

Unfortunately this list was not annexed by plans and the various boundaries that used to exist have now become fuzzy due to uncontrolled developments of the neighbouring cottages. These developments have made the original boundaries undeterminable now, since they were not demarcated, monumented and surveyed.

This current situation is much worse, because the society has become multicultural with inter-marriages between people from diverse cultural backgrounds other than what used to be the case in times past.

The lack of reliable and appropriate information on land, in particular, remains one of the most significant challenges in land management and even the land-court administration process.

This manifests variously in, uncoordinated record-keeping systems and duplication of efforts by myriad agencies responsible for different aspects of land administration (Forkuor *et al*, 2013).

The manually managed systems of paper files have made the detection of conflicting Land Court Judgments, not only an impediment but also a nuisance on the effective functioning of land institutions but has also adversely affected the land information management system, often resulting in other numerous land related conflicts (Mothibi, 2008).

This research is intended to map-out some instances of conflicting judgments in selected parts of Greater Accra and its environs to help dissect the issue in enough detail in order to find sustainable solutions to the phenomena. This will uncover major sources and causes of land judgment conflicts, its dire effects on land governance, management and administration in Greater Accra Region.

1.2 Problem Statement

The incidence of conflicting land judgments in Ghana's land administration and management system is a great indictment on the proper coordination of the professional expertise of land sector agencies and the judiciary. Such conflicting judgments bring about intolerance and inflamed passions, which could lead to unrests, a concern which needs prompt attention in order to redeem the professional image of land sector professionals and the judiciary in justice administration with respect to land (Quaye *et al*, 2015).

In Ghana, the Judicial Service has observed over the years that 85% of all civil cases reported annually at the courts, are land dispute cases though only 40% of land cases end up on the judicial bench (Quaye *et al*, 2015).

At times litigants in their bid to outwit the legal system might, file parallel cases at a court of similar jurisdiction or duplicate the same case under a different category of land case e.g. Stool lands, investment related etc. (Quaye *et al*, 2015). This is very possible because, the various courts are semi-autonomous and do not collaborate enough, they are most of the time outwitted if separate independent judgments given on the matter conflict and litigants exploit the best to their advantage (Quaye *et al*, 2015).

This trend of conflicts in judgments creates issues of conflicting judgments in the land-courts and contributes to creating a backlog of land cases which unduly locks up valuable lands that could otherwise be put to good use. Uses like collateral for loans at the banks or for social development purposes, locked-up in conflicting judgments in the court's register of the Judiciary (Larbi, 2011).

At times conflict in judgment is captured directly in the lands register of the Lands Commission where the technical staffs are faced with a dilemma. This occurs when the records room staff are entering conflicting judgments in the lands register, as directed by the courts. Most often this is enforced through legal instruments like “Mandamus” to do, that which may result in adding-on to an already existing deeds registered or overwriting them, creating inconsistencies in the lands register and jeopardises the integrity of the Land Management and Administration System.

Documentation of the major causes and prevalence of Conflicting Land-Court Judgments, the absence of an updatable geodatabase of land-judgments to check

judgments against previous ones so conflicting judgments are detected before judgment is determined are the gaps this study intends to fill.

1.3 Research Motivation

The author is motivated by a good sense of nationalism and allegiance to the improvement of the land management administrative and governance system. In order to enhance public confidence in both the land management and judiciary systems in equitable land administration delivery.

There is an urgent need to improve the image and the sense of self-worth in the public eye of the current system and erode the negative public perceptions of a highly irresponsible, inefficient and professionally inept, land sector. Conflicting Judgment boundaries obviously further aggravate conflicts and a way of avoiding such conflicting judgements is the author's further motivation.

1.4 Aims and Objectives

1.4.1 Aim

Investigate the major underlining causes and the prevalence of CL-CJ, develop a system that checks judgments against previous ones and propose solutions to address the phenomena in Greater Accra Region of Ghana.

1.4.2 Objectives

The objectives of this research are:

- ☐ To determine the major underlining causes of CL-CJ phenomena.
- ☐ To investigate the prevalence of conflicting land-court judgment.

□

To develop an updatable geo-database of previous land judgements, Cartographic model to detect conflict in judgments (L-JIM) and LandJudgment Information Management System (L-JIMS) to compile and map out some instances of CL-CJ

1.5 Research Questions

The research questions formulated to achieve the objectives of this research are; □

What are the major underlining causes of Conflicting Land-Court Judgments?

□ How prevalent are Conflicting Land-Court Judgments?

□ How can the instances of these phenomena detected, captured, visualized and addressed?

1.6 Justification and Relevance of Study

There have been some conflicting land-court judgments in the past and these have led to a perceived erosion of integrity in the confidence of the land management/administration and legal system. The effect of these has led to further increase boundary conflicts as others not involved in earlier disputes are brought into litigations due to overlapping judgement boundary descriptions. However, little or no research has been carried out on developing a system to detect the possibility of such conflicting land court judgments to enable them to be prevented or resolved.

There could be several reasons for such conflicting land court judgments, particularly where there exists different legal systems, dynamics and conditions on land-court record management and land administration and management procedures which needed investigation. The results of this effort will help to prevent and resolve the large influx of land related disputes and increase security in land tenure rights. It will also help improve effective land administration and good land governance which are critical to

the achievement of sustainable livelihoods and poverty reduction in Greater Accra and Ghana as a whole.

1.7 Scope of Work

The scope of this thesis includes investigating the existence, the extent of spread and the major root causes of conflicting land-court judgments and the impact of conflicting land-court judgments on effective land administration and good land governance in Greater Accra within the study period of 1960-1999.

The study proposes solutions, design and implements a geodatabase system to compile land court judgments and detect any such conflict in judgment and alerts the courts by means of a report so as to prevent future conflicting judgment. The present effort precludes traditional and cultural effects, political views, judicial interpretations of judgments and commenting on cases that are still in court which could be contemptuous to the court.

1.8 Research Approach

This is a phenomenological research and therefore uses explanatory design approach to investigate the subject, related factors and dynamics about which very little is documented.

It employs non-probabilistic sampling using the Subjective and Snowball sampling technique using a mixed methodology approach of combining the qualitative and quantitative methods for a synergistic effect so as to arrive at a detailed description and understanding of the phenomena under study.

Field investigation for the research was based on group and individual interviews, observations, or analysis of archival documents and other artefacts and the use of key

informants. In addition, review of relevant literature was undertaken to the extent adequate to develop empathy in surveillance and analysis.

Qualitative field data was collected through a questionnaire survey, individual and group interview using subjective sampling and Snow Balling techniques with no specific sample size in mind, but targeting saturation of responds as the threshold factor.

Quantitative analysis was performed on the structured qualitative field data to arrive at the results of the prevalence of CL-CJ and its underlining causes. The design of the workflow is shown in figure 1.1.

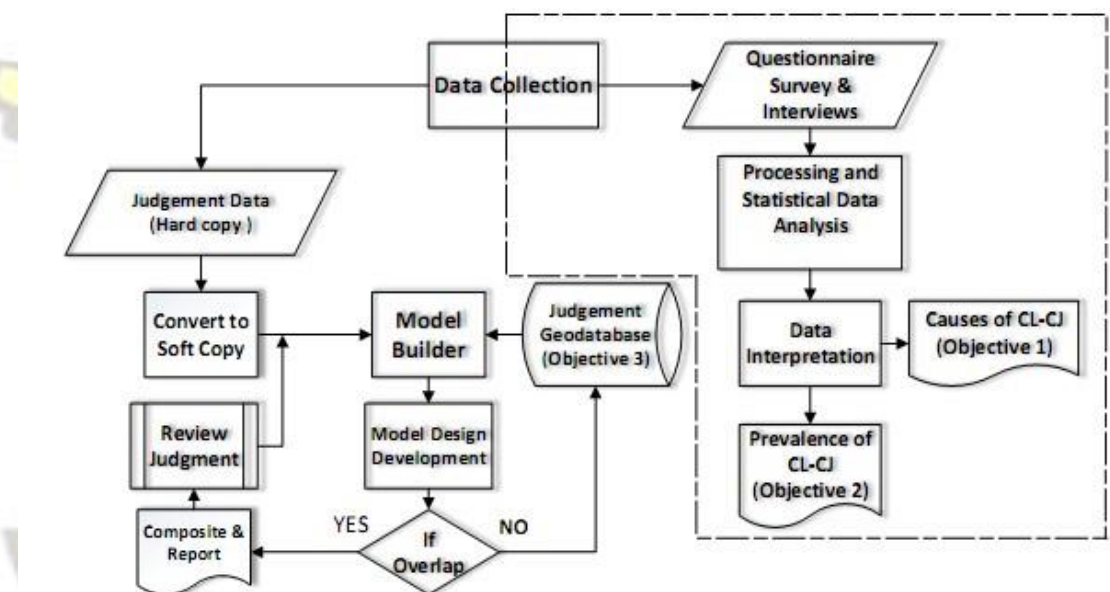


Figure 1.1 Design of the Workflow

1.9 Thesis Structure

Chapter 1 is an introduction to the research work; it highlights the background to the study and problem statement. The main aim and the general objectives of the research are also highlighted within this chapter together with the motivation for the study and scope of the current study.

Chapter 2 gives a theoretical and conceptual discourse of Ghana's land concepts, institutions, conflicts and challenges; it includes a theoretical framework of the study, literature review on Ghana's legal courts, instruments, regulations and the challenges in the system. This chapter also touches on the various methods that have been employed on similar study and the use of various techniques employed in such studies.

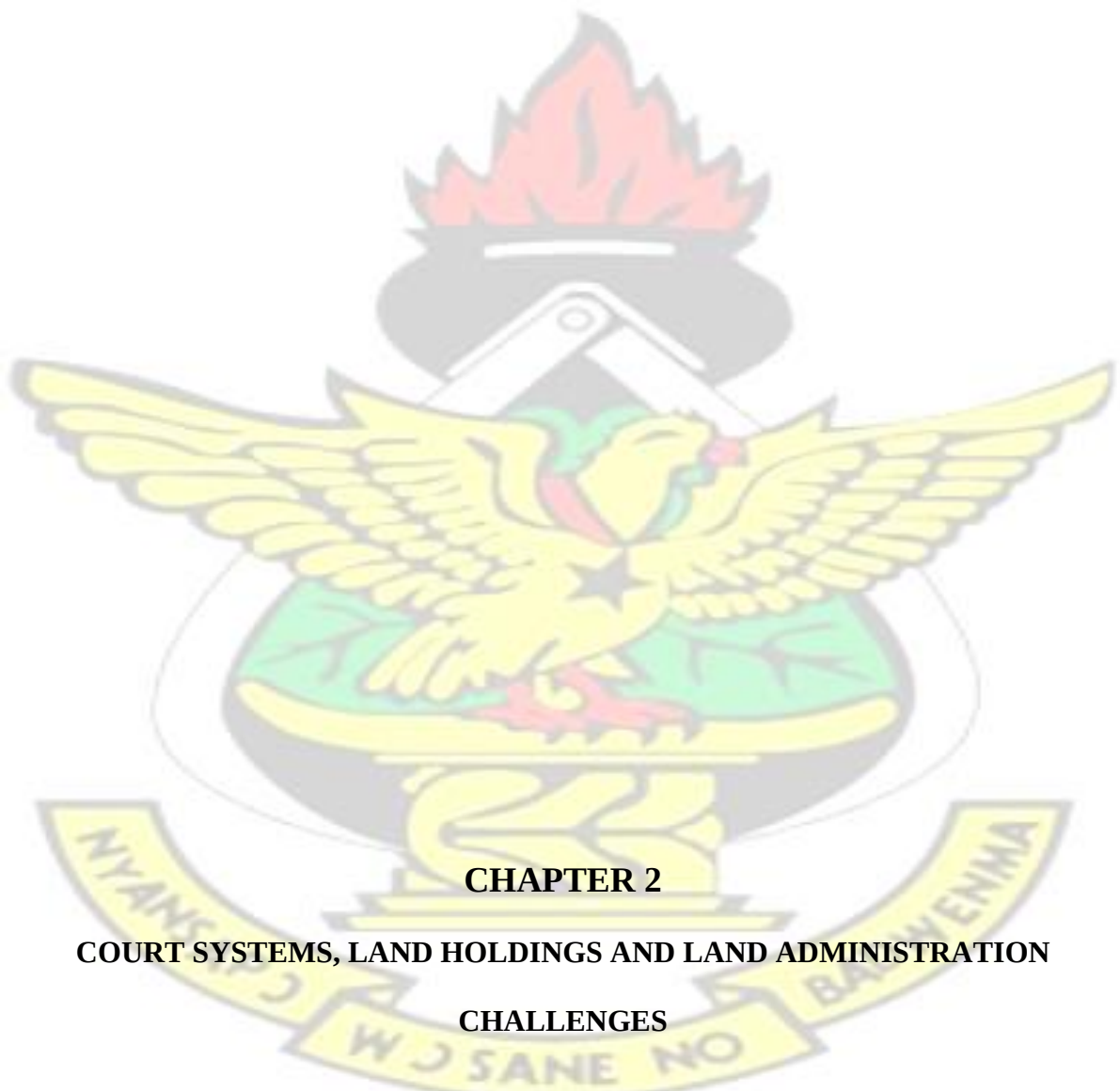
Chapter 3 describes the research approach used in the study. It justifies reasons for which the case study approach was adopted for the study and subsequently enumerates reasons for the siting of the study in the Greater Accra Region of Ghana. It also includes the geographical location, population, ethnic composition, labour force and the indigenous land tenure system currently in place among other dynamics. Further-more, this chapter discusses the data collection techniques employed throughout the study and other strategies adopted in order to achieve the objectives of the study.

It also shows field observations carried-out and research on existing literature concerning land judgments, existing land-court practices, the concepts and the processes in making court decisions. A GIS tool, Arc Map was used to visualize the conflict zones of Greater Accra based on the archival and court records of land judgments.

Chapter 4 presents the results obtained from the research, analysis and interpretation which were carried out on the results and the output information derived from the process.

Chapter 5 summarise the main findings or conclusion from the study and also gives recommendations for further research.

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CHAPTER 2

COURT SYSTEMS, LAND HOLDINGS AND LAND ADMINISTRATION

CHALLENGES

2.1 Land Holdings and Ownership Rights in Ghana

In Ghana traditionally, land and land assets is communally owned, and right to use is controlled by the communal heads by customary law (Lastarria-Cornhiel, 1997; Cotula,

2006). Land holdings are categorised into two main classes, being, customary lands or state lands. Article 257 of the 1992 Constitution acknowledges stools/skins, families, clans and individuals as customary or private land owners. These categories of owners constitute 78 per cent of the total land area of Ghana, compared to 20 per cent of lands vested in the State for which compensation has been paid, and 2 per cent of lands vested in the President on behalf of the stools/skins, families and clans.

The operation of traditional land holding systems together with official legislature generates ambiguity in the management of land rights and interests for the fact that both systems specify diverse modalities to secure tenure, thus provoking possible clashes (Kasanga and Kotey, 2001).

Dispute over land has been a root cause for civil wars in many nations where land is the basic avenue of creating a living for most of countryside populace of those nations (Holden and Yohannes, 2001). Conflicts over land rights and property boundaries constitute the biggest proportion of court cases and unsatisfactorily resolved conflicts often result in societal unrests, costly litigations and collapse of law and order.

The most common land-linked conflicts is legacy and boundary related. Also, land use rezoning, consolidation, relocation and expropriation by public institutions without sufficient recompense and changing land use other than purposes for which they were acquired by successive governments, have led to communal agitations and encroachments (Bruce and Migot-Adhola, 1994).

Disputes over land can be expressed in numerous ways. It may arise where there exist an absence of satisfactory delineation, registering and recording leading to conflicting land claims or they may also occur where the law is feeble in defending the rights of

land owners, and hence coercion is applied against people who attempt to utilise the law to institute and protect their right to tenure (Bruce and Migot-Adhola, 1994).

In Ghana, as in most part of West African region generally, contestation over land is particularly acute. The pressures of population growth, cash-crop led marketization, large scale migration, and rapid urbanisation have produced increased competition and land scarcity, and increasingly politicised conflict over land (IIED, 1999). Such boundary disputes often end up in the law courts for resolution (ECA, 2004).

Over the years, there is a build-up of over 16,000 cases in land related disputes in Accra alone and this greatly affects development as large tracts of land are proscribed from development pending the resolution of dispute cases, some of which go as far back as over sixty (60) years (Farvaque and McAuslan, 1992). Compensation for compulsory state acquired lands cannot also be compensated due to unsettled conflicts as to who is eligible for the benefits.

When the courts finally decides, the case is often aggravated when boundaries are defined in relative to ancient features which no longer exist and are impossible to relocate. (Farvaque and. McAuslan, 1992).

Although Ghana shares with other neighbouring African countries a situation characterised by high levels of legal pluralism, its particular history, both pre-colonial and colonial, has produced a set of deeply rooted, local social institutions of land regulation which have always been more strongly supported by the State than in many other African states. During the colonial period British policies of Indirect Rule and policies for the regulation of land exploitation led to the incorporation of local or 'customary' laws into a unified common law system, through the institution of Native Courts (Crook, 1986; Allott, 1957; Crook, 2001; Woodman, 1996; Woodman, 2001).

Legal reforms in Ghana since 1986 have incorporated all forms of land tenures, including the customary tenures, into a single statutory and common law framework, and subjected transfers from deeds system of registration of instruments to Land Title Registration to be centrally regulated by a National Lands Commission. However, this attempted centralisation and integration of the different kinds of regulation has so far proved ineffective, and traditional institutions remain strong (Kasanga *et al.* 1996; Kasanga and Kotey 2001).

The Ghana National Land Policy, published in 1999, sort amongst other things, to harmonise the legal and regulatory framework for land administration through law reforms, the establishment of specialised land courts and strengthened customary land authorities, and a comprehensive mapping and registration of land holdings and rights (Crook, 2005)

In this context, a key question which the legal and institutional reform process must address is how to develop judicial and regulatory institutions which will be effective in reducing or managing growing conflicts over land, whilst at the same time protecting the land interest particularly of the countryside underprivileged (Crook, 2005)

The state courts in Ghana, as provided under the 1992 Constitution and the Courts Act, 1993 (Act 459) continue to form a crucial element in the land regulation system. They are constitutionally endowed with power to apply all the rules of law recognised in Ghana, whether customary, common law or statute, and are resorted to by very large numbers of litigants who wish to see an authoritative settlement of their cases. Yet, it is well known that the Courts have been overwhelmed with large volumes of land cases, few of which can be heard or settled within reasonable time.

2.2 Land Governance, Management and Administration

2.2.1 Land Governance

Land governance is defined as policies and institutions by which land, property and natural resources are handled. A legal regulatory framework and operational process is important for comprehensive land governance within a jurisdiction or nation.

2.2.2 Land Management

Land Management is the art and science of making up-to-date decisions about the distribution, use and improvement of the earth's natural and built-up assets. It comprises resource management, land administration measures, land policy and land information management (Jeyanandan, *et. al.*, 1990). It is the appropriate usage and development of land resources and the procedure by which a country's resources would be utilised to obtain good and useful results (UNECE, 1996; Kerekes, *et al.*, 2010). Land management is in essence, all activities related to land as a resource to attain, societal, environmental, cost-effective and viable improvements so it embraces the improvement and supervision of amenities and services; the management of land resources such as forestry and soils; the enactment of land-use guidelines; Environmental Impact Assessment (EIA) and monitoring events that culminate into good land-use.

2.2.3 Land Administration

Land administration is the process of effectively managing land and land information using operational rules of land tenure. The processes includes the transfer of rights in land from one party to another through sale, lease, loan, mortgage, gift and inheritance; the regulating of land and property development; the use and conservation of the land;

the gathering of revenues from the land through sales, leasing, and taxation; and the resolving of conflicts concerning the ownership and the use of land.

Land administration functions may be divided into four components:

- The Juridical component.
- The Regulatory component
- The Fiscal component
- The Information management component.

These functions of land administration may be organized in terms of the agencies responsible for Surveying and Mapping, Land Registration and Land Valuation and the Judiciary.

(UNECE, 1996) defined Land Administration, as the “processes of determining, registering and publicizing data about the holdings, economic-value and use of land when executing land management guidelines”. The land administration system is a fundamental basis for the spatial enabling of a society and is accepted to comprise Cadastral Surveying and Mapping, fiscal, legal and multi-purpose cadastres & land information systems and land registration (UNECE, 1996). While this definition suits the UNECE perspective, it is not applicable to the developing world, which more often than not has a much extensive range of tenure systems than just freehold.

The definition of land administration as provided by FAO better corresponds to the realities of developing nations. Here, the concept is defined as the process by which the guidelines of land tenure are applied and made operative. Land administration, either formal or informal, comprises an extensive range of structures and procedures to manage.

Land Rights

The distribution of rights in land; the demarcation of boundaries of plots for which the rights are allocated; the transferal from one party to another through contracts of loan lease, gift, inheritance or sale; and the settlement of doubts and disagreements concerning interests, rights and plot boundaries. Land-use regulation, land-use planning & implementation and the resolution of land-use conflicts.

Land Valuation and Taxation

The collection of revenues through forms of land valuation, and taxation, and the resolution of land valuation and taxation issues such as, Land administration systems are recognised to provide a nation with the necessary infrastructure for executing land policies and land management strategies in backing viable development. Land management accomplishments in addition comprise land policies and land information systems. (Enemark, *et. al.*, 2014).

Significance of LI 1444

The LI 1444 was promulgated on Friday April 28th, 1989 in fulfilment of section 24 of the Survey Act (Act 127, 1962). The purpose of the LI 1444 is to control the compilation of cadastral plans for land registration and also to restrain quark surveyors in interfering in Legal surveys in particular and land surveying in general

(Fosu and Derby, 2008). Regrettable to note that the effect of Legislative Instrument LI 1444 has not been as effective as expected in the system owing to several drawbacks dominant among which are:

- Lack of commitment on the part of Survey and Mapping Division to appropriate devices to execute the legislative instrument.
- Undue centralization of managerial structure of the SMD causing bottle-necks in examining survey jobs from the regional offices

- The Anxiety of some licensed surveyors to submit their survey works for examination by back dating some survey jobs. (Fosu and Derby, 2008)
- Obstinacy on the part of some land managers and administrators in the regions to comply with the provisions of the LI with the excuse that no instructions have been dispensed from the ministry of lands and natural resource or Lands Commission with pretexts meant to undermine the implementation of the LI. The Executive Secretary (ES) of the Lands Commission after a lot of campaigning to implement the LI 1444, delivered an elaborate announcement in the national and other print media on Thursday June 28, 2001 on the modalities for tendering land documents to the Lands Commission for processing effective date being 1st August 2001. Assuming the LI 1444 had been made operational since 1989 we would have been reaping benefits in the enhancement of cadastral surveying in the nation to offset some of the inadequacies of the Deeds Registry Act (Act 122, 1962).

2.3 Sources and Causes of Land Conflicts

Land dispute involves conflicting claims to rights in land by two or more parties, focused on a particular piece of land in contrast to a land conflict which may involve competing claims to large areas of land by groups which may not be easily resolved within existing law.

Land-related disputes/conflicts may result due to several vulnerability factors which include the following (Ayee *et al.*, 1989), in no particular order of severity:

- Disputes as a result of Conflicting Land Court Judgments (CL-CJ) or Land dispute resolutions not done properly can trigger more serious conflicts which the litigants may not be willing to submit under further adjudication.

□

Land scarcity. Constraints on land access or skewed land distribution among users, or an absolute shortage of land in relation to demand can leave many with little or no land and create intense competition for land. It can be influenced by demographic shifts and factors such as climate change and can be either national or local.

□

Insecurity of tenure. When land users fear that they may be forced off their land, such insecurity of tenure can create a response that, in combination with the threat of eviction, can generate conflict.

□

The lure of valuable resources on the land. When valuable resources are discovered or when the demand for existing resources rises, people are motivated to exert control over, and benefit from the sale of, these assets.

□

Historical grievance. Most often rooted in earlier displacements and land takings, historical grievance can generate a demand for redress that can fuel conflict.

□

Normative dissonance. There may be normative dissonance where coexisting bodies of different origins are poorly harmonized and are used as tools by political parties in contention over land in that context.

□ Land governance and lack of capacity in public land management and land administration systems can exacerbate and heighten tensions over land.

□ The combination of poor records of land rights and cumbersome court procedures which delay resolution and allow disputes to fester

□ Disputes over ownership of resettlement lands.

□ Disputes between private individual developers and tools/families/individuals;

□

Disputes between government institutions and subjects of particular stools/ individuals, for example, sale of lands acquired by government for public purposes to private individual/corporate developers instead of original owners and expired leases without notification to the original owners.

□

Conflicts arising from delayed or inadequate payment of compensation for government acquisitions;

□

Disputes between chiefs and local people over land allocation practices and the lack of transparency and accountability in land transactions;

□

Inter-family and intra-family disputes over family land boundaries, subdivision of plots and proceeds from land sales, and the right to use certain parcels of land;

□

Disputes between Chiefs/family heads and individuals subjects over the conversion of farm land into residential lots, without prior consultation and adequate compensation;

□

Boundary disputes usually between different Stools/Sub-Stools/Families and/or between Individuals

2.4 Conflicting Land Judgments

One source of land title disputes has been identified as conflicting land-court judgements. Apart from the delays in the court system, there have been instances where more than one judgement (multiple judgments) has been given with respect to a particular land creating uncertainty and difficulty for the land owners and land acquirers who then have to buy the same parcel of land from many purported owners who have judgements in their favour. Apart from this, it is often found that when adjacent judgment plans are overlaid (or indexed in the land register) there are substantial overlapping areas of common interest; consequently additional dispute ensues. A new

conflict which requires to be resolved in court may arise involving even some who were not party to the original cases.

These mostly become apparent when the judgment creditors step on the land to execute their rights safeguarded by pronouncement of the court. The source of conflicting land-court judgement is mainly the absence of a system to detect a multiple case filing.

2.4.1 Land Dispute Resolution

Customary dispute settlement involves building consensus of the whole relevant community where the individuals in dispute are seen as members of groups such as families, or clans with particular status known within the communities and this makes it easy to trace roots of ownership in dispute determinations. In resolving a dispute, the chief, considers a broader agreement between these groups so as to ensure social harmony and avoid disagreement in the future (Odametey, 2007).

Contrary to this, the judicial courts, particularly where a jury system is not operated may only depend on the pleadings of the solicitors of the litigants and submitted documents to make a determination. Often other institutions in the land administration chain are not consulted to make inputs and judgements are not cross checked against previous judgements prior to determinations of cases, this can be a source of CL-CJ.

2.4.2 Transparency of Court Appeals Processes and Procedures

In nations where there exist, ranked organisation of transmitting cases from one court to the other, strict procedures are put in place to circumvent avoidable interruptions in determination of disputes. Clear and defined roles and jurisdictional powers to determine cases are also clear so as to avoid the movement of conflicts from one court to the other (Sackey, 2002). In Ghana, the same case may be filed at parallel courts of

similar jurisdiction which operate quite autonomously resulting in conflicting judgements.

2.4.3 Conflicting Laws in the Land Sector

An article by World Bank in 2002 mentioned that the major problem with Ghana's land sector is the existence of contradictory land regulations. Many of these conflicting laws and regulations though repealed, still exist in the statute books need and to be expunged from the legal system. The existence of such repealed laws creates gaps (*lacuna*) which are often exploited to complicate issues, prolong the enforcement of judgments, extend land cases in the courts and jeopardise the judicial system. One key aim of the August 2007 stakeholders seminar arranged by the Ghana Land Administration Project (LAP 1) was to synchronise all regulations in the sector into one joint, transparent, reliable manual to aid prompt determination of land related litigations (Ayeetey *et al.*, 2007).

2.5 Compulsory Acquisition of GAR Lands by Government

The indigenes of Greater Accra Region protest vehemently against the enactment and operationalisation of three decrees that have adversely affected their interests.

These are:

Land Development (Protection) of Purchaser Act, 1960 (Act 2) which gives the right to possession to whosoever puts up a building to lintel-height in Accra and its neighbourhoods to become by default the legal owner of the parcel on which the structure is located. This decree operates in Accra and surroundings only and has been extensively exploited by public officers and private individuals as well and have provoked several disputes and litigations (Ayee *et al.*, 1989).

This law is known to have been accountable directly for the dawn of the use of 'Landguards' and viciousness in safe guarding of land holding.

Administration of Lands Act 1962, (ACT 123): Pursuant to section 10 of this law, The President can endorse the possession and use of any land ‘which in his opinion, is beneficial for the public well-being of the Nation. The **1960 (Act 2)** it is segregatory, leftist and fails to name a self-governing organ which should determine what the interpretation of ‘**in the interest of the state**’, ‘**public purposes**’ is and what it is not, and what the commercial value of the recompense should be (Ayee *et al.*, 1989).

State Lands Act, 1962, (Act 125). Section 1(1) of this law empowers the President of Ghana to proclaim any particular land ‘to be compulsorily taken in the interest of the public’ and he may, by Executive Instrument, appropriate such indicated land. By the combined power of **Acts 123** and **125**, the president is authorized to acquire stool and non-stool lands for no specific purpose other than ‘Public Interest’, ‘Public Welfare’ or ‘Interests of the State’. Although these two laws do not relate exclusively to the GAR lands, the GAR indigenes have mostly felt the impact of these legislative acts of compulsory acquisition (Ayee *et al.*, 1989).

2.6 Some Trends and Policies of Compulsorily Acquired Lands.

Recently, compulsorily acquired lands for ‘public purposes’ after many years of being fallow, are being transferred to non-indigenes and immigrants without giving owners the chance to re-acquire them. Government’s policy of acquiring Greater Accra lands and later converting them to private residential use has been unfriendly to the progress of the Greater Accra indigenes. (Ayee *et al.*, 1989). It is estimated that, 3031 hectares of compulsorily acquired land accounting for about 6.0% of Accra’s land area, have changed use from the acquisition purpose (Ayee *et al.*, 1989).

The prolific deployment of 'Land-guards' by the affected landlords is a way of protesting against Government, and is another avenue of displaying their lack of confidence and trust in the land sector agencies and legal system (Ayee *et al.*, 1989). Obstructing the constructions on the forcefully acquired lands by the recipients is also another means of protesting against Government (Ayee *et al.*, 1989).

All these lead to unwillingness of the owners to utilise the judicial system processes to appropriately resolve these protests. Combating the system which is manipulating the societies indicates the exasperation of the Greater Accra People and should not be overlooked because it is a potential threat to security (Larbi, 2004).

2.7 Conflict Resolution Mechanism

2.7.1 The Legal Courts

The land courts are one of the most important institutions in land administration, and are stakeholders in resolving all kinds of land disputes – boundary conflicts, land rights issues (Crook, 2005). They play an instrumental part in securing of tenure concerning land businesses and title to land, but then, the judicial system in Ghana is afflicted with several problems leading to difficulty in accomplishing its assigned role in land conflict resolution.

These include case congestions in the courts stemming from appalling case management, corruption, bad administration and record keeping system, understaffing of court and para-legal personnel and cumbersomeness of trial events comprising the typing during court sessions of the entire court proceedings by the clerk, which is stressful, strenuous and time wasting (World Bank Report, 2011).

The outcome is that several land cases take numerous years to get to concluding judgement in the courts. This has led to a massive accumulation of cases awaiting judgment, causing tenure uncertainty, and numerous undetermined land litigations (Kasanga and Kotey, 2001).

2.7.2 Traditional Courts

In the Ga-Dangme setting, land belongs to the extended family of dead, alive and innumerable others who are yet to be born. The existing are only overseers for their descendants whose customs show that land has several values which include economic, social, security, cultural spiritual (Ayee *et al.*, 1989).

Land according to Ghanaian Customs is never traded, as this is seen as violating customs. The land is factually not owned like any normal goods but one only owns and transfers rights and interests in the land (Ayee *et al.*, 1989). Land is therefore, almost always a controversial and highly emotive matter, which when not dealt with carefully can lead to something regrettable (Ayee *et al.*, 1989).

Apart from the formal legal courts, it is recognised that land disputes can be settled through the ADR System or through the Customary Law System. Alternative Adjudication of land cases as well face problems, because the scramble for land and its control have become a vital part of tribal disputes and identity politics (Tsikata and Seini, 2004). Such disputes involve many economic, social and political costs repercussions, including the costs of monitoring conflicts, death, source of revenue and assets, resettlement, social and economic insecurity.

For example, more than 1,200 people lost their lives and over 100,000 resettled in the

Northern part of Ghana due to land disputes which led to ethnic conflicts from 1994-1995 in the Kokumba-Nanumba War (Ayee *et al.*, 1989).

Customary land judgements have also produced conflicting results particularly when they are influenced by political manoeuvrings and the fact that the successive judgments fail to recognize earlier judgments that might have caused a deviation in judgment. Subsequent judgements are unlikely to be conclusive.

2.7.3 Using a Cost-Effective Dispute Resolution Mechanism

A communal dispute resolution method has been used in land dispute resolution as well as preventing dispute. This approach however operates well if the litigants are keenly part of the resolution process (Wehrmann, 2008). The use of LI. 1444 compliant cadastral plans from the onset could reduce the long-term cost incurred in the resolution of land-use boundary disputes.

The ADRs could assist in reducing the financial burden of the litigants so that the less privileged can also readily access equitable justice, that is, if empowered with funds and resources,

2.8 Failures in Existing Land Administration and Management

Land conflicts continue to be the main limitation to land use and holding security in Africa in general and Ghana in particular (Niang and Dieng, 2004). Land is a resource that easily arouses emotions and the territorial instincts of persons and groups when existing land administration and management procedures are unable to adequately resolve conflicts (Paaga, 2013)

Ghana has received its fair portion of land conflicts, most of which have been expressed aggressively. Between individuals and traditional authorities as well as competing

claims to land and disputed land boundaries between individuals among others (Tsikata & Seini, 2004; Wehrmann, 2008).

The results of the failures in existing land administration and management culminates in the following listed reactions (Ghana National Land Policy, 1999):

1. Lack of consultation, coordination and collaboration among Land Sector Agencies and the judiciary has begotten the phenomena of CL-CJ.
2. Land tenure insecurity resulting from CL-CJ, causing the use of self-help through the deployment of 'Land-guards' in securing various interests in land.
3. Lack of consultation with landowners and chiefs in decision making for land allocation and development is the basis of some of land dispute clashes witnessed in the GAR.
4. A bad land Management system characterised by lack of complete land policy framework is the root cause of insecurity in land tenure in GAR.
5. Difficult access to land for agriculture, industry, commercial and residential development purposes due to conflicting claims to ownership, and various outmoded land disposal procedures (MLNR, 2011).
6. Insufficient security of land tenure due to conflicting interests in land and slow disposal of land cases in the courts leading to an accumulation of cases.
7. Compulsory acquisition by government of large tracts of lands, which have not been utilized and for which compensation has been delayed encourages 'land-guardism'.
8. Indeterminate boundaries of stool/skin lands, resulting directly from the lack of reliable maps/plans, and the use of unapproved, old or inaccurate maps brings about the insecurities in land tenure.

9. Indiscipline in the land market categorized by encroachments, land racketeering multiple sales, boundary and land interests and rights issues worsening the insecurity challenges in the land market etc.

2.9 Reactions of Natives to Shortfalls of Existing Mechanisms

“Land-guardism” or the phenomena and operations of “land-guards”, is the recruitment of youth from within and outside a community to patrol and protect contested lands. Their main purpose is to enforce the land claim(s) of their employer(s) against all rival claimants. The phenomenon has plagued the land sector in the Greater Accra Region and has in recent times become a very well-paid job for young men using refined arms. This fray has also now been joined by factions from most of the security agencies who are remunerated handsomely with highly valued parcels of land to boost their moral and keep them risking their lives to safeguard the interests of their paymaster(s). Meanwhile, the deployment of land-guards is also seen as a means of protest from the native landlords of Greater Accra Region, who are under the impression that their lands have been expropriated by foreigners and taken by Government who failed to pay economic compensations for the land, thereby depriving them of their legitimate sources of livelihood and resource (Ayee *et al.*, 1989).

CHAPTER 3

STUDY AREA AND METHODS

3.1 Introduction

The methods and techniques used for specific tasks in the research are elaborated here. This study uses a case study approach. The choice of the study area was based on a number of reasons but not limited to the following:

1. The Land-owners are losing recognition as landlords of their own land and have become tenants because of protraction of the final determination of CL-CJ (Water Aid, 2009)
2. Landlords unable to make judicious use of their land because the CL-CJ is practically un-enforceable.
3. The situation of un-enforceable judgments make the deployment of 'Landguards' the next best thing to do from litigants point of view.
4. Stunted, unorganised physical development because of the absence of a sustainable form of land-use planning as a direct result of absence of security in land rights which culminated from unresolved CL-CJ.
5. The status-quo indirectly encourages "Land-Guardism" because of insecurity in interests and rights to land caused by unresolved CL-CJ.
6. Loss of revenue (in unpaid ground rent) to landlords from prospective tenants because of fear of losing their investment as a result of insecurity caused by unresolved CL-CJ
7. Loss of revenue (in unpaid property tax) by Government from, prospective landlords because of unresolved CL-CJ
8. Perceived Judicial/technical incompetence of our land management and governance regime in the area
9. The potential threat to Regional Security since it encourages parties to use selfhelp methods to safeguard their interests and rights in land which could escalate if not appropriately addressed.
10. Over sixty years' conflict in judgments cases still unresolved when valued, is a waste of the scanty resource of the land owners of Greater Accra.

11. To advocate for one of the main agenda of the Land Administrative Project I & II (LAP) not fully realized, which is to prevent, reduce and amicably resolve the large influx of land related disputes and to increase security in land tenure rights (World Bank, 2011).
12. If the conflicting judgments are amicably resolved it will help to secure land rights, improve effective land administration and good land governance which are critical to the achievement of sustainable livelihoods and poverty reduction in Greater Accra and Ghana as a whole.

3.2 Study Area

The Greater Accra Region (Figure 3.1) is the smallest among the ten administrative regions of Ghana in terms of the area, occupying a total land surface area of 3,245 square kilometres. It is the second most populous region, after the Ashanti Region, with a population of 4,010,054 according to 2010 census records, making up 16.3 per cent of Ghana's total population (Anon, 2016).

The Capital City, Accra is the capital town of the Greater Accra Region. The region is bordered by three other regions namely; Eastern Region (Capital Town: Koforidua) to the North, Volta region (Capital Town: Ho) to the east, central region (Capital Town: Cape-Coast) borders to the west, and the Gulf of Guinea, to the south. The region is administered through the Local Government System, which consists of a Regional Co-ordinating Council (RCC), a four-tier Metropolitan and a three-tier Municipal/District Assemblies Structure.

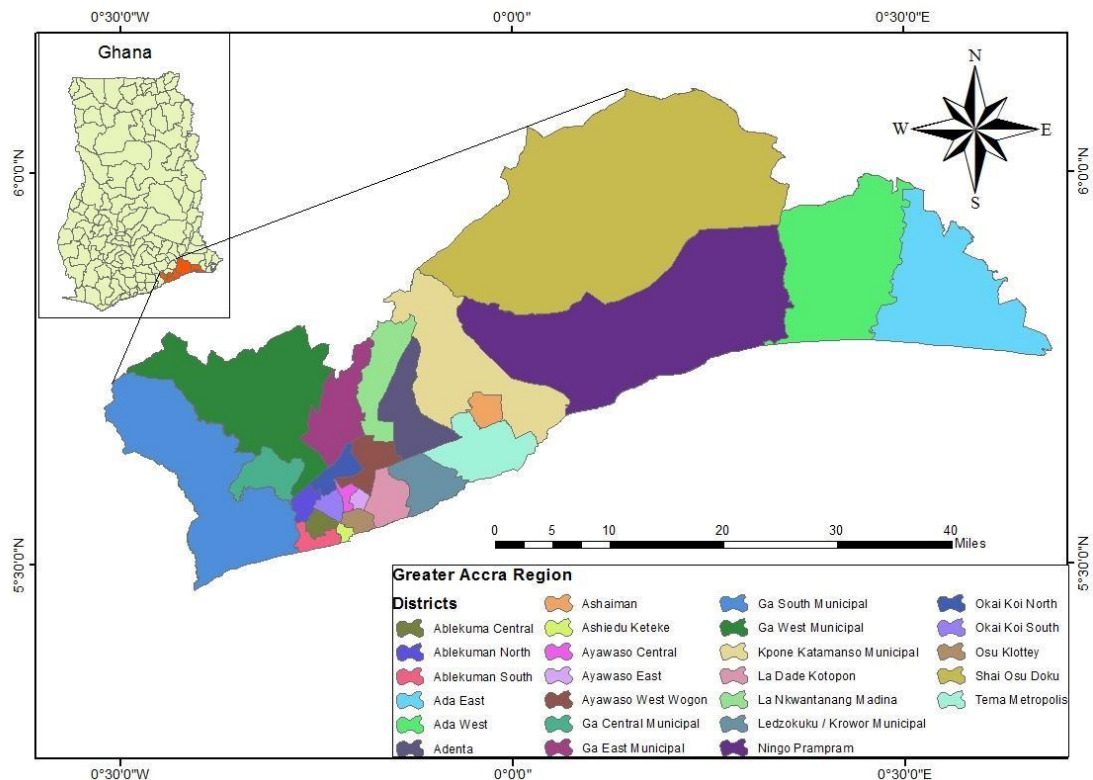


Figure 3.1 District Map of Study Area

The District Assemblies are either Metropolitan (population over 250,000), Municipal (population over 95,000) or District (population 75,000 and over). Under the Local Government System, the region is divided into sixteen districts made up of two metropolitan, seven municipal and seven Districts.

Ghana's population is made up of about seventy-five ethnic groups (according to the 2012 population census) and people from all these ethnic groupings live and work in Accra making it a cosmopolitan mix.

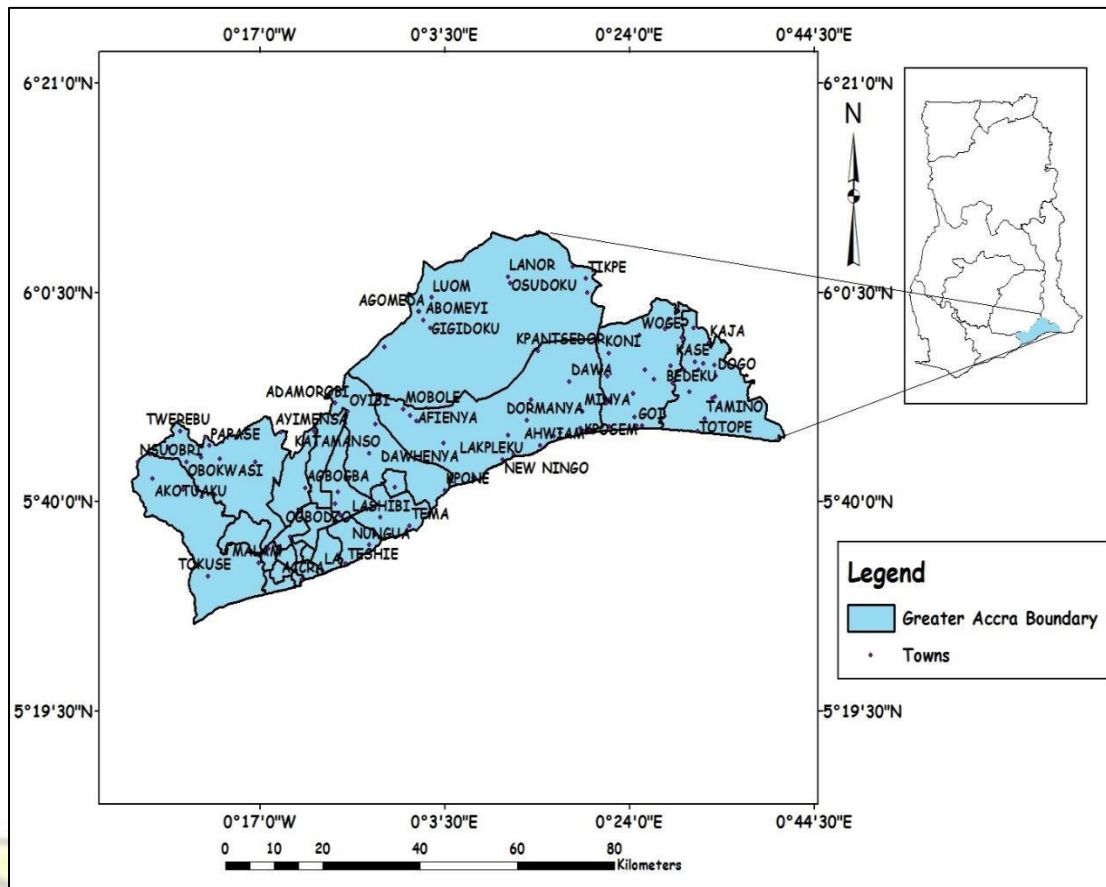


Figure 3.2 Township Map of Study Area

3.3 Study Materials.

3.3.1 Data Types and Sources

The study depended mainly on Primary data obtained through un-structured interviews from the Judiciary Services, the Public land sector agencies, private professional institutions, NGOs, private land holding families, individuals and secondary data from Public Records and Archives Administration Department (PRAAD). Data types collected included judgment plans from the courts, the sources and causes of conflicting land-court judgments, their prevalence.

Information relating to the current methods and tools for controlling, reducing and resolving conflicting land-court judgments were also collected to aid the determination

of appropriate method of resolution. Relevant available documents, reports, articles and case studies on the application of a LIS in the Land-court judgment Management were reviewed and analysed.

3.3.2 Software used

ArcGIS 10.2.1 suite which includes applications such as ArcMap, ArcCatalog, ArcGlobe, ArcScene, ArcToolbox and the Model Builder was used for the Geodatabase design and the Information System, designed was implemented mainly using the Model Builder. **3.4 Methodology**

3.4.1 Data Collection

A case study approach was adapted for this research to enable the employment of a variety of evidence based data such as interviews, questionnaire surveys, parole evidence, artefacts, direct observations, discussions and journal sources. This is for the main reason that research has identified this approach as appropriate strategy (Yin, 1994; Cavaye, 1996).

The amalgamation of purposive qualitative and quantitative research procedures were employed in field data sourcing. This research strategy synergises “the accuracy and precision of experimental (or quasi investigational) strategies and subjective data sourcing with the in-depth understanding of qualitative methods” (Rudestam and Newton, 2002).

Relevant data, in the form of both primary and secondary, relating to the causes and sources of conflicting land-court judgments, the appropriate ways in which this phenomena can be controlled, reduced or resolved, and ways to map-out some of the classical instances of land-court judgments were collected.

The data-collection was carried out at the Accra High Court, Accra Appeals Court and the Accra Supreme Court and also from other sources such as the Public Records & Archival Administration Department (PRAAD), the Public Land Sector Agencies like The Lands Commission, private professionals in the land sector and traditional land holding authorities, families, Customary Land Secretariats, Non-Governmental Organisations (NGO's), individuals and groups with interests in land.

3.4.2 Unstructured Questionnaire-Survey

Unstructured questionnaires with purposive sampling technique (Welman and Kruger, 2001), were employed in the conduction of interviews with five Judges, two court registrars, five private and public legal practitioners, ten Land managers and administrators in the public sector, ten licensed surveyors and government surveyors, six private land sector professionals, two traditional leaders, five inter-family groupings and individuals.

Senior officials of the Lands Commission namely; The Regional Lands Officer (RLO) of the Public and Vested Land Management Division (PVLMD), The Immediate Former Regional Land Surveyor of the Survey and Mapping Division (SMD), The Registrar of the Land Registration Division (LRD), were interviewed.

The interviews generally covered the main objectives; sources and causes of conflicting land-court judgments, its prevalence in recent time and the ways in which it can be controlled, prevented or resolved.

All though a purposive approach was employed there was a numerical targeted sample size of 50 respondents with an expected drop of 10% as shown by many studies. In all

20 interviews and 30 questionnaires were administered this was done through open ended questions.

The respondents were selected using the snowball technique of identifying some authority figures, at least three in each selected group of respondents in order to offset the disadvantage of the snow ball technique (chain referral effect) in the area of study. The selected informant then recommended others who understood the subject to a very high degree and whose opinion about the subject matter is an authority.

3.4.3 Informal Interviews

The unstructured informal interviews covered four main groups namely

1. The judiciary
2. The public land sector agencies
3. Private land sector professionals
4. Traditional and private land owners.

The interviews followed four main topics of investigations which were: The sources and causes of conflicting land court judgment; the prevalence of conflicting land court judgments; ways to control, reduce or resolve conflicting land court judgments; and practical and sustainable ways that can be employed to address the situation.

The unstructured informal questionnaire served as a general guide to aid in steering the interview on the right course to avoid time wastage and unnecessary commentary. In this way, the researcher had considerable leverage to emphasize and de-emphasize specific lines of investigation and adapt the interview as much as possible to the essential issues and interests of the research study. Follow-up questions were asked in-between the original line of questioning for clarifications based upon responses received from respondents.

3.4.4 Consultation of Journals and Statistics related to the Subject Matter

Secondary data on Conflicting Land-Court Judgments including sources from journals, academic publications documentaries and papers were studied both in support and against the objectives of this study. Previous studies and dissertations on land related court judgments were obtained from the internet as well as some old judgments from the National Archivist, The Public Records and Archives Administration Department (PRAAD).

Other sources of very relevant data were the registers of the land-courts which were examined to confirm or refute the data from other sources such as data obtained from parties involved in the suites. Some supplementary data like photocopies of land judgment with the annexed judgment plans were also reviewed to give an insight to the situational changes in contemporary times.

3.4.5 Data Source

Some preparation and analysis of the relevant data gathered from participatory stakeholders: (opinion leaders in affected communities, chiefs and traditional leaders, real estate developers, estate agents/consultants, land-sector agency professionals, lawyers, ADR practitioners, land litigants, judges and other stakeholders) was done to make it useful together with evidence such as interviews, archival data, field survey and other documentary data for geodatabase design.

3.4.6 Data Preparation

The data preparation process included re-organising of data from various sources, answering research questions and reporting. ArcMap was used for the data analysis, map visualisation and production. The data interpretation took cognisance of all categories of, reviews and sub-questions in unravelling significant discoveries. The role

and efficacy of the application of LIS technology in a tool like Land-Judgment Information Management System (L-JIMS) a land judgment information management and monitoring device was designed to aid in judgment decisions is to be ascertained and verified in this study.

3.4.7 Developing an Automated Cartographic Model for Detecting Conflicts

The development process started with the design phase in which the creation of a conceptual design was done, followed by a logical design and a physical design. The geodatabase Schema was then created.

3.4.8 Development of Updatable Judgment Geodatabase

Arc GIS software was used to capture, map-out and analyse land judgment plan of some selected classical cases in the Greater Accra Region (GAR) in order to show there exists conflicting judgment interests or overlaps.

A geodatabase of land judgment plans was created in the GIS environment by scanning the hardcopy judgment plans and digitising them on-screen and populating the attribute table with data from the judgment documents attached to the plans. A digital topographic map of the study area was used as a base layer for the geodatabase.

From the visualisation of the GIS judgment map out-puts the researcher infers that the practical application of cartographic model, aided by a geodatabase and GIS tools, is essential and efficient for land judgment information management in the land-courts.

3.4.9 The L-JIMS: Land-Judgment Information Management System

Designing and developing a cartographic model that automates manual draughting techniques and employs a set of ArcGIS tools and procedures to accomplish the task of plotting composite plans of two disputing land interests. This is accomplished by using

the land judgment geodatabase to extract relevant attribute data of the conflicting interest areas to detect potential conflicts in judgments.

Scanned copies of land-judgment plans were georeferenced and geocoded in the ArcMap environment and the coordinates of the various boundary points were extracted and saved in in 'Comma Separated Value' (CSV) format. The CSV was imported into ArcMap and displayed as temporary points. The temporary points were then converted to feature points and then linked by the help of analysis tool in ArcMap known as 'Aggregate Points Tool', both Plot A and Plot B were linked to form two polygons which were superimposed by the 'Intersect' tool.

This operation was also repeated for plot A and 'existing lands' A geodatabase of past judgments and also plot B were also intersected with 'Existing Lands' geodatabase, this visualised areas in conflict which was then operated on by the 'Calculate Conflict Area' function, then the bounding vertices of the conflict area was converted to points using the 'feature vertices to points' function and then the coordinates of the boundary points of the conflict area was extracted by the 'Add X,Y Coordinates' function which gave the final output 'Conflict Area Acreage and Vertices Points'.

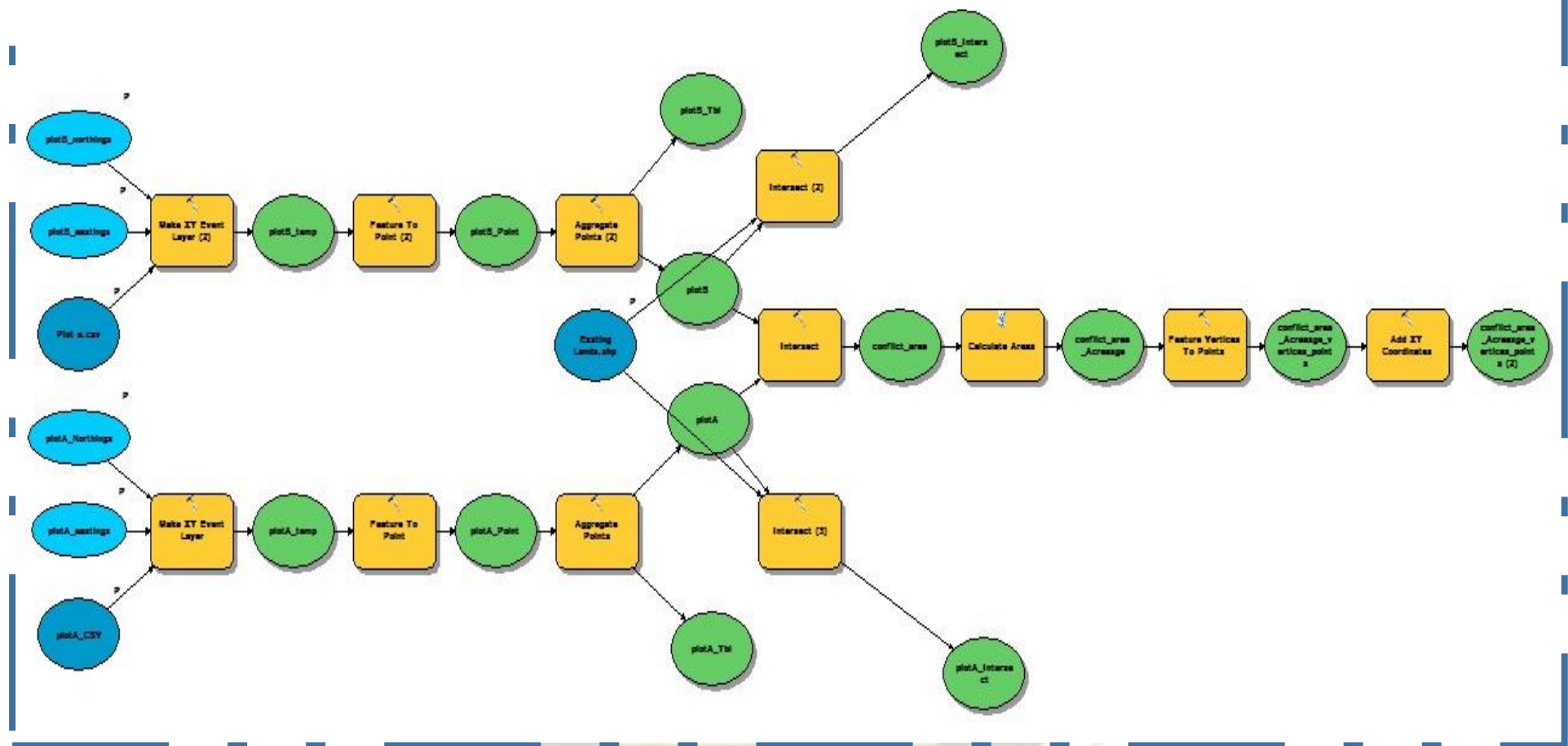


Figure 3.3 Land Judgment Information Model (L-JIM)

KNUST



3.5 Limitation / Drawbacks and Perceived Biases of Research Study

Land Judgment Data obtained was not enough to cover the entire Study Area adopted for the research as envisaged, so the results obtained is not very applicable to the entire study area of Greater Accra Region (GAR) as proposed but only the coverage area undertaken.

The study covered the superior courts leaving out the inferior courts like the circuit and magistrate courts where the underprivileged and the poor mostly would seek justice because judgment plans from that sector were not available and this gives the research a narrower view than what could have been the case. The study was also preconceived to be biased towards Surveyors because it was relatively easier as compared to the other respondents to obtain data from these category and hence their inputs would likely outweigh that of the other respondents in the research study but this bias was countered by the adoption of the saturation threshold concept which is collecting data till the collection of any extra data could not have any significant effect on already established inference/results.

CHAPTER 4 RESULTS AND DISCUSSIONS

4.1 Potential Causes of CL-CJ Phenomena.

Acquiring judgment by fraudulent means are classified as “Undue Influence” used to manipulate the legal system and influence judgement such as bribery of judges and officials and changed evidences to sway judgement in one direction or other; “UnResearched Professionals” not able to properly articulate their clients cases; The use of “Fake Documents” by litigants during cases; “Wrong Boundaries” which do not show proper extent of litigants lands, “Wrong Documentations” attached to land acquisitions and “Inconsistent Systems” (legal and technical).

Figure 4.1 shows the percentages of causes that contributed to conflicting land-court judgements. From the figure, the major cause is attributable to the presence of Inconsistent Systems which constituted 31% of all responses. This is followed by Wrong documentation (27%), Wrong Boundaries (19%), Undue Influences (11%), Fake Documentations (8%) and finally “Un-researched Professionals” (4%).

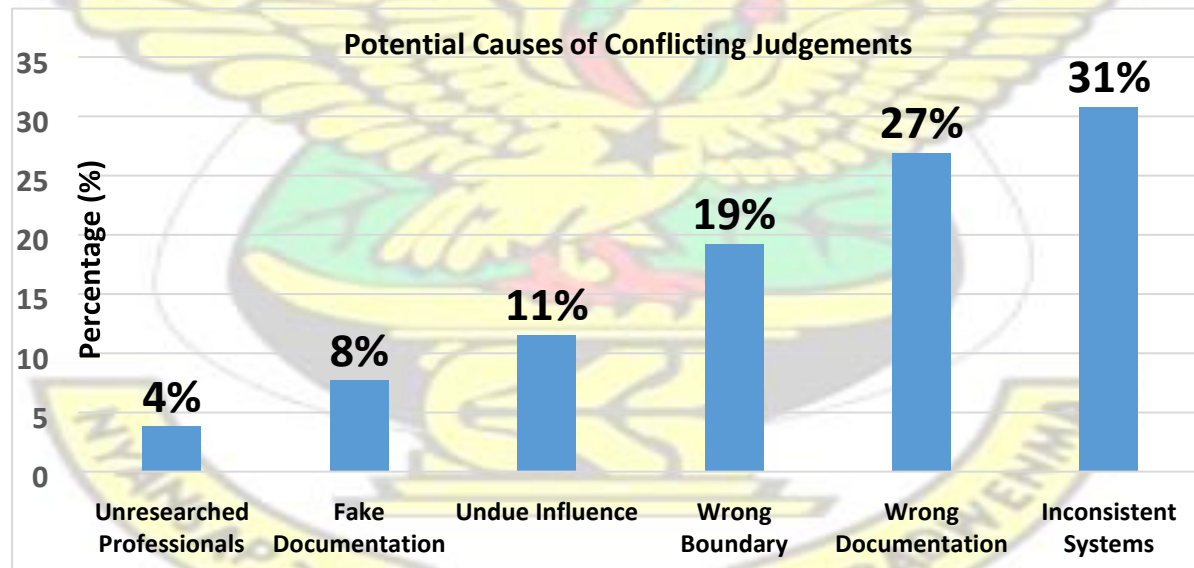


Figure 4.1 Causes of Conflicting Judgments

4.2 Prevalence of Conflicting Land-Court Judgments

Conflicting land court judgments from courts of concurrent jurisdiction remain a problem in land conflict management. “Such judicial contradictions only result in

aggravating litigations and inflict hardships on litigants in their quest for justice. Table 4.2 shows the results of responses from seven officers who plotted such judgments in the records office of the PVLMD of the Lands Commission.

Table 4.1 Officers Responses on Conflicting Judgments

RESPONDENTS (ID)	PERCENTAGE OF JUDGMENTS PLOTS IN CONFLICT
01	25
02	33
03	40
04	40
05	45
06	50
07	75

Source: Field Data, 2016

The results show that on the average, 44% of land judgments (figure 4.2) conflict with judgments from previous cases.

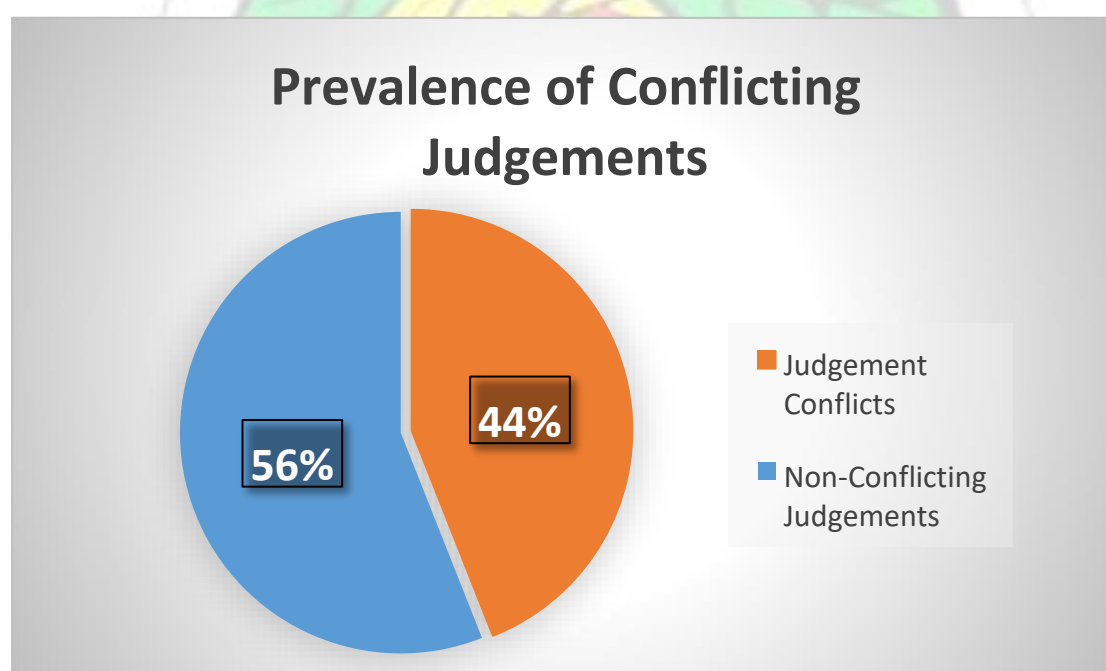


Figure 4.2 Prevalence of Conflicting Judgements.

4.3 The Land Judgements Information Management System (L-JIMS).

4.3.1 The Geodatabase Model

The Geodatabase consists of Base map information designed to include Land Judgment Data including survey information describing boundaries cover in the entire Study Area (figure 4.3).

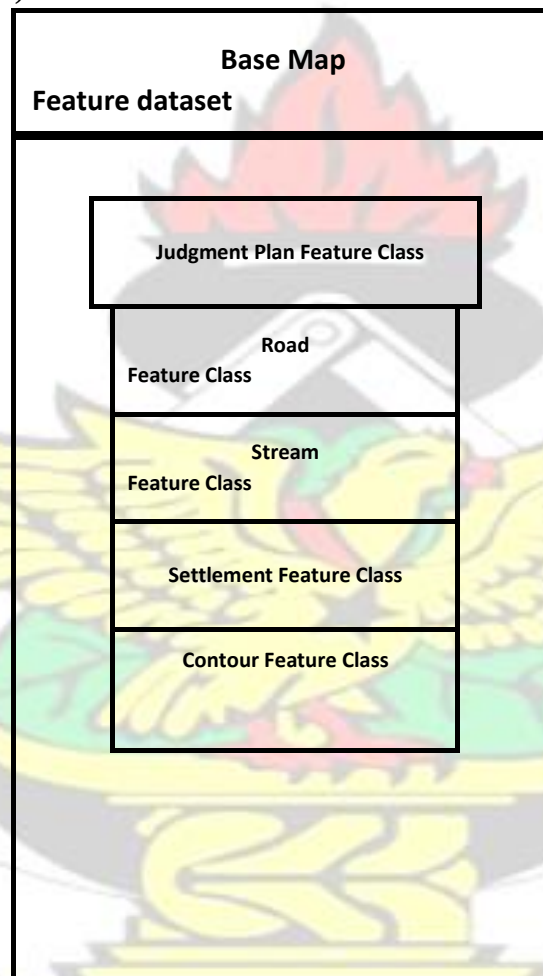


Figure 4.3 Geo-Database Model

The Geographic Database (Geo-DB) integrates spatial data and data relationships into database management system (DBMS).

The base map feature dataset contains the Judgment Plan feature class, Road feature class, Stream feature class, Settlement feature class and Contour feature class. These

datasets supply the user with background information necessary to build judgement maps and conduct necessary analysis.

4.3.2 The Land Judgement Information Model (L-JIM)

This consists of the cartographic model built in ArcGIS module builder figure 4.4, and combines the Geodatabase with inputted judgement plots linked to form polygons superimposed by the ‘Intersect’ tool to produce a visualisation of areas in conflict to produce a composite map and report of ‘Conflict Area, Acreage and Vertices of Points’.

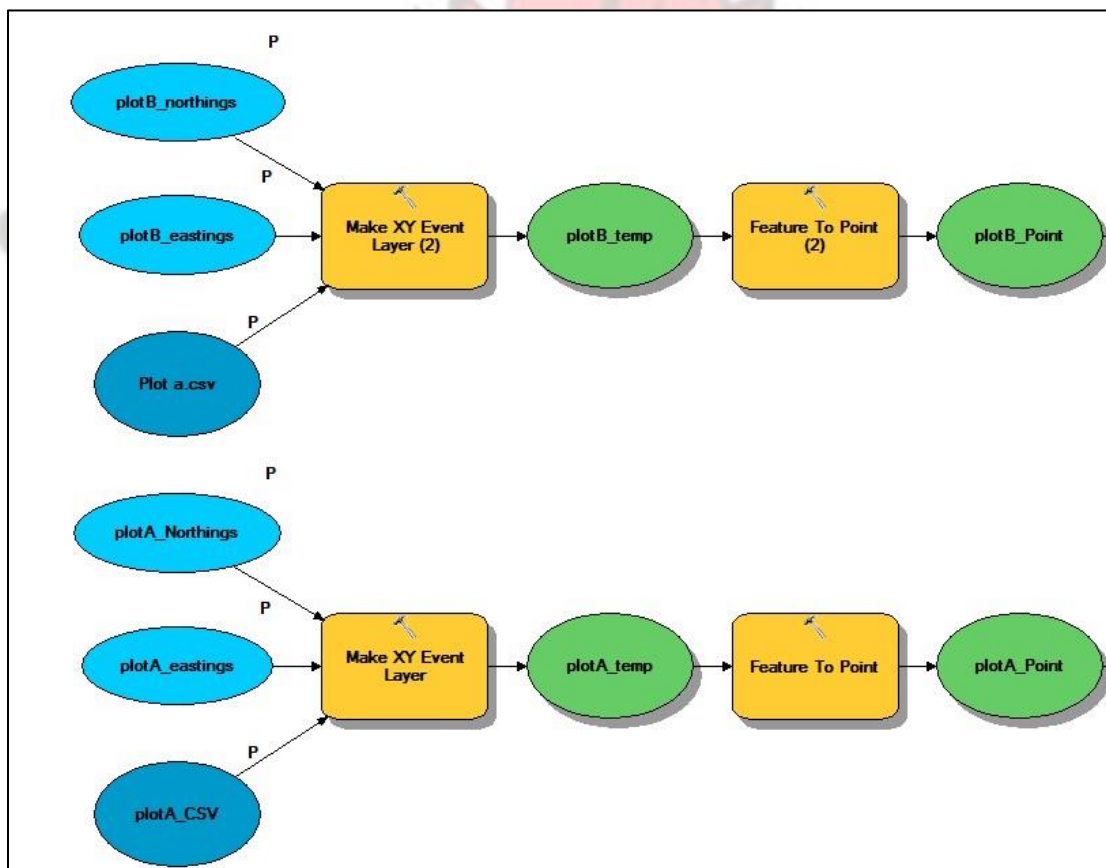


Figure 4.4a Part 1 of the L -JIM

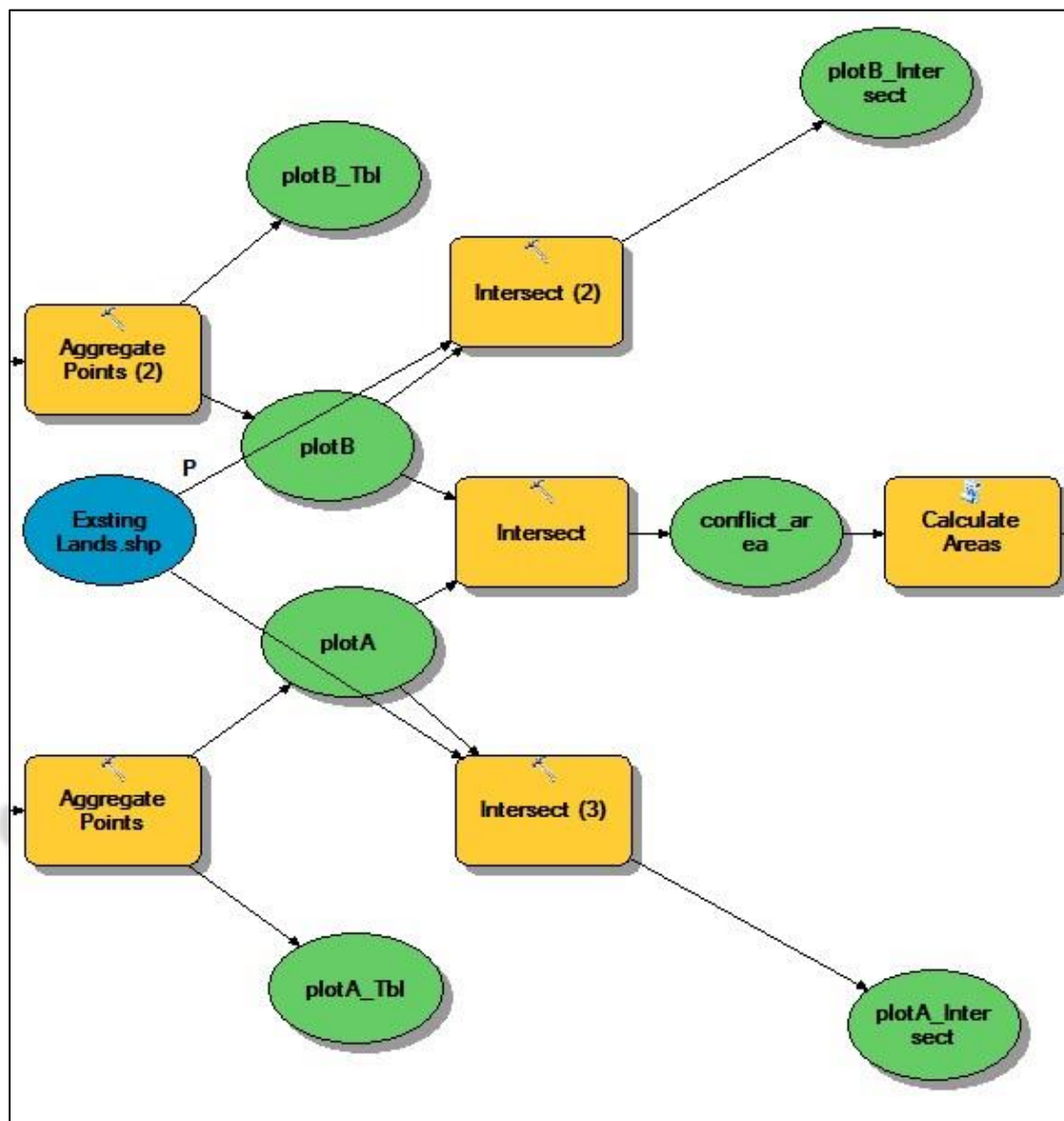


Figure 4.4b Part 2 of the L-JIM



Figure 4.4c Part 3 of the L-JIM

4.3.3 The L-JIMS Geo-Database of Judgement Locations

A geodatabase of land-judgment plans in the study area was created in the course of completing this study, this included the major and minor roads in the area in the form of a road network, contour lines showing elevations along the study area and the collection of plotted land judgments and land judgement allocations in the area, complete with basic ownership information (name of judgment creditor, extent of land judgment etc.). The figure 4.5 below shows the geodatabase in the ArcGIS Desktop working environment.

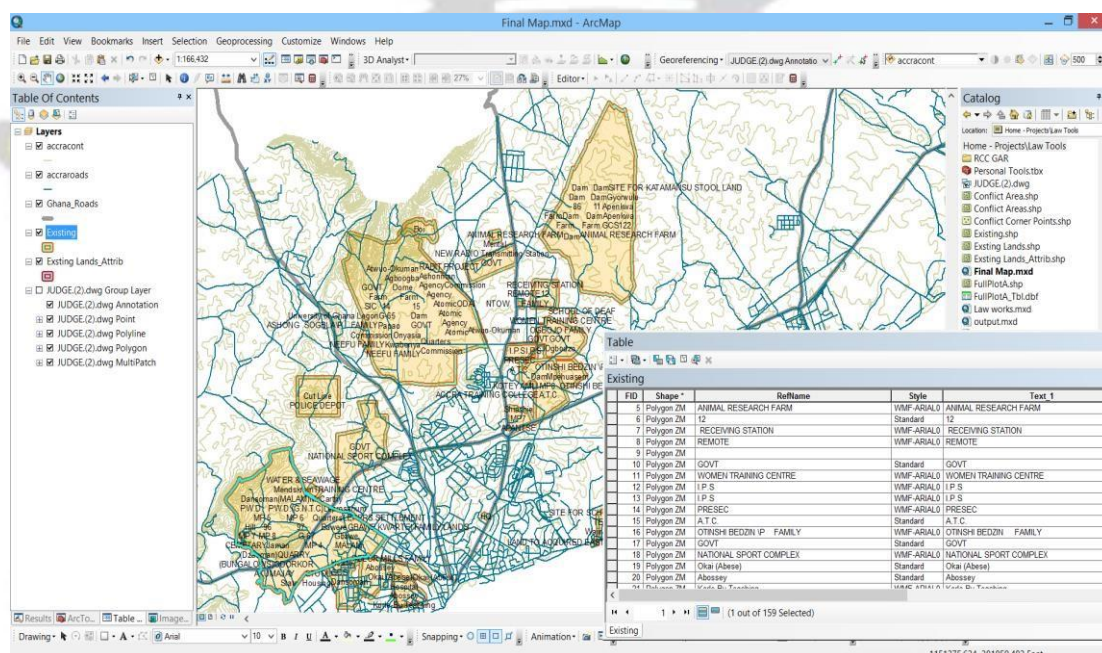


Figure 4.5 Land Judgment Geodatabase of Study Area

With the information from this database, newly plotted land judgments and land dispute cases can be plotted against already plotted land judgments to ensure that there is no future CL-CJ. It also allows continuous monitoring of available land judgment and

conflict areas. The database can also be easily edited and updated, especially in the case of newly acquired land judgments or change of ownership of existing lands judgments.

4.3.4 The L-JIMS Conflict Detection Model

In addition to the judgment geodatabase, a model was developed in the Model Builder application of ArcGIS Suite. This model allows a quick detection of the presence as well as the extent of conflict existing in any land judgement case brought to the courts.

Figure 4.6 below shows the graphic user interface of the conflict detection model.

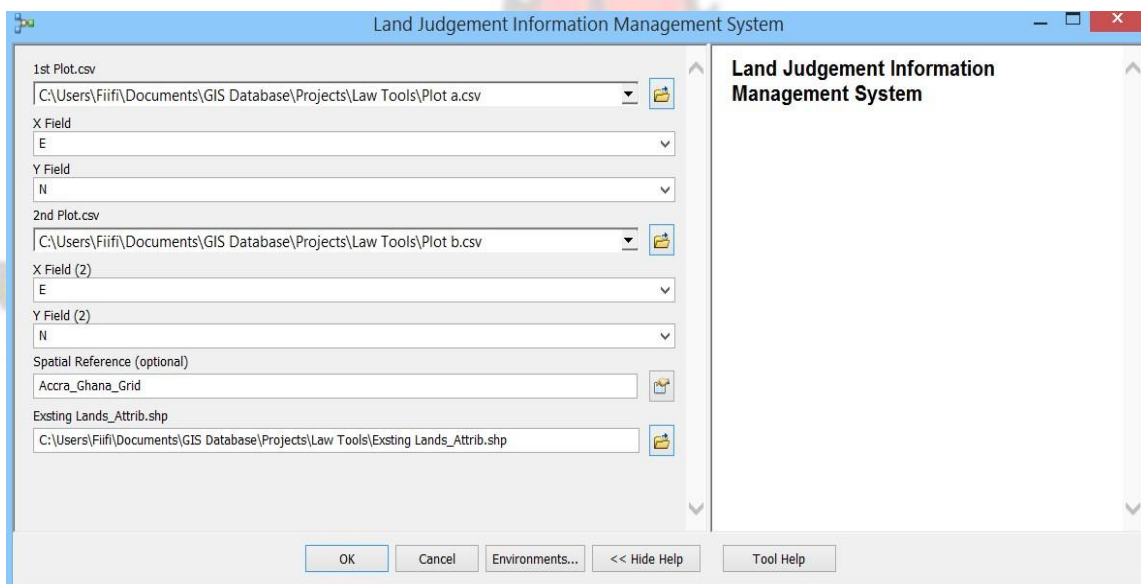


Figure 4.6 GUI of Conflict Detection Model

When a land dispute case is brought to the court, the boundary coordinates of the contesters will be entered into the system. This will be done by means of Excel Comma-Separated Value (CSV) sheets.

After creating the csv files for both of the plots in question, they are entered into the model. The user will be prompted to select both files, specifying which columns contain the northing and easting coordinates, the geodatabase of the existing judgment plots

and, where necessary, the spatial reference of the plots in question. The model is then executed.

The model creates boundary lines from the points detected from both CSV files. It then plots them both against the existing boundaries in the geo-database. The model then determines the location and area of the conflict between the two plots, as well as where the two plots conflict with the existing judgments plots. The extents of all conflict areas are computed and stored against the plotted data and the coordinates of the conflict area are also determined as shown in figure 4.9. The figure 4.8 below shows a sample output of the conflict detection model.

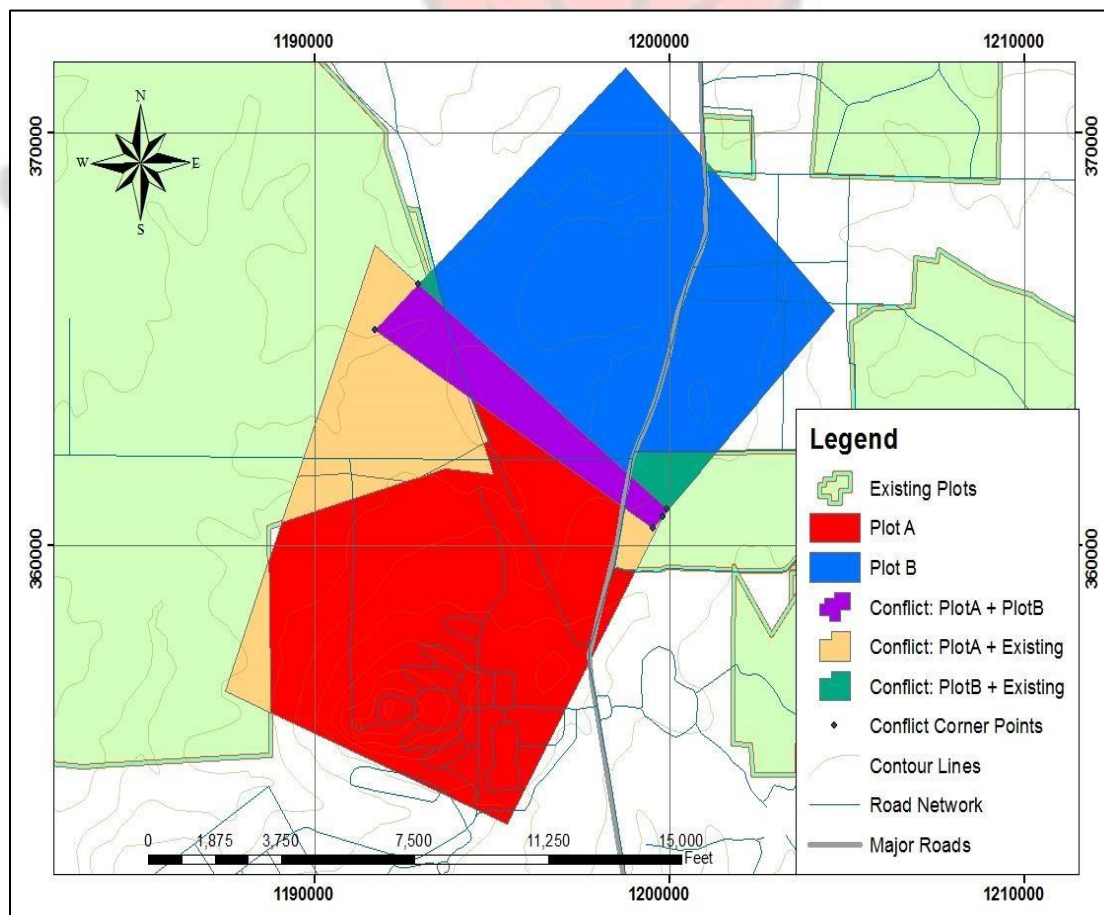


Figure 4.7 Output Map of Conflict Detection Model

The boundary points coordinates of the two plots were selected such that, they overlapped each other as well as the existing geo-database plots. As shown in the figure 4.8, the model was able to determine all conflicts and delineated them. The acreage of the plots as well as the conflict areas were computed and stored in the attribute data of the shapefiles as shown by figure 4.8 below.

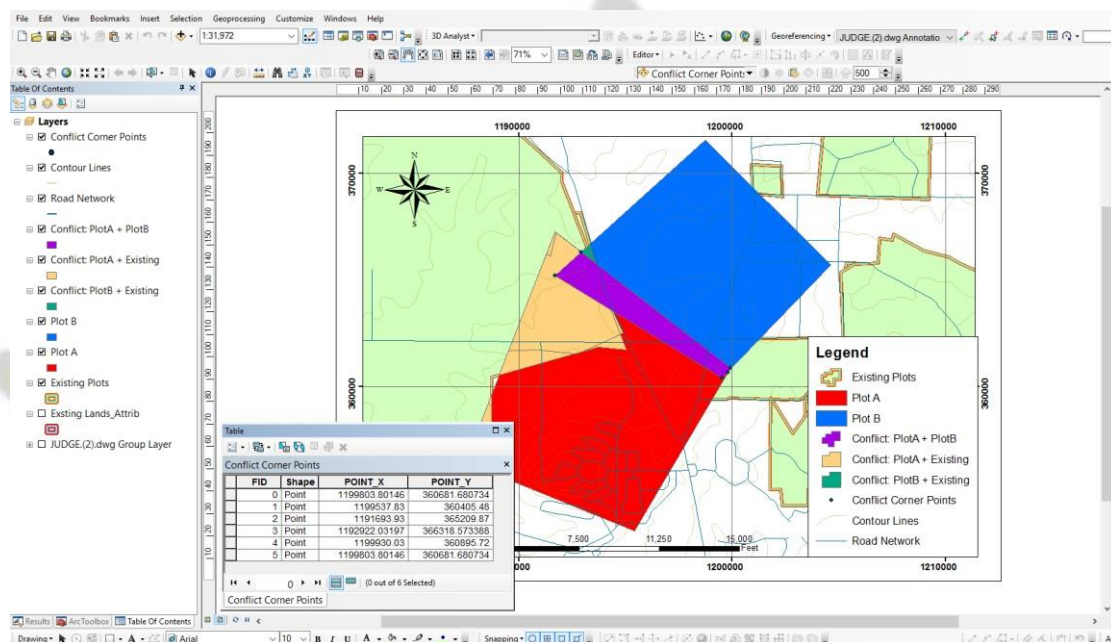


Figure 4.8 Acreage and conflicting boundary coordinates as extracted by L-JIMS

The model was therefore able to accurately detect, delineate and map out conflict areas in a land judgment, making it a faster, more efficient method of conflicting judgment detection during land dispute adjudication.

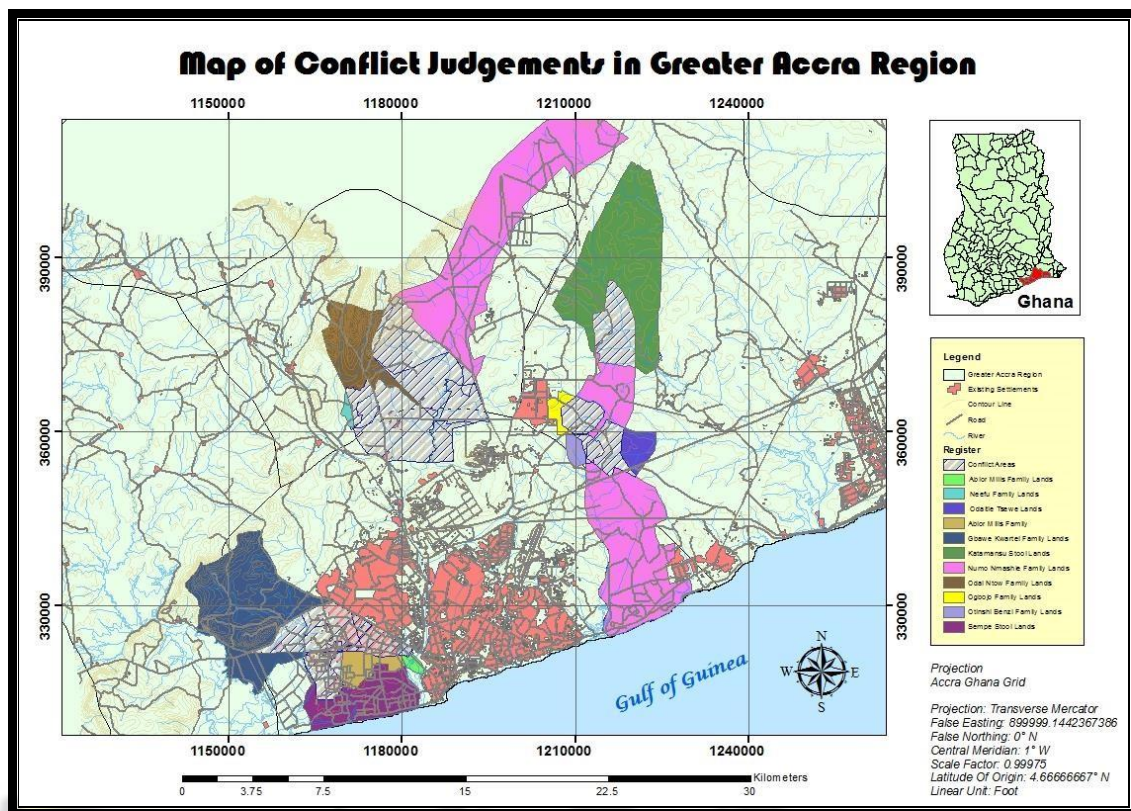


Figure 4.9 Conflicting Land Judgment Map

A conflict land judgment map was compiled as a bye-product from the updatable geodatabase developed, this showed some selected instances of the CL-CJ phenomena in the Greater Accra Region.

This map aids in the visualization of the CL-CJ phenomena in realizing part of objective three of the study.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

The conclusions drawn are based on the objectives.

Objective 1: Determining the Potential Causes of Conflicting Land-Court Judgment phenomena

Several reasons were advanced as to the causes of these conflicting judgments. These are categorised into six groupings namely:

- Inconsistent Systems, this is found to account for 31% of all conflicting land judgements delivered. Incorrect systems include technical systems such as incorrect coordinates and also legal technicalities.
- Undue Influences. The study found some 11% of all conflicting judgements were given due to extra judicial influences brought to bear on the magistrates. It appears that there is a pitiable situation where no lawyer is sure of the doctrine of *stare decisis* or the correct precedence on several cases with similar facts.
- Wrong Documentation. The study further found that some 27% of conflicting court judgements is as a result of wrong documentation accompanying land purchase transactions that are presented at the courts as evidence of claim of ownerships.
- “Un-researched” Professionals was found to account for 4% of all conflicting land judgment cases. This is because a judge decides on cases based on the facts presented to him. So it depends on how the lawyers and their clients churn out the facts of their cases. As no two cases are exactly the same and no facts of two cases turn out to be the same, a case is determined based on how councils fashioned out their cases before the judge.
- Wrong Boundaries was also found to account for 19% of conflicting land judgements.
- Fake Documentation was also found to account for 8% of all conflicting land court judgements.

Objective 2: Investigating the Prevalence of Conflicting Land-court judgments

The study found after interviewing officers manning the records room of the PVLMD where land judgments were plotted that some 44% of selected land judgements delivered at the courts are usually in conflict with other existing judgements previously given.

Objective 3: Creating an updatable land judgment geodatabase, developing a L-JIMS and mapping out some instances of conflicting judgements

An updatable judgment geodatabase was developed using some existing judgement plans. The geodatabase was used in conjunction with the module builder to build a Land Judgments Information Management System (L-JIMS) that checks all new land judgements against previous judgment plans to determine whether there are conflicts. Where no conflict exists, the Geodatabase is updated automatically. However, where there are conflicts, a Conflicting Judgment Plan and report is generated and used to aid the review of the conflicting land judgements.

5.1.1 General Conclusions

This study has obtained and examined data to determine the concerns over conflicting land judgments from the land divisions of the superior courts of justices due to the assertion that different courts seem to be delivering different pronouncements on matters with the same particulars. Such conflicting judgments from the courts appear to have created some confusion amongst land owners, developers and the general public with these judicial contradictions having a tendency to lead not only to confusion in judicial precedence but also cause untold hardship and frustration to litigants in their quest for final justice and confuse counsels and the general public leading to uncertainty

regarding the public perception of inability of the courts to guarantee unequivocal justice.

It is quite evident that, the state courts serve a genuine need for final and authoritative remedies and should be empowered and supported to deliver good judgments without conflicts. The use of the Land Judgement Information Management System (L-JIMS) can be a useful GIS approach in adequately addressing this issue.

The efficacy of Geographic Information System (GIS) tools to adequately detect, capture, map and analyse the selected instances of Conflicting Land-Court Judgment was utilised by the methods adopted in this research study since Geographic Information System GIS tools possesses the capability to incorporate very large volumes of spatial data from diverse and multiple sources, to map instances of Conflicting Land Court Judgments.

5.2 Recommendations

5.2.1 Develop a similar model:

In open source software eg. QGIS

In a Stand-alone/Distributed Network application software

Mass education of stakeholder interest parties

5.2.2 Policy

The L-JIMS should be implemented in the SMD and made accessible to the all Land – Courts.

Court data storage and processing should be automated

5.2.3 Review of Land Court Procedures

□

All litigants in land cases should submit only cadastral plans, before the commencement of legal proceedings in all land courts as standard procedure.

- The courts should develop a jury system that benches specialist in technical aspects in addition to legal experts to man the land courts.
- All cadastral surveyors should continue to insist on all land boundary neighbours to be present before carrying out any boundary survey, and should indicate names of boundary owners on the cadastral plan.
- An LI should be promulgated to compel all land judgment creditors to register their interest within a stipulated period or face sanctions or a fine or both.
- Original copies of all land judgments should be forwarded to the lands commission to update the land judgment geo-database
- Development and execution of a decentralised network of Electronic Land-Court Judgment Information Management System (L-JIMS) application to guide appropriate land-court judgments in judicial Courts and Communal land disputes resolution in selected parts of Greater Accra to prevent and help resolve the phenomena of Conflicting Land –Court Judgment (CL-CJ)

5.2.4 Revision of Laws, Instruments and Regulations

It is also recommended that the repealed land laws should be ex-punched from the statute books and other land laws which conflict with each other should be reviewed, reconciled and streamlined into one consistent law.

5.2.5 Skills Training for Lawyers, Judges ADR Practitioners

- Judges should be made to specialise and maintained in a chosen area of legal practice
- Training, credibility and impartiality of the judges, arbiters and mediators of the various legal systems are necessary in order to revive public trust and confidence in the court system and by extension the Justice System.

- Lawyers, judges, Arbiters and Mediators need to be knowledgeable in land dispute issues by updating themselves through training in courses on resolution of land conflicts and map reading and interpretation.
- Well-resourced institutions should be established to train professionals who find themselves in resolving land conflicts.
- Continuous Professional Training for lawyers in map reading/interpretation and archival research, and Surveyors in legal studies and court procedure

5.2.6 Establishment of Court Monitoring Systems

Records of all land disputes cases that have been resolved should be kept in a spatial database for easy retrieval and references of land dispute judgments and to aid in checking for conflicts in land judgments.

5.27 Further Research

- There should be a research to investigate the plottings in the land record for consistency with original judgements from the courts and check for the existence of non-title judgments e.g. family headship judgments, chieftaincy judgements and other non-title judgments in the land records.
- There should also be a study to investigate the judgement conflict areas on the ground to ascertain which party is majority in occupation and how ADR methods could be used to arrive at a consent judgment to resolve the situation.
- A research to develop a system that detects multiple filed land-cases which provides a basis of preventing one of the sources of conflicting land court judgment.

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GLOSSARY

ALLODIAL INTEREST: The highest proprietary interest known to customary schemes of interest in land. It is sometime referred to as the paramount title, absolute title or radical title.

CONSERVATION AREA: Any land area reserved under legislative or executive Instrument for the purpose of wildlife, forestry or biodiversity conservation.

CUSTOMARY LAND TENURE: The right to use or dispose of use-rights over land which rests neither on the exercise of brute force, nor on the evidence of rights guaranteed by government statute, but on the fact that they are recognised as legitimate by the community, the rules governing the acquisition and transmission of these rights being usually explicit and generally known, though not recorded in writing.

ENCROACHMENT: Any development to which the developer has not got any legal interest in the land or planning and building permit for the development

FIRST INSTANCE COURTS – Courts that sit on cases for the first time eg. High Courts, Circuit Courts and Magistrate Courts in this particular Instance

JUDGMENT CREDITORS – Person or group of persons or body in whose favour judgment is given

MANDAMUS – Legal Instrument invoked to compel public agencies to carry-out directives of the court in an expedite way

OPEN MARKET VALUE: This is the best price at which the sale of an interest in property might reasonably be expected to have been completed unconditionally for cash consideration on the day of valuation, assuming:

(a) There is a willing seller and a willing buyer;

(b) That, prior to the date of valuation, there had been a reasonable period (Having regard to the nature of the property and the state of the market) for the proper marketing of the interest, for the agreement of price and terms and for the completion of the sale;

(c) That the state of the market level of values and other circumstances were, as on any earlier assumed date of exchange of contracts, the same as on the date of valuation, and

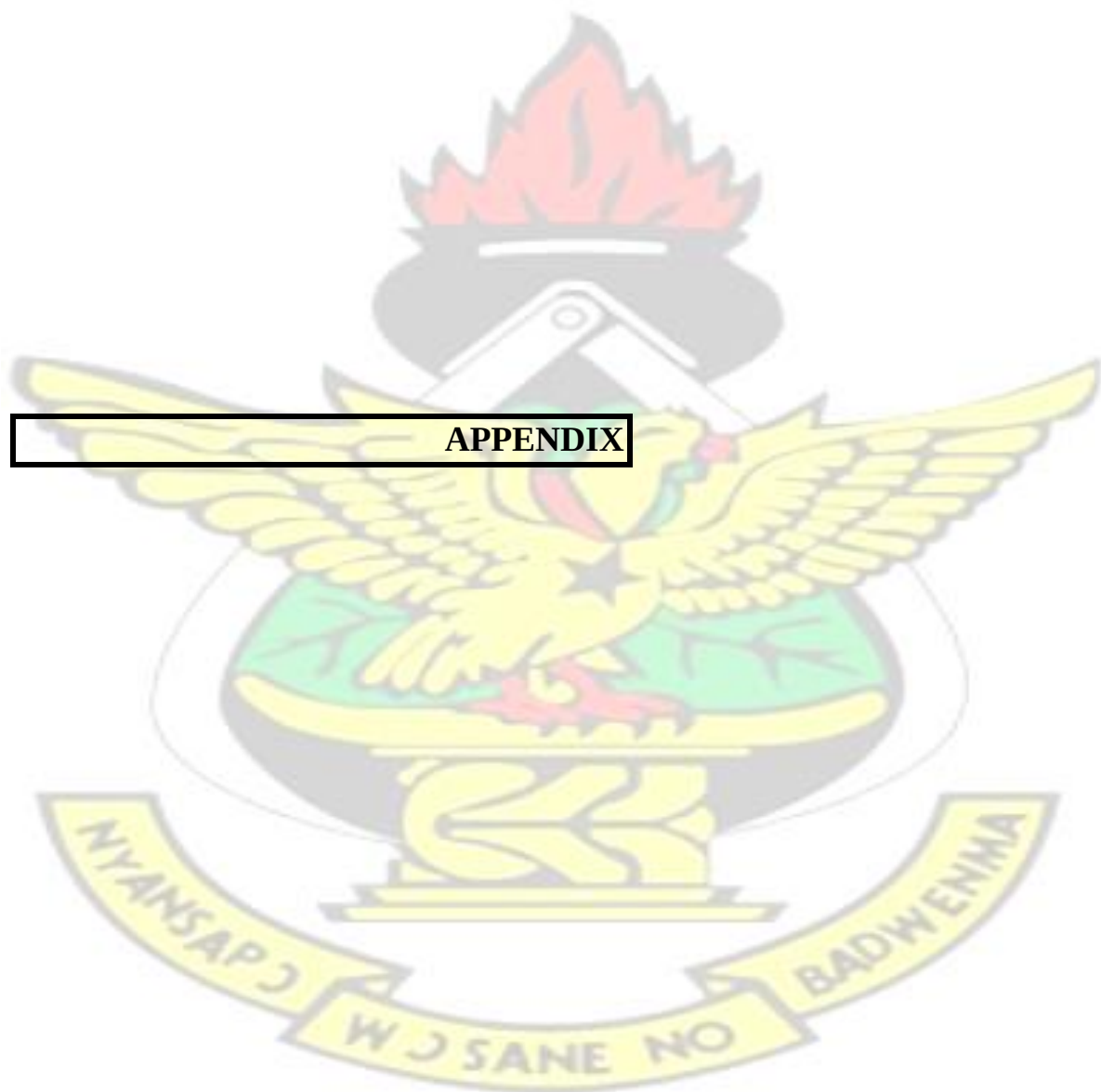
(d) That no account is taken of any additional bid by a purchaser with special interest.

PROTECTED LAND: Any land area established by the appropriate bye-law on which social and/or economic activities are permitted only in accordance with the bye-laws and under supervision.

STOOL/SKIN: The seat of a chief of an indigenous state (sometimes of a head of family) which represents the source of authority of the chief (or head of family). It is a symbol of unity and its responsibilities devolve upon its living representatives, the chief and his councillors. Land owned by such a state is referred to as stool/skin land.

USUFRUCT: Rights in land held by a member of the land-holding community or a stranger, who has obtained an express grant from the land-holding community, using customary mode of alienation. It is at times referred to as customary freehold, proprietary occupancy or determinable title.

KNUST





Our Ref:

GE.Postgrad/Vol.4/ 37

Date:

May 11, 2016

The Chief Justice,
Judicial Services,
Accra.

Dear Sir,

REQUEST FOR INFORMATION ON CONFLICTING LAND COURT JUDGMENTS

Mr. Sackar is a second year MSc student of this Department with student and index numbers 20179998 and PG 2233514 respectively.

His final thesis is on the topic "INVESTIGATING THE PREVALENCE OF CONFLICTING LAND COURT JUDGEMENT IN ACCRA".

- The prevalence of conflicting land court judgment
- Map-out instances of conflicting land-court judgment
- Investigate possible causes of conflicting land-court judgment
- Propose ways of addressing the problem

To achieve these objectives we would be grateful if you could recommend expert judges in the Land-courts, Appeal and Supreme Courts, for his data collection.

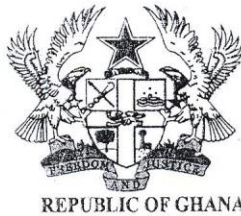
Any courtesies accorded him would be appreciated.

Yours faithfully,

Prof. Collins Fosu
Head, Dept. of Geomatic Eng.

Rev. Dr. E.O. Akrofi
Project Supervisor

SCR/211



OFFICE OF THE JUDICIAL SECRETARY

P. O. Box 119

Accra, Ghana

My Ref. No

Your Ref. No

Tel. No. 0302-665077, 0302-663951 Ext. 267

14th June, 2016.

PRO. COLLINS FOSU
HEAD, DEPT. OF GEOMATIC ENG.
KWAME NKRUMAH UNIVERSITY OF
SCIENCE AND TECHNOLOGY
KUMASI

RE-REQUEST FOR INFORMATION ON CONFLICTING LAND COURT
JUDGMENTS

Reference your letter dated 11th May, 2016 on the above subject matter.

The Honourable Lady Chief Justice has granted approval for Mr. Sackar to conduct interview with the following Judges.

- | | |
|----------------------------------|-------|
| 1. Justice Jones Dotse | JSC ✓ |
| 2. Justice A.M.A Dordzie | JA |
| 3. Justice G.S. Suurbaareh | JA |
| 4. Justice Stephen Herbert Ocran | J ✓ |
| 5. Justice Rebecca N.S. Sittie | J ✓ |

Do accept the compliments of the Honourable Lady Chief Justice.

RICHARD APIETU
SECOND DEPUTY JUDICIAL SECRETARY
FOR: JUDICIAL SECRETARY

CC: Honourable Lady Chief Justice
Justice Jones Dotse
Justice A.M.A Dordzie
Justice G.S. Suurbaareh
Judicial Secretary
Justice Stephen Herbert Ocran
Justice Rebecca N.S. Sittie
First Deputy Judicial Secretary

**Kwame Nkrumah University of Science &
Technology, School of Engineering
Faculty of Civil & Geo - Engineering**

**“Investigating the Prevalence of Conflicting Land-Court
Judgments (CL-CJ):- Case Study of Gt. Accra.”**

Student: SACKAR Henry Kpakpo

Supervisors: Rev. Dr. E. O Akrofi & Rev. John Ayer

April 2016

Preamble:

Since the distant past, there has been a growing perception of increasing occurrence of seeming “Conflicting Land-Court Judgments” with its adverse effects on implementation by land sector, land Administration/ Management Institutions in Ghana. This has prompted the need for this research, hence this questionnaire was designed to solicit information about the instances, spread and root causes of ‘Conflicting Land Court Judgments’ and also to recommend pragmatic and sustainable ways to address the phenomena. Information/Data collected would be used for both academic purposes and also share the results of the findings with related land sector institutions to aid in Institutional reforms; thus the data would be treated with the strictest confidentiality.

Thank you for your time and collaboration.

Private Land Professionals

Role	☐ Estate Developer ☐ Quantity Surveyor ☐ Cartographer ☐ Licensed Surveyor ☐ Land Surveyor ☐ Lawyer ☐ Estate Agent ☐ Land Manager ☐ Land Administrator
Educational level	☐ Primary ☐ Secondary ☐ Post-Sec. ☐ Tertiary & Above
Professional Experience(years)	☐ 1- 4 ☐ 5- 10 ☐ 11- 20 ☐ 21- 30 ☐ 31 and above
Age Group	☐ 21- 30 ☐ 31- 40 ☐ 41-50 ☐ 51- 60 ☐ over 60
Gender	☐ Male ☐ Female
Nationality	☐ Ghanaian ☐ Other(specify)

Address:

Email Address:

Designation of Authorising/Respondent Officer:

Date:...../...../ 2016.

Preliminary Questions

Que. 1 What is your understanding of 'Conflicting Land-Court Judgment'?

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Que. 2 What are the underlining causes of 'Conflicting Land Judgments'?.....

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Que. 3 What challenges can arise in land tenure security as a result of 'Conflicting Land-Court Judgment'?.....

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Que. 4 How can 'Conflicting Land-Court Judgments' be minimised?.....

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Que. 5 How can 'Conflicting Land-Court Judgment' be resolved /prevented?

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Que. 6 What role can:

- I. Public Land Sector Agencies and professionals play to minimise, prevent/resolve CL-CJ ?

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- II. Private Land Sector Stake-Holders play to control, prevent/resolve CL-CJ ?

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- III. Local authority play to resolve CL-CJ?

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- IV. Your Institution play to control, prevent or resolve CL-CJ?

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Que. 7 What Systems can be put in place to address 'Conflicting Land-Court Judgment'?

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Que. 8 What is the prevalence in percentages of CL-CJ?

.....

In case of any clarification, feedback or follow-up you may contact researcher on:

Cellular:- 024-464-1141 / 050-134-6812

Email:- hksackar@gmail.com

**KWAME NKRUMAH UNIVERSITY OF SCIENCE &
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FACULTY OF CIVIL AND GEO - ENGINEERING**

**“Investigating the Prevalence of Conflicting Land-Court
Judgments (CL-CJ):- Case Study of Accra.”**

Student: SACKAR Henry Kpakpo

Supervisors: Rev. Dr. E. O Akrofi & Rev. John Ayer

April 2016

Preamble:

Since the distant past, there has been a growing perception of increasing occurrence of seeming “Conflicting Land-Court Judgments” with its adverse effects on implementation by land sector, land Administration/Management Institutions in Ghana. This has prompted the need for this research, hence this questionnaire was designed to solicit information about the instances, spread and root causes of ‘Conflicting Land Court Judgments’ and also to recommend pragmatic and sustainable ways to address the phenomena. Information/Data collected would be used for both academic purposes and also share the results of the findings with related land sector institutions to aid in Institutional reforms; thus the data would be treated with the strictest confidentiality.

Thank you for your time and collaboration.

Judicial Courts

PROFESSIONALS	
Role	☐ Lawyer ☐ Registrar ☐ Administrator ☐ Court Manager ☐ Judge ☐ Other
Educational level	☐ Primary ☐ Secondary ☐ Post-Sec ☐ Tertiary & Above
Professional Experience(years)	☐ 1- 4 ☐ 5- 10 ☐ 11- 20 ☐ 21- 30 ☐ 31 and above
Age Group	☐ 21- 30 ☐ 31- 40 ☐ 41-50 ☐ 51- 60 ☐ over 60
Gender	☐ Male ☐ Female
Nationality	☐ Ghanaian ☐ Other (specify)

SOURCE OF INFORMATION (Tick appropriate box)

Jurisdiction:

☐ Supreme Court ☐ Appeal Court ☐ High Court

Address:

Email Address:

Designation of Authorising/Respondent Officer:

.....

Date:...../...../ 2016.

Que. 1 What is meant by the autonomy of the courts?

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Que. 2 What is your interpretation of "Conflicting Land-Court Judgment"?

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Que. 3 What are the underlining causes of this seeming 'Conflicting Land-Court Judgments'?.....

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Que. 4 How often does this seeming 'Conflicting Land-Court Judgment' occur?

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Que. 5 What are the processes to be followed before land judgments can be enforced?

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Que. 6 How can land judgments be enforced in Title and Deeds Plotting or Registration?

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Que. 7 How is land judgment enforced on:

I. Vacant land?

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II. Occupied land?.....

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III. Developed land?

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Que. 8 What are the conditions and criteria for the use of 'Mandamus' or other legal instruments in compelling The Registrar of Lands, Land Title Registrar, to plot/register a land judgment?

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Que. 9 How can a particular land case fall between two or more judicial jurisdictions?

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Que. 10 What criteria determines which jurisdiction among the two should hear the case?

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Que. 11 What mechanism does the Court System have in determining if a particular land case has been already lodged in another court in a different division?

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Que. 12 What are some of the limitations or setbacks that can arise as a result of exercising the independence of the courts?

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Agencies; in order to improve service delivery in land adjudication?

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Que. 19 What would be the challenges encountered by the courts if some of the decided land case have overlapping interests?.....

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Que. 20 What can a court do if it has proof that some of its decided land judgments have overlapping interests?

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Que. 21 What types of plans does the courts annex to land judgments?

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Que. 22 How important are composite plans in land dispute adjudication?

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Que. 23 How does the court determine if a particular land case falls within its geographical jurisdiction or not?

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Que. 24 How does The Judicial Services delineate geographic jurisdiction of the land-courts?

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Que. 25 What are the limitations and advantages of the geographical jurisdictional structure of the court system?

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Que. 26 How can a particular land case fall within two or more other divisions aside geographical/legal jurisdiction and (commercial etc. of the court?

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Que. 27 What systems can be put in place to address the seeming 'Conflicting Land-Court Judgments'?

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Que. 28 How often is 'Mandamus' invoked to compel LRD/PVLMD to perform their duty in plotting/registration of land judgment?.....
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Que. 29 What is the standard procedure in deciphering the extent of the land judgment when it is annexed /not annexed by a judgment plan/boundary description to be used in plotting/registration?
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Que. 30 How often does the court carryout LTR/PVLMD records searches or searches of previous court rulings to unearth other potential interest/rights in regard to the neighbourhood of the interests/rights before it, before giving a ruling?
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Que. 31 What is the prevalence in percentages of CL-CJ?
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Supervisors: Rev. Dr. E. O Akrofi & Rev. Johnny Ayer

April 2016

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Thank you for your time and collaboration.

PVLMD AOSL & LRD

PROFESSIONALS	
Role	☐ Records Officer ☐ Reg. Lands Officer ☐ Cartographer ☐ Technician ☐ Lands Officer ☐ Lawyer ☐ Land Manager ☐ Administrator
Educational level	☐ Primary ☐ Secondary ☐ Post-Sec ☐ Tertiary & Above
Professional Experience(years)	☐ 1- 4 ☐ 5- 10 ☐ 11- 20 ☐ 21- 30 ☐ 31 and above
Age Group	☐ 21- 30 ☐ 31- 40 ☐ 41-50 ☐ 51- 60
Gender	☐ Male ☐ Female
Nationality	☐ Ghanaian ☐ Other (specify).....
Designation	☐ Director ☐ Head ☐ Senior staff ☐ Junior staff ☐ Other

DETAILS OF SOURCE OF INFORMATION (tick appropriate box)

LANDS COMMISSION:

- ☐ PUBLIC & VESTED LAND MANAGEMENT DIVISION (PVLMD)
- ☐ LAND REGISTRATION DIVISION (LRD)

Address:

Email Address:

Designation of Authorising/Respondent Officer:

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Date:...../...../ 2016.

Que. 1 What is your understanding of ‘Conflicting Land-Court Judgment’?

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Que. 2 What are the underlining causes of ‘Conflicting Land-Court Judgment’?

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Que. 3 How often do you encounter ‘Conflicting Land-Court Judgment’ in plotting/registration (on average per month)?

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Que. 4 What role does your division play in land judgment registration and/or plotting?

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Que. 5 Since when did your division start plotting /registering Land-Court Judgments?.....

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Que. 6 What is the standard procedure in the process of plotting/registering land judgment?

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Que. 7 What challenges does judgment overlaps pose to the work you do?

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Que. 8 What can be done to reduce or curtail the occurrence of 'Conflicting Land-Court Judgments'?

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Que. 9 What could be the legal implications of CL-CJ to the land owner and the Land Registration and Administration System?

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Que. 10 What systems can be put in place to address 'Conflicting Land-Court Judgment'?

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Que. 11 What is the effect of invocation of mandatory orders like 'Mandamus', on the efficiency of your work?

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Que. 12 How often is 'Mandamus' invoked to compel you to perform your duty in plotting/registration of land judgment?

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Que. 13 How do you check if a land judgment lodged for plotting /registration is authentic?

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Que. 14 How do you decipher the extent of the land judgment when it is annexed /not annexed by a judgment plan/ boundary description?

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Que. 15 How often does the court carryout official searches at LRD/PVLMD records to unearth other potential interest/rights in regard to the neighbourhood of the interests/rights before it before ruling?.....

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Que. 16 What is the prevalence in percentages of CL-CJ?

.....

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Thank you for your time and collaboration.

SMD / LVD

PROFESSIONALS	
Role	☐ Valuer ☐ Land Manager ☐ Cartographer ☐ Records Officer ☐ Land Surveyor ☐ Lithographer ☐ Photogrammetrist ☐ Technical Officer
Educational level	☐ Primary ☐ Secondary ☐ Post- Secondary ☐ Tertiary & Above
Professional Experience(years)	☐ 1 - 4 ☐ 5 - 10 ☐ 11 - 20 ☐ 21 - 30 ☐ 31 and above
Age Group (years)	☐ 21- 30 ☐ 31- 40 ☐ 41-50 ☐ 51- 60
Gender	☐ Male ☐ Female
Nationality	☐ Ghanaian ☐ Other (specify)
Designation	☐ Director ☐ Head ☐ Senior Staff ☐ Junior staff ☐ Other (specify)

DETAILS OF SOURCE OF INFORMATION (tick appropriate box)

LANDS COMMISSION:

☐ Survey & Mapping Division ☐ Land Valuation Division

Address:

Email Address:

Designation of Authorising/Respondent Officer:

.....

Date:...../...../ 2016.

Que. 1 What is your understanding of 'Conflicting Land-Court Judgment'?

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Que. 2 What could be the possible causes of 'Conflicting Land Court Judgment' in your opinion?

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Que.3 What is your division's role in land dispute adjudication in court?.....

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Que. 4 What is your division's role in the plotting/registration of land judgment?

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Que. 5 How can 'Conflicting Land-Court Judgment' be controlled?.....

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Que. 6 What role can:

I. Public Land Sector Agencies and professionals play to control/resolve 'Conflicting Land-Court Judgment'?

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II. Private land sector stake-holders play to control, prevent/resolve 'Conflicting Land-Court Judgment'?

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III. Local authority play to control, prevent/resolve 'Conflicting Land-Court Judgments' ?.....

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IV. Your Division play to control, prevent or resolve 'Conflicting Land-Court Judgment'?

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Que. 7 What systems can be put in place to address 'Conflicting Land-Court Judgment'?

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Que. 8 What is the prevalence in percentages of CL-CJ?

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Thank you for your time and collaboration.

STOOL , FAMILY , CLS, OTHER GROUPS/ INDIVIDUAL

AUTHORITY	
Traditional	☐ Chief ☐ Family head ☐ Chief Mother ☐ Opinion Leader ☐ Linguist ☐ Asafoatse / Youth Leader ☐ Assembly Man ☐ Oshipii ☐ N/A
Educational level	☐ Primary ☐ Secondary ☐ Post-Sec ☐ Tertiary& Above ☐ Informal Education
Traditional Experience(years)	☐ 1- 4 ☐ 5- 10 ☐ 11- 20 ☐ 21- 30 ☐ 31 and above
Age Group	☐ 21- 30 ☐ 31- 40 ☐ 41-50 ☐ 51- 60 ☐ over 60
Gender	☐ Male ☐ Female

LAND OWNERSHIP DETAILS:

STOOL / FAMILY REPRESENTATIVE

- ☐ Private Land ☐ Family Land ☐ Stool Land
☐ Government Land

Land holdings:

- ☐ Allodial ☐ Common Law Free Hold
☐ Customary Freehold ☐ Leasehold ☐ Other (.....)

Address:

Email Address:

Designation of Authorising/Respondent Officer:

Date:...../...../ 2016.

Que. 1 Which part of Accra do you own land?

Que. 2 What do you understand by 'Conflicting Land Court Judgment'?

Que. 3 What could be the possible causes of 'Conflicting Land Court Judgment'?

Que. 4 How can 'Conflicting Land-Court Judgment' affect your land tenure security?

Que. 5 What could be done to control, reduce or prevent the occurrence of 'Conflicting Land Court Judgment' (CL-CJ)?

Que. 6 What challenges do you have with the enforcement of
'Conflicting Land-Court Judgments'?

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Que. 7 How can you reduce, prevent /resolve 'Conflicting
Land-Court Judgments' between yourself and your boundary
neighbours?

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Que. 8 How can you enforce a 'Conflicting Land-Court
Judgment'?

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Que. 9 What systems can be put in place to address
'Conflicting Land-Court Judgment'?

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Que. 10 What is the prevalence in percentages of CL-CJ?

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