



Governability of Customary Land Tenure Institutions Insights from Odupongkpehe Customary Area in Ghana

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ABSTRACT

Context and background

The role of customary land tenure institutions in land governance is immeasurable. Notwithstanding the enormous role of customary land tenure institutions in local land governance, they are fraught with problems. The governability of customary land tenure institutions is critical to good local land governance, however, the literature has mainly focused on examining the role and capacity of customary land tenure institutions with little attention to good local land governance indicators.

Goal and Objectives:

The goal of this paper is to assess the governability of the Odupongkpehe customary land tenure institution in the Awutu Senya East Municipal area of Ghana. The objectives of this paper are to examine the quality and capacity of the Odupongkpehe customary land tenure institution.

Methodology:

The study was conducted in the Awutu Senya Municipal area of Ghana. The concurrent mixed methods design was used for the study. Data was collected from 178 landowners, and key officials in customary and statutory land governance. Data was collected from 10th February to 24th February 2019. Semi-structured interview schedules used for data collection in this study was developed and pretested on 14th January 2019.

Results:

The results evinced that the governability of the customary land tenure institutions was poor due to the failure of institutions to interact with the populace in the customary area. Furthermore, the customary institution did not have the capacity to govern since it was constrained by inadequate staff and logistics and did not collaborate with public land sector agencies. The study recommends the formulation and implementation of a Customary Land Secretariat policy to guide the activities of customary land governance structures.

Keywords:

Land; Customary Land Secretariat; Governability; Customary land tenure institutions; Ghana

1. INTRODUCTION

Land governance in many Sub-Saharan African (SSA) countries operates in a dualistic environment (Ruffin, 2019). The dualistic nature of land governance indicates that statutory and customary land governance operates side by side to ensure the realization of good land governance. Alden Willy (2012) reveals that approximately 60% of lands in SSA are held under customary ownership. In countries such as Zimbabwe, Zambia, Botswana and Tanzania, the dominance of customary lands are prevalent as 42%, 52%, 53% and 72% of lands are held under customary ownership (Alden Wily, 2018; Rights and Resources Initiative, 2015). Customary lands held under customary ownership are governed by both customary and statutory arrangements. The existence of legal pluralism relates to power and social relations relevant to land access, conflict resolution and use of land without establishing the hierarchy among the dualistic land governance regimes (Higgins & Fenrich, 2011). Higgins & Fenrich (2011) argues that the reality is more complex with overlapping claims and jurisdictions, and multiple systems of customary laws.

Like many other countries in SSA, customary lands in Ghana are prevalent with about 80% of the total land being customarily managed (Bugri, 2012a). Biitir and Nara (2016) assert that local land governance structures that regulate land use decision-making are chiefs (in the centralised traditional political authority of southern Ghana and parts of the northern region of Ghana), families, clans, tendamba (in the Upper West and East Regions) and some individuals across the country. According to Bruce (2013), customary land tenure institutions have an advantage over other governmental institutions in that, they can penetrate deep into society and function more successfully at the community level. Bruce (2013) contends that customary land tenure institutions do so due to their culturally entrenched legitimacy and accessibility to the people they govern. Thus, the role of customary land tenure institutions in land governance since time immemorial is immeasurable.

Despite their critical role in local land governance, customary land tenure institutions are plagued with issues. Kumbun-Naa Yiri II (2006) argues that inconsistency and coordination in customary practices and procedures characterize customary land governance structures. Customary land tenure institutions are associated with evolving and unclear customary tenancy arrangements in different parts of the country (Alhassan, 2006; Kumbun-Naa Yiri II, 2006). Claims and counterclaims over disputed lands resulting from the indeterminate boundaries and multiple sales of customary-held lands (Kasanga & Kotey, 2001; Kumbun-Naa Yiri II, 2006). Therefore, over the last decade, the Government of Ghana has made efforts at improving land governance by focusing on institutional and legislative reforms. Kuusaana & Gerber (2015) reveal that state and customary land institutions function through un-structured connections. The institutional reforms led to a multi-donor funded Land Administration Project (LAP) launched in 2003 (World Bank, 2013). The LAP led to the creation of Customary Land Secretariat (CLS) in all major land-owning communities under the direct control of local land governance structures to facilitate their participation in streamlining good land governance practices. The LAP also envisaged strengthening the institutional capacity of customary land tenure institutions.

Notwithstanding these interventions in customary land administration to improve customary land governance, the literature on the role, capacity and governability of customary land tenure institutions is scant in the literature. Little is known about the governability of customary land tenure institutions in Ghana. Biitir and Nara (2016) investigated the role of CLS by examining the accountability, documentation, collaboration and the use of Alternative Dispute Resolution. This study failed to consider all good land governance indicators to assess the governability of Customary Land Tenure Institutions. Bugri (2012) studied the sustenance of CLS for improved interactive land governance. However, Bugri (2012) only focused on assessing the capacity of CLS.

The aim of this paper, therefore, is to assess the governability of the Oduponkpehe Customary Land Tenure Institution in promoting good local land governance. Premised on Arko-Adjei et al. (2010) indicators for good local land governance, this study assesses governability focusing on access, accountability, equity, capacity and collaboration of the Oduponkpehe Customary Land Tenure Institution in the Awutu Senya East Municipal area.

2. THE CONCEPT OF GOVERNABILITY

Governability as defined by Kooiman (2008), “is the overall capacity for governance of any societal entity or system”. According to Jentoft and Chuenpagdee (2015), governability entails the capacity to govern and quality of the governance process, underpinned by standards and norms. Central to these definitions are variables that define the concept of governability; the legitimacy of government, the relationship between government and citizens, implementation of goals and monitoring of institutional routes (Restrepo & García, 2015). Chuenpagdee and Jentoft (2009) argue that assessing governability is a procedure used to check governors, to enhance governance effectiveness and legitimacy. In light of this, Jentoft (2007) emphasizes that governability is critical for policymaking processes.

Song et al. (2018) assert that the shift from the state-governing model and rational governing approach has become paramount in recent times. The shift is founded on the argument that the state falls short in mobilizing efficient and legitimate answers to socio-ecological problems, and the narrowness of the rationalist approach which focuses on linear and causal relationships within controllable and predictable systems. The concept of governability has been described from the much convergent stance of natural resource governance, expressly fisheries (Bavinck et al., 2005; Chuenpagdee and Jentoft, 2009; Jentoft and Chuenpagdee, 2015; Song et al., 2018). Also, governability has been applied empirically in other natural resource fields such as coastal management (Pittman, 2016), forestry (Satumanatpan and Chuenpagdee, 2015; Derkyi et al., 2013), animal husbandry (Löf, 2016), and biofuel (Di Lucia, 2013). However, it was Kooiman (1994) that introduced the idea of governability into natural resource management. The concept of governability has also been introduced in disaster studies by Warner (2003).

The governance approach connects the nature-society gap by looking at the relationship between the governed and the governing system and how governing advances in complex and dynamic environments (Folke et al., 2005; Kooiman, 2005). Song et al. (2018) revealed that governability entails what can be governed and the capacity of governance that solves socio-ecological challenges. Thus, thinking about land as a socio-ecological system concerning how governable it is (present

outcomes) and can be (future outcomes) presents a stimulating idea that can produce innovative techniques to deal with land governance issues (Song et al., 2018). Jentoft and Chuenpagdee (2015) assert that governability offers two facet categorizations; capacity and quality. The two-facet categorization is envisioned as two vertical axes in a graph. Capacity discusses the Governing System (GS) ability to respond to the issues caused by the socio-ecological environment (the System to be Governed). Quality, on the other hand, is the values and norms which shape governmental efforts. The system-to-be-governed (SG) are the social entities who are being governed by the governing system while the governing system are those who are governing the social entities (GS). The governing interaction (GI) is the relationship between the SG and the GS. Kooiman (2008) argues that GS, SG and GI are the main elements that contribute to the governability of social entities. The GI is the element that underpins the theory of governance as GI, entails the entirety of inter-relation between entities.

3. SETTING AND METHODS

3.1 Setting

The Awutu Senya East Municipal area is located in the Eastern part of the Central Region of Ghana. The Municipal area shares boundaries with Ga South Municipal Assembly to the East, Awutu Senya District to the North and Gomoa East District to the West and South. The Municipal area has a total land area of about 108.004 sq. Km. The Municipal area's population is estimated to be 137,832. The Municipality's capital, Kasoa, is positioned at the South-eastern part of the Municipal area, and about 31 km from Accra. The closeness of the Municipal area, the unparalleled growth of the city of Accra and the ascendancy of land conflict justify the selection of study setting. According to Nyasulu (2012), the land in the Odupong area belongs to "Nai Odupong". "Nai Odupong" regulates land use decision-making at the customary level because his ancestors were the first settlers on the land.

3.2 Methods

The study adopted the convergent mixed methods design. The population of study and units of inquiry comprised of landowners and key informants. Key informant interviews were conducted for institutions directly involved in land administration, with the heads of institutions being the units of inquiry. The institutions were the Oduponkpehe CLS, the Office of the Administrator of Stool Lands, the Spatial Planning Department of the Awutu Senya East Municipal Assembly and the Lands Commission (all in the Central Region of Ghana).

The EPI Info (build number 1.4.3) was used to estimate the required number of sample for landowners. Using the EPI Info software, the confidence limit was set to eight percent. The preference of eight percent confidence limit was informed by the cost-effectiveness principles outlined in the work of Bacchetti et al. (2011). This gave a minimum sample of 148, which was then adjusted for nonresponse to 178. Data was collected from 10th February to 24th February 2019. The semi-structured interview schedules used for data collection in this study was developed and pretested on 14th January 2019.

Semi-structured interview schedules were used to gather data on governability variables. The questions were in English but were later translated to Twi, Ewe and Hausa (popular local languages in the study area) for effective communication and feedback. The responses from participants were

translated and written in English for analysis. The research was guided by ethics recommended and approved by the Department of Planning at the Kwame Nkrumah University of Science and Technology. Informed consent was then obtained from participants before the commencement of interviews.

The data obtained were prudently verified, edited and organized after field data collection. The data were subsequently coded to generate outputs for analysis. The data was coded, patterns were drawn and categorized into themes.

4. ANALYSIS AND DISCUSSION

4.1 Access to Oduponkpehe Customary Land Tenure Institution

4.1.1 Physical Access

A key official at the CLS revealed that it takes less than 8km to physically access the office from any location within the customary area. The responses of landowners affirmed the statement made by the official as all (100%) landowners asserted that it takes less than 8km to access the CLS, hence making it physically accessible. Using distance to a health facility (since there is no planning standard on the maximum distance one must travel to access a public institution) as a reference to measure to physical access to the CLS, it could be said that the CLS is physically accessible to all persons within the customary area.

Correspondingly, there was an information desk at the CLS that provided information regarding the acquisition of land, rules, regulations, rights, restrictions, and responsibilities that run with land in the customary area. In addition, the CLS also provided information on land ownership, allocated and unallocated lands (presence of a land bank), land use and maps. Of the 34 respondents who revealed they had ever sought information from the CLS, 94%, 18%, 35% and 56% indicated they accessed information on ownership, unallocated lands, cadastral plan and land use, respectively (see **Figure 1**). Furthermore, an evaluation of customer satisfaction concerning access to information was based on the SERVQUAL instrument developed and implemented by Parasuraman et al. (1988). Respondents were asked to rate their satisfaction of the service provided by the CLS based on the broad service quality dimensions; reliability, assurance, responsiveness, empathy and tangibility. The results revealed that 90%, 8% and 2% of respondents were satisfied, neutral and dissatisfied, respectively. This finding is consistent with Gyapong (2009) where 95%, 3% and 2% of people at Gbawe revealed they were satisfied, neutral and unsatisfied with the customer service at the Gbawe CLS.

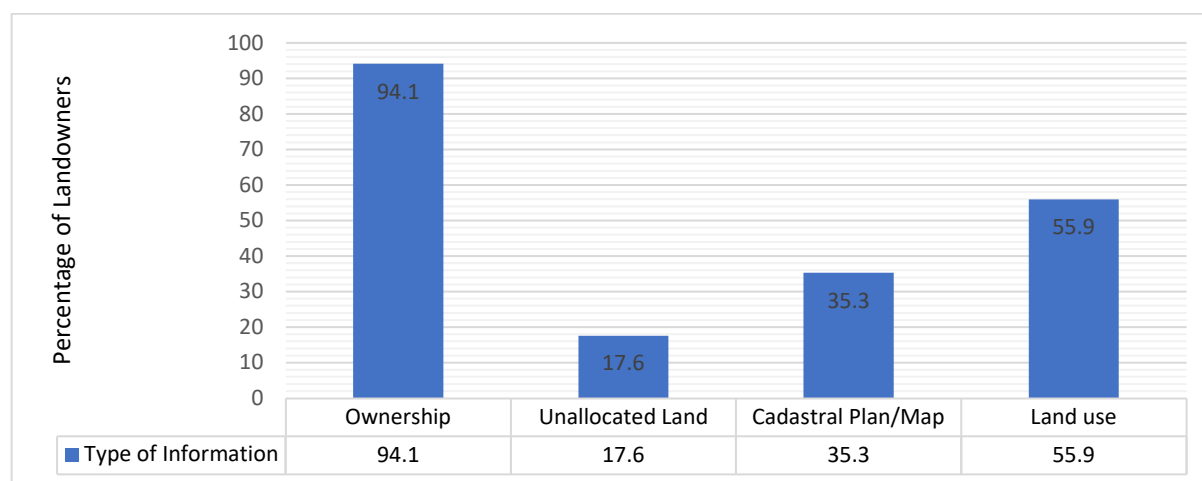


Figure 1: Type of information sought from the CLS by landowners

Notwithstanding the gains made by the CLS regarding the management and provision of information, the study revealed the Secretariat does not have an electronic database for storing information. The CLS stored information in manual form (in writing). A key official at the CLS indicated that the CLS is constrained with inadequate funding and logistics (computers) and personnel to develop, use and manage the electronic database. This finding is consistent with Biitir et al. (2017), where many CLS across the country are faced with the constraint of inadequate funding and computers for the management of information. The implication is that data could be lost due to unforeseen events (fire outbreaks and floods) which could affect effective administration.

Another aspect of accessibility is publicizing information about the CLS, its governance processes and how it educates the populace on land matters. The study found that none of the landowners had ever heard of the CLS in the Municipal area through media advertisements or direct information from the CLS. Nonetheless, of the 49 landowners who were aware of the CLS existence and operations, 37%, 26% and 37% reported knowing about the CLS from friends, family, and by chance, respectively. This finding is consistent with the World Bank (2013) study which proved that the primary issue of Gbawe CLS was the low level of outreach, which had implications on the awareness and the registration services provided by the CLS. The study further evinced that the poor publicity by the CLS is due to inadequate funding (for dissemination via print and nonprint media), lack of logistics (vans) to carry out this function. In response to the poor outreach by the CLS, a key official revealed that durbars are used as a platform to make known the existence of the CLS and its functions. The implication of using this medium in the dissemination of information is that its scope of reach is limited as only a few people attend durbars in urban areas making, the effectiveness of this approach questionable. **Figure 2** presents the sources of information about the existence of the CLS.

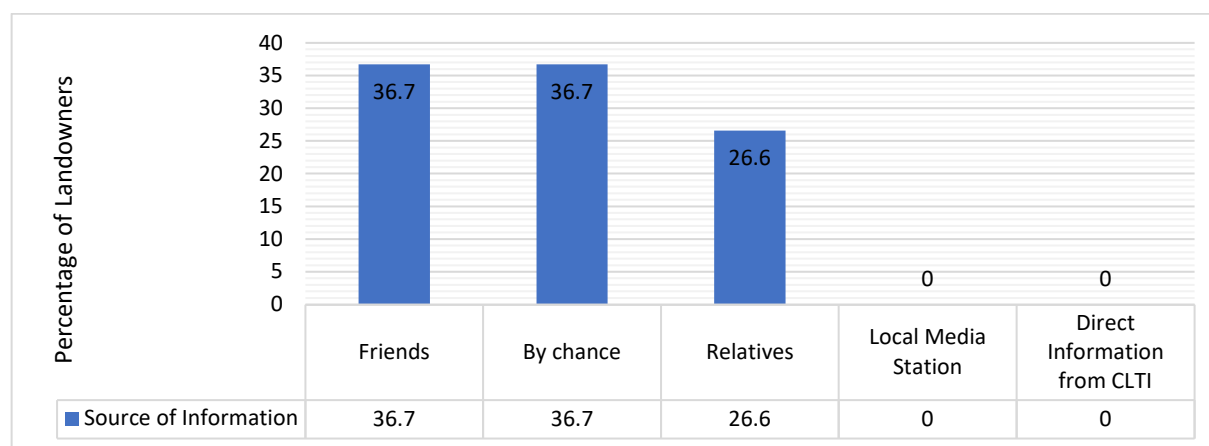


Figure 2: Sources of information about the existence of the Customary Land Secretariat

4.1.2 Economic Access

The study revealed that the CLS does not charge fees for the provision of information on the process to acquire land, rules, regulations, rights, restrictions and responsibilities that run with the lands in the customary area. Nonetheless, the CLS charges fees for the provision of information concerning ownership, allocated and unallocated lands, land use and cadastral plans/maps. However, the information that is given out is done with caution. Similar findings in terms of the nature of the information given out to clients of CLS has been reported by Gyapong (2009). This could be explained by the curtain principle that underlies the system of registered lands (Dixon, 2002; Government of Ghana, 1986). The curtain principle summarizes the idea that certain equitable interests in the land should be hidden behind the curtain of trust and that the purchaser only needs to be worried only with the legal title to land held by trustees. This implies that although land information is given, people do not have the right to access information that could affect the landowner. Also, the land-buyer will not be affected by those equitable rights that were not disclosed in his enjoyment of the land. The land information given out is usually parcel-based.

The study shown that the CLS is not only open to individuals but organizations, land sector agencies and other professional bodies. According to a key official, the CLS is open to providing all necessary information to public and private land institutions to enhance its effectiveness in customary land administration and management. Similar findings have been reported by Biitir and Nara (2016), Biitir et al. (2017), Gyapong (2009) on the openness of CLS in the country. This implies that the customary land tenure institutions are open to collaborative efforts by institutions to improve their capacity for an effective land administration at the customary level.

4.2 Accountability

The study revealed that there are payments related to land acquisition (land allocation and other transfers) in the customary area. During the acquisition of a lease, the lessee must make payment in monetary terms and pay ground rent that runs with the land as part of the lease agreement. Based on this, the survey ascertained whether receipts are given out during land acquisition and payment of ground rents. According to a key official at the CLS, receipts are issued for payments made to acquire land by the customary land tenure institution.

Consequently, the assertion by the CLS that it issued receipt for land transactions was verified by landowners. The study results revealed that a significant proportion (94%) of landowners were given receipt by the customary land tenure institution (before and after the establishment of CLS) in the customary area while 6% were not. Furthermore, all landowners who received receipt for land transactions revealed that the amount written on the receipt reflected the payment made. However, the originality of the receipt was not ascertained by the landowners during the acquisition. It is critical to realize that a significant number of people acquire lands from individuals outside the scope of customary land tenure institutions. This could be explained by the existence of a free land market where a lessor can lease/assign their lands. According to a key official at the CLS, the exclusion of the customary land tenure institutions in those transactions and transfers results in many issues where lands are leased under pretense, often to ignorant buyers. Under those circumstances, land-buyers do not receive receipts or original receipts as evidence of payment for lands acquired. The negative implication of fake and the non-issuance of receipts in transactions is that a land transaction becomes incomplete, increases fraud and diminishes tax obligations.

4.3 Capacity

4.3.1 Staffing

The study indicated that the CLS was constrained by inadequacy of staff for the performance of their functions. This is because the CLS needed personnel to handle administrative functions such as recording and managing land information and disseminating information in the customary area. The backlog constrains the performance of the afore-stated activities of the CLS. This could explain the low level of outreach by the CLS, which is underscored by the staffing theory (Wicker, 1984). The theory explains that understaffing increases individual responsibility and decreases organizational performance. This implies that too many tasks with limited personnel could result in the incompleteness of tasks. **Table 1** presents the staffing strength of the Oduponkpehe CLS.

Table 1: Staffing strength of the CLS

Personnel required for maximum possible performance	Number Available	Number Required	Backlog
Administrator	1	1	-
Secretary	1	1	-
Public Relations Officer	1	1	-
Technical Officer	-	1	-
Field Officers	1	2	1
Messengers	0	4	4

I.C.T Officer	-	1	1
Land Surveyor	-	1	1
Accounts Clerk	-	1	1

4.3.2 Logistics

The study found that inadequate logistics constrains the CLS. The CLS provided information on the logistic type, number available and required for the performance of its mandate. The CLS lacked a vehicle (preferably a pick-up) to disseminate information. The CLS also needed motorbikes for site inspections and attending to complaints made by landowners concerning boundary disputes and double sale of lands. Also, the CLS had only a computer and no printer but needed two computers and one printer; for creating a database for recording and storing land information, and secretarial purposes. The inadequacy of logistics derails the effort of the CLS in disseminating information that will get prospective land-buyers informed about the nature of the land market. **Table 2** presents the logistical capacity of the Oduponkpehe CLS.

Table 2: Logistic Capacity of the Oduponkpehe Customary Land Secretariat

Logistics	Number Available	Number Required	Condition
Computer	1	2	Good
Binding machine	4	4	Good
Office furniture	4	4	Good
Printer	-	1	Good
Photocopier	0	1	-
Scanner	3		Good
Cabinet	1	1	Good
Vehicle	-	1	-
Motorbike	-	1	-

4.4 Equity

4.4.1 Access to land information

It emerged from the study that all persons (irrespective of class, gender, marital status, educational status, etc.) had physical access to the CLS for information concerning land. However, the only issue was economic access to land information pertaining to ownership, allocated and unallocated lands, land use and maps. Correspondingly, landowners who had ever accessed information at the CLS revealed they were not discriminated against based on class, gender, marital status, educational status. The provision of information on the process of acquiring land, rules, regulations, rights, restrictions and responsibilities that run with land in the customary area were not charged. The

implication is that prospective lessees can improve their knowledge of the land acquisition process before entering the land market. The assertion was summarized by a key official at the CLS as follows:

“neither women nor men are prevented from accessing land information in the customary area. The customary area does not encourage the practice of a patrilinear system that usually prevents women from obtaining property rights to land and the creation of assets for development. The 1992 Constitution of Ghana forbids discrimination of persons (based on different treatment to persons) based on gender where one is subjected to restrictions and prevented from privileges or advantages given to others” (Personal communication with CLS Coordinator on 12th March 2019).

4.5 Collaboration between CLS and Public Land Sector Agencies

4.5.1 Interactions between CLS and the Central Regional Lands Commission

With the core function of collecting, recording, documentation, and disseminating information related to land, the CLS is to collaborate with the Public and Vested Land Management Division (PVLMD) to achieve its purpose. The study unearthed that the CLS does not collaborate with the PVLMD although the two institutions must work together to improve land administration. This finding is corroborated by Biitir et al. (2017), where it was evinced that there was no collaboration between the CLS at Oduponkpehe, Fieve, Anum, Ejisu and Techiman and the PVLMD. An interview with a key informant at the PVLMD revealed that the Division is now preparing to meet chiefs within its jurisdiction on how the two institutions can collaborate effectively on proper collection, recording, and documentation of land rights interest to improve land administration.

The study also revealed that the CLS neither collaborated with the Survey and Mapping Division nor the Land Valuation Division of the Central Regional Lands Commission. Instead, the CLS sought the services of private valuers in carrying out surveys and mapping. According to a key informant at the Land Valuation Division, their functions include the valuation of an interest in lands for the general public at a fee. However, no chief has sought the Division's services to offer valuation services. The plausible explanation is that the Land Commission Act does not restrict the public from seeking their services. It was also established at the Survey Division that chiefs do not seek the Division's services but rather employ either unlicensed unprofessional or professional surveyors to provide surveying and mapping services. A review of the Lands Commission Act, 2008 (Act 767) revealed that the Division supervises, regulates and controls the survey and demarcation of land for land use and registration (Land Commission Act, 2008).

4.5.2 Interactions between CLS and the Awutu Municipal Assembly

The survey revealed interactions between the Customary Land Tenure Institution and Spatial Planning Department (SPD) of the Awutu Senya East Municipal Assembly. According to a key informant at the SPD, collaboration with the CLS was weak. However, the SPD had provided the CLS with over 1000 records on layout and scheme documentation to improve their effectiveness. Collaboration is mainly in determining boundaries and preventing the sale of lands earmarked for roads in the Municipal area. This finding is consistent with Biitir and Nara (2016) and Biitir et al. (2017). Also, with regards to the Assembly's Annual Plan of Action, the Assembly was preparing to meet the Customary Land Tenure Institution to educate them on how to keep proper records for their transactions.

4.6 Challenges Encountered by Customary Land Tenure Institution

4.6.1 Inadequate funding

Inadequate funding was a challenge reported by the key officials of the CLS. The officials revealed that the financial resources needed to run the CLS were inadequate. Further probing revealed that the CLS accrues revenue through land sales, stool lands revenue proceeds from the Office of the Administrator of Stool Lands. Nonetheless, the CLS is challenged with the inadequacy of funding because the principal source of revenue for running the CLS was tied to fees charged on letters of allocation, search and other services. According to a key official at the CLS, funding was woefully inadequate and it significantly affected their effectiveness in performing their functions. This explained why the CLS could embark on awareness creation activities on the existence of the Secretariat and its functions in the Municipal area. However, if the CLS was given a percentage from land sales, it could serve as an Internally Generated Fund that could be used to create public awareness on land matters to prevent or reduce to the minimum number of land-related disputes that arose from multiple sales of land in the customary area. The results of this study is consistent with findings of Biitir and Nara (2016), Biitir et al. (2017) and Gyapong (2009) that found that CLS in Ghana are fraught with issues of inadequate funding for their operations and that the continuity and effectiveness of CLS largely depend on regular and secured source of funds.

4.6.2 Weak collaboration with Public Land Sector Agencies

Weak collaboration and cooperation between the CLS and public land sector agencies were identified as a major challenge to the effectiveness of operations. Arko-adjei (2011) asserts that to ensure improved land governance there must be collaborations among institutions responsible for safeguarding land administration and management at the local and national levels. The survey results revealed that inter-collaboration between the CLS and public land sector agencies was low (see **Table 3**). The assessment was done by assigning 1 for collaboration, and 0 for no collaboration.

Table 3: Collaboration between Customary Land Secretariat and Public Land Sector Agencies in promoting good land governance

Institutions Institution	PVLMD	SMD	LVD	OASL	SPD	Total
CLS	0	0	0	0	1	1

PVLMD - Public and Vested Land Management Division LVD - Land Valuation Division

SMD – Survey and Mapping Division OASL – Office of the Administrator of Stool Lands

SPD – Spatial Planning Department of the Awutu Senya East Municipal Assembly

A key official at the CLS revealed that due to unforeseen circumstances, the CLS and public land sector agencies fail to pool their resources and knowledge together to undertake more effective programmes and activities. Effective collaboration is one of the policy objectives stated in the National Land Policy but seldom achieved (Ministry of Lands and Forestry, 1999). As observed by Gyapong (2009) and Biitir and Nara (2016), CLS collaboration with public land sector agencies is

limited. This has therefore led to a poor understanding of the decentralized land administration with local land governance institutions (Biitir et al., 2017).

4.6.2 Inadequate Human Resource

The issue of staff inadequacy and the skills gap is validated by Bugri (2012) and Biitir et al. (2017). The inability to employ the required number of staff and provide regular in-service training is a challenge to the effectiveness of CLS. A risk that Zevenbergen and Haile (2010) revealed could derail the development of CLS. Even though the study revealed that the Administrator and Secretary at the CLS had completed tertiary education, they revealed that technology is evolving and that it required upgrading their skill and information knowledge base to undertake their activities effectively and efficiently in the light of emerging realities in local land governance. For this reason, Bugri (2012) asserts there is the need for capacity building for the sustainable progress of the CLS. The use of neutral staff in their position is also emphasized by an advocate of a pro-poor land administration system (Zevenbergen et al., 2013). It will, therefore, be necessary to adopt measures to build the capacity of the staff at the Secretariat.

5. CONCLUSION

This study assesses the governability of Customary Land Tenure Institutions for improving land administration and strengthening land governance in Ghana. The study results, also, have implications for efforts in strengthening land governance in Sub-Saharan Africa due to the similarity in land governance systems. The study's findings provide a scientific basis for formulating germane and targeted interventions for strengthening Customary Land Tenure Institutions and local land administration in Ghana and countries in SSA.

The results indicate that the governability of the Odupongkpehe Customary Land Tenure Institution was poor. The Odupongkpehe Customary Land Tenure Institution capacity to function was weak as CLS capacity and quality of governance was constrained by inadequate funding, staff, and logistics. This affected the dissemination of information, awareness creation and revenue collection. These challenges faced by the CLS were a significant concern and had implications on how effective the institution executed its mandate in improving customary land governance. The Odupongkpehe Customary Land Tenure Institution quality was poor as collaboration with state land sector agencies was identified to be weak. The CLS only collaborated with the Spatial Planning Department of the Awutu Senya East Municipal Assembly.

The study recommends that the public land sector agencies such as the Ministry of Lands and Natural Resources, the Lands Commission, the Spatial Planning Authority and the Judicial Service should liaise with land experts to build the capacity of the Customary Land Tenure Institutions. The training should focus on the best international practice of collecting, recording, storage, retrieval of land information. Importance should also be placed on resolving disputes, which is critical to ensuring people's trust in local institutions. Furthermore, staff should be trained to disseminate land information to the public through print and nonprint media. Drawing on the experience of LAND in Ethiopia, the capacity of the Customary of Land Tenure Institution's efforts should be built on the use of Participatory Geographic Information System to improve land administration and management. The study further recommends that government provides CLS with the required logistics, staffing

and funding to enable them to perform their functions effectively and efficiently. The government should provide the necessary logistics such as computers, photocopiers, printers and internet access and vehicles to CLS to enable them to collect, record, store, document, retrieve and disseminate land information. Furthermore, the government should ensure that Customary Land Tenure Institutions employ the required number of personnel with qualifications for running the CLS, which is at the forefront of the Customary Land Tenure Institution. All the recommendations in this section depend on the formulation and implementation of a CLS policy. The Ministry of Lands and Natural Resources should formulate and implement a policy to guide the decisions and actions of the CLS in Ghana. The policy should include indicative budgets, institutional framework, tracking systems, supportive legislation and regulations and action plans to ensure the effective implementation of the policy. The indicative budgets will ensure funding for the activities to be performed by the CLS throughout the year. The presence of an effective tracking system will ensure that the activities performed in the year through the implementation of the action plan will be monitored and evaluated and provide feedback during the implementation of the next phase of activities. Similarly, the implementation of the action plan will ensure that there is uniformity and consistency in the activities of all CLS in the country. Moreover, supportive legislation will provide a strong basis for the establishment and functioning of CLS.

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8. THE AUTHORS' CONTRIBUTIONS

Conceptualization, methodology, validation, investigation, resources, data processing and analysis, writing- original draft, editing and review.

9. REFERENCES

- Alden Wily, L. (2018). Collective Land Ownership in the 21st Century: Overview of Global Trends. *Land*, 7(2), 68. <https://doi.org/10.3390/land7020068>
- Alhassan, O. (2006). Land Access and Security of Tenure in Ghana: Some considerations for improvement. *International Conference on Agrarian Reform and Rural Development (ICARRD)*, 33. http://hubrural.org/IMG/pdf/icarrd_final_etude_cas_ghana_eng
- Arko-adjei, A. (2011). *Adapting land administration to the institutional framework of customary tenure: The case of Peri-urban Ghana*. University of Twente.
- Arko-Adjei, A., Tuladhar, A., De Jong, J., & Zevenbergen, J. (2010). Customary tenure and good governance. *Facing the Challenges – Building the Capacity*, 11–16.
- Bacchetti, P., Deeks, S. G., & McCune, J. M. (2011). Breaking free of sample size dogma to perform innovative translational research. *Science Translational Medicine*, 3(87), 1–9.

<https://doi.org/10.1126/scitranslmed.3001628>

- Bavinck, M., Chuenpagdee, R., Diallo, M., van der Haijde, P., Kooiman, J., Mahon, R., & Williams, S. (2005). *Interactive fisheries governance: A guide to better practice* (M. Pickstock & R. N. Roy (eds.)). Amsterdam University Press.
- Biitir, S. B., & Nara, B. B. (2016). The role of Customary Land Secretariats in promoting good local land governance in Ghana. *Land Use Policy, 50*, 528–536. <https://doi.org/10.1016/j.landusepol.2015.10.024>
- Biitir, S. B., Nara, B. B., & Ameyaw, S. (2017). Integrating decentralised land administration systems with traditional land governance institutions in Ghana: Policy and praxis. *Land Use Policy, 68*, 402–414. <https://doi.org/10.1016/j.landusepol.2017.08.007>
- Bugri, J. T. (2012a). Final Report: Improving Land Sector Governance in Ghana. In *Implementation of the Land Governance Assessment Framework*.
- Bugri, J. T. (2012b). Sustaining Customary Land Secretariats for Improved Interactive Land Governance. *World Bank Annual Conference on Land and Poverty*, 1–30. <http://www.landandpoverty.com/>
- Chuenpagdee, R., & Jentoft, S. (2009). Governability assessment for fisheries and coastal systems: A reality check. *Human Ecology, 37*(1), 109–120. <https://doi.org/10.1007/s10745-008-9212-3>
- Derkyi, M., Ros-Tonen, M. A. F., Kyereh, B., & Dietz, T. (2013). Emerging forest regimes and livelihoods in the Tano Offin Forest Reserve, Ghana: Implications for social safeguards. *Forest Policy and Economics, 32*, 49–56. <https://doi.org/10.1016/j.forpol.2013.03.005>
- Di Lucia, L. (2013). Too difficult to govern? An assessment of the governability of transport biofuels in the EU. *Energy Policy, 63*, 81–88. <https://doi.org/10.1016/j.enpol.2013.08.080>
- Dixon, M. (2002). *Principles of Land Law* (P. Dobson, N. Gravells, P. Kenny, & R. Kidner (eds.); Fourth). Cavendish Publishing Limited.
- Fitzpatrick, D. (2005). “Best practice” options for the legal recognition of customary tenure. *Development and Change, 36*(3), 449–475. <https://doi.org/10.1111/j.0012-155X.2005.00419.x>
- Folke, C., Hahn, T., Olsson, P., & Norberg, J. (2005). Adaptive Governance of Social-Ecological Systems. *Annual Review of Environment and Resources, 30*, 441–473. <https://doi.org/10.1146/annurev.energy.30.050504.144511>
- Land Title Registration Act, Pub. L. No. 152, 2601 (1986).
- Land Commission Act, Pub. L. No. 767, 16 (2008).
- Land Use and Spatial Planning Act, Pub. L. No. 925, 1 (2016).
- Local Governance Act, 2016, Pub. L. No. 936, 124 (2016).
- Gyapong, P. (2009). *Assessing Customary Land Tenure Institutions for Land Administration in Ghana : Good Governance Perspective Case Study of Gbawe , Greater Accra , Ghana Assessing Customary Land Tenure Institutions for Land Administration in Ghana : Good Governance Perspec*. University of Twente.

- Higgins, T., & Fenrich, J. (2011). Legal Pluralism, Gender, and Access to Land in Ghana. *Fordham Environmental Law Review*, 23(2), 7–21.
- Jentoft, S. (2007). Limits of governability: Institutional implications for fisheries and coastal governance. *Marine Policy*, 31(4), 360–370. <https://doi.org/10.1016/j.marpol.2006.11.003>
- Jentoft, S., & Chuenpagdee, R. (2015). Interactive Governance for Small-Scale Fisheries. In S. Jentoft & R. Chuenpagdee (Eds.), *MARE Publication Series* (Vol. 13). Springer International Publishing. <https://doi.org/10.1007/978-3-319-17034-3>
- Kasanga, K., & Kotey, N. A. (2001). *Land Management in Ghana: Building on Tradition and Modernity*. International Institute for Environment and Development Studies. <https://doi.org/ISBN: 1-899825-69-X>
- Kooiman, J. (1994). *Modern Governance* (J. Kooiman (ed.)). Sage Publications. <https://doi.org/10.1017/CBO9781107415324.004>
- Kooiman, J. (2008). Exploring the Concept of Governability. *Journal of Comparative Policy Analysis: Research and Practice*, 10(2), 171–190. <https://doi.org/10.1080/13876980802028107>
- Kooiman, J., Bavinck, M., Jentoft, S., & Pullin, R. (2005). Fish for Life: Interactive Governance for Fisheries. In J. Kooiman, M. Bavinck, S. Jentoft, & R. Pullin (Eds.), *MARE Publication Series No. 3*. Amsterdam University Press.
- Kumbun-Naa Yiri II. (2006). Customary Lands Administration and Good Governance – The State and the Traditional Rulers Interface. *5th FIG Regional Conference - Promoting Land Administration and Good Governance, May*, 1–17.
- Kuusaana, E., & Gerber, N. (2015). Institutional Synergies in Customary Land Markets—Selected Case Studies of Large-Scale Land Acquisitions (LSLAs) in Ghana. *Land*, 4(3), 842–868. <https://doi.org/10.3390/land4030842>
- Löf, A. (2016). Locking in and locking out: a critical analysis of the governance of reindeer husbandry in Sweden. *Critical Policy Studies*, 10(4), 426–447. <https://doi.org/10.1080/19460171.2015.1098552>
- Ministry of Lands and Forestry. (1999). *National Land Policy* (Issue June). Ministry of Lands and Forestry.
- Nyasulu, T. U. (2012). *Governance and Customary Land Tenure in Peri-Urban Kasoa in Ghana*. Universität zu Köln.
- Parasuraman, A., Zeithaml, V., Berry, L. (1988). SERVQUAL: A Multiple-Item Scale for Measuring Consumer Perceptions of Service Quality. *Journal of Retailing*, 64, 12–40.
- Pittman, J. (2016). *Governance across the land-sea interface: A systematic review*. University of Waterloo.
- Restrepo, A. P., & García, J. P. (2015). *Governance and Governability: Comparative analysis between federalists and centralists countries in Latin America* (pp. 1–7). <http://paperroom.ipsa.org>
- Rights and Resources Initiative. (2015). *Who owns the World's land? A global baseline of formally*

recognized indigenous and community land rights. http://www.rightsandresources.org/wp-content/uploads/GlobalBaseline_web.pdf

- Ruffin, F. (2019). Land Governance in the Context of Legal Pluralism: Cases of Ghana and Kenya. In A. Akinola & H. Wissink (Eds.), *Akinola A., Wissink H. (eds) Trajectory of Land Reform in Post-Colonial African States. Advances in African Economic, Social and Political Development* (pp. 91–108). Springer, Cham. <https://doi.org/10.1007/978-3-319-78701-5>
- Satumanatpan, S., & Chuenpagdee, R. (2015). Assessing governability of environmental protected areas in Phetchaburi and Prachuap Kirikhan, Thailand. *Maritime Studies*, 14(1), 1–19. <https://doi.org/10.1186/s40152-015-0035-8>
- Song, A. M., Johnsen, J. P., & Morrison, T. H. (2018). Reconstructing governability: How fisheries are made governable. *Fish and Fisheries*, 19(2), 377–389. <https://doi.org/10.1111/faf.12262>
- The World Bank. (2013). *Project Performance Assessment Report: Ghana Land Administration Project* (Issue 75084).
- Wicker, A. W. (1984). *An Introduction to Ecological Psychology* (I. Altman (ed.)). Brooks/Cole Publishing Co.
- Zevenbergen, J., Augustinus, C., Antonio, D., & Bennett, R. (2013). Pro-poor land administration: Principles for recording the land rights of the underrepresented. *Land Use Policy*, 31, 595–604. <https://doi.org/10.1016/j.landusepol.2012.09.005>
- Zevenbergen, J., & Haile, S. (2010). Institutional Aspects of Implementing Inclusive Land Information Systems like STDM. *Facing the Challenges – Building the Capacity*, 11–16.

10. KEY TERMS AND DEFINITIONS

Land: that solid surface of the earth used for production and guided by defined societal mechanisms which spell out the various modalities to own or transfer rights to other users.

Land Governance: is the political and administrative structures and processes through which decisions concerning access to and use of land resources are made and implemented including the way conflicts over land are resolved.

Governability: is the capacity to govern and the quality of governance process and outcomes underpinned by standards and norms.