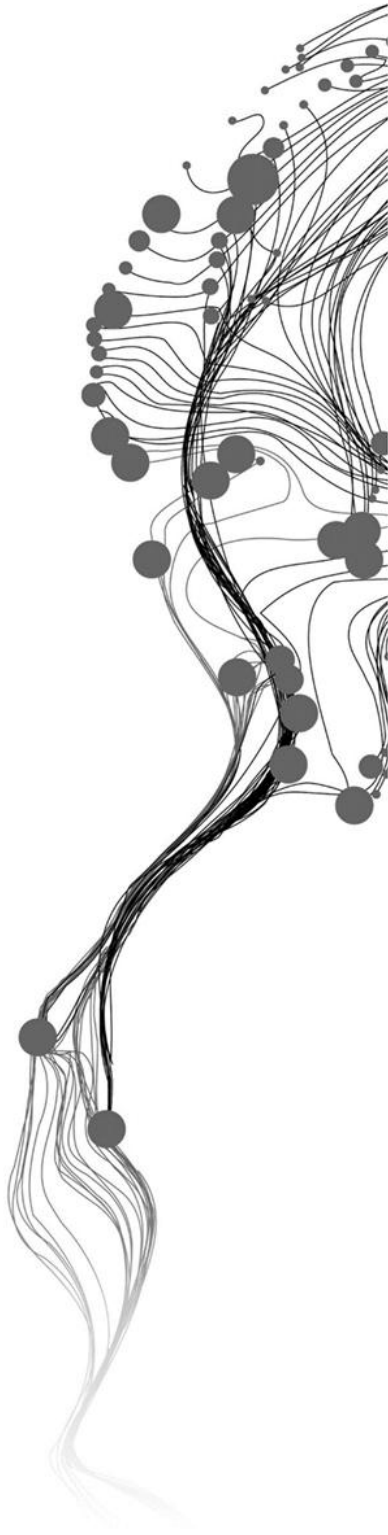


# **ASSESSING THE RELATIONSHIP BETWEEN CUSTOMARY LAND ADMINISTRATION AND THE INFORMAL LAND MARKET IN GHANA. A CASE STUDY OF SOKODE GBORGAME.**

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NOVEMBER 2024

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## ABSTRACT

This study examines the complex relationship between Customary Land Administration (CLA) and the Informal Land Market (ILM) in Ghana, using Sokode Gborgame as a case study. With approximately 80% of Ghana's land held under customary tenure, traditional authorities play a pivotal role in land governance. Yet challenges such as tenure insecurity, multiple land sales, and the absence of formal documentation persist. Through a qualitative research approach involving semi-structured interviews with traditional authorities, land buyers, community members, and institutional actors, as well as spatial analysis to identify areas with multiple land sale problems. The study explores how customary land practices influence land access, transaction processes, and tenure security in the ILM. Findings reveal that while CLA enhances accessibility and affordability in land acquisition, its limited integration with formal systems results in inefficiencies, tenure insecurity, multiple land sales and disputes. The research highlights the role of oral agreements, symbolic rituals, document agreements and customary validation in legitimizing transactions, but also identifies gaps in record-keeping and transparency. The study proposes a transaction verification framework to align customary and formal land administration systems, aiming to enhance transparency, improve land tenure security, and foster a more efficient and equitable land market. These insights contribute to ongoing policy efforts to harmonize Ghana's dual land governance systems and support sustainable land management.

Keywords: *Customary Land Administration, Informal Land Market, Tenure Security, Land Information, Transparency*

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## ABBREVIATIONS

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CLA	– Customary Land Administration
ILM	– Informal Land Market
LC	– Lands Commission
CLSs	– Customary Land Secretariat
OASL	– Office of the Administrator of Stool Lands

# 1. INTRODUCTION

This chapter introduces the research, which consists of six sections: background, problem statement and justification, main objective, conceptual framework, structure of thesis, and chapter summary.

## 1.1 Background

Globally, approximately 75% of the population still faces challenges in formalizing land rights, which has become a significant obstacle to socio-economic development (Bennett et al., 2013). Secure land tenure is the ability to claim, transfer, and benefit from land and has emerged as a priority on global policy agendas, especially in developing countries where land plays a vital role in economic development (Holden et al., 2013). Tenure security refers to the legal and social assurance that landowners or land users can occupy, use, and transfer land rights without the risk of arbitrary eviction (D. M. C. Simbizi, 2016; Stein T. Holden et al., 2013). Secure access to land is critical for poverty alleviation and encouraging long-term investments and sustainable resource management (Deininger & Feder, 2009)

Land administration refers to the process of recording, managing, and disseminating land information, which is essential for ensuring tenure security (UNECE, 1996). It encompasses land registration, cadastral mapping, land valuation, and dispute resolution, ensuring that land rights are formally recognized and protected. A well-functioning land administration system provides reliable data on land ownership, value, and use, enabling landowners to make long-term investments, transfer ownership, and use land as collateral to access credit (Deininger et al., 2014). Land records are central to this system, encompassing documents and information about ownership rights, boundaries, and transaction histories. These records offer transparency, ensuring that land rights are documented and accessible, which is crucial for reducing disputes and supporting landowners' confidence in transactions. According to UNECE (1996), transparency is defined as the maintenance of open, accessible, and accurate land records that support land transactions and ensure tenure security. By maintaining and updating land records, customary land administration would ensure secure tenure and support effective land market operations, which, in turn, contributes to economic growth by facilitating secure transactions (Wallace & Williamson, 2006) .

Again, the land market is a system where land rights are transferred through sales, leases, or inheritance (Maegraith & Lanzinger, 2022). Land markets operate through formal and informal channels where land transactions occur. Land transactions include activities such as sales, leases, and inheritances that serve as the foundation of land markets by enabling landholders to transfer rights (Maegraith & Lanzinger, 2022). Formal land markets refer to a land market regulated by legal frameworks that ensure tenure security and transparency in transactions (Ofosuene, 2020). In contrast, the informal land market refers to markets that are governed by customary practices, which often lack formal documentation, leading to disputes and inefficiencies (Lasserve et al., 2013). In many developing countries, the land market is normally in the informal market, where transactions are frequently based on oral agreements, which may not be legally recognized. This contributes to tenure insecurity and hinders economic development. In informal land markets governed by customary practices, fairness is often compromised as traditional leaders may prioritize personal interests, leading to unequal access to land and increased social inequalities (Olofsson, 2021). In this study, the working definition for the informal land market is where transactions are held outside the formal market and have not been documented in the formal land administration system.

Meanwhile, in Africa, particularly Ghana, land tenure is deeply intertwined with cultural, social, and political institutions. These systems coexist alongside statutory frameworks, resulting in a dual tenure system that complicates land administration and market operations (Edwin et al., 2020). Population growth, urbanization, and increasing demand for land have heightened the need to better understand how customary and formal systems interact and impact the land market in Ghana (K. S. Amanor, 2021). Customary land administration refers to land governance systems managed by traditional authorities, such as chiefs, family heads and community elders, based on historical customs and norms (Boamah, 2013).

Furthermore, despite progress in understanding land administration systems globally, a critical gap remains in examining the role of customary land administration in fostering transparent and efficient informal land markets. Previous research has focused on tenure security and dispute resolution (Boamah, 2013; Edwin et al., 2020). However, little attention has been given to the practical mechanisms for aligning customary and

formal systems to address transparency and efficiency challenges. Specifically, the influence of land information on informal markets and the extent to which integration can enhance tenure security remain underexplored. This study aims to bridge the gap by examining the interactions between customary land administration and the informal land market in Ghana.

Additionally, customary land tenure in Ghana is primarily managed by chiefs and traditional councils, who hold land in trust for their communities; however, they often lack formal documentation, resulting in tenure insecurity, disputes, and inefficiencies in the land market (Boamah, 2013). The legal framework in Ghana has primarily focused on aligning with customary land administration by recognizing and respecting it within the statutory system. Some integration efforts have been made, particularly in areas like land registration and dispute resolution, but full integration remains a work in progress due to practical, legal, and cultural challenges (Kline et al., 2019). However, combining customary practices with statutory requirements remains challenging. (Edwin et al., 2020). This makes it challenging to develop a cohesive and transparent land market that can foster economic growth and provide security for landholders. (Kline et al., 2019).

Lastly, to address these issues, it is essential to assess the operations of customary land administration and its impact on the land market. Improving the land market in Ghana requires understanding how customary and formal systems can be harmonized to enhance tenure security, market transparency, and economic development.

## 1.2 Problem Statement and Justification

CLA systems, which govern the majority of land in Ghana, present significant challenges in terms of tenure security, land transactions, and land market efficiency. Approximately 80% of land in Ghana is held under customary tenure, meaning that traditional authorities, such as chiefs and councils, manage the allocation, transfer and use of land (Asaaga, 2021). This customary system operates largely outside the formal statutory framework, resulting in limited formal documentation and creating ambiguities in land ownership and rights. A study by Boamah, (2013) states that customary land transactions often rely on oral agreements and informal validation processes, leading to disputes and uncertainties in land tenure and the land market. Similarly, studies by Anno & Ahene, (2012) and Asiamah et al., (2019) show that those responsible for managing the land often prioritize their interests over those of the community, decreasing the efficiency and fairness of land transactions. These challenges have profound implications for the land market in Ghana, where a functioning land market is crucial for economic development, poverty reduction, and sustainable resource management.

One of the most common issues arising from these challenges is the practice of multiple land sales, where a single parcel of land is sold to multiple buyers, often without verified documentation of ownership. This issue is particularly pervasive in the informal land market due to weak governance and unreliable land records. For example, a recent case involved Mohammed Awal Munkaila, who allegedly sold a plot in Accra to a farmer for GHC 270,000, despite lacking valid ownership documentation. After the transaction, the buyer found construction underway by a third-party claiming ownership. This scenario exemplifies the larger issue of fraudulent land sales in Ghana, where unverified properties are frequently sold multiple times (Ghana News Agency, 2024).

The coexistence of customary and formal land tenure systems has created a duality that complicates the efficient functioning of the land market. According to Barnes & Enemark (2020) and Moreri (2020), formal land administration systems, governed by statutory laws, require clear documentation of ownership, value, and use of land, which is often lacking in customary systems. This dual system has led to inefficiencies in land registration and valuation, as well as delays in land transactions. Customary land rights lacking formal recognition contribute to tenure insecurity, as landholders cannot leverage their land as a financial asset. Without clear land titles, access to credit is limited, and investment in land is discouraged, further stunting economic growth. Additionally, the risk of land disputes and multiple claims on the same piece of land due to unclear boundaries and ownership records worsens land market indiscipline (Deininger et al., 2014; Zevenbergen et al., 2013). However, despite acknowledging the inefficiencies caused by the coexistence of

customary and formal systems, existing research has not sufficiently explored how these dynamics specifically influence the transparency and structure of informal land markets.

Again, one of the primary challenges posed by the CLA system is the lack of reliable land information. Land information management, including the recording, updating, and dissemination of property-related data, is essential for a transparent and efficient land market (Biraro et al., 2021). In Ghana, customary land transactions are rarely recorded in formal registries, leading to a fragmented system where land information is inconsistent or missing (Anafo et al., 2023). This undermines transparency in the land market, increases the likelihood of insecurity, and makes it difficult for market participants to access accurate and up-to-date information. In contrast, studies such as Anafo et al. (2023) have highlighted the fragmentation and inconsistencies in land information systems. There is limited research on how these deficiencies affect the functioning of informal land markets. Specifically, the roles of key stakeholders such as chiefs, brokers, and buyers in managing and shaping informal transactions remain inadequately addressed. As a result, land market participants, including buyers, sellers, and investors, face significant uncertainty and risk, which deters participation in the market and hampers economic development (Ameyaw & de Vries, 2020; Mwesigye & Barungi, 2021).

In addition to issues of land information management, the integration of customary and formal land systems remains a significant obstacle to creating a cohesive land market in Ghana. The lack of alignment between customary practices and statutory regulations makes it difficult for customary landholders to engage in formal land transactions (Edwin et al., 2020). Customary landowners, who often hold land in trust for their communities, may resist efforts to formalize their land tenure. This is due to concerns about losing control over communal lands or a lack of understanding of formal land registration processes. At the same time, government institutions struggle to incorporate customary land within the formal land administration framework, leading to fragmented systems and inefficient land governance. The failure to harmonize these systems has left a significant portion of Ghana's land market informal. This has contributed to tenure insecurity, market inefficiencies, and reduced investment in land-based economic activities (E. F. Boamah & Amoako, 2020).

While these challenges are well-documented, a critical gap remains in understanding how customary land administration influences the informal land market. Although Boamah (2013) and Asaaga (2021) provide insights into oral agreements and informal validation processes in customary land administration, their focus is primarily on tenure insecurity and land disputes. These studies do not examine how these practices influence the structure, transparency, and efficiency of informal land transactions. The roles of key stakeholders, such as chiefs, brokers, and buyers, in governing informal market transactions are underexplored, despite their central role in shaping processes and resolving disputes (Asiama et al., 2019; Anno & Ahene, 2012). The alignment between customary and formal systems to improve the informal system remains poorly understood (Edwin et al., 2020; Barnes & Enemark, 2020). Addressing these gaps is crucial for informing policy reforms that aim to create a more transparent, equitable, and efficient land market in Ghana. Understanding these dynamics will contribute not only to academic debates on customary and formal land systems but also to practical solutions that align customary land administration with broader economic and social development goals.

This study will provide insights into how the CLA system can be reformed to support the informal land market, contributing to Ghana's long-term economic growth and social stability. The study will also contribute to ongoing academic debates about the integration of customary and formal land systems, providing empirical evidence of the benefits and challenges of formalizing customary land administration.

### 1.3 Main objective

The main objective of the study is to assess the relationship between customary land administration and the informal land market, specifically Sokode Gborgame in the Ho municipality of the Volta region. This main objective has sub-objectives and research questions:

#### 1.3.1 Sub-objectives

1. To understand the role of customary land administration in the informal land market.
2. To analyze the operations of land transactions under customary land administration.
3. To examine the influence of land information on the informal land market in customary land administration.
4. To evaluate a transaction verification that aligns customary land administration with formal land administration.

#### 1.3.1 Research questions

1. To understand the role of customary land administration in the land market.
  - a. What are the core principles, structures, and practices that define customary land administration?
  - b. What is the current state and operating structure of the informal land market and what factors contribute to its reliance on customary systems?
  - c. How does customary land administration impact land ownership and transfer rights in terms of tenure security and access to land in the informal market?
2. To analyze the operations of land transactions under customary land administration.
  - a. What types of land transactions occur in the informal market, and what effect does it have on tenure security and market access?
  - b. Which actors and institutions in customary land administration influence informal land market outcomes?
  - c. What are the steps in customary land transactions, and how do they impact transfer efficiency and fairness?
3. To examine the influence of land information on the informal land market in customary land administration.
  - a. What types of land records are maintained by customary land administration and how are they managed?
  - b. What effect does land record management in customary systems have on land values and transaction efficiency in the informal market?
  - c. How does the accuracy and availability of land information in customary systems contribute to transparency and decision-making in the informal land market?
4. To evaluate a transaction verification that aligns customary land administration with formal land administration.
  - a. What are the steps used in transaction verification under current customary land administration?
  - b. What elements should a transaction verification framework to ensure transparency and tenure security?
  - c. How would the transaction verification framework increase alignment between customary and formal systems to tenure security and transaction transparency?

### 1.4 Conceptual Framework

The study's conceptual framework illustrates an ideal case of how CLA plays a role in the ILM in Ghana. The operations of CLA and the ILM impact each other, influencing land information and tenure security. Assessing these elements will help better align customary and formal land administration to increase the efficiency of the land market.

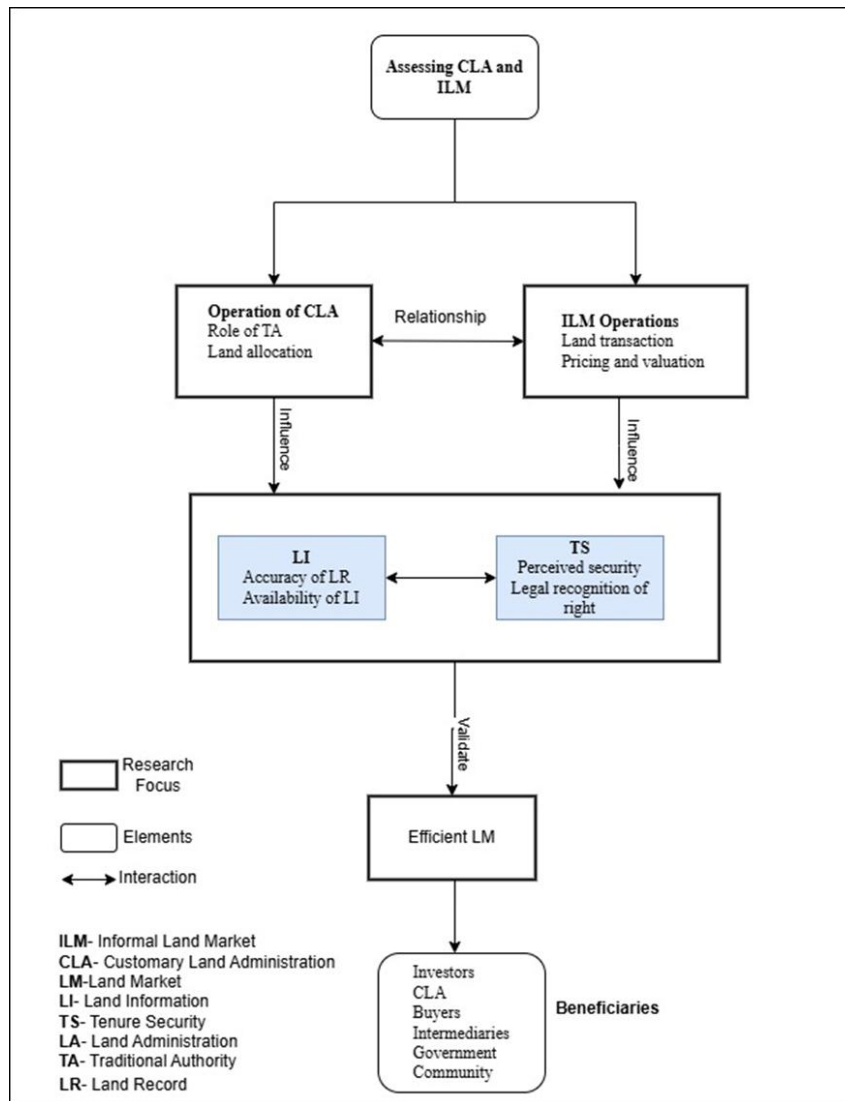


Figure 1: Conceptual diagram

## 1.5 Structure of Thesis

This thesis is structured into six chapters: introduction, literature review, methodology, synthesis of results, discussion, conclusion and recommendation. Chapter One introduces the research by presenting the background, problem statement, aim and objectives, and conceptual framework. Chapter Two presents the theoretical framework underpinning the research. Chapter Three describes the research approach, study area and justification, research design, fieldwork activities and data collected and analysed for the research. Chapter Four presents field results on the relationship between CLA and the ILM. Chapter Five discusses field results, implications, and limitations of existing literature. Chapter Six presents the conclusion and recommendations and future research from the study.

## 1.6 Chapter One Summary

This chapter provides a background for the research topic, giving evidence from real life and the scientific need for it. The research objectives and the study's conceptual framework are established, setting the scene for the ensuing chapters of the research. This chapter concludes by presenting an overview of the research's structure. The next chapter presents the literature of existing research on the key theme relevant for the study.

## 2. LITERATURE REVIEW

This chapter gives an overview of concepts that are a complete foundation for achieving the study's objectives.

### 2.1 Customary Land Administration

CLA is deeply rooted in social structures across sub-Saharan Africa, where land rights are commonly granted based on relationship and community ties, making land a common resource rather than an individual asset (Man & Thambiah, 2020). In Ghana, CLA is perceived to be dominant in the land tenure system, with approximately 80% of the land managed under customary authority by chiefs and community leaders (Asaaga, 2021). This system offers access to land rights within communities, fostering social cohesion and inclusiveness. It also presents challenges in integrating with formal land governance frameworks that rely on uniform documentation (Mengisteab, 2019).

Again, the coexistence of CLA with formal systems in Ghana creates a dual land tenure structure. While CLA supports community-based and inherited land rights, it lacks standardized records, leading to ambiguities in ownership that can hinder investment and restrict participation in land markets (Moreri, 2020). In formal land markets, statutory requirements prioritize clear ownership documentation. This duality results in tenure insecurity for those who lack formal titles, further complicating efficient land registration and access to credit. Recently, a change towards a 'hybrid' model has seen customary systems gradually incorporate formal elements while retaining customary governance to enhance tenure for land market involvement (Chimhowu, 2019).

However, many African countries, including Ghana, have introduced land tenure reforms to address these issues. These reforms aim to formalize customary rights, improve tenure security, and enhance economic opportunities for landholders. In Ghana, for instance, the LAND ACT, 2020 (ACT 1036), 2020 was established to help bridge the gap between customary and formal systems. Through institutions like CLSs, the act supports the documentation and regulation of customary land transactions. The aim is to provide landholders with secure, documented rights that facilitate market participation and enable them to leverage land as collateral for investment and loans (Lawry et al., 2023).

Despite these initiatives, implementing tenure reforms within CLA is complex. Traditional authorities resist formalization, fearing a loss of control over communal lands (Chitonge, 2021). Additionally, limited institutional capacity and inconsistent documentation practices within CLA contributed to the mixed outcomes of the reform efforts. Although empowering marginalized groups, such as women and indigenous communities, they also carry a risk of land dispossession and increased social inequality if potential tenure reforms are not implemented inclusively (Anafo & Guba, 2017).

#### 2.1.1 Customary Land Rights in Ghana

Customary land rights in Ghana are deeply rooted in the nation's social and cultural norms, serving as a cornerstone of its socio-economic framework. These rights, deeply embedded in Ghanaian society, are central to land access and management, particularly in rural areas (Ubink & Amanor, 2008) and Kasanga & Kotey, 2001) explain that land ownership is typically vested in stools, skins, or families, with individual rights acquired through inheritance, marriage, or allocation by community leaders. The practicality of customary land tenure is not only a tool for livelihoods but also a reflection of the collective identity and heritage of communities, underpinning both economic activities and cultural cohesion. According to Deininger et al. (2011) customary tenure systems are important in supporting rural livelihoods, especially in regions where formal statutory systems may not be easily accessible. Bruce & Migot-Adholla, (1994) highlights the significance of differentiating these rights to design effective land administration policies. This categorization also sheds light on how land rights impact livelihoods, investments, and community governance (Delville, 2000).

##### 2.1.1.1 Allodial Title

The allodial title represents the highest form of customary land ownership in Ghana, held by stools, skins, clans, or families. This right is undeniably vested in traditional authorities, who are custodians holding the land in trust for the benefit of the community (Boone, 2014; Kasanga & Kotey, 2001). Holding in trust



ensures that land use benefits both current and future generations, protecting communal welfare. The allodial title's inalienable nature ensures its preservation as a tool for community welfare and cultural continuity. Examples include stools such as the Asantehene in the Ashanti Region or the Ga Mantse in Accra. Similarly, family lands held by clans or lineage heads in the Volta region and other parts of Ghana serve as vital resources for collective development and inheritance. However, the increase in development of urbanization areas has led to disputes over overlapping claims and the commoditization of land, as noted by Ubink (2008) and Aryeetey (2007).

#### **2.1.1.2 Usufructuary Rights (Customary Freehold)**

Usufructuary rights, also known as customary freehold, are managed by individuals or families within the community. These rights are usually hereditary, remain secure as long as the landholder adheres to customary norms and maintains continuous usage (Amanor, 2012; Ubink & Quan, 2008). Holders are allowed to farm, build, or engage in other productive activities, provided they maintain social ties to the land's custodians and do not abandon the land. According to Cotula (2021), these rights are relevant for subsistence farming to ensure food security in rural communities. The diminishing of customs in some areas, prolonged non-use or neglect of land, may lead to reallocation by traditional authorities.

#### **2.1.1.3 Leasehold Rights**

Leasehold rights emerge from agreements between customary landowners and individuals or entities, allowing the use of land for a specified period. These rights are formalized through written contracts and have become increasingly common in urban and peri-urban areas due to rising land demand (Tiah Bugri, 2012; Ubink & Amanor, 2008). The leasehold arrangements provide economic benefits by attracting investments in housing and agriculture. However, as noted by (Larbi et al., 2004), they can also disrupt traditional practices and disregard local landholders by transferring control to external investors.

#### **2.1.1.4. Tenancy Rights**

Tenancy rights involve arrangements where landowners provide access to land in exchange for rent or a share of the produce. Customary practices govern these rights and are widespread in agricultural regions (Kasanga & Kotey, 2001; Tiah Bugri, 2012). Common arrangements include *abusa*, where two-thirds of the yield goes to the landowner, and *abunu*, where the yield is shared equally. These systems, especially the *abusa*, which are prevalent in cocoa-producing regions, where the landowner normally provides. According to (Boni, 2005), adapting to different tenancy systems is critical in agricultural contexts and crop types, but they also require stronger regulatory checks to ensure equity and efficiency.

#### **2.1.1.5 Secondary Rights**

Secondary rights refer to informal access rights that allow individuals to use the land for specific purposes, such as grazing, collecting firewood, or fetching water. These rights are often gender-sensitive, with women and marginalized groups frequently facing restrictions (Dzodzi Tsikata, 2009; Whitehead & Tsikata, 2003). Secondary rights are crucial for the livelihoods of vulnerable groups, as they provide essential resources such as firewood and grazing land. Pastoralists in northern Ghana negotiate grazing rights during the dry season is an example. However, Yaro, (2010) highlights that these rights are increasingly threatened by privatization and encroachment, particularly in peri-urban areas.

#### **2.1.1.6 Customary Law Freehold**

Customary law freehold is a perpetual and inheritable interest acquired through customary transactions. It enables individuals to purchase land outright from stools or families holding the allodial title, granting them autonomy over its use (Kasanga & Kotey, 2001; Ubink, 2008). While not subject to proprietary obligations, these rights remain tied to the cultural authority of the allodial titleholder. According to (Aryeetey, 2007), customary law freehold acts as a bridge between traditional practices and modern land markets, facilitating secure ownership and enabling landholders to engage in long-term planning.

### **2.2 Land Tenure Security**

Land tenure security is defined as the assurance and continuous right of individuals to access and control a piece of land, with recognition and protection of these rights from external interference or challenges, ensuring that they can benefit from investments in the land through use or transfer (Simbizi et al., 2014;

Singirankabo & Ertsen, 2020). In market-driven economies, land tenure security is usually reinforced by formal land titles. This provides legal recognition and facilitates access to credit and investment by allowing landholders to use their land as collateral (Lambrecht & Asare, 2015; Nasir & Saptomo, 2022).

However, across various regions, particularly in developing countries, tenure security remains a complex issue as statutory and customary systems interact. Studies from Ghana, Zambia, and Burkina Faso illustrate the challenges of land tenure security in different contexts, where urbanization, weak legal recognition of customary tenure, and land commercialization often create conflicts and uncertainties (Barry & Danso, 2014; Jain et al., 2016; Noufé, 2023).

In contrast, tenure security in developing countries often relies on customary norms rather than formalized land titles, with land rights recognized through traditional or community-based structures. While customary tenure is reasonably sufficient to provide social recognition and security within communities, the lack of formal titles leaves landholders vulnerable to disputes and land grabs, particularly in areas experiencing increased market pressure (Wily, 2018). However, recent research indicates that informal tenure, when backed by local governance as well as respected within the community, can provide sufficient security for landholders, fostering confidence and stability even without formal titles (Larson et al., 2019).

In sub-Saharan Africa, approximately 80% of land is held under customary systems where land tenure security is derived from social structures and community norms rather than formal legal frameworks (Adekola et al., 2023; D. M. C. Simbizi, 2016). Customary systems often provide accessible and socially integrated land rights, which support social stability within communities. However, the absence of formal documentation can create tenure insecurity as external pressures on land, such as urbanization and commercial interests increase. An example is a study in Zambia that highlights how customary tenure offers social security and maintains community cohesion but often restricts landholders' access to credit and deters investment, as financial institutions are reluctant to recognize rights without formal documentation (Ali et al., 2019; Katungula et al., 2020).

Also, efforts to formalize land tenure in sub-Saharan Africa have had mixed results (Lawry et al., 2023). These initiatives, such as the issuance of certificates for customary ownership, aim to enhance tenure security by providing a formal record. Nonetheless, these attempts have encountered challenges, including community mistrust of formal structures, logistical issues in implementing certification, and the high cost of documentation, which can be prohibitive for rural communities (Boone et al., 2021). The debate surrounding formalization versus customary governance persists, with arguments from each side highlighting different benefits and drawbacks. There can be greater security through formalization, which can be offered by standardizing land rights, but it may disrupt social norms and erode traditional land governance. Conversely, maintaining customary systems can preserve local control and social cohesion, but may inadequately protect landholders in rapidly evolving markets (Bainville, 2017).

In Ghana, chieftaincy disputes and the commodification of land have led to multiple sales and violent conflicts, emphasizing the need for governance reforms within CLA (Barry & Danso, 2014). Similarly, research in Zambia highlights that while land ownership certificates provide some level of protection, their lack of formal legal recognition limits their ability to secure landholders' rights (Jain et al., 2016). Other studies also indicate that land tenure security is not solely dependent on formalization; instead, it requires institutional recognition, strong governance structures, and social acceptance (Lawry et al., 2023).

### **2.3 Land Information and Records in Customary Land Administration**

Land information and records play a very important role in the administration, management, and governance of land resources. The land sector in Ghana has historically been dominated by customary land tenure systems, where traditional authorities and local chiefs manage land allocation and ownership records (K. S. Amanor, 2021). Nevertheless, with the growth in urbanization, economic activities, and increasing land disputes, the need for formalized land information systems has become more pressing.

The change toward formal land administration, marked by the establishment of the Lands Commission in 1969, marked the beginning of the formalization of land information in Ghana (Azumah & Noah, 2023).

This has led to subsequent reforms, such as the Land Title Registration Law of 1986 (PNDCL 152) and the Land Administration Project (LAP) phases 1 and 2, which aimed to improve land records, reduce conflicts and multiple sales, and promote land tenure security (Kasanga & Kotey, 2001; Arko-Adjei, 2011).

As noted in studies Cotula (2007) and Collins & Mitchell (2018), land information and records in CLA are often maintained through oral agreements and community-based governance. While CLA promotes social cohesion and equitable access to land, it faces significant challenges in terms of formal documentation and integration with market structures. Without standardized records, customary landholders frequently encounter tenure insecurity, as disputes over boundaries and ownership can be difficult to resolve, especially as land values rise (Boamah, 2013). Additionally, the lack of formal documentation often restricts landholders' access to credit, as financial institutions typically require official ownership records for loan approval (Akwensivie, 2021).

Also, to address documentation issues within CLA initiatives, Ghana's CLSs were established to assist traditional authorities with land record management (Obeng-Odoom, 2016). CLASs have supported to some degree by formalization, documenting land rights and transactions, enhancing transparency, and reducing disputes within communities (Akwensivie, 2021). But these efforts face limited resources, technical capacity constraints, and occasional resistance from traditional authorities concerned about maintaining control over communal lands (Quaye, 2021). In some instances, digital interventions like mobile applications and geographic information systems (GIS) are being explored to modernize land records to ensure community acceptance (Biraro et al., 2021).

However, despite these reforms, several challenges persist in Ghana's land information system. Land records are managed by multiple agencies, leading to inconsistencies, duplication, and inefficiencies. The lack of centralized and digitized land records makes it difficult to access reliable information (Larbi, Antwi, & Olomolaiye, 2004). Many land transactions occur informally without proper documentation, resulting in unregistered lands and tenure insecurity. The absence of accurate cadastral maps exacerbates boundary disputes (Stephen, 2019). Furthermore, overlapping claims between customary and statutory authorities frequently lead to lengthy litigation and delays in land transactions (Ubink & Quan, 2008). Additionally, Ghana's land administration has been slow in adopting digital technologies, and manual processes in land registration contribute to corruption, delays, and high transaction costs (Bugri, 2012).

## 2.4 Transparency in Ghana's Land Administration

Transparency in land administration refers to the openness, accessibility, and clarity of information related to land tenure, transactions, and records. It has been seen as a vital component of good land governance, contributing to accountability, the reduction of multiple land claims, and increased public trust (UN-Habitat, 2013). Zevenbergen et al. (2013) highlight that transparency involves ensuring land ownership, transfer, valuation, and dispute data are accessible and understandable to all, particularly the public. When such information is concealed or difficult to obtain, it increases the risk of manipulation and inequality. Enemark et al. (2005) further notes that transparency supports the protection of land rights and the legitimacy and enforceability of land transactions.

Ameyaw & de Vries (2020) expand this understanding by proposing a four-dimensional framework for transparency: data transparency, process transparency, institutional transparency, and stakeholder participation. This emphasizes that transparency is not just about publishing information, but also about ensuring that processes are inclusive, institutions are accountable, and stakeholders can meaningfully engage with land governance. The model fits the necessity for a transparent land administration in countries with dual land systems, such as Ghana, where both statutory and customary frameworks coexist.

Again, in land transactions, particularly within ILM, one critical yet often overlooked process is the exercise of due diligence. This involves verifying the legitimacy of land ownership, checking boundaries, confirming the absence of any problems associated with the land and assessing the authenticity of any documents involved. Williamson et al. (2010) reveal that due diligence serves as a risk management tool that supports secure land transactions and protects parties from fraud and disputes. Payne et al. (2009) further argue that in environments where formal records are weak or absent, as is common in many parts of sub-Saharan

Africa, due diligence becomes even more vital. It allows buyers and intermediaries to make informed decisions and contributes to process transparency, institutional accountability, and ultimately, to more stable and equitable land governance systems.

Similarly, Toulmin (2009) reveal that transparency in land dealings is often undermined by unclear customary procedures and elite capture, where powerful actors manipulate informal rules for personal gain. The lack of openness, especially in documentation and decision-making, threatens land security among vulnerable groups. Boone et al. (2019) further emphasize that transparency must go beyond formal announcements or procedural clarity, it must include fair access to information and equitable participation in decision-making, particularly where land rights are mediated by both customary and statutory norms.

In Ghana, transparency under customary tenure plays an essential role. Land governance in areas often managed through traditional authority structures, lack standardized procedures and documentation. According to Arko-Adjei (2011) and Sorensen, (2024), the absence of accessible and accurate land information in such systems undermines public trust and complicates a good land administration. Also, many land transactions occur without proper documentation, making verification of land ownership difficult (Squires et al., 2023). The Land Act, 2020 (Act 1036) represents a significant attempt to harmonize Ghana's fragmented legal landscape by imposing fiduciary duties on traditional authorities, requiring them to manage land with openness, fairness, and neutrality (Gyan & Adongo, 2023).

Despite this legislative progress, implementation challenges persist. As observed in the State of Land Information in Ghana Report (Sorensen, 2024), land information systems remain fragmented and largely inaccessible to the public. Ghana scored only 15 out of 100 for digital land tenure data completeness and 33 out of 100 for land use data, clear indicators of weak data infrastructure and transparency shortcomings. These gaps are exacerbated in customary settings, where informal transactions and poor record-keeping dominate despite the existence of the Right to Information Act (Act 989 of 2019, 2019).

Laube, (2020) document how peri-urban land commodification in Ghana has led to elite capture, with traditional leaders and land administrators allocating land without transparency or community consultation. Similarly, Transparency International (2024) reports that corruption and discriminatory practices in land allocation disproportionately affect women and low-income groups, compounding tenure insecurity and inequality (Sam Barnes, 2024).

Reform efforts such as the Land Administration Projects (LAP I & II) and the creation of CLSs aimed to improve transparency by formalizing land records and processes at the community level (Karikari, 2006; World Bank, 2011). However, Akwensivie et al. (2023) shows that these initiatives have faced obstacles due to limited funding, weak institutional integration, and resistance from some customary authorities. Owusu Ansah et al., (2024) further argue that the coexistence of manual and digital systems continues to limit the effectiveness of these reforms.

To address transparency limitations, (Ameyaw & de Vries, 2020) proposed using blockchain technology to ensure that land records are traceable, secure, and accessible. They argue that blockchain could prevent double sales, improve trust in land systems, and provide verifiable records that support decentralized decision-making.

Nonetheless, they also caution that this type of technology must be supported by adequate infrastructure, training, and policy alignment. Institutional initiatives, such as those undertaken by the Lands Commission to digitize historical land records, including scanning and geo-referencing of paper documents, demonstrate a commitment to improving land data systems (Owusu Ansah et al., 2024). These efforts must be expanded and integrated with customary systems to be effective, ensure tenure security, transparency and trust in Ghana's informal land market.

## 2.5 Land market

Land markets are fundamental to economic growth. They enable the exchange of land rights, promote efficient land use, and serve as a foundation for financial transactions. A critical component of this process is access to land, which refers to the ability of individuals or groups to obtain and use land for various purposes, such as housing, agriculture, or business, shaped by social, legal, economic, and institutional factors (Cotula, 2007; Deininger & Feder, 2009). Broadly, two types of land markets exist: formal and informal. Each plays a distinct role within land administration, with implications for tenure security, market efficiency, and economic development, especially in regions with dual land systems, such as Ghana. Formal land markets function within established legal frameworks, including land registration systems, enforceable property laws, and mechanisms to ensure transparent transactions.

Formal land markets are crucial for enhancing investment, as they provide landholders with secure tenure and the ability to use land as collateral for loans, thereby promoting economic growth (Mahoney et al., 2007; Deininger & Goyal, 2023). However, accomplishing a well-functioning formal land market requires affordable registration systems and strong enforcement to ensure accessibility and reliability. In developing countries, gaps in these frameworks often limit the effectiveness of the land market, leading to challenges in land transactions and reduced investment potential.

In contrast, ILMs are typically unregulated by the state and governed by customary practices and local social structures. Informal markets are prevalent in rural and peri-urban areas, where land transactions frequently rely on community trust and kinship ties rather than formal documentation. In these markets, CLA plays a significant role by granting access to land based on social relationships rather than legal transactions (Man & Thambiah, 2020). The flexibility makes informal markets accessible to local populations, but it can also lead to challenges in tenure security, limited access to capital, and difficulties in integrating with formal systems due to a lack of standardized records (Otsuka & Place, 2010). These factors can limit investment, as informal land is often ineligible for use as collateral in formal financial systems.

In many developing economies, weak governance structures, tenure insecurity, and speculative land pricing exacerbate these challenges (Ahmed et al., 2018). In Africa and South Asia, customary land tenure dominates, with traditional authorities regulating transactions outside formal legal structures (Tsikata & Yaro, 2011). This creates land conflicts, multiple ownership claims, and inflated land prices, as seen in Eastern European economies undergoing liberalization (Sasu et al., 2024). The absence of regulatory oversight allows land developers to shape informal market dynamics, prioritizing large-scale transactions over smallholder allocations and further marginalizing low-income groups (Boamah, 2013).

The coexistence of formal and informal land markets gives unique challenges and opportunities. In Ghana, where approximately 90% of land is held under customary tenure, aligning customary practices into the formal market is essential for a comprehensive land governance system (Kasanga & Kotey, 2001). Efforts to align these systems, such as Ghana's Land Administration Project (LAP), seek to harmonize customary and statutory land rights but often face resistance from traditional leaders and communities, who may view formalization as a threat to local authority (Ehwi & Asante, 2016).

## 2.6 Chapter Two Summary

This chapter provides a review of the theoretical literature related to CLA and ILM. It covers topics such as land tenure security, CLA, land information and land market. The next chapter shows the approach and study area for this study.

## 3. METHODOLOGY

This section gives an overview of the research methods, design, study area, and datasets intended to achieve the study's objectives.

### 3.1 Research Approach

This study adopts a qualitative approach to examine the relationship between CLA and the ILM. Qualitative research provides a flexible and exploratory framework suitable for capturing the perceptions and experiences of stakeholders involved in land administration (Creswell & Plano Clark, 2017). According to Bryman, (2016). Qualitative methods are particularly effective in social sciences, as they allow for an in-depth understanding of complex social and cultural dimensions.

The study employed semi-structured interviews to explore perspectives from community members, family heads, buyers and government officials on tenure security and the alignment between customary and formal land systems. Qualitative methodologies have been widely used in land tenure research due to their ability to capture nuanced stakeholder interactions and governance structures (Calleja, 2009; Meinzen-Dick & Mwangi, 2009).

Additionally, this study incorporated spatial analysis to identify areas where multiple land sales are predominant. Spatial approaches have been instrumental in mapping informal land transactions and assessing their impact on tenure security (Deininger & Feder, 2009; Labzaé, 2014). The integration of spatial and qualitative methodologies enhances the study's capacity to examine both the structural and contextual factors influencing the ILM.

### 3.2 Study Area and Justification

Sokode Gborgame is a town located in the Ho municipality of the Volta Region in Ghana, located at latitude 6° 34' 0" N, and longitude 0° 24' 0" E. The Ho municipality has a population of about 180,420 people and covers an area of 2,361 square kilometers (GSS, 2021). The town Sokode Gborgame shares boundaries with Sokode Etoe, Abutia and Sokode Ando. It is considered a peri-urban area, with much of the land controlled by traditional authorities, specifically family heads under customary land tenure systems. This leads to land documentation and security challenges, as many transactions are not formally recorded. According to a newsletter by the Ghana News Agency (2023), the LC expressed its concerns about the emerging trend of multiple land sales by families and customary landowners. These issues make Sokode Gborgame an ideal location for studying CLA and its relationship with the land market, despite the fact that many studies have not been conducted there. Also, the study area is ideal for exploring how aligning traditional systems with formal land management can increase tenure security, transparency and efficiency of the land market (Quaye, 2021).



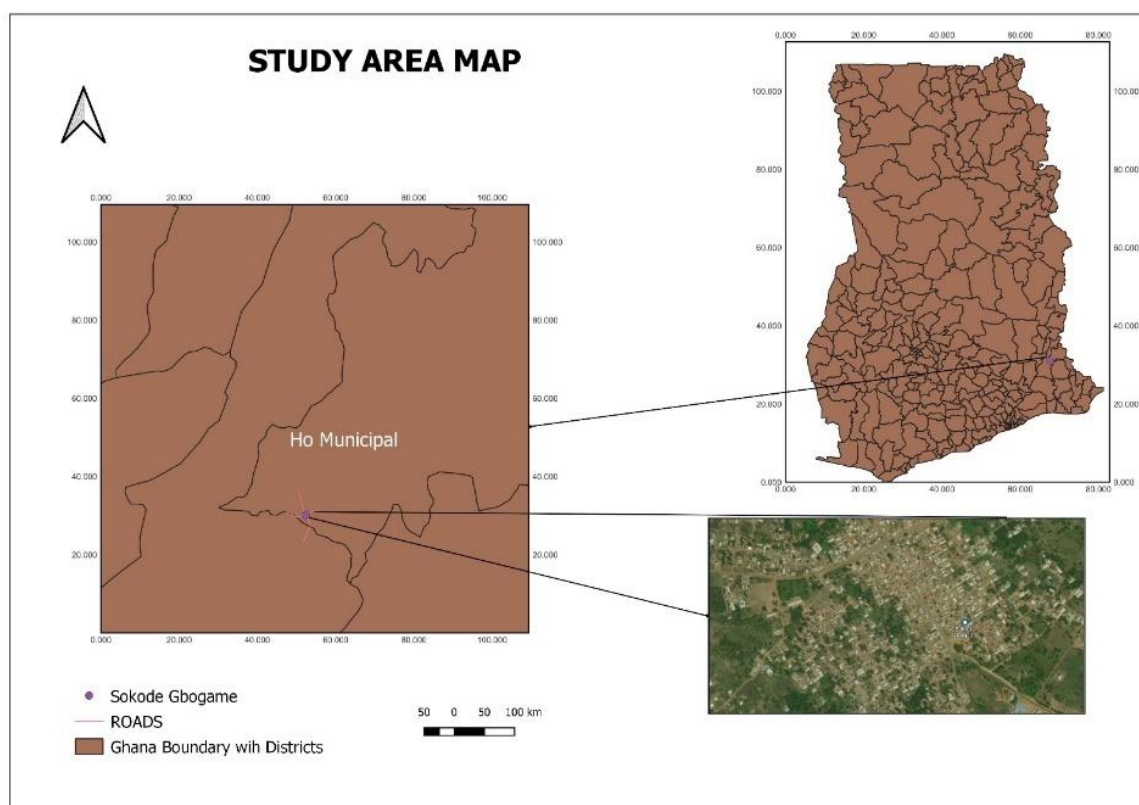


Figure 2: Study area map

### 3.3 Research Design

The research design contains a flow of activities grouped under pre-fieldwork, fieldwork and post-fieldwork.

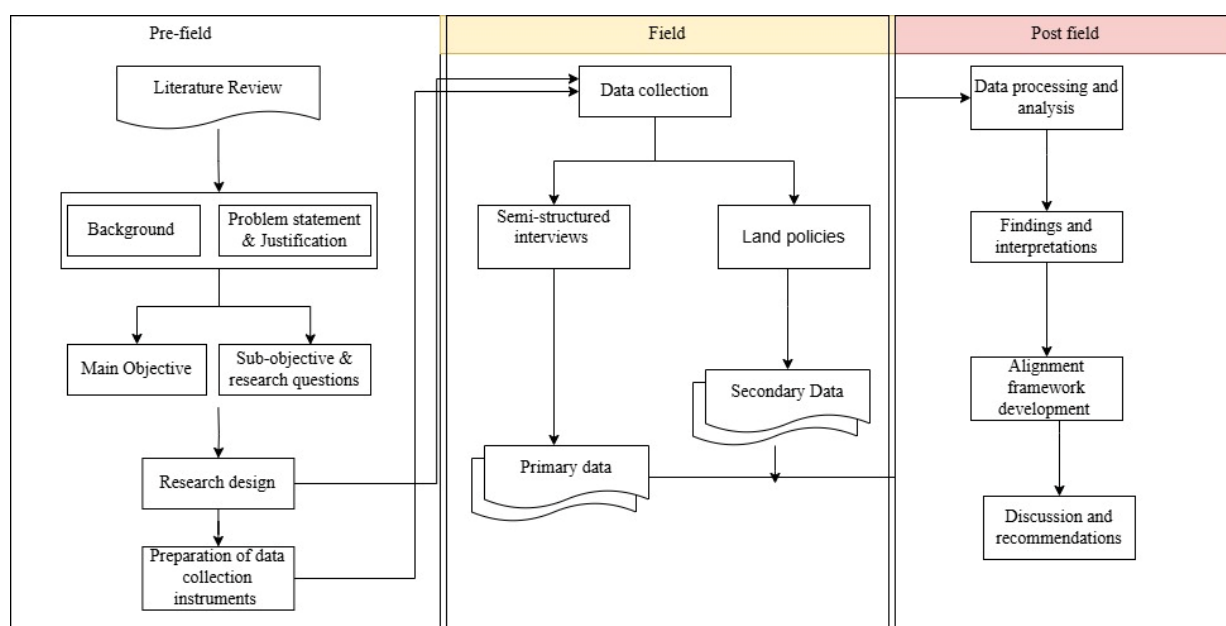


Figure 3: Flow Chart

### 3.3.1 Pre-Fieldwork

In the pre-field phase, key preparatory steps were taken to ensure a smooth research process. First, an extensive literature review was conducted to provide the necessary background and contextual understanding of land administration in Ghana, particularly focusing on CLA and the ILM. A purposive sampling strategy was to be used to select key informants with expertise in land administration, such as traditional authorities, landowners, intermediaries, real estate agencies, buyers and officials from institutions like the Lands Commission (Palinkas et al., 2015). During this phase, semi-structured interviews and questionnaires were developed to facilitate data collection. The questionnaires were designed with semi-open and closed-ended questions to gather detailed qualitative and quantitative data on transaction times, costs, and client perceptions (De Vaus, 2014).

### 3.3.2 Fieldwork

During the field phase, data collection was conducted using semi-structured interviews with land administration officials and traditional authorities to explore land transaction processes and challenges (Steinar Kvale & Svend Brinkmann, 2009). Questionnaires were distributed to people involved in land transactions, collecting qualitative data on their experiences with land services and market transparency. Throughout the field phase, informed consent was obtained, and participants were reminded of their rights to confidentiality, anonymity, and voluntary participation. In addition, convenience and snowball sampling were used to gather data from stakeholders who are involved in land operations (Taherdoost, 2016). This ensured that their views on market efficiency and transparency were captured efficiently. The Table 1 below shows the number of participants sampled for the study. Lastly, satellite imagery from Google Earth Pro was used to enable stakeholders to identify areas within the study area that have issues with multiple land sales.

Table 1: Respondents for interviews

Respondents	Sample number
Traditional authority	3
Community members	4
Administration of Stool lands	2
Buyers	5
Lands commission	3
<b>Total</b>	<b>17</b>

### 3.3.3 Post Field

The post-field phase was to analyze and integrate the collected data into comprehensive research findings. Thematic analysis was applied to qualitative data from interviews and surveys, identifying key patterns and recurring themes related to CLA and ILM performance (Braun & Clarke, 2006). Content analysis of policy documents and records complemented the thematic analysis by examining how legal frameworks and customary practices influence the land market. In the analysis of data collected from the field, the AtlasTi tool was used for qualitative analysis and QGIS was used for hotspot mapping, with the area identified to be associated with multiple land sales. Satellite imagery and GPS coordinates were collected during field interviews from family heads, community members and buyers. This data collected was processed using inverse distance weighting (IDW) to visualize patterns of multiple land sales.

Ethical considerations were still maintained during the post-field phase, with data stored securely, participants' anonymity ensured, and identifying information removed during the reporting phase. The findings were added to the final research report, discussing the main results, interpreting them about the study's objectives and acknowledging any limitations, such as potential biases from self-reported data.

## 3.4 Ethical Considerations, Risks and Contingencies

Ethical protocols are integral to this research and were carefully followed. Before initiating the study, approval was obtained from the ITC Ethics Committee, ensuring compliance with institutional ethical standards. Ethical clearance was also sought from relevant local authorities within the Ho region, aligning



the research with community expectations and local ethical guidelines (Coghlan & Brydon-Miller, 2015; Israel & Hay, 2006).

Additionally, informed consent was obtained from all participants, with clear communication regarding their voluntary involvement and the right to withdraw at any time without consequences. Confidentiality protocols were implemented to protect participants' identities, and data was stored securely with restricted access to ensure privacy. Identifiable information was limited to essential research personnel, minimizing any risk of data breaches.

Potential risks in this study include participant discomfort with discussing sensitive land-related issues and possible misunderstandings around confidentiality, particularly within customary land systems. To mitigate these risks, participants were thoroughly informed about data use, and assurances of anonymity were given during fieldwork to reinforce trust. Should a participant experience discomfort, interview questions were modified or discontinued, respecting their boundaries. Another risk involves data security; to prevent unauthorized access, all digital data was encrypted and stored on secure servers, with physical data securely locked.

The study conducted in customary land systems demands cultural awareness, as land is deeply connected with identity and social ties. The study engaged local leaders and cultural advisors to ensure that data collection respects community norms. Through these protocols, the study upheld ethical standards while proactively addressing potential risks, thereby safeguarding participant welfare and data security.

### **3.5 Chapter Three Summary**

The chapter describes the research approach, study area and justification, research design and the ethical considerations, risks and contingencies related to the research. It also explains all the tools necessary to achieve the research objectives. The next chapter presents field results based on the study's objectives.

## 4. CUSTOMARY LAND ADMINISTRATION AND THE INFORMAL LAND MARKET

This chapter presents and interprets results from the fieldwork undertaken for this research. Data collected used different forms of methodologies as discussed in chapter three of this document. The results have been interpreted with the objectives of the study in mind.

### 4.1 Understanding the Role of Customary Land Administration (CLA) in the Informal Land Market (ILM)

This section presents findings on the role of CLA in shaping the ILM in Sokode Gborgame. It outlines the governance structures, decision-making principles, and current practices of land transactions under CLA.

#### 4.1.1 Governance Structure in Customary Land Administration

Land governance in Ghana is deeply rooted in customary systems, where traditional leadership structures govern authority and decision-making. According to the Family Head Accountability Act (PNDCL 114, 1985), the family head is recognized as the principal custodian of family land. Additionally, according to Article 36(8) of the 1992 Constitution, the state acknowledges that land in Ghana is held under customary law and is to be administered for the benefit of the people. In line with this, the Land Act, 2020 (Act 1036) consolidates and affirms the role of customary authorities, particularly **family heads and chiefs** as trustees of land held on behalf of their communities or families. They are responsible for managing and accounting for all land transactions, acting in trust for the family and in consultation with principal elders. The diagram below presents the structure of CLA in Sokode Gborgame derived from a field interview.

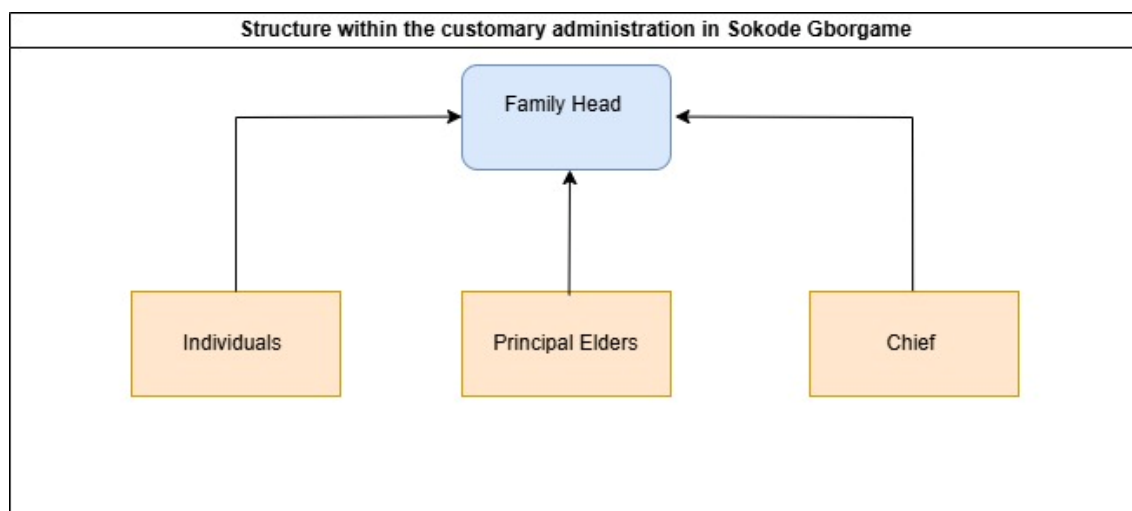


Figure 4: Structure within the CLA in Sokode Gborgame

Source: Author's Construct based on fieldwork, 2025

This structure highlights the central role of the family head, supported by other actors involved in customary land governance:

- **Family Head** (17/ 17 responses): The family head serves as the primary authority on all matters concerning family land. All land sales, transfers, and dispute resolutions require their consent. As one respondent noted,

*“When there is a land transaction, the family heads gather principal members to assess whether to sell or not (Family Heads, Field Interview 2025).”*

- **Principal Elders** (8/17): These elders play an advisory role and ensure that land decisions reflect family consensus. Their presence in land-related decisions contributes to legitimacy, transparency, and the reduction of intra-family conflict.

- **Individuals** (3/17): People who have acquired large portions of land from the family through prior transactions. While they may exercise some autonomy, they are still bound to seek endorsement from the family head for any further transactions or subdivisions if land has not been registered in their names with LC.
- **Chief** (2/17): Although chiefs are not directly involved in everyday family land matters, they are entrusted with land by the family for broader community benefit, such as markets or communal infrastructure. Their role reflects the interface between family land and traditional political authority.

This governance structure represents a balance between centralized authority and shared customary responsibility. The family head leads the administration of land, but legitimacy is reinforced through consultation with elders. However, the findings also revealed challenges to this structure. In certain cases, decisions were made without full consultation, particularly in areas where land is in high demand. As the family heads themselves acknowledged, land transactions sometimes occur without the awareness of all principal members, leading to internal tensions (*Family Heads, Field Interview 2025*).

#### 4.1.2 Principles and Practice in the Customary Land Administration

The CLA in Ghana is governed not only by traditional practices but also by underlying principles that guide land ownership, transfer, and stewardship. These principles include collective decision-making, family-based trusteeship, oral consent and validation, and social legitimacy (Yeboah & Shaw, 2013). The family head acts as a trustee, not as an individual owner, and is expected to consult principal elders and uphold the interests of the entire lineage when managing land. A central principle is that land is held in trust for both present and future generations. Thus, decisions regarding land sales or transfers must be based on consensus and transparency, not on individual preference. This principle is typically expressed through specific customary practices observed during land transactions.

In many customary settings, a person seeking land must present a present (eg. Lamb, palm wine, local gin and a sum of money). These are symbolic offerings that serve both as traditional payment and as ritual confirmation of the agreement. The family represented by the head and elders gathers to deliberate and either approve or decline the transaction.

*“We require the person to bring a lamb, local gin, and some drinks, then we sit together with the elders to accept or reject the request. Once accepted, the lamb is killed and shared, so everyone knows (Family Heads, Field Interview 2025).”*

The shared consumption of these presents symbolizes collective acknowledgment of the transaction and turns the family and sometimes the community into oral witnesses (Family Heads, Field Interview 2025). These practices ensure transparency and communal accountability, upholding the principle that no single individual can dispose of family land without consultation. These principles and practices that such practices serve as informal but powerful mechanisms for ensuring fairness and continuity in land governance.

#### 4.1.3 Current State and Operation of Land Transactions in Customary Land Administration and the Informal Land Market

In the CLA currently, land transactions are less based on oral agreement than on the giving of receipts, which are used to prepare the indenture (Field interview, 2025). In this current operation, the land has been surveyed and information from the survey is used to prepare an indenture, which is then endorsed by the family head with some principal elders. During the endorsement step to finalize the transaction, it is required to make a present of items listed in 4.1.2 after the price of the land has been paid for. The prepared indenture is sent to the high court, which gives it some form of legal recognition. Responses of all interviewees indicate that it is important to have direct negotiations with the family head and principal elders.

However, many customary authorities have started adopting semi-formal documentation processes to reduce disputes and ensure transparency, particularly in peri-urban communities. The transaction process typically begins with the surveying of the land, after which an indenture is prepared. This document is then

endorsed by the family head and principal elders, who serve as the key customary authorities in land matters. As one family head explained:

*“After we agree to sell the land, the buyer must bring their surveyor to take the measurements. Then we help prepare the indenture and endorse it (Family Heads, Field Interview 2025).”*

Despite this growing reliance on documentation, traditional ceremonial obligations remain a critical part of the process. Once the financial terms are settled, the buyer is expected to present which serves as a customary seal of the transaction.

*“We always ask for a lamb and some drinks. It shows respect and confirms that the family agrees to the sale (Family Heads, Field Interview 2025).”*

These customary items mentioned by family heads are shared with the wider family, turning the process into a communal event and ensuring that the transaction is publicly witnessed. rOnce completed, the indenture is submitted to the High Court for registration, where it receives formal legal recognition as noted by stakeholders. Respondents confirmed that a transaction would not be considered valid even with a document unless the family head and elders endorse it.

*“The paper means nothing if the family head hasn’t signed. You must go through him and the elders (Buyers, Field Interview).”*

#### **4.1.4 Reliance on Customary Land Administration in the Informal Land Market**

CLA remains a cornerstone of Ghana’s ILM, particularly in peri-urban areas like Sokode Gborgame. Field data reveals that many buyers prefer CLA-based transactions over formal systems, driven by factors such as affordability, accessibility, and the perceived legitimacy of land rights. Buyers frequently cited the lower costs of acquiring land through CLA as a primary reason for their reliance on it. It was noted that customary transactions often provide larger plot sizes at a more affordable price compared to formal channels. For instance, one buyer stated:

*“It is cheaper, and the land size is bigger., The process is cost-effective and easy to access (Buyer, Field Interview 2025).”*

These responses from stakeholders highlight a clear preference for CLA, which is viewed as more flexible, less bureaucratic, and deeply rooted in social trust networks. In contrast, formal legal processes are often perceived as expensive, time-consuming, and inaccessible, particularly for first-time buyers or those lacking legal expertise.

Beyond cost considerations, buyers also value the authenticity and inclusivity of the customary system. Land acquired through CLA is often seen as more legitimate due to its integration within local social structures. As one buyer explained:

*“It is genuine and accessible to all (Buyers, Field Interview 2025).”*

This reliance on CLA remains relevant because it responds effectively to local needs, delivering land to users without delays or complex requirements. Similarly, in peri-urban Ghana, informal mechanisms like CLA are not only preferred but critical for meeting the rising demand for residential and agricultural plots.

#### **4.1.5 Access to Land through Customary Processes in the Informal Land Market**

As previously defined in Chapter 2, *access to land* in this study refers to an individual's ability to acquire land through CLA without facing barriers related to social identity, internal family dynamics, or economic limitations.

Field findings from Sokode Gborgame indicate that land access through the ILM is generally high. As revealed by 88% of respondents, they reported having no difficulty accessing land through the customary system, citing ease of negotiation, flexible procedures, and the role of family heads as key enablers.

*“It’s easy to access... the process is not too difficult,*

*Every member of the family has the right to access land (Buyers and Family heads Field Interview 2025)."*

However, 12% of respondents reported experiencing limitations in accessing land, even though they were part of the landowning family. These limitations were primarily tied to financial challenges or weak social connections with decision-makers like family heads or principal elders.

*"Even in our own family, if you don't have money or know someone, you can't easily get land, Most of the land has been sold. Now it depends on how close you are to the family head (Community Member, Field Interview 2025)."*

These results show that while the CLA system remains inclusive in principle, rising land value, internal favouritism, and commercialization are eroding its access to land, especially for family members without resources or influence.

#### 4.1.6 Land Tenure Security in the Informal Land Market

Historically, land transactions under CLA were conducted in the open, with public witnessing by family heads, elders, and community members. These customary practices provided a strong sense of security, as ownership was collectively acknowledged and protected.

However, the findings from this study show that the situation is changing. Today, land transactions are often handled discreetly and rely more heavily on the preparation of legal documents such as indentures. While these documents are commonly endorsed by family heads and principal elders, they do not necessarily guarantee tenure security, particularly in the absence of broader community witnessing or official registration.

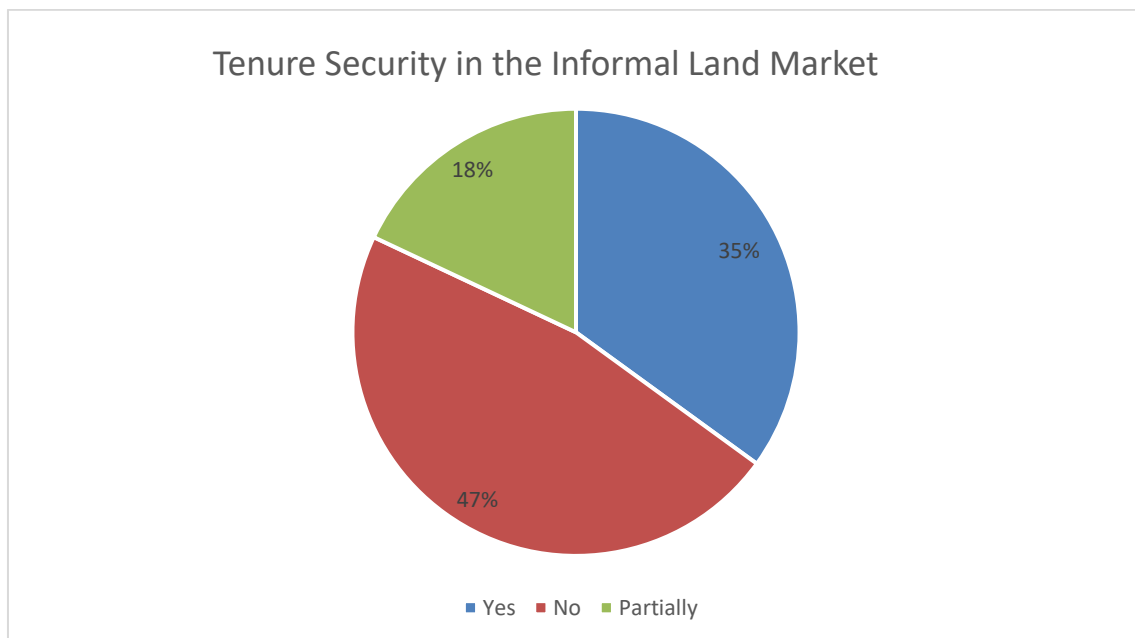


Figure 5: Tenure Security in the Informal Land Market

As illustrated in Figure 5 , only 35% of respondents reported feeling secure in their land tenure. These individuals cited trust in the endorsement process involving the family head, principal elders, and nearby residents as their primary source of assurance. As one buyer shared:

*"Once the family head and elders sign, and people in the area see the transaction, we believe the land is safe (Buyers, Field Interview 2025)."*

However, a group of 47% of respondents reported that they do not feel their tenure is secure. Many explained that even with an indenture document, land can be resold or partly demarcated and sold if it

remains undeveloped. This creates hesitation, especially for buyers who lack the resources to develop their plots immediately. A respondent explained:

*“If you don’t build fast, someone can sell the land again even if you have documents (Buyers, Field Interview 2025).”*

This reflects a growing concern among land users that documents alone do not offer protection without enforcement or community recognition.

Another group of 18% of respondents reported being uncertain about their land tenure status. These respondents, especially community members, were unsure if their rights were secure, particularly due to the rapid increase in land demand in the area. This uncertainty is especially prevalent in peri-urban communities like Sokode Gborgame, where rising land value encourages opportunistic resales and weakens traditional checks.

These show that while customary practices continue to play a major role in land transactions in Ghana, the shift toward private, document-based agreements has introduced new insecurities. Without widespread witnessing or formal registration, even documented land deals can be challenged. Land tenure security within the ILM is becoming increasingly uncertain.

## 4.2 Land Transactions in the Informal Land Market

This subsection provides an overview of the different types of land transactions that take place under CLA in Sokode Gborgame. It discusses the nature and characteristics of these transaction types and examines their implications for land access, tenure security, and transparency within the ILM.

### 4.2.1 Types of Land Transactions in the ILM

Land transactions under CLA in Sokode Gborgame exhibit a diverse range of practices. These transactions are shaped by long-standing customary traditions, but they are increasingly influenced by formal statutory frameworks, notably the Land Act, 2020 (Act 1036). The main types of land transactions obtained from interviews conducted during field work in the study area include inheritance, gifts, leasehold, farming grants, renting, allocation, and customary freehold.

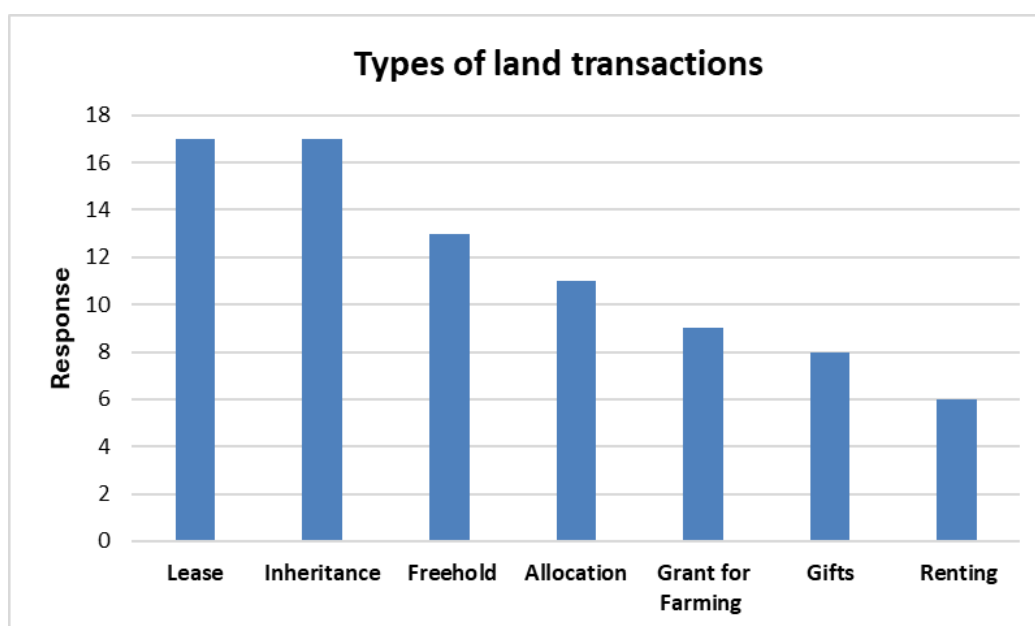


Figure 6: Type of land transaction

From the above Figure 6, Inheritance and Leasehold (17 out of 17 responses) are the most common forms of land transfer. Customary freehold (13 out of 17 responses) remains significant but is confined mainly to

indigenous family members. Allocation (11 out of 17 responses) remains vital for intra-family or intra-community land distribution. Grants for farming (9 out of 17 responses) highlight the importance of flexible access for agricultural use. Gifts (8 out of 17 responses) and Renting (6 out of 17 responses) reflect diversification in access options.

#### **4.2.1.1 Inheritance**

Inheritance remains the predominant mechanism for land transfer under both CLA and the ILM. In this system, land held under customary ownership is passed down to children and family members who have legitimate claims based on lineage and family ties. Typically, inheritance is governed through oral agreements and family discussions led by the family head and principal elders. This was noted during interviews with stakeholders; the absence of written documentation for inheritance has resulted in frequent cases of multiple land sales, boundary disputes, and intra-family conflicts over land ownership.

#### **4.2.1.2 Gifts**

Gift transactions, though less common in the ILM, occur when land is voluntarily transferred from families, stools, skins, or individuals without the expectation of full monetary compensation. Instead, symbolic tokens such as drinks, livestock, or small amounts of money are typically offered to seal the transaction (Field interview, 2025).

Without a written note of approval from the grantor, such transactions cannot be easily registered, leaving them vulnerable to contestation. As land values continue to rise, undocumented gifts increasingly become sources of conflict and litigation, particularly in peri-urban areas (Field interview, 2025).

#### **4.2.1.3 Leasehold**

Leasehold arrangements are increasingly the preferred mechanism for outsiders to access land within customary jurisdictions. These transactions involve direct negotiations between the buyer and the family, stool, or skin authorities (Field interview, 2025). Typically, the agreement is initially evidenced through receipts acknowledging payment, followed by the preparation of an indenture to confirm the lease terms. Under the Land Act, 2020, the granting of outright freehold interests to outsiders has been prohibited. Instead, leases are limited to 99 years for residential use, 50 years for commercial purposes and 25 years for agricultural activities.

#### **4.2.1.4 Farming Grants (Abusa and Abunu)**

Farming grants continue to provide flexible access to land for agricultural purposes in rural and peri-urban areas. These arrangements are primarily oral and based on trust between the landowner and the farmer. according to community members and family heads during field interviews, two main farming arrangements are practiced in the study area:

**Abusa:** where the farmer retains two-thirds of the harvest, and the landowner receives one-third.

**Abunu:** where the harvest is divided equally (50/50) between the farmer and the landowner.

Although these arrangements support rural livelihoods, they provide little tenure security. Farmers can be displaced at any time if the land is sold or redeveloped (*Community member, Field Interview 2025*).

#### **4.2.1.5 Renting**

Renting land has become increasingly prevalent in the informal market as urban expansion drives up demand for temporary land access. Typically, renting arrangements involve short-term land use rights based on annual payments. Interviews with stakeholders indicate that such agreements are often oral and involve less formal documentation, and can be entered into with a freeholder, leaseholder, or individuals who have received land through a gift. While renting offers flexibility, it exposes tenants to significant risks, including eviction without compensation. The lack of formal rental agreements remains a significant source of insecurity for tenants in peri-urban Ghana.

#### **4.2.1.6 Allocation**

Allocations represent a traditional means through which family heads, in consultation with principal elders, stools, or skins, assign land to family members or subjects. Field interviews with family heads stated that

allocations are usually made for residential or agricultural purposes and are based on lineage, need, or social status within the family or community. However, these allocations are often undocumented, making them susceptible to overlapping claims and disputes, especially as land scarcity intensifies.

#### **4.2.1.7 Customary Freehold**

Customary freehold refers to a traditional form of permanent landownership, where land rights are vested indefinitely in individuals or families. Historically, families had the absolute right to transfer such land interests without limitation. Interviews with the formal land institutions reveal that the LAND ACT, 2020 (ACT 1036), restricts the transfer of freehold interests to individuals outside of the customary ownership structure. Even in cases where freehold interests exist, registration now requires formal endorsement by the family, stool, or skin.

Land transactions in ILM continue to be predominantly managed through customary structures. While these mechanisms offer and give ease of access, the absence of formal documentation, as indicated by stakeholders during field interviews, often exposes landholders and users to tenure insecurity, conflicts, and market vulnerabilities. Although the LAND ACT, 2020 (ACT 1036), (2020), seeks to bridge the gap between customary practices and formal legal protections, significant challenges remain in ensuring widespread compliance, especially in peri-urban areas like Sokode Gborge.

#### **4.2.1.8 Effects of Land Transaction Types on Tenure Security and Land Access in the Informal Land Market**

The prevailing practices in Ghana's ILM, especially under CLA, significantly influence tenure security and access to land. Field evidence from Sokode Gborge highlights the dual nature of these transactions; on one hand, they offer accessibility and flexibility, but on the other hand, they also present notable vulnerabilities due to the lack of formalization and documentation.

*"No land records are being kept updated (Formal land institution, Field Interview 2025)."*

One of the most pressing consequences of informal land transactions is the absence of proper documentation, which exposes community members to risks of dispossession and eviction. Without a recognized paper trail, particularly in transactions handled orally or through symbolic offerings, land users can easily be displaced, especially during periods of leadership change or land value appreciation, as disclosed by Family heads and community members (Field Interview, 2025).

In addition, multiple land sales were identified as a frequent occurrence. The lack of centralized or reliable land records allows the same plot to be sold to different buyers, often by different actors within the same family or lineage, as revealed by buyers in a field interview (2025). Such overlapping claims typically arise during succession disputes or when the original transaction was informal and unrecorded.

Furthermore, the resolution of land issues increasingly depends on the buyer's ability to present documentation. In cases where multiple land sales arise, customary tend to side with individuals who can produce proof of transaction, such as a signed indenture or receipt "It was resolved by asking the buyers to present their indenture, using the date on each to justify the buyer and the second buyer is given a different land if available or money is refund (Family head Field Interview 2025)." While even formal authorities need a certificate of title and records, "We only mediate to solve such problems if we have land records on such land. We also address this problem per court orders to nullify the said transaction if it is in our records (Formal institution Interview 2025)." As a result, individuals who participated in undocumented or purely oral agreements find themselves at a disadvantage, effectively losing their rights.

Although documentation from the customary system carries some weight, as disclosed by the Formal institution respondent, it still requires validation by the formal legal system, such as court registration or processing through the Land Commission (LC), for it to offer reliable tenure security. This mismatch between customary practices and statutory requirements creates a gap in land governance, leaving many landholders in a legally vulnerable position.

The ILM itself is perceived to be inclusive, with most respondents confirming open access. However, significant barriers to market participation remain, particularly in the form of financial constraints. Even



though land may be widely available, access to it is mainly dependent on one's financial capacity and ability to fulfill customary obligations (Community Member, Field Interview 2025), which prevents individuals from acquiring land for investment or development.

The overall lack of systematic record-keeping further exacerbates insecurity. Most families and community leaders admitted that transactions are not recorded in any formal ledger, making it challenging to track historical ownership or resolve disputes effectively. This creates a highly opaque environment in which land rights can be challenged or nullified, offering little legal recourse.

#### **4.2.3 Actors and Institutions in Customary Land Administration and their Influence on the Informal Land Market**

In Ghana's ILM, key actors in CLA include family heads, stools or skins, principal elders, and traditional councils play a pivotal role in governing land access, overseeing transfers, and legitimizing land rights according to the study stakeholders. Alongside these traditional authorities, CLSs serve as intermediaries that enhance transparency and accountability by facilitating documentation, maintaining records, and supporting conflict resolution, particularly in rapidly urbanizing peri-urban areas as revealed in an interview with LC and OASL respondents.

##### **4.2.3.1 Influence of Traditional Authorities on Informal Land Market Outcome**

CLA in Ghana is primarily governed by traditional actors whose decisions critically shape land access, legitimacy, and tenure security. At the core of this system is the family head, who acts as the principal authority responsible for demarcating land boundaries, endorsing transactions, and granting of final approvals. Section 11 of the Land Act, 2020 (Act 1036) formally recognizes the family head as the trustee of family land, mandated to manage and administer it for the collective benefit of family members.

Furthermore, Section 18 of the Land Act requires that any alienation, sale, lease, or transfer of family land must be undertaken with the prior approval and consent of the family's principal elders. This provision reinforces a system of collective decision-making, ensuring that the interests of the broader family are protected. Principal elders and key family members play crucial roles by participating in deliberations, witnessing transactions, and upholding customary norms during land sales or allocations.

The authority of these actors extends into dispute resolution, where recognition by family heads and elders often determines the outcome of land conflicts, particularly in cases involving overlapping claims. Even in instances where formal documentation is absent, endorsement by these customary leaders grants a degree of legitimacy to land transactions within the ILM (Family heads and community members, Field Interview, 2025). Consequently, the decisions and endorsements of traditional authorities significantly affect land market outcomes by determining who gains access to land and under what conditions.

##### **4.2.3.2 Influence of Customary Land Secretariats on Informal Land Market Outcome**

CLSs, introduced under LAP-1, were designed to enhance record-keeping, transparency, and conflict resolution in CLA. Initially implemented under a supply-led model, resistance from traditional leaders led to a shift under LAP-2 to a demand-led approach, making CLSs community-driven and voluntarily established.

The Land Act, 2020 (Act 1036) now legally mandates the establishment and function of CLSs under Section 14 of the Act, which stipulates that:

*“A stool or skin, or clan or family that owns land shall, in accordance with this Act, establish a Customary Land Secretariat for the management of its land.”*

*“The Lands Commission and the Office of the Administrator of Stool Lands shall collaborate in the establishment and performance of functions in relation to a Customary Land Secretariat under this Act.”*

*“A Customary Land Secretariat shall, at the end of every three months, submit to the Lands Commission and the Office of the Administrator of Stool Lands records of each transaction recorded by the Customary Land Secretariat.”*

This legislative provision reinforces the role of CLSs in the ILM by formalizing their existence and requiring them to maintain and submit land transaction records. Their role directly influences ILM outcomes by:

Making record-keeping of informal land transactions mandatory.

Creating institutional linkages between customary authorities and statutory land administration; and

Offering a legal basis for recognizing and validating oral and documented transactions by the family, stool or skin.

Despite this legal framework, institutional responses show that most traditional areas in Ghana do not have a functioning CLS.

*“No land records are being kept or updated,*

*Not visible CLS hinders security, not knowing what CLS does by people, period, advancement, not being proactive (Formal institution Interview 2025).”*

In this absence, informal land transactions continue undocumented, contributing to tenure insecurity, multiple sales, and increased disputes. CLSs that are operational can reduce these risks by issuing receipts, storing transaction records, and verifying parties involved. They provide a semi-formal mechanism that increases the legitimacy of land transactions and facilitates the preparation of documents for the Lands Commission or High Court. Also, there are operational limitations that persist as many CLSs face resource constraints, lack standardized procedures, and depend heavily on the cooperation of family heads to submit transaction data.

#### **4.2.4 Steps in Customary Land Administration Land Transactions**

Land transactions under CLA typically follow a sequence of four to six steps, highlighting both procedural diversity and an underlying structure within the ILM. As indicated in the chart “Steps in Customary Land Transactions,” the majority of respondents (9) outlined a five-step transaction process, while others reported either four steps (5 respondents) or six steps (3 respondents). This distribution reflects localized variations in transaction practices while indicating a common reliance on socially legitimate procedures, as shown in Figure 7. These variations show that customary land transfers are flexible yet culturally bounded processes.

### Steps Involved in Land Transaction in the ILM

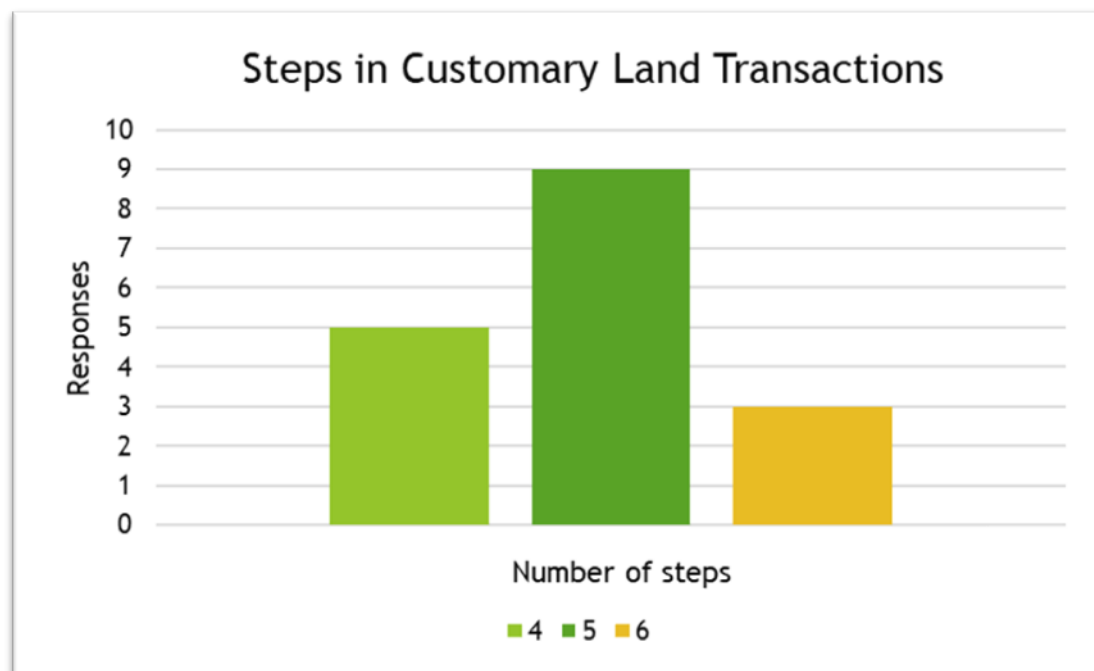


Figure 7: Steps in Customary Land Transaction

**Four-Step Process (5 respondents):** These transactions typically include 1) initial inquiry, 2) site inspection and demarcation, 3) negotiation and agreement, and 4) final approval and endorsement.

**Five-Step Process (9 respondents):** This was the most common sequence involving all major steps from 1) initial inquiry, 2) verification of ownership, 3) site inspection and demarcation, 4) negotiation and agreement, and 5) final approval and endorsement. These steps reflect the growing demand for clarity amid rising land disputes.

**Six-Step Process (3 respondents):** These transactions included 1) initial inquiry, 2) verification of ownership, 3) site inspection and demarcation, 4) negotiation and agreement, 5) final approval and endorsement, and 6) formal documentation (Field data, 2025).

#### What Each Step Involves in the Land Transaction Process

**Initial Inquiry:** Prospective buyers approach the landholding family, stool, or skin to express interest in acquiring land. This step formalizes the initiation of the transaction process within the customary domain.

**Verification of Ownership:** The prospective buyer verifies the availability of the land and the legitimacy of the landowner.

**Site Inspection and Demarcation:** The land is shown to the buyer, and boundaries are marked, reducing future disputes over plot size or encroachment. This step reflects the increasing demand for transparency and spatial certainty.

**Negotiation and Agreement:** This stage includes price negotiation and often involves symbolic tokens (e.g., drinks, sheep) or receipts. Despite being informal, these practices are deeply rooted in community trust systems and act as culturally validated contracts.

**Final Approval and Endorsement:** The transaction concludes with formal endorsement of an indenture by the family head and elders as witnesses with a token of appreciation. This grants the buyer social legitimacy, which may later support formal registration if needed.

**Formal Documentation:** This step is now growing, where the buyer registers the land using an indenture to record the transaction with the LC.

These processes, while efficient and accessible, reflect the duality of informality: they allow for flexibility and local control but often lack safeguards such as written records or legal enforceability. Efforts to harmonize these procedures with statutory systems, such as through CLSs, remain critical to improving record-keeping and minimizing disputes (Land Act, 2020, Section 14). However, their adoption and functionality remain inconsistent, as observed in the Sokode Gborge study area.

#### 4.2.5 Impact of Transaction Steps on Efficiency in Land Transfer

The customary land transaction process is widely perceived as efficient, largely due to its simplified procedures and minimal reliance on formal institutions. The majority of respondents (75%, or 13 out of 17) reported that land transactions are typically completed in less than a month. The remaining 25% indicated that the process may extend to between one and three months, often depending on the availability of key actors such as the family head and principal elders. Most respondents described the transaction as a streamlined process involving a direct sequence of inquiry, negotiation, and final endorsement.

Nonetheless, several constraints were identified that undermine the long-term efficiency of these transactions. Among these is the absence of systematic land records, which complicates the verification of ownership and hinders future dispute resolution. Additionally, the involvement of multiple actors, including extended family members and principal elders, can result in coordination challenges and delays, particularly where internal consensus is required (Buyers and Community Members, Field Interview 2025).

#### 4.2.6 Impact of Transaction Steps on Fairness in Land Transfer

The structure and execution of land transaction steps in CLA significantly shape perceptions of fairness in Ghana's ILM. Field data from Sokode Gborge reveal that while most transactions follow socially accepted procedures involving family heads and elders, inconsistencies in documentation, coordination, and communication affect fairness, particularly for vulnerable buyers.

The field interview indicates that 65% of respondents emphasize being shown the land in person by the family head or other principal actors before finalizing a transaction. These respondents described being physically escorted to the land site, where boundaries were pointed out and, in some cases, a private surveyor was engaged to take measurements and prepare an indenture. This participatory demarcation process was seen as a critical step for ensuring clarity, transparency, and mutual trust between parties. However, fairness is often compromised by a lack of procedural consistency and inadequate record-keeping.

*"The land sold to me was later sold to another person by another family member (Buyers, Field Interview 2025)."*

However, about 35% of respondents noted that fairness was undermined by inconsistencies in procedures and poor recordkeeping. These challenges often led to confusion, overlapping claims, and disputes, particularly in cases where family factions were not fully coordinated or where transactions lacked written documentation. Respondents expressed concerns about unclear endorsement processes and the absence of reliable records to resolve conflicts. Such procedural gaps disproportionately affect those unfamiliar with local customs or lacking strong community ties, exposing them to risks of misrepresentation and exclusion from dispute resolution processes.

This case illustrates how the absence of clear, centralized records can lead to overlapping claims and disputes. Others shared concerns about misinformation or having to deal with different family members offering contradictory terms. In many cases, buyers expressed uncertainty about whether they had dealt with the right authority within the family, as there was often no written document to back the transaction unless the buyer took steps to prepare one.

### 4.3 Influence of land information on the Informal Land Market in the Customary Land Administration

This section examines the role of land information in shaping the ILM under CLA. It focuses on the types of land records maintained, how they are managed, and the extent to which their accuracy and availability affect land value, transaction efficiency, transparency, and local decision-making.

#### 4.3.1 Types of Land Records Maintained by Customary Land Administration and Their Management

CLA functions without a formalized or centralized land records management system in the study area. As confirmed by 14 respondents, there is no structured approach to maintaining or updating land records, rendering most documentation personal, scattered, and inaccessible. One respondent summarized it succinctly: "There is nothing to be updated because there are no formal records."

Despite the absence of a formal record-keeping system, people still rely on informal documents, such as indentures, receipts, and oral agreements, to confirm and prove that a land transaction has taken place, especially in cases of disputes or when ownership needs to be verified. Figure 1 below shows the various types of documents maintained under the CLA system. The indenture, prepared with the help of private surveyors and endorsed by family heads or elders, was the most frequently mentioned document by 14 respondents. This is followed by receipts mentioned by 6 respondents, which serve as informal proof of payment. A smaller number of 4 respondents cited the use of oral agreements, typically sealed through verbal consent or symbolic gestures, although this practice is increasingly rare in peri-urban contexts.

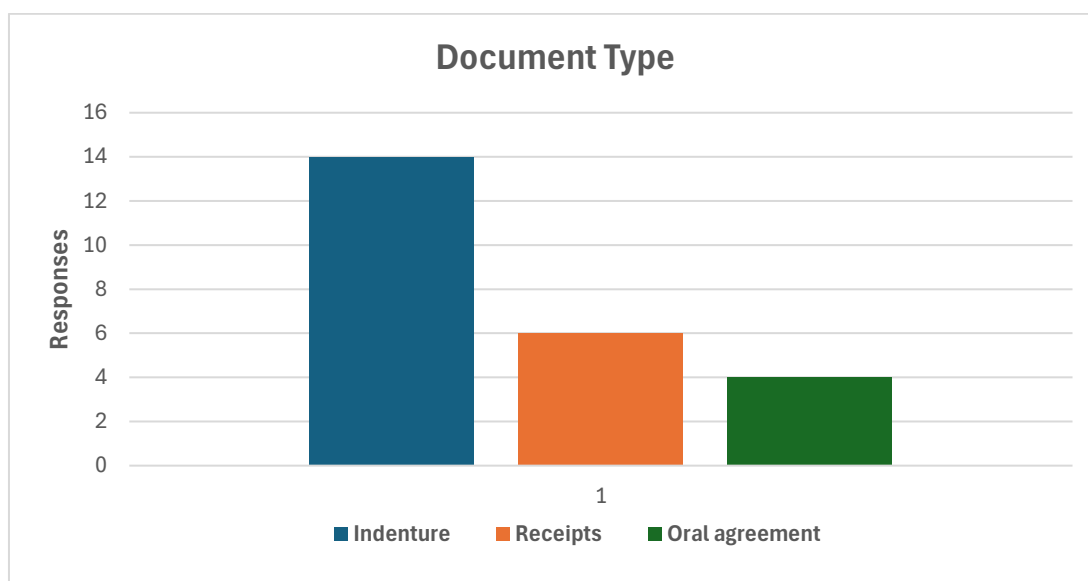


Figure 8: Document Type in the ILM

This accompanying image illustrates a typical indenture document endorsed under customary authority, emphasizing the semi-formal nature of documentation within the ILM. While indentures and receipts are commonly used to verify land ownership, their informal storage and the lack of institutional oversight reduce their reliability and hinder their compatibility with formal land administration systems.

#### 4.3.2 Effects of Land Records on Land Value in the Informal Land Market

In the operations of CLA and the ILM in Sokode Gborgame, it became evident that formal land records are largely absent, and land transactions are conducted without access to verifiable documentation. Based on the responses gathered, 82% of participants, as shown in Figure 9, indicated that the availability of land records does not influence the value assigned to land. Instead, land value is shaped predominantly by other factors such as location, the intensity of land demand, and the personal discretion or interest of the landowner. This trend is consistent across all stakeholder groups,

*"No land records are available, but when the land belongs to the right person and it has not already been sold, land is expensive, Availability of land records has no impact on pricing, but the location of the land (Buyers, Field Interview 2025)."*

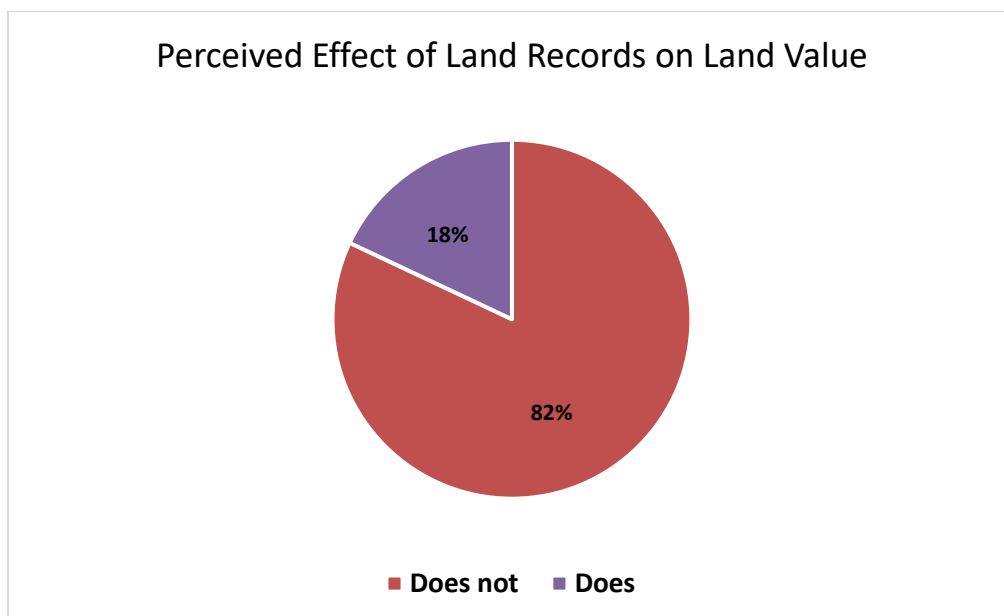


Figure 9: Perceived Effect of Land Records on Land Value

This emphasizes that land prices are shaped primarily by ownership legitimacy, location, and whether the land has previously been sold, not by documentation.

Similarly, stakeholders stressed that while documentation can reduce the risk of fraud, it does not influence pricing decisions. Instead, land use potential, trust in sellers, and geographic attributes were emphasized.

*"Helps to know the price of the land beforehand, know what to use it for, and reduce being involved in fraudulent transactions (Community, Field Interview 2025)."*

Family heads were even more explicit during the interview, stating that land records play no role in setting land prices, which are determined instead by the seller's discretion and context-specific factors like demand and location:

*"Land values do not depend on land records since there are none in existence, We do not look through any records to price land for buyers but use our discretion (Family Heads, Field Interview 2025)."*

Similarly, formal institutions acknowledged that land prices are not informed by the quality or presence of records, but by location and the interests of landowners:

*"Land records do not influence price, but location determines the value or interest of the family heads (Formal Institutions, Field Interview 2025)."*

In contrast, 18% of respondents who perceive a link between land records and value associated this with greater confidence in ownership, fewer disputes, and a more structured transaction process. These respondents suggested that better documentation could raise land value in future scenarios where formalization expands.

*"Land prices are impacted when records are available (Formal Institutions, Field Interview 2025)."*

Although land documentation is limited and inconsistently applied in CLA settings, its current impact on land valuation remains minimal. Instead, pricing is shaped by social trust, physical location, demand, and discretionary decisions, reinforcing the deeply informal nature of land markets in the study area.

#### 4.3.3 Effects of Land Records on Transaction Efficiency in the Informal Land Market

Transactions within the ILM are widely perceived by respondents to be fast, low-cost, and accessible characteristics that contribute to a general sense of efficiency. However, this perceived efficiency is often undermined by the absence of proper documentation, which leads to repeated sales, verification delays, and disputes. As revealed by 65% of respondents, they believe that the availability of land records would significantly enhance transaction efficiency in the ILM. This suggests that records can improve the speed, transparency, and reliability of transactions. In contrast, 35% indicated that land records do not significantly affect how efficiently the ILM operates, reflecting a continued reliance on social trust and customary arrangements.

These transactions often take longer to complete due to the need for multiple layers of informal verification. In the absence of reliable records, buyers rely on community members, neighbouring landowners, and family heads to validate ownership and determine whether a parcel has already been sold. Also, it was noted that the absence of accessible information causes costly delays and increases the risk of double sales. Again, inefficiencies emerge when it is unclear which portions of the family land have already been sold due to poor record-keeping.

*“You have to ask around, visit the site, find out if someone else hasn’t bought it already before you can proceed. It wastes time (Buyers, Field Interview 2025).”*

*There is no information. More time has to be spent to investigate a piece of land, which is costly (Community, Field Interview 2025).”*

*Transactions happen without the knowledge of the whole family because there’s no proper documentation. We don’t know which areas have already been sold (Family Head, Field Interview 2025).”*

This division in responses highlights the dual nature of the ILM, efficient in terms of accessibility and social negotiation, but constrained by informality, lack of documentation, and the risk of disputes. While some stakeholders have adapted through trust-based mechanisms, the absence of reliable land records continues to hinder the development of a timely, secure, and predictable transaction environment under CLA.

#### **4.3.4 Impact of Land Information Accuracy and Availability on Transparency in the ILM**

Transparency in land transactions within the ILM is significantly constrained by the absence of structured land information systems. Although CLA rarely maintains formal records of land transfers, some basic documents, such as endorsed indentures and receipts, are occasionally provided and retained by buyers. Stakeholder groups consistently revealed that the lack of accurate and accessible land records contributes to misinformation, repeated sales, and disputes, thereby undermining transparency in the ILM.

As depicted in Figure 10, respondents were asked to identify the main contributions that accurate and available land information could make to enhancing transparency. Four key benefits were consistently cited: clear ownership, accountability, improved trust, and reduced incidence of multiple sales.

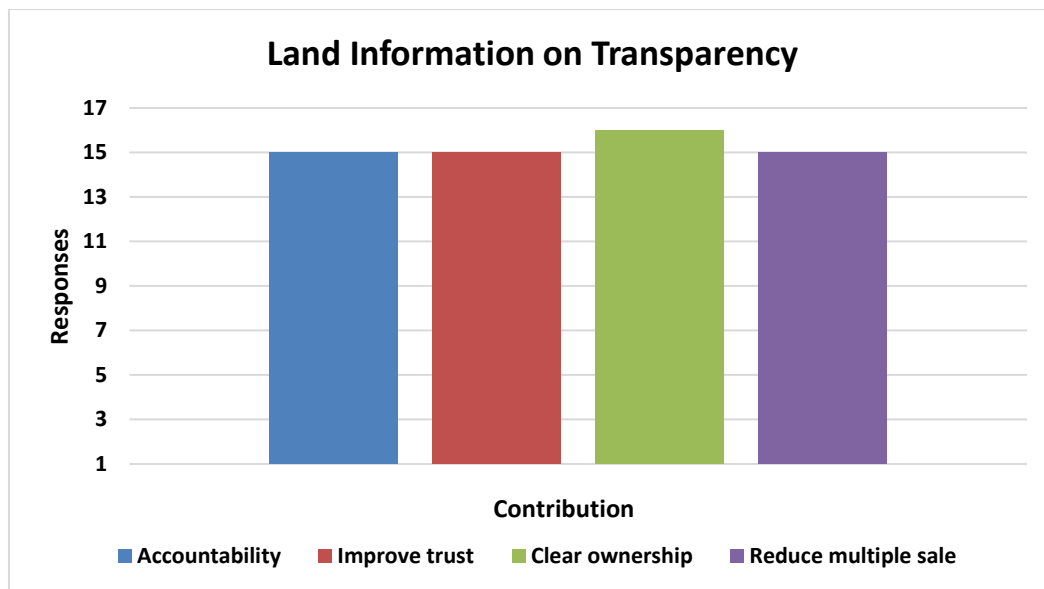


Figure 10: Land Information on Transparency

Among these, clarity of ownership received the highest mention, indicating that participants view clear and well-defined ownership records as the most essential component of a transparent land market. Respondents further linked accountability to the involvement of family heads and the need for transparent decision-making in land allocations. The emphasis on trust underscores the importance of credible and verifiable information in building buyer confidence, particularly in contexts where transactions are often conducted without formal oversight. Additionally, accurate records were viewed as a preventive measure against the multiple sale of the same parcel, a common challenge in informal systems.

These findings are echoed in several field responses. For example, one community member remarked:

*“Having accurate land records can improve trust and transparency because the buyer knows who the land belongs to and if it is available to buy (Community, Field Interview 2025).”*

Similarly, a family head emphasized the importance of inclusivity and openness, stating

*“We make the request for land open for everyone and also before a transaction starts and ends, principal members have to be present (Family heads, Field Interview 2025).”*

Formal institutions also acknowledged the connection between land records and transparency in dispute resolution:

*“We can only mediate or help when records exist. Otherwise, it takes longer or goes to court (Formal institution, Field Interview 2025).”*

The findings indicate that although land transactions within the ILM predominantly take place through informal mechanisms, the availability of accurate and accessible land information, even in its most basic form, has a significant role in enhancing transparency. Such information supports clearer ownership identification, reinforces accountability, fosters trust among stakeholders, and helps mitigate the risk of multiple sales.

#### 4.3.5 Impact of Land Information Accuracy and Availability on Decision-Making in the Informal Land Market

In the ILM, land transactions typically occur without formal documentation or structured information systems. Despite this limitation, field data demonstrate that when any form of land information, however informal or basic, is made available, it plays a meaningful role in decision-making during land transactions. Responses across stakeholder groups indicate that access to accurate information, even in the form of



family-held knowledge, receipts, or endorsed indentures, contributes to more confident and timely decisions.

As presented in Figure 11 below, participants identified four major ways in which available land information contributes to decision-making in the ILM: reduces risk of disputes and fraud, boosts confidence, encourages investment, and speeds up the decision process.

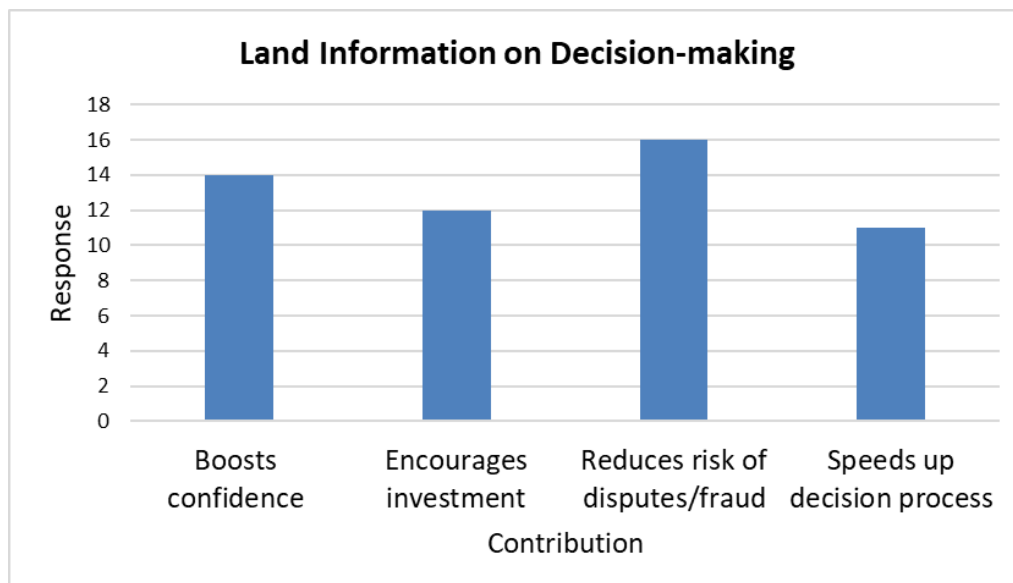


Figure 11: Land Information on Decision-Making

Among these, the most frequently cited benefit was the reduction of disputes and fraudulent claims, highlighting how clarity on ownership or transaction history can help avoid overlapping sales or contested boundaries. A significant number of respondents also noted that confidence in land-related decisions improves when information such as who owns the land, its availability, or its history is made accessible.

*“The availability of land records helps in proper distribution among family members, on who has the right to use a piece of land, and decisions are fair since all the information will be available to access., It helps to decide on the acquisition of land better, prevents sales of land to different buyers, defines boundaries for lands belonging to the family, what has been sold, and who is available (Family heads, Field Interview 2025).”*

*“Decisions are affected because all the information needed for the transaction has been provided, making the transaction easy and fast (Community Member, Field Interview 2025).”*

*“Helps to know the price of the land beforehand, know what to use it for, and reduce being involved in fraudulent transactions (Buyer, Field Interview 2025).”*

These responses demonstrate that while formal land information is generally absent in ILM, participants across all stakeholder groups acknowledge that the availability of any form of land documentation contributes to more timely, confident, and informed decision-making. Where land information is available, it is used to inform decisions regarding ownership verification, investment readiness, transaction timing, and risk mitigation.

#### 4.3.6 Hotspot Mapping of Multiple Land Sales in Sokode Gborgame

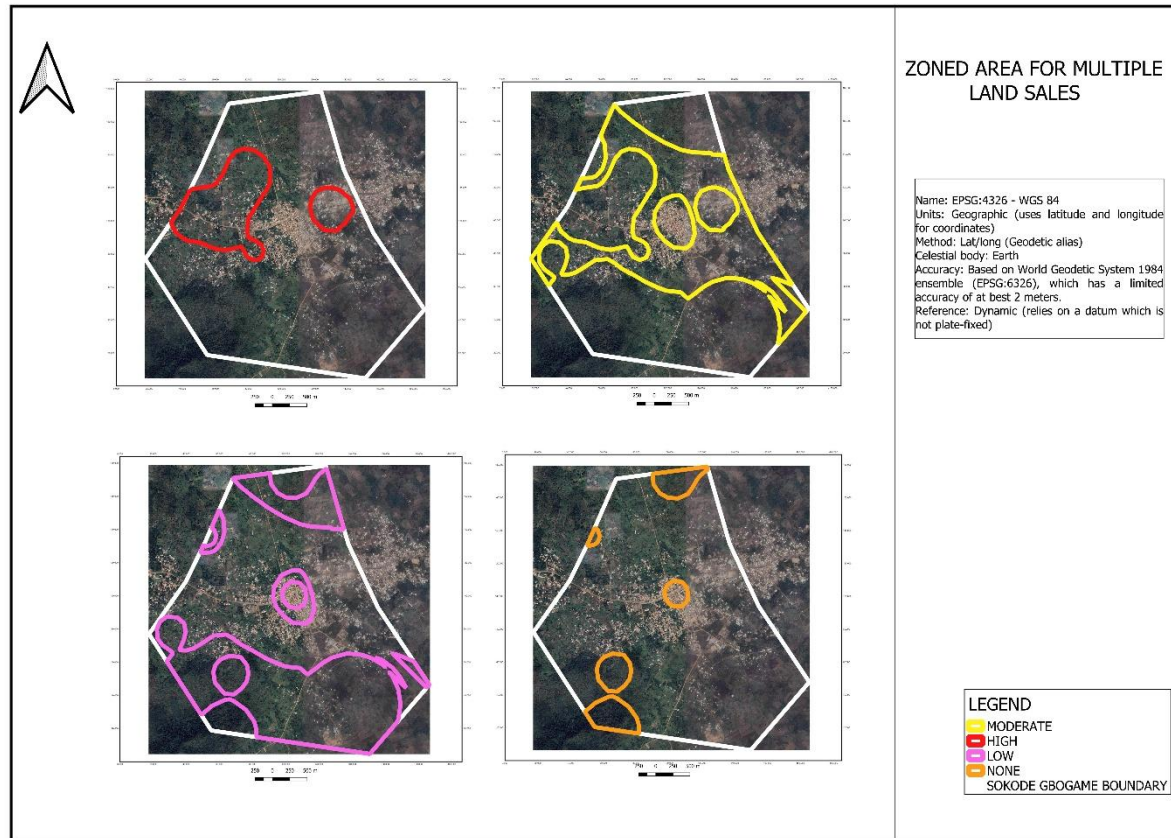


Figure 12: Zoned areas for multiple land sales

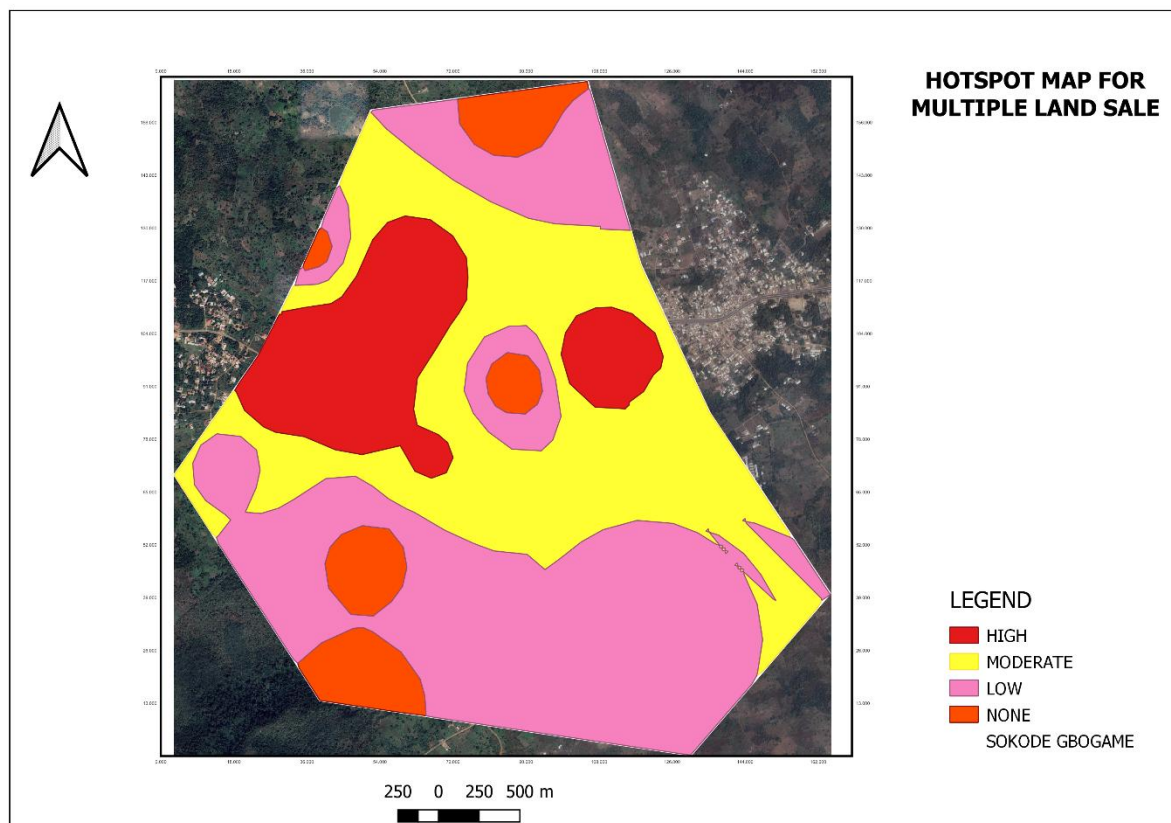


Figure 13: Hotspot map on multiple land sales

The map of Sokode Gborgame, as depicted in 12 and 13, visually depicts the spatial distribution of multiple land sales, highlighting areas most affected by repeated transactions on the same parcels. Zones marked in deep red represent high-intensity hotspots, often corresponding with locations experiencing rapid and ongoing development. These areas face heightened land tenure risks, characterized by overlapping claims and unauthorized transactions.

Adjacent to these hotspots are moderate-risk zones, indicated by yellow or transitional tones, which suggest the potential for the issue to spread beyond the central high-risk core. This pattern suggests that as development expands outward, the likelihood of transactional overlaps increases, particularly in peri-urban and transitional zones.

In contrast, areas shown in purple and orange represent zones where multiple land sales are minimal or nonexistent. These tend to be either fully developed areas with community recognition and formal ownership or areas with no signs of development. This map was created to visualize the geographical components where multiple land sales are happening in the study area. The spatial pattern emphasizes the need for targeted land administration interventions in high-risk areas and proactive governance in moderate-risk zones to prevent future land issues.

#### **4.4 Evaluating a Transaction Verification Framework for Aligning Customary and Formal Land Administration Systems**

This section introduces and evaluates a proposed transaction verification framework designed to bridge gaps between customary and formal land administration systems. It presents field evidence on existing verification practices, identifies essential framework elements, and outlines how these can enhance transparency, reduce land disputes, and support tenure security in the ILM.

##### **4.4.1 Transaction Verification Procedures under Customary Land Administration and the Informal Land Market**

Under the CLA and within the ILM, land transactions are typically verified through a series of informal but socially recognized procedures. According to stakeholder responses, a critical step before completing any transaction is confirming that the land is genuinely available for purchase. This process, commonly referred to by respondents as conducting "due diligence," is performed informally but follows a sequence that stakeholders broadly recognize.

*"Community members, family heads and family members,  
Community members, family heads and members, lands commission,  
From the formal institution, people staying close to the land and community members,  
From neighbours (Buyer, Field Interview 2025)."*

As illustrated in Figure 14, the verification process begins with community inquiry, where prospective buyers consult neighbouring land users or residents to identify the rightful owner of the land. This is an initial oral inquiry that provides insight into the ownership status.

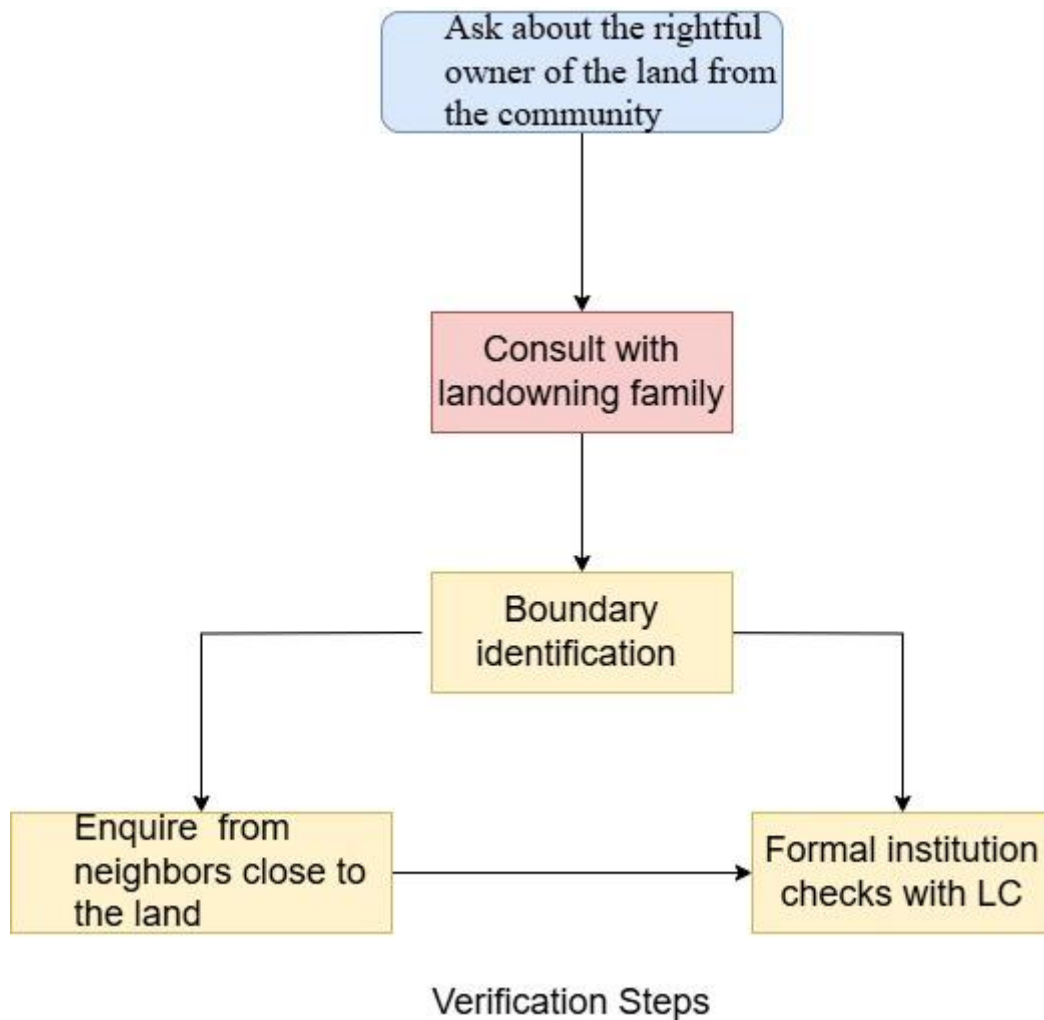


Figure 14: Verification Steps

Source: Author's Construct based on fieldwork, 2025

Once ownership is preliminarily confirmed, the buyer consults the family head or principal elders of the owning group to verify the land's availability for sale. If the land is deemed available, the landowner may request a commitment or token from the buyer before proceeding to the next stage.

The third step involves boundary identification, which is increasingly carried out by a private surveyor, particularly in peri-urban and urbanizing areas where land commodification is advancing. This stage allows for the delineation of the plot and preparation of a site plan.

Following boundary identification, buyers typically take one or both of the following steps:

Conducting a final oral confirmation with neighbouring residents to ensure the land is indeed vacant and uncontested, and/or requesting an official search from the LC using the site plan to verify ownership and prevent overlapping claims.

This sequence of steps reflects a gradual shift from purely informal to hybrid verification methods, as actors increasingly incorporate formal elements such as private surveyors and LC searches to safeguard land deals, especially in areas experiencing rapid land value increases. This analysis is grounded on sights gathered directly from interviews with key stakeholders. The data provides a solid foundation for developing the next stage of the study, which focuses on identifying the core elements and proposing a framework for transaction verification under CLA.

#### 4.4.2 Elements for a Transaction Verification Framework in Customary Land Administration (CLA)

Field data collected from Sokode Gborgame through interviews with various stakeholders, including buyers, family heads, community members, and representatives from formal institutions, revealed seven core elements that respondents consider essential for a transaction verification framework aimed at enhancing transparency and tenure security in the ILM. The responses reflect a shared understanding among actors of the risks and vulnerabilities associated with unregulated land transactions and point to practical safeguards rooted in both local practice and expectations of legitimacy.

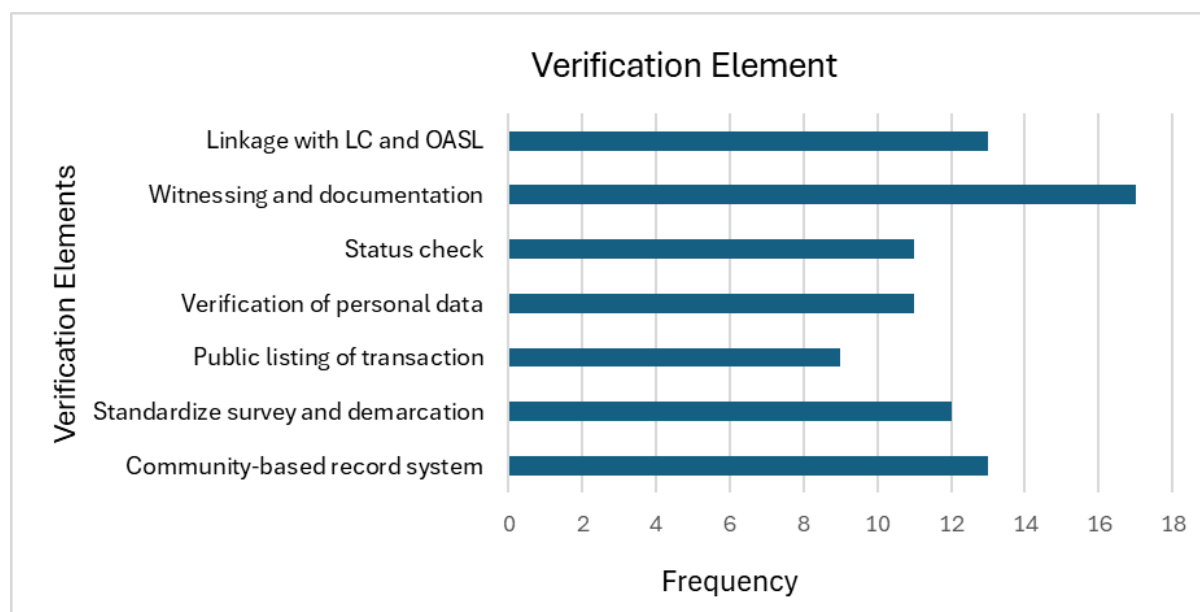


Figure 15: Verification elements

As depicted in Figure 15, the most frequently cited element was witnessing and documentation, mentioned by 17 respondents. This involves formalizing agreements through signatures in the presence of trusted community members, family heads, or designated local authorities, ensuring social legitimacy and local accountability. Respondents emphasized the role of documentation, such as signed receipts, indentures, or endorsed forms, as a vital reference for conflict resolution or ownership verification, addressing a key vulnerability in customary systems where oral agreements predominate.

Community-based record systems and linkages with formal institutions, such as the LC and the OAS, were highlighted by 13 respondents. These mechanisms are seen as essential for bridging the gap between informal practices and statutory requirements. Community records were valued for their accessibility and trustworthiness, while integration with formal entities was deemed necessary to enhance the legal validity of transactions. Respondents frequently pointed to CLSs as potential hubs for maintaining these linkages, aligning informal and formal land governance systems, but they are not available in the study area.

*“There should be policies that mandate traditional authorities to submit their transactions to the formal institutions, not optional (Buyer, Field Interview 2025)”*

Standardized surveys and demarcation of land boundaries, noted by 12 respondents, emerged as a critical concern, particularly in peri-urban areas where rising land values exacerbate boundary disputes. Stakeholders emphasized that without standardized demarcation practice, verifying ownership or transfer rights remains challenging, underscoring the need for clear, agreed-upon boundaries to prevent conflicts and ensure secure tenure.

*“Land owning families should employ [surveyors] for proper demarcation (Formal institution, Field Interview 2025).”*

Verification of personal identity and status checks to prevent multiple sales were each mentioned by 11 respondents. Stakeholders stressed the importance of confirming the legitimacy of both buyer and seller through ID cards or local references, as well as ensuring the land has not been previously sold or is not

under dispute. These steps were regarded as foundational for preventing overlapping claims and fostering trust in the transaction process.

Finally, public listing of transactions proposed by 9 respondents was suggested as a mechanism to enhance visibility and reduce secrecy. Publicly accessible transaction lists, whether through community notice boards or digital platforms, were seen as tools to curb fraudulent re-sales and promote community-level transparency, addressing a key limitation of the ILM's informal structure.

#### **4.4.3 Aligning Customary and Formal Land Systems Through Transaction Verification**

Insights derived from interviews conducted in Sokode Gborgame with key stakeholder groups indicate widespread support for developing a transaction verification framework. Such a framework is perceived as a viable mechanism to facilitate meaningful alignment between CLA and the formal land governance system. Although these systems currently operate mainly in isolation, the elements identified by respondents reveal a shared intention to strengthen tenure security and enhance transaction transparency in the land market through the adoption of mutually agreed-upon processes and structures.

Across the respondent groups, there was a significant emphasis on the role of witnessing and documentation. Buyers and family heads, in particular, described how current practices involve the issuance of receipts and indentures, often endorsed by family heads and principal members. The buyer typically retains these documents but is not formally registered. Respondents indicated that such records would gain increased legitimacy if co-signed or verified by formal bodies such as the LC or OASL. This desire for dual recognition, thus, customary endorsement backed by formal acknowledgment, was frequently cited as a way to reduce fraud and support the legal enforceability of informal transactions.

Furthermore, both traditional authorities and institutional actors underscored the absence of CLSs in the study area as a major limitation to integration. Family heads reported that while some land documents are created, they are often stored in informal ways or lost entirely, leaving no reliable history of land use or ownership. Formal actors, on the other hand, described CLSs as critical entry points for facilitating record-sharing and administrative coordination between local communities and the formal registry. Several respondents suggested a hybrid arrangement, where records are initiated and maintained at the community level, but periodically verified or uploaded through CLSs and LC into formal databases. This would preserve customary legitimacy while ensuring consistency and supervision at the national level.

A particularly pressing issue across stakeholders was the lack of accessible, accurate, and up-to-date land records. Family heads acknowledged that the absence of proper documentation often leads to multiple sales of the same parcel, resulting in disputes and weakened trust. Buyers similarly expressed concerns about the risks posed by oral agreements or undocumented claims. In response, respondents proposed the introduction of community-based land records, supported by public transaction listings. These measures, they suggested, would promote transparency by allowing transactions to be visible and traceable within and beyond the community. While such records could be locally managed, they would benefit from supervision or verification by statutory authorities to maintain their integrity and validity.

Stakeholders also emphasized the importance of standardized boundary demarcation, particularly in peri-urban areas where land demand and disputes are high. According to both stakeholders, private surveyors are often engaged to prepare site plans for land sales. Respondents advocated for the formalization of this practice by aligning it with cadastral mapping standards and linking survey data to the formal registry. This would ensure spatial accuracy and reduce the likelihood of boundary-related conflicts.

Again, the field data also revealed growing demand for joint validation mechanisms. Buyers and community members expressed greater confidence in transactions that were endorsed by both the customary authorities (e.g., chiefs, family heads) and formal institutions (e.g., LC or OASL). They associated this dual validation with increased legal clarity and reduced risk, particularly in cases of conflict or resale. Formal institutional actors confirmed this perspective, suggesting that such partnerships could reduce disputes and build public confidence if supported by clear, collaborative procedures for transaction endorsement and resolution.

The data collected suggests that a transaction verification framework built on locally grounded practices, such as witnessing, community-level documentation, and family involvement, combined with formal supervision mechanisms, including institutional linkages, legal registration, and record verification, can serve as a practical tool for aligning customary and formal land systems.

#### **4.5 Chapter Summary**

This chapter analyses the role of CLA in Ghana's ILM, focusing on Sokode Gborgame. It highlights how family heads and elders oversee land transactions through traditional practices, often lacking formal documentation. The chapter identifies key transaction types of inheritance, leasehold, gifts, and renting and their impact on tenure security and land access. It reveals that weak land records contribute to issues like multiple sales. A transaction verification framework is proposed to align the CLA with formal systems, aiming to enhance transparency, security, and efficiency in land transactions.

## **5. DISCUSSION**



This chapter critically discusses the study's findings in relation to its four sub-objectives. It interprets the significance of these results, compares them with existing literature, and evaluates their implications for CLA and ILM in Sokode Gbogame, Ho Municipality, Ghana. The discussion is organized by sub-objective to provide a clear and evidence-based interpretation of how CLA influences the ILM and the potential for harmonization with formal land systems.

### **5.1 Role of Customary Land Administration in the Informal Land Market**

CLA remains the dominant institution for land governance in Sokode Gbogame, where family heads are recognized as the central authorities in managing land, supported by principal elders and, in some instances, chiefs. This governance structure aligns with the lineage-based trusteeship systems described by Kasanga and Kotey (2001) and Ubink (2008), which emphasize collective accountability and legitimacy rooted in customary norms. Authority under this system is derived from tradition, communal recognition, and shared responsibility, which Ubink (2008) terms a legitimacy-based customary tenure system.

However, findings from Sokode Gbogame indicate that in areas experiencing increased land demand, particularly due to urban expansion, decision-making occasionally bypasses the traditional consultative process. This erosion of communal oversight reflects concerns raised by Boamah (2014) and Chimhowu (2019), who argue that rising land values disrupt traditional checks and open the door to elite capture and fragmented authority. These developments raise critical concerns about the sustainability and fairness of CLA in the face of evolving socio-economic pressures. This has led to a significant shift in the operations of the CLA in the ILM.

Despite these changes, customary practices such as the offering of a lamb, local drinks, and money during land transactions continue to play both symbolic and regulatory roles. These rituals not only validate the transaction but also serve as public confirmation of consent, reinforcing social legitimacy within the community. This was stated by Yeboah and Shaw (2013), who emphasize the permanent regulatory role of traditional customs in land governance. However, alongside these rituals, there is a growing trend toward hybrid practices, especially the use of unregistered indentures to supplement oral agreements. Akwensivie and Abedi-Lartey (2022) describe this as an attempt to align customary systems with market demands for traceability and legal clarity. Also, according to Abdulai (2024), such hybrid systems combining documentation with customary rituals are emerging in response to the dual pressures for legal security and cultural legitimacy.

This trend reflects a persistent pattern in which buyers increasingly prioritize affordability, accessibility, and community-based legitimacy over formal documentation when engaging in land transactions. These observations align with Kwakye et al. (2024), who emphasize that even when formal legal procedures are introduced, customary authorities remain the gatekeepers of land legitimacy in Ghanaian communities. However, this reliance on informal legitimacy does not fully protect actors from the effects of market pressure. Agyemang et al. (2024) and Ubink and Amanor (2022) observed that land tenure security in Ghana's informal markets is increasingly threatened by growing commercialization and inadequate institutional support are undermining tenure security and diminishing the authority of traditional leaders in urbanizing areas.

In Sokode Gbogame, interview results showed that 88% of respondents accessed land through the informal market without significant barriers, indicating a high level of perceived inclusivity. However, follow-up interviews revealed that this openness often masks informal exclusions. Access may be shaped by economic capacity or familial proximity to traditional leaders, suggesting that equity is not uniformly upheld. These findings support the arguments by Abdulai (2024) and Kwakye et al. (2024), who highlight that while CLA offers broad access, internal family dynamics and economic inequalities continue to restrict fair land access, particularly in commodified peri-urban areas.

Furthermore, the results highlight a deeper challenge to long-term tenure security. The results show that only 35% of respondents expressed confidence in the long-term security of their land tenure, even when some form of documentation was present. This reflects ongoing vulnerability to future disputes and multiple land sales, which reinforces the argument by Ubink and Amanor (2008) that traditional legitimacy is increasingly challenged by market forces, leading to insecurity in the absence of formal safeguards.



The findings demonstrate that CLA remains the dominant system for regulating land transactions in Sokode Gborgame, with family heads and elders acting as key decision-makers. This has important policy implications, as it affirms the argument made by Ubink (2008) that statutory systems should not seek to override customary institutions but rather find ways to work alongside them. In practice, this suggests a need to empower and guide customary leaders through legal literacy training or simplified operational frameworks to enhance consistency and fairness in their decisions. Theoretically, the findings support the concept of legal pluralism, reinforcing that coexistence rather than replacement of land systems is critical for tenure legitimacy and social acceptance.

## 5.2 Operations of Land Transactions under Customary Land Administration

Land transactions in the ILM in Sokode Gborgame are diverse and include inheritance, leasehold, customary freehold, allocations, farming arrangements (such as *abusa* and *abunu*), renting, and gifts. Among these, inheritance and leaseholds are the most dominant. This pattern aligns with Gyamera (2018), who describes peri-urban land markets in Ghana as increasingly hybrid, combining traditional practices like inheritance with more commercialized arrangements such as leaseholds and rentals. The continued reliance on oral inheritance and undocumented allocations has become a major source of conflict, especially in areas experiencing land commodification and urban expansion (Mawuli Asafo, 2020; Ehwi & Asante, 2016).

Despite the introduction of the Land Act, 2020 (Act 1036), which permits lawful gifting and recognizes family heads as trustees of family land, field findings reveal that transactions often lack formal documentation and recorded consent. These gaps hinder the legal recognition of customary transactions. Gyamera (2018) and Anthony Arko-Adjei (2011) emphasize that although the Act provides a framework for lawful transactions, high registration costs and limited public awareness contribute to persistently low registration rates. As a result, many leasehold and gift transactions remain informal, exposing lessees and recipients to tenure insecurity.

Customary actors, primarily family heads and principal elders, play a central role in mediating in land transactions and, where CLSs are operational, formalizing these land transactions. The legal recognition of family heads under the (PNDCL 114, 1985) Land Act, 2020 implies an expectation of transparency and communal accountability in land decisions. However, as revealed by Sasu et al. (2024), weak oversight and the discretionary authority of these actors can result in procedural inconsistencies, overlapping claims, and perceived unfairness. While CLSs have been applauded for improving land documentation and dispute resolution in other parts of Ghana (Akwensivie et al., 2023), their absence in Sokode Gborgame has created institutional gaps that undermine effective governance and allow for multiple sales of the same land.

Land transactions in the study area typically follow a sequence of four to six stages: inquiry, verification, demarcation, negotiation, endorsement, and occasionally documentation. Most transactions are completed within a month, indicating procedural efficiency. However, challenges such as poor coordination among actors, lack of standardized processes, and fragmented or inaccessible records often hinder the smooth completion of transactions. These deficiencies in record-keeping undermine procedural fairness and increase the risk of overlapping claims, mirroring the broader concerns highlighted by (Akaateba, 2019). Although participatory demarcation processes are employed in some instances to enhance transparency, their inconsistent application leaves certain groups, particularly first-time buyers, exposed to fraud and misinformation.

The commodification of land in peri-urban areas further complicates land governance. Abdulai (2024) observes that customary sharecropping arrangements like *abusa* and *abunu* are under threat, as rising land values create incentives for landowners to convert these lands into leaseholds or sell them outright. This dynamic places farmers at risk of eviction and economic displacement. Similarly, Arko-Adjei (2011) highlights that although freehold transactions are legally restricted to protect collective land ownership, the absence of reliable documentation systems continues to expose landholders to dispossession, exclusion from the land market, multiple land sales and conflict.

Strengthening land governance in these contexts requires reinforcing institutional capacity and integrating customary and formal systems. Kidido and Ajabu (2023) argue that operationalizing and resourcing CLSs

is essential for improving the efficiency, transparency, and security of land transactions. The development of hybrid practices, such as the use of semi-formal documentation alongside customary rituals, can help bridge traditional norms and legal requirements, improving both transaction traceability and legitimacy (Abdulai, 2024).

The research highlights that informal land transactions under customary systems are often undocumented, involve symbolic payments, and lack standardized procedures, which contributes to tenure insecurity and potential disputes. This has policy implications for how reforms approach informality. Rather than eliminating such processes, policymakers should support intermediary tools that formalize key elements such as documentation and receipts without disrupting customary norms. On the practical side, the involvement of community-based land recorders or paralegals could help standardize records while maintaining trust within the community. This finding also supports Amanor's (2010) argument that understanding and integrating informal practices is essential for building sustainable land administration systems.

### **5.3 Influence of Land Information on the Informal Land Market in Customary Land Administration**

The findings in Sokode Gborgame indicate that while land transactions are mostly informal, land information availability and quality will significantly influence decision-making, transaction efficiency, and market transparency. However, this influence does not yet translate into land value, demonstrating the ILM's departure from market logic typical of formal land systems.

Land records such as endorsed indentures and basic receipts are informally maintained by some family heads or individual buyers but lack consistency and legal enforceability. This informal system corresponds with Sasu et al. (2022), who identify poor record-keeping as a common cause of disputes in customary land systems. Field data Figure 9 show that 82% of respondents believe land records do not impact land value, suggesting that other drivers, such as location and demand, hold more weight. This deviates from formal land markets, where clear documentation enhances land value (Deininger & Goyal, 2023).

Nonetheless, 18% of participants believe that land records can enhance value by deterring fraud and building trust. This suggests a shifting perception that may open space for hybrid documentation systems. As (Ameyaw & de Vries, 2023) argue, unreliable land records hinder market functionality, a view echoed by 65% of participants who said that land records would reduce delays and multiple land sales Figure 11. The frequent need for informal verification, such as asking neighbors or community members, reflects deep inefficiencies.

Field narratives reveal that when land records exist, it promotes accountability, ownership clarity, and dispute prevention. This supports (Ameyaw & de Vries, 2020), who emphasize the role of transparent land information in governance and market confidence. Figure 12 highlights four benefits participants associated with accurate land information: clear ownership, trust, accountability, and reduced multiple sales.

Decision-making in the ILM is also significantly shaped by available land information (Figure 11). Participants consistently reported that even basic documents improved their confidence in purchasing, allowed for a better assessment of land use options, and encouraged quicker investments. These findings reflect (Wiejak-Roy, 2024), who identify reliable land information as essential to market predictability, investment security, and fraud reduction. Notably, family heads highlighted that documented knowledge of family ownership enhances fair land distribution.

A geographic layer to these findings was revealed through the hotspot mapping in Section 4.3.6 (Figure 12Figure 13), which visualizes spatial patterns of multiple land sales in high-demand areas. These align with zones where documentation is weakest and where rapid development pressures exceed the capacity of customary revealing the spatial consequences of poor land information systems. The Hot Spot map thus plays a crucial role beyond visualization, as it serves as a decision-support tool for identifying priority areas that require land governance reforms. Its usability extends to customary authorities, local government, and land sector agencies for targeting public awareness campaigns, initiating community-level record-keeping

improvements, and allocating resources for dispute resolution. As such, hotspot mapping could form part of a broader spatial framework for strengthening land information systems in peri-urban ILM. The absence of CLSs in Sokode Gborgame further compounds these issues. CLSs have been shown in other regions of Ghana to have a centralized record and resolve disputes effectively (Akwensivie et al., 2023). Their absence in Sokode underscores a key institutional gap.

The findings suggest that access to reliable land information in the informal market is limited due to fragmented family-held records, inadequate documentation, and a lack of transparency. This undermines market efficiency and contributes to mistrust among actors. Studies by reinforce this perspective by emphasizing that integrating informal and customary land records into formal systems is key to achieving tenure security, transparency, and effective land markets. Practically, local authorities and customary custodians could collaborate on a standardized system for recordkeeping to support structured community archiving of land records. The findings reinforce the theory that transparent and accessible land information is a foundational element of a functioning and secure ILM.

## **5.4 Evaluating a Transaction Verification Framework for Aligning Customary and Formal Land Administration**

This section discusses a conceptual framework for verifying customary land transactions, developed with empirical findings presented in Chapter 4.

### **5.4.1 Transaction Verification Framework for Land Transactions**

The framework addresses the transactional challenges observed in the ILM under CLA in Sokode Gborgame. Specifically, it integrates community-led processes with formal land institutions to improve transaction legitimacy, transparency, and tenure security.

The study identified key gaps, including weak documentation, reliance on oral agreements, absence of CLSs, and limited coordination between customary and formal institutions. Drawing on these findings and the reviewed literature, the framework introduces a stepwise process built around a central "Status Check" that functions as the critical verification gateway.

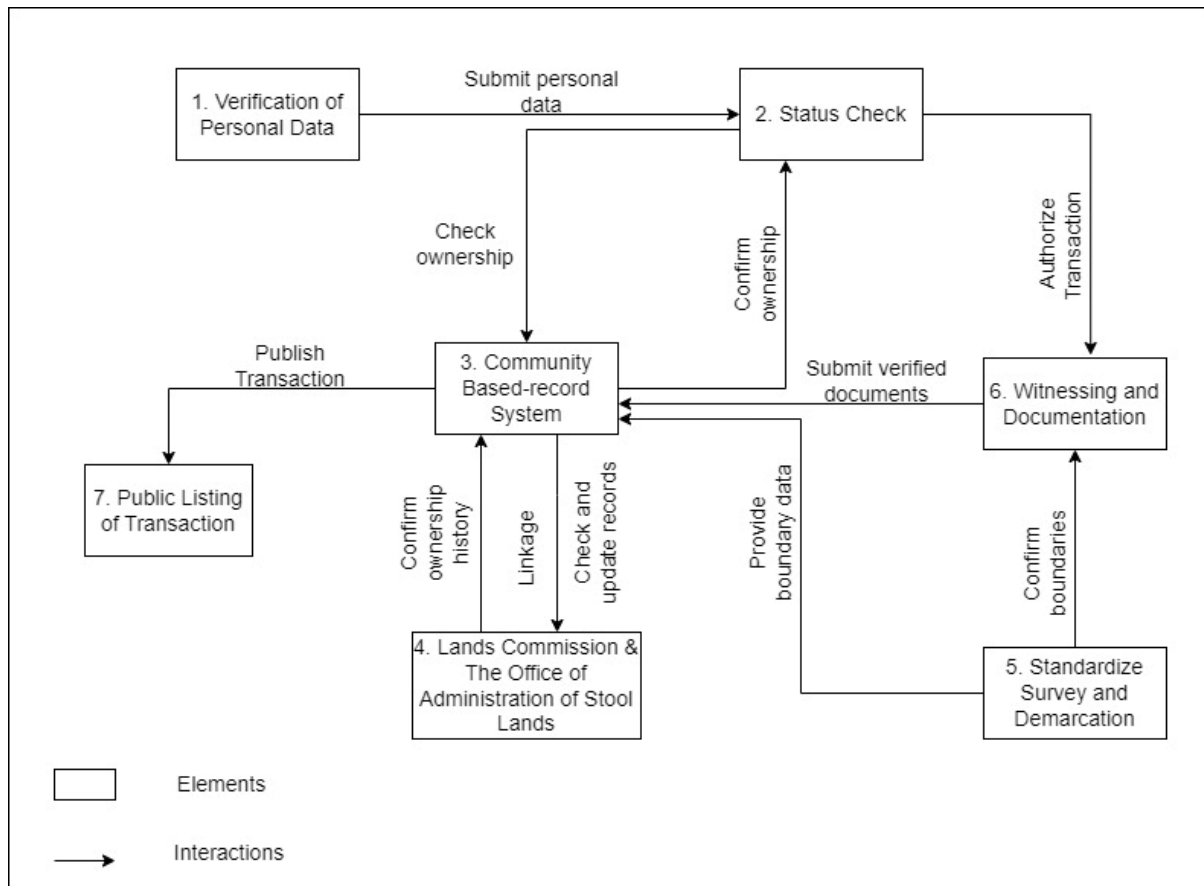


Figure 16: Transaction verification framework

Source: Author's Construct based on fieldwork, 2025

The framework begins with **1. Verification of Personal Data (VPD)** focuses on establishing the identity, family lineage, and community standing of the party involved in the transaction. Field interviews revealed that under CLA, these social ties and locally grounded validation mechanisms are foundational to legitimacy. Verifying this personal information serves to minimize fraudulent claims and lays the groundwork for further verification.

Building on this, a **2. Status Check** serves as the gatekeeping mechanism within the framework. It determines the eligibility of land for transfer by cross-referencing data from multiple sources. This includes the personal legitimacy verified during the VPD process, records from the **3. Community-Based Record System (CBRS)** for historical claims, and formal documentation from the **4. LC and OASL** for legal status and encumbrances. Transactions that fail at this point are filtered out, effectively addressing issues such as overlapping claims and multiple sales, which emerged as recurring problems in the field and have been highlighted by Ameyaw & de Vries (2023).

Again, central to the framework is the **3. Community-Based Record System (CBRS)**. Envisioned as a localized and decentralized hub, the CBRS would store historical ownership data, records of past transactions, and lineage-based claims. It supports both the status check process and links with **4. LC and OASL** to enhance data reliability. The absence of such a system in Sokode Gborgame, as observed in Chapter 4, has contributed to tenure insecurity. Establishing this record system would help formalize community knowledge and create a platform for cross-referencing during transactions.

Furthermore, the framework also incorporates the roles of the **4. LC and OASL**. These formal institutions are responsible for validating the legal status of land and updating official records following a transaction. Their involvement is essential for harmonizing customary records with statutory registers, enabling dual verification. Literature advocating for the alignment of customary and statutory systems (Ubink, 2008; Akwensivie et al., 2023) supports this approach.

After legitimacy and eligibility are confirmed, the process moves to witnessing and documentation. At this stage, community authorities such as family heads and elders endorse the transaction, reinforcing its legitimacy through collective acknowledgment. This step directly responds to the issue of non-transparent or informal agreements identified during fieldwork, ensuring that transactions are both inclusive and authoritative.

To reduce disputes related to unclear boundaries, the framework includes **5. Standardized Survey and Demarcation (SSD)**. Accurate mapping and definition of land parcels are vital for reducing conflicts over size and borders. As the field data showed, disputes frequently stem from imprecise demarcation. SSD contributes to legal enforceability and provides a clear spatial understanding of ownership.

Moreover, strengthening transparency, the framework proposes a **7. Public Listing of Transactions (PLT)**. Completed transactions are displayed publicly, whether on community boards or digital platforms, allowing room for public scrutiny, corrections, or objections. This participatory layer enhances accountability and helps deter fraudulent or duplicate transactions.

The final step involves storage and reporting. All validated and documented transactions are archived locally within the **3. CBRS** and formally with **4. LC and OASL**. This dual-recording approach ensures that transactions are acknowledged across customary and statutory systems, strengthening their legal and communal standing.

The transaction verification framework was validated by experts from the LC and OASL, both of whom have extensive practical experience with how CLA operates in Ghana. Their insights on transaction steps, transparency elements, and the need for alignment with statutory processes were directly integrated into the framework's design. This expert validation ensures that the framework reflects both practical realities and institutional expectations.

Furthermore, consistency between the proposed framework and actual transaction practices observed during fieldwork in Sokode Gborgame supports its contextual relevance. Local procedures such as oral witnessing, endorsement by elders, and symbolic payments were not excluded but acknowledged as essential customary elements that will coexist with the framework's formal components. Although this study did not include a full-scale implementation of the framework, it was intentionally designed to align with key provisions of Ghana's Land Act 2020 (Act 1036), particularly those promoting documentation, verification, and transparency in customary land transactions. While symbolic rituals remain important to local traditions, they fall outside the procedural structure of the formal verification process. This balance ensures the framework is both legally grounded and culturally respectful, positioning it as a practical tool for progressive integration into Ghana's land governance system.

The proposed transaction verification framework carries significant implications for land governance in Ghana. At the policy level, it offers a practical tool aligned with the Land Act 2020, potentially informing national strategies for integrating customary systems into the statutory regime. For institutional actors, the framework emphasizes the importance of collaboration between customary leaders and formal bodies like the LC and OASL, enabling harmonized record-keeping and legal validation. Practically, it addresses long-standing challenges such as fraud, overlapping claims, and unclear boundaries, offering a systematic process that enhances tenure security. Furthermore, by incorporating public transparency mechanisms and culturally rooted practices, the framework promotes accountability while respecting community norms. These implications suggest the framework's broader applicability beyond Sokode Gborgame, offering a scalable model for the ILM across Ghana.

#### **5.4.2 Reflection on a Transaction Verification Framework for Aligning Customary and Formal Land Administration**

The verification process for land transactions under CLA in Sokode Gborgame remains predominantly informal, but it is gradually evolving into a hybrid system. This process incorporates elements such as community inquiry, oral confirmation of land ownership, local demarcation, and occasionally, formal searches at the LC. These hybrid practices illustrate the adaptive nature of CLA, reflecting broader shifts in Ghana's land governance landscape toward formal integration, as noted by (Abdulai, 2024).

However, the absence of structured verification mechanisms, particularly the lack of CLSs, continues to undermine the system's effectiveness. Without formal records, transactions remain vulnerable to risks such as multiple sales and boundary disputes. This aligns with (Kidido & Ajabuin, 2023), who argue that the failure to properly document customary land transactions significantly contributes to overlapping claims and tenure insecurity in peri-urban Ghana. They highlight that inadequate verification mechanisms, such as the lack of formal documentation and reliance on oral tradition, are key drivers of land-related disputes in rapidly urbanizing areas.

To address these gaps, field participants proposed a structured framework comprising seven key components: identity verification, status checks, community-based land records, witnessing and documentation, institutional linkages, standardized surveying and demarcation, and public transaction listings. These elements collectively reflect best practices in land governance, echoing the work of (Simbizi et al., 2014), who emphasize recognition and enforceability as essential conditions for secure land tenure.

The emphasis on witnessing and documentation directly addresses the lack of evidentiary records in many customary transactions. When properly implemented, this mechanism not only enhances transparency but also establishes verifiable proof of agreements, reducing the risk of disputes. Furthermore, CBRs linked with national institutions like the LC and OASL offer a practical way to bridge informal and formal tenure systems. This approach is supported by (Akwensivie et al., 2023), recommending hybrid institutional arrangements as a pathway to improve land administration coherence and legitimacy in Ghana.

Moreover, standardized surveys and demarcation practices can help prevent encroachments and overlapping claims by providing clear boundary definitions. These technical improvements align with (Fuseini, 2021), who advocate for digital innovations, including blockchain, to enhance traceability and reduce fraud in customary land transactions. Similarly, public transaction listings create a transparent platform for communal oversight, allowing for objections or corrections before final registration, a step that could significantly deter multiple sales and unverified claims.

The proposed verification framework offers a model for improving tenure security by combining the social legitimacy of customary practices with the institutional strength of formal governance. The dual validation process, where customary endorsements are supplemented with formal recognition, was widely supported by stakeholders and aligns with (Fuseini, 2021), who emphasizes the need for harmonization between these systems to secure land rights without eroding local authority.

The absence of CLSs in Sokode Gborgame further illustrates the institutional vacuum in peri-urban areas and the urgent need to scale up such structures. As (Lankono et al., 2023) argue that CLSs can play a vital role in facilitating documentation, mediating disputes, and aligning local practices with national land governance frameworks. Their formal establishment could improve both tenure outcomes and investor confidence, thereby contributing to broader land policy goals.

The proposed transaction verification framework carries important implications for land policy, institutional reform, and community land governance. At the policy level, it reinforces the need to operationalize Ghana's Land Act 2020 by aligning customary practices with statutory procedures through structured documentation and legal recognition. Institutionally, it highlights the urgency of establishing and resourcing CLSs to serve as critical intermediaries between local landholders and national authorities. For communities, the framework empowers local actors through participatory mechanisms such as public transaction listings and community-based land records, enhancing transparency and reducing disputes. Collectively, these implications underscore the framework's potential to improve tenure security, attract investment, and promote a more coherent, hybrid land administration system in Ghana's peri-urban areas.

## 5.5 Chapter Summary

This chapter discussed how CLA shapes the ILM in Sokode Gborgame. It highlighted issues such as undocumented transactions, limited transparency, and tenure insecurity. A transaction verification framework was proposed to improve legitimacy and align customary and formal systems. Key limitations included a one study area, reliance on self-reported data, and lack of evaluation of the framework's feasibility.

## 6. CONCLUSION AND RECOMMENDATIONS

This chapter presents the conclusion of the study's findings based on the study objectives stated in Chapter One. Additionally, this chapter presents a set of recommendations based on analysis and discussion and future research.

### 6.1 Summary

This study examined the relationship between CLA and the ILM in Ghana, using Sokode Gborgame in the Ho Municipality as a case study. Using the conceptual framework developed in Chapter One, this study explored how informal land transactions operate under the CLA. It identified key gaps in tenure security and land information transparency and assessed the influence on the efficiency of the land market.

The findings confirm that customary actors, primarily family heads and chiefs, retain control over land allocation and transaction processes. These informal structures are socially accepted and widely used due to their accessibility and low cost. However, the study revealed significant weaknesses in transaction verification, record-keeping, and integration with statutory systems. For example, only 35% of respondents reported feeling secure with their tenure (Section 4.1.6), and nearly 60% of land transactions occurred without formal documentation (Section 4.1.4), showing the risks associated with the current system.

The framework proposed in this study emphasizes the need for a structured transaction verification mechanism. It serves as a bridge between informal practices and formal systems, ensuring that land transactions conducted under customary tenure are transparent, documented, and legally recognized, thereby enhancing tenure security and stakeholder confidence in the land market. Empirical results validate this approach, demonstrating its potential to improve procedural consistency, increase stakeholder trust, and support long-term tenure security by focusing on institutional coordination, local legitimacy, and practical verification. The framework provides a viable model for strengthening land governance in dual-tenure systems.

Although this research is context-specific, the broader implications extend to other regions in sub-Saharan Africa where customary tenure systems and informal markets coexist. The lessons learned from Sokode Gborgame may inform similar reforms in countries facing similar land administration challenges, thereby contributing to continental efforts toward equitable and secure land tenure.

It is important to note the study's limitations. Being a single-case study, the findings cannot be generalized to all customary settings in Ghana or beyond. Moreover, the reliance on self-reported data introduces some subjectivity. Nevertheless, the research offers grounded insights into the everyday workings of ILM and provides a practical basis for policy and institutional reform.

### 6.2 Limitation of the Study

This study, while offering important insights into CLA and ILM in Ghana, is subject to several limitations.

First, it was geographically limited to a single peri-urban community (Sokode Gborgame), which may not reflect the dynamics of rural or urban areas where customary norms and transaction types differ in scope and rigidity.

Additionally, the study relied on self-reported data obtained through interviews, which introduced potential perception bias and limited the assessment of technical aspects, such as the reliability of land records or archival systems.

Again, the study encountered a lack of accessible land transaction records under customary administration, which constrained the ability to validate stakeholder accounts and analyze historical patterns.

Additionally, the absence of CLSs in the study area restricted the evaluation of their role and effectiveness in supporting transaction verification.

Lastly, although the study proposed a transaction verification framework validated by experts from the LC and OASL, it was not implemented or piloted, which limited its practical feasibility.

### **6.3 Recommendations**

The CLA continues to play a central role in land governance across Ghana. The findings of this study reveal persistent gaps in tenure security, transaction verification, and market transparency within the ILM. These challenges underscore the need for targeted reforms and institutional strengthening. Therefore, this section presents a set of evidence-based recommendations aimed at improving land governance, enhancing tenure security, and increasing the efficiency and transparency of informal land transactions.

#### **Operationalizing the Transaction Verification Framework**

To improve land governance outcomes within the informal market, it is essential to implement the community-informed transaction verification framework that has been developed through this research. This framework will act as a standardized procedural tool guiding all customary land transactions. It ensures due diligence, accountability, and consistency in processes such as verifying land ownership, confirming boundary demarcations, validating witness participation, and establishing the legitimacy of the seller.

Systematic adoption of this framework by customary actors can significantly reduce fraudulent sales, build trust within the informal market, and strengthen tenure security by providing a reliable process for transaction validation. Over time, it may also serve as an intermediary record to support integration with formal land registration systems.

#### **Standardize Record-Keeping and Integrate Registration of Customary Land Transactions**

Despite legal recognition under the *Land Act, 2020 (Act 1036)*, many customary land transactions remain undocumented or unregistered with both customary and formal institutions, undermining tenure security and governance. To address this, a standardized record-keeping system should be adopted across customary authorities, using uniform templates that capture key transaction details, parties involved, boundaries, dates, witnesses, and endorsements.

In parallel, an integrated registration process should be implemented, requiring verified customary records to be submitted to statutory bodies like the Lands Commission. This will enhance traceability, reduce disputes, and strengthen coordination between customary and formal systems, supporting the progressive formalization of land rights.

#### **Strengthening Institutional Collaboration**

Findings from stakeholders indicate persistent fragmentation between customary and statutory land governance systems. To address this, the study recommends establishing multi-stakeholder collaboration platforms involving chiefs, family heads, the LC and the OASL. These platforms should promote regular dialogue, joint decision-making, and co-validation of land transactions, while also enabling data sharing on ownership records and dispute resolution. Strengthening these institutional linkages is vital for enhancing transparency, reducing land-related conflicts, and fostering mutual trust between traditional and formal land administration structures.

#### **Strengthening The Capacity of Customary Land Administration for Improved Local Governance**

CLA faces major challenges in the limited formal training for family heads, stools and skins who control the majority of land transactions. Addressing this capacity gap is essential to enhance transparency, accountability, and the effectiveness of land governance at the community level. The study recommends that capacity-building interventions should be systematically designed and implemented. It should focus on practical competencies, such as record-keeping, dispute resolution, and ethical land management, as well as



foundational knowledge of statutory land laws. Providing customary actors with appropriate skills and tools will not only enhance the legitimacy and efficiency of local land administration but also promote more substantial alignment with national legal frameworks and land policy objectives.

In addition to strengthening the capacity of traditional authorities, this study recommends enhancing community participation in land governance processes, particularly in the verification of transactions. Actively involving local land users improves transparency, fosters trust, and ensures the broader social legitimacy of land decisions. Such inclusive approaches will support more accountable CLA and improve alignment with statutory land governance objectives.

### **Developing Community-Based Land Information Systems**

This study revealed the absence of a community-based recording-keeping system to access and manage land information. Therefore, the study recommends establishing localized land information systems to provide community-level access to land information. The systems can initially be maintained manually through ledger books or transaction registers managed by community secretariats, and then gradually improve to digital forms using mobile apps or GIS tools, where feasible.

Each recorded transaction should include key details: names of buyer and seller, witnesses, plot descriptions, and signatures. These records will enhance transparency, support dispute resolution, and lay the groundwork for future formal registration efforts. Community participation in the design and oversight of these systems is vital to ensure accuracy, ownership, and trust.

### **Promoting Legal Literacy and Stakeholder Awareness**

Limited awareness of land rights and processes is a significant challenge in customary land markets. This study recommends a comprehensive sensitization to educate buyers, sellers, and other land users. These campaigns should inform land users about the risks of undocumented transactions, property transfer norms, inheritance rights, and the legal status of customary land.

### **Piloting and Scaling the Conceptual Framework**

The conceptual framework developed through this study offers a structured approach to aligning informal land transactions with principles of verification, transparency, and institutional coordination. To assess its practicality and refine its components, it is recommended that the framework be piloted in other customary jurisdictions, particularly in peri-urban areas undergoing rapid land commodification.

Pilot testing will generate insights into its effectiveness, ease of implementation, and adaptability to different customary settings. Successful pilots can inform broader strategies for land administration reform and support the long-term goal of harmonizing informal and formal land systems across Ghana.

### **Future research**

We propose that further research is needed to assess how the relationship between CLA and the ILM varies across different regions in Ghana.

This study proposes a transaction verification framework as a mechanism to align customary and formal land systems. Future research should test, refine, and evaluate its implementation across diverse customary settings.

Again, further exploration, particularly in rapidly urbanizing and peri-urban areas, is needed on the impacts of informal land transactions, including their influence on investment, access to credit, and land value.

Lastly, further research is needed to explore the different ways land transactions are recorded in the different CLA areas in Ghana.

## **6.4 Conclusion**

This study has shown that while CLA remains central to land access in Ghana, it faces critical gaps in verification, documentation, and integration with formal systems. The proposed transaction verification framework offers a practical solution to enhance transparency, tenure security, and institutional

coordination. Though based on a single case study, the findings have broader relevance for similar contexts. Implementing the recommendations and expanding research will be essential for improving land governance and strengthening the CLA and the ILM.

## LIST OF REFERENCES

- Abdulai, I. A. (2024). Emergent neo-customary land tenure and non-indigene smallholders' access to farmlands in peri-urban Ghana. *Discover Sustainability*, 5(1). <https://doi.org/10.1007/s43621-024-00258-7>
- Act 989 of 2019. (2019). *Right to Information Act, 2019 Act 989 of 2019*.
- Ahmed, A., Kuusaana, E. D., & Gasparatos, A. (2018). The role of chiefs in large-scale land acquisitions for jatropha production in Ghana: insights from agrarian political economy. *Land Use Policy*, 75, 570–582. <https://doi.org/10.1016/j.landusepol.2018.04.033>
- Akaateba, M. A. (2019). The politics of customary land rights transformation in peri-urban Ghana: Powers of exclusion in the era of land commodification. *Land Use Policy*, 88. <https://doi.org/10.1016/j.landusepol.2019.104197>
- Akwensivie, G. (2021). *Interventions of Customary Land Secretariats in Ghana*. [https://doi.org/10.15396/afres2021\\_019](https://doi.org/10.15396/afres2021_019)
- Akwensivie, G., Agbenyegah, E., & Kamel, A. (2023). *Customary Land Secretariats in Ghana as Champions of Efficient Customary Land Governance*. <https://doi.org/10.15396/afres2023-029>
- Amanor, K. S. (2021). Land Administration, Chiefs, and Governance in Ghana. In *African Land Reform Under Economic Liberalisation: States, Chiefs, and Rural Communities* (pp. 21–39). Springer Nature. [https://doi.org/10.1007/978-981-16-4725-3\\_2](https://doi.org/10.1007/978-981-16-4725-3_2)
- Amanor, Kojo. (2012). *Land governance in Africa : how historical context has shaped key contemporary issues relating to policy on land* . International Land Coalition.
- Ameyaw, P. D., & de Vries, W. T. (2020). Transparency of land administration and the role of blockchain technology, a four-dimensional framework analysis from the ghanaian land perspective. In *Land* (Vol. 9, Issue 12, pp. 1–25). MDPI AG. <https://doi.org/10.3390/land9120491>
- Ameyaw, P. D., & de Vries, W. T. (2023). Blockchain technology adaptation for land administration services: The importance of socio-cultural elements. *Land Use Policy*, 125. <https://doi.org/10.1016/j.landusepol.2022.106485>
- Anafo, D., Ayamga, A., & Bata Domanban, P. (2023). Custom, modernity, and stability of land rights in Ghana: An empirico-legal review. In *Cogent Social Sciences* (Vol. 9, Issue 1). Cogent OA. <https://doi.org/10.1080/23311886.2023.2209366>
- Anno, R., & Ahene, N. (2012). Customary Tenure Trusteeships and Land Governance Reforms A Necessary Convergence. *African Journal on Land Policy and Geospatial Sciences*, 3(3).
- Anthony Arko-Adjei. (2011). *Anthony Arko-Adjei The case of peri-urban Ghana Delft Centre for Sustainable Urban Areas*.
- Aryeetey, E. (2007). The politics of land tenure reform in Ghana : from the Crown Lands Bills to the Land Administration Project. In *Technical publication; 71; no. 71*. ISSER - Institute of Statistical, Social & Economic Research.
- Asaaga, F. A. (2021). Building on “traditional” land dispute resolution mechanisms in rural ghana: Adaptive or anachronistic? *Land*, 10(2). <https://doi.org/10.3390/land10020143>
- Asiama, K., Bennett, R., & Zevenbergen, J. (2019). Towards responsible consolidation of customary lands: A research synthesis. In *Land* (Vol. 8, Issue 11). MDPI AG. <https://doi.org/10.3390/land8110161>
- Azumah, O. K., & Noah, S. (2023). History of Land Acquisition Structures and Processes in Ghana. *Open Journal of Social Sciences*, 11(06), 432–451. <https://doi.org/10.4236/jss.2023.116028>
- Bainville, S. (2017). Land rights issues in Africa: the contribution of agrarian systems research in Burkina Faso. *Journal of Peasant Studies*, 44(1). <https://doi.org/10.1080/03066150.2016.1170010>
- Barnes, G., & Enemark, S. (2020). *Land Tenure Security An Essential Component of Responsible Land Administration*. <https://elearning.gltn.net/>.

- Barry, M., & Danso, E. K. (2014). Tenure security, land registration and customary tenure in a peri-urban Accra community. *Land Use Policy*, 39, 358–365.  
<https://doi.org/10.1016/j.landusepol.2014.01.017>
- Bennett, R. M., Gils, H. Van, Zevenbergen, J. A., & Lemmen, C. (2013). *Continuing to bridge the cadastral divide*.  
<https://www.researchgate.net/publication/258209012>
- Biraro, M., Zevenbergen, J., & Alemie, B. K. (2021). Good practices in updating land information systems that used unconventional approaches in systematic land registration. *Land*, 10(4).  
<https://doi.org/10.3390/land10040437>
- Boamah, E. F., & Amoako, C. (2020). Planning by (mis)rule of laws: The idiom and dilemma of planning within Ghana’s dual legal land systems. *Environment and Planning C: Politics and Space*, 38(1). <https://doi.org/10.1177/2399654419855400>
- Boamah, N. A. (2013). Urban Land Market in Ghana: A Study of the Wa Municipality. *Urban Forum*, 24(1), 105–118. <https://doi.org/10.1007/s12132-013-9187-z>
- Boni, S. (2005). *Boni Clearing the Ghanaian forest*. <https://www.researchgate.net/publication/387170261>
- Bonsu KARIKARI, I. (2006). *Ghana’s Land Administration Project (LAP) and Land Information Systems (LIS) Implementation: The Issues*.
- Boone, C., Bado, A. B., Dion, A. M., & Irigo, Z. (2021). Push, pull and push-back to land certification: Regional dynamics in pilot certification projects in Côte d’Ivoire. In *Journal of Modern African Studies* (Vol. 59, Issue 3). <https://doi.org/10.1017/S0022278X21000124>
- Boone, C., Dyzenhaus, A., Manji, A., Gateri, C. W., Ouma, S., Owino, J. K., Gargule, A., & Klopp, J. M. (2019). The Royal African Society LAND LAW REFORM IN KENYA. *Source: African Affairs*, 118(471), 215–237. <https://doi.org/10.2307/48545027>
- Boone, Catherine. (2014). *Property and political order in Africa : land rights and the structure of politics*. Cambridge University Press.
- Braun, V., & Clarke, V. (2006). *Using thematic analysis in psychology*.
- Bruce, J. W. ., & Migot-Adholla, S. E. . (1994). *Searching for land tenure security in Africa*. Kendall/Hunt.
- Bryman, Alan. (2016). *Social research methods*. Oxford University Press.
- Chimhowu, A. (2019). The ‘new’ African customary land tenure. Characteristic, features and policy implications of a new paradigm. *Land Use Policy*, 81. <https://doi.org/10.1016/j.landusepol.2018.04.014>
- Collins, A., & Mitchell, M. I. (2018). Revisiting the World Bank’s land law reform agenda in Africa: The promise and perils of customary practices. *Journal of Agrarian Change*, 18(1).  
<https://doi.org/10.1111/joac.12201>
- Cotula, Lorenzo. (2007). *Legal empowerment for local resource control : securing local resource rights within foreign investment projects in Africa*. International Institute for Environment and Development.
- David de Vaus. (2014). *SURVEYS IN SOCIAL RESEARCH*.
- Deininger, K., Byerlee, D., Lindsay, J., Norton, A., Selod, H., & Stickler, M. (2011). *Rising Global Interest in Farmland CAN IT YIELD SUSTAINABLE AND EQUITABLE BENEFITS?*
- Deininger, K., & Feder, G. (2009). Land registration, governance, and development: Evidence and implications for policy. In *World Bank Research Observer* (Vol. 24, Issue 2).  
<https://doi.org/10.1093/wbro/lkp007>
- Deininger, K., Hilhorst, T., & Songwe, V. (2014). Identifying and addressing land governance constraints to support intensification and land market operation: Evidence from 10 African countries. *Food Policy*, 48, 76–87. <https://doi.org/10.1016/j.foodpol.2014.03.003>
- Delville, P. L. (2000). *Harmonising Formal Law and Customary Land Rights in French-Speaking West Africa 1*.
- Dzodzi Tsikata. (2009). *Gender\_Land\_and\_Labour\_Relations\_and\_Livelihoods\_i*.

- Edwin, D. A., Glover, E. K., & Glover, E. K. (2020). When tradition meets modernity in land registration: Evidence from dagbon, ghana. *Land*, 9(11), 1–28.  
<https://doi.org/10.3390/land9110416>
- Enemark, S., Williamson, I., & Wallace, J. (2005). Building modern land administration systems in developed economies. *Journal of Spatial Science*, 50(2).  
<https://doi.org/10.1080/14498596.2005.9635049>
- Fuseini, I. (2021). Navigating Traditional and Modern Institutions in City Governance: The Role of Chieftaincy in Spatial Planning in Tamale, Ghana. *African Studies*, 80(2), 230–248.  
<https://doi.org/10.1080/00020184.2021.1911623>
- GSS. (2021). *ADMINISTRATIVE MAP OF GHANA*.
- Gyan Kwame, & Adongo Agaaya Frederick. (2023). *COMPULSORY ACQUISITION UNDER GHANA'S NEW LANDS ACT: THE GOOD, THE BAD AND THE UGLY*.
- Jain, N., Chileshe, R., Muwowo, F., & Lupiya, M. (2016). Perceptions of Customary Land Tenure Security in Western Province of Zambia. *International Journal of Social Science Studies*, 4(2).  
<https://doi.org/10.11114/ijsss.v4i2.1264>
- John W. Creswell, & Vicki L. Plano Clark. (2017). *Designing\_and\_Conducting\_Mixed\_Methods\_R*.
- Kasanga, K., & Kotey, N. A. (2001). *Land Management in Ghana: Building on Tradition and Modernity*.
- Kidido, J. K., & Ajabu, B. A. (2023). Peri-urban land governance and market dynamics: perceptions and adaptation strategies of smallholder farmers in Tamale, Ghana. *African Geographical Review*, 42(5), 515–538. <https://doi.org/10.1080/19376812.2022.2076132>
- Kline, A., Moore, É., Ramey, E., Hernandez, K., Ehrhardt, L., Reed, M., Parker, M., Henson, S., Winn, T., & Wood, T. (2019). Whose Land Is It Anyway? *Texas A&M Law Review*, 6(4).  
<https://doi.org/10.37419/lr.v6.arg.1>
- Labzaé, M. (2014). Catherine Boone: Property and Political Order in Africa. Land Rights and the Structure of Politics. *Afrique Contemporaine*, 252(4). <https://doi.org/10.3917/afco.252.0189>
- Lambrecht, I., & Asare, S. (2015). *Smallholders and Land Tenure in Ghana: Aligning Context, Empirics, and Policy*.
- Lankono, C. B., Forkuor, D., & Asaaga, F. A. (2023). Examining the impact of customary land secretariats on decentralised land governance in Ghana: Evidence from stakeholders in Northern Ghana. *Land Use Policy*, 130. <https://doi.org/10.1016/j.landusepol.2023.106665>
- Larbi, W. O., Antwi, A., & Olomolaiye, P. (2004). Compulsory land acquisition in Ghana-policy and praxis. *Land Use Policy*, 21(2), 115–127. <https://doi.org/10.1016/j.landusepol.2003.09.004>
- Larson, A. M., Monterroso, I., Liswanti, N., Herawati, T., Banana, A., Cantuarias, P., Rivera, K., & Mwangi, E. (2019). Models for formalizing customary and community forest lands. *Infobrief*, April.
- Lasserve, A. D., Selod, H., & Lasserve, M. D. (2013). *Land Markets and Land Delivery Systems in Rapidly Expanding West African Cities. The case of Bamako. Policy Issues, Research Topics and Methodology*. <https://api.semanticscholar.org/CorpusID:127000905>
- Laube, W. (2020). *Elite Capture of Land Commodification and Land Use Planning in Peri-Urban Northern Ghana*.  
<https://www.researchgate.net/publication/348436647>
- Lorenzo Cotula. (2021). Tenure rights and obligations. In *Tenure rights and obligations*. FAO.  
<https://doi.org/10.4060/cb5191en>
- Maegraith, J., & Lanzinger, M. (2022). Mobile land: modes of transfer-varieties of contexts. In *History of the Family* (Vol. 27, Issue 1). <https://doi.org/10.1080/1081602X.2022.2058980>
- Mengisteab, K. (2019). Traditional Institutions of Governance in Africa. In *Oxford Research Encyclopedia of Politics*. <https://doi.org/10.1093/acrefore/9780190228637.013.1347>

- Moreri, K. K. (2020). Documenting informal and customary land rights in Africa Challenges of using participatory means. In *African Journal on Land Policy and Geospatial Sciences* (Vol. 3, Issue 2).
- Mwesigye, F., & Barungi, M. (2021). *Land Tenure Insecurity, Fragmentation and Crop Choice: Evidence from Uganda*.
- Nasir, G. A., & Saptomo, A. (2022). Customary Land Tenure Values in Nagari Kayu Tanam, West Sumatra. *Cosmopolitan Civil Societies*, 14(3), 30–45. <https://doi.org/10.5130/ccs.v14.i3.8099>
- Noufé, T. (2023). Impact of land tenure security through customary law on agricultural productivity in Burkina Faso: Propensity score matching approaches. *Land Use Policy*, 134. <https://doi.org/10.1016/j.landusepol.2023.106907>
- Obeng-Odoom, F. (2016). Understanding Land Reform in Ghana. *Review of Radical Political Economics*, 48(4). <https://doi.org/10.1177/0486613415603161>
- Ofosuhen, E. Y. (2020). URBANISATION AND DEVELOPMENT OF LAND MARKET IN THE ABSENCE OF A COMPLETE LAND REGISTER IN DEVELOPING COUNTRIES: LESSONS FROM CENTRAL AND EASTERN EUROPE.
- Olofsson, M. (2021). Expanding commodity frontiers and the emergence of customary land markets: A case study of tree-crop farming in Venda, South Africa. *Land Use Policy*, 101. <https://doi.org/10.1016/j.landusepol.2020.105203>
- Owusu Ansah, R., Abubakari, Z., Quaye, B., Todorovski, D., Malumbo, C., & Lemmen, C. (2024). Navigating the Terrain of Digital Transition: Ghana's Journey of Developing a Digital Land Information System. *Land*, 13(4). <https://doi.org/10.3390/land13040528>
- Palinkas, L. A., Horwitz, S. M., Green, C. A., Wisdom, J. P., Duan, N., & Hoagwood, K. (2015). Purposeful Sampling for Qualitative Data Collection and Analysis in Mixed Method Implementation Research. *Administration and Policy in Mental Health and Mental Health Services Research*, 42(5), 533–544. <https://doi.org/10.1007/s10488-013-0528-y>
- Payne, G., Durand-Lasserve, A., & Rakodi, C. (2009). The limits of land titling and home ownership. *Environment and Urbanization*, 21(2), 443–462. <https://doi.org/10.1177/0956247809344364>
- PNDCL 114. (1985). *Head of Family (Accountability) Act 1985*.
- Quaye. (2021). *Impacts of Socio-political Organisational Structures Underpinning Indigenous Land Tenure Systems Evidence from Ghana* BENJAMIN ARMAH QUAYE. <https://doi.org/10.48346/IMIST.PRSM/ajlp-gs.v4i4.26197>
- Sam Barnes. (2024). *A THIS BEAUTIFUL LAND Corruption, discrimination and land rights in Sub-Saharan Africa*. [www.transparency.org](http://www.transparency.org)
- Sasu, A., Javed, A., Imran, M., & Squires, G. (2024). Land banking, land price and Ghana's informal land markets: A relational complexity approach. *Land Use Policy*, 141. <https://doi.org/10.1016/j.landusepol.2024.107133>
- Simbizi, D. M. C. (2016). *Measuring land tenure security: a pro-poor perspective* [University of Twente]. <https://doi.org/10.3990/1.9789036540544>
- Simbizi, M. C. D., Bennett, R. M., & Zevenbergen, J. (2014). Land tenure security: Revisiting and refining the concept for Sub-Saharan Africa's rural poor. *Land Use Policy*, 36, 231–238. <https://doi.org/10.1016/j.landusepol.2013.08.006>
- Sorensen, N. (2024). *About the State of Land Information (SOLI) reports Up Guide for Land Governance. The Open Up Guide for Land*. <https://landportal.org/library/resources/soli-ghana-english>
- Squires, G., Sasu, A., & Javed, A. (2023, October 17). *INDIGENOUS INFORMAL LAND MARKETS, LAND BANKING AND LAND VALUES: A NATIONAL CASE OF GHANA*. <https://doi.org/10.15396/afres2022-021>

- Stein T. Holden, Keijiro Otsuka, & Klaus Deininger. (2013). *Land Tenure Reform in Asia and Africa*.
- Steinar Kvale, & Svend Brinkmann. (2009). *InterViews*.
- Stephen, A.-Y. (2019). *land infor*.
- Taherdoost, H. (2016). Sampling Methods in Research Methodology; How to Choose a Sampling Technique for Research. In *International Journal of Academic Research in Management (IJARM)* (Vol. 5, Issue 2).  
<https://ssrn.com/abstract=3205035>
- Tiah Bugri, J. (2012a). *Final Report: Improving Land Sector Governance in Ghana Implementation of the Land Governance Assessment Framework*.
- Tiah Bugri, J. (2012b). *Final Report: Improving Land Sector Governance in Ghana Implementation of the Land Governance Assessment Framework*.
- Toulmin, C. (2009). Securing land and property rights in sub-Saharan Africa: The role of local institutions. *Land Use Policy*, 26(1), 10–19. <https://doi.org/10.1016/j.landusepol.2008.07.006>
- Tsikata, D., & Yaro, J. (2011). *Land Market Liberalization and Trans-National Commercial Land Deals in Ghana since the 1990s*.
- Ubink, J. M. (2008). In The Land of the Chiefs : Customary Law, Land Conflicts, and the Role of the State in Peri-Urban Ghana. In *In The Land of the Chiefs : Customary Law, Land Conflicts, and the Role of the State in Peri-Urban Ghana*. <https://doi.org/10.5117/9789087280413>
- Ubink, J. M., & Amanor, K. S. (2008). Contesting Land and Custom in Ghana : State, Chief and the Citizen. In *Contesting Land and Custom in Ghana : State, Chief and the Citizen*. Amsterdam University Press.  
<https://doi.org/10.5117/9789087280475>
- Ubink, J. M., & Quan, J. F. (2008a). How to combine tradition and modernity? Regulating customary land management in Ghana. *Land Use Policy*, 25(2), 198–213. <https://doi.org/10.1016/j.landusepol.2007.06.002>
- Ubink, J. M., & Quan, J. F. (2008b). How to combine tradition and modernity? Regulating customary land management in Ghana. *Land Use Policy*, 25(2), 198–213. <https://doi.org/10.1016/j.landusepol.2007.06.002>
- UNECE. (1996a). *Land administration guidelines : with special reference to countries in transition*. United Nations.
- UNECE. (1996b). *Land administration guidelines : with special reference to countries in transition*. United Nations.
- UN-Habitat. (2013). *1402919553npdm\_Tools to Support Transparency in Land Administration*.
- Wallace, J., & Williamson, I. (2006). Building land markets. *Land Use Policy*, 23(2), 123–135.  
<https://doi.org/10.1016/j.landusepol.2004.07.003>
- Whitehead, A., & Tsikata, D. (2003). Policy discourses on women's land rights in sub-Saharan Africa: The implications of the re-turn to the customary. *Journal of Agrarian Change*, 3(1–2), 67–112. <https://doi.org/10.1111/1471-0366.00051>
- Wiejak-Roy, G. (2024). *Transparency in the real estate market-A global comparative study*.
- Williamson, I., Enemark, Stig., Wallace, Jude., & Rajabifard, Abbas. (2010). *Land administration for sustainable development*. ESRI Press Academic.
- World Bank. (2011). *The World Bank Implementation Status & Results Ghana Land Administration Project-2 (P120636) Key Dates Project Development Objectives To consolidate and strengthen land administration and management systems for efficient and transparent land services delivery Overall Ratings*.
- Yaro, J. A. (2010). Customary tenure systems under siege: Contemporary access to land in Northern Ghana. *GeoJournal*, 75(2), 199–214. <https://doi.org/10.1007/s10708-009-9301-x>
- Yeboah, E., & Shaw, D. P. (2013). Customary land tenure practices in Ghana: Examining the relationship with land-use planning delivery. *International Development Planning Review*, 35(1), 21–39. <https://doi.org/10.3828/idpr.2013.3>

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>



## Appendix

### Appendix 1: Data Management Plan

ORIGIN OF DATA	
1. What kind of data will be used during this project	Qualitative and Spatial data
2. What is the source of the data?	Primary and secondary data
3. Are various data sources integrated in the datasets you are going to use?	Yes
4. If yes, could you identify the individual datasets that are combined	Individual datasets can be identified
Data owner(s)	The Researcher
1. Can you easily find out what you are allowed to do with the data you are going to use?	Yes

ORGANIZING AND DOCUMENTING YOUR DATA	
Data organization: 1. How will you organize your data during the project? E.g. folder structure and names	1.MSc Thesis Data a. Buyers' interview data b. Traditional Authority interview data c. Formal institution interview data d. Community members' interview data e. Sokode Gborgame shapefile
2. What can you tell about the quality of the data?	Primary data were collected from the field directly by the researcher and secondary data obtained were in the scope of the research.
Metadata 1. What metadata comes with the data?	Shapefile with point coordinates
2. Is there any metadata missing?	No

Processing your data	
Versioning 1. What would be your strategy concerning versioning your data files during the project?	The different versions of data files/documents are saved in the same folder with new version names.
2. How can different versions of a data file be distinguished?	Stored with different names to identify the content

## Appendix 2: Interview Questionnaire

### Questionnaires and Interview Guides

Assessing the relationship between customary land administration and the informal land market in Ghana. A case study in Sokode Gborgame municipality

I am a student at the University of Twente, conducting a study titled "Assessing the Relationship Between Customary Land Administration and Ghana's Informal Land Market: A Case Study in the Ho Municipality." The study seeks to understand your experiences and perspectives on land transactions and the role of customary land administration in the informal land market. Your valuable input will contribute to identifying ways to strengthen land management practices for the benefit of all stakeholders.

### Consent

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Select the options that best describe your views or provide detailed responses where required.

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### Questionnaire for Traditional Authority

#### Section 1: General Overview of Customary Land Administration

1. What traditional rules guide how land is shared or sold in your community?
2. Who is in charge of land matters in your community, and what do they do?
3. What cultural or traditional norms influence land management decisions in your community?
4. Are specific ceremonies or rituals associated with land allocation or transfer?
5. Is fairness a stated priority in traditional land transactions?

☐ Yes

☐ No

☐ Not Sure

If yes, how is fairness ensured in the traditional way of handling land?

6. Who are the key actors or institutions involved in traditional land administration?
7. How are decisions regarding land ownership or transfer made? Who has the final authority?
8. Are there issues of a piece of land being sold to more than two or more people in your community?

☐ Yes

☐ No

If yes, what are the main reasons for this?

- ☐ High demand for land
- ☐ Proximity to urban centers
- ☐ Lack of proper documentation
- ☐ Influence of intermediaries or brokers
- ☐ Others (please specify): \_\_\_\_\_

Can you identify such areas?

9. How are traditional land records maintained (e.g., written, oral, or both)?
10. Are these records accurate and accessible to community members?
  - ☐ Very accessible
  - ☐ Moderately accessible
  - ☐ Not accessible
11. What is the typical process for transferring land from one individual to another?
12. Does the transfer of land typically involve written agreements?
  - ☐ Yes
  - ☐ No
  - ☐ Sometimes
13. Are specific ceremonies or rituals associated with land allocation or transfer?
14. Do you face challenges in maintaining or accessing land records?

## **Section 2: Customary Land Administration and Its Role in the Informal Land Market**

14. How does the traditional system regulate or facilitate land sales or leases to outsiders?
15. What role do traditional leaders play in facilitating land transactions?
16. On average, how long does it take to complete a land transaction under customary administration?
  - ☐ Less than 1 month
  - ☐ 1-3 months
  - ☐ More than 3 months
17. What challenges do you face in administering land under the traditional system?
18. Have you encountered cases where the same land has been sold to different buyers?  
How were these disputes resolved?
19. Are there specific areas in your jurisdiction where a piece of land being sold to more than two or more people is more frequent?
  - ☐ Yes
  - ☐ No
20. If yes, what factors contribute to these occurrences?

☐ High demand for land

☐ Proximity to urban centers

☐ Lack of proper documentation

21. How does customary land administration affect the value or marketability of land?

22. Do you think customary land administration increases or decreases the value of land?

☐ Increases

☐ Decreases

23. What challenges do you face when interacting with formal institutions regarding land transactions?

☐ Legal complexity

☐ Lack of resources

☐ Resistance from traditional leaders

☐ Bureaucratic delays

☐ Others (please specify): \_\_\_\_\_

24. How do you ensure that your decisions are perceived as fair and transparent?

25. What types of land transactions do you oversee under traditional land administration? sales, leases, or inheritance

26. Can you describe the process for handling inheritance transfers?

27. Are land transactions documented in written form?

☐ Yes

☐ No

If yes, what kind of documents are typically used?

28. Do you involve witnesses in land transactions?

☐ Yes

☐ No

29. How are these transactions made official within the community

30. What measures are in place to ensure fairness in the process?

31. How do you promote transparency in decision-making for land allocation and transfers?

32. What are the main challenges you face during land transactions?

33. Are delays common in completing land transactions within the traditional land administration?

☐ Yes

☐ No

34. How do you address these challenges to ensure tenure security and market access?

### Section 3: Land Protection and Information Management

33. How safe do people feel about their rights to the land they own or use it within the customary land administration?

☐ Very Safe

☐ Safe

☐ Neutral

☐ Unsafe

☐ Very Unsafe

34. How effective is the customary system in resolving disputes and protecting land rights?

☐ Very Effective

☐ Effective

☐ Neutral

☐ Ineffective

☐ Very Ineffective

35. Do you think collaboration between the traditional system and formal government can improve tenure security?

☐ Yes

☐ No

Why or why not? \_\_\_\_\_

36. What types of land records are most commonly maintained in your community?  
(Select all that apply)

☐ Sales agreements

☐ Lease agreements

☐ Inheritance records

☐ Pledges or mortgages

☐ Others (please specify): \_\_\_\_\_

37. How do you ensure the quality of the land records under your management?

38. Do you have a system for updating land documents?

☐ Yes

☐ No

39. What challenges do you face in creating, storing, or managing land documents?

40. In what ways do land records influence the market value of land in your community?

41. How does the availability of land records affect the speed and ease of land transactions?

42. Are issues of a piece of land being sold to more than two or more people common when documents are incomplete?

43. Can you share examples of when land records have helped avoid a piece of land being sold to more than two or more people?

44. How do you verify the quality of land documents, and how is this information made accessible to buyers, sellers, or brokers in your area?

45. Do you believe that transparent access to land information improves trust in transactions?

46. What challenges do you face in ensuring transparency in land transactions?

47. Do you collaborate with stool land administration in land transactions?  
☐ Yes  
☐ No  
If yes, in what ways does this collaboration occur?
48. Do you collaborate with formal land administration systems to manage land records?  
☐ Yes  
☐ No  
If yes, in what ways does this collaboration occur?
49. Do brokers or middlemen play a role in facilitating transactions under your authority?  
☐ Yes  
☐ No
50. How does this interaction affect the outcomes of transactions?  
What role do traditional leaders play in facilitating land transactions?
51. How do customary practices for managing land records differ from formal systems?
52. Are there steps followed to verify land ownership before a transaction under customary land administration?
53. Who is responsible for verifying land ownership before a sale or lease?
54. Is there a process for verifying land ownership before a transaction? If yes, how is it done?
55. What challenges do you face in verifying land transactions before approving them?
56. In your opinion what improvements would you suggest for better management of land records under your customary authority and collaboration with the formal system?
57. In your opinion, what are the most important elements that should be considered in a transaction verification system in the customary land administration? (Check all that apply and explain.)
- ☐ Written documentation of transactions
  - ☐ Digital land records
  - ☐ Witness verification
  - ☐ Physical boundary demarcation
  - ☐ Public listing of land transactions
  - ☐ Dispute resolution mechanisms
  - ☐ Verification of seller's history with the land
  - ☐ Integration with formal land registry

Thank you for your time and valuable input!

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### Questionnaire for buyer/broker

#### Section 1: Understanding the Role of Customary Land Administration

1. Are you aware of land documents maintained by traditional authorities?  
☐ Yes  
☐ No
2. If yes, what type of land documents are you familiar with?  
☐ Written agreements  
☐ Oral agreements  
☐ Other (specify): \_\_\_\_\_
3. How often do you rely on the traditional system for verifying land ownership during transactions?  
☐ Always  
☐ Often  
☐ Sometimes  
☐ Rarely  
☐ Never
4. What are the benefits of using the traditional system for land transactions?
5. What challenges have you faced while relying on traditional systems for your transactions?

## Section 2: Analyzing Transaction Operations

6. Can you describe the steps you followed during your land purchase under the traditional system?
7. How did you confirm that the seller was the legitimate owner of the land?
8. What were the most significant challenges during the transaction process? How were they resolved?
9. Who were the key actors involved in the transaction (e.g., chiefs, family heads, brokers), and what role did they play?
10. How did these actors impact the security of your land tenure or access to the market?

## Section 3: Evaluating the Role of Land Information

11. Were you provided with any land records during the transaction?

☐ Yes

☐ No

12. If yes, how easy was it to access these land records?

☐ Very Easy

☐ Easy

☐ Neutral

☐ Difficult

☐ Very Difficult

13. How did the availability or lack of land records influence your confidence in the transaction?

14. How accurate and up-to-date were the land records provided during your purchase?

15. Have you experienced buying a parcel of land twice due to missing or inadequate land records? If yes, please describe them.

16. In your experience, how do land records affect land prices and transaction efficiency in the informal market?

17. Have you encountered cases where the same land was sold to different buyers?

☐ Yes

☐ No

If yes, what do you think caused this issue (e.g., lack of documentation, miscommunication, fraud)?



#### Section 4: Trust in Customary Systems

17. How confident are you in the traditional system to guarantee your ownership rights after a purchase? ☐ Very Confident

☐ Somewhat Confident

☐ Neutral

☐ Not Confident

18. How confident are you that the land you purchased will remain guarantee over time, without disputes or competing claims?

☐ Very Confident

☐ Somewhat Confident

☐ Neutral

☐ Not Confident

19. Are there specific areas or situations where it is more difficult to trust the safety of land purchases?

☐ Yes

☐ No

If yes, please explain why.

20. Have you ever faced a situation where your land purchase was challenged by another party claiming ownership? If yes, how was it resolved?

21. What has helped build your trust in the customary land system?

#### Section 5: Fairness and Transparency

22. On a scale of 1 to 5, how fair do you think the transaction process was?

☐ 1 (Very Unfair)

☐ 2

☐ 3 (Neutral)

☐ 4

☐ 5 (Very Fair)

24. What aspects of the process felt unfair or unclear, if any?

25. On a scale of 1 to 5, how transparent do you think the transaction process was?

☐ 1 (Not Transparent)

☐ 2

☐ 3 (Neutral)

☐ 4

☐ 5 (Very Transparent)

#### **Section 6: Challenges and Recommendations**

26. What measures do you think could prevent selling the same land to more than one person in the informal market?
27. What changes would you recommend improving fairness and transparency in the informal land market?
28. What are the main challenges you face when purchasing land in the informal market?
29. How do you verify that the land you want to buy is not already owned by someone else?
30. Have you ever experienced a case where land was sold to multiple buyers? If so, what happened?
31. What steps do you take to confirm the legitimacy of a land transaction before making a payment?
32. In your opinion, what are the most important elements that should be considered in a transaction verification system in the customary land administration? (Check all that apply and explain.)
- ☐ Written documentation of transactions
  - ☐ Digital land records
  - ☐ Witness verification
  - ☐ Physical boundary demarcation
  - ☐ Public listing of land transactions
  - ☐ Dispute resolution mechanisms
  - ☐ Verification of seller's history with the land
  - ☐ Integration with formal land registry
  - ☐ others
33. Would you trust a land transaction more if it was verified by both the Chief's Office (representing customary land administration) and the Land Commission (representing formal land administration)? Why or why not?
34. What steps do you think the government should take to ensure informal land transactions are protected under customary laws?
35. What improvements would you suggest for the management of land transactions in the informal market?
36. Is there anything else you would like to share about your experience with land transactions under customary land administration?

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#### Questionnaire for Community Members

##### Section 1: Community Land Acquisition and Transaction Practices

1. How do you acquire land in your community typically?  
☐ Purchase  
☐ Inheritance  
☐ Allocation  
☐ Other (please specify): \_\_\_\_\_
2. What rules or customs guide how land is allocated or transferred in your community?
3. Who do you typically approach when buying or selling land in the informal market?  
☐ Chiefs  
☐ Family Heads  
☐ Brokers  
☐ Other (please specify): \_\_\_\_\_
4. What are the common ways land is transferred in this community?
5. Why do people prefer the informal land market over the formal system?
6. Do you think the current land transaction processes under customary systems are fair?  
☐ Yes  
☐ No  
☐ Neutral  
If No, why? \_\_\_\_\_
7. Are land transactions in this community equally accessible to all members (e.g., women, youth)?  
☐ Yes  
☐ No  
☐ Unsure

If No, what are the barriers to land access for these groups?

**Section 2: Informal Land Transactions and Their Influences on land protection and access.**

8. What types of land transactions occur in the informal market, and what effect do they have on the assurance of ownership and market access?
9. What are the common ways land is transferred in this community (e.g., purchase, lease, inheritance)?
10. What challenges do people face when using the informal land market, and how are these challenges resolved?
11. Who do people typically approach when buying or selling land in the informal market?
  - ☐ Chiefs
  - ☐ Family Heads
  - ☐ Brokers
  - ☐ Other (please specify): \_\_\_\_\_
12. How do the involvement of actors like chiefs, family heads, or brokers influence the outcomes of land transactions?
13. How do customary land transactions ensure tenure security and access to land?
14. What steps are typically involved in a land transaction in your community?
15. How long does it usually take to complete a land transaction?
  - ☐ Less than 1 month
  - ☐ 1–3 months
  - ☐ More than 3 months

**Section 3: Land Records and Management Practices in the Community**

15. What types of land records are maintained in this community?
  - ☐ Written agreements
  - ☐ Oral agreements
  - ☐ Other (please specify): \_\_\_\_\_
16. How are land records stored and managed in your community?
  - ☐ Digitally
  - ☐ Paper-based
  - ☐ Oral traditions
  - ☐ Other (please specify): \_\_\_\_\_
17. Do you think the availability of accurate land records reduces delays issue of one parcel of land being sold to two or more people?
  - ☐ Yes
  - ☐ No
  - ☐ Sometimes
  - If no, why? \_\_\_\_\_

18. Are issues of one parcel of land being sold to two or more people, and how are they typically resolved?
19. How does having accurate and accessible land records improve trust and transparency in transactions?
20. How do written records or land information (e.g., ownership details, boundaries) affect decision-making in land transactions?
21. What challenges do you face in maintaining or accessing land records?
22. In your opinion, what changes or improvements could make land ownership and transfers more protected in your community?
23. How can the issue of one parcel of land being sold to two or more people be reduced or prevented?
24. What steps can be taken to improve land records management under traditional systems?
25. Do you want to share anything about land transactions or traditional practices in your community?
26. How do you verify that the land you want to buy is not already owned by someone else?
27. Have you ever experienced a case where land was sold to multiple buyers? If so, what happened?
28. What steps do you take to confirm the legitimacy of a land transaction before making a payment?
29. In your opinion, what are the most important elements that should be considered in a transaction verification system in the customary land administration? (Check all that apply and explain.)
  - ☐ Written documentation of transactions
  - ☐ Digital land records
  - ☐ Witness verification
  - ☐ Physical boundary demarcation
  - ☐ Public listing of land transactions
  - ☐ Dispute resolution mechanisms
  - ☐ Verification of seller's history with the land
  - ☐ Integration with formal land registry
  - ☐ others
30. Would you trust a land transaction more if it was verified by both the Chief's Office (representing customary land administration) and the Land Commission (representing formal land administration)? Why or why not?
31. What steps do you think the government should take to ensure informal land transactions are protected under customary laws?

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#### **Questionnaire for Land Commission/Administration of Stool Lands**

##### **Section 1: Understanding the Role of Customary Land Administration in the Land Market**

1. What types of land records are maintained in the customary land administration system?
  - ☐ Oral Agreements
  - ☐ Written Agreements
  - ☐ Land Allocation Maps
  - ☐ Transaction Receipts
  - ☐ Other (please specify): \_\_\_\_\_
2. What role does your institution play in overseeing customary land administration? (Check all that apply.)
  - ☐ Approving land transactions
  - ☐ Regulating land ownership transfers

- ☐ Registering customary land leases or sales
  - ☐ Resolving land disputes
  - ☐ Other (please specify): \_\_\_\_\_
3. How does the customary land administration store these records?
- ☐ Digitally
  - ☐ Paper-based
  - ☐ Both
  - ☐ Not formally stored
4. Are the records updated frequently after every transaction?
- ☐ Yes
  - ☐ No
  - ☐ Sometimes (please explain): \_\_\_\_\_
- If No, why?
5. What rules or practices guide customary land administration practices?
6. What challenges are faced in maintaining and managing land records in the customary land administration?
7. Do you think your current practices ensure security in land ownership rights and access to land?
- ☐ Yes
  - ☐ No
  - ☐ Partially (please explain): \_\_\_\_\_
8. Does your institution have any formal agreements or collaboration frameworks with customary land authorities (chiefs, family heads, clans)?
- ☐ Yes (please describe the nature of collaboration): \_\_\_\_\_
  - ☐ No
  - ☐ Not sure
9. Are there existing legal frameworks guiding interactions between customary and formal land administration?
- ☐ Yes, fully integrated
  - ☐ Yes, but inconsistently applied
  - ☐ No, there is no formal framework
  - ☐ Other (please explain): \_\_\_\_\_
10. How does the customary land administration system influence the confidence one has about his/her ownership of land in the informal land market?

## Section 2: Analyzing the Operations of Land Transactions

11. What types of land transactions occur in the customary land administration system?  
(Select all that apply.)
- ☐ Sales
  - ☐ Leases
  - ☐ Inheritances
  - ☐ Gifts
  - ☐ Other (please specify): \_\_\_\_\_
12. How often is the issue of one parcel of land being sold to two or more people because of missing records?

- ☐ Frequently
- ☐ Occasionally
- ☐ Rarely

If applicable, please provide examples or details: \_\_\_\_\_

13. How do you address the issue of one parcel of land being sold to two or more people?
14. Who are the key actors in customary land administration? (Check all that apply.)
  - ☐ Chiefs
  - ☐ Family heads
  - ☐ Clan leaders
  - ☐ Local brokers/intermediaries
  - ☐ Land secretariats (if applicable)
  - ☐ Other (please specify): \_\_\_\_\_ formal or customary actors.)
15. What are the steps involved in completing a land transaction under customary land administration?
16. How do these steps affect the efficiency and fairness of land transactions?
17. What challenges exist in ensuring secure land tenure in customary land administration?

### **Section 3: Examining the Influence of Land Information**

18. What measures are in place to ensure the accuracy of land records in the customary system?
19. How accessible are customary land records to market participants?
  - ☐ Freely accessible upon request
  - ☐ Accessible with restrictions (e.g., fees or permissions)
  - ☐ Not accessible

If applicable, please explain the restrictions: \_\_\_\_\_
20. Does the quality of land records impact land prices and transaction efficiency?
21. Do you think accurate and transparent land information within the customary land administration will improve decision-making in the informal land market?
  - ☐ Yes
  - ☐ No
  - ☐ Not sure

If yes, in what ways does it improve decision-making? \_\_\_\_\_
22. In your opinion what additional steps can be taken to improve the management and availability of land records in the customary land administration?
23. How do you verify transactions that originate from customary land administration before they are officially recognized?
24. What challenges exist in cross-checking land transactions between customary and formal land administration?
25. Do you have access to customary land transaction records before registering land formally? If not, how does this affect verification?



26. In your opinion, what are the most important elements that should be considered in a transaction verification system in the customary land administration? (Check all that apply and explain.)

- ☐ Written documentation of transactions
- ☐ Digital land records
- ☐ Witness verification
- ☐ Physical boundary demarcation
- ☐ Public listing of land transactions
- ☐ Dispute resolution mechanisms
- ☐ Verification of seller's history with the land
- ☐ Integration with formal land registry
- ☐ others

Thank you for your time and valuable input!



### Appendix 3: Research Matrix

Research questions	Data source	Methods	Analysis Technique	Expected Results
<b>1. To understand the role of customary land administration in the land market</b>				
a. What are the core principles, structures, and practices that define customary land administration?	Semi-structured interviews	Interviews	Thematic analysis	Identification of key principles and practices in CLA
b. What is the structure of the informal land market, and what factors support its reliance on customary systems?	Semi-structured interviews	Interviews	Descriptive analysis	Insight into the operations of the informal land market
c. How does customary land administration impact land ownership and transfer rights in terms of tenure security?	Semi-structured interviews	Interviews	Thematic analysis Descriptive analysis	Insights into the impact on tenure security and land access
<b>2. To analyze the operations of land transactions under customary land administration.</b>				
a. What types of land transactions occur in the informal market, and their effects on tenure security and access?	Semi-structured interview	Interviews	Descriptive analysis Thematic analysis	Classification of transaction types and tenure implications
b. Which actors and institutions in customary land administration influence informal land market outcomes?	Semi-structured interview	Interviews	Descriptive analysis Thematic analysis	Identification of actors and their roles
c. What are the steps in customary land transactions, and how do they impact efficiency and fairness?	Semi-structured interview	Interviews	Descriptive analysis Thematic analysis	Understanding of transaction steps and fairness implications
<b>3. To examine the influence of land information on the informal land market in customary land administration</b>				
a. What types of land records are maintained, and how are they managed?	Semi-structured interview	Interviews	Descriptive analysis	Overview of record-keeping practices and management systems
b. How does land record management affect land values and transaction efficiency?	Semi-structured interview	Interviews	Descriptive analysis	Insights into the relationship between record management, land values, and transaction efficiency
c. How does information accuracy contribute to transparency in the informal land market?	Semi-structured interview	Interviews	Thematic analysis Spatial analysis	Understanding the impact of information accuracy on transparency and identifying areas with multiple land sale

<b>4. To evaluate a transaction verification that aligns customary land administration with formal land administration.</b>				
<b>a.</b> What are the steps used in transaction verification under the current customary land administration?	Semi-structured interview	Interviews	Thematic analysis Descriptive analysis	Documentation of the existing informal transaction verification steps under customary systems
<b>b.</b> What elements should a transaction verification framework have to ensure transparency and tenure security?	Semi-structured interview	Interviews	Thematic analysis	Identification of core elements that enhance tenure security and transparency
<b>c.</b> How would the transaction verification framework increase alignment between customary and formal systems to tenure security and transaction transparency?	Semi-structured interview	Interviews	Thematic analysis	Insights into how the framework can bridge customary and formal land systems, improving transparency and legal legitimacy