THE IMPACT OF THE MEDIA SENSITIZATION COMPONENT OF THE CLARID PROJECT

MAY-DEC 2018

PREPARED BY

COLANDEF
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INTRODUCTION

The Customary Land Rights Documentation Project (CLARID Project) is a 24-month project which begun in February 2018, with an overall goal of increasing national attention on land rights documentation for small holder farmers and improving land tenure security for existing customary land rights holders in Ghana. The project implementation strategy rests on four components, including a media sensitization component that aims at educating, sensitizing and raising awareness on the risks associated with undocumented land rights; the policy context for land rights documentation in Ghana, as well as bring to attention, the handbook that will provide the knowhow on the conduct of documentation for customary land rights holders.

The media sensitization component of the project is currently limited to monthly media events on a TV program called Pampaso, where selected topics are discussed, usually by a panel of key stakeholders on the project. Each media event is an hour long and structured such that viewers of the program can phone-in at a point to give feedback, make contributions to the topic of discussion or ask questions, to which panelists respond. In addition to the live broadcast, there is also live streaming of the event on Facebook and video records of the events are further posted on YouTube. In all, twenty-four (24) media sessions are expected to be held by the end of the project in February 2020.

The first media event was held in April 2018, and the overwhelming number of phone calls received during, and in the aftermath of the live broadcast compelled the project team to assign team members to manage a phone number that has been dedicated to receiving calls from viewers in the aftermath of the media events. With the dedicated phone number in place, viewers who could not call-in to the live event are able to reach the project team and have their land issues attended to.

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1 The other three (3) components respectively aim at;
   i. Conducting an evidence-based research on potential adoption of a handbook for customary land rights documentation;
   
   ii. Advocating and dialoguing for multi-stakeholder endorsement, validation and adoption of handbook for customary land rights documentation;
   
   iii. Piloting of customary land rights documentation in 2 traditional areas in Ghana

2 A draft version of the Handbook is currently available, with stakeholder consultations underway to review it.

3 Pampaso is a primetime TV program held on Adom TV – a local television station that boasts a nationwide coverage.
The issues that callers have shared with the project team are continuously being compiled for reference and follow up purposes.

The first year of the CLARID project implementation ended in January 2019 and so far, nine (9) out of the twenty-four (24) media events have been held. Also, over one-hundred and seventy-three (173) calls have been documented by the team as at December 2018.

Before the start of the second year of implementation, all project components were duly evaluated, to ascertain achievements, shortfalls and how lessons from that year can inform the second-year implementation. This report is therefore a discussion of the outcomes of an evaluation of the media component of the project. Primarily, the evaluation was intended to;

- Measure the impact of the media sensitization component of the CLARID project.
- Identify gaps in the achievement of the desired impacts, and to find appropriate ways of addressing the gaps identified.

**ORGANIZATION OF THE REPORT**

The report is organized in two parts as follows;

- Part one presents the outlook of the media sensitization component in its entirety, highlighting the achievements, observations, lessons and constraints emanating from the overall evaluation exercise, as well as the remedial steps that are being taken to address the identified constraints. The evaluation was guided by a media impact assessment framework which defines the evaluation parameters.

- Part two focuses on the presentation and analysis of data on land issues which were teased out of the cases reported by callers, highlighting the implications of some of those issues for the customary land rights documentation cause in Ghana.
PART ONE

As has already been mentioned, the evaluation of the media component of the project was informed by the parameters defined by an impact assessment framework which the team developed. The framework defines what specific aspects of the media component should be considered during an evaluation, based on which it can be ascertained whether the aims of the media sensitization are being achieved or not.

THE MEDIA SENSITIZATION IMPACT EVALUATION PROCESS

Considering replicability requirements, the evaluation followed a defined process which can be summarized as follows;

i. **Detailed Documentation of Implementation Outcomes** – the team acknowledges the indispensable need for record keeping, and therefore ensured that all the outcomes of the media component are duly documented and shared with all team members. For example, the calls being received through the dedicated phone number is being documented. Quite apart from this, discussions with viewers who visit the team for various forms of assistance on their land issues are also being documented.

ii. **Weekly Debriefing and Deliberation on Outcomes** – throughout the year, the team met on weekly basis for team debriefing and deliberation on the outcomes achieved in the previous week. Key lessons, team members’ observations and next steps were further documented and shared with all team members.

iii. **Joint Evaluation with Media Consultant** – guided by the team’s own documented observations and lessons, a joint evaluation of the entire media component was held with the media consultant. In fact, this evaluation was the major one that was conducted in fulfilment of an agreed condition under the contract with the consultant, which bases the renewal of the contract for the second year of implementation on the outcome of the evaluation at the end of 2018. It must be mentioned however that at least, two (2) ad hoc evaluations were conducted with the consultant in the course of the year. The joint evaluation confirmed many of the team’s earlier observations and allowed parties to collectively deliberate on the necessary modifications to the implementation strategies, to improve the project outcomes. Again, the

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COLANDEF contracted Clear Vision Media (WKA) Limited to provide services towards the implementation of a media sensitization and awareness raising program for the promotion of customary land rights documentation in Ghana.
discussions and outcomes were documented and have been incorporated in this report.

iv. **Stakeholder Feedback** – some key outcomes of the joint evaluation prompted the team to solicit feedback from various stakeholders across the country, with a view to confirming those outcomes, as well as ascertaining from their perspectives, best ways of improving the outcomes. For example, in determining the convenience of the new airing time\(^5\) of the media events, the team conferred with representatives of some Regional Houses of Chiefs, traditional authorities and land sector agencies for their feedback.

After going through the evaluation process outlined above, **Table 1.0** below presents the complete picture of the media sensitization component in its entirety, highlighting the achievements, observations, lessons and constraints emanating from the overall evaluation exercise, as well as the steps that are being taken to remedy the constraints identified during the evaluation.

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\(^5\) Originally, the events were aired at 9:30pm, until in August 2018 when a reshuffle of programs at Adom TV resulted in a change of the airing time to 10:00am. Some stakeholders complained that the new time was inconvenient for them.
<table>
<thead>
<tr>
<th>Parameters</th>
<th>Achievements and Observations</th>
<th>Constraints Identified</th>
<th>Remedial Steps</th>
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</table>
| i. Geographical Coverage: | - A lot of attention and interest has been attracted from different sections of the Ghanaian public – customary land authorities, customary land rights holders, statutory land rights holders, land sector professionals, men, women, rural and urban residents among others.  
- Of the ten (10) regions of Ghana, the media events have received patronage from Greater Accra, Western, Eastern, Ashanti, Central Brong Ahafo and Volta regions, representing seven (7) of the ten (10) regions. Also, evidence gathered from stakeholders in the remaining three (3) regions – the Northern, Upper East and Upper West regions – indicate that the media events are patronized there to some extent, except that the team does not get any feedback from them, in the form of calls from viewers. Thus, whiles seven (7) out of the ten (10) regions account for 171 calls (representing 99%) of the 173 documented calls, the remaining three (3) regions account for only 2 calls (representing 1%) of the 173 documented calls.  
- In a bid to understand the skewed regional distribution of the calls, the team found that; | - Coupled with the seeming language barrier, the timing of the media events on Adom TV in the remaining four (4) regions is possibly affecting the overall patronage of the media events those regions. In short, alternative approaches need to be explored to reach underserved audiences. | - The project team after several consultations, is currently considering various options, such as;  
(i) holding a series of roadshows in those parts of the country where patronage has been low so far, with the hope of reaching the underserved populations there.  
(ii) Complementing the TV events with radio programs. This may require holding separate radio programs in the different regions of the country. |
(i) there may be a language barrier to the northern people’s active patronage because the local language adopted (i.e., twi) for the media sensitization – although the most widely spoken language across the country – is not widely spoken in the northern part of the country.

(ii) there are at least 3 local TV stations operating from in northern region alone. Although Adom TV remains popular among audiences there, there are specific programs that account for that popularity. Feedback gathered from some stakeholders there revealed that, outside of these programs, audiences prefer the local stations owing to their broadcast of relatable local content. In the Upper West and Upper East Regions, Adom TV is considerably popular, though faced with stiff competition from TV3, another station with nationwide coverage. Stakeholders that were engaged had no knowledge about the program, explaining that many tune in to the station during the late afternoons and evenings, after they have arrived from work.

### ii. Number of People Reached:

- This tried to measure the active or real time viewership of the media events. This includes audience

  - Apart from the viewership on TV, the events also received substantial viewership through its live stream option provided by Adom TV through on their Facebook and YouTube platforms. For instance, within the second quarter alone, the number of views the media events got from

  - Total viewership on social media has plummeted since Adom TV stopped its Facebook live broadcasts. A significant

  - Discussions are underway with the Media Consultant, to see the possibility of resuming the Facebook live broadcasts.
who watch through their television sets and through Adom TV’s Facebook live broadcasts of the events, as well as the video recordings of the events that are uploaded onto YouTube. Thus, the larger the audience, the greater the opportunity to impact on more people through the media sensitizations.

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<th>Facebook and YouTube were 9,987 and 1,033 respectively.</th>
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- The tracking tool being used by Adom TV to monitor viewership of the media events is currently unable to track or record the actual number of viewers. It is however able to provide data on the viewership share Adom TV enjoys, as against the other top TV stations in Ghana. For instance, during the 3rd media event, Adom TV had the largest viewership share of 28.55%, while TV3 had the second largest viewership share of 11.75%. This shows the extremely large viewership share that media events enjoy through Adom TV, as compared to other competing TV programs on other TV stations during the airing times. Moreover, relying on the data provided by GeoPoll, in their 2017 media measurement report, Adom TV is estimated to have an average of 662,000 loyal viewers. What this means is that the information being delivered in each media event is being received by over 662,000 viewers.

- It is important to note that Adom TV has since July 2018, stopped broadcasting the media events via their Facebook handle, although they still do so via their YouTube handle. However, the number of views received from the YouTube videos is not too

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| iii. Relevance of Issues Discussed: | - It is important to note that some of the topics discussed are in direct response to identified needs of callers. Thus, the feedback and questions asked by viewers also inform the content of subsequent media discussions. For instance, the team realized in a certain month that many callers asked questions about the responsibilities of parties in the documentation of land transactions. So, in the next month’s discussion, this was addressed. |
| | - Also, evidence gathered from the calls indicate that our audience are very attentive to the details of the topics discussed and do not hesitate to seek clarifications where there is unclarity on any aspect of the topics discussed. To mention but a few examples, consider the following: 
  (i) In one of the earlier media events, for discussion focused on the types of land rights and interests in Ghana, where it was mentioned, among other things, that the common law freehold interest cannot be granted over customary lands, because the 1992 constitution of Ghana does not permit such grants\(^7\). In the aftermath of the event, a professional land surveyor called to inquire about the status of a transaction he had earlier entered with a traditional authority who purportedly granted him the land ‘forever’ and which |
| | - So far, there has not been any direct attempts to get feedback from viewers and callers, on the relevance of the media events to them. |
| | - Follow-ups are already being made on callers, to ascertain how far they have come in the resolution of their issues. In addition to this, going forward, direct requests for feedback on the relevance of the topics discussed, will be made to callers. |

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\(^7\) This constitutional provision is based on the need to ensure sustainable communal resource use.
transaction the said surveyor was preparing to document.

(ii) Similarly, after discussing the portions of Ghana’s land bill that are relevant to customary land governance, some viewers called to request for copies of the bill, for their own references. These examples demonstrate the relevance of the topics being discussed, to land rights holders who otherwise, would not have called in to know more.

iv. Customary Land Rights Holders Reached:

- Since the focus of this project is on customary land rights documentation, the primary target groups are actors within the customary land sector, including customary land rights holders.
- Customary land rights holders are identifiable by the nature or description of land rights and interests about which they ask questions.
- Although the target populations are customary land rights holders and actors in the customary land sector, the media events have enjoyed lots of attention and patronage from other sections of the Ghanaian public. In fact, majority of callers are residents of big towns and cities like Accra, who called on issues they are facing with leases granted over customary lands. Thus, even the issues being reported touch on and concern customary lands.
- At least, twenty-five (25) of the thirty-eight (38) (i.e., representing 66%) issues\(^8\) teased out of the analysis of the calls received, are related to the customary land sector.
- Moreover, quite a significant number of calls received from customary land rights holders who called regarding a wide range of issues; from customary authorities’ arbitrary exercise of power, to undocumented land rights, to unclarity in the nature of land rights transacted, and the structural difficulties customary actors face in trying to access redress mechanisms at the

\(^8\) These will be discussed further in part 2 of this report.

- Radio programs hold potential for reaching more customary land rights holders.
- The team is currently exploring the possibility of complementing the TV events with radio programs. This will require the team to hold separate radio programs in the different regions.
Also, to some extent, the location of the land in question could also provide clues on whether the caller is a customary land rights holder or not.

customary level when their land rights are at stake. It was observed that even for those who can seek redress through customary adjudication systems, capacity to enforce the outcomes is usually weak.

- Feedback from some stakeholders around the country indicates that although the media sensitization through television broadcasts reach some customary land rights holders, radio programs hold potential for reaching more customary land rights holders and actors within the customary land sector in general.

### v. Customary Land Authorities\(^9\) Reached

- The adoption and use of the handbook for customary land rights documentation depends on customary land authorities’ understanding and appreciation of the need for documentation. Therefore, they are a customary level when their land rights are at stake. It was observed that even for those who can seek redress through customary adjudication systems, capacity to enforce the outcomes is usually weak.

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- So far, the media sensitizations have received an appreciable level of patronage from customary land authorities. While some called in during live broadcasts, others have called through the dedicated phone number to either ask questions or seek clarifications. For instance, in the just ended 9\(^{th}\) media event where the dynamics of the different customary land regimes was being discussed, a Chief called in to seek clarification on whether usufructs have the right to grant lands without the consent of their Paramount Chief who is the custodian of the allodial title from which the usufructuary interest is derived. This demonstrates their attention to the details of the issues being discussed through the media events. |

- So far, the team has not been successful in its attempts at getting a representation from customary land authorities on the media sensitization panel. Achieving this will likely boost patronage among customary land authorities. |

- The team has sent a letter to the National House of Chiefs\(^{11}\), seeking a representative from among them on the panel for some of the subsequent media events. However, the team is yet to receive a reply from them. Nonetheless, follow-ups will be made on this. |

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\(^9\) Customary land authorities are the custodians of customary lands in Ghana. They may be Chiefs, Tendamba, Family or Clan Heads.

\(^{11}\) The National House of Chiefs is recognized by the 1992 Constitution as the apex body that unites all Traditional Rulers and Chiefs, for overall decision making on traditional governance in Ghana.
target population in the media sensitization, and it is important to know how well they are following the sensitization. The more customary land authorities reached, the wider and faster the adoption of the handbook.

- More importantly, many traditional authorities have called upon the team to provide various degrees of technical support that will strengthen their capacities to govern over lands under their respective jurisdictions. For instance, representatives from the Odoisto, Odoi Kwao Family in Accra have recently approached the team seeking technical support in the establishment of a secretariat that will be responsible for documenting transactions, keeping and organizing records on their family lands. One interesting thing to mention about the family is that they were motivated to seek help from the team, only after watching one media event\(^{10}\). The Family leadership also recorded that media event, so that they can always refer to it in the future.

- In soliciting feedback from selected stakeholders, Chiefs were also contacted for their feedback on the media events held so far. Some of them recommended that a Chief should be part of the panel in at least, one of the subsequent events.

| vi. **Types of Behavior Change That Have Occurred / Initiated** | - Although the aggregate changes in people’s behavior towards land rights documentation is difficult to measure statistically, it is observed nonetheless that the media events have sparked some appreciable changes in the attitudes of our callers, at least, towards the documentation of their land rights. | - This has been an especially difficult parameter to measure, primarily because some of the callers do not report back | - A new team member has been recruited to follow-up on callers. The team will be working to get more data on behavioral changes that have occurred among land rights holders. |

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\(^{10}\) This particular media event was not part of the arrangement with Adom TV. It was held on GTV, however, based on an opportunity created by the Media Consultant.
- Towards documentation of land rights, as a direct result of the messages delivered through the media sensitization events.

- Of course, the main aim of the media sensitization is not simply to draw national attention to customary land rights documentation, but to eventually trigger changes in people’s attitudes towards the documentation of customary land rights, such that people will insist on documenting their land rights.

- For land rights holders who already had some forms of documentation covering their land transactions, they called to check on the validity or completeness of those documents. This category of callers can be sub-categorized as follows:
  (i) some of them had invalid and incomplete land documents, such as site plans only, unsigned land agreements, land agreements without supporting site plans and in some case, land rights holders had mere receipts of payments. These callers were appropriately given directions on how to secure complete and valid land documents.

  (ii) other land rights holders who, although had complete land documents, still called to confirm the validity of those documents. This was especially after a media session which discussed the elements of valid land documents.

- There were also some land rights holders who did not have any land documents and therefore called asking for directions on how to get their rights documented. They were all given the appropriate assistance, but for callers who reside in traditional areas that have Customary Land Secretariats (CLS), they are further referred to these CLSs to seek further assistance, especially where they were not literates.

- to the team. So, in many cases, it is uncertain whether they were able to follow through on the assistance given them by the team.
PART TWO

This part takes a closer look at the nature of the land issues which were reported by callers and what the implications of those issues are for the documentation of customary land rights in Ghana. Overall, as many as thirty-eight (38) standardized land issues were teased out of the cases reported by callers as at December 2018. The standardization of the land issues has not only streamlined analysis of same but has also generated quantitative data on land issues in Ghana. It is noted that the availability of such quantitative data holds potential for influencing policy formulation and action.

The standardized issues were generated through a well-defined process that allows for replication. Therefore, the current number of standardized land issues may increase in the future, as more calls are received and documented. A summary of the process is as follows;

i. **Documentation of calls** – team members who have been assigned to manage the dedicated phone line are responsible for receiving the calls that come in, documenting and compiling the questions, comments and feedback given by callers. Where callers ask questions or need guidance in any land rights related undertaking, the assigned team are also responsible for providing the appropriate responses. In situations where responses cannot be given immediately, the team confers with the leader of the team before and then relay the responses to the callers. Thus, all responses given to callers are also documented against their corresponding questions and inquiries, so that no record of the calls is lost.

ii. **Team Debriefing on Issues** – periodically, the rest of the project team meets with the assigned team members for a debriefing. The debriefing allows team members to collectively reflect on all the stories from the calls received for that period, discuss what went well and identify avenues for improvement in the delivery of assistance to callers.

iii. **Teasing out the Issues** – after the debriefing, the assigned team members tease out the underlying issues after analyzing each narration made, story told, question asked, and comments made by callers for a defined period. The assigned team was very meticulous here because this stage is the crux of the whole process and errors committed may distort the rest of the data to be generated. It is important to note that there were many instances in which multiple underlying issues were teased out from one caller’s story. So, the number of issues is not necessarily equal to the number of callers.

iv. **Standardizing the Issues** – when all the underlying issues have been teased out for calls within the defined period, the descriptions of each issue are then standardized. What happens at this stage is that where an underlying issue
is described in the same way by two or more members of the team, but using different words or phrases, then team members will adopt one standard description for that underlying issue, through consensus building.

v. **Team Vetting of the Standardized Issues** – when all the issue have been standardized, the entire team meets again, this time, to vet the work done by the assigned team members. This involves a scrutiny of each standardized issue, to ensure that they truly capture the essence of the underlying issues. One important thing to note here is that when all the issues have been vetted, the team then builds consensus on how the issues inform the handbook which was still being developed at that stage.

vi. **Graphical Presentation of Standardized Issues** – this is the last stage of the whole process where the audited standardized issues are presented graphically on heat maps and charts.

**OVERVIEW OF STANDARDIZED LAND ISSUES FROM CALLERS**

**Regional Distribution of Callers**

As has been mentioned already, the regional distribution of calls within the period of May to December 2018 was highly uneven, as no calls were received from some regions, whiles other regions had as many as fifty-seven (57) calls. This is illustrated in **Fig. 2.0** below;

![Regional Distribution of Calls](image)

**Fig. 2.0** A map illustrating the nationwide distribution of calls and gender distribution of callers respectively, between May – December 2018.

**Gender Distribution of Callers**

The gender distribution of the callers was not even either, since the number of male callers was twice the number of female callers, as illustrated in **Fig. 2.0**. In all, even though the number of women was less, the activeness of
following through on advice given them gives hope them gives hope of a future of increased demand for the recognition of women’s land rights, by women themselves.

PRESENTATION AND ANALYSIS OF THE EMERGING LAND ISSUES FOR MAY – DECEMBER 2018

**Fig. 2.1** Below is a graphical presentation of all the thirty-eight (38) standardized issues that were teased out of the calls.

![Graphical presentation of standardized land issues](image)

**Fig 2.1** Complete list of standardized land issues and their respective frequencies of occurrence as at December 2018
Beyond presentation the data, **Table 2.0** contains a discussion of the top ten (10) of those issues, highlighting their implications for the documentation of customary land rights in Ghana.
Table 2.0  ANALYSIS AND DISCUSSION OF THE IMPLICATIONS OF THE EMERGING LAND ISSUES ON CUSTOMARY LAND RIGHTS DOCUMENTATION IN GHANA.

<table>
<thead>
<tr>
<th>Issues</th>
<th>Analysis &amp; Discussions</th>
<th>Implications for Customary Land Rights Documentation in Ghana</th>
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<tbody>
<tr>
<td>i. Undocumented Land Rights</td>
<td>- The challenges emanating from the issue of undocumented land rights topped the list of land issues, with up to fifty-eight (58) instances of undocumented land rights related case recorded. This points to the pervasiveness of non-documentation of land rights in Ghana and the many resultant problems that this situation could engender.</td>
<td>- Customary land rights should be institutionalized, and this will require considerable efforts from all stakeholders.</td>
</tr>
<tr>
<td></td>
<td>- Looking closely at the regional distribution of the issue from Fig. 2.1, it is observed that the highest instances of undocumented land rights were recorded in the most urbanized region in Ghana (i.e., Greater Accra) and this is worrying because it is easy to assume that the issue is prevalent in the rural areas, as opposed to urban areas. More specifically, Greater Accra is not only the most urbanized region in Ghana but is also the seat of the Lands Commission headquarters and the starting point for most land sector interventions. It is therefore only fair to expect that the most sensitized people, in terms of land rights security issues, should be residents of the region.</td>
<td></td>
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<td></td>
<td>- One other striking observation is that the regions that recorded the second highest instances of undocumented land rights are the Western and Eastern regions, where many smallholder farmers hold land on customary terms, for the cultivation of cash crops such as cocoa and oil palm. Unfortunately, what this data reveals is that for those whose land rights are undocumented, their respective tenures are in precarious states.</td>
<td>- Institutionalization means that documentation of land rights would no longer be at the discretion of either parties, but literally a default action that will take place, immediately following the conclusion of a transaction in land.</td>
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<td>- Data on this issue from the Ashanti region contrasts that of Greater Accra, in the sense that although Ashanti region is the second most urbanized region in Ghana, it recorded one of the lowest instances of undocumented land rights, perhaps</td>
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12 Key examples are the introduction of the Customary Land Secretariats (CLS) and the land title registration among others.
because of the issuance of allocation notes for grants of customary lands in most parts of the region.

- It was also observed in a few instances that some grantors of customary land rights felt unconvinced or un compelled in some of the instances, to support documentation, even where grantees requested for documentation of their agreements over land. Such refusal may be attributed to either their being accustomed to oral transactions or the underlying skepticism about documentation which some grantors still harbor.

- Extensive sensitizations may be necessary beyond the CLARID project timeline.

- Even though focusing on the customary land sector is still valid, the data shows that we need to focus equally on urban areas.

ii. Limited Knowledge & Capacity to Conduct Due Diligence.

- There were thirty-eight (38) instances when land rights holders found themselves in compromising situations because they have limited knowledge and needed capacity to conduct the necessary due diligence prior to transacting land. This issue was common among callers from both rural and urban area who mostly hold customary and statutory land rights respectively. In fact, Greater Accra region recorded the highest instances of this issue and this is surprising again, because of the status of the region as the most urbanized region in Ghana and the starting point for most land sector interventions. However, the available data prompts us to rethink the seeming default expectation that the most sensitized people on land rights security issues should be residents of the region.

- In various cases, the land rights of callers were under threat because they transacted lands without verifying:
  (i) the capacities of their supposed grantors;
  (ii) whether those lands were indeed available and have not been transacted already;

- Beyond institutionalizing documentation, there needs to be a focus on creating access to public information on customary lands and their respective authorities in Ghana. COLANDEF has started building a database on the

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13 In the Ashanti region, lower ranking Chiefs (such as Divisional and Sub-Chiefs) under the Paramount Chief, usually issue allocation notes to their grantees upon the completion of a grant, which in most cases are lease grants. The grantees then take the document to the Paramountcy – the Ashatihene Land Secretariat (ALS) – for endorsement and subsequent preparation of land agreements which are then taken to the Lands Commission for registration.
(iii) whether those lands are litigation free.

- Apart from their limited knowledge regarding the conduct of due diligence, most of the affected land rights holders also lacked the capacity to conduct due diligence because of the following reasons;

(i) the bureaucratic nature and cost implications of conducting searches at the Lands Commission, in the case of statutory land rights holders who wish to ascertain the ownership status of lands they are interested in transacting;

(ii) the prevalence of oral land transactions, coupled with the absence of central records management agencies at the customary level where, like the Lands Commission, prospective customary land rights holders can check the ownership statuses of lands they want to transact.

- The respective Customary Land Secretariats (CLSs) in various traditional areas will serve as repositories of land ownership information at the customary level, so that prospective grantees can cross check before concluding their land transactions. Associated administrative fees for such due diligence checks should be as low as possible, to encourage the conduct of due diligence.
Similarly, the administrative procedures should be as easy as possible.

### iii. Limited Knowledge on Valid Land Documents

- The issue of limited knowledge on what constitutes a valid land document was also widespread among callers, with twenty-eight (28) recorded instances. It is interesting to note that there are two aspects to this issue;

  (i) The first aspect relates to situations where land rights holders exhibited the limitedness of their knowledge in being able to tell what specific type of document qualifies as a valid and legal document covering a transaction in land. For these instances, land rights holder had mere receipts of payments for the rights granted them and they simply held onto such receipts as their land documents. That is not to discount the worth of a receipt, but per the laws of Ghana, receipts do not meet the requirements of valid land documents.

  (ii) The second aspect relates to instances where land rights holders have other documents beyond receipts of payment, but which documents still do not meet the legal requirements of valid land rights documents in Ghana. For example, the only documents some rights holders have are site plans only, or land agreements only or both, but without other required elements of valid land documents, such as the signatures of both parties and their respective witnesses in the land agreements.

- In all however, land rights holders who found themselves in either of these two scenarios were very willing to rectify the shortcomings of their land documents.

### iv. Granting of Land Rights without Capacity

- In twenty-seven (27) instances, grantors of various land rights were found to have done so without the due capacity. In some of the instances, the people purporting to grant the land rights are members of the land-owning group but probably out of ignorance, do not know that they do not have the capacity to make such grants, according to the prevailing customary law. For example, a caller called to verify the validity of a land agreement. Upon examining the document, it was realized that the said caller was purportedly granted a Customary freehold interest by a holder of

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14 By virtue of the Statutory Declaration Act, 1971, (Act 389)
Usufructuary interest, who customarily does not have the capacity to grant such an interest.
In other instances, the said grantors deliberately misrepresented themselves as the rightful owners of those lands and transacted same with their unsuspecting clients.

- It was noted that this issue is closely tied to the limited knowledge and capacity of prospective land rights holders to conduct the necessary due diligence prior to finalizing their transactions. If that were not the case, people would have been able to verify the capacity of their prospective grantors, thereby minimizing the chances of being defrauded.

Presently, statutory declarations are quite expensive and most traditional authorities have not done it because of the cost considerations. In this regard, the government, through the Lands Commission may grant a special offer to land such interests and register same with the Lands Commission. Such declarations establish those who have the capacity to grant land rights and sign off land agreements. Declaration can be done where there are no prior documents covering those lands.
| v. Structural Difficulties in Accessing Redress Mechanisms | - This issue lies between the two extremes of a complete absence of redress mechanisms at one end and the existence of properly-functioning and accessible redress mechanisms at the other end. Thus, it is not a case that redress mechanisms are unavailable but a situation where there may be many roadblocks to reaching the available redress mechanisms. There was a total of twenty-five (25) of such instances, cutting across both customary and formal justice systems. At the customary level for instance, it is not too much of a big deal for an aggrieved land rights holder to report lower level Chiefs to their superiors in the traditional leadership hierarchy, such as reporting a Sub-Chief to the Divisional Chief and all the way to the Paramount Chief. However, whether justice will be served is a different story, aside the question of what happens where the Paramount Chief is the source of the infringement on their land rights? Paramount Chiefs, especially, are revered so much at the customary level that it is almost unthinkable to challenge their decisions and once a case has been decided at the customary level, aggrieved parties who are not satisfied are often unable to refer the same issues to the formal court systems, because of some actual or possible associated consequences at the customary level for doing so. At least, there was one recorded instance where a land rights holder was suspended from visiting his farm because he had requested the project team’s intervention in a matter that was before a Divisional Chief, when he realized that he was not going to be given the justice due him. 

- The story is not too different with the formal court systems. Firstly, the cost implications of getting justice is a deterrent for many aggrieved land rights holders. Secondly, excessive delays in the disposal of land cases is another hurdle for aggrieved parties and by the time such cases are disposed, a aggrieved party may be in a worse state than before the case begun. Lastly, it is a fact that even the formal court systems do not promise justice either. There were cases where court orders to certain parties in land cases were completely disregarded with impunity. |

| vi. Unclarity in the Nature of | - Although not in all instances, more than half of the twenty (20) instances of unclarity in land rights transacted resulted from undocumented land rights. Thus, one of the owning groups that want to do it. |

- Deliberate attempts should be made to strengthen the logistical and technical capacities of Alternative Dispute Resolution (ADR) services provided by CLSs in various traditional areas.

- There should be continuous dialogue with traditional authorities, towards making these ADR facilities as impartial as possible, to restore confidence in people. As much as possible, these facilities must be as independent from influence as possible.
**Land Rights Transacted**

many consequences of undocumented land rights is the unclarity in the nature of land rights transacted. From the call records, at least, there are two scenarios under which the nature of land rights transacted can become unclear where such rights are not documented:

(i) in situations where such rights are not clearly defined from the onset of negotiations to the conclusion of the transaction, in which case both parties leave the negotiation table with different appreciations of the extent of rights granted and received, because they each assumed that the other knows the specific rights that have been transacted. For instance, under many customary tenancy arrangements\(^{15}\), grantees’ right to cut and replant diseased cocoa trees within a cocoa farm has become a topical issue and a common source of conflict between grantors and grantees in cocoa growing areas. This is largely due to the fact that parties do not make clear and specific provisions on replanting or replacing diseased trees because originally, the customary law provision is that a grantor reserves the right to request a renegotiation of an existing agreement or even re-enter the land, where the property of the tenant farmer no longer exists on the land so granted, unless the said grantee cleared the farm with the grantor’s consent. However, customary law is silent on situations where only a few diseased trees are singled out and replaced. Thus, the issue become blurry where parties do not make provisions for such circumstances;

(ii) where the nature of rights granted are defined but lost with passage of time. In this case, the original parties have clarity on the extent of rights transacted but problems arise when the successors in title to the respective parties assume the positions of the original parties, in which instance they likely would not know the nature of rights they have in the land in question. There were many instances where mere the successors of caretaker farmers claimed to be real owners of lands that were put under the care of their predecessors.

\(^{15}\) These are mostly sharecropping arrangements. The two most common customary tenancies in Ghana are *abunu* and *abusua*, with their many variants.

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**vii. Breach of Land Agreement**

- There were seventeen (17) instances of breach of agreements by either parties. This was common among both customary and statutory land rights holders. In the case of customary land rights holders, the breaches were mostly as a result of non-documentation of land rights, and unclarity in the nature of land rights transacted, which is subject to the prevailing customary laws in the area in question, land agreements must make provisions for specific rights and responsibilities of parties to be clearly stated before transactions are concluded.

- To a large extent, documentation of land rights will minimize the
for that matter. This is especially so that latter successors in title to either parties are unaware of nature of rights they have. In some of these instances, the successors of tenant farmers under sharecropping arrangements consistently refused to share the produce at the end of the farming season. In other instances, the successors of the tenant farmers arrogated ownership of the said lands unto themselves and went on to transact those lands.

- Various traditional areas may also prescribe appropriate sanctions for deliberate breaches of land agreements.

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<th>viii.</th>
<th><strong>Limited Knowledge about the statutory requirements for land ownership and transaction.</strong></th>
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<td>Ghana practices a plural legal regime when it comes to land governance. Thus, customary or statutory rules apply in land acquisition processes, depending on whether the land in question a state or a customary land. However, when it comes to land rights documentation, registration and land use planning, only statutory rules apply. In this regard, most enactments concerning land ownership and use affect all lands in Ghana, irrespective of the type of land. The data indicates that there were sixteen (16) instances when land rights holders demonstrated some limited knowledge about the existence of various enactments that equally affects their holding and use of customary lands. While some rights holders were in doubt about their eligibility to pay property rates\textsuperscript{16}, others did not know that an owner of land is limited from initiating a court action to evict an adverse claimant who has been knowingly allowed to occupy and use the said land for twelve (12) consecutive years\textsuperscript{17}. Furthermore, some land rights holders did not know that there is a constitutional cap on the term/period of a lease a grantor can grant, depending on the type of use and nationality of the grantee.</td>
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\textsuperscript{16} By virtue of the Local Governance Act 2016, Act 936

\textsuperscript{17} By virtue of the Limitations Decree, 1972 (NRCD 54)
| ix. Multiple Sale of Land | - There were fifteen (15) instances of multiple sale of land, with Greater Accra region recording the highest instances, as seen in Fig. 2.1 above. This issue particularly affected leases that have been granted by traditional authorities of various land-owning groups. Within family land owning groups for example, it is now commonplace for a member of a family to re-grant lands that have already been granted by the family leadership, while such members do not have the customary capacity to do so, thereby engendering the issue of multiple sales.

- The earlier issue regarding the non-conduct of due diligence is a key contributor to multiple sales. Notwithstanding the limited capacity to conduct due diligence sometimes, as discussed earlier, it is important to note that prospective grantees can also do due diligence by making enquiries from neighbors within the area in which the land of interest is situated, asking about the land itself and about the supposed owner(s). Thus, where prospective grantees do proper background checks, they may be prompted by certain issues that will save them from being victims of multiple sales. It is noted nonetheless that the secrecy with which land transactions are often made may be a hinderance to obtaining satisfactory information about the ownership of properties from neighbors to the land of interest.

- It was noted also on the part of first grantees that failure to appropriately register leases increases the risk of multiple sales, because a land transaction that have not been made known to the Lands Commission will not show in search results. Thus, a subsequent unsuspecting purchaser may conduct the necessary due diligence, but because the earlier transaction has not been registered, they may go ahead to transact without knowledge of the earlier transactions. |

| - The role of CLSs as repositories will help to minimize instances of multiple sales because unlike the Lands Commission, one does not have to register their transactions before the CLSs get to record them. All transactions get recorded once they go through the documentation processes to be established in which CLSs are key institutions. |
|   | Arbitrary Exercise of Allodial Authority | - This is an issue that is peculiar to usufructuary interest holders, all of who have been victims of arbitrary exercise of allodial authority by their respective traditional leaders. In all, there were fourteen (14) of such instances, majority of which emanated from the Ashanti region. It was observed generally that consultations between traditional authorities as custodians of the allodial interests on the one hand, and usufructs on the other, is poor when it comes to the disposal of lands occupied by usufructs. For instance, in accordance with customary law and practice, whenever a community development catches up with farmlands, the users of those lands are often consulted by the traditional authorities for negotiations towards the release of those lands in exchange for alternative lands that are further away from the developed areas. However, the current data indicates that most traditional authorities often unilaterally take charge of those lands and manage them without any meaningful consultation. This seems to be the same trend with disposal of lands which are being used or occupied by usufructs. |
|   | - Apart from continuous dialogue with Chiefs on this issue, a well-established up documentation processes in various traditional areas will boost the entire land governance arrangements at the customary level and will place some checks on the overall abuse of authority. |
CONCLUSION

The aim of the media sensitization component of the CLARID project has been to educate, sensitize and raise awareness on the risks associated with undocumented land rights; the policy context for land rights documentation in Ghana, as well as bring attention to the handbook currently being developed to provide guidance on the conduct of documentation for customary land rights holders. In pursuing this goal, the project team engaged a Media Consultant who secured a platform on Adom TV to host monthly media events through which the sensitization messages are delivered, usually by a panel that is made up of the project team leader and selected project stakeholders. In each event, viewers have the opportunity to call-in with questions, comments and feedback. In the aftermath of the events, viewers are also able to contact the project team through a dedicated phone number. All the calls that come in are documented for reference and follow-ups. More importantly, the insights from the documented calls have contributed immensely to the development of the handbook for customary land rights documentation.

This report discussed the outcomes of an evaluation of the media sensitization component. Overall, the outcomes have been good because a lot of attention and interest has been attracted from different sections of the Ghanaian public – customary land authorities, customary land rights holders, statutory land rights holders, land sector professionals, men, women, rural and urban residents among others. From the report, there is also some evidence of noticeable changes in the attitudes of customary land rights holders, as most of those who have called the team have seen the need for documentation and have further shown some willingness to have valid documentation of their land rights.

It is equally important to admit that there have been some constraints to the realization of the full benefits of the media sensitization, to the overall achievement of the CLARID project goal. Some of the key constraints have been the inability to get patronage from certain parts of the country, apart from the observation that television programs may not be the best way to reach more customary land actors. Nonetheless, appropriate strategies are being explored to address all constraints, as demonstrated in the report. For instance, in response to the low patronage of the media events from the Northern parts of the country, the team is planning a series of roadshows in those areas, in order to draw people’s attention to the media events. Also, opportunities are being explored to complement the TV events with radio programs, in direct response to the need to reach more customary land rights holders.