



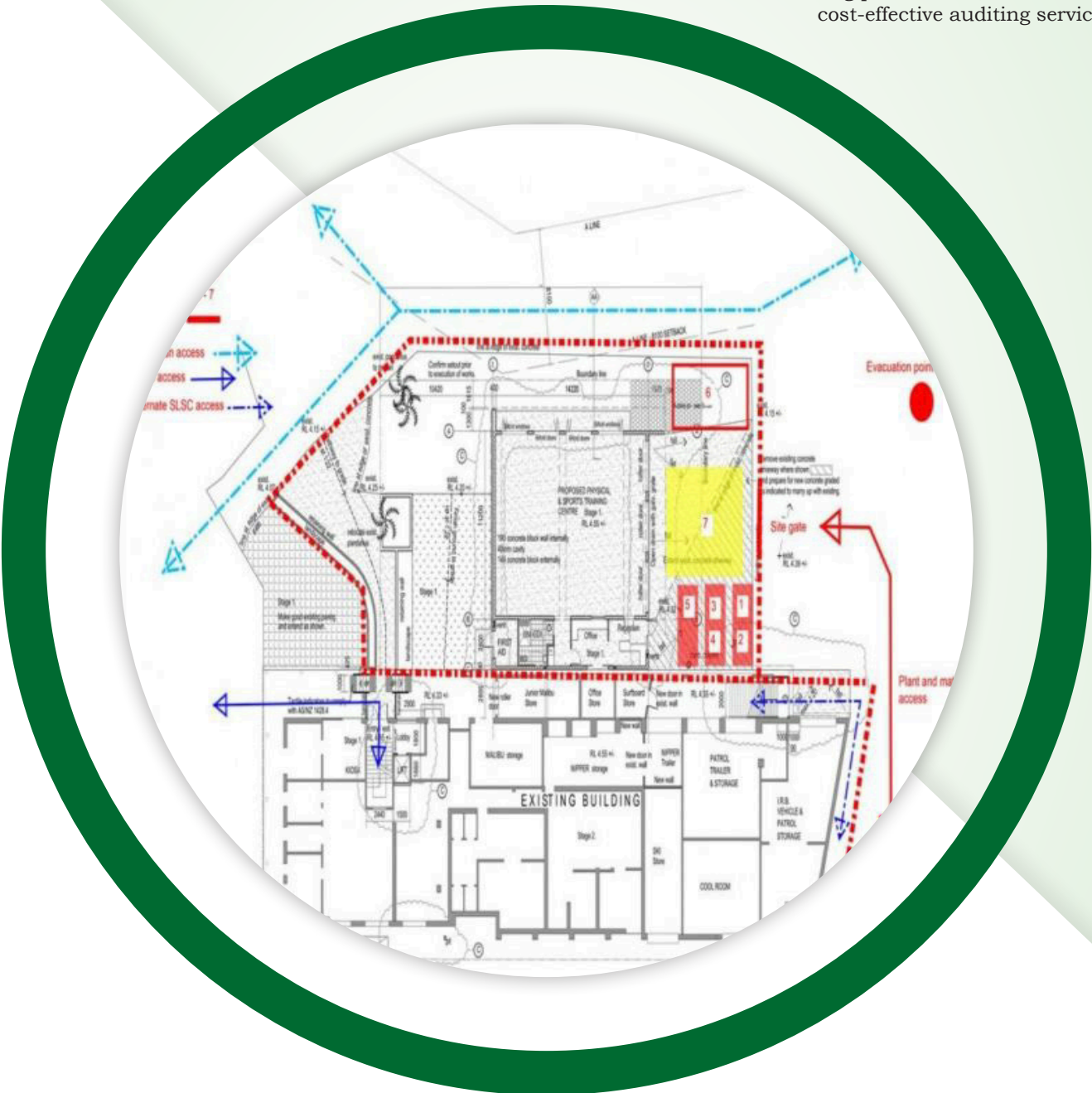
REPUBLIC OF GHANA



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PERFORMANCE AUDIT REPORT OF THE AUDITOR-GENERAL ON LAND REGISTRATION IN GHANA

This report has been prepared in compliance with Article 187(2) of the 1992 Constitution of Ghana and Section 13(e) of the Audit Service Act, 2000 (Act 584) for submission to Parliament in accordance with Section 20 of the Act.

Johnson Akuamoah Asiedu
Auditor-General
Ghana Audit Service

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TRANSMITTAL LETTER

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02 May 2024

Dear Rt. Hon. Speaker

PERFORMANCE AUDIT REPORT OF THE AUDITOR-GENERAL ON LAND REGISTRATION IN GHANA

I have the honour, in accordance with Article 187(2) of the 1992 Constitution of Ghana, Sections 13(e) and 16 of the Audit Service Act, 2000 (Act 584) to present to you a performance audit report on Land Registration in Ghana.

2. Land ownership in Ghana is categorized into customary and public lands. Customary lands are owned by traditional authorities, families, or clans, whilst public lands are vested in the state on behalf of the people of Ghana.

3. Individuals or prospective developers who buy land are challenged in acquiring Land Certificates for legal ownership leading to prolonged litigations and stalling development.

4. Land registration process in Ghana is burdened with inefficiencies which over the years has caused public dissatisfaction.
5. Contributing to these bottlenecks is the public lack of knowledge of the land registration processes and information on ownership of lands resulting in multiple sales and buying of lands from wrongful owners.
6. In view of this and in line with Section 13(e) and 19 of the Audit Service Act, 2000 (Act 584), the audit was commissioned to determine whether the measures put in place at the Lands Commission to register lands is improving the land registration process.
7. The audit was carried out from August to December 2023 and covered the period 2019 to 2023 in the Northern, Ashanti, Western, Greater Accra and Eastern Regions.
8. We found in the five regions we visited that, the Land Commission set a 90-day timeline for processing land title and deed applications. Our reviews showed that there were delays in the process. Out of the 2,000 applications that we examined, 1,592 (79.6%) were processed beyond the 90 days ranging from 126 days on average in the Western to 372 days in the Northern region.
9. This was due to lack of timelines for divisions in processing land applications, inadequate monitoring of the registration process, and insufficient Land Registrars in the deed districts, among others.
10. LC's awareness programs were ad-hoc and lacked focus on addressing crucial pre-registration issues, such as the importance of land searches and acquiring genuine land documents. This was because the LC relied on the benevolence of media outlets and organisations to create public awareness. Consequently, the content of the programmes leaned towards the interest of the organisers.

11. We have made recommendations to the Lands Commission, the details of which are contained in the report, to improve upon Land registration and to minimise land litigation in the country.

12. We are also pleased to report that, following our audit, the Lands Commission has already commenced implementing the recommendation provided in this report.

A handwritten signature in black ink, appearing to read 'Johnson Asiedu', written in a cursive style.

JOHNSON AKUAMOAH ASIEDU
AUDITOR-GENERAL

THE RIGHT HON. SPEAKER
OFFICE OF PARLIAMENT
PARLIAMENT HOUSE
ACCRA.

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LIST OF ABBREVIATIONS

CHRAJ	Commission for Human Rights and Administrative Justice
CSO	Civil Society Organisation
CSAU	Client Service and Access Unit
ELIS	Enterprise Land Information System
GELIS	Ghana Enterprise Land Information System
GIS	Ghana Information System
GOG	Government of Ghana
INTOSAI	International Organisation of Supreme Audit Institution
IS	Information System
ISSAI	International Standard of Supreme Audit Institutions
IT	Information Technology
LAN	Local Area Network
LC	Lands Commission
LDR	Land Deed Registration
LIS	Land Information System
LRD	Land Registration Division
LTR	Land Title Registration
LVD	Land Valuation Division
MLNR	Ministry of Lands and Natural Resources
PPP	Public Private Partnership
PVLMD	Public and Vested Land Management Division
SMD	Survey and Mapping Division
SOP	Standard Operating Procedures

GLOSSARY

Term	Meaning
Cadastral plan	Land plan that contains the graphical recordings of land size and boundaries in a deed registration district.
Middlemen	A term for persons who facilitate the registration process for personal gains.
Noting	Temporary marking of a piece of land in the name of an applicant to indicate an on-going registration process.
Parcel plan	Land plan that contains the graphical recordings of the size and boundaries of that land within a title registration district.
Plotting	Marking a piece of land in the name of the owner of that land. It indicates that the land has been registered by that owner.
Lessee	A person or party who rents or buys for a number of years, land from the owner of that land. Lessees are also referred to as tenants.
Lessor	A person or party that owns land and issues, rents, or grants out of a lease to another.
Town maps	Physical maps that contain the boundaries and features of lands in particular location.

EXECUTIVE SUMMARY

Land registration is the recording of one's interests in land. The Lands Commission (LC) is the organisation mandated to ensure effective and efficient registration of lands in Ghana. Between 2019 and 2022, the LC generated an amount of GH¢485,871,440 from Land Registration activities.

2. Studies by IMANI Ghana and Ghana Statistical Service reported that the LC is challenged with a comprehensive database that captures information on lands and the land registration processes. Players in the land market have limited access to information on lands and LC officers take undue advantage and extort monies from prospective landowners. Also, there are concerns from the public about the need to acquire knowledge on the land registration processes and information on ownership of lands before purchase to help prevent buying lands from wrongful owners.

3. In view of this, the Auditor-General, in line with Section 13(e) of the Audit Service Act, 2000 (Act 584), commissioned this audit to ascertain whether measures LC had implemented to register lands in the country were effective and to make recommendations for improvement.

What we did.

4. We randomly sampled 2,000 first registration case files on land registration (title and deed) from five regions to determine whether the measures put in place by Lands Commission to register lands is improving the land registration process. We reviewed documents and interviewed officials of the LC. Also, we randomly selected and interviewed 50 clients to help us determine the impact of Public Awareness programmes carried out by the LC.

What we found

Lands Commission's registration system did not enable them to register lands within the required period.

5. The five regions we visited did not meet the 90-day timeline for processing most of the title and deed applications. Out of the 2,000 applications examined, 1,592 (79.6%) were processed beyond the 90-day period. This was due to lack of timelines for divisions in processing land applications, inadequate monitoring of the registration process, and insufficient Land Registrars in the deed districts, among others.

Lands Commission's awareness programmes were not targeted at addressing challenges in land registration

6. LC's awareness programs were ad-hoc and lacked focus on addressing crucial pre-registration issues, such as the importance of land searches and acquiring genuine land documents. This was because the LC relied on the benevolence of media outlets and organisations to create public awareness. Consequently, the content of the programmes leaned towards the interest of the organisers.

What we recommended

7. We recommended that to ensure the registration of land is done within the 90-day required period, management of LC should:

- allocate timelines among divisions and implement monitoring mechanisms to ensure adherence.
- evaluate processes against staff strength, fast-track the gazetting of Land Registrars, and improve coordination among divisions, particularly in Kumasi.

8. To improve the LC's public awareness creation programmes we recommended that the LC should establish guidelines, allocate resources, and prioritise pre-registration issues in awareness programs to empower the public to make informed land decisions.

CHAPTER ONE

INTRODUCTION

1.1 Reasons for the Audit

Land ownership in Ghana is categorized into customary and public lands. Customary lands are owned by traditional authorities, families, or clans, whilst public lands are vested in the state on behalf of the people of Ghana. It is estimated that 80 percent of lands in Ghana are customarily held, with the remaining 20 percent owned by the state¹. Portions of the customary and state lands are leased to individuals or organisations for residential or business development purposes. When land is leased, there is the need to register or transfer the land into the prospective owner's name to legitimise ownership and avoid litigation.

2. The Lands Commission (LC) is the organisation mandated to ensure effective and efficient registration of lands in Ghana. The Commission was established by Article 258 of the 1992 Constitution and the Lands Commission Act, 2008 (Act 767).

3. Land registration process in Ghana is burdened with inefficiencies which over the years has caused public dissatisfaction². Landowners and prospective land buyers complain of challenges in acquiring Land Certificates. Also, there are concerns from the public about the need to acquire knowledge on the land registration processes and information on ownership of lands before purchase to help prevent buying lands from wrongful owners. The Executive Secretary for Lands Commission in an interview with an Accra based radio station on 23 June 2021, expressed concerns about multiple sale of land which is becoming a

¹ <https://land-links.org/country-profile>, Accessed on 21 June, 2022

² <https://theconversation.com/ghana>. Accessed on 21 June, 2022

trend in the country. He mentioned the need for prospective landowners to carry out searches on land ownership before any financial commitment is made³.

4. IMANI Ghana, a Civil Society Organisation (CSO), published a report in October 2020 titled “Addressing challenges to property registration in Ghana”. In the report, Lands Commission (LC) is challenged with a comprehensive database that captures information on lands and the land registration processes. Players in the land market have limited access to information on lands and LC officers take undue advantage and extort monies from prospective landowners⁴.

5. In a survey conducted by the Ghana Statistical Service and Commission for Human Rights and Administrative Justice (CHRAJ), the Lands Commission was reported as the fourth most corrupt institution in the Country. The survey reported that, officers at the Lands Commission received the largest cash bribes in the year 2021⁵.

6. Following these concerns, the Auditor-General, in line with section 13(e) of Audit Service Act, 2000(Act 584), commissioned a Performance Audit on Land Registration in Ghana.

1.2 Audit scope

7. The audit focused on title and deed registration processes⁶ for first registration of land (initial registration of any piece of land in the owner’s name)

³ <https://myinfo.com.gh>2021/06>, accessed on 6 August 2023

⁴ <https://imaniafrica.org>2020/11/27>, accessed on 13 April 2023

⁵ <https://www.myjoyonline.com/lands-commission-officers-judges-and-immigration-officers-received-largest-cash-bribes-in-2021-gss/>, Accessed on 13 April 2023

⁶ Refer to chapter two for explanation to title and deed registrations.

in Ghana by the Lands Commission. It covered the period January 2019 to May 2023.

8. The audit was carried out in the Northern, Ashanti, Western, Greater Accra and Eastern Regions to cover the three belts in the country (Northern, Middle, and Southern). We visited Tamale, Kumasi, Takoradi, Accra and Koforidua regional offices of the Lands Commission to collect data for the audit. This was because, there is high demand for land registration services in these cities. It was also to determine whether the LC had been able to register lands effectively in these cities.

1.3 Audit objective

9. The objective of the audit was to determine whether the measures put in place by Lands Commission to register lands is improving the land registration process.

1.4 Audit questions and assessment criteria

10. The audit questions and corresponding assessment criterion are:

AQ1: Are the measures implemented by the Lands Commission enabling them to register lands within the required 90-day period?

Assessment Criteria

Lands Commission is required to register lands within 90 days (Source: Land Act 2020, Act 1036, Section 104 (d))

AQ2a: Is Lands Commission's public awareness programme delivered to provide the needed information on land issues?

AQ2b. Is LC's educational programmes enhancing the understanding of the public on land issues?

Assessment Criteria

LC is to carry out public awareness on Land registration. (Source: Lands Commission Act, 2008 Act 767, Section (5) (n, o); Strategic Business Plan, 2015 to 2019, page 34 and 35)

1.5 Audit Standard, Sampling and Methodology

Audit Standard

11. We carried out the audit in accordance with the International Standards for Supreme Audit Institutions (ISSAI) relevant to performance auditing. These are ISSAI 100-Fundamental Principles of Public-Sector Auditing, ISSAI 300-Fundamental Principles of Performance Auditing and ISSAI (3000-3100)-Performance Audit Guidelines. These standards require that the audit is planned and performed to obtain sufficient and appropriate evidence. It is also to provide a reasonable basis for the findings and conclusions based on the audit objectives.

Audit Sampling

12. We randomly sampled 2,500 (500 from each of the five regions) first registration case files ⁷ on land registration (title and deed) from the five regions for the audit period, January 2019 to May 2023. The audit team used 2,000 case files out of the 2,500 sampled for our analysis due to incompleteness of information captured in 500 case files. The number of case files reviewed and analysed for the five regions is shown in Table 1.

[7 Case files are files opened by the LC for clients which contains documents on land \(such as indenture, site plan, cadastral plan/parcel plan\), application for land registration forms, payment of fees slips, copy of client's identification card, inspection/divisional reports, correspondence between LC and clients, title/ deed certificate.](#)

Table 1: Sampled case files reviewed and analysed for the five regions

Region all Office	Number of case files reviewed	Number of case files used for analysis
Greater Accra (Accra)	500	480
Northern Region (Tamale)	500	443
Ashanti Region (Kumasi)	500	176
Eastern Region (Koforidua)	500	440
Western Region (Takoradi)	500	461
Total	2,500	2,000

Source: Land Title and Deed case files reviewed by the Audit team in the five regional offices of the LC within the audit period.

13. The 2,000 case files were completed applications devoid of adverse claims such as objection and unfavourable records verification reports which enabled us to determine the turnaround time for first registration of land in each region. The case files included registration of family/clan, stool/skin, and state lands. The Accra regional office processed title applications whiles Tamale, Koforidua and Takoradi regional offices processed deed applications.

14. The Kumasi regional office processed both title and deed applications and had a peculiar system which required the PVLMD to process all title applications before forwarding them to the LRD for title registration. The officers were unable to provide 500 corresponding title registration case files for the 500 registration case files (processed by the PVLMD) that the team sampled. As a result, we used 176 case files for the analysis. We selected case files for title registration to enable us to compare the registration processes in the title districts (Accra and Kumasi).

1.6 Methods of Data Collection

15. We used document review and interview to collect data.

Documents Review

16. We reviewed 2,500 first registration case files for the audit period to determine when applications were submitted and approved. We reviewed each case file with regards to the process involved in land registration. We considered the date applications were received when clients paid for the services and the movement of each case file from one division to the other till title or deed certificates were signed. This enabled us to determine the time spent on each application in each division and the average processing time of the applications.

17. We reviewed annual reports from the regions we visited to determine their performance and challenges. The reports also helped us to determine the educational programmes carried out. The list of documents reviewed, and reasons is attached as Appendix A.

Interviews

18. We interviewed the Executive Secretary and his deputy in charge of Operations, Heads of Corporate Affairs, IT Unit and the four divisional heads. We also interviewed Regional Land Officers, Regional Divisional Heads, Heads of the CSAU and responsible officers from the divisions who played key roles in the land registration process in all the five regional offices. This was to corroborate information gathered from the documents review and observations. The list of officers interviewed, and reasons is attached as Appendix B.

19. We randomly interviewed 50 clients from the five regions (10 from each regional office we visited). This was to ascertain their understanding of land

issues and requirements for land registration. It also helped us to determine whether public awareness programmes were carried out and its impact.

CHAPTER TWO

Land Registration in Ghana

20. Land registration is the recording of one's interests in land. Before 2008, there were four land sector agencies facilitating the registering of lands. These were Survey and Mapping, Land Valuation, Land Registration and Public and Vested Land Management departments. These four departments were merged to operate as divisions under the Lands Commission in 2008.

21. Lands Commission (LC) is a public service organisation under the Ministry of Lands and Natural Resources mandated by the Lands Commission Act, 2008 (Act 767) and the Land Act 2020 (Act 1036) to register lands in the country. The Commission is made up of Land Valuation, Surveying and Mapping, Public and Vested Land Management and Land Registration divisions and each division plays a role in the land registration process.

22. There are two systems of land registration in the country, that is, the Deeds Registration and the Land Title Registration. Deed Registration registers the instrument relating to the land which requires an approved site plan or an indenture from landowners and a tax clearance certificate from the applicant (to confirm that the applicant has been paying taxes to the state). The LC provides a unique code for the indenture and issues a copy to applicants as proof of ownership to the land.

23. With the Deed Registration, publication in newspapers is carried out on applications of which the measurement of land is 50 acres or more. Any application for land registration that falls below 50 acres is not published. Once a land is registered under the Deed, it becomes a public knowledge as a search conducted will reveal the registration status.

24. The Land Title Registration is the registration of ownership of a land with the LC and making that ownership public knowledge. It came into being with the passage of the Land Title Registration Act 1986 (Act 152)⁸. With this system, the LC publishes the interest of applicants in the land to the public irrespective of the land size. This affords people with interest in that land to raise an objection if any.

25. The documents for Land Title Registration required by the law includes root of title, stamped indenture (indicating that stamp duty had been paid, which is tax paid on the value of the land), approved site plan, and a consent form⁹ where necessary. The process of acquiring these documents is known as pre-registration, which enables an applicant to start the land title registration process.

26. The Land Title Registration started in 1988 in the Greater Accra Region and 1995 in parts of Kumasi after the Minister for Lands and Natural Resources declared these places as registration districts. Apart from these two areas, all other lands are registered under the Deeds Registration. The Land Act 2020 (Act 1036) empowers only the Minister on the advice of LC to declare areas within the country as title registration districts¹⁰.

2.1 Vision of Lands Commission

27. The vision of Lands Commission is to become a centre of excellence for land services delivery.

⁸ [The Land Title Registration Act was repealed in December 2020 with the Land act 2020 \(Act 1036\)](#)

⁹ [Consent form is an authorization note issued by the PVLMD on behalf of the State to an applicant who is acquiring/leasing land from the State.](#)

¹⁰ [Section 89\(1\) of the Lands Act, 2020 \(Act 1036\)](#)

2.2 Mission of Lands Commission

28. Lands Commission exists to provide high quality, reliable and efficient services in geographic information, guaranteed tenure, property valuation, surveying and mapping through teamwork and modern technology to stakeholders.

2.3 Objectives of the Lands Commission

29. The objectives of the Commission with regards to land registration are to:

- promote the judicious use of land by the society and ensure that the use is in accordance with sustainable management principles and the maintenance of a sound ecosystem and
- ensure that land development is effected in conformity with the nation's development goals.

2.4 Functions of Lands Commission

30. The functions of the Commission in relation to land registration are to:

- manage public lands and any other lands vested in the Commission,
- impose and collect levies, fees, charges for services rendered,
- register deeds and instruments that affect land throughout the country,
- promote community participation and public awareness at all levels in sustainable land management and development land practices,
- advise on, and assist in the execution of, a comprehensive programme for the registration of title to land throughout the country,
- provide surveying and mapping services where necessary, and
- provide land and land related valuation services.

2.5 Funding

31. The Government of Ghana (GOG) pays the salaries and emoluments of Lands Commission staff and subvention for operational activities. LC generates funds internally for government through fees charged for services rendered to applicants. The Commission keeps not more than 33% of the Internally Generated Funds to support administrative expenses and it is subject to parliamentary approval. For 2019 to 2022, LC generated an amount of GH¢486 million. Table 2 shows the LC's budgets and actuals for IGF.

Table 2: Budgeted IGF and Actuals by LC

YEAR	BUDGET (GH¢)	ACTUAL (GH¢)
2019	30,395,728.20	44,538,406.73
2020	156,425,142.42	186,186,451.70
2021	181,357,454.55	186,880,125.16
2022	85,858,299.19	68,266,456.65
TOTAL	454,036,624.36	485,871,440.24

Source: Lands Commission's Financial statements, 2019 to 2022.

2.6 Key players and their responsibilities

32. Table 3 shows the key players of Lands Commission and their responsibilities.

Table 3: Key players and their responsibility in the Land registration process

Key players	Responsibilities
Client (Applicants for title and deed registration)	<ul style="list-style-type: none"> • Applies for land registration services. • Pays taxes on land and fees for services rendered. • Receives title/deed certificates.
Land Registration Division	<ul style="list-style-type: none"> • Carries out site inspection. • Publishes notice of registration • Registers interests in land • Issues land title certificate/provisional certificate to clients • Keeps records on registered lands
Land Valuation Division	<ul style="list-style-type: none"> • Determines the value of lands presented by clients and the required taxes to be paid, • Issues stamp duty to clients.
Surveying and Mapping Division	<ul style="list-style-type: none"> • Notes and plots lands for land registration, • Conducts search on site plans and examine the map bearings, acreage or hectors of a site plan, and the distance between each measurement of land boundaries, • Carries out land inspections to verify the location and activities on land.
Public and Vested Land Management Division	<ul style="list-style-type: none"> • Grants consent for the lease of state lands, • Conducts search to determine whether land leased is state owned or not, • Notes and plots lands for deed registration.
Client Service and Access Unit (representatives from the four divisions)	<ul style="list-style-type: none"> • Receives and checks submitted applications and documents against a standard checklist to ensure that applications for land services have met all the requirements. • Acknowledges the receipt of payment for service fees,

	<ul style="list-style-type: none"> • Sends updates on status of applications to clients. • Delivers land certificates to clients. • Liaise with officers to address clients complains
Communication Unit	Carries out public awareness activities
Regional Lands Officers	<ul style="list-style-type: none"> • Have oversight responsibility of land registration services in the regions, • Monitors the activities of officers responsible for the land registration process

2.7 Organisational Structure

33. The organogram of the Lands Commission in relation to land registration is attached as Appendix C.

2.8 System description

34. Figures 1 and 2 show the flow chart at the Lands Commissions for both Title and Deed registration and Figure 3 shows the flow chart on public awareness creation by the LC. The system description is attached as Appendix D.

Figure 1: Flow chart for land registration

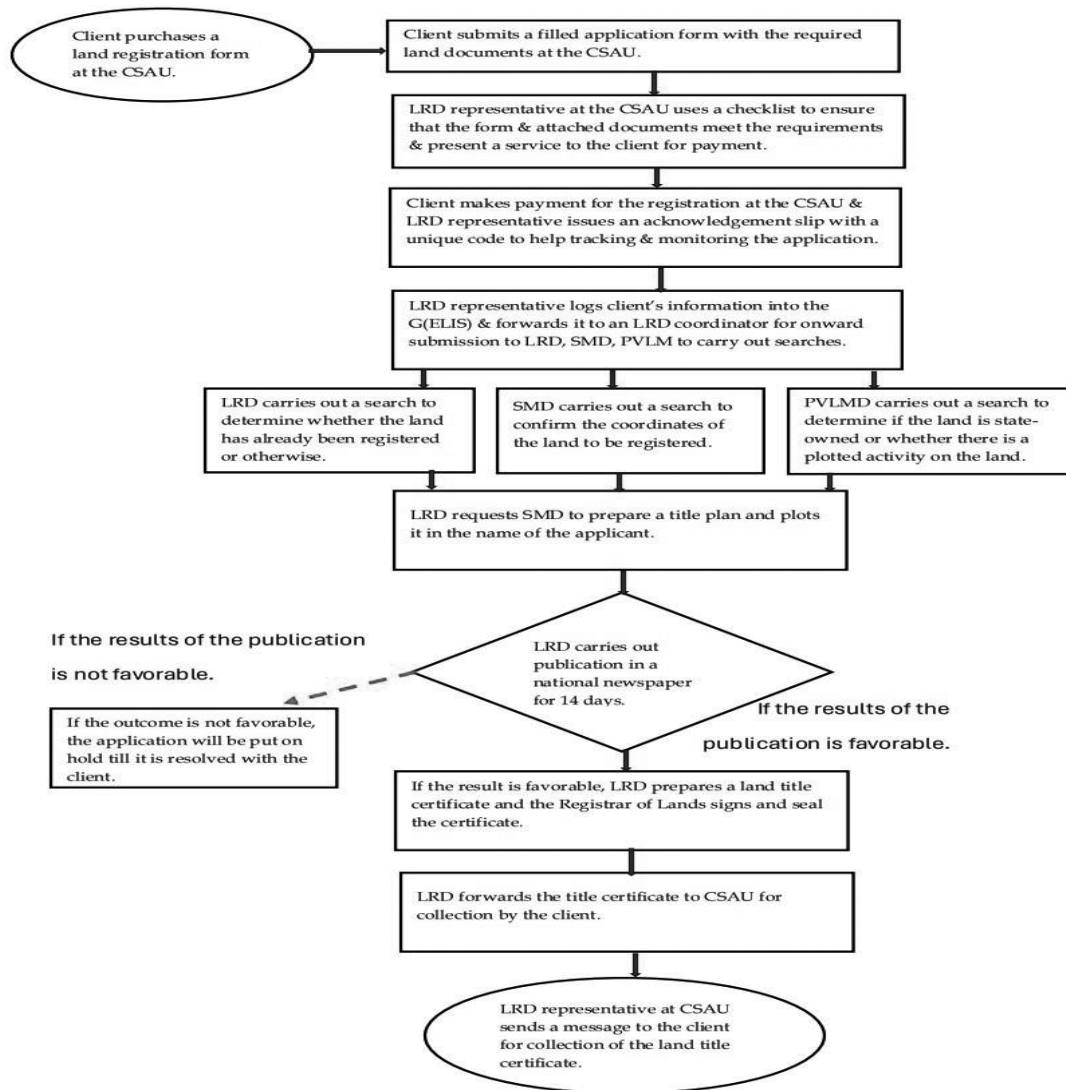


Figure 2: Flow chart for Deed Registration

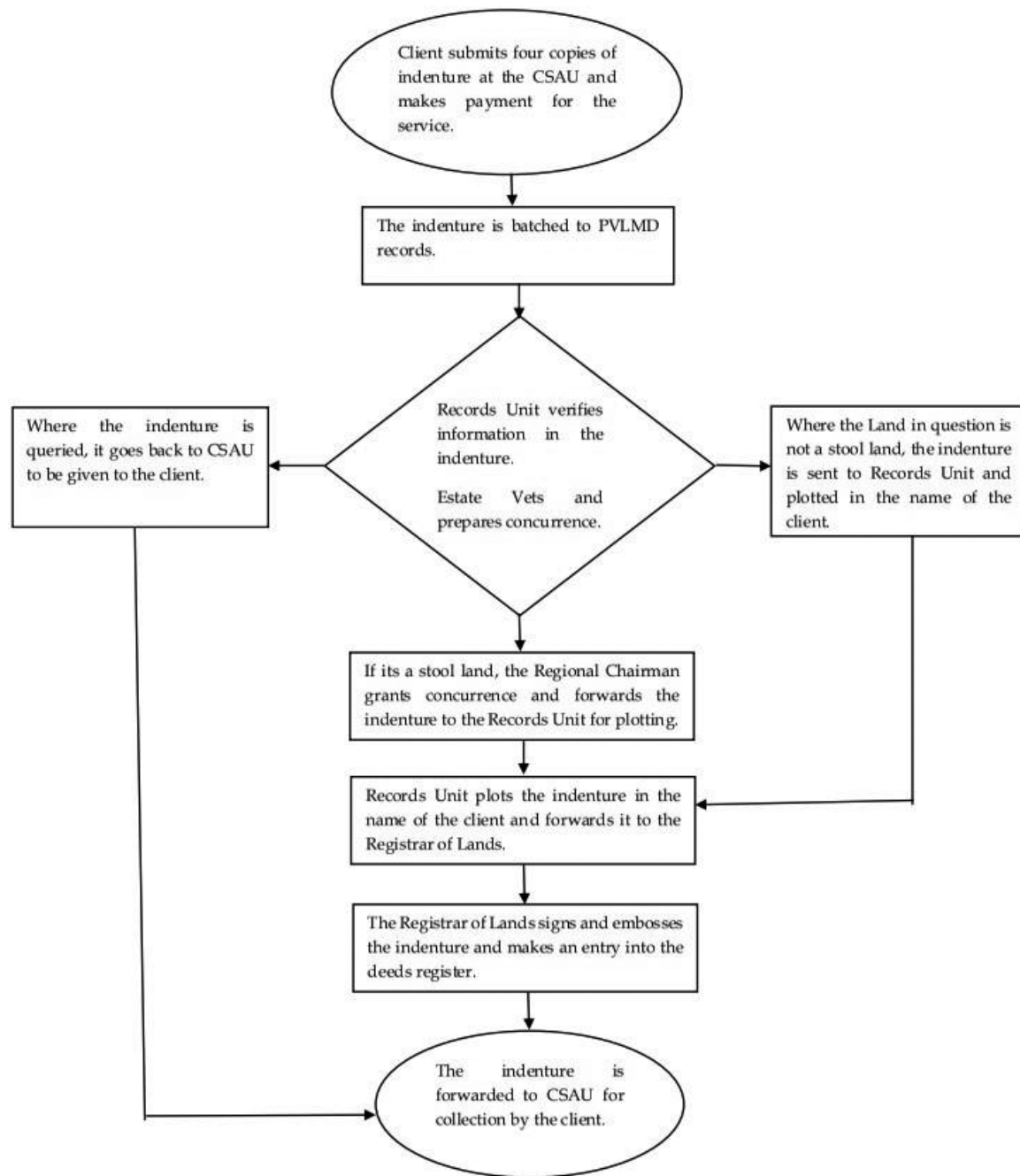
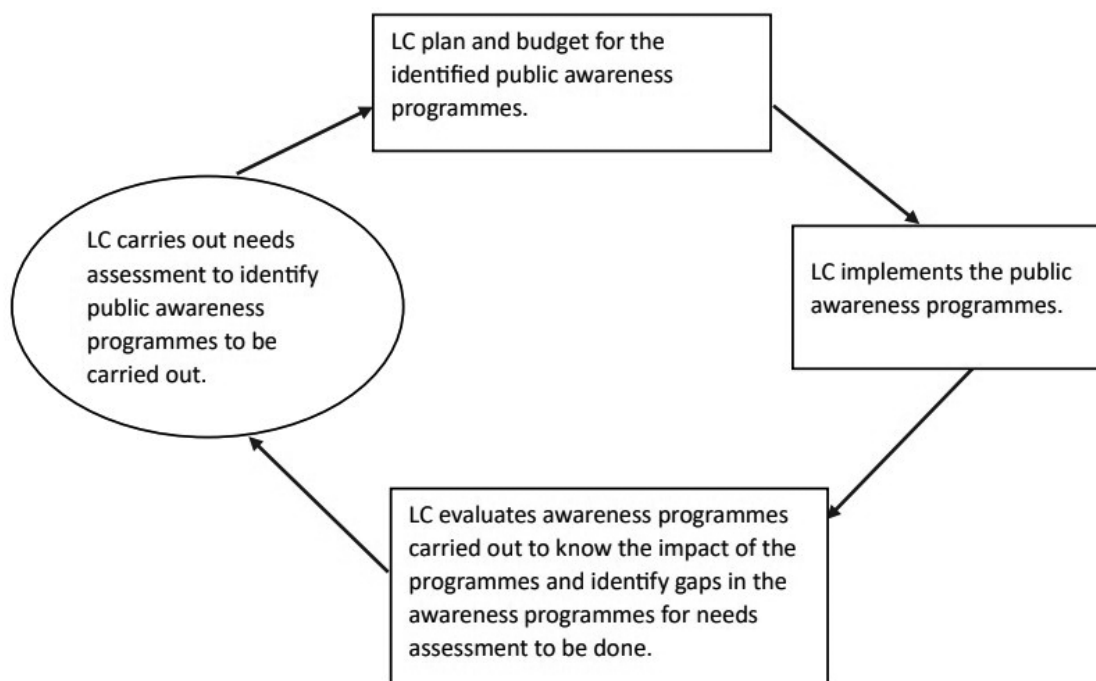


Figure 3: Public awareness creation by Lands Commission



2.9 Current development

35. The LC is undergoing a Public Private Partnership (PPP) agreement through the Ministry of Finance to enable the Commission to integrate the activities of the four divisions and complete the digitisation of land information to facilitate the registration process.

36. Also, the LC had a draft Standard Operating Procedure (SOP) indicating all their processes with allocated timelines and has initiated the process of gazetting senior Land officers to register lands to increase the number of Land Registrars. These activities when completed, may affect the implementation of the audit recommendations on apportioning timelines among the divisions and gazetting of qualified Land Officers.

CHAPTER THREE

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

37. This chapter presents our findings, conclusions and recommendations following our analysis of the Lands Commission (LC) operations in relation to land registration. Our findings are:

1. Lands Commission's registration system did not enable them to register lands within the required period and
2. Lands Commission's awareness programmes were not targeted at addressing challenges in land registration.

3.1 Lands Commission's registration system did not enable them to register lands within the required period

38. The Lands Commission is required by the Lands Commission Act 2008 (Act 767) to register all lands (Title and Deed) in Ghana. The Land Act 2020 (Act 1036) gives a duration of 90 days for processing a title application. This applies to first registration (Registration of land for the first time) for Land Title in registration districts (Accra and parts of Kumasi).

39. Prior to the enactment of the Land Act 2020 (Act 1036), the LC did not have timelines for processing applications. We therefore used the 90-day timeline for 2019 and 2020. The 90-day period starts from the date Lands Commission representative accepts all required land documents needed for the registration process from clients and logs into their system.

40. The Act did not provide a duration for the processing of deed applications (at Tamale, Koforidua and Takoradi). In the absence of a timeline for deed registration, the Regional Land Officers in these three deed regions used the 90-day stipulated time for title registration as the processing time for deed. The 90-day period was reasonable and would provide ample time for

deed applications to be processed as the title registration involved more processes than the deed.

41. The five regions we visited did not meet the 90-day timeline for processing most of the title and deed applications. Out of the 2,000 applications examined, 1,592 (79.6%) were processed beyond the 90-day period. Table 4 shows the number of applications that were processed within and beyond the 90-day period for each of the five regional offices.

Table 4: Sampled applications of deed and title (January 2019 to May 2023) processed within and beyond the 90-day period

Application processed	Regional offices					Total no. of applications processed for the five regional offices
	Accra	Kumasi	Koforidua	Tamale	Takoradi	
No. of applications processed within 90 days	47 (9.8%)	29 (16.5%)	117 (36.6%)	78 (17.6%)	137 (27.7%)	408 (20.4%)
No. of applications processed beyond 90 days	433 (90.2%)	147 (83.5%)	323 (73.4%)	365 (82.4%)	324 (70.3%)	1,592 (79.6%)
Total	480	176	440	443	461	2,000

Source: sampled case files from Accra, Kumasi, Koforidua, Tamale and Takoradi LC offices

42. From Table 4, all the regional offices delayed in processing most of the applications because of the time each division took to process applications. Table 5 and 6 show the average processing time for each division in the two title regions.

Table 5: Number of days used to process title applications at the divisions in Accra

Title registration activities	Average days	Total average days
SMD		
<ul style="list-style-type: none"> • Search to determine if the land has been noted or plotted • Parcel/ Title plan preparation 	39 127	166
PVLMD		
<ul style="list-style-type: none"> • Search to determine if land is State-owned or not 	49	49
LRD		
<ul style="list-style-type: none"> • Search to determine if land has been registered or not • Site inspection (where required) • Compiling land information for publication (after LRD search report) • Publication • Vetting, indexing/issuance of certificate number, typing, checking- and confirmation for signing, , sealing, data entry, plotting, binding and Signing and issuance of certificate by the Registrar of Lands (after Publication) 	103 72 42 14 59	290
Total	505	505

Source: Sampled case files from Accra office

Table 6: Number of days used to process title applications at the divisions in Kumasi

Title Registration activities	Average Days	Total average days
PVLMD		
<ul style="list-style-type: none"> • Vetting of land documents • Approval by Head after vetting • Approval by RLO • Approval by Chairman • Plotting • Documents forwarded to LRD 	23 18 5 5 24 10	85
SMD		
<ul style="list-style-type: none"> • Preparation of parcel plan 	20	20
LRD		
<ul style="list-style-type: none"> • Lodgment • Compiling land information for publication • Publication • Vetting, indexing/issuance of certificate number, typing, checking- and confirmation for signing, sealing, data entry, plotting, binding, and signing of Certificates 	19 13 14 14	60
Total	165	165

Source: Sampled case files from Kumasi office

43. From Table 5 and 6, LRD in Accra and PVLMD in Kumasi used the highest number of days amongst the divisions to process applications in their respective offices.

44. For deed applications, our analysis showed that Tamale used an average of 372 days to process an application whiles Koforidua and Takoradi used 132 and 126 days respectively. Tamale's average processing days was relatively high because of the continuous absence of the registrar from the office. Table 7 shows the average number of days used to process applications by each division in the three regions.

Table 7: Number of average days used to process deed applications at the divisions in Koforidua, Tamale and Takoradi

Deed registration activities	Koforidua	Tamale	Takoradi
	Average days	Average days	Average days
No. of days taken to send applications to PVLMD after payment	23	29	19
No. of days taken to carry out searches by PVLMD (provide records) <ul style="list-style-type: none"> • after first payment at Koforidua • and approval by RLO at Tamale 	34	125	14
No. of days from request for vetting to vetting/recommendation <ul style="list-style-type: none"> • Koforidua by LRD • Tamale by Chairman • Takoradi by PVLMD & LRD Heads, RLO, Chairman 	21	19	23
No. of days taken to assess applications for fees by PVLMD (at Koforidua)/ Preparing documents for records, vetting and signing at Takoradi	6	N/A	25
No. of days taken to forward applications to PVLMD after second payment (at Koforidua)/ site inspection (Takoradi)	5	N/A	14
No. of days for Noting and plotting (PVLMD)	24	70	24
No. of days taken by Registrar to sign (LRD)	19	129	7
Total Average days	132	372	126

Source: Compiled by audit team with extracts from sampled case files from Koforidua, Tamale and Takoradi offices

45. We found that the LC's inability to register lands within the 90-day period was due to:

3.1.1 Lack of timelines for divisions in the processing of land applications

46. The regional offices did not apportion the 90-day period for processing applications among the divisions. We noted that LC had a draft Standard Operating Procedure which had timelines allotted for each activity within the divisions. This document was not in use at the time of the audit. As a result, the divisions worked without timelines to serve as a guide for the registration processes leading to undue delays in processing applications.

3.1.2 Lack of monitoring of the registration process

47. The Lands Commission had Information Systems, i.e., Ghana Enterprise Land Information System (GELIS) and Enterprise Land Information System (ELIS), which were used in the land registration process. The ELIS is an upgraded version of the GELIS, and the Commission is gradually replacing the GELIS with the ELIS in all LC offices. Accra used ELIS while Tamale, Kumasi, Koforidua and Takoradi used GELIS.

48. The Information Systems contained information on land registration applications and could be used to track these applications with the aid of a unique code generated for each application submitted at the CSAU. The Systems were also to be used to monitor the activities of officers in each division during the registration process. With this, Regional Lands Officers (RLO) and Divisional heads will know the period each officer used to carry out their activities. This would help achieve the goal of identifying the delays in the system and put in place measures to minimise them.

49. We found that, none of these officers used the Systems or any other mechanism to track and monitor the registration process. As a result, the heads did not know the average processing time spent by each division in the processing of applications. Consequently, divisions used long periods to process applications (as shown in Table 7).

3.1.3 Inadequate Land Registrars in the deed districts

50. For the audit period, the Tamale, Koforidua and Takoradi regional offices had one Registrar of Lands each who was responsible for vetting land documents and approving the issuance of deed certificates. The Registrars were Lawyers who also represented the LC in court for land cases in their respective regions. According to the Registrars, this double schedule contributed to their inability to meet the 90-day timeline as they apportioned their time between the court and office.

51. During our visit to Koforidua, the Registrar represented the LC in court for three out of the five working days during the week. This took much of the time that should have been used to vet and approve registration documents and certificates, which resulted in backlog of applications. We observed that the Lawyers in Koforidua and Takoradi were in their respective offices working on applications when not representing the LC in court.

52. At Tamale, the Land Officers complained about the continuous absence of the Registrar of Lands which had resulted in a backlog of deeds to be approved. The Registrar was absent for three out of the four working days that we worked at the office, and was not on any official assignment. Our analysis indicated that the Registrar took an average of 129 days to vet and approve applications.

3.1.4 Lack of Coordination among divisions in Kumasi

53. The PVLMD in Kumasi was responsible for the processing of deed applications while the LRD processed title applications. However, the PVLMD played a role in processing title applications before onward submission of applications to the LRD. We found that the PVLMD spent an average of 85 days processing applications before submitting them to LRD.

54. The LRD upon receipt of the applications from PVLMD also used an average of 80 days to process them for title certificates which prolonged the registration process (165 average days). This implied that PVLMD's output (processed applications) became the input for LRD in the registration process. Without PVLMD's output, LRD cannot process land title applications, hence, the need for collaboration among the two divisions.

55. We found that each division worked at their own pace and there was no collaboration to ensure they worked within the 90-day period as evidenced in the 165 average days for processing applications. The divisions worked in silos as though they were different agencies.

3.1.5 Lack of staffing position

56. The LC did not have a staffing position to indicate the number of staff required for each division at all the offices we visited but had staff establishment which indicated the number at post. This was an organisational gap that made it challenging for the LC to determine the appropriate number of staff needed to process applications timely. Also, LC had not evaluated each division's processes as against the staff strength needed to process applications to reduce the registration period.

3.1.6 LC's invitation letters to clients for inspections in Accra was not time bound

57. As part of the registration process in Accra, officers responsible were required to carry out inspection of land when the need arose. We found that LRD letters inviting clients for land inspection did not have any time frame to determine when inspections would be carried out. Clients were asked to contact the LRD technical team to arrange for an inspection date. Consequently, inspections were carried out as and when both the technical officers and clients deemed convenient. Our analysis showed that there was an average delay of 72 days between the time of request for inspection and when the inspection was carried out. This situation was peculiar to the Accra office as the other regions called clients to arrange for inspections.

3.1.7 Delay in submitting land information for publication (title registration applications)

58. The Kumasi office published land information on a weekly basis and any number of title applications that has been processed and ready for publication were published. The office used an average of 13 days to submit land information for publication. This was because publications were subjected to the availability of slots in a newspaper.

59. The Accra office used two options for publication in a newspaper which were normal and special publications. The special publication was done as and when land information was ready for publication at an extra cost. The normal publication was done in batches and each batch comprised of land information on 50 different applications. The office used an average of 42 days to submit land documents for normal publication as the batch number of 50 must be reached before publication. This contributed to Accra using an average of 505

days to process applications as compared to Kumasi that used an average of 165 days.

60. Due to the challenges in the registration process, some LC staff took advantage and acted as “middlemen”¹¹ to facilitate the processing of applications. From our interview, forty-three (43) out of 50 clients from the five regions confirmed using the services of these “middlemen”. According to the clients, the “middlemen” facilitated the processing of their applications and paid monies charged by them. The amount paid ranged from GH¢1,000 to GH¢6,000 for the facilitation depending on the size and location of the land. They added that the “middlemen” assured them of receiving their land certificates within two to three months. From the regions visited, five senior land officers also confirmed the activities of a section of staff acting as middlemen in the registration process.

61. The “middlemen” received applications from clients and influenced the system to get the applications processed quickly. The time that these staff should have used in their registration duties was shifted to facilitating applications that they had personal interest in. These staff charged unofficial fees (facilitation fees) for their service and influenced colleague land officers to expedite the processing of such applications.

Conclusion

62. The Lands Commission was not able to process 1,592 out of 2,000 applications within the required 90-day period. Staff of the Commission took advantage of the challenges in the registration process to make personal gains by influencing the registration process to get applications processed quickly.

¹¹ Middlemen are persons who facilitate the registration process for personal gains.

Recommendations

63. We recommend that, the management of Lands Commission should:
- apportion the 90-day timeline amongst the divisions and monitor to ensure adherence,
 - make it mandatory for Regional Lands Officers and Divisional heads to use the GELIS and ELIS for tracking and monitoring land registration activities. This can be enforced through internal policies and guidelines,
 - fast track the process of gazetting qualified land officers to assist the Land Registrars in the regions to vet, approve and sign land documents and certificates,
 - take disciplinary action against the Land Registrar at Tamale,
 - evaluate their processes as against the staff strength
 - and carry out periodic staffing position exercise to determine the workload of staff vis-à-vis the staff strength to enable them to determine the gap and whether there is a need for staff reshuffling to prevent under or over staffing in the divisions,
 - ensure that invitation letters to clients for inspection indicates time frame within which inspection would be carried out and
 - consider having regular time (as practiced at the Kumasi Regional Office) for normal publications in the Accra Regional office to help reduce the processing time for land applications.

Lands Commission Management response

64. The response from Lands Commission are:
- The Lands Commission has published a Standard Operating Procedures (SoP) which has allocated timelines among the divisions,
 - The Delivery and Compliance Unit (DCU) has been established to monitor and enforce adherence to timelines,

- Processes are underway to gazette more Land Registrars to vet, approve and sign land documents and certificates,
- The Land Registrar at Tamale has been queried and is being investigated by the Head of Legal and
- Invitation letters issued to Clients are now time bound, ie, clients are now expected to contact the office within two weeks to arrange for an inspection.

3.2 Lands Commission's awareness programmes were not targeted at addressing challenges in land registration

65. The Lands Commission is mandated to create public awareness on land registration as specified in Section 5 (n, o) of the Lands Commission Act, 2008 (Act 767). The Communication Unit at the head office together with RLOs in the regional offices were responsible for public awareness creation.

66. From our interviews with 50 clients, 29 did not know of the need to carry out a search on land before purchase. Nine (9) had experiences where they purchased lands that had already been sold while 16 had bought lands from wrongful owners. According to them, this contributed to delays in acquiring the right documents on land to use for registration which consequently delayed their registration of lands. We therefore expected LC's awareness programmes to address such land issues.

67. The LC carried out awareness programmes on an ad-hoc basis, i.e., as, and when there was a need to do so and the programmes were focused on the new Land Act, Act 2020 (Act 1036). We found that the Commission relied on the benevolence of media outlets and organisations to create public awareness. Consequently, the content of the programmes leaned towards the interest of the

organisers and often neglected crucial topics such as the importance of land searches at LC before purchase and acquiring lands from rightful owners.

68. The Commission's communication unit did not have a strategy and a budget for public awareness creation. The strategy would have enabled the unit to organise programmes based on identified needs. The LC's awareness programmes therefore did not address pre-registration issues (such as the importance of land searches and obtaining genuine land documents) as they were not based on identified needs. This contributed to the public having limited knowledge on pre-registration activities, which must be done before starting the registration process.

Conclusion

69. Although the Lands Commission had a communication unit with the capacity to carry out public awareness, the Commission did not consider it as a priority, hence, carried out awareness programmes on an ad-hoc basis. This raises questions about the effectiveness of the public awareness programmes in enhancing public understanding of land-related issues.

Recommendation

70. We recommend that management of Lands Commission should:
- establish guidelines, budget, and allocate resources for public awareness programmes. This will enable the Communication Unit to organise programmes that will address land issues such as the importance of land searches and acquiring genuine land documents and
 - prioritise issues related to the pre-registration activities in awareness programmes that will empower the public to make informed land decisions.

Lands Commission Management response

71. *Management has taken note of the observations.*

Appendix A

Documents review and reasons for the review

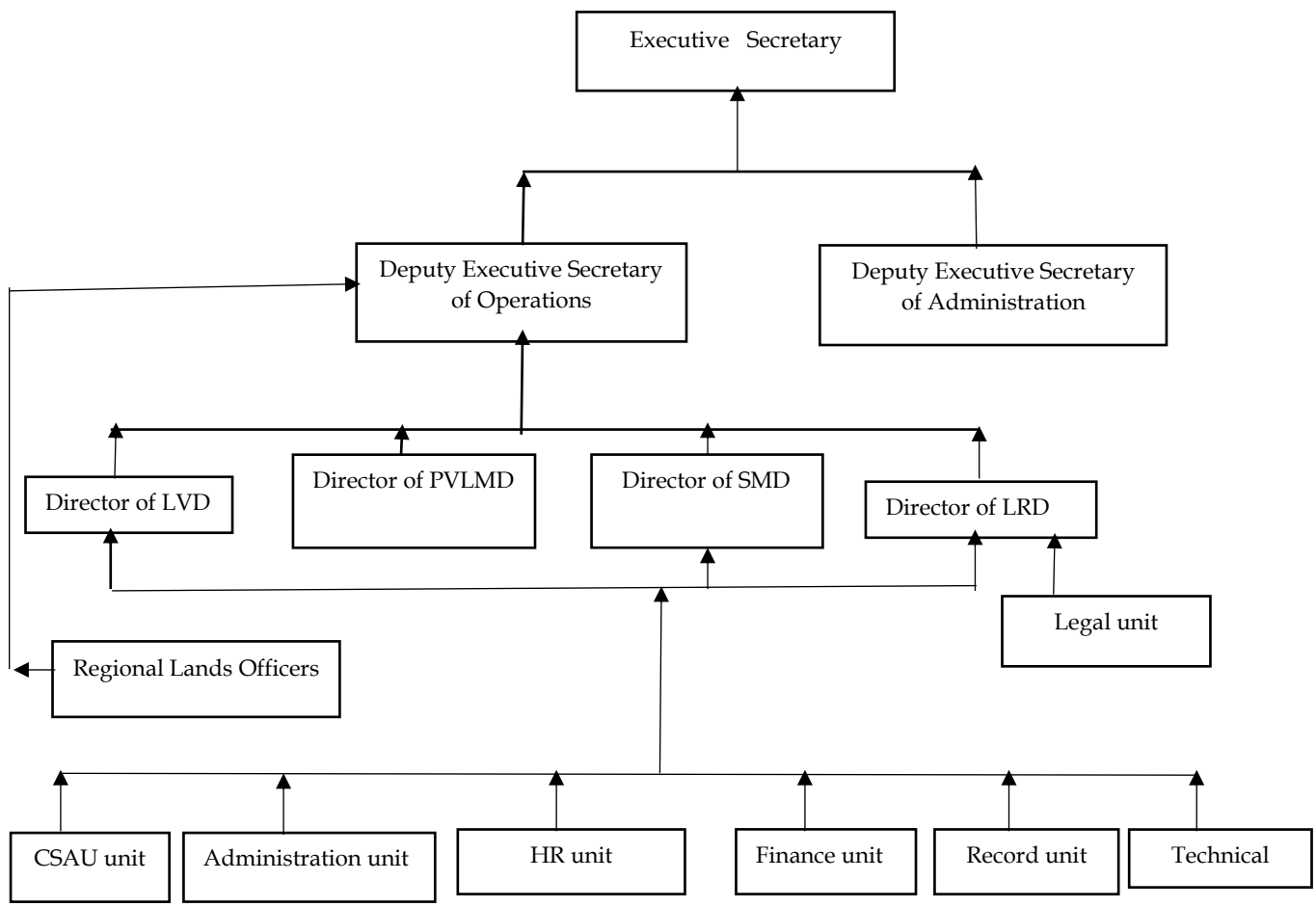
Document Name	Reasons for the Review
Lands Commission Act 2008 (Act 767)	To know the mandate and functions of the Lands Commission in the land registration process
Land Act 2020 (Act 1036)	To know the requirement and timeline for processing land title certificates
Land registration application case files	To calculate the number of days spent by each division in processing applications to enable us to determine where there are delays.
Strategic plan	To find out the activities/actions outlined by the Commission towards the achievement of their goals.
Minutes of management meetings	To obtain information on the decision taken by management toward the achievement of their goals.
Annual reports	To obtain information on LC's programmes and activities carried out

Appendix B

Officials interviewed and reasons for the interview.

Persons Interviewed	Reasons for the Interview
Executive Secretary/ Deputy Executive Secretary of Operations	To understand and clarify issues related to land registration which were identified during interviews and documents review.
Directors for LRD, PVLMD and SMD	To understand the role of the divisions in the land registration process and clarify issues identified during document review.
Five Regional Lands Officer	To understand their roles in the land registration process, how they monitor the registration activities and clarify issues identified during documents review.
Head of IT	To understand the Information System and how it supports the land registration process and its challenges
Head of PLVMD at the regions	To understand the role of the division in the land registration process and clarify issues identified during document review.
Head of LRD (Registrar) at the regions	To understand the role of the division in the land registration process and clarify issues identified during document review.
Head of Records Unit	To understand the role of the Unit in the land registration process and clarify issues identified during document review.
Front Desk representatives (CSAU)	To obtain information on how they assist clients in the registering process and the activities carried out.
Head of SMD	To understand the activities at the division and clarify issues identified during documents review.

Organogram



System Description

Process description for Land Title Registration

Client Service Access Unit (CSAU)

1. To register for land title in Ghana, an applicant is required to go to the Client Service and Access Unit¹² (CSAU) of the LC to purchase and complete a form, attach all required documents¹³ to the completed form and submit to an LVD representative/officer at the CSAU. The LVD officer carries out an assessment of the applicant's documents to help determine the value of the land as well as the taxes and processing fee to be paid. The applicant makes payment at a bank or through mobile money and is given an acknowledgement slip by the LVD officer after payment. The slip will help the applicant track the application.

2. The completed form and attached document are given to an LRD representative/officer at the CSAU who will verify with the help of a checklist to determine whether the applicant have met all requirements. The application is then scanned and captured into the LC information system (G(ELIS) and given a unique number. The officer then forwards the verified application to the LRD, SMD and PVLMD offices to carry out searches to corroborate information provided by the applicant. The PVLMD will determine whether the land is state, or stool owned and if there is a consent form authorising the registration. The SMD carries out a search to check the coordinates of the applicant's land while LRD's search is to determine whether there is a plotted activity on the land or otherwise. If the result from any of the divisions is contrary to the information provided by the applicant, the application would be put on hold till it's resolved with the applicant. If the search results are all

¹² The CSAU is a secretariat with representatives from the four divisions at the LC which sell application forms, receive completed application forms, record and track applications, and deliver certificates to clients.

¹³ Required documents includes site plan, oath of proof, indenture.

favourable, LRD collaborates with SMD to prepare a title plan and plot the land in the name of the applicant.

3. LRD then carries out public advertisement in any widely circulated newspaper. This is to notify the public about the applicant's interest in the land and serve as another verification exercise for the LC. Publication of interests in land is in two forms, the standard and the express. The standard is a compiled list of about 50 applicants for a publication and the express is carried out with an extra fee for applicants who do not want to wait for the LC's compilation list. If an objection is raised after publication, that application is put on hold till the issue is resolved. If there are no objections after 14 days of the publication, the application is sent to the legal unit of the LRD to prepare a land title certificate.

4. The Registrar of Lands signs the title certificate and append a seal to authenticate it. The LRD then binds the certificate together with the other land documents and forwards it to CSAU for dispatch. The LRD representative at the CSAU at this point, sends a message to the applicant for collection.

Process description for Deed Registration

5. To register for deed in Ghana, a client is required to submit four copies of land indenture at the Client Service and Access Unit (CSAU) of the LC. The cost for the land deed registration service is determined by Officers at the CSAU. The applicant makes payment at a bank and submits a proof of payment at the CSAU upon which a service bill is generated for commencement of the registration process.

6. The indenture is batched and sent to PVLMD Records Unit for verification. If the information captured in the indenture is not accurate or incomplete, the Records Unit queries the application and return it to CSAU for

collection by the client. The verified documents (indenture) are sent to the Estates Unit, who also vets the indenture and forwards it to the Regional Chairman for concurrent approval in the case of stool lands. The Regional Chairman upon receipt of the indenture, grants concurrent approval and forwards the document to the Records Unit to plot the land in the name of the client.

7. If the land in question is not a stool land, the Estates Unit will vet the indenture and forward it to Records Unit to plot the land in the name of the client. After plotting, the indenture is forwarded to the Registrar of Lands who signs and embosses the document. The Registrar then makes an entry of the indenture into a deed register. The indenture is sent to the CSAU to be dispatched to the client.

Process description for public awareness creation

8. Lands Commission is required to carry out public awareness programmes to educate the public on land delivery services. The LC has a communication Unit at the head Office and the unit is to ensure that awareness programmes are carried out by all the LC's regional offices.

9. To carry out public awareness, the LC through the Communication unit carries out needs assessment to help identify the knowledge gaps of the public on land delivery services. Through the needs assessment, the LC identifies the type of awareness programmes needed to be carried out, channel of communication, frequency of educational programmes, educational materials needed, languages to communicate and areas or locations to focus on.

10. The Communication unit prepares a plan for the identified programmes and a budget is prepared for each of the activities to be carried out and select officers to carry out the awareness programmes.

To implement the identified programmes, LC officers are selected to carry out these awareness programmes in their various regional offices and with the use of the prepared plan as a guide. After the implementation of the programmes, LC through the Communication unit carries out an evaluation exercise to determine the impact of the programmes on the public and whether the LC's objective of bridging the knowledge gap on land delivery services have been achieved. Through the evaluation, areas of concerns are identified and needs assessment is again carried out to help in addressing these concerns through awareness programmes.

MISSION STATEMENT

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