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## The relationship between land tenure and access to credit: The case of Accra and Tamale.

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## **Summary**

Shelter is a fundamental human need and even in the case of developing countries it is usually placed above education and health. But the continuous growth of the urban population puts pressure on individuals and businesses in so many ways which calls for the need for credit support. The Ghanaian culture places very high value on property ownership although just about five percent of the Ghanaian populace can develop their lands out of their own pockets. This brings in the need for credit and the long-standing argument by de Soto that poverty persists in Africa because of the defective nature of our land system hence a single approach of ownership was proposed. Ghana's land system is funded on plurality and recognized as so with about 80% of the lands under customary arrangements: an arrangement de Soto did not consider. Does it mean credit should not be available in this case?

The main objective of the research was therefore "to examine and explain the extent to which recognized land tenure systems or arrangements affect access to formal credit in Accra and Tamale". In order to achieve this objection the main question of "how do the different recognized land tenure systems or arrangements mainly title, deeds, skin, and stool lands allow or enable access to formal credit in Accra and Tamale, Ghana?" was posed. Theoretically, de Soto's theory was extensively discussed and related to other concepts such as land tenure, land registration, rights, and access to credit.

A multiple case study approach was employed specifically Accra and Tamale and this was due to the existence of different tenure arrangements in the selected cities. Data collection was achieved through semi-structured interviews and desk research. By employing a purposive sampling technique, key personnel were interviewed online.

Findings from the study showed that while there was recognition for various types of tenure, an individual could still access credit with any of the recognized tenures in Ghana. Although credit institutions preferred more formal arrangements, customary arrangements were also accepted mainly because of its dominance in the Ghanaian land tenure system.

Recommendations proposed included building a more active and robust institutional and tenure framework that clearly defines and improves ownership security as this directly affects the confidence of credit institutions.

## **Keywords**

Land tenure, Access to credit, Land registration, Customary and Public land, Tamale, Accra.

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## Abbreviations

IHS	Institute for Housing and Urban Development Studies
CSAU	Client Service Access Unit
GRA	Ghana Revenue Authority
LAP	Land Administration Project
LRD	Land Registry Division
LVD	Land Valuation Division
SMD	Survey and Mapping Division
PVLMD	Public and Vested Lands Management Division

# Chapter 1: Introduction

## 1.1 Background

The importance of credit is heavily significant in the growth of economies around the world and within developing countries, its role becomes even more important where poverty is quite common (Domeher & Abdulai, 2012; Hossain, 1988). This is because credit makes capital accessible to the poor which can be used for further investments (Deininger, 2005). This results in an increase in their economic levels and the overall effect of engaging in economic activities that create employment and contributes to the overall growth of the economy at large (Domeher & Abdulai, 2012). Hence, to improve household income levels, Atieno (2001) describes credit access as a major driver in putting resources to more efficient use. In developed economies, studies have shown that differences in the supply of credit directly influence economic outputs (Sharif, 2010).

Although there are varying views with respect to land tenure or ownership forms of land in Ghana, it is widely accepted that land tenure in Ghana is complex (Nyame & Blocher, 2010). For example, whilst some authors identify two forms of ownership namely state lands and customary lands in an 80 percent to 20 percent distribution, respectively, others categorized land ownership in Ghana in three forms; state lands, vested lands, and customary lands. Customary lands make up about 70 percent of land ownership in Ghana (Larbi, Antwi, & Olomolaiye, 2004; Nyame & Blocher, 2010). Some authors, in addition to government lands and customary lands, have identified and included private or family lands and other lesser interests. Also, the Ghana lands act (2020) outlines a myriad of land ownership and rights which includes customary tenancies, leases, stool lands, skin lands among others. This research therefore discusses extensively each category of ownership and its associated rights and obligations required by law in literature. However, in drawing a link of land ownership to credit access, this study will consider only registered lands namely Title and Deeds and customary lands specifically stool and lands.

The upcoming sections summarize the statement of the problem followed by the research objectives and questions. Other sections include a summary of the literature followed by a conceptual framework and operationalization of the concepts, findings and conclusions.

## 1.2 Problem statement

Shelter remains one of the most fundamental needs for human existence (William K. Derban, David K. Derban, Gamal Ibrahim, & Kenneth Rufasha, 2002). In fact in developing countries, having a house is more essential to most low-income households than other services such as education and health care (Ferguson, 1999). There is a continuous influx of people from rural areas which comes with its own pressure and demand for housing in urban areas. Other factors such as population growth, have the same effect on the housing sector. Nevertheless, support for such people through housing finance has been least considered recently (William K. Derban, David K. Derban, Gamal Ibrahim, & Kenneth Rufasha, 2002).

A well-developed housing financing system has always been a problem in developing countries. Private individuals, therefore, resort to their own savings, and allowances from relatives usually out of the country, and even extend to selling their assets to purchase homes. This usually leads to situations where it takes private people years to purchase homes (Teye, Teye, & Asiedu, 2015). According to Teye et al (2015), most often a private individual in Ghana will need more than 10 years to construct a property unit. It is important to state that Ghanaian culture places a high value on property ownership. Sadly, only a small fraction, specifically five percent according to Derban et al (2002) can develop or buy a home out of



their own pockets. It is estimated that nearly 60 percent of Ghanaians would require financial credit whilst the rest of the populace would not be able throughout their lives own a house (William K. Derban, David K. Derban, Gamal Ibrahim, & Kenneth Rufasha, 2002). To solve the problems of incremental building and housing shortages, the Ghanaian government has made efforts to encourage financing institutions to provide credit for people who want to develop or buy their homes (Teye, Teye, & Asiedu, 2015).

The argument that draws a link between access to credit and land registration which is a component of the Ghanaian land tenure dates as far back as 1988 and is based on the research conducted by Feder et al 1988. However, much attention was drawn to that concession following the work of de Soto in 2000 (Domeher & Abdulai, 2012). According to this argument, the inability of people living in the developing world to access credit is directly influenced by the fact that only a small fraction of the lands they own is formally registered (Deininger, 2005). De Soto stated that it is usually not surprising that the poor hold very prized assets in the form of “landed properties” however these landed properties appear to be defective because they have not been formally recorded or “Registered”(Domeher & Abdulai, 2012). It further expands that the defective nature of these lands affects their collateral power as they become insufficient as a requirement to access formal credit. For instance, more than 50 percent of lands in sub-Saharan Africa are said to be unregistered (Deininger, 2005; Domeher & Abdulai, 2012).

On methodological, ideological, and conceptual grounds, many authors have found it impossible to directly link credit access to titling (Domeher & Abdulai, 2012; Payne, 2017). For example, what happens in countries with a more complex tenurial system and where the law recognizes other types such as stool/skin lands? Systems where customary lands form 80 percent of the total lands. Does this mean all customary lands need to be formalized? How feasible will that be?

Although many authors draw a relationship between land registration and credit or finance, the entire land tenure arrangements in Ghana has not been considered yet.

*Pertaining to this problem, this study investigates land tenure arrangements and ownership in Ghana and the effect on access to credit. This is then linked to the argument of de Soto that land registration can influence credit access positively as well as its critics. Hence in bridging the gap in the literature, the focus will be on the influence or the effects of the Ghanaian land tenure system on access to formal credit.*

This study re-examines the various types of land tenure and their associated chances to access credit. This study will also incorporate the role of Ghanaian land tenure into the argument and how it affects the credit access chances of people.

### **1.3 Research Objective**

1. To examine and explain the extent to which recognized land tenure systems or arrangements affect access to formal credit in Accra and Tamale

### **1.4 Research Questions**

#### **1.4.1 Main Research Question**

1. How do the different recognized land tenure systems or arrangements mainly title, deeds, skin, and stool lands allow or enable access to formal credit in Accra and tamale, Ghana?

#### **1.4.2 Sub-research Questions**

1. What type of land tenure systems and or ownership is officially recognized by credit institutions?
2. What is the influence of land and the ownership held as an underlying requirement for credit by credit institutions?

## **Chapter 2: Literature review and hypotheses**

### **2.0 Review of related literature**

This section reviews the literature on Land tenure systems, land rights, customary tenure, land titling, and access to credit. Various opinions of authors on concepts relating to various tenure classifications are discussed. Debates of authors on how tenure systems should be looked at are also focused on as it helps to understand different points of authors within different contexts.

### **2.1 Land Tenure Systems**

Internationally, the individualization and formalization of tenure and property or land rights has always been sought. This is consistent with the theory of De Soto that highlights the importance of formalization in land rights in accessing capital for investment (Barry & Roux, 2012).

De Soto's main contention is that the Third World suffers severe poverty because of flaws in the way property rights are organized in those countries (Graner, 2007). De Soto asserts that the impoverished possess all the material resources required to ensure their success. De Soto further explained that there is an abundance of property owned by people in developing countries. These homes are in the form of slums as well as squatters or traditional land ownership (Goldfinch, 2015). However, they most noticeably lack a formal, legally documented right of ownership over these resources which are in the form of landed assets. The assets of the poor therefore cannot be bought, swapped, sold, bequeathed, lent, or transferred in any other way than within the confines of constrained networks, frequently dominated by parasitic local institutions, as a result of the lack of such legal mechanisms (Graner, 2007). He also purports that ownership of this land is mostly unreported and informal, possibly even unlawful. In his view, individual property holdings may become financial assets if they were recognized legally. The unrealized "value" in this trapped or "dead capital," amounting to billions upon billions of dollars, could then be realized (Domeher & Abdulai, 2012; Goldfinch, 2015; Graner, 2007)

Although this perspective has been heavily criticized, it is still of great interest and debate by many scholars when the issue of land markets or tenure is linked to credit access (Barry & Roux, 2012; Whittal, 2014). Rakai (2005), Payne (2017), and Weideman (2004) all challenged the international view that freehold is a better option than almost if not all tenure arrangements. To them there exist other forms of arrangements that provide security of land in economic and physical holdings to the marginalized or poor.

Kansanga defined land tenure as "the various laws, rules, and obligations governing the holding and /or ownership of rights and interests in land" (R. Kasim Kasanga, 1995, p. 23). In expanding the definition, the author explains that land tenure harbors both the social and legal aspects that encompass rights and interests that may be used or otherwise in land-related developments and transactions. There are several types of rights and interests in land. These include customary, private, or public rights and interests. They may also run for specific periods or run in perpetuity (R. Kasim Kasanga, 1995).

Until recent times, land tenure systems were mostly classified towards statutory arrangements. For instance, the UN-Habitat earlier listed that there were nine categories of tenure systems. Out of these nine, six were statutory in nature, including freeholds and leases, whereas the non-statutory arrangements consisted of squatter arrangements. Interestingly customary and religious tenure arrangements were omitted (Payne, 2002; Payne, 2017). However, a more elaborate classification has been made in recent times by the UN-Habitat. Tenure arrangements

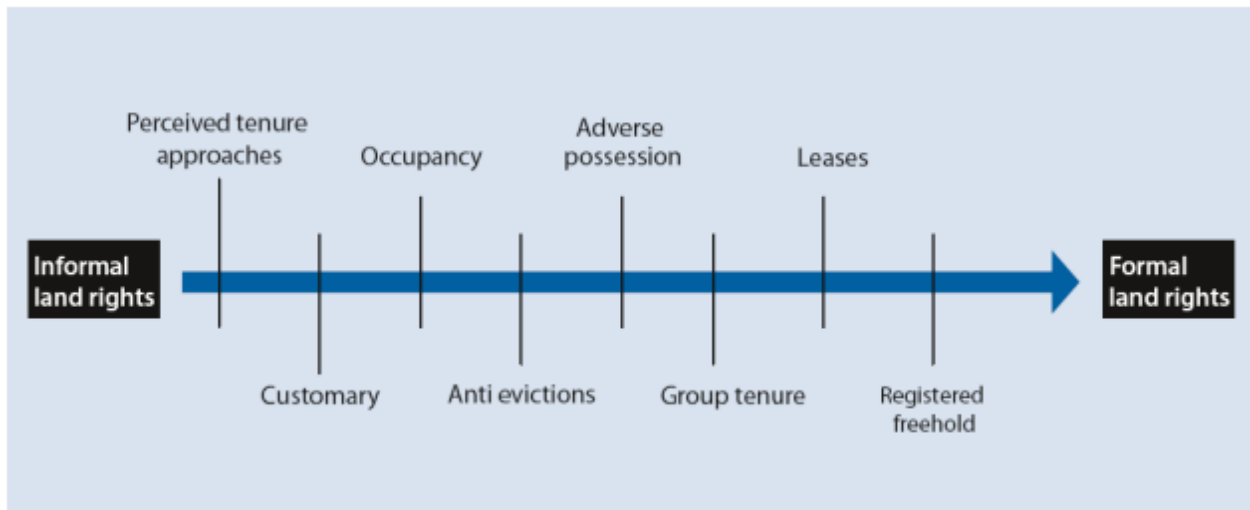
under this classification are broadly categorized into Formal, Irregular, and Homelessness. Under formal rights are registered rights, unregistered but documented groups (family or households), and unregistered and undocumented. Under irregular tenure, documented and undocumented categories were listed. While documented irregular tenures may include irregular owners having written agreements with tenants, and illegal subdivisions, among others. Undocumented arrangements are similar to documented irregular arrangements except for the fact that they are not written (Payne, 2002; Payne, 2017).

The above classification discussed shows the complicated nature of tenure arrangements in most parts of the developing world. This even goes deeper as every category represents a different market with its peculiar features and serves a purpose for a specific group within the urban population (Payne, 2004). Although this form of classification is seen as an improvement by the UN-Habitat as compared to their previous listings, it has still not been able to avoid critics in the academic world. According to Payne (2004), it failed to differentiate between property rights and tenure status. Payne(2004) further indicates that these concepts are not the same as he refers to tenure as the ways by which the holding and usage of land occurs whiles rights to land in simple terms refers to what an individual is allowed to do or not to do on the land. He further argues that if a distinction is made between tenure status and property rights, it will provide a better understanding of current situations as well as influencing policy decisions. This will ultimately depict if the focus showed to be on tenure security or property rights.

Payne (2004) proposed a framework that categorized how tenure and rights relating to land and property can be identified which in his opinion reflects unique cases locally rather than a cast-in-stone classification. Secondly, he identified that priorities vary depending on the group within the urban sphere. For instance, the lower groups within the urban poor are much more concerned about proximity to employment opportunities and place less priority on the security of tenure. In other words, they are more interested in being close to their source of income to reduce their mobility costs. Although they are poor, they, therefore, seek prime locations are they are close to their source of employment. As you go up the ladder, specifically those who have a regular source of income focus more on formal tenure arrangements due to their ability to move from their homes to their workstations (Payne, 2004).

The views on customary and communal ways of land administration have over the years been seen as a stumbling block to progress because they are seen as “primitive” (Whittal, 2014). This idea is in favor of the modernization theory where people leave behind traditional and rural societies for modern and urban regions (Coetzee, 2001). Along the lines of tenure, this is reflected in people becoming much more comfortable with the modern formal arrangements than the customary or communal arrangements of tenure (Coetzee, 2001). They, therefore, begin to prefer formal forms of arrangement to the pre-existing customary ones. Another school of thought aside from the theory of modernization is that of the evolutionary theory. According to this theory, in order to understand the relationship between man and land, one must view land tenure arrangements through an evolutionary lens although this has not been without critiques (Barry & Roux, 2012). The evolutionary theory proposes “that long-term social change happens in stages, that it is linear, gradual and irreversible, and that it is progressive” (Whittal, 2014, p.13). In this model, a linear classification is used in a way that shows that rights related to land advances when one is moving away from informal arrangements to formal ones. Hence the farther away an arrangement is from the tail end of fig. 1, the more the associated rights.

Figure 1: The Continuum of land Rights by the UN-Habitat



Source: (Whittal, 2014, p.14)

In an attempt to correct the past thinking on land tenure and the continuum of land rights led to the development of other models. For instance according to Cousins et al.(2005) contrary to the linear view of classifying land tenure, he proposed a multi-dimensional approach. To him, land tenure cannot be understood in only a linear or uni-linear way. This approach, therefore, calls for the dropping of the earlier evolutionary (linear) theory. A double arrow moving in opposite directions is used and the conception that security of tenure is guaranteed is only guaranteed when one is moving towards formal arrangements on a scale is discarded (Cousins et al., 2005). These opinions lead to the frequent comparison of formal and informal tenure arrangements (Kihato, Royston, Raimundo, & Raimundo, 2012). However other authors such as Sietchiping et al.(2012) called for the assessment of tenure arrangements or classifications that goes beyond just comparing formal tenure against informal tenure. In fact, according to Royston (2005), the complicated nature of rules within our societies should be taken into consideration when classifying tenure arrangements (Whittal, 2014).

Authors such as Rakai (2005) constantly supported a tenure framework that is dual and plural in nature and can reflect various values practices and institutions around the world rather than focusing on tenure frameworks that reflect European settings. Furthermore, the concept of pluralism was also promoted by (Kihato, Royston, Raimundo, & Raimundo, 2012). In Ghana, Akrofi and Whittal(2011) proposed the importance of understanding and promoting current land tenure arrangements such as customary tenures. This is because these existing tenure arrangements are intertwined with the social and political aspects of Ghanaian societies (Akrofi & Whittal, 2011).

### 2.1.1 Customary Land Tenure

Within the spheres of customary land tenure, land is collectively vested in a particular community, a tribe of which any person from that group, tribe or community poses a right of use to the land (Akrofi & Whittal, 2011). This form of tenure has its foundations on the “traditional concept” of land ownership as described land by Ollenu in 1962 that land is collectively owned by a huge family (Akrofi & Whittal, 2011). He further explains that the said land does not belong only to the living which he identifies as few among the group, but also belongs to the dead (ancestors), and the numerous generations yet to be born. Pertaining to this view on customary land tenure, land ownership within the walls of customary spheres is complicated. The leader of the community usually the chief is the custodian who holds the land in trust of the members. However, the members have a “usufruct right” because they belong to

the group. Because land is not only for the past and present generation under customary terms, strangers and usufructs are given leases after which upon its expiry the interest reverts back to the community (Akrofi & Whittal, 2011).

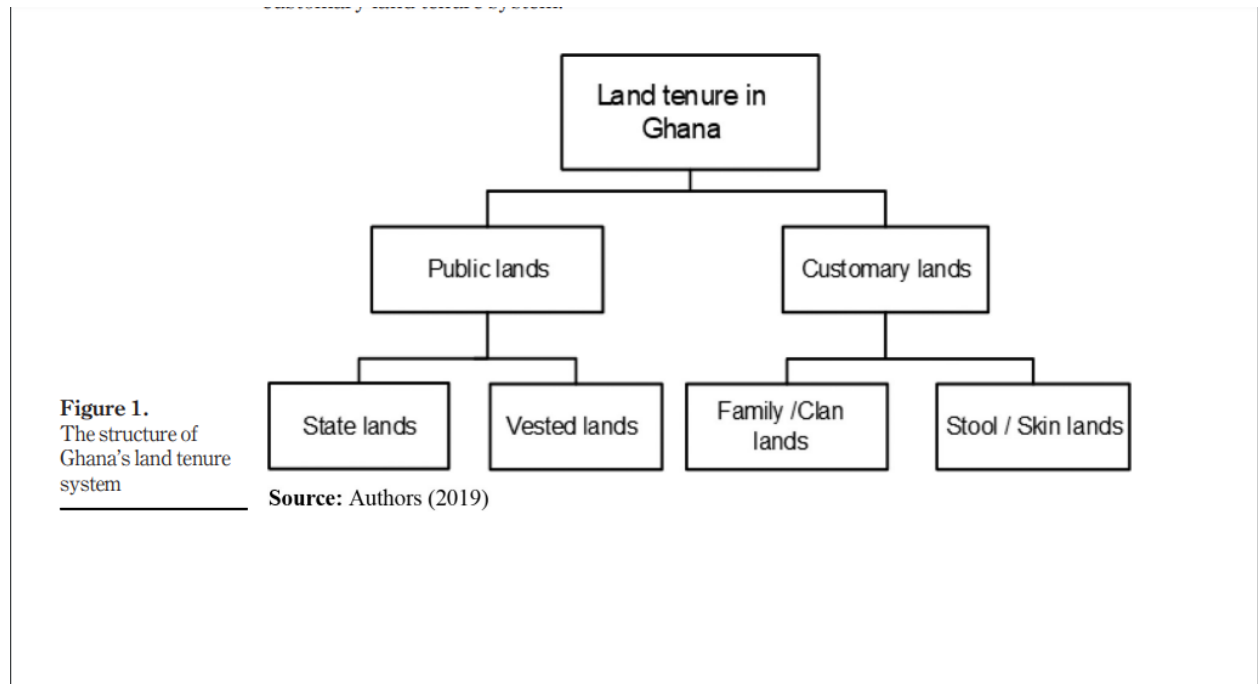
Customary practices continuously undergo changes with time, therefore one may be deceived to assume that old practices that were documented can be used to make policy decisions in present economies (Cousins, 2008; Fitzpatrick, 2005).

### **2.1.2 Customary Land Tenure in Ghana**

Ghana's system of land tenure is frequently referred to as having a legal plurality (Mintah, Baako, Kavaarpuo, & Otchere, 2020). This means that there is a dual system of land tenure arrangements in place, in which the statutory and customary systems exist simultaneously. Due to this, there is a complex mixture of tenure systems making land tenure in Ghana complicated. According to the Ministry of Lands and Forestry (2003), land in Ghana can be categorized with respect to its management, use and control into two broad themes: namely customary lands and statutory lands (Mintah, Baako, Kavaarpuo, & Otchere, 2020). These major themes of ownership are further subdivided into numerous categories such as family lands, stool lands, skin lands, state lands, as well as vested lands amongst others. Interestingly all these groups and subgroups vary in procedures in their acquisition and title registration. These groupings are shown in the figure below (Mintah, Baako, Kavaarpuo, & Otchere, 2020).

Customary systems in Ghana were originally handed down by previous generations (Mintah, Baako, Kavaarpuo, & Otchere, 2020). The general ideas of customary systems, which are typically run by a traditional authority like a chief or family head, come from rights established via the initial clearance of the land and sometimes through conquest (Alhassan, 2009). This system of land tenure is mostly oral and relies on flexible, negotiable, and location-specific local practices and conventions (Alhassan, 2009). For instance, although customary arrangements are dominant in both the northern and southern areas in Ghana, the arrangements on land ownership control and use vary. Nevertheless, the common trait amongst both systems is the fact that one's right to use or control land must be fully recognized by the customary group and must be well known to everyone (Alhassan, 2009). However, with time it underwent some modifications with the introduction of the common law as well as statutes. Ghana's land administration is dominated by customary landholding norms, and every transaction, regardless of how open or closed, is subject to specific local conventions. According to Kasanga and Kotey (2001), the majority of Ghana's lands roughly 80 percent of all lands and between 80 percent and 90 percent of all undeveloped lands are held under the customary land tenure system, despite notable variations in management methods and governance structures across the country. This is further confirmed by the Land Administration Program (LAP) per Alhassan (2009) that about 80% of land holdings in Ghana is controlled by the customary sectors.

**Figure 2: Structure of Land tenure in Ghana**



Source: (Mintah, Baako, Kavaarpuo, & Otchere, 2020)

### **2.1.3 Stool and skin lands in Ghana**

Land as established earlier in Ghana is held collectively in a group under customary rules. The leaders of a group usually in the form of a family or clan hold the land in trust for the people and manage access to the lands in addition to making sure that members of the landowning group share equally in the benefits from the collectively held land and other resources (Mintah, Baako, Kavaarpuo, & Otchere, 2020). To that end, in Ghana's southern regions, "stools" stand for the traditional authority bestowed upon chiefs as the leaders of communities, whilst in the northern regions, "skins" stand for the same authority (Kasanga & Kotey, 2001; Mintah, Baako, Kavaarpuo, & Otchere, 2020). Despite the fact that "stool" and "skin" lands both fall under customary lands, in actuality, the administration of skin lands under customary law is very dissimilar and complicated. Due to the intricacy, landholding individuals or families are increasingly using legal channels to seek more control over their own lands, which fragments land management systems and causes disputes between individuals or families and skins (Mintah, Baako, Kavaarpuo, & Otchere, 2020).

### **2.1.4 Public Lands in Ghana**

In Ghana, there are two different kinds of public lands (Bugri & Yeboah, 2017). These are lands that have been "compulsorily" acquired for public use as well as lands that the President has been "vested" with who holds the land in trust for a specific community under the country's laws (Kasanga & Kotey, 2001). The institution responsible for the management of public lands is the Lands commission on behalf of the government (Mintah, Baako, Kavaarpuo, & Otchere, 2020). Generally speaking, public and vested lands are not sold on the open market. Theoretically, all Ghanaians have equal access to public land on a "first come, first served" basis. However, in order to be eligible for a plot, a person must have strong financial backing from a bank attesting to their ability to carry out the proposed development in accordance with the requirements of the lands Commission's (Kasanga & Kotey, 2001).

### **2.1.5 Title and Deeds Registration in Ghana**

Land registration or statutory land tenure according to Domeher and Abdulai (2012) involves the input of land ownership information into a central unit or database with a regular update of the information to reflect the current ownership of land. Deeds registration and Title registration are the most known forms of land registration in Ghana. Although the two forms may appear similar, they do have a significant difference. Deeds registration involves the recognition of a land-based transaction at the time of execution. A “seal of a judge” is then used to give that transaction legal status. The situation is different in title registration because of the existence “statutory warranty” which is obtained through the input of rights relating to land into a national register (Deininger, 2005; Domeher & Abdulai, 2012).

### **2.1.6 Customary Land Tenure and Land Registration**

The academic debates on the relationship between land titling and eradicating poverty surged following de Sotos’s publication in 2000. De Sotos’s view on poverty in developing countries was somewhat straightforward. To him, developing countries failed to see the direct correlation between titling and creating wealth through bank loans to invest in businesses and housing. In a nutshell, de Sotos’s answer was to give the poor titles and they will unlock the “dead capital” which existed in the form of unregistered or defective lands.

Titled land is not the predominant form of ownership in most parts of the world (Payne, 2017). In many countries, including Ghana, people obtain ownership that is not of real property rights. These may include customary titles, other forms of leasehold titles, or rights of use (Payne, 2017).

Within the context of policy, customary land tenure is widely accepted as the indigenous or traditional arrangements that existed prior to modernization. This form of arrangement is known for its regard for communal cohesion with strong spiritual and moral values as its foundation pillars (Amanor, 2008). Reflecting on these ideas, kasanga states that the customary tenure systems in Ghana “are a source of security and continuity; the full enjoyment of the fruits of one’s labor, effort and investments are guaranteed to all” (R. Kasim Kasanga, 1995, p. 24). This approach of customary tenure is known as the “communitarian approach”. Based on this approach, the state is considered a disruption through its complicated ways of land management and the frequent accusation surrounding the state’s involvement in corruption. Hence the reason why communitarians often call for the strengthening of customary systems in land management in their opinion will lead to a more equitable system (Amanor, 2008).

Secondly, an argument that stems from the communitarian approach deals with the weak collaboration between statutory or formal land tenure and customary land tenure arrangements even though most people in Ghana acquire land through customary systems (Amanor, 2008; ANTWI & ADAMS, 2003). This usually results in cases where the customary systems are unregulated and prone to illegalities such as multiple sales of the same land by chiefs and unreasonable costs in formalizing customary lands by state officers due to the non-existence of customary documentation of land (ANTWI & ADAMS, 2003).

## **2.2 Land Rights and Land Tenure**

The right to land or property is a subset of rights as a whole. However, an important aspect of land rights and land tenure is the arrangements or the relationship between an individual and a collective, or between other groups and amongst themselves as well as the state and its influence on land arrangements. Land tenure therefore brings out the values and aspirations of societies and since societies differ from each other, so do their tenure systems. To some people, the land is regarded as sacred which is to be held in trust not only for the present but also for



future generations. On the other side of the coin, the land is seen as merely a commodity. Interestingly countries that have been colonized before tend to have a very complex system of land tenure because both systems of indigenous and enforced tenure may occur at the same time.

### **2.3 Theory of Land Rights**

The regions of Latin America and Asia were predominantly the focus of land reformers up until the early 1970s. Africa on the other hand was seen as a “special case” because her indigenous tenure arrangements were flexible in nature and the availability of endowed lands (Carl K. Eicher and Doyle C. Baker, 1982). With time, authors started to propose land reforms for Africa, and even to some authors, land reforms in African countries should be redrafted. Interestingly, following these assertions, the World Bank changed its position of not getting involved in political issues such as land reforms (Platteau, 1996). Opinions on land reforms in Africa vary. To some schools of thought, an ideal reform will entail the redefinition of the arrangements, conditions, or terms under which land is owned or held rather than merely redistributing land. From this assertion, two schools of thought stem. To the first school of thought, the principal reason why the tenure systems in Africa is due to an underlying “misfit” or “disequilibrium” that exists between these systems. The imbalance is seen between a system on the one hand that consists of a history of extensive farming practices and on the other hand demands of output progress in the setting of intensive agriculture (Carl K. Eicher and Doyle C. Baker, 1982; Platteau, 1996). Expanding on this school of thought, if this reasoning is accepted, then the only practical way to address the output losses brought on by such a misfit or disequilibrium would be to extremely modify customary land rights under the direction of determined public authorities. The second school of thought also known as the Evolution Theory of Land Rights has a different view of land tenure in Africa. To them, the African land systems should not be interpreted rigidly. It, therefore, suggests a dynamic framework or model in which indigenous land rights are capable of considerable independent evolution under the influence of market forces in a way that benefits the entire system (Platteau, 1996). It is important to state that under this doctrine, public authorities are not left out. They are rather given a central authority to formalize and support the system as it transforms and evolves with new property rights. Interestingly this doctrine gained support from the World Bank. It is from this school of thought that the idea and policy that titling programs should be rolled out by governments to formalize private property rights in land (Platteau, 1996). Some of the questions that quickly come to mind then is land titling the answer? Is formalizing land rights a necessary result of Sub-Saharan Africa's increasing land scarcity? And to what extent does it leads to or affect credit, agricultural output, security to access land, and ensure security? These questions are vital in sub-Saharan Africa and especially Ghana as these questions are of concern to many individuals within these regions.

The property rights school of thought led by authors such as Alchian and Demsetz (1973) began with the evolutionary theory of land rights by first identifying the problems of communal land ownership. Communal land rights as understood over the years are said to include a bundle of rights of which the right to use the land is part. However, it fails to recognize the right to exclude others from accessing the land except in cases of prior or continuing use of the land. Based on their argument, as long as there is land in abundance, the nonexistence of property rights which is built on the foundations of exclusivity and transferability does not results in drastic damages. However as the population keeps on growing, it is only natural that the competition for land increases. This puts pressure on communal land systems, makes them unstable, and results in mismanagement or overexploitation of land.

Contrary to the “static” point of view, which presumes that the ideal way to counter the increasing population and demand for land is to drastically change the land tenure systems, the evolutionary model is of the view that the harnessed pressure from population growth and demand for land results in the creation of its institutional solution.

Concerning sub-Saharan Africa, The evolutionary argument is based on the well-established fact that indigenous land tenure patterns in Sub-Saharan Africa are remarkably flexible in this area. This has been shown over the years by many countries in Africa. Tenure arrangements progressed meaningfully towards individualized tenure systems due to the continuous increase in population, the development of the relationship between loans and land as well as agricultural commercialization (Atwood, 1990; Bruce, 1986). It is important to state that before the advent of colonialism, specifically in areas that were already experiencing high population growth, the focus was drawn toward individual or family land appropriation and attempts constantly made to exclude others. Due to this individualization effect, inheritance rules become more direct moving from a father to a son, and the younger generation gradually set themselves free from the older authorities (Bruce, 1986; Platteau, 1996).

Authors in support of the "static" ideology have downplayed or ignored the dynamic potential of indigenous African land systems in part because they do not believe that individual tenures can exist within a general ownership system. On the other hand, they believe that communal tenure is a multi-tenure system, with different land uses that require different tenures. They are also of the assertion that land use usually relates to a particular lot of land owned or controlled by an individual or household. When the need for agricultural intensification and its associated long-term investments develops, such systems are adaptable enough to permit an increase in the percentage of land held under relatively well-secured rights of individual possession (Platteau, 1996).

According to the school of thought of the Evolutionary theory of land rights, the formalization of private land rights will solve the issues of land conflict to bring about peace and stability within the economy. With the formalization of lands, authors in support of such reforms argue that it brings about social benefits in two dimensions. A static and a dynamic dimension of benefit. The static benefit points out that titling of lands results in the change of holdings to owners who are more dynamic in nature and hold land in larger sizes. This eradicates the continued fragmentation or subdivision of lands which is a predominant aspect of customary or traditional tenure arrangements. The dynamic benefits can be seen in ways where the landowners are more motivated to invest in their lands. Such ways may include investing in new methods to improve the soil for farming purposes. Another way is the increased ability of landowners to venture into development projects because their access to capital is made easier. It is belied that the granting of titles brings to life a rural credit environment. This is because when private land rights are firmly established, and legally protected, and the confidence of owners to freely exchange their lands is boosted, land gains value as a kind of strong collateral and the availability of credit tends to rise immensely.

## **2.4 Access to credit**

### **2.4.1 Access to credit as a right**

In both high-income and low-income countries, effective economic management and the welfare of many citizens depend heavily on credit (Domeher & Abdulai, 2012; Hossain, 1988; Hudon, 2009). Perhaps this is one of the reasons why in Belgium, according to Hudon (2009), the total number of credit contracts which were validated at the national credit bureau in 2006 was over 7.1 million by 4.6 million people out of a total population of about 10.3 million people. However, the situation in developing countries is a direct opposite to that of developed countries in terms of access to formal credit. This is evident by the estimation that over 2 billion

people in the developing world cannot have access to credit from formal credit markets (Guérin, 2006; Holvoet, 2005). It is therefore for the reason to enable access to credit to the developing regions that started in the early 1970s. This idea was meant to include the previously excluded groups within the financial markets as this will have an impact on their welfare (Hudon, 2009).

Opinions regarding access to credit is a complex one. For instance, M Yunus, who was awarded the Nobel Prize in 2006 for his efforts to financial exclusion, believes that credit is fundamental in poverty alleviation. Credit, according to Yunus (2007), ought to be a basic human right. He further argued that by elevating this objective to the same status as a universal human right, it will draw enormous support and recognition worldwide, subsequently putting pressure on those who have the obligation, the right, and the ability to take action (Hudon, 2009). Access to credit as a right by Yunus (2007) was analyzed from two perspectives by Hudon (2009), first in a moral sense, similar to other moral rights, the author sees having access to credit as a right but not in the traditional sense of the word, rather a moral claim that may or may not be subsequently incorporated into national and international law. In his analysis, he states that this right only needs to exist regardless of whether they are recognized or compulsory, and they are not always "written down" somewhere. The second view is from a legal sense. With Yunus referring to the government for support, Hudon (2009) implies that in a legal sense. Expanding on the second point, Yunus per believes that a right to access credit should include a right to (micro) credit with reasonable interest rates. Authors such as Barr, Kumar, and Litan (2007) are in support of this view as they state that the availability of financial services often refers to the accessibility of good financial services at fair interest rates.

However, not everyone agrees with this ideology according to (Hudon, 2009). Those who disagree that credit should be a right, do so for a number of reasons. First of all, credit as a right will not serve both parties (borrower and lender) that is involved in the process of credit equally, the right is only expressed from the borrower point (Hudon, 2009). Furthermore, a right to credit would compel another party (lender) into a credit transaction without their consent, and in the case of private institutions, they would probably not cooperate. For instance, should this right exit that means that walking up to a lender automatically puts the lender in a position to lend out money because it is an issue of right. Therefore, raising the issue of conflicting rights (Hudon, 2009). Secondly, borrowing money can lead to a difficult payback process that costs the borrower a lot of money. In the economic and anthropological literature, the cost of microcredits and the associated risk of over-indebtedness are frequently emphasized as possible threats (Hudon, 2009). These concerns cast serious doubt on the creation of a legal right to credit.

## **2.5 Land as a Collateral to credit**

The role of land-based collateral is not only restricted to mere access to a mortgage but it goes a long way to influence the development of the housing finance market (Boamah, Gyimah, & Nelson, 2012)

Collateralization is a yardstick on which financing institution base their operation in the view of loan advancement (Besley & Ghatak, 2008). Due to the immovable nature of landed properties, most individuals use such valuable properties as collateral in the mortgage market. Most lenders in the mortgage market prefer secured property rights through formal registration to non-formalized property rights since the formal can be used as /collateral to hedge against borrowers' default (Domeher et al., 2018; Besley and Ghatak, 2008).

Unfortunately, most individuals in undeveloped nations are not able to use their properties as collateral because their ownership rights in such properties are not documented (de Soto, 2000).

Asabere et al. (2016) also commented that the problem of undocumented property titles in underdeveloped countries will impede the growth and development of the mortgage market since the insecure property titles cannot be used as collateral for securing a mortgage. The discussions so far bring to bear the importance of landed properties in terms of collateralized lending and the mortgage market development. The development of the mortgage market in Ghana can be achieved, only if an effective policy pertaining to the enforcement of property rights and an effective institutional framework that would facilitate the registration of property rights is implemented (Boamah, Gyimah, & Nelson, 2012).

## **2.6 Relationship between Land Registration and Access to Credit**

A great number of researchers have presented different opinions on the relationship between land registration and access to credit. While some authors support the assertion that formal title to land improves access to credit but others hold contrary views (Domeher, Yeboah, & Ellis, 2018)

The root of the assertion that registration of land title has a positive correlation with access to mortgage credit from financial institutions can be traced to the scholarly work of de Soto in the year 2000 (Domeher & Abdulai, 2012; Domeher, Yeboah, & Ellis, 2018). Musembi (2007) explained that prior to the popular theses of de Soto, several attempts were made to establish the link between formal title registration and the economic well-being of the people in an economy. Musembi (2007) stated that a direct relationship existed but that theoretical claim could not stand the test of time due to the absence of empirical evidence to substantiate such a claim.

Mooya and Cloete (2010) added that there is the availability of enough conclusive evidence that land registration per se has no direct relationship with access to credit. The evidence provided by Payne et al (2008) gives a contrasting view on the assumption that land titling and registration is the most reliable pathway to accessing formal credit. It was further argued that the land titling program adopted and supported by countries and donor organizations like World Bank, United Nations Organization, International Monetary Fund, and other international development partners did not have any significant influence on access to credit facilities (Payne, 2008).

Gilbert (2002) in a study conducted in the now legalized self- settlement of Bogota, argued that empirical data gathered provided enough evidence that access to formal credit seems not to be achieved with the mere introduction of land titles and thus, more factors need to be considered by policymakers in assessing the barriers to credit acquisition by individual lenders and small medium-sized enterprises from lenders as highlighted by Domeher et al (2018). Gilbert (2002) further showed that the assertion of de Soto on the use of property titles to gain access to mortgage credit is dangerous since his arguments were not backed by enough empirical data. The study of Musembi(2007) on the arguments raised in favour of land titling in sub – Saharan Africa supported the claim of Gilbert by stating that “the presumed link between formal title and access to credit facilities has not been borne out by empirical evidence” (Musembi, 2007, p. 1459). Domeher and Abdulai (2012) concluded that establishing a direct relationship between land registration and access to credit can be linked to a number of reasons. Notably among such reasons is the fact that land registration does not have any significant impact on the location of land which is a critical element when it comes to the acceptance of collateral. Abdulai and Owusu – Ansah (2014) in a study conducted to define the main object of land titling and registration concluded that, the proponents of the claim that land registration is the critical tool for poverty alienation and national development in terms of ownership security and access to credit have been misjudged. The authors further postulated that the major role of land

registration is to provide and maintain an efficient and effective system of record-keeping in a country.

Miceli et al. (2011) in a study to access the importance of land title registration explained that access to credit is improved after any successful land registration process. It was argued that land registration enhances the tenure of security of landholders which in effect makes it easier for borrowers to use their lands as collateral for credit.

Dower and Potamites (2005) stated that the availability of title to land increases the chances of property owners having access to credit. The study did not give a conclusive report on the correlation between the availability of formal land titles and access to credit. It also failed to give an indication on the extent to which land registration improves access to credit.

Zhang et al (2020) in a study on how Chinese land titling reform influenced access to credit by households using a survey conducted in 2010 and 2015. The authors established a substantial relationship between the land titling reforms and access to credit in China. However, the study found that the level of economic well-being of the households is a critical factor to be determined before the financial institutions would grant the credit. It can be implied that borrowers with lower economic status are disadvantaged since the banks use basic economic indicators like income levels of the people, size of area of land cultivated and others to determine the size of credit available to the potential borrowers. The authors concluded that land titling had improved access to credit due to the availability of collateral which can be used to access formal credit from financial institutions. The conclusion of the authors is generally limited since the land registration system was land use and not ownership registration which is typical of most jurisdictions.

Ehwi and Asante (2016) explained that land registration has produced noticeable results in most of the areas where the land titling program was introduced. Among the numerous benefits, the authors added that land titling increases the collateral of landholders since it affords them title to their lands. Property owners stand the chance of securing credit from formal financial institutions using their land-based collateral.

Dower and Potamites (2005) postulated that financial institutions in Indonesia do not solely rely on secured property titles but their focus is on the characteristics of potential borrowers that would guarantee repayment of the loan. Using a house survey technique, it was found that there was a direct relationship between land titling and access to credit from financial institutions.

Banks support the introduction of land titling reforms, however, their focus is on the information-sharing potential that would be improved due to the land titling programs and not merely an improvement on the availability of collateral (Dower & Potamites, 2005). It can be argued that land titling registration does not only enhance the collateral of landholders but it's also necessary for lenders since the system provides signals to financial institutions on the creditworthiness of their potential borrowers.

## **2.7 Collateral or ability to pay? What do lenders require?**

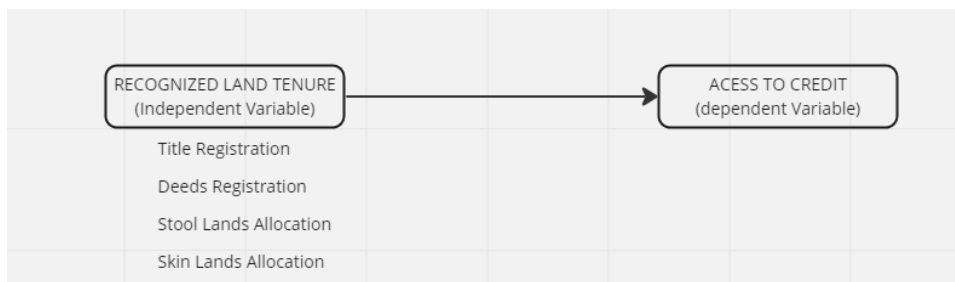
Financial institutions require borrowers to meet certain essential criteria to be able to qualify for credit (Karley, 2002). These requirements are considered very vital to these financial institutions because they influence their decision as to whether or not to advance the credit (Abdulai & Hammond, 2010). The authors pointed to the fact that, before any credit is granted, the creditworthiness of the applicant is assessed and also the provision of the income statement. Karley (2002) classified into five basic requirements of financial institutions before granting credit to borrowers. That is capacity, collateral, character, condition and capital. The author

grouped the various requirements strictly based on the nature and circumstances surrounding the mortgagor and the property.

Due to a high rate of information asymmetric conditions in Ghana, lending institutions tend to consider secured property title as important (Owusu-Manu et al., 2019). However, other researchers commented that the provision of collateral is not a major factor because the ability of the applicant to service the loan is considered paramount. Their argument explains that an applicant would not be granted credit if he or she possesses a secured property title to be used as collateral and has low creditworthiness score (Abdulai & Hammond, 2010). The requirements below were adopted from the work of Abdulai and Hammond (2010):

- a. An operative account with the bank in question for a specific period depending on the type of bank. Dzadze et al.(2012) provided that commercial banks at Abura Asebu Kwamankese district of the Central region (Ghana) required higher deposit account for farmers to access credit.
- b. Submission of secured title document of the property to be mortgaged.
- c. A valuation report prepared by a valuer appointed by the bank.
- d. Creditworthiness report on prospective applicants.
- e. Consent and understanding the legal effect of a mortgage.
- f. Business financial statement for a specific period and cash flow plan for the term of the mortgage
- g. Bank statements for a period depending on the particular bank.
- h. Statement on existing loans (if any).

## 2.8 Conceptualization Framework



The conceptual framework is a visual representation of the relationship between land tenure as independent variable and access to credit which represents the dependent variable. Literature has shown that there are various forms of tenure arrangements in Ghana. Out of the numerous arrangements, Title, Deeds, Skin and Stool lands were chosen under land tenure. These tenure arrangements are explored and related to the level of credit access feasible. These forms of tenure are therefore analysed as sub variables of the independent variable which will then be used to measure the individual influence each bears in the eyes of lenders.

## **Chapter 3: Research Design, methods and limitations**

### **3.0 Research Design and Methods**

This section outlines the research strategy, research approach, and data collection methods proposed to carry out the study. It also expands on the variables through the operationalization of the variables. It defines the scope and the study areas of the study. The section ends with the data analysis methods as well as the issues of validity and reliability.

#### **3.1 Research Strategy**

The objective of this research is to examine and explain the extent to which recognized land tenure systems affect access to formal credit in Accra and Tamale. Pertaining to the objective of this study, it follows an explanatory approach by combining multiple case studies and desk research strategies. A multiple case study approach is used because of the fact that there are two forms of formal land registration systems in Ghana. The title and the deed registration systems. Also, the majority of lands in the southern parts of Ghana are under the stool lands while most lands in the northern parts are under skin lands. This is because the symbol of customary authority on land of most tribes in the South is the stool while the skin is for the Northern lands. Therefore the use of a multiple case study approach is necessary as it will capture both areas as well as provide a deeper understanding of the land tenure systems in Ghana. The case study approach according to Thiel (2014) is known for employing a holistic approach and usually uses qualitative data to cover the entire case under study. Although a multiple case study strategy specifically Accra and Tamale is employed, great detail and a deep understanding of the cases are upheld. This therefore makes the study a unique one and hence validated the need to use the case study approach (Thiel, 2014). Furthermore, a desk approach is used to further improve the quality of the research (Bowen, 2009). Documents focused on includes policy documents, reports, acts, and other relevant documents produced for other purposes. The desk research strategy was also used owing to the fact that is very efficient and avoids researchers' interference in data collection hence improving validity and reliability (Thiel, 2014).

#### **3.2 Data Collection Sample selection and size**

##### **3.2.1 Data Collection Methods**

In gathering data, interviews were used specifically semi-structured interviews. Interviews were used because it is an appropriate method applied in case studies (Thiel, 2014). It also allowed flexibility as it included predetermined questions from the operationalization of the key concepts which were derived from the conceptual framework and also provided an allowance for respondents to provide further information that may be relevant (Gubrium & Holstein, 2001). The supplementary questions further helped to gain a better understanding of the answers. This also allowed the crosscheck of information analysed through desk research. The nature of the semi-structured questionnaire also allowed for information on the topic based on opinions and perceptions. At the same time, it was also used to crosscheck certain facts found in literature and documents analysed.

In investigating the tenure arrangements from a statutory point, officers from the deeds registry in Tamale and the title registry in Accra were interviewed as well. Addressing customary arrangements was done through traditional leaders and their spokesperson as well as their secretaries.

### 3.2.2 Sampling

Due to the peculiar nature of the case study under this research, the purposive sampling technique was used to obtain information from respondents of the organizations involved. At the lands commission, the department responsible for the registration of title lands is the lands registry department. Therefore two (2) officers from this department were considered crucial to the research. In tamale, the deeds registry department is responsible for processes associated with the deeds registry within the lands commission and hence two (2) offices from the deeds registry were also interviewed. With respect to credit institutions such as banks and microfinance institutions, the loan and collateral departments were targeted and two (2) officers from these organizations were interviewed. To address the customary issues two (2) traditional authorities and two (2) customary secretariats were interviewed as well. Therefore, two offices were interviewed from each stated department. This was to ensure that information presented by an officer was crosschecked through the interview of another one. Also since the tenure arrangements in Ghana is complex in nature, the elite interview was also relevant since the respondent possess knowledge at a high level. A lawyer (1) was interviewed to achieve this. Finally, an independent expert (1) was also included in the sample bringing the total sample to a total of twelve (12) respondents. This was a researcher who work in the area of research independently. This provided in-depth information about the subject.

**Table 1: sampling characteristics of respondents**

No	Respondents	Description	Number of proposed interviewee
1	Deeds Registry	Deals with all processes relation to the registration of deeds of assignment.	2
2	Title Registry	Oversees all processes leading to the attainment of title certificates.	2
3	Customary Secretariats	Responsible for the recording and documentation of land allocations on behalf of chiefs	2
4	Credit Departments of financial institutions	Responsible for the screening and assessment of applications for credit or loans	2
5	Traditional Authorities	Caretakers of traditional lands	2
6	Lawyer	Deals with all legal aspects relating to land	1
7	Academic expert	An expert vested with knowledge within the field of land tenure, land rights and access to credit	1
	Total Respondents		12



### **3.3 Operationalization of Variables.**

#### **3.3.1 Operational Definition of Variables**

##### **1. Land Tenure**

Land tenure has been defined over the years by several authors, however, for the purposes of this study definitions from Payne (1996) and Kasanga (1995) will be adopted. According to Payne land tenure refers to “the mode by which land is held or owned, or the set of relationships among people concerning the use of land and its product” (Payne, 1996, p.3). Kasanga on the other hand defined land tenure as “the various laws, rules, and obligations governing the holding and /or ownership of rights and interests in land” (R. Kasim Kasanga, 1995, p. 23)

##### **2. Land Rights**

Land rights or sometimes called property rights where there is a development on the land can be defined as an individual or a collective having an interest either in a land or a property which is recognized. These rights may include that of use, development, access or transfer (Payne, 1996; Payne, 2017)

##### **3. Credit Access**

Credit based on this research will be defined in accordance with Okurut who defined credit to “include debts from commercial banks (including mortgage finance and car loans), semi-formal credit included consumption credit (for household assets such as furniture and open accounts in retail stores), and informal credit specifically referred to debts from relatives and friends” (Okurut, 2006, p.1)

**Table 2: Operationalization of variables**

Concepts	Variables	Sub Variables	Indicators	Data Type	Data Sources	Data Collection	
Land Tenure	Recognized (Statutory) Land Tenure	Title Registration	Time required for Title Registration (In months)	Qualitative	Primary and Secondary	-Interviews of officers at Land Registry department	
			-Percentage of successful applicants who applied for their lands to be titled			-Review of existing Documents such as the Lands Act 2020	
			-Transparency and accountability within the procedure of Title registration based on the law			-Review of Programs such as the Land Administration Program(LAP)	
			-Transparency and accountability within the procedure of Title registration in reality			-Semi-structured interviews of applicants for title registration	
		Deeds Registration	-Time required for deeds Registration(In months)	Qualitative	Primary and Secondary	-Interviews of officers at Land Registry department	
			-Percentage of successful applicants who applied for their lands to be titled			-Review of existing Documents such as the Lands Act 2020	
			-Transparency and accountability within the procedure of registration based on the law			-Review of Programs such as the Land Administration Program(LAP)	
			-Transparency and accountability within the procedure of registration in reality			-Semi structured interviews of applicants for deeds registration	
		Stool Lands Allocation	Time required for stool land allocation (In months)	Qualitative	Primary and Secondary	-Interview of officers at the stool lands secretariat	
			-Transparency and accountability within the procedure of allocation based on customs			-interview of a spokesperson for traditional leaders	
-Transparency and accountability within the procedure of allocation based on customs	-interview of individuals currently seeking or successfully gained access to stool land						
Skin Lands Allocation	Time required for skin land allocation (In months)	Qualitative	Primary and Secondary	-Interview of officers at the skin lands secretariat			

			-Transparency and accountability within the procedure of allocation based on customs			-interview of a spokesperson for traditional leaders
			-Transparency and accountability within the procedure of allocation based on customs			-interview of individuals currently seeking or successfully gained access to skin land
<b>Credit availability</b>	Access To credit	Land based collateral	what is needed of a land to be accepted for collateral	Qualitative	Primary and Secondary	-interview of loan officers at the banks
			Ranking of creditworthiness of different landholding and tenure arrangements			-review of bank-published requirements
			the average cost in cedis spent in verifying ownership of land either at the customary secretariats or lands commission			-interview of collateral officers at the bank
			Time spent in verifying ownership of land either at the customary secretariats or lands commission			
			level of importance of collateral in determining the success or failure of loan application			

### **3.4 Data Analysis**

The data collected for the study was analysed using qualitative content analysis. A number of reasons motivated and made this technique appropriate for this particular study. First of all, content analysis is dynamic in nature and used to analyse verbal and sometimes visual data with the principal objective of summarizing and interpreting the contents of that data (Altheide, 1987; Sandelowski, 2000). Codes were therefore generated from the data collected throughout the course of the study since qualitative content analysis is data derived. It, therefore, allowed the coexistence of data collection and analysis where both activities supported each other mutually. Secondly, this method was used because it is largely reflexive as well as interactive. It, therefore, provided the opportunity for continuous modification of how the data collected is treated by allowing new data to be accommodated as well as new ideas regarding the data (Sandelowski, 2000). Certain sections of the data which were gathered using closed questions were analyzed using a “quasi-statistical analysis style” (Crabtree & Miller, 1992, p.18). This was done by summarizing the data collected using descriptive statistics. All other open-ended questions were then analyzed further in to establish a deeper interpretation beyond frequencies. This enabled the study to explore the quality of the data which was collected.

The procedure of analysis first started with the structuring and ordering of the data in a systematic way through filing techniques to enable easy access and recovery for any data. ATLAS Ti was used to file the data collected as a digital database that can serve as a storage and also sorts the transcripts from the interviews. Computer software was used for this purpose because it allows for new or additional data that is collected throughout the period of the study. Codes were assigned to pieces of the information through the use of Atlas Ti and this aided the categorization of the data for comparisons later.

### **3.5 challenges and Limitations**

Challenges regarding the study were faced on both sides of the concepts during data collection phase. In obtaining data on land tenure specifically stool and skin lands, the respondents felt more comfortable with using local languages instead of English. The interviews therefore had to be translated which required lots of hours therefore slowing down data collection. On the side of title and deed departments, as a result of a recent scandal regarding corruption at the lands commission in Accra, officers were very reluctant to participate in the process because of the assertion that information may be used against them. A rigorous assurance and explanation had to be given to officers before they participated.

A major challenge that was also faced was the inability to obtain data from some respondents such as an academic and a lawyer. Although a phone call was made with a lawyer the respondent only pointed out sections of the constitutions and acts that can be reviewed for the study. The respondent had to end the conversation because of health issues.

Officers from credit institutions were also very difficult to reach. After several emails and phone calls made, only two officers responded and participated.

### **3.6 Validity and Reliability**

Although qualitative approaches of data collection and analysis may be subjective, however, certain steps were put in place in the case of this study to ensure reliability and validity (Thiel, 2014).

#### **3.6.1 Reliability**

Issues of reliability deal with the consistency and accuracy of the variables that are being measured in a study (Thiel, 2014). The research tools employed and the interviewer's capacity in terms of background knowledge and ability to communicate well have an impact on the

accuracy of measurements. In order to breach this gap, two measures were keenly employed in this study (Thiel, 2014). First was the flexibility of the semi-structured interview guide that provided both sets of open-ended and close-ended questions for collecting data as it ensured accuracy from both ends. With close-ended questions restricting respondents to answer to specific which had a very direct link with variables generated from the literature although they were not totally limited as they had “others” option to it, the open-ended questions allowed for more freedom to explain further where it was deemed necessary. The language as well as the categorization of the interview guide into specific departments and variables made it very easy to understand and straightforward in administering. Secondly, Consistency was ensured by creating a database in which all the data was saved for easy access during analysis and the codes allocated to variables were also listed. In order to keep track of the actions taken and choices made throughout coding and analysis, the researcher also wrote memos.

### **3.6.2 Internal validity**

Through triangulation, internal validity was improved by utilizing many data sources and data collection techniques (Thiel, 2014). Primary data were collected through the interviews of government departments, banks, customary secretaries, traditional authorities as well as elites such as academics within the field under research. However, in cases where the traditional authorities such as the leaders were not available, the customary secretaries were interviewed in their place as they are well vested in traditional issues as well. With respect to the government departments such as the lands commission, the interviews were targeted at the Senior Lands officers. However, in some cases where they were not available, their roles were delegated to an assistant lands officer and hence the interviews. The primary data obtained through interviews were triangulated with secondary data such as policy documents like the Land Administration Project document, acts such as the Ghana lands act (2020), the Ghanaian Constitution (1992) and some selected published journals. Other documents reviewed came from the banks and the customary secretaries that included allocation letters as well as loan approval letters and requirements. Analysis was then done based on the indicators developed. This was then categorized and summarized accordingly based on sub-variables and further linked to the variables of the study.

## Chapter 4: Presentation of Data and Analysis

### 4.1 Description of the case

The aim of this study is to examine and explain the extent to which recognized land tenure systems affect access to formal credit in Accra and Tamale. As established earlier de Soto assertion sparked a great deal of awareness within the context of landed properties and wealth creation. This led to the situation where numerous authors began investigating the implications of the formalization of lands in various parts of the world on credit access which is used to build wealth. Through literature the questions and answers have always been whether or not when lands are formalized, they will have an impact or can be correlated with the credit system. This study, therefore, looked at formalization as only a part of a whole system (Land tenure). This is because in a country such as Ghana, land tenure is not a straightforward affair to think that all lands should be formalized so as to correlate formalization with credit access. Land ownership is complicated and location-specific in Ghana and this is recognized by law.

#### 4.1.1 Case study area 1: Accra, Ayawaso North Municipal Assembly

Figure 3: Location of Ayawaso North Municipal Assembly (ANMA) relative to other metropolitan and municipal assemblies within the greater Accra region



Ayawaso North is bordered to the north by Ayawaso West, to the east and south by Ayawaso East, and to the west by Ayawaso Central. The municipality is dominated by stool lands with most lands under the control of the Osu Stool in Accra.

#### 4.1.2 Case study area 2. Tamale, Sagnarigu District

Ghana's third-largest city is Tamale. It is situated 370 miles (600 km) to the north of Accra. Tamale is situated in the Kingdom of Dagbon, more specifically in Ghana's Northern Region.

Figure 4: Sagnarigu municipal district relative to other metropolitan and municipal districts in tamale

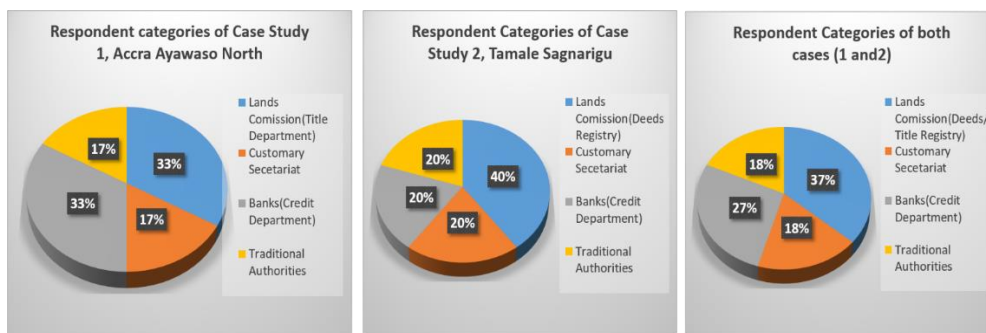


One of the sixteen districts in Ghana's Northern Region is the Sagnarigu Municipal District. The area is dominated by skin lands under the authority of the Sagnarigu Lana (chief) The municipality's capital city is Sagnarigu, which is situated in Northern Region's northwest.

## 4.2 Characteristics of Respondents

As discussed earlier in chapter 3, the purposive techniques were used in the selection of respondents for the study. A total of 12 respondents were interviewed from both case study areas with six (6) of the respondents from case study area 1(Accra) and five (5) respondents from case study area 2(Tamale). Based on the frequency analysis as shown in fig.6 The first respondent categories for case 1(shown at the far left of fig.6) shows that both officers from the lands commission specifically the title registry and the banks specifically the loan or credit departments represents 33% each of the total number of respondents interviewed. Similarly, both respondent categories for traditional authorities and customary secretariats represents 17% each in case study 1. In the second case of study officers from the lands commission specifically the deeds registry represents 40% of the total respondents whiles customary secretariats, Loan officers from banks and Traditional authorities all take 20% each of the total respondents. In a combined assessment of both cases, as shown at the far right of fig.6 officers from the lands commission in both title and deeds registry departments represents 37%, 18% of the respondents from both cases were represented by traditional authorities and customary secretariats whiles officers from banks in both tamale and Accra represents 27% of the total respondents interviewed.

Figure 5: graphical illustration of the distribution of respondents



Source: Author; 2023

## 4.3 Land tenure systems through recognized land tenure in Ghana.

In order to analyse land tenure in Ghana through land tenure through recognized land tenure arrangements as a variable, four sub-variables namely: Title registration, Deeds registration, stool and skin lands is used. Specific findings from indicators, a summary of findings under sub variants as well as the overall summary under the variables are presented.

### 4.3.1 Recognized Land tenure systems and land holding

The idea of selection was influenced by research conducted by Mintah et al.(2020) which explored the land tenure arrangements that exist in present-day Ghana as illustrated in section 2.1 it showed that the land tenure arrangements vary not simply between public and customary but also varies within customary arrangements in its self as it is location specific. In the southern parts of Ghana including Accra, stools are the known authorities of traditional lands whiles in the northern parts of which tamale forms part of skin lands are the authorities that control traditional lands. Also, the registration systems statutorily vary with title registration happening in Accra whiles deeds registration occurs in tamale. It is important to state that another branch of land ownership identified in the study of Mintah et al. (2020) and the Ghana Lands Act (2020) is public lands which is further categorized into state and vested lands. State lands are owned by the state or government whiles vested lands are vested in the state on behalf of certain groups or families and therefore managed by the state. Therefore these are the various recognized arrangements that is present in Ghana based on literature and the law. However, in

adopting the idea on tenure arrangements from Mintah et al.(2020), a much suitable concept was developed through the study to suit both case study areas selected. Land tenure arrangements as recognized by law and academic experts in Ghana far exceeds the sub-variables that was selected for this study. However, these sub variables were selected to ensure viability in data collection while maintaining specific scope.

#### 4.3.1.1 Title Registration

In order to understand the current arrangements of tenure in Ghana, two officers from the title registry were interviewed and the document reviewed was the lands act 2020 as well as the Land Administration Project (LAP) 2. The officers were selected due to their daily involvement in title registration issues which builds up their experience. The Ghana lands act 2020 was the selected document because it is the current act under effect pertaining to land arrangements as it repeals all previous acts relating to land arrangements, management, and ownership in the country although previous arrangements under other acts are still valid until revoked by the Ghana lands act 2020. For example; section 282 of the Ghana lands act (2020) details all previous enactments repealed by the Act 2020.

**Figure 6: Repealed enactments by lands act 2020**

<p>Section 282—Repeals and savings</p> <p>(1) The following enactments are repealed:</p> <p>(a) Land Development (Protection of Purchasers) Act, 1960 (Act 2);</p> <p>(b) Farm Lands (Protection) Act, 1962 (Act 107);</p> <p>(c) Land Registry Act, 1962 (Act 122);</p> <p>(d) Administration of Lands Act, 1962 (Act 123);</p> <p>(e) State Lands Act, 1962 (Act 125);</p> <p>(f) section 11 of the Survey Act, 1962 (Act 127);</p> <p>(g) Lands (Miscellaneous Provisions) Act, 1963 (Act 161);</p> <p>(h) Public Conveyancing Act, 1965 (Act 302);</p> <p>(i) Rent Stabilisation Act, (Repeal) Decree 1966 (N.L. CD. 49);</p> <p>(j) Rent Stabilisation (Amendment) Act, 1966 (N.L.C.D. 103);</p> <p>(k) Conveyancing Act, 1973 (N.R.CD. 175);</p> <p>(l) Public Lands (Protection) Act, 1974 (N.R.C.D. 240); and</p> <p>(m) Land Title Registration Act, 1986 (P.N.D.C.L. 152).</p>
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Source: Lands Act 2020

##### i. Average time needed for registration

One of the key objectives of the LAP 2 is the reduction of the time it takes an individual to complete their title registration. According to the project the time required for registration should be reduced from the initial seven (7) months as proposed by the LAP 1 to three (3) months. Although the LAP 2 did not tie its objectives to locations, it can be inferred that Accra is the focal point as it is the region known for title registration. Hence it can be said that currently in Accra that the required time for title registration as proposed is three (3) months. This was confirmed by the first respondent at the title registry. According to the first respondent should all information correspond with their system I should take three months to complete a registration under the title system? R1 (Officer at title registry) *“On an average, all things been equal, three months, But it depends, if information in our division comes out conflicting with the information you are bringing to us, it takes longer because we need to solve that issue”*.



However, the second officer at the title registry classified the registry process in to two. First registration and cases of a transfer is when an already registered title is being transferred to a new person. "Registration" as considered by the first respondent and per the LAP 2 refers to "First Registration" in the case of the second respondent. And to the second respondent, both first registration and transfers take six (6) to twelve (12) months to complete. R2 (Officer at title registry). *"We have two title registration that is the first registration and the transfer registration. So with the first registration is when a party is acquiring land from the stool, state or family lands. And with the transfer is when a person is that is transferring his or her interest from land acquired from the state, the stool or the family. But both of them I think it will be six to twelve months"*. Based on both respondents as well as LAP 2. Although there is a disparity on the exact timing, It is clear that on an average it takes not more than a year or 12 months to complete a title registration process without conflicting interests arising on the land in question.

ii. Percentage of outcome(success and failure)

Not all registrations go through at the title department. According to the first respondent at the title registry, about sixty percent of applicants who apply for their lands to be registered succeed with the process. He further added that the remaining forty percent usually fail due to issues such as conflicts on the land or when the land has been registered already. The first respondent commented on reasons why some applications fail; R1 ( officer at the title the title registry). *"Because their lands have already been registered by another person. So when that happens, there is a conflict, an issue arises. So we normally inform them that their registration cannot go through because the land has already been registered. And also sometimes they are state lands; lands that the government has compulsorily acquired for special purposes"*.

The second officer claimed that only about 80% of people who apply for title registration go through. In his opinion it does not have that many requirements as he compared it to the transfer of an already registered parcel which he claims only about 50% of those applications go through. According to him registration involves doing a search at the three divisions at the lands commission; that is the Survey and Mapping Division(SMD), Land Valuation Division(LVD) as well as the Public and Vested Lands Division(PVLMD). In his own words, *"The reason is that with the first registration, there are few requirements for first registration that is before you submit for your land to be registered we do a search from our three divisions that is Public and vested lands division(PVLMD), the survey division and the land registration division"*. Striking an average from the first respondent(60%) and the second respondent(80%) we can therefore conclude that about 70% of applications for title registration go through.

iii. Transparency in Title Registration

Both respondents had the same opinion on the level of transparency of title registration in Accra. They both opted for "somewhat agree" with the first respondent stating that the reason for his choice is due to the fact that there are measures put in place to track registration processes. R1 (officer at the title registry) *"I somewhat agree because during the process of registration and you want to find out where exactly your registration process has gotten to you will be able to find out"*

The process of title registration is not perfected based on the accounts of both respondents. There are a number of reasons why it is seen as somewhat transparent in their opinion. For example according to the second respondent at the title registry, the two usual factors is Human factors and Education. R2 (officer at the title registry) *"I strongly agree because the process is*

*not perfect yet. It is not 100% yet. So I will go for somewhat agree because sometimes the human factor also matters and also education hasn't really got down to the people".*

iv. Accountability in Title registration.

Title registration in Accra come with a certain level of accountability within the process of registration with specific focus on how payments are made and proof of payments. Although there are challenges that draw the process behind, the use of digital methods and receipts are ways of ensuring accountability at the registry. Per the first respondent the Ghana Revenue Authority (GRA) is involved in payments and therefore tracking is possible. The use of the Client and Service unit which serves as a bank for the commission for all payments by clients also enhances accountability. Commenting on accountability, R1 (Officer at the title registry) *"Because During your payments and everything, normally payments is done at the client service and the moneys get to the government through GRA so you will be able to see everything"* His opinion on the receipt and digital system was confirmed by the second respondent on accountability. R2 (Officer at the title Registry) *" we have a receipt that we give and we've brought up a digital platform that we use for every payment. So we have a section at the lands commission known as the Client service access unit and that is where the clients come to make payments. All payments and every procedure that needs payment is done there. We have a banking section at the CSAU where payments are made"* Some of the noticeable factors that hinder was identified as human factors by the second respondent while the first respondent attributed it to the use of agents. R2 (Officer at the title registry) *"But then even with this human factors come in. in the sense that clients seek help or support from officers and others around for assistance. So the person wouldn't be truthful to the client in a way that the person will add his or her quota to the amount so the client wouldn't get the right receipt. We also have some people who produce fake receipts and we are trying to deal with that. We recently arrested a number of people."*

In summary, title registration process per the LAP 2 should be done adequately and timely however this is not what transcends in reality. In drawing a link between credit access or credit institutions it is reasonable to think that assuming a piece of land is presented as a collateral for credit and still has to go through title registration or it is in the process of registration, the time factor of three to twelve months in practice will make it a challenge for credit institutions as it delays the loan approval process. Its percentage of outcome, transparency and accountability however provides assurance to credit institutions as a successfully registered title can be proven through various means of payments and confirmations from established state institutions such as the Ghana Revenue Authority. Below is a summary of the findings from registration process under title registry.

**Table 3: summary of findings on title registration procedures**

Average time required for registration.	Percentage of outcome an applications for registration	Level of transparency in tracking registration	Level of accountability in making payments
Three(3) months based on policy	Seventy percent(70%) success rate	Fairly transparent because tracking of documents is possible	Fairly Accountable due to the use of digital receipts through CSAU and GRA
Three(3) to twelve(12) months in practice	Thirty percent(30%) failure usually due to conflating information on land	Process is sometimes undermined due to human factors	Still issues of fraud due to the use of agents(human factors)

Source: Author (2023)

#### 4.3.1.2 Deeds Registration

Understanding deeds registration and its processes as a sub variable involved developing specific indicators which were presented to officials at the deeds registry debarment at the Lands commission in tamale to acquire valuable insight for the purposes of this study.

##### i. Average time needed for deeds registration

Per the Land Administration project (LAP) 2. The average time required to complete a deeds registration process is a month. This was a reduction from the initial three (3) month proposal by the Land Administration Project (LAP) 1. The reduction in the amount of time for registration is to help increase the number of registered lands throughout the country as it is one of the key objectives of LAP 2. The first officer from the deeds registry confirmed that it takes a month for finish a registration but that is only stated officially he added. In reality he claimed that it usually takes more than a month but still between the first three months. The causes in delays that usually happens and prevents documents to be registered within a month can be attributed to both clients and the department. To the first official the urgency in a client's response is an example that can cause delay and subsequently affect the official time it should take to complete a registration. R3 (officer from deeds Registry) *"Officially it takes about a month to complete a registration but considering other factors that may delay the process it should not still exceed three months..."* The second respondent did not have a very different opinion of the time of registration. To him it usually take one to two months to complete. Hence it can be said that this falls within the period established by the first respondent. R4 (officer at the deeds registry) *"Over the last five years I have been with the deeds department, I would say that most registrations take around one to two months."*

We can conclude that there is a slight deviation in the time required to complete a registration per what is stated in official documents and what happens in practice. Whiles it id stated that registration should be done within a month, in practice it usually takes longer than a month but does not exceed three months depending on the situation. Therefore credit institutions expecting a land under Deeds registry as far as time is concerned is expected to have the deeds documents sooner than a land under title registry.

##### ii. Percentage of outcome(failure and success)

On average according to the first respondent, about 70% to 80% of applicants successfully register their lands under the deeds registry. The most common issue causing the 20% to 30% failure being unlatching information submitted and trying to registered an already registered land. The second respondent also did identify one of the most common reasons for failure being applicants trying to register an already registered land. However he attributed that to purchases failing to do their background search before buying lands. R3 (officer at deeds registry) *"Based on my experience about 70% to 80% succeed when they apply for their lands to be registered under the deeds system. The 20% to 30% failure occurs for a number of reasons the common one is when there is an issue raised on the file. That is when the data on some documents within the file don't match up with others. Also, sometimes you can have the land already registered in someone's name"*. This shows an average of 75% in drawing a conclusion from the first respondent. *"When it comes to deeds registrations more than 80% of applicants are always able to follow through the process and get their documents done on time. Just like at every department, there is the possibility of failure that is the 20% or less. And I would say that this unfortunate thing happens sometimes when the purchasers of the land fail to do an accurate background search and end up buying an already registered land and then trying to register."* Furthermore, with an 80% success rate from the second respondent it can be concluded that the average rate of success from both respondents is 77.5%. In drawing a reasonable relationship to credit access it is only right to think that with a slightly higher success rate credit institutions with all other factors held constant would accept land that is yet to be registered under deeds

over land that is yet to be registered under Title. However, this assertion is only from the point of success rate in registration.

iii. Transparency in deeds registration

The process of deeds registration has both ups and downs when trying to measure level of transparency within the process. Both officers had similar reasons or factors that hinders the institution to achieve a 100% transparency level. Both attributed the inability to achieve a perfect transparency to human factors while the first respondent also added that the systems at the deeds registry is not fully developed yet. R3 (officer at deeds registry) *"I will go with somewhat agree. You know the lands commission is a human institution and also our systems are not so developed to ensure that everything is hundred percent"* According to the second respondent there is always a constant effort on the part of the department to improve with respect to ensuring transparency within its procedures. However there are still human challenges that the department faces. R4 (officer at deeds registry) *".... the department has always been trying to improve how things are done to make our processes transparent. However, because humans are involved it becomes difficult for us to achieve transparency at a higher level. Although we have a receipt system, there has been instances where officers change the values on the receipts..."*

iv. Accountability in deeds registration

The receipt system was the most important factor to the first respondent when addressing accountability within the registration process. The second officer at the deeds registration further elaborated on that by saying the existence of a bank at the commission through the Client Service Unit made it possible to have official receipts for all payments. However he further added that there are still a number of fraud issues at the lands commission that causes clients to lose confidence in their processes. R4 (officer at deeds registry). *".. Since the introduction of a bank at the lands commission I mean at the Client Service Unit (CSAU), our level of accountability has improved. I will still choose somewhat agree also. I wish I could say that it solved all the problems but sorry to say we still have fraud issues at the deeds department."*

Although the receipt system works the first respondent raised the issue of technology not been fully used in all aspects. This is evident in the use of a largely paper system throughout the department and sometimes finding documents can be a problem. R3 (officer at deeds registry) *"I somewhat agree. When you come to our department for any search or any activity that involves money you will be given a receipt and sometimes a report. However, we have not fully embraced technology as most of our transactions are still paper recorded."*

It is clear from the assessment of deeds registration processes that Credit institutions and land owners are likely to be more comfortable with the system of deeds from the perspectives of time and success rate. The deeds system falls below title in terms of digital systems and the involvement of the Ghana Revenue Authority. It is therefore more robust to prove a title ownership to credit institutions as it can be done in multiple such as digital ways as compared to deeds, stool and skin lands

**Table 4: summary of findings from deeds registration procedures**

Average time required for registration.	Percentage of outcome an applications for registration	Level of transparency in tracking registration	Level of accountability in making payments
One(1) month based on policy	Seventy eight(78%) success rate	Fairly transparent although tracking is only done at the Deeds registry	Fairly Accountable as payments are made through CSAU and others are made at the registry.
Within three(3) months in practice	Twenty two(22%) failure usually due to submitting an already registered land	Common problems are fraud or human factors	Issues of fraud such as fake receipts

### 4.3.1.3 Stool lands allocation

Stool lands allocation as a sub variable was an interesting one to measure. Because it is based on customary arrangements and values within the community in question. Indicators such as preconditions, time, success rate, transparency and accountability is discussed in this section.

#### i. Preconditions for Allocation

The most important factors based on the respondent on behalf of the stool is respect for the stool and free from criminal records. To the stool these values are held in high esteem and money cannot be used to overlook someone who defies the authority of the stool. R5 (Rep to the secretary of the stool) *"In the present day, it is only a known criminal or someone who has challenged the authority of the stool who is not qualified no matter the money he or she offers for land"* It was further discovered that stool lands are not only restricted to indigenes but also strangers can acquire lands however indigenes do have an advantage over strangers. *"Aside from that anyone even if you are not from our stool area can obtain an allocation provided you follow through the process and pay the money for the land."* However, *when two people want the same land and one of them is an indigene, the indigenous person has an advantage over the other person."* This is consistent with the finding from Kasanga (1995) that shows that in recent times strangers are allowed to acquire lands through customary means.

#### ii. Average time required for stool land allocation

Allocation under the stool takes less time as compared to deeds and title registration processes. This is probably due to the less bureaucratic processes involved and the nonexistence of several divisions under the customary secretariats. According to the respondent under the stool land, a representative of the secretary to the Osu stool, he claimed that stool land allocations are usually done within a week depending on how fast the buyer is with the payments. In his words, R5 (Rep to the secretary of the stool) *"It only takes a few weeks to complete the allocation provided you pay the drink money on time. We have had the secretary sign allocations within a week for people who want to buy land from us. So I would say a less than a month"*. It can be inferred from this that people will usually prefer to stick to stool allocations from the stool since it does not delay and will not want to proceed to title because it takes a longer time to complete with a higher chance of failure.

#### iii. Percentage of success and failure under stool land allocation

Under customary systems, during the process of allocation, unless an individual goes contrary to the norms in the community such as being involved in criminal activities or defying the authority under the stool it seeks the allocation from, provided he pays the required amount also known as the drink money, the allocation should be a success. R5 (Rep to the secretary of

the stool)"Unless we find out that during the process of the allocation like I said earlier that the person is either a criminal or is involved in acts that challenge the stool, almost all people seeking allocation with the appropriate amount of money for the land gets the land. So I will say nine out of ten. So 90% get it."

iv. Transparency under stool lands allocation

Issues of transparency within the process of allocation become common when there are conflicts on who holds the authority on behalf of the stool. In areas where there is a single recognized chief authority as established by the interviewee issues of transparency is not a problem. "Our procedure is so clear. We have not had problems because everyone knows who the chief is and where to go when you want to buy land so I will strongly agree" In it was also established that transparency is usually tested when members of the stool infer with the processes. For example members of the stool can sell lands without the approval from the chief. "For the Osu stool we have had problems in the past but now it is very good. The problems sometimes come out from when people who had lands allocated to them selling those lands to multiple people or the members of the stool selling land without the consent of the chief."

v. Accountability under stool lands allocation.

The findings with respect to accountability from sub variables such as deeds, and stool lands all show that accountability is affected by the inability of departments and secretariats to use modern technology. The interviewee stated that a Log book is still used to keep receipts and records although the secretariat possess a computer. The use of Log books makes it difficult to retrieve information. R5 (Rep to the secretary of the stool) "I somewhat agree to the statement because we don't use technology so well. We do have a computer in the secretary's office but he still uses a ledger book. So sometimes retrieving our copies of receipts is a problem here"

**Table 5: summary of findings from stool lands allocation procedures**

Preconditions for stool land Allocation	Average time required for stool land allocation	Percentage of success	Level of transparency under stool lands allocation	Accountability under stool lands allocation.
An applicant should be free from criminal records and no records of defying the stool in the past	Allocations are done within a month	Ninety percent(90%) success rate	Where there is no multiple claims to a single stool, the process is fairly transparent	Retrieval of receipts is difficult because only a log book is used
Strangers are also granted allocations provided they go through the customs	Time factor is influenced by the ability of the applicant to pay on time.	Payment of drink money is an strong determinant of success.	Inference from members of the stool without the chiefs approval undermines transparency	The secretariats poses computers but it is not used to store information

**4.3.1.4 Skin Land Allocation**

Skin lands allocation was discussed from the lines of preconditions, time, success rate, transparency as well as accountability. The key processes involved during allocation is also explored under this section.

i. Preconditions for skin land allocation.

Similar to stool land allocation procedures, one of the important preconditions that is required by an applicant is to be involved in legal activities. It was also found out that the preconditions that must be met in the case of skin lands was to ensure safety of the people of the community.

According to the skin needs to be sure of safety even before the money of the applicant is accepted. R6 (Rep to the secretary of the stool) "... For example we want to know the kind of work you do and what you want to put on the land to ensure you don't bring threats to the people and the skin..." Safety also a finding that is consistent to that of stool lands is the possibility of strangers acquiring lands under the skin. Although indigenes had an automatic qualification or what is termed as "usufruct" right in literature, strangers do have the opportunity to acquire land customarily provided they satisfy all the needs of the authority. R6 (Rep to the secretary of the stool) "... Although most of our lands go to children of this place, outsiders who want to help grow in our community also get the space to do so provided they pay the kola money. We then will allocate to you the land whether you are from Sagnarigu or not". It is clearly in the second paragraph of an allocation letter found in appendix 3 that the applicant has complied with all the customary requirements for the grant, this shows how important values are to the skin in its customary arrangements.

ii. Average time required for skin land allocation

In comparison to all the other tenure arrangements, that is title, deeds and stool skin lands is found to be the arrangement that requires less time. This can be associated with the less procedures involved and the approach of allocation as requests are taken in weekly and signed the following week. *"We take all the people who want to get lands weekly. So when you come to the palace or you come with the person selling his land to you and need a new allocation letter, we take all those requests down and payments within a week and then present it to the secretary the following week for checking and signing. It doesn't take long at all I will say at most two weeks or half a month."*

iii. Percentage of success and failure of applicants under skin land allocation

Success and failure of an applicant depends not solely on whether an applicant is an indigene or not but being an indigene grants an automatic qualification for an allocation. A person from the skin area has an almost 100% percentage of success to get a land from the skin provided he performs all the necessary customs like paying of the kola money. *"If he is from the Dagbon, Nantong or Sagnarigu area is automatically qualified by customs and only needs to pay the kola money"*. The situation is slightly different with strangers as more checks are being done which slightly reduces their chances of success based on the interview of the representative to the skin. All things being equal on an average more than 90% of applicants (combined of both indigenes and strangers succeed in their application). *"From my past I will say we have not had any noticeable problem with an applicant's history or his family or work so I can say more than 90% of applicants succeed."*

iv. Transparency under skin lands allocation

Issues of transparency within the processes of all the other tenure arrangements have had human factors through all of them. The situation is not different with skin lands. The interviewee attributed problems of transparency to human factors as he believes that not all problems relating to transparency is caused by the secretariat. To the representative of the secretariat, applicants develop beyond the boundaries initially allocated to them under the skin. And this affects other people's allocation who may think that the secretariat was not truthful to them during the allocation process. R6 (Rep to the skin land) "... it doesn't mean all the problem comes from the secretariat...but sometimes the applicants also lie. They can be allocated a plot and they will prepare a plan and extend the boundaries moving into a different persons land. All these make our work difficult."

v. Accountability under skin lands allocation.

The inability to modernize payment systems is a common feature of all the tenure arrangements although both title and deeds registration do have digital ways of making some payments. The sagnarigu secretariat according to its representative still uses lots of paper works. However they have developed mechanisms such as a filing system to improve retrieval of receipts. *"We do not generate automated receipts so it makes accountability a bit of a challenge. ...Our past experiences with receipts and payments made us develop a filing system to keep the receipts but that is still based on papers."*

**Table 6: summary of findings from stool lands allocation**

Preconditions for skin land Allocation	Average time required for skin land allocation	Percentage of success of applicants for skin lands	Level of transparency under skin lands allocation procedure	Accountability under skin lands allocation procedure.
Indigenes possess a usufruct right. However payment is still necessary	Allocations are done within a week	Almost a perfect success rate	Human factors such as developing beyond boundaries allocated affects transparency	No form of digital payments
Strangers are also granted allocations provided they go through the customs	Takes the least time to complete amongst all the tenures systems discussed	Payment of drink money is an strong determinant of success.	No laid down process to ensure transparency as values are the only ways transparency is ensured.	The development of a filing system for receipts.

In summarizing the procedures and the application of the various land tenure systems in Accra and tamale a locational comparism may be reflected based on the findings. In terms of time required the title which is predominantly in Accra requires more time than deeds in tamale. Consequently stool lands in Accra requires more time in allocation than skin in tamale. This may be due to the population difference between the two cities as Accra is highly populated than tamale.

## 4.4 Access to credit

### 4.4.1 Land or property based collateral

As established in Chapter 2 of this study land as a collateral is one of the yardstick used by financing institutions to advance loans to borrowers. This section therefore explored issues concerning land as a collateral for financing institutions such as the underlying requirements before a property or land is considered, the type of ownership that exists on the land with specific reference to the types of tenure arrangements is explored under this chapter, time and cost in verifications, how important the property is when lenders are making decisions and the rights that the property holder should have for the property to be considered.

i. What is needed of a piece of land to be accepted for collateral (proof of ownership)? Collateral to credit or financing institutions is necessary as it is their source of retrieving the loan amount should the borrower defaults. There are therefore certain requirements by credit institutions to that influences their decision whether to advance a loan amount or not. When land is presented for collateral, a preliminary search is done to establish ownership followed by a request for documents on the land preferable titled documents. This requirement is



consistent with the findings of Abdulai and Hammond (2010) where one of the major requirements by financial institutions is a registered title. It is also clearly indicated on a sample letter of loan approval for a mortgage by the credit institution under this case study where it is stated that a title document with barcoded plans is a condition that must be fulfilled.

To the respondent interview from the loan department, having a title document gives them security. R7 (Officer at the loan department) *"We then request for all documents you have on the land preferably the title document from the title division because that is the most secured one"*

However, in cases where an applicant has not fully registered their land or only possess an allocation letter, the bank still makes provisions for such properties. It can also be seen in a letter from as shown under Annex where it is stated that indentures are required should an applicant possess that and not a title document. This was also confirmed by the officer at the loan department R7 (Officer at loan department) *"But sometimes some people do not have titles yet and may just have indentures showing they bought the land from someone. There are other cases where people still have their documents undergoing registration at the commission and all this will show at the lands commission"* In comparison to tamale preliminary searches and verification is required by the lending institution however since titles do not exist in tamale, deeds are usually preferred. It was also found that most applicants possess allocation letters instead of registered deeds which is also accepted by the lender but come with longer processing time for loan approval. R8 (Officer at loan department) *"In tamale, unfortunately, most people hold allocation letters from the skin and have no records of deed registration at the lands commission yet. So when we check we will usually find out that the area is demarcated and the plot exists but we can't be sure who the owner is"*. It can therefore be concluded that although proving ownership through title is preferred by credit institutions in granting credit, other forms of proof such as deeds, allocation letters and indentures are all accepted both in tamale and Accra although it may delay the approval process by credit institutions.

ii. Title, Deeds, Skin or Stool lands. The order of importance to credit institutions.

It was found that titled lands are the most preferred forms of ownership to banks in considering a collateral in both cases (Tamale and Accra). Although in tamale is not a titled zone, title was considered to weigh more should someone present a land from a titled zone to the bank.

R8 (Officer at loan department) *"The northern region is not a titled area yet. We only have a deed registry however anyone who has land from a titled region definitely has more weight than someone with a deed-registered land. I will therefore say title first, deeds second and keep both skin and stool on the same level."*

Both respondents rated deeds registered lands next to title and while the first respondent considered stool lands over skin lands in Accra, the second respondent in tamale claimed both skin and stool lands are of the same level in his opinion. R7 (officer loan department) *"I will put stool lands next because they are lands here in Accra and generally speaking lands here in Accra are more expensive than lands in the north. I will put skin lands at the bottom."*

iii. Cost in verifying ownership of land

It is interesting to find out that from both cases there is a link between the cost incurred by lenders and the time within which they wish to have the information on the land or property. In both Accra and tamale, according to an officer at the credit department, the official fee for conducting a search is 150 cedis (\$15) per acre or anything less of an acre. And for any additional acre, a fee of 50 cedis (\$5) is charged. It is important to state that verification costs are initially paid for by credit institutions and later added to administrative costs of the loan. However, credit departments in Accra end up paying eight times or more of the official fees. *"Okay. The official fee at the lands commission for searches is 150 cedis per acre or anything"*

*less than an acre. If it exceeds an acre, for every additional acre the official cost is 50 cedis*" *"I should let you know that these are official fees and in reality, we incur more in verifying. In practice, we incur about eight times or more of the official fees when verifying ownership. This is to speed up the process"*. The situation is not different in tamale although information on how much is paid on the grounds was not obtained, it was acknowledged by the respondent that credit institutions pay "facilitation fees" in order to speed up processes. At the customary secretariat appeared to be cheaper in both cases. While it typically takes 50 cedis (\$5) in Accra, it takes about 30(3\$) cedis to verify ownership from the customary secretariats in tamale. In summary, it is only rational for banks and consequently potential debtors to rather use lands under customary arrangements (stool and skin lands). This is because from the data obtained it is cheaper for banks to verify lands under skin or stool than under title or deed lands. Although stool and skin lands may not be very formal in nature, they may still be influenced by the cost factors.

iv. Time spent in verifying ownership of land

The only reason for the payment of eight times or facilitation fees is to cut down the time involved in the land verification process. The official timeframe from application for a search to receiving a report is three weeks at the lands commission in both Accra and Tamale. Credit departments cannot work with that time as they need information to make decisions quickly. They therefore work with service providers at the commission who are usually lands officers and pay facilitation fees as mentioned part C. This brings down the time involved to a week or less. At the customary secretariats, it is important to stress that it can take a day since it does not involve much per R8 (officer at credit department) *"It mostly takes us less than a month at the lands commission but with facilitation within a week we can do our verifications. At the secretariats, it's a matter of a day mostly"*. The time and cost advantage to stool and skin lands during verification are of an advantage over title and deed lands and this is likely to be correlated with their acceptance for stool and skin lands although owners only poses allocation letters as discussed earlier.

v. Importance of a landed collateral

Landed properties were found to be extremely important in both cases in determining the success or failure of a loan application although the ability of the applicant was also necessary. *"I would say it is extremely important to us although we need to be sure you will be able to make your regular payments. All the same, the collateral is still very important to us."* Ability to pay was stressed in both cases although both respondents maintained their positions of land being extremely important to their organizations in making decisions. *"Having solid collateral without any issues around it and with the right value is extremely important for us when considering your application. Of course, we look at your financial standing with the bank through your bank statements but at any point in time, we need to be secured that we can recoup our money from your collateral."*

Although respondents were not asked to choose either ability to pay or collateral as was done in some studies, these responses showed that both run concurrently and one cannot work without the other. This is an important indication that collateral and ability to pay are two sides of a coin to credit institutions. While they need to be confident of your regular payments, they need to be sure of the collateral recouping the loan should the debtor default.

vi. Rights considered in assessing land as a collateral

The rights that were presented to respondents included the right to sell, right to use, right to lease, right to exclude, right to develop, right to subdivide. In both cases the respondents found all these rights as necessary. However, an additional right was introduced by both officers in

both case studies and that is the right to mortgage and also consent in the case of government lands. R7(officer at credit department)" *In some instances, some people hold leases from the government lands and they wish to use them as collateral. When you have such a land we don't assume you have the right to mortgage. You will have to seek consent from the state to grant you permission to be able to mortgage the said property before we then consider It.*" R8 (officer at credit department) *"He should have all the rights you have mentioned and he should also be able to mortgage it. That is my only addition."*

The entire chapter first discussed the tenure arrangements that exists or is held in Ghana which includes both cases. It further explored the various tenure arrangements selected mainly Title, Deeds, stool and skin lands in terms of acquisition procedures and ownership conditions. This was then linked to what credit institutions look out for in a land in terms of its ownership status(taking into considerations the identified tenures), the rights associated with each arrangement, the most important form of arrangement to creditors. This was a necessary linkage as it unveiled how much of an influence land tenure arrangements can have on accessing credit. It was found out that tenure arrangements that exists in Ghana and within the case study areas far exceeds the selected tenures for this study. Among the selected tenures, customary arrangements such as the skin and stool were had the least time and rather has the highest success rate during its acquisition and registration procedures as compared to the more formal arrangements such as title and deeds. And this was mainly due to the non-existent bureaucratic procedures. Although they provided a lower level of security than the formal arrangements per the credit institutions, stool and skin lands are still accepted for credit purposes. This may be strongly due to the finding that is relatively cheaper and takes less time to verify ownership of lands under customary secretariats as compared to the lands commission. Land as a collateral was found to be important although it needed to run concurrently with the ability of the applicant to pay back the loan. Title was seen as the most secured form of tenure to credit institution regardless followed by deeds, stool and skin. In other cases skin and stool were placed at the same level as skin lands.

## **CHAPTER 5: Conclusions and Recommendations**

### **5.1 Conclusion**

This study was founded on the premise that credit has the capability to turn around developing economies as it makes capital accessible to the poor for investments. And when credit is explored in any way, de Soto's position comes into play where he believes land registration is the answer to credit for the poor. According to him there is only a single solution to land ownership. The Ghanaian land system is built on plurality with several forms of ownership coexisting and recognized by the law as well. What then is the implication of the plural nature of ownerships on access to credit? The study therefore examined and explained the extent to which recognized land tenure systems or arrangements affect access to formal credit in Accra and Tamale by assessing how the different recognized land tenure systems or arrangements mainly title, deeds, skin, and stool lands allow or enable access to formal credit in Accra and Tamale, Ghana.

#### ***5.1.1 What type of land tenure systems and or ownership is officially recognized by credit institutions?***

It was established from literature through studies such as Mintah et al. (2020), and triangulated using the 1992 constitution, the lands act (2020) and the land administration project (LAP 2) that land holdings are complex in nature that do not only vary based on its forms of arrangement but also varies with location. The major types of tenure arrangements identified and as confirmed by credit institutions included public lands and customary lands. Public lands are further categorized into state and vested lands while customary arrangements are classified into skin and stool lands. These major classifications were also consistent with the findings from other authors such as (Bugri & Yeboah, 2017; Kasanga & Kotey, 2001). Furthermore other classifications such as deeds arrangements as these arrangements are created by acts such as the state lands act (1962) and the Ghanaian lands act of 2020 and the 1992 Ghanaian constitution were also identified.

#### ***5.1.2 What is the influence of land and the ownership held as an underlying requirement for credit by lenders?***

There were two interesting findings that addressed this question. First land was extremely required by creditors in both cases however it needed to run concurrently or simultaneously with the applicant's ability to pay back the loan as respondents from both cases stressed on the need for strong financial standing. The finding in one perspective agrees with findings from Domeher and Abdulai (2012) on the need for a good financial standing. Secondly, the type of ownership held by an applicant did not show significant impact on one's ability to credit. Although titled lands were preferred by credit institutions other forms of arrangements including customary ownerships were also accepted by credit institutions although they were associated with longer loan approval time. The second finding is consistent with Payne (2008) who indicated that one does not necessarily need a title to secure a loan. In other words it may be viewed as consistent with Abdulai and Owusu (2014) whose studies showed title had no significant impact on credit. The acceptance of other forms of ownership such as stool and skins can be strongly attributed with the less cost and a faster verification time as credit institutions do not usually have the patience to wait for weeks to verify ownership from title and deed departments.

### 5.1.4 How do the different recognized land tenure systems or arrangements mainly title, deeds, skin, and stool lands allow or enable access to formal credit in Accra and tamale, Ghana?

As indicated in both sections 5.1.2 and 5.1.3, there are clear differences with respect to the various tenure arrangements according to credit institutions. Their perspectives on security, verification time and cost, rights and the importance of a particular ownership is reflected in the decisions of credit institutions. It is important to state that credit institutions showed that title had more preference followed by deeds and then stool and skin lands in some cases while in others stool and skin lands were seen as having the same level of impact. Nonetheless it is necessary to establish that these forms of ownerships may influence credit in the order stated, however, all the arrangements were found to be accepted by credit institutions. Although the credit institutions request for titles, they are well aware that most people in both cases don't hold titles and they therefore accept all the other forms of ownerships. These findings were reflected in both case studies. In conclusion it is important to establish from the findings that the plurality of the Ghanaian tenure systems provides dynamic systems in accessing credit in accessing credit. However it can be modelled as society develops to improve the confidence of creditors on each form of ownership.

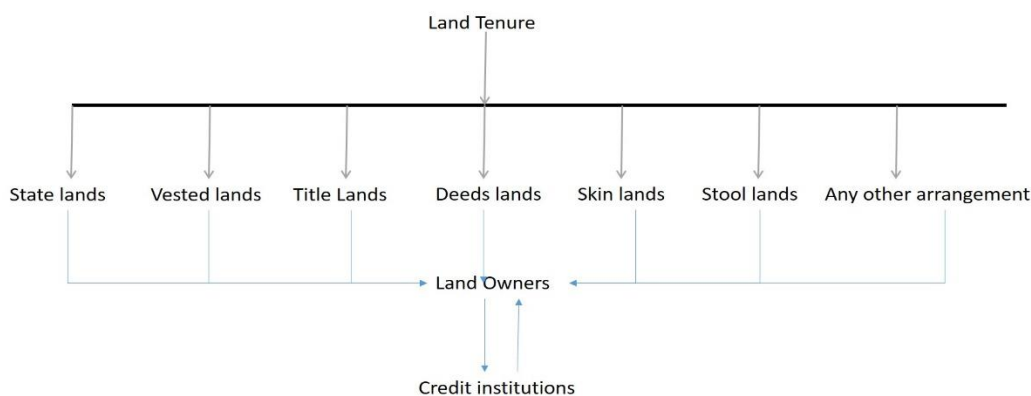
## 5.2 Recommendations

### 5.2.1 Recommendations for Land sector agencies, credit institution and the government.

Based on the findings of the study, the following recommendations may appear reasonable in improving the relationship between land tenure arrangements and credit access.

- i. Creating a model that is based on both institutional and legal frameworks on the various tenure arrangements will clear doubts within the process of acquisitions and registration. The model or framework should be a holistic one although the various tenure arrangements are differentiated and supported by well-structured institutions. This will boost the confidence of creditors as they become certain of those responsible for any particular arrangement. An example is a skeletal proposed framework that can be developed upon.

**Figure 7: Proposed framework for institutional and legal development**



- ii. The findings showed that all forms of tenure were accepted by credit institutions. However the customary arrangements lacked proper documentation methods and hence keeping records which will aid the government in collecting taxes on land since they form more than 80% of the total land in Ghana is a problem. Hence developing a robust system for customary arrangements in terms of documentation and ownership procedure will be of immense improvement for tax purposes.

- iii. An independent credit facilitation institution should be established by government with contribution from credit institutions. As part of their objectives they may be responsible for the verification of land ownerships on behalf of credit institutions thereby eliminating the differences in cost of registration and verification.

### **5.2.2 Recommendations for further studies**

1. The studies failed to include public land arrangements as part of tenure system when measuring the impact of each on credit access. Further research can therefore expand on adding other tenure arrangements.
2. Further studies may also expand on credit institutions in other regions of the country as this research was only limited to institutions in Accra and Tamale.

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## **Appendix 1: Research Instruments**

**INSTITUTE FOR HOUSING AND URBAN DEVELOPMENT STUDIES (IHS)  
ERASMUS UNIVERSITY ROTTERDAM  
MSC URBAN MANAGEMENT AND DEVELOPMENT  
TOPIC: THE RELATIONSHIP BETWEEN LAND TENURE AND ACCESS TO  
CREDIT: THE CASE OF ACCRA AND TAMALE**

### **Interview Guide for officers at Deeds Registry Department**

#### General information

1. Name of organization
2. Position within the organization
3. How long have you worked in your current organization
4. How long have you worked in your current position

#### Part one: Registration of Lands under the Deeds Registry

1. What is the average time required for deeds Registration (In months)?
2. What is the percentage of outcome in success or failure of applicants registering their lands under the deeds system?
3. On a scale of 1 to 5, how would you strongly agree or disagree with the statement that the procedure of deeds registration is transparent based on your previous experience?
  1. Strongly agree
  2. Somewhat agree
  3. Neither agree nor disagree
  4. Somewhat disagree
  5. Strongly disagree
4. On a scale of 1 to 5 how would you strongly agree or disagree with the statement that the procedure of deeds registration is accountable based on your experience.
  1. Strongly agree
  2. Somewhat agree
  3. Neither agree nor disagree
  4. Somewhat disagree
  5. Strongly disagree

**INSTITUTE FOR HOUSING AND URBAN DEVELOPMENT STUDIES (IHS)  
ERASMUS UNIVERSITY ROTTERDAM  
MSC URBAN MANAGEMENT AND DEVELOPMENT  
TOPIC: THE RELATIONSHIP BETWEEN LAND TENURE AND ACCESS TO  
CREDIT: THE CASE OF ACCRA AND TAMALE**

### **Interview Guide for officers at Title Registry Department**

#### General information

1. Name of organization
2. Position within the organization
3. How long have you worked in your current organization
4. How long have you worked in your current position

#### Part two: Registration of Lands under the Title Registry

5. What is the average time required for Title Registration (In months)?
6. What is the percentage of outcome in success or failure of applicants registering their lands under the title system?

7. On a scale of 1 to 5, how would you strongly agree or disagree with the statement that the procedure of title registration is transparent based on your previous experience?
  1. Strongly agree
  2. Somewhat agree
  3. Neither agree nor disagree
  4. Somewhat disagree
  5. Strongly disagree
8. On a scale of 1 to 5 how would you strongly agree or disagree with the statement that the procedure of title registration is accountable based on your experience.
  1. Strongly agree
  2. Somewhat agree
  3. Neither agree nor disagree
  4. Somewhat disagree
  5. Strongly disagree

**INSTITUTE FOR HOUSING AND URBAN DEVELOPMENT STUDIES (IHS)  
ERASMUS UNIVERSITY ROTTERDAM  
MSC URBAN MANAGEMENT AND DEVELOPMENT  
TOPIC: THE RELATIONSHIP BETWEEN LAND TENURE AND ACCESS TO  
CREDIT: THE CASE OF ACCRA AND TAMALE**

**Interview Guide secretaries at stool lands secretariats**

General information

1. Name of organization
2. Position within the organization
3. How long have you worked in your current organization
4. How long have you worked in your current position

Part three: Allocation of Lands under stool Lands

9. What are some of the preconditions that must be met to qualify for an allocation?
10. What is the average time required for land allocation under stool lands (In months)?
11. What is the percentage of outcome in success or failure of applicants requesting land under the stool system?
12. On a scale of 1 to 5, how would you strongly agree or disagree with the statement that the procedure of stool land allocation is transparent based on your experience?
  1. Strongly agree
  2. Somewhat agree
  3. Neither agree nor disagree
  4. Somewhat disagree
  5. Strongly disagree
13. On a scale of 1 to 5 how would you strongly agree or disagree with the statement that the procedure of stool land allocation is accountable based on your experience.
  1. Strongly agree
  2. Somewhat agree
  3. Neither agree nor disagree
  4. Somewhat disagree
  5. Strongly disagree

**INSTITUTE FOR HOUSING AND URBAN DEVELOPMENT STUDIES (IHS)  
ERASMUS UNIVERSITY ROTTERDAM  
MSC URBAN MANAGEMENT AND DEVELOPMENT**

**TOPIC: THE RELATIONSHIP BETWEEN LAND TENURE AND ACCESS TO  
CREDIT: THE CASE OF ACCRA AND TAMALE**

**Interview Guide secretaries at skin lands secretariats**

General information

1. Name of organization
2. Position within the organization
3. How long have you worked in your current organization
4. How long have you worked in your current position

Part four: Allocation of Lands under skin Lands

14. What are some of the preconditions that must be met to qualify for an allocation under skin lands?
15. What is the average time required for land allocation under skin lands (In months)?
16. What is the percentage of outcome in success or failure of applicants requesting land under the stool system?
17. On a scale of 1 to 5, how would you strongly agree or disagree with the statement that the procedure of skin land allocation is transparent based on your experience?
  1. Strongly agree
  2. Somewhat agree
  3. Neither agree nor disagree
  4. Somewhat disagree
  5. Strongly disagree
18. On a scale of 1 to 5 how would you strongly agree or disagree with the statement that the procedure of skin land allocation is accountable based on your experience.
  1. Strongly agree
  2. Somewhat agree
  3. Neither agree nor disagree
  4. Somewhat disagree
  5. Strongly disagree

General information

1. Name of organization
2. Position within the organization
3. How long have you worked in your current organization
4. How long have you worked in your current position

General information

1. Name of organization
2. Position within the organization
3. How long have you worked in your current organization
4. How long have you worked in your current position

**INSTITUTE FOR HOUSING AND URBAN DEVELOPMENT STUDIES (IHS)  
ERASMUS UNIVERSITY ROTTERDAM  
MSC URBAN MANAGEMENT AND DEVELOPMENT  
TOPIC: THE RELATIONSHIP BETWEEN LAND TENURE AND ACCESS TO  
CREDIT: THE CASE OF ACCRA AND TAMALE**

**Interview Guide Credit or loan officers at credit institutions**

Part five: Access to credit

19. What are the underlying requirements for a piece of land to be considered for collateral by the bank?

20. Rank the various forms of tenure/land holdings in order of importance to your bank when considering lending money to a landholder. That is Title, Deeds, Stool and Skin Lands.
21. What is the average cost in cedis spent in verifying ownership of land either at the customary secretariats, lands commission or through any other means used?
22. What is the average time spent verifying ownership of land either at the customary secretariats or lands commission or through any other means used?
23. How important is collateral in determining the success or failure of a loan application?
  1. Extremely Important
  2. Very Important
  3. Somewhat Important
  4. Not so important
  5. Not important at all
24. What are some rights a landowner should have over the land that is considered by your institution in assessing land as collateral for credit? Tick as many as applies to the situation
  1. Right to sell
  2. Right to use
  3. Right to lease
  4. Right to exclude
  5. Right to develop
  6. Right to subdivide
  7. Mention any other right that is considered .....

Part six: Interview Guide for Academic expert

25. Based on your previous research can you kindly comment on the tenure systems existing in Ghana at the moment?
26. Literature has shown that the tenure systems in Ghana are complex in nature. Could you explain why this is the case?
27. How would you rank the various tenures that exist in Ghana with respect to the rights that each tenure group is entitled to?
28. Among the various categories of tenure arrangements provided below, rank them in order of rights and entitlements available to them based on your previous research experience.
  1. Titled Landholders
  2. Deed landholders
  3. Skin Lands
  4. Stool Lands
29. Comment on the perceptions of land owners in Ghana with respect to their rights and entitlements.



## Appendix 2: Example of a loan requirements letter

FIRST NATIONAL BANK GHANA LIMITED  
HEAD OFFICE  
6<sup>th</sup> Floor Accra Financial Centre  
C/o Liberia and Independence Avenue  
Accra, Ghana  
P O Box TU 23  
Email address: [fnb@firstnationalbank.com.gh](mailto:fnb@firstnationalbank.com.gh)  
Web address: [www.firstnationalbank.com.gh](http://www.firstnationalbank.com.gh)  
Telephone: +233 24 2435050 / 0800 770 522

01-June-2023

Dear Sir / Madam,

### **HOME LOAN APPROVAL FOR**

We refer to your offer to Rekiya Onyinah-Karikari dated 14-February-2023. First National Bank Ghana Limited ("FNBG") is pleased to advise you of our willingness, in principle, to extend a Home Loan to him as outlined below:

- |                           |                                                  |
|---------------------------|--------------------------------------------------|
| 1. Borrower:              |                                                  |
| 2. Property Type:         | 1-Bedroom Apartment.                             |
| 3. Property Location:     | Libi Apartment, South Airport, Accra.            |
| 4. Facility Type:         | Home Purchase.                                   |
| 5. Property Price:        | US\$85,000.00 (Eighty-Five Thousand US Dollars). |
| 6. Required Down Payment: | US\$20,000.00 (Twenty Thousand US Dollars).      |
| 7. Loan Amount:           | US\$65,000.00 (Sixty-Five Thousand US Dollars).  |

The disbursement of this facility will be upon satisfactory fulfillment of the following conditions precedent detailed in the facility letter dated 01-June-2023:

1. Satisfactory due diligence on the property.
  2. Receipt of evidence of the deposit of US\$20,000.00 having been paid to you in a manner satisfactory to FNBG.
  3. Receipt of 4 (four) executed Indentures for the conveyance of the Property with bar-coded site plans pasted in each of them and the oath of proof sworn; plus 6 (six) additional bar-coded original site plans.
  4. Receipt of all title and related documents, including satisfactory bar-coded site plans.
-

### Appendix 3: Example of an allocation letter

NAN/CLS/JANAKP/050  
**DAGBON LANDS**  
**ALLOCATION OF LAND**

CERTIFIED By \_\_\_\_\_  
NANTON CUSTOMARY LAW  
 BOX 101 E/A  
 TANAL 2

TOWN NANTON BLOCK B  
 LAYOUT/WARD/BLOCK LOCAL PLAN OF JANAKPENG BLK B  
 PLOT NUMBER 168  
 Following request received from ABDUL HAFIZ HABIBU of TANACE

1. I have today the 5<sup>th</sup> Day of JUNE 2023 recommended the allocation of  
 The above -mentioned land described above and shown edged-pink on the attached site plant  
 to him/her/them for residential/ commercial/industrial use.

2. The applicant has complied with all the customary requirements for grant of the land under  
 Dagbon custom the applicant is therefore advice to obtain a grant of this plot from the  
 Divisional Chief.

Signed [Signature] Witnessed by [Signature]  
JANAKPENG Official stamp \_\_\_\_\_ Signed \_\_\_\_\_

**FORM B**

**CONFIRMATION OF ALLOCATIONS**

TOWN NANTON BLOCK B  
 LAYOUT/ WARD/BLOCK LOCAL PLAN OF JANAKPENG BLK B  
 PLOT NUMBER 168  
 ALLOTTEE ABDUL HAFIZ HABIBU

1. I have examined the above-mentioned recommendation in the light of Dagbon Customary  
 law and hereby grant the above land to his /her/them.

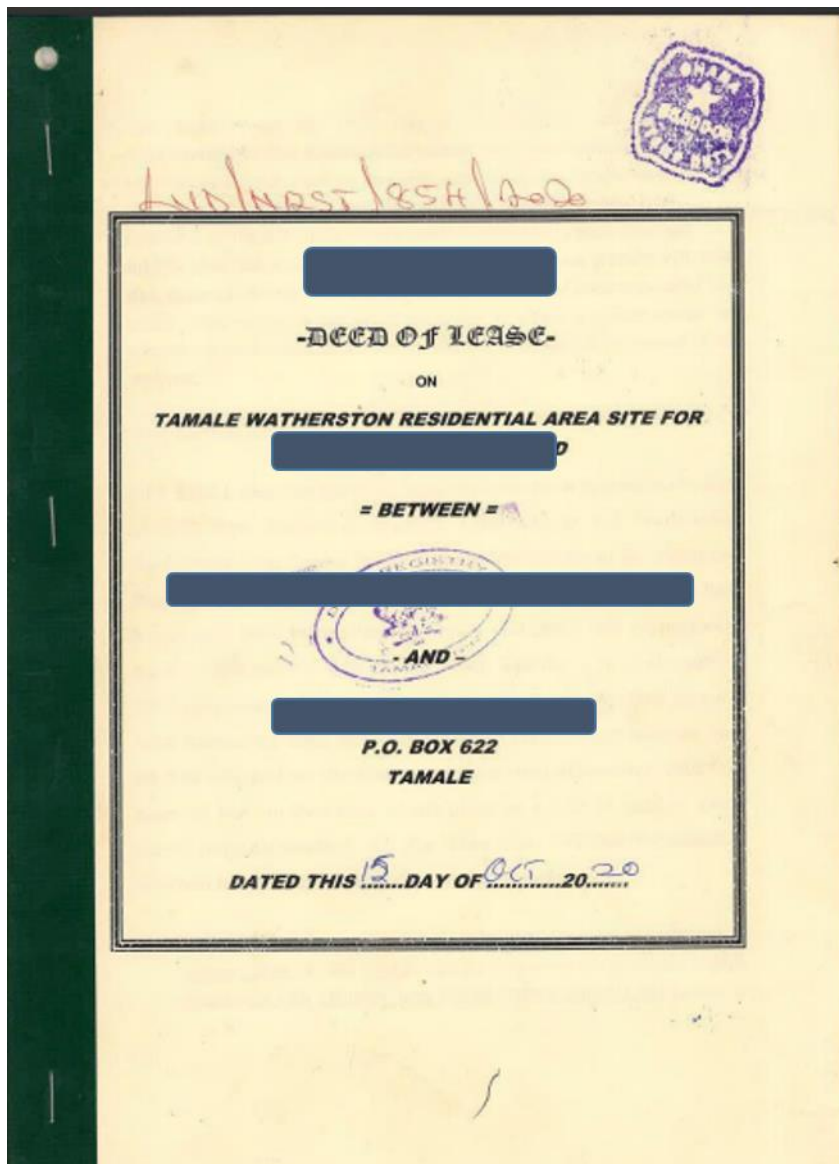
2. The grant is given subject to the grantee entering into a formal lease agreement with the  
 Ya-Naa within six (6) months from this grant on terms mutually agreed upon.

3. The grantee is further advised to seek advice from the Land Commission Secretariat on the  
 registration of the lease to be executed.


4. The grantee is further advised that this grant shall be used **ONLY FOR THE PURPOSE (S)** for  
 which it was granted, and be operational not later than two (2) years from the date the grant  
 was assigned. Failure to comply with these mandates will result in the land reverting back to  
 the grantor for renegotiation or reassignment.

PARAMOUNT CHIEF [Signature] WITNESSED BY [Signature]  
NANTON NAA  
 MAHAMAD UV  
 NANTON PALACE ALHAJI ANAS ABDELLI  
 NANTON SECRETARY  
 OFFICIAL STAMP \_\_\_\_\_ SIGNATURE [Signature]

## Appendix 4: Example of a deed document from deeds registry




## Appendix 5: Example of a title certificate from the title registry

Cert. No	GA.66166		LAND TITLE REGISTRY
Volume	10		
Folio	895p		


REPUBLIC OF GHANA

### LAND CERTIFICATE

*THIS IS TO CERTIFY THAT* [REDACTED] body Corporate registered under the Companies Act, 2019 (Act 992) and having its registered office in Accra in the Greater Accra Region of the Republic of Ghana is registered as tenant or lessee for a term of 50 years from the First day of September, 2018 subject to the reservations, restrictions, encumbrances, liens and interests as are notified by memorial underwritten or endorsed hereon, of and in ALL THAT piece or parcel of land in extent 0.17 hectare (0.43 acre) more or less being Parcel No.12158 Block 5 Section 020 situate at North Ridge Residential in the Greater Accra Region of the Republic of Ghana aforesaid as delineated on Registry Map No.003/020/1988 in the Land Registration Division of the Lands Commission, Cantonments, Accra and being the piece or parcel of land shown and edged with pink colour on Plan No.176/2021 annexed to this Certificate except and reserved all minerals, oils, precious stones and timber whatsoever upon or under the said piece or parcel of land.



*IN WITNESS WHEREOF I have hereunto signed my name and affixed the seal of the Land Title Registry this 31st day of August, 2021*

  
.....  
CHIEF REGISTRAR OF LANDS

## Appendix 6: IHS copyright form

In order to allow the IHS Research Committee to select and publish the best UMD theses, students need to sign and hand in this copyright form to the course bureau together with their final thesis.

By signing this form, you agree that you are the sole author(s) of the work and that you have the right to transfer copyright to IHS, except for those items clearly cited or quoted in your work.

Criteria for publishing:

1. A summary of 400 words must be included in the thesis.
2. The number of pages for the thesis does not exceed the maximum word count.
3. The thesis is edited for English.

Please consider the length restrictions for the thesis. The Research Committee may elect not to publish very long and/or poorly written theses.

I grant IHS, or its successors, all copyright to the work listed above, so that IHS may publish the work in the IHS Thesis Series, on the IHS web site, in an electronic publication or in any other medium.

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Thank you for your contribution to IHS.

Date : \_\_\_\_\_12/7/2023\_\_\_\_\_

Your Name(s) : \_\_\_\_\_Habibu Abdul-Hafiz\_\_\_\_\_

Your Signature(s) : \_\_\_\_\_ Habibu Abdul-Hafiz \_\_\_\_\_

Please direct this form and all questions regarding this form or IHS copyright policy to:

Academic Director Burg. Oudlaan 50, T-Building 14 <sup>th</sup> floor, 3062 PA Rotterdam, The Netherlands	gerrits@Ihs.nl Tel. +31 10 4089825
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