

Supplemental Resource 2

Overview of Ghana's Legal Framework

How to Use This Resource

This guidance is intended to provide an overview of Ghana's legal framework for land rights, with special attention paid to the land rights of women and vulnerable individuals.

Formal Legal Framework for Land Rights in Ghana

The Constitution, formal statutory law, and customary law govern land rights in Ghana. Key statutes and policies include the Constitution (1992), the National Land Policy (1999), Office of the Administrator of Stool Lands Act (1994), Land Title Registration Act (1986), Lands Commission Act (2008), and the Land Use and Spatial Planning Act (2017).

Constitution

The Constitution of 1992 recognizes all forms of landholding including customary land, and guarantees in the rights of every person to own property either alone or in association with others (Article 18(1)). The Constitution also explicitly prohibits sex-based discrimination (Article 13). The Constitution also allows foreigners to lease land for renewable terms of up to 50 years.

National Lands Policy, 1999

The National Land Policy aims to increase land tenure security through land registration and addressing and avoiding land boundary disputes. The National Lands Policy states that no interest in or rights to land can be disposed of "without consultation of the owner or occupier" (Article 4(3)(c)).

Office of the Administrator of Stool Lands Act, 1994

This law provides the framework for the management of stool and skin lands, principally through the collection and disbursement of stool and skin land revenues, and requires

that the OASL coordinates with other land sector agencies and traditional authorities on stool and skin land administration and development.

Land Title Registration Act, 1986

The Land Title Registration Act, 1986 establishes the responsibilities and powers of land registries and the process for land title registration. This law also established the Land Title Registry, providing for registration of allodial title usufruct/customary freehold, freehold, leasehold, customary tenancies, and mineral licenses.

Lands Commission Act, 2008

The Lands Commission Act establishes a restructured Lands Commission as the overarching entity coordinating four divisions: the Public and Vested Lands Division, the Survey and Mapping Division, the Land Valuation Division, and Land Registration Division.

Land Use and Spatial Planning Act, 2017

The Land Use and Spatial Planning Act of 2017 aligns land use and spatial planning to the decentralized governance framework in Ghana and establishes a mechanism for vertical integration of local, regional, and national planning activities.

Head of Family Accountability Law

The Head of Family Accountability Law protects family property by requiring family heads to account for all financial dealings associated with family property and to file an inventory. The law provides for recourse to the High Court for family members against family heads who are mismanaging property.