



# FIG Working Week 2024

19-24 May

Accra, Ghana

Your World, Our World:  
Resilient Environment  
and Sustainable  
Resource Management  
for All

Presented at the FIG Working Week 2024,  
19-24 May 2024 in Accra, Ghana

## Governance in the Role of Customary Land Tenure Institutions in Peri-Urban Development: A Theoretical Framework

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## Introduction

- A wave of change in the nature of customary land tenure institutions.
- Despite the uniqueness of customary land tenure systems.
- Recognition, Regularisation and Strengthening of customary land rights and its related institutions.
- The effects of these changes are seen mostly in the peri-urban areas.

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## Cases

### Botswana (Strengthening)

- Passage of the Tribal Lands Act (2018)
- Continued the operations of the Land Boards
- Made some changes to their processes of decision-making
- Consultation of the District Council and Tribal Administration on decisions.

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## Cases

### Kenya (Recognition)

- Passage of the Community Lands Act (2016)
- Recognition of Community Land Rights as legal rights.
- Allowing for the registration of community land rights
- Creating of the Community Land Board (CLB)

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## Cases

### Ghana (Regularisation)

- Passage of the Land Act 2020
- Amalgamation of the land laws in the country
- Statutory requirement for the establishment of Customary Land Secretariats (CLSs)

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How do these changes in customary land administration face up to land governance?

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## Land Governance

Land governance in this study will hence be defined as the formal institutions and informal arrangements through which socio-political objectives of land administration and land management activities are achieved by government & non-government actors through the expression of interest, fulfilment of obligations and reconciliation of their differences towards sustainable development.





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## Key Customary Land Governance Principles

### Transparency

- Clarity of rules governing access to land rights
- Accessibility of information on land rights and transactions
- Accessibility to customary land secretariats
- Ability of community members to contribute to the process of land rights allocation.

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## Key Customary Land Governance Principles

### Participation

- Level of involvement of community members in the allocation of land.
- The process of selection of the leaders in the management of community land.
- Frequency of interaction with the community.
- Collaboration between formal and informal institutions.

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## Key Customary Land Governance Principles

### Equity

- Distribution and accessibility of land based on gender
- Distribution and accessibility of land based on age
- Distribution and accessibility of land based on community status
- Payment of compensation for lost land.
- Nature of dispute resolution

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## Key Customary Land Governance Principles

### Accountability

- Mechanisms for questioning the activities of the CLTI.
- Frequency of community engagements for rendering of accounts.
- Presence of a proper accounting process.
- Frequency of external audits.

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## Next steps...

- Understanding the changes to customary systems in SSA better via comparative studies of the case studies.
- Applying the framework to a case study to test it.

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## Many Thanks

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## SUSTAINABLE DEVELOPMENT GOALS

International Federation of Surveyors supports the Sustainable Development Goals

# Commission 8

## Spatial Planning and Development

Serving Society for the Benefit of People and Planet

