



# 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

## THE PRACTICE OF RE-ENTRY AND FORFEITURE AND ITS IMPLICATION ON LAND ADMINISTRATION IN GHANA

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## Introduction

Can access to land be truly “*fair*” if it depends on the ability to develop it within a specific timeframe?

Re-entry management is pivotal in such a discourse

The practice of re-entry has become more pronounced (*due to ever rising demand in a limited supply of land world*).

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- Between *2-3 years to start and complete development*-failing which the grantor may re-enter.
- The power of a grantor to carry out re-entry is not in doubt. The manner is, however, of concern. If equitable access to land is to be achieved.
- The question of how this principle (**Re-entry**) is carried out is as important as the principle itself. *Leaves room for critical questions*

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## The "What" Questions

<b>What constitutes development?</b>	<b>What is the timeframe for specific developments to be completed?</b>	<b>What happens if a grantee has to pause development to acquire statutory development permits</b>
<p>LUSPA 2016(925)</p> <ul style="list-style-type: none"> <li>• carrying out of building works and other engineering works...</li> </ul>	<ul style="list-style-type: none"> <li>➤ <b>Why 2-3 years?</b></li> <li>➤ <b>Especially when we building incrementally?</b></li> </ul>	<p>Does the counting of years continue?</p> <p><b>It is illegal to develop without permit.</b></p> <ul style="list-style-type: none"> <li>• <b>L.G. Act, 2016- Sec. 91(1)</b></li> <li>• <b>NBR LI 1630-Reg. 2</b></li> <li>• <b>LUSP Act, 925 – Sec. 113 &amp; 117</b></li> </ul>



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## Research Approach

Qualitative

Doctrinal legal method

Review existing statutes and case law on the practice of re-entry

Secondary data

Primary data

In-depth Interview

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## Findings (1)

- **Allocation paper is not sufficient to convey title**

“Allocation paper is the initial process to evidence that land has been acquired by an individual or corporate body. That kind of paper cannot by itself represent the acquisition.”

- [Boateng\(No. 2\) Vrs. Manu \(No. 2\) and Another \[2007-2008\] 2 SCGLR 1117](#)
- [Hydraform Estates Limited Vrs. Moi Ashong \(2012\) JELR 64052 \(CA\)](#)
- [Ghana Muslim Mission Vrs. Haruna Oppong Boateng \(2016\) JELR 64223 \(HC\).](#)

- ***Defective of a good title***



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## Findings (1) Cont'

➤ **3 principal reasons by the courts:**

- 1. A.P. does not describe the type of interest being conveyed.**
- 2. A.P does not specify duration of the transaction**
- 3. A.P does not describe the extent of land being conveyed**

***Consistent with the findings of Mireku et al.,(2016)***



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## Findings (2)

*The Process is as good as the principle*

**3 basic ingredient of re-entry-section 57(a)**  
**The lessor has served on the lessee a notice...**

specifying the particular breach complained of



requiring the lessee to remedy the breach, if the breach is capable of remedy, and



lessee to make reasonable compensation in money for the breach





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## Findings (3)

- **Re-entry has become a tool to trigger renegotiation of land values**

- New chiefs using re-entry to negotiate new land values from defaulting tenants.

*"...my limited knowledge of the law suggests that Nana (Chief) should have given me the chance to correct my wrong of not developing my land within the 3 years period. At least Nana (Chief) should have given me a chance rather than asking me to come and buy the land again of which I had no option but to comply..." (A tenant respondent, 2023)*



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## Finding (3) Cont'

*"...This chief came and instructed all developments should cease and submit our allocation notes to him. I did that only to be told that, we had breached the limited time for development for that reason, we should all either pay GH¢5000 for our lands to be given back to us because we have breached the agreement we signed with the earlier chief" (A tenant respondent, 2023)*

*Consistent with Kidido & Biitir (2022)*

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## Conclusions

- Re-entry is permissible by law
- However, the consistency of the practice of with section 57 is not wide spread
- It is becoming a tool to ***re-negotiate land*** values by new chiefs and old chiefs alike.

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## Commission 7

### Cadastral Innovations World Tour



- Re-entry can potentially push the poor out of the opportunity of property right in the urban areas where re-entry is on the rise.
- Consistency with S. 57 help protect property right
- Re-entry affects tenurial relationship people have with their land, thereby creating a possible situation of tenure insecurity.
- Positive relationship between tenure security & economic liberalization which eventually reduces hunger.
- State intervention on re-entry to protect property rights of all & guarantee tenure security.

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