Licensed surveyors are surveyors who have a statutory mandate to undertake survey and mapping activities on behalf of the Director of Survey and Mapping Division of the Lands Commission in accordance with Survey Act 1962, Act 127 and the Lands Commission Act 2008, Act 767.

At the heart of every successful land administration system is the role of land surveyors. They are land professionals in the land administrative system tasked with the responsibility of producing the primary or source document for land registration. This process takes the form of site plans, and/or cadastral plans. Without an authentic site plan or cadastral plan, it is impossible to establish the exact location of any land, let alone to talk about ownership and use. The absence of a harmonized manual for land survey laws, and weak enforcement of the law has been a major challenge to public safety, environmental management, and the survey profession in Ghana. There is the need to harmonize existing laws governing survey practice to ensure easier enforcement and greater professionalism in the sector.

Ghana's land tenure system is however fraught with many challenges; technical and administrative. Vested interests, official collusion and weak penalties for violations of the law have been the cause of challenges in the land sector. The country has embarked on two phases of donor supported programmes since 2006 called the Land Administration Projects 1 & 2 (LAP 1&2) to address these challenges by providing support to institutions responsible for land survey, planning, management and registration.

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**CHALLENGES CONFRONTING THE INDUSTRY IN THE ABSENCE OF A HARMONIZED LAW**

- Challenges of the enforcement of survey standards against fast technological changes have worked to undermine the effectiveness of survey outputs in Ghana's land administration.
- Vested interests by some individuals, non-enforcement of relevant laws, official collusion and weak fines and penalties for violations have combined to fuel the massive illegality and chaos in the land sector of Ghana.
- The absence of a harmonised law, regulation and process manual of land survey laws with its strict enforcement provisions remains a major gap in Ghana's land administration.
- The incidence of wrongful description of landed properties tends to mislead Commercial Banks, Financial Institutions and Mortgage Companies, Individuals, and particularly the Judiciary who rely on the accuracy of a plan or map to adjudicate on ownership litigation.
- Concerns of bureaucracy and difficulty that stems out of applying through formal land documentation at the Land Commission is also another challenge. It takes several years in order to completely document existing land rights.
- It is almost difficult to get attention and access to services at the Lands Commission as the load of work at the commission is enormous. Currently, there is only one official office catering for land management and registration in Accra.
- Lack of ethical will on the part of some professional surveyors to do a thorough job.

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EFFECTS OF THE ABOVE CHALLENGES ON GHANAIANS AND THE BUILDING INDUSTRY

- There is surge in unqualified and particularly unauthorized persons carrying themselves out as “Licensed land surveyors” and thus misleading the general public and officialdom with the production of fraudulent land document for valuable consideration.
- As a result of the above challenge, many site plans and maps developed have become questionable in the face of constant reports of inaccurate or badly prepared plans submitted to both government and private institutions.
- Evidence of diminishing confidence and faith in the work of surveyors by the general public leading to low morale. This has made the profession unattractive to the youth.
- Cases of severe consequences of litigation and loss of lawfully acquired land has increased significantly in Ghana. Many cases are lined up in court awaiting trial.
- There is also the rise of armed land-guards at various plots terrorizing individuals who have legally acquired lands.

IMPORTANT OF A HARMONIZED LAW ON SURVEY PRACTICE

Among other benefits, the new harmonized law on survey practice when passed will:

- Harmonize all existing laws in the survey profession to ensure easier adherence and enforcement.
- Protect the environment by ensuring that mineral and timber mining is done in a sustainable manner and in accordance with the law.
- Ensure that buildings and other public infrastructure are built to standard to ensure public safety.
- Protect individuals and firms from the activities of unlicensed professionals posing as licensed surveyors.

A PEEK INTO THE SCATTERED REGULATION ON SURVEYING IN GHANA

Currently, regulations for ensuring surveying standards in Ghana are captured in the chart below:

CURRENT STATE OF THE HARMONIZED LAND MANAGEMENT BILL

- LISAG organized stakeholders’ sensitization to build consensus and develop a position paper on the way forward for the review, compilation and harmonization of all surveying and land registration laws in Ghana. This was completed in the second quarter of 2017.
- Parliament Select Committee on Lands and Forestry is currently finalizing work on the draft bill and subsequently present it before the House for deliberation and onward passage.

RECOMMENDATIONS & SOLUTIONS

- Government to harmonize all the scattered laws to streamline them to make land management and survey practices in the country effective, efficient and easy.
- Civil Society to build a strong case and look at the provisions of the constitution on private property acquisition to clearly define the roles of the land commission.
- Government should decentralize the process of land management and its related issues from the Lands Commission to ease the pressure on them and make the process more fluid.
- LISAG should explore key outcomes of component 3 of Land Administration Policy (LAP) which aimed at improving maps and spatial data for land administration. This component will provide up-to-date maps and other spatial products and develop the infrastructure for collecting and sharing data and information to be used as inputs directly or indirectly in land administration.
- There is the need to intensify education on the provisions of the New Land Act when passed to bring all stakeholders, Chiefs and the general public up-to-speed with its provisions.

ACTION

- Duty bearers to finalize work on the draft of the New Land Management Act and get it passed before the next election.

Licensed Surveyors Association of Ghana (LISAG)
29 Samoara Machel Rd Asylum Down,
P.O.Box 21853, Accra
2332-20-665-4219/ 0243241121
www.lisag.org

Source: Licensed Surveyors Association of Ghana (LISAG)