

# Prognosis of Land Title Formalization in Urban Ghana: The Myth and Reality of Awareness and Relevance

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**Abstract:** While land title formalization is still useful in sub-Saharan Africa, Ghana like many other countries in the sub-region, continues to experience low rate of compliance with the legal title formalization requirement. This is in spite of over a century and half duration of its practices. Administrative inertia, complex title formalization procedures, and the high cost of formalization are usually adduced for this low compliance rate. That notwithstanding, it is suggested that lack of awareness of the legal title formalization requirement and poor perception of relevance for formalization are additional major determinants. Yet the relationship between these factors and compliance with the requirement still begs empirical examination. This study examines the link between awareness of the requirement and relevance for formalization on one hand, and compliance with the requirement on the other. The primary aim is to establish the extent to which these independent variables determine compliance with the title formalization requirement. Data was collected from residential property owners in Kwabenya, a suburb of Accra, Ghana. The study established that awareness of the requirement and relevance for title formalization are not strong predictors of compliance with the requirement. It also found that low compliance with the requirement stems from the fact that the current title formalization system favors the highly educated formal sector employees who can manipulate the system. As such, it is recommended that the on-going Land Administration Project should seek to review the system to make it effective and efficient, and ultimately receptive to all and sundry.

## Introduction

Following the economic crises in the mid 1970s, various alternatives to economic development have engaged the attention of national governments and international development agencies. For example, extensive interest has been shown in informal economic activities with huge volumes of literature on their appropriateness to economic development compared to orthodox models.<sup>1</sup> The role of land policy and management in development has also engaged the attention of national governments and international development agencies in the last two decades or more.<sup>2</sup> As such, they have in the course of this period instituted a number of initiatives in this regard. These include: the launch of World Bank's Land Policy Report in 2003; the promulgation of European Union Guide Lines on Land

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<http://www.africa.ufl.edu/asq/v14/v14i1-2a4.pdf>

Policy (2004); the FAO Agrarian Reform and Rural Development International Conference (ICARRD) on land policy intervention held in Brazil in 2006; the launch of UK's Department for International Development (DFID) Land Policy in 2007; the launch of Natural Resources Tenure Policy of the Swedish International Development Cooperation Agency in 2007; and passage of the new Global Land Policy of the International Fund for Agricultural Development (IFAD) in 2008.<sup>3</sup>

In sub-Saharan Africa (SSA), a number of countries like Ghana, Uganda, Tanzania, Malawi, Zimbabwe, Cote D'Ivoire, and Niger, among others, have also embarked on land tenure reforms under the auspices of the World Bank.<sup>4</sup> These initiatives have stemmed from the need for efficient use of land along with other factors of production to promote development as postulated long ago by economists such as Malthus (1798), Ricardo (1817), Ratcliff (1949), Alonso (1964), and Muth (1969). Additionally, there has been a need to address issues of land scarcity, land conflicts, excessive pressure on land caused by rapid urbanization, and land grabbing.<sup>5</sup> Given the foregoing imperatives, land tenure reforms over the years in the sub-region have among other things sought to vigorously promote land title formalization as a means to secure titles, stimulate land markets, and motivate investment.<sup>6</sup>

To date title formalization in SSA is still very low.<sup>7</sup> This is generally attributed to high cost of title formalization and complex procedures for implementation of its processes.<sup>8</sup> However, in Ghana the literature further suggests that it has been partly determined by lack of awareness of the legal requirement for property owners to formalize their titles and poor perception of relevance for title formalization.<sup>9</sup> Yet there has been little or no empirical work on the relationship between these factors and compliance with the requirement.

This study employs empirical evidence from urban Ghana to examine the link between awareness of the legal title formalization requirement and relevance for formalization, and compliance with the requirement. The primary aim is to establish the extent to which these independent variables predict compliance with the requirement. The study uses residential property owners as a unit of analysis. It proceeds on the argument that though awareness of the legal title formalization requirement and relevance for formalization are important, they are not enough to promote title formalization in Ghana. The second section examines the basis for the promotion of land title formalization in SSA. The following section discusses title formalization in Ghana, while the fourth outlines the research methodology. The fifth section 5 presents the study's results and their discussion. The final section draws the conclusions of the study.

### **Promotion of Title Formalization – The Arguments**

Official registration including issuance of title certificates over tenure in housing and other land-related assets is said to reduce poverty and promote economic development.<sup>10</sup> This argument had long been in existence, but was put on the "back burner" in the early 1990s.<sup>11</sup> However, following de Soto (2000) there has been a recent burgeoning interest in land title formalization particularly in developing economies such as those of SSA.<sup>12</sup> This interest in title formalization is premised on several assumptions and implied predictions.

Initially, it was argued that landholding systems in SSA, which were often termed "traditional, customary or communal systems," were static and inflexible. Thus, they were not responsive to changing economic conditions as development unfolds. The changing economic condition was conceived as the need to sustain larger populations or make use of economic opportunities associated with trade. This required investment in land that

cultivators were prepared to make only if they had secured land rights.<sup>13</sup> Connected to this was the need for smallholder farmers to have sufficient access to land and control over it.<sup>14</sup>

It was explained further that one of the characteristics of landholding arrangements in SSA was the imposition of property rights by outside forces and local overlords. However, this arrangement tends to affect the nature of such rights. To the extent that the rationale was to gain surpluses from local smallholder populations or force independent smallholders into wage labor, it prevented them from having independent land rights. Consequently, landholding arrangement in the sub-region was said to create disincentive for investment. Therefore, there was a need for change in tenure arrangements to provide incentives for investment particularly for farmers to permanently cultivate their lands and make conveyances. Title formalization was perceived to ensure security of tenure and provide an answer to the incentives question.<sup>15</sup>

Following the abandonment of the initial thesis a new orthodoxy, which somewhat resonates with the old order, emerged. This orthodoxy, sometimes referred to as the evolutionary thesis, contrary to earlier claims suggests that landholding systems in SSA are not static and inflexible. Rather, it is presumed that these traditional forms of land arrangements undergo transformation to modern landholding systems as dictated by market conditions.<sup>16</sup> This transformation is said to associate ultimately with assertion of more individualized rights in land by landholders as land values appreciate. However, they are not protected under the customary system. As such, disputes over land and huge cost of litigation arise resulting in production inefficiency. Title formalization is seen to protect these emerging individualized land rights and put to rest costly litigation. Thus, title formalization provides incentive to invest in land, transfer of same, and stimulate land market for improvement in production.<sup>17</sup> Beside this argument is the claim that title formalization enhances access to credit from financial institutions—using titles as collateral to secure loans for several outcomes such as commencing a new business.<sup>18</sup>

Theoretically, this title formalization thesis is inspired by property rights economics thinking popularized by economists such as Coase (1960), Demsetz (1967), Alchian and Demsetz (1973), North (1981), Barzel (1997), and more recently de Soto (2000). The underpinning tenets of this economic thinking suggest that the market as an institution fails to allocate society's scarce resource efficiently to ensure development. This is due to a lack of clearly defined property rights and its associated high transaction cost. Thus, a lack of well-defined land and property rights hinders the efficient use of land and property. To advocates of this economic scholarship, there is a need to fix what is broken with the market to allow it to do the magic of ensuring development.<sup>19</sup> It is in this vein that de Soto (2000) suggests that the lack of systems of property rights and information on property, which have national application and are understood by outsiders, explains why non-western economies have not benefited from capitalism. De Soto reiterates further that these economies are sitting on dead capital and the answer to resurrecting such dead capital is formal title.

Aside from this intuitive argument, there is empirical evidence in the developed capitalist economies to support the claim. For example, in the United States it is estimated that up to about 70 percent of the credit new businesses obtain results from using formal titles as collateral for mortgage.<sup>20</sup> Even in Asia and Latin America some evidence points to a correlation between formal title and higher productivity. The famous study by Feder et al. (1988) in rural Thailand, for instance, established that farmers with formal titles are offered

more institutional credit (50 percent-52 percent), invested more in land, used more inputs, and generated higher output.

In SSA there have been mixed suggestions and outcomes regarding the functions of title formalization. It has been argued by some scholars that title formalization does not provide security of tenure in the sub-region but may instead create insecurity of title. Atwood (1990) notes that indigenous land tenure systems in SSA by themselves offer some form of tenure security. However, the introduction of modern property rights regimes promoted by title formalization without recognizing traditional or informal land rights increases the extent of rent-seeking activities by outsiders. As such, members of an indigenous community comparatively are liable to fewer risks of losing their lands under an indigenous land tenure system than are outsiders while title formalization increases the risks of these indigenes and reduces those of outsiders. Thus, title formalization could be an anathema.

Platteau (1996) also observes that under indigenous land tenure systems, several distinct claims can co-exist for the same parcel of land. However, the focus of title formalization on registration of exclusive individual rights can create uncertainties for people who depend on the indigenous system to protect their land claims. Additionally, Abdulai (2006), addressing the question as to whether land title registration is an answer to insecure and uncertain property rights in SSA, concluded that title formalization per se does not confer certain and secure land rights in the sub-region.

Some empirical studies also further question the functions title formalization is claimed to perform. Roth et al. (1993) established that only about 6.6 percent of 228 households surveyed in a study of a pilot land registration scheme in Rukungiri District (Uganda) had acquired loans from commercial banks in the previous five years. Abdulai and Hammond (2010) in their study on Ghana also found that land registration is not a pre-requisite in mortgage transactions, but rather a post-requirement. Payne et al. (2008) also established in both Senegal and South Africa that formal title does not ensure access to credit and has no effect on land transferability, government revenue, and investment in land. Furthermore, Jacoby and Minten (2007) found similar results regarding access to credit by rice farmers and land transferability in Lac Alaotra Region of Madagascar.

The foregoing notwithstanding, Payne et al. (2008) reported that though most of the residents in informal settlements already enjoyed de facto tenure security, title formalization had positive impact on tenure security particularly for women. Also, the findings in Senegal established that tenure regularization impacts the improvement of properties. In the Dalifort neighborhood of Dakar it was found that 90 percent of dwellings of respondents were shacks built with non-permanent materials prior to regularization in 2000. However, after regularization 48 percent of the houses were reconstructed with permanent building materials. This figure increased to 68 percent in 2007, albeit 70 percent of the respondents indicated they would have done the improvements even without formalized titles.

In the same vein, Jacoby and Minten (2007) established that of the 1,700 households surveyed, 90 percent indicated that title formalization provides security against the risk of land expropriation. Besides, it marginally increases land values, productivity, and promotes investment. Again, in a study on economic impact of real estate policies in SSA, Hammond (2006) established a positive correlation between title formalization and land value appreciation in urban Ghana. Beyond that, title formalization is a source of valuable land records, which can be used to reduce transaction cost in the property market and address land conflicts.<sup>21</sup> For example, Musembi (2007) observed that title formalization experience in eastern Kenya, which dwells on local practices to establish and record land ownership

boundaries, help in addressing land ownership conflicts. Thus, land ownership or title as a social fact can be certain and secured through combination of practices such as formalization and attestation by community members, especially adjoining landowners.<sup>22</sup>

Given these discussions, it can be surmised that title formalization is still useful in the context of SSA, particularly where programs to that effect are carefully designed and executed in an appropriate manner. Perhaps it is in the light of this that the World Bank (2006) submitted that title formalization has potential benefits. Yet title formalization in the sub-region continues to be low despite over three decades of World Bank promotion of such policy under land tenure reforms. Available statistics show that title formalization in SSA is between 15 percent and 20 percent.<sup>23</sup> With the exception of East and Southern Africa where title formalization is comparatively higher due to the long history of occupation of land by large commercial farmers, the situation is disappointing in other areas of the sub-region. The rate of title formalization in West Africa is, for example, estimated at 2-3 percent.<sup>24</sup>

This rather low title formalization rate is usually attributed to high cost of formalization, complex procedures associated with its implementation, and anticipation of not receiving the desired benefits.<sup>25</sup> In Madagascar, for example, apart from the country's dysfunctional land administration system Jacoby and Minten (2007) further established that the marginal cost for formalizing a medium-sized plot of land would have to fall by a factor of six to make economic sense.

### **Land Title Formalization in Ghana**

It is imperative as a starting point to state that land registration system in general can be categorized into two. These are deeds registration and land title registration systems. Perhaps the main difference with registration under the two systems is that while the deed system registers an instrument affecting land, title registration system registers actual title (ownership) to land with state guarantee of indefeasible title.<sup>26</sup> The two systems operate in Ghana.

According to Asiama (2008) formal land registration in Ghana dates back to 1843 when the country was then known as Gold Coast. This was based on English conveyance laws and practices though it is unclear where the early registered documents were kept. However, in 1883 the Land Registration Ordinance (No. 8) was passed by the then British colonial government to superintend the formal registration system. This was succeeded by the Land Registry Ordinance 1895 (Cap 133), which was also revised in 1951. All these legislations established deeds registration system. The rationale was to reduce land ownership disputes and ensure security of title.

After independence, a Land Registry Act (Act 122) was promulgated in 1962 to replace Cap (133). Act (122) also prescribed a deed registration system. The Deeds Registry, which had been established to register deeds, was formally connected to the Lands Department. This was the main department for administration of land resources carved out from the Survey Department as Boundaries Section in the mid-1920s. The mechanics of land registration was such that applicants submitted their deeds, prepared by a solicitor or a conveyance, at the Lands Department for plotting (recording) and stamp duty. Subsequently, they were sent to the Deeds Registry for registration. However, some land documents also somehow found their way directly to the Deeds Registry for registration.

In 1986, a compulsory land title registration system was introduced pursuant to the promulgation of Land Title Registration Law (Provisional National Defence Council Law

(PNDCL 152)). This meant that the operation of the deeds registration system should automatically cease in declared title registration districts. The rationale for title registration was to address the inadequacies of Act (122) noted as its inability to grant certainty and security of title.<sup>27</sup> Currently, the title registration system operates in two regions of the country—Greater Accra and Ashanti.

What is noteworthy is that the Lands Department was extinguished in 1986 after a split of the Department into Lands Commission (LC) and Land Valuation Board (LVB) by virtue of PNDCL (42). A Land Title Registry (LTR) was also established in pursuance to PNDCL (152). However, the practices relating to deeds registration (at least up to the plotting stage) that were executed by the defunct Lands Department and taken over by the Lands Commission operated side by side with or served as a starting point to the title registration system in declared title registration areas. This practice continued until halted by a government ministerial directive in 2006. Thus, registration under the deeds system required plotting at LC, noting of the transaction, and payment of outstanding rent at the Office of the Administrator of Stool Lands (OASL) if it is a stool/skin land transaction, and stamp duty at LVB.<sup>28</sup> Apart from stool/skin land transactions, which require concurrence or consent of the Lands Commission, a deed for title registration also requires stamp duty at LVB, cadastral or parcel plan from Survey Department, and title search at the LC. In addition to this are the usual administrative protocols at LTR.

Despite over a century and half practice of land registration in Ghana, land registration is low.<sup>29</sup> In fact, land registration rate in the country is estimated at about 5 percent.<sup>30</sup> The percentage (8 percent) land registration rate in the country estimated by the World Bank, though comparatively higher, is still not encouraging.<sup>31</sup> Several studies on land policies and land administration in Ghana have one way or the other attributed this to dysfunctional land administration system.<sup>32</sup>

These studies identify factors such as: weak public land sector institutions; duplication of functions among these institutions and lack of logistics; and high cost of registration in terms of statutory fees, delays, travel time and cost, and extra-out of pocket payment made towards facilitation of registration as part of the causes. The World Bank (2005) estimates that on average it takes 382 days for registration to be completed in Ghana with a cost of 4.1 percent of the value of the property. A more recent study by Hammond and Antwi (2010) also established that the social cost of land title regulative policies on 0.23-acre residential plot of land in Ghana is \$US 5,320. Studies like Kuntu-Mensah (2006) and Sittie (2006), and some anecdotal evidence have also suggested that lack of awareness of the legal requirement for land title formalization and poor perception of relevance for formalization are also major determinants of the low title formalization rate.

It is in recognition of the foregoing and other land tenure related problems that the country adopted the land tenure reform program under the National Land Administration Project (LAP) in 2003. The land reform program has led to the merger of LC, LVB, LTR and the Survey Department into a new Lands Commission following the passage of the new Lands Commission Act 2008 (Act 767). These departments as per the dictates of Act (767) have been reconstituted as divisions under the new Commission. However, virtually nothing has changed with respect to the procedures for title formalization.

Of grave interest is that the link between awareness of the legal title formalization requirement and relevance for title formalization, and compliance with the requirement to date has received little or no empirical examination. The whole land tenure reform taking

place in the country is not predicated on empirical baseline studies. It is to this end of examining this relationship that the study is set.

### **Research Methodology**

A quantitative research methodology was used with cross sectional survey strategy. Data for the study was collected between September and November 2011. Residential property owners were used as a unit of analysis. Given that Accra, the capital city together with its surrounding areas referred to as the Greater Accra Metropolitan Area (GAMA), is the largest urban agglomeration in Ghana, it was purposively selected for the research. Within Accra, the research focused on Kwabenya, a community on the eastern fringes of the city. The community is located within Ga East Municipality, one of the municipal/metropolitan areas that constitute GAMA. The others are Accra Metropolitan Area, Tema Metropolitan Area and Adentan, Ashaiman, Ga South, Ga West and Ledzokoku Municipal Areas. It is also about 25km northeast of Accra Central. Kwabenya was selected because it aptly mirrors the current urban growth and transition that is taking place in Accra, which has a direct connection with the phenomenon under inquiry. Accra's massive growth and expansion is manifested by rapid development of residential properties—mainly two to four bedroom single story buildings—on the fringes of the city majority of which are not covered by formalized titles. These developments, also a characteristic of most communities in Accra (except prime government residential areas such as Airport and Cantonments), are common in Kwabenya. The developments in the prime government residential area, which are by far in the minority, are predominantly plush properties covered by some form of formalized titles. Developments in Kwabenya therefore mirror most developments in Accra and as such, the community passes the test as a case study for the research.

The choice of Kwabenya was reinforced by the ready accessibility of requisite data in the community, time and resource constraints, and the in-depth knowledge of the researcher pertaining to the urban development processes in the area. For example, unlike accessing data on properties in areas developed long ago such data can comparatively be easily accessed in Kwabenya where developments occurred not long ago or are currently taking place.

The data was obtained using questionnaire instruments. The total number of residential property owners residing in the community was not known. However, administration of the questionnaires was undertaken by face-to-face interviews and dwelt on insights from systematic sampling procedures. Two research teams undertook the administration of the questionnaires from two key points of the main Dome-Kwabenya-Brekuso Road, which divides Kwabenya—Atomic and Abuom Junctions (see Figure 1). At these junctions, each team was split into two and from their starting points each splinter group used branch roads along the main artery road as a guide to administer the questionnaire instruments. At a branch road, which usually has developments on both sides of the road, the first residential property of one side of the road was selected and the instrument administered upon the availability of the property owner. Subsequently, every third residential property was selected. In the event that an instrument could not be administered (e.g., the owner was not available or the property was not owner-occupied) then the property became the reference point for the selection of the next property. This administration procedure continued until the end of the road after which properties on the other side were accessed backwards to the main artery road and then to the next branch road. The administration of the instruments

continued until the two teams met at a common point. The questionnaires solicited information on respondents' gender, educational level, occupation, and awareness of the legal title formalization requirement. The remainder was their perception of relevance for title formalization and compliance status with the legal title formalization requirement.

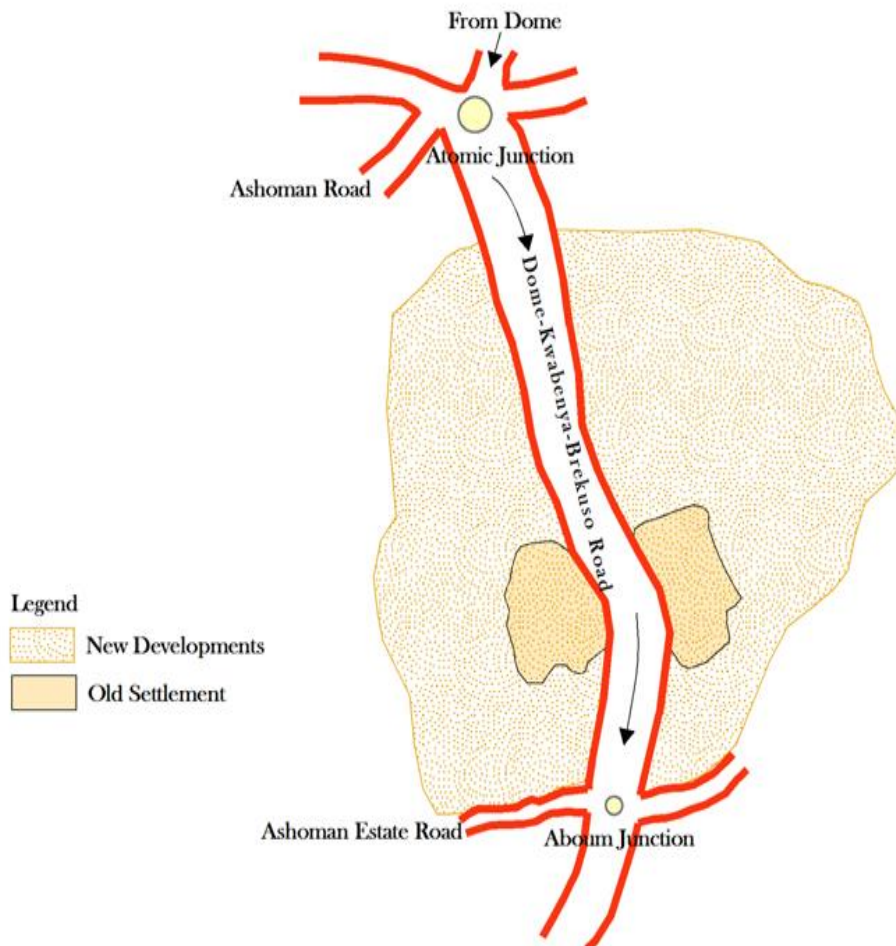
Drawing on Hammond (2006) title formalization was taken to mean registration of title at the LTR or plotting at the LC. To prevent confounding variables, properties in the indigenous part of the study area, which were known to have no formal titles, were excluded from the survey. Similarly, two gated communities (Kwabanya Housing Estate and Balloon Gate Estate developed by Regimanuel Gray Estate Limited, a private real estate company) covered by omnibus formal titles were excluded.

### **Data Analysis**

The data obtained was coded and entered in a computer. Subsequently, it was cleaned and analyzed. Firstly, the analysis examined the numerical tendencies of the responses obtained. Secondly, relationships were tracked between the independent and dependent variables using cross-tabulations. Finally, the strength of the independent variables in predicting compliance with the legal title formalization requirement was ascertained by means of binary logistic regression (the logit model - see Appendix 1 for details). The logit model was used because the responses elicited from respondents were nominal and categorical. Therefore, it required a model fitting known as maximum likelihood since linear regression models usually give misleading outcome for such variables.<sup>33</sup> Though often used in the field of medicine, logistic regression has also seen tremendous application in the field of social policy.<sup>34</sup> Winter and May (2001), for example, used it to analyze compliance with agro-environmental regulation by Danish farmers, while Boohene and Agyepong (2011) recently used it in Ghana's telecommunication sector.



Figure 1. Sketch Plan of Kwabenya Community



Source: Authors' own construct

## Results and Discussions

### *Background Characteristics of Respondents*

One hundred residential property owners were surveyed. This sample size was enough to undertake the required analysis and more so, under the circumstance where there was no reliable sample frame. Respondents' properties were mainly two to four bedroom houses. Sixty-nine percent of the respondents were males and 31 percent females. This finding is not strange. Perhaps it is even better considering the limited global women's property ownership estimated at about 1 percent and in SSA for that matter.<sup>35</sup> The relative majority of the respondents (34 percent) had received a tertiary level of education while 2 percent had no formal education, 4 percent a primary education, 11 percent a junior secondary/elementary education, 22 percent a post-secondary education, and 27 percent a secondary/technical/vocational education.

Sixty percent of the respondents were engaged in formal sector employment, and 40 percent were in informal sector employment. Again, 56 percent of the respondents were aware of the requirement to formalize titles to their properties while 44 percent were unaware of such requirement. Moreover, an overwhelming number of the respondents (87 percent) perceived title formalization as relevant compared to 13 percent who indicated that title formalization is irrelevant. As to the question of why title formalization was perceived as relevant, 82.3 percent of the respondents who perceived formalization as relevant reported that title formalization assisted in preventing future disputes over property ownership. This finding reinforces findings from the study by Jacoby and Minten (2007) for Madagascar, which reported that 90 percent of respondents surveyed indicated that title formalization enhanced title security. More importantly, the findings reaffirm the argument that security of title may also be enhanced through formalization.<sup>36</sup> Conversely, it appears to beg the claim that title formalization insures access to credit and leads to investment in land.

### *Title Formalization Requirement*

It was established that 35 percent of the respondents had complied with the title formalization requirement compared to 65 percent who had no formal titles and were not even in the process of formalizing titles to their properties. The large number of respondents who had not complied with the requirement and the equally substantial variance (30 percent) between non-compliant and compliant respondents appear to support the view that title formalization is low in Ghana. Besides, the finding questions the claim that title formalization promotes investment in land given that majority of the respondents (65 percent) invested in their land without formal titles. What is even more compelling is that 91 percent of the 35 percent who had formal titles obtained them subsequent to construction of their properties.

Tables 1 and 2 display the cross-tabulation results on compliance with the title formalization requirement and the independent variables. Within the variable groups, more of the male respondents had received a tertiary level of education, engaged in formal sector employment, were aware of the title formalization requirement and perceived formalization as relevant complied with the requirement. This is in comparison with their female counterparts who had obtained below tertiary level of education or without formal education, engaged in informal sector employment, were unaware of the title formalization requirement, and perceived formalization as irrelevant respectively (Tables 1 and 2).

The reverse of the above was the situation for non-compliance with the requirement except for gender and perception of relevance for formalization. Male respondents and those who perceived formalization as irrelevant within their variable categories instead constituted the larger proportions of the non-compliant respondents. Even so, expressed in terms of percentages more of the female respondents (74.2 percent as against 60.9 percent of the males) and the respondents who perceived title formalization as irrelevant (100 percent as against 59.8 percent) had no formal titles to their properties.

**Table 1: Cross-Tabulation Results on Gender, Educational Level, Occupation, and Compliance of Title Formalization**

	Gender			Educational Level			Occupation		
	Male	Female	Total	Tertiary	Below Tertiary	Total	Formal	Informal	Total
<b>Compliance</b>	27 (39.1%)	8 (25.8%)	35	18 (52.9%)	17 (25.8%)	35	30 (50%)	5 (12.5%)	35
<b>% of Compliant Population</b>	77.1	22.9	100	51.4	48.6	100	85.7	14.3	100
<b>% of Surveyed Population</b>	27	8	35	18	17	35	30	5	35
<b>Non-Compliance</b>	42 (60.9%)	23 (74.2%)	65	16 (47.1%)	49 (74.2%)	65	30 (50%)	35 (87.5%)	65
<b>% of Non-Compliant Population</b>	64.6	35.4	100	24.6	75.4	100	46.2	53.8	100
<b>% of Surveyed Population</b>	42	23	65	16	49	65	30	35	65
<b>Total of Compliant &amp; Non-Compliant Populations</b>	69 (100%)	31 (100%)	100	34 (100%)	66 (100%)	100	60 (100%)	40 (100%)	100

Source: Field survey (September–November 2011)

Again, within the variable groups the male, tertiary level educated, and formal sector employed constituted the larger proportions of the compliant respondents compared to their opposite counterparts. Such was the situation with respondents who were aware of the requirement and perceived formalization as relevant. Similarly, within their variable groups, the below tertiary level educated, informal sector employed, and those who were unaware of the title formalization requirement respondents constituted the larger proportions of the non-compliant respondents. Conversely, the male and the respondents who perceived title formalization as relevant accounted for the larger percentages of the non-compliant respondents within their variable groups (Table 1 and 2). Finally, 53 percent of the respondents were aware of the title formalization requirement and perceived formalization as relevant. Of this grouping, 50.9 percent had complied with the requirement compared to 49.1 percent who had not complied with it. The compliant respondents within this category constituted 77.1 percent of the compliant population while those who had not complied accounted for 40 percent of the non-compliant respondents.

**Table 2: Cross-Tabulation Results on Awareness, Relevance, and Title Formalization Compliance**

	Awareness			Relevance		
	Aware	Unaware	Total	Relevant	Not Relevant	Total
<b>Compliance</b>	27(48.2%)	8(27.2%)	35	35(40.2%)	0	35
<b>% of Compliant Population</b>	77.1	22.9	100	100	0	100
<b>% of Surveyed Population</b>	27	8	35	35	0	35
<b>Non-Compliance</b>	29 (51.8%)	36 (81.8%)	65	52 (59.8%)	13 (100%)	65
<b>% of Non-Compliant Population</b>	44.6	55.4	100	80	20	100
<b>% of Surveyed Population</b>	29	36	65	52	13	65
<b>Total of Compliant &amp; Non-Compliant Populations</b>	56 (100%)	44 (100%)	100	87 (100%)	13 (100%)	100

Source: Field survey (September–November 2011)

A number of possible reasons can be inferred for comparatively high compliance level among the respondents with a high level of education and who engaged in formal sector employment, who were aware of the requirement, and who perceived title formalization as relevant. First, title formalization is a formal sector activity. As such, people in formal sector employment are, comparatively, expected to be aware of the legal title formalization requirement and ascertain its relevance, all things being equal. Secondly, highly educated persons in formal sector employment usually occupy managerial and sensitive positions at their workplace and in the Ghanaian society in general. Therefore, such people may have influence and connections at title formalization institutions, which could have ensured facilitation of formalization of titles to their properties.

### *Strength of Independent Variables as Correlates of Title Formalization*

The logit model determined the strength of the independent variables in predicting compliance with the title formalization requirement. Tables 3 and 4 give summary statistics of the model and its results respectively. The -2Log Likelihood of the model, which provides indication as to how accurate the model predicts compliance with a title formalization requirement is 105.17 (Table 3). The model's chi-square, which determines this accuracy or potency of the model, is an analogue of the *F-test* of the linear regression sum of squares, was 24.32. The chi-square figure was also statistically significant at 5 percent ( $X^2=24.32$ ,  $p=0.000$ ). This means that the model predicts the outcome variable fairly well. The overall

percentage prediction of the model was 69 percent indicating that the model classified 69 of the cases correctly.

**Table 3: Summary Statistics of the Logit Model**

Items	Statistics
-2Log Likelihood	105.17
Cox and Snell R <sup>2</sup>	0.22
Nagelkerke R <sup>2</sup>	0.30
Over all percentage prediction	69.0
Model Chi-square	24.32*

(\* for  $p < 0.05$ ) Source: Field survey (September – November, 2011)

From Table 4, property owners who had knowledge of the title formalization requirement were 2.01 times more likely to comply with the requirement while those who perceived title formalization as relevant were 3.86 more likely to comply with the requirement. However, both cases were not statistically significant at 5 percent. This signifies that though there is a positive relationship between property owners' awareness of the title formalization requirement and formalization of titles to their properties such relationship is not more than what could have happened by chance. Therefore, property owners' awareness of the requirement is not a strong predictor or determinant of compliance with the title formalization requirement.

The possible reason for this finding is the comparatively high level of non-compliance with the requirement among the respondents who were aware of the requirement compared to those who were aware and complied with it (48.2 percent against 51.8 percent). Similarly, perception of title formalization as relevant per se is not a strong determinant of compliance with the requirement. This finding is also not strange given that 80 percent of the respondents who perceived title formalization as relevant had not complied with the requirement. In general, these findings controvert the literature, which suggest that awareness of the title formalization requirement and relevance for formalization are some of the major determinants of low title formalization rate in Ghana.

Table 4 further shows that male property owners were 1.16 times more likely to comply with the requirement while property owners who had attained tertiary level of education were 1.02 times more likely to comply with it. Both results were also not statistically significant at 5 percent. This suggests that both factors are not strong predictors or determinants of compliance with the title formalization requirement. These findings may be attributed to the comparatively high level of non-compliance with the requirement among these groups of respondents (60.9 percent as against 39.1 percent for male property owners and 47.1 percent as against 52.9 percent for tertiary educated respondents).

Strikingly, formal sector employment had a strong positive association with compliance with the requirement. Formal sector employed property owners were 3.81 times more likely to comply with the formalization requirement. This result was statistically significant at 5 percent meaning formal sector employment is a strong predictor of compliance with the legal land title formalization requirement. The possible reason for this finding is the substantial number of property owners within this variable group who complied with the requirement (50 percent), which also constituted 85.7 percent of the compliant population.

**Table 4: Summary Results of the Logit of Compliance of Title Formalization Requirement**

Variables	B	S.E.	Exp(B)	95.0% C.I. for EXP(B)	
				Lower	Upper
Male Property Owner	.147	.550	1.16	.394	3.406
Tertiary Level Educated Property Owner	.020	.548	1.02	.349	2.985
Property Owner engaged in formal sector employment	1.337	.675	3.81*	1.015	14.283
Property Owner Awareness of Formalization Requirement	.699	.537	2.01	.702	5.766
Perception of Title Formalization as relevant	19.771	1.090E4	3.86	.000	.
Constant	-21.699	1.090E4	.000		

Statistical significance is between property owners who comply with Title Formalization Requirement and those who do not (\* for  $p < 0.05$ ). Source: Field survey (September – November, 2011)

### Conclusion

Over the past three decades or more, there has been a vigorous promotion of land title formalization in SSA. The rationale is to ensure tenure security, stimulate the land market, enhance access to credit, motivate investment and reduce poverty, among others. Though some evidence, both theoretical and empirical, suggests that land title formalization per se in the sub-Saharan region does not accomplish the above goals, it is still useful. For example, it serves as a source of land records, which can help reduce transaction costs in the property market and address land ownership conflicts. However, in Ghana and many other SSA countries land title formalization is very low despite the duration of over a century and a half of its practice in the country. While this is attributed to administrative inertia, including complex formalization procedures and the high cost of formalization, it is also suggested that a lack of awareness and poor perception of relevance for formalization are major determinants.

This study examined the link between awareness of the legal title formalization requirement and relevance for formalization on one hand, and compliance with the requirement on the other in urban Ghana. Based on empirical evidence from Kwabenya, a suburb of Accra as the case study, the study found that awareness of title formalization requirement and relevance for formalization are not strong predictors of compliance with the legal title formalization requirement. It further established that low compliance with the requirement stems from the fact that the existing land title formalization system favors the highly educated formal sector employees who for one reason or the other have what it takes to manipulate the system. This means that the current system serves only a small minority in society.

Based on the foregoing, there is a need for the ongoing Land Administration Project in the country to review the existing system to make it more effective and efficient, and ultimately receptive to all and sundry. In so doing, the project should not place too much emphasis on promoting awareness of the legal title formalization requirement and relevance

of land title formalization. Rather, attention should be focused on the fundamental issues identified in the literature such as weak public land title formalization agencies and the high cost of formalization due to an excessive time lag for undertaking formalization activities and extra out of pocket payments at formalization agencies for facilitating these activities among others. It is therefore suggested that to ensure widespread land title formalization in both urban and rural Ghana, the project should ensure survey and mapping of the whole country. Land title formalization should also be decentralized and formalization agencies strengthened in terms of human and material resources while streamlining their activities to eliminate duplication of functions. For example, the extensive use of modern technology to fast track processing of land title documentations by public land title formalization agencies should be promoted. Upon implementation of these measures, it is expected that the title formalization cost will be reduced drastically through a reduction in time and extra out of pocket payments. Inconveniences associated with the procedures for undertaking formalization will also be reduced, making it friendlier to undertake. This will then provide incentives for land and property owners to formalize their titles. Furthermore, given that the fundamental issues that underlie the low land title formalization rate in Ghana are similar to most SSA countries, the recommendations offered in the case of Ghana may be useful for these countries as well.

### Appendix 1: Details of the Logit Model Adopted for the Study

The logit model as applied to this research was based on the idea that a property owner with a certain characteristic ( $X$ ) complies with the title formalization requirement ( $Y$ ). Therefore, the probability that a property owner with that characteristic ( $X$ ) complies with title formalization requirement ( $Y$ ) can be written as:

$$P(x) = E(Y/X) \quad \text{Equation 1}$$

Where  $-\infty \leq x \leq \infty$

This can be written as:

$$P(x) = \frac{1}{1 + e^{-Z_i}} \quad \text{Equation 2}$$

Where  $Z_i = \beta_1 + \beta_2 x_i$

This means  $1 - P(x)$  is the probability that a property owner will not comply with the title formalization requirement if he or she has the same characteristic. This can be written as:

$$1 - P(x) = \frac{1}{1 + e^{Z_i}} \quad \text{Equation 3}$$

Where  $Z_i = \beta_1 + \beta_2 x_i$

Since a linear equation model is unable to estimate the parameters in  $Z_i$ , the ratio of the probability that a property owner complies with title formalization requirement to the probability that he or she will not comply with the title formalization requirement is used to achieve an estimate of the parameters in  $Z_i$ . This is the odd ratio and is denoted as follows:

$$\frac{P(x)}{1-P(x)} = \frac{1+e^{-Z_i}}{1+e^{Z_i}} \quad \text{Equation 4}$$

Where  $Z_i = \beta_1 + \beta_2 x_i$

The natural log of the odd ratio is the logit model and constitutes an estimate of  $Z_i$  and can be written as:

$$Z_i \ln[P(x)/1-P(x)] \quad \text{Equation 5}$$

Where  $Z_i = \beta_1 + \beta_2 x_i$

The compliance with the title formalization requirement status of property owners was recorded as “Yes” and “No” where there is compliance and otherwise respectively. This was subsequently dummied as Yes=1 and No=0. The independent variables were also dummied as 1 and 2. That is, where property owners are aware of the title formalization requirement, it is noted as 1 otherwise 2. Similarly, if a property owner perceives title formalization as relevant it is dummied as 1 otherwise 2. The other independent variables namely gender, education and occupation were added to the model. These additional variables were categorized as: gender; male=1, female=2; education; tertiary level of education=1, below tertiary level of education=2; and occupation; formal occupation=1, informal occupation=2. Formal occupation was defined as white collar jobs while informal occupation was interpreted as blue collar jobs. Based on the foregoing, prediction of the dependent variable by the independent variables was modeled as:

$$\text{Log}[P(x)/1-P(x)] = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \dots + \beta_n X_n + \varepsilon \quad \text{Equation 6}$$

Where  $P(x)$  is the condition that a property owner with a particular characteristic complies with the title formalization requirement;  $1-P(x)$  is the condition that a property owner with the same characteristic does not comply with the requirement;  $\beta_0$  is the normal regression intercept;  $\beta_1 \dots \beta_n$  are the coefficients;  $X_1 \dots X_n$  are property owners; and  $\varepsilon$  is the stochastic error term. Therefore, based on the literature review, it was expected that awareness of the title formalization requirement and perception of title formalization as relevant will predict compliance with the requirement; title formalization.

## Notes

- 1 See Diamond 1988; de Soto 1989; Meagher 1995; Heinonen 2008; Günther and Launov



- 2012.
- 2 See Whitehead and Tsikata 2003; Larbi et al. 2004; Borrás Jnr. and Franco 2010.
  - 3 Borrás Jnr. and Franco 2010.
  - 4 Yngstrom 2002; Whitehead and Tsikata 2003; Hammond 2006; Joireman 2008; Toulmin 2008.
  - 5 Whitehead and Tsikata 2003; FMECD 2009.
  - 6 Abdulai 2006; Jacoby and Minten 2007; Musembi 2007; Bromley 2008; Payne et al. 2008; Toulmin 2008; Abdulai and Hammond 2010.
  - 7 See Fourie 1998; Toulmin, 2008.
  - 8 See Deininger 2003; Hammond 2006; Toulmin 2008.
  - 9 See GoG 1999, 2003; Kuntu-Mensah 2006.
  - 10 See Deininger 2003; Asiamah 2008; Bromley 2008.
  - 11 See World Bank 1989, 2003; Deininger and Binswanger 1999; Yngstrom 2002; Musembi 2007.
  - 12 Jacoby and Minten 2007; Asiamah 2008; Bromley 2008; Toulmin, 2008.
  - 13 World Bank 1989; Deininger 2003.
  - 14 World Bank 1989; Deininger 2003; see also Yngstrom 2002; Platteau 1992.
  - 15 World Bank 1989; Deininger 2003; Yngstrom 2002.
  - 16 See Bruce and Migot-Adholla 1994; Platteau 1996; Yngstrom 2002; World Bank 2003; Hammond 2006; Hammond and Antwi 2010.
  - 17 World Bank 1989; Deininger 2003; see also Platteau 1996; Yngstrom 2002.
  - 18 de Soto 2000; Deininger 2003; see also Bromley 2008; Abdulai and Hammond 2010.
  - 19 Joireman 2008.
  - 20 de Soto 2000.
  - 21 Abdulai 2006; Abdulai and Hammond 2010.
  - 22 Bromley 2008; Toulmin 2008.
  - 23 Fourie 1998.
  - 24 Toulmin 2008.
  - 25 Atwood 1990; Jacoby and Minten 2007; Payne et al. 2008; Toulmin, 2008.
  - 26 For detailed discussions on deeds and land title registration systems see Simpson 1978; Larsson 1991 and Abdulai 2006.
  - 27 See Memorandum of PNDCL 152.
  - 28 Article 267(1) of Ghana's 1992 Constitution for defines stool/skin lands as community lands that are vested "in the appropriate stool [the physical symbol of chiefly authority] on behalf of, and in trust for the subjects of the stool in accordance with customary law and usage."
  - 29 See Kuntu-Mensah 2006.
  - 30 The statistics on land title formalization was obtained from the records at Land Administration Project (LAP) Office in Accra, Ghana.
  - 31 See Hammond and Abdulai 2011.
  - 32 See Brobby 1991, Larbi 1994, Kasanga and Kotey 2001, Kuntu-Mensah 2006, Sittie 2006, Asiamah 2008, Arko-Adjei 2011, and Hammond and Abdulai 2011.
  - 33 Winship and Mare 1984; Mathews, 2005.
  - 34 Field 2005.

35 See Gray and Kevane 1999; Bugri 2008.

36 Toulmin 2008.

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