

URBAN LAW DAY 2016

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UN-Habitat's three-pronged approach

- Establishing of a development framework which is based upon:
 - rules and regulations;
 - urban planning and design; and
 - municipal finance mechanisms.

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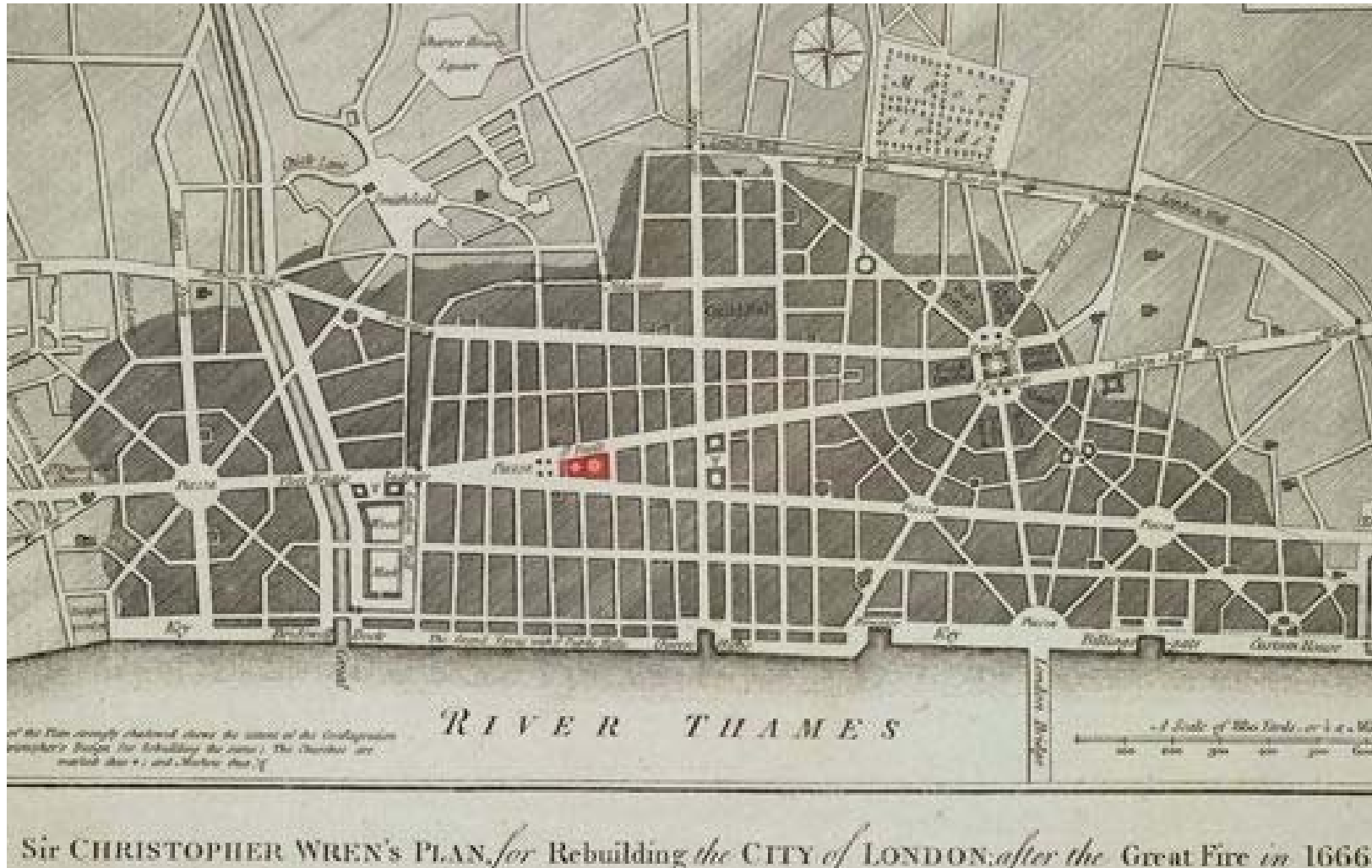
London - land rights 1665



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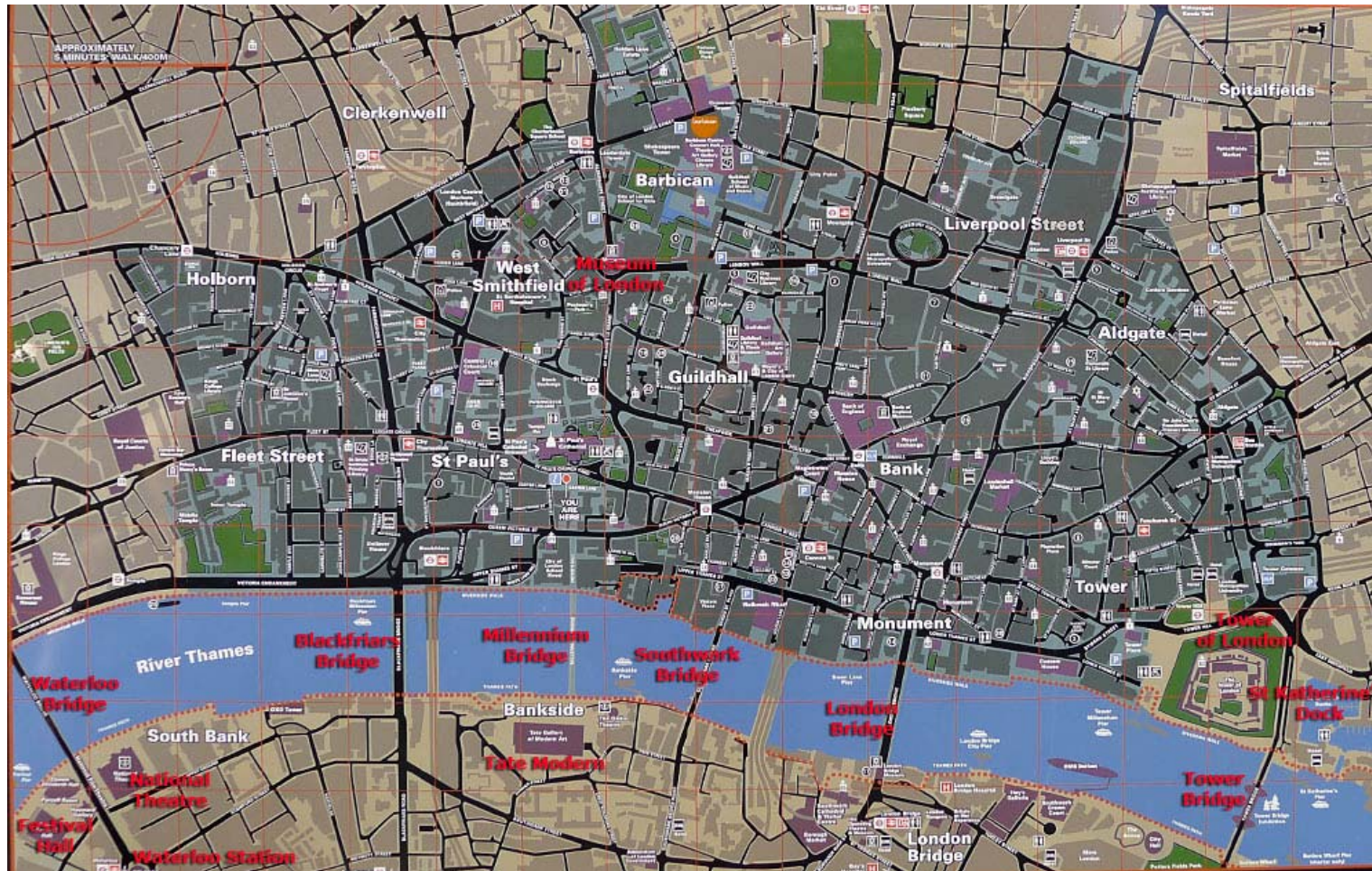
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“a cauldron of melting tension between customary and state interests and institutions, a struggle of communal and individual rights, opposing political forces and divergent economic interest stuck in colonial paradigm in search of a future identity...”

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Regional Land Commission

“has neither the staff nor the resources to perform its duties and may not be in a position to actually certify grants of stool or family land, leading to a series of bottlenecks characterised by delays and corruption”

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“this anarchical and unsatisfactory state of land tenure in Ghana” has “woefully failed” and it is “high time we begun to re-think of a better system”

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“...most people ignore it whenever possible. Statutory policies from administration of stool land to title registration have faced massive intransigence”

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78% of the Ghana's land is still in communal ownership

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The challenge...

- no administration, funding and structure to deliver registration
- land registration is essential to growth, security and planned delivery
- customary rights are resilient, will persist and are fluid
- the delivery of an enforceable and effective planning system is reliant upon registration
- communal control matters to land use planning delivery and enforcement
- land use planning must also deliver essential infrastructure
- corruption and non-compliance needs to be addressed

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The solution...

- simply requires the registration of an interest in land by certification as a pre-condition of planning consent; or
- the provision of a more structured and prescriptive requirement for certification and registration

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The solution...

- a simple requirement to register/certify to benefit from a consent; or
- a more complex system that taxes development activity that isn't registered/certified.

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The solution...

- the focus is development first and land interest second
- development can be broad or limited in scope
- discount for registration, consent compliance, plan compliance etc
- tax is collected locally
- applied and distributed for infrastructure provision

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