

**ADDRESS BY THE MINISTER FOR LANDS AND NATURAL
RESOURCES, HON. SAMUEL A. JINAPOR, MP, AT THE
INAUGURATION OF A COMMITTEE TO REVIEW THE
REPORT OF THE DEVESTING COMMITTEE ESTABLISHED
BY THE LANDS COMMISSION PURSUANT TO ACT 1036
WEDNESDAY, 23RD FEBRUARY, 2022**

Deputy Minister;

Chief Director;

Members of the Press;

Distinguished Guests;

Ladies and Gentlemen.

First of all, let me thank you all for making it a point to join us this morning, as we inaugurate a committee to review the report of the De-vesting Committee, established by the Lands Commission, in June 2021.

Ladies and Gentlemen, land in our country, has historical, religious, political, economic and social significance. It evokes a lot of emotions and passion, rightly so; and this is more so when stool lands, acquired through the toil and blood of our forefathers, are involved. Indeed, between 1894 and 1897, when the colonial Government attempted to vest our lands in the crown, through the Crown Lands Bill, 1894 and the Lands Bill,

1897, our forebears fiercely resisted this, forcing the colonial Government to withdraw these Bills. In the northern part of our country, however, the Administration (Northern Territories) Ordinance, 1902, vested all lands in the Northern Territories in the crown, in trust for the people.

After our independence in 1957, rampant political agitations and allegations of the use of stool land revenue to support political activities, led to the enactment of the Ashanti Stool Lands Act, 1958 (No. 28 of 1958) and the Akim Abuakwa (Stool Revenue) Act, 1958 (No.78 of 1958), which vested Ashanti lands and Akim Abuakwa lands, respectfully, in the President in trust for the stools.

By the Stool Lands (Validation of Legislation) Act, 1959, the Stool Lands Act, 1960 (Act 27) and the Administration of Lands Act 1962, (Act 123), the power of the President to vest stool lands in himself was extended to the whole country. Section 7 of Act 123, for example, empowered the President, to, by Executive Instrument, declare any stool land to be vested in the President in trust, if it appeared to the President to be in the public interest.

Presidents, before the coming into force of the 1992 Constitution, in the exercise of this power, vested several stool lands in the President, in trust for the people, including stool lands in Accra and Tema (E.I. 108 of 1964), Saltpond (E.I. 131

of 1978), Daboasi (E.I 7 of 1990), Kaasi (E.I. 4 of 1991), and Assin-Nsuta (E.I. 21 of 1992).

The coming into force of the 1992 Constitution, however, changed the vesting regime in our country. By article 257(3) and (4), all northern territories lands, which were vested in the President, were de-vested, and same vested in the appropriate skins, and article 267(1) vested all stool lands **“in the appropriate stool on behalf of, and in trust for the subjects of the stool in accordance with customary law and usage.”**

While Government retained its power of imminent domain over all lands in the country, the import of article 267(1) was that, no stool land could be vested in the President after the coming into force of the Constitution. As the Supreme Court explained in **Omaboe III v Attorney-General and Lands Commission [2005-2006] SCGLR 579,**

“after the coming into force of the 1992 Constitution on 7th January 1993, any statute or subsidiary legislation which purports to vest in the President or Government of Ghana, lands which are still stool lands, would run counter to article 267(1) of the 1992 Constitution.”

But unlike lands in the northern territories where the Constitution expressly divested them, article 267(1) did not operate to divest already vested stool lands. As the Court, again, explained in the Omaboe case,

"those lands that were once stool lands, but which had been vested at some point in time in the President or Government, without any subsequent de-vesting in favour of the original stools by a statutory or constitutional provisions.... they continue to be vested in the President or Government of Ghana until the State takes measures by an express statutory language to de-vest itself and re-vest them in the original stool owners."

Ladies and Gentlemen, no statutory divesting was made, until the Land Act, 2020 (Act 1036) came into force on 23rd December, 2020. While the Act did not de-vest vested lands, it provided in section 270(2) that **"Within six months of the coming into force of this Act, the Lands Commission, shall begin the process of evaluating all existing vested lands with the view to recommending to the President, the de-vesting of those lands."**

The President shall then, based on those recommendations, authorise the de-vesting of any land previously vested in the President, if he deems it right to so do.

Consistent with these provisions, the Lands Commission, in June 2021, six months after the coming into force of the Act, established a twelve-member committee, chaired by the Director of Public and Vested Lands Management Division of the Lands Commission, Ms. Mabel H. Yemidi, to undertake a case by case inquiry into the current status of vested lands, collate the views of the pre-vesting owners, study the challenges and lessons learnt from previous attempts at de-vesting, and make recommendations to the President within six (6) months.

The Committee, in accordance with these terms of reference, conducted their work and have presented their preliminary report to me, as the Minister responsible for Lands.

Given the importance of land to our national and cultural lives, and to ensure that the President is provided with the full facts and given advice motivated by candour, integrity and professionalism, so as to enable him take the appropriate decisions, in the public interest, in relation to the de-vesting of lands in our country, I have established this committee, to review the Yemidi Committee report, and make recommendations to

me, on all matters relating to de-vesting, for my review and onward submission to the President, advise Government,.

The Committee will be chaired by Hon. Andy Kwame Appiah Kubi, head of Appiah-Kubi & Associates Law Firm, a distinguished lawyer of many years' experience, specialised in property law, former Deputy Chief Executive Officer of the Free Zones Board, a two-time Member of Parliament for the Asante Akim North Constituency and a former Deputy Minister for Railway Development.

The other members of the Committee are:

- Kumbun-Naa Alhaji Naa Abu Iddrisu II, representing the National House of Chiefs, a distinguished surveyor and a fellow of the Ghana Institute of Surveyors;
- Dr. Wordsworth Odame-Larbi, representing the Ghana Institute of Surveyors, a Land Policy and Land Administration Consultant, a former Executive Secretary of the Lands Commission, with several publications on land administration reforms and compulsory acquisition to his credit;
- Dennis Adjei-Dwomoh, representing the Ghana Bar Association, the Managing Partner of Law Plus, founding

member of GIMPA Faculty of Law and the founder of the award-winning Dennis Law online legal research; and

- Maxwell Adu-Nsafoa, the Technical Director for Lands at the Ministry of Lands and Natural Resources. Also, a distinguished surveyor, who has worked in different capacities at the Lands Commission, including serving as the Regional Lands Officer for seven (7) out of the then ten (10) regions of our country.

I am confident, that given the expertise and experiences of this five-member Committee, they will deliver on their mandate.

Distinguished Guests, Ladies and Gentlemen, the President of the Republic, H.E. Nana Addo Dankwa Akufo-Addo, is committed to ensuring that the de-vesting of vested lands, if deemed necessary, is done fairly, equitably, transparently, justly, and based on integrity. Our duty, is to assist the President in this regard. And we will do all our best, to ensure that each stool, clan, family or individual affected by the vesting of their lands, receive just consideration of the matters in issue.

President Akufo-Addo and his Government are determined to do right to all stools, clans, families and individuals across the country, by resolving this age-old problem once and for all.

I thank you for your attention.