
A MANUAL FOR PARALEGALS

PRODUCED FOR

GHANA INTEGRITY INITIATIVE

FOR TARGETED PARTICIPANTS IN GHANA AS PART OF THE LAND AND CORRUPTION IN AFRICA PROJECT



TABLE OF CONTENTS

1. GENERAL INTRODUCTION - 1 - 4

2. MODULE ONE – DEFINITION AND QUALITIES OF A PARALEGAL - 5 - 8
 - 2.1 Who is a Paralegal
 - 2.2 Code of Ethics for Paralegals
 - 2.3 Qualities of a Paralegal
 - 2.4 Mandate of a Paralegal

3. MODULE TWO – PRACTICAL SKILLS OF A PARALEGAL 9 – 14
 - 3.1 Communicating with a client
 - 3.2 Advice giving and problem solving
 - 3.3 Listening to a client
 - 3.4 Counselling a client
 - 3.5 Record keeping
 - 3.6 Report Writing

4. MODULE THREE- ALTERNATIVE DISPUTE RESOLUTION - 15 - 18
 - 4.1 Arbitration
 - 4.2 Negotiation
 - 4.3 Mediation

5. MODULES FOUR AND FIVE - FAMILY LAW I & II - 19 - 30
 - 5.1 Marriages in Ghana
 - 5.2 Wills in Ghana
 - 5.3 Intestate Succession in Ghana

6. MODULE SIX - LAND LAW - 31 - 35
 - 6.1 Interest in Land in Ghana
 - 6.2 Land Registration in Ghana

1.0 Background

Transparency International (TI)'s Land and Corruption in Africa Project is guided by the vision of guaranteeing the maintenance and development of land and tenure-based prosperity for men and women of all generations equally, respecting the dimensions of stewardship and socio-cultural relationships to land, and taking into consideration the special needs and rights of indigenous communities. The Land and Corruption in Africa (LCA) project is funded by German Federal Ministry for Economic Cooperation and Development (BMZ) and coordinated by Transparency International Secretariat (TI-S) within several National chapters including Zimbabwe, Ghana, Cameroon, Kenya and Uganda over a 48-month period.

Transparency International (TI) recognizes that corruption in land governance is one of the most prevalent and damaging modes of exploitation worldwide, and that addressing it is fraught with challenges. Land governance is fundamentally about understanding power and the political economy of land. It involves the rules, processes and structures through which decisions are made about the use of and control over land, the manner in which the decisions are implemented and enforced, and the way that competing interests in land are managed. Land governance encompasses different decision-makers, processes and structures, including statutory, customary and religious institutions. When taken together as a system, land governance is ultimately centered on how people use and interact with land.

The overall goal of the Land and Corruption in Africa Project is thus to contribute to improved livelihoods of men and women adversely affected by corrupt practices in land administration and land deals, and thereby to enhance security of tenure, as well as to ensure equitable and fair access

1.1 Project Activity

Transparency International (TI) and Ghana Integrity Initiative (GII) have identified Land-Focused Paralegal or Community-based paralegals training as a highly effective tool to ensure that there is access to justice within the community and to ensure that people can protect their lands from all forms of unfairness. Community-based paralegals, use knowledge of law and skills like negotiation, education, and mobilization to seek concrete solutions to instances of injustice. Paralegals help people understand the law and the legal system. Community paralegals can focus on legal empowerment.

The main purpose of the Community-based paralegal training is to;

- a. Bridge the gap in the legal system by acting as a legal first aid service provider;
- b. Assists community members to understand, demand for and access their rights;
- c. Help resolve disputes and promoting options to resolving conflicts or to avert looming conflicts;
- d. Empower community members (including small-holder farmers) to make informed decisions about their land and achieve long-term land tenure security;
- e. Collect complaints/data and link-up with GII ALAC (on case by case basis) to build an understanding of how the land laws are implemented in practice – how women/farmers experience the administrative systems, how cases move through the government, and how decisions are made;
- f. Establish appropriate referral mechanisms for cases;
- g. Provide data from paralegal platforms for advocacy and to push for large-scale changes in the laws, policies, and government practice related to land protection for community members;
- h. Build capacity in basic dispute resolution mechanisms.

1.2 Introduction to Paralegalism in Ghana

Paralegals play a very important role in society. Having gained independence in 1957, the rights of the individual – whether basic human rights or rights associated with family, land, or labour – have taken on a high level of importance. However, over the years, it has remained difficult (even after independence) for poor and vulnerable people in Ghana to gain access to justice. Legal procedures are very complicated, lawsuits take a long time to conclude, and pursuing a case often requires the assistance of lawyers whose fees are too high for many every day. While Ghana practises democracy and many people now enjoy many new rights – rights included in the Constitution and other enacted laws – they can only exercise these rights if they have access to information.

In response to this situation, there has been a growing need to identify persons within various communities to learn about their rights, enforce those rights, and secure justice. This growing movement of community assistance workers –volunteers who provide educational programs, advice, and advocacy assistance traditional community, or religion.

1.3 About the Manual

The manual is designed to assist individual paralegals who have been selected and trained as part of the Ghana Integrity Initiative’s project on Land and Corruption in Africa. The aim is to produce this in two main volumes and as a result, the topics have been carefully selected. It provides high quality training, empowerment and capacity building for trained paralegals in addressing various issues of human abuses in their communities. It is both a step by step guide as well as a reference material on different issues.

1.4 How to Use this Training Manual

The manual is organized to assist the user in understanding each module. Each module addresses different issues that are very important for a paralegal to understand to enable him/her effectively carry out his/her job as a paralegal. There are six (6) modules in the manual. Each module outlines key issues which will be encountered during the paralegals work. Information on some of such issues is extensive and not necessarily designed for verbal delivery to participants but as a guide for taking action on a particular issue to assist community members. The manual provides discussion guides, responses to frequently asked questions, sample tools and other learning guidelines that can be used or adapted by a paralegal. The tools can be found within some of the module. It is important to state here that the paralegal is not a lawyer and on no occasion should he/she go beyond their limits to act as one, based on knowledge from this manual.

Module One

DEFINITION OF A PARALEGAL

2.0 WHO IS A PARALEGAL?

Learning Objectives: By the end of this session participants will know the following:

- **Who is a paralegal**
- **Ethics and qualities of a good paralegal**
- **Functions, skills and code of conduct of a paralegal**

A paralegal is a community based person trained with basic knowledge of the law and the legal system. He/she is trained to understand different methods that can be used in dealing with disputes and simple legal matters to assist vulnerable and disadvantaged people to assert their rights without necessarily engaging the services of a lawyer or resorting to litigation which may be time consuming and expensive. A paralegal has a strong role to play in encouraging respect for human rights and the rule of law, and promoting peace and positive change in the community.

As community-based people who are trained in basic legal skills, problem solving and advice-giving in order to assist their communities, it is important that a paralegal should reside in the area in which he/she will be working or providing assistance. This will encourage acceptability by the people within the community and assist the paralegal to have a good understanding of the problems of the local people and their environment.

2.1 Who can become a Paralegal?

A paralegal may be selected from among respected community based leaders or groups. The paralegal can either be a full-time or part-time worker. The following persons may be trained as paralegals:

- Community leaders
- Retired teachers
- Retired civil servants
- Members of community based organizations
- Urban/rural youth leaders
- Social activists
- Market women
- Religious leaders
- Representatives of groups and associations
- Student volunteers/Law students

2.1 Ethics of Paralegals

Paralegals are guided by some ethical rules and principles and below are a few of them to guide their work.

- Impersonation** – A paralegals must always remember that he/she is not a lawyer and as such cannot practice law or hold himself/herself out to the public as one. Impersonation is a criminal offence.
- Confidentiality** – A paralegal should be able to keep secrets and not divulge information about his/her clients. Never discuss client issues with a third party unless you are reporting to a referral agency from which you need assistance.
- Politeness** – Always treat clients with respect and courtesy

- d. **Promptness** – Always provide prompt services. Do not keep people waiting unnecessarily
- e. **Impartiality** – A paralegal must always be unbiased and impartial. Do not handle cases in which you have an interest so as not to run the risk of taking sides. Always refer such cases to another paralegal or legal aid clinic.
- f. **Fairness and Justice** – Always be fair in your decisions. Do not let your culture, emotions or religion weigh heavily in the decisions you make or advice that you give, make sure you are just and fair.

2.3 Qualities of a Good Paralegal

A good paralegal must be:

- Patient
- Approachable
- Disciplined
- Open
- Dedicated and committed to work
- A person of integrity
- Familiar with local customs
- Tactful
- Of good character and reputation
- Humble
- Trustworthy
- Courageous
- Sociable
- A good listener
- Able to read and write English language or any other relevant official language and effectively communicate in the local language of community

2.4 Functions of a Paralegal

The main duty of the paralegal is to bridge the gap in the legal system by acting as a legal first aid service provider. The paralegal assists community people to understand, demand for and access their rights. They help people resolve their disputes by enabling them to consider options to resolving conflicts or to avert looming conflicts.

The following are specific functions of a paralegal.

a. **Basic Counselling**

This involves enabling people discover for themselves solutions to their own challenges. Counselling can be used for solving specific personal or family problems. The role of the paralegal in counselling is to help the client resolve their differences and find an amicable solution to their problem.

b. **Preliminary Investigation and Preparing of Facts**

It is important that paralegals investigate the facts of a problem or complaint to enable them decide whether they can handle the case or they need to refer. A paralegal must be a good information manager, ensuring that only useful information is sought for and information received must be put to good use. In discharging this function, a paralegal must interview the people involved in a problem and take notes that can be used either by him/her or used as a fact sheet for a lawyer and other relevant institutions in the case of referral.

c. **Preparation of Documents/Record Keeping**

Paralegals assist the client fill out the information sheet that will enable the paralegal to determine whether the client is qualified for legal aid or not. The paralegal opens a file for each complaint once the client is found to be eligible for free services and records as much information about the client as possible in the case file. Paralegals must ensure that every communication with the client including the nature of service provided, dates and times of meetings are recorded in the client's file. Information of actions taken and next appointments must also be clearly documented.

d. **Conducting Legal Clinics**

Based on the type of problem encountered, paralegals provide legal first aid to people by providing immediate and preliminary solutions in emergency situations like assault or any other form of dispute.

e. **Community Education/Community Capacity Building Sessions**

The paralegal also helps in educating community people about their rights and basic laws that affect them. They create awareness on services that paralegals provide and how to get in touch with the nearest paralegal and relevant

Institutions when they have a problem. Capacity building and information sharing can be done through group meetings, awareness creation campaigns and the use of Information Education Communication (IEC) materials.

f. **Alternative Dispute resolution**

Paralegals may help with resolving disputes through a variety of means – negotiation, mediation, arbitration and conciliation, etc.

g. **Networking and Advocacy**

Paralegals need to establish contact with other relevant stakeholders e.g. co-paralegals, government institutions and Non-Governmental Organizations (NGOs) etc. This is required to help them raise awareness about the opportunities that are available to community people through their services as well as to garner support for problem solving. A paralegal also advocates for positive change within the community by mobilizing people towards changing their attitudes and behaviour on societal ills that inhibit progress and development in the community and the country as a whole.

2.5 Code of Conduct for Paralegals

A paralegal's conduct shall be guided by the following;

- a. at all times display honesty, integrity, and impartiality.
- b. at all times act professionally and with due diligence and competence.
- c. not disclose any information obtained in consultation to anyone or the public unless required to do so by law or with the consent of the client.
- d. shall not disclose any information obtained in consultation meeting with clients where not required.
- e. except for good cause shown, honour all his or her obligations to the clients.
- f. arrive on time for meetings.
- g. avoid any unnecessary delay in their work.
- h. avoid receiving monies or bribes from a clients
- i. conduct all processes in a competent and professional manner having due regard to best practice and rules of natural justice.
- j. Any member who breaches this Code of Conduct may/should be stopped from holding himself or herself as a paralegal.



MODULE 2: PRACTICAL SKILLS OF A PARALEGAL



Module Two

PRACTICAL SKILLS OF A PARALEGAL

Learning Objectives: By the end of this session participants will understand and be able to do the following:

- **Practical skills for paralegal and how to acquire the skills such as -**
- **Communicating with a client**
- **Listening to a client**
- **Advice giving and problem solving**
- **Counselling a client**
- **Record keeping**
- **Report Writing**

2.0 PRACTICAL SKILLS OF A PARALEGAL

Module two (2) of this Manual addresses many of the substantive legal issues you will face when advising clients. Along with knowledge of the law, it is important that paralegals have strong communication skills, advice giving and problem solving skills, listening skills counselling skills, record keeping skills and reporting skills among others.

2.1 Communicating with the Client

An effective paralegal has the communication skills to do the following:

- Interview the client and take statements;
- Listen to the client;
- Counsel the client;
- Monitor and gather evidence;
- Give advice and solve problems;
- Refer clients to other organisations or assistance agencies;
- Make telephone calls;
- Write letters; and
- Write reports.

2.1.1. Interviewing your client

There are several important things you should do when interviewing a client, especially for the first time. It is important to note that as a paralegal, your personality and general reputation in the community determines whether a client and the community will trust you.

Important tips for interviewing a client include:

- a. Introducing yourself to the client. This means you must explain who you are, what training you have had, and what help you may be able to provide.
- b. Asking for the client's name and address.
- c. Explaining the interview process to the client.
- d. Ask if you may take notes of the conversation.

Offer to provide copies of your notes to the client. This and all other information should be recorded on the **Client Intake Case Form** (see below).

- a. Asking the person why he or she has come for help.
- b. Working out whether the person is willing or able to discuss his or her problem. Keep in mind that the client may find it difficult to discuss his or her problems with you.

- c. Listening carefully to the client and not jumping to conclusions about his or her problem.
- d. Asking the client whether he or she took any steps to solve the problem before coming to see you.
- e. Discussing with the client what you think are the necessary steps needed to sort out the problem.
- f. Determining if the client only needs advice and counselling or if the client needs a referral to an agency for assistance. (See example of Referral Letter following.)
- g. Do not use legal terms or jargons (e.g., jurisdiction or *locus standi*).

Always explain things in simple, everyday language and make sure the client understands you. It is helpful to explain things in a way that relates to the experience of the client. Concrete examples showing what might happen are often a good way to ask about and illustrate possible outcomes.

2.1.2 Language

It is important to think about the fact that the client may feel more comfortable speaking a language that you do not know well. The best way to communicate is to interview a person in his or her own language. People find it much easier to tell you about their problems in their own language. It makes them feel more at ease and they will be able to explain themselves better. Confusion and misunderstandings can occur when a person has to explain a problem in a language which is not his or her own language. If you cannot speak the language of the person you are interviewing, then you should have someone with you who can act as an interpreter.

If you are using an interpreter, that person should have a good understanding of both languages. It would also be helpful for them to have some basic knowledge of the law. Similarly, if you write to the client or write a document for your client, you should try to write the letter in the client’s language. It is also important to use the right level of language so that the person you are trying to help understands what you are saying. If you do not explain things plainly and in a way that is easy to understand, you will not be helping the client.

CLIENT INTAKE CASE FORM

Date:

Client Name:

Physical Address:

Postal Address:

Telephone/Cell:

Email (if any):

Age:

Type of case:
(e.g., land, family, property, labour etc.)

Description of client’s problem:
.....
.....

Advice or suggestions given to client:
.....
.....

Action taken on behalf of client:
.....

Was the client referred to another agency? If so, which agency?
.....

Next steps
.....

2.2 Listening Skills

It is important to listen carefully when the client is telling you about a problem. There are different ways that you can use to show the client that you are listening carefully.

- Use your body to say “I am listening”:
 - Use eye contact and look at the client
 - Nod your head
 - Say “yes,” “I see,” or “I understand”
- Let your client tell their whole story first. Then summarize the main points of what your client said in your own words to make sure that you got the story right. Ask the client if your summary is correct.
- Show the client that you are sympathetic to his or her problem.
- Do not be impatient with the client when he or she is telling you about a problem.

If you listen carefully to the client, you will know what help she or he is looking for. The more sympathetic you are toward the client, the more the client will trust you and confide in you.

2.3 Advice giving and problem solving skills

Giving a client advice is one of the most important jobs of a paralegal. Listen carefully to the client and find out exactly what he or she needs you to do.

Discuss with the client what steps you will take to try to solve the problem. Make sure the client understands what you are going to do. Be realistic about how much you think you can do for the client and how long it will take to sort out the problem.

Do not raise false hopes. Further, never give advice if you are not sure of the facts. In that case, it is wise to inform the client that you may need to get back to him or her with advice after you have had an opportunity to investigate further. Always agree on how you are going to report back to the client. This could be by writing a letter to the client or by the client coming back to you on a set date. Keep track of all communications with the client.

Sometimes people only need advice to help them with their problems. For example, someone may come to you asking where to go to find some very simple information. You can advise him or her to go to the closest and related Agency, Ministry or District Assembly. As much as possible, you should encourage people to try to sort out their problems on their own. Often this means that you give a person some advice and tell them to come back to you if they have not managed to sort it out. This makes people less dependent on you to solve their problems and encourages them to take responsibility for dealing with their own problems.

2.4 Counselling Skills

Sometimes people just want to talk to you about their problems and it may not be necessary for you to take any further action. It might be enough for you to counsel someone about ways to deal with a problem. For example, your client might have a problem with noisy neighbours who party through the night and keep her awake. You can suggest different ways to deal with the problem such as asking for a meeting with the neighbour to discuss the problem or getting a mediator in to help mediate between the neighbours. Counselling is a skill used mainly by professional psychologists and social workers.

Everything you discuss with your client must be kept confidential. A good paralegal keeps information confidential at all costs. Confidential means that you do not tell anyone the information the client has told you unless the client gives you permission to tell someone else. You can ask the client for permission to discuss the matter with another paralegal if you feel you would like to have a second opinion on how to handle the client’s matter.

2.5 Record keeping skills

Keep record of every discussion you have with a client. Sometimes, you may have to complete a form or write a simple letter for the client. Sometimes a referral letter is not always enough and you will need to write a more detailed letter in order to get a response. Here are some guidelines for writing a more detailed letter. Use this as a starting point and adapt it as necessary. Remember to keep letters as simple and to the point as possible. It often is helpful to ask someone else in the office to read the letter before sending it. He or she might be able to give useful suggestions to improve the letter. Remember to keep a copy on file.

SIMPLE REFERRAL LETTER

Onyame Worhor Paralegal Centre Telephone:

P. O. Box..... Email:

Kumasi, Ghana

Ref: WK...../10/2016

28 November 2016

The Maintenance Office

Adum Magistrate's Court

Kumasi - Ghana

Attention: Mr. Amankwah,

RE: MA INTENANCE CASE/CASE TITLE OR CLIENTS NAME

We hereby refer Ms. to your office for assistance regarding the maintenance of her two children.

Ms. reports that the father of the children, Mr. Adu, has never paid any maintenance to the children since 2012.

Could you please render further legal assistance to this person? Please contact me so that I know this referral has been successful.

Thank you.

Sincerely yours,

Your name

2.6 Report writing

Reports are written to report back about what a person, office, group, or committee has done. Paralegals might have to write regular reports on their work for their management group, for donors and partner organisations. Report-writing is a very important communication tool which enables people to share information in a structured way. It allows everyone to be kept informed on what is going on. Reports are also an important tool for paralegals to communicate about what they are doing in their communities.

EXAMPLE OF A PROGRESS REPORT ON ACTIVITIES

Onyame Worhor Paralegal Centre (OWPC)

1. Introduction

This progress report is based on activities undertaken from the period of March – June 2016 at the OWPC regional paralegal office. There are currently two programmes that the OWPC paralegals are running:

(1) a computer literacy programme and (2) human rights education programme with community members. The computer literacy program is a full-time activity and student enrolment increases in number on a daily basis.

The human rights education program has been slightly stagnant due to limited resources and high demand of legal assistance from local communities that the office cannot meet due to lack of lawyers who can take on high level cases of public interest.

2. Cases Reported

Labour – 15 cases, 3 resolved, 10 referred to district labour offices, 2 pending

Land Disputes – 23 cases, all pending

Domestic Violence – 9 cases, all referred to the Women and Child Protection Unit

3. Legal and Rights Education Informative Workshops

We have held many educational workshops with community members in different areas this year.

Area 1

Area 2

Area 3

We currently have a total of 21 students of which 14 are from the San minority group, who are exempted from paying the course. There are a large number of students who are willing to register, but we cannot accommodate all student demand due to a limited number of computers and human resources. The course runs for two months for students with typing skills and for three months for students without typing skills.

Seven students are paying for the course. Five students are female and two are male.

5. Partnerships

We are working in partnership with the United States law firm DLA Piper (New Perimeter Program) and the University Of Maryland School Of Law (International and Comparative Law Clinic). They are helping the NPA to revise the NPA legal manual (last revised in 2003). They have asked paralegals in Ashanti (and other regions) to take a look at their draft chapters and to provide feedback. They visited us in OWPC in April 2011 and we have been communicating by telephone and email since their visit.

6. Future projects

In the next year we plan to:

- Run Know Your Rights educational workshops with farm workers
- Do advocacy with the community about increasing access to water in the settlements
- Initiate a partnership with the Namibia Literacy Trust to work together on the Computer Literacy Programme

7. Closing remarks

I would like to thank the committee and NPA volunteers for all their hard work.



MODULE 3: ALTERNATIVE DISPUTE RESOLUTION



Module Three

ALTERNATIVE DISPUTE RESOLUTION

Learning Objectives: By the end of this session participants will understand the basics and differences of following:

- **Arbitration**
- **Negotiation**
- **Mediation**

3.0 Negotiation, Mediation, Arbitration Skills

Conflict resolution often requires skills which include negotiating, mediating, and arbitrating. This module will discuss these three approaches and give you a sense of the best option to go for as a paralegal.

3.1 Arbitration

In arbitration, a third party, acceptable to both parties, is called in to help the parties resolve the conflict. The difference between arbitration and mediation is that in arbitration, the arbitrator is called on to make a decision about who is right or who is wrong. In other words, the arbitrator acts like a judge. The arbitrator chairs the hearing at which both parties present evidence. He or she reviews all relevant documents, takes testimony from witnesses, reviews the law, and makes a decision regarding who wins the arbitration. The arbitrator writes down the reasons for his or her decision in a judgment and gives this to the parties.

Before the arbitration takes place, the parties should agree in writing on the parameters (extent and limit) of the arbitrator's powers. For example, will the arbitrator's decision be final or will there be a right of appeal? Usually the parties agree that the decision of the arbitrator is final. This means the parties must obey this decision and the losing party cannot appeal against the decision. An arbitrator should use proper legal principles to interpret the evidence, but the arbitration process is usually less formal than a court proceeding.

3.2 Negotiation

Most of us deal with some form of negotiation every day. The paralegal will constantly be involved in negotiating on behalf of clients.

3.2.1 What is negotiation?

Negotiation takes place when two or more people or groups who have a conflict come together to try to agree on how best to resolve this conflict. This might mean that one side must compromise. Usually it means that both sides compromise so that they can reach a settlement. This is called a 'win-win' situation.

3.2.2 How do you negotiate?

The main purpose of being a negotiator is to get the best settlement possible for the person or group whom you are representing. To do this, a negotiator needs certain skills such as:

- a. Finding out facts and information about the other side before you start to negotiate

- b. Knowing what questions to ask
- c. Knowing how to create the right atmosphere for successful negotiation – if you are too aggressive too early in the negotiation, this will create a tense atmosphere
- d. Knowing how much to tell the other person or group - for example, you should not give too many details too early in the negotiation as this could give the other person or group an advantage
- e. Knowing when to put your proposals to the other person or group
- f. Controlling your attitude toward the other side - all kinds of different emotions, prejudices, different values and cultures can affect your attitude toward the other side. This can make it harder for you to communicate properly with them.

TASK 1.

A union official negotiates with the manager of a farm about the rights of workers have to join the union. The union official is very emotional because the manager is threatening to dismiss the workers. The union official also believes that the manager is not concerned about the workers and that he is cruel and immoral. The manager is also very emotional. He believes that the union official is trying to take over the farm. He is worried about financial losses and believes that as soon as workers join a union they will go on strike. He believes that all workers are lazy and only want money to spend on alcohol. In this example, there are many conflicting emotions, prejudices, and values between the two sides. This will affect negotiations between the two parties.

3.2 3. Preparing for negotiation

Before beginning negotiations, you should:

- a. Identify the issue – understand the issue requiring resolution
- b. Be clear about your mandate – understand your client’s desire
- c. Define your objectives – work out the key points that you want to achieve
- d. Select a negotiation team – it is usually better to have more than one person on a negotiating team
- e. Get to know the other side – study the other side’s position and ask who will be participating in the negotiation
- f. Plan your actual presentation – organise the information you have gathered in a logical format so that you can easily use it in the negotiation.

3.3 Mediation

Where two conflicting parties cannot reach agreement on the issue causing the conflict, they can agree to ask a third party (called a “mediator”) to help them reach a solution. A mediator is a person who acts as a facilitator between the parties but does not make a decision about who is right or wrong. A mediator is not a judge. The mediator goes on assisting both sides until the parties themselves come to an agreement. If it is clear that the parties are not going to reach an agreement, the mediator might have to withdraw from the process.

The parties will then have to find another way to resolve their conflict; for example, by using arbitration or going to court. The main job of a mediator is to keep the parties in the negotiation communicating with each other. To do this, the mediator must get the trust and confidence of both parties and keep this trust by always being objective. The mediator must try to find out exactly what the problem or conflict is about. When the two sides meet together, the mediator must encourage both sides to be realistic about what they want from the other side and what they are prepared to give.

3.3.1 Planning a mediation session

ACTIVITY	PERIOD
1. Introduction : The mediator will explain the structure and aims of the mediation	10 minutes
2. Opening of mediation : a. Welcome b. Introductions c. Agreeing to rules and procedures	10 minutes
3. Statement of positions : a. Each side will present its position. b. The mediator will summarise these positions. c. The mediator will pose clarifying questions. d. The parties respond.	30 minutes
4. Finding common ground (issues that both sides agree on): a. The mediator will ask each side what it is prepared to do. b. The mediator will then summarise the common ground and add alternative solutions.	30 minutes
5. Separate meetings : At this point, it is likely that the mediator will speak to both sides separately. He or she may even go back-and-forth several times.	60 minutes
6. Reaching agreement : The mediator will work to bring both sides to a common solution And/or present a solution that he or she thinks is fair and that both parties should accept.	30 minutes
7. Confirming agreement : a. The mediator will ask each side to state whether they agree to the proposed solution. b. The mediator will go over each point of the agreement. c. The parties, with the mediator's help, will put the agreement into written form.	30 minutes
8. Closure of mediation : a. The mediator will discuss other issues such as monitoring and publicising of the agreement. b. The mediation session will then be closed.	15 minutes



MODULE 3: FAMILY LAW 1



Module Four

FAMILY LAW I

Learning Objectives: By the end of this session participants will understand the concept of family law particularly those related to marriage and divorce.

4.0 Marriage and Divorce

Whereas marriage in Ghana is governed by the Marriage Ordinance, 1951 (Cap 127), divorce is governed by the Matrimonial Causes Act, 1971, (Act 367).

Frequently Asked Questions REGARDING MARRIAGE AND DIVORCE

What is the right to a family?

The 1992 Ghanaian Constitution provides that adult men and women – without any limitation due to race, colour, ethnic origin, nationality, religion, creed, or social or economic status – have the right to marry and start a family.

What is the difference between civil and customary marriage? Civil marriages are governed by Ghana's civil and common law – Cap 127. Customary marriages are governed by the customs of the community and differ from place to place.

Does the man have superior decision-making power in a civil marriage?

No. Both the husband and wife, in a civil marriage, share decision-making power equally. In addition, couples who are married in community of property have equal rights over joint property.

How old must a person be to marry?

Under civil law, a person under the age of 18 years cannot marry without the consent of both parents.

When can I get a divorce?

Divorce of a civil marriage may be sought for adultery, desertion, constructive desertion (which can mean making marital life unbearable), the imprisonment for at least five years of a spouse who has been declared a habitual criminal, or the incurable insanity among otherd.

How is property divided during a divorce? In a civil divorce, marital property is divided based upon the marital property rules applicable to the marriage.

Who will get custody of the children of a civil marriage after a divorce?

Custody will be determined by the Court based on the best interests of the children. However, parents who do not have custody are generally entitled access - to visit their children.

Can I change my name or the names of my children after a divorce?

Yes. After a divorce, a woman may retake her maiden name or another prior name. On the other hand, a woman can maintain her name as she had when she was married after divorce.

4.1 Types of Marriages in Ghana

There are three types of marriages which are recognized in Ghana.

4.1.1 Customary marriage

In Ghana is a kind of marriage between a man and a woman, and involves performance of certain local customs. There are as many variations of the custom as the ethnic groups there are in Ghana. Two things common to the various customs are: a gathering of the extended families of the couple; and payment of a bride-price to the bride's parents.

Customary marriages are potentially polygamous: a man may have as many customary wives as he can, and there is no limit to the number of such marriages that can be legally registered under the Customary Marriage and Divorce Registration Law, 1985 (PNDCL 112).

4.1.2 Islamic marriage is a kind of marriage that is made in accordance with Islamic rules regarding marriage. Marriages made under Islamic law may be polygamous. A marriage made under Islamic rules must also be registered under the Marriages Act, in order to be valid. The Registrar of Mohammedan marriages and divorces must be notified within one week of the marriage, or else the marriage will be declared null and void. However the Law provides for certain actions for instances where it is impossible for all the necessary parties to attend at the Registrar's office within a week.

4.1.3 Ordinance marriage or a marriage under the Marriage Ordinance is regulated by the Marriages Ordinance, Cap 127 and it is strictly monogamous. One of the parties in the intended marriage must give notice of marriage to the Registrar of Marriage of the district where the marriage will take place. The Registrar will publish notice of the intended marriage for twenty-one days and then issue a certificate if no objections are made against that marriage.

4.2 Child and Spousal Maintenance

When a husband or wife rely on the other spouse as the source of income (money) for the family, the wife (or husband) may have the right to money from husband (or wife) upon divorce to provide food, clothing, and shelter. When there are children of the marriage, the mother (or father) may also have a right to money from father (or mother) to pay for the basic needs of the child.

4.3 Grounds for Divorce

Ghanaian laws allows for a civil divorce under several circumstances: (1) adultery; (2) desertion (including constructive desertion); which takes place when one spouse (either the husband or wife) has acted in a way that makes marital life so unbearable for the other spouse that the law will consider the non-behaving spouse to have deserted the marriage,

even though the spouse might not have physically abandoned the other (4) incurable insanity/disease of a spouse.

Civil marriages can be dissolved only through a civil divorce. Customary marriages are dissolved through the customs of the community, which differ from place to place. A traditional divorce will not dissolve a civil marriage.

4.4 Child Custody

Both the mother and father of a child have the right to be involved in the life of their child. Each child custody/care plan is specific to each child and depends on the customs and traditions of the mother's and father's respective communities.

Customary decisions under customary law regarding child care/custody can be very different from decisions made under civil law. Civil law typically focuses on the best interests of the child. However, the customs of a child's family and the parents' different communities may still play a part in a child care/custody decision under civil law, as it may be part of the child's best interests.

4.4 Legal Aid

Legal aid (free legal assistance) is available in some divorce cases. A person seeking legal aid must fill out an application form which is available at any family tribunal or any legal aids board office. Application forms can also be obtained from social workers attached to family tribunals. The application form must be accompanied by:

- A copy of the marriage certificate;
- A copy of birth certificates of the couple's children; and
- The applicant's pay slip (or, in the case of informal employment, an explanation of the applicant's income).

A person qualifies for legal aid based on his or her monthly income and number of children (or dependents). The applicant can be required to make a contribution toward the cost of legal assistance at the discretion of the Director of Legal Aid.

4.5 Self -Representation

It is possible for a person to represent themselves in a divorce case, but this is difficult in practice as the procedure is fairly complicated. A person who is attempting to represent himself or herself should ask for assistance from the Registrar's office, but this will be provided only if the staff in that office have time since it is not their primary function.

4.6 Privacy

Divorce proceedings are generally not open to the public and the media. They are usually held in closed doors unless the parties want the presence of the public in all or any part of the trial.

4.7 Child Custody

As with customary law, both the mother and father of a child have the right to be involved in the life of their child. The court may issue a child custody/ care plan specific to each child and based on the child's best interests. Generally, custody of young children is given

to the mother. The court usually will not separate siblings unless there is a good reason. To determine which parent gets custody, the court considers the best interests of the child or children. Criteria considered by the court under the Children's Act, 1998, Act 560 in determining the best interests of the child may include the following:

- a. The love, affection, and other emotional ties which exist between the parent and the child and the parent's compatibility with the child.
- b. The capabilities, character, and temperament of the parent and the impact thereof on the child's needs and desires.
- c. The ability of the parent to communicate with the child and the parent's insight into, understanding of, and sensitivity to the child's feelings.
- d. The capacity and disposition of the parent to give the child the guidance which he requires.
- e. The ability of the parent to provide for the basic physical needs of the child, such as food, clothing, housing, and the other material needs – generally speaking, the provision of economic security.
- f. The ability of the parent to provide for the educational well-being and security of the child, both religious and secular.
- g. The ability of the parent to provide for the child's emotional, psychological, cultural, and environmental development.
- h. The mental and physical health and moral fitness of the parent.
- i. The stability or otherwise of the child's existing environment.
- j. The desirability of keeping siblings together.
- k. The child's preference.

The court may also consider any other factor relevant to the particular case. The parent who does not get custody is generally entitled to visit (or have access to) their child or children.

4.8 Maintenance

Maintenance general applies to any relationship where one person has a legal duty to maintain another person. These duties generally include the following:

- a. Husbands and wives are responsible for each other's maintenance.
- b. The parents of a child share responsibility for the maintenance of that child.
- c. Children have a duty under certain circumstances to maintain their parents.

4.9 Child Maintenance

The duty of a parent to maintain a child¹⁰ who is unable to support himself or herself applies to both parents of a child regardless of whether (a) the child in question is born inside or outside the marriage of the parents; (b) the child is born of a first, current, or subsequent marriage; or (c) the parents are subject to any system of customary law which does not recognize both parents' liability to maintain a child. A parent may not give priority to the maintenance of children of a first marriage.

Further, the duty to maintain a child is shared between the parents in proportion to their respective means. This means that the duty must be shared on the basis of how much money each of them earns and what they possess. The cost of raising the child will not necessarily be divided evenly between the mother and the father, as the wages and

resources of each parent must be taken into account. For example, one parent will have to carry 100% of the costs of maintenance if the other parent has no income or property. On the other hand, if one parent has a small income and the other parent earns more, then the child's expenses might be divided accordingly, such as 20% for the parent with the small income and 80% for the other parent.

4.10 Spousal Maintenance

If a couple married in a civil marriage are getting divorced, the one who is in the weaker financial position (and is the "innocent" spouse) can claim spousal maintenance from the other spouse as part of the divorce. Maintenance cannot be claimed after the divorce. The rules on maintenance in a customary marriage will depend on the customary law practices of the traditional community. Maintenance payments will stop when the person receiving the payments dies or remarries.

4.11 Requesting and Obtaining Maintenance

To claim child or spousal maintenance a person needs to: (a) file a complaint with the maintenance officer through the clerk of court; (b) provide information to support the claim; and (c) attend a meeting with the maintenance or social welfare officer. Sometimes, an enquiry in the salary and other maintenance issues is also required and conducted by the relevant officer. This is done sometimes during the divorce or custody proceedings etc. The result may be a maintenance order that directs the defendant to make a regular contribution toward the needs of the child or spouse. To support a claim for maintenance, it is helpful if the parent who is requesting money to care for a child can show receipts for payment of things like rent, municipal accounts, food, water, and school fees.



**Module 5: FAMILY LAW II
WILLS AND INTESTATE INHERITANCE**



Module Five

FAMILY LAW II

WILLS AND INTESTATE INHERITANCE

Learning Objectives: By the end of this session participants will understand the concept of family law particularly, wills and intestate inheritance.

FREQUENTLY ASKED QUESTIONS ABOUT WILLS AND INHERITANCE

What kind of information does a person need and what steps should they take before preparing a will?

First, they should inventory all of their assets, including their land, home, money, and other personal property. Then, they should meet with family members, especially their spouse, to consider how and to whom the property should be distributed.

A young person doesn't need to make a will, right? Wrong. Making a will is not just for the elderly or sick. Because death is uncertain, it is advisable that everyone 18 years or older make a will.

If a person has already told everyone what they should be expecting from their estate once they die do they really need a will?

Yes, a will acts as a blueprint for the distribution of the estate. If a person does not have a will at the time of their death, their estate may not be distributed in accordance with their wishes.

Can a person make their own will?

Yes. While it is advisable to have someone assist in preparation of a will, there is no law that says an individual cannot prepare their own will. If a person drafts their own will, they will need to follow all of the necessary steps.

What does a person have to do to make sure that their will is valid?

A will must be in writing, dated, signed at the end, and signed in the presence of two witnesses.

If a person dies without a will, how will their property be distributed?

If a person dies without a will, they are said to have died "intestate". When a person dies intestate, their property can be distributed according to the intestate succession laws of Ghana PNDCL 111. These laws do not always take into account the true wishes of the deceased, but instead, distribute property in accordance with a strict set of rules.

What types of things can be put in a will?

A will can include anything that a person owns or has rights to. This includes all of their property (house, land, animals, money, etc.) as well as their children.

If a person already has a will, but just got married, had a child, or adopted a child, should they make a new will or do their old will automatically include them?

The previous will does not cover the changes to a family. That person should either make a new will or amend the old one to include their changed status. A new will or an amended will ensures that the family members are covered.

5.0 Introduction

Approaching the subject of death is never easy. The times shortly before and following a person's death can be very tough on a family. The last thing they want to worry about is what to do with the person's property once they die. However, by planning ahead, a person can save their loved ones a considerable amount of time and frustration that often accompanies death. This can be accomplished by making arrangements for the distribution of their property ahead of time. One of the easiest ways to plan ahead is by making a will. In Ghana, issues related to wills are governed by the Wills Act, 1971 (Act 360)

5.1 What is a Will?

A will is a legal document that directs how one's estate is to be distributed upon their death. A person's estate means the property a person owns – land, home, money, furniture, personal property.

5.2. Types of Wills

a. Individual Will

An individual will is a will made by one person. The majority of wills you will encounter are individual wills.

b. Joint Will

A joint will is made by two or more people – often husband and wife. In a joint will, each person enters into a single agreement for the distribution of their individual property to the other. The individual people can provide for the distribution of property to anyone that they want, but the property will not be distributed until the last remaining person entering into the joint will dies.

If a person does not have a will at the time of their death, they are said to have died "intestate".

A person who dies intestate may have their estate distributed to other individuals whom they did not intend to inherit their property and belongings. It is therefore highly recommended that everyone create a will to ensure that their estate goes to the loved ones they wish to inherit from them.

5.3 Who Can Draft a Will?

While advisable, there is no legal requirement that a will be drafted by an attorney. A competent attorney will have the knowledge as to the necessary requirements of a valid will. However, an attorney is expensive and most Ghanaians cannot afford to have an attorney draft their will. Accordingly, a person can draft a will on their own behalf or have someone else draft it for them. However, it is important that legal requirements are followed when drafting a will. If a will does not conform to the particular requirements for a valid will, it can be held invalid and the estate can be divided in accordance with the Intestate Succession Law, 1985 set forth in PNDCL 111.

5.4 Who Can Make A Will?

Generally, anyone 18 years or older can make a will. However, individuals who are not capable of making decisions for themselves and would not understand that a will is disposing of their property at death cannot make wills. Such a person is said to “lack the necessary testamentary capacity”. A will made by a person that lacks testamentary capacity can be found to be invalid.

5.6 Requirements for a Valid Will

The requirements of a valid will are listed in the Wills Act of Ghana. For a will to be valid, the following must be followed:

- a. The will must be in writing (a will cannot be oral). It can be either handwritten or typed.
- b. The will must be dated.
- c. The will must be signed by the testator. The testator is the person making the will. Initials are not sufficient.
- d. Two witnesses must be present during the signing; and the same two witnesses must sign the will in the presence of the testator as well as in each other's presence. The witnesses are only attesting to the signature made on the will and not the contents.

A will can be challenged on the basis that a person lacks mental capacity and struck down as being invalid. Make sure that the person that you are advising is of sound mind.

5.7 What to do after a Will is made

After making a will, it is advisable that you keep the original in a safe place and that you inform your family where the will can be found when you die. The Testator is required to place copies in a safe, and/or give a copy to the courts, attorney, and bank among others.

5.8 Amending a Will

A will can be amended or cancelled at any time. The laws that are applicable to making a will also apply to amending a will. Therefore, when amending a will, you will need to make sure that you follow the requirements outlined above. An amendment to a will is valid and enforceable so long as the requirements for a valid will are followed. It is advisable that you amend your will if you recently got married, divorced, added/removed children to your family, or if a beneficiary contained within your previous will has died.

5.9 Cancelling a Will (Revocation)

A will is revocable at any time prior to the death of the testator. A will is deemed to be revoked if it was the intention of the testator that it be revoked by tearing physical destruction. A revocation must be done in writing and cannot be done orally. A will can be revoked expressly where a new will is made that contains a clause stating that any prior wills are revoked.

5.10 Executors

An executor is a person chosen by the testator in the will who ensures that the will is administered according to the testator's wishes. The executor can generally be anyone the testator wishes, however, the testator should choose someone they respect and trust.

5.11 What Happens If You Die Without A Will (Intestate Succession)?

When an individual dies having not made a will the individual is said to have died “intestate”. Dying intestate can mean that a person’s property will be distributed through intestate succession law. The result of the application of these laws is that the distribution of property may not be how the decedent wished or planned to have the property distributed upon their death. Intestate succession related issues are governed by the Intestate Succession Law, 1985, PNDCL 111.

5.12 Distribution of Property under PNDCL 111

PNDCL 111 applies automatically, to both foreigners and citizens of Ghana who die leaving assets in Ghana but do not make a will. However, experience shows that many Ghanaian families do not follow the provisions of PNDC Law 111, fearing it would dissipate their property. Most families still rely on the dictates of customary law.

Under the rules of PNDCL 111, in the absence of a will, the entire estate of the deceased devolves to the next of kin. The compulsory beneficiaries are the children, spouse and parents of the deceased. The fraction of the estate distributed to each heir varies according to the numbers and categories of heirs involved in the distribution.

The **surviving spouse** and/or children are entitled to all the household chattels of the deceased. If the estate includes one house, the surviving spouse and/or children are entitled to own it. If the estate includes more than one house, the surviving spouse and/or children must decide how the houses are devolved, and they own the houses as tenants in common. If there is disagreement, or if they are unwilling, or unable, to make such a choice, then the High Court, upon application by the administrator of the estate, can determine which of the houses devolves to the spouse and/or children.

If the deceased has no family, the Administrator-General takes charge of the payment of the deceased’s debts, fees, expenses, and liabilities, and pays the balance to the Accountant-General. The Accountant-General, in turn, informs the Attorney-General, who publishes the accounts, announces the completion of the administration of the estate, and calls on claimants to present their petitions to court on legal, equitable, or moral grounds. Equitable or moral claims refer to those of dependants of the deceased or other persons for whom the deceased might reasonably have been expected to make provision.

5.13 The reserved portion of the property

There is a reserved portion of the estate, to ensure that some categories of people are not excluded from the will. The rules are complex. The portions depend on the numbers and existence of each category of heir. The minimum reserved portion is a 1/8 share to each person, if the deceased is survived by a spouse, children, and parents. The maximum share is 1/4 to each person, if the deceased is survived by only parents with no spouse or children. Once these categories are catered for, then the testator is free to distribute the residue of the estate as he/she desires, including those already beneficiaries under the

reserved portion. If the deceased failed to make provision in his will for a financial dependent, that person can apply to the High Court for provision.

5.14 Practical Tips for Paralegals

The following are some practical tips for paralegals that should help when advising and drafting a will for a prospective client. Set aside at least two hours, making sure to take breaks as necessary to ensure the quality of information you are requesting is of the highest order. This can sometimes be a very difficult interview for the client. Making sure the client is comfortable both mentally and physically is very important.

Make sure to be specific in your questions to obtain specific responses. Because provisions in a will can be struck down for being unclear, the more specific the information you can gather, the more confident you can be that the provisions in the will are valid.

Make sure to gather detailed information as to all:

- a. Potential recipients of the estate. Make sure to gather their name, date of birth, address, and telephone number, etc., so that you can provide a very clear picture as to who will be inheriting from the testator. This information will also be helpful in contacting the potential recipients when the time comes to distribute the estate.
- b. Land. Make sure to gather information regarding the location, value, mortgages on the property (if any), any other names on the deed, and what type of tenancy it is being held in (joint, tenancy in common, etc.).
- c. Personal property. Make sure to identify the individuals who will be receiving the property including their name, address, and any alternate beneficiary should the original beneficiary die before the testator.
- d. Bank accounts and any other institutions that may be holding money for the client. Debts being held by the client.
- e. Find out if the client has ever made a will in the past, and if so, on what date(s) and what is the current status of that will (e.g., current, revoked, lost, etc.).
- f. If the client wants a previous will revoked, include a provision in the new will revoking the previous will.



Module 6: Land Law



Module Six

LAND LAW

Learning Objectives: By the end of this session participants will understand the concept of land law and the processes in acquiring land in Ghana

6.0 Some of the Laws governing Land in Ghana Are:

- Lands Commission Act, 1994 (Act 493)
The Administration of Lands Act 1962 (Act 123)
- Land Title Registration Act, 1962 (Act 122)
- Conveyancing Act, 1973 (NRCD 175)
- 1992 Constitution-Art 257-267
- Land registry Act, 1962
- State lands Act, 1962 (Act 125)

The above laws, among others were enacted to control and guide the acquisition and use of land.

6.1 Types of land ownership

Land in Ghana is held from various stool/skin lands, families or clans, which are the allodial owners. These lands are known as customary lands and make up about 80 percent of all land in Ghana. There are also public lands, forming the remaining 20 percent, which are made up of state lands and vested lands. State lands mean that the state holds this area by acquisition from traditional allodial owners. Vested lands refer to those plots owned by the state and customary authorities in a form of partnership i.e. split ownership

6.2 Types of interests on land

Land can be distributed and leased with various titles - The allodial title: The allodial title is the highest title in land recognized by law. Only traditional leaders, families or the Ghanaian government can hold such a title.

6.2.1 There are two forms of freehold title interest:

Customary freehold: This is an interest that individuals or groups hold in a land, which is owned by a larger traditional community – the allodial owner – of which the interest holders are members or subjects. It is an interest that is transferrable to successors of the individual or subgroups until there are no successors.

Common law freehold – Common law freehold is similar to the customary freehold. The difference, however, is that this interest can be acquired by both strangers and members of the community that owns the land. A stranger in this regard refers to a Ghanaian who is not a member of the land-owning community. It is important to note that the 1992 Constitution by article 267 (5) forbids the creation of freehold interests in stool land in Ghana.

6.2.2 Leasehold

A leasehold/lease is an interest in land that has a specified start and end for a period, subject to payment of annual ground rents and covenants. There are some lesser land interest types created under contractual, share-cropping or other customary tenancy arrangements. Two very common tenancies in the Akan areas are “Abunu” and “Abusa” Other areas have different names for these arrangements in the local dialects.

6.3 What Is Land Registration in Ghana?

Land Registration is the recording of rights and interest in land as evidence by instruments. Instruments or deeds that could be registered include leases, sub-leases, conveyances, assignments, mortgages, gifts, tenancy agreements probate and wills, letters of administration, vesting assets, statutory declarations, power of attorney etc. in relation to land.

6.3.1 The Land Registry Act 1962 (Act 122)

The Land Registry Act is the governing legislation for deed registration in Ghana. It replaced the Land Registration Ordinance of 1895 and sought to provide security of tenure to land owners and developers. This Act provides for the registration of instruments affecting Land and not the title to land. The Act attempted to provide a form of compulsory registration of deeds by providing in section 24 that 'an instrument, other than a will or a judge's certificate, first executed after the commencement of this Act, shall not have effect until it is registered.'

6.3.2 What Are The Benefits Of Registering Your Land?

The land title registration Law is acclaimed with the following advantages over the deed registration under the Land Registry Act (Act 122)

- a. It ensures certainty of your ownership of the land
- b. It establishes your rights and interests in the land
- c. It protects your rights and interests in the land, promoting security
- d. It renders you documents admissible in court
- e. It minimizes land litigation
- f. It enables you access credit facilities
- g. It enables you invest in the land
- h. It enables you develop land market and many more

Altogether, land title registration under PNDCL 152 will have the effect of reducing litigations related with land ownership; enhancing easy and speedy proof of title and rendering dealings in land safe, simple prevent fraudulent conveyance

6.5 Types of Land Ownership in Ghana

- a.
 1. INDIVIDUAL/PRIVATE LANDS: These are lands owned by individuals and private entities
 2. STOOL/ SKIN LANDS: These are lands under the custodianship of various chiefs
 3. FAMILY LANDS: These are lands managed by Heads of families assisted by principal members of the families.
- c.
 4. STATE AND STOOL VESTED LANDS: These are lands managed by the Lands Commission

6.6 General Procedures in Acquiring Land in Ghana

It is always advisable to follow due diligence to avoid being dragged into a never conclusive land disputes by ensuring that:

- a. You are dealing with the rightful owner of the land recognized by law –a quick official search will do in addition to neighborhood questionings and supporting documents from claimed owner. Do an original survey of the said parcel for the search to be sure the plan used for the search is for the exact land of interest
- b. You engage the services of a qualified land surveyor .In Ghana, only licensed surveyors are permitted legally to undertake cadastral surveys.

6.6.1 Land Inspection

The investor must check the boundary corners of the land in question to verify the full extent of the land and be sure of the feasibility of the project to be used .This must be done by an expert and must be in the presence of the land owners as witnesses. Carrying out through checks about the land is important, as this will enable the future land owner get to know if the land is available to be acquired .In this process, the prospective land owner can also consider the services of a land lawyer to research the land and prove its availability ;such as if it has already been sold out .Checks must also be done with other government land overseers ,for example ;Tema Development Corporation (TDC), to ascertain if the land had been earmarked for any developmental projects .One would also be told if the land is not suitable ,say if it is a water-logged area, and therefore ,not advisable to be purchased.

6.6.2 Land search:

This is the most important stage .Here, surveyors go onto the land to pick and demarcate the land parcel. The result is taken to the lands commission to verify the true owners then you can carry on the process, if not quit or seek legal advice

6.6.3 Acquisition and Negotiation:

After the availability and suitability of the land has been established ‘the interested buyer or lesser negotiates with the actual owner of the land for sales .It is important to be reminded that the interested buyer must deal with the rightful owner of the land because the use of middlemen is not advisable .An agreement is reached and documents made to its effect.

6.6.4 Land Documentation:

The investor can; proceed with the documentations; normally after a quarter or part payment has been done. The land owners then prepare the documents which must include a true and certified copy of indenture and site plans .Three copies of the agreement documents would be needed for endorsement by a land lawyer, who will have to sign the back of each of the copies with his practicing stamp duly fixed. Each copy of the document must have a site plan attached, together with two extra copies of a site plan attached, all making 5 documents. The back of the site plan would be also needed to be endorsed by the owner and the buyer of the land; after which they (the site plans) are to be certified by the stamps of a licensed surveyor with accurate date.

6.6.5 Witnesses:

These are people who testify to the proceedings so that in suture whenever there’s any case of challenge about ownership of the land, they would be called upon for assistance. It is therefore required that at least 2 qualified persons from both parties-the seller and buyers sides must sign as witnesses. The two witnesses signing on behalf of the buyer or lessee must do so with their full names, addresses and original signatures.

6.6.6 Land Commission:

After the endorsement of the documents it is the sent to the land commission, together with processing fees for processing and r4egistration of land to begin. After the processing is completed, the documents are released to the Land Valuation Board for stamping and certifying.

6.6 7 Internal Revenue Authority (IRS);

The IRS sees to the taxes associated with the registration process .From the land valuation board, the processed documents are then released to the IRS for tax clearing of the land to be made.

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TRAINING EVALUATION FORM – TO BE FILLED AFTER THE TRAINING

The following to be filled in by the participants name of participant:

..... *institution:*

..... *occupation*

..... *sex:*

..... *country:*

..... *date:*

Before leaving the training, would you please let us have your opinion about the training you have attended? In doing so, you will contribute to the quality of future trainings. Please complete the following final training evaluation questionnaire.

Mark the box which corresponds most closely to your opinion on each question.

*1. Overall, how valuable did you find the training?
of no value Δ of moderate value Δ valuable Δ very valuable*

*2. The objectives of the training were:
not clear Δ clear Δ very clear*

3. Would you say that the training met all, some or none of your expectations? Explain briefly which of your expectations were not met and why:

.....
.....
.....

*4. Overall, the content of training was appropriate:
strongly disagree Δ agree Δ strongly agree Δ*

5. What have you learned in this training which you can apply most in your work?

.....
.....
.....

6. What constraints might prevent you from applying what you have learned?

.....

38

7. Overall, the methodology of the training was appropriate: strongly disagree Δ disagree to some extent Δ

8. How useful was the group work and exercises? not at all useful Δ not very useful Δ useful to some extent Δ very useful Δ

What suggestions do you have for improving the methodology or group work?

.....
.....
.....
.....

9 The audio-visual material (such as the video programmes, transparencies drawings and diagrams) used in this module were: clear Δ unclear Δ

10. How useful was the information kit? not at all useful Δ useful to some extent Δ very useful Δ

11. Overall, the trainers were prepared and their session well-presented strongly disagree Δ undecided/ disagree Δ agree Δ strongly disagree

12 Do you have any suggestions for the trainers?

.....
.....
.....
.....

13 The general atmosphere and relationship have been very constructive: strongly disagree Δ agree more or less Δ agree Δ strongly agree