



# THE UNIVERSITY *of* EDINBURGH

This thesis has been submitted in fulfilment of the requirements for a postgraduate degree (e.g. PhD, MPhil, DClinPsychol) at the University of Edinburgh. Please note the following terms and conditions of use:

This work is protected by copyright and other intellectual property rights, which are retained by the thesis author, unless otherwise stated.

A copy can be downloaded for personal non-commercial research or study, without prior permission or charge.

This thesis cannot be reproduced or quoted extensively from without first obtaining permission in writing from the author.

The content must not be changed in any way or sold commercially in any format or medium without the formal permission of the author.

When referring to this work, full bibliographic details including the author, title, awarding institution and date of the thesis must be given.

Chieftaincy-State Relations:  
Making Political Legitimacy in Ghana's Fourth Republic

Setriakor Dzivenu

Submitted in partial fulfilment of the requirements for the degree of  
Doctor of Philosophy

The University of Edinburgh

October, 2011

## Declaration

This thesis has been composed by myself from the results of fieldwork, except otherwise acknowledged. It has not been submitted in any previous application for a degree.

Signed: (Setriakor Dzivenu)

Date:

## Abstract

This thesis examines the role of chiefs and chieftaincy in Ghana's Fourth Republic. It focuses on the interactions between chieftaincy, the state apparatus and society in areas of local government, land administration and democratic politics, using Hohoe and Kumasi as case studies. The central objective is to explore the legitimation processes of chiefs and chieftaincy, especially how chiefs in both areas seek to assert authority with respect to the state and society. By taking a closer look at how chiefs negotiate the modern political order, this research takes a position between those who see chieftaincy as an indigenous institution deserving recognition and protection, and those who view it as incompatible with the modern political dispensation. The research describes how a network of legal and informal strategies has influenced the ways in which state and chiefs interact. By focusing on this interaction, the thesis also reveals the on-going legitimation processes at the local and national levels in Ghana with respect to chiefs and chieftaincy. The thesis reveals that even though both state actors and chiefs want, and are constitutionally obliged, to exercise political control in certain distinct ways, the reality is that neither is able to do so completely. To remain relevant, both the state and chieftaincy asserted a hybrid authority in their relation with society, thereby blurring the boundaries between their primary identities. Thus rather than establishing a 'bifurcated state', these processes revealed a 'syncretic' authority relations overlapping in ways that blend political norms, processes and rules associated with each.

*For Mum, who brought me to the right path*

*&*

*For Chinyere, who made the journey meaningful.*

# TABLE OF CONTENTS

<b>Declaration</b> .....	2
<b>Abstract</b> .....	3
<b>Acknowledgements</b> .....	11
<b>List of Diagrams, Maps and Table</b> .....	13
<b>Abbreviations</b> .....	14
<b>CHAPTER ONE</b> .....	15
CHIEFTAINCY, STATE AND THE CASE FOR LEGITIMACY .....	15
1.1 Introduction .....	15
1.2 Research Questions.....	19
1.3 Chieftaincy in Ghana: Facts and Fictions.....	20
1.4 Why Ghana .....	24
1.5 Making Sense of Resilient Chieftaincy - Existing Theories.....	27
1.5.1 <i>The Colonial Legacy</i> .....	29
1.5.2 <i>Weak State</i> .....	33
1.5.3 <i>Socio-Economic and Political Developments</i> .....	35
1.5.4 <i>Chieftaincy Adaptability</i> .....	36
1.6 Multiple Legitimacies Framework.....	37
- <i>The Nature of Political Legitimacy</i> .....	40
1.6.1 <i>Moral Legitimacy</i> .....	44
1.6.1.1 <i>Moral Legitimacy in Ghana</i> .....	48
1.6.2 <i>Legitimacy as Performance in Ghana</i> .....	52

1.7 Research Design .....	54
1.7.1 Methodology.....	54
1.7.2 Challenges .....	62
1.7.3 Case-Studies .....	64
1.8 Thesis Outline .....	70
1.8.1 Chapter One: Chieftaincy, State and the Case for Legitimacy .....	70
1.8.2 Chapter Two: The Historical Development of Chieftaincy and the Principle of Unity.....	70
1.8.3 Chapter Three: The Making of a Mixed Polity: Transformation and Accommodation of Chieftaincy .....	70
1.8.4 Chapter Four: Chieftaincy and the District Assemblies: Multiple Boundaries and the Ambiguities of Representation.....	71
1.8.5 Chapter Five: Chieftaincy and the Economy of Land Resources: Expanding the Parameters of Tradition .....	71
1.8.6 Chapter Six: The Contested Nature of Politics and Democracy in Ghana.....	71
1.8.7 Chapter Seven: Conclusion: Chieftaincy and the Fourth Republic: Legitimacy in Mixed Polity .....	72
<b>CHAPTER TWO .....</b>	<b>73</b>
THE HISTORICAL DEVELOPMENT OF CHIEFTAINCY AND THE PRINCIPLE OF UNITY .....	73
2.1 Introduction .....	73
2.2 The Pre-Colonial Polity .....	75
2.2.1 The Ideological and Political Imperatives of Unity.....	75
2.2.2 Unity in the Making: Political Legitimacy Prior to Colonialism .....	79
- The Emergence of Kumase and Asante.....	79

- <i>Gbi Polity Formation</i> .....	86
2.2.3 <i>Order, Consultation, Impartiality and Community Welfare</i> .....	90
2.2.4 <i>Decentralisation and Contextual Authority Relations</i> .....	94
2.2.5 <i>Limits of Authority</i> .....	96
2.2.6 <i>The Idea of Chieftaincy</i> .....	97
2.3 <i>Remaking Unity: The Appropriation of Political Traditions in the Colonial Administration</i> .....	98
2.3.1 <i>The Establishment of Colonial Rule</i> .....	98
2.3.2 <i>Unity and Order: The Ideological Foundations of Colonial State</i> .....	105
2.3.3 <i>Redefining Consultation, Impartiality, and Community Welfare under the Colonial Rule</i> .....	111
2.4 <i>Conclusion: Past as Prologue: Unity in Post-Colonial Ghana</i> .....	116
<b>CHAPTER THREE</b> .....	119
THE MAKING OF A MIXED POLITY: ACCOMMODATION AND TRANSFORMATION OF CHIEFTAINCY.....	119
3.1 <i>Introduction</i> .....	119
3.2 <i>Redefining State Institutions</i> .....	122
3.2.1 <i>The Concentration of Authority in Elected Representatives</i> .....	123
3.2.2 <i>Constitutional Creation of Chieftaincy</i> .....	125
3.2.3 <i>The Struggle against Reforms (1954 -1956)</i> .....	128
3.3 <i>Redefining Chieftaincy (1966-1992)</i> .....	135
3.3.1 <i>The Era of the National Liberation Council (NLC) (1966 - 1969)</i> .....	136
3.3.2 <i>The Second Republic (1969 - 1972)</i> .....	136
3.3.3 <i>Chieftaincy in the Third Republic (1979-1981)</i> .....	142

3.3.4 <i>The Provisional National Defence Council (1981-1993)</i> .....	143
3.4 The Fourth Republican Constitution.....	146
3.4.1 <i>National Debate on Constitutional Proposals</i> .....	146
3.4.2 <i>The 1992 Constitutional Provisions on Chieftaincy</i> .....	149
3.5 Conclusion: The Limits of Accommodation and Transformation .....	153
<b>CHAPTER FOUR</b> .....	157
CHIEFTAINCY AND THE DISTRICT ASSEMBLIES: MULTIPLE BOUNDARIES AND THE AMBIGUITIES OF REPRESENTATION IN LOCAL GOVERNANCE .....	157
4.1 Introduction .....	157
4.2 Decentralisation in Ghana: A Background.....	158
4.2.1 <i>Local Government Functions and Structure</i> .....	161
4.3 The Making of District Assemblies: Expectations and Realities .....	168
4.4 Chieftaincy-State Relations at the Grassroots .....	173
4.4.1 <i>Perception of MMDAs and Chieftaincy Authority</i> .....	174
4.4.2 <i>All Local Politics is Personal: Chief-Assembly Relations</i> .....	178
4.4.3 <i>Struggle over Representation</i> .....	181
4.5 The Weak State Thesis and Kumasi Traditional Authority .....	183
4.6 Conclusion: The Ongoing Struggle for Hegemony.....	186
<b>CHAPTER FIVE</b> .....	189
CHIEFTAINCY AND THE ECONOMY OF LAND RESOURCES: EXPANDING THE PARAMETERS OF TRADITION .....	189
5.1 Introduction .....	189
5.2 Customary Land Principles .....	190

5.3 The Transformation of the Customary Land Regime .....	194
5.4 Land Administration in Practice .....	197
5.4.1 <i>Office of the Administrator of Stool Lands</i> .....	197
5.4.2 <i>Lands Commission</i> .....	202
5.4.3 <i>Metropolitan, Municipal and District Assemblies (MMDAs)</i> .....	204
5.4.4 <i>Central Government's Position</i> .....	208
5.5 Conclusion: Tradition, Land and Political Legitimacy .....	210
<b>CHAPTER SIX</b> .....	212
THE CONTESTED NATURE OF POLITICS AND DEMOCRACY IN GHANA	212
6.1 Introduction .....	212
6.2 Politics and Democracy in Ghana.....	213
6.2.1 <i>Politics as Violence, Disunity and Development</i> .....	214
6.2.2 <i>Democracy as Unity and Development</i> .....	219
6.3 The Spectacle of Democratic Choice: The 2008 Presidential and Parliamentary Elections.....	223
6.4 'Democratising' Chieftaincy from Within: Promoting Development and Broadening Participation .....	231
6.5 Conclusion: Imagining Politics and Democracy in a Mixed Polity .....	235
<b>CHAPTER SEVEN</b> .....	239
CONCLUSION: CHIEFTAINCY AND THE FOURTH REPUBLIC: LEGITIMACY IN MIXED POLITY.....	239
7.1 Legitimacy in Mixed Polity.....	239
7.2 The Nature of Political Legitimacy in Mixed Polity.....	240
7.3 Towards a Greater Understanding of Resilient Chieftaincy.....	248

<b>BIBLIOGRAPHY .....</b>	<b>250</b>
<b>APPENDIX .....</b>	<b>266</b>

# Acknowledgements

*To God Best and the Greatest (Deo Optimo Maximo)!*

I am very deeply indebted to my mentor and teacher, Professor Paul Nugent of the Centre for African Studies, University of Edinburgh. Paul supervised this doctoral research with patience and understanding and, by his many and invaluable criticisms, he freely allowed me to benefit from his profound knowledge of Africa. He took personal interest in this work and has encouraged me to think harder and push my limits. Paul, I am extraordinarily grateful to you for the support provided at all stages of the thesis writing. You are indeed 'the godfather'. I also remain deeply indebted to Dr Jude Murison, my second supervisor, for her real encouragement and generous feedbacks throughout my studies. Thank you two for all your helps.

The opportunity to study for a PhD would not have been possible without funding from the University of Edinburgh and the Scottish Overseas Research Council. The Centre for African Studies at the University of Edinburgh also provided opportunities for work and some income when the original funding ran out. I want to particularly thank Dr Barbara Bompani, Professor James Smith and Ms Seona Macintosh for helping to organise the financial support necessary to complete this work.

I have also benefited from the assistance and criticisms of quite a number of people, including Janice McLean, Elijah Obinna, Alex Beresford, Laura Mann, Caryn Abrahams, Annalisa Urbano, Marc Fletcher as well as the CAS reading group. The credit goes to them for minimising my errors.

There may still be errors and imperfections, and for this I am responsible. This however does not derogate from my gratitude to them all.

I am also grateful to the many people in Ghana who kindly shared their knowledge and experience with me, challenged my ideas, and offered me friendship. In particular, I thank Mr Owusu Ansah and the staff of Manhyia Palace Secretariat, Mr Martin de-Pores of the Manhyia Archives and his staff, the staff at the National House of Chiefs, Togbega Gabusu VI and his sub-chiefs at Hohoe, Professor Atsu Ayee, Professor Kwame Boafo-Arthur, Professor Robert Addo-Fening, and a host of academics at the University of Ghana who offered me support while conducting my fieldwork. My gratitude also goes to the officers at the Ministry of Chieftaincy and Culture in Accra, the Administrator of Stool Lands in Accra, and Kumasi and Hohoe local governments, for the permission to meet them in their offices.

My greatest debt of appreciation goes to Chinyere, my sweetheart, greatest inspiration and PhD discovery as well as my sunshine mum, Ruth Ocansey. I also appreciate the support of my siblings (Gorkeh, Kokui, and Abui), Ben Ocansey, Janice McLean, ACCF-Edinburgh, Derrick Degboe, Raphael and Doris Mrode, Elijah and Favour Obinna, Anthony Ekine, Francis and Esi Fiakporu, Wisdom Atafoe, Raymond Amesi and the Adzaku family in Kumasi for their willingness to shoulder my complains and difficult times.

## **List of Diagrams, Maps and Table**

Map 1. Regions of Ghana	67
Map 2. The Kumasi Metropolitan Assembly and Asanteman	68
Map 3. Gbi in Hohoe Municipal Assembly	68
Map 4. Regions of the Gold Coast	104
Diagram 1. The Colonially-Approved Traditional Hierarchy	144
Diagram 2. Overview of Local Government Structure	166
Table 1. Responsibility of Local Government	169

# Abbreviations

ARPS	Aborigines' Rights Protection Society
CA	Consultative Assembly
CDR	Committee for the Defence of the Revolution
CPP	Convention People's Party
HMA	Hohoe Municipal Assembly
KMA	Kumasi Metropolitan Assembly
LC	Land Commission
MLGRD	Ministry of Local Government and Rural Development
MMDA	Metropolitan/Municipal/District Assembly
NCD	National Commission on Democracy
NDC	National Democratic Congress
NHC	National House of Chiefs
NLM	National Liberation Movement
NPP	New Patriotic Party
OASL	Office of the Administrator of Stool Lands
PDC	People's Defence Committee
PNDC	Provisional National Defence Council
PP	Progress Party
RHC	Regional House of Chiefs
T/VDC	Town/Village Development Committee
TC	Traditional Council
TVT	Trans-Volta Togoland
UGCC	United Gold Coast Convention

# CHAPTER ONE

## CHIEFTAINCY, STATE AND THE CASE FOR LEGITIMACY

### 1.1 Introduction

Today, the re-constituted fifty-member National House of Chiefs held their inaugural meeting to elect its leadership in the National House of Chiefs building in Kumasi. A commissioner of the Electoral Commission (EC) - the state body mandated to organise and supervise public office elections – was in charge of the process. Before the election, something interesting happened - four ‘absentees’ chiefs asked to vote by proxy. The request ignited a debate about who is qualified to take part in House of Chiefs proceedings. Constitutionally, full membership to the National House of Chiefs requires being elected by the Regional House of Chiefs and the swearing of three oaths: membership, secrecy and of the judiciary. The four absentee chiefs had not sworn any of the oaths. Some of the already inducted chiefs appealed and impressed on their colleagues to allow for their ‘representatives’ to vote in order to uphold the ‘traditional convention’ of respecting the emissary of the chief. The ensuing debate was witnessed quietly by the electoral commissioner without insisting on the electoral rules of eligibility. In the end, the decision was left to the proxies to make. Following the meeting, one worker at the National House of Chiefs indicated that the Commissioner could not speak on the ‘constitutional violation’ taking place because state officials are legally barred from interfering in chieftaincy affairs. He then gave another reason for the commissioner’s silence, one that I have heard many people including government functionaries make: “the state official is also a subject to one of the chiefs and he must show respect to traditional authority” (fieldnote, Kumasi, October 26, 2008).

The excerpt above is one that reveals both continuity and change with the Ghanaian political past. It exposes a struggle between legacies of the pre-colonial kingdoms and polities and the modern state apparatus.

Understanding how chieftaincy seeks to establish and maintain this process vis-à-vis the state as well as local population, is the objective of this thesis.

Since the colonial state period, chieftaincy has been forced to share its authority with a new set of institutions, which are based on a set of norms, rules and processes that are distinct from its own. For example, one current difference is that while the state institutions are premised on the twin principles of majority rule and free and fair elections, chieftaincy is based on decision making through consensus and on the hereditary right to rule. Similarly, while the state promotes the vision of a pluralistic and diverse society, many people in the local communities perceive the chief as representative of the unity of the local community, and this mentality creates the 'we' and 'they' phenomenon.

These differences are not trivial, nor are they necessarily incompatible, but they do represent conflicting worldviews about the nature of authority and the right to rule. Thus, what is important to analyse is how the recognition and protection of chieftaincy in the state constitution puts in motion a struggle between chieftaincy and the state over which moral-order would achieve hegemony at the local level.

As the excerpt above revealed, there are no clear 'winners' or 'losers' in this struggle. Instead, one of the results of this has been the mutual transformation of both state institutions and chieftaincy, and the blending together of the different political norms, rules and processes associated with each. Understanding how this mutual transformation unfolds and the implications this has on the legitimacy of chieftaincy and the legitimacy of the Fourth Republican state is the central aim of this thesis.

The starting point of this analysis is based on the current political reality that chieftaincy remains an important political force at the local level. In previous research on the authority of chieftaincy, there is a general consensus that in much of sub-Saharan Africa, and specifically in Ghana, people still rely on chieftaincy to address their daily needs (Logan 2009; Oomen 2005; Bratton, Mattes and Gyimah-Boadi 2005; Odotei and Awedoba 2006). The reasons why people continue to access their chiefs and the question of whether people accept chiefs as legitimate rulers remain open to debate (Van Rouveroy van Nieuwaal 1996; Oomen 2005; Englebert 2002). This political reality, in my opinion, requires a different type of analysis that does more than a debate or simply wish chieftaincy away, but rather seeks to understand the process through which it establishes and maintains influence.

In examining this process, I argue that chieftaincy and state institutions cannot be defined as classically distinct institutions (Ekeh 1975: 92), neither are they completely fused (Mamdani 1996: 23–24). Instead, chiefs and state officials recreate themselves by concurrently defending their underlying normative orders, and appealing to sources of legitimacy both within and outside their domain in unanticipated ways. In short, chiefs and state officials reside in two distinct spheres, but their relationship also allows for boundary-crossing whenever it enhances their authority.

To analyze this legitimation process in Ghana, I examine the dynamics of chieftaincy relationship with state institutions and local populations in two chieftaincies located in Ashanti and Volta Regions (see map 1). My analysis situates the local experience into the broader political environment and compares the process of continuity and change in these two chieftaincies. This comparative case study focuses on the introduction of

specific rules, norms, processes and institutions that are fundamental to keeping distinctions between the two chieftaincies and state institutions. In particular, I analyze how the introduction of state-controlled local government, land resource management and democratic politics in the Fourth Republic affected the legitimation processes of chiefs and chieftaincy at the local level. Through the 'multiple legitimacies framework' developed for this analysis, I will explain how chieftaincy has sought to establish and maintain its authority in the modern state.

Oomen's (2005) analysis and methodology come closest to matching those of this study. Oomen moves between the national and local to explain how chiefs have managed to create law and authority since the 1990s in the post-Apartheid South Africa (Oomen 2005: 200-233). Oomen sought to measure and explain political legitimacy in Sekhukhuneland, but she dedicated just one chapter to the issue of understanding the means of building legitimacy in a pluralistic society. This research focuses more on political legitimacy and how it is manifested in ways other than lawmaking, the objective of Oomen's research. My work also seeks to understand how established chieftaincy myths, norms, laws, rules, processes and institutions influence the legitimation process within the state.

Boone (2003) in her study on Senegal, Ghana and Cote d'Ivoire also tried to identify these various myths, rules, processes, institutions and individuals, state and non-state alike. Boone noted that "understanding the institutional outcome or 'deeper politics' requires examination of the variations in the institutional arrangement linking core and rural periphery" (Boone 2003: 20; Crook 2005; Migdal 1994). The centre-periphery relationship changes over time, partly as a consequence of interactions and partly due to

preferences of actors involved. Contradicting Mamdani (1996: 23-24), Boone stressed the existence of powerful independent local elites capable of influencing the decision of the state apparatus. She focused attention on the specifics of bargaining between the state and the societal actors. Her findings also have relevance to this work because they place negotiation and bargaining among actors at the centre of its analysis. What is less apparent in the literature is what happens when state institutions and other social forces, each with their own set of norms, rules and processes, occupy the same social space, such as in the event captured at the beginning of this chapter. The assumption is that each may desire to impose its own moral order and completely envelop the other, but this rarely occurs (Mamdani 1996). Rather, I argue throughout this thesis that this interface facilitates or produces a phenomenon that involves negotiation, and/or contestation and mutual transformation of both state institutions and chieftaincy, and the blending together of the different political norms, rules and processes associated with each.

## **1.2 Research Questions**

In order to appreciate these different dimensions of the study, the main research question - *how do chiefs and state recreate legitimacy following the implementation of the 1992 Constitution?* - is divided into two parts, each with a list of operational sub-questions.

1. What is the basis of chieftaincy authority? How did chieftaincy authority become part of the modern state project and what historical processes preceded it? What is the genesis of the chief-state collaboration in Ghana and how has it shaped the chief-state relations in the twenty-first century? What is the basis for this relationship, and what are the underlying assumptions?

2. What are the key areas of chieftaincy and state interaction in the twenty-first century? What are the provisions in the current Fourth Republican Constitution [1992] that define the rights and operation of chiefs in relation to the state? What are the expectations of chiefs and the state institutions and officials under the current constitution? How have chiefs and state institutions implemented their constitutional obligations in these areas? What practices or claims are made in this interaction? Who defines the rules and what issues of power are at stake and how does this impact on the nature of authority? What does the process tell us about state formation and chiefly authority in Ghana?

The questions pursued in this study are designed to link the past to the present, as well as the national and the local, so as to capture the everyday struggles and the nature of chieftaincy authority in contemporary Ghana. This study reveals that the struggle between chieftaincy and the state to exercise authority is syncretic in nature, both at the local and national levels.

### **1.3 Chieftaincy in Ghana: Facts and Fictions**

According to the National House of Chiefs, which is a state body established to regulate chieftaincy activities in Ghana, there are more than thirty-two thousand individual chiefs (male leaders), queenmothers or queens (female leaders), divisional chiefs/queens, sub-divisional chiefs/queens, headmen, elders who reside in all the ten administrative regions of Ghana.<sup>1</sup> Those

---

<sup>1</sup> The distinction implies a correlation between gender identity and tasks. However, the female strand of political leadership remains politically underrepresented in contemporary traditional politics especially in relation with the state (Odotei 2006). This thesis is therefore concerned with the male chiefs and the state relations - a relationship is also recognised in constitution of the Fourth Republic.

occupying these various positions or holding such titles are sometimes collectively referred to as 'traditional leaders' or 'traditional rulers' and the institution itself is referred to as 'traditional authority'. It should be noted that these terms are themselves sources of much political and academic debate (Ranger 1993; Honutondji 1997:15-19; Chanock 1985: 8; Zartman 2002:7; Makang 1997: 324-325).<sup>2</sup> For some, the use of the term 'traditional' is controversial as it implies that the institution and its leaders have remained unchanged over time and somehow provide an unproblematic link with the pre-colonial past (Odotei and Awedoba 2006: 19). In this same vein, there are many traditional leaders who find the terms 'chief' or 'chieftaincy' disgraceful because these are titles that were 'invented' during the colonial rule. Nevertheless, the terms 'traditional leaders', 'traditional leadership', 'traditional authority', 'chief' and 'chieftaincy' are all in common usage in Ghana, and especially the terms 'chief' and 'chieftaincy' are used in the constitution and in many statutes.

At the local level, this debate is usually avoided as the people refer to the institution in their indigenous language. For example, the supreme chief of Gbi (or Gbi Dzigbe) in Hohoe is referred to as Fiaga and that of Asante in Kumasi is called the Asantehene. In a similar fashion, the debate whether a

---

<sup>2</sup> The word 'tradition' or 'traditional' is used in this study to convey the same meaning. As indicated, the concept itself has occasioned vast discussions and inspired great ambiguities (Honutondji 1997: 15-19). In this study, something is considered 'traditional' if it has evolved within the Ghanaian society and practiced in Ghana for an extended period beyond colonialism rather than being the product of purely external importation (Zartman 2002: 7). Ghanaian traditions continue to exist, even in the contemporary - or modern - period, and the traditional positions or institutions considered in here are all used today. Tradition as used here is therefore "not frozen in time, but [is] in continual development, adapting [itself] to new historical circumstances" (Makang 1997: 324-325). Traditional structures have been updated, adjusted, and opened to new accretions in order to stay alive through changing times. 'Traditional' therefore does not mean unaltered, archaic, timeless or "changeless regularity" of practices or institutions (Chanock 1985: 8). It also not set in opposition to those of modernity and progress.

female counterpart is a 'chief', a 'queen mother' or a 'queen' becomes irrelevant when the appropriate local terms are used (Brydon 1996: 227).<sup>3</sup> These notwithstanding, I prefer to use the terms 'chieftaincy' to describe the institution itself and 'chiefs' to describe those particular leaders with this title. I have not made this choice for any normative reasons, or because of their constitutional usages, but a belief that 'chieftaincy' and 'chief' allow for a more fluid narrative. Where I refer to the chief, queenmother and other traditional offices together, and for the sake of convenience, I will simply use the term 'traditional leaders'.

The thirty-two thousand chiefs and their assistants (traditional leaders) noted above fall under almost three hundred autonomous polities or paramountcies in Ghana. The sovereign chiefs of these paramountcies rule over sizable land and have authority over a group of subordinate chieftaincies. For example, the Chief (Fiaga) of Gbi paramountcy, Togbega Gabusu VI, rules over thirty-two subordinate chiefs and the Asante chief (Asantehene), Osei Tutu II, leads over two hundred and eighty subordinate chiefs within the Kumasi paramountcy as well as heads a confederation of thirty-eight other paramountcies constituting Asante.

Since colonial rule, the state has used different vocabularies for these paramountcies or sovereign territories. For example, in last decade of nineteenth century, the jurisdictions were called Native Authorities. After the

---

<sup>3</sup> It has however been noted by Odotei (2006: 95) that the Gbi traditional position of Queenmothers or *Nyonufiawo* or *Mamawo* is an Akan borrowing. This new title and office replaced the place of market women leaders which coordinated the affairs of women in Gbi. The Gbi queenmother therefore have less functional duties compared to the Asante counterpart and have no key role in the traditional governance process. The Asante queenmothers on the other hand hold important positions, including selecting candidates from the royal family for a vacant chief's stool and are authorities on kinship matters (Steegstra 2006).

transition to internal self-government for the Gold Coast (now Ghana), which led to the passage of the Local Government Ordinance of 1952, these jurisdictions were renamed State Councils. However, with changes in the Local Government Ordinance in 1958, the State Councils were renamed 'Traditional Councils' and their areas of jurisdictions re-christened 'Traditional Areas' in 1961 (Chieftaincy Act of 1961, Act 81). The change in nomenclature means that, in theory, all subjects of chiefs are also citizens under the sovereign authority of the Ghanaian state (Kludze 2000: 406). Thus, the local territorial boundaries of chiefs have fairly remained the same since the colonial era, despite the different designations. Unlike the pre-colonial period, where chieftaincy boundaries were much less defined, the current clearly-defined territorial areas are the product of state law.

In terms of what chiefs do on daily basis, the local population expect their chief to fulfil certain responsibilities. First and foremost, the chief is responsible for providing order and security and makes sure that those who break the rules are held accountable. Second, the chief helps to solve disputes. Where it is conflict over land, property, there is an expectation that the chief would be involved in the resolution process. The chief is also responsible for the lands and resources in the community. He also presides over ancestral rituals and ceremonies. There is a belief in many communities that the chief is the most important link between the ancestors and that he provides unity to his area through his connection with the supernatural world (Frempong 2006: 383; Oquaye 1997: 86). While the extent to which chiefs perform these ceremonial functions vary, it is common to hear people discuss how the chief's authority is based not only on what he does in the natural world, but also on his connection with the supernatural as well (Frempong 2006: 383; Oquaye 1997: 86).

Since 1958, the state has adopted numerous measures to accommodate traditional authority, especially chieftaincy who are often the male political heads. This is not particularly surprising. The negotiated post-independent constitution demanded that the government recognise and protect traditional authorities who claim their legitimacy within the parameters of customary law. In addition, the state was also required to establish Regional Houses of Chiefs in all the administrative regions and later, a National House of Chiefs in 1971 to coordinate chieftaincy activities within the state. These traditional bodies are also to consult with the central government on issues that affect chieftaincy as well as assist local development efforts. The state pays allowances to chiefs for their roles in these bodies. Thus chieftaincy is formally recognised in post-independent Ghana and influences a range of decisions that affect a large segment of the population. The next section reviews the key literature on the explanatory frameworks for chieftaincy resilience in the modern state. The motivation for this study is to make the case for a radical shift in the understanding of chieftaincy persistence in contemporary Ghana.

#### **1.4 Why Ghana**

Because of its relative political and economic success since 1992, its flourishing democratic institutions, and its vibrant and active civil society, some scholars suggest that Ghana represents an exceptional case in sub-Saharan Africa and that the lessons of Ghana do not travel to other countries on the continent (Branton, Mattes and Gyimah-Boadi 2005). Yet despite its economic, political and social 'successes', Ghana continues to face many of the same issues that other sub-Saharan African countries face.

For example, the perennial conflicts in the northern parts of the country highlight not only the weakness of the state to maintain law and order, but also the frustration of the local actors leading them to take the law into their own hands (Albert 2006). There is also a growing evidence that Ghanaians are highly dissatisfied with their democratic institutions and that despite the relative strength of the Ghanaian state, many citizens continue to lack basic services, such as clean water, roads, electricity and quality schools (CDD-Ghana 2005). Even more ominous is the sense that Ghana has a dominant party state where the opposition has little opportunity to affect policy decisions. As most students of African politics are aware, the issues mentioned here are common throughout Africa, which is a reminder that upon closer inspection, Ghana might not be quite exceptional as first appearance suggest.

The example of chieftaincy makes this point abundantly clear. An examination of chieftaincy-state and chieftaincy-society relations in post Fourth Republic provides another reminder of its similarities with other African states. Indeed, with respect to accommodations made to the chieftaincy during the democratic transition and the decision to formally integrate chieftaincy into the political order, the Ghanaian case offer more similarities than dissimilarities with its neighbours.

For example, of the forty-nine states in sub-Sahara Africa, at least twenty of them have officially recognised chieftaincy in constitutions or through statutes. While many African states in the 1950s and 1960s sought to abolish chieftaincy, this trend was gradually reversed, especially in the 1990s (Van Rouveroy van Nieuwaal 1996; Rathbone 2000). South Africa, Namibia, Nigeria and Mozambique are just four examples of states that have

incorporated chieftaincy into their constitutional dispensation in the last twenty years (Kyed and Burr 2006; Rathbone 2000; Vaughan 2000). Thus, it is clear that the decision to accommodate chieftaincy in Ghana is one that other countries have made, and the chieftaincy-societal and chieftaincy-state dynamics examined here might also shed new analytical light on similar dynamics in other sub-Saharan African countries.

Ghana also provides a fascinating example of what Sklar (2003) refers to as a “mixed polity” – a democracy that combines both democratic and oligarchic features. Sklar (2003) argues that mixed polities are quite common, and he suggests that integrating indigenous political institutions, even if they are not democratic, might provide stability and promote development. Consistent with this argument, Englbert (2000) goes further and suggests that those African states that have incorporated indigenous institutions are more likely to establish and maintain political legitimacy. Other scholars more generally note the ‘hybridity’ of African regimes and the blending together of the so-called liberal and illiberal politics (Villalon and VonDoepp 2005). Whatever label issued, it seems clear that African states that democratized in the early 1990s often adopted sets of institutions, rules, and processes that are not easily situated in Western notion of ‘liberal democracy’. Recognition of this institutional integration, however, does not itself capture how the struggles for authority unfold within mixed politics. This study seeks to address this issue with an analysis of how the mixed-polity system provides the context for negotiation over legitimacy at the local level.

Given the number of mixed polities that exist in sub-Saharan Africa, it is important to consider how this form of governance might affect the

process and our understanding of political legitimacy, which is the master question of political science. In this way, the study furthers our understanding of how democratic experience is manifested in non-Western cultures. To borrow Schaffer's (1998) term, there is much to be learned about the way democracy continues to be "translated" in Ghana through the examination of chieftaincy, society and state interaction. Given the international image as a destination for good governance, there is a tendency to overlook the fact that Ghana, especially those in the rural areas, may relate to the governance process differently from those in the West. This research will therefore enable us to better understand the way politics is internalised in the contemporary non-Western world.

### **1.5 Making Sense of Resilient Chieftaincy - Existing Theories**

The persistence of chiefs or 'indigenous' leadership in the modern political process has been acknowledged in many parts of the world (Logan 2009). In Africa, it has been found in countries that have undergone internal conflicts or experienced weak or collapsing state apparatuses such as Congo, Sierra Leone, Somalia, Angola and Mozambique.<sup>4</sup> However, the presence of chiefs is also felt in African countries with a relatively well-functioning state apparatus and where a transition to liberal democracy has taken place.<sup>5</sup> These include South Africa, Ghana, Namibia, Uganda, Nigeria, Zambia, Cameroon, and Niger. Some of the countries in this list, in particular Ghana, South Africa, Namibia, Uganda and Zambia have gone further to provide

---

<sup>4</sup> Chiefs exploited every opportunity presented by the political instability or the weak state to bolster traditional authority either in competition or in resistance to state authority, and in some contexts merely replacing or complementing state institutions where they ceased to exist.

<sup>5</sup> In most of these 'strong states', chieftaincy has received enhanced legitimacy through state legislation and recognition by national governments as partners in local governance and development.

chiefs with political weight at the national level – through the establishment of national houses of chiefs.

Despite the recognition of an active chiefly presence in Africa, there is no consensus on why people remain loyal to chieftaincy when democratic alternatives exist or what the factor(s) responsible for chieftaincy persistence are. Over the last two decades there has been renewed interest in this question. The result has been a burgeoning literature focused on a number of factors regarding why chieftaincy is resilient (some may say obsessively so). Current scholarship relates the state of affairs to the legacies of indirect rule (Mamdani 1996; Ntsebeza 2005), the existence of weak post-colonial states (Van Rouveroy van Nieuwaal 1996, Englebert 2002), the surge of cultural rights (Oomen 2005), the neo-liberal economic order (Oomen 2005; Koelble 2005; Gyimah-Boadi 1996) and the adaptability of chieftaincy (Van Rouveroy van Nieuwaal and van Dijk 1999; Van Rouveroy van Nieuwaal 1999; Ray 1996; von Trotha 1996; Van Rouveroy van Nieuwaal 1987). Each of these studies contributes to our understanding of chieftaincy, in that they all focus on how politics is practised in those areas at the periphery of state control. Yet for the most part, each fails to examine the processes through which chieftaincy, the state, and the population negotiate the interface between the different norms, rules and institutions interacting at the local and national level. Similarly, while there have been several studies focusing on legitimacy of chieftaincy at the local level, this literature sought to explain its presence as a result of a so-called resilience or revival.<sup>6</sup> In addition, most of the studies conducted in the state-civil society framework have inquired into African

---

<sup>6</sup> While chieftaincy gained official recognition in many states over the last twenty years, there is little evidence that efforts to abolish its de facto influence during the 1950s and 1960s were ever completely successful (Rathbone 2000; Van Rouveroy van Nieuwaal 1996; Moore 1986; Nugent 1995: 76-77)

states' societal relationships, but often in ways that tend to regard the state as autonomous and both the state and society are relatively cohesive, distinct, and antagonistic entities (Migdal 1994). Pointedly, these studies focus less on the underlying basis for legitimacy of chieftaincy and rather on its so-called resilience or revival (Van Rouveroy van Nieuwaal 1996; Moore 1986; Callaghy 1984). I will now take a closer look at four of these 'resurgence or resilience' theories.

### *1.5.1 The Colonial Legacy*

Of the arguments that have been advanced over the last two decades concerning the resilience of chieftaincy, perhaps the most well-known is Mamdani's (1996) analysis in *Citizen and Subjects*, where he focuses on the legacies of indirect rule in South Africa and Uganda. Using a state-centric approach, Mamdani examines the forms of power prevalent in the colonial period and the institutional challenges these forms of power have bequeathed the post-colonial regimes. The work draws and builds on the top-down instrumentalist approach to identity introduced by Terence Ranger in the 1980s (Hobsbawm and Ranger 1983; Van Rouveroy van Nieuwaal 1999) by arguing that state-recognised chieftaincies are colonial bureaucratic inventions. He adds that the colonial state institutions transformed traditional leaders into autocrats, charged with a host of non-traditional functions. As a result, chiefs became the central link between the state and society during colonial rule. With respect to South Africa, Mamdani argues that the legitimacy and stability of the apartheid system depended, in large part, on the willingness of the chiefs to implement government policies. In achieving the goal of enhancing the authority of chiefs as well as facilitating indirect rule, the state exploited the traditions and customs of chiefs. In the

final analysis, chieftaincy became distanced from the local population, and thus the normative order of chiefs became replaced with state-sanctioned authority. Simultaneously, the negotiated pre-colonial practices of chieftaincy were substituted by largely authoritarian rule in the service of the state (mainly through coercive sanctions, forced labour and tax collection) (Mamdani 1996: 54). The thesis is that chieftaincy, in the process, lost its unique moral legitimacy (other than manipulated versions of customary law). Thus contemporary chieftaincy continues to exist only because the state is unwilling, or perceives itself unable, to eliminate it. On the basis of these premises, Mamdani argues that the failure of the post-colonial states to dismantle chieftaincy has been the most significant impediment to democratisation in present-day Africa.

Based on this 'colonial legacy' thesis, chiefs may exercise power, but that cannot justify the right to rule. This is because the power of the chiefs comes from the state rather than from the led – the local populations. Specifically, the chiefs continue to control their subjects either because of the use or threat of state force and/or because these leaders rely upon the expanded definitions of 'customary law' to justify and legitimate what is otherwise 'uncustomary' in character.

In summary, Mamdani has made an important contribution to the study of chieftaincy by inviting us to question the ostensible timelessness of traditional authority and unpacking the assumed dichotomy between African tradition and Western modernity that dominated earlier anthropological scholarship (Ekeh 1975: 92; Nugent 1996: 205). However, to take the position that chiefs are dependent on the state or that modern chieftaincy is invented by the state and therefore can be equal to the state is

also not entirely accurate. As Nugent (1996: 205) argues, Terence Ranger's re-visitation of his 'invented tradition' thesis reveals "much of what has passed for tradition was, in fact, a recent tradition". Nugent (1996: 205) further argues that invention may not be apt for describing a process "that was not necessarily fully conscious nor final". The point is that both chiefs and the state act only after proper consideration of the other and it is not the case that one actor fully encapsulates and transforms the moral basis of the other. The apparent resilience of chiefly authority is not merely because the "chiefs enjoyed little formal power" but also because the chiefs "did not share in the prerogatives" of the state so "they did not suffer from the fallout associated with state decay... whatever chiefs could command was dependent upon constant renewal of popular consent" (Nugent 1996: 76). Therefore, chieftaincy may have benefited from its semi-detached relationship with the state.

Moreover, while Mamdani's study provides detailed examination of the relationship between the colonial state and chieftaincy, it does not examine this relation in the post-colonial era. Instead, it offers a set of possible ways this relationship might develop given his understanding of the political dynamics of the colonial era and the nature of the transition process. For Mamdani, the nature of the bifurcated state suggests an entrenched dichotomy between citizens and subjects. Even more importantly, Mamdani does not consider the limits of the central state's control at the local level, or even the possibility that chiefs need to respond to community opinions in order to maintain legitimacy. In this way, the colonial legacy argument largely ignores the specific struggles and social processes involving

chieftaincy, state institutions and officials within the state.<sup>7</sup> It also fails to acknowledge that the operations of state officials may also be re-shaped through interaction with chiefs, as well as the local populations (Villalón 2006).<sup>8</sup>

More recently, Ntsebeza (2005) utilises Mamdani's framework to examine chieftaincy in the Eastern Cape of South Africa. His central argument is that chiefs remain important political actors largely because of the policies implemented during the colonial state, the apartheid state and now the post-apartheid state. He suggests that as long as the state enables chieftaincy to control land allocation it will remain a powerful actor (Ntsebeza 2005: 23). Consistent with Mamdani, he concludes that chieftaincy is not compatible with democracy in South Africa, and argues that chieftaincy is only significant because it controls and allocates land. Similar arguments about chiefs and the land rights have been made with regards to Ghana by various scholars (Ubink 2007; Berry 2001). However, while this study agrees that land ownership and allocation is important, it disagrees

---

<sup>7</sup> The recognition of chieftaincy and chiefs by governments, international institutions and donor countries has informed popular views. For example the powerful kingdom of Buganda, abolished in Uganda's 1967 Constitution after the Buganda king had been exiled in 1966, was restored to a certain extent in 1993 by President Museveni. In 1995 the constitution was redrawn to recognise the institution of traditional leaders based on public support for the institution (Englebert 2002). Another example is chieftaincy in Mozambique. Although the socialist Frelimo government banned chiefs at independence in 1975 and set up new governance structures, despite this, the chiefs continued to play an important role in the rural areas both during and after the war. This resulted in the government in 2000 decreeing that chief's role as state assistants and community representatives and in 2002 a little over a thousand chiefs were formally recognized as rural community authorities and delegated an extensive list of state administrative tasks and civic-educative functions (Buur and Kyed 2005).

<sup>8</sup> In Ghana (the former Gold Coast), Nugent (2010: 45-46) cited instances where the state was forced to abandon policies because of local opposition. He noted the resistance to Poll Tax introduction by the British administration in the pre-colonial era by the people of the Gold Coast, the defeat of the land bill in the 1890s and the suspension of the Value Added Tax in 1995 by the state as ways in which the chiefs and local populations shape government activities.

with the notion that chiefs are resilient essentially because of their power to control the land. Infact, these studies focus little on how the chiefs, the state and the local populations have interacted with respect to the political resources available within the state.

### *1.5.2 Weak State*

Another explanation for the resilience of chieftaincy focuses on the existence of weak states. The key proponents of the 'weak states' thesis, Van Rouveroy van Nieuwaal (1996) and Englebert (2002), argue that the resilience or persistence of chieftaincy has been caused by the functioning or malfunctioning of the post-colonial state. In other words, chieftaincy fills the administrative gaps within the state by fulfilling the duties of a weak or absent central and local government in the communities. In this circumstance, chieftaincy is the benefactor of an inefficient, corrupt, weak and disconnected African state.<sup>9</sup> According to this argument, state and society are the dominant concepts and chieftaincy serves as the link between the two. Thus states relate with society by working with the chiefs because of the low state presence and capacity in the community or, indeed, its complete absence. This situation in turn empowers the chiefs to continue to exercise social control and promote their own interests.

Similarly, in his study of democratic attitudes in Africa, Bratton, Mattes and Gyimah-Boadi (2005) find that even though Africans claim they prefer democratic institutions, they still tend to interact with non-state political actors, such as chieftaincy, more than with state institutions. They attribute

---

<sup>9</sup> Countries such as Congo, Sierra Leone, Somalia, Angola and Mozambique have been cited as states in which chieftaincy relevance has benefited from weakness, failure or collapse of the state.

this to the fact that the state institutions have not shown they have the capacity to respond to the needs of the people. With respect to Ghana, the Centre for Democratic Development-Ghana (CDD-Ghana) observed that the post-colonial state is quite weak in rural areas and that the decision to recognise chieftaincy is justified as it will enable the state to exercise at least some measure of authority in these areas specifically through chiefs (CDD 2001:38).<sup>10</sup>

While the Van Rouveroy van Nieuwaal (1996), Englebert (2002) and Bratton, Mattes and Gyimah-Boadi (2005) explanations help us to understand the ways in which the state has accommodated the chiefs and their political influence, I argue that this approach places too much emphasis on the interaction with the state and insufficient attention to the chiefs' own political nature and interests. Again, it privileges the state as the centre of all political activities and does not acknowledge how state influence can be managed and controlled, contained or even exploited by the local non-state actors and population.

The problem in the weak state thesis is that there is attempt to explain how chiefs may or may not (re)produce political legitimacy independent of the state; instead the argument relies on the notion that the legitimacy of chieftaincy results from the declining or non-existent state capacity or the chiefs' close association with the central state as Mamdani may argue. In the end, the 'weak state' thesis falls into the same trap as the 'colonial legacy' argument. They cannot explain the situation in Ghana, South Africa and

---

<sup>10</sup> The paper noted that there "36000 towns and villages in Ghana are being directly governed by Chiefs and that only 12000 are directly served by central government" (CDD-Ghana 2001: 38).

Uganda where chieftaincy continues to wield authority even though the state has the relative capacity to deliver goods and services to its citizens.<sup>11</sup>

### *1.5.3 Socio-Economic and Political Developments*

Another explanation for the resiliency of chieftaincy focuses on specific global forces in the 1990s, such as the rise of cultural and indigenous rights as well as the emergence of a neo-liberal economic and political order (Oomen 2005; Koelble 2005). As Oomen notes, “one way in which this scramble for legitimacy in an increasingly interconnected globalising world was played out was through the culture card: reviving traditional systems of governance, emphasising autochthony in politics, [and] granting ‘group rights’ to the indigenous peoples [or the] ‘first nations’” (Oomen 2005: 3-4). At the same time that cultural issues were receiving prominence, the ability of the state to broadcast power to the periphery was circumscribed and restrained by the introduction of political and economic policies that actually limited the reach and capacity of the state. The economic conditionalities introduced by the Bretton Woods institutions, including Structural Adjustment Programmes (SAP), forced central governments to drastically scale down their activities and cut down on expenditure, especially in the countryside (Herbst 1993: 43-45; Ahiakpor 1991; Nugent 1995). As a result of the political vacuum caused by these economic reforms, chiefs began to occupy a role at the centre of these societies once more (Nugent 1995: 77).

The focus on these external forces is important, and this study agrees that it is difficult to explain the political gains of chieftaincy without understanding the national or global context. For example, there is no

---

<sup>11</sup> The weak state thesis is addressed in more detail in chapter four, where I examine the authority of chieftaincy in an area where the local state has been able to deliver resources.

question that the Asante in Ghana used the cultural right argument to benefit from a World Bank project on 'Promoting Partnership with Traditional Authorities' (World Bank 2007: see Chapter 2.5). Through this project, the World Bank awarded a grant of US\$4.5 million to the Asantehene. The money was spent on education, infrastructure, scholarships etc (World Bank 2007: 10). In a similar gesture, the paramount chief of Akim Abuakwa in Ghana, Nana Amoatia Ofori Panin II, was supported by the World Bank with a grant US\$0.5 million to undertake development activities in his area (World Bank 2007: 10). At the continental level, traditional leaders including the Asantehene Osei Tutu II in Ghana and the Kgosi Lemo T Molotlegi in Botswana were invited to address meetings organised by the African Union and the United Nations on Africa's governance and development in their institutional capacities (ECA 2005: 32). While these external factors may provide a context for the so-called revival of chieftaincy, how chiefs actually responded and adapted to this context was not addressed by these arguments and therefore forms the emphasis of this study.

#### *1.5.4 Chieftaincy Adaptability*

Finally, some scholars suggest that the resilience of chieftaincy is based upon its ability to successfully straddle the modern world and the traditional world. In some ways, this framework seeks to understand the authority of chieftaincy using Weber's ideal-type dichotomy of traditional and modern legitimacy. Consistent with this argument is Van Rouveroy van Nieuwaal's (1996: 46) conception of chieftaincy as a hinge point between local population and the state. According to this analysis, the key to maintaining authority in these situations is the ability of traditional leaders to appeal to two different bases of legitimacy and authority. This permits them to operate differently

towards the state and his people. As a kind of hinge, chiefs connect both worlds. Thus, rather than suggesting that chiefs' authority is rooted in 'tradition', this framework suggests a more dynamic process at work. What is most useful about this conception of chieftaincy is that it focuses on the agency of local actors and correctly highlights the fact that chiefs, the state and local population are engaged in an on-going process.

What the model fails to account for however, is that different moral worlds – the 'modern' and the 'traditional' - actually interact and blend together in important ways. Even though most contemporary accounts of chieftaincy eschew the use of the modern/traditional dichotomy to describe authority relations, the notion that there exist two separate worlds only serves to reinforce this idea. Rather than operating in distinct worlds, this study argues that chieftaincy and chiefs are involved in a process where they have been forced to incorporate particular aspects of the state's moral order to maintain their authority.

## **1.6 Multiple Legitimacies Framework**

While there are a number of frameworks used to understand the legitimacy of chieftaincy, none of these adequately captures the importance of chieftaincy-society relations at the local level or the nature of the legitimation process. The starting point of this thesis is that in Ghana there are multiple sources of legitimacy that all leaders - chiefs as well as elected/appointed officials – can use to justify their rule.<sup>12</sup> In other words, chiefs draw on the

---

<sup>12</sup> Van Rouveroy van Nieuwaal (2005:155) stresses this argument in a film he made in the 1990s. He argued that the chiefs have "multiple legitimacies and loyalties. This is the consequence of their traditional tasks such as dispute settlement, playing ceremonial role during ritual events on the one hand, and their too close relations with the Togolese regime on the other."

different opportunities or networks that exist in the traditional sphere as well as within the state apparatus in the maintenance of political authority (Migdal 1994: 26-27; Van Rouveroy van Nieuwaal 2005: 155). In a similar fashion, the state uses its legal sources as well as the support it garners through the democratic processes, plus the endorsement and cooperation it receives from non-state institutions including chiefs and larger society, to justify and maintain its rule. Incorrectly however, the existing explanatory frameworks have conceptualised these sources of legitimacy as static, pre-determined and diametrically opposed categories that represent the so-called 'traditional' and 'modern' world-views (Van Nieuwaal 1996; Migdal 1994; Mamdani 1996).

Critics of this categorical approach note that such ideal-type dichotomies ignore the ways in which understandings of what is 'traditional' and 'modern' can change over time and the ways in which different sources of legitimacy can blend together (Galvan 2004; Ray 2003; Whitaker 1970). Yet while the notion of strict traditional/modern dichotomy does little to explain the process of legitimation, it is also a mistake not to recognise the political reality that sub-Saharan Africa is replete with competing understandings of legitimacy and that achieving hegemony is one of the most daunting challenges for the post-colonial state.

In this study, chieftaincy is conceptualised not as only an institution that performs particular functions, but one that promotes a particular set of norms, rules, institutions and processes that are distinct from those proposed by the post-colonial state. What I refer to as the multiple legitimacies framework seeks to focus attention on the process through which chiefs struggle to promote and reproduce a pre-existing set of governance norms

and structures while simultaneously responding to the introduction of new norms, rules and institutions at the local level.

Unlike previous studies, this analysis focuses on the actions of chiefs and their traditional outfit, as they seek to traverse a different political and social environment. It also accounts for the ways in which normative and institutional structures limit their actions. Chiefs, local population, and state officials are engaged in an ongoing process where specific components of the different sources of legitimacy are borrowed, reproduced, altered and/or co-opted. Thus, these different sources of legitimacy are not hermetically sealed and resistant to change; in fact, the assumption of this analysis is just the opposite.

To maintain legitimacy, chieftaincy must find ways to blend its political norms and values with those of the post-colonial state in ways that resonate with the local populations. While achieving some type of congruence between the new and the old may be the objective, in many instances the result is the creation of an entirely new, and distinct moral order, however unintended and unforeseen.

It is at the local level where we can learn the most about its legitimacy because it is at this level that focus can be on what traditional leaders actually do and what they mean to those communities. In this vein, I describe the ordinary and extraordinary encounters between traditional leaders, local populations and state officials as a way of explaining the nature of legitimacy at the local level. More generally, such an analysis provides the opportunity to evaluate the state's ability to transform societal norms, rules and institutions that are deeply embedded and that predate the establishment of the state rule.

To address these questions requires a challenge to common assumptions concerning the nature of chieftaincy's political authority, as well as the conceptual connection with state legitimacy. Specifically, I do not assume that the state is the only institution with political legitimacy, nor do I assume that the introduction of democratic rules and processes automatically results in political legitimacy (Scharzberg 2001). Instead, my framework allows for the possibility that other non-state institutions, in this case chieftaincy, may create alternative legitimacy formulas that are distinct from what the state promotes.

Indeed, this thesis interrogates the very image of a bifurcated state, where civil authority and traditional authority are kept separate and distinct (Mamdani 1996). My argument however is that even though both state institutions and chieftaincy want to exercise exclusive social control in the communities, the reality is that neither is able to do so completely. To remain relevant at the local level, both the state institutions and chieftaincy are forced to share sovereignty, thereby blurring the boundaries between citizens and subjects. Thus rather than establishing a bifurcated state, these processes reveal the syncretism of authority relations and how the different sources of legitimacy overlap in ways that are ambiguous, contradictory and mutually transforming.

#### *- The Nature of Political Legitimacy*

Political legitimacy is at the heart of this analysis. As utilised in this argument, the concept of political legitimacy focuses attention on how political actors, such as chiefs, justify their rule. In other words, an examination of political legitimacy highlights the relationship between the ruler and the ruled and the extent to which there exists an agreement on the

basic contours of power – such as the specific norms, rules and institutions that are utilised to compel obedience.<sup>13</sup> The basic and most critical point here is that rulers desire to have their rules obeyed, and there is a preference to establish obedience that is voluntary rather than forced.

Drawing on these initial assumptions, I conceptualise legitimacy as an ongoing process that involves critical evaluations on the part of both the ruler and the ruled concerning the justifications for the exercise of power. By focusing on the legitimation process, I am most concerned with those norms, values, myths, and symbols that rulers utilise to establish and maintain political legitimacy (Schartzberg 2001).

This way of approaching legitimacy departs from at least three conventional tendencies and assumptions which see: (i) patrimonialism, i.e. the accumulation and distribution of wealth, as the predominant or the most important ‘matrix of legitimacy’ (Chabal and Daloz 1999; Schartzberg 1993); (ii) the state as the only institution with political legitimacy and; (iii) the constitution of authority on the basis of fixed Weberian types of legitimacy, ‘the traditional’, ‘the modern legal-rational’ or even ‘the charismatic’ (Van Rouveroy van Nieuwaal 1996).<sup>14</sup> I find these explanatory frameworks too

---

<sup>13</sup> Power is also defined as the ability to influence the behaviour of others, sometimes in ways not of their choosing or the ability to achieve a desired outcome. Thus power enforces the right to rule or political legitimacy. The concept of the use of power is however not my major focus. This work is interested in the how legitimacy is created and not how it is enforced.

<sup>14</sup> Weber (1947) famously defined three distinct ideal types of authority (traditional, charismatic and rational-legal authority) on the basis of differences in administrative structures and in the belief systems that legitimise authority (Blau 1963: 308). In the Weberian typology, chiefs have commonly been equated with traditional authority, legitimated by the sanctity of tradition or custom and a cultural belief in the divine right of the ruler to rule. The modern state and its bureaucracy has usually been likened to legal-rational authority, legitimated by a formalistic belief in the supremacy of the law as an impersonal body of legal rules produced in the rational pursuit of collective goals (Blau 1963: 313). It should be noted that Weber did not suggest that these ideal types existed in pure empirical form, but in various admixtures, hence the emphasis on the ‘ideal’. He

simplicistic as it is almost impossible to identify any one of these sources as the classical explanation for claims to legitimacy. Instead, I prescribe a collective examination of the different sources of legitimacy that political actors (such as chiefs, state officials and even society) draw on for political relevance. These sources of legitimacy include traditions, customs, magical powers, rational-legal, charismatic, education and professionalism, economic wealth, age, gender, generosity, elections, history, population size, and leadership abilities. This notwithstanding, the authorities of chiefs and the state are first established in differently recognised moral structures, even if the exercise of authority may deny such a distinction.

However, to emphasise the significance of the legally considered distinctions is not to concur with the view that 'traditional' and 'state-modern' sources of legitimacy are *a priori* static or composed of a particular predefined essence. The 'traditional' is not approached as a predefined analytical concept by which to measure whether certain practices and institutions can be regarded as 'traditional' and as, for example, different from other types of authority, such as the legal-rational or that of the modern state. Rather, 'traditional' is approached as the result of ongoing processes of attempts to capture and operationalise the term. Similarly, the 'modern state', as a type of authority is the subject of ongoing remaking and representation.

Legitimacy therefore cannot be presumed as something defined once and for all, but rather as "a conflict-ridden and open process" in which different and more or less powerful actors intervene (Lentz 1998: 47). It is a process that is open to co-existence, overlaps between different sources of

---

nonetheless saw them as distinctive features of politically and historically specific systems (Blau 1963: 310).

authority, and allows for different sources to be invoked in different situations (Lentz 1998: 47). Legitimate authority therefore is influenced not only by relations between rulers and ruled, but also by relations between different authorities (i.e. chiefs and state officials). This is expressed both through competition over jurisdictions and mutual recognition. But, as this thesis will also show, the relational constitution of state and chiefly authority is exemplified by the way in which the different sources of legitimacy are uniquely defined, clothed and given substance in interaction with other political actors.

Given that the legitimation process focuses attention on the relations between ruler and ruled and how the exercise of power is justified, the next issue is how to best conceptualise and understand these dialogues over power. In other words, what factors determine how people evaluate political legitimacy? While there are different ways to approach this issue, I argue that people are more inclined to follow rules if they deem the underlying moral basis of legitimacy as appropriate and right and if the rules are made and enforced in a manner that is beneficial for the community. Each of these considerations is a different dimension of legitimacy, which I refer to as moral and performance legitimacy. Thus, the legitimation process consists of an evaluation concerning the exercise of power and whether or not it is justified in terms of its moral and performance dimensions.

In the case of Ghana, I argue that chiefs and state are engaged in the legitimation process with those they are ruling. In other words, they are both simultaneously seeking to promote their own norms, rules and processes. The notion that both the state and the chiefs are involved in this process should not come as a surprise. Most rulers, it would seem, at the very least

want to be perceived as legitimate, and in some ways it is true that the desire to justify one's domination is as great as the desire to dominate.

As stated above, the multiple legitimacies framework focuses attention on the syncretic nature of authority in Ghana and highlights the dynamic interactions among chiefs, state and the local populations in the struggle for political legitimacy. To examine both dimensions of legitimacy, I explore the nature of political legitimacy from both bottom-up and top-down. In other words, I am interested in understanding the actions that chieftaincy takes to establish and maintain legitimacy as well as the particular meanings that people attach to these actions at the local level. Recognizing that government actions may constrain these actions and meanings, I also analyse the ways in which laws, statutes, politicians and bureaucrats have sought to define and limit the extent of their legitimacy.

### *1.6.1 Moral Legitimacy*

The moral dimension of political legitimacy includes all of the underlying norms, values, myths and symbols of the society that are used to define and evaluate appropriate political action. These norms, myths and symbols help to define the worldview of what constitutes the structure of authority as well as the responsibilities and expectations of that office (Williams 2010: 21). In this way, the moral dimension includes the normative and explanatory ideas of any political position. It gives meaning to what are the approved and wrong actions, and provides codes for privileges and responsibilities.

At its core, moral legitimacy includes all beliefs that establish the authority through which people make sense of daily activities. According to Weber (1978: 263) the "basis of every system is authority, and that

correspondingly every kind of willingness to obey is a belief, a belief by virtue of which persons exercising authority are lent prestige". Not surprisingly, many African scholars have acknowledged the moral aspect of legitimacy in their writings (Van Rouveroy van Nieuwaal 1996; Ray 1996; Bayart 1986). In the case of this study, chiefs draw their moral dimension of legitimacy from the customary law which defines lineage, personal qualities, rituals, rules and taboos etc. that structure the office of a chief. In a similar manner, the state has constitutional provisions stating how political officials should be recruited.

Where my definition of moral legitimacy differs from others is that I do not assume that there is only one moral order that corresponds with a society or even a state. Instead, I suggest that in Ghana, there exist multiple moral orders that rulers utilize to establish and maintain political legitimacy. These competing moral orders reflect the legacy of the colonial regime, which sought to keep the people in separate political communities, which were presumed to be natural and timeless.

The notion is that multiple sources of moral legitimacy exist within every established authority. Aside from the belief systems and laid-down practices, there are also several normative orders that inform authority and this point is also well-documented in political science literature (Boone 2005; Van Rouveroy van Nieuwaal 1999; Migdal 1994). Studies such as Migdal's (1994) *State-in-Society* analysis highlight the ways in which the state seeks to capture or co-opt non-state forces that might threaten its hegemony. Even more so than political scientist, however, legal anthropologists like Moore (1978) have made some theoretical contributions to the understanding of non-state forces within the state. Of significant interest is her formulation of

semi-autonomous political spaces situated at the nexus of the official state laws and informal rules. Moore (1978: 3) argues that one cannot expect the state's normative system of rules to exercise complete hegemony. The reality is that we deal with social life by "partial order" and "partial control" of the rules and norms, and there are multiple "processes of regularisation" at work at once in society. The processes are defined as "all those attempts to organise and control behaviour through the use of explicit rules" (Moore 1978: 3). This on-going activity includes "all the ways in which conscious efforts are made to build and/or reproduce durable social and symbolic orders" as well as "other countervailing activities [which] are also ubiquitously at work which operate to interpret, replace, or alter these supposedly durable cultural forms whenever it is situationally advantageous to do so" (Moore 1978: 3). She suggestively goes on to articulate how competing forces are "moving all the time, partly connected, partly autonomous" and therefore correctly anticipates the fluidity of African power relations (Moore 1978: 6).

More importantly, Moore (1978: 16) adds that "there can be authorities with rule-making power in many forms of organised society less complex than the state". Thereby she identifies the existence of semi-autonomous corporate groups in society, which make rules to bind their members. This addition highlights the struggles between the state and other social forces within the state. What is less apparent is when state institutions and non-state forces, each with their own set of norms and rules, occupy the same social space. While each may try to impose its order on the other and completely transform the other, it rarely occurs. What actually occurs is that both actors are involved in an on-going negotiation, contestation and mutual

transformation of both actors and the blending together of their different political norms, rules and processes associated with each (Galvan 2007: 8).

Galvan's (2004: 2) analysis of political and social change in Senegal also offers a useful framework for understanding these interactions. His analysis focuses on how local populations respond to the introduction of new types of property rights, land reform, and democratically elected local councils, or what he refers to more generally as "the local adaptation of imposed political ... institutions". Similar to Moore's (1978) and Migdal's (1994) arguments, he demonstrates how local populations relay pre-existing norms and values to make sense of new institutions in ways that make them more familiar, locally meaningful, and even legitimate. For Galvan, the creation of these syncretic institutions is simply another reminder that the ideal-type categories of 'tradition' and 'modern' fail to adequately reflect the social and political reality in many parts of the world. The recognition that multiple legitimacies exist and the possibility of syncretism of authority is particularly useful because it privileges local agency and highlights the processes that local actors employ to selectively transform newly introduced norms, rites and processes.

Ekeh's (1975: 92) formulation of *Two Publics* – the primordial public and the civil public - provides an essential starting point for understanding the origin this phenomenon. According to Ekeh (1975: 92), unlike the West, where public and private spheres share the same moral foundation, in Africa, it is only the primordial public that operates on the same moral imperatives of the 'private realm'. It is distinct from the civil public in that it is "identified with primordial groupings, sentiments and activities" whereas the civil public is associated with civil structures such as the military, police, civil

service and local government (Ekeh 1975: 92). The two publics that Ekeh (1975: 93-96) describes are the result of the historical legacies of the colonial bourgeoisies and the African bourgeoisies and their respective “ideologies of legitimation”.

According to Ekeh (1975: 104), for the African bourgeoisie, an appeal to tradition proved to be an effective method to achieve legitimacy as “traditional kingship and chieftaincy has always been defined in moral terms”. In other words, those who exercised power within the civil public could not rely upon the formal institutions alone to rule, they needed to borrow aspects of the primordial public to justify their right to rule.

Even though Ekeh acknowledges the powerful moral basis of chiefly rule, he does not develop the relationship between the chiefs and their primordial public. Instead, he focuses on how African bourgeoisies utilised tradition to legitimise the post-colonial order. In the opinion of this work, Ekeh missed an opportunity to recognise the ‘publicness’ of chieftaincy as well as to highlight its distinctive moral appeal as a political authority ‘equal’ to the state. And with this moral appeal they both have private and public bases of legitimacy. Therefore, there exist multiple normative dimensions within the Ghanaian state - one set is rooted in the civil norms of the state and the other rooted in the norms of chieftaincy- so that each is considered moral in its private realm. Indeed, one feature of Ghanaian politics is the struggle of these sources of legitimacy within the society itself.

#### *1.6.1.1 Moral Legitimacy in Ghana*

Contemporary Ghana is still experiencing an on-going struggle for moral legitimacy between the norms and values of the democratic constitutional

order and those of chieftaincy. On the one hand, there are democratic norms and values that have been introduced since the colonial era. This encompasses the familiar discourses on free and regular public elections, the respect for the established laws and the protection of fundamental human rights of all its citizenry. The consequence of this development is a creation of a democratic form of government where the people, or a significant portion of them, retain supreme control over the government, and therefore in actuality, monarchy or kings or chiefs should have no place. Thus the state has linked its moral claim of legitimacy to specific democratic norms and values.

Traditional leaders, on the other hand, have rooted their moral legitimacy in a set of norms and values they claim predate the establishment of the colonial state. For example, chiefs in Ghana have strongly argued that their selection and decision making processes are directly in consonance with democratic principles of time immemorial (Addo Dankwa 2004: 14; Wiredu 1995: 6; Frempong 2006: 381). Traditional leaders have always taken decisions in councils, hence the old adage that “a chief is a chief by the people” (Wiredu 1995: 6).<sup>15</sup> In other words, chiefs represent the identity or will of the people.

The question of how such claims should be incorporated into contemporary analysis of chieftaincy is no doubt controversial. Building on other studies on how pre-colonial political traditions and myths continue to influence present-day politics, the argument here is that we cannot fully appreciate the current debates on chieftaincy, or the nature of its authority,

---

<sup>15</sup> This is a saying of a people of Basotho in South Africa as well as the Anlo-Ewe in Ghana. The Ndebele of Zimbabwe say “The king is the people. To respect the king is to respect oneself. He who despises our king despises us. He who praises our king praises us.”

without the examination of these traditions and myths, whether they turn out to be 'real' or 'imagined' (Berry 1993; Mahony 1998). However the caution is that these traditions and myths mentioned in the succeeding paragraphs are not static or determinative. Rather, claims simply provide a framework through which chiefs and local populations engage in the legitimation process in Ghana.

First, the notion is that chiefs unite the community as well as give meaning to the identity and history of its people. This belief informs or underscores the chiefs' dependence on the goodwill of their subjects, since they cannot rule without the consent of their people. This idea also places on chiefs, the responsibility for state rituals, arbitration, conflict management, law and order, legislation, the prosperity, unity and corporate identity.

Research on the *Perceptions of Chieftaincy* carried out in Ghana showed that over 80 percent of respondents<sup>16</sup> acknowledged the norms and myths associated with chieftaincy as the basis for their relevance (Abotchie, Awedoba, Odotei et al 2006). But when asked about the most important role of chiefs in the community, 95 percent of the respondents regarded them as symbols of unity, the embodiment of their people's culture and identity (op. cit: 109). In other words, the recognition of chieftaincy is not only based on what chiefs do on a daily basis but what they represent. This also suggests that the institution of chieftaincy may be generally accepted and respected without question, but a particular chief may not be. Meanwhile, the notion of identity and unity about chieftaincy needs a bit of elaboration.

---

<sup>16</sup> The research had 2585 informants drawn from all ten administrative regions of Ghana (Abotchie, Awedoba, Odotei et al 2006).

First, people support chieftaincy for what it means to their identity. Given that most settlements are organised around chieftaincy, an individual's identity is intricately linked to it, to the extent that you are first a citizen of a traditional area, before being considered a Ghanaian. Thus foreign individuals who became Ghanaians through naturalisation or birth may still be considered strangers and they may bear this status in perpetuity (Nugent 2010: 48). This condition also applies to people who move from one traditional area into another for various reasons. This sense of belonging and acceptance therefore contributes to the relevance of chieftaincy in Ghana.

Second is the concept of unity. The fact that the local population continues to imagine chieftaincy as a 'symbol of unity' can be practically perplexing, knowing that chieftaincy is a major cause of division, conflict and political instability. In Ghana, you do not have to look far to see the havoc chieftaincy politics has unleashed on many communities. Over half of the conflicts in Ghana are directly linked to chieftaincy succession. The perception therefore of chieftaincy as a symbol of unity is a revered myth and an ideological underpinning that practical realities may find difficult to support. For example, chieftaincy politics is the one single major cause of conflicts in Ghana yet there is a general affection for it. Indeed, to understand the resilience of chieftaincy in Ghana requires confronting the ways in which people imagine traditional political authority or moral dimensions of legitimacy if even such claims appear as fiction rather than fact.

But while claims to chieftaincy authority are linked to identity and unity, it is not enough for traditional leaders to merely invoke this myth as a means of securing and maintaining legitimacy. Rather communities expect

their leaders to also take actions that are consistent with their moral claims (Frempong 2006: 384; Oquaye 1997: 86; Addo Dankwa III 2004: 23). This is why the chief is only respected when he performs the roles that are consistent with the moral order. To argue therefore that chiefs are able to rule because they impose brute force has no place in the Ghanaian traditional setting. Neither are chiefs able to rule because of the weak state nor because they are able to allocate resources such as land. These models alone do not capture the reality. Chiefs must also be seen as *performing* or living out the myths within the community to sustain relevance.

### *1.6.2 Legitimacy as Performance in Ghana*

The performative dimension of political legitimacy therefore involves the practical and concrete implementation of rules, institutions, and policies. It substantiates that moral legitimacy be executed on a daily basis. In some cases, rulers who even lack the moral dimension or institutional capacity can take advantage of performative legitimacy to build public confidence that may eventually generate moral legitimacy (Brydon 1996: 227; Knierzinger 2011; Steegstra 2006).

In Ghana, the issue of performance has become largely linked to the ability of a political authority to uphold the myths of unity and identity as well as to relate with the human, physical and material concerns of the population. Given that socio-economic development is an important benchmark in the world, performative legitimacy also means undertaking development projects. The expectation that both chiefs and state officials would bring development to the community has become an integral part of the legitimation process.

The performative dimension also means that there is a moral framework. The myths or rules serve as the yardstick for measuring the performance. For instance, the 1992 Ghanaian Constitution has introduced laws governing chiefs and state activities within the country and these laws help to shape the way in which the local population responds to both chiefs and the state. Given the importance of rule making and rule enforcing for the performance dimension of legitimacy, I focus on how traditional leaders seek to fashion new rules, or adopt old ones, concerning local government, land administration and democratic politics, which are consistent with the existing moral order.

To summarise, the multiple legitimacies framework focuses on how chieftaincy maintains authority in Ghana. It is based on the assumption that various sources of legitimacy exist and that political actors will make decisions that are consistent with both the underlying moral and performance dimensions of legitimacy in order to retain their authority. This includes how decisions are made, as well as the way in which norms, rules, institutions constrain behaviour. While the state has sought to control this process with the incorporation and accommodation of chieftaincy through the establishment of a mixed polity, I argue that chieftaincy has been able to circumvent and alter some of the changes that were envisioned in order to remain consistent with its underlying moral order.

This framework highlights how chiefs have selectively transformed and adapted to the modern state while simultaneously reproducing and recreating those existing values that continue to resonate with the local population. It also clarifies why chiefs cannot simply rely upon some static notion of 'traditional' legitimacy without focusing on the changes that impact

on their authority and expect to remain relevant. Like any human phenomena, this process is not predictive but helps to make local politics become more legible.

## **1.7 Research Design**

### *1.7.1 Methodology*

A good portion of the data for this enquiry is based on research conducted in Ghana on the Gbi (also called Gbi Dzigbe) in Hohoe and the Asante in Kumasi, with additional institutional research in Accra from June 2008 to April 2009. One of the advantages of focusing on two case studies is that it offers rich, descriptive and complementary accounts of the dynamics between chieftaincy, the state, and local population that highlight broader theoretical concerns. At the same time, I recognise some of the limits of this case study approach, and I have supplemented it with other local studies on chieftaincy as well as national survey data on Ghana.

The two case studies demonstrate the unique differences that exist between chieftaincies in Ghana. For example, the Kumasi chieftaincy is rich and well-resourced, urban, politically vibrant, matrilineal, and vast.<sup>17</sup> The Hohoe chieftaincy is the stack opposite of the Kumasi case. In other words, Gbi and Asante do not present significant elements for comparison. Yet both cases illuminate important similarities in the legitimation process in Ghana. In both cases, chiefs, the state and the local populations are engaged in a process of mutually re-enforcing each other and transforming the nature of influence associated with each. And the purpose of this thesis is to explore, through a comparative examination, based on unwritten primary

---

<sup>17</sup> There is a more detailed discussion on these differences later on pages 64-67.

(observations and interviews), written primary (parliamentary debates and pieces of legislations) and written secondary sources (reflections on political historical processes), the everyday struggles that exist in both areas.<sup>18</sup>

The research is also designed in a way that captures concurrently the moral dimensions of political authority (the norms, values, laws), and performative dimensions of these positions (concrete practices and processes). While moral frameworks are essential benchmarks for proper analysis and assessment of the processes, comparing them with the concrete realities is fundamental to achieving the core objectives of this research. Thus the task is to engage a framework that consistently keeps an eye on the local happenings and the basis of interactions between the local and extra-local polities in order to understand the legitimation process in Ghana more clearly.<sup>19</sup> This approach facilitates the process of establishing that there is a mutual constitutive relation between local political dynamics and national politics in Ghana, as well as between rules and daily realities.

While traditional leaders spend time on so-called traditional functions, such as land allocation, dispute resolution, religious rites, they are also engaged with the 'modern' issues and institutions. At the local level, people in the case study areas considered chieftaincy's ability to deal with 'modern'

---

<sup>18</sup> This mixed method is referred to as triangulation in social science research. Triangulation refers to use of more than one approach to the investigation of a research question in order to enhance confidence in the ensuing findings. The underlying reason for employing this research strategy is based on the assumption that social and political process and practices at the local and national levels can be achieved when studied using a combination research techniques. This approach increases validity by partially compensating for the limitations each single method may have. Triangulation is also helpful for "for cross-checking or for ferreting out varying perspectives on complex issues and events" (Wolcott 1988: 192).

<sup>19</sup> Extra-local as used here refers to the state, which has both national and local institutions and personnel, laws, rules and regulations as well as the international regime. And the local sphere refers to the chiefs and traditional authorities who have achieved their positions through customary norms and practices.

issues and institutions to be as important as their ability to handle so-called traditional responsibilities. Chieftaincy's ability to address issues concerning the local government, land administration and democratic politics is central to the legitimation process at the local level. As it turned out, a closer analysis of the effect of these more 'modern' functions had on the legitimation process revealed the contours and substance of what we often referred to as 'traditional' aspects of chieftaincy.

The research began with the exploration of written sources (both primary and secondary). This approach helped to explore the historical discourses and information available. The written primary data included the Fourth Republican Constitution [1992], pieces of national legislation, parliamentary reports and Hansards, historic literature, reports of the consultative assembly that drafted the 1992 Constitution, parliamentary committee reports, ministerial documents and speeches. The written secondary sources include newspaper articles/stories and other relevant publications on chieftaincy and the state. Both primary and secondary written sources were obtained at centres including the Manhyia Archives at Kumasi, the Public Records Administration and Archives Department in Accra, the Parliament of Ghana library in Accra, Ministry of Local Government and Rural Development, Ministry of Land and Natural Resources, the Institute of African Studies library at the University of Ghana as well as records in the custody of individuals. The bulk of the secondary data obtained provided a wide range of textual and public discourse and proved extremely useful in defining the historical context within which issues addressed in this study are situated.

Data were also obtained through open-ended questions<sup>20</sup> and participant observation in the two case study areas. Open-ended interviews along with informal talks were held with a variety of selected actors with most of these interviews conducted in Kumasi and Hohoe.<sup>21</sup> The informants were chosen to reflect the general structure of political and state administration in the case study areas. In general, the respondents were categorised into three groups: Government, Chiefs and Subjects. The government category comprised the employees in the ministries, state departments and agencies as well as a member of parliament in the area. This government category also represented the views of the urban and civil servants. The chieftaincy category comprised the Traditional Leaders (including queenmothers and elders) and the Houses of Chiefs. The Subject group comprises individuals who have directly or otherwise been involved with traditional leadership. The Subject group also include members of the government category.

My first fieldwork location was Gbi in Hohoe. Upon entering the community, I visited the paramount chief, Togbega Gabusu. Indeed, this is also the protocol, and in order to do research in any area in Ghana, one is expected to receive “permission” from the chief. During the first to Togbega’s residence, I made a presentation of one bottle of Scottish whisky, and a bottle of imported schnapps as a way of asking for his ‘blessing’ for the research. In fact, word quickly spread after that meeting about my research

---

<sup>20</sup> The interviews were conducted in Ewe, Twi and English, in all of which I have conversational abilities.

<sup>21</sup> Upon entering the case study areas, the first person I met was the chief in the case of Gbi and the Chiefs’ representative in the case of Asante. This was protocol, and in order to do research in an area I was expected to receive ‘permission’ from the chief. I did not experience any problems getting this permission, and in fact, my hosts later introduced to me to other traditional leaders who requested me to visit and speak with them.

about my research in the area and subordinate chiefs were asked to speak to me when I visit them. In the case of Kumasi, I reported at the Secretariat of the Asantehene and met his chief of staff (an administrative position) who introduced me to Akyempimhene, who is the spokesman of the Asantehene. Indeed, by his position and education as a PhD holder in law, he understood my research and offered all the help I needed in the palace located at Manhyia. The Manhyia palace has three gates. The first gate leads into a compound open to all subjects, the second is restricted to only people who have business with Asantehene and the third is where the Asantehene lives. Because of my association with the Akyempimhene, I was given a rare opportunity to use the second court, which deepened my understanding of chieftaincy activities and processes in Asante. However, I could not meet the Asantehene in person as he rarely gives audience for such academic engagements. This however did not substrate from the quality of data collected in Manhyia as the Akyempimhene and all the palace officials interviewed were part of the Asantehene's daily routines and thus preview to important insider information.

Interviewees were selected through a purposive selection for the reason that apart from being accessible, they also could make balanced contributions in relation to study questions and the themes defining the research (Lynn 2004: 432). It is important to note that the selection of interviews was not structured to represent gender distribution in the case study areas as the subject of traditional political leadership is very much a restricted arena for men even though women play significant roles in deciding who becomes the chief (Brydon 1996). Nonetheless, the field work seized on two rare opportunities to hold a general discussion with twenty-seven queenmothers (or female chiefs) at Hohoe and another two in Kumasi. The meeting at

Hohoe was later followed by major interviews with two queenmothers. These meetings revealed changes and transformations experienced by queenmothers in contemporary in traditional governance. In Hohoe, a total of nineteen informants were interviewed. This consisted of five chiefs - three males and two queenmothers. The rest included one elder, three assembly members, the Member of Parliament of the area, the two municipal assembly officials, four political party officials, two civil society organisation workers and two police officers.

Within Kumasi, sixteen persons were interviewed. This included two male chiefs, the private secretary of the Asantehene, the court registrar of Asantehene's Court, the registrar of the Traditional Council, the finance clerk at the Asantehene's Land Secretariat, ten officers of the National House of Chiefs, three officers at the Kumasi Metropolitan Assembly, two police officers, and an African Studies lecturer at the Kwame Nkrumah University of Science and Technology in Kumasi. Also around the country, data were collected from two senior officers at the Ministry of Chieftaincy Affairs, two lecturers at the University of Ghana, a staff member of the Office of the Stool Lands Secretariat, an officer at the Forestry Commissions and two lawyers all based in Accra. In total, thirty-eight interviews were held mostly at the premises of the interviewees.

The purposes of the interviews were, firstly, to gather factual information on chieftaincy and state relations. Secondly, the interviews were meant to encourage reflective talk on chieftaincy and the state, in order to gauge opinion on these institutions. In achieving this goal, the interviews switched between open-ended formats and informal conversations. This approach is useful for understanding the nature and essence of social

processes (Mason 2002: 62). While the open-ended questions guided the interview, the informal conversations help to probe issues that were not on the question list but could shed light on important issues and opinions of the respondents. In addition, as Neuman (2000: 279), Du Plooy (1995: 145) and Breakwell (1995: 233) note, every interview, regardless of technique, runs the risk of interviewer bias, vague questions and leading questions to mention a few of the problems associated with using one form of interviewing technique. These challenges also inform the combined interview approach in order to effectively elicit concrete evidence and information needed in this research. Another challenge noted with interviews was that interviewees often confined discussion to the 'ought to be' situations. In fact, there was often a sense that interviewees wanted to please me with 'nice' answers - which sometimes did not fit well with the practices and events I witnessed. For example, Chief A mentioned in one interview that he had a very good and friendly relationship with the local government officials. But this statement was contradicted by an incident a few days later when the same chief threatened the local government officials for *always* disrespecting him (fieldnote April 1, 2009). Another example that puzzled me was when a state official mentioned that he would not engage chiefs in politics yet he visited the chief's home to solicit blessings and support for his political aspirations!

There were also instances where one-on-one interviews turned into focus group discussions. The chiefs always invited their elders and spokespersons (linguists) to join them during interviews. This is because chiefs, customarily, do not speak except through a linguist. The only issue however is that most of the elders tend to chorus the same things the chief said. Hence, there were follow-up visits to the homes of two of the active participants in the focus group to get clarifications and to solicit their

personal opinions on issues. This approach proved to be useful as it provided revelations which had not been shared in the focus group. I also soon realised from the interview that attitudes about chiefs seem to vary with respect to whether one lived near the chief's palace, and thus, I made it a point to visit the areas that were furthest from the chiefs' palace as well as those close to him.

Data were also obtained through *participant observation* of traditional and national events such as public durbars,<sup>22</sup> formal meetings of the Traditional Councils, Houses of Chiefs, and other auxiliary events like communal clean-up exercises. Participant observation offered a valuable means of addressing the research objectives in a significant way. As Bryman (2004: 167) notes, "it entails the relatively prolonged immersion of the observer in a social setting in which he or she seeks to observe the behaviour of members of that setting (group, organisation, community, etc.) and to elicit the meanings they attribute to their environments and behaviour". In this study, observation of, and participation in the work of institutions such as National House of Chiefs, Regional Houses of Chiefs, Traditional Councils, and private sittings involving chiefs in Hohoe, Ho, Peki, Accra, Agona and Kumasi was carried out. Visits to state administrative offices, chiefly palaces and homes of chiefs and other community centres for interviews also served as good opportunity for participant observations. In addition, there was participation in many 'everyday' community activities in order to encounter the different categories of authorities (state officials, chiefs, politicians, members of parliament etc). These activities increased understanding on the practical interaction within and between chieftaincy

---

<sup>22</sup> Such as farmers' day celebrations, traditional festivals and political rallies.

and the state in Ghana. It was also helped in cross-checking the information and issues that came up in the interviews.

The unwritten primary sources of data which included interviews with different categories of actors, participant observation of everyday practices and interactions, as well as public meetings and ceremonies offered an invaluable opportunity to appreciate the different dimensions of power relations - the actual interactions and meanings, as they unfolded in both public arenas and in everyday social situations. They also brought to the fore the underlying causes of tensions and how these are managed in chief-state relations.

### *1.7.2 Challenges*

The research design was not without challenges. First, the title of the study would suggest a nation-wide data collection. However, this ambition was limited by the large chiefly population in the country.<sup>23</sup> This is compounded by the fact that Ghana consists of many ethnic groups, with many different languages and different social and political systems that have a direct impact on how chieftaincy is organised. Therefore, nation-wide research on chieftaincy for a doctoral thesis would simply be unrealistic if not superficial and too general to be useful. In trying to avoid a superficial study and also considering the limited time and resources available, the research focused on the two case study areas - Hohoe (Volta Region) and Kumasi (Ashanti Region). This approach therefore limits the extent to which it can be generalised to represent the entire country. This notwithstanding, the investigation is conducted in areas that offer important and unique insights

---

<sup>23</sup> Ghana covers a land mass of 238,533 sq km.

into the nuances of chieftaincy in Ghana.<sup>24</sup> Concentrating the fieldwork in Kumasi and Hohoe also offered other practical advantages.<sup>25</sup> First, it helped to win the trust and confidence of people. A long stay and constant interaction built trust, confidence and a pool of friends who became comfortable sharing relevant information with time. It also provided an opportunity for the acquisition of in-depth information as well as facilitating discussions on very sensitive issues in Ghana like land, succession and electoral mobilisation. In addition, a minimum of three months spent in each locality meant greater immersion into local cultural dynamics, myths and processes.

Another challenge was identifying the key areas and issues which form the substantive research chapters of this thesis- local government, land, and democratic politics. When I started this research, I was keenly interested in the ways chieftaincy might utilised culture to maintain legitimacy. Instead, I found chiefs and local populations much more interested in land, local government and democratic politics. The decision therefore to use land, local government and democratic politics was influenced by the practical realities in the field as well as provisions of the 1992 Constitution of Ghana and the Chieftaincy Act of 2008 (Act 759). Secondly, the research focuses on these

---

<sup>24</sup> The choice of Hohoe and Kumasi has academic objectives. In the case of Hohoe, very little has hitherto been written .And even in the case of Kumasi where much of the literature on chieftaincy in Ghana concentrates, as far as I am aware, there is no research on chieftaincy and state interaction under the Fourth Republic. . By devoting attention to these two chieftaincies therefore, this study makes a contribution to ongoing research in this area and also helps to expand and extend knowledge on chieftaincy in Ghana generally. It conducts by also drawing on important and relevant examples from other cultures and communities other than the case studies when necessary. Notwithstanding, it is not a study on chieftaincy in *all* Ghanaian communities.

<sup>25</sup> Accra was included for the purposes of gathering extra data on the two primary case studies.

three areas as they provide excellent examples of matching the moral and performance dimensions of legitimacy.

The research work also encountered a lack of openness among the key actors: chiefs and the state institutions. Methodologically, patterns observed in this work are those conducted in public. In fact, it was very difficult and almost impossible to effectively monitor all the interactions between chiefs and the state institutions, not to mention the risks attached to close monitoring. Evidently, these darkroom politics and undercover dealings have impacted upon the pattern of behaviour between both institutions. The lack of openness means that both sets of actors live with uncertainties and were suspicious of each other. It also suggests that chiefs and state institutions could conceal information from each other if they perceive it to be to their benefit.

### *1.7.3 Case-Studies*

As indicated above, the fieldwork was carried out among two ethnic groups in two regions, the Asante (Kumasi) in the Ashanti Region and the Gbi (also called Gbi Dzigbe in Hohoe) in the Volta Region (see map 2 and map 3 respectively). Both case studies varied in important ways that allowed me to control for certain political, economic and social factors.

Apart from being situated in two different administrative regions of the country, both speak different languages and present different scales of chieftaincy in terms of size, culture, mythology, and general patterns of social and political organisations. For example, Ewe chieftaincy, unlike the Asante counterpart, is a small political entity. Generally, the tendency has been for the Ewe groups to establish small independent chiefdoms. Except for the

Anlo Ewe in the southern part who have an established a loose confederation of thirty-six states under an Awoamefia,<sup>26</sup> most Ewe polities consist of independent chiefdoms, some which are fairly large like the Anfoega, Ho (Asogli), Kpando (Akpini), Peki (also called Gbi Nyigbe) and Gbi Dzigbe and others rather small in territorial size or population or both. The Gbi are located in the Hohoe municipality, who according to the 2000 National Census accounts for about 66% of the total population of the District (see map 3).<sup>27</sup> The Gbi are also the largest component of the Northern Ewe group (Anfoe, Ho (Asogli), Kpando (Akpini), and Peki). The result is that even the Ewe, as a linguistic group, lack the homogeneity to make a generalised statement about themselves. The same can be said about the Asante.

The Asante are part of a larger Akan speaking group which includes the Fante, Akim, Kwahu and Akwapim constituting 40 percent of the total population of Ghana.<sup>28</sup> They are found in areas now coterminous with the entire Ashanti Region, part of northern Volta, Western, Eastern, Brong Ahafo and Central regions. Just like the Ewes, the spread of the Asante across the regions is partly the result of political and economic migration.

Politically, the chief of Kumasi, the Asantehene, is also the overlord of all Asante in Ashanti Region (see map 2). By virtue of being the Asantehene, he is also the head of the largest ethnic group in Ghana and the influential Asanteman Council, making Kumasi the centre of political royalty and

---

<sup>26</sup> The Awoamefia is the Paramount Chief of the Anlo people. The Anlo chiefdom is made up of thirty-six traditional areas.

<sup>27</sup> The 2000 population census figure for Hohoe municipality (based on DSDA II headcount) is 144,511. ([www.statsghana.gov.gh](http://www.statsghana.gov.gh), accessed August 8, 2011)

<sup>28</sup> The Akan also exhibit diversities among the different component communities. The Akan rules and practices differ among the Asante and the Fante, as they do with the Akim (Akyem), the Kwahu, and the Akwapim.

power.<sup>29</sup> The Asantehene has absolute leverage over the vast natural resources of the all communities and chiefs within his jurisdiction. He controls huge mining fields and productive lands and as such receives royalties from his chiefs and also from all land users in his domain. The counterpart in Gbi is comparatively starved of resources because the chiefs do not control land and economic resources. Meaning, the two cases were considered in order to observe how economic factors may influence chieftaincy and state relations.

Another important difference between these two chieftaincies is that, while the traditional political office of the Gbi is headed by a chief of paramount status from the Tekoni clan and organised around the principle of patriliney where inheritance and succession is passed through the father to the son,<sup>30</sup> in the case of the Asante, inheritance and succession is based on matriliney where power and property are transferred through the female line. These patterns of inheritance only guide the recruitment into political office as there is no line of succession among the Ewes and Asante. There is free choice amongst eligible royals.

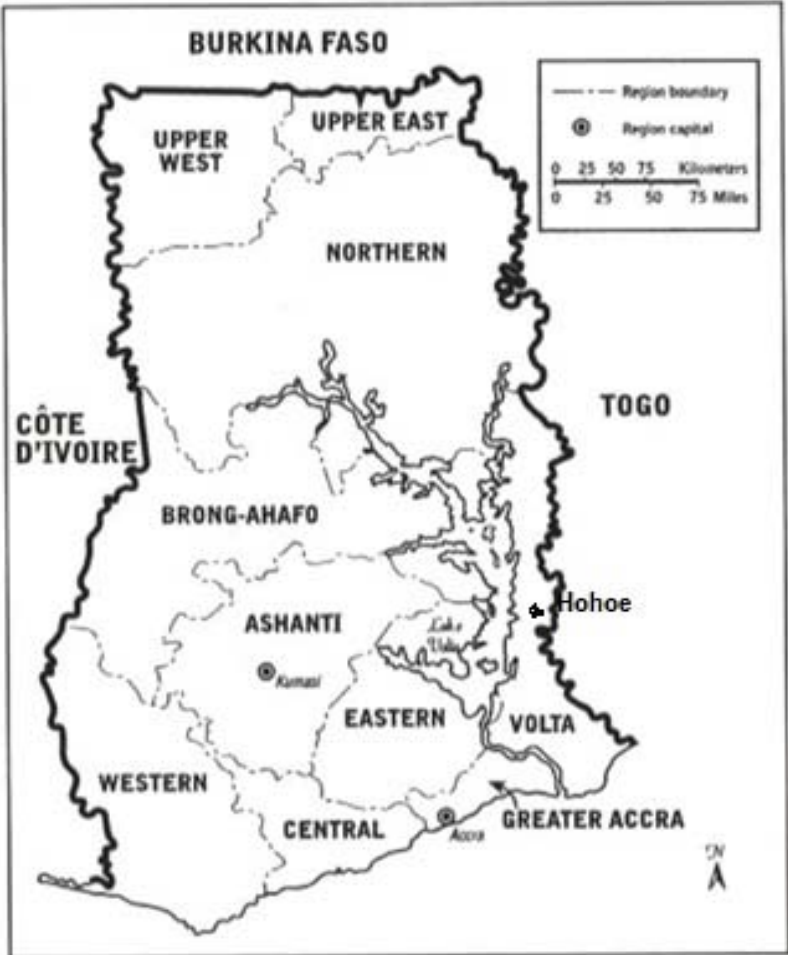
Hohoe and Kumasi also have interesting histories in modern state formation. Hohoe made its first political mark by defying the colonial authorities which tried to force a policy of *amalgamation* on them. The amalgamation policy re-grouped chiefdoms, down-grading formerly independent chiefs to the status of divisional chiefs to aid administration of the country (Nugent 1996; 2002). A number of chiefs including the Gbi chief

---

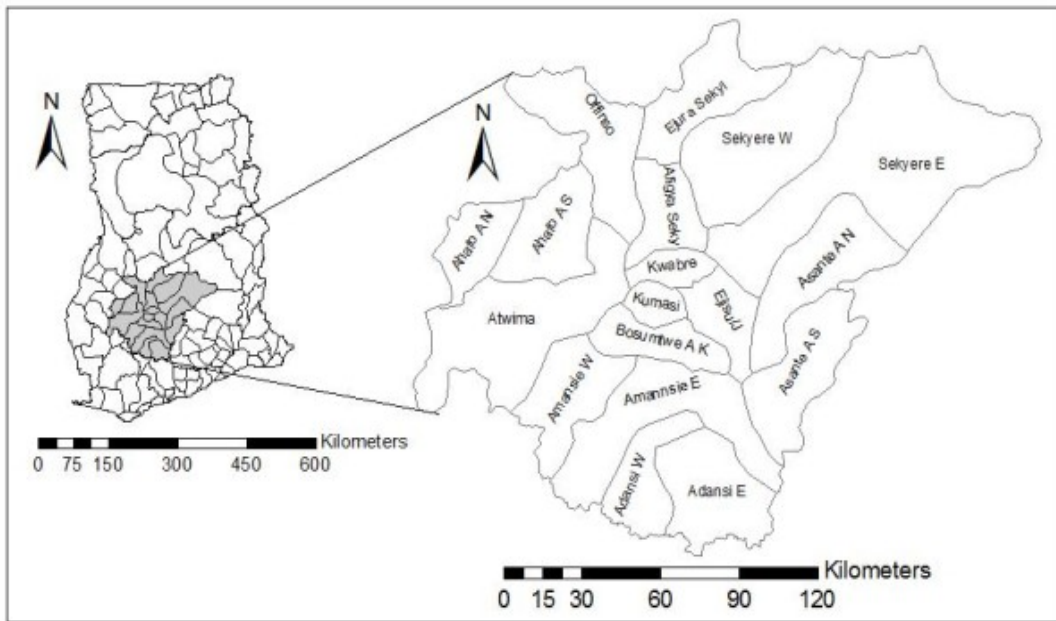
<sup>29</sup> The Asanteman Council is a confederation of thirty-eight Paramount Chiefs who swore an oath of allegiance to recognise the leadership of the Chief of Kumasi and to protect the interest of members.

<sup>30</sup> This practice is also common among the other Ewe groups as well as the Ga and the Northern ethnic groups of Ghana

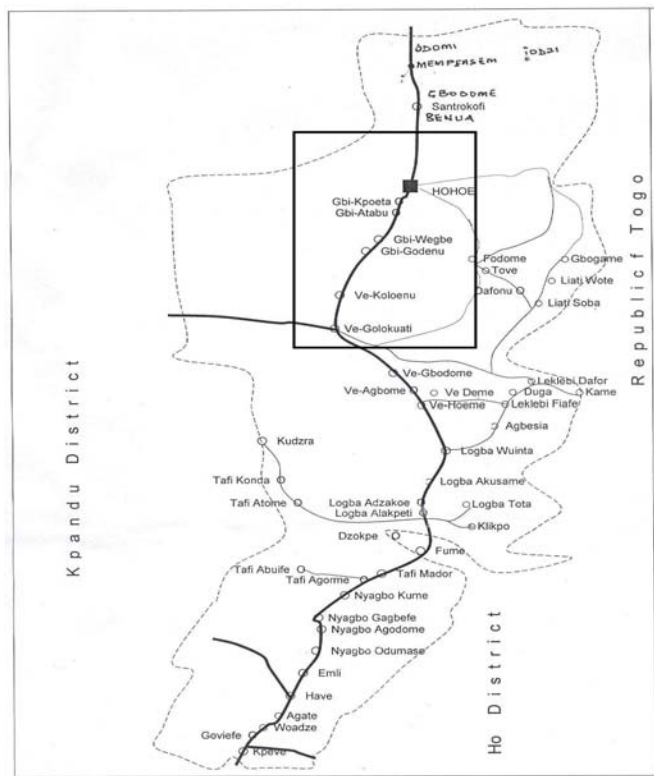
openly defied the colonial government by refusing to join the amalgamation (Nugent 1996: 223; Nugent 2002; Lawrance 2005). Also soon after independence, the Gbi chief, Togbe Kwasi Gabusu IV, was forced into exile in the Republic of Togo to avoid persecution by the Ghanaian state for his opposition also to the Convention People Party (CPP) government on the unification of the Trans-Volta Togoland (TVT) and the Gold Coast. Gbi chieftaincy continues, as will be discussed in this thesis, to relate with the state by adopting different postures in contemporary times. The Asante on the other hand have opposed the colonial state project right from the onset. The Asante have effectively shaped politics and the constitution of Ghana. Any political history of Ghana is incomplete without Asante's chieftaincy (Wilks 1995). Thus, while there are significant differences between the two case-studies, in each of them chieftaincy was considered a key part of society and play important roles in contemporary politics. The next chapter will explore in detail the variations and similarities of the two case studies using historical materials in particular ways that help us to understand the current legitimation process.



Map 1 Regions of Ghana (adapted from Berry 2001: 4)



**Map 2** Kumasi Traditional Area and other Asante towns under the Asantehene  
(Courtesy of the Kumasi Metropolitan Assembly)



**Map 3** Gbi Traditional Area in the Hohoe Municipal Assembly  
(Courtesy of the Hohoe Municipal Assembly)

## **1.8 Thesis Outline**

### *1.7.1 Chapter One: Chieftaincy, State and the Case for Legitimacy*

This chapter gives a brief overview of the thesis. Along with the presentation of the thesis statement, there is a documentation of the research questions. Chapter One also includes a discussion of the rationale for conducting this research in the form of a literature review as well as the suggested framework for analysis. The methodology employed during the course of research is also discussed.

### *1.8.2 Chapter Two: The Historical Development of Chieftaincy and the Principle of Unity*

This chapter examines the political principle that brought people together and laid the foundation of pre-colonial societies and how they were appropriated during the colonial rule. The chapter argues that these principles and the 'idea of chieftaincy' continue to operate as a prism through which local people define and interpret present-day chieftaincy transformation in Ghana.

### *1.8.3 Chapter Three: The Making of a Mixed Polity: Transformation and Accommodation of Chieftaincy*

This chapter examines the changes and debates concerning chieftaincy since the 1940s on the role of chieftaincy in the post-colonial state. The chapter also highlights how statutory role-definition process has formalised and rationalised boundaries between chiefs and the state institutions. An analysis of these constitutional and institutional arrangements, as well as the debates

surrounding them, transformed the nature of chieftaincy and state authority is the focus of this chapter.

#### *1.8.4 Chapter Four: Chieftaincy and the District Assemblies: Multiple Boundaries and the Ambiguities of Representation*

In this chapter, the background, structure and function of the current decentralisation, the District Assemblies, is given. It examines the workings of the District Assemblies and their relationship with the chiefs as well as how both actors negotiate the realities of living in the same political space.

#### *1.8.5 Chapter Five: Chieftaincy and the Economy of Land Resources: Expanding the Parameters of Tradition*

Chapter Five examines 'modern' and 'traditional' laws on land tenure in the Fourth Republic. The chapter argues that both Asante and Gbi continue to use a manipulated version of customary law that allows them to profit from the new economic opportunities connected to the state.

#### *1.8.6 Chapter Six: The Contested Nature of Politics and Democracy in Ghana*

Another key area in chief-state relations is democratic politics. The chapter focuses on the ways in which chieftaincy and state notions of authority are blended together and mutually transformed, especially with respect to understandings of politics and democracy.

*1.8.7 Chapter Seven: Conclusion: Chieftaincy and the Fourth Republic:  
Legitimacy in Mixed Polity*

Chapter Seven provides the summary of the thesis. It re-states the argument that the legitimacy of chiefs, similar to the legitimacy of the state, is first rooted in 'traditional' ideas and public expectations. Secondly, that the presence of two political institutions in the same political space means that there is a mixed polity and this explains why the legitimation process is often complex and contested and mutually transforming in unanticipated ways.

# CHAPTER TWO

## THE HISTORICAL DEVELOPMENT OF CHIEFTAINCY AND THE PRINCIPLE OF UNITY

### 2.1 Introduction

In the current debates in Ghana concerning chieftaincy, the past is viewed as a prologue, to the extent that the positions that many politicians, journalists and academics take on whether chieftaincy should exist in the post-independent state are based on their interpretation of chieftaincy-societal and chieftaincy-state relations in the past (Metcalf 1964: 68; Afari-Gyan 1995; Odotei and Awedoba 2006). This is why the debates over chieftaincy often allude to how chiefs governed before colonialism and how these governing norms and practices were altered during the colonial and post-colonial eras.

At the same time, many scholars have observed that pre-colonial norms and values continue to influence present-day politics (Herbst 2000; Geschiere 1997; Mamdani 1996; Schatzberg 2001). In other words, while scholars often have an “intuition that African politics have deep continuities,” there is also the reality that colonial regimes have altered pre-colonial norms and institutions (Herbst 2000: 29; Berry 2001). In this way, both continuities with and the changes from the past relate to claims that define contemporary chief-state-societal relations.

This chapter therefore begins by examining the ‘idea of chieftaincy’ as a central cultural and institutional aspect of local political life. Contrary to what Mamdani (1996: 125) for instance depicts, communities often respect the ‘idea of chieftaincy’ more than particular individual officeholders (Nugent 1996: 218).<sup>31</sup> The norms, values, ideas and symbols embedded in chieftaincy provide the nexus where more general understandings of power, authority, fairness, representation and justice are continually defined and debated. In the end, the ‘idea of chieftaincy’ operates as a prism through which many people define and interpret present-day chieftaincy legitimation in Ghana.

Second, the chapter explores the ways in which particular political norms, processes and principles associated with chieftaincy have survived overtime, even when confronted with colonial and post-independent regimes that sought to congeal such notions of custom (Hobsbawn 1983; Rangers 1983; Nugent 1996; 2002). As I have already indicated, it is useful to conceptualise ‘traditions’ as processes, which must continually change to remain resilient, rather than to depict ‘traditions’ as fixed practices or ideas (Kyed 2007). To understand these processes also means examining how chieftaincy and the communities reconcile the gap between pre-existing political norms, processes and principles and official state rules, norms and principles.

The colonial and post-independent governments manipulated certain aspects of tradition – especially relating to indigenous political ideology - to facilitate their authority (Firmin-Sellers 1996: 25). In many cases, however,

---

<sup>31</sup> Mamdani concludes that one of the effects of indirect rule was that local populations respected the law maker (i.e., the chief) more than the law (1996:125). The evidence, at least in Ghana, however suggests a different dynamics where people are more critical of the individual rulers than they were of the institution of chieftaincy itself.

studies show that some norms, ideas, values, and symbols resonate with people while others do not (Fields 1985). In other words, to what extent is the state actually borrowing particular norms and symbols rather than inventing them? With respect to chieftaincy-societal relations, the questions are even more specific: what are the acceptable boundaries of political action and debate? Who makes or remakes these boundaries? What are the available remedies if one crosses these boundaries? And finally how did colonial rule affect these boundaries? To answer these questions requires an understanding of the pre-colonial traditions and how these have continued to develop over time in justifying their rule.

## **2.2 The Pre-Colonial Polity**

### *2.2.1 The Ideological and Political Imperatives of Unity*

The concept of unity (Ewe: *dekaworwor*; Twi: *nkabom*) is the cultural and political theme offering the foundation for structuring chieftaincy–societal relations in Asante and Gbi (Abotchie, Awedoba and Odotei 2006: 115).<sup>32</sup> Broadly speaking, political decisions must appear to achieve or maintain unity if they are to be taken seriously or accepted by the community at large.<sup>33</sup> Over time this idea not only justified the centralisation of power, but also helped to give meaning to ruler-ruled relationships and the allocation of social space. Since the creation of an organised political rule, the identity of the people was inextricably linked to that of their kings and chiefs. The linkage was not only natural but supernatural as well. The kings and chiefs

---

<sup>32</sup> Unity was not a concept that this research sought to investigate. It was an idea that was discovered in the field and in the history of the two groups. In this way, it was an inductive rather than a deductive outcome of the research design. Unity for all intents and purposes became the explanatory benchmark for chieftaincy actions and inactions.

<sup>33</sup> In a national study conducted in 2005 by the Institute of African Studies at the University of Ghana, 87.4 percent of the respondents regarded chiefs as the unifying symbols of their people (Abotchie, Awedoba, Odotei et al 2006: 116).

benefited from their role as representatives of the ancestral spirits, since society is believed to be made up of both temporal and spiritual members (Wiredu 1995; Oquaye 1997; Frempong 2006). In due course, important symbols and rituals were established to highlight the unity between the ancestors, kings, chiefs and the people. These symbols and rituals therefore help to legitimate chieftaincy-societal relations.

Indeed, from both primary and secondary sources in the field, one is struck by the recurring theme of 'unity' as a way to describe the relationship between ruler and ruled and the attempts by successive Asante and Ewe rulers, for example, to promote and give meaning to this idea (Addo Dankwa III 2004; Abotchie, Awedoba, Odotei et al 2006). From the time of Osei Tutu I (1680-1717) through to the current leadership of Osei Tutu II (1999- ), unity has proven to be a central component of the Asante political consciousness. For example the current Asantehene Osei Tutu II organises weekly meetings with chiefs in Asante to resolve conflict between chiefs and subjects in order to keep the unity of people. The Gbi on the other hand have, for years, been organising an annual festival called *Gbidukorza* (*Gbi*; *dukor*: state; *za*: festival) to reunite the people of Gbi or Gbi Dzigbe with their long lost kinsmen in Peki or Gbi Nyigbe. The history has it that both groups belong to the same chieftaincy before migrating to their present settlements. However, on their way to their present to what is now referred to as Gbi Dzigbe they noticed that some of their kinsmen with whom they sojourned had been missing. They therefore decided to send representative from each of the seven divisions of Gbi to recover them into the original fold. The search party, unable to surmount the challenges in pursuit of undertaking their task

retreated and founded Peki or Gbi Nyigbe and the seven representatives formed the seven communities corresponding with those of Gbi.<sup>34</sup>

While the idea of unity may be central to the establishment of political authority, Asante and Gbi history is also replete with secessions, disorder and wars. Despite the difficulties of achieving actual unity, and in spite of the manner in which this idea can be manipulated, it resonates strongly among the local population and sustains the legitimation process until today. It is therefore not surprising that many people continue to see the goal of unity as the most important role of the chief (Abotchie, Awedoba, Odotei et al 2006: 116).

More specifically, however, the idea of unity provides only a rough guideline to the actual legitimation process at the local level. For many people, the goal of unity in the community is so obvious that it seems reasonable that chiefs should promote it, and yet, it is too ambiguous to help resolve political issues or disputes. Rather communities rely on a set of more concrete indicators or principles to help them give meaning to the idea of unity. In particular, there are four important principles that both the rulers and the ruled attach to the notion of unity. While in reality, they are often interrelated, for the purpose of analysis, they are treated as distinct concepts. The idea of unity manifests itself in 'order', 'consultation', 'impartiality', and 'community welfare' (Gyekye 2003; Wiredu 1995; Frempong 2006).

The adherence by the ruled and the ruler to these principles defines the legitimation process and provides a standard by which political decisions and actions are evaluated (Brempong 2006: 221; Gyekye 2003; Wiredu 1995;

---

<sup>34</sup> Two later towns have emerged from both sides. Thus the Gbi and the Peki have nine polities.

Frempong 2006). Yet the principles do not predetermine political decision making. While individual chiefs must exercise their rule making and rule enforcing authority with these principles in mind, each one will undoubtedly interpret order, consultation, impartiality and community welfare differently depending on particular circumstances. Nonetheless, chiefs must justify their actions based on these principles and cannot choose to ignore them or act in ways that suggest so. At the same time, those under their jurisdiction also utilise these principles to limit the authority of chiefs as well as check the abuse of power (Frempong 2006: 222; Gyekye 2003; Frempong 2006: 384- 86).

Though, the notion of unity and the political principles listed above do not represent timeless qualities; there is no doubt that the experience of colonial rule as well as significant social and political changes over the years have altered the content of these principles. It is important to analyse the tension, contradictions, and the points of contestation inherent in these principles as they have been adapted over time. While these concepts have been redefined over time, and remain fluid, they continue to form the structure for how people understand relationships with authority and the world around them. Equally important is the idea that because chieftaincy has a dominant structural presence in many areas in Ghana and because chieftaincy dominates both “private” and “public” spheres of activity, the idea of unity and its underlying principles are often transposed for understanding other social and political phenomena (Ekeh 1975).

## 2.2.2 *Unity in the Making: Political Legitimacy Prior to Colonialism*

*According to traditional ideals, a chief never force his people to do what they did not want to do; he was a leader rather than a ruler, relying for his position on influence rather than force. -BOURDILLON 1976, CITED IN AYITTEY 1991: 93*

### *- The Emergence of Kumase and Asante*

An abundance of historical literature has been devoted to the origin and formation of the Kumasi state and its development into a nation (Wilks 1993; 1995; McCaskie 1983; 1995; Adu-Boahen, Akyeampong, Lawler, McCaskie and Wilks 2003; Yarak 1986; Ward 1957; Rattray 1923; Busia 1951). With the exception of McCaskie, these studies rarely discuss the question of political legitimacy and the formation of pre-colonial ideologies. In many cases, the scholars assumed legitimacy as established on the basis of military success, fear, coercion, diplomacy of the ruler. Even Wilks (1995: 31; 1993: 127) who made some efforts to describe the legitimation process, only related the role of the golden stool, the elephant tail and the golden axe in the political organisation of the Asante without stating how the subjects related to it. Yet what we know about chieftaincy-societal relationships from the period suggests that the establishment and maintenance of legitimacy was much more complex than this (McCaskie 1983; Berry 2001). In addition to the threat of force and diplomacy, the legitimation process also depended on the use of particular rules, processes, and rituals connected with the people.

Before the emergence of the Akan<sup>35</sup> *oman* (plural *aman* which literally means polity or political order), which include the present day Asante, the basic unit of the people was the estate. According to Wilks (1993) estates were kin-based social structures consisting of both immediate and extended maternal family members who settled on a cleared piece of land. This happened during the fifteenth and sixteenth centuries, when the foraging mode of production gave way to an agricultural one. In the course of transformation, “bands appropriate to the older mode of production were replaced by matrilineal structures appropriate to the newer” (Wilks 1993: 94). Over the course of time, these estates grew into states and matrilineal members formed into chieftaincy led by the politically dominant family. For example, Kumasi was founded as an estate by the grand child of Ankyewa Nyame of Asantemanso. The tradition goes that Ankyewa Nyame had a daughter, Berempomaa Piesie. Berempomaa gave birth to three sons and seven daughters. Each family found land to dwell on. The children of Berempomaa’s daughter Kyeremaa, Kwabia Amanfi and Oti Akenten however decided to look for a better place to dwell hence they relocated to a cleared forest area called Kokofu, known after its proprietor. Again, the land proved insufficient for the activities of Kyeremaa’s sons. After the death of Kwabia Amanfi, Oti Akenten (her son) received report of cleared fertile land in Kwaman and purchased it from its female owner for 67.5 ounces of gold (Wilks 1993: 101). This was Kumaseman, or Kumasi as it is known today. It was a small estate in the interstices of Tafo, Amakom, Kaase and Domaa. All these estates soon developed into complex political structures or chieftaincies (Wilks 1993).

---

<sup>35</sup> The name Akan is used to refer to the peoples of the forest country of what is now Ghana. The first Akan estates were Adansemanso, Abuakwa Atwumamanso, Asantemanso, Asenmanso and Abankeseso. These estates were the cradle of Akan towns of Adanse, Akyem, Asante, Asen (Assin), and Denkyira (Wilks 1993).

As a leader of the group, the chief held considerable power over his followers. Not only did he exercise a combination of what might be referred to as executive, legislative, military and judicial power, but, he was also an important link to the ancestors. His conventional powers were not easily separated from his religious roles. More specifically, he determined the distribution of land and the nature of agricultural production. He resolved disputes in the community and punished those who violated community rules and standards. He required those living under his jurisdiction to provide tributes and, in turn, protected them from possible harm. Finally he led the community in rituals that connected them with the ancestors and protected them from supernatural forces.

Let's return to the Kumasi history to see how it became the centre of the Asante kingdom. Similar to state formation in Kumase, the Denkyira estate became formidable and had become a leading power in the region. It defeated Adanse, another Akan state, in the move to expand its economic and political supremacy (Wilks 1993: 03). Kumasi itself became a victim of these wars. The Denkyira ruler, Boamposem, required Oti Aketen to pay him annual tribute in palm oil and to send one of his families to reside at the Denkyira court. Oti Aketen chose his nephew, Osei Tutu. However Osei Tutu did not travel to Denkyira alone. He travelled with seven of his mother's servants.

Relations between Denkyirahene (Denkyira ruler) and Osei Tutu became strained when Osei Tutu refused to surrender war booty. The Denkyira made war on another Akan group, Sefwi. Osei Tutu and his seven servants were in the "van" of the attack, and they obtained booty in gold which Osei Tutu refused to surrender to Boamponsem. The situation

deteriorated further when Osei Tutu took Denkyira woman as his wife and then fled to Kumasi with his seven servants (Wilks 1993: 104). At this time, the Denkyirahene, Boamponsem sent an envoy to Kumasi to demand the return of Osei Tutu. Osei Tutu however went into hiding in Akwamu and could not be captured.

Meanwhile in Kumasi, Oti Akenten had died and was succeeded by Obiri Yeboa as the chief of Kumasi. Obiri Yeboa was, however, murdered in a battle of expansion with Domaa, whose lands bordered Kumasi. This ill-fate brought Osei Tutu to power over Kumasi from his Akwamu hide-out in 1680. He returned with his seven servants, a priest Anokye, and a number of men given to him by the chief of Akwamu.

Osei Tutu revenged Obiri Yeboa's death and fought many battles in order to muster numbers to defeat the Denkyira which was an imminent threat because of Osei Tutu's actions. The *Asanteman*, the Asante nation, originated within the context of quelling the threat of Denkyira offensives around the late seventeenth and early eighteenth centuries. Osei Tutu led a military coalition of several estates under the weight of Denkyira dominance: Kumasi, Dwaben, Nsuta, Bekwae, Mampong, Kumawu and others. The others included large sections of Denkyira natives who fled the persecution of Denkyirahene, Ntim Gyakari, and successor to Boamponsem (Wilks 1995: 28). Historically, the significance of the Denkyira battle lay not so much in the destruction of Denkyira's power, but rather in the decision of polities and estates to convert their military coalition into some sort of permanent political union. Hence, the *osa nti fo*, those who had come together "because of a war", took "Asante" as the name of their political union (Wilks 1995: 28). Thus Asante is not a creation of any Asante tribe, as often believed (Balmer

1926). There was no Asante tribe at the beginning of this battle. Asante was thus a creation of Kumasis, Dwabens, Nsutas as well as the Denkyira rebels who fought Ntim Gyakari in 1701 (Wilks 1995: 28).

Another dramatic result of Denkyira's defeat was the transfer of allegiance from individual estates to Osei Tutu's court. Upon the victory of the coalition forces, the warlords assembled, the priest Okomfo Anokye invoked the name of the gods, and the *Sika Dwa*, the Golden Stool, came from the sky (McCaskie 1995). It landed on the lap of Osei Tutu of Kumasi, thereby signalling his pre-eminence. He became the first Asantehene or the King of the political union and the first occupant of the newly 'created' Golden Stool. The functional myth of the "Golden Stool descending from the sky", Wilks notes, may be thought of as equivalent to Article 1 of an unwritten constitution:

Article 1: the first and therefore paramount stool of the Asante Nation is the Golden Stool. It is the source of all authority within the nation (Wilks 1993: 29).

Thus the most well-known symbolic example of unity in Asante is the Golden Stool. The veracity of the stool dramatically falling from the clouds is arguably of less importance when compared to its unifying role in the process: the point is that all allegiances flow up to it. The occupant of the Golden Stool, the Asantehene, delegates that power, and receives that allegiance. But the Asantehene is only contingently associated with the Golden Stool. One could rebel against the Asantehene but still remain loyal to the idea of the Golden Stool. It became a sacred emblem of Asante unity, identity and support when under attack. Wilks reported that the Golden Stool became the immediate cause of two wars between the Asante and the British. In 1896, the Asante allowed their King, Prempeh I, to be deported

rather than risk losing a war and the Golden Stool in the process. Again, in 1900, the British Governor of the Gold Coast, Sir Frederick Hodgson, committed a blunder when, during a visit to Asante capital Kumasi, he demanded to sit on the Golden Stool (Wilks 1993). The Asante considered this an insult because the Golden Stool could not be exposed to the public and no individual, not even the Asantehene should ever sit on it. Asante decided to go to war over this. Although they were conquered by the British, the Asante claimed victory because they fought only to preserve the Golden Stool, their unity.

The instructive dimension of unification was that the Asante chiefs no longer ruled their territories without recognising the ultimate political authority of the Golden Stool. The obligation to the Golden Stool also attracted two other allegiances: one was to the *Sika Mena*, the Golden Elephant tail, and the other was to *Sika Akuma*, the Golden Axe (Wilks 1995: 31; McCaskie 1995; Yarak 1986). The Golden Elephant tail was considered as the sphere of fiscal affairs: the Asantehene is the head of the exchequer of the various treasuries and as such demands taxes, tributes and commissions. The second dimension is the Golden Axe, the symbol for making peace or war. This meant that there could be no question that the king was the centre of the Asante nation – symbolically, economically, and politically - and that he commanded the highest level of respect. However, as Wilks notes, these powers did not tempt the Asantehene to be a dictator because “[t]here is certain degree of checks and balances that came with these three functions” (Wilks 1995: 33). The sharp division of function (i.e. accountants symbolised by Golden Elephant tail, and diplomats and communication experts by the Golden Axe), not only made for efficiency, but prevented the accumulation of too much power in few hands. The Asantehene is the possessor of all three

symbols of sovereignty, but nevertheless he had to conduct his administration through the three distinct arms of the executive.

The Asantehene also had limits to his power in other ways. The uniting chieftaincies remained semi-autonomous and continued to exercise authority over their followers (see map 2). Even the military system, which was effective in producing a sense of Asante identity during battle, was subject to inherent checks and balances of a decentralised nature. The Asante had no standing army and this meant that after completing their service to the kingdom, men and women returned to their original chieftaincies.

Another limit to the Asantehene's power was the sheer size of the territories under his leadership. The Asantehene employed his own policy of indirect rule to help facilitate central authority. Rather than transforming it, Osei Tutu I utilised the existing decentralised political system and relied heavily on chiefs to help him maintain political, social and economic control (Wilks 1995). For instance, upon conquering Kaase, Osei Tutu did not have the chiefs killed but made the people pay tributes to him (Berry 2001: 83). In some cases, the Asantehene replaced the hereditary chief with a different lineage or had one of his royal court take charge (Berry 2001: 83).

The symbolic expression of unity was replicated in the decentralised chieftaincies (Wilks 1993: 106). Every chieftaincy had its own version of the stool (often called black stool as they were ritually washed and never exposed to public view) and the soul of that community was said to be bound up in it. The stool is thus a symbol of chiefly office in Asante, and the term is commonly used to refer both to a chief's office and to the land and people under his jurisdiction. In other words, the concept of stools fostered

and reinforced the integration and the unity of Asante and the basis of chieftaincy.

### *- Gbi Polity Formation*

Reportedly, Gbi history<sup>36</sup> begins with their migration from the east, more precisely Ketu,<sup>37</sup> a Yoruba town in modern Benin.<sup>38</sup> According to Amenumey (1986), the historical records indicate that the Ketu polity emerged around the fourteenth century and was home to the Ewe-speaking people, including the Gbi, as well as to other ethnic groups including the Yoruba in present-day Nigeria. The Ewe group migrated from Ketu and later crossed the Mano River to Tado. Oral sources indicated that Tado was a kingdom with imposing walls. Survey and archaeological evidence, indeed, have revealed the presence of numerous walls of broken stone (Gayibor and Aguiga 2005: 8; Pazzi 1979: 82). The Gbi see Tado as their ancestral home where they first experienced an organised life. They often refer to themselves as Atadowo, meaning people from Atado.<sup>39</sup> Over time, the kingdom of Tado experienced unrest which gave rise to the migration of the Ewe groups to Notsie (currently located in Republic of Togo) in the early eighteenth century before their final dispersal into their present settlements. At Notsie, the Ewe lived

---

<sup>36</sup> Unlike Asante, the Gbi history has less scholarly attention. The earliest record on Gbi history was carried out by scholars including Spieth (1906) and Westermann (1935). However the Ewe group, to which the Gbi belong, have received richer scholarship in later years (Agbodeka 1997; Lawrence 2005; Asamoah.1986; Ward 1957; Amenumey 1964; 1986). This seems to be the case because the scholars treated all the Ewes as a homogenous group. This study argues that this notion is actually not the case.

<sup>37</sup> Ketu is also called Amedzofe, meaning the origin of man and suggesting the original home of the Ewe

<sup>38</sup> This view challenges the traditions of migrating from Egypt. According to Agbodeka (1997), there is no scientific proof of this movement and thus should be disregarded.

<sup>39</sup> This perhaps is the root of the name of the amalgamated traditional authority created by the colonial authority – Atando Native Council- for chiefs including the Gbi.

under King Agorkoli in a walled city with each Ewe unit in a separate ward and under its own head (Kludze 2000: 10-12).

The King of Notsie, Togbi Agorkoli was said to have received significant resistance to his rule. He was accused of being a despot as he exercised an all-pervasive power keeping his subjects within the walled kingdom. He set out impossible tasks, introduced draconian laws and imposed cruel punishments. In one of the mythologies, King Agorkoli was reported to have ordered a rope to be made for him out of clay and failure to achieve the task would be fatal for his subjects. With trepidation, the leaders mustered the courage to ask Agorkoli to provide them with an old clay rope sample. The leaders of the Ewe argued that the new rope must be grafted at the end of the old. Of course Agorkoli could not produce any clay rope and that was how the Ewe survived a plot to be punished (Kludze 2000: 9). In another instance, the King asked the Ewe communities to mash clay filled with thorns and other sharp materials (Kludze 2000:9). These events and similar ones helped to strengthen the people desire to escape. Thus one can argue that King Agorkoli's dictatorial disposition facilitated the disintegration of his kingdom through a mass exodus (Amenumey: 1986:3). The various Ewe chieftaincies led their followers away from the king's control. While it is impossible to establish the historical truth with certainty as these events took place so many years ago, in the absence of writing, they tell us something about the presumed breach of 'contract' between the ruled and the ruler.

According to their tradition, the Gbi claim responsibility for the collapse of the wicked regime of King Agorkoli in Notsie by tearing down the great wall to let out the oppressed Ewe from Notsie. They did this by

pushing down the wall at the spot that had purposely been weakened by water over a period of time. As a result they were given the name “Gbi”, a corrupted form of the “Gba” (Ewe word for ‘break’) (Kludze 2000: 9).

After the collapse of the ancient Notsie kingdom, the Gbi (both Gbi Dzigbe and Gbi Nyigbe or Peki) migrated to Kpele and later to Agordzogbe, a place now occupied by the people of Fodome, and currently borders Hohoe to the south. At this point, the Gbi experienced disunity, with the “break away” group moving southwards to settle in Peki, near the Volta River (Kludze 2000: 9). The remaining members of the group, who maintained their identity as Gbi, later settled near River Dayi. This settlement has come to mark an important episode in constitutional state formation (Nugent 2005: 38).

By learning from the past, the Gbi built a constitutional state by strengthening and protecting the constituting clans or divisions namely: Hohoe, Bla, Wegbe, Kpeme, Abansi (break away group from Kpeme), Kpoeta, Atabu, Kledzo and Godenu (see map 3). All the nine divisions were headed by divisional chiefs, called *Fiawo* or *Dufiawo*. The traditional divisions (towns) were further divided into sub-divisions which were headed by the *samefiawo* or sub-divisional chiefs. At the apex of the Gbi state was the *Fiaga* (meaning big chief) who was also the chief of the Hohoe division as well as a sub-chief of one the sub-divisions of Hohoe, Tekorni. The *Fiaga* was therefore a good example of the Latin phrase ‘*primus inter pares*’ meaning ‘first among equals or first among peers’. The capital of the Gbi polity was at Hohoe as they were first to settle on the land.

The Gbi tradition does not provide any narrative on how they developed from a small clan among the Ewe collective into their present-day

chieftaincy. Amenumey (1986: 3) however opined that the Ewe, including the Gbi, may have established political leadership through the parceling out of lands among the various families, and with the growth of population the prestige of the leaders increased. Aside from the chiefs that existed in the sojourn at Notsie other chiefs now emerged.<sup>40</sup> Amenumey's assertion was however contradicted in the case of the Gbi by my interviewees. They argued that there is a difference between those who hold ancestral rights over the land and those who rule over the people; they asserted that it was the former who choose the latter to exercise day to day administration of the community. They also added that such a system encouraged a balance between the settler families and the land owners. As a result of this, the Fiaga of Gbi must not ride on a palanquin within the backyard of the land owners, which is Ahado, as that would amount to gross disrespect for the landlords. The non-observance of this tradition during the installation of the current Fiaga sparked a bitter dispute with the head of the Ahado clan. The landlords have refused to recognize the Fiaga for violating an age-old tradition of descending his palanquin and sitting on the lap of the Ahado Clan Head (*Afetorfia*). The Fiaga confirmed the story but mentioned that he refused to observe the tradition because he did not have a good personal relationship with the Afetofia and hence dreaded sitting on his lap (Kludze 2000: 93). The implication of this event is that the Ahado Clan never participates in any event organized by Fiaga. The concept of separating right over land and people therefore meant that the chief, whose office became inherited patrilineally, reigned rather than ruled and as such his powers was effectively circumscribed by the landlord, elders and communities whom he had to always consult.

---

<sup>40</sup> Thus contrary to Westermann's (1935) claim the Ewe had had chiefs at least from Notsie onwards.

The Gbi chieftaincy also had provision for stools as symbol of unity (Ewe: *Togbezikipui* or *Togbepkupko* meaning ancestral stool). This brings into question who the original owners of stool concept were. Before any recorded history of Asante and Ewe interaction, the Anlo-Ewe, albeit, oral tradition, recounted the place of the *Awoame* stool in Notsie before the exodus in the mid seventeenth century (Fiawoo 1959: 34). There were similar accounts of existing stools in Notsie which were occupied by leaders of the various groups, such as those of Gbi, Peki, Ve, Anfoega and Ho (Kludze 2000: 87). Meanwhile the formation of the Asante nation was only established in 1701 (Wilks 1995: 28). Therefore, Nugent's argument that the stool concept might be an "Akan borrowing" without adducing any facts to support his opinion is not convincing (Nugent 2005: 31). Considering that the Ewe had chiefs by the time they were leaving Notsie and before they had contact with the Asante, Amenumey (1964: 23-24) suggests that if anything the influence "came from the East and not the West".

### *2.2.3 Order, Consultation, Impartiality and Community Welfare*

From the traditions, it is obvious that once the families settled and increased in size, they developed a complex political order and elected a leader who had responsibility for keeping the people together and maintaining their safety and security. It is not surprising that the political legitimacy of chiefs is largely based on their ability to promote *order* and unity. In his studies on social control among the Ewes in the pre-colonial and modern periods, Abotchie (1997: 50) saw order as a political resource. He notes that a chief's success in traditional administration was measured by his ability to provide order in the midst of social change. Indeed, there were traditional assumptions that supported this political ideology in pre-colonial societies.

In the first instance, the principle of *order* was considered a community responsibility and every member of the community was a 'policeman'. There was a sense of collective liability and the whole community was punished for the action of an individual, a group or the entire community (Gyekye 2003). This notion of collective liability also meant that what might be a personal dispute could quickly become a public issue.

Essentially then, crime was seen as a threat to social cohesion as well as an offence to the gods (Abotchie 1997). Even though traditional law was not codified, it operated on this set of moral norms enshrined in the common moral sense of the society, or what Durkheim calls the "collective consciousness" (cited in Abotchie 1997: 10). Crime was classified into two categories: private and public. In the private realm were misdemeanours such as marital disputes, domestic thievery, bearing false witness, disrespect, disobedience, insults of a less serious nature, indebtedness, and the violation of household taboos. These 'lesser' crimes were handled privately at the family and lineage level. Public crimes include homicide, robbery, adultery, incest, rape, certain forms of abuse, assault, treason, witchcraft and evil magic, the violation of certain taboos and the unjustified invocation of a curse upon a person. These acts were the more serious crimes that threatened the societal cohesion and were channeled through the public justice system involving the chief. Thus misdemeanours and serious crimes formed an unwritten code of order and a central value by which the traditional political systems of the Ewe and the Asante were structured (Abotchie 1997: 9; Brempong 2006: 201-222). The chief had the overriding role of working to prevent disorder and ensuring that punishments were meted out to culprits, when there was a violation, so as to restore order within the community and

the continuation of a harmonious social relationship (Dzivenu 2006; Ayittey 1991: 9).

The power to administer justice or govern in general was however, expected to be carried out without fear or favour to any one individual or group by the chief. All decisions were to be based on consensus. *Impartiality*, for instance in arbitration, meant that all witnesses for and against the accused were allowed to speak and the chief usually waited until all others had spoken to voice his opinion. In the end, the final verdict of the case was often a reflection of the consensus of the Council of the chief. If consensus was not reached, the decision was postponed to be discussed another day or recourse was made to magico-religious mechanisms (Dzivenu 2006: 42-66).

Consensus, therefore, was another important element in promoting the unity of the political governance process. While arbitration was an important aspect of Asante and Gbi political life, the political leaders were to reach their verdict through *consultation*. This was expected to occur both at the central court and at the local level with individual chiefs and family heads. Even with the centralisation of power, the king rarely made decisions without consulting his most important advisors, who were often chiefs of the various chiefdoms or clans. Thus, although the king or chief had powers, he could not take any decision without receiving consent from his Council. Among the Asante, the youth or commoners had a representative, *Nkwankwahene* (youth chief), on the chief's court to speak for the 'common man' (Wiredu 1990: 250; Drah 1978: 41; Oquaye 1997: 90). Among the Gbi, they were called the *Sohefiawo* (youth chiefs; singular - *Sohefia*). The role of youth chiefs in the chief's daily life could not be underestimated: though the chief had the last word and could theoretically override the sentiments of the youth and other

interest groups, public dissent could cause his removal or secession or threaten the societal unity (Ward 1949). Thus in this manner, ordinary people were not left out of the consultation.

Consultation in traditional ideology was also important for other reasons. First, it enabled the chief to learn about the concerns of the community and to get advice on which decisions were appropriate. Second, it provided a means of preventing abuse of power. In the case where the chief made decisions, without consultation, he may fail to meet the people's aspirations (Wiredu 1995: 6). However, by persistently disregarding the Council's input, the self-opinionated chief risked deposition by the Council who were the kingmakers (Wiredu 1995). Thus, consultation was seen as mandatory in order to promote unity of the polity.

Lastly, the idea of unity was also premised on the assumption that *community welfare* came before the desires of any one individual. By custom, the use of stool wealth<sup>41</sup> therefore should receive communal approval and be distributed in ways that prioritised community interest.<sup>42</sup> This principle was applied to ordinary individuals as well as the chief. As a result any perception that the traditional leaders were accumulating wealth for selfish motives led to suspicion and contempt. Therefore, in areas like Gbi, where communal stool properties or treasuries were rare, the accumulation of wealth for personal gain was frowned upon. Among the Asante, wealth accumulation (i.e. land and slaves) was the exploitation for the ruling class

---

<sup>41</sup> Stool wealth or properties often included all properties vested in the office such as land, stool, royal jewels, umbrella, clothes, buildings etc.

<sup>42</sup> Even though McCaskie (1984) recorded stories of chiefs in Asante surrendering their stools, lands and people for debts, these were isolated cases rather than the norm. Those actions were specifically taken to bolster the political base of those chiefdoms. Indeed, wealth accumulation was as important as political control. But that was not the end; it was a means to an end. It was conducted for the benefit of the receiving state and its peoples.

and was a benchmark for political power but ought to be used for the purpose of actively furthering the welfare and prosperity of the population (McCaskie 1984: 175-76; Owusu 1970: 15; Arhin 1990: 525; Wiredu 1995). For example, Asante tradition takes a very serious view of having the right to land because it was the most important form of property and a major means through which the people's livelihood was guaranteed (Drah 1978: 41). While the temptation from time to time existed for powerful individuals to use their position in society to suppress others, the fear of supernatural punishment upon the accused and the entire community discouraged it. In Gbi, chiefs did not own lands or receive tributes and thus did not interfere in the wealth families. The political jurisdiction of the chief was confined to ensuring fairness and justice in the community. Therefore, there was a common understanding that no individual, not even the chief, should disturb the health of the community and therefore its unity, lest they invoke the wrath of the gods (Wiredu 1990: 252). In those ways and many others, the welfare of the community was considered paramount to any individual – including the chief.

#### *2.2.4 Decentralisation and Contextual Authority Relations*

The legitimation process or the maintenance of order, consultation, impartiality and community welfare were upheld and hindered by the fact that the chiefs were closely connected to the entire community. One of the consequences of decentralisation of power was that those rulers who were closest to the people exercised significant authority, sometimes at the expense of superior power. Just as the Asantehene is the head of Asante, the subordinate chief was the centre of his own area, and the village head the leader of his. In fact, at each level, the functions and responsibility of each

stratum of the leader was similar. He was the father of his people and was powerful and influential within his area of control.

This characteristic of chiefs also meant that the village heads were members of the council of the higher division; the chiefs of the division were members of the council of a higher rank; and ultimately the highest sub-chiefs were members of a national council, presided over by the king or paramount chief. From the king downwards all must consult with their people and express their people's opinion, not their own. The fluidity of relationship to authority also meant that the local population were expected to have loyalty to different political leaders at the same time. Depending on whether a person was in the presence of the village head, chief, or the king, the deference and obedience displayed would vary. In this sense, relationships with authority were contextual. For example, the chief of Ahado in Gbi resides in his own town as chief with traditional assistants yet a clan chief and a traditional assistant to the chief of Hohoe, one of the main political divisions of Gbi. While this was beneficial over a host of different clans and chieftaincies – it was dangerous to the extent that it was much easier for dis-satisfied factions to break away.

This contextual understanding of authority was also evident between traditional political actors themselves. For example, when a chief was residing at the superior chief's residence, or was in his presence, he was to dress less flamboyantly and use regalia inferior to the chief of a higher rank. If he was in his jurisdiction, he could dress in regalia almost of the weight of his superior. These restrictions then, do not suggest a static status group that was a consistent identity; instead, they refer to a set of powers and authority determined by context and situation.

### *2.2.5 Limits of Authority*

Thus the idea of unity and principles of order, consultation, impartiality and community welfare simultaneously also suggest some inherent boundaries of political power. While the imperative of unity - at the level of the polity - necessitated and even justified the centralisation of power within a small group of rulers, the process co-existed with the shared understanding of chieftaincy-societal relations. While the Asantehene or Fiaga might have extraordinary powers over the community, there were also limits to what they could do. Those living under these rulers expected them to promote unity, harmony and the general interest of the community. They were also expected to administer the law fairly and consult the community before making important decisions. When these functions were not performed, the most significant recourses against the chief, say in Asante or Gbi, was deposition or losing his followers (Berry 2001; Ward 1949). The different cultural temperaments meant that some chiefs could get away with one violation in one setting but may not in another. This notwithstanding, the fear of deposition and political disintegration (resulting in the loss of taxes, tributes and labour from followers) meant that traditional rulers had an imperative to observe the political value of unity.

Other ways in which members of the community checked abusive chiefs was to sue them in the court of a higher rank chief or simply to rally the 'kingmakers' to depose them. Chiefs were well aware that if they could not garner community support, their position would be threatened. Thus, there was an incentive for chiefs not only to provide order but to make decisions fairly with the input of the community.

In addition, as mentioned above, the decentralised system of power meant that people could take their problems or cases to a variety of rulers, including lineage or clan head, village head, chiefs and in extreme cases the paramount chiefs. Thus there was an important institutional check built into the system itself. The decentralised structure of chieftaincy meant that people could create divisions and factions in the community in certain circumstances. For example, those unhappy with the chief might decide to rely upon his subordinate or his superior to resolve a dispute rather than going to the chief in question. The existence of kinship ties, which did not necessarily overlap with the chief's jurisdiction, was another manner in which divisions could be formed (Ayittey 1991). Lastly, given the fact that people could pledge allegiance to another chief, there was an incentive to satisfy people's needs. In this way, an unsatisfactory chief could lose followers to a more popular neighbour.

#### *2.2.6 The Idea of Chieftaincy*

One more instructive insight concerning the complex legitimization in Asante and Gbi is the distinction the local population made, and continue to make, between individual chiefs and the institution of chieftaincy itself. Chieftaincy is situated more in the society than in any particular individual. While it is not uncommon to replace chiefs who have lost touch with the people, it was less common to challenge the institution itself. While people are likely to show respect for a particular chief, the deeper attachment and meaning accorded by subjects to chieftaincy transcends the individuals who occupy these positions at any given time. The idea of chieftaincy taking precedence over individual office holders, means that the followers could take pride in belonging to one chieftaincy, and yet not support a particular chief.

The evidence also suggests that the 'structures of meaning' in pre-colonial Asante or Gbi were complex and contradictory and centred on the notion of unity. Pre-colonial relations between ruler and ruled were based upon a decentralised, yet hierarchical, system of control. The authority of chiefs was founded upon a diverse set of factors, ideas and structures. While the chiefs exercised legislative, executive, military and judicial power in their own polities, they were also expected to be their superior's faithful assistants and to balance local ambitions against the interest of the larger polity. In addition, the lower chiefs were expected to assist their superiors in the administration of the area but were also granted discretion to make decisions, resolve disputes, and represent those living in their distinct area.

So far, this chapter has been examining the legitimation processes in pre-colonial society. There is significant evidence suggesting that the idea of unity and the accompanying principles of order, consultation, impartiality and community welfare helped to shape this process. The evidence also suggests that Asante and Gbi rulers, even at this early period, could not rely primarily upon force and coercion to maintain their political legitimacy (MacCaskie 1983; Kludze 2000). However, the legitimation process and the dynamics were bound to change with the introduction of colonial rule which placed emphasis on unity and order.

## **2.3 Remaking Unity: The Appropriation of Political Traditions in the Colonial Administration**

### *2.3.1 The Establishment of Colonial Rule*

In 1874, while the chieftaincies residing north of the coastal towns, and thereby, within the boundaries of Asante and Gbi, remained beyond the

direct control of the newly established British colony of the Gold Coast, those within the colony boundaries started to witness the erosion of chiefly authority (Gocking 1999).<sup>43</sup> However, even before the coastal states were officially annexed in 1874, there was evidence of intense economic control on the coast by the European traders. In fact, by the 1650s, Portuguese, Swedish, British and Danish companies had acquired lands on the coast to build forts to facilitate the increasingly valuable trade in ivory, skins, dyewoods, beeswax, gold and slaves. The British subsequently took control of Cape Coast town in the Gold Coast in 1664 and in the 1680s the Royal African Company, which acquired monopoly over the West African trade from the British Crown, began to transform the main fortification into the second largest castle on the coast. Situating these forts and castles on the 'Golden Coast of Guinea' in effect, initiated the European economic and political relations with their African counterparts. Official control of the coastal states however started in the nineteenth century (Gocking 1999).

As the British settlers or traders began to occupy the coastal areas to do business, there was considerable fear that the Asante kingdom and the Akwamu, another Akan group, in the north would try to break the monopoly the coastal communities had over trade (see map 4). According to oral traditions of the coastal dwellers, the bid by the hinterland states, including Asante and Akwamu, to control trade and deal directly with the Europeans resulted in many intense wars compelling the coastal chieftaincies to seek protection from the Europeans on the Coast. The Akwamu kingdom,

---

<sup>43</sup> The Charter which gave the coastal states (Fante, Ga, Anlo, Nzema etc) a colonial status was granted on July 24, 1874. The country of the Gold Coast was later to include the Asante kingdom and the northern ethnic groups forming the northern boarder and the Trans-Volta Togoland at independence in 1957. The Gold Coast comprised all places, etc. (in West Africa) between the 5<sup>th</sup> degree of west longitude and 2<sup>nd</sup> degree of east longitude. The name Gold Coast was to be changed to Ghana on the March 5, 1957.

for example, invaded and destroyed the coastal state of Great Accra. As a result many Ga (natives of Great Accra) chiefs formed alliances with the Europeans on the Coast to ward off these hinterland threats (Gocking 1999: 23; Wilks 1993).

The British officers, in a measure to avert these chronic security threats to the coastal people marched on their two key enemies - the Akwamu and Asante (Berry 2001: xxxiii; Wilks 1993; McCaskie 2005). The battle, that took place in Asamankow in 1824 was won by the Asante and resulted in the British Governor MacCarthy, the Governor of Sierra Leone with additional responsibility for the Gold Coast, losing his head. Two years later, in 1826, the Asante were defeated at Katansmaso in the Dodowa war (Wilks 1995: 44). This defeat began the disintegration of Asante as many of the constituting chieftaincies began pulling out from the confederacy (Wilks 1995: 44). The kingdom underwent further disintegration in 1874 when the British troops led by Sir Garnet Wolseley overpowered the Asante forces. The defeat, followed by a treaty, forced the allies of the Asante union including Denkyira, Assin, Akim, Adansi to renounce the Asantehene's sovereignty and accepted that of the British (Wilks 1995: 46). Indeed, the final blow in the British-Asante battle was the arrest and exile of the Asantehene Nana Prempeh I, the uniting head of the chieftaincies in 1896 and the subsequent British declaration of Kumasi and the entire Asante kingdom as a crown protectorate in 1901.

For the Gbi, the first major colonial incursion began in 1884 by the Germans (Kludze 2000). The German policy was to discourage strong traditional and political institutions because they feared that powerful chiefs might become potential centres of opposition to German rule. The key

strategy therefore was to devise a policy where in the short term chiefs would complement the German administrative efforts while strong and uncooperative chiefs will be neutralised, deposed or banished. In 1913, for example, Togbe Anku Dagadu of Kpando was deported by the German authorities to Cameroon.<sup>44</sup> The official reason later offered by the British was that Togbe Dagadu was an implacable foe of German rule who wanted his chieftom to come under the British administration (Kludze 2000: 28). In any event, in 1915, Togbe Dagadu was liberated, repatriated to Kpando and reinstated on the stool by the British administration. The Germans also tried breaking up large chieftaincies by granting them autonomy over their constituent units and even recognising subordinate chiefs as independent and autonomous. While chiefs vied in this scramble for supremacy, the Germans tried to confer on recognised chiefs, absolute powers that they did not possess under the customary decentralisation of power. But the German invasion was rather short lived and they gave up jurisdiction over the Gbi and the rest of the Northern Eweland territories to the British after their defeat in the First World War. Following this, the area was partitioned in 1916 between the British who took the area stretching from Ho through Hohoe to almost near the border with present day East Upper region, and the French who took the rest. The British portion became known as British Togoland and the French area (now Togo) was called French Togoland.

To control their new possessions, the British devised a policy in which the chiefs would provide order so that the responsibilities placed on the new state – in terms of both financial and personal- would be minimal. Without a strong police force, civil servants, or financial assistance, the British relied upon the pre-existing chieftaincy system to govern the natives. This was

---

<sup>44</sup> At the time Cameroon like Togo was a German Colony.

difficult as the various ethnic groups had different political structures and processes of governance. The British therefore designed different strategies for the different polities in their bid to incorporate the natives into the new dispensation. In British Togoland, they reconstituted the traditional authority by re-grouping chiefdoms under hand-picked chiefs. This policy was known as *amalgamation*. By 1931, the heads of the newly-created native authorities of the Asogli (Ho), Avatime, Buem (Santrokofi), and Akpini (Kpandu)<sup>45</sup> were accorded the title of 'Paramount Chief', equivalent of an autonomous ruler in the pre-colonial state (Nugent 1996: 209). With this new designation came a court with civil and criminal jurisdictions and monthly stipends provided by the British colonial government (Kludze 2000: 30). The others, the formerly independent states in the amalgamation were down-graded to the status of divisional or subordinate chiefs in 1935. Thus, in theory, the colonial administrator could reach the entire indigenous population through interaction with one single individual. Only a few Ewe states, Gbi, Nkonya, Santrokofi, Tapa, Ve, Likpe and Anfoega, openly defied the colonial government by refusing to join an amalgamation (Nugent 1996: 205-10). Chiefs of these areas were therefore denied the privileges and powers of amalgamation, yet they enjoyed legitimacy because of their traditional obligation to the local people.<sup>46</sup>

While amalgamation was the rule in the Eweland, the British policy line towards Asante was the revival of pre-colonial Asante political structure in

---

<sup>45</sup> The Anlo and Peki, though Ewe speaking, were not part of the Trans-Volta Togoland. They were originally a part of the then Gold Coast Colony.

<sup>46</sup> After independence, the Nkrumah government reversed the situation by dissolving the amalgamations. However, the CPP created its own problems by indiscriminately elevating to the status of paramount chiefs those traditional subordinate chiefs who supported the party in power. After change of government by a coup in 1966, the previously elevated chiefs were by law reverted to their prior status. These changes have created confusion and uncertainty in the status of some chiefs in the Volta region.

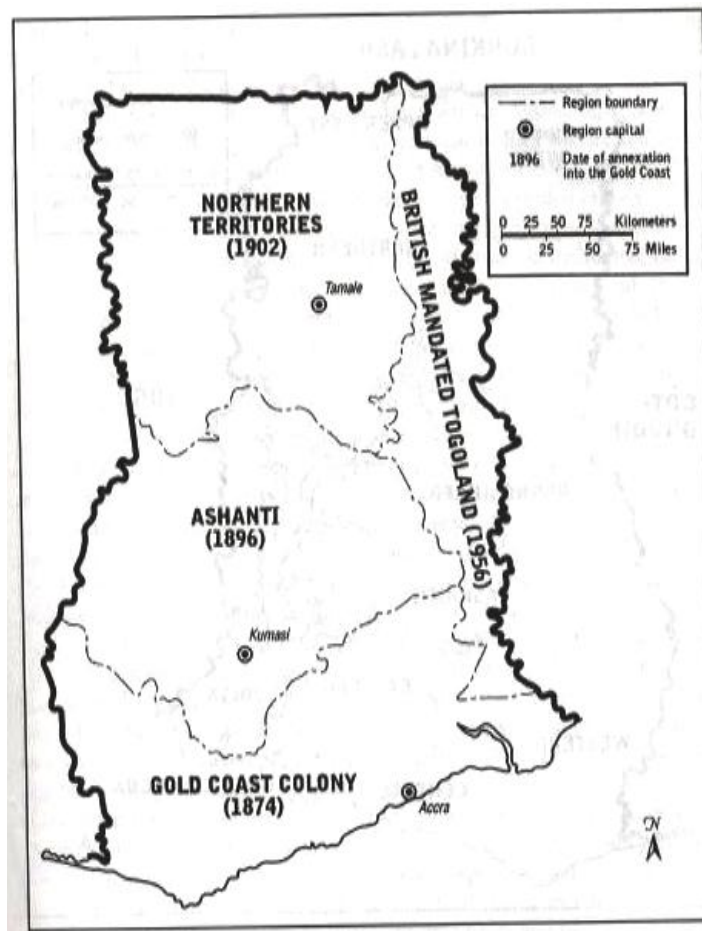
order to benefit from the uniting symbol of the Golden Stool (Berry 2001: 63; Wilks 1995: 61). In fact, scholars have portrayed the restoration of Asante confederacy and the reinstatement of the position of Asantehene in the 1930s, after its initial collapse after the war in 1896, as the transition to official indirect rule in the crown protectorate of Asante (Berry 2001: 63; Wilks 1995: 61).

The colonial political structure looked like this: the British Government in London delegated its powers to the Governor of the Gold Coast possessions. To support the Governor, the British Government appointed Chief Commissioners, Provincial Commissioners, District Commissioners and Assistant District Commissioners. Chief Commissioners were in charge of Ashanti and Northern Territories; Provincial Commissioners were in charge of the provinces into which the regions were divided; District Commissioners were in charge of sub-divisions of provinces known as districts and Assistant District Commissioners helped District Commissioners in administering the districts. The Governor and his commissioners had staff members to support them, namely: clerical and technical officers, doctors, health inspectors, and army and police attachments. The army and police detachments maintained law and order, but more significantly served as the obvious symbols of British power. The Governor himself acted on the orders of the British Secretary of State for the Colonies, who was responsible to the Monarch (King or Queen) for the administration of the colonies or British ruled alien territories. Below this structure were colonially-recognised chiefs who helped to carry out the state administration, i.e. maintain order and implement the colonial policies of the crown.

The inclusion of chiefs in the colonial administration, however, placed them in an anomalous position. Even though the colonial state supported and emphasized the position of chiefs because of their social contact with the local population, the conditions for the exercise of chiefly functions were essentially defined by the colonial state not by the people. The legal recognition of chiefs was outlined in successive colonial Ordinances of 1878, 1910 and 1927, and replicated in the colony as containing two elements. By law a chief was a person who was (a) nominated, elected or installed according to customary law and practice and (b) duly recognized as a chief by the colonial authorities by the publication of their names in the Gazette.<sup>47</sup> A chief who satisfied the former but not the other requirement could not exercise the statutory functions of a colonial chief. This definition undoubtedly meant that the chief carried the substantial will of his people as their representative as well as derived his authority from the British Crown. If a chief was considered difficult to deal with by the colonial government, it simply withdrew its recognition of him, and that meant that the chief lost his chieftaincy title. In a similar fashion, a newly installed chief, whose cooperation was in doubt, was denied British recognition. In the end, the idea of utilising obedient chiefs to help implement colonial rule proved successful in that it helped to maintain the ruler-ruled legitimation at the local level.

---

<sup>47</sup> For instance, the Native Customs (Colony) Ordinance, the Native Courts (Colony) Ordinance, the Native Court (Ashanti) Ordinance, the Native Court Northern territories), and the Native Courts (Trans-Volta Togoland) Ordinance all reflected these elements (All these ordinances could be found in the 1951 edition of *Revised Laws of Gold Coast*). The legal definition of chiefs was repeated in the independent era. See the Local Government Act, 1958 (No. 23 of 1958), the Courts Act of 1960 (CA 9), Chieftaincy Act, 1961 (Act 81), 1969 Constitution and the Chieftaincy Act of 1971 (Act 370).



**Map 4** The Regions of the Gold Coast (adapted from Berry 2001: 3)

### 2.3.2 Unity and Order: The Ideological Foundations of Colonial State

There is no question that the experiences of the colonial state altered the nature of the legitimation process at the local level (Berry 2001; Abotchie 2006). Chieftaincy-societal relations, as well as chieftaincy-state relations, had to be adjusted to meet the new demands caused from reallocation of space and power. What is less clear, however, especially given the survival of chieftaincy in the colonial era, is how these expectations affected the nature of pre-colonial understandings of authority and the ruler-ruled relations. More specifically, what happened to the idea of unity and the principles of order, consultation, impartiality, and community welfare. Did these concepts

remain important during the colonial rule? Did the new state utilise any of these concepts to help facilitate its control? The colonial powers chose the path of continuity and change thus borrowing from and also altering the pre-colonial institutions to facilitate social control in the new state.

While many studies examine how the policies from colonial rule affected chieftaincy, much of the literature utilises a top down approach in which official rules, laws and decrees are offered as evidence of chieftaincy-societal relations at the local level (Mamdani 1996; Busia 1951). Many of these studies assume that any pre-colonial political ideology and institution was effectively abolished or invented anew during the colonial period and as such chieftaincy-societal relations was based on a new set of norms or values. However, there is evidence in this research that the implementation of colonial rule was much less coherent than sometimes assumed. For example, while the British strategy for colonial administration after 1900s was skewed towards amalgamation in the British Togoland region, it was re-centralisation in Asante. Both methods were adapted to maximise the various opportunities in the polities for the larger colonial state project.<sup>48</sup>

There is no question that the enforcement of British rule was important in chieftaincy-state relations, and that the state officials supported the chiefs only in ways that facilitated it. It must not be assumed, however, that this state of affairs affected all chieftaincy-societal relations. Indeed, numerous studies show how chieftaincy, to carry out the colonial state project, was forced into the difficult position of representing two different entities – the

---

<sup>48</sup> Originally, the amalgamation policy was to be exported to Asante. However, the proposal was discontinued by the Chief Commissioner Newland of Asante on the grounds that the Asante were already a people of a “common faith, a common past, and a common thought”; whereas in the British Togoland, there were several congeries of different political polities (Wilks 1995: 61)

new colonial government and the local population (Van Rouveroy van Nieuwaal 1996; Ray 1996; Addo-Fening 2008). It is within this framework of chieftaincy-state relations and chieftaincy-societal relations where there exist important gaps between state formation and local legitimation.

An analysis of the state project, its rules, ordinances and laws is instructive as they illustrate how the colonial authorities utilised particular principles embedded in pre-colonial political ideology to facilitate the colonial project. Such an examination reveals that the British utilised the idea of unity and the principle of order to justify their policy of using the chiefs (Alicoe 1951). Focusing on amalgamation and centralisation of power, demonstrates that whereas unity and order were exaggerated in the new political dispensation, other chieftaincy principles such as consultation, impartiality and community welfare were largely ignored. In the process these chieftaincy ideas were altered and given different meanings, but they nevertheless remained important to the local communities.

The colonial state utilised the idea of unity and order to mould the new state. First, the British tried to regularise chieftaincies to mimic the king-chieftaincy relationship as the colonial officers envisioned it. Understanding the central importance of the king as symbol of unity, the colonial officials attempted to appropriate this to their own advantage by exporting the idea to areas where such political structures did not exist. In one example, Chief Commissioner Armitage of the Northern Territories, “amalgama[ted] historically disparate societies into few paramountcies and creat[ed] chiefs for societies in which none existed previously” (Addo-Fening 2008: 39). Alicoe (1951) even suggested that the Governor declared the Crown in Britain as the new King and assumed the powers of the native kings, and in

the process the native “kings” became known as ‘chiefs’ and their ‘kingdoms,’ ‘chiefdoms.’ With respect to authority of chiefs, the colonial authorities insisted that everything hitherto carried out by chiefs in his capacity, was to be done on the authority of the Crown’s government in the colony (Addo-Fening 2008: 39). The Native Jurisdiction Ordinance No 5, for example, mandated chiefs to be responsible

for the preservation of peace and order through prevention of riots, affrays and tumults of every description, for the arrest and dispatch of criminals such as murderers, robbers and slave dealers to supreme court for trial; and for the enforcement of the laws and orders of the supreme court in their respective states (Addo-Fening 2008: 33).

These actions and transformations expanded the powers of the governor to appoint and depose chiefs, divide and amalgamate tribes as he saw fit. The position and power of the Governor as the representative of the Crown was applied to all chieftaincies in the Gold Coast, Asante, British Togoland and the Northern territories.

Thus, the colonial authority sought to single-handedly control chieftaincy even though it was well known that the African chiefs did not, and could not rule without due regard for public opinion. According to colonial ordinance, the governor had the authority to appoint and define the function of the chiefs. In addition, rather than recognise the autonomous position of many chiefs especially in the pre-colonial British Togoland and Asante, the colonial endeavour tried to re-organise the hierarchy especially in the British Togoland demoting and subjecting some chieftaincies to others as was the case of Gbi. The Gbi chief, however rejected the offer and had to suffer isolation during the colonial rule (Togbega Gabusu, Hohoe, July 14, 2008).

But utilising an unrestricted conception of order, the colonial state routinely demonstrated the full force of its authority and dictatorship. This resulted in the colonial administration descending on chiefs who did not cooperate. Thus in January 1896 when the Asantehene, Nana Prempeh I resisted colonisation, he along with many of his chiefs and family were deposed and deported to the Seychelles. This resulted in the powerful Asante nation being broken. It was not until 1935 that the Asante confederacy was restored with regulated powers (Adu-Boahen, Akyeampong, Lawler, McCaskie and Wilks 2003). The Gbi also suffered a similar fate by opposing the amalgamation policy and were sometimes prevented from carrying out their traditional duties (Kludze 2000). For example, the Gbi were prevented from operating a court, a prison and a police service. The British colonial government attempt to control chieftaincy was meant to show by other means, that the colonial authority intended to be supreme in its own territory, and that all independent action on the part of the communities and chiefs would be punished. Such mechanisms for enforcing order continued through out the colonial era.

It is also interesting to note how the colonial state appropriated particular symbols, images and rituals associated with the idea of chieftaincy in order to facilitate its rule. For example, the British Governor Hodgson demanded the surrender of the Golden Stool, which symbolises the unity of the people, on his visit to Kumasi in 1901 and this led to the Yaa Asantewaa war in which the Asante were defeated and declared part of the Crown's dominions. Much as the demand was regarded as an act of provocation, it also signalled the intention of the colonial authority to take over the unifying powers of the abducted Asantehene. Simultaneously, the colonial state limited or banned other symbols they deemed dangerous (Daniels 1964: 18-

19; Odotei 2003). For example, because the *Nkwankwahene* (youth leader) and his establishment were intimately associated with the chief's military as well as with the chiefly power, the colonial officials looked upon him with suspicion. Thus the chiefs were to discourage the position of the *Nkwankwahene*. In fact, the dismantling of the *Nkwankwahene* office was seen as one of conditions for their restoration of the Asante confederacy in 1935 (Berry 2001, interview with Nana Adusie Opoku in Kumasi, 2008). The colonial authorities also banned brewing and distillation, and the use of gun power (very important in the celebrations of customs) (Gocking 1999: 125). In this way, the colonial state continually sought to appropriate the symbols and rituals that perpetuated their rule and discourage or simply ban, those that were perceived as threat to their definition of unity and order (Akyeampong 2006: 322).

At the local level, the colonial state focused exclusively on the ability of chieftaincies to maintain order and increase their powers in this regard. Before the colonial project, chieftaincy was sustained by the tributes and royalties and gifts of subjects. The introduction of wages for chiefs increased the complexity of the legitimation process. The chief's role in dispute resolution, and land allocation, which was to ensure the continued maintenance of law and order was now carried out in accordance with the colonial state. For instance, beginning in 1935, the Asantehene, had a Grade A court which heard appeals from any paramount chief's court in Asante, as well as all native tribunals in Kumasi. In addition, the Asantehene exercised jurisdictions over land disputes in which stools' interest were at issue, through a special Asantehene's lands court until 1940, thus Grade B Divisional Court thereafter (Berry 2001: 81). To protect them from public threats of depositions, the British law granted immunity to chiefs in the

execution of their judicial role. The policy implied that the chiefs were not liable for any act done by them in the execution or supposed execution of the judicial powers and jurisdiction vested in them (Section 27 of 1910 Ordinance) (Gocking 1999). The state also provided auxiliary structures to support this immunity by deploying a police force and a prison in the service of the chiefs. The Gbi however lacked colonial recognition and support because it did not pose any political threat to the new state structure. Thus, in the end, the colonial administrations carefully appropriated those aspects of traditional past that were most congenial with the desire to maintain control and order over the citizenry.

### *2.3.3 Redefining Consultation, Impartiality, and Community Welfare under the Colonial Rule.*

From the preceding paragraphs, it is evident that the powers given to chiefs by the colonial authority were of a slightly modified nature to those they exercised in independent pre-colonial societies. While the state deliberately influenced chieftaincy-societal relations by focusing almost exclusively on the chief's duty to maintain unity and order, there was a need for the chiefs to respond to the other norms and values of chieftaincy to reproduce traditional legitimation. Even the most powerful chief lacked the coercive powers to rule without some degree of popular recognition and consent, simultaneously a chief who tried to impose his will might breach the contract triggering deposition or abandonment. In fact, Addo-Fening gives examples where people changed their allegiance because a chief was not adequately protecting the communal interest (Addo-Fening 2008; Berry 2001). In addition, there are numerous examples of local communities resisting orders

from the state and their chiefs that were not perceived to benefit community welfare (Addo-Fening 2008; Berry 2001).

Indeed, there is no question that colonialism influenced how chiefs and their followers interacted and the nature of the legitimation process. The boundaries of the chieftaincy expanded, and that state weakened those local mechanisms for legitimation to restrain power. However of more importance to this work is whether those pre-colonial governing principles, other than the maintenance of order, remained important to local communities in spite of the colonial experience. Much of the literature on this topic, with its focus on official rules rather than local chieftaincy-societal relations, assumes that these principles simply faded away with colonialism (Mamdani 1996). Based on the evidence found in Ghana, this proposition seems unlikely. The point here is to locate the ways in which these principles remained resilient and the processes through which they were redefined or were adapted to new circumstances. Unlike the maintenance of order, the official rules have very little to say on the principles of consultation, impartiality and community welfare.

More importantly, however, even with the presence of the colonial state, the principles of consultation, impartiality and community welfare remained important principles at the local level. Busia (1951), writing on the Asante, for instance noted chiefs continued to, and were expected to take decisions in council, i.e. in tandem with sub-chiefs and officials. However, except Governor William Maxwell, who was an advocate of traditional governance,<sup>49</sup> the colonial administrators generally did not consult with the

---

<sup>49</sup> Governor Maxwell was known for travelling distances into Ashanti protectorate and Northern Territories consulting chiefs on various matters in chieftaincy-state relations. In fact, the outcome of this consultation in Ashanti led to the abolition of a strictly European

chiefs (Wilks 1995).<sup>50</sup> The government failed to hold meetings with chiefs and their subjects. Instead, the government established the Secretariat of Native Affairs to issue new rules and procedures without any consultation with the chiefs. Not only did the break down in communication result in difficulties with the citizens, it also eroded faith chiefs and their followers might have placed in the government.

With respect to the issue of *impartiality*, the ability of chiefs to remain neutral was also affected under colonialism. Given the appointing powers of the colonial state, it was more difficult for chiefs to make independent decisions. This is not surprising because the colonial state was concerned with chiefs' judicial power only to the extent that it helped to facilitate the order they desired. Unlike the legislative and executive guidance concerning the maintenance of order, there is relatively little official pronouncement on the issue of impartiality.<sup>51</sup> Chiefs are to be appointed by the government and

---

Roads Department so that chiefs and the district commissioners could work together to build roads in order to "strengthen the hands of chiefs" (Gocking 1999: 116). This consultation also influenced a model for organizing chieftaincy administration for the colony, the Ashanti crown protectorate and Northern territories: Chief (ruler of the country), Divisional chief (ruler of a district), Sub-Divisional Chiefs (war chiefs or chiefs of towns). Other evidences suggest that the principle of participation and consultation continued to be important.

<sup>50</sup> Governor Maxwell could be recognised as the author of indirect rule in the Gold Coast even though Maxwell did not use the term indirect rule. In stead he was critical of what he felt was over centralisation of the colony's government which, he felt depended too much on the "department idea" (Gocking 1999: 116).

<sup>51</sup> The transformation of the judicial traditional function meant that neutrality was difficult to maintain. One clue is that the colonial authority did not consider neutrality as important was that the state did not require chiefs to keep a written record of proceedings or evidence they heard concerning a case. While there are numerous studies noting the judicial functions of chiefs hearing cases through the Asante (Busia 1951), there is just one record of this among the Gbi. Thus, we know relatively little about the process of dispute resolution in Gbi during the colonial period. This development, perhaps, is explained by the restrictions imposed on the traditional administration because of its objection to the amalgamation policy (Brown 1977).

resolved conflicts under the authority of the Governor (Buah 2005).<sup>52</sup> Second, the colonial government granted immunity to decisions taken by chiefs (Section 27 of 1910 Ordinance). The immunity meant that chiefs were not bound by any obligations towards their subjects. In the end, chiefs exploited their subjects and threw accountability to the wind (Odotei 2003: 333). As Rathbone (2003: 15) noted:

[the traditional] courts largely [became] unregulated and their conduct often fell short of universal requirements and understandings of fairness. Some were open to bribery [and] charges were sometimes trumped up so that eventual fines could be extracted. More and more activities were subjected to the licensing functions of the courts so that the survival of many (chiefly members of the tribunals) depended upon ensuring the legality of their economic roles. Chieftaincy had been transformed to the point where incumbents regarded it as an opportunity to print money. [Some chiefs even] sold communally owned lands which they administered by custom, [and] in effect, as trustees.

So appalling were the actions of some chiefs that even some British officials were disturbed. But reforming the system was not a preferred option, because the British became reliant upon the chiefs that it would create a great administrative mess to meddle in the chieftaincy-societal relations. While the idea of impartiality was not a serious consideration for the colonial authorities, its meaning still resonated with the local population and in instances where the subjects felt the chiefs would be biased, they appealed directly to the superior courts manned by the British.

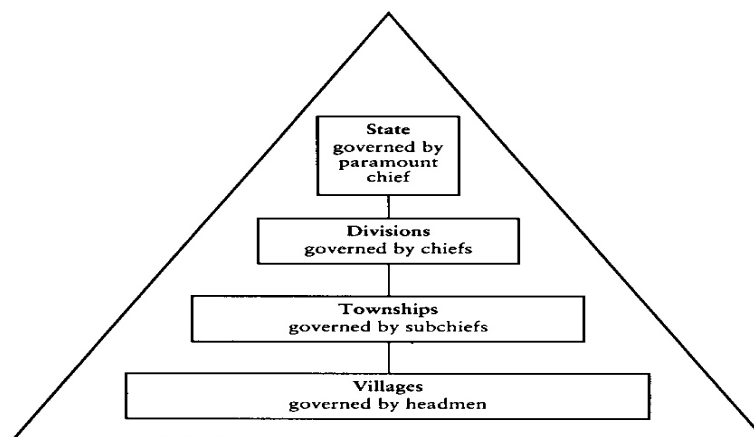
Last but not least came the principle of *community welfare*. At the turn of the twentieth century, chieftaincy-societal relations were in a state of flux, with people choosing to move between different chieftaincies for work and

---

<sup>52</sup> Section four of the Native Court Ordinance of 1944 states that chiefs could not exercise any judicial function unless they were empowered to do so by a warrant under the hand of the Governor (See Harvey 1966; Casely-Hayford 1970).

survival. While the principle of promoting community welfare over that of the individual was crucial during the colonial era, what actually constituted community was less clear. In some ways, the belief that chiefs were raised by the ancestors to rule, the communal identity principle, and festivals, were all emphasised as ways for building community. The implementation of colonial rule however put immense pressure on intra-community relations. Apart from disintegrating and/or amalgamating chieftaincies and the consequent alienation of chiefs from their followers, it also, through its introduction of Western education and Christianity, produced a new group of people whose worldviews de-emphasised the traditional rituals and ceremonies as well as the communal principles of welfare.

Using the ideas of unity and community as justifications, the colonial state attempted to redefine the nature of chieftaincies and their followers, thereby making them easier to control. For example, the Native Authority Ordinance of 1944 defined the structure of a native authority as shown in diagram 1 on the next page.



**Diagram 1** Traditional political hierarchy used during the colonial era and still used in Gbi and Asante

In this diagram, we see the establishment of a rigid structure of hierarchical authority – from the paramount chief to headman of a village – which in the past was much more fluid especially in the case of the Ewe and Asante. The native authorities were also invested with the power and functions of what would now be regarded as local government units. A native authority, therefore, had responsibility for markets (formerly the duty of the queen mother), sanitation and roads (often the responsibility of the youth groups under youth chiefs).

To facilitate this re-structuring, the colonial authority reconfigured territorial space and carved out new native authorities without consideration for territorial definition of chiefs (Berry 2001: 13). Again utilising the ideas of unity and community, each chief was fixed to a specific area of land within a location, where their followers resided. These definitions and rules established clearly marked out territorial definition of a chieftaincy which had not existed before (Nugent 2002). This demarcation enabled the colonial state to regulate communal labour and tax laws and opportunities for closer networks within the community. Thus in the end, the pursuit of order and unity, ironically, created distinct communities.

## **2.4 Conclusion: Past as Prologue: Unity in Post-Colonial Ghana**

With the end of the pre-colonial era, and the introduction of a new set of ideological and institutional principles, chieftaincy-societal relation was in a process of adjustment. However, the colonial experience highlights the tensions between those who dominated the pre-colonial cultural and political traditions and the changing realities with from the presence of colonial state.

The historical evidence in this analysis suggests that chieftaincy-societal relations are embedded in a mixed political culture accommodating both pre-colonial and colonial principles. As is the case in most societies, the use of these principles is inherently ambiguous and open to constant interpretation and re-interpretation. In addition, the pre-colonial institutional design of chieftaincy promoted centralisation and decentralisation and thus, the maintenance of contextual authority relations. Colonial rule utilised certain aspects of these cultural and institutional qualities to establish social control. Not surprisingly, the colonial state privileged those principles that helped to facilitate their social control, and ignored or downplayed those that opposed this. Thus what was once a mixture of ideas that were considered complex and open to interpretation became closed and structured under the colonial state.

Specifically, while in the pre-colonial period the idea of unity was ambiguous enough to incorporate a host of political goals and practices, the colonial state focused on the significance of order as the acceptable manifestation of this ideal. Still, the evidence suggests that colonialism did not necessarily “invent” an entirely new set of authority relations, but rather relied upon pre-existing principles and ideas to facilitate its rule (Arhin 1989).

While chieftaincy is first and foremost a political institution, it also has a much deeper meaning, and the local population recognises it as something much more than a set of rules and processes or a set of individual leaders. Rather, its importance and centrality in the community transcends the sum of its parts – it represents the importance of unity in political and social life. Mahoney writing about South Africa captures this notion when he suggests

that the “chiefship was the primary vehicle for those people’s political imaginings” and while there is often contestation over which individual is best suited to be a leader, “[r]elatively uncontested ... were the ideas that people should have chiefs, and that chiefs should rule through particular rites and ceremonies and political structures” (Mahoney 1998: 27-28).

While the experience of colonial and post-colonial periods altered the content of these principles, the importance of unity, order, consultation, impartiality and community welfare, as frames of reference for local populations, continued to structure chieftaincy-societal relations. Chieftaincy-societal relations were transformed because of these experiences, but the type of change was not arguably anticipated or intended. Pressured from both the state and their followers, chiefs learned to selectively invoke particular principles and ideas in different circumstances. Indeed, as will be demonstrated in subsequent chapters, these historical lessons are important to the analysis of present-day chieftaincy-state and chieftaincy-societal relations. Similar to the experiences under colonial rule, modern society is also reinterpreting the idea of chieftaincy unity and the principles of consultation, impartiality and community welfare, to reflect the new political dispensation, while simultaneously continuing to respect the idea of chieftaincy.

# CHAPTER THREE

## THE MAKING OF A MIXED POLITY: ACCOMMODATION AND TRANSFORMATION OF CHIEFTAINCY

### 3.1 Introduction

This chapter examines the constitutional struggles concerning chieftaincy since the 1940s and how chieftaincy has been officially integrated into the post-colonial constitutional order, from the Coussey Report to the adoption of the Fourth Republican Constitution in 1992 and the Chieftaincy Act of 2008, Act 759. I argue that through a series of institutional reforms, the Ghanaian state has sought to simultaneously accommodate and transform chieftaincy as it has attempted to introduce democratic norms, processes and institutions into the former traditional authority areas. In short, its aim has been to institutionalise a mixed polity where chieftaincy and democratic institutions existed together. An analysis of these constitutional and institutional reforms, as well as the debates surrounding them, highlight the competing, and sometimes conflicting, visions that existed at the national level concerning the appropriate role of chieftaincy in the modern state. It also reveals the inherent tension between accommodation and transformation and the unanticipated results of such a process.

For the post-colonial government, the end of colonial rule encompassed more than the establishment of one man, one vote. Instead, it signalled the

beginning of a transformative movement that hoped to alter the pre-existing political, social and economic identity of people. Kwame Nkrumah, the first black leader of the Gold Coast and later Ghana stressed the need for creating a new “African personality and identity” that “was respected by every other nation in the world” in his Independence Speech (Nkrumah 1957).

Of course, chieftaincy did not escape the reach of this transformation process. Not surprising the Nkrumah government and the succeeding ones have all argued that the transformation process was not intended to destroy chieftaincy, but rather to establish its dignity and respect, which were wrenched from it during the colonial era. More specifically, the state governments had asserted that the transformation of chieftaincy would only restore its legitimacy and dignity (Metcalf 1964: 68).

Despite promises by the state that these reforms were not intended to use the constitutional process as a way to abolish them, the chiefs remained sceptical about how the reforms might affect their power at the local level. This resulted in them vigorously opposing any reform they perceived to further alter their position by threatening not to cooperate with the government when their demands were not met. By defending their place in society, the chiefs reasserted their position as those who were, and have always been, bound up with the people. Thus instead of being puppets of the colonial rule, they argued that they were the last remaining vestiges of authentic African rule (Brempong 2006: 29-30). And as such, rather than accepting assigned ceremonial and customary functions, they argued for political space to meet their traditional obligations to the people. Of course, this alternative vision of legitimacy struck at the core of the modern state order as well as undermined the inclination of the nationalist for a zero-sum

politics with the chiefs (Arhin 2006: 29-30; Nugent 1996: 211; Allman 1993; Firmin-Sellers 1996).

In the end, while traditional leaders were unable to stop the implementation of reforms completely, they had demonstrated the ability to slow down the process and achieved some concessions. In the years after independence in 1957, the chiefs continued to exert organised and more unified pressure on the state policies. Indeed, chiefs in the post-colonial years were able to organise themselves through the Houses of Chiefs system as well as their involvement in the local government administration, democratic politics and land administration, land administration and democratic politics; thus sustaining their influence at the local and national levels.

One of the advantages of this state recognition was that until 1988, traditional leaders continued to exercise authority through the modern state structures. The irony is that the same structures the colonial authorities imposed on them became the sacred institutional bases of their traditional authority. Even more importantly, for many people at the local level these structures remain meaningful, and the existence of these structures made the transformation process even more difficult (how these colonially imposed chieftaincy structures complicated the transformation process will be discussed in chapter four).

As the previous chapter demonstrated, the process of syncretism and struggle for legitimacy at the local level were central features of the colonial period. While the analysis in this chapter focuses on the post-colonial period, the processes I describe are also part of an ongoing struggle since the colonial period and have linkages to contemporary chieftaincy-state relations. Secondly, it is imperative to analyse the legitimation process as one where

chieftaincy has the ability to alter and reconfigure state norms and institutions – just as they did during the colonial period.

This chapter is in three sections. The first section reviews the events leading to the major constitutional reforms of 1950s. The second section examines the various state reforms and their contributions to the transformation and accommodation of chiefs and chieftaincy in the post-colonial state. The third section reviews the debate on the roles of chieftaincy in the Fourth Republic. Indeed, the fallouts from this constitutional debate and the preceding events offer an important insight into the legitimation process of the chiefs and the state institutions in contemporary Ghana.

### **3.2 Redefining State Institutions**

During the Second World War (WWII), British colonial administration with the use of chiefs began to encounter difficulties in the Gold Coast.<sup>53</sup> The global economic challenges of the late 1930s and early 1940s made it difficult for the administration to meet the aspirations of the people through the chiefs (Gocking 2005: 77).<sup>54</sup> This crisis was worsened by local calls on the British colonial government for the introduction of the universal adult suffrage and elective principles in governance in order to replace the chiefs, who were accused of being indifferent to local concerns (Rathbone 2000: 19; Austin 1964:73).<sup>55</sup> This frustration found full expression when a

---

<sup>53</sup> Ghana's (former Gold Coast) transitional period here refers to the period between colonial administrations in the 1945 until independence in 1957.

<sup>54</sup> For instance, Trans-Volta Togoland (TVT), which was a League of Nations and later a United Nations British mandated territory, experienced neglect in terms of roads, water supply, schools and healthcare provisions (Nugent 1995: 206). Local cocoa farmers were not receiving their due when prices in the world market went up (Gocking 2005: 77).

<sup>55</sup> The coolness toward the chiefs may be linked to the outcome of the 1946 elections. Under the existing constitution, the chiefs could elect non-chiefs to represent them in the Legislative Council. In 1946, however, the paramount chiefs from the Gold Coast Colony declined to

demonstration by the ex-servicemen for compensation, jobs and pension they were promised for fighting alongside Britain in the WWII resulted in three veterans being shot and killed. In public outrage against these acts by the British colonial administration, the population in the Gold Coast capital, Accra, attacked and vandalised both African and European-owned stores and businesses.<sup>56</sup>

Soon after the 1948 riots, the British Colonial Office appointed a Commission of Enquiry (The Watson Commission) to investigate the causes of the violence and to recommend a course of action (Brempong 2007). The recommendations of the Watson Commission, which is the subject of the next sub-section, set the stage for the introduction of electoral reforms and marked the first in a series of constitutional processes that would transform chiefs and chieftaincy authority in the state.

### *3.2.1 The Concentration of Authority in Elected Representatives*

Over the course of the investigation, the Gold Coast modern elites, mostly from the United Gold Coast Convention (UGCC), the first major political party formed in the post-WWII, as well as the various local associations or interest groups, were invited in 1948 to testify before the Watson Commission. These groups demanded constitutional changes and subsequent independence from British government. With regard to the role of chiefs in future governance, there was widespread dissent against what

---

exercise that option that the commoners expected, electing seven paramount chiefs and two commoners.

<sup>56</sup> The aftermath of the riot included the arrest of Kwame Nkrumah and other activists, who were held on suspicion of instigating the destruction. In 1947, Nkrumah was part of the United Gold Coast Convention (UGCC). A political party formed by the Gold Coast modern elites seeking the political independence of the country. Nkrumah however left the party two years later in 1949 to form the Convention People's Party (CPP).

was perceived as the monopoly of power or autocracy of traditional authorities (Metcalf 1964). The elites, for instance, were averse to the predisposition of the British colonial administration towards chiefs as central to the workings of colonial governance or as the only means of political expression. In response, the Watson Report recommended an 'ornamental' or a diminished role for chiefs in public affairs (Austin 1964). It called for a replacement of the existing 'native administration' for an elected government based on universal adult suffrage (Austin 1964).

Acting on the recommendation of the Watson Commission, the Governor appointed an all-African Committee, under the chairmanship of Sir J.H. Coussey, to draft a new constitution for the Gold Coast. The Coussey Committee, in its submission, upheld the importance of preserving rather than destroying chieftaincy (Metcalf 1964: 68). The Committee acknowledged the experience, goodwill and wisdom of chiefs at all levels of government but like the Watson Commission, rejected roles for chiefs in state administration. Instead, chiefs were to be consigned to cultural or traditional issues: promotion of unity and order, the declaration and interpretation of customary laws and participation in local governance of the Gold Coast. Therefore, the central premise of both documents emanating from the Accra riots investigations pointed towards creating a mixed polity where chiefs were to look after purely cultural issues and the elected representatives, the state administration

In particular, the Coussey Committee called for the creation of elected Local and District Councils to take over the functions of the local government hitherto performed by the Native (Traditional) Authorities. As a consequence, Native Authorities were renamed State Councils with powers

over cultural and customary matters. In the opinion of the Coussey Committee, this accommodation and transformation was a way of restoring the dignity and respect of chiefs, in line with customary law and practice.

The Coussey Committee also adopted the view of the Watson Commission that local government bodies should be based, wherever possible, on the boundaries of traditional states or on federations of states. The Committee, mindful of customary allegiance based on these colonial local boundaries, submitted that local government officials be mandated to manage stool lands, to collect rates and levies together with the representatives of chiefs, and by agreement provide for the maintenance of the latter (Brempong 2007: 16). At the national level, the Committee proposed a temporary accommodation for chiefly interest in the Gold Coast Legislative Assembly. Chiefs representing the Joint Provincial Council of Chiefs in the Gold Coast colony, the protectorate of Ashanti and Trans-Volta Togoland (TVT)<sup>57</sup>, were all to be allocated seats (Arhin 2007: 16).

### *3.2.2 Constitutional Creation of Chieftaincy*

The Coussey Committee report was inaugurated with an election which saw the new Convention Peoples Party (CPP) formed by Kwame Nkrumah sweep into power in 1951.<sup>58</sup> The CPP won the elections with a majority of the seats in the new Legislature and thus formed the government as stipulated in the Report. The Governor appointed Kwame Nkrumah as the Leader of

---

<sup>57</sup> The British and the French, otherwise known as the allied forces, succeeded to dislodge the Germans from the Togoland after the WWI with the Eastern half going to the French and the Western half, having boundary with Ghana, going to the British for their administration as mandated territories under the auspices of the League of Nations. This mandate was however changed to Trusteeship in 1946 when the UN replaced the League of Nations.

<sup>58</sup> CPP drew its membership from the trade unions, farmers associations, ex-service men and even more importantly the youth associations (Nugent 1996).

Government Business and then Prime Minister the following year. The main opposition party, the United Gold Coast Convention (UGCC) led by J.B. Danquah, performed poorly even though it had strong chiefly support especially in Asante and Akim Abuakwa. The victory of the CPP thus had profound consequences for the institution of chieftaincy, and especially for those chiefs who opposed the CPP or even collaborated with the colonial administration.

With effect from 1951, power now resided in the elected politicians rather than those who occupied a traditional office. Political functions and powers had been handed over to the elected representatives within the colonial administration. The politicians implemented, some would argue enthusiastically, the Coussey Report recommendation to establish their pre-eminence as the new partners of the colonial administration. Nkrumah was determined to both dismantle the apparatus of indirect rule and to nip chiefly opposition to his own rule in the bud. At the centre of this plan was the Legislative Assembly which assumed the primacy of political authority, while the Joint Council of Chiefs and the Asanteman Council (later called Houses of Chiefs) were relegated to oversight of custom and chieftaincy.

Other reforms included the Committee's recommendations on local government administration.<sup>59</sup> The Legislative Assembly passed the Local Government Ordinance (No. 29 of 1951) transferring all local government powers and general administration to the newly created District and Local Councils with elected members in which the minority of nominated chiefs held no position (Kludze 2000:405). It also made the Councils trustees of stool lands, rather than the chiefs. The chiefs who held stool lands were forbidden

---

<sup>59</sup> The local government bill had prefigured in the Colonial Office Local Government Despatch of 1947.

from making decisions or using stool land without the consent of the Local Government Councils. Thus the elected members at the local level, rather than the chiefs were in charge of community. This political transition process was completed with the creation of a separate chiefly forum, and the State Councils in 1952 for the Colony, Ashanti, the Northern Territories and Southern Togoland (Brempong 2007). At the same time the native courts were closed in favour of an integrated judicial system staffed by legal professionals (Twum 2004).

Nkrumah and the CPP also made additional changes not contained in the Coussey Committee recommendations. First, they implemented a law making Local Councils only nominally subordinate to the District Councils. Because district and local council boundaries roughly paralleled traditional state and divisional boundaries respectively, this decision served to undermine the Paramount Chief's ability to govern subordinate chiefs. Second, the CPP government passed laws which tied the local councils directly to the central government. The new local government councils were established by separate government instruments thus allowing the state to prescribe specific powers corresponding with the local council's capacity and resource. Additionally, it was an appointee of the Central Government, rather than the chief, who presided over the Local Council sessions and approved all Council financial estimates and by-laws. Third, and most importantly, the CPP government weakened the financial position of the chiefs by vesting Local Councils with the "control and management of stool lands." This ordinance required each state to declare its interest in stool land (giving the Local Council officers complete information about available sources of revenue); deposit all proceeds from stool lands into a special fund,

administered by an Accountant General; and submit all transactions in land to the Local Council for approval.

Chiefs in Asante, thus affected by the dismantling of the colonial apparatus and growing intolerance for traditional authority, began to agitate for secession. This call was however triggered in part by Kwame Nkrumah's 1953 motion for independence from the British Government (Firmin-Sellers 1996: 95-144). With independence, the incumbent government (almost certainly the CPP) would gain full control over the coercive machinery of the state thereby imposing their party choices on the country without paying attention to the interest of chiefs. For the purpose of this research, the resistance of chiefs in the two case study areas will be discussed: the National Liberation Movement (NLM) in Asante and the Togoland Congress (TC) in the TVT region (of which Gbi was part).

### *3.2.3 The Struggle against Reforms (1954 -1956)*

The National Liberation Movement (NLM), an Asante-based party, was started by cocoa farmers to oppose the artificial low cocoa price fixing by the CPP government in Asante in 1954 (Allman 1993: 17-18). The chiefs in Asante and Akim soon joined its ranks in addition to some disillusioned ex-CPP members and a handful of UGCC leaders (such as J.B Danquah, Cobina Kessie and K.A Busia). All came together to present a united political challenge to Nkrumah's CPP (Allman 1993: 76).

A political struggle thus raged between the CPP and the Chiefs and their allied NLM, each side using the weapons it commanded. Through the NLM, the chiefs demanded a constitutional settlement that would safeguard their traditional position and function in the state. In particular, the NLM

demanded for the protection of chiefs as well as the discontinuation of political persecution by the CPP government (Allman 1993: 17-18). These demands by chiefs confirmed the fluidity and transformation of the legitimation process. Thus, while previously, the legitimacy of chiefs was supposed to be situated in tradition and their relation with the subjects, following independence, legitimacy was also now dependent on colonial structures.

The Asanteman Council regarded the opposition by Asante chiefs to these demands as rebellion against the Golden Stool. This resulted in Asanteman instigating the chief's deposition, or making it impossible for them to attend the Asanteman Council meetings. They also approved the use of the Council's funds to promote the political work of NLM. Their neighbours, Akim Abuakwa State Council did the same.<sup>60</sup> In this way, both chieftaincies argued that the NLM was a national movement with the specific objective of securing a place of chiefs, and consequently securing the country against the dictatorship of the CPP and Kwame Nkrumah (*Daily Graphic* February 5, 1955).<sup>61</sup> The movement also worked closely with the leading opposition party members in parliament as well as other political organisations across the country with similar interest such as the Togoland Congress (TC) in the TVT region. Chiefs in the Northern Territories and most parts of the colony also formed their political parties to protect the interest of traditional leaders. The Northern Territories formed the Northern Peoples Party (NPP) lead by Simon Diedong Dombo, the chief of Duori and the Ga in the colony also formed Ga Shifimo Kpee (Ga Standfast Association) led by

---

<sup>60</sup> Also written Akyem Abuakwa

<sup>61</sup> J. B. Danquah's evidence at the Jackson enquiry into Akim Abuakwa State Council (*Daily Graphic* February 5, 1955).

Ashie Nikoi and Dzenkle Dzewu, two leading members who formerly served on the seven-member Central Committee of the CPP.

The NLM also used violent protest to persuade the British and the CPP government of the immediate need for constitutional reform that recognised chieftaincy as a political institution rather than one that is merely confined to tradition. They forged their own paramilitary wing called 'Action Groupers' as a response to an equivalent CPP body, 'Action Troopers'. The Action Groupers organised street riots, beat sympathisers of CPP, and bombed CPP leaders' homes and offices. Such action by the NLM resulted in CPP supporters in Asante fleeing the region; CPP activists became unable to conduct party business; and prevented Nkrumah from visiting Kumasi for the duration of the crisis (Firmin-Sellers 1996: 127).

In the heat of this political struggle, the NLM dispatched officials to London to solicit the support of the Colonial Office, British politicians and British press (Firmin-Sellers 1996). Since the NLM recognised that the British still controlled the process by which full independence would be granted, therefore their support for the NLM course was highly critical for any change in the Gold Coast.

Bent on its plan, the CPP implemented further legislative instruments to protect chiefs who broke ranks with chiefly movements. In November 1955, the CPP passed a motion in the Legislative Assembly allowing chiefs below the position of paramount stools to appeal to the state or Governor rather than the State Councils in any constitutional matter affecting subordinate chiefs thus dismantling the decentralised structure of traditional authority. This law indirectly sought to prevent the Asanteman and the Akim Abuakwa State Councils from using State Council powers against

subordinate chiefs who did not support the NLM. This was also a direct response to the deposition of five pro-CPP chiefs in Asante. In effect, it served to further weaken the traditional hierarchy, especially in Asante and Akim Abuakwa.

In the TVT region, many chiefs attached themselves to the Togoland Congress (TC), which was formed to campaign for the Ewe identity and the unification of the British Togoland and French Togoland (Nugent 1996: 211; 2002: 186).<sup>62</sup> The TC (also called *Ablode* meaning total freedom) posed a challenge to Nkrumah, who did not relish the idea of being in charge of a smaller country. And if ideas of African unity were already formed in his mind, Nkrumah certainly did not see the need for a people being 'freed' from Gold Coast. Therefore a bitter contest ensued between the TC and CPP, which "was intent on absorbing Togoland with utmost haste" (Nugent 2002: 185). Although the show of might and violence that accompanied the TC-CPP contest did not match those of the Asante, there were a few skirmishes in several places including Gbi (Hohoe), Alavanyo and Asogli (Ho). Just like with the Asante, Nkrumah was also unable to travel into these areas (Collier 1982).<sup>63</sup>

Although the chiefs were unable to stop the implementation of the state policies after their parties fared poorly when their demands were put to vote in 1956, Nkrumah was not prepared to forget the past. In 1958, for instance,

---

<sup>62</sup> According to TC leader, S.G. Antor, "it is an organisation of all chiefs in Togoland, who meet in cases of emergency when an important decision is required. For a long time, that meeting of all chiefs has been known as the Congress of Chiefs. Because of the unification and other development in the Territory, the Chiefs decided at their last meeting to admit representatives from the Togoland Union, the Togoland Youth Association and the Togoland National Farmers Union" (Nugent: 2002: 186).

<sup>63</sup> Nugent (2002: 185) cited an example from in which TC supporters attempted to impose blockade at Goviefe to prevent Nkrumah from entering the Togoland, and when it failed, his car was stoned at Logba, close to Hohoe.

Nkrumah tried to clip the wings of the chiefs who had supported the TC, especially Togbe Gabusu IV, who harboured the leader of TC, S.G. Antor and had allowed Gbi to be used at the headquarters of TC activities. Nugent (1996: 211) succinctly explains the situation:

Togbe Gabusu IV of Gbi was forced into exile and deposed in his absence. And in Ho the Government took advantage of a long standing dispute to depose the pro-*Ablode* chief of Dome and transfer the stool to the Bankoe clan... During the period of the CPP government in the 1960s, candidates for chiefly office in Likpe found it necessary to emphasise their party credentials into their *curricula vitae*, since that was held to be an important criterion in [obtaining] the grant of government recognition... Needless to say, it was this stamp of official approval which conferred chiefly authority: a candidate might enjoy unanimous local support, but only became a chief once he was actually gazetted.<sup>64</sup>

Similarly, Nkrumah appointed a commission chaired by Justice Sarkodie Addo to investigate allegations of financial misconduct by the Asantehene's Traditional Council. The commission's findings were not particularly damaging, but Nkrumah decided to punish the chiefs anyway. Several outspoken supporters of the NLM were deposed and a few, including the chief of Amakom, a division in Kumasi, were imprisoned. In order to forestall a similar attack on himself, the Asantehene, Otumfuo Osei Agyeman Prempeh II, swiftly made a statement repudiating his support for the opposition and affirming his cooperation with the 'government of the day.'<sup>65</sup> The power of the state to determine who was a chief was also used to withdraw recognition from Nana Ofori Atta II, the Omanhene of Akim

---

<sup>64</sup> Government recognition meant that a person was not a chief unless, in addition to being installed in compliance with the requirements of customary law and usage, he was formally recognised by the government. Such recognition by a formal notification was done through publication in the Government Gazette. The obverse side of this rule was that a chief, although previously accorded recognition, could have his recognition withdrawn at any time by the Government without assigning any reason therefore.

<sup>65</sup> Statement of the Asanteman Council after a meeting held on 13th March 1958 (field note August 14, 2008).

Abuakwa and a member of the NLM; in practical terms, the withdrawal of recognition meant deposition and the CPP replaced the deposed chiefs with party loyalists. This was however often not an easy process. In the case of Gbi, the deposition of Togbe Gabusu IV was followed by the government's decision to install a new Fiaga under the stool name Togbe Adom Gabusu I. However, none of the divisional chiefs were available to legitimise him through the swearing of oaths as most of them had fled with the paramount chief into exile. Thus the government was compelled to install divisional chiefs to complete the process. In effect, the CPP, using the machinery of the state, weakened the opposition by ensuring that the influence of the stools depended on the additional support of the state.

The Constitution (Amendment) Act of 1958 also allowed the CPP government to dissolve the 'amalgamation' policy introduced by the British in 1906 (Brempong 2006). In its place, the CPP indiscriminately elevated to the status of paramount chiefs those traditionally subordinate chiefs who supported the party. The CPP also demoted existing paramount chiefs by merely removing their names from the list of chiefs entitled to attend the meetings of the respective Houses of Chiefs or through published Gazettes. This was not necessarily anti-chief, but was all about eradicating the bases of opposition.

Nkrumah's attack also included undermining the proprietary powers chiefs over lands by passing the Administration of Lands Act of 1962, Act 123. This Act allows the state to forcibly acquire stool lands as needed for public purposes. There were also pieces of legislation directed towards specific anti-CPP chiefs in order to make them dependant on the government for material and economic survival. These included, as the titles will suggest,

the Akim Abuakwa (Stool Revenue) Act, 1958 (Act 8); the Ashanti Stool Act, 1958 (Act 28); the Stool Lands Control Act, 1960 (Act 79); and Concessions Act, 1962 (Act 124). The Ashanti Stool Lands Act (No. 28 of 58) transferred the trusteeship and management of all lands vested in the Golden Stool and its occupant, the Asantehene, to the Governor-General. The Akim Abuakwa (Stool Revenue) Act of 1958 provided “for the control of the revenues and property of the Akyem Abuakwa state and for the application of those revenues by the Receiver appointed by the Minister of Local Government and acting under his instructions” (No. 8 of 1958). The accompanying loss of control over stool lands was less of a blow to the Ewe chiefs, and in particular Gbi chiefs, because most of them had no such proprietary powers over land.

The third transformation was more striking and yet more subtle in its effects. Prior to the 1950s, the colonial state had always displayed greater interest in issues of order than those of development (Nugent 1996: 212). The election of CPP officers into government brought a dramatic departure from this entrenched pattern. Even though the colonial regime had started some developmental works in the colony, it was “Nkrumah who turned developmentalism into a kind of ideology in its own right” (Nugent 1996: 212). Although Nkrumah was strictly attentive to the matters of political control, he also brought the issues of development to the fore. Given the fact that the colonial state adopted a rather incremental posture towards development, Nkrumah promised rapid economic development through the agency of the state power. Beneath this policy, however, was a subtle strategy of defeating political opposition. Special favours were extended to areas which rallied behind the party. In the Volta Region, areas like Hohoe were denied good roads and water supply because the chiefs opposed the

CPP party (Nugent 2002: 213).<sup>66</sup> This policy affected chiefs because it had an effect of shifting the focus to the local government structures and regional centres where chiefs had relatively little influence. In some cases, several anti-regime chiefs experienced further discrimination by been side-lined by the state in the formation of the Towns and Village Development Councils (T/VDCs) whose purpose was to spearhead development at the grassroots (Amonoo 1981). As a result, many districts and regional centres became counterweights to chiefly authority. However, while the chiefs failed to stop the implementation of constitutional reforms and policies, they definitely demonstrated the ability to slow down the process; thus making chieftaincy and culture relevant in the transitional years.

### **3.3 Redefining Chieftaincy (1966-1992)**

The Nkrumah regime was overthrown on the 24th of February, 1966. The demise of Nkrumah brought a sigh of relief to many opposition politicians, chiefs and royal candidates who were hitherto persecuted. Even though, the coup d'état did not restore the chieftaincy to its pre-colonial status, constitutionally it breathed a new lease of life into it. The legal resuscitation process lasted until 1992 before some form of autonomy and protection was guaranteed for chiefs. The succeeding sessions chart the legal journey to permanent mixed jurisdictions.

---

<sup>66</sup> Kwaku (1976:194) notes that “the roads leading into Hohoe were among the worst in the Region. The stretch from Golokwati to Hohoe was so gutted and dusty that the dust was popularly referred to as ‘Antor atama’ (Antor’s snuff)”. The Chief of Anfoega, Togbe Tepre Hodo and the Anfoe areas was rewarded with “a Teacher Training College, a government supported Church hospital, a secondary school, local council offices, a tarred main street, post office and a police station” for his support to the CPP (Kwaku 1974: 190).

### 3.3.1 *The Era of the National Liberation Council (NLC) (1966 - 1969)*

Following the coup, the National Liberation Council (NLC) reversed those CPP policies which it found most repugnant (Rathbone 2000: 161).<sup>67</sup> NLC Decree No. 112 of 1966 annulled chiefly promotions handed out to chiefs under the CPP administration for their loyalty and cooperation. The decree stated *inter alia*:

Chiefs at any time occupying stools specified in this ... decree, these stools, the Chiefs of which were contrary to customary law ... elevated [or de-elevated] ... to the status of Paramount chiefs by the government of Kwame Nkrumah shall ... be deemed to been reverted [sic] to elevation [or de-elevation].

This decree left over 100 chiefs deposed. A higher number of chiefs were also stripped of their paramountcies and demoted to sub-chiefs if not all together deposed.

Even though, this decree created confusion and uncertainty in the status of some chiefs, especially in the Central, Volta and Brong Ahafo Regions, it sought to uphold the basis of chieftaincy and customary law as ordained by the Order in Council, 1957. This included the restoration and recognition of the State Councils and Regional Houses of Chiefs as well as its advisory role to government on traditional matters.

### 3.3.2 *The Second Republic (1969 - 1972)*

The 1969 Constitution consolidated the relative independence of chiefs with the establishment of a National House of Chiefs as the highest organ for chiefs, with its membership drawn from the regional houses of chiefs

---

<sup>67</sup> The NLC constituted a Civilian Political Committee to look into chieftaincy matters. Committee members were opposition activists and pro-chieftaincy with roots traced to many royal stools or were themselves chiefs.

(Republic of Ghana 1969: Art 154.1). This national body was given appellate jurisdiction in chieftaincy disputes brought from the Regional Houses (Republic of Ghana 1969: Art 154.3.a).

Functionally, the National House of Chiefs advised “any person or authority charged with the responsibility under the constitution, or any other law for any matter relating to or affecting chieftaincy” (Republic of Ghana 1969: Art 154.3.b). This provision lent itself to the interpretation that the National House of Chiefs did not have the ultimate decision-making power over issues relating to chiefs.<sup>68</sup> Its role was simply advisory and the Government was not bound to honour its advice, or recommendations. Nonetheless, it was a significant development in furtherance of independence and protection of chieftaincy as it firmed up the dichotomy between chieftaincy and the state apparatus.

Another boost for chieftaincy was in the area of local administration. The constitution provided that one-third of the membership of local government councils be chosen by traditional authorities (chiefs) in accordance with traditional and customary usage (Republic of Ghana 1969: Art 158.b). In the case of the Regional Councils, provision was made for the inclusion of not more than two representatives from the House of Chiefs from the Region (Republic of Ghana 1969: Art 159.b). Through these provisions chiefs were accommodated into the state apparatus at the national, regional and district levels.

---

<sup>68</sup> Article 49f in the original proposal vested in the president of the republic, the power to deal with matters “relating to election, installation and destoolment of chiefs.” In essence the president was to “publish, for the information of the general public, a notification of the instoolment in the ‘Gazette’. But this was objected to by the constituent assembly that promulgated the constitution but again introduced in the legal framework two years later. See Republic of Ghana 1968: 177)

In the area of land control, the 1969 Constitution also took away the powers of the State over stool lands and returned all such lands to the chiefs, who traditionally were the custodians of the stools. The law stated “all stool lands in Ghana shall vest in the appropriate Stool (in this case chief) on behalf of, and in trust for, the subjects of the stool” (Republic of Ghana 1969: Art 164.1). The law under Article 164 (2), however created and regulated Stool Lands Account for the various stools in order to regulate the revenues accruing from the land. This development meant that chiefs recovered part of their traditional powers over land and its management.

In addition, the new Parliament dominated by Professor Kofi Abrefa Busia’s Progress Party (PP),<sup>69</sup> enacted a new Chieftaincy Act of 1971, Act 370 (Republic of Ghana 1971). The Act was intended to minimise abuses hitherto experienced by chiefs by redefining the position of the chief. Section 48 stated that,

A Chief is an individual who has, in accordance with customary law, been nominated, elected and installed as a Chief or as the case may be appointed and installed as such and whose name for the time being appears as a Chief on the National Register of Chiefs: provided that no person shall be deemed to be a Chief for the purposes of the exercise by him of any function under this Act or under any other enactment, unless he has been recognised as such by the Minister by notice published in the Local Government Bulletin. Subject to the foregoing subsection (1) the name of any person who has been installed as a Chief shall be entered by the National House of Chiefs in the National register of Chiefs not later than one month from the date of receipt of the notification of such installation (Addo Dankwa III 2004: 20).

By this definition, chiefs gained legal recognition for their traditional roles in society. In the past, if a chief was uncooperative, the government simply

---

<sup>69</sup> The National Liberation Movement (NLM) later metamorphosed into the Progress Party (PP) for the 1969 elections. It still kept its chiefly base and in fact won the 1969 elections largely because of the enthusiastic support it garnered from within the chiefly class especially in Ashanti.

withdrew his recognition, and that meant that chief had lost his status. A new chief whose cooperation could not be assured and who did not support the ruling party was denied statutory recognition. However with this new development, both the institution of chieftaincy and the government were tied to legal rules.

But in so doing, however, I argue that it ushered in its own problem, which was equally frustrating for the chiefs, in that the government or a royal faction could simply delay official recognition indefinitely. Another problem under this definition was that there now existed two categories of chiefs. One category comprised chiefs properly installed according to customary law and usage and whose installation has been recognised by the government through a notice published in the Gazette by the Minister responsible. The other category was made up of chiefs who, though properly installed in conformity with customary law and usage, had not received recognition from the Government. This produced some practical implications because there were now in existence chiefs by statute and chiefs by customary law. Both benefited from customary allegiance from other chiefs and from their subjects, and were entitled to stool ceremonies including festivals and rituals expected of chiefs under customary law and usage. As such, both enjoyed the full dignity and the status of a chief in accordance with local usage. However, chiefs under statute were the only category of chiefs, regardless of ranks, who could interact with the state apparatus. Therefore, a chief by statute had all rights, duties and functions under customary law; in addition, he also had statutory rights, duties and privileges.

The privileges of a statutory chief included membership of the National House of Chiefs, Regional Houses of Chiefs and Traditional Councils (Republic of Ghana 1971). It also included sitting on the judicial committees of the Traditional Councils, Regional Houses of Chief and the National House of Chiefs, to hear and determine any “cause or matter affecting Chieftaincy” (Republic of Ghana 1971). This was certainly a step towards upholding the independence and autonomy of chiefs in matters affecting chiefs. However, it meant that all chiefly councils and their membership were creatures of the state. The reform did not address the major concern of the chiefs: their total autonomy and independence. Even though it divested some key governmental powers over the institution, it still retained the vital power of gazetting in the hands of the state and in this case the state continued to transform the nature of chieftaincy and its legitimacy.

For the state, the main purpose for resurrecting chieftaincy was to achieve a more effective centralisation of traditional authority, and the House of Chiefs system was central to this strategy. Even though the Houses of Chiefs may not be significant to the public, as their deliberations are not publicised, they could garner greater support for state legitimacy. For instance, the National Redemption Council (NRC) government that overthrew the Progress Party government through a coup in 1972, benefited from the support of the House of Chiefs in the Volta Region to suppress demands for Eweland succession in the 1970s. Under its President, Togbe Adja Tekpor VI of Avatime, the House convened an emergency meeting to condemn the secessionist movement and to endorse government measures to deal with the threat (Nugent 1996: 216). In another instance, the state benefited from the support of Togbe Adja Tekpor in the campaign to prolong

the military rule through the introduction of 'Union Government' (Nugent 2002: 225).

The chiefs did not use state mechanisms to enhance their legitimacy. They also recreated their authority by working for the needs of their subjects. In particular, chiefs took advantage of the inability of the state to lead the developmental agenda (this did not mean that the state did not make any effort however). In the years after Nkrumah, it became increasingly the norm for governments to pay lip service to state-led development. This all came down to the fiscal crisis of the Ghanaian state which was unable to work within its own budgets, far less meet the ambitious development targets set by Nkrumah (Seini 2006: 547). These challenges meant that like the Nkrumah regime, the state government only rewarded areas which cooperated with them. And the Volta region, having voted for the opposition party during the 1969 elections received a far smaller share of government development expenditure (Nugent 1995). This zero-sum game, coupled with a demoralised and financially weak bureaucracy made political administration more of a fire fighting exercise in anti-CPP areas. The local government ceased to represent communities directly and became distanced from the rural population and worst still unable to meet their needs. The chiefs therefore exploited the Town and Village Development Councils (T/VDCs) concept introduced during the Nkrumah years as the lower tiers of District authority as a stop gap measure (Nugent 1995).

However, while the weak state thesis scholars like Van Rouveroy van Nieuwaal (1996) would see the above development as case for the revival of chieftaincy, there was no evidence to suggest that the reproduction of the T/VDCs equalled re-traditionalisation. This was because there was no

withdrawal from the state. In fact, the chiefs appealed to a defunct state apparatus to undertake their functions, thus highlighting how chiefs had selectively adapted state systems to complement the traditional values that facilitate their legitimacy.

In summary, the political developments discussed thus far point to the case that both chiefs and state engaged each other in the pursuit of a mutual political agenda. They both recreated political legitimacy by appealing to or benefiting from the presence or absence of external authority or resources. There is thus no evidence to suggest that both institutions only relied on their moral-order worldviews.

### *3.3.3 Chieftaincy in the Third Republic (1979-1981)*

The 1979 Constitution broadly followed the provisions of the 1969 Constitution to protect chieftaincy, albeit with significant departures. Pointedly, it was the first constitution that intentionally deepened the dichotomy between chieftaincy and the state as belonging to different worldviews. The 1979 constitution expunged the clause that gave government the authority to offer formal recognition to chiefs. Article 177(3) made provision

for the determination, in accordance with the appropriate customary law and usage, by a Traditional Council, Regional House of Chiefs or the National House of Chiefs or a chieftaincy tribunal thereof, of the validity of the nomination, election, installation or deposition of a person as a chief; for a Traditional Council or a Regional House of Chiefs or the National House of Chiefs to establish and operate a procedure for the registration of chiefs and the public notification in the gazette or otherwise of the status of persons as chiefs in Ghana (Republic of Ghana 1979: Art 177.3a & b).

The constitution transferred the authority to the National House of Chiefs to enter the names of chiefs into the National Register no later than one month

from the date of the receipt of the notification of installation and have it published in the Government gazette. The fact that the notification does not appear in the Gazette does not necessarily mean that a person is not a chief. One is deemed a chief by being installed in accordance with the relevant customary law and usage and without subject to any state approval. The 1979 Constitution also forbade Parliament from passing laws which conferred on any person or authority the right to accord or withdraw recognition to or from a chief; or which in any way detracts or derogates from the honour and dignity of the institution of chieftaincy (Republic of Ghana 1979: Art 177.2a&b). All chieftaincy matters thus became entrusted to the Traditional Councils, the Regional Houses of Chiefs, and the National House of Chiefs. It is therefore helpful to think of a re-constituted role of chiefs and chieftaincy, departing in significant respects from the pre-colonial precedents, but as one which draws on both 'traditional' and modern sources of legitimacy to validate itself.

### *3.3.4 The Provisional National Defence Council (1981-1993)*

The newly achieved sovereignty of chiefs was however disrupted when the Dr Hilla Limann's People National Party (PNP) government was overthrown on the 31st of December 1981 through a revolution by the Provisional National Defence Council (PNDC). The PNDC justified the intervention as a means to sanitise and rid the political landscape of corrupt 'big men'. Included in the classification were chiefs alongside landlords, politicians, businessmen, wealthy farmers, and smugglers (Nugent 1996: 217).

The PNDC set up various committees to undertake its objective and the one related to chieftaincy was the Peoples Defence Committees (PDCs). The

PDCs were to replace the local governments and T/VDCs as well as control chieftaincy which was considered as a “feudal institution in which the stool holders wielded absolute power” (Nugent 1996: 217). In any case, the PDCs failed to replace the position and role of chiefs and chieftaincy as they miscalculated the basis of chieftaincy legitimation in the modern state.

As far as Ashanti and Volta Regions were concerned, I argue that this prognosis and diagnosis was off target. On the one hand, it is quite false to portray the post-independence chief as an extension of the state: they were gazetted by the state but their authority was external to the state. The accusation therefore that the chiefs were becoming corrupt and perhaps dictatorial was also far fetched. Chiefs who gained influence did so because they were able to carry a substantial body of opinion with them. Indeed, the PDCs faced difficulties in enforcing the functions of price controls, dispute resolution, development and maintaining law and order as these functions also fall within the jurisdiction of the chiefs (Nugent 1996: 219). Because the chiefs were entrenched locally, PDCs could not function and only succeeded in areas where they violated their own guidelines by working with the chiefs. Nugent (1996: 218), for instance, related an account of one of the PDC chairmen on its failure:

we tried to abolish TDC. We were not giving them a place. We gave them the impression that they no longer had a role. We should rather tell them what to do. But it didn't work because Nana Soglo (the chief of the area) was very strong. His argument was that the TDCs were set up under Nkrumah's regime and were still going, so they could not be abolished just because a new government came to power.

This appeared to have been the general pattern and by the second half of the 1980s, the PDCs (later renamed Committees for the Defence of the Revolution, CDRs) were completely deflated. The rise and fall of the PDCs

also supports the argument that chiefs still retained considerable legitimacy at the local level and competed favourably with the state in pursuit of their own legitimacy. Their greatest asset was their ability to appeal to both subjects and state institutions and officials.

In the second half of the 1980s, the governing PNDC began to recognise the political relevance of chiefs. The party moved away from forging an entirely new political system to one that blended traditional and modern structures of governance as was the case during the colonial rule. Nugent notes that the “PNDC officials exhorted Ghanaians to recover their period in self-help, instead of relying upon the state for all their needs” (Nugent 1996: 218). To this end, the National Commission on Democracy (NCD) was established to educate and receive opinions on this neo-traditionalist venture. The Chairman of NCD, Justice D.F. Annan made known the government’s position in the following terms:

we feel that a truly democratic system should take into consideration our tradition, history and culture. We must measure the performance of the modern political system since independence against our traditional system and see whether the modern period could not have been improved by an interrelationship with the traditional system. Attention must be drawn to certain socio-cultural values, such as consultation, voluntarism, participation, consensus and self-reliance which we cherish as a people, but which we seem to have failed to integrate into the political order (Nugent 1996: 219).

This ‘u-turn’ policy began with the launch of the so-called ‘Blue Book’ in 1987, which paved the way for the holding of no-party but nonetheless contested District Assembly (DA) elections in the late 1980s and regional consultations hosted by the NCD on the future directions of the political process. The reform proposed to the central government to appoint a third of the members of the assembly and this included chiefs. In 1991, the NCD also completed its work and submitted its reports extolling the significance of

indigenous practices and its content fed into a process of drafting a new constitution for Ghana. However, the report did not support the membership of chiefs in the legislative assembly or even the idea of a second chamber for chiefs. Indeed, again one detects certain ambivalence towards enhancing role for the chiefs. The PNDC government, like the ones before it, recognised the indispensability of chieftaincy yet were prepared to engage it only as far as it facilitated the state legitimisation process at the grassroots.

The presentation of the NCD report and the pressure, both domestically (led by the National Union of Ghana Students, Trade Union Congress, Ghana Bar Associations, Christian Council of Ghana, Catholic Bishops' Conference and Movement for Freedom and Justice) and from abroad (World Bank and IMF) to democratise, led to the constitution of a Consultative Assembly in 1991 to debate and draft a new constitution to facilitate the return to multiparty democracy in 1992 (see Handley 2008).

### **3.4 The Fourth Republican Constitution**

#### *3.4.1 National Debate on Constitutional Proposals*

The message that solicited the most support in the country consultations and in the Consultative Assembly was one of support and recognition for traditional institutions. The Chairman of the PNDC, J. J. Rawlings, reiterated these sentiments in his inaugural message to the Consultative Assembly in 1991. Chairman J. J. Rawlings exhorted the members to make "the well-being, peace, and unity" of the whole nation their "overriding criterion for deciding upon any constitutional provision" (Republic of Ghana 1992b: 30). This also included the issue of chiefs. Indeed, almost every member of the consultative assembly who spoke on the subject, chiefs and non-chiefs alike,

did so against a background of the singular importance of the institution of Chieftaincy to the unity of Ghanaian society.

Submissions from assembly members revealed the great respect they had for the traditional institution. Professor Kwame Arhin (himself a chief and government appointee), called chieftaincy “the bed rock of stability in our national life” (Republic of Ghana 1992b: 2671). Sam Barnes (Shama-Ahanta East Metropolitan Assembly) reminded the Consultative Assembly about the “importance and the resilience of the institution of chieftaincy in our social and cultural lives” and pushed for it to be “recognised as the foundation of Ghanaian society” (Republic of Ghana 1992b: 2564). To Barnes, any attempt to disband that institution means destroying “the very fabric of the Ghanaian society” (Republic of Ghana 1992b: 2564). J.N. Ansah-Mensah (Wassa West District Assembly) on his part noted chieftaincy as the “unifying force of the people in the traditional area. He occupies the great ancestral stool in the name of the people. He vowed to the people to lead them in whole in time of peace and in time of crisis” (Republic of Ghana 1992b: 2718-2719). Nana Kwame Nkyi XII (Central Regional House of Chiefs) also asserted that chieftaincy “constitutes a major resource that could be officially tapped in reinforcing the modern governmental structures of the country” (Republic of Ghana 1992b: 2564). The sentiments of Mr Kwabena Kyere (Berekum District Assembly) succinctly captured the general feeling of the assembly and the larger Ghanaian public. According to him, “it is the wish of all Ghanaians that the sanctity of chieftaincy should be sustained, because chieftaincy is the embodiment of our culture; indeed it is the pivot around which our cultural practices and norms revolve” (Republic of Ghana 1992b: 2564).

The general consensus therefore was that chiefs should be insulated as leaders of the people “from unnecessary governmental influences”. In his comments, J. O. Kyei (Kumasi Metropolitan Assembly) also unequivocally demanded, that the “Parliament in the Fourth republic should chart a path of positive neutrality in so far as the nomination, election or selection, installation or the position of a person as a chief is concerned. This is the function of kingmakers and not Parliament” (Republic of Ghana 1992b: 2580).

The Consultative Assembly called for the retention of the guarantees and protection introduced under the 1979 Constitution within the draft constitution. Some members however went further for a total autonomy for chiefs. For instance, Professor Arhin warned that it would be good to have “a low view of human nature” and make a law that guarded against unnecessary interference from the state (Republic of Ghana 1992b: 2580). Osagyefo Kuntunkununku II (Eastern Regional House of Chiefs), supported the motion of non-interference in chieftaincy affairs. His view was that such a protection would prevent a repeat of a situation where

parliament manoeuvred to remove some chiefs and send them to exile, [while] some chiefs were elevated to paramountcies without knowledge of their subjects. So if we do not have any checks and balances in this constitution and say that Parliament should have no authority to enact any law to recognise, I believe we will be witnesses to another era where chiefs are going to be subjected to un-warranted destoolments (Republic of Ghana 1992b: 2574).

Against this background, James Ohemeng Kyei recommended that as a means

of insulating chieftaincy from unnecessary governmental influences... Parliament in Fourth Republic should chart the course of positive neutrality in so far as the nomination, election or selection, installation or the position

of a person as a chief is concerned. This is [the] function of the kingmakers, not Parliament (Republic of Ghana 1992b: 2580).

With regard to their future roles, the Consultative Assembly agreed that chiefs would continue to “bring all their people to the path of development and peaceful co-existence... tower above rancour and divisiveness” (Republic of Ghana 1992b: 2580). The only area of exclusion was from partisan politics, which was regarded as antithetical to their role as leaders or representatives of the people (Republic of Ghana 1992b: 2718-2719). In general, non-participation in active politics prescription, according to the Consultative Assembly, meant that chiefs could not take positions in political parties, found parties, or mount the platforms during campaigns. A significant number of the assembly members opposed this idea of removing chiefs from party politics. Although Odeefuo Boa-Amponsem III (a chief and government appointee) agreed that such action was necessary, he vehemently opposed having such a prohibition formally included within the constitution on the grounds that it was “unfair, unacceptable and abominable,” since chiefs by virtue of their position within the society also functioned as political figures (Republic of Ghana 1992b: 2719). There were a number people who supported both views, but eventually the Consultative Assembly voted in favour of the proposal.

### *3.4.2 The 1992 Constitutional Provisions on Chieftaincy*

Against this background, the final 1992 Constitution reinstated all the provisions made under the 1979 constitution. In addition, the Constitution drew a boundary between chiefs and the central government. For instance, chiefs no longer required formal recognition from the central government (Republic of Ghana 1992a: Art 270.3.b). The Traditional Councils, Regional

Houses of Chiefs and the National House of Chiefs were entrusted with the authority to deal with all matter pertaining to chiefs and the institution of chieftaincy (Republic of Ghana 1992a: Art 273 & 274). Thus a person was considered a chief if he has been properly elected or selected and installed as a one. Although, a chief no longer required formal recognition of a Minister or the central government, the entry of the chief's name in the National Register of Chiefs was still required, and this may seem to be a form of recognition. Such actions were to be undertaken by the National House of Chiefs.

Another adjustment was the adoption of entrenched clauses for the institution of chieftaincy (Republic of Ghana 1992a: Art 290.1.p; 270). This meant that the chieftaincy provisions in the constitution could only be amended or removed after a difficult and a time-consuming procedure involving a consultation with the Council of State, the National House of Chiefs, as well as a national referendum with at least forty percent turn out and seventy-five percent voter approval. The cost of doing this was so prohibitive that no government may easily find the resources to conduct one. Parliament itself was banned from enacting any law that "confers on any person or authority the right to accord or withdraw recognition to or from a chief for any purpose whatsoever, or; in any way detracts or derogates from the honour and dignity of the institution of chieftaincy" (Republic of Ghana 1992a : Art 270.1.a-b). In any case, if there was any law that had to be passed by Parliament, which affected the chiefs, the National House of Chiefs had to be consulted. Article 106 (3) reads: "A bill affecting the institution of chieftaincy shall not be introduced in Parliament without prior reference to the National House of Chiefs" (Republic of Ghana 1992a). In addition, the

restriction implied that any law on matters of chieftaincy falls equally and squarely in the courts of Parliament as in the National House of Chiefs.

The 1992 constitution also removed chieftaincy from the realm of partisan politics. Notably, Article 276 (1) stated that “a chief shall not take part in active politics; and any chief wishing to do so and seeking election to parliament shall abdicate his stool or skin.” Article 94 (3)(c) also stated that a person shall not be eligible to be a Member of Parliament if he is a chief. Similarly, a chief cannot be a candidate for the high office of the President because in accordance with the constitution such a person, apart from meeting all the other qualifications in Article 62, must have qualified to be a Member of Parliament. The constitution also excluded chiefs from being founding members, leaders or executives of political parties. The constitution however acknowledges that some chiefs will on their own personal merit and expertise be propelled into positions of responsibility in national life. A provision to guard the rights of these skilled chiefs was made in Article 276 (2) which stated that: “Notwithstanding (c) of clause (3) of article 94 of this Constitution, a chief may be appointed to any public office for which he is otherwise qualified.” This clause therefore made it impossible for competent and qualified professional chiefs to be ignored in the life of the nation.<sup>70</sup>

From the aforementioned provisions, the Ghanaian state, in theory, surrendered its sovereignty over chieftaincy. The rationale for this constitutional exclusion was justified in Article 277, which provided for the definition of a chief. The article by its contents implied that chieftaincy powers and functions were rooted outside the state in the “relevant cultural customary law and usage” and therefore was not subject to state approval

---

<sup>70</sup> For instance, the Interim National Electoral Commission (INEC) had Odeneho Oduro Numapau II as its Deputy chairman

and recognition per se (Republic of Ghana 1992a: Art 277). A chief was defined exclusively and explicitly in these traditional terms:

a 'chief' means a person, who hailing from the appropriate family and lineage, has been validly nominated, elected or selected and enstooled, enskinned or installed as a chief or queenmother *in accordance with the relevant customary law and usage*" (emphasis mine) (Republic of Ghana 1992a: Art 277).

The constitution also formalised some linkages between the state and the institution of chieftaincy. At the National level, there was a place for the President of the National House of Chiefs to sit as an ex-officio member on the Council of State, which is a body of leading citizens constituted to advise the President in the performance of his duties (Republic of Ghana 1992a: Art 89). While there was a similar provision for two chiefs from the Regional Houses of Chiefs to serve on the respective Regional Coordinating Councils, there was no provision for the automatic membership of chiefs on District Assemblies. Chiefs and other interest groups in the district were only to be consulted by the President in the appointment of the one-third membership of the assembly. Significantly, however, this move was in line with the spirit of autonomy that underlined the exclusion of chiefs from active control by the executive arm of government.

As is the case in Botswana, the constitution also retained the traditional powers for customary arbitration by chiefs in their communities with consent of the parties (Dzivenu 2008). By implication, the judicial powers of chiefs are reduced to consent but could be enforced in the court of law as an *ex parte* motion. This is because Article 125 of the 1992 constitution recognises customary law and practices as interpreted by chiefs (Republic of Ghana 1992a).

In June 2008, the Parliament of Ghana enacted a Chieftaincy Act 2008 (Act 759) to bring all existing laws on chieftaincy in conformity with the 1992 Constitution. In effect, chiefs regained their place and position in society to the extent that the law even prohibited the use of disrespectful or insulting language or insults by conduct against chiefs. Not even the President of the Republic enjoyed such protection against insults under the constitution. By providing for chiefs in such terms, it is argued that chiefs and chieftaincy enjoy a semblance of an autonomous status equivalent to the independence guaranteed to the Judiciary. It therefore follows that chieftaincy co-exists with other state institutions in Ghana.

### **3.5 Conclusion: The Limits of Accommodation and Transformation**

It took well over four decades (1949 – 1992) for the central government to establish some semblance of the formal institutional character of its mixed polity. Not surprisingly, however, even after the passage of the 1992 Constitution, there have been many unanswered questions concerning the definition of 'tradition.' What constitutes 'tradition' or 'custom'- an important role of the chieftaincy institution as prescribed by the 1992 Constitution - is not properly defined. The non-operationalisation of the concept of tradition significantly, in effect, gives perpetual life to the 'indirect rule' system of colonial rule where the central government gave vague orders. It also leaves both chiefs and the government to contest what constitutes tradition on daily basis.

It also seems that chieftaincy will continue to remain a powerful institution, partly because of the idea of chieftaincy and also because of the

constitutional provisions entrenching its functions. While some observers may disagree with this constitutional provision (Mamdani 1996), it is important to remember that a variety of external and internal factors constrained the ability of the constitution makers to simply subordinate chieftaincy to the electoral institutions. These factors included the rise of the Global Culture Rights Movement; the demand for participatory democracy (which in itself means the recognition and representation of the chieftaincy segment); the existence of weak or nonexistent institutions in the rural areas; and the need for cultural partners in the implementation of development projects as well as Ghana's institutional history. As was noted in the introductory chapter, given the trends throughout sub-Saharan Africa, the decision to incorporate chieftaincy was seemingly more appropriate than not doing so.

What is perhaps more interesting is that given the amount of time and energy spent on determining the role of chieftaincy since independence, in the end, the law has failed to resolve some fundamental issues concerning what the proper relationship between chieftaincy and democratic institutions should be ([www.myjoyonline.com](http://www.myjoyonline.com), accessed April 4, 2009). Alex Asum-Ahensah, Minister for Chieftaincy and Culture, for example, observed the need for a clear-cut policy to determine the nature of relationship between the state institutions and chieftaincy in his maiden address to the National House of Chiefs in 2009 ([www.myjoyonline.com](http://www.myjoyonline.com), accessed April 4, 2009). The Consultative Assembly only argued for a clear distinction between the functions of modern government and chieftaincy. While government is responsible for general development and welfare, the chiefs are expected to promote unity, cultural identity and preside over customary matters. Only when these boundaries were established and maintained will the dignity of

chieftaincy be restored, the Consultative Assembly members argued. This distinction between modern and traditional functions, as well as the transformation of chieftaincy is necessary to restore its authenticity, is prevalent in chieftaincy rhetoric as well.

At the same time, most of the functions listed in the 1992 Constitution relating to chiefs focused on the development of their communities (i.e. land administration, local governance, conflict resolution, customary law). The fact that the government required the chiefs to provide moral support for central and local administration highlighted the extent to which the government needed the assistance of the chiefs to carry out its obligations. Both critics and proponents made this point that the institution is close to the people and could help rally the people for national development. Political officials have also repeated this sentiment in different ways over time ([www.ghananewsagency.org](http://www.ghananewsagency.org), accessed May 20, 2009; February 18, 2011). While the colonial administration emphasised order, the post-colonial state seemed to be stressing the principles of consultation (with the government and the local population), impartial decision making (non-political activities), and community welfare (community development).

In terms of hierarchy, there is no doubt that the 1992 Constitution clearly reinforced the notion that elected or state appointed representatives, be it in local or national institutions, are the primary bodies for state governance and for bringing development to the people. Since the inauguration of the 1992 Constitution, chiefs have been calling for more prominent roles in the local government administration because they were the closest to the people and also because they controlled the resources that the state needed for implementing development (Ayee 2006).

In the end, the substance of the debate over the constitutionalization of chieftaincy, its relationship to the central and local government and its transformation was focused more on the extent to which it can maintain its autonomous rule-making and rule-enforcing functions and much less on what its traditional functions entailed. The guiding principle since independence has been on how to accommodate chieftaincy without it interfering in the activities of the elected representatives or the state apparatus.

It will become more obvious in subsequent chapters how the provisions of the 1992 Constitution, especially those that set forth institutional overlaps with chieftaincy and the central and local administration pull against each other. An analysis in land administration, local governance and democratic politics will reveal that the 1992 Constitution simply rationalises and formalises the overlaps and boundaries that have been developed since colonial times. And it is only at this level that we can begin to understand the nature and contours of chieftaincy's legitimation in Ghana.

# CHAPTER FOUR

## CHIEFTAINCY AND THE DISTRICT

### ASSEMBLIES: MULTIPLE BOUNDARIES AND THE

### AMBIGUITIES OF REPRESENTATION IN LOCAL

### GOVERNANCE

#### 4.1 Introduction

One of the central premises of the Local Government (District Assembly) Act of 1993, Act 462,<sup>71</sup> is that the sources of authority for chiefs and the government at the local level would be distinct (Republic of Ghana 1993). In this way, the state hopes to accommodate chieftaincy while simultaneously creating a non-partisan popular government (Crook and Manor 1998: 205; Nkrumah 2000: 55; Ofei-Aboagye 2008; Yankson 2000: 157). This has proven to be a difficult task as the establishment of District Assemblies (DAs) altered the legitimation process in the communities. And rather than providing restriction, the new DA law superimposed a set of political norms, processes and institutions upon a socio-political context where chieftaincy remains dominant. One result of this boundary making, I argue, is that the authority of the DAs and chiefs overlaps the other in ways that tended to obscure, rather than reinforce, the official boundaries that are supposed to exist between both institutions. An analysis of how and why this boundary is

---

<sup>71</sup> Act 462 provides the legal framework for the Provisional National Defence Council Law of 1988, PNDCL 207

blurred highlights the ways in which local populations gave meaning to chieftaincy and the state structures and their experiences with these institutions.

This chapter is developed in five sections. The first section provides a background to decentralisation in Ghana: its structures and functions. The second section discusses people's expectations from the local government institutions at the local level. These political expectations and realities leads to the third section which provides the context within which to examine how the District Assembly concept affects the legitimation process of chiefs and the local government. The fourth section tests the weak state thesis with Asante Traditional Council in the Kumasi Local Government. The chapter concludes by discussing the implication of this interaction for the nature of authority at the grassroots.

## **4.2 Decentralisation in Ghana: A Background**

Long before the District Assembly (DA) system came into practice, District Commissioners or grassroots state agents in the colonial administration related to the communities through their chiefs. They paid chiefs regular visits, discussed with them pre-budgets and post-budget plans for development especially when development crept into the political discourse in the late 1940s (Nugent 1996). The chiefs conveyed these plans and the part the communities were expected to play to the meetings of their traditional leaders. In turn, the message was passed on to the people through the beating of *gong-gong* (Brempong 1996: 25).<sup>72</sup> Again, during the early post-colonial years, the state allowed for chiefly participation in local governance

---

<sup>72</sup> A *gong gong* is a double cow bell that is hit with stick to spread the word of the chief through the community.

even when their customary powers were transferred to the new Traditional Councils and Regional Houses of Chiefs following the Coussey recommendations (Ayee 2000: 131).

From the 1950s, two-thirds of the local government's membership was composed of democratically elected members and one-third of members represented the traditional leaders. Though the CPP government removed traditional authorities from participating in local government in the early 1960s, their position in the Councils was restored (after the 1966 coup) in the various local government acts and decrees (e.g. Local Administration Act 1971 (Act 359); the Local Administration (Amendment) Decree (NRCD) 258 of 1974). The point is that in the past very little was done in the area of local government without consultation with or consideration of chiefs and chieftaincy.

A break from the status-quo occurred after the revolutionary upheavals of the Provisional National Defence Council (PNDC) regime in 1981. The regime began to undertake reforms that would allow for popular and 'participatory' governance in the Country (Nugent 1995). The Local Government Secretary at the time, Kwamena Ahwoi (2000:15), noted their "commitment to people's power, grassroots democracy and good governance at the local level" as a way of instilling accountability in the governance process (Crook and Manor 1998: 203). However, one contradictory implication of this reform was that chieftaincy would be institutionally forced out of their political world.

The PNDC government initiated the populist agenda by first establishing parallel institutions to counter existing state and non-state ones: the Workers Defence Committees (WDCs), the National Defence Committee

(NDC), the Citizen Vetting Committee (CVC), the National Investigations Committee (NIC), the Public Tribunals and the Peoples Defence Committees (PDCs) (Odotei 2005: 338). Pointedly, these new structures were also known as the organs of 'people's power.' As far as the institution of chieftaincy was concerned, it was the PDCs (later re-constituted and named Committees for the Defence of the Revolution (CDRs) that attempted to limit its authority. The CDRs tried to replace chiefs. They challenged chiefly authority over tribunals, land and the revenues accruing from them. Like the chiefs, the CDRs also tried to mobilise local residents for community and self-help development projects at the grassroots.

While the revolution was taking shape, the National Commission for Democracy (NCD) was established in 1982 to draw a roadmap for achieving the 'peoples power' based on "representative democracy, grassroots populism [and] CDR-managed 'non-party' democratic centralism" (Crook and Manor 1998: 205).<sup>73</sup> And the District Assembly (DA) system of 1988 was the first fruit of the work of NCD to structure administration at the local level. Consistent with the ideals of the revolution, the District Assembly (DA) Law, (PNDC Law 207) debarred the institutional representation of chiefs in their capacity as chiefs in local governance (Ayee 1997: 38). Traditional leaders were to be elected to the Assemblies on their own merits or appointed by the government to serve on the assemblies but not as automatic members as was the case preceding the revolution (Yankson 2000: 162).

---

<sup>73</sup> Both multiparty politics and chieftaincy were seen as the causes of the country's under-development. Multi-party governance was seen as the course of conflict and power struggle and reinforced by the conception of chiefs as power brokers. Enforcing non-partisanship therefore presupposes a ban on chieftaincy. Thus the empowerment of chieftaincy was seen as detrimental to the function and legitimacy of the new state (Ribot 2003; Ntsebeza 2007)

### *4.2.1 Local Government Functions and Structure*

The Local Government Act of 1993, Act 462, was passed to provide legal framework for the Provisional National Defence Council Law of 1988, PNDCL 207. This Act provides for Metropolitan/Municipal and District Assemblies (MMDAs) and their various sub-structures (sub-metropolitans, sub-districts and unit committees).<sup>74</sup> The specific responsibilities of MMDAs include the following:

formulating and executing plans, programmes and strategies for mobilising resources needed for the overall development of the district; promoting and supporting productive activities and social development; initiating programmes for the development of basic infrastructure and providing municipal works and services; developing, improving and managing human settlements and the environment; and ensuring security and public safety through the operations of District/Municipal/Metropolitan Security Councils in collaboration with relevant national and local security agencies” (Republic of Ghana 1993: Section 10; Republic of Ghana 1992a: Art 245).<sup>75</sup>

Examples of MMDA development projects include building schools, hospitals, and providing roads and water. These projects are financed through proceeds from the District Assembly Common Fund (established under the 1992 Constitution, representing five percent of the annual national revenue and shared among the MMDAs based on a government formula approved by parliament),<sup>76</sup> internally generated funds (which include levies, taxes, rates, duties and fees), special government grants, and shared revenues collected by the Land Commission and Stool Lands.<sup>77</sup>

---

<sup>74</sup> In all there are 170 local government institutions in Ghana as at 2011. The population of each is as follows: Metropolitan (population over 250 000), Municipal (one town assemblies with populations over 95 000) and District (population 75 000 and over).

<sup>75</sup> These roles mimic that of chiefs in the traditional setting.

<sup>76</sup> See the 1992 Constitution and the District Assembly Common Fund Act, 1993, (Act 455)

<sup>77</sup> The stool land revenue benefitted mainly areas with stool land properties such as Asante.

The MMDAs also administer twenty-two statutory departments and institutions of the central government at the local level. These are the Departments of Fisheries, Agricultural Extension Services, Crops Services Agricultural, Engineering, Animal Health and Protection, Feeder Roads, Parks and Gardens, Physical Planning Department, Rural Housing and Cottage Industries, Social Welfare, Community Development and the Department of Forestry. The remaining are the Ghana Education Service, Information Services Department, Ghana Library Board, Birth and Deaths Registry, Statistical Service, Ghana Highway Authority, Public Works Department, Controller and Accountant General's Department, Office of the District Medical Officer and the Fire Service Department. The decentralisation system thus functions as a devolved state administration (Crook and Manor 1998: 208).

Two-thirds of the Assembly members are elected by a universal adult suffrage on the basis of one member per ward in the first-past-the-post election. Political parties, however, are not allowed in the Assembly elections. Instead, candidates stand on the basis of their track record in the community. The other one-third of the Assembly is appointed by government on basis of list compiled by the state appointed head, the Chief Executive, after consultation with traditional leaders and other local interest groups.

The Chief Executive is thus the foremost person in the local government system. He or she chairs the important executive committee of the MMDA which is the overall state authority responsible for development planning and an extensive range of state services including security and public safety, health, education, agriculture, public works, communications and social

services. The Chief Executive serves a four-year term, subject to approval by a two-thirds majority of members present and voting. His or her appointment can also be terminated by a motion of 'no confidence' passed by two-thirds of the Assembly.

Under the Chief Executive is the Co-ordinating Director – a career civil servant who in practice is a professional administrative assistant to the Chief Executive. He or she is effectively the local government chief of staff and oversees the work of decentralised ministries and agencies together with ensuring that development projects are executed as required. During its first session, the MMDAs also elect from amongst the members a Presiding Member who chairs the general meetings of the Assembly and has a rather ambiguous role, both as a kind of 'speaker' of the assembly and MMDA leader. Lastly there is the Member of Parliament who is also the elected representative of the constituency in national parliament.<sup>78</sup>

Below the MMDA are two further tiers but with no decision making powers. These are the sub-metropolitan/sub-district/Urban/Zonal/Town Councils and the Unit Committees. These sub-structures are in place to facilitate closer collaboration and interaction between the MMDAs and the people. The memberships of the sub-metropolitan, sub-district, Urban, Zonal and Town Councils are made up of both elected members in the Assembly and government appointees to whom certain administrative tasks may be delegated by the Assembly. This tier also facilitates collection of taxes, organisation of communal labour for self-help development as well as

---

<sup>78</sup> The presence of the Chief Executive and the MP presents a case for conflict in statutory functions as the people's representatives. These two key actors also have fund allocations for development projects within the District resulting in competition for power and resources. The political rivalry is sometimes complicated if the Chief Executive and the MP support or belong to opposing political parties.

provides inputs, through consultative process, into the administration of the MMDAs.

At the grassroots are the unit committees, which replaced the Town and Village Development Committees (T/VDCs) (Amonoo 1981). Before 1991, unit committees were the organisational unit of the government's main 'revolutionary organ, the CDRs. The idea was a revolutionary cell for each neighbourhood or work group. They existed next to (and often in rivalry with) the T/VDCs which generally combined the traditional leadership of chiefs and elders with youths and other respected members of the community. The unit committees replaced the T/VDCs and are responsible to the Assembly for all matters and to the Town or Zonal Councils for specific matters. The Unit Committees are also partly elected and partly appointed. The Chief Executives appoints the thirty percent in consultation with the Presiding Member, traditional authorities and organised productive groupings. Pointedly, the decentralised District Assembly concept makes a statement for development which is 'of the people, by the people and for the people.'

Above the MMDAs are two further tiers with oversight responsibilities - the Regional Coordinating Council (RCC) and the central government through the Ministry of Local Government and Rural Development (MLGRD). RCC exist in all the ten administrative regions and consist of appointees such as the Regional Minister, Presiding Members and Chief Executives of all the Assemblies within a particular region. It is worth noting that it is the only tier that the place and office of chieftaincy is statutorily recognised. Under Article 255 (1c) of the 1992 Constitution and Section 141 (1c) of Act 462, there is provision for two chiefs from the Regional House of

Chiefs (elected by chiefs at a meeting of the House) to serve on their respective Regional Coordinating Councils (RCCs). This body supervises the distribution of grants-in-aid and other public funds, a task formerly carried out by the Local Government Grants Commission, as well as harmonising Assembly plans through a Regional Planning Co-ordinating Unit. The RCCs are essentially a coordination hub and have no legal powers to approve decisions, bye-laws, at the Assembly level (Crook and Manor 1998: 210). The MLGRD is at the national level. This Ministry coordinates central government policy with the districts and also provides monitoring and evaluation of local government staff and projects (see diagram 2).

From the preceding paragraphs, it is evident that the MMDAs and their sub-structures do not support the institutional representation of chieftaincy. Nonetheless, Article 242 (d) of the 1992 Constitution and Local Government Act of 1993, Act 462 section 5 (d), stipulate that traditional leaders can serve as members of the MMDAs or on their sub-structures as long as they are included among not more than thirty percent of the total membership of the MMDAs appointed by the Chief Executive who acts on behalf of the President. However, this appointment is also aimed at recruiting and placing professional expertise at the disposal of the DAs. Thus clearly, the mode of recruitment leaves little room for chiefs to directly influence the MMDAs in their capacity as traditional leaders or chiefs. Indeed, many chiefs have complained to me that government has not adequately engaged them in the nomination of the thirty percent government appointees to the DAs. In some cases, the chiefs were informed of the identity of the governmental appointees after the nomination was completed (Yankson 2000: 173-174). Thus, there was a clear distinction between chieftaincy and the state local government institutions.

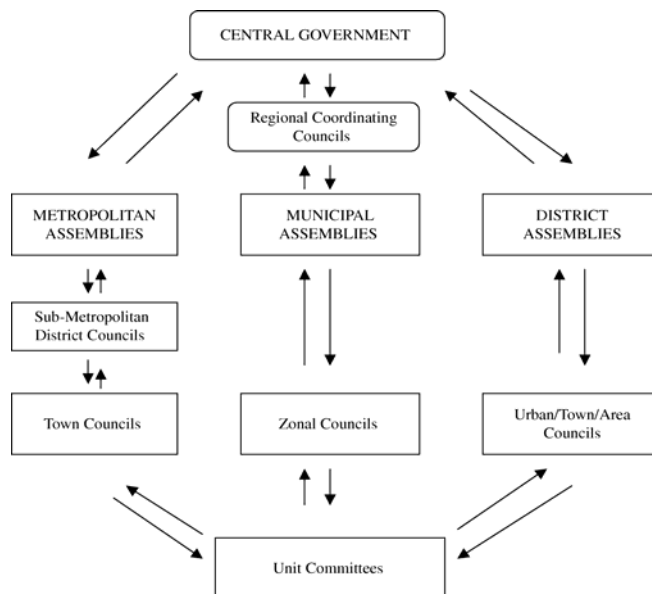
However, the MMDA system, in my estimation, posed a number of institutional and practical challenges for grassroots governance. First, unlike the previous system where chiefs were recognised as principal stakeholders, the new DA consisted of elected representatives and appointed members and not traditional leaders. For many in the community, the presence of an entirely separate DA has complicated the idea of representation, especially as both Chiefs and the elected/appointed assembly members expect respect and loyalty of the people at the same time.

Second, the DA law meant that the assemblies now have a responsibility for a wide range of development issues that were previously shared with the chiefs. This DA system also meant that there will be pressure and tension between chiefs and the Assemblies as each will attempt to outdo the other in serving the community.

Third, the fact that traditional leaders could be appointed in their individual capacity meant that the office of the chief was not given the due recognition and respect, and could force the chiefs not to cooperate. In fact, as will be discussed under section four of this chapter, the chiefs never received or perceived the elected/appointed members as their equals and often preferred to interact with the assemblies through their traditional office rather than in their individual capacities.

It is therefore important not to underestimate the extent to which the pre-existing traditional structures and authority boundaries can affect the ability of the state to broadcast authority in the communities (Herbst 2000; Nugent 2010). Regardless of the MMDA law, chieftaincy still had a distinct advantage in terms of the legitimisation process because the boundaries of their authority are much more certain than those of the newly introduced

District Assemblies. In addition, it is a mistake to assume that before the introduction of the DA in 1988 there were no effective governance structures at the local level. There is no doubt that during the 1960s, 1970s and 1980s, the local governance system lacked the capacity to respond to the needs of the people. Nonetheless chiefs made efforts to meet many of the basic needs sometimes through the Town and Village Development Committees (T/VDCs) set up by the state (Nugent 1995; 1996; Amonoo 1982). While they never had complete autonomy from the state and participated in the T/VDCs, local courts, land administration and other state institutions, chiefs did have some discretion over many daily decisions. Given this reality, it is very surprising that chieftaincy was not retained in the MMDAs.



**Diagram 2** Overview of the Local Government Structure (Source: Ministry of Local Government and Rural Development, Accra)

### **4.3 The Making of District Assemblies: Expectations and Realities**

For the Ghanaian state, the establishment of effective, efficient and accountable local government institutions is critical for its political legitimacy, because it is at this level of the state that is most likely to have frequent interaction with society (Ayee 2000; Tapscott 2005). Indeed, former President Rawlings stressed this point in an address at the fifth annual delegates' conference of the National Association of Local Government Councils (NALAG). He noted:

past governments have acknowledged that decentralisation is the right prescription to cure... [the problems the people face], but they have been too timid to ask the patients to swallow more than a few ineffective tablets... The government of the PNDC is committed to changing this trend, using as its means the programmes for decentralisation and mobilisation (Information Service Department, Accra, November 29, 1983).

Despite the importance the state attaches to the development of local government, there was ample evidence to support the failure of local government and as a result most people had a negative assessment of local government. For example, a CDD-Ghana (2008) Afrobarometer survey on popular opinions of local government in Ghana revealed that grassroots participation in local governance was generally weak. The survey observed that Ghanaians were reluctant or unable to take advantage of the decentralisation concept. Quite disappointingly, just over a third (thirty-six percent) of adults interviewed contacted their assembly men or women to find solution to local problems. Even more discouraging was the fact that only fifteen percent contacted their elected national representatives (MPs). Rather, the citizens took their issues to informal actors including religious leader (forty-seven percent); traditional leaders including chiefs (twenty-five

percent) and other influential persons (twenty percent). This general disaffection or negative attitude towards the MMDA actors and institution means that the MMDAs are not doing enough to attract the support of the local people.

Table 1 below reveals that fewer than half of the selected number of those interviewed in Ghana held their local government authorities responsible for the six statutory tasks included in the list. In fact, more than half (fifty-seven percent) of Ghanaians in the survey thought the central government was responsible for the management of health centres. Likewise, sixty-five percent thought the central government was the institution responsible for maintaining law and order instead of the Metropolitan/Municipal/District Security Councils (MMDSECs).<sup>79</sup> In the same way, the chiefs were voted as the conflict resolution actors (fifty-nine percent) instead of the MMDSECs. In other words, there is a serious disconnect between the attitudes the citizens held towards the local government and their statutory functions. Obviously, such a negative perception impacted on the MMDAs' ability to assert their authority at the local level.

**Table 1** Responsibilities of the Local Government System (CDD-Ghana 2008)

	<b>Central Government</b>	<b>Local Government</b>	<b>Traditional Leaders</b>	<b>Community Members</b>
Managing health clinics	57	34	2	5
Maintaining law and order	65	17	12	4
Resolving local disputes	12	21	59	5
Keeping community clean	7	22	8	62
Managing schools	43	41	3	11
Protecting rivers and forests	30	30	24	13

<sup>79</sup> By MMDECs, I mean 'Local Government'.

Collecting income taxes	39	49	4	3
Allocating land	8	16	69	4

Question: *Who do you think actually has primary responsibility for managing each of the following tasks. Is it the national government, the local government, traditional leaders, or members of your community?*

The CDD-Ghana's (2008) survey findings on local government in Ghana were consistent with the attitudes that were observed in Gbi and Kumasi during my field work with respect to the work of the Hohoe Municipal Assembly (HMA) and the Kumasi Metropolitan Assembly (KMA). The majority of the people interviewed stated that the Assemblies had done nothing to help the communities. In instances where citizens were not absolutely negative about the Assemblies, they were usually ambivalent. For example, one interviewee in Gbi complained about the slow pace of development in the area and attributed it to deficits in the accountability and transparency of the local government administration (male educated adult, Hohoe April 9, 2009). The HMA was also burdened with several uncompleted projects (i.e. markets stalls, roads, street lighting, and sanitation etc). This was confirmed by one interviewee who started, "everything starts but never gets complete", (male educated adult, Hohoe April 9, 2009). This perception was also articulated in many parts of the country and seemed to be a driving force behind the call by two-third of Ghanaians in a survey conducted by CDD-Ghana (sixty-one percent) for MMDA Chief Executives to be elected by local people (CDD-Ghana 2008). It is plausible that the citizens desire to use the electoral process as a way to demand greater

accountability from the Chief Executives and the MMDAs (Crook and Manor 1998:296-300).<sup>80</sup>

Another indicator of ambivalence about local government is the continuous decline in voter turnout for local government level elections. Turnout for the first ever election under this system in 1988 recorded fifty-nine percent national turnout and has since seen a decline (Crook and Manor 1998:213). The impression of voter apathy was reinforced in 2010 with a paltry thirty-five percent national turnout ([www.myjoyonline.com](http://www.myjoyonline.com), accessed February 10, 2011). While there were various explanations for the low voter turnout, none of them were positive about the local governments, regardless of whether people do not vote because they are apathetic or disappointed or have lost faith in the works of the local governments (fieldnote, Hohoe, April 1, 2009; *Daily Graphic* December, 10, 2010). Thus there is a general frustration with the system. Some citizens also complained about the calibre of people in local government (fieldnote, Hohoe, April 1, 2009). For example, in Bawku West District in the Upper East Region, an unemployed young man won a seat against an outspoken lawyer and former Member of Parliament as well as a former PNDC Regional Secretary in December 2010 ([www.ghanaweb.com](http://www.ghanaweb.com), accessed January 5, 2011). These populist rather than quality considerations in the election of assembly members are prevalent across the country. Some people indicated that no matter who they voted for, nothing changed (fieldnote, Hohoe, April 1, 2009). Altogether, these realities have immensely affected MMDA's legitimacy and performance.

---

<sup>80</sup> The call for the elections of MMDA Chief Executives has been incorporated in the political manifestoes of the various political parties. However, they have never travelled beyond the confines of political campaigns and elections to implementation after the capture of political power.

The 'no-party' elections have also contributed to the low patronage in the MMDA (Crook and Manor 1998: 295). The original idea of 'no-party' elections under the DA was to discourage the divisive tendencies associated with party politics in the process of mobilising the community for development in the revolutionary years. It was also seen as creating the platform for electing representatives who were genuinely locally based and respected members of the communities, with good relationships with their constituents. While there is some force with these arguments they have downsides too. Richard Crook and James Manor gave a number of reasons for this (Crook and Manor 1998: 295-296):

1. Given that local politics is as much an arena for class or caste conflict as another, an idealised representation of community interest can lead to exclusion of certain groups and/or a failure to develop mechanisms for challenging and resolving the plurality of interests
2. In any representative local government council which aggregates a number of communities within an area, it is difficult to resolve conflicts of interest when the council consists of community delegates whose sole purpose is to fight for the allocation of resources to their particular area. All arguments become special pleading, and in the absence of party resolution of such conflicts, the resources will be allocated on the basis of whoever has most favour with decision makers. This can have deleterious consequences for transparency and legitimacy of allocative decisions.
3. The lack of party competition on the council itself can, as with the single-list system, produce supine elected bodies with no interest in monitoring and challenging executive behaviour.

The lack of multi-party elections in the DA therefore reduces competition, accountability and transparency of local government in decision-making.

Institutionally, Ghana is struggling with the local government system when measured against its devolution mandate. In deed, the local government is not arguably as devolved and autonomous as the nomenclature suggests. For instance, the DAs are not permitted to borrow money from the central government or any other agency without approval

from the Ministry of Finance, recruit their own staff, or even fully control the works of bureaucratic agencies like education and health within their boundaries (Ayee 2004). Coupled with the insufficient District Assembly Common Fund and the low revenues internally generated, the MMDAs are susceptible to influence and manipulation (Ayee 2004). Indeed, resources and contracts were allocated to assembly members who have favour with the Chief Executives ([www.ghananewsagency.org](http://www.ghananewsagency.org), accessed March 15, 2011).<sup>81</sup> Thus the government-appointed Chief Executives asserted considerable influence in the allocation of development funds, and fostered paternalistic relations within the MMDAs. In the end, these constraints have served to undermine the legitimacy of the local government (Belden 2010: 4; CDD-Ghana 2008).

Thus there is no question that the state is struggling to maintain effective local government institutions in the communities. This political reality provides the context to examine how the exclusion of chiefs may affect the legitimation of the MMDAs. Specifically, it is important to consider the ways in which people evaluate chieftaincy and the interactions between chieftaincy and local government institution, and more specifically, the MMDA representatives.

#### **4.4 Chieftaincy-State Relations at the Grassroots**

---

<sup>81</sup> President Mills' address at the inauguration of the Tema Metropolitan Assembly (TMA) in Tema on March 15, 2011, for instance, reminded the newly elected assembly men and women "not to seek favours from Metropolitan, Municipal and District Chief Executives and Management, as that could undermine their authority to demand accountability from Management" ([www.ghananewsagency.org](http://www.ghananewsagency.org), accessed March 15, 2011)

Even though the MMDAs may be regarded as underperforming, the extent to which chiefs perceived them as threat to their authority should not be underrated. It is quite right that the establishment of the MMDAs was an attempt by the state to create a new set of structures in the communities that would diminish the role of chiefs and chieftaincy. In response to officially losing their place in local governance, chiefs tried everything with a goal of aligning with the MMDAs as much as possible. To better understand how chiefs were able to engage MMDAs, it is first important to examine more closely the attitude that people have about chieftaincy in local governance in Hohoe and Kumasi.

#### *4.4.1 Perception of MMDAs and Chieftaincy Authority*

With the establishment of MMDA in 1988, it was not known how chiefs, elected and appointed representatives and the local population would work together as the law restricted participation of chiefs. This was compounded by the dilemma in merging the CDRs and the pro-chief T/VDCs into the new structures that had no place for chiefs. It should be recalled that before the unit committees, T/VDCs and the CDRs competed with each other at the grassroots over rights to manage local affairs and lead development efforts (Amonoo 1981). The state seemed to have assumed, incorrectly, that with the creation of the unit committees, chieftaincy could co-exist in such a way that it would not interfere with the process of local governance. There was little recognition that local population would expect chiefs to actively participate with local government institutions, and even more importantly, that the chiefs risked losing their role as community leaders if they did not work with all the actors in local governance. In addition, there was pale acknowledgment that the authority of the elected and appointed assembly

representatives would be linked to the chieftaincy in complex and subtle ways that defied the existence of precise boundaries.

This is not to say that there were no fundamental boundaries between the two. Institutionally, the chiefs and MMDAs were conscious of the fact that they were distinct and had different spheres of authority. The Ministry of Local Government and Rural Development (MLGRD) and the National House of Chiefs (NHC) had organised seminars, conferences and workshops on the role of the elected and appointed representatives, Chief Executives, MPs and Chiefs in the local socio-political context (Republic of Ghana 2007). The objective of these events was to explain to the participants the roles and responsibilities of local government with regards to potable water, town roads, health care, and education (Republic of Ghana 2007). Participants were also informed that while the MMDAs were the ones responsible for bringing development to the community, the chief may be consulted to rally citizens.

Interesting however, were the degree to which the people in the two case study areas perceived the MMDA representatives and chiefs as distinct institutions differed in significant ways. For most citizens, the sentiment was that both MMDAs and chiefs should work together to bring development (CDD-Ghana 2008). Yet there were differing attitudes in each of the case studies concerning whether chiefs were actually engaged in the process. Perhaps, the most significant finding here was in Kumasi, where the community was most positive about the overall performance of chiefs with respect to development. The respondents also suggested that there were no difference between the chiefs and the Kumasi Metropolitan Assembly (KMA). In this way, where the chiefs work for development, there is a blurring of boundaries between the chief and KMA. In Gbi, however, where

the chief was not seen to be doing much, the respondents believed that it was the Hohoe Municipal Assembly (HMA) that was most responsible for development and the chief was responsible for rallying the community (fieldnote, Hohoe, April 1, 2009). These examples suggested that the more chiefs were able to expand their authority over development issues, the more difficult it was for the people to distinguish these leaders from the elected and appointed members of the MMDAs.

Whereas at the constitutional level there was differing responsibilities for MMDAs and chiefs, this distinction became more ambiguous and fluid when issues of development were raised in the communities. In this way, the chiefs' authority was expanded to include issues that constitutionally should be left under the jurisdiction of the MMDAs. Echoing the efforts and indispensability of chiefs in terms of development, a woman in Kumasi said "the Asantehene is trying. The government is doing nothing. Asantehene provides all our needs... he supports our schools, scholarships, and clinics" (unemployed female, Kumasi, August 14, 2008). Such a sentiment which combines frustration, desperation and an enduring faith in the chiefs as development partners was common across the case study areas.

On the more fundamental question about who had more authority in local affairs, there was coherence on the distinction between the chiefs and the MMDAs. The Municipal Coordinating Director (MCD) of Hohoe noted that the chiefs "rules over all, promote law and order and mediate conflicts... the Hohoe Municipal Assembly is responsible for development" (Hohoe, December 10, 2008). This interpretation however was contrary to the laws establishing the MMDAs. As earlier mentioned, the statutory duty of the local government was to maintain law and order through the

Metropolitan/Municipal/District Security Councils and not the chief. Chiefs could help mediate problems in the community but that role was more of a gesture than a constitutional mandate.

On who he thought was more important in the community, Togbega Gabusu, the Fiaga of Gbi, noted: “the assembly members will come and go but I will remain till death” (Togbega Gabusu, Hohoe, September 11, 2008). He also mentioned that the MMDAs represented the central government and he represented the people. What is most interesting about Togbega’s distinction was that he limited the functions of the MMDAs but left his open. Later in that conversation, he noted that making ‘connections’ and bringing development to the area has been his most important priority (Togbega Gabusu, Hohoe, September 11, 2008). Indeed, the Gbi chief has visited the seat of government in Accra on many occasions to demand development for his community. He has also undertaken similar trips to the regional administration in Ho as well as made several trips outside the country to solicit support for local development projects. The chiefs in the case study areas periodically organise festivals and durbars to mobilise the communities for development projects. To demonstrate their development obligations, the chiefs also have created the office of ‘development chiefs’ (Bob-Milliar 2009).<sup>82</sup> Even though the MMDAs seem to be theoretically in charge of development, there is a general assumption that chiefs are the ‘wheels in the development engine’. It is therefore apt for the people to demand that the chiefs and the local government work together (CDD-Ghana 2005).

---

<sup>82</sup> The concept of development chiefs is rather recent. It was established by the Asantehene Nana Opoku Ware in 1984 to honour individuals who make contributions to the development of the paramountcies. With time, the concept has been replicated across board and most communities now have development chiefs (Knierzinger 2009). There is more discussion on this in Chapter Six.

On the question of why the local government must cooperate with chiefs in decision making, one interviewee responded that this was because they have power (male assembly member, Kumasi, February 13, 2008). This sentiment was based on a number of factors. These included the chiefs' place in promoting unity and harmony, their jurisdictional and proprietary rights to land, the fact that they are leaders of the community, the ability of chiefs to have access to government channels, and the persistent fears that 'chaos' would result if chiefs were not allowed to participate. There was therefore an indispensable connection between the day-to-day interactions and exchanges between chiefs and the MMDAs and the maintenance of unity and harmony. Thus in this case it appears that the loss of authority for the MMDAs correlated with not sharing in the prerogatives of the chiefs (Nugent 1995: 76). Indeed, this was recently the case for the Hohoe Municipal Assembly because the Gbi chiefs have boycotted all activities of the Assembly for not "according [them] the necessary reverence as... development partners" ([www.ghananewsagency.org](http://www.ghananewsagency.org), accessed June 2, 2011).

#### *4.4.2 All Local Politics is Personal: Chief-Assembly Relations*

While the national law over the relationship between chieftaincy and the local government was one based on distinction, quite the contrary was the case in reality. Most people believed that the only way to achieve development was if the chief and the assembly members cooperated and maintained that unity amongst themselves. Given this reality, it was not surprising that the government barred chieftaincy from direct participation in local government, yet continued to accommodate them on a daily basis ([www.ghananewsagency.org](http://www.ghananewsagency.org), accessed May 31, 2010; NPP 2008; NDC 2008).

Indeed, the notion that nothing can be done without the cooperation of the chiefs and the MDDA was a common refrain in the field (fieldnote, Hohoe, April 1, 2009). An equally common refrain was one that directly relates to the authority of chiefs to that the MMDA. The state reiterates this point in their local government meetings with chiefs (Republic of Ghana 2007). Thus, it seems that the belief in cooperation is based on the idea that as community leaders, chiefs should be involved in the local government process.

This sentiment that cooperation facilitates the legitimation of both chiefs and MMDA officials put pressure on them to forge working relationships. Several examples on cooperation for development were found on the field. It is a common sight for chiefs and the MMDA representatives to share platforms and make joint contributions to local needs. At one such event at Hohoe during a welcome reception for the Boys and Girls Scouts from the UK in 2008, the Chief Executive made donations of ceiling fans on behalf of the local government and the chiefs who in actual fact knew nothing about the donation (fieldnote, Hohoe, July 30, 2008). In a similar manner, the chiefs also invited the MMDA leaders to their functions such as during the Akwasidae festival celebrations in Kumasi. However, from the interviews and events, it was observed that beneath those warm public gestures was the pressure to be seen as working together. This is because both actors have resource the other need to reproduce itself on daily basis. Cooperation between the chiefs and the MMDAs therefore was a process where both actors work had to work together in pursuit of their respective political legitimation. This type of interaction served to alter the identity of the actors in ways that blurred the distinction that the law prescribes.

It is imperative to note that as much as cooperation was important to the local communities, its ultimate product had to be development. In cases where the people had to wait a prolonged time for development to occur, the criticism for the MMDAs and the chiefs increases significantly. For the chiefs in particular, such reactions by his people were unprecedented because during the colonial dispensation, they had not faced this type of pressure because there were much lower expectations for development (Nugent 1996). However, with the introduction of 'developmentalism' as a political agenda through the creation of the T/VDCs in the Nkrumah years, the people's attitudes changed and they were not afraid to talk about development and relate the lack of it to non-performance of their political leaders including the chiefs. In this case, the establishment of local government, and the desire to secure development, challenged the constitutional boundaries.

In those circumstances where cooperation failed to produce development, both the chief and the representatives of the MMDAs were more likely to blame central government rather than themselves. Among the chiefs there was also a tendency to present a 'do it yourselves' argument as a means to obtaining development. Togbega Gabusu, for example, counselled his people to "avoid waiting for government" and to "make decisions and do things for [themselves]" (Hohoe, July 18, 2008). Chiefs also opted for unilateral actions in order to protect their legitimacy. The Asantehene for example, has established an educational foundation and has used the proceeds to fund community development projects like constructing classroom blocks and teachers' bungalows and purchasing classroom furniture and school uniforms for pupils. While the Asantehene is able to undertake projects unilaterally, the Fiaga lack the resources and the contacts to do so thus explaining its constant battle with the HMA for cooperation.

This type of unilateral decision is also common in areas where traditional leaders and MMDAs, for various reasons, are unlikely to cooperate for economic reasons. For example, a HMA representative at Hohoe and the paramount queenmother quarrelled over the construction of a public toilet (fieldnote, Hohoe, September, 11, 2008). The HMA representative's case was that the Assembly was already in the process of constructing a public toilet, which was to generate revenue on the same land that the queenmother was erecting hers. The queenmother aided by Togbega Gabusu summoned the same day and fined the assembly member for obstructing a private project. The MMDA representatives respectfully paid the fine and promised not to interfere with the project.

#### *4.4.3 Struggle over Representation*

The 'public toilet' case meant that the ability to cooperate at the local level was a difficult issue because its pursuit meant that the MMDA representatives had to alter their behaviour in ways that limited their autonomy. This is ultimately due to the local population wanting to see their MMDA representatives working with, or under, their chiefs. As a result, the MMDA representatives had to carefully situate themselves within the pre-existing rules, procedures, norms and symbols that provided the framework for local politics. They could not simply claim that their authority is the result of democratic elections and begin controlling the communities. Instead, the ideas of 'democracy' and 'representation' become meaningful only when combined with the proper show of respect for chieftaincy. These measures in turn enable the chiefs to broaden the scope of its authority, as Togbega Gabusu did with preventing the MMDA from interfering in the Paramount Queen mother's toilet project.

For example, the Budget Officer of KMA suggested that the Assembly had to take every decision to the Asantehene for his blessings (Agyekumhene Amankwa, Kumasi, February 13, 2009). This is a way of showing that the Assembly recognised the authority of chieftaincy. Once this respect was expressed, it is much easier to receive the approval of the chief for the proposed project or decision. At the same time, it was much easier to mobilise the community, whether in terms of financial donations, time, labour, when the MMDA was able to announce to the community that its idea had been approved by the chief. In this manner access to the community was dependent upon the acquiescence of the chief (Agyekumhene Amankwa, Kumasi, February 13, 2009). With this in mind, it is not surprising that Yankson (2000:174) also found that one of the most repeated complaints that chiefs had about the MMDAs was that they did not follow proper protocols and appear disrespectful. Thus, in many chieftaincy areas, the goal of the leaders was not to separate or divide power, but instead, to combine it in mutually beneficial ways.

In many cases, the distinction between MMDA representatives and the chiefs became so blurred that it was difficult for people to draw a boundary. For example, the presiding member of the KMA in the 2006/2010 term was a chief (Agyekumhene Amankwa, Kumasi, February 13, 2009). The chief was therefore named the speaker and the leader of the assembly. There was another case in Hohoe where Togbega Gabusu walked out from the inauguration of the Assembly's term because one of his sub-chiefs was not included in the list of appointed members. The Gbi chiefs have since decided not to cooperate with the HMA ([www.ghananewsagency.org](http://www.ghananewsagency.org), accessed June 22, 2011). Thus, it is not uncommon for chiefs to be included or to fight for membership of the MMDAs. Such a scenario only highlights the degree to

which these lines can be blurred. The result is that, for many people in the communities, there is no difference between the elected or appointed members of the MMDAs and chiefs.

#### **4.5 The Weak State Thesis and Kumasi Traditional Authority**

The blurring of authority between traditional leaders and the state might be expected in places like Gbi-Hohoe, where the local government was considered weak because it was not able to undertake many development projects. But how did people understand authority in a place like Asante-Kumasi, where the local government had many resources at its disposal and could effectively implement development projects without the help of the chiefs? While the weak-state thesis assumes that citizens might become less attached to chieftaincy where there is a greater government presence, findings from Asante challenge this hypothesis.

In order to gain an understanding of the local dynamics in Kumasi, some important differences between Hohoe Municipal Assembly (HMA) and the Kumasi Metropolitan Assembly (KMA) must be highlighted. The HMA encompassed an area with over one hundred and fifty thousand people and twenty different traditional areas ([www.hohoe.ghanadistricts.gov.gh](http://www.hohoe.ghanadistricts.gov.gh), accessed August 14, 2011).<sup>83</sup> Apart from the traditional capital of Gbi (which is also Hohoe), most of the HMA residents live in rural areas. In 2008, the Assembly had a budget of around GHC 1,491,231 (approximately \$ 1 million) to fund its administrative and development projects. The most desired development projects were bus stations, market stores, electricity, town

---

<sup>83</sup> The traditional areas are namely: Gbi, Lolobi, Likpe, Akpafu, Wli, Fodome, Gbledi, Santrokofi and Alavanyo. The rest are Ve, Liati, Logba, Woadze, Tafi, Agate, Leklebi, Nyangbo, Have, Kpeve and Goviefe.

roads and public housing, but these were difficult to fund because they were expensive. Thus, in many cases, the traditional areas in HMA received funding for cheaper and less desired projects such as toilets, day care centres, markets, lorry parks and culverts. In the 2008 financial year, the HMA sponsored about fifteen projects totalling approximately GHC 385,646 (\$ 24,860.27) for twenty traditional areas falling under its jurisdiction (*The Accra Daily Mail* July 4, 2008).<sup>84</sup>

The comparison with the KMA, where the Asantehene's Traditional Council was located during the period is striking. Rather than encompassing twenty traditional areas, the KMA has only one traditional area in its jurisdiction ([www.manhyiaonline.org](http://www.manhyiaonline.org), accessed August 14, 2011). The KMA, the second largest local government area in Ghana, covers a land mass of approximately 254 square kilometres and has a total population of almost two million ([www.kma.gov.gh](http://www.kma.gov.gh), accessed August 14, 2011). For the most part, those living within KMA were in urban or peri-urban environments, and only a small percent lived in the types of areas that characterised HMA. In 2008, KMA had an annual budget of GHC 19,000,000 (approximately \$ 12 million), which is twelve times what is at the disposal of HMA ([www.ndpc.gov.gh](http://www.ndpc.gov.gh), accessed August 14, 2011). In addition, not only did more people have access to basic services such as clean water, roads and electricity, but the KMA was able to support many more development projects than HMA<sup>85</sup>.

Interestingly, in both cases the vast majority of the people believed that the most important job for the local government was the implementation

---

<sup>84</sup> It was not possible to account for the rest of the money budgeted for 2008.

<sup>85</sup> By working out the numbers Hohoe residents would be marginally better off but a lot of the money is not accounted for.

of development (CDD-Ghana 2008). Thus, the state policy stressing the connection between local government and development appeared to have resonated with the local populations. Yet with more resources to distribute which resulted in the implementation of variety of development projects, it was not surprising to find that attitudes about the local government were more positive in Kumasi than in Hohoe.

These positive attitudes about the assemblies, however, did not result in the people having less affinity for the chiefs. Indeed, the belief that chieftaincy should continue in the future was just as intense in Kumasi as it was in Gbi, and the notion that disharmony and division would result if chieftaincy were to disappear was just as prevalent as well (fieldnote, Hohoe, April 1, 2009). Not only did the people expect chiefs to have a say in local government issues and development, but they also regarded their chiefs as the leaders of the people. In fact, even on its website, the KMA acknowledges the leadership of traditional leaders in their administration ([www.kma.ghanadistricts.gov.gh](http://www.kma.ghanadistricts.gov.gh), accessed August 14, 2011). This recognition suggests that chieftaincy remains important in Kumasi despite the fact that local government is able to and works for the people (Ward 1949). At the same time, people in Kumasi attached an additional significance to chieftaincy that was not apparent in Gbi. Specifically, many people as well as the KMA noted the protection of culture and connection with ancestors was the responsibilities of the chiefs.

When I started this research, I was keenly interested in the ways chieftaincy might utilise culture to maintain legitimacy. Instead, I found chiefs and local populations much more interested in land, local government and state politics. Yet the conversations I had with people about culture and

festivals indicate that these issues were not less important. In Kumasi, people were much more inclined to discuss the supernatural powers of chiefs, the importance of Asantehene for Asante unity, and the important responsibilities that chieftaincy has to promote Asante culture and development. This was all the more striking given the fact that Kumasi was the less rural of the two case studies.

With respect to the weak state thesis, when compared to Hohoe, the Kumasi case provides an important example of how chieftaincy adapts to the presence of more effective state institutions. There is no doubt that those living in Asante relied upon the local government for their developmental needs. But despite the local government performance and resources, traditional leadership in Kumasi remained central to the residents because of its ability to provide unity, stability and support the development process in the midst of political, social and economic changes. The ways in which chieftaincy authority overlapped with local government were different to those in Gbi, but nonetheless, the traditional leadership in Kumasi has managed to adapt to the current political environment.

#### **4.6 Conclusion: The Ongoing Struggle for Hegemony**

In official documents, policy makers assumed that the legitimacy of the local government would be rooted in its ability to represent the people through elections, its ability to command its development projects, and the fact that it would be the institution closest to the people. An examination of the

meanings people attach to local government and the linkages that have been made between the chiefs and the local assemblies since 1988 reveals that politics at the local level has developed in ways that contradict these assumptions.

The official exclusion of chiefs from local government administration failed to lessen the meaning of the pre-existing chieftaincy spheres of influence. Rather than transforming people's understanding of the political landscape, the new boundaries were simply superimposed over the old ones, which led to confusion at the local level. In the midst of this confusion, many people still looked to the chiefs for unity, and development, which only served to further enhance the legitimacy of the chiefs. Additionally, most people have very limited experience with local government, and therefore relationships that chieftaincy forms with the MMDAs only complicate the understanding of authority (CDD-Ghana 2008). For example, most people spoken to during the fieldwork believe their chiefs are the leaders of the community and the local government unit must respect the decisions of the chiefs. One result of this assumption is that it fundamentally alters the nature of decentralised democratic institutions and what it means to be 'represented.'

Finally, while chieftaincy provides leadership and it is the site of governance, people conceptualise local government as simply a site where development funds are available for the community and the local government members as those responsible to get those funds. In this way, the legitimacy of local government is linked to its ability to deliver development and not the fact that it is a democratic and a participatory institution. Chieftaincy, on the other hand, is the central site for mobilizing

the people even though the law does not state it. It seems plausible that this may change in the future as the citizens learn more about local government and when local government has access to more resources, but the case of Kumasi cautions against the correlation between the strength of local government and the legitimacy of chieftaincy.

# CHAPTER FIVE

## CHIEFTAINCY AND THE ECONOMY OF LAND

### RESOURCES: EXPANDING THE PARAMETERS OF TRADITION

#### 5.1 Introduction

One of the most critical issues for the chiefs is land (Kludze 2000: 236; 1973; Danquah 1928). Given that, land is intricately linked to the jurisdictional authority, this is not surprising. It has, for instance, been said by Allot (1966: 200), writing on *Ashanti Law of Property*, that “the Ashanti system for the control and enjoyment of interests in land was fundamental to the whole structure of government, so much so that, if one removed the land rights of the chiefs, the basis on which they held their office and exercised jurisdiction over their subjects would be destroyed”. What I did not anticipate, however, was the extent to which the sovereign republican state collaborated with chiefs in the management of this political resource for the benefit for the people (Republic of Ghana 1992a: Art 36.8). How the chiefs control this resource currently with the state is the central focus of this chapter. I argue that the state land laws designed to limit the authority of chiefs over land have done quite the opposite. Because it is an important issue in many communities, traditional leaders have made various attempts to make themselves indispensable to land administration issues. In the end, not only were traditional leaders expected to help the state manage the resource, I

argue, they were also able to direct who benefits and control its use or misuse in ways that expanded their jurisdictional role as well as their proprietary role in the case of Asante. Pointedly, the chiefs have taken advantage of their relationship with the state to create a manipulated version of customary law in order to gain unprecedented control and autonomy as possible at the local level.

This chapter is in four sections. First, it provides a brief description of the nature of Asante and Gbi customary law on land prior to the imposition of colonial and post-colonial government. Second, the chapter outlines the 'hybridized' regulations wrought by the post-colonial state on land management. The third section examines how chiefs carried out their obligations within the state regulations. Finally, the chapter concludes by discussing the implication of government's position on land administration and its implication for the legitimization process of chieftaincy and state in Ghana.

## **5.2 Customary Land Principles**

Among the Asante, as A.N Allot notes, the conception of land "extends only to the soil itself, and things in the land (e.g. minerals) or on the land (planted trees, houses) would not fall within the definition of the land and might be separately dealt with in law" (Allot 1966: 143).<sup>86</sup> In other words, the Asante treat land as the top soil alone. The Gbi, on the other hand, recognise the land as consisting "of the soil itself as well as the sub-soil and anything thereunder" (Kludze 1973: 104). By these definitions, both groups make a

---

<sup>86</sup> Land is regarded in this thesis as that physical part of the earth surface on which everything depends. It is therefore restricted to the physical immovable portion of the earth that is owned by an individual, family, corporate group, or the state as their property.

definite statement that fixtures attached to the land are of special importance and are therefore separate from the land. This also implies that transferable rights in land exclude anything attached to the land (Berry 2001: 3). In other words, the right to the use of land may not extend to exploiting resources.

This definition also means that there could be owners of the land and owners of the people or properties attached to the land (Berry 2001; Baasett and Crummey 1993). The latter's rights are based on belonging to a lineage of immigrants who acquired control through conquest or negotiation over a group of people, but whose authority remains contingent on the spiritual and material power of the land's 'original owners.' In fact, this is the case in Gbi customary law where land is vested in the lineages of the 'original settlers'. In such a society, chiefs play a minimal role over land management because their authority is over the people (Lund 2008). However, there are also instances where both rights could be found in one entity as is the case in Asante. Here, authority over the land is fundamental to "the whole structure of government, so much so that, if one removed the land rights of the chiefs, the basis on which they held their office and exercised jurisdiction over their subjects would be destroyed" (Allot 1966: 200; also see Berry 2001: xix; McCaskie 1984: 175-76; Kludze 2000: 236; Danquah 1928). Pointedly, land is fundamental to claims to authority relations in both centralised states like Asante and relatively decentralised polities like the Gbi.

The Gbi land tenure differs from that of the Asante in other ways. The Gbi generally inherit patrilineally, whereas the Asante inherit matrilineally. Nonetheless both groups have similar regulations governing land allocation. In both customs, each member of the lineage or stool can claim rights of usufruct over some portion of lineage or stool land. If that person dies or

cannot use the land productively, then the land that he or she had held, along with any improvements made upon it, ordinarily reverts to the lineage or stool. Under certain conditions, however, family members might be allowed to inherit land from an earlier usufruct.

The management of land and allocation of land are undertaken by the heads of the lineage in the case of Gbi and stool in the case of Asante. The heads decides who may use which tract of land, how proceeds from the land will be distributed among members, and how the land can be developed. They may also decide when a member can claim private rights to the land, and when land can be sold to non-members.

The Asante's centralised political organisation also influences the allocation interests over land. N.A Ollennu identified three land interest structures: the paramount or the allodial title vested in the paramount chief, the sub-paramount title vested in divisional chiefs, and the determinable or usufructuary title extended to individual subjects (Ollennu 1962: 4). This means that the paramount chief allocates land to the sub-paramount title for onward distribution and thus the quantum of interest in land is thus commensurate with his political authority. At the bottom of the political hierarchy is the usufructuary title which is extended to individuals of the community to make use of the land. In effect, the owner of the usufruct title cannot transfer that title without the previous consent of the sub-paramount title and the concurrence of the paramount title. In the case of the Gbi and for most parts of the Volta Region where stool lands are unknown,<sup>87</sup> the highest interest in land is held by the family and title right is accorded to the family

---

<sup>87</sup> One major exception is the people of Buem near Hohoe. And this is so because the Buem have Asante affinities.

members, including women.<sup>88</sup> As a result, it is misleading to speak of chiefs' titles or stool lands among the Gbi.

However it is necessary to make an important caveat here. The fact that land is vested in families and lineages does not mean that the Gbi chiefs have no lands. Technically, the chief themselves hail from families and thus have lands designated as family lands. Additionally, they also assume a caretaker role over lands that have no ownership or are unused. Unoccupied lands belong to all families within the jurisdiction and can be used by any member of the community. However, such unoccupied or communal lands become part of the ruling royal family's property and thus receive overall control and supervision from the chief for the benefit of the community. This concept of communal land is also true of the Asante. The communal lands and the income they generate are also used to maintain the stool (Kludze 1973: 150). An incident which took place in Hohoe during my field work further speaks to the existence of communal lands. In this situation, the Gbi Traditional Council and some of its chiefs wanted to prevent the Municipal Assembly from continuing to collect the market and lorry park tolls at the main Hohoe Bus Station unless they cede part of the proceeds to the Council. The President of the Council, Togbega Gabusu claimed that the right to manage the land did not derive from his position as the jurisdictional head of the community. Instead he asserted that "communal lands belong to the stool, and the chief, as such the occupant of the stool had administrative interest over the land" (Togbega Gabusu, Hohoe, July 15, 2008). According to Togbega Gabusu, the "stool only magnanimously allowed the Municipal Assembly to manage it for the benefit of all, [and] can reclaim it when they

---

<sup>88</sup> However, the term family here is defined as all descendants or blood relations from a common ancestor.

do not see the benefit been properly shared” (Togbega Gabusu, Hohoe, July 15, 2008). However, I could not get the official reaction of the assembly at the time of leaving the field. It is however possible that the Municipal Assembly will give consideration to it because the HMA needs the cooperation on the traditional leaders to perform its functions.

Permission to use a portion of the stool or family land is usually acknowledged by way of small gifts, often drinks, as tokens of appreciation. When a stranger requests permission to farm or settle on a piece of land, he or she also presents the chief or the family head, with a small gift in the form of ‘drinks’ to seal the agreement in the presence of a witness, whose recollection serves as a record of the transaction. Notably, publicity is emphasised through the sharing of drink with elders and all those who take part in the demarcation of the land. As land values rise and land becomes that scarce, ‘drinks’ are increasingly being accompanied by monetary payments equivalent to the going market price for the land in exchange for written ‘allocation papers.’ The proceeds of such transactions are shared according to a customary formula. Among the Asante, the Asantehene takes one-third of the proceeds while the sub-paramount stool keeps the rest. Among the Gbi, the family shares the proceeds among its members.

### **5.3 The Transformation of the Customary Land Regime**

Colonial rule profoundly altered the social-economic organisations of land on the Gold Coast, especially in terms of the increased commercialisation of land. In the late nineteenth and early twentieth centuries, land values began to appreciate throughout the British Gold Coast colony, neighbouring Asante and in the Togoland mandate, then under German administration. The discovery of gold and mineral deposits, in tandem with the apparent

viability of recently introduced cocoa cultivation sparked a land claim rush. Land had become a valuable economic resource. Speculators, African and European alike, purchased vast tracts of land from the chiefs and then sold them on to potential investors and migrant farmers. Unconcerned with legal niceties, the speculators often sold the same tract of land to multiple claimants (Nugent 2002).

The British and German administrators in the region were threatened by the conflicts and accompanying disorder brought about by the new land commercialisation market and made efforts to regulate it. Their first response was to introduce policies that gave the colonial government the authority to control the allocation of land and to validate all claims to land. In German Togoland, which included Gbi, the authorities legislated that “no native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created without same consent” (Nugent 2002: 56). However, this development did not keep the natives within the remit of customary law and the German restrictions. Individuals continued to alienate family lands to strangers in exchange for money (Nugent 2002: 56). Even the British, who later took over the administration, tried to enforce the German rule but to no avail.

In the Gold Coast colony, the British introduced a more comprehensive Land Bill in 1897 that vested all “waste lands, forest lands and mineral lands in the Queen” (Firmin-Sellers 1996). This law meant that Ghanaian rights of ownership would not be recognised unless an individual could offer definitive proof of ownership. Occupants were to be granted only uninheritable settler’s rights. The ultimate aim of the bill was to protect and

guarantee land that was under threat of exploitation. Like their counterparts in Togoland, the local people opposed the bill because it seems to pose a threat to the customary land law and traditional authority relations. Some affected chiefs in the Gold Coast with support of the educated elites organised themselves into Aborigines Rights Protection Society (ARPS) in 1897 to protest the Land Bill. The group dispatched a delegation to London to argue that the Land Bill could not be applied because there were no waste lands in the Gold Coast; all land was already allocated according to the principles of customary law. Occupied lands were owned by families or by the stools; unoccupied lands were managed by the stool on behalf of the citizens of the state (Firmin-Sellers 1996: 31).

The British quickly withdrew the Land Bill so as not to disturb the existing mechanisms of chief-state collaborations. In subsequent years, colonial officials consistently fought to uphold notions of customary land tenure across the colony of the Gold Coast. This shelving of the plan reflects the logic of indirect rule. The colonial rule was built with support of chiefs and that support was predicated on the control, whether proprietary or jurisdictional, over land. If the British claimed the land, or if British private property right took hold, then the entire basis of colonial authority would collapse. Thus the British chose to support the customary land tenure, because their administrative structure required the support of the chiefs. With the basic structure left intact, chiefs benefited immensely from the cocoa trade and proceeds from land sales with support of the state (Ray 1986). However, within this system the state was able to create agencies to govern stool and family lands in ways that supported the national interest and development (Berry 2001: 66). Subject to some qualification, this

arrangement remained in place in the post independent era. Thus within the state territory there exist two landlords – the chiefs and the state.

The 1992 Constitution also made an effort to blend together these customary laws and state principles in the administration of land. The constitution vests all customary lands – which constitute approximately 80% of the land in Ghana- in the appropriate stool, skin or land owing family on behalf of and in trust for their people (Republic of Ghana 1992a: Art 267.1). Notwithstanding the constitutional recognition of customary land laws, the state has sought to regulate certain aspects of stool/skin and family land management. The state has set up land agencies to work with chiefs and family heads in the management and use of land. The next section discusses these state agencies and how their roles have shaped chieftaincy–state authority relations in Ghana. These land sector agencies include but are not limited to the Office of the Administrator of Stool (Article 267); the Land Commission (Article 258); and the Local Government (Act 462). At the same time, the Directive Principles of State Policy meant that the central government is also employed to focus on ensuring that the state agencies perform their statutory functions (Republic of Ghana 1992b).

## **5.4 Land Administration in Practice**

### *5.4.1 Office of the Administrator of Stool Lands*

The Office of the Administrator of Stool Lands (OASL) was established in October 1996 in compliance with Article 276 of the 1992 Constitution and the Office of the Administrator Act of 1994, Act 481 (Republic of Ghana 1992a; 1994b). Before the appointment of a substantive Administrator of Stool Lands and the creation of the office in 1996, the functions of the office were

performed by the Lands Department and later by the Lands Commission (to be discussed in the next section). The OASL is responsible for the “establishment of a stool land account for each stool into which shall be paid rents, dues, royalties, revenues or other payments whether in the nature of income or capital from the stool lands” (Republic of Ghana 1992a: Art 267.2; 1994b: Section 2). Of the revenue accruing from the stool lands, ten percent is to be paid to the office to cover administrative expenses. The remaining ninety percent is distributed in the following proportions: twenty-five percent to the stool for its maintenance; twenty percent to the traditional authority; and fifty-five percent to the District Assembly (Republic of Ghana 1994b). There is no legal requirement about how the twenty-five percent revenue received by the stools is to be used. The law only stated that the chief may use that revenue for the maintenance of the stool in keeping with its status (Republic of Ghana 1994b: Section 8.a). How the twenty percent was to be used by the traditional authority was also not spelt out. According to Alden Wily and Hammond (2001:118-119), these actions by the government “endorses the perception that chiefs are the land owners, not merely trustees acting on behalf of the real owners, the community at large”.

This function delegated to the OASL was first introduced under 1951 the Local Government Ordinance (Cap 64) to regulate revenues accruing from land sales and land rents (Rathbone 2000: 30). Chiefs, however, have always resisted handing over ‘their’ income to the OASL. Since most land transactions were related to residential buildings and settlements, the chiefs especially those in stool land holding areas, centred their resistance on the definition of stool land revenue. They claimed that the money they received from the allocation of land was not the cost of purchase but instead ‘drink

money' or 'drinks' for 'papers' to the use of the land.<sup>89</sup> They referred to the customs where subjects sent drinks to the chief in acknowledgement of a land allocation, as a symbol of allegiance to the chief and for performing libations to invoke the powers and blessings of the gods upon the land. A bottle of drink, usually aromatic schnapps or a token sum of money appropriately called 'drink money', was enough to seal this kind of transaction. But with the passage of time this 'drink money' has become a misnomer. In urban areas where land has grown increasingly valuable, the concept of 'consideration cash' has gradually risen and now effectively equals a market price for the purchase of land leases (Ubink and Quan 2008; McCaskie 2000; Alden Wily and Hammond 2001; Edusah and Simon 2001; Kasanga and Kotey 2001; Berry 2001). Thus, the words 'consideration cash' were used in this context to mean the actual value of the land. Yet the chiefs continue to call these payments 'drink money' and as such claim that they should not therefore be regarded as "stool land revenue" as specified in the OASL Act, and thus have resisted the disclosure of such amounts. Even the officials at the Asantehene's Land Secretariat could not disclose how much one needed to bring for a land lease.

These refusals reveal the resistance of chiefs towards state laws that they regard as trying to deprive them of the right to collect rents on land that 'belong' to them. As a result, the only sources of revenue that OASL still had the authority to collect were the ground rents - annual governmental fees payable on land leases, and proceeds collected through timber royalties—which are disbursed through the constitutional formula. The Forestry

---

<sup>89</sup> The only evidence of land allocation by the caretaker chief is the allocation paper. The allocation paper is a form of receipt issued to the purchaser together with the site plan (which shows the location of the portion of the corporate land that has been granted. It does not however state the amount paid for the lease transaction).

Commission and the Minerals Commission are only able to meet their obligations to OASL only because they work directly with the companies using the stool resources and not through the chiefs. But these monies are minimal in comparison to the fees charged by chiefs for the use of the land. From the daily tabloids, it emerged that the Government of Ghana at one point paid as much as \$300,000 to the chiefs in order to use a large tract of land at Boankra for an inland port project and the money was 'pocketed' by the chiefs (*Daily Guide* January 8, 2008; Appiah 2007). The OASL have not been able to collect these monies because such monies have been considered as customary gestures rather than transaction fees of land. Effectively, fees paid during leases are part of the chief's income and not subject to the distribution under the OASL constitutional formula.

According to Kasanga and Woodman (2004: 153- 332), "it has been accepted by everyone concerned that those sums (in 'drinks') do not amount to revenue from stool lands within the meaning of statute law". However, this work argues quite the contrary. The natural logic is that any proceeds that the stool land generates should accrue to the institutions covered by the OASL Act. But it is rare to find anyone who would be willing to press the chief and demand or even contest this in the court of law. The Municipal Coordinating Director of the Hohoe Municipal Assembly confirmed this hesitation, he noted that: "it is a very dicey issue, and when you oppose right now too, they will see you as opposition- you see the chiefs can easily mobilise their subjects and cause havoc" (Hohoe, December 10, 2008). Challenging chiefs on 'drink money' could also pose a problem for one's career. In Kumasi, as Ubink and Quan reported, a number of OASL officials were transferred to other regions after standing up to the Asantehene (Ubink and Quan 2008). Furthermore, every Ghanaian including the OASL officials

are subjects of stools and therefore subordinates to chiefs. As such, any attempt to contest the 'drink money' issue could be considered an offence under native custom and even the state law (Ubink and Quan 2008). It is for this reason that the District Chief Executive of Ejisu-Juaben, within whose territory the Boankra Inland Port project is situated decided not to mount pressure on the chiefs into disclosing the payments made towards the lease of the Boankra lands in 2008. In Ubink and Quan's account, he was actually stopped by the government because the president did not want to pay for such an action during national elections (Ubink and Quan 2008).

On the other hand, lack of funds, qualified staff, equipment and vehicles and the mismanagement and lack of accountability in OASL's own land revenues has also severely hampered the agency's ability to function. All of these difficulties serve to affect its legitimacy in the eyes of the people. The OASL officials have fostered this perception because of the long process of certification that an individual has to endure in order to access documents. For instance, I was given a copy of revenue statistics between 2000 and 2005 only after eventually receiving clearance from the Administrator of Stool Lands Secretariat at the Head Office. Revenues collected and distributed by OASL are never publicly disclosed and likewise, the uses of revenue by parties detailed in the distribution formula are also unaccounted for. Accusations of irregularities on both the part of chiefs and OASL alike are rampant. Due to these problems, the OASL do not have the moral courage to effectively resolve the issues surrounding revenue mobilisation and its usage thus leaving the chiefs to control stool land proceeds.

#### *5.4.2 Lands Commission*

Another arena for chief and state cooperation is the Land Commission (LC). The LC first came into existence following the 1969 Constitution, under the Lands Commission Act, 1971 (Act 362) and since 1992 has operated under Article 258 of the 1992 Constitution and later under Lands Commission Act of 1994 (Act 483) (Republic of Ghana: 1992a: Art. 258; 1994a: Section 2). The LC is responsible for the management of all public lands and any land vested in the President under the Administration of Lands Act, 1962 (Act 123). It is also responsible for advising the Government, local authorities and Traditional Councils on what policy framework to develop and to help them execute a comprehensive programme for the registration of land titles throughout the country (Republic of Ghana: 1992: Art. 258; 1994a: Section 2). The LC also works with the consent and concurrence of chiefs in the deposition of stool lands especially to non-members of the stool (Republic of Ghana 1992a: Art 267.3). For instance, the government must, through LC, approve all stool land matters involving monetary transactions. This power has been justified by Kasanga, as (1) correcting anomalies and problems in the customary sector such as litigation, land disputes, inimical agricultural tenancies etc.; (2) introducing written records to confer security and promote investment in land property through the use of registered documents for collateral purposes; and (3) accelerating the pace of development by easing land acquisition and documentation procedures (cited in Ubink and Quan 2008: 6). These provisions also prevent duplicate grants for the same piece of land, thus ensuring that the intended use of the granted land conforms to the zoning and planning restrictions and generates enough revenue for the stools and District Assemblies. While these checks are justifiable and fully supported by the World Bank, this institutional arrangement enhances the

authority of the state over the control of land (World Bank 1996: 19; Pottier 2005: 124).

In practice, consent before stool land allocation was often not sought (Officer at the Asantehene's Land Secretariat, Kumasi, February 10, 2009). Concurrence after the allocation is sometimes sought, although not by the chief, but by the lessees who want to formalise their acquisition and/or dispossession. Like the OASL, the LC was not able to enforce the law and therefore could not check the activities of the chiefs who disposed of stool lands without regard for constitutional provisions. Also like the OASL, LC was hampered by administrative bottlenecks that include inadequate staff, lack of logistics and office equipment, low remuneration and other corrupt practices. The Deputy Minister of Lands and Natural Resources, Hon. Mr. Henry Ford Kamel, observed during the inauguration of a 24 member Land Commission Board in the Central Region that,

across the country, most people perceive the Lands Commission staff as corrupt people who delay land documents registration to force the public to pay illegal monies to them, people [therefore] blame them for the many land conflicts, because they register particular lands to different people (*The Ghanaian Chronicle* August 17, 2009).

This development can only be explained by the myriad land and chieftaincy disputes that has plagued the country for many years.

Contests over land ownership have also made the work of the commission very difficult. As Kasanga and Kotey (2001: 159) point out, "[it] is difficult to reconcile the idea of stools owing land and managing it day to day while the government and its officials control all other important decisions affecting land, including the timing of land disposal and the distribution of the income therefrom". This scenario therefore explains why

many chiefs may not want to cooperate with the LC on stool land, a property for which the chiefs also claim to be the absolute 'owners' of (Berry 2002: 92).

#### *5.4.3 Metropolitan, Municipal and District Assemblies (MMDAs)*

In Chapter Four, I discussed MMDAs as the main governing body at the grassroots charged with the overall development of the district. In this section, I will look at the MMDAs activities in relation to land. Pertaining to land administration, MMDAs were granted legislative and executive powers to make by-laws for the development, improvement and management of human settlements and the environment (Republic of Ghana 1992a: Art 241.3). These included the preparation and approval of planning and structural development schemes, the granting of building permits and the enforcement of regulations and sanctions for non-compliance of MMDA by-laws. They perform these functions using revenues generated from within their administrative areas and from the central government's intervention packages, the District Assembly Common Fund (DACF) and share of Stool Land revenue (Republic of Ghana: 1992. Art 252). However, rates from land and landed property remained the main source of internally generated revenue.<sup>90</sup> The Physical Planning Department (formerly Town and Country Planning Department) and the Survey Department both played formal and informal roles in controlling and documenting urban and rural customary land transfers or change of use, as well as working for development planning schemes and growth of human settlements.

In practice the chiefs have challenged the roles of the MMDAs regarding the management and use of the land. Just like the case of LC, the

---

<sup>90</sup> Other sources of locally generated funds include fees, licences, court fines and trading services.

majority of lands sold and developed within the Assemblies have been handled without recognition of the due process of the law. It is a common in many cities, towns and villages to see 'orders' by the Assemblies for structures to be removed or demolished because such fixtures did not receive building permits from the Assembly. The MMDAs have often laid the blame for this reality on the chiefs, who they see as the main instruments of land disposition in Ghana, for not consulting with the Physical Planning Department (PPD) of the Assembly before allocations were made. In theory, the fact that chiefs refuse to consult with the MMDA before major allocations in stool lands are in clear violation of the Land Commission Act 483 and the Local Government Act 462. On a practical note, this situation has been a major cause of haphazard and unauthorised development in many statutory planning areas within the districts. However, it was evident from the fieldwork that chiefs took this position to reinforce two major agenda – of perpetuating their economic interests and re-instating and expanding their political control over local lands in order to gain as much control and autonomy as possible at the local level. On the issue of economic interests, Amissah, Kasanga and Edmundson (1990: 34) argued that: “since the main aim of the chiefs is to maximise financial returns within the shortest possible time, important land uses such as open spaces, playgrounds, schools, markets, refuse dumps, roads, etc. are sacrificed, in order to augment the supply of building plots” (also see Adarkwa and Post 2001).

But even when violations of land allocations are found, severe sanctions such as the demolition of unauthorised structures are avoided by MMDAs. Ideally, the creation of the Physical Planning Department and Survey Departments within the MMDA, among others, was intended to help instil discipline into the allocation of land and its use, and the protection of

statutory lands and reserve land for public planning purposes. Obviously, these tasks cannot succeed without the full cooperation of chiefs, the customary land owners. According to a senior officer at the Kumasi Metropolitan Assembly (KMA), you simply cannot avoid the chiefs (*Nananom*) in local planning purposes. He stated the following about chiefs in MMDA planning:

we need [the] chief's involvement in some of our committees, i.e. physical planning committee. For example now, we are undertaking a house numbering and street naming project. And there is a need for us to name some of the principal streets after some of the queen mothers, chiefs and citizens of Ashanti in the area and this area is ruled by this chief. So we have to get their input. So we went to Otumfu'o's palace and he sent Asokore chief to help us ... At least this helps us to tap his expertise when we need anything at Manhyia Palace (the Asantehene's Palace), we will just use him. In Kumasi you can't do without the chief because we are in the midst of tradition. We have to involve them in the committees that we set. The development of markets, for example, you cannot do without *Nananom*. The development of market belongs to the assembly but the land on which the market is built belongs to the chiefs. We do the plan and layouts, we actually earmark areas for markets but when we want to do that, traditionally, you have to go and inform the chief (Agyekumhene Amankwa, Budget Officer, KMA, February 13, 2009).

Pointed, chiefs can stall local government initiatives merely by not cooperating. As a natural corollary, the MMDAs try not to offend the chiefs even if there are clear violations of the land laws so that they do not lose their co-operation when they most need them.

As already mentioned, the chief is often co-opted on to the committees of the Assembly such as the Physical Planning Committee (PPC) because of his place in customary land law. Hypothetically, the chief's inclusion in PPCs of the MMDAs could be a very effective way of checking chiefly land allocation activities. Abudulai describes such an example in Tamale, which is also common in the case study areas, where the "PPC tried to resolve the problems in land administration by enforcing a by-law that requires

divisional chiefs to countersign all land 'allocation papers' in order to reduce land ownership and disposition disputes" (Abudulai 2002: 81). Also in Ejisu in Ashanti Region, Ubink and Quan reported a similar development where all land allocation papers had to be countersigned by the Paramount Chief (Ubink and Quan 2007). Interestingly however, this new avenue of streamlining land administration in the MMDAs has turned out to be a source of additional power for the chief in local struggles over land. The implementation of a system whereby PPD permits are granted after 'allocation' papers are approved, i.e. bearing the chief's seal, has turned out to be a means of chiefs expanding the parameters of their power.

This expanded power also became an additional avenue for making money. For when counter-signing on land registration documents, one-third of the purchase price was normally demanded as a fee by the chief (interview with the Accounts Clerk at the Asantehene's Land Secretariat in Kumasi, February 10, 2009). Currently, there is one such controversial demand within the Gbi Traditional Council on the Hohoe Municipal Assembly (HMA). As chiefs in Gbi do not have direct control over land allocation, they are requesting the HMA to allocate one-tenth of the funds generated from the lands sold within the traditional area for the use of the Gbi Traditional Council (Senior Officer, HMA, Hohoe, December 10, 2008). This money is expected to be collected by PPD during land title registration. Such action however, placed the PPD in a precarious position. On one hand, turning down this request would mean non-cooperation of chiefs in the Assembly's planning work while implementing it would clearly infringe on the customary rights of the citizens. At the time I was leaving the field this demand was still under consideration and its full implication could not be

known. If granted, it would be another example of an invention that resulted in expanding the authority of chiefs within the parameters of customary law.

#### *5.4.4 Central Government's Position*

Apart from using its Land Sector Agencies (LSAs), the government itself is mandated under the Directive Principles of State Policy to protect the resources and to seek the well-being of all its citizens (Republic of Ghana 1992a: Art 36.8). However from the above sections we have seen that the various government agencies, despite their mandate, were not committed to their duties. There was also a dearth of political willingness to enhance the functioning of LSAs and to strengthen their checks on the chiefly land management. In particular, the OASL did not control the greater part of stool revenue collections. The LC's consent was rarely sought by the chiefs in the allocation or alienation of stool lands. The control over land planning permits was also severely hampered by the chiefs. And the LSAs created these state of affairs because of corruption and lack of dedicated and/ or inadequate personnel and logistics.

The lack of political action on land, mirrored in government's indifference, has fully restored and expanded the chief's political and economic control of land. Governments have often failed to act on the premise that they do not want to interfere in the activities of the chief (Boafo-Arthur 2003: 3). The government indifference to chieftaincy violations was made in reference to Articles 273 & 274 of the 1992 Constitution which prevent the state from interfering in chieftaincy affairs. The checks and balances, one government official claims, should be done by the citizens. The citizens have the right to demand accountability and depose chiefs who are not consulting and serving the communal welfare.

However, I argue that the real secret to this non-interference stance lies in the nature of politics in a mixed polity. As Ubink and Quan (2008: 204) also argue, there is

a deliberate political alliance with powerful chiefs, coupled with recognition of chief's considerable local political power and influence, and their roles as the key vote brokers, especially in the rural areas. In addition, the current tendency to fill chieftaincy positions with highly educated professionals, blurs the traditional distinction between governmental elite and chiefs, and creates new alliances between these two groups.

The manner in which the government handles lands issues in Ghana does not give it a strong moral clam to monitor or even control the land management practices of chiefs. For instance, in 2009 the former president, John Kufuor, was prevented from using a building as a former president's office by the local chiefs. Even though the land was acquired by the state, the chiefs objected to his use of the building because of the relation he had had with them while in office as the President of the Ghana. In a letter written by the chiefs of the Osu Traditional Council (OTC) and addressed to the seat of government, the former expressed their disapproval at the use of public lands by Kufuor. They accused him and his administration of showing disrespect, contempt, and insolence towards the OTC. The chiefs of Osu also vowed to make it 'uncomfortable' for the former president and his working staff to use the said property as office accommodation. OTC warned that:

in his own interest and safety, former President Kufuor should immediately vacate the said property with all his staff and find a new office accommodation anywhere outside Osu. We are promising him that should he refuse to vacate the said property, we would make sure that working in the said office accommodation would be the most uncomfortable experience for him and his staff (*The Ghanaian Chronicle* March 14, 2009).

It was the view of the chiefs of Osu that former President Kufuor had no moral right to use any of their properties having denied them the use of stool

land during his administration between 2000 and 2008. To avoid situations like this, the government is often compelled to turn a blind eye to land issues in ways that may safeguard their political aspirations as well as make compulsory state land acquisition problem-free. Rather reigning in the power of chiefs as by law established, the state institutions and actors decided not to in order to protect their mutual interest; and in the process expanding and limiting the authority of chiefs and state respectively.

### **5.5 Conclusion: Tradition, Land and Political Legitimacy**

In this chapter I have been discussing chieftaincy and state interactions in the area of land use and management. I have focused primarily on the land administration practices within the state. Also from the discussion, I have tried to show how chiefs have been swift at enforcing their customary land right as guaranteed under the 1992 Constitution in ways that make land rights entirely dependent on them. I have also demonstrated how the various government agencies, despite their formal mandate, in practice have not been able to act as a check on the operations of chiefs in relation to the land.

The explanation for their continuing importance of chiefs is to be partly found in their customary role in pre-colonial history and also in the chief's restored and manipulated versions of customary law. In other words, the space granted chiefs in land administration have created a medium for constructing a new character of chief. And this character and identity have shaped and limited the powers of the state over land. The government currently provides hardly any checks and balances on local land administration - the continual emphasis on the sovereignty of chiefs and the fact that land administration lies squarely within the domain of chiefs - gives

additional legitimacy to the chiefs to deal with the land the way they please. But government's own position of non-interference cannot be justified by the constitutional prohibitions alone. It can also be partly explained by the character and identity of chiefs as powerful land owners, electoral brokers and a rallying point for all political and social mobilization within their communities. Thus a syncretic relationship between the state and the chiefs is very useful way of consolidating or expanding public authority. And the implication of this syncretic relations is the blending together of different political norm, rules and processes associated with each.

# CHAPTER SIX

## THE CONTESTED NATURE OF POLITICS AND DEMOCRACY IN GHANA

### 6.1 Introduction

In order to understand the legitimation process in Ghana, it is also important to recognise that the notions of 'politics' and 'democracy' have not been immune from the broader socio-political changes that has occurred since the 1950s. Indeed, it is one of the assumptions of the multiple legitimacies framework that there are competing world-views in the communities of Ghana. In particular, norms, rules, institutions and symbols associated with the post-1992 Constitutional order have raised expectations and influenced authority relations in traditional settings. It is thus a mistake to believe that those living under chiefs, or the chiefs themselves, are somehow unaware of the fact that the current state political dispensation provides them with opportunities for more political choice, participation and accountability. At the same time, however, to expect people in Ghana to understand or practice democratic norms in the same way as citizens do in the West is equally misguided (Schatzberg 2001; Karlstrom 1996). Instead, it is important to focus on the ways in which the so-called 'traditional' and 'modern' notions of authority are blended together and mutually transformed the concepts of politics and democracy. This chapter undertake this task in three parts; the first will examine how people imagine their political universe in the light of the emergence of local vocabularies such as electoral politics and democracy; the second will focus on how traditional notions of authority and local

understandings of politics and democracy interact; and the third will discuss how state norms, rules and processes are transforming the nature of chieftaincy and traditional leadership.

## **6.2 Politics and Democracy in Ghana**

With the return of democratic discourse into national and local politics in the late 1980s through the National Commission on Democracy (NCD), the local populations learned new political vocabularies well as revised ways of interacting with their leaders. The introduction of this discourse and its electoral practices however, did not occur in a social or cultural vacuum. In fact, the rules and processes that underlined the practice of democracy were already embedded in local understandings of authority. Specifically, the notions that traditional leaders were ‘the leaders’ of the community and that chieftaincy was a symbol of unity provided a lens through which to understand the changes occurring at the local level, and give meaning to the concept of politics and democracy (Nugent 1996). Indeed, questions concerning politics and democracy did inhabit a prominent place in the lives of those living in the rural communities long before this time.<sup>91</sup> However, for many people, these concepts took on considerable importance with the emergence of the significance of the development agenda. There was a keen awareness that development issues were intricately linked to the practice of politics and democracy.

More generally, there was a clear sense that the state’s most important task was to improve the quality of life of its citizens. As discussed in Chapter Four, most of the people in the rural communities saw development and the

---

<sup>91</sup> See chapter two for discussion on traditional principles of governance.

improvement of life as the most important job of the state. This perception was also applied to the chiefs. In fact, as the traditional leaders of the community, the chiefs were expected to work with the state on their issues or development projects.

In the next two sections, I will analyse what the local meanings of the terms politics and democracy are and how the people understood, defined and appropriated political behaviour in Ghana. In other words, these terms constitute a world-view that helps us to determine the nature and structure legitimacy.

### *6.2.1 Politics as Violence, Disunity and Development*

Among the Gbi and Kumasifo during my field work, the term 'electoral politics', 'partisan politics' or simply 'politics' was rarely openly mentioned in the chief's palace, and questions about politics were often unanswered. On numerous occasions, chiefs and citizens alike, would agree to share information only if the issue of politics was not raised. In the event that the term 'politics' was mentioned, many individuals would immediately become visibly disturbed and could change their demeanour. Such reactions were not surprising given the political history of post-independence Ghana (1957 – 1992). During this period, there developed a deep sense of fear due to political persecution, arbitrary detentions, and violence orchestrated in the name of the politics (Oquaye 1980; Nugent 1995; Rathbone 2000; Crook 2005). Given this background, it was not surprising to observe during my fieldwork that among the people a distinction was made between politics and other organised community activities. This boundary-making was not only accepted but encouraged. For example, while it was difficult to discuss politics, it was customary to have lengthy and detailed conversations about

chiefs, the allocation of community resources, local government/politician-chieftaincy interactions, chieftaincy-societal interactions, development, voter registration, rule of law, and democratic rights more generally. In this way, people define both local and national politics quite narrowly as competition between political parties which sometimes resulted in violence.

This definition, while meaningful and coherent for local populations, contradicts conventional Western understandings of politics, which characterise it as a non-violent mechanism to allocate resources, change rules or debate ideas (Schaffer 1998; 2001; Karlstrom 1996). On the contrary, it was common to hear people define politics in a minimalist sense as promoting 'different opinions', 'rivalry' and fostering 'division' (field note April 1, 2009). However, because the maintenance of unity was considered the greatest traditional imperative, the existence of diametrically opposed opinions through politics was perceived as being dangerous for the community. Some of my interviewees were more specific and suggested that politics was equivalent to division. Most suggested that politics leads to killing, fighting, and instability. For others 'politics' was seen as the opposite of democracy and according to one male member of the KMA "politics brings hatred in society" (Kumasi, February 13, 2009). Such emotive and negative language concerning politics was common among those whom I interviewed. Thus, by defining 'politics' as the most dangerous threat to unity and security, most people considered it to be the community's greatest threat.

Regarding what actually constitutes 'politics' on the part of the law experts, quite a few opinions emerged and the respondents confessed to difficulty articulating its exact make-up. One respondent notes: "It is very

difficult to make distinction between law and morality or sometimes law and courtesy. You would say for example, when you see active political activity you will recognise it – [however], when you are asked to define it you cannot” (Mr Kwame Djan, Law Lecturer, Legon-Accra, October 26, 2008). For Justice S.A Brobbey, the Chairman of the Legal and Drafting Committee of the Consultative Assembly which drafted the 1992 Constitution and a Justice of the Supreme Court, what may constitute active politics from the perspective of the Consultative Assembly included

the situation where a person participates in a political party rally, openly espouses political party policies and programmes or by his actions and deeds champions the cause of a political party or actively involves himself in politics on the ticket or on behalf of a political party (Brobbey 2008:138).

Given these negative perceptions of politics, it was not surprising that many people believed that chiefs should not be involved in any ‘political activity’.<sup>92</sup> The reasons for this however, were different from those used to describe the dangers of ‘politics’ more generally. While there was some fear that chieftaincy involvement in politics would bring violence, most people suggested that their involvement would force them to take sides, and this would in turn compromise the unity within the community. In my case study areas, it was observed that both the chiefs and the people rejected the notion of chiefs in ‘politics’ on the basis that it would not promote peace and unity. According to the Fiaga of Gbi, Togbega Gabusu, “when you give birth to twins, you sleep in the middle ... “there is always no harmony [and] there is a lot of lies in politics” (Hohoe, December 9, 2008). Thus even the chief supported the non-participation of chiefs in politics because it was deemed to be inconsistent with their more important duties of community leadership. In a conversation with a chief in Kumasi, he stated that they, i.e. the chiefs,

---

<sup>92</sup> Also see Proceedings of the 1992 Consultative Assembly (Republic of Ghana 1992b).

“serve the government of the day... and that has been [their] policy since the 1960s” (Nana Adusie Opoku, August 14, 2008). Another community member during a communal labour session at Hohoe summarised these sentiments most clearly when he stated simply that the chief “must be the chief of all and that this was not possible when involved in politics” (male educated community member, July 15, Hohoe, 2008).

Community attitudes concerning the chiefs’ involvement in ‘politics’ also extended to discussion about whether chiefs should run for elective office at the local or national levels. In many of the debates, it has often been argued by both local communities and some chiefs that involvement in these processes was not consistent with the nature of hereditary leadership and its traditional ideas on unity. Some leaders even suggested that it would be undignified for chiefs, whose authority was sanctioned by tradition, to run for elective office, a position that allows the ordinary people to choose whether they should lead or not (Boafo-Arthur 2002). Although there have been many examples of chiefs directly engaging in elective politics since 1992, these arguments continue to persist in Gbi and Asante.<sup>93</sup>

---

<sup>93</sup> Since 1992, when the country had its first presidential and parliamentary elections under the current constitution, there have been records of chiefs publicly taking sides in the multiparty contest. The Omanhene of Agogo Traditional Area, Nana Akuoku Sarpong; the late former Speaker of Parliament, Mr Peter Ala Adjetey, who was also the Akyempimhene of Abiriw; Lepowura M. N. D. Jawula, a chief in Dagbon, as well as the former President of the National House of Chiefs, Nana Odeneho Gyapong Ababio, have all defied the constitutional injunction to openly engage in politics and campaign for political parties during elections (*The Ghanaian Chronicle*, July 22, 2008; *The Insight*, Editorial, September 1, 2008). Still, others used their powers to frustrate the political activities of parties, particularly when the chiefs did not support those parties. For instance in June 1996, Nana Ababio, New Edubiasehene invoked the gods of the land to cast a spell on any citizen of his town who did not vote for the ruling NDC. Again at another function, Nana Twum Barimah, popularly known as Dr Rokoto, dubbed the opposition parties as abonsam (demons) when he spoke at NDC Veranda Boys meeting on February 2, 1999 at Akyem Apirade. He vowed that he would deal with the opposition party (the New Patriotic Party) in any of his towns bitterly (*The Ghanaian Chronicle*, February 8, 1999)

Thus, when discussed as an abstract concept, 'politics' was something to be feared, and most people did not believe that their chiefs should be involved in it. Yet the actual boundaries between acceptable and unacceptable political activity were more complicated than these statements suggest. In particular, there were often important differences between what people claimed should be the rule and what they accepted as 'normal', 'appropriate', or 'beneficial' political practice. For example, even though the majority of the people did not want their chiefs to be involved in politics as evidenced in the Consultative Assembly report and vote, the people and the chiefs did not see performing 'courtesy calls' to chiefs by political parties, 'thank you' visits to the seat of government', and chiefs championing development effort by siding with the ruling party, as political activities. Rather, they were considered as acceptable and desirable activities. In fact, many community members often criticised the chiefs who did not engage the state apparatuses or have working relationships with the ruling political party, actions they perceived would limit the development that the chiefs could bring to the community.

Thus in Ghana, development was often associated with elected offices, which were perceived as having access to the resources or means to provide public goods. As a result, the people correlated 'politics' with the implementation of development or resource allocation. This occurred because politics in Africa is often structured as a zero-sum game or what my respondents called the 'winner takes all' game. According to one informant, "it is good for the chief to know people in power because it will help us get some things for the community" (male educated community member, July 15, Hohoe, 2008). In this case we see that the positive view of politics was intricately tied to obtaining and the implementation of development projects.

These observations also suggest that the citizens' understandings of 'politics' were not static. They were continually undergoing contestation as they were being influenced by concrete experiences, either positive or negative. Furthermore, ideas about politics were intricately linked with the social-cultural values, norms and goals. At its worst, in the case study areas, 'politics' referred to fighting between political parties. In this manner, the fear associated with 'politics' was specific and precise, producing violence and disunity between rival political parties. At its best, politics was seen as a way to access resources and achieve development. Thus for many local communities, there was a fear that politics would lead to disunity and biased decision-making. However, at the same time, the allocation of scarce resources such as development projects and the chiefs' ability to take sides and gain benefit from the party in power were understood as something critical to the chiefly office and legitimation.

### *6.2.2 Democracy as Unity and Development*

Over six years (1999-2005), public surveys have revealed that Ghanaians adhered to a contested or mixed perception of democracy (Gyimah-Boadi 2005). While "the preference for democracy among Ghanaians has remained consistently high," according to a survey carried out between 1999 and 2005 (Afrobarometer Survey, CDD-Ghana 2005: 2),<sup>94</sup> trust in the elected officials has declined since 1992, as Ghanaians believed that national and local government representatives do not care about their welfare (Gyimah-Boadi

---

<sup>94</sup> According to CDD-Ghana Afrobarometer survey in 2005, 75 percent of Ghanaians stated that democracy was preferred to other alternatives including one party rule (which 82 percent reject), military rule (83 percent reject), and one-man rule (85 percent reject) (CDD-Ghana 2005: 2). While the 2005 level of support lags somewhat behind the figures recorded in 1999 (76 percent) and 2002 (82 percent), these differences may be due partly to variations in the method of measurement (CDD-Ghana 2005: 2)

2005: X). The Afrobarometer result was consistent with the general impressions I observed during my fieldwork (as discussed in Chapter Four).

Given the history of multiparty political representation in Ghana since 1951 as well as the overwhelming support for the referendum on a multiparty system of governance in 1992,<sup>95</sup> it is not surprising that the surveys also found that most Ghanaians were familiar with the idea of democracy. Interestingly, however, when asked to define democracy, many associated it with the substantive issues of “civil liberties and personal freedom” (CDD-Ghana 2009: 2).<sup>96</sup> Ghanaians attached less meaning to the procedural aspects of democracy such as elections, majority rule and rule of law. There was also evidence that many Ghanaians believed in a much more consensual understanding of democracy as opposed to one based exclusively on majority rule. This understanding in itself resonates with the tradition where emphasis is placed on the “greatest good for all the numbers” (Ejisu 2007: 24-25).

Unlike politics, people generally considered the idea of democracy to be an important aspect of local life and one that was beneficial to the community rather than a threat. Simultaneously however, there was some confusion about how democracy should operate in the community while maintaining the principle of unity. When asked more specific questions, on why they thought voting was important, most informants linked the idea of democracy with development projects. Thus, democracy was interpreted as

---

<sup>95</sup> Results of the 1992 Ghanaian Constitutional Referendum for the reintroduction of multiparty politics: For 92.59% and Against 7.41% (source: African Elections database).

<sup>96</sup> Civil liberties and Personal freedoms 48%; Elections/Multiparty Competition 9%; Peace/Unity/Power Sharing 5%; Social/Economic Development 4%; Governance/Accountability/Rule of Law 5%; Civil Politics 1%; Don't know 23%. (source CDD-Ghana 2009:2)

offering the people an opportunity to collectively decide and work towards the future of their communities in ways that met their needs.

The re-introduction of democracy was also regarded as restoring the right to express oneself without official restraints or limits. An elder at a meeting in the Paramount Chief's palace at Gbi regarded democracy as the "freedom of doing anything you like... [and having] no restrictions on what you are doing" (Hohoe, September 11, 2008). A municipal assembly officer at Hohoe linked democracy to party politics, for him, "it means that everyone has right to say what he wants to do, to do whatever he wants, to join any party he likes – freedom" (interview in Hohoe, December 10, 2008). For most people however, such freedoms needed restriction or boundaries. In most cases, people looked to the chiefs to provide these boundaries or at least to control the process of resolving the disputes that emanate from this self-determination. Perhaps, this is what the Fiaga of Gbi meant by "sleeping in the middle".

Thus while the ideas of majority rule, freedom and civil liberty were important in these communities, democracy was also equated with the idea of unity and the ability of the community to come together and share ideas. As a student of political science, one of the most challenging aspects of understanding the penetration of liberal democratic ideas and unity was grasping how unity and democracy were expected to co-exist. In most cases, the local people were unaware of any inconsistencies between them. In other words, for them the concepts of democracy and unity were not inversely related. Democracy was simply *ka bi na me nka bi* (the local word democracy in Asante Twi- meaning: lets all say something). Togbega shared this

sentiment and stated that democracy existed when the “people are united and have freedom of involvement” (Hohoe, September 11, 2008).

On Gbi, much of the frustration with Togbe Gabusu, and the way he conducted affairs in the area, surfaced when the topic of traditional democracy was discussed. Many informants noted that there was no democracy in the area because there was no unity or because they do not share the same ideas with the chief. What was interesting was that not only was unity conceptualised as something that should coexist with democracy, but it was actually one of the necessary pre-conditions that enabled the existence of democracy. On the other hand, in Asante, where there was a general impression that chieftaincy was functioning as a democracy, the concept of unity was important as well. “We [are] all unified under Asantehene and he meets with us every week... we have democracy here” (Nana Adusie Opoku, Kumasi, August 14, 2008.). Thus, when people articulated ideas about democracy and were asked to evaluate whether democracy existed in the area, the concept of unity, as well as participation and expanding liberties were the key barometers for their opinions.

To a large extent, the discussions suggest that chiefs, politicians and the local population have contextualised the understandings of politics and democracy as different worlds. Although this demarcation seemed to be fixed, it was observed that what was considered to be the boundaries between acceptable and unacceptable political behaviour in politics and democracy were somewhat ambiguous and open to contestation. In many cases, while the chiefs and the people used the notion of unity and development to define democracy, the communities used the idea of disunity, violence and again development to describe politics. Although

some upheld the belief that chiefs should not be involved in politics, the people in Gbi and Asante do not believe that the chiefs were irrelevant to the operation of politics. In other words, there was a general belief that although the chiefs and state are distinct, both can accommodate each other in the interest of development of the people.

These contested views notwithstanding, the 1992 Constitution decided to draw a clear boundary between politics and democracy, and the chiefs who wanted to engage in any political activity must first abdicate their positions as chiefs (Republic of Ghana 1992a: Art. 276.1).<sup>97</sup> In a similar vein, the Constitution also restrained state officials and institutions from interfering in chieftaincy affairs (Republic of Ghana 1992a: Art. 270). In effect, the sources of authority of both chiefs and state were re-defined to represent world-views that were consistent with the socio-cultural understandings. Thus, while we recognise the normative and legal distinction between chieftaincy and the state, the information gained during my fieldwork confirmed that both institutions were not necessarily incompatible.

### **6.3 The Spectacle of Democratic Choice: The 2008 Presidential and Parliamentary Elections**

Over the last twenty years, elections have become a regular feature of state political scene in Ghana. Since 1988, there have been eleven elections – six District Assembly elections (1988, 1993, 1998, 2002, 2006 and 2010) and five Presidential and Parliamentary elections (1992, 1996, 2000, 2004, and 2008).

---

<sup>97</sup> Chiefs were offered representation in ‘non-political’ institutions like the Council of State (the highest advisory body to the Ghanaian President), Houses of Chiefs<sup>97</sup>, regional coordinating councils, land commission and many other state institutions (Brempong 2006: 33; (Republic of Ghana 1992a: Arts 276. II 89.2b, 153.m, 233.I, 256:b.i, 261.b).

The 2008 election however, was much more efficient and compared to that of 2004 and the once before, there was very little political violence. As a result, commentators agreed the 2008 elections were more successful than previous ones (EUEOMG 2009; [www.washingtonpost.com](http://www.washingtonpost.com), accessed January 9, 2009; Issacharoff 2010). While there are numerous studies on elections in Ghana, few concentrate on the chiefs' role in such as electoral process at the local level (Nugent 1998; 2001; Jeffries and Thomas 1993; Jeffries 1998). In the succeeding paragraphs, I will focus on how the 2008 election unfolded in the Gbi and Kumasi traditional areas.

The state elections in 2008 to elect a President and 230 parliamentary members<sup>98</sup> were regarded by many as a 'tie breaker between the incumbent NPP and the main opposition NDC ([www.washingtonpost.com](http://www.washingtonpost.com), accessed January 9, 2009). These two parties have both held presidential office and were the majority in parliament for two terms each, - the NDC from 1992-2000 and the NPP from 2000-2008. This election was crucial in several regards. First, while some people were generally excited that the elections had the power to determine who would rule them, there were concerns that the democratic gains achieved over the years could be reversed because of the bitter and close rivalry between the NPP and NDC.<sup>99</sup> The elections were also closely watched by the international community due to the violence that had accompanied the elections in Kenya in 2007 and in Zimbabwe in 2008, and the military coups in Mauritania and Guinea in 2008. Thus both locally and internationally, the 2008 elections elicited a lot of passion and interest.

---

<sup>98</sup> Elected for a four year term in single seat constituencies.

<sup>99</sup> The NDC and NPP both had eight in power and eight years in opposition. An NPP win would give the impression that the incumbent party had entrenched itself and 'a winner takes all' system prevailed. The NDC as been out of office for eight years and might not be willing to tolerate another term in opposition. But an NDC victory meant that the incumbent NPP would have to give up office, with a probable loss of jobs for its supporters.

In order to ensure a successful electoral process, the Electoral Commission (EC), the state institution for elections, relied upon chieftaincy structures especially in the countryside, to communicate the necessary rules and guidelines and to help mobilise the people to register and then to vote. The chiefs were tasked to use their *gong gong* beaters to announce the exercise and to ensure that people observe the electoral laws. The EC Deputy Chairman (in charge of operations), Sarfo Katanka, in an address on the role of chiefs in the 2008 elections, appealed to chiefs to offer the Commission the necessary assistance during the registration and the exhibition of the Voters' Register (*The Ghanaian Chronicle* September 18, 2008). The EC Deputy Chairman also asked the chiefs to encourage their subjects, who had been engaged in double registration and those who were not qualified to register to surrender the voter's identity cards in their possession. The chiefs warmly accepted these roles and cooperated with the EC. In the local areas this was demonstrated by the chiefs helping their subjects to understand the voting procedures and to exercise their right to vote. Togbega Gabusu, for instance, used the inauguration of both the Gbidukor and Ve-Klusi festivals in 2008, to educate the people on the electoral process and to call for peace and unity during the political campaigns (Hohoe, September 11, 2008).

At the national level, the National House of Chiefs announced additional measures to prevent violence as tension rose between the political parties. Given that misunderstandings and suspicions were high and the political scene was tense, the chiefs requested a national meeting with the EC and the political parties to help manage the situation (Issacharoff 2010: 6). This was not the first time such a consultation was held to discuss modalities for an orderly election. Chiefs through the National House of Chiefs organised a similar event in 2000 in partnership with the political parties, EC

and Institute for Economic Affairs (IEA) which formed the basis of the twelve-point Political Parties Code of Conduct for violent-free and peaceful elections in 2004 (Agyeman-Duah 2008: 22; Gyampo 2008: 38). Thus while chiefs did not have the constitutional authority to perform any task in the state-sponsored electoral process, they mediated the process in ways that gave meaning to their position as community leaders, peace makers and unifiers.

Togbega Gabusu, who was very actively involved in the period leading up to the registration stage, used several local meetings to inform people about the process. For the most part however, he relied upon the Municipal Electoral Commission office, to gather the necessary information concerning where people should register. This information was crucial because the EC wanted people to register in the same polling centre where they would vote on Election Day.

Togbega's concerns about the registration and polling centres were mostly focused on the location of the centres and how many would be allocated for the area. Obviously, he wanted these centres to be close to where people lived, and of a certain number so that people would not have to wait long hours to register and vote. As it turned out, the EC established fewer registration points despite the fact that Togbega wanted more. And as it turned out, the ten-day registration period was insufficient to manage the process effectively. Eager to register, applicants often lined up at dawn to wait for the centres to be opened. Forms and photographic equipment were occasionally unavailable when needed, breeding frustration and suspicion. One man in the registration queue suggested that the ruling NPP government intentionally created these obstacles and also ignored the chief's

demands because the NPP had little support in the area. Thus the government was making it hard for people to vote in order to retain power (fieldnote, Hohoe, August 22, 2008). Indeed, the perception that the election was under the control of the government was the case in many parts of the country.

For the next six months, until the December 7 elections, minor problems continued to occur as people who had registered could not find their names on the voter's rolls when the registers went on exhibition. When the elections were finally held, the area of Gbi voted overwhelmingly for the NDC, just as it had done in 1992, 1996, 2000, and 2004. However, the success of the polling could be connected with the support of chiefs.

Togbega Gabusu and most of his chiefs as well as many local and international observers were present at various voting centres throughout the day. At the E.P. Junior High School polling centre closest to his residence, Togbega walked up and down the line of people to ensure everything was going right. Whenever he saw elderly people in queue who were either disabled or obviously weak, he brought them up to the front. He told all those waiting that he wanted the elderly and weak to be given priority. At one point when the line was distorted, Togbega repeatedly told every one to stand in line. When his request was largely ignored, he began to swing his walking stick in the direction of the people's legs, this made them move quickly and eventually got back into line. Some people laughed as they saw Togbega do this, and as soon as the people were in line, he immediately began to joke with them about what he did. In actuality, no one was hurt, or even hit, during this scene, but a clear message was sent that this process will proceed in an orderly fashion. Indeed, the security personnel who were

present did not interfere and stood silent against the side of the school building (fieldnote, Hohoe, December 7, 2008).

After some time into the polls, Togbega asked to see the polling station officer of the EC, and they had a brief discussion. Apparently, some people felt intimidated that the political party representatives were watching them mark the ballot, and this was causing some discussions in the queue. This arrangement was part of the negotiations that occurred between the political parties and the EC before election. The stakeholders agreed that the ballot booth will be in the open so as to prevent voters from stuffing it with pre-marked ballot papers. The stakeholders also agreed that if someone needed help marking their ballot, the party representatives would be present to give advice. This arrangement was to make sure that if a person requested to vote for one party that the person assisting did not mark another party instead. This arrangement was one of the inter-party advisory committee (IPAC) decisions taken before the elections and was applied across the country. Togbega therefore asked the polling station officer to explain to the people waiting in line that if they needed help to vote, they needed to ask, and that if they did so, these representatives would witness the process. The polling station officer, for the next hour, told groups of people waiting in line what was happening. He told the people not be afraid that the political representatives were watching them. He emphasised that they were only there to protect and make sure the voting was fair and transparent.

On the one hand, while Togbega was helping to facilitate the electoral process, the Asantehene also participated in the process by receiving political candidates in his palace in Kumasi prior to the Election Day. The role of the chiefs as community leaders meant that political

candidates and parties visiting their traditional areas would have to pay homage to them. Indeed, candidates of all the major political parties in Ghana relished the opportunity to meet as many of the country's chiefs as possible during their campaign across the country (Agyeman-Duah 2008: 343).<sup>100</sup> The singular importance placed on these courtesy calls and the photo opportunities they offered were based on the belief that the chiefs influenced the voting patterns. In fact, there were open consternations among political parties when a chief openly approves a competitor. For example, when Asantehene hosted a durbar for the NPP presidential candidate Nana Akufo-Addo and his running mate Mahamudu Bawumia with his 'special blessings' at the start of their eight-day campaign tour of the Ashanti Region, the opposition NDC immediately visited Asantehene to try and undo this special favour (*Daily Graphic* September 10, 2008).

Jacob Hayibor, the NDC MP of Hohoe North Constituency stated the importance of the meetings with the chiefs in this manner:

In fact, these are the major people who can influence the communities. They are with the people, they matter a lot. They may decide your winning or failure. You may bring up development ideas, but if your relationship with the chief is not good, [the community] won't support you (Hohoe, April 9, 2009).

An elder in Togbega's palace and an NDC sympathiser also linked the chief's support explicitly with the electoral success. He stated, "they can [and] they do often make a difference. And politicians know this and there is a struggle for their support from the political parties. The first point of call in any election is the chief and not the campaign ground" (Togbe Gboxo, Hohoe September 11, 2008). This convention was also echoed by party members.

---

<sup>100</sup> You may find reports on these visits in almost all the national dailies published between August and December 2008 in Ghana.

An active NDC member at Gbi explained that chiefs “are so much a factor in Ghanaian politics. This is why everyone - president, the ministers – go to the chief to pay homage” (male educated community member, Hohoe, July 15, 2009). Thus people from all political parties appear to place importance on maintaining the support of the chiefs.

In this manner, my respondents almost unanimously agreed that it was advantageous to stay in the chiefs good books. Yet at the same time, most of the people did not believe that the chiefs would coerce their people into voting a particular way, like threatening to punish them because that would jeopardise the unity and their legitimacy in their communities. In general, there was the feeling that the voters made their own assessment of what was in their best interest and voted accordingly. For example, the NDC MP at Hohoe noted that democracy provided voters with independence. “This time people ... know what is good for them. This time there is political independence among the people. So you can’t force people [into something] they don’t want” (Hohoe, April 9, 2009). A number of other respondents also shared similar views concerning the secret ballot. Indeed, the EC reiterated this view in their public education posters that used phrases like “your vote is your right,” “your vote is your power” and “if you want to vote, make sure nothing stops you” ([www.ec.gov.gh](http://www.ec.gov.gh), accessed July 11, 2011).

While individuals made or were encouraged to make their own assessment during voting, it was also the belief that politicians would not win elections if they were at loggerheads with the chiefs or if politicians did not show respect for their chiefs. According to the MP for Hohoe North, “each party’s candidate goes to pay a courtesy call on the chief, and if you

don't, you are already disqualified because you are a person without respect" (Hohoe, April 9, 2009).

The communities therefore took interest in how well politicians treated their leaders, i.e. the chiefs. One reason that a number of community members suggested that this was so was because of the need for cooperation between chiefs and politicians in the development process. For example, an official at the Kumasi Metropolitan Assembly emphasised that "the vehicles of development in the communities, they are the chiefs. So if you are not accepted by the chiefs, [the community] will not accept your development ideas" (Emelia Botchway, KMA, February 13, 2009). Another of my respondents in the same interview explained that it would be very difficult to get elected without the support of a chief "because whichever political leader aspires to be the MP or President, they must work with the Asantehene" (Emelia Botchway, KMA, February 13, 2009). In summary, the idea of chieftaincy can help to make or break the aspirations of the political actors within the state, thus reinforcing the position that traditional notions of authority has to both intersect with and influence the state's political process.

#### **6.4 'Democratising' Chieftaincy from Within: Promoting Development and Broadening Participation**

As the discussion in the previous sections suggest, despite the centrality of chieftaincy at the local level, multiparty elections are perceived as a legitimate and necessary way to transfer and distribute political power. It would be a mistake to assume, however, that people would consider electoral politics to be the 'only game in town.' Rather, many understand it to be simply 'another game' that can be utilised to acquire the desired resources

or development. However, this is not only the case with state politics, but within chieftaincy as well. Therefore chiefs must also seize the opportunities available in order to lead the 'democratic development' in their areas. However, unlike the situation with the state electoral politics, where chiefs were invited or engaged, the incorporation of 'democratic' elements within chieftaincy was something the chiefs controlled with much autonomy.

While it is difficult to pinpoint an exact date when chiefs began to introduce 'democratic' reforms within traditional rule, it seems that until the 1981 the chiefs had officially worked with the state agencies at the grassroots through Town and Village Development Committees (T/VDCs) in promoting local development (Amonoo 1981; Nugent 1996). However, by most accounts, the reliance on the state changed after this time as the state decided not to cooperate with them.

Chiefs were therefore compelled to find other avenues to respond to the developmental needs of their people. In Asante, the late Asantehene Opoku Ware II, created a non-hereditary development portfolio or stool, which was integrated into the official traditional structure, and was bestowed upon influential non-royals who could spearhead local development efforts (Abayie Boateng 1999: 9; Steegstra 2006: 607; Kleist 2011; Bob-Milliar 2009). The Asante Twi term for the office is *Nkosuohene* (female equivalent: *Nkosuohemaa*), meaning development chief or queen or queenmother.<sup>101</sup> Larbi (2007) notes that by creating such an office, the Asantehene brought chieftaincy into the 'modern age of the twentieth century' to compete with the state structures on development implementation. The *Nkosuohene/hemaa* was responsible for mobilising the

---

<sup>101</sup> *Nkosuo* in Asante Twi translates as "progress or sustained development" and *Ohene* or *Ohemaa* as chief and queen mother respectively.

resources of the community “both physical and human” for its advancement (Abayie Boaten 1999: 9; McCaskie 2007). The first to be honoured with the Nkosuo stool was the wealthy businessman E.K. Osei, with stool name Nana Osei Nkwantabisa, in 1985 (McCaskie 2007). The concept immediately caught on in non-Asante areas. The Fiaga of Gbi, for example, replicated the model and installed the first development chief, *Ngoyifia* (literally “going forward chief”), in 1992 and he is *Ngoyifia* Togbe Kosi Bansah.

While the creation of specialised chieftaincy offices may be seen as implementing mechanisms to compete with state structures, these offices function as important conduits for co-opting non-royal, rival and adversarial power blocs in the traditional area. Currently, there are even more specialised chieftaincy offices, such as *Nwomaasuahene*, chief of educational affairs, created to give highly educated people in the community, the opportunity to spearhead various educational initiatives. Through these innovations, chieftaincy has broadened its political base and democratic appeal.

In effect, the duties and basis of chieftaincy authority has changed. While for most of the pre-colonial and colonial periods, chiefs were supposed to promote unity and order, the position has become more focused on developmental issues. In fact, when asked about their duties, the paramount chief in Hohoe responded that they were responsible for making connections and bringing development projects to their areas (Togbega Gabusu, Hohoe, September 11, 2008).

The emphasis on development has made it such that candidates to stools are considered on the basis of their ability to bring development. Of course, the opportunity for the kingmakers to choose chiefs is dependent

upon these positions becoming vacant. With the new stress on the importance of development since the 1980s, many traditional positions in these areas have been filled by people who are younger and have more formal education, and thus, have a better opportunity to access development resources (Kleist 2011). In contemporary society the candidates for chiefly office must also demonstrate their qualifications, similar to those of the players in national politics. These modifications suggest incipient transformation in the basis of legitimacy in stool occupancy which hitherto was premised on royal blood and physical appeal (Republic of Ghana 1992a: Art. 275).

Another key internal reform that has also taken place over this period was women's participation, so that women could now inhabit visible roles in the community. As a result, attitudes concerning the role of women in traditional leadership especially in Gbi and Asante have changed. When I asked the queenmothers in Gbi during one of their meetings if the chiefs actually seek out advice of women, a majority of them claimed they did. Equally important, many of the queenmothers in Gbi and Asante claimed that interacting with women in this way was a 'new thing'. The changes also meant that there were associations for the queenmothers within all the regions and districts where such traditional offices existed. These associations have become the mouthpiece of the queenmothers and the women in the community. The twenty-seven member association in Gbi, for example, have undertaken a snail and mushroom farming initiative in order to generate revenue for other local development ventures.<sup>102</sup> In Asante, the wives of the chiefs have formed an association to secure formal recognition

---

<sup>102</sup> I served as a secretary to the Board of Trustees of this association while doing my research. I also wrote letters for them appealing for support with the Municipal Assembly and some NGOs operating in Ghana.

of its members as consorts of their husbands. This recognition allows them to obtain proper seating at their husband's public functions including festivals, funerals and state durbars. As with many issues in the communities, the empowerment of women, installation of development chiefs and the broadening of participation are just some of the ways in which the traditional system has evolved based on local circumstances and understanding of politics and democracy.

## **6.5 Conclusion: Imagining Politics and Democracy in a Mixed Polity**

Understanding the ways in which pre-existing notions of authority and state notions of authority intersect must start with an examination of how people in Ghana understand their political universe. This chapter has demonstrated that the notion of unity permeated the local understanding of chieftaincy as well as that of politics and democracy. As a lens to understand politics and democracy, chieftaincy has managed to continue to exert an impact on politics even when the 1992 Constitution calls for a boundary.

What was also clear was that people living in the communities desired more cooperation between their leaders. However, while there was simultaneously a general acceptance of state democratic norms and institutions, there was also the perception that too much democracy was dangerous, undesirable and even destructive for chieftaincy and the unity of the area. What may be difficult for some to appreciate that, for those in the communities, it was normal that institutions of chieftaincy and democratic elections should co-exist. Such a 'double-mindedness' was something that observers of African politics have long noted, but it was rarely incorporated

into the analysis of the process of democratic consolidation (Whitaker 1970). Specifically, the chiefs had participated in the electoral and campaign process as well as had adopted similar reforms that resonate with the people.

These dynamics suggest that, at least in the medium term, it is incorrect to assume that chieftaincy would be consumed by the state. Instead, these two institutions are blending together in complex ways to create new type of norms, rules, and processes that are distinct and unique. For example, the collaboration between the chiefs with the EC and the political parties was not uncommon. In the case study areas, the state institutions and chiefs worked together on local matters. As the narrative on the 2008 elections revealed, Togbega Gabusu directed the polling station officer to undertake a specific task of allaying the fears of the voters. This example in Gbi highlights how the actual success or failure of the electoral process depends to a great extent on the ability of the chiefs and polling station officer to work together. In this way, both the state apparatus and chief serve as the main source of leadership in the community.

In addition, the presence of Togbega Gabusu during polls provided a sense of order to the process. Chiefs were expected to maintain order and peace in their areas, and it was not surprising that Togbega took his responsibilities seriously. This was specially the case on Election Day when there was disorder in the queue. While the government believed the presence of the security services was necessary to ensure peaceful elections, it was Togbega who helped with the crowd control when the people were disorganised. It was also doubtful whether those standing in line would have behaved the same way if it were the security officers who attempted to restore order the same way the Togbega did with his walking stick.

While the chiefs publicly encouraged people to vote freely and do so peacefully, their role during the electoral process and campaigning were a reminder of the central role chieftaincy plays in daily lives of the people and that after the campaigns and the elections were over, the leaders of the community would still be chiefs. Nonetheless, chieftaincy has not been unaffected by the democratic discourse. Chiefs themselves have been compelled to undertake internal reforms to make chieftaincy more participatory and more appealing. Indeed, the examples from Gbi and Asante indicate that chiefs have responded and have allowed for more participation within their administration.

Even though it is debatable how much actual democratic opportunities these new provisions allow, there is no question that they have enabled certain groups to access the local power structure. In particular women and younger men with more modern outlooks have become more involved in community issues than in the past. These changes have also brought into focus the developmental functions of the chiefs. In this way, there is relative flux in terms of who can participate at the local level and the duties of those who are community leaders.

While I cannot predict whether the changes adopted by the traditional institutions will lead to the adoption of other democratic values such as election of chiefs, there is no question that the communities want changes but not those that will compromise the moral basis of chieftaincy. In other words, it is doubtful for people to conceptualise democracy and elections as the only way to achieve progress. Instead, one of the consequences of mixed polity is that people seek to blend together different sources of legitimacy. For that matter, chiefs and chieftaincy must at least appear as if they are embracing

some aspects of the democratic process to maintain their authority. Whether this includes involving non-royals and women or providing information and support during campaigns and elections, chiefs cannot afford to ignore democratic pressures or they risk being overcome by them. The difficulty however is how chieftaincy will be able to maintain community unity as alternative ideas and competitive institutions become more embedded in the community.

What is certain, however, is that the place of democratic elections for choosing leaders has undoubtedly altered chieftaincy-societal relations. Yet rather than leading to the end of chieftaincy, these changes have produced more mixed results. Chiefs and those who live in their areas have all found ways to participate in democracy. More importantly, chieftaincy and chiefs are internalising some of the democratic norms which are compatible with its idea of unity and development to enhance its appeal.

# CHAPTER SEVEN

## CONCLUSION: CHIEFTAINCY AND THE FOURTH REPUBLIC: LEGITIMACY IN MIXED POLITY

### 7.1 Legitimacy in Mixed Polity

The Fourth Republican Constitution achieved two goals: first, it returned the Country to democratic rule; and second, it formally retained the traditional political system. By maintaining the place of chieftaincy, Ghana continued on a path of blending together the principles of liberal democracy and traditional rule. While there were many reasons to officially recognise chieftaincy, few could have predicted how this would have affected the legitimacy of the democratic state as well as the legitimacy of chieftaincy. Indeed, after eighteen years of democratic rule, we are only now beginning to understand how local people manage to make sense of and give meaning to these different sources of authority. What does seem clear at this point, however, is that the legitimation process is one that challenges Western assumptions concerning the nature of state authority and the consolidation of democratic rule (Nugent 2010).

To understand the process of legitimacy, this study has focused on the relations between chiefs and state as well as between chiefs and society. The argument is that we cannot understand the resilience of chieftaincy unless we pay attention to what it does for the local population and what it means to the wider public. Whether chieftaincy established and maintained political

legitimacy will depend upon the extent to which it performed in a manner that promoted the norms and values of society over which it ruled. More importantly, as the norms and values change, so must the actions of the chiefs. In other words, the authority of chiefs, similar to the authority of the state, must be rooted in the society if it is to be followed voluntarily. In a mixed polity, where there exists more than one moral order, the legitimation process will be particularly complex and contradictory, as the chiefs and the public incorporate democratic values and norms as laid out by the constitution. As such, the legitimation process is one that is ongoing and is likely to promote constant negotiation and contestation. As an approach to understanding authority in Ghana, the multiple legitimacy approach resists that categorisations that are usually utilised in the debate over chieftaincy, such as suggesting that all chiefs, or chieftaincy itself, are illegitimate or undemocratic (Proctor 1968:79). Instead, it invites an analysis that focuses on interactions between chieftaincy, the state and the people.

## **7.2 The Nature of Political Legitimacy in Mixed Polity**

Obviously, these dynamics have taken place in a broader socio-political and economic context, and I have situated the struggles for legitimacy in this context. In many cases, various external factors have both created new opportunities and new challenges for chieftaincy. It is clear that for the whole period of the modern state project, there has been a mixture of continuity and change in society. Through a range of laws, the colonial/post-colonial state has tried to transform society and render chieftaincy accountable to itself. Its ability to dictate what happens on the ground, however, has been limited. Due to lack of development resources, dysfunctional state institutions, most people in the local communities have only seen marginal changes in their

lives. In addition, since independence, traditional leaders were able to rule much as they have done during the colonial years, utilising the same, now legally superimposed structures and boundaries. Given this continuity with the past, it was not surprising that when I asked whether modern statehood had changed chieftaincy, most people simply laughed and shook their heads. Thus, for many, there is the desperate feeling that life has not improved at all since independence.

Despite this perception that nothing much has changed, the reality is that today Ghana is much different from how it was before and beyond 1992 in variety of ways. Communities are now plural institutional environments with a wide range of governmental and nongovernmental institutions. These institutions, which include metropolitan/municipal/district assemblies, members of parliament, political parties, civil society organisations, all compete with chieftaincy for social and political space. At the same time, while many institutional alternatives exist, chieftaincy continues to be a key pillar in the local political landscape for many people. It has not only continued to resolve conflicts and provide resources to local populations, but it has remained a moral centrepiece in a changing and unpredictable political environment. For most people living in the countryside, it is the idea of chieftaincy itself, even more than the individual leaders, which provide a sense of unity and harmony. Indeed, it would simply be unhelpful to ask people to choose between chieftaincy and state in Ghana because both institutions, though distinct in the foundation of their authority, work in specific ways to meet different needs of the people.

However, when the framers of the 1992 Constitution agreed to accommodate and transform chieftaincy, many could not have anticipated

that it would remain such a politically active institution many years later. While there have been a range of responses to these changes, for the most part, the chiefs have proven to be adaptable and fluid, showing once again that they are not simply puppets of the state. Indeed, one of the consistent themes in this thesis has been how chiefs have been transformed since the colonial period. What is interesting, however, is that this transformation process is both a bottom-up as well as a top-down. The people in Gbi and Kumasi expect their chiefs to be concerned about their modern needs while the state also expects chiefs to be concerned with certain traditional and cultural issues. Even though neither local people nor the state can fully contain the power of the chiefs, it is a mistake to assume that those living in the communities and the state institutions simply accept whatever the chiefs do. Instead, all three impact each other.

I began the thesis with the observation that there existed more than one source of political legitimacy in Ghana, each with a distinct world-view concerning the appropriate relationship between rulers and the ruled. However, rather than treat these sources of political legitimacy as 'fixed' or 'static' analytical objects, I argued that the state and chieftaincy were in a state of continuous change and reconstitution in ways that occasionally blurred the norms and values that ostensibly separated each entity. Rather than view this blurred line as a contradiction or a conceptual ambiguity, the thesis takes inspiration from Timothy Mitchell, who encourages us to view it "as a clue to the nature of the phenomenon" (Mitchell 2004: 170). In other words, the idea of chieftaincy and its resilience is just as important as how it reproduces itself in the political space.

Within this context, chieftaincy is evaluated based on what it does for the people as well as what it represents to the people. The challenge for chiefs is that, to maintain their legitimacy, they must perform in ways that are consistent with the pre-existing values - especially the maintenance of unity - as well as display the modern dynamics of political leadership. As such, the legitimation process necessitates that they balance these contradictory demands for continuity and change. Obviously, to accomplish this feat requires astute political skills, and whether chiefs succeed or fail depends, in large measure, upon the decisions they make at the local level. Thus, rather than attribute the resurgence and resilience of chiefs solely to external factors such as the existence of colonial legacy, weak state, cultural adaptability and socio-economic factors, this thesis calls for consideration of internal factors as well. This examination may include questions such as: what do chiefs do? What values do chiefs seek to uphold and reproduce?

Significant social and political changes are occurring in local communities, and those living in these communities are both intimidated by the changes and invigorated by the opportunity to improve their lives. As they negotiate these changes, chiefs face a challenging situation because they must be seen to be simultaneously relying upon the state and yet not sharing or associating with the authority of the state. This is difficult balance and chiefs' ability to successfully walk this tightrope is linked to how chieftaincy functions as semi-autonomous institution. Indeed, many of the most heated debates in Ghana over chieftaincy involve the drawing and redrawing of boundaries, both physical and moral, which affect the contours of the space.

It is crucial that there is appreciation for the ways in which chieftaincy seeks to achieve as much rule-making and rule-enforcement as possible with

the aim to govern at the local level. In doing so, it has also sought to expand its authority over a range of issues that were presumed to be under the direct control of the state. The examples from Gbi and Asante demonstrate that traditional leaders have managed to make decisions on local government, land as well as in politics. Even during the 2008 election, when the state was clearly present in the communities, traditional leaders were seen as critical part of the process. In Gbi, Togbega Gabusu worked with the EC to provide information to people about the voting process, and on Election Day, Togbega Gabusu was at the polling centre to provide guidance and assistance. In deed, throughout both case study areas, the involvement of the chiefs actually helped to legitimise the elections and mobilise voters. Similar to the role marabouts played in elections in Senegal, traditional leaders including the Asantehene also has some influence over voting, one of the most cherished aspects of the state process in Ghana. With respect to land, the expansion of chieftaincy authority was even more thorough and complete because of the incredible lack of state action. Because land is an important factor in the communities, traditional leaders have attempted to make themselves indispensable in dealing with it. Not only were chiefs expected to participate in its management, they were able to control its use and the revenues it generated in order to gain as much control and autonomy in the local level.

The larger point is that those at the local level expect chiefs to provide leadership. The prestige of a chief depends on how well they mediate this expectation. Whatever authority the chiefs can command is dependent upon their constant response to community needs. Chiefs must be seen as 'working' in the interest of the communities. Indeed, Asantehene's strongest source of legitimacy is that he is seen as working in the interest of the people.

The ability of chiefs to meet the needs of their subjects not only enables them to control the daily lives of those living in their areas, but also allows them to reproduce their sense of moral order. The moral dimension of legitimacy directs attention as to how political actions must align with the norms, values and symbols in which authority is embedded. I have argued that the moral legitimacy of chieftaincy is intertwined with the notion of unity of the local area and the chiefs' decisions as the leaders of the community are evaluated in this context. In other words, the authority of chiefs is rooted in society, and it is simply not the case that they can do whatever they want without consequence. To remain effective, they must address the material needs of the community as well as the broader moral framework in which their authority is situated lest they face deposition. Moral legitimacy, however, is inherently ambiguous and open to contestation, and bound to change over time. Thus it can be used to expand authority and at the same time can be used to limit it. In this way, identifying moral legitimacy is important to understanding the contours of authority.

My argument that the legitimation process has both a moral and performance dimension parallels Berry's (2001:73) observation about the succession of Chief Frimpong to a stool in Kumasi in the colonial period. Briefly stated, her argument is that succession rules are open to multiple interpretations and that there is room for political competition in hereditary chieftaincy. She finds that the right to rule is determined by more than just birthright or belonging to the royal family and that the quality of the potential chief matters as well. Accordingly, Berry (2001: 93) views the achievement and ascription as two levels of one reality - moral and performative, rather than opposed principles.

The point here is that we cannot understand the decisions that traditional leaders make or evaluate their performance without taking seriously the cultural context in which they are situated and the way in which their authority is rooted in the society (Nugent 1995: 76; Koelble 2005). Once we recognise the significant linkage that exists between chiefs and society, it is much easier to understand and appreciate the difficulties the post-colonial state faces in establishing its own connections with the people, independent of the influence chiefs. As one of the 'two publics' struggling for hegemony in the communities, the chiefs compete with the state, and in the process they influence the course of state formation and democratic consolidation. Given what we have learned about state-society relations in Africa over the last two decades, this is not particularly surprising and many analyses have examined in some detail how social forces in society have altered the nature of authority (Nugent 2010; Boone 2003; Villalon 1995; Bayart 1986).

Indeed, consistent with these state-in-society analyses, one of the themes of this thesis has been to examine the limits of the Ghanaian state. After comparing state policy goals with what is actually happening on the ground, it is clear that the state has been unable to effectively control or transform the authority of chiefs as had been anticipated. For example, while the Fourth Republican Constitution [1992] envisioned that the authority and activities of chiefs and the modern political elites would be distinct, this has not been the case, and the lines between the two have been blurred. In fact, in the case of local government, democratic politics and land resource administration, the local population has sometimes used the chiefs as ways to mediate or evade the authority of the state.

The extent to which chieftaincy has been able to appropriate and transform the authority of the state is especially clear when we go further into Ghana's political history. As is well-documented, the chiefs fought against the introduction of colonial rule, foreign institutions and later post-independent institutional incursions into 'their areas'. The fear was that the new forms of authority would restrict their autonomy, and thereby weaken their influence. In actuality, the introduction of a local government, land laws and partisan politics has not weakened their authority and in some cases, depending on the skills of the traditional rulers their authority has actually expanded despite the fact that they must now compete with other institutions. Chieftaincy's ability to appropriate and transform state authority is linked to the continued meaningfulness of traditional authority boundaries at the local level. Rather than disrupt the pre-existing boundaries, the state authority was simply superimposed over them. For example, the state hoped that the introduction of MMDAs would create civil society autonomous from chieftaincy. Instead, the MMDAs are simply situated within the traditional authority areas, and the chiefs positioned themselves as the unofficial leaders of the MMDAs. The fact that this new authorities are made to fit within pre-existing boundaries enables chiefs not only to gain control over them but to control the meanings people attach to them. As such development has become part of the chiefs' responsibilities, and the state is seen, first and foremost, as the closest partner of the chief, and in many cases, as the chief's representative as well as the people's representative.

Yet even though the introduction of 1992 constitutional distinctions have not resulted in radical shift as the Consultative Assembly had hoped, it is clear that chieftaincy authority has been transformed. There is now more than ever, a demand for development, wider participation in traditional

leadership and for accountability from chiefs, and the chiefs are forced to respond to these concerns. In the end, through its involvement in local governance, land administration and democratic politics, chieftaincy has entered into this debate, and by so doing it has undoubtedly changed the nature of its own authority.

### **7.3 Towards a Greater Understanding of Resilient Chieftaincy**

Clearly, this thesis does not assume to offer an absolute exploration of chieftaincy legitimation in Ghana. Nor can it claim to offer a representative view of chieftaincy-state relations at the grassroots, let alone the wider public. There is clearly scope for more research into some of the areas outlined above, including research on the relations between local populations and traditional leaders and the dialogues that take place between the two over the nature of authority. Understanding these dialogues, and taking them seriously, is crucial if we want to understand the implications that the establishment of a mixed polity and the politics of multiple legitimacies have for the nature and the quality of governance at the grassroots. This notwithstanding this thesis offers a unique *insight* into the manner in which chiefs interact with the state and the local population. It also offers a snapshot of the legitimation process of the chiefs in Gbi and Kumasi. While this approach cannot offer definitive answers or generalisations about the nature and the basis for chieftaincy persistence in Ghana, it can nonetheless illuminate the shortcomings of the assumptions made by the weak state, colonial legacy, cultural adaptability, and socio-economic and political development theorists in explaining the resilient chieftaincy in contemporary Africa.

In conclusion, with a focus on local level dynamics on legitimation, it seems obvious enough on the one hand that there are two spheres – that of chieftaincy and that of the state – and on the other hand that these two spheres overlap and intersect to the extent that lines between them grow ambiguous. To think of chiefs in fixed terms as either traditional or modern is to ignore the “political processes through which the uncertain yet powerful distinction between chieftaincy and the state is produced” (Mitchell 2004: 170). In other words, the ‘syncretic’ ability of chieftaincy enables it makes it resilient. And the implication of this syncretic relation is the mutual transformation of the different political norms, rules and processes associated with each.

# BIBLIOGRAPHY

## ARCHIVAL SOURCES

Institute of African Studies, University of Ghana, Accra  
Manhyia Archives, Ghana (MAG), Kumasi  
Ministry of Land and Natural Resources Library, Accra  
Ministry of Local Government and Rural Development Library, Accra  
Public Records and Archival Administration (PRAAD), Accra

## PRINTED PRIMARY SOURCES

- Republic of Ghana [2008] *Chieftaincy Act of 2008, Act 759* (Tema: Ghana Publishing Corporation)
- [2007] *Guidelines for District Assemblies towards Managing Relations between the Local Traditional Authorities at the District Level* (Accra: Ministry of Local Government and Rural Development)
- [2004] *The Cultural Policy of Ghana* (Tema: Ghana Publishing Corporation)
- [2002a] *White Paper on the Report of the Commission of Inquiry into the Yendi Disturbances of 25<sup>th</sup>-27<sup>th</sup> March* (Tema: Ghana Publishing Corporation).
- [2002b] *Report of the Commission of Inquiry [Yendi Events] CI 36/2002 Wuaku Commission, presented to H.E. President John Agyekum Kufour at the Castle on Wednesday 6<sup>th</sup> November* (Tema: Ghana Publishing Corporation).
- [1994a] *Lands Commission Act of 1994, Act 483* (Tema: Ghana Publishing Corporation)
- [1994b] *Office of the Administrator of Stool Lands Act of 1994, Act 481* (Tema: Ghana Publishing Corporation)
- [1993] *Local Government (District Assembly) Act of 1993, Act 462* (Tema: Ghana Publishing Corporation)
- [1992a] *Constitution of the Fourth Republic* (Tema: Ghana Publishing Corporation)
- [1992b] *Proceedings of the Consultative Assembly (Official Report)* (Tema: Ghana Publishing Corporation)
- [1979] *Constitution of the Third Republic* (Tema: Ghana Publishing Corporation)
- [1971] *Chieftaincy Act of 1971, Act 370* (Tema: Ghana Publishing Corporation)

- [1969] *Constitution of the Second Republic* (Tema: Ghana Publishing Corporation)
- [1968] *The Proposals of the Constitutional Commission for a Constitution for Ghana* (Tema: Ghana Publishing Corporation)

## NEWSPAPERS AND WEBSITES

*Daily Graphic*  
*Daily Guide*  
*The Accra Daily Mail*  
*The Ghanaian Chronicle*  
*The Insight*  
[www.ec.gov.gh](http://www.ec.gov.gh)  
[www.ghananewsagency.org](http://www.ghananewsagency.org)  
[www.ghanaweb.com](http://www.ghanaweb.com)  
[www.hohoe.ghanadistricts.gov.gh](http://www.hohoe.ghanadistricts.gov.gh)  
[www.kma.gov.gh](http://www.kma.gov.gh)  
[www.manhyiaonline.org](http://www.manhyiaonline.org)  
[www.myjoyonline.com](http://www.myjoyonline.com)  
[www.ndpc.gov.gh](http://www.ndpc.gov.gh)  
[www.statsghana.gov.gh](http://www.statsghana.gov.gh)  
[www.washingtonpost.com](http://www.washingtonpost.com)

## SECONDARY SOURCES

### Journal Articles

- Ahiakpor, J. [1993] 'Rawlings, Economic Policy Reform and the Poor' *Journal of Modern African Studies* 29(4): 583-600
- Arhin, K. [1990] 'Trade and Accumulation and the State in Asante in the Nineteenth Century' *Africa: Journal of the International African Institute* 60(4): 524- 537
- Berry, S. [2002] 'Debating the Land Question in Africa' *Comparative Studies in Society and History* 44(4): 638-68
- Blau, P. M. [1963] 'Critical Remarks on Weber's Theory of Authority' *The American Political Science Review* 57(2): 305-316
- Boafo-Arthur, K. [2003] 'Chiefs in Ghana: Challenges and Prospects in the 21<sup>st</sup> Century' *African and Asian Studies* 2(2): 125-153
- [2001] 'Chieftaincy and Politics in Ghana since 1982' *West African Review* 3(1): 1525-4488

- Bob-Milliar, G. [2009] 'Chieftaincy, Diaspora and Development: The Institution of Nksuohene in Ghana' *African Affairs* 108(433): 541-558
- Brydon, L. [1996] 'Women Chiefs and Power in the Volta Region of Ghana' *Journal of Legal Pluralism and Unofficial Law* 37/38: 227 – 245
- Crook, R. [1986] 'Decolonisation, the Colonial State, and Chieftaincy in the Gold Coast' *African Affairs* 85:75-105
- Dzivenu, S. [2008] 'The Politics of Inclusion and Exclusion of Traditional Authorities in Africa: Chiefs and Justice Administration in Botswana and Ghana' *Political Perspectives Graduate Journal* 2(1): 1-30
- Ekeh, P. [1975] 'Colonialism and the Two Publics: A Theoretical Statement' *Comparative Studies in Society and History* 17(1): 91-112
- Englebert, P. [2002] 'Patterns and Theories of Traditional Resurgence in Tropical Africa' *Mondes en Développement* 30(118): 51-64
- [1997] 'The Contemporary African State: Neither African nor State (Feature Review)' *Third World Quarterly* 18(4): 767- 775
- Gyampo, R.E.V. [2008] 'The 2008 Political Parties' Code of Conduct in Ghana: Toothless Bulldog?' *African Journal of Political Science and International Relations* 2(3): 39-51
- Gyimah-Boadi, E. [1996] 'Civil Society in Africa' *Journal of Democracy* 72: 118-132
- Jeffries, R. [1998] 'The Ghanaian Elections of 1996: Towards the Consolidation of Democracy?' *African Affairs* 97: 189-208
- , and C. Thomas [1993] 'The Ghanaian Elections of 1992' *African Affairs* 92: 331-366
- Karlstrom, M. [1996] 'Imagining Democracy: Political Culture and Democratisation in Bugana' *Africa* 60: 485-505
- Koranteng, R.O. and G. Larbi [2008] 'Policy Networks, Politics and Decentralisation Policies in Ghana' *Public Administration and Development* 28: 212-222
- Kyed, H.M and L. Buur [2006] 'New Sites of Citizenship: Recognition of Traditional Authority and Group-Based Citizenship in Mozambique' *Journal of Southern African Studies* 32(3): 563-81
- Lawrence, B. [2005b] 'Bankoe V. Dome: Traditions and Petitions in the Ho-Asogli Amalgamation, British Mandated Togoland, 1919 –39' *Journal of African History* 46: 243–67.
- Lentz, C. [1998] 'The Chief, the Mine Captain, and the Politician: Legitimizing Power in Northern Ghana' *Journal of the International African Institute* 68(1): 46-67
- Lund, C. [2001] 'Precarious Democratisation and Local Dynamics in Niger - Cases of Local Politics in Zinder' *Development and Change* 32(5): 845-69

- Lynn, P. [2004] 'Measuring and Communicating Survey Quality' *Journal of Royal Statistical Society Series A (Statistics in Society)* 167(4): 575-578
- McCaskie, T.C. [2007] 'The Life and After Life of Yaa Asantewaa' *Africa* 77(2): 151-179
- [1984] 'Ahyiamu – A Place of Meeting: An essay on Process and Event in the History of the Asante State' *Journal of African History* 25(2): 169-88
- [1983] 'R.S. Rattray and the Construction of Asante History: An Appraisal' *History in Africa* 10: 187-206
- Nugent, P. [2010] 'States and Social Contacts in Africa' *New Left Review* 63 (May/June): 35-68
- [2001] 'Winners, Losers and also Rans: Money, Moral Authority and Voting Patterns in the Ghana 2000 Election' *African Affairs* 100: 405-428
- [1996] 'An Abandoned Project? The Nuances of Chieftaincy, Development and History in Ghana's Volta Region' *Journal of Legal Pluralism and Unofficial Law* 37/38: 203-225
- Ouedraogo, J. [1996] 'Moose Traditional Chieftaincies in Kay, Burkina Faso' *Journal of Legal Pluralism and Unofficial Law* 37/38: 249-261
- Owusu, M. [1979] 'Politics without Parties: Reflections on the Union Government Proposals in Ghana' *African Studies Review* 22(1): 89-108
- Proctor, J.H. [1968] 'The House of Chiefs and Political Development of Botswana' *The Journal of Modern African Studies* 6(1): 56-79
- Schatzberg, M. [1993] 'Power, Legitimacy and 'Democratisation' in Africa' *Africa* 63(4): 445-61
- Ubink, J.M and J. Quan [2008] 'How to Combine Tradition and Modernity? Regulating Customary Land Management in Ghana' *Land Use Policy* 25: 198-213
- Van Rouveroy van Nieuwaal, E.A.B. [1996] 'The New Relevance of Traditional Authorities to Africa's Future' *Journal of Legal Pluralism and Unofficial Law* 37/38: 1-38
- [1996] 'Chiefs and States: A Chiefs Mere Puppets?' *Journal of Legal Pluralism and Unofficial Law* 37/38: 39-78
- Von Trotha, T. [1996] 'From Administrative to Civil Chieftaincy: Some Problems and Prospects of African Chieftaincy' *Journal of Legal Pluralism and Unofficial Law* 37/38: 79-107
- Wiredu, K. [1995] 'Democracy and Consensus in African Traditional Politics: A Plea for a Non-party Polity' *The Centennial Review* 39(1): 53-63
- Yarak, L.W. [1986] 'Elmina and Greater Asante in the Nineteenth Century' *Africa: Journal of the International African Institute* 56(1): 33-52

## Books

- Abotchie, C. A. [1997] *Social Control in Traditional Southern Eweland of Ghana: Relevance for Modern Crime Prevention* (Accra: Ghana Universities Press)
- Abayie Boateng, B [1999] *Kookohene Otumfuo Opoku Ware II* (Accra: Kwagyanso Publications)
- Adarkwa, K.K. and J. Post (eds) [2001] *The Fate of the Tree: Planning and Managing the Development of Kumasi, Ghana* (Accra: Woeli Publishers)
- Addo Dankwa III, O. [2004] *The Institution of Chieftaincy in Ghana: The Future* (Accra: Konrad Adenauer Foundation)
- Adu-Boahen, A., E. Akyeampong, N. Lawler, T. C. McCaskie and I. Wilks (eds) [2003] *The History of Ashanti Kings and the Whole Country Itself and Other Writings by Otumfuo Nana Agyeman Prempeh I* (Oxford: Oxford University Press)
- Afari-Gyan, K. [1995] *The Making of the Fourth Republican Constitution of Ghana* (Accra: Friedrich Ebert Foundation)
- Agbodeka, F. (ed) [1997] *The Handbook of Eweland Vol 1: The Ewes of Southeastern Ghana* (Accra: Woeli Publishing Services)
- Ahwoi, K. [2010] *Local Government and Decentralisation in Ghana* (Accra: Unimax Macmillan)
- Alicoe, T. [1951] *The Evolution of Gold Coast Chiefship* (Sheffield: Sheffield Telegraph and Star)
- Alden Wily, L and D.N.A. Hammond [2001] *Land Security and the Poor in Ghana. Is There a Way Forward?* (Accra: DFID Ghana Livelihoods Programme)
- Allman, J. [1993] *The Quills of the Porcupine: Asante Nationalism in an Emergent Ghana* (Madison: University of Wisconsin Press)
- Allot, A.N. [1966], *Ashanti Law of Property* (London: Sweet & Maxwell)
- Amenumey, D.E.K. [1986a] *The Ewe Unification Movement: A Political History* (Accra: Ghana University Press)
- [1986b] *The Ewe in Pre-colonial Times: A Political History with Special Emphasis on the Anlo, Ge, and Krepi* (Accra: Sedco Publishing Limited)
- Amonoo, B. [1981] *Ghana 1957-1966: Politics of Institutional Dualism* (London: Allen and Unwin)
- Apter, D. [1972] *Ghana in Transition* (Princeton: Princeton University Press)
- Arhin, K. [1985] *Traditional Rule in Ghana: Past and Present* (Accra: Sedco Publishing Limited)
- Asamoah, A. [1986] *The Ewe of South-Eastern Ghana and Benin: On the Eve of Colonialism* (Tema: Ghana Publishing Cooperation)
- Austin, D. [1964] *Politics in Ghana: 1946-1960* (London: Oxford University Press)

- Austin, G. [2005] *Labour, Land and Capital in Ghana: From Slavery to Free Labour in Asante, 1807-1956* (Rochester, N.Y: University of Rochester Press)
- Ayittey, G. [1991] *Indigenous African Institutions* (Dobbs Ferry, NY Transnational Publishers)
- Balmer, W.T. [1926] *A History of the Akan Peoples of the Gold Coast* (London: Atlantis Press)
- Berry, S. [2001] *Chiefs Know Their Boundaries: Essays on Property, Power and the Past in Asante, 1896-1996* (Cape Town: David Philip Publishers Ltd)
- [1993] *No Condition is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa* (Madison: University of Wisconsin Press)
- Boone, C. [2003] *Political Topographies of the African State: Territorial Authority and Institutional Choice* (Cambridge: Cambridge University Press)
- Bratton, M., R. Mattes and E. Gyimah-Boadi [2005] *Public Opinion, Democracy and Market Reform in Africa* (Cambridge: Cambridge University Press)
- Brempong, A. [2007] *Transformation in Traditional Rule in Ghana* (Accra: Institute of African Studies)
- Brobbeey, S. [2008] *The Law of Chieftaincy in Ghana: Incorporating Customary Arbitration, Contempt of Court and Judicial Review* (Accra: Advanced Legal Publications)
- Bryman, B. [2004] *Social Research Methods* (Oxford: Oxford University Press)
- Busia, K. A. [1951] *The Position of the Chief in Modern Political System of Ashanti* (London: Oxford University Press)
- Callaghy, T. [1984] *The State-Society Struggle: Zaire in a Comparative Perspective*. (New York: Columbia University Press)
- Casely-Hayford, J.E. [1903] *Gold Coast Native Institutions: With Thoughts upon a Healthy Imperial Policy for the Gold Coast and Ashanti* (Oxford: Oxford University Press)
- Chabal, P. and J. Daloz [1999] *Africa Work: The Instrumentalisation of Disorder* (Bloomington, IN: International African Institute in association with James Currey and Indiana University Press)
- Chanock, M. [1985] *Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia* (Cambridge: Cambridge University Press)
- Coker, G.B.A. [1966] *Family Property among the Yorubas* (London: Sweet & Maxwell)
- Collier, R.B. [1982] *Regimes in Tropical Africa: Changing Forms of Supremacy, 1945-1975* (Berkeley: University of California Press)
- Crawford, G. & C. Hartmann [2008] *Decentralization: A Pathway out of Poverty and Conflict?* (Amsterdam: Amsterdam University Press)
- Daniels, W.C.E. [1964] *The Common Law in West Africa* (London: Butterworths)

- Danquah, J.B. [1928] *Akan Laws and Customs and the Akim Abuakwa Constitution* (London: Routledge).
- Du Plooy, G.M. [1995] *Introduction to Communication: Course Book-Communication Research* (Keuwyn: Juta)
- Fage, J.D. [1959] *Ghana: A Historical Interpretation* (Madison: University of Wisconsin Press)
- Fields, K. [1985] *Revival and Rebellion in Colonial Africa: Revisions to the Theory of Indirect Rule* (Princeton: Princeton University Press)
- Firmin-Sellers, K. [1996] *The Transformation of Property Rights in the Gold Coast* (Cambridge: Cambridge University Press)
- Fortes, M. [1969] *Kinship and Social Order* (Chicago: Aldine)
- Galvan, D. [2004] *The State Must be our Master of Fire: How Peasants Craft Cultural Sustainable Development in Senegal* (Berkeley: University of California Press)
- Geshiere, P. [1997] *The Modernity of Witchcraft: Politics and Occult in Post-Colonial Africa* (Charlottesville: University of Virginia Press)
- Gocking, R.S. [2005] *The History of Ghana* (Westport: Greenwood Press)
- [1999] *Facing Two Ways: Ghana's Coastal Communities* (Lanham: University Press of America)
- Gyekye, K. [2003] *African Cultural Values: An Introduction* (Accra: Sankofa Publishing)
- Hailey, W.M. [1939] *An African Survey: A Study of Problems Arising in Africa South of Sahara* (Oxford: Oxford University Press)
- Harvey, W.B. [1966] *Law and Social Change in Ghana* (Princeton NJ: Princeton University Press)
- Herbst, J. [2000] *States and Power in Africa: Comparative Lessons in Authority and Control* (Princeton: Princeton University Press)
- Hill, P. [1963] *Migrant Cocoa Farmers of Southern Ghana: A Study of Rural Capitalism* (Cambridge: Cambridge University Press)
- Hobsbawn, E. and T. Ranger (eds) [1983] *The Invention of Tradition* (Cambridge: Cambridge University Press)
- Kasanga, K. and N. Kotey [2001] *Land Management in Ghana: Building on Tradition and Modernity* (Accra: University of Ghana)
- Kimble, D. [1963] *A Political History of Ghana, 1850 - 1928* (Oxford: Clarendon Press)
- Kludze, A.K.P. [2000] *Chieftaincy in Ghana* (Lanham: Austin & Winfred Publishers)
- [1973] *Restatement of African Law Vol. 6 Ghana: The Ewe Law of Property* (London: Sweet & Maxwell)
- Koelble, T. [2005] *The Global Economy and Democracy in South Africa* (New Brunswick, N.J: Rutgers University Press)

- Kwadwo, O. [2000] *An Outline of Asante History (Part 2 Vol. 1)* (Kumasi: Cita Press Ltd)
- Lawrence, B. (ed) [2005] *The Ewe of Togo and Benin* (Accra: Publishing Services).
- Lentz, C. and P. Nugent (eds) [2002] *Ethnicity in Ghana: The Limits of Invention* (London: Macmillan Press)
- Litvack J., J. Ahmad and R. Bird [1998] *Rethinking Decentralisation in Developing Countries* (Washington, DC: The World Bank)
- Logan, C. [2009] *Selected Chiefs, Elected Councillors and Hybrid Democrats: Popular Perspectives on the Co-existence of Democracy and Traditional Authority* (Cambridge: Cambridge University Press)
- Lund, C. [2008] *Local Politics and the Dynamics of Property in Africa* (New York: Cambridge University Press)
- Mamdani, M. [1996] *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton: Princeton University Press)
- Mason, J. [2002] *Qualitative Research* (London: Sage Publications)
- McCaskie, T.C. [2000] *Asante Identities: History and Modernity in an African Village (1850 – 1950)* (Edinburgh: Edinburgh University Press for the International African Institute)
- [1995] *State and Society in Pre-Colonial Asante* (Cambridge: Cambridge University Press)
- Mensah-Sarbah, J. [1906] *Fanti Customary Laws* (London: OUP)
- Metcalfe, G.E. [1964] *Great Britain and Ghana: Documents on Ghana History, 1807- 1957* (London: T. Nelson)
- Migdal, J.S., A. Kohli and V. Shue (eds) [1994] *State Powers and Social Forces- Domination, Transformation in the Third World* (Cambridge: Cambridge University Press)
- Moore, F.S. [1986] *Social Facts and Fabrications: 'Customary' Law in Kilimanjaro 1880-1980* (Cambridge: Cambridge University Press)
- [1978] *Law as Process: An Anthropological Approach* (London: Routledge and Kegan Paul)
- Neuman, W.L. [2000] *Social Research Methods: Qualitative and Quantitative Methods* (Needman Heights MA: Allyn and Bacon)
- Nkrumah, K. [1957] *Ghana: The Autobiography of Kwame Nkrumah* (London: Thomas Nelson & Sons)
- Ntsebeza, L. [2005] *Democracy Compromised: Chiefs and the Politics of the Land in South Africa* (Leiden: Brill Academic Publisher)
- Nugent, P. [2002] *Smugglers, Secessionists and Loyal Citizens on the Ghana-Togo Frontier: The Lie of the Borderlands since 1914* (Oxford: James Currey)
- [1995] *Big Men, Small Boys and Politics in Ghana: Power, Ideology and The Burden of History, 1982-1994* (London: Pinter)

- Gyapong Ababio II [1996] *The Institution of Chieftaincy in Ghana: The Future* (Accra: Konrad Adenauer Foundation)
- Odotei, I. and A. Awedoba (eds) [2006] *Chieftaincy in Ghana: Culture, Governance and Development* (Accra: Sub-Saharan Press)
- Ollennu, N.A. [1962] *Principles of Customary Land Law in Ghana* (London: Sweet & Maxwell)
- Oomen, B. [2005] *Chiefs in South Africa: Law, Power & Culture in the Post-Apartheid Era* (Oxford: James Currey)
- Oquaye, M. [1982] *Politics in Ghana: 1972-1979* (Accra: Tornado Publications)
- Owusu, M. [1970] *Uses and Abuses of Political Power: A Case Study of Continuity and Change in the Politics of Ghana* (Chicago and London: University of Chicago Press)
- Pazzi, R. [1979] *Introduction à L'histoire de l'aire Culturelle Ajatado* (Lomé: INSE/UB)
- Rathbone, R. [2000] *Nkrumah and the Chiefs: The Politics of Chieftaincy in Ghana 1950-60* (Athens: Ohio University Press)
- Rattray, R.S. [1923], *Ashanti* (Oxford: Oxford University Press)
- Schaffer, F. [1998] *Democracy in Translation: Understanding Politics in an Unfamiliar Culture* (Ithaca, New York: Cornell University Press)
- Schatzberg, M. [2001] *Political Legitimacy in Middle Africa: Father, Family and Food* (Bloomington: Indiana University Press)
- Van Rouveroy van Nieuwaal, E.A.B. and R. Van Dijk [1999] *African Chieftaincy in New Socio-Political Landscape* (Leiden: LIT Verlag)
- Vaughan, O. [2003] *Chiefs Power, and Social Change: Chiefship and Modern Politics in Botswana, 19880s-1990s* (Trenton, N.J.: Africa World Press)
- [2000] *Nigerian Chiefs: Traditional Power in Modern Politics, 1980s-1990s* (Rochester, N.Y.: University of Rochester Press).
- Villalón, L. A. [2006] *Islamic Society and State Power in Senegal: Disciples and Citizens in Fatick* (New York: Cambridge Books)
- and P. VonDoepp [2005] *The Fate of Africa's Democratic Experiments: Elites and Institutions* (Bloomington: Indiana University Press)
- Ward, W.E. [1957] *A Short History of Ghana* (London: Longmans)
- Weber, W. [1978] *Economy and Society: An outline of Interpretive Sociology* (Berkeley: University of California Press)
- Westermann, B. [1935] *Die Glidy – Ewe in Togo* (Berlin: W. de Gruyter)
- Whitaker, C. S. [1970] *The Politics of Tradition: Continuity and Change in Northern Nigeria, 1946-1966* (Princeton, N.J.: Princeton University Press)
- Wilks, I. [1995] *One Nation, Many Histories: Ghana Past and Present* (Accra: Ghana University Press)
- [1993] *Forests of Gold: Essays on the Akan and The Kingdom of Asante* (Athens: Ohio University Press)

- William, M. [2010] *Chieftaincy, the State, and Democracy: Political Legitimacy in Post-Apartheid South Africa* (Bloomington: Indiana University Press)
- World Bank [2007] *Building the Demand-side of Good Governance: Enhancing Conditions for Social Accountability in Ghana* Social Development Department (Washington D.C: World Bank).
- [1996] *Towards Environmentally Sustainable Development in Sub-Saharan Africa: A World Bank Agenda* (Washington, DC: World Bank)
- Zartman, W.I. (ed) [2002] *Traditional Cures for Modern Conflict* (Boulder Lynne: Rienner Publishers Inc)

## Book Chapters

- Abotchie, C., A. Awedoba, and I. K. Odotei [2006] "Perceptions of Chieftaincy" In I. Odotei and A. Awodoba (eds) *Chieftaincy in Ghana- Culture, Governance and Development* (Accra: Sub-Saharan Publishers)
- Abudulai, S. [2002] "Land Rights, Land-Use Dynamics and Policy in Peri-Urban Tamale, Ghana" In C. Toulmin, P. L. Delville, and S. Traore (eds) *The Dynamics of Resource Tenure in West Africa* (Netherlands: IIED)
- Addo-Fening, R. [2008] "The Relevance of Traditional Governance" In Agyeman Duah (ed) *Ghana: Governance in the Fourth Republic* (Accra: CDD-Ghana)
- Agyeman-Duah, B. [2008] "Conclusion: Sustaining the Fourth Republic" In B. Agyemang- Duah (ed) *Ghana: Governance in the Fourth Republic* (Accra: CDD-Ghana)
- Ahwoi, K. [2000] "Trends in Local Government Reforms and Decentralisation in Ghana" In W. Thomi, P.W.K. Yankson and S.Y. Zanu (eds) *A Decade of Decentralisation in Ghana: Retrospect and Prospects* (Accra: EPAD Research Project and Ministry of Local Government and Rural Development)
- Akyeampong, E. [2006] "Chiefs and Socio-Political Change in The Gold Coast: Insights from Reports on Liquor Consumption, 199-1934" In I. Odotei and A. Awedoba (eds) *Chieftaincy in Ghana: Culture, Governance and Development* (Accra: Sub-Saharan Publishers)
- Ayee, J.R.A. [2006] "Some Thoughts on The Institutional Representation of Chiefs in the District Assemblies and the Sub-District Structure" In I. Odotei and A. Awedoba (eds) *Chieftaincy in Ghana: Culture, Governance and Development* (Accra: Sub-Saharan Publishers)

- Baku, K. [2006] "Contesting and Appropriating the Local Terrain: Chieftaincy and National Politics in Wenchi" In I. Odotei and A. Awedoba (eds) *Chieftaincy in Ghana: Culture, Governance and Development* (Accra: Sub-Saharan Publishers)
- Bayart, J.F. [1986] "Civil Society in Africa" In P. Chabal (ed) *Political Domination in Africa: Reflections on the Limits of Power* (Cambridge: University of Cambridge Press)
- Boafo-Arthur, K. [2006] "Chieftaincy in Ghana: Prospects and Challenges and Prospects in the 21<sup>st</sup> Century" In I. Odotei & A. Awedoba (eds) *Chieftaincy in Ghana: Culture, Governance and Development*, (Legon-Accra: Sub-Saharan Publishers)
- Breakwell, G.M. [1995] "Interviewing" In G.M. Breakwell, S. Hammond and C. Fife-Shaw (eds) *Research Methods in Psychology* (London: Sage Publications)
- Brempong, A. [2006] "Chieftaincy: An Overview" In I. Odotei and A. Awedoba (eds) *Chieftaincy in Ghana: Culture, Governance and Development* (Accra: Sub-Saharan Publishers)
- Brempong, O. [2006] "Chieftaincy and Traditional Taboos: An Empirical Approach" In I. Odotei and A. Awedoba (eds) *Chieftaincy in Ghana: Culture, Governance and Development* (Accra: Sub-Saharan Publishers)
- Drah, F.K. [1987] "Aspects of the Akan State System: Pre-colonial and Colonial" In K.A. Ninsin and F.K. Drah (eds) *The Search for Democracy in Ghana: A Case Study of Political Instability in Africa* (Accra: Asempa Publishers)
- Ejisu, A.S. [2007] "Culture, Leadership and Governance in Ghana" In J.R.A. Ayee (ed) *Ghana at 50: Government, Politics and Development* (Accra: Department of Political Science and the Friedrich-Ebert-Stiftung)
- Ferguson, P. and I. Wilks [1970] "Chiefs, Constitutions and the British in Northern Ghana" In M. Crowder and O. Ikime (eds) *West African Chiefs: Their Changing Status under Colonial Rule and Independence* (Ile-Ife: University of Ife Press)
- Frempong, A.K.D. [2006] "Chieftaincy, Democracy and Human Rights in Pre-Colonial Africa: The Case of the Akan System in Ghana" In I. Odotei and A. Awedoba (eds) *Chieftaincy in Ghana: Culture, Governance and Development* (Legon, Accra: Sub-Saharan Publishers)
- Galvan, D. and R. Sil [2007] "The Dilemma of Institutional Adaptation and the Role of Syncretism" In D. Galvan and R. Sil (eds) *Reconfiguring Institutions Across Time and Space: Syncretic Responses to Challenges of Political and Economic Transformation* (New York: Palgrave Macmillan)

- Gayibor, N.L. and A. Aguigah [2005] "Early settlements and Archaeology of The Adja-Tado Cultural Zone" In B. Lawrence (ed) *The Ewe of Togo and Benin* (Accra: Woeli Publishing Services)
- Heuber, S. and D. Veer [2001] "Urban Spatial Management in Kumasi" In K. Adarkwa and J. Post (eds) *The Fate of the Tree: Planning and Managing the Development of Kumasi, Ghana* (Accra & Amsterdam: Woeli Publishing Services & Thela Thesis)
- Jonah, K. [2003] "The Electoral Response of Ghana's Traditional Rulers to Their Subordination and Alienation in Local Governance" In N. Amponsah and K. Boafo-Arthur (eds) *Local Government in Ghana: Grassroots Participation in The 2002 Local Government Elections* (Accra: Livog Ltd)
- Kasanga, K. and G.R. Woodman, [2004] "Ghana: Local Law Making and Land Conversion in Kumasi, Ashanti" In G.R. Woodman, U. Wanitzek, and H. Sippel (eds) *'Local Land Law and Globalisation': A Comparative Study of Peri-urban Areas in Benin, Ghana and Tanzania*. (Munster: Lit Verlag)
- Makang, J. [1997] "Of the Good Use of Tradition: Keeping the Critical Perspective in African Philosophy" In E. C. Eze (ed) *Postcolonial African Philosophy: A Critical Reader* (Oxford: Blackwell Publishers)
- Mitchell, T. [2004] "Society, Economy and the State Effect" In A. Sharma and A. Gupta (eds) *The Anthropology of the State: A Reader* (Oxford; Blackwell Publishers)
- Ninsin, K.A. [1993] "Strategies of Mobilisation under the PNDC Government" In E. Gyimah-Boadi (ed) *Ghana Under PNDC Rule* (Oxford: Anthony Rowe Ltd)
- Ntsebeza, L. [2007] "Land Redistribution in South Africa: The Property Clause Revisited" In L. Ntsebeza and R. Hall (eds) *The Land Question in South Africa: The Challenge of Transformation and Redistribution* (Cape Town: HSRC Press)
- Odotei, I. [2003] "Chieftaincy Politics in Ghana" In O. Vaughan (ed) *Indigenous Political Structures and Governance in Africa* (Ibadan: Sefar)
- Ofei Aboagye, E. [2008] "The Challenge of Decentralization" In B. Agyeman Duah (ed) *Ghana: Governance in The Fourth Republic* (Accra: CDD-Ghana)
- Oquaye, M. [1997] "The Role of Traditional Authority in the Politics and Development of Ghana" In B. de Villiers (ed) *The Rights of Indigenous People: A Quest for Co-existence* (Pretoria: HSRC Publishers)
- Ostrom, E. [1999] "Institutional Rational Choice: An Assessment of the IAD Framework" In P. A. Sabatier (ed) *Theories of the Policy Process* (Boulder: Westview Press)

- Owusu-Sarpong, C. [2003] "Setting the Ghanaian Context of Rural Local Government: Traditional Authority Values" In D. Ray and P.S. Reddy (eds) *Grassroots Governance: Chiefs in Africa and the Afro-Caribbean* (Calgary: University of Calgary Press)
- Ranger, T. [1983] "The Invention of Tradition in Colonial Africa" In E. Hobsbawn and T. Ranger (eds) *The Invention of Tradition* (Cambridge: Cambridge University Press)
- [1993] "The Invention of Tradition Revisited: The Case of Colonial Africa" In T. Ranger and O. Vaughan (eds) *Legitimacy and The State in Twentieth-Century Africa* (London: Macmillan)
- Ray, D. [2003] "Chiefs in Their Millennium Sandals: Traditional Authority in Ghana – Relevance, Challenges and Prospects" In W. Tettey, K.P. Pupilampu and B.J. Berman (eds) *Critical Perspectives in Politics and Socio-Economic Development in Ghana* (Leiden: African Studies Series)
- Seini, A.W. [2006] "The Role of Traditional Authorities in Rural Development" In I. Odotei and A. Awedoba (eds) *Chieftaincy in Ghana: Culture, Governance and Development* (Accra: Sub-Saharan Publishers)
- Sklar, R.L. [2003] "The Premise of Mixed Government in African Political Studies" In O. Vaughan (ed) *Indigenous Political Structures and Governance in Africa* (Ibadan: Sefer Books Ltd)
- Steegstra, M. [2006] "'White Chiefs and Queenmothers in Ghana: Personification of 'Development'" In I. Odotei and A. Awedoba (eds) *Chieftaincy in Ghana-Culture, Governance and Development* (Accra: Sub-Saharan Publishers)
- Van Rouveroy van Nieuwaal, E.A.B. [2005] "Ewe Chiefs and Ewe Legal Traditions in Togo and Benin: The Evolution of Traditional Authority, 1940 -1990" In B. Lawrence (ed) *The Ewe of Togo and Benin* (Accra: Publishing Services)
- Wiredu, K. [1990] "An Akan Perspective on Human Rights" In A. A. Abdullahi and F. Deng (eds) *Human Rights in Africa: Cross-Cultural Perspectives* (Washington DC: The Brookings Institution)
- Wolcott, H. [1988] "Ethnographic Research in Education" In R. Jaegger (ed) *Complementary Methods for Research in Art Education* (Washington, DC: American Education Research .Association)
- Wright, C. [2003] "What Role for Traditional Leadership in The 'Pluralistic State' in Africa" In D. Ray and P.S. Reddy (eds) *Grassroots Governance: Chiefs in Africa and the Afro-Caribbean* (Calgary: University of Calgary Press)
- Yankson, P.W.K. [2000] "Decentralisation and Traditional Authorities in Ghana" In W. Thomi, P.W.K. Yankson and S.Y. Zanu (eds) *A Decade of*

- Decentralisation in Ghana: Retrospect and Prospects* (Accra: EPAD Research Project/Ministry of Local Government and Rural Development)
- Zips, W. [2003] "‘We Rule the Mountains and They Rule the Plains’: The West African Basis of Traditional Authority in Jamaica" In D. Ray and P.S. Reddy (eds) *Grassroots Governance: Chiefs in Africa and the Afro-Caribbean* (Calgary: University of Calgary Press)

## Unpublished Materials/Theses

- Agyemang Duah, K. [2005] 'Elections and Electoral Politics in Ghana's Fourth Republic' (Critical Perspectives 18, CDD-Ghana, Accra)
- Albert, I.O. [2006] "From 'Owo Crisis' to 'Dagbon Dispute': Lessons in the Politicization of Chieftaincy Disputes in Modern Nigeria and Ghana." (A paper presented at the 15th Annual Africa/Diaspora Conference at California State University, 27th-29th April, Sacramento, USA)
- Allman, J. [1987] "The NLM and the Asante Struggle for Self-Determination, 1954-57" (PhD Dissertation, Northwestern University)
- Amenumey, D.E.K. [1964] "The Ewe People and the Coming of European Rule" (M.A. thesis, University of London)
- Amissah, S.B., R.K. Kasanga and A.R. Edmundson [1990] "Report on Land Management in Ghana" (Prepared for the Environmental Protection Council, Accra Ghana)
- Ayee, J.R.A. [2000] "Chieftaincy and the New Local government System" (Paper Presented at a Symposium on 'Chieftaincy and Modern Politics', on June 7, Institute of African Studies, University of Ghana, Legon)
- Brown, D. [1977] "Politics in the Kpandu Area of Ghana, 1925,-1969. A Study of the Influence of Central Government and National Politics upon Local Factional Competition" (PhD Thesis, University of Birmingham)
- CDD-Ghana [2009] "Popular Attitudes toward Democracy in Ghana: A Summary of Afrobarometer Indicators, 1999-2008" (Afrobarometer Briefing Paper No. 51, CDD-Ghana, Accra)
- [2008] "Popular Opinions on Local Government in Ghana" (Afrobarometer Briefing Paper No. 52, CDD-Ghana, Accra)
- [2005] "Sustained Support for Democracy in Ghana" (Afrobarometer Briefing Paper No. 18, CDD-Ghana, Accra)
- [2001] "Governance, Democracy and Development in Africa: A Cultural Approach." (International Conference on the Cultural Approach to Development in Africa, 10-14 December, Dakar)

- Crook, R. [2005] "The Role of Traditional Institutions in Political Change and Development" (CDD-Ghana/ODI Policy Brief No. 4, CDD-Ghana, Accra)
- Dzivenu, S. [2006] "Traditional Mechanisms for Conflict Resolution among the Anlo Ewes." (M.Sc. Res. Dissertation, University of Edinburgh)
- ECA [2005] "Striving for Good Governance in Africa" (Synopsis of the 2005 African Governance Report, Prepared for the African Development Forum IV, Economic Commission for Africa)
- Edusah, S. E. and D. Simon [2001] "Land Use and Land Allocation in Kumasi Peri- Urban Villages" (CEDAR/IRNR paper No. 9, Kumasi)
- EUEOM [2009] "Ghana Final Report: Presidential and Parliamentary Elections in 2008" (European Union Election Observation Mission, Accra)
- Fiawoo, K. [1959] "The Influence of Contemporary Social Changes on Magico-Religious Concepts and Organisation of the Southern Ewe-Speaking People of Ghana" (Ph.D Thesis, University of Edinburgh)
- Gyimah-Boadi, E. and K. A. Awuah Mensah [2005] "The Growth of Democracy in Ghana despite Economic Dissatisfaction: A Power Alternation Bonus?" (Afrobarometer Paper No. 28, CDD-Ghana, Accra)
- Handley, A. [2008] "The World Bank Made Me Do It? International Factors and Ghana's Transition to Democracy" (CDDRL Working Papers No. 82, Stanford)
- Hountondji, P. (ed) [1997] "Endogamous Knowledge: Research Trails" (CODESRIA, Dakar)
- Issacharoff, L. [2010] "Keeping the Peace in a Tense Election: Ghana, 2008" (Innovations for Successful Societies, Princeton University)
- Knierzinger, J. [2009] "The Chiefs of Development: Local Development and Local Government in Ghana" (Masters Thesis, University of Wien, Germany)
- Kyed, H. [2007] "State Recognition of Traditional Authority- Authority, Citizenship and State Formation in Rural Post-War Mozambique" (PhD Dissertation, Roskilde University Centre)
- Mahoney, M. [1998] "Between the Zulu King and the Great White Chief: Political Culture in the Natal Chiefdom, 1879-1906" (PhD Dissertation, University of California, Los Angeles)
- NDC [2008] "NDC Manifesto for a Better Ghana: Investing in People, Jobs and the Economy" (NDC Head Office, Accra)
- NPP [2008] "NPP Manifesto 2008 Elections - Moving Ghana Forward- Building a Modern Ghana" (NPP Headquarters, Accra)

- Pottier, J. [2005] "Land Tenure and Land Reform in sub-Saharan Africa: Towards a Land Reform Agenda in African Centre for Technology Studies (ACTS)" (Report of the Conference on Land Tenure and conflict in Africa: Prevention, Mitigation and Reconstruction, December 9- 10, Nairobi: ACTS Press)
- Ribot, J.C. [2001] "Local Actors, Powers and Accountability in African Decentralizations: A Review of Issues" (A paper prepared for International Development Research Center, Canada)
- Skalník, P. [2005] "Chieftoms on the March: Towards a New Indirect Rule in Africa" (Paper Presented to Conference on 'Beside the State: New Forms of Political Power in Post-1990s. Africa', December 15-16, Milan)
- Tsikata, D. and W. Seini [2004] "Identities, Inequalities and Conflicts in Ghana" (Paper Presented at the Regional Workshop of the Centre for Research on Inequality, Human Security and Ethnicity [CRISE], April 22-24, University of Ibadan)
- Twum, S. [2004] "Integrating Traditional Courts into the Judicial System of Ghana" (Paper Read at National Governance Workshop 7 organised by the National House of Chiefs and the National Governance Programme in Collaboration with The UNDP, October 27-29, Kumasi)
- Ubink, J.M and J. Quan [2006] "Land, Chiefs and Custom in Peri-Urban Ghana" (Paper for the International Conference on 'Land, Poverty, Social Justice and Development', ISS and ICCO, January 12-14, The Hague)
- Van Rouveroy van Nieuwaal, E.A.B. [2005] "West African Chieftaincy or How I Became Mr Chiefs" (Presentation at the SEF International Symposium on 'Between Overload and Self-Interest? The Role of Non-State Actors in Fragile States', December 1-2, Deutsche Welle (DW), Bonn)
- Ward, B. E. [1949] "The Social Organisation of the Ewe-Speaking People" (M.A. Thesis, University of London)
- Wilks, I. [1970] "Political Bi-Polarity in Nineteenth Century Asante" (Centre of African Studies, Edinburgh University)

# APPENDIX

## SELECTED INTERVIEW LIST\*

ACP K.D. Addae (Divisional Police Commander, Hohoe), 22nd December 2008.

Dr Henry Daannaa (Director of Research, Ministry of Chieftaincy and Culture, Accra), 19th January 2009.

Hon Jacob Hayibor (MP, Hohoe North Constituency) 9th April, 2009.

Insp Mohammend Tanko (Ashanti Regional Police Command), 10th February, 2009.

Mamaga Dewotonyo (Paramount Queenmother of Gbi), 15th July, 2008.

Mr Agyekumhene Amankwa (Budget Officer, KMA), 13th February, 2009.

Mr Alexander Essien (Director of Research, National House of Chiefs, Kumasi), 5th February, 2009.

Mr C.M.A Gedzeve (Elder and Pensioner, Hohoe), 9th April, 2008.

Mr Collins Adusei (Registrar, Kumasi Traditional Council, Kumasi), 21st October, 2008.

Mr Kwame Djan (Lecturer, Faculty of Law- University of Ghana) 26th October, 2008.

Mr Oppong (National House of Chiefs Court Clerk), 21st October, 2008.

Mr Owusu Boateng (Asantehene's Chief of Staff), 14th August, 2008.

Mr S.R. Tekyi (Chief Registrar of the National House of Chiefs), 5th February, 2009.

Mr William Meledi (Coordinating Director, HMA), 10th December, 2008.

Mrs Emelia Botchway (Deputy Director 1, KMA), 13th February, 2009.

Mrs Jemima Asare (Relations Officer, KMA), 13th February, 2009.

Nana Adusie Opoku (Akyempimhene, Kumasi), 14th August, 2008.

Togbe Adzima (Chief of Gbi-Abansi), 26th October, 2008.

Togbe Gboho (Elder and Chief of Gboxome), 11th September, 2008.

Togbe Tepre Hodo (Fiaga of Anfoega), 9th September, 2008.

Togbega Gabusu VI (Fiaga of Gbi and ex-President of the Volta Regional House of Chiefs), 15th July, 2008.

*\* The names of respondents listed here are those who have given consent for their names to be used for the purpose of writing this thesis.*