

Full Length Research Paper

A qualitative study of Chieftaincy and Local Government in Ghana

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It is widely argued that chiefs do not play any meaningful role in local government in Ghana as they used to; since there is an existing structure which is responsible for local governance in Ghana. In recent times, this debate has been raging on ferociously to the extent that people want the chieftaincy institution to be abolished. This qualitative study uses the institutional framework to assess the role of chiefs in local government. The article found that chiefs play a critical role in socio-economic and cultural development in Ghana and should be given a prominent role in local government administration in Ghana.

Key words: Chieftaincy institution, local government, administration, socio-economic, cultural development in Ghana.

INTRODUCTION

The institution of chieftaincy is of tremendous importance to local government in Ghana, particularly, in the area of socio-economic development. The institution is the embodiment of our rich culture, agent of development, and catalyst of change which must be maintained. Unfortunately, most people hold the view that the rampant chieftaincy disputes hamper progress and for that reason the institution is of no relevance in local government. It is argued that many post-independence African governments saw chiefs as impediments to modernization and nation-building, and tried to curtail their role in local government and national politics (Kyed and Buur, 2005; Sharma, 1997). It is further argued that some chiefs use their stools to enrich themselves instead of using them to improve the living conditions of their subjects while others these days do not perform their traditional function as chief commanders during wars as they used to do. Those who argue along these lines assert that the hitherto dignity attached to the chieftaincy institution has been adulterated and undermined, for this reason they should not be given any place in the administration of local government in Ghana.

REVIEW OF LITERATURE

For a meaningful discussion of the topic, it will be beneficial to start by considering the historical

development of chieftaincy institution in Ghana and the concept of local government. This will help us to adequately analyze and discuss the subject under consideration.

The concept of chief is defined as a “person elected or selected in accordance with customary usage and recognized by the government to wield authority and perform functions derived from tradition or assigned by central government within specified areas” (Arhin, 1985). A significant feature of this definition is the emphasis placed on selection based on the tradition of the locality or community and recognition by government. This link between tradition and government is necessary as it can foster harmonious relationship between government and chieftaincy institution. This definition has now become even more important in an era where chiefs are required to co-operate with government so as to bring the much-needed development to their jurisdictions. This indeed, means that chiefs have to lobby governments in order to bring such development projects to their communities. This explanation does not necessarily mean that chiefs should ‘en-stool’ or ‘de-stool’ chiefs; what this definition seeks to achieve is to ensure an appropriate collaboration between government and chiefs.

Article 27 of the 1992 Republican Constitution defines a chief as “a person who hailing from the appropriate family and lineage, has been validly nominated, elected or selected and enstooled, en-skinned or installed as a chief

or queen mother in accordance with the relevant customary law and usage.” An essential element of this definition is that, chieftaincy is directly linked to a family, hereditary or appropriate lineage. A missing element in this definition is its failure to recognize the role of government in chieftaincy issues, unlike the definition given by Arhin (1985).

It is appropriate to note that administrative or professional terms like chief director, chief engineer, chief consultant, chief inspector, chief justice and chief architect are not covered by the definition of a chief within the 1992 Republican Constitution of Ghana (Brobbeey, 2011). The role of chiefs in the administration of local government dates back to colonial period. During the Indirect Rule era, the British used decentralized structures through native administrative institutions to facilitate local participation. Distinguished chiefs played a prominent role in the administration of local government by maintaining law and order, collecting taxes, settling disputes and managing socio-economic development.

Under Nkrumah, in 1954, he excluded the chiefs from the local councils and in 1958, he abolished their courts. He retained the constitutional power of the colonial authorities to recognize chiefs, that is, make and unmake chiefs. He took over the administration of the stool lands, and put them in charge of the local councils. In the rural areas, the chairmen of the local branches of the Convention People's Party (CPP), (Dr. Nkrumah's political party), became chairmen of the town development committees and, in certain cases, suspended the chiefs' authority and influence. The regional and district Commissioners, like their British predecessors, became makers and un-makers of chiefs. There was a popular saying that Dr. Kwame Nkrumah was alleged to have said that “chiefs would run away and leave their sandals behind.” The effect of it all was to turn the chiefs into pawns in the political arena. It must be noted, however, that credit must be given to Dr. Nkrumah as he passed the first Chieftaincy Act in 1961, in which he streamlined some of the powers of the chiefs.

The 1969 Republican Constitution of Ghana, not only re-established the Regional Houses of Chiefs but also the national House of Chiefs with additional functions. They were to undertake the study, codification and unification of customary laws which would include marriages, divorce and inheritance and they were also given two-thirds of the seats in local councils and a third of the seats in districts councils. The 1969 Constitution did not remove the government's power to make and un-make chiefs which contained the greatest threat to the institution. The 1978 Draft constitution removed the threat of de-recognition which has hung over even the most powerful chiefs and prevented the wisest of them from playing the role of independent arbitrators between government and people in times of crises. The 1979 Constitution provided that the institution of chieftaincy together with its traditional councils as established by

customary law was guaranteed. Accordingly, Parliament had no power to enact any legislation which (a) “confers on any person or authority the right to accord or withdraw recognition to or from a chief; or (b) in any way detracts or derogates from the honor and dignity of the institution of chieftaincy.” The 1979 Constitution therefore guaranteed the independent of chieftaincy in a manner unprecedented in the political history of Ghana.

The 1992 Constitution seems to present a conflicting attitude to the role of chiefs in our modern politics. While it seeks to exclude chiefs from effective or formal exercise of political power of any sort, at the same time provisions are made to consolidate the continued existence of chiefs. By articles 270 and 290(1) (p) of the Constitution, chieftaincy is entrenched. Article 270(1) guarantees the institution of chiefs and its traditional councils and also Article 270(2) (a) provides that Parliament shall have no power to enact any law which confers on any person or authority the right to accord or withdraw recognition to or from a chief for any purpose whatsoever. There is an interesting paradox in Article 276 (1) to the effect that: “A chief shall not take part in active party politics and any chief wishing to do so and seeking election to Parliament shall abdicate his stool or skin.” Article 242(d) provides that the President has to consult traditional authorities who happen to be chiefs in appointing members to District Assemblies. The 1992 Constitution clearly paints a contradictory picture.

Having given a broad historical development of chieftaincy institution, the next relevant issue to consider is the concept of local government. There is no precise definition of the concept of local government. Bryne (1981), for example, defines it as “self-government involving the administration of public affairs in each locality by a body of representatives of the local community. Although subject to the central government in many ways, it poses a considerable amount of responsibility and discretionary power.”

To Barratt (1946), local government is “the regulation in particular localities of matters primarily of local importance by locally elected bodies raising the money necessary for their activities by the imposition of local taxes and generally subordinate to the central government.” In the words of Clarke (1960), “local government is that part of the government of a nation or state which deals with such matters as concerned the inhabitants of a particular district or place, and which it is though deniable should be administered by local authorities subordinate to the central government.”

Mawhood (1993) put it as “the centrally directed hierarchy of public administration, it is normal practice to shift outwards geographically the power to make certain type of decisions by field officers, the universally agreed description for this delegated authority is decentralization. Barber (1969) sees local government as the “authority to determine and to execute matters within a restricted area, inside and smaller than the whole state.” Awa (1981) also

argues that local government “is the political authority set up by a nation or state as a subordinate authority for the purpose of dispersing or decentralizing political power”. Wraith (1984) also defines local government as “the act of decentralizing power, which may take the form of de-concentration or devolution.” De-concentration involves delegation of authority to field units of the same department. Devolution on the other hand, refers to the transfer of authority to local government units or statutory bodies such as state enterprises.

Local governance comprises a set of institutions, mechanisms and processes, through which citizens and their groups can articulate their interests and needs, mediate their differences and exercise their rights and obligations at the local level, capacity of local actors across all sectors, multiple flows of information, institutions of accountability, and a pro-poor orientation. It requires partnership between local governmental institutions, civil society organizations and private sector for participatory, transparent, accountable and equitable service delivery and local development (UNDP, 2004). Local government’s role is thus concerned with, in Easton’s (1953: 129) terms “the authoritative allocation of values,” or in Lasswell’s (1936: 71) language “who gets what, when and how?” The values of local government stems from its three attributes (Widdicombe, 1986) of:

- (a) Pluralism through which it contributes to the national political system;
- (b) Participation, through which it contributes to local democracy;
- (c) Responsiveness, through which it contributes to the provision of local needs through the delivery services.

Local authorities are thus the political sub-units of government, which are constituted by law and are controlled by council members who are either wholly or partly elected locally and which are authorized by statute to pass bye-laws having a social application, to levy local taxes and, in general, to exercise substantial control over local affairs. Bryce also summarizes the importance of local government as ‘the best school of democracy and the best guarantee for its success is the practice of local self-government.’

Having given a broad conception of local government, the next relevant issue to consider is the historical development of chieftaincy institution in Ghana.

RESEARCH DESIGN AND METHODOLOGY

This empirical study was conducted by analyzing and critically examining the relevant data from primary as well as secondary sources. The collection of primary data includes interviews, discussion and observation, while the secondary sources include published and unpublished materials. A sample size of 200 was drawn by using the convenience-cum-judgmental sampling method, because it is least time consuming, of all sampling techniques. The informants were approached in their respective villages and towns

in Amansie West and East Districts of Ashanti Region in Ghana. The participants include some chiefs, some unit committee members, some religious leaders, some family heads, teachers and some individuals in those districts. The sample method was devised so as to ensure adequate representation for the entire population with regard to chiefs and local government administration.

Theoretical framework-institutional model

This study is conducted through the lens of institutional framework. This framework is used because it is quite plausible and is consistent with the literature in public administration. The institutional structure achieves such importance, because it is the vehicle through which the basic purposes and values a society wishes to pursue through local government are carried out. Theories of democratic government, including those of local democratic government that are embedded in institutions designed to carry out these values. It is presumed that, institutions matter; that is political and policy outcomes will differ as institutional structure differs (Judge et al., 1997).

Institutions are defined and classified according to some basic components such as: their morphology (Darbel and Schnapper, 1972), or their degree of development (Riggs, 1971). Public management is not defined as the art of designing formalized structures aimed at regulating performance and coordinating behaviors. Basically, it deals with the way participants are influenced, transformed and completed by informal structures. The state does not act as a neutral agent elaborating consensual compromises. It looks like a complex set of differentiated institutions, as underlined by neo-Marxist (Katzensstein, 1978; Evans, 1985) or pluralist scholars (Dupuy and Thoenig, 1985). A consideration of theories of local government institutions has both a normative and an empirical component. Normatively, the concern is with the appropriate values to be pursued through local government institutions; empirically the question is whether governmental institutions, in fact, promote these values to be pursued, or more broadly, what is the relationship between structure and values (Judge et al., 1997). One such value of local government in Ghana is the chieftaincy institution. The theory contributes to our appreciation and understanding of an institutional phenomenon like chieftaincy. This approach takes into consideration the key role played by various organizations and institutions which influence chieftaincy institution, namely; government, municipal chief executives, unit committees, religious leaders, family heads, and assembly men.

FINDINGS AND DISCUSSION

Discussions with informants reveal that, only few informants agree with the contention that chiefs and chieftaincy as a whole have outlived their usefulness and for that reason should not participate in the administration of local government in Ghana. Majority of the informants believe that chiefs play important role in local government some of them fall within the parameters of economic development, dispute resolution, legislative, judicial, religious, and cultural functions. Some of the informants assert that constitutional crises bordering on the ‘enstoolment’ and ‘destoolment’ of certain chiefs have made it difficult for chiefs to play a prominent role in local government. They further argue that ‘enstoolment’ and ‘destoolment’ of chiefs have always set one section of a traditional area against the other and this has made

co-operation between factions difficult. It could be inferred from this explanation that crisis of this nature could militate against the smooth administration of districts. Again, winning the maximum goodwill and co-operation of the communities in which these chieftaincy problems exist could become a serious impediment to developmental efforts.

Some informants also agree that the influential role of some chiefs in the sighting of headquarters of some Districts and Municipal Councils have led to major disputes in the districts and municipal councils. As observed such disputes, arose when people were divided because government had acted contrary to their expectations; that the headquarters of a particular district or municipal council have not been established in their area. It could be argued that, where these disputes have arisen, government has been compelled to split their council area into two, each with its headquarters, contrary to the original intention of government. Under such circumstances, not only is the area of authority of the council minimized, but the ability to raise much revenue in support of the much needed development is seriously undermined and suffocated. Added to the problem of revenue generation, is the problem of staffing as well as the problem of providing residential accommodation.

A few informants reveal that the practice of some chiefs, for example, to demand huge amount of money for themselves, an offer of sheep or goat, a brand new car and expensive drinks before they release lands for development projects negatively affect development programmers, thereby affecting the ability of the chiefs to play a responsible role in the administration of local government.

It was also observed that the chief by virtue of his location in the power structure of the colonial apparatus was considerably better placed than today. His subjects do not normally render the kind of services which they used to render some years ago. The chief, like everybody else, has been caught up in the web of global economic deterioration. This economic deterioration has worsened the economic plight of most chiefs and consequently has negatively affected the economic status of some chiefs. The chief now has to seek government favor in order to survive the current economic hardship and also to meet some of the economic needs of their subjects.

Majority of the informants agree that chiefs should have greater role in the administration of local government in Ghana. They explain that a chief by the virtue of his position performs interpersonal roles, informational roles and decision making roles; he serves as a leader in his community. The chief attends important meetings and ceremonies on behalf of his subjects. He performs liaison role by relating to others outside his jurisdiction, he acts the role of an information disseminator by transmits information to his subjects. The chief also serves as a spokesperson for his community and the outside world. It was observed that the decision-making role of the chief is

indispensable. He initiates change, introduces innovations and strategies for the development of the community. As a disturbance handler, he settles disputes between various parties in his communities. This is consistent with the studies of Boafo-Arthur (2003), Lutz and Linder (2004) which show that customary courts are said to be popular and often resorted to as they are easily accessible, cheap, fast and comprehensible. It was also established that the chief's negotiating role is equally important as he represents his community in reaching agreements with other parties. These roles buttress the point that the chief has an essential role to play in local administration.

Clearly, it must be stated that the governing of localities in the country will be difficult if left only in the hands of the central and local government executives without the assistance, encouragement and support of the chiefs in the country. It is therefore not an exaggeration to state that without effective participation by chiefs, it will be difficult on the part of the central government to deliver the development programmers as spelt out in its agenda. The traditional authorities have always been aware of the need for those who wield political authority, to enjoy the enthusiastic support of the men and women over whom they exercise power. This support can be obtained if chiefs who are close to the people are given the necessary recognition and encouragement in order to discharge their local government responsibilities. Thus from time immemorial, traditional authorities in this country have always encouraged and invited the participation of the subjects in matters that concerned them.

The chiefs and the council of elders decide on the type of development projects and in what order of priority they should be undertaken. This having been done, a drum is beaten to summon all the people in the area to a meeting place where the decision of their representative is made known to them. As a result of the meeting, everyone is convinced about the need for a particular action to be taken; there all put their hands on deck to get the goods delivered.

Traditional authorities also feature prominently on the agenda and forums of international organizations. A case in point is the World Bank's 'Promoting partnerships with traditional authorities' project' in Ghana. Under this project the World Bank provides a US\$5 million grant directly to two traditional authorities in Ghana, the Asanteman Council and the Akyem Abuakwa Traditional Council, bypassing the Ghanaian government. The project aims to enhance the standards of health and education in the traditional areas, and includes goals of strengthening the capacities of traditional authorities and upgrading the financial and management capabilities of the traditional councils and their secretariats (World Bank, 2003a). The chief traditionally plays an important role in the administration of his people. As the custodian of the spiritual and traditional norms of the people, he

wields tremendous power over the people in his traditional area. The chief organizes and mobilizes his people, and assists in disseminating the message of the district assembly programmer to his people. He ensures that people of integrity, moral uprightness, resourcefulness with implementable ideas emerge to contest elections, and will truly represent the people. It is worthy of note that, a great majority of Ghanaians, especially those who live in rural areas relate more easily to traditional authorities than to local councils. In case of emergency situations or natural disasters, the chief's palace is the first point of call. The National Disaster Management Organization (NADMO) is not located throughout the country, but in some few cities in the country, coupled with inadequate logistics. The chief becomes a mobilizing force to gather people and other resources to address any calamities resulting from any emergency situation. People in the rural areas look up to traditional authorities for leadership, and when the type of leadership they expect is forthcoming chieftaincy becomes central to the lives of the people.

Conclusion

The recognition of the chiefs in the administration of local government is amply demonstrated in the Constitution of the Fourth Republic of Ghana Law, 1992, (255). This article provides the establishment of a Regional Coordinating Council in each region, which consists of:

- (a) The Regional Minister and his deputy or deputies;
- (b) The Presiding Member and the District Chief Executive from each district in the region;
- (c) Two chiefs from the regional House of Chiefs; and
- (d) The Regional Heads of decentralized ministries in the region as members without the right to vote.

The Constitution provides for mandatory appointment to the Council of State. Article 89 (2b) provides that the President of the National House of Chiefs should be a member of the Council of State, the highest advisory body to the President.

Unfortunately, some people hold the view that the hitherto dignity of the chief and his role in local governance has whittled down. This perception is erroneous as the chief's role in local governance has now become even more crucial in the current democratic dispensation. The traditional authorities now have in their ranks men of diverse professional backgrounds such as medical doctors, lawyers, professors, engineers and successful businessmen. In fact, the whole institution of chieftaincy is enriched by men who, before they became chiefs, were at the top of their professions and organizations of all types. They have proved to be competent personnel who are capable of organizing men, material and money to achieve predetermined ends to

satisfy the developmental needs of their subjects. Chiefs constitute a force in the administration of local government as they play a crucial role in it, and they constitute the really effective government in the rural areas. They decide on the type of development projects to be undertaken; they are the custodian of the spiritual and tradition norms of the people; people relate more easily to chiefs than government officials and they have the think-tank to spearhead development programmers. As a solution to the problems relating to chieftaincy disputes which people often cite to support its abolition, Ghanaians wherever they may be must think of themselves as one people with a common destiny and efforts must be made to reduce such disputes to the barest minimum. The government must also be tactful about how it handles problems concerning the sighting of district headquarters and chieftaincy disputes.

To secure the independence of the chiefs so as to enable them to perform their duties properly, they must have adequate resources for development and also be adequately compensated for the services rendered to the community. The chief should be allowed to levy, subject to the consent of his people, acting through the chiefs' council, a certain amount of money for development projects. The chiefs perform critical roles for the socio-economic development of their subjects, therefore they must be adequately remunerated like the way District Chief Executives and members of parliament are rewarded.

RECOMMENDATIONS

In sum the study finds that chiefs play a critical role in the administration of local government in Ghana. Van Rouveroy van Nieuwaal (1997: 7) concludes that "chieftaincy has re-emerged as an important vehicle for more or less authentic indigenous political expression" against the background of the "comparative failure of the African state" to bring about democracy and development. These states were, according to him, often led by "greedy and violent political elites within and without Africa." It is therefore appropriate that due recognition is given to the chieftaincy institution considering the significant role they play in their jurisdiction. The statement by Assimeng (1981) is apt here "the influence of the chief so permeates the whole fabric of social life in the rural communities that if only a purposeful effort had been made to give it a modern outlook, chieftaincy would have played a more useful role in the life of the nation."

It is recommended that some form of substantive remuneration must be given to the chiefs by the Government from the District Assembly Common Fund. As it stands now, the 1992 Republican constitution bars chiefs from partisan politics; it is recommended in this study that this provision should be reviewed to allow

them to participate in partisan politics. Clearly, most of the chiefs are already quietly indulging in partisan politics, yet the majority of them who wish to overtly play partisan roles in their respective political parties are not doing so because of the constitutional provision which bars them from partisan politics. This provision is considered as an infringement on their fundamental human rights, and the situation must be reversed.

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