

The role of traditional institutions in political change and development

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Why traditional institutions?

Among development practitioners, there is growing interest in the search for more 'authentic' and socially embedded civil society actors. Renewed interest is being shown in whether locally-based traditional institutions match this description, given their continuing importance in respect to local justice, land and community development activities. This paper looks at the role of traditional institutions, especially chiefs, in Ghanaian society and politics. It asks what kind of contribution they might make to the strengthening of civil society and to democratic demands for better government.

The main arguments of the paper are:

1. Traditional institutions and leaders in Ghana remain a very significant element in society which cannot be ignored. But they vary enormously across the different cultures and localities of the country, and it is difficult to formulate policies or approaches which would be of general validity.
2. Chieftaincy in particular is a contested and a highly political institution, because of its associations with authority and power, and as a result of its politicisation by successive governments and parties. It cannot be treated simply as a 'civil society' group.
3. Extreme caution should therefore be exercised in respect of policies which might encourage a renewal of official participation by chiefs in political life or government. The

undoubted contribution that some chiefs make to local development efforts should continue to be structured by informal and community-based mechanisms.

4. On the other hand, their role in land administration is so important that it does need to be more regularised and regulated.

The role of traditional institutions in modern Ghana

What are traditional institutions? In this paper, the phrase refers to all those forms of social and political authority which have their historical origin in the pre-colonial states and societies, and which were incorporated by British colonial rule into what is now Ghana. On this definition, traditional institutions are very varied. Although indigenous in origin, they have changed in many ways during the colonial and post-colonial periods. They are living institutions, not museum pieces.

At one extreme, some Ghanaian societies had extremely hierarchical, militarised forms of kingship or chieftaincy. These varied according to how the rulers were chosen.

Amongst the Akan peoples of southern Ghana, for instance, the Asantehene was once the ruler of an empire which dominated most of southern Ghana and its eastern and western borderlands. Today, he is the leader of a traditional state, which is also an administrative Region, inhabited by over two million people. He commands the allegiance of a group of paramount chiefs who rule the federated Asante states (*aman*) in a hierarchy which is replicated down to the village chief level.

Although the Asante king's office is hereditary, in that he must come from a royal matrilineage, he is chosen by a group of 'kingmakers' in a very competitive process from among a potentially large number of candidates. He can be removed (destooled) if the kingmakers deem him to have breached his oaths of office, although this is not an easy process, and frequently provokes violence. This model of Akan kingship can be found throughout southern Ghana, from communities which rival Asante in scale, such as Akyem Abuakwa, to groups of a few small towns.

In the northern regions, states such as Mamprugu, Dagbon and Gonja also have kingship. But here kings are chosen

according to patrilineal succession, and they practise much more authoritarian forms of rule over sub-chiefs and subjects.

At the other extreme, many societies in Ghana (in the northern regions or Trans-Volta-Togoland) traditionally did not have chiefs but were loosely linked segmentary lineage systems, upon whom chiefs were often imposed by the British. Authority was held by the 'land priests' (*tindaana*), chosen from the original or founding lineages of the settlement. Others could be called 'village republics'.

Traditional forms of landholding also vary enormously in Ghana. The main contrast is between those societies where political jurisdiction and control over land are linked, and those where the ultimate land owners (holders of the 'allodial title') are families. In the former case, the royal families or chiefs claim custodianship of the land on behalf of the whole polity. Peoples such as the Ga and Ewe are in the second category. In most of the northern areas, even where there are powerful chiefs, land is managed by the *tindaana*

In short, although in the major cultural clusters of Ghanaian society, kingship or chieftaincy is the dominant form of traditional authority, there are significant 'cultural minorities' for whom hierarchical chieftaincy is not really traditional.

Why is chieftaincy still so important in Ghana?

Since independence, chiefs have lost virtually all the formal governmental, judicial and land-revenue management roles they had under colonialism. Nevertheless the status and autonomy of chiefs is guaranteed under the 1992 Constitution and chiefs remain a significant force. Their continuing influence rests upon the following economic, socio-cultural and political factors:

- ***Control over land.*** Most land holders in Ghana hold their land through forms of 'customary tenure'; access to, and use of, land is still controlled or managed in practice (even if not legally) by chiefs, family heads or – in the northern regions – *tindaana*. In the big cities of the south, such as Kumasi and Accra, this has become an especially important source of chiefly power, and it is also highly significant in peri-urban and commercial farming areas (e.g. cocoa land).
- ***Family wealth.*** The most important chiefs of the larger pre-colonial states became a wealthy 'neo-traditional elite' during the colonial period, creating dynasties of wealth and influence.

- ***Cultural leadership.*** Chiefs and other traditional leaders embody deep cultural values and practices, e.g. the cult of ancestors, fertility of the land, taboos, festivals etc.
- ***Political representation of the community and community identity.*** This role has led to the frequent involvement of chiefs in party politics, either as 'brokers' for the mobilisation of support, or as powerful actors in their own right.
- ***Duty to work for the progress of the community.*** The material progress of a community, and the maintenance of its peace and unity, are seen as the principal duties of a chief. This is embodied, where a community is united, in the chief's role as symbolic leader and patron of development/youth/hometown associations.

Chieftaincy, traditional leadership and politics

Although for all these positive reasons traditional leadership survives, it should not be romanticised. Chieftaincy is in fact a highly contested and politicised institution. Not all elements in Ghanaian society see it as legitimate or are prepared to allow it more than symbolic or ritual functions. Even where the legitimacy of traditional leaders is not challenged, their mode of selection and the way they carry out their functions often generate deep local conflict. The reasons are:

- ***The colonial legacy.*** Chiefs are still seen as embodying governmental authority, because of the legacy of colonial Indirect Rule policies. Chiefs were a major element in colonial government, both at the local level (Native Authorities) and in central institutions such as the Joint Provincial Council.
- ***Youth associations and local opposition to chiefs.*** Partly because of its role in colonial government, chiefly power was a focus for local opposition from traditional organisations of commoners and warriors such as the Akan *asafo* companies. This form of local politics continues today in the form of the 'youth association', which in its developmental role both seeks the support and judges the performance of local chiefs. These local associations are easily – and frequently – politicised.
- ***The role of chiefs as a continuing issue in party politics.*** Beginning in the 1940s, the Convention Peoples Party (CPP) – the dominant nationalist party – led a campaign against the chiefs which drew support from local youth groups and

opportunistically exploited local factions. Hostility to the power of the chiefs survives within the CPP and post-CPP ‘radical’ political traditions. The chiefs were and are defended by the parties of the Danquah-Busia tradition, of which the New Patriotic Party (NPP) is the latest manifestation. Many of the big chiefs associated with the NPP are now demanding the repeal of CPP and later legislation relating to land management and revenue, and local government.

- *The interpenetration of local, traditional disputes and national politics.* Over the past 55 years, party and electoral politics have contributed significantly to a process in which local disputants seek support from national level patrons, whilst national parties seek electoral advantage by engaging with local factions. This has intensified the political character of chieftaincy disputes and ethnic rivalries. Particular chiefs are routinely associated with rival party traditions. But these disputes go beyond electoral or party considerations. In the most politically significant cases, such as the 60-year dispute over the succession to the Dagbon ‘Skin’ (throne), representatives of local factions have ‘captured’ the support of central government and its machinery. This has happened even under military governments which have little interest in electoral logic. A fuller analysis is given in Box 1.

Unresolved policy issues

Policy debates continue about the role of chiefs in the reform of land administration, in local government and in regard to their participation in both community-based and regional or national forms of collective action. We outline the issues and then discuss some of the policy options in the final section.

Land administration. The current Land Administration Programme (LAP) is based on a general consensus that land transactions and urban planning in Ghana need urgent reform. In both the rural and urban areas, chiefs still in practice control allocations of ‘customary’ land under various forms of tenure, including what are in effect leasehold sales at market rates of residential and commercial building plots. In addition, the ineffectiveness of government land agencies means that building developments are sanctioned in practice by chiefs.

Box 1: The Dagbon Skin Dispute

For the past forty years, disputes over who should be the Ya Na (King) of Dagbon have involved local factions attempting to capture the support of national political leaders. In many cases, actual faction members have been incorporated into national governments.

Traditionally, the succession to the Yendi ‘Skin’ was vested in the descendants of two royal ‘gates’, Abdu and Andani. Kings were chosen more or less alternately from the two Gates by a group of ‘soothsayers’. Between 1948 and 1967, Abudus occupied the Skin, and became associated with the anti-CPP Danquah-Busia parties. A Legislative Instrument passed by the CPP government in 1960 recognised the principle of rotation between the Gates and provided that the next two Ya-Nas should be Andanis to make up for the previous exclusions. However, after the overthrow of the CPP in 1966, the Deputy Commissioner of Police, Yakubu, who was a son of the next Abudu candidate, became a member of the military regime (the NLC). The NLC abrogated the 1960 legislation but was itself divided between pro- and anti-Abudu factions. It was only after the election of Busia’s Progress Party government (1969-72) that an Abudu was put on the Skin – after troops had forcibly evicted the Andani Ya-Na from the palace.

Subsequent changes of regime following the overthrow of Busia by General Acheampong in 1972 brought the Andanis to power. Jerry Rawlings’ military regime, the PNDC, 1981-1992, refused to entertain Abudu claims. Most constituencies in Dagbon supported Rawlings’ NDC in the elections of 1992, 1996 and 2000. But when the NPP took power nationally in 2000, the political pendulum swung in favour of the Abudus. The NPP, most provocatively, appointed leading Abudu clan members and supporters to key ministerial and governmental positions (the Minister for the Interior, the Head of National Security, the Northern Region Minister and the Yendi District Chief Executive). This encouraged the Abudus to plot the overthrow of the Andani Ya-Na, and a full scale armed rebellion occurred in Yendi in April 2002, during which Na Andani II was brutally murdered. The local army and police forces did nothing until it was too late. Andanis now believe that the NPP government was somehow complicit in the murders, although the government has consistently denied the accusation.

The government now faces enormous difficulties in finding a peaceful resolution of the situation. The Andani Gate rejected the findings of the government’s Wuaku Commission of Enquiry, published in 2003. A State of Emergency declared after the assassination is still in force. This disadvantages the NDC, the main opponents of the NPP in the area and firmly identified with the Andani cause.

Current land reform proposals pose two key questions about chiefs:

- How accountable are chiefs to their own communities for the revenues they receive from sales of land and building plots, and from the rents and royalties (including forestry and mining concessions) re-distributed by the Office of the Administrator of Stool Lands (OASL)?

- To what extent should land management, including registration of customary titles and liaison with planning authorities, be devolved to the chiefs, and the functions of the government land agencies drastically reduced? Defenders of the current system say that revenue is best controlled by democratically accountable District Assemblies. They doubt the efficacy of traditional forms of accountability. Opponents (including an influential faction within the NPP) point to the inefficiency and corruption of the government land agencies. They argue that all revenues and local land administration should be returned to the chiefs, 'the rightful owners'.

Local government. District Assemblies (DAs) are officially non-partisan. One third of their membership, as well as District Chief Executives, are still appointed by central government. Traditional leaders, in their individual capacity as 'respected elders' are supposed to be given a say through this appointment mechanism, without courting controversy (although this is frequently breached in practice). The non-partisan principle is increasingly out of step with reality in a multi-party competitive democracy. Yet moves to abolish it would make it even more difficult to sustain the notion that the government appointees are 'neutral experts', and suck the chiefs openly into party politics.

Political opinion in Ghana is now pressing for full democratisation of the Assemblies, with 100% elected members and locally elected District Chief Executives. This would totally exclude chiefs as they could not stand for election. The big chiefs and their supporters are therefore pressing for a restoration of the 1951 system under which chiefs would be given formal representation in the DAs. The main issue here is that chiefs are duty bound to represent their communities; their presence as formal representatives would exacerbate the existing difficulties which Assemblies have in developing a sense of collective agreement around the distribution of scarce resources amongst competing communities.

A further difficulty for the chiefs is that the lowest level of the local government system is still the Unit Committee, an all-elected body based on neighbourhood 'cells' of 500 people which dates from Rawlings' flirtation with Libyan-style direct democracy in the 1980s. They have never been successful in attracting popular participation, and it could be argued that this is because they ignore the realities of local politics and community identities. Yet there are few ideas around

for improvement and chiefs argue that they are simply filling a vacuum by doing government's job at a level where it has been absent or has failed.

Community-based organisations and collective action. The most popular forms of collective action at the local level are in fact the Youth and 'hometown' Development Associations, in which chiefs can play a positive role as patrons, animators and even leaders. The most successful of these associations combine the support of elite patrons, big chiefs and even diaspora members (e.g. the La Mansaamo Kpee in Accra). As patrons of ethnic and sub-national 'youth movements' and development associations, chiefs can even assume leadership roles of national significance. But would formal recognition and encouragement of these roles by government be a political step too far? There is no consensus on this.

Policy Options

Chiefs and the reform of land administration. Policy is moving towards more formal recognition of the major role which traditional authorities (including family heads) play in the management of land resources and land markets. The continuation of informal solutions is probably no longer an option. However, the issue is complicated.

The traditional authorities are at the centre of a major policy conflict over whether to encourage full-blown free land markets, or to protect customary rights. The informal control exercised by chiefs and other traditional land holders, particularly in areas of commercial agriculture and urban growth, works today (as it has for the past hundred years) to enable the marketisation of land relations. By contrast, current reforms to boost the security and recognition of customary land rights, particularly through devolution to Customary Land Secretariats, will strengthen the accumulated body of laws which impose fiduciary duties on chiefs as 'trustees' of community and traditional land rights. If properly implemented, this would represent a restraint on the development of free land markets. However, it would involve an historic reversal of practice for traditional authorities and their communities.

Chiefs in local government. We would argue that when it comes to the composition of the District Assemblies, there are only two viable options. Formal representation of chiefs *qua* chiefs of their communities would clearly lead to unmanageable conflict over resources. This could be made worse if chiefs were to be drawn openly

into local partisan politics. Therefore, either they should be totally excluded, or the present system should be retained, so that some are included in the one third government appointees list in their individual capacity as 'respected opinion leaders' or 'elder statesmen' for the whole District.

At the sub-district levels, the failure of the Unit Committees suggests that institutional forms need to be found which are more in harmony with the realities of community politics and identities. Consideration could be given to reviving the Village and Town Development Committees which formed part of the official local government system in the 1960s/70s. These had a good record, perhaps because the electoral principle worked with the grain of different local societies, and encouraged cooperation between traditional leaders and elected representatives.

Chiefs, collective action and political change. Even institutional forms of incorporating chiefs into local government depend very much for their success on local circumstances and the quality of the chief's informal relationships with local CBOs. For chiefly participation in local collective action to be positive, the following minimum factors need to be present: there should be no dispute about the chief's tenure of his office (otherwise, the chief's role will generate factional and partisan strife); and there must be a vibrant and well supported Youth or Development Association with a co-operative relationship with the chief. However these factors can hardly be legislated for. Unfortunately, strong campaigns for restoration of chiefly powers by militant neo-traditionalists do not augur well for the development of such a constructive social balance.

What is the impact of chiefly participation in collective action on the character of Ghana's emerging democracy? At the local level, it tends to deepen those local forms of activism that consolidate vertical, patronage-based politics and the kinds of demands for development and services which they generate. On the other hand, as argued in Paper 1 of this series, such 'rooted' forms of activism should not be dismissed or discounted just because of their narrow scope and clientelistic features.

Even if not aggregated through formal horizontal associations, the sum total of a series of strong local campaigns incorporating a chief might be expected to produce significant pressure for better schools, health facilities, roads, sanitation etc. In an era of competitive politics, this may be one of the more effective ways of

increasing the pressure on politicians to 'deliver' on their pork barrel promises.

Above the local level, some of the more powerful chiefs (or kings) have the capacity to influence national policy debates and to promote developmental change. The current Asantehene and Okyenhene (king of Akyem Abuakwa) are both highly educated and very business-oriented men. Their power and authority are such that they are often more likely to be listened to than any politician. The Asantehene's Otumfuo Education Fund is a major undertaking of national significance, promoted by a monarch with strong goals of economic modernisation. The Asantehene's views are also reflected in the Asante commitment to modernising the land administration of the Golden Stool, with the help of the World Bank and probably DFID.

There are political drawbacks, however. The more high-profile the role of the Asante monarch, the more it provokes an 'anti-Ashanti' reaction, and mutterings about the NPP as an Ashanti party. Any successful government in a democratic system needs to build an ethnically balanced support coalition. This puts a limit on the extent to which governments can allow themselves to be closely linked with a major traditional leader, modernising or otherwise. The most positive aspect of the activities of the big chiefs is perhaps more economic than political. They are part of the Ghanaian business elite and dispose of substantial capital and investment potential.

Conclusion

Chieftaincy is contested and highly political. Overall, this means that extreme caution has to be exercised about any proposal that involves officially supporting renewed participation of traditional leaders in national policy, local democracy or civil society activism. The big chiefs are important business leaders but must be kept out of party politics. In local government there are limited viable options for incorporating them into institutional structures. Traditional leadership of local development efforts needs to be allowed to develop spontaneously, as it does now, depending upon local circumstances. In contrast, the role of the chiefs in land administration is so important that it cannot be left as 'informal'. The current informality in the implementation of land policy conceals a structuring of economic and social power which is highly relevant to various economic and administrative drivers of change. A difficult and uncertain process of reform lies ahead. □□

About the publication:

These Policy Briefs have resulted from collaborative research and analysis conducted by a multi-disciplinary team from the Ghana Center for Democratic Development (CDD-Ghana) and the London-based Overseas Development Institute (ODI) in 2003 and 2004. Historically-informed and less technocratic, they take a fresh look at where Ghana is coming from, where it actually is, and where it may be headed.

The Briefs come in two versions: a general analysis and four case studies on particular topics. Together they provide an overview of how social, political and economic forces have interacted in the country, and with what effects.

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