

**TRADITIONAL AUTHORITIES, DECENTRALIZATION AND
DEVELOPMENT**

A CONCEPT PAPER FOR

**STRENGTHENING THE CAPACITY OF TRADITIONAL AUTHORITIES FOR
GOOD GOVERNANCE AND DEVELOPMENT AT THE LOCAL LEVEL**

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JULY 2006

1.0 Introduction

This paper is intended to provide a background to the role of traditional authorities in local governance in Ghana with particular references to Ghana's decentralization system. It will analyze the gap that exists today between district assemblies and local communities in spite of official rhetoric on the achievements of decentralization in Ghana. It will conclude with recommendations for interventions that will strengthen the role of traditional authorities and contribute to bridging the gap between district assemblies and their local constituents in their development process.

2.0 The Rhetoric and Reality of Decentralization in Ghana

In order to create the enabling environment for the effective participation of the rural sector, the PNDC government embarked on the decentralization policy since 1988. This has been pursued by successive governments and today Ghana can proudly boast of a well established District Assembly system with all the structures from national to zonal level in place. Following a decade of implementation of the decentralization program, some positive effects have been recorded. For example:

- Ayee (in Nkrumah, 2000) observed that, first people have generally began to show interest in the management of their own affairs.
- Second, previously neglected rural areas now have some access to central government funds although this may be limited.
- Third, decentralization has provided a training ground for grooming political leaders at the local level.

On the other hand, the general perception today is that the decentralization programme in Ghana is not achieving its set objectives. Studies show that in general, popular participation in the decision making process, transparency in program implementation, accountability and the involvement of the local people is still a myth (Ayee, 1994; Crook and Manor, 1998; Nkrumah, 2000; Guri, 2000). Infact, Ghana's decentralization process is better described as *deconcentration* rather than *devolution* as claimed in the legislation since decision-making power is still in the hands of the government appointees. Given the rational self-preserving attitudes of the appointees and their employers, it is reasonable to conclude that in the District Assembly system as presently constituted, the interests and preferences of the government and its appointees will always influence what is perceived as the development priorities of the district. Cost-shedding, political patronage and administrative perks will continue to be the defining factors for decisions on the priorities of the districts. The position of this paper is that, Traditional authorities, if given a meaningful role in the district assembly system, could greatly contribute to organizing their people to make the district assembly system more responsive to the needs and interests of the local people.

Unfortunately, although Local people are organized in various traditional forms (so called informal sector), their aim is not to challenge the dominance of the administrative and political elite in the decision making process at the district levels. Rather, the aim is to adopt strategies to avoid (or even cheat) government and its policies (especially those

relating to tax collection). Consequently, the elite continue to decide the direction of implementation of local level governance and development according to their perceived view of the needs of the districts rather than those of the local people as intended by the official decentralization policy framework. The end result is that in spite of billions of cedis that are allocated through the various assemblies for local development, the poverty situation in the rural areas is either not changing or is getting worse.

3.0 Traditional Authorities and Local Governance: Historical Overview

In engaging with traditional authorities and institutions in local governance, one has to be aware of the historical struggle in Ghana, between the new nation-state and the traditional tribal/ethnic states which preceded it. The colonial nation-state sought to use the traditional authorities to govern at the lowest unit (community) of the state (indirect rule) and to serve the interest of the former. The post-colonial state on the other hand perceived them as collaborators of the colonial oppressor and for that and other reasons not to be trusted or given any major role in the new nation-state. This has given rise to the relegation of traditional authorities to the status of custodians of the tradition and customs of their subjects in all the post colonial constitutions. Their role in the socio-economic development of their communities is minimal since the nation-state has taken this role upon itself and the corresponding authority to collect taxes to meet this objective. They have also been marginalized politically. The 1992 Constitution categorically bars traditional authorities from engaging in party politics. 1982 to 1992 saw a further erosion of the powers and space available to traditional authorities and institutions with the creation of People's Defense Committees (PDC) / Committees for the Defense of the Revolution (CDR) which gave way to the Unit Committees under the government's decentralisation programme.

4.0 New Trends on the Role and Responsibilities of Traditional Authorities

In recent times, some traditional authorities have decided not to accept the status quo but to assert their authorities as leaders of their people and therefore having some responsibilities for their welfare. This change is being spearheaded by the new Asantehene, Osei Tutu II, since his enstoolment in 1999 as well as the Okyenhene of the Akyems as evidenced by their various social and economic development initiatives. The World Bank has developed and is implementing in parts of southern Ghana, a special lending facility termed the Learning and Innovation loan (LIL) whose main purpose is to 'test approaches to substantially integrate and improve deprived remote and rural communities led by the traditional authority and help focus the contributions/influence of traditional authorities in socio-economic development.' The Ashanteman Traditional Council is among the selected traditional authorities participating in this pilot program. Under this programme, the Asanteman Traditional Council is implementing programs to improve upon education in the traditional area under the 'Otumfuo's Educational Fund'. Similarly the Okyenhene is now well recognized for his activism in environmental protection and HIV/AIDS prevention with resources from external resources. The Agbogbomefia of the Asogli State in the Volta Region and other traditional leaders (male

and female) from the other regions are also actively engaged in mobilizing resources from their citizens and other external resources for the provision of social amenities to their communities.

What these traditional leaders have achieved so far goes to affirm that, if certain measures are put in place to ensure that there are checks and balances, there is a role for traditional authorities, at least in the socio-economic development of their communities. This requires that the government urgently comes out with a new policy framework to guide how the nation-state articulates with increasingly confident traditional states and authorities. Civil society must engage government and traditional authorities in a dialogue on such a policy.

4.0 The Traditional Roles and Functions of Traditional Authorities

In Ghana the traditional authority system comprise :

- Chiefs (Ohene, Tobge, Naba)
- Queen mothers (Ohmaa, Mamaa, Pognaa)
- Linguists
- Family / lineage / clan heads (abusuapanyinfo, yir nimbere)
- Heads of asafo companies (asafohene / supi)
- Priests and priestesses (Okomfo, Tindamba)

These groups, collectively and individually, command a lot of influence in both the urban and rural areas because they are considered as the people with customary legitimacy in those areas of jurisdiction and therefore can be seen as important unifying and stabilizing factors in local governance. Again, the traditional authority system has also proved to be a very important source of mobilisation of physical, human and financial resources for local development. If appropriately resourced and reoriented, they can lead in the crusade for the sustainable use of the natural resources and the control and spread of diseases such as HIV/AIDS and other communicable diseases. In summary, chiefs play legislative, executive, judicial and spiritual functions under the traditional system as follows:

Legislative function

In the normal course of governance chiefs in consultation with their elders, make the rules governing the social, economic and political life of the community including the exploitation of resources. For instance, chiefs as law lawmakers can be very important in any effort aimed at reforming the traditional land system for sustainable development. This is particularly important, as land insecurity has resulted in many conflicts, which affects productivity and loss of life and property.

Executive function

Chiefs see to the day-to-day running of communities, especially rural communities where the majority of people in the country live. They play significant roles in economic activities involving the use of environmental resources. Chiefs are the first to know when there is water pollution, bush fires, environmental degradation from the use of chemicals, or conflicts involving the use of natural resources such as forests. They therefore will be the first to stop such abuses if they are formally empowered to do so.

Judicial Function

Chiefs play crucial roles in governance at local levels by interpreting rules and laws governing the social, economic and political life. They give judgement in arbitration, and hence influence the rapidity as well as the sanctity of resource management.

Spiritual function

In Ghana chiefs have for long been regarded as intermediaries between the living and the dead. They together with fetish priests were seen as powerful symbols of authority and they could evoke sanctions on members. This notion works well in controlling social behaviour including moral and family values, and in the exploitation of communal resources such as forest and farmlands. Many forests, water and agricultural lands that are declared sacred have their uses regulated. These rules lead to sustainable ways of resource management. By this spiritual authority, economic authority flows and the chief can mobilize all the people for communal work. Though this has changed, the role of chiefs in many communities is still appreciated and respected, and thus helps in moderating resource use and sustaining the environment

5.0 Traditional Authorities in Ghana's Local Government System

There is a school of thought that there's bound to be conflict between traditional rulers and the local government system. This is because some modern structures conflict the traditional system. A classic example of this is the issue over who beats the *gong gong* in the community. Traditionally it is the sole prerogative of the chief, however with modernity, some members of the community fail to recognize and respect local protocol, which results in conflict. Modernity in this sense refers to the formal local governmental structures that have been superimposed on the pre-existing traditional systems. The modern-traditional dichotomy may breed conflict when there's a conflict of interest. A typical example is the issue of custody over lands. Where as chiefs feel they have the mandate to control land other natural resources in their traditional areas, the district assembly have usurped authority over these resources and this is a potential source of conflict. Another instance is conflict over the taxes that accrue from the markets in the various traditional areas where the district assemblies appropriate the resources without reference to the development needs of the area.

The role of the traditional rulers in the local government system is quite limited. First of all the law forbids traditional rulers from playing active party politics, thus limiting their participation in local government elections. On the other hand, there is evidence to show that local people want the traditional rulers to play a more visible role in local government. For example, a pre elections study (2002 elections) by the Political Science Department of the University of Ghana found that majority of people at the local level would wish to have their traditional authorities represented or participate in local governance. 43% of respondents said they would wish their chiefs and elders were represented in local government system; 56.2% indicated that their chiefs played an active role in educating voters and in terms of publicity and creating the needed awareness, and 30% indicated they were active during the platform mounting sessions. Observation in some communities indicated that the traditional chiefs and elders consulted their communities to nominate candidates whom they presented as their choice for the elections. They had their own criteria for selecting a candidate which was based on performance, personality and contribution towards the community's development.

6.0 Role of CSOs in facilitating Positive Engagement between Traditional Authorities and District Assemblies.

Considering the mistrust that both the nation-state and the traditional state have of each other, civil society organisations (CSOs) can play the role of trust and bridge builders between these two. This requires CSOs making both the traditional and formal states aware of their strengths, weaknesses and opportunities in the social, economic, political, technological, environment, etc and the need for working together or complementarily.

Since the traditional state and its institutions have been marginalised and undermined from the time of the colonial state, it has low confidence of itself – of its potentials and what it is capable of. For this reason, civil society organisations have a role to play in restoring the confidence of traditional authorities and indigenous institutions by forming working partnerships with them. To foster their confidence, civil society organisations have to provide traditional authorities and indigenous institutions with the necessary inputs required for strategic visioning. This includes providing them with up-to-date information, knowledge and skill building in modern organisational processes. It is only through such a partnership that traditional authorities and indigenous institutions will see the need to break out of their past shell into the present and thereby become relevant to the changing times.

7.0 Government policy regarding the role of the traditional authorities in local government

Despite official rhetoric on the indispensability of traditional authorities in promoting peace and development, to the contrary, the policy environment is not conducive to supporting Traditional Authorities to play a meaningful role in the district assembly system and for that matter making meaningful contribution to community development at local and district levels. Under the 1992 Constitution and the Local Government Act (Act 462), 1993, there is no provision for the automatic membership of chiefs on the District

Assemblies. They can only serve if they are included among the “not more than 30 per cent of the total membership of the District Assemblies appointed by the President in consultation with the traditional authorities and other interest groups in the district”. This lack of institutional representation has diminished the influence of the traditional authorities at the district assembly level and negatively affected their capacity to lead the processes of enhancing the participation of the rural poor in local development.

Even at the community and local levels, the situation persists. Under Legislative Instrument (LI) 1589, 1994 there is no provision for the automatic membership of Traditional Authorities in the sub-district structures such as the Urban, Zonal and Town Councils as well as Unit Committees even though it is widely recognised that they hold an enormous amount of influence at that level, especially at the rural areas where the majority of the people reside.

A survey conducted in five metropolitan/district assemblies by SNV-SLG in 1998 showed that out of a total of 86 government appointees, those appointed to represent traditional interest were only 9. The picture so far is that the role of traditional authorities in organising rural communities to own and participate in the decentralisation process has been watered down in favour of formal political leadership and organisational systems.

8.0 Some on-going efforts at Supporting Traditional Authorities for community development

From the analysis so far, traditional authorities definitely have an important role to play in providing leadership in community development. However, it is also clear that for government and other development agents to take the role of traditional authorities seriously, Traditional Authorities need to reform their colonial tendencies and take a proactive posture to address the development needs of their people rather than lording it over them.

The challenge is how to:

- Motivate Traditional Authorities to take self initiative to reform the colonial heritage of “power over their people” and focus on leadership for the improvement of the lives of their people.
- How to change the negative perceptions and attitudes towards Traditional Authorities as partners in development.
- How to position Traditional Authorities to play a more central role in the district assembly system.

Attempts have been made, through several models, to provide Traditional Authorities with the necessary resources and capacity to enable them support and lead the processes for community development.

The Learning and Innovation loan (LIL) of the World Bank whose main purpose is to test approaches to substantially integrate and improve deprived remote and rural communities

led by the traditional authority has already been mentioned earlier. Other ongoing efforts include the following:

The Ministry of Local Government, Environment and Rural Development is currently receiving world bank support to provide institutional support to traditional institutions to strengthen their capacity to lead their communities in their development efforts.

The Konrad Adenauer Foundation over the years has also been providing support in the form of workshops and conferences that enable chiefs to engage with government on important policy issues. In addition, in collaboration with the National House of Chiefs and the National Commission for Civic Education, the Foundation is carrying out pilot studies in all the 192 Traditional Councils in Ghana into customary laws, practices and traditions in respect of succession and inheritance. The objective of the studies is to document some of the customary laws and practices to facilitate easy resolution of disputes in respect of succession and inheritance.

The Center for Indigenous Knowledge and Organizational development (CIKOD) has developed and documented various methodologies for working with traditional authorities to enhance development at the local level. In collaboration with the Centre for Development Studies of the University of Cape Coast and the Centre for Research and Postgraduate Studies of the University for Development Studies, CIKOD has been piloting formal training for Traditional authorities since 2004. Out of the experience gathered, CIKOD and its university partners have now developed a curriculum for a 3-modular training programme for traditional authorities to enhance their role in local governance. The objective of CIKOD is to strengthen the capacity of traditional leaders, especially at district and traditional council levels, to play a central role in the development processes at that level.

9.0 Conclusions

Ghana is essentially a rural country with the majority of people believing in traditional values and systems, of which chieftaincy happens to be a focal point. The importance attached to traditional authorities and institutions in these areas is immense. Even in the cities and urban areas, traditional authorities continue to command a large measure of authority and respect.

Secondly, the vast majority of Ghanaians continue to owe some form of allegiance, if even symbolic, to one traditional authority or the other. It will be unwise to neglect this potential source of mobilisation. It is therefore absolutely important that the district assemblies get the cooperation of chiefs and for that matter the entire traditional authority set up to enable them be more effective. It is to be noted that both the institution of chieftaincy and the district assemblies are all involved in local governance and development, therefore formal or informal mechanism must be instituted for the two institutions to work hand in hand and cooperate with one another for the improvement of the livelihood of the people in the rural area.

If traditional authorities are going to play any meaningful role in the modern day local government system, they would need an up-grading of their knowledge and skills in good governance, leadership and resource mobilization and management. They would also need to be given a platform where they can contribute to policy formulation and implementation that reflects the needs and aspirations of the local people in their traditional areas.

10.0 Recommendations for building bridges between the Traditional Authorities and District Assemblies.

10.1 Programme Support for Enhancing the Capacity of Traditional Authorities in Local Governance.

As indicated earlier, Ghana's decentralisation has been sufficiently established and all the necessary structures have been put in place from national to zonal levels. However the system has been shown not to be responsive to the needs and aspirations of local people. Reason is that power has been decentralized to the district level all right but has been "re-centralised" and is in the control of the bureaucrats and political appointees. The District Assemblies would be responsive to local people only when the local people are so organized as to constitute a countervailing force that will make them politically relevant to bureaucrats and political power seekers. Traditional rulers are in the best position to "mobilise" the local communities and provide leadership for this due to their legitimacy and proximity to the people. Interventions that could enhance this include:

- a. Work in partnership with the National House of Chiefs and the Ministry for Chieftaincy and Culture to:
 - Organize annual tripartite meetings with ministers of state, parliamentarians and district chief executives to deliberate on issues affecting the role of traditional authorities in Ghana's decentralization and development process.
 - Organize workshops and seminars to inform traditional authorities of government policies and seek their input.
 - Support research and documentation of succession systems and customary law.
- b. Work in partnership with the Regional Houses of Chiefs to articulate the views of all categories of traditional authorities (paramount, divisional, traditional women leaders, etc) on development policy issues affecting the regions and feed them into national policy advocacy by the National House of Chiefs..
 - Organize regional fora for Paramount, Divisional and Traditional Women Leaders to share experiences in working with district assemblies.
 - Organize round table discussions between traditional authorities and district assemblies to find common grounds for collaboration.
- c. Work in partnerships with NGOs to build the capacities of traditional leaders (male and female) at the district and Traditional Council level to be able to engage their district assemblies to influence development policies at the district level e.g.,
 - the district planning process,

- allocation and utilization of the District Assembly Common Fund and other government decentralized funds,
- advocacy for efficient use of assemblies resources (District Assembly Watch),
- contributing to landuse planning and administration,
- revenue mobilization and utilization.

10.2 Implementation Strategy

For the implementation of the capacity support programme for chiefs, it is recommended to work with the following partners:

National Level Programmes

- The National House of Chiefs.
- The Ministry for Chieftaincy and Culture
- The Institute for local Government
- The National Commission on Culture

Regional Level Programmes

- The Regional Houses of chiefs
- The National Commission for Civic Education

District and Traditional Council Level Programmes

- Traditional councils
- NGOs that have experience and skills in working with Traditional Authorities for community development.