

SUMMARY REPORT OF THREE ZONAL WORKSHOPS ON CHIEFTAINCY

THEME

**GHANA @ 50 – RESOLVING THE DUALITY IN GOVERNANCE –
THE FUTURE OF THE CHIEFTAINCY
INSTITUTION**

ORGANIZED BY

**NANA NKETSIA IV TRUST & CENTRE FOR INDIGENOUS KNOWLEDGE
AND ORGANIZATIONAL DEVELOPMENT (CIKOD)**

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1.0 PREAMBLE

Three zonal workshops have been held in Bolgatanga, Cape Coast and Kumasi representing the Northern, Coastal and Southern zones of the country respectively to dilate on the theme: *Ghana @50 – Resolving the Duality in Governance – the future of the Chieftaincy Institution*. The workshops, held in July-August 2007, sought to present a forum for brainstorming and debate on several facets of the chieftaincy institution in Ghana: its contributions, challenges, shortfalls, prospects, evolution, contemporary significance and importantly its relationship with modern-day governance in the socio-economic agenda of the country.

Participants of the workshop were Chiefs, Queens, Minister of Chieftaincy and Culture and other representatives of Government like District Chief Executives and District Assembly representatives, representatives of various NGOs including CIKOD, KAS, CARE, IBIS and GTZ. The workshops were characterized by group exercises and presentations. Often groups consisted of traditional authorities (Nananom) on one hand and government representatives or civil society groups on the other. Groups presented reports on their deliberations to the whole house for further discussion and debate. On issues of mutual consent communiqués were drafted.

On the overall, the workshops were well organized and participated and successful in unearthing the myriad of issues surrounding the chieftaincy institution today.

A final national workshop is to be held in January 2008. It is hoped that this workshop will weave the issues and ideas raised at the different zones together into an action plan for a stronger and vibrant chieftaincy institution in Ghana.

2.0 SOUTHERN ZONE DELIBERATIONS

2.1 ISSUES RAISED

Main issues raised during workshop discussions were as follows;

- A great number of the participants were of the view that Nananom must establish partnerships with organizations, individuals, NGOs and other corporate entities which can assist in funding to develop their communities.
- It emerged that there existed a wide communication gap between traditional authorities and the members of their communities. This was identified as a weakness that needed redressing.
- It was agreed that there was a popular public misconception on the topic of funds for developmental projects of the communities. In throwing light on the issue, a National House of Chiefs representative explained that a percentage of the money was channeled into the traditional set-up, 25% into the Protocol Stool (that is, communities that generate the revenue for the maintenance of the stool), 10% to administration of stool lands and 20% to traditional authorities (that is, the Omanhene's outfit) and 55% to the district assembly. It was also pointed out that lands do not necessarily belong to the government but rather to the chiefs and their people.
- Participants agreed that transparency in the way community funds were utilized deserved a second look. It was clear that the chiefs could do better in informing subjects frequently on the use of funds and developmental projects. Participants asked for transparency in community fund record-keeping and effective communication on financial statements. In responding to this, some chiefs and Queen mothers enumerated their communication channels as
 1. Akwasidae festivals which came off every 40 days

2. Annual festivals
 3. The use of Sanahenes (traditional accountants) who brief subjects periodically on community expenditure, government interventions, sponsorships and other financial transactions.
 4. 'Amansem' (adopted name for community durbars in particular traditional areas)
- A District Chief Executive suggested that monies meant for developmental projects should be judiciously used and any excesses channeled into profitable projects for accelerated growth and development of their communities. He advised District Assemblies to manage their own finances and wean them off Central Government support.
 - Credit was given to Nananom for their immense contribution towards community growth as many were indeed putting their nose to the grinding wheel to offer comfort, peace and an acceptable standard of living for their respective traditional areas.
 - It was suggested that Nananom must, as administrators, initiate profit-generating projects in their various communities to provide other means of funding for community needs.
 - It was unanimously agreed that the principles of accountability and transparency must fully permeate chieftaincy.

2.2 COMMUNIQUE BY SOUTHERN ZONE PARTICIPANTS

The discussions culminated in the drafting of a communiqué as follows:

1. There exists a general consensus on the deserved role of chieftaincy in the governance process based on its capacity, capability and achievements over the last fifty years.
2. Chieftaincy as a traditional governance institution has survived over the years and remains a key partner in the modern governance system of Ghana.
3. The chieftaincy institution remains a key tool for human and material mobilization for national development and stability.
4. The chieftaincy institution has established itself as a key governance institution through its own resilience and has been guaranteed by the 1992 4th Republican Constitution of Ghana.
5. Although the chieftaincy institution makes tremendous contributions to national development, it remains unnoticed, unrecognized and inadequately rewarded. This is because these contributions are not adequately packaged for effective education and dissemination.
6. In spite of its contributions, the chieftaincy institution has not been adequately involved in the governance process of the country.
7. The decentralized character of chieftaincy makes the presence of the institution more identifiable, most influential and responsible among the majority of Ghanaians than the modern local governance institutions such as the District Assemblies.
8. The greatest problem confronting the Chieftaincy institution is funding. This has virtually made the workings of the institution (National and Regional houses of chiefs and the traditional council) ineffective and inefficient.

9. The future of the institution of chieftaincy is dependent on the extent of its responsiveness to existing societal demands. It is also dependent on the ability of the chiefs to exhibit good moral courage and standards such as accountability and transparency which are basic attributes and values of the institution, now considered as determinants of good modern governance.
10. The institution of chieftaincy connotes and reflects a political culture and norms different from modern or adopted western political governance system in Ghana in the last fifty years. Although both seek to achieve the common good for society, there exists a duality in the authority system of the nation.
11. In resolving the duality in governance of Ghana, the chieftaincy institution would have to re-position itself to perform its roles and duties for the benefit of the nation. Hence, the relevant formal arrangements should be pursued to enable the institution to be recognized and involved in the governance of the nation.

2.3 AGREED WAY FORWARD

To re-position itself, the chieftaincy institution would have to:

- a. advocate strongly for the review of the existing legislative frameworks and other legal provisions for the establishment, function and performance of the chieftaincy institution.

Some provisions of the 1992 Constitution and the Chieftaincy Act of 1971, Act 370 and the local government 1993 Act, Act 462 and LI 1589 should be reviewed to make the institution and indeed, the Constitutional guarantee for the institution more relevant and meaningful.

For example, **Article 242 (d)** provides that: *A District Assembly shall consist of other members not being more than thirty per cent of all the members of the District*

Assembly, appointed by the President in consultation with the traditional authorities and other interest groups in the district

The review should:

Ensure a specific and significant representation of traditional authority in the District Assembly with roles defined within the appropriate legal jurisdiction.

Article 257 (6) *Every mineral in its natural state in, under or upon any land in Ghana, rivers, streams, water course throughout Ghana, the exclusive economic zone and any area covered by the territorial sea or continental shelf is the property of the Republic of Ghana and shall be vested in the President on behalf of, and in trust for the people of Ghana*

To this end the proposed Land Act should:

- i. Adopt a revenue-sharing formula to return part of the accrued revenue to traditional authorities to satisfy both Nananom and Government.
- ii. Repeal the Automatic Right of Entry onto stool lands.
- b. Establish the relevant administrative and financial frameworks to encourage governmental budgetary allocation and support and similar support from the District Assemblies. The traditional authorities should explore other alternative sources of funding including using land as equity in investment.
- c. Develop and implement a written Code of Conduct for traditional authorities.
- d. The entire House of Chiefs should be adequately resourced and should be made to develop added capacity to establish departments on Human Rights,

Education, conflicts and Alternative Dispute Resolution, Health & Environment, Economic Affairs among others while playing its current role. The departments should be capable of conducting independent research studies which will offer policy alternatives to government on social and economic issues confronting the nation. In addition the research department should be adequately resourced and the staff capacity built.

- e. Traditional authorities should develop a platform for learning, sharing and assessing themselves for effective governance.
- f. Establish a mechanism for effective consultation at the local level. For instance the establishment of District Council of Chiefs and queen mothers to serve as platform for their effective representation and participation in local governance process.
- g. Restore to all stools and skins which were victims of political administration when paramountcies were created for the convenience of the Political Administration without recourse to their origin, language and other considerations that otherwise would have made these stools and skins stand on their own as paramountcies.
- h. Develop appropriate mechanisms for effective involvement and participation of queen-mothers in the traditional leadership role at the national, regional and district levels.
- i. Develop appropriate tools to communicate and educate the population on the good works of the chieftaincy institution. For instance, a newsletter should be established to project the institution.
- j. Create a forum for continuous reflection with the aim of bringing to the fore the importance of the chieftaincy institution, its norms and values for the edification of

the people and the critical need to re-engineer itself to changing trends and modernity.

- k. The National House of Chiefs should speed up the codification of succession lines to all stools and skins to avoid conflicts.

- l. There should be frequent collaboration and interaction between the Metropolitan Municipal District Assemblies (including the sub structures) and the traditional authorities

3.0 COASTAL ZONE DELIBERATIONS

Deliberations at the forum were carried out in three separate groupings; **Nananom**, **Queens** and **NGO's**. Main points raised in the respective groups are highlighted below.

3.1 QUEENS

Main points raised by the Queens are as follows.

- The term 'Chief' denotes either an individual male leader or in a wider perspective, the indigenous ruling institution which embraces chiefs, queens/queen mothers and elders.
- The issue on decision-taking at the district assembly (DA) is not wholly without involvement of chiefs. In the Hohoe district particularly, both chiefs and the district chief executive work together through a council which oversees the planning, implementation and evaluation processes.
- It was key that chiefs be included in the selection process of 30% government appointees by district assemblies.
- It emerged that in the Hohoe area of the Volta Region, the chief is customarily made aware of developmental projects though not necessarily required to sign the contract to bring the project into fruition. In almost all the projects, the chiefs are involved from beginning till end. The Hohoe example was praised and the framework was to be drafted and evaluated for nationwide adoption. It was tagged 'the Hohoe Convention'.
- Within the chieftaincy institutions queens are marginalized. This needs to be redressed. There is the need to empower queens for proactiveness to speed up the national development process.
- Chiefs are disadvantaged even though backed by law at the DA levels.
- As the only non-partisan institution in the country, chiefs must be empowered to appoint the technocrat and the government appointees at the DA levels.
- There is the need for peer review to address differences and complementary roles of chiefs and queens.
- There is the need for the separation of role of queens in the constitution at the national level. This would ensure the recognition of queens and their roles in community and national development.

- There should be a constitutional provision to specify the powers and responsibilities of chiefs at both the community and national levels.
- The new Act of Parliament deserves a second look because it was written without the contribution of queens.
- The chieftaincy bill should have been discussed at the local levels with the queens before it was sent to parliament for review.

3.2 Non-Governmental Organizations

3.2 (i) On the issue of the **relationship between the Legislative Instrument and Chieftaincy**, the following points were raised by the NGOs:

- Since there is no contradiction between the Constitution and the Chieftaincy Act there is no need for government interference with Chieftaincy.
- The chieftaincy institutions should be allowed to play their judicial roles since the institution itself is backed by law.
- It will not be in the best interests of society to have government interference in destoolments and enstoolments.

3.2 (ii) Regarding Financial Support;

- Since government controls all revenue and resources, there is the need for a budgetary support framework for chieftaincy to support local level development.
- Some traditional areas are more resource-endowed than others hence the need for greater financial support to selected localities to ensure equitable local development.
- If chiefs are recognized as agents of development at the local levels, then the necessary infrastructure and support must be given the institution.
- Presently, the role of chiefs and the purpose of decentralization at local levels do not favour budgetary support.

3.2 (iii) The following ideas were mooted;

- To avoid entrenched duality in governance, chiefs must control the lower decentralized structures.

- The Royal College needs to have comprehensive programmes (both formal and informal courses) and lectures on governance and its challenges.
- There is the need for documentation of traditional processes and procedures to preserve cultural traditions and values for posterity.
- The chieftaincy institution must play a lead role in its quest for transformation.

3.2 (iv) In resolving the Duality in Governance;

- Local committee structures must be under the control of the chieftaincy institution.
- Communities should devise their own local structures for development.
- Acts of Parliament that restrict the roles of chiefs in the local development process must be dissolved.

3.3 (v) The Regional Houses of Chiefs must address the following;

- The name/title 'chief' must be reviewed to reflect contemporary challenges.
- Conflicts between traditional religion and foreign religions must be resolved to ensure flexibility of the chieftaincy institution.

3.3 Nananom

3.3 (i) Nananom raised the following points:

- Traditional authority is recognized and guaranteed by the constitution.
- There is lack of political will and commitment on the part of government to share power with chiefs.
- Chiefs must be neutral in political and development processes.
- There is the need to streamline and review the court procedure in their jurisdiction.
- There is the need to put in place peer review mechanisms to enable the institution achieve good governance.

- Queens need not be members of the House of chiefs because some areas like the north do not have queens so would be denied representation. Queens rather need to form their own 'House of Queens' to develop strategies for success.
- There is lack of consistent policy on the representation of chiefs in local government. There is no representation at Parliament to take part in decision making.

3.3 (ii) New Ideas

- There is the need for a legal backing for traditional authorities in judicial matters.
- Resources (finances, logistics) should be made available to chiefs for local development.
- There is the need for initiation and implementation of a common fund for chiefs.
- Chiefs must be made part of decision making processes at all levels.
- Relationship and responsibilities should be well defined in terms of constitutional provision.
- Codification on the laws of succession is needed to solve problems of succession disputes.
- There is the need for the establishment of a Royal College to offer courses or relevance to chieftaincy.

3.3 (iii) Proposition on Resolving the Duality in Governance

- A second chamber of parliament for chiefs must be established.
- Legal backing must be given to chiefs for judicial functions in civil cases.
- Politicians must refrain from interfering with the chieftaincy issues.
- Constitutional provisions regarding chiefs must be reviewed.
- Legislative Instrument must strengthen adjudication powers of traditional authorities.
- Traditional authorities must constitute lower/upper chamber of parliament

- Traditional authorities must take responsibility for the lower structures of local Government
- The 'Hohoe Convention' must be extended to other areas (District Councils of Chiefs)
- Traditional authorities must constitute the fourth Arm of Government.
- The Royal College must be used to educate Nananom on existing policies.
- The culture month must be used to educate communities on NRM and cultural heritage and values.
- Capacity of traditional authorities must be built to be able to use available spaces for policy advocacy/International interest.
- The Ghanaian society must take greater responsibility for resourcing and maintaining the institution.
- Discussions must be reopened on the Local Government Draft Bill.

3.4 Further Discussion

Further discussions by all participants under an umbrella group brought a number of issues to light. Some of the issues were left hanging as there were conflicting views.

- There is the need for a common platform for chiefs and queens to deliberate and strategize rather than having separate platforms.
- The concept of a Chief's Common Fund could lead to confusion and conflict because of the already-existing District Assembly Common Fund.
- Chiefs may be at a more advantageous position to ensure the proper disbursement of funds for local development due to a more in-depth knowledge of the communities and inhabitants
- Chieftaincy as an institution must be self-purging to erode negative perception regarding its function and restore confidence.
- There is the need for the recognition of a fourth arm of government – the chieftaincy institution. When this is given priority, most other aspirations of the institution and its role in national development will be realized.

4.0 NORTHERN ZONE DELIBERATIONS

4.1 Main Issues raised

(i) Local Government Act

Participants noted that the Local Government Act under review does not take into consideration the concerns of the chieftaincy institution even though traditional institutions are seen as the front line developers of their communities. The Constitution appears to marginalize the chieftaincy institution in Ghana. It also came to light that chieftaincy does not appear in the NEPAD document. Participants rationalized that traditional institutions have the powers to make their concerns register in these working documents by coming out with a **position paper** on how the chieftaincy can contribute its quota to national development.

(ii) Election and Installment of Women Chiefs

On the subject of women chiefs, one school of thought held that the election of women chiefs in the Northern parts of the country would be seen as an imposition from the South. This notion was disputed by another school of thought which argued that the existence of women chiefs in Dagbon can be traced several years back except they played different roles from Queen Mothers in Southern Ghana. Some participants were also of the view that these women chiefs, also known as 'Magazias' were politically motivated during Nkrumah's regime and were only elected to serve a political purpose. It was also came to the fore that the tradition of women chiefs is not known in the Upper East Region. Some participants were of the view however that women chiefs played a critical role in traditional leadership and therefore the tradition should be revived.

The practice in Loho and Nandom in the Upper West Region where women chiefs are enskinned was commended highly.

(iii) Unit Committees & Village/Town Development Committees

Participants indicated that there has been an uncomfortable power struggle among unit committee members and chiefs in their respective communities and that the unit committees regard themselves autonomous in the discharge of their duties. Because

they are elected they are perceived as partisan resulting in divisions in their communities along party lines. In finding a solution, participants recommended a return to the village/town development committees which existed some years ago and worked harmoniously with the traditional authorities. A reference was made to the Oppong village where Village Development Committees are very effective because the Chief was involved in setting up the committee. Consequently the chief enjoyed respect and a healthy cordial working relationship with the committee. Participants cautioned that if structures are created without specified roles and motivations the system would face problems and therefore not succeed as it is presently.

(iv) Establishment of a Royal College

Participants made some inputs into the setting up of a royal college. Even though the planned establishment of the Royal College was welcomed, Participants raised the following concerns for consideration as follows:

1. That the training module in governance and leadership for traditional authorities carried out by the University for Development Studies and CIKOD where traditional authorities were trained in the university campus with chiefs as resource persons should be emulated and used as model.
2. That traditional authorities should be involved in the design of the curriculum and implementation of the teaching modules
3. That traditional authorities should be part of the resource persons and given the same remuneration as their counterparts in the mainstream system
4. That the college should go beyond traditional institutions and be opened to everybody who wants to acquire knowledge on the traditional values and governance, but, that chiefs should be at the forefront

4.2 COMMUNIQUÉ BY CHIEFS AND KEY STAKEHOLDERS IN THE NORTHERN SECTOR

We the Chiefs and Women leaders in the Northern sector of the country recognize the efforts of the Ministry of Chieftaincy and Cultural Affairs and our Minister's efforts to empower Traditional Authorities to enable them contribute to the ongoing reforms in the Local Government Act. We also appreciate the opportunities of the NPP government to engage the traditional Authorities as partners in governance. In the light of these encouraging developments, we recommend the following:

1. That the establishment of the Royal College should consider involving chiefs in the design of the curriculum and make them part of the resource persons. We further propose that the college should go beyond traditional institutions and be opened to everybody who wants to acquire knowledge on traditional values and governance, but, that chiefs should be at the forefront.
2. That Traditional Authorities in the North are less well informed about the local government document and therefore, request to be given education on it. In this drive we recommend that KAF plays a lead role by funding the process.
3. That there is the need for the establishment of District Houses of Chiefs such that inputs of chiefs, sub-chiefs, 'tindanas', queens and functionary chiefs can be harnessed and fed into the Regional House of Chiefs meetings which is mainly composed of paramount chiefs.
4. That there is the need to revive the ailing Traditional Women Leaders who existed in the past and played vital roles in the local governance system. Hence, it is recommended that where possible, women chiefs be elected and enskinned to complement their male counterparts.

5. That Traditional Authorities including women leaders should serve as entry points for recruiting and selecting labour toward development agenda in their traditional areas so as to check people with questionable characters.
6. That chiefs and Traditional Women Leaders should be given 30% allocation to nominate representatives at the local governance level for confirmation by the DCE.
7. Traditional Authorities advocates to play a more formidable role with government and that the starting point should be at the unit committee level with negotiated set of rules, resources and clear schedules.
8. In view of the fact that chiefs want to play a developmental role in education, health etc. they advocate for the need to create more paramountcies so as to elevate/promote some divisional chiefs to paramountcy status in the traditional councils.
9. We advocate the need for review of the existing legislative frameworks and other legal provisions for the establishment, function and performance of the chieftaincy institutions to make it more relevant and meaningful. E.g. article 242 of 1992 constitution and chieftaincy act of 1971, act 370.
10. That there is the need to develop, codify and implement processes and procedures of succession in the chieftaincy institution based on existing sound indigenous practices as is currently going on. Chief must be supporting in the process. So far there has been support in other areas.
11. The need for chiefly peer review mechanism to enhance effective and good governance in the chieftaincy institution.

5.0 CONCLUSION

INTERPLAY OF THE THREE WORKSHOPS

Some of the points raised were echoed in all three workshops whereas. These included the following:

- The existence of a chiefly peer review mechanism to enhance effectiveness and good governance in the chieftaincy institution. It was also a general consensus that the principles of accountability and transparency must fully permeate chieftaincy.
- The urgent need for the rapid codification on the laws of succession to solve problems of succession disputes. That there is the need to develop, codify and implement processes and procedures of succession in the chieftaincy institution based on existing sound indigenous practices.
- The need for chiefs to be given a more defined and visible role with Government in national governance. A good starting point should be at the unit committee level with negotiated set of rules, resources and clear schedules. In this quest for greater involvement the overwhelming importance of neutrality in partisanship cannot be overstated.
- The establishment of a Royal College which would consider involving chiefs in the design of the curriculum and make them part of the resource persons. It is further proposed that the college should go beyond traditional institutions and be opened to the general public who seek to acquire knowledge on traditional values and governance even though chiefs remain at the forefront.
- There is general consensus that women (queens, queen mothers or 'magazias') should be allowed to play a more proactive role in chieftaincy. There is however conflicting views on how this can be accomplished. The culture of women chiefs unique to certain communities whereas it is completely absent in others. Further

there is still debate ongoing on whether queens or queen mothers should be to join the Regional House of Chiefs or form a separate Regional House of Queens.

- There is the need for revision and amendments of certain parts of the constitution regarding the roles and powers of traditional authorities (Nananom) vis a vis that of the Government.
- The financial allocation given to chiefs should be given a second look.