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University of Calgary Press

Reinventing African chieftaincy in the age of AIDS, gender, governance, and development [electronic resource] / edited by Donald I. Ray, Tim Quinlan, Keshav Sharma, Tacita Clarke. Series: Africa, missing voices series 8, University of Calgary Press, Calgary, Alberta, 2011.

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in the Age of AIDS, Gender,
Governance, and Development**

Edited by Donald I. Ray, Tim Quinlan,
Keshav Sharma, and Tacita A.O. Clarke

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ISBN 978-1-55238-537-1

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12 Traditional Authorities and the District Assemblies System: A Case Study of the South Tongu District, Ghana

Morgan Nyendu

The slow growth and often stagnation in Africa's institution-building capacity has been attributed to numerous factors. Perhaps the most poignant factor has been perceived as the continent's inability to effectually seek a viable synthesis between tradition and modernity. – J. Maxwell Assimeng (1995, 145).

In view of the important role which chieftaincy still can play in the Ghanaian society, particularly at the local and district levels and in the belief that there is still a chance of rationalising its best features to bring it in harmony with modern government ... – Republic of Ghana (1968).

INTRODUCTION

Traditional authorities, often referred to as chiefs, had been central to local government in what is now the Republic of Ghana a long before the advent of colonial rule. As well, during the colonial era, local government in the form of Indirect Rule was woven around them. Since independence in 1957 and except for the rule of the government of Dr. Nkrumah (1957–66), various governments have tried in one way or another to make traditional authorities part of decentralization programs in Ghana by either giving them institutional representation or by appointing some individual chiefs to local government institutions.

Although the roles that traditional authorities have played in local government especially since independence have varied with time, by and large, they have been a necessary part of it, especially since 1966. In fact, all governments and constitutional provisions between 1966 (when Nkrumah was removed from office) and 1981 have reserved one-third of the membership of the District Councils for traditional authorities. For instance, as Article 183, Section 1 (ii) of the 1979 Constitution stipulated that one-third of the membership of the district councils “shall be chosen by the traditional authorities in the district in accordance with traditional and customary usage” (Ghana 1979). The philosophical orientation underlying this reservation of seats for traditional authorities was that their experiences must be tapped into for the success of governance and development efforts at the local level. More importantly, there has been the argument of “political culture” and “political legitimacy.” These two concepts/issues have emerged as a result of the perception that, because the modern institutions of government inherited at independence lack African cultural orientations and have been imposed on the colonial peoples, development in post-colonial Africa could only occur with the active participation of traditional authorities who better understand local circumstances, nuances, and norms.

In this chapter, I will first discuss the general arguments since the late 1980s for the greater participation of traditional authorities in development planning and implementation and local governance in Ghana. This will provide the general background for an examination of the degree of their participation in Ghana’s district assemblies system by using the

South Tongu District Assembly as a case study. I will then examine the nature of the relationship between traditional authorities in the South Tongu District and the operatives of the South Tongu District Assembly (viz., district secretaries/district chief executives and assembly members), thereby enabling me to determine what roles they have been playing in the current decentralization program in Ghana.

It must be pointed out that the provisions of PNDC Law 207 of 1988, the 1992 Constitution, and Act 462 of 1993, all of which have provided the legal basis for the district assemblies system in Ghana, have called for a consultative process involving traditional authorities in the selection of government appointees to the district assemblies. This provision is illustrative of the general belief that traditional authorities could play important roles in local development and for that matter the district assemblies system in Ghana.

TRADITIONAL AUTHORITIES AND DECENTRALIZATION BETWEEN 1982 AND 1988

It is important to point out that at the onset of the current decentralization program in early 1982, traditional authorities were forbidden from any participation in the defence committees, which at the time provided the rudimentary framework for participation at the local levels. In fact, at the time, the then head of state, Flt. Lt. J.J. Rawlings, and the leadership of the Provisional National Defence Council (PNDC) perceived traditional authorities as conservative and counter-revolutionary and so denied them any participation in the defence committees (Ray 2001, 4; Bofo-Arthur 2003, 1). The result of this perception was that, whereas most participants in the defence committees saw traditional authorities as arrogant and a relic of the past that must be done away with, some traditional authorities, on the other hand, also saw the defence committees as “nine-day wonders” that would soon fade into the dustbin of history. The tense relationship that developed as a result of the respective perceptions often resulted in heated disagreements and sometimes clashes between the two institutions throughout the country (Ray 1986; Nugent 1995, 76). For instance, as Ray points out, as a result of the bitter disagreement between the traditional

authority establishment and the People's Defence Committee in Daboya in the Northern Region, a proposed bridge over the White Volta that could have facilitated the free flow of goods, personnel, and services was abandoned (*ibid.*). However, as Ray (2001, 4) points out, by 1988, there began an improvement in the relationship between the PNDC and traditional authorities as noted in statements made by Rawlings himself and other officials of his government. This change of attitude on the part of the PNDC government, as Ray further notes, was due to the realization that traditional authorities have important roles to play in governance and development at the local level and that there was the dire need to cultivate their support.

TRADITIONAL AUTHORITIES AND DECENTRALIZATION AFTER 1988

In an address to the Central Regional House of Chiefs in 1989, the then PNDC secretary for Local Government and Rural Development, Kwamena Ahwoi, pointed out that the consultative process involving traditional authorities in the selection of government appointees to the district assemblies showed that the policy envisaged "a partnership" between them and the district assemblies in the provision of development at the local level (Ahwoi 1990, 21). As Ahwoi further noted in the same address, traditional authorities were expected to play a key role in the provision of infrastructure in the districts through the organization of communal labour and the mobilization of local resources for the construction of offices for the successful implementation of the decentralization policy. However, on the issue of their direct participation in the district assemblies, Ahwoi was of the opinion that as citizens, they are expected to "monitor" the performances of members of the district assemblies and draw attention to their failures on the "quiet" (*ibid.*, 22).

The perception that traditional authorities could play important roles in local development was not only held by ministers of state but also by Flt. Lt. Rawlings as head of state under whose leadership the current decentralization policy was begun. In fact, as Rawlings himself reportedly pointed out, "the institution of chieftaincy has so much that is good, so

much potential to mobilize people for development efforts towards a better life” (Rawlings 1990, 8, cited by Ray 2001, 4). In his 1999 address on the occasion of the opening of Ghana’s parliament, President Rawlings emphasized the importance of traditional authorities in local development when he called on them to help provide development projects and also make land available for investment opportunities at the local level (Rawlings 1999, 2–3, 23–24, 29–30, cited by Ray, 2001, 5). Although both Rawlings and his then secretary for Local Government and Rural Development, Kwamena Ahwoi, were clear on the important role that traditional authorities could play in local development, the statements attributed to them failed to directly address the more important issue of the nature of their participation in the district assemblies system. In a sense, therefore, these statements from the political leadership often sent mixed signals to the public on what role traditional authorities were expected to play in the district assemblies system.

However, in spite of the above ambiguity, the importance of traditional authorities to the success of the decentralization policy, and for that matter local development, has also been recognized by the government of the J. A. Kufuor’s New Patriotic Party (NPP), which won the presidential and parliamentary elections in December 2000. In fact, in its Electioneering Manifesto for the 2000 elections, the NPP made its position abundantly clear on the importance of traditional authorities in governance and development at the local level when it stated that “Ghana has a rich store of traditional wisdom and institutions. The guardians of this treasure house are the traditional authorities. *The NPP government will uphold their participation in the governance of the country*” (New Patriotic Party [NPP] 2000, 34; emphasis added).

Furthermore, in an address read on his behalf on 27 October 2004, at the Seventh National Governance Workshop on the theme “Traditional Authority and Good Governance: Implications for Democratic Consolidation,” Ghana’s then-president, J.A. Kufuor, noted that it was heartening to realize the emergence of a new group of well-educated traditional authorities who are very determined to be active partners in national development (Kufuor 2004). He, in fact, lauded this new crop of traditional authorities for their efforts in seeking investors for their local areas, adding that, “We applaud this noble effort to help the central government to achieve its goals. We believe that this effort has huge implications for the

growth of our democracy” (ibid.). On the relationship between traditional authorities and the district assemblies, President Kufuor tasked the traditional authorities to “collaborate with the district assemblies to design development projects in order to eliminate duplication of functions” (ibid.). In spite of this positive statement, there does not exist any serious mechanism for “collaboration” between traditional authorities and the district assemblies as outlined in the 1992 Constitution and other legislative instruments and also regularly enunciated by government officials.

It is important to note that the calls for the greater participation of traditional authorities in democratic local and national governance and development in Ghana have also come from traditional authorities themselves. In a speech to welcome Vice President Alhaji Aliu Mahama to his palace at Odumase-Krobo, the konor of Manya Krobo in the Eastern Region, Nene Sakitey II, called on the government to set up avenues that would facilitate the participation of traditional authorities in the national and local governance of the country in order to help promote good governance and accelerated development (Nene Sakitey II 2003). In his response, the vice president emphasized his government’s continuing belief in traditional authorities as partners in development and also expressed the commitment of the government to a policy of utilizing their rich experiences in seeking solutions to “national problems and to bring governance to the doorsteps of the people” (Mahama 2003). This view of the vice president meshes with the position of Boafo-Arthur, when he observes that traditional authorities are stakeholders in the overall development of the country, adding that:

... the ability of chiefs to serve as effective governmental partners in development by sustaining the new paths of collaboration with the central administration being championed by some of them will go a long way in not only strengthening the relations between the government and the chieftaincy institution but also facilitate development in various traditional areas. Poverty and ignorance generate societal conflicts that could undermine the authority of chiefs. The institution must, therefore, work in concert with the government and other development partners to minimize the levels of poverty and ignorance (ibid., 17).

Moreover, with the increasing number of well-educated people – lawyers, university professors, medical doctors, accountants, engineers, pharmacists, senior military and police officers, etc. – who are being made traditional authorities, it is also clear that involving them in the district assemblies system will ensure that they would bring their professional expertise to bear on the functioning of the institutions of local governance so as to facilitate development. For instance, there are currently such prominent traditional authorities in Ghana as Osagyefo *Nana* Amoatin II, a medical doctor by profession and Okyenhene of Akyem-Abuakwa Traditional Area in the Eastern Region, Otumfuo Osei Tutu II, king of Asante (*Asantehene*), Torgbe Afede XIV, a stockbroker, investment consultant, and Agbogbomefia (king) of the Asogli State of Ho in the Volta Region, Professor *Nana* S.K.B. Asante, a former diplomat, economic consultant, and chief of Asante-Asokore in the Asante Region, and Professor John S. Nabila, the Wulugunaba, once chairman of the Research Committee of the National House of Chiefs¹ and now Member of the Council of State² representing the Northern Region.

It is important to point out that all these traditional authorities, among several others, have been involved in such development efforts as afforestation, anti-HIV/AIDS campaigns, investment drives, and the provision of educational and other social facilities, all aimed at improving the lot of people within their respective traditional authority areas and beyond. For instance, in the case of the anti-HIV/AIDS campaign, the National House of Chiefs in January 2005 launched the Traditional Authorities' Development Programme (TRADEP) on HIV/AIDS. According to Odencho Gyapong Ababio II, president of Ghana's National House of Chiefs, this program, which is sponsored by the Ghana AIDS Commission, is expected to put traditional authorities "at the forefront of mobilizing the people to achieve the right response in the fight against the disease" (Ababio II 2005). In fact, some traditional authorities have even been involved in what was hitherto the preserve of the state by embarking on investment drives with foreign governments. A case worth mentioning is that of Torgbe Afede XIV, Agbogbomefia of the Asogli State of Ho. In a pre-departure interview on 26 August 2005 while leading a twenty-member trade and investment promotion delegation to the People's Republic of China, he emphasized the need to modernize the institution of traditional authority so as to promote development when he stated that:

The role of a chief in this modern time has changed from previously leading the people in conquering territories to attracting investment, fighting poverty, dialoguing, promoting education, creating an enabling environment for development, and facilitating human development. (Afede XIV 2005)

Again in furtherance of the above issue, some traditional authorities are getting involved in various partnerships in order to promote local and national development. For instance, the New Juaben Traditional Council in the Eastern Region of Ghana in collaboration with the Koforidua Municipal Assembly has embarked on a project aimed at providing facilities for computer training in the municipality as a way of supporting the country's developmental efforts (*Nana Asiedu* 2005).

Moreover, traditional authorities in Ghana through the National House of Chiefs have now assumed a new responsibility that is unprecedented in the political history of Ghana. In this direction, the National House of Chiefs, led by its then-president, Odeneho Gyapong Ababio II, were involved in efforts to reconcile ex-president J.J. Rawlings and his successor, then-president J.A. Kufuor (Ababio II, 1996). This effort became necessary as a result of the scathing war of words that has developed between them. Whereas ex-President Rawlings accused then-president Kufuor and his government, among other things, of harassment and intimidation of his party's operatives, political persecution against former ministers and functionaries of his government, and about his personal safety and security Kufuor, on the other hand, expressed his discomfiture about the former president's "non-conformity" as a statesman and for his refusal to be neutral in national politics. The fact that public concern about the unfolding situation and its consequences for national security captured the attention of the National House of Chiefs shows the extent to which traditional authorities are concerned with national issues. In fact, as noted by the president of the National House of Chiefs, their action became necessary because they had foreseen the possibility of the situation destabilizing national security.

Finally, because of the high levels of professional expertise and the "modern" outlook that the new class of traditional authorities possess, they have come to provide a vital link between government and their

people and in the process have become agents for the dissemination of government policies and decisions among the latter (Ababio II 1996, 36). In sum, the newly emerging class of traditional authorities in Ghana has become more development-oriented and has, therefore, become greatly involved in leading in the mobilization of the people and resources for local development.

Beside the above factors, there is the added issue of traditional authorities sometimes either serving as the custodians of clan assets, including lands or having influence over those who own land in the rural areas. In this case, since land is vital to development, traditional authorities are now seen as important elements in development at the local levels. Furthermore, there is another important dimension to the issue of their control over land that has often been ignored. It has been suggested that it could be the case that a traditional authority who, together with his elders and/or landowners are selling land in their areas, might unknowingly be prejudicing local development if a district assembly also has its eyes set on that same parcel of land but had, at the time of the sale, not notified the traditional authority in the area concerned (Interview with Addo-Fening at Legon, 27 October 2003). Thus if traditional authorities are more involved in the functioning of the district assemblies system, they would be part of the development planning processes of their districts and would, therefore, know which areas in the districts are being earmarked by the district assemblies for purposes of development. This knowledge of the plans of the district assemblies will, therefore, enable the traditional authorities to help facilitate local development in collaboration with their respective district assemblies.

In fact, the broad belief that the institution of traditional authority could play an important role in local and national development stemmed from the view that the institution has the relevant “political culture” and “political legitimacy.” That is, traditional authorities are seen as having a good understanding of local circumstances, history, and culture and are also noted as legitimate political authorities who derive their authority from the history and culture of their people, unlike the “modern” institutions of governance, which are part of the colonial legacy.

It is clear that the involvement of traditional authorities in collaborative development planning and implementation processes with the district assemblies could best be achieved only when they become more involved

in the functioning of the district assemblies system. This means that the lack of adequate representation for traditional authorities in the district assemblies system has, therefore, created a situation in which they and the district assemblies are working at cross-purposes, a situation that is unhelpful to development. Moreover, there is no gainsaying the fact that traditional authorities are seen as important in ensuring the prevalence of peace and order in their areas, conditions that are crucial in facilitating orderly development (Yankson 1999, 162). Thus, as Nsarkoh (1964, 5) rightly argues, since local government in Ghana, and for that matter in Africa, is seen as a continuation of tradition and part of the African heritage and culture, there is the need to provide a central place for traditional authorities in the district assemblies since their enhanced participation in local government would ensure that all available resources are mobilized for local development. In the light of the policy on democratic decentralization in Ghana and the views expressed by both political leaders and traditional authorities on the district assemblies system, it is clear then that both traditional authorities and the district assemblies have been identified as agents of good governance and development at the local level. Moreover, it is also clear that in order for an orderly development at the local level, both traditional authorities and the district assemblies must work in partnership and this could best be achieved when the former participate more actively in the functioning of the district assemblies system. In fact, this collaboration is important if the district assemblies are to promote local development in particular and national integration in general. In a series of interviews with one traditional authority, he was of the opinion that because traditional authorities remain the legitimate spiritual, cultural, and political leaders of their people, they must not be ignored in any governmental machinery that seeks to promote governance and development at the local level (Interviews in South Tongu District, November 2003). It is in light of this that one must examine the relevance of the two epigraphs at the start of this chapter.

TRADITIONAL AUTHORITIES AND THE SOUTH TONGU DISTRICT ASSEMBLY (STDA)

As already noted, there is an emerging crop of well-educated professionals swelling the ranks of traditional authorities in Ghana. In the case of the study area, there are such prominent traditional authorities as Torgbe Agamah Amattah IV, paramount chief of the Fievrier Traditional Area, a lawyer by profession and currently the deputy clerk of Ghana's parliament, Torgbe Avudzega I, chief of Sogakofe, a well-respected social worker and an advisor to the current president of Ghana, Torgbe Azaxie Degenu III, an economist and paramount chief of the Agave Traditional Area, Torgbe Avadali IV, a physicist and divisional chief of the Anyigbe Clan of the Agave Traditional Area, Torgbe Agbodemegbe II, an accountant by profession and divisional chief of the Agave Traditional Area, Dumegah Torgbe Korku Ganu III, an accountant, economic consultant, and town elder of the Sokpoe Traditional Area, and Mama Adobea Aketse IV, a police officer, an accountant, and paramount queenmother of the Vume Traditional Area. In light of the above, it is clear that the new trend of well-educated people joining the ranks of traditional authorities in Ghana is also reflected in the South Tongu District.

Arising from the foregoing, the main concern of this chapter, as already noted, is to examine the role that traditional authorities have been playing in the current decentralization program (i.e., the district assemblies system) since its inception in 1988, using the South Tongu District Assembly as a case study. The above, therefore, brings to mind certain important questions that will be addressed in this chapter. First, what has been the level of participation of traditional authorities in the South Tongu District Assembly since the start of the current decentralization program? This will partly be measured by making a determination of the number of traditional authorities that have so far been appointed to the assembly and how their presence has affected the quality of decision-making and implementation processes in the assembly. Second, how far have traditional authorities in the South Tongu District been involved in the consultative process that goes into the selection of government appointees as provided for in PNDC Law 207, the 1992 Constitution, and Act 462 of 1993? Third, what has been the relationship between

traditional authorities and the leadership of the South Tongu District Assembly (i.e., district secretaries and district chief executives), on the one hand, and between them and the elected members of the South Tongu District Assembly from their respective traditional authority areas, on the other? Fourth, how do the traditional authorities perceive the district assembly? Fifth, what role do the traditional authorities see for themselves in the South Tongu District Assembly in their desire to participate in the development of the district?

The importance of the above questions lies in the fact that, among other things, they will enable me to determine the degree to which the provisions on the consultative process for the choice of the government appointees are being complied with, help in finding out the extent to which traditional authorities are participating in the South Tongu District Assembly, and finally help in making an overall assessment of the policy on the district assemblies system vis-à-vis traditional authorities in the South Tongu District, in particular, and Ghana, in general.

In an effort to answer the questions raised above, interviews were conducted both within and outside the study area during 2003. In all, eighty people were interviewed with the breakdown as follows: twenty-five traditional authorities (including males and females, western-educated and non-western educated), twenty-five past and current members of the South Tongu District Assembly (including past district secretaries and district chief executives), twenty ordinary people (i.e., non-traditional authorities and non-assembly members) living within the study area, and ten experts and university faculty at the Ministry of Local Government and Rural Development and the University of Ghana, Legon.

COMPOSITION OF THE SOUTH TONGU DISTRICT ASSEMBLY SINCE 1988 - 2006

The current decentralization program in Ghana formally began in 1988, in spite of its roots in the defence committees of the early 1980s. This means that the policy had been in place for a period of eighteen years by 2006. Moreover, since elections and appointments to the district assemblies are done every four years, it follows that, so far, four such elections

had been held and the same number of appointments having been made to the South Tongu District Assembly since 1988 to 2006. A look at the composition of the South Tongu District Assembly shows that it has a total membership of fifty-one with the number of the government appointees coming up to seventeen, and the remaining elective positions being thirty-three.

An examination of the list of government appointees since the inception of the district assemblies system to 2006 has shown that the number of traditional authorities appointed to the South Tongu District Assembly is twenty-one out of a total of sixty-eight government appointees during the period, with some individual traditional authorities having been appointed as many as three times (Records of the South Tongu District Assembly, Sogakofe). Although the records on the traditional authorities who have contested the elective positions are difficult to come by, due to the poor record-keeping at the South Tongu District Assembly, the evidence gathered so far and collaborated in the course of interviews with some former and current members of the district assembly in addition to my personal recollection have shown that only about eight traditional authorities in the South Tongu District have contested elections to the district assembly between 1988 and 2006, with only five winning to become members of the STDA. After the district assemblies elections in 2002, there were only two traditional authorities amongst the seventeen government appointees.

THE CONSULTATIVE PROCESS AND THE CHOICE OF GOVERNMENT APPOINTEES TO THE STDA

In my series of interviews with some of the traditional authorities who had served in the past in the South Tongu District Assembly as part of the government appointees, it was gathered that their appointments were either the result of personal lobbying efforts or due to the fact that they were in the “good books” (euphemism for being supporters) of the government at the time of their appointments (Interviews in South Tongu District, July–November 2003).

According to one of my traditional authority sources, if there were any consultative processes involving traditional authorities in the selection of the government appointees to the South Tongu District Assembly over the years, this could not have involved those among them who were perceived to have had views that were independent of those of the government of the day, irrespective of the quality of the inputs that they would have made towards the selection process, in particular, and the achievement of the objectives of the decentralization policy, in general (Interview in South Tongu District, 24 September 2003). As this source further pointed out, only traditional authorities that were seen to have been loyal supporters of a given government would have been engaged in any such consultative process. This view, in fact, meshes with that of a queenmother who stated in her interview that, by and large, “chiefs appointed to the South Tongu District Assembly are not there because of the contributions that they can make but simply out of political patronage” (Interview in South Tongu District, 25 September 2003). In fact, most of the prominent traditional authorities and some paramount traditional authorities interviewed complained that they have never been consulted on the choice of government appointees to the South Tongu District Assembly (Interviews in Accra and South Tongu District, July–November 2003).

When asked whether they were aware of the provisions for the consultative process involving traditional authorities in the nomination of government appointees to the district assembly, some of the traditional authorities, especially those who do not have western education, expressed their ignorance and argued that it was because governments since the inception of the district assemblies system had wanted to keep them out of the district assembly that their attention was never drawn to the provisions (Interviews in South Tongu District, July–November 2003). This group of my traditional authority sources was even of the opinion that, even if they had been made aware of the provisions, there was no way they could have forced the hands of governments to give them as many positions among the government appointees as they would have wished since the final decisions lay with governments. In light of this, they see the institutional representation of traditional authorities by way of the entire seats reserved for government appointees being rather given to them as done in the past as the only way of meaningfully involving them in the district assemblies system (Interviews in South Tongu District, July–November 2003).

Furthermore, some traditional authorities were of the opinion that, besides the reservation of seats for them, the position of presiding members in the district assemblies should also be reserved for traditional authorities (Interviews in South Tongu District, July–November 2003). Those among the traditional authorities who hold this view argued that most of the confusion and acrimonies that sometimes crippled the efforts of some district assemblies could have been avoided if the presiding members were level-headed and mature enough to have dealt with the differences that sometimes emerged in the course of assembly sessions. To this group, therefore, since several of the differences are partisan in character, traditional authorities are best positioned to deal with them since they (traditional authorities) have been kept out of partisan politics by the provisions of the 1992 Constitution.

On the issue of whether the institution of traditional authority should be integrated into the district assemblies system or not, there was an overwhelming rejection of the idea by all my traditional authority sources. One queenmother, for instance, was of the view that the debate should not be about integration but rather about a quota system by way of institutional representation. As she told me in her interview:

Any attempt at integrating the institution of chieftaincy into the District Assemblies system would eventually lead to its adulteration and no chief or queenmother is prepared for this scenario. Rather, what is important in the circumstance is to allow for an enhanced participation of chiefs and queenmothers in the District Assemblies through a formula that does not necessarily imply integration since the independent identities of the institution of chieftaincy and the District Assemblies must be maintained because they are symbolic representations of different periods in history (Interview in South Tongu District, 15 September 2003).

As she also observed, the fact that the institution of chieftaincy has survived “westernization” and “modernization” is enough to show its resilience and adaptability. This means that the relevant aspects of the institution could be adapted into mainstream governmental machinery, and, in this specific case, into the district assemblies system. According to another

traditional authority source, the values that have sustained the institution of traditional authority since the colonial period could guide the quest for both local and national development (Interview in South Tongu District, 9 September 2003). However, as this source was quick to note, any effort at enhancing their participation in the district assemblies system should be mindful of the potential for compromising the “neutrality” of this unique institution in the face of an increasingly partisan district assemblies system. In fact, some of the traditional authorities interviewed lamented the fact that, although governments have always asked them to work with the district assembly, they are at a loss as to how this collaboration could be effected when they are literally not part of the district assemblies system (Interviews in South Tongu District, July–November 2003). From my interviews and the available statistics, it is clear that traditional authorities have been greatly under-represented in the South Tongu District Assembly since 1988.

Although a majority of the former and current members of the South Tongu District Assembly who were interviewed claimed to have been aware of the provisions of the 1992 Constitution and the Act 462 of 1993 on the choice of government appointees, a negligible number, most of whom lack western education, conceded that they were unaware of them (Interviews in South Tongu District, July–November 2003). It is interesting to note that even those who are aware of the consultative process as provided for under the respective enactments were skeptical that it has ever been used in the choice of government appointees to the South Tongu District Assembly. It must be noted that, although the central government represented in the president is supposed to consult traditional authorities and the interest groups in the selection of the government appointees, it is the incumbent district chief executives and local party officials who are expected to do this on behalf of the central government. Thus, in many instances, neither the regional ministers nor the Presidents have any personal knowledge of the persons prior to their being made the government appointees.

Because I was once a member of the South Tongu District Assembly, serving from 1990 to 1997 as a government appointee, some of the former and current members of the assembly were able to speak freely in the course of my interviews (under conditions of anonymity) that the provisions for the consultative process in the nomination of government

appointees to the district assemblies has never been followed in the South Tongu District. Several of them who have been familiar with the appointment process over the years informed me that the selections were either solely made by the district secretaries (now district chief executives) or in consultation with a close circle of confidants and most often without consultation with traditional authorities (Interviews in South Tongu District, July–November, 2003). The final list of the choice of government appointees is then sent to the regional secretary (now regional minister) for verification and the issuance of appointment letters on behalf of the president. In fact, my personal experience as a government appointee in the South Tongu District Assembly confirms these assertions.

In interviews with five former district secretaries and district chief executives, they all confirmed their knowledge of the provisions for the nomination of the government appointees to the district assembly. Some had argued that, in spite of this, they, as the local representatives of the government, had the obligation to ensure that people opposed to their respective governments were not included on the list of the government appointees. It was in light of this that they took pains to ensure that people did not, in the words of a former district secretary, “intrude into the list” (Interview in South Tongu District, 24 September 2003). According to this same source, it was with this position in mind that they personally screened people who should be on the list of prospective government appointees before forwarding them to the regional secretary (now minister) since willfully or unknowingly putting someone opposed to the government on the list could be an invitation to be fired.

There was much agreement amongst the interviewed past and present district secretaries and district chief executives that there were little or no consultations with traditional authorities in the nomination of the government appointees to the South Tongu District Assembly during their periods in office. However, one former district chief executive was emphatic in his interview that, although he had instructions from district and regional party officials on people to be included in the list of government appointees, he did, in fact, consult some traditional authorities and the Ghana Private Road Transport Union (GPRTU), an umbrella union of vehicle drivers as an “interest group” in compliance with the provisions of the 1992 Constitution and the Act 462 of 1993 (Interview in South Tongu District, 12 September 2003). As another former district chief

executive told me in an interview, the provisions of Article 242 (d) of the 1992 Constitution and its enabling Local Government Act 462 “become ambiguous when it comes to practice. Some of the traditional authorities are covert politicians who derive their status from political party lineage” (Interview in South Tongu District, 15 October 2003). Moreover, as the same source lamented, the nature of the selection process of the government appointees:

... does not bring out competent elements for effective work in the District Assembly. The Government Appointees simply become rubber-stamps for the politically-biased District Assembly. The constitutional provision and parliamentary Act 463 of 1993 are therefore being misinterpreted and abused to the detriment of the District Assemblies (Interview in South Tongu District, 15 October 2003).

In his opinion, much more needs to be done than the mere provisions for a “consultative process” involving traditional authorities since the provisions are not applied in the selection of the government appointees. According to this same source:

If the Government Appointees are expected to make up for the technical expertise that the elected members of the District Assemblies might lack, then this has, at least, not occurred in the South Tongu District Assembly since its inception because many of the more professionally competent traditional authorities in the District have been by-passed for some less professionally competent ones (Interview in South Tongu District, 15 October 2003).

He was of the opinion that, because traditional authorities continue to serve as links between their communities and the formal institutions of government and also are the first points of contact on visits by government officials to the rural areas, they deserve a greater participation in the decentralization program to help promote meaningful development at the local level. As he further pointed out, the argument by traditional authorities for a greater participation in the District Assemblies stems from their

special legitimacy heritage, the expertise of the new crop of traditional authorities, and the control that they exercise over resources in their local areas.

All the twenty ordinary people interviewed in the study area were made up of men and women above the age of eighteen, the statutory age for voting in Ghana. Although this group of informants seemed to have been fairly divided on whether or not traditional authorities should participate in the South Tongu District Assembly, a bare majority were not aware of the provision for the presence of government appointees in the district assembly. An examination of the background of the ordinary people showed that their lack of knowledge on the constitutional and parliamentary provisions for the selection of government appointees was due either to a lack of western education which has made it impossible for them to read the provisions, a lack or even a complete absence of public education on the district assemblies system, or simply their disinterest in the functioning of the district assembly. Twelve out of the twenty ordinary people who were favourably disposed to the participation of traditional authorities in the South Tongu District Assembly were of the view that since the district assembly is supposed to tap into local resources for development, traditional authorities must be involved in the decentralization program if the resources that they control should be made available for local development (Interviews in South Tongu District, July–November 2003). Some of them argued that the colonial local government policy was built around traditional authorities partly because of the fact that they were seen as central to the provision of development at the local level. Thus, the ordinary people who support the participation of traditional authorities in the South Tongu District Assembly were of the view that there is a need for institutional representation for them if they are expected to make any meaningful impact on the decentralization policy.

However, the remaining eight ordinary people interviewed (i.e., the ones who were opposed to the participation of traditional authorities in the South Tongu District Assembly) were of the opinion that the institution of chieftaincy should be confined to customary functions but those with professional expertise could be appointed to the district assembly on their individual merits (Interviews in South Tongu District, July–November 2003). As one of my sources within the ordinary people pointed out:

Any special consideration for an institutional participation of chiefs in the District Assemblies will naturally open the floodgates since social groups, among others, will also begin putting forward justifications for representation in their respective District Assemblies throughout the country (Interview in South Tongu District, 17 July 2003).

In fact, the consensus among the ordinary people was that government must involve traditional authorities in the consultative process for the selection of government appointees to ensure that they recommend those among them with the requisite professional expertise to enhance the functioning of the South Tongu District Assembly.

THE STATUS OF TRADITIONAL AUTHORITIES WHO HAVE SERVED IN THE STDA

As already noted, prominent traditional authorities in the South Tongu District have been marginalized in whatever consultative processes that have been in place for the selection of the government appointees to the district assembly. The result of this is that an examination of the status of the traditional authorities who have served in the South Tongu District Assembly since 1988 has shown a common trend, that is, the appointment of sub-traditional authorities and sub-queenmothers, with paramount traditional authorities, paramount queenmothers, and some very well-educated traditional authorities in the district being left out of the list of government appointees.³ In fact, in its eighteen-year period, it was only on one occasion that a paramount queenmother (in the person of Mama Adobea Aketse IV of the Vume Traditional Area) was appointed to the South Tongu District Assembly with no paramount traditional authority benefiting from these appointments.

This practice of leaving the prominent and well-educated traditional authorities and paramount queenmothers out of the South Tongu District Assembly has often resulted in conflicts between them and the sub-traditional authorities and sub-queenmothers who have served as government appointees, on the one hand, and the former and the district secretaries

and district chief executives, on the other. Most of the prominent and well-educated traditional authorities, paramount traditional authorities, and paramount queenmothers interviewed were of the opinion that they have been sidelined in the selection of the government appointees to the district assembly because of their independent views on issues, which would make it impossible for them to simply “follow” official positions (Interviews in Accra and South Tongu District, July–November, 2003). Although the two sub-traditional authorities currently serving in the South Tongu District Assembly as government appointees are well-educated professional accountants, by and large, the appointment of traditional authorities to the South Tongu District Assembly, as elsewhere, has been to ensure that those appointed are favourites of the government of the day and would, therefore, be unlikely to take positions independent of those of the latter (Interviews with Addo-Fening, October 27; Ayee, October 30; Asibuo, October 30; and others in Ghana 2003).

THE RELATIONSHIP BETWEEN TRADITIONAL AUTHORITIES AND MEMBERS OF THE STDA

According to Ayee, Addo-Fening, and Asibuo, during their respective interviews, the general expectation has been that there would be cooperation between traditional authorities and the elected members of the district assemblies from the electoral areas in their traditional authority areas, in particular, and the district assembly itself, in general (Interviews at Legon, *ibid.*, 2003). As they pointed out, at the level of the electoral areas, the traditional authorities and the assembly members elected from their respective traditional authority areas are expected to be in regular consultation with each other in order to ensure collaboration in local governance and development. As they also noted, it is expected that the assembly members initiate consultations with their traditional authorities before and after sessions of the district assemblies so as to ensure that their traditional authorities respectively make prior inputs into their work during assembly sessions and also get briefings after these sessions, especially on issues that directly affect their traditional authority areas. Moreover, since there is a correlation between traditional functions of traditional

authorities and the initiation and sustenance of development, this collaboration between them is regarded as vital to local development. According to some of the traditional authorities and assembly members interviewed, in instances where there is co-ordination between them and a recognition of each other's vital role in the partnership, things have gone on well (Interviews in South Tongu District, July–November 2003). However, as my informants pointed out in their respective interviews, where each party sought to subdue the influence of the other, there have been rivalries and often bitter confrontations, which naturally undermined local efforts at promoting governance and development.

It is clear from the foregoing, that one main implication of the participation of traditional authorities in the district assemblies system in Ghana is that they must be prepared to work in a collaborative relationship with the assembly members from their respective traditional authority areas. That is, traditional authorities must be prepared to concede some of the roles that they had played in the past to enable members of the district assemblies to also perform their constitutionally mandated functions. Thus, it is clear that any refusal of the traditional authorities to cooperate and allow the assembly members to perform their statutory functions for fear that it would erode their traditional functions in society would undermine governance and development at the local level since these would only occur with the peaceful co-existence and cooperation from all stakeholders.

It must be noted that the relationship between traditional authorities and members of the South Tongu District Assembly had, from the very onset of the district assemblies system, not been cooperative, although the situation has improved with time. There had been instances when sub-chiefs and sometimes paramount chiefs and assembly members elected from their traditional authority areas vehemently disagreed on issues and even openly confronted each other. According to several of my sources and from my personal experience, the friction in the relationship had largely been the result of the desire of each party to protect its "turf." For instance, on certain occasions, the conflict was over who exercised the right to summon the local communities to self-help labour or to meetings for the planning and implementation of development projects (Interviews in South Tongu District, July–November 2003).

These disagreements, it must be noted, often resulted in some members of the South Tongu District Assembly reportedly acquiring their own

“gong-gong” (metal instruments used to summon community meetings, which had been the prerogative of the traditional authorities from time immemorial) to rival those of their traditional authorities. In fact, there were numerous occasions when some traditional authorities appeared before the executive committee of the South Tongu District Assembly while I was a member to complain about these occurrences in their traditional authority areas. At other times too, the source of the conflict could be traced to the perception on the part of some assembly members that the institution of traditional authority is outmoded and that it must have no role to play in institutions of modern local government (Interviews in South Tongu District, July–November 2003). It is important to note that, although the sources of some of these conflicts between the traditional authorities and members of the district assembly from their traditional authority areas could also be traced to personality clashes, by and large this has been the result of inadequate public education on the importance of cooperation between traditional authorities and assembly members to the success of the district assemblies system. This lapse in the implementation of the decentralization policy needs to be rectified if there should be any meaningful collaboration between traditional authorities and the district assemblies system to ensure development at the local level.

Some of the traditional authorities in the study area complained that, in spite of the improved relationship between them and some assembly members from their traditional authority areas, some of the latter still do not give them the much-required respect befitting their traditional authority status (Interviews in South Tongu District, July–November 2003). According to them, these assembly members informed them neither before nor after meetings of the district assembly, thereby keeping them in the dark about the functioning of the district assembly and its policies and development programs for their traditional authority areas. According to some, the failure and/or refusal of assembly members to regularly consult them amounted to attempts to undermine the institution of traditional authority, since the assembly members have more or less usurped their traditional functions in their traditional authority areas (Interviews in Accra and South Tongu District, July–November 2003). Those traditional authorities who hold this last view argued that, since the institution of traditional authority pre-dates the district assemblies system, being a member of a district assembly does not, *ipso facto*, elevate that

individual over and above the institution of traditional authority and that the assembly members must still regard themselves as subservient to their traditional authorities. This last point illustrates the degree of the contest for power that has become attendant with the relationship between traditional authorities and their assembly members. This, by extension, is illustrative of the contest for supremacy between traditional and modern institutions of government and their sources of legitimacy. In spite of this, most of the traditional authorities still believe that they could work with their assembly members once the latter are prepared to have regular consultations with them, especially before and after assembly sessions and to recognize the fact that they (i.e., traditional authorities) are the highest political authorities in their respective traditional authority areas.

It must be pointed out that there seems to be more cooperation between assembly members and traditional authorities who have acquired high levels of western education than with those without it. This is not surprising because, whereas the traditional authorities who do not have western education stay in their traditional authority areas, and, therefore, see the assembly members as daily threats to their positions, those with western education and high professional skills often stay in the cities, plying their professions, and so will welcome cooperation from the assembly members who they expect to help administer their traditional authority areas, especially while they are away in the cities pursuing their respective careers.

In fact, in interviews with some of the traditional authorities with high levels of western education, they were of the opinion that since development in their areas is expected to emanate from a collective effort, they will welcome any cooperation aimed at attaining that goal, more so when their professions do not allow them to regularly visit home (Interviews in Accra, Tema, and South Tongu District, July–November 2003). This shows that there is a correlation between the level of western education of traditional authorities and their degree of support for and cooperation with the Assembly Members from their traditional authority areas. However, in a few instances, some traditional authorities with no western education have good working relationships with their Assembly Members as a result of their shared desire to facilitate local development.

THE RELATIONSHIP BETWEEN TRADITIONAL AUTHORITIES AND DISTRICT SECRETARIES/DISTRICT CHIEF EXECUTIVES

It must be noted that one important issue that constantly came up in the course of my fieldwork was the often sour relationship between traditional authorities and the district secretaries/district chief executives. In fact, since the district chief executives are the political heads of the districts and the main points of contact for the central government with regard to the district assemblies, any problematic relationship between them and traditional authorities, who, on the other hand, are the first points of contact for both the central government and the district assembly in the local areas would not augur well for local development. Moreover, the development of bad blood between them would naturally colour the perception of one party about the other.

It must be noted that, whereas a minority of my traditional authority sources were full of praise for the cooperation that they have had in the past from some district secretaries/district chief executives, the majority complained about the way they were often ignored for several hours on their visits to the South Tongu District Assembly to have discussions with some of the district secretaries/district chief executives (Interviews in Accra, Tema, and South Tongu District, July–November 2003). One aggrieved traditional authority expressed his frustration about one such experience when he told me in an interview that:

You see, my son [referring to me], these people who are in-charge of our district behave the way they do because they have the support of their people in government. Well, if they think they can govern alone, let them go on and we wait to see what they can achieve. (Interview in South Tongu District, 13 November 2003)

In fact, all those traditional authorities who had in one way or another been treated in a similar manner were unanimous in their opinion that their complaints to the district secretaries/district chief executives on the issue had not helped the situation (Interviews in Accra and South Tongu District, July–November 2003). It is interesting to note that the more

elderly traditional authorities whose reigns pre-dated Ghana's independence spoke of fond memories of the excellent relationship between them and the British colonial district commissioners and expressed their nostalgia for those moments. As one elderly traditional authority told me in an interview:

These young men [referring to the district secretaries/district chief executives] are so full of pride and arrogance that they did not know that the institution of chieftaincy has been here since the start of history and that the institution will continue to survive all post-independence governments just as it did its predecessor, the colonial government. In those days [a reference to the colonial era], the DCs visited us regularly and sought our advice because they recognized our importance in local government and development but all that is gone now (Interview in South Tongu District, 2 September 2003).

In the above sense, the elderly group of traditional authorities in the South Tongu District who had worked with the colonial authorities regarded the district secretaries/district chief executives who did not give them the desired attention on such visits as people who had simply become arrogant and disrespectful by virtue of their political appointments. Moreover, the reference by the traditional authorities to the district secretaries/district chief executives as "young men" is not only an indication of the often-held view at the local level that "there is more wisdom in old age," but, more importantly, it is a further demonstration of the clash between tradition, represented in the institution of traditional authority and "modernity," which, on the other hand, is represented in the formal institutions of government as we have them today. Besides, this shows a dimension of the contest for legitimacy in the post-colonial era in the Global South between traditional institutions of government and the modern ones, represented in the formal institutions of government.

The sour relationship between some traditional authorities and some district secretaries/district chief executives in the South Tongu District, as revealed by several of my sources, was often the result of disagreement over the allocation of development projects. That is, sometimes the lack of cooperation from some traditional authorities occurs when they perceive

the district secretaries/district chief executives as having denied their areas of development projects. On other occasions, the conflicts were the result of the contest for the exercise of authority over issues that traditional authorities regarded as their areas of legitimate jurisdiction, for instance, decision-making over the allocation of resource-endowed lands in the district. Particular cases in point are disagreements over who exercised control and, for that matter, rating authority, over lands in the district from which contractors and ordinary people purchase sand and gravel in large quantities for construction purposes. Although Article 267 of the 1992 Constitution is clear on the formula for the sharing of royalties, in certain instances, some traditional authorities and their people feel that the formula should have given them a greater percentage of the royalties.⁴ This often occurred, especially in traditional authority areas where there lingers the perception of a lack of government attention in the provision of development projects and the feeling that, if government and the district assembly do not care about the development of their areas, then they needed “to keep their resources” to enable them provide for their own development.

CONCLUSION

In this chapter, I have tried to examine the degree of involvement of traditional authorities in the South Tongu District Assembly. I also tried to determine the relationship between the traditional authorities and the various operatives of the South Tongu District Assembly, namely, the district secretaries/district chief executives, and the assembly members.

As noted, there is very minimal participation of traditional authorities in the South Tongu District Assembly. In fact, as shown in my interviews, very little or no consultation has been made with traditional authorities in the selection of government appointees since the start of the district assemblies system in spite of the provisions of PNDC Law 207 of 1988, the 1992 Constitution, and Act 462 of 1993. This is because the district secretaries/district chief executives either did the selection alone or with a few party officials and sometimes with interference from the regional level to influence the selection process. Besides, even in instances where some

traditional authorities were appointed as part of the government appointees, this was largely because they were either sympathizers or supporters of the ruling government or because they were perceived as people who would serve as vote-banks for the government. Moreover, in spite of the claim that the government appointees are expected to provide the district assemblies with the technical expertise that the elected members might lack, by and large, the evidence from the South Tongu District Assembly has shown the contrary.

I have also realized from my interviews that, in spite of the fact that there has been an improvement in the relationship between the traditional authorities and the district secretaries/district chief executives over time, much more needs to be done to improve upon it. In fact, the traditional authorities were initially seen by the district secretaries/district chief executives as people who needed to simply take directives from them; hence they were not prepared to tolerate their views on issues.

With regard to the relationship between the traditional authorities and the elected assembly members from their traditional authority areas, this could be described as fairly good, having come a long way from the fractured situation that it was at the start of the district assemblies system. I have pointed out that the sour nature of the relationship was basically a contest, not only for power, but also between the pre-colonial state, represented in the institution of traditional authority, and the post-colonial state, seen in the institution of the district assemblies. That is, the “struggle” between some traditional authorities and some assembly members over who wields greater authority in the local communities stems from the concept of “divided legitimacy” and “divided sovereignty” (see Ray 2003). The relationship between traditional authorities and the elected assembly members from their areas was, by and large, more cordial where the former had western education. This, as I have indicated, was because all the traditional authorities with high levels of western education live in the cities and far away from their traditional authority areas and almost always welcomed cooperation from their assembly members, who they see as people “holding the fort” for them while “they (traditional authorities) were away from home.”

In sum, the degree of cooperation that is expected to exist between the traditional authorities and the functionaries of the South Tongu District Assembly has, by and large, not been seen in practice. However, the

good news is that, given the fact that the situation has improved over the years, a more strenuous effort on the part of the stakeholders – central government, the district chief executives, assembly members, and traditional authorities – could help greatly in improving the situation and help the district assemblies system promote the goals for which the decentralization program was supposedly put in place to attain.

NOTES

- 1 Article 271 of the 1992 Constitution provides for the creation of a National House of Chiefs, as the highest body in matters concerning traditional authorities in Ghana. In fact, this provision in the Constitution is simply to maintain the legality of the National House of Chiefs since it was long in existence before the writing of the 1992 Constitution. It must be pointed out that, there are hierarchies of chiefs in Ghana. At the lowest level are the local chiefs and queenmothers who come together to form traditional councils if they happened to be in one paramountcy, with their paramount chief as the president of their traditional councils. The next level of the hierarchy is the Regional Houses of Chiefs, located at the respective regional capitals. The main function of the Regional Houses of Chiefs is to exercise administrative responsibility over issues pertaining to chiefs in their respective regions. At the highest level of the hierarchy is the National House of Chiefs. The membership of the National House of Chiefs is made up of five paramount chiefs elected by each Regional House of Chiefs. The president of the National House of Chiefs is elected on rotational basis from among its membership.
- 2 The 1992 Constitution provides for the creation of a Council of State. According to Article 89 (1), the Council of State is expected to “counsel the President in the performance of his functions.” The membership of the Council is derived from various institutions, among which is the National House of Chiefs, which is represented by its sitting president. In fact, the idea of setting up a Council of State predates the 1992 Constitution and was also provided for under the 1979 Constitution. The philosophical idea underlying the creation of the Council is that since presidents need wise counselling, there is the need to get together Ghanaians of excellent academic and professional backgrounds, whose experiences will enrich presidential decision-making. Although it is expected that presidents listen to the Council, its advice is not binding.
- 3 The use of the pre-fix “sub” to describe some traditional authorities is by no means a way of denigrating their status. This is simply meant to differentiate those described as such

from paramount traditional authorities. That is, any use of the term “sub-traditional authority” is a reference to non-paramount traditional authorities.

- 4 According to Article 267 (1) of the 1992 Constitution, all lands belonging to stools and skins (i.e., traditional authority areas) are to be vested in the appropriate stool or skin to be administered on behalf of the people. As provided for under Article 267, there shall be an Administrator of Stool Lands to help

in the administration of these lands. The article also provides for the formula for the disbursement of royalties accruing from these lands. This disbursement formula, as provided for under Section 6 of the said article is as follows: 10% to the Administrator of Stool Lands to facilitate the administration of his office; 20% to the stool through the traditional authority for the maintenance of the stool; 20% to the traditional authority; and 50% to the district assembly within whose jurisdiction the stool land is located.

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