

THE ROLE OF THE CHIEFTAINCY INSTITUTION IN ENSURING PEACE IN GHANA FROM THE PRE-COLONIAL TIMES TO THE PRESENT

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Abstract

This paper discusses the role and challenges to the chieftaincy institution in the attainment of peace in Ghana. It examines the origin and types of traditional roles played by chiefs in ensuring peace and how the advent of colonialism and the consequent introduction of modern governance systems (legal-rational authority) have relegated the chieftaincy institution to the background. The paper concludes that peacemaking requires power and resources which chiefs do not have because of the dynamics of modern politics in Ghana. Thus it is imperative for chiefs to be empowered and resourced by government so that they can contribute meaningfully to the achievement of peace in Ghana.

Introduction

One of the factors that influenced the establishment of the chieftaincy institution in Ghana was the quest for cooperation, peace, and security. In early times when the Gold Coast (now Ghana) had not been established, the people were hunters and gatherers. In their daily experiences they were exposed to the dangers of rival predators and dangerous animals. Sometimes a whole band was either extirpated or taken captive and enslaved by a stronger band. In order to survive these precarious winds of life and enhance individual security, humans came together, sealed and legalized a social contract to which the inhabitants individually consented. In this contract, the collective security and peace of

the inhabitants of the state were entrusted to a sovereign (Bluwey, 2002). In other words, the people looked up to the most powerful individual in the group for their protection. In return, the sovereign demanded obedience which the people obliged. Be that as it may, the social contract theory provides a framework within which the chieftaincy institution can be located. In the rest of this paper, the origin, types and structure of the chieftaincy institution in Ghana will be discussed. In addition, the concept of peace and the role played by the chieftaincy institution in ensuring peace in pre-independence and post-independence periods will be examined. Finally, the way forward will be discussed and some conclusions drawn.

Origin of Chieftaincy in Ghana

In the main, chieftaincy in Ghana originated from three sources (Abotchie in Odotei and Awedoba, 2006) Historically, a person became an automatic chief if he successfully led a group to be first settlers of a territory. The territory so occupied was appropriated as his state. This was during the periods of external and internal migrations when groups searched for suitable and peaceful places to settle. Also, during the pre-colonial tribal wars, a person became a chief through conquest. The conquered group came under the authority of the leader of the victorious group. A person could also become a chief through military distinction and gallantry in times of war or traditional emergencies such as famine, drought, and floods. Such individuals were deemed extra-ordinary ambassadors of peace. Their names were immortalized in oral traditions. In most cases they were rewarded with the highest honor as chiefs. Thus chieftaincy, a traditional institution with pre-colonial roots in Ghana, not only continues to occupy politico-social

and cultural space, it also shares that space with modern statal structures and the pan ethnic institutions that have come into existence since the colonial era.

Centralised and Acephalous Systems

Before colonial rule Ghana as we know it today comprised many independent states and kingdoms. Some could be described as city states. Others, including Akwamu, Bono, Denkyira and Asante (some ethnic groups in southern Ghana), were large and powerful kingdoms with a number of vassal and satellite states. Each kingdom was headed by a supreme ruler who owed his position through hereditary succession, either, as with the Akan, through maternal lineage, or among the other ethnic groups such as the Ewe and Ga-Adangbe of south-eastern Ghana, through the paternal lineages (Buah, 1980). These rulers operated under the centralized political systems. Apart from the supreme ruler, there has developed over time sub-chiefs who complete the hierarchy. For example, the Akan army formation depicts not only the chiefly hierarchy but also one way in which sub-chiefs were organized. These sub-chiefs were more than anything else in charge of various sections of the army. Among the Akan, there is the *Krontihene* who commands the army in the absence of the chief at war with the *Akwamuhene* as the second-in-command. Other commanders include the *Nifahene* and *Benkumhene* responsible for the right and left flanks respectively. The *Twafohene* leads the advance guard, the *Adontenhene* commands the main fighting body, the *Ankobeahene* leads the chief's personal bodyguard. Others are the *Kyidomhene*, commander of the rear-guard, the *Gyasehene* who controls the attendance at the palace. Notably, these are all chiefs of particular settlements within the territory in which they render military or other services to the *Omanhene* or King. Customarily, a chief is forbidden to speak directly to the

people; he does so through an *Okyeame*, an individual with powerful oratory skills. (Nukunya 1992).

Apart from this centralized system of traditional rule there was also the acephalous system. This system operates in societies without obvious power-holders beyond the level of family groupings, known as 'clans' or 'lineages'. The Tallensi, Dagare and Konkomba, all in the northern part of Ghana, practiced this system before colonial rule (Arhin, 1985). Arguably, a third system controlled by ritual or spiritual leaders existed concurrently with both the centralized and acephalous systems. Such leaders represented shrines and were revered throughout the land. Their words transcended the physical world into the spiritual realm because they were believed to represent gods or deities which the colonialists called fetishes. They could be described as Ghana's answer to the biblical prophets and prophetesses of Israel. Many of these were found in Eweland and among the Ga-Adangbe.

Who is a Chief in Ghana?

From the brief introduction to the origins and systems of types of traditional rule we can delineate the chieftaincy institution as a collectivity of all those exercising traditional authority recognized as such by the people they rule. It may be important to note that since the period of British rule, a chief's position is legitimized when it is recognized by the government. Who then is a chief? According to Arhin (1985), a chief is "a person selected or elected in accordance with customary usage and recognized by the Government to wield authority and perform functions derived from tradition or assigned by the central government within specified areas". This definition has however come under scrutiny by some scholars led by Abotchie (Odotei and Awedoba, 2006).

Abotchie's contention is that this definition lost its validity with the promulgation of the 1992 constitution. The constitution defines a chief in Article 277 as 'a person, who, hailing from appropriate family and lineage, has been validly nominated, elected or selected and enstooled, enskinned or installed as a chief or queen mother in accordance with the relevant customary law and usage.' This constitutional provision is very significant because it captures all the processes that culminate in describing an individual as a chief. A chief must come from a royal family. The validity of a royal's nomination to be chief lies in the proper constitution of the kingmakers, that is, elders of the royal family led by the Queen mother or *Obaapanin*. They must not overlook any bit of the customary procedures and practices involved in the matter of selection and installation of a chief. The constitution uses the words, *enstooled* and *enskinned* to denote installation of chiefs in the southern and the northern parts of Ghana respectively.

But this definition has also been taken to task by Odotei and Awedoba (2006) for being inadequate for the understanding of who actually is a chief. To them, the definition is circulatory because it defines a chief by referring to a chief or queen mother. They also argue that it is imprecise in its reference to 'family' and 'lineage'. They cite, for example, that one may belong to the appropriate lineage and yet not be nominated or elected to become chief if it is not the turn of one's lineage to claim the chieftainship, or if one has been disqualified on some criteria.

It is the contention of the authors of this paper writer that not until Article 277 of the 1992 constitution is amended to incorporate the various relevant criticisms and concerns it shall continue to be the legal provision for delineating a chief in Ghana. Generally, however, a chief in Ghana operates within a matrix of complex norms and

traditions. The authority exercised by a chief is based on the sanctity of tradition and custom and it is reserved for a particular group. Among the major expectations of the people in chieftdom or a traditional area is the ability of a chief and his elders, including the queen mother, to ensure and maintain peace.

The Concept of Peace

“Peace” defies a single definition. Consequently, the concept has been peddled around in several guises. This paper aims at indicating how peace is conceptualized with respect to chieftaincy. However, we deem it important to explore the various meanings of the concept ‘peace’ in order to sharpen its focus. Peace is often conceptualized as the absence of war, and by logical extension, war is viewed as the absence of peace. In other words, peace and war are viewed as two sides of the same coin. This definition of peace is considered inadequate because it ignores the fact that peace is independent of war. That is, there can be peace in times of war and vice versa. For example, in spite of the intractable violent conflict between the Israelis and Palestinians, they have negotiated a peaceful use of their water resources (Ibeanu, in Shedrack Gaya Best (ed) 2006). The definition also fails to address what Galtung (1990) calls structural violence which has to do with social aberrations such as oppression, poverty, exclusion, alienation, intimidation, want, illiteracy, fear, squalor, disease and ignorance. Obviously, a society experiencing these in the absence of physical, open and direct violence cannot be said to be peaceful. Philosophically, peace has been conceptualized as original, natural, God-given state of human existence. It is the state in which man was not corrupted and the earth was a perfect replica of God’s Kingdom. Writing in similar vein, St. Augustine conceptualizes peace as the city of God in contradistinction to the city of man manifested

in appetitive and possessive impulses (Sabine and Thorson, 1973). To Jean Jacques Rousseau, humans were born into a free state without desires but through his own moral turpitude, he fell into a corrupt world and lost his peace.

Plato, a political philosopher, in his “Republic” views justice as the basis of peace. To him, justice exists where each member of society is given his or her due. He argues that society requires the functions of production, security and political rule to achieve harmony. Correspondingly, these functions require the aptitudes of appetite, courage and knowledge in the populace and by extension the roles of workers, soldiers and rulers. To Plato, justice and peace demand that society systematically determines the endowment of each member and ensures that they are placed in each of the three functions according to their endowments. Thus persons of appetite should engage in the production of society’s material existence, those with courage should defend the society, while the knowledgeable rule. Justice, peace and harmony are distorted when the functional system overlooks the bent of individuals and put square pegs in round holes, for instance, if those who are not knowledgeable or appetitive are made to rule.

According to Best (2006), peace is a process involving activities that are directly or indirectly linked to increasing development and reducing conflict both within specific societies and in the wider international community. Concluding, it must be noted that in general, six meanings of peace are agreed on by many peace researchers. They include the following:

1. Peace as the absence of war, that is , the absence of direct violence
2. Peace as justice and development, that is, a system devoid of direct violence.
3. Peace as respect and tolerance between and among the populace and the upholding of

human rights.

4. Peace as Gaia, that is, balance in and with the ecosphere
5. Inner peace which means spiritual peace. This is given by God and cannot be attained by the secular world.
6. Peace as 'wholeness' and making whole or 'becoming whole' that is, achieving self-fulfillment and satisfaction with personal development.

In addition to these, Galtung (1996) has delineated peace in two major ways – negative and positive types of peace. According to him, negative peace denotes the absence of direct violence (wars), fear and conflict at individual, national, regional, and international levels. Positive peace, on the other hand, is constituted by the presence of justice and inner peace and the absence of unjust structures and unequal relationships.

With regard to chieftaincy and peace, we delineate peace as the use of recognized traditional power or authority to create structures that enforce harmony; that create opportunities for all and seeks to improve the human condition; that accepts democratic tenets as the rule of life; that seek to remove structural violence in society and settles disputes without resorting to physical violence. Thus all the efforts by the chieftaincy institution can be summed up in one word, peacemaking.

Chieftaincy and Peace in Ghana: The Pre-Independence Period

Historically, pre-independence spans the period before and during colonial rule, that is, the period before Ghana's independence in 1957. As indicated earlier, before colonial rule, the territory now known as Ghana was made up of independent states headed by powerful chiefs or kings and their sub-chiefs (commanders of the traditional

army formation) including queen mothers. Together, they constituted what is today known as chieftaincy. The role of the chieftaincy institution in peacekeeping, peace enforcement, peace making and peace building, that is, peace in general in pre-colonial times was manifested in the functions of the institution in general and the chief in particular.

In the first place, a fundamental obligation of a chief was to maintain internal peace, domestic tranquility and security. In this regard, he and his council of elders had to maintain law and order. As the states grew larger in size, each state had a number of sub rulers. Each state had a court of justice presided over by the king. The sub-rulers also ruled over local courts. The metropolitan courts had jurisdiction over major matters, and were courts of appeal for the provincial courts. Summons relating to both civil and criminal cases were delivered by a court official who carried a gold-plated sword-like staff or horse tail as his authority or warrant. It was a damnable offence for any accused to refuse or fail to attend to such summons. The individual could be banished from the kingdom or locality as the case may be. The courts were attended by the king or chief and his counselors as well as any citizen who cared to be present (Buah, 1980). Fines ranging from drinks to money were imposed on the guilty party. Such fines were commensurate with the degree of seriousness of the case and also the age and status of the guilty party. The king retained one third of the fees and fines, one third went to the stool or skin or the state treasury, and the remaining third was shared among persons who helped at the trial. Settlements were usually capped by an acceptance speech from the guilty party who then shook hands with the innocent party.

It must be noted that the chieftaincy institution operates within societies of mechanical solidarity and applies penal or repressive law in the settlement of disputes. Repressive law is oriented toward behaviour that violates the collective conscience of the community of people. The societal function of punishment is not primarily to take revenge against the perpetrator of crime, but to publicly reaffirm collective conscience itself. In other words, because most people feel the offence and believe deeply in the common morality, an offender is likely to be severely punished for any action that is considered an offence against the collective moral system. This way, peace is restored for the people and reconciliation between the living on one hand and the ancestral spirits, the lesser gods and those yet unborn on the other.

Chiefs were also responsible for defending and protecting their people against external aggression. In fact, the chief was the commander-in-chief of the Armed Forces. He physically led his people in war and became the primary target for the enemy. His capture meant a defeat and surrender of his military forces. The history of chieftaincy in the pre-independence period is replete with wars of expansion in which kings or chiefs had lost their lives; all in a bid to ensure peace for their people. The deaths of King Osei Tutu of Ashanti Kingdom (1695-1717) in 1717 and Ntim Gyakari of Denkyira State in 1701 serve as examples (Buah, 1980)

Furthermore, the chief's legislative and administrative functions were all geared towards peace. The chief's legislative power derived from his position as the legal embodiment of the community and as either the founding father or representative of the founding father of the community or kingdom (Kludze, 2000). Consequently, the person of the chief could not be accused of mistakes or defaults because such accusations would

reduce him to the level of ordinary citizens and pierce the aura around him. It would also centralize the potency of his sacred personality as the representative of the will of the ancestors and the ancestral spirits. Thus as the symbol of identity of his community, kingdom or chiefdom, as the case may be, all the citizens were his children. The social and political cohesion of his subjects was a major preoccupation. Consequently, he presided over a council which made laws with the sole aim of protecting the people both in their internal and external relations in order to give them peace.

The chief's administrative function primarily focused on the land. This was because a lapse in land administration could disturb the peace of the people. It must also be noted that the chief's position is inextricably tied to land ownership. Among the Akans and the Gas for example, the paramount title or allodia title to lands is vested in the paramount stool. Disputes over land ownership were quickly settled to ensure peace.

In the process of land administration, chiefs also protected the land from traditional emergencies such as famine, drought, land degradation and distorted climatic conditions in general which affected the peace of their subjects. In this regard, certain regulations which found expression in taboos with severe sanctions were laid bare to all the people in the community, chiefdom or kingdom as the case was. For example, apart from instituting sacred days which forbade people from working on the land, some sacred forests were carved out. Entry into these forests was forbidden and any body who entered them either faced the pain of instant death in the forest or severe physical and spiritual sanction.

In order to ensure posthumous peace and tranquility, chiefs had the power to make inquests into the death of any of their subjects. Such inquiry covered the

relationship between the immediate as well as the extended family and the deceased before his or her death. It also covered the kind of disease that led to the person's demise and whether he or she died peacefully and qualified to be an ancestor or not. Deaths resulting from a falling tree, lightning, child-birth (Kludze, 2000) and suicide were considered 'bad deaths' and special purification rites were performed before the victim was buried, hence the chief had to be sure of the causes and circumstances of a citizen's demise. If a chief failed to purify the land from 'bad deaths' which defiled the land, his inaction could attract the wrath of the gods and ancestral spirits and disturb the peace equation.

On a larger scale, a chief was responsible for spiritual purification of his town or territory for spiritual peace, on specified days and periods. This is because many taboos such as rape, homosexuality, sexual intercourse in the bush, fighting in the bush, and adultery may have occurred secretly but equally defiled the land. In such cases not even the death of the transgressor removed the stain. Therefore the earth had to be purified and the gods and ancestral spirits propitiated. This way, spiritual peace was ensured.

Chieftaincy and Peace: The Period of Colonialism

Ghana's relations with Europeans began in January 1482 when the Portuguese adventurers were received at Elmina by Nana Kwamena Ansah, the then chief of Elmina. However, it was the British who formalized the hitherto undetermined relations when they signed a convention, also known as the Bond of 1844, with some chiefs of the Gold Coast. By the convention, the people of the Gold Coast in no way surrendered their sovereign rights to the British. According to Buah (1980), the bond "merely confirmed the pledge the people made at the tripartite treaty of 1831 to give up human sacrifices and

other unwholesome practices such as panyarring, and to remit criminal cases for trial in courts composed of both British officials and rulers of the land, on the understanding that such trials would be based on native customary laws in as far as these did not go counter to the principles of British laws". This position was, indeed, confirmed on 3rd September 1844 by the Crown when constituting the Cape Coast castle as a place for the trial of criminal offences. The signing of the Bond of 1844 was a move towards achieving peace. It sought to abolish certain 'uncivilized' practices as perceived and detested by the colonialists, that is, the British and thus established a peaceful relationship between them (the British) and the people of the Gold Coast.

However, the colonialists (British) subsequently took certain measures that directly or indirectly weakened the powers and functions of chiefs and the chieftaincy institution in general. In the first place, the colonialists carved arbitrary boundaries, that is, Districts, to suit their administration without recourse to ethnic and tribal boundaries. Consequently, many ethnic groups which hitherto were independent and autonomous were brought together as one entity. In many of these cases one ethnic/tribal entity lost its powers and this could spark off a struggle for territorial and political hegemony. Secondly, the colonialists established strategic political, legal and military structures which weakened the powers of chiefs and their elders. Politically, the office of the District Commissioner was established. This was an effective instrument of colonial domination. As Nukunya (1992) puts it: "the District Commissioner became the most powerful individual in the district and his white helmet reminded both the chiefs and their subjects of their servitude to colonial rule". In addition, traditional councils were established and given the mandate to settle matters relating to chieftaincy, customary

laws and usages and problems of local concern only. This was done under strict supervision of colonial authorities. Similarly, Joint Provincial Councils, and in Ashanti the Asanteman Council made up of Paramount Chiefs was formed. The sad fact is that many of the chiefs appointed to these bodies became stooges of the colonial administration under indirect rule. In fact, many chiefs were so impoverished that they took loans from banks and other businesses operating in their regions, guaranteed by the colonial officials even when they knew there was no guarantee that the loans would ever be repaid (Buah, 1980). Indirect rule was introduced into the Gold Coast by Sir Frederick Gordon Guggisberg who was Governor of the Gold Coast from 1919 to 1927. The system of indirect rule in the country worked as follows: within a traditional state, or a group of smaller states, the paramount chief, their leading sub-chiefs and important counselors were constituted into a Native Administration, later named a Native Authority, presided over by a paramount chief. The powers and functions of the Native Authority covered matters relating mainly to traditional and customary institutions and practices. These authorities operated under the general direction and control of the colonial District Commissioner (Buah, 1980). In the same vein, societies such as Tallensi, Kokomba and Lo Dagaba which were previously acephalous had chiefs appointed or rather new political functionaries to serve the colonialists' purpose. In all these, the educated (also at that time called "the intelligentsia") were ignored by the colonialists. The reason was that the intelligentsia was agitating for independence.

With regard to law and social control, colonial courts of law were set up. The subjects were thus enabled to ignore the chief's courts and settle their cases in colonial courts. As if this was not enough, a new police force and an army modeled on the British

equivalent institution were formed. Prisons were established to complement these instruments. Perhaps the most significant instruments that took the chieftaincy institution to the hangman's noose were Christianity, Islam and classroom education. These did not only establish their presence but attacked and destroyed long-standing cultural traits on which the chieftaincy institution rested. Some of the chiefs themselves were converted together with their subjects into Christianity and Islam. Thus the part they played in ritual and traditional religious practices which offered spiritual peace and kept the people together withered into oblivion. Notably, Christianity was accompanied by formal or classroom education. In the main, formal education focused on literacy, numeracy and cultural traits which were largely European. Many royals who had formal education repudiated the institution of chieftaincy as heathen.

Thus with these powerful institutions exerting their presence on traditional institutions, the power of chiefs and their elders to enforce peace diminished. It must be noted, however, that some of the powerful chiefs in Denkyira, Asante, Assin and Akyem (states in the Gold Coast) still had some considerable control over their people.

Chieftaincy and Peace: Post-Independence Trends

After independence in 1957 the power to enforce or keep peace rested on who had power over the Ghanaian nation. Obviously, legal-rational rule headed by an executive President held sway over traditional rule. It is observed that the ability to influence peace efforts also depends on sound economic status. The basis of the chief's economic power is land. Unfortunately, the Convention Peoples Party which came into power immediately following Independence passed many acts which to a large extent, deprived the chiefs of Ghana of their lands and hence reduced their economic power and influence over their

subjects. This emanated from the widely-held perception that some chiefs, through indirect rule as alluded to earlier, had supported the colonialists in the fight for independence. In fact, Kwame Nkrumah, the first President of Ghana, is reported to have said that “the chiefs would run away and leave their sandals behind them” (Arhin, 1980).

True to this, many acts including the Local Government Ordinance of 1951, the State Council Ordinances of 1952 and the Municipal Council Ordinances of 1953, the Administration of Lands Act, 1962 (Act 123), and the Concession Act, 1962 (Act 124), the Akim Abuakwa Stool (Stool Revenue) 1958, (Act 8), the Ashanti Stool Act, 1958 (Act 28), and the Stool Lands Control Act, (Act 79) were passed to subjugate chiefs by depriving them of their major source of income, land. But perhaps one Act that attacked the existence of the chieftaincy institution itself was the Chiefs (Recognition) Act of 1959. By this Act, the Minister was empowered to withdraw recognition of chiefs, direct any chief to refrain from the exercise of his functions, and even prevent the chief from residing in a specific area, if need be (Boafo-Arthur, 2001). Thus the chiefs' economic livelihood in the form of land as well as their political authority had eroded. In their place was a new phenomenon of political party which had assumed the responsibilities and functions of chieftaincy. Pinkney (1970) puts it rather forcefully: “The gong-gong, which was used to summon the people, was often beaten by a party official. Party officials competed with traditional durbars, party drumming groups competed with those in the chiefs' courts, and village development committees were chaired by party officials” Having been stripped off their bases of power and functions, chiefs became toothless bulldogs barking without biting. In order to survive, chiefs had to align

themselves with the government. Thus chiefs and their elders themselves did not have peace which could trickle down to the people.

The 1969 and 1979 Constitutions sought to overturn the measures taken by the First Republic on chieftaincy with particular reference to land. Article 164 (1) of 1969 provided that “all stool lands in Ghana shall be vested in the appropriate stool on behalf of, and in trust for, the subjects of the stool”. This was complemented by Article 18 (1) of the same constitution which provided that “no property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired by the state”. The spirit and letter of these provisions were enhanced by the establishment of a Stool Lands Account that protected the interest of chiefs against encroachment by the state.

By 1979, it was clear that lands in the Northern part of Ghana were still vested in the state. This was because the colonial law that made this possible had not been expunged from the statute books. To reverse this trend, Article 188 (3,4) of the 1979 Constitution provided that “For the avoidance of doubt it is hereby declared that all lands in the Northern and Upper Regions of Ghana which immediately before the coming into force of this constitution were vested in the Government of Ghana... all lands...shall vest in any such person who was the owner of any such land before any such vesting or in the appropriate stool...” Thus the 1979 constitution restored lands in the Northern Regions to their original owners. And yet the power to wage war, protect the people, take decisions to improve the lives of the people, still rested with the central government.

The major point that has been made in the last section is that the dynamics of governance after independence indicate that the control of national wealth is inextricably

tied to the power to enforce any decision including the maintenance of peace. Therefore, once chiefs lost hold of the land which had hitherto been their major source of economic power through policies of subjugation and usurpation, they naturally lost the power to control and enforce peace. They themselves became stooges to a higher legal-rational authority which saw traditional rule as an impediment to development.

The chieftaincy institution did not fare any better under military governments of Ghana (Boafo-Arthur, 1982). Military governments were not selective in the usurpation of power; they took away power from every institution including chieftaincy. One military government that can be used as a representative case for military governments of Ghana is the Provisional National Defence Council (PNDC) which ruled Ghana from December 1981-January 1993. Established in the wake of what has come to be known in the political history of Ghana as the 31st December Revolution, the PNDC is the government that has had the longest period of rule since Ghana's independence in 1957. Hence, its being used as a representative case with respect to the subject under discussion is relevant. An important signal to the challenge and usurpation of existing power structures was the creation of new organs of popular power or people's power as they were called. This was meant to effect the societal transformation envisaged by the revolutionaries. As Hansen argued, "...if one accepted the postulate that the people were to be the main instruments of the transformation process and the architects of their own destinies, then it was necessary to create certain structures and institutions through which their collective energies could be mobilized and channeled into social action in accordance with the dynamics of the transformation process" (Hansen, 1991). The creation of institutions such as Workers Defence Committees (WDCs), the Peoples

Defence Committees (PDCs), the National Defence Committee (NDC), the Citizens Vetting Committee (CVC), the National Investigative Committee (NIC) and the Public Tribunals was to ensure parallel state institutions to counter existing ones. However, so far as the chieftaincy institution is concerned, it was the PDCs, later re-christened Committees for the Defence of the Revolution (CDRs) that threatened the traditional power base of chiefs. By virtue of being at the grassroots, in towns and villages, the PDCs challenged chiefly authority. Whilst initially the membership of the new institutions was limited to workers, peasants and the revolutionary intellectuals, other classes were allowed to join the revolutionary organs later. But that could not stop occasional clashes with chiefs, especially over land and the disbursement of revenues that accrued therefrom.

The 1992 constitution which ushered in the Fourth Republic devotes considerable attention to the chieftaincy institution; Chapter 22 of the constitution deals with chieftaincy exclusively. A critical look at the provisions of this chapter however reveals that when it comes to power holding chiefs are relegated to the background. Article 276 (1) provides that “a chief shall not take part in active politics; and any chief wishing to do so and seeking election to Parliament shall abdicate his stool or skin”. This is reinforced by Article 94 (3) (c) which provides that “a person shall not be eligible to be a Member of Parliament if he is a chief”

It must be noted that ‘taking active part in politics’ and being a Member of Parliament are two routes to legal-rational power. Holders of legal-rational power such as the President, the Member of Parliament, the Minister and the District/Municipal/Metropolitan Chief Executive are not only the custodians of the

wealth of the nation but also control the instruments of peace and war. These instruments include the Police Service, the Military, the Prisons, Customs, Excise and Preventive Service (CEPS), and Immigration.

The point has been made earlier that without these instruments no institution can maintain or enforce peace in the modern world. It is clear that by their preclusion in legal-rational power chiefs are deprived of access to these instruments. Consequently, their power to enforce peace or maintain it is a mirage. Chiefs now look up to political leaders to maintain or enforce peace in their areas of jurisdiction. Perhaps their only consolation is found at the rural level, where societal conflicts are referred, first and foremost, to the traditional ruler for arbitration. Even so, dissatisfied parties after settlement do not take their cases to a higher traditional arbitration system but seek settlement in law court, a legal-rational instrument of peace.

Some have argued that the chieftaincy institution itself is not peaceful. It is bedeviled with many conflicts some of which are intractable. The *Kokumba-Nanumba* conflict, the *Mamprusi-Kusasi* conflict, and the *Abudu-Andani* conflict, all in the Northern part of Ghana, and the *Anloga, Peki-Tsito* conflicts in Southern Ghana bear names of ethnic groups – indicating they are ethnic conflicts - are all rooted in chieftaincy disputes. Some of these disputes are over a century old and because the chieftaincy institution is unable to settle these cases, chiefs have resorted to law courts for settlement. By this chiefs have demonstrated that they cannot maintain peace among themselves. Commonsense knowledge indicates that “if you do not have it, you cannot give it out”. Thus since the chieftaincy institution has been turned into a terrain of disputes, it cannot handle the question of peace.

However, it is important to note that the current predicament of the chieftaincy institution is the result of the many calculated attempts by constitutionally elected governments since independence to subjugate the institution, and the indirect usurpation of the power of chiefs by military governments. In the case of the military, the argument holds that during military rule, all avenues of political power are pitilessly blocked with the singular exception of chieftaincy. In other words, with the overthrow of the government and its consequent proscription of the constitution, abolition of parliament and all other structures of power, the chieftaincy institution becomes the only lee way sort of, or avenue for power seekers to realize their dreams. Thus the elite in the Ghanaian society who would otherwise have held legal-rational power in government in general find chieftaincy the only avenue to exercise power. This has resulted in non-royals usurping stools and skins of royals. Indubitably, this is a source of conflict. In some traditional societies the struggles for political hegemony between clans and lineages have traversed several generations leaving in their trail underdevelopment characteristics such as poverty, disease, illiteracy and death. Thus blaming the institute solely for its current predicament does not fit the fact.

The Way Forward

The chieftaincy institution can be made very vital not only in peace making, peace enforcement, peace building and peace keeping but also in governance in general. This requires a critical look at the governance structures in relation to the chieftaincy institution.

Currently in Ghana, there is a National Peace Council made up of eminent personalities of the state whose mandate it is to maintain peace in the country. In

addition, there are the Regional Security Coordinating Councils in the entire ten regions. These are complemented by 138 District Security Coordinating Councils. It is noted however that all these structures operate under the direction of government. In all these security councils, chiefs are not given recognizable portfolio. In fact, any chief appointed to any of these councils is there at the behest of government and not as representative of the chieftaincy institution. Thus the role of chiefs in maintaining peace has gradually been relegated to the background.

Also, resources constitute the cog around which the maintenance of peace revolves. These resources are managed and distributed by government to state institutions such as Parliament, Judiciary, the Military, the Police Service, and the security services in general. At the local level, it is the Metropolitan, Municipal or District Assembly, as the case may be, that are resourced to deal with conflicts and keep the peace. Their capacity is strengthened by security coordinating bodies. Unfortunately, both the 1992 Constitution and the revised Chieftaincy Act do not grant chiefs access to these perks. By extension therefore, the chieftaincy institution is not recognized by the state to manage peace.

Similarly, peace maintenance depends on the ability of the source of power to command obedience. This is also related to the benefits derived by those obeying from the one commanding obedience. Thus people would obey the commands of the institution or individual that provides them with water, electricity, formal education, roads and employment rather than anybody else whose command 'carries no weight'. This is the predicament in which chiefs find themselves. It is government agencies and institutions as well as political activists who provide the resources and amenities some of which have

been mentioned above. Consequently, the Member of Parliament and the District Chief Executive who facilitate the provision of infrastructure and basic amenities in the districts and constituencies are held in higher esteem than the chief. This is not strange; for, it is said that “whose food you eat, whose slave you become”. Thus the chieftaincy institution which used to be a very powerful institution in the past now holds paled power without authority. In other words chiefs now hold power that is not generally recognized.

To reverse this trend, the first thing that these writers consider most appropriate is for the state to recognize the pivotal role that the institution of chieftaincy can play in governance and in matters relating to peace in particular. In this regard, it is suggested that chiefs should be given part of the District Assemblies Common Fund to be known as the ‘Royal Fund’. The District Assemblies Common Fund is provided for in the 1992 Constitution of the Republic of Ghana. Article 252 (1) and (2) provides that: “There shall be a fund to be known as the District Assemblies Common Fund. Subject to the provision of this Constitution, Parliament shall annually make provision for the allocation of not less than five percent of the total revenues of Ghana to the District Assemblies for Development; and the amount shall be paid into the District Assemblies Common Fund in quarterly installments.” The Royal Fund, as proposed, can be disbursed in similar manner. This way, chiefs can take part in meaningful development that can restore their power and authority.

Secondly, ‘Royal Awards Day’ should be instituted to honour chiefs of this country annually. Chiefs, Queenmothers and Elders who have distinguished themselves in maintaining peace and enhancing development in their traditional areas should be given the recognition and awarded accordingly. Such awards should be in the form of

projects that would benefit the people of the 'award winning' chief's traditional area. The most prestigious national award should be given to any paramount chief whose traditional area records the least number of conflicts. This way, conflicts among chiefs and their people would be reduced drastically. Chiefs would also develop a sense of inclusion and commitment to the country's peace efforts.

Furthermore, National and Regional Royal Colleges should be established to give periodic training on peace making, peace keeping, peace enforcement and peace building. In addition, the rudiments of development and the pivotal role of peace in development, customs and usages should be included in the 'royal curricula' of the colleges.

Finally, the 1992 Constitution of the Republic of Ghana should be amended to create a Second Chamber in which chiefs would be part of the membership. Recruitment of chiefs to the second chamber should be based on meritorious service in the area of peace and development and should rotate among the ten regions of Ghana. Membership should also include former Inspectors-General of Police, Diplomats and other eminent and well-meaning Ghanaians. This way, the chieftaincy institution would be accorded its due recognition as inevitable part of modern governance. More importantly, commitment to peace would become an important issue and point of consideration for king makers in selecting candidates for enstoolment, installment or enskinment.

Conclusion

The foregoing discussion has demonstrated that before colonialism the chieftaincy institution was the sole governing institution for the states across the territory now known

as Ghana. The ability to maintain peace was not only a pre-requisite for qualification as a chief but it also indicated the goodwill of the candidate for his people.

The arrival of the Europeans on the soil of Ghana (then Gold Coast) and its resultant colonialism subjugated the chieftaincy institution through varying degrees of calculated official neglect and usurpation of the power of the institution. The institution did not fare any better under independence. Many of the Acts passed in respect of chieftaincy sought to subjugate the institution. Consequently, the institution has been alienated from mainstream governance and its popularity has been forced to pale into notoriety with conflicts or disputes being its major characteristics.

To reverse this trend and make the institution more relevant, there is the need for the state to recognize the need for a symbiotic relationship between legal-rational rule and traditional rule. In this regard, resources that are given to legal-rational structures to enhance their capacity to maintain peace should be extended to traditional rulers to make them more relevant to modern governance. This way, the chieftaincy institution would not only win back its power but also its authority to enforce and maintain peace.

However, the chieftaincy institution cannot be presented as an innocent lamb whose blood is being sought by remorseless predators. The various land and succession disputes which have led to violent conflicts in some cases and led to the death and maiming of many of their subjects have contributed in a large measure to their unpopularity and inability to maintain peace. In other words, by its acts of omission and or commission, the institution is largely perceived as troublesome and not peaceful. It is important therefore for the institution to look inward and correct these anomalies in order

to reclaim its former glory as a peace-loving relevant institution in Ghana's quest for development.

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