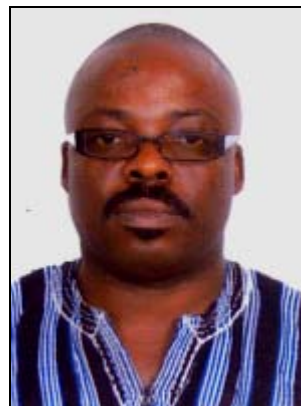


Local Government and Traditional Authorities in Ghana: Towards a More Productive Relationship

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Abstract

Ghana embarked on decentralisation in 1988 as a way of bringing decision-making closer to the people. Since then, there have been several reforms aimed at strengthening local governance. This article identifies a major challenge still facing Ghana's decentralisation: partnership between local government and traditional authorities. The paper discusses complexities in the relationship between local governments and traditional authorities as a result of constitutional and legislative ambiguity. Traditional authorities perform important functions in the country, albeit their roles have waned since independence. Yet current legal provisions for local government have not sufficiently clarified their role in local administration. This has led to a murky and competing relationship between traditional authorities and local governments. In localities where an effective relationship exists, it is mainly as a result of the personalities involved and this has had a positive effect on the development of the area. The paper concludes by advocating measures that among others

include a re-enactment of legislation that will define the working relationship between traditional authorities and local government.

Keywords: Local government; traditional authority; partnership; decentralisation

1. Introduction

Ghana is one of the few African countries to have embarked early on political decentralization. As far back as 1988 through the PNDC¹ Law 207, local government authorities were established and empowered as the main political and planning authorities for local areas. Then when the country embarked on democratic government through the promulgation of the 1992 Constitution, a new Local Government Act, Act 462 of 1993 came into effect. This essentially embodied most of the provisions of Law 207.

The 1988 Law had established 110 local government units (Metropolitan, Municipal and District Assemblies); this number increased to 170 by 2008. The rationale behind their creation was to devolve power to the local and community levels to enable people to participate in governance, including decision-making that shapes their very lives and livelihoods. In furtherance of this objective, local governing units were tasked under the Republican Constitution of 1992 and subsequently by the 1993 Act as the political and planning authority in their areas of jurisdiction, and specifically to be responsible for the overall development of their localities (section 10 of Act 462).

Traditional authorities² have played and continue to play an important role in the politico-socio-economic development of Ghana. Before the advent of Europeans on Ghanaian soil, chiefs were responsible for the day-to-day administration of their people, albeit along ethnic lines³. Chiefs in Ghana are by tradition and culture representatives of their people and symbolize the community of which they are the leaders⁴. As traditional leaders and representatives, they engage in various functions aimed at bringing about improvements in

¹ Provisional National Defence Council was a military government.

² The term refers to all players such as Chiefs, Queen Mothers and other recognised structures within the traditional governance structure.

³ Such as the Asante Kingdom, Gonja Kingdom, Dagomba Kingdom, Akyem Kingdom, etc.

⁴ There are still more than fifty of these ethnic groups in Ghana.

the lives of their people and the area of their jurisdiction. To do this, they make and enforce customs, adjudicate disputes to ensure peace and stability in their area, and manage community resources. They are generally regarded as custodians of land in most areas of the country. In these ways, one can say that chiefs are agents of development in their local areas of jurisdiction.

As a result, the colonial administration used traditional authorities as a means to implement its policy of indirect rule in the country. Indirect rule empowered chiefs with authority to engage in activities in line with their administrative and adjudicative roles, and as managers of community resources, through various forms of legislative and institutional support from the colonial administration. For example, chiefs were enabled to rule by allowing them to apply the customary laws of their respective areas. Native courts were established in which chiefs adjudicated various cases, e.g. land and property, inheritance, violence, matrimonial cases, although the British had a supervisory role on high crimes such as murder (Rathbone, 2000; Firmin-Sellers, 1996).

However, in reality, the system weakened chieftaincy, in that chiefs were now ‘messengers’ of the colonial administration since they had no authority of their own except in compliance with that of the British. From the perspective of the subject community, chiefs had become agents of colonialism. Their involvement in colonial administration and the authority derived from same was strongly opposed, especially by the educated elite.

Following the 1948 riots in the Gold Coast (until 1957, Ghana was referred to as the Gold Coast) and subsequent investigations, the Coussey Commission in 1949 recommended a more democratized system of administration in which chiefs were to be integrated into local government so that they could contribute their local expertise for national benefit. The reforms that took place in local government during this pre-independence era took cognizance of the role that traditional authorities can play in local administration. However, the politics of the time did not favour traditional authorities making significant contributions to the country. This was because after the Convention Peoples’ Party, led by Dr. Kwame Nkrumah, won the 1951 elections it pursued policies that sought to curtail the powers of chiefs who were largely thought to have been political opponents to the party. From this

period up till the late 1960s, the institution of chieftaincy saw its role in national as well as local development greatly diminished through the enactments of various laws that sought to regulate its powers and authority. Thus, historically, there has been very little consistency in the roles carved for traditional leaders in local administration. Several pieces of legislation were passed to regulate this once-powerful institution. For instance, chiefs were integrated in the reforms of the local government by the Local Government Ordinance 1951, regulated by the Chieftaincy Act of 1961 and controlled by the Minister of Local Government (Dunn and Robertson, 1975). This amounted to central government's attempt at regulating the functions and structures of chieftaincy in the country in a uniform manner for administrative convenience. Under the Fourth Republican Constitution, traditional authorities have been prohibited from engaging in active politics with a view to preserving their unifying position. This prohibition necessarily excludes them from direct election to District Assemblies and membership of any political party.

Notwithstanding the moves made by the state to harness the potential of traditional authorities, concerns have been expressed about challenges emanating from the co-existence of the traditional authorities and local governments. These concerns have largely been informed by the continuing lack of clarity in the roles of traditional authorities. For instance, the African Peer Review Mechanism (2005) and the Ghana Poverty Reduction Strategy raise serious concerns about the ill-defined role of traditional authorities in local governance in the areas of:

- Protocol at the local level and issues of precedence
- Representation of traditional authorities on Metropolitan, Municipal and District Assemblies (MMDAs)
- Relations between traditional authorities, unit committees and other local government sub-structures
- Platforms of engagement between local authorities and traditional authorities
- Infrastructure management, monitoring and evaluation
- Peace-building, security and conflict prevention
- Natural resource management
- Internal revenue mobilization

- Human rights observance and reduction of negative socio-cultural practices
- Capacity building and knowledge for traditional authorities.

Therefore, to gain the potential advantages of effective collaboration for planning, accountability to the people, effective community mobilization and optimum use of local resources, the relationship between local government and traditional authorities needs to be streamlined and harmonised. It is against this background that a study on partnership modalities between MMDAs and traditional authorities is being undertaken.

This paper explores and documents lessons learned from those partnerships between MMDAs and TAs which have been accepted by both parties as best practice. It reviews available literature and then complements that with primary information from a case study of the Savelugu District Assembly and the Savelugu TA in the northern region of Ghana.

2. Role Of Traditional Authorities

A traditional authority is composed of the Chief and the Elders. The chief is at the apex of the hierarchy. Elders include the Chief Priest and the ‘Magazia’⁵. The hierarchy of TAs is not homogenous since every locality has its peculiar structure due to varied culture and traditions. For instance, chieftaincy in the north of Ghana is ascribed. This means the chief who must necessarily be a male must hail from a royal family and must be duly selected and appropriately en-skinned.

In particular, a chief is supposed to help “fulfill the hopes and aspirations of the community” (Dankwa III, 2004). These hopes and aspirations of the community over which a person is a chief, in simple terms, is development, and it has been found that the success of a chief is judged on performance in terms of the level of development they are able to bring to their area (Dunn and Robertson, 1975; Oomen, 2005). Therefore embedded in the chief must be wisdom, authority, dynamism and respect to be able to be the agent of development that his

⁵ A magazia is a leader of women in a traditional area in Northern Ghana. It can be equated to the position of the queen mother except that ascension to this position is not exclusive to the royal family. In fact, in most cases the royal families are excluded from this position.

community expects. Chiefs pursue grassroots mobilization of community labour to bring about holistic change in their localities.

To engender the desired development in communities while avoiding abuse of powers by the TAs, “the roles of the government and the governed in the traditional society were thus clearly defined... and maintain strict accountability to ensure sound government” (Dankwa III, 2004). Therefore, the TA (whether in northern or southern Ghana) has to perform for and on behalf of its subjects the following roles and responsibilities (among others):

- Exercise the people’s mandate (those on whose behalf the chief rules) to settle disputes of all kinds, and most particularly land disputes among his subjects⁶
- Make and enforce customary by-laws and punish offenders of the laws
- Preside over the stool lands and permit settlers and other investment partners including the Assembly to acquire land
- Discuss, initiate and monitor community development projects.

These roles above and many others make every TA concerned with “qualitative and quantitative development of their communities” (Ayee, 2006). This concern makes every chief seek to collaborate with other development partners in and around their localities in order to reap the benefits of partnerships. One such partner are the MMDAs.

Contemporary Roles of Traditional Authorities in Ghana

In the decentralized system of governance, some traditional leaders continue to be agents of development in their communities and areas through mobilizing human and material resources for development projects. They also ensure that peace and tranquility prevail in their areas of authority. Without peace and social order, there cannot be development. One way of ensuring this is through avoiding and settling quickly all chieftaincy disputes which tend to divide the people. Most traditional leaders today are development oriented and are hence very active in mobilizing their people to initiate and implement self-help projects, as well as facilitating the implementation of projects emanating from the District Assemblies. At times on their own accord, they initiate development projects and spearhead fund raising

⁶ This is permissible under the laws of Ghana under customary arbitration.

activities for implementation. One good example is the Okyehene's environmental project that has led to the establishment of a university college. Thus, TAs continue to form important links between the government and the people, acting as channels of communication and disseminating government policy and decisions. In this way, they participate in local government and thereby help to bring government closer to the people. Moreover, in recent times quite a number of TAs have been able to mobilize their citizens living away or abroad to contribute in cash and in kind to development projects at home. Some communities have fairly active associations of non-resident citizens.

3. Metropolitan, Municipal And District Assemblies

Chapter 20 of the 1992 Constitution of the Republic of Ghana provides the institutional and policy framework for decentralization and local government. As noted earlier, this was given legal effect by the 1993 Local Government Act (Act 462). The main objective of these provisions was to "promote popular participation by shifting the process of governance from command to consultative processes" (Johnson, 2000). MMDAs are to seek the involvement of all persons including opinion leaders, TAs⁷ and the grassroots in the development planning processes and through to implementation and evaluation.

Article 241 (3) of the 1992 Constitution of the Republic of Ghana describes a DA⁸ as "the highest political authority in the district, and shall have deliberative, legislative and executive powers", while Article 242 spells out the composition of a DA: a person from each electoral area, Members of Parliament (MPs) in the district, the District Chief Executive (DCE) and other members appointed by the President, constitute not more than 30% of the total.

Metropolitan, Municipal and District Assemblies have the same composition and functions, but different population sizes: 250,000, 95,000 and 75,000 respectively. MMDAs are the hubs around which not only administrative but also economic activities take place, whose central thrust is to contribute to national development. The MMDAs are supposed to be agents of change at the local level and must try to harness all efforts within localities and to harmonize them into the national development strategy.

⁷ Traditional authorities

⁸ District Assembly. Here the term is used in a generic sense for MMDAs

4. Partnership Between MMDAs and TAs

As discussed earlier, an examination of the Constitution and local government laws shows that there is intent to incorporate traditional leaders in the local government system but that their role now is vague. Article 272(a) of the Constitution states that: “The National House of Traditional leaders shall...advise any person or authority charged with any responsibility under this constitution or any other law for any matter relating to or affecting chieftaincy”. Section 5(1)(d) of the Local Government Act states that a DA shall include: “other persons not exceeding 30% of the total membership of the Assembly appointed by the President in consultation with the traditional authorities and other interested groups in the district” (Ferrazzi, 2006).

A cursory look at the roles and responsibilities of TAs and MMDAs suggests that they constitute different components of the same agenda – local community development and poverty reduction at large. However, neither the Constitution nor the Local Government Act has provided for institutional representation of chiefs in either the District Assembly or sub-district structures, or spelt out what kind of relationship should exist between the MMDAs and the TAs (chiefs). This silence makes some MMDAs avoid contact with TAs, although others forge informal but cordial relationships and partnerships with TAs in their localities in order to facilitate the execution of their development agenda, especially in revenue or resource mobilization.

Not only does the 1992 Constitution fail to not provide for any formal partnership, or even institutional representation of TAs within the DA structure, but also Article 276(1) prevents chiefs from playing an active role in politics. Also, legislative Instrument 1589 of 1994 makes no provision for the inclusion of TAs in sub-district structures⁹ Metropolitan, Municipal and District Chief Executives are required to consult traditional leaders in the appointment of five persons ordinarily resident in the urban area, zone, town or unit to be members of such structures, but there are also other interest groups that have to be consulted.

⁹ These are local government structures established by Legislative Instrument 1589. They are the lower structures immediately below the District Assemblies and are essentially consultative bodies with no taxing powers. They include the sub-metropolitan, Zonal Urban, Area and Town Councils and Unit Committees.

It is in light of this that Ayee (2006) argues that: “the lack of institutional representation of chiefs in the District Assemblies and the sub-district structures has led to not only misgivings by most chiefs on the operations and performance of the District Assemblies but also a position of non-cooperation adopted by either some chiefs or some officials of the District Assemblies especially the District Chief Executive (DCE)”.

On the other hand, some others have argued that the exclusion of traditional leaders is in the right direction as it ensures that they remain politically neutral and able to command the respect of all irrespective of their political persuasion. Being repositories of knowledge, and revered by their subjects as such, traditional leaders are also expected in the name of democracy, local development, democratic consolidation etc., to be bold and forthright in championing the rights of individuals. This necessarily includes the ability to speak out against local government excesses capable of derailing fragile democratic dispensation and thereby undermining national development.

Nonetheless, some TAs and MMDAs do have informal partnerships which according to Seini (2006) represent a cooperative relationship. For instance, chiefs facilitate access to land for DAs to undertake projects, and organize communal labour or financial resources for the implementation of projects (Ayee, 2006). Ayee further argues that in Ghana, when one talks about grassroots democracy, the chief or the TA invariably is involved because one “could not realistically implement successfully a programme of empowerment without involvement of chiefs” (ibid). From these perspectives, the chief as the leader of the TA is a facilitator of every development course. The chief’s involvement in any development project is paramount if it is to succeed. These arguments suggest that chieftaincy is an indispensable institution in Ghana’s developmental efforts. It is on this basis that Seini (2006) argues that grassroots participation in planning and implementation of development process is weak and advocates the involvement of TAs in the development of their communities.

International Comparison

The fusion of traditional authorities and local government has not been a straightforward activity. Different countries accommodate TAs in different ways, as shown below. The table

was adapted from a technical report prepared for the Local Governance and Poverty Reduction Support Programme (Ferrazzi, 2006)

Country	Involvement of Traditional Leaders
South Africa	<ul style="list-style-type: none"> ▪ General consultation ▪ Consultation in preparation of Integrated Development Plans ▪ Provide services as required
Philippines	<ul style="list-style-type: none"> ▪ A seat on local authority councils at various levels is reserved for a member of 'indigenous cultural communities' ▪ Barangays (villages) can be established so as to be coterminous with an 'indigenous community' ▪ Dispute resolution mechanisms used by local authorities can be those of the indigenous community
Indonesia	<ul style="list-style-type: none"> ▪ Election of village head in accordance with traditional method ▪ Local authority's regulations must respect traditional custom

5. Savelugu-Nanton District Assembly And The Savelugu Traditional Authority- A Case Study

The Savelugu-Nanton District was carved out of the erstwhile Western Dagomba District Council, which comprised Tamale, Tolon and Savelugu. The district shares boundaries with West Mamprusi to the North, Tolon/Kumbugu District to the West, Yendi District to the Southeast and Tamale Municipality to the South. The Savelugu Naa¹⁰ is a sub-chief within the Dagbon Traditional Council¹¹.

The partnership between the DA and the TA is an informal recognition of their importance in the development of the area. The general areas of consultation between the two authorities include land for development, communal labour, enforcing law and order, protection of traditional values and customs and revenue generation. Even though chiefs are not part of the DA, they are regularly consulted in the areas of tax collection, security, land acquisition for development projects, presidential appointments to the assembly, etc.

¹⁰ Chief of Savelugu

¹¹ Traditional Council of the Dagomba people

Collaboration

Community involvement is the key to success for every development project in a district. Communities are headed by chiefs as traditional leaders while the District Assembly is the agent of the national government at the local level. Development is the prime goal of both the DA and the TA. To achieve the envisioned goals of the DAs and TAs, then, the two development agents need to partner each other in their functions and responsibilities. Consultations and collaboration with the TAs ensures community involvement in the planning stage of projects and through to implementation. Another issue is in the area of security. The area is one of the many in the Northern Region affected by the Dagbon chieftaincy crisis¹². There is a district security committee meeting every month to discuss the peace of the area. Key traditional authorities have been co-opted as members, while the TA has also played a leading role in maintaining peace and security. At the traditional level, the TAs have constantly involved household heads in their deliberations.

A good example of collaboration is the building of the Savelugu Naa's Palace. At the initial stages, the responsibilities of each partner were clearly defined. First, ownership was in the hands of the TA and the community. They contributed money, technical expertise (e.g. masons, foodstuffs, labour) while the DA provided funds to finish the project. This project was particularly successful because the DA, the TA, and the community, were involved together from the initiation to the implementation stages. Therefore, one good practice is to clearly define roles and responsibilities in any partnership between DAs and TAs.

In addition, in the area's guinea worm eradication, there was a multi-partnership between the DAs, TAs and the Ministry of Health. This collaboration helped reduce the rate of guinea worm infection, such that until recently was leading in guinea worm cases countrywide.

Two other major areas in which the two authorities have worked closely to harness the area's potential are tourism and investment. Major tourist attractions have been identified and competitively developed. Earnings from this sector have boosted the revenue of the

¹² Dagbon is one of the many ethnic groups in the Northern Region of Ghana. Since 2003, there have been intermittent intra ethnic wars surrounding the status of their chief. This led to the murder of the chief of the area. No substantive chief has been installed since.

assembly. The DA and TA of Savelugu have also collaborated very well in the area of revenue (tax) mobilization. In the last two years, internally generated revenue has gone up by 23%. The TA has also contributed land to government and donor programs. A good example was the land provided for mango plantations under the millennium development project. In addition, the TA has regularly invited the Town and Country Department, Office of the Administrator of Stool Lands (OASL) and the Regional Lands Commission to participate in the Savelugu land committee meetings, and it has a policy to make land available for projects that will benefit the entire community. However, a major challenge lies in record-keeping.

There are no formal structures for mutual accountability between the two authorities: the DAs does not account to the TA and vice versa. However, the DA, being a local government unit, has a certain obligation to account to the community through the general assembly of the District Assembly. At the same time, there are regular interactions between household heads and the TA on matters affecting the community. Some of these meetings include youth leaders and ethnic minorities. They are used as a platform to inform the community about the TA's activities.

Challenges

Party politics and the Dagbon chieftaincy crisis are now affecting the once-vibrant partnership. TAs have expressed reservations about their exclusion from monitoring programs undertaken by the DA. Indigenous knowledge is often crucial to the success of projects whether they be governmental or traditional. Many projects have failed in the past apparently as a result of exclusion of the community.

A major deficiency of the TAs lies in their limited capacity to plan and monitor projects. This has undermined their ability to engage effectively with the DA. A programme designed to improve such capacity could greatly enhance their contribution to the overall development of the area.

6. Which Way Forward?

In broad terms, the literature and practical experience indicate two types of partnerships between local government and traditional authorities: the cat or the ostrich.

The 'Cat' Partnership

This is where the legal provision for the inclusion of traditional authorities in local government and their relationship is clearly defined. The cat is a smart animal, it knows its environments well, when it leaves home it can always come back, it stays focused in its pursuit. It is not a burden. In Ghana, this type of partnership existed during the colonial era and immediately after independence. For instance, the 1957 Constitution saw fit to reserve one-third membership of local government units for traditional leaders. The 1969 Constitution also reserved one-third of the membership of District Councils for traditional leaders. Additionally, a provision was made for the inclusion of not more than two traditional leaders from the Regional House of Traditional leaders in the Regional Council. This was maintained under the 1979 Constitution.

The major advantages of this type of arrangement appear to be (but are not limited to):

- effective collaboration
- harnessing of local resources
- common and shared vision for development
- effective use of resources
- effective community planning
- transparent and equitable distribution of resources.

Disadvantages may include:

- accountability on the part of TAs for use of public resources
- possible petty squabbles between TAs and government officials over ultimate responsibility
- chieftaincy disputes may stall the work of the local authority
- lack of genuine representation from other acephalous minority tribes.

The 'Ostrich' Partnership

In this arrangement, although TAs are acknowledged to play a key role in development, no lucid legislative arrangements exist for their inclusion in the DAs except for consultation. It may be described as an ostrich partnership because it avoids the challenge of the often

controversial and delicate fusion of TAs into local administration. Yet, there is overwhelming evidence of the importance of TAs in their various localities.

In this form of ‘partnership’ there is no express working relationship between the two bodies. DAs and TAs may only meet when they cannot avoid each other. Each pursues its line of work without adequately involving the other. Consultation is ad hoc and, except where mandatory, may hardly occur.

This is the system in play in the current system of decentralized governance in Ghana, except for the provisions of article 242(d) of the 1992 Constitution and section 5(d) of the 1993 Local Government Act which enable two traditional leaders from the Regional House of Traditional Leaders¹³ (elected at a meeting of the House) to serve on their respective Regional Coordinating Councils¹⁴.

Possible advantages of this system include:

- the democratic nature of local government is maintained with no ‘free ticket’ given to traditional authorities
- TAs are free to initiate their own development projects along side the DAs
- TAs can complement DAs in the mobilization of local resources
- TAs remain non-partisan and serve as a unifying entity.

Criticisms are that:

- TAs have been alienated from active involvement in development and this has affected the ability of the DAs to mobilize local resources
- localities become polarized between DAs and the TAs, resulting in the inability of DAs to undertake serious development.

¹³ This is a regional body whose membership is made up of all the traditional authorities in the region. There are ten regions across the country. The Regional Houses are established by the Constitution and assigned mainly judicial functions by an Act of Parliament to adjudicate chieftaincy disputes. They are responsible to the National House of Chiefs.

¹⁴ This is a central government deconcentrated administrative body responsible for co-ordinating, supervising and harmonizing the activities of all the local governments in the region. The country has been divided into ten regions with each region under a RCC.

Traditional Authorities and Local Government in Concert

Public opinion in Ghana is pressing for further democratization of MMDAs with 100% elected members and locally elected District Chief Executives. This would totally exclude traditional leaders as they could not stand for election. The difficulty here is that traditional leaders are bound to represent their communities; their presence as formal representatives would exacerbate the existing difficulties, which Assemblies have in developing a sense of collective agreement around the distribution of scarce resources amongst competing communities (Crook, 2005).

However, in both rural and urban areas, traditional leaders still in practice control allocations of customary land under various forms of tenure, including what are in effect leasehold sales at market rates for residential and commercial building plots. In addition, the ineffectiveness of government land agencies means that building developments are in practice sanctioned by traditional authorities.

Public discourse on this role poses two key questions:

- How accountable are traditional leaders to their own communities for the ‘drink money’ they receive from sales of land and building plots, and from the rents and royalties (including forestry and mining concessions) re-distributed by the Office of the Administrator of Stool Lands? (Crook, 2005)
- What is the assurance that the current state of confusion and land disputes would not stall the progress of local government if TAs were integrated into the DA system?

In spite of these questions, there is an evident need for national dialogue towards more formal recognition of the major role, which traditional authorities play in the management of their local areas. We would argue that when it comes to the composition of the local government system, there are viable options for inclusion of TAs based on both experience in Ghana and the other country examples cited above.

First, we could maintain the current system where traditional leaders have a merely consultative role. Where this is the case, an obligation must be imposed on the local

administrators to consult the traditional authorities on all-important issues. The difficulty here is what may be termed ‘important’. Guidelines may be necessary. For instance, we could specifically demand that local authorities must consult traditional leaders in the preparation of development plans for the area. The loophole is of course that consultation is merely asking for an input or opinion or being advised about certain issues or directions with no guarantee the views of those consulted will be taken into account. To what extent would the views of the traditional authorities be binding? What will be the outcome if the views of chiefs do not have the effect they desire? There must be clear and structured arrangements for this form of partnership.

Another option for consideration is the institutionalization of participation of traditional leaders. That is, there should be automatic inclusion of traditional authorities at all levels of representation. For example, a certain number of places could be reserved from the 30% of DA members appointed by the President. Here appointment of the traditional leader would not be as an individual but as a formal representative of the traditional authority. The danger, however, is that we must be careful not to create parallel power structures in the assemblies. Should this option be pursued, then it would be important to find a way of building the capacity of the traditional authorities where necessary. The introduction of the Royal College¹⁵ may go a long way to improve the performance of chiefs in local governance, especially in land management. The college is intended to be a training institution solely for building the capacity of traditional authorities in different aspects of governance.

At the sub-district level, the failure of the Unit Committees¹⁶ suggests that institutional forms need to be found which are in harmony with the realities of community. Consideration could be given to reviving the Village and Town Development Committees that formed part of the official local government system in the 1960s and 1970s. These had a good record, perhaps because their composition reflected the grain of different local societies, and encouraged cooperation between traditional leaders and elected representatives (Crook, 2005).

¹⁵ This is a proposed training college that will be responsible for educating and teaching traditional authorities in various disciplines.

¹⁶ Unit Committees are the lowest unit in the hierarchy of local government structures established by LI 1589.

Local Government administration could make use of traditional authorities in some of the services they provide. For instance, they could involve the traditional authorities as a form of alternative dispute resolution, as occurs in the case of the Philippines. After all, chiefs played this role comfortably before modern day governance, and this constitutes an area in which the proposed Royal College could build their capacity. Though the 1992 Constitution makes provision for the integration of customary laws and adjudication mechanisms, conflict resolution by TAs has not yet been mainstreamed in the judicial system of Ghana.

7. Conclusions

Without doubt, the role of traditional authorities in development and management of local affairs is well established. Both the community and the DAs acknowledge this, and therefore the relevance of TAs in modern day governance is not in question.

Nevertheless, debates continue about the role of traditional authorities in local government. TAs command respect and authority in their areas, and clearly, there are opportunities to harmonize their activities with local government to achieve more effective governance of localities. However, at present, there is no clear framework for the involvement of TAs and their links with the MMDAs remain nebulous. The degree of collaboration between DAs and TAs varies depending on the personalities of the local chief executives and chiefs.

In moving forward, we need to weigh up the relative merits of the ‘cat’ and ‘ostrich’ relationships outlined earlier. While formal integration of TAs into the local government system could bring significant benefits, there are some important issues that need to be considered first. These include the undemocratic nature of TAs and their lack of accountability (including for management of public money); continuing chieftaincy disputes and lack of codification of customary laws; the risk of creating competing power structures; and the capacity of TAs themselves to take on this new role. In this regard, the proposed establishment of the Royal College is a step in the right direction, as it should enhance the capacity for TAs to perform their functions effectively.

On balance, it may be preferable to adopt a middle course between the ‘cat’ and the ‘ostrich’ whereby TAs play a stronger policy advisory and consultative role without being fully integrated into government. Guidelines could be developed for closer engagement between TAs and local government, and TAs could be co-opted to serve on the sub-committees of Assemblies. In this way, the important role of the traditional system of governance would be recognized, and it could continue to contribute significantly to the socio-economic development of Ghana.

References:

- African Peer Review Mechanism 2005, Country Review Report and Programme of Action of the Republic of Ghana, Ghana.
- Ayee, J R A 2006, ‘Some Thoughts on the Institutional Representation of Chiefs in the District Assemblies and Sub-District Structures’ in Odotei, I K and Awedoba K A (eds.) Chieftaincy in Ghana: Culture, Governance and Development, Sub-Saharan Publishers, Ghana.
- Boafo-Arthur, K 2001, ‘Chieftaincy and Politics in Ghana since 1982’, *West Africa Review*: 3, 1, pp. 13- 17.
- Crook, R 2005, ‘The Role of Traditional Institutions in Political Change and Development’, *CDD/ODI Policy Brief* No. 4, pp. 3-4.
- Dankwa III, O A 2004, *The Institution of Chieftaincy in Ghana: The Future*, Accra, Ghana.
- Dunn, J and Robertson, A F 1975, *Dependence and Opportunity: Political Change in Ahafo*, Cambridge University Press, Cambridge, USA.
- Ferrazzi, G 2006, *Ghana Local Government Act 1993; A Comparative Analysis in the Context of the Review of the Act: A Technical Report for the Local Governance and Poverty Reduction Support Programme (MLGRDE/GTZ)*.
- Firmin-Sellers, K 1996, *The Transformation of Property Rights in the Gold Coast: An Empirical Analysis Applying Rational Choice Theory*, Cambridge University Press, Cambridge, USA.
- Johnson, C 2000, *Selected Speeches and Papers: Seventh Annual Conference of District Chief Executives*, Ministry of Local Government and Rural Development, Koforidua, Eastern Region.
- Oomen, B 2005, *Chiefs in South Africa: Law, Power and Culture in the Post-Apartheid Era*, James Currey Ltd, Cambridge University Press, Cambridge.
- Rathbone, R 2000, *Nkrumah and the Chiefs: The Politics of Chieftaincy in Ghana 1951-1960*. James Currey Ltd, Oxford.
- Seini, A W 2006, ‘The Role of Traditional Authorities in Rural Development’ in Odotei, I.K and Awedoba. K.A (eds.) Chieftaincy in Ghana: Culture, Governance and Development, Sub-Saharan Publishers, Ghana.

Appendix 1: *List of Abbreviations*

ADR	Alternative Dispute Resolution
DCE	District Chief Executive
TA	Traditional Authority
MMDAs	Metropolitan, Municipal and District Assemblies
DA(s)	District Assembly (ies)
OASL	Office of the Administrator of Stool Lands
GDP	Gross Domestic Product