

POLITICAL DUALISM IN GHANA under the Fourth Republic

*From the African Community of Practice on Managing for Development
Results at the African Capacity Building Foundation*



Case Study
N° 51

SYNOPSIS

Most of Africa's political systems are based on the traditional or indigenous form of governance, which evolved out of the history, tradition, and culture of the people; and on the European model of governance, which was imported with colonization. Ghana's local governance system is also characterized by this political dualism where traditional chieftaincy and modern local government structure interact with each other in intriguing ways.

Key findings: This political dualism has some complex and diverse features, including the two political institutions' parallel but complementary roles; consensus and conflict between them; central and peripheral roles; and some apparently paradoxical features.

The main lesson from this case study is that even though chieftaincy has weaknesses, it contributes hugely to local participation in governance and every state should be looking for ways to align the two systems with development goals.

Main conclusions and recommendations: There is therefore the need to give the customary laws a modern touch by reviewing them with the aim of getting rid of outdated ones. This will require the cooperation of the traditional leadership. There should then be a nationwide program to have all the customary laws of the various ethnic groups documented, and such written documents should state succession issues of land ownership, inheritance, and so on. A public education campaign on the laws and customs regulating chieftaincy should be undertaken.

The annual national budget should strongly feature programs to make local governments more efficient. With adequate budgeted funds, the government should consider putting up an office in each local community for the assembly person and heads of town councils and unit committees. For the positions of government functionaries in the local communities to be competitive, Parliament might consider enacting laws demanding that a candidate for district chief executive must have necessarily served with distinction in the position of an assembly person, town council, or unit committee member before being appointed.

Introduction

Since the early 1990s, the effective practice of multiparty democracy has topped the development agenda of Ghana and of many other African states. The authoritarian post-colonial one-party state of the 1960s to 1980s had failed to deliver

socioeconomic development and to link up with African communities.

It is therefore unsurprising that African states have renewed their interest in the mechanisms of democracy, including transparency of government, grassroots participation, decentralization, and local government.

Governance at the local level particularly is key to successful democratic practice (Boone 2003), and if democracy means power to the people, efficient local governance is fundamental to that.

Yet local level governance in Ghana (and other African countries) consists largely of two parallel political entities: chieftaincy with traditional leaders such as the chief and his council of elders; and the local government structure with government functionaries such as the assembly person, town council, and unit committee members—the dualism of traditional and modern leadership.

Most of Africa’s political systems are thus based on the traditional or indigenous form of governance, which evolved out of the history, tradition, and culture of the people; and on the European model of governance, which was imported with colonization.

This paper focuses on that political dualism in local governance in Ghana’s Fourth Republic (in place since 1992), following the footsteps of other authors. Brempong (2006: 27), for example, observes that there are positive relations between the two approaches:

the provisions of the 1992 Constitution of the Fourth Republic of Ghana mandate the appointment of traditional rulers to vital agencies of government which envisage them as joint-guardians, with the government of the day, of the basic interests of the state.

Gyapong (2006), however, sees relations between the two as largely about power struggles between chiefs and enthusiastic assembly members who feel that they wield more political power than the chiefs. Ayee (2006) argues that relations are strained between some chiefs and government functionaries of district assemblies and other subdistrict structures.

Boateng (2014) feels that such relations stem largely from the lack of clearly defined constitutional provisions to regulate the actions of the two different leadership sets, a point made by Ayee (2006: 61): “the relationship between chieftaincy

and the District Assemblies and their subdistrict structures is ill defined, unclear and imprecise.”

This paper is therefore an attempt to explore these complex relations. It will also offer recommendations on how the dualism could be changed to achieve greater grassroots participation in politics.

The author uses a case study approach, based mainly on a desk review of literature and evidence from the field. It draws on the author’s extensive study and on evidence collected over time, which was used in his PhD thesis (Boateng 2014). The aim is to add value to the knowledge and expertise of development practitioners in Africa.

Historical overview

Before the British colonizers arrived, the chief, with his council of elders, was absolutely responsible for maintaining law and order, and spearheading socioeconomic activities (Gyapong 2006: 183).

Ayee (2000: 48) traces the history of local governance in Ghana to the introduction of “indirect rule” by the British authorities in 1878, which lasted until 1951. The colonial rulers had been quick to realize that the chiefs were important in their societies because, according to Quainoo (2000: 1), the lives of their subjects were mobilized around them. Colonial policy therefore incorporated chiefs into the colonial administration through indirect rule, under which the British governed the people of the Gold Coast through their chiefs, mainly as the British could control large administrative areas with few chiefs (Baku 2001). Thus began political dualism.

Ghana’s post-colonial governments also recognized the chiefs’ importance, and maintained aspects of colonial practice. For example, the state judicial and political party administration functioned alongside a chieftaincy-based judicial and political administration (Kwabia 1988). As Brempong (2006: 40) observes:

Post-Nkrumah regimes and governments have recognized the utility of traditional

rulers and progressively reintegrated them into the system of governance as coordinators of developmental effort, public relations officers for their political communities, and as guardians with the government of the day, of the basic national interest.

This ancient institution continues to attract recognition in modern political arrangements (Awedoba 2001: 5). As Abotchie and others (2006: 103) put it:

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 pan-ethnic institutions that have come into existence since [the] colonial era.

This present political dualism transcends all political levels—national, regional, district, and village—under the Fourth Republic (Lutz and Linder 2004: 32–33).

At the national level, it is manifested through the central government (executive, legislature, and judiciary) on the one hand, and the National House of Chiefs on the other. The regional levels are the Regional Administration and Regional House of Chiefs for each of the country’s 10 regions (table 1). Next are district assemblies and area councils on one hand, and traditional areas with paramount chiefs, on the other. At the town or village level, the national government is represented by the local government structure, with the assembly person and unit committee members as government staff, and the chief and his council of elders representing the traditional political system.

Table 1. Number of districts in each region

Upper West region 11 districts	Upper East region 13 districts
Brong-Ahafo region 27 districts	Northern region 26 districts
Volta region 25 districts	Greater Accra region 16 districts
Eastern region 26 districts	Ashanti region 30 districts
Central region 20 districts	Western region 22 districts

Complex and diverse relations

Ghana is practicing a type of political system where a traditional institution (chieftaincy) operates alongside a modern state institution (local government). The two institutions interact as they function together in a dual political system. A web of complex relations therefore encompasses these institutions in local communities, among which we analyze the following four features.

Parallel but complementary roles

Formal and informal aspects create parallel relations between the two sides. The formal features include some provisions of the constitution that prevent governments and politicians from interfering in chieftaincy matters, such as issues of “destoolment” (removing a tribal chief) and succession. The constitution also bars chiefs from meddling in criminal offenses such as murder and robbery.

But some constitutional provisions are ambiguous and controversial, which hardly satisfies the purpose for which they were enacted. Hence the dualism thrives on informal arrangements, as seen for example during development projects.

Further, the traditional court cannot adjudicate criminal cases such as murder and rape (though marital rape cases are usually settled in traditional courts), while the modern courts usually refer cases involving land ownership and inheritance to the traditional leaders. There are thus formal and informal limits to their operations, beyond which the two political institutions do not trespass on the internal affairs of the other, suggesting that the two

political entities in the local communities exercise some political autonomy. They thus enjoy a significant degree of independence from each other. This fosters order and stability in administration of local communities, and in turn efficiency in governance.

Another fundamental relation between the two is interdependence. The two systems support each other in the other's weaknesses. For instance, the weakness of the chief for not having a police force is complemented by the willingness of the national police force to provide the chief with such services. The police service, in practice, treats as a criminal offense the failure of a person to pay a fine imposed by the traditional court, or if a person fails to turn up after a chief's summons. The culprit is usually apprehended and prosecuted in court for contempt of traditional authority, based on statutory law. Such complementarity helps enforce customary laws, ensuring the rule of law in local communities.

Conversely, the government depends on chiefs to inform and educate local communities on national policies and projects, and even to legitimize national policies locally.

There is therefore a kind of elite "consensus" between the two sides, with overlapping cooperation and interdependence in some areas, rather than, as maintained by Kwabia (1988) for example, an entirely parallel dualism.

Consensus and conflict

Because of the lack of comprehensive constitutional provisions controlling and regulating the dualism, the two systems depend largely on customs and "diplomatic" arrangements to run local communities. Because customary laws elevate the chief over everybody else in the local community, and given strong adherence to these customs, assembly members and unit committee members—who are also "subjects" of the chief—submit to the chiefs' decisions. Government functionaries need therefore to show diplomatic skills in their dealings with the chiefs, if smooth administration is to be the outcome.

Besides that, clan and lineage bonds of the chieftaincy system and the chief's position as a symbol of unity tend to generate a sense of common identity and ownership, which encourages healthy local participation and grassroots politics, especially in rural communities.

Yet dualism is not without tension between some traditional leaders and government functionaries, usual spillovers from numerous chieftaincy disputes—and not necessarily from the power struggle between the two sides as some commentators claim. Still, elements of conflict indicate that not all is well with local governance, and policy makers need to address the problem.

In short, the relations between the two sides—more complementary than conflictive—confirm that the current dualism has the potential to thrive under democratic arrangements, negating the argument for abolishing it.

Central and peripheral roles

In local communities, chiefs and elders have the central role. The chief is the owner of all lands in his community, and makes major decisions on their allocation and use. He is the key stakeholder in initiating and implementing development projects in villages, and legitimizing government and assembly policies through support. It is the chief who administers joint projects with government and nongovernmental organizations. He administers communal labor and funeral ceremonies, and arranges levies and contributions for development projects. The chief is also responsible for law and order, as he runs a traditional court and an "Asafo" group. Despite the presence of the government functionaries, the chief remains the administrator-in-chief in his local community.

Government functionaries have a peripheral role. Indeed, because assembly, town council, and unit committee members remain citizens in their communities, as subjects of the chief they must obey his directives. The influential nature of the chieftaincy institution thus appears to overshadow the functions of local government. This cooption is

so strong that in some communities local people hardly notice the two systems as separate.

The imbalance of power in some local communities means that it is even inappropriate to use the word dualism, and the local government program is sometimes merely “cosmetic,” contributing little to local participation and bearing a purely symbolic resonance of democracy.

Paradoxical features

With inadequate constitutional provisions regulating dualism, both sides rely strongly on customary laws when governing local communities. Some of them appear to contradict provisions in the constitution, generating inconsistent relations. Some provisions on dualism are also ambiguous, placing the traditional leadership in an unusually powerful position in local communities. For instance, while sanctions of the national court are largely fines, imprisonment, and capital punishment, those of the traditional courts include fines and ostracism—the latter sanction attesting to the chief’s enormous power that even the president does not have.

There is therefore a paradox: a republican country where all citizens are meant to be equal—and no “subjects”—yet traditional rulers have powers over their “subjects” and can even deny some citizens the right to settle in areas of their jurisdictions, by ostracizing them.

Ghana seems to have two “states” based on ethnic lines with their own set of customary laws and leadership—different and to some extent inimical to nation building. While they help mobilize local people for socioeconomic development, they may divide the loyalty of the people along ethnic lines. This is a strong signal to policy makers that all is not well with the country’s dualism, and that attempts must be made to craft a comprehensive constitutional text to regulate it.

Conclusions

The above web of relations includes the imbalance of power sharing in a dualist system where government functionaries in local communities play a peripheral role and the traditional leaders the central role.

Yet because of the very few and weak constitutional provisions regulating relations within the dualist pattern, there is a strong dependence on customary laws by the two institutions in governing local communities. But some of these customary laws appear to contradict some provisions in the constitution, thereby leading to paradoxical relations between the two sides.

Chieftaincy is bedeviled with disputes involving land ownership and succession. It also at times has divisive tendencies, due to its ethnic orientation.

In sum, while chieftaincy helps mobilize local people for socioeconomic development, it has some divisive effects, hampering nation building.

The question then is what should Ghana (and other African nations) do with this ancient institution? Should it ignore it, and the attendant dualism? Or should chieftaincy be formally recognized and absorbed into mainstream politics to maintain the dualism?

This is an old, almost “chicken and egg” debate among political sociologists and political scientists. But what cannot be glossed over is the remarkable role played by the chieftaincy institution in local governance, particularly in the villages and small towns of many African countries.

Ghanaian society, like those in many other African countries, is still predominantly traditional in spite of urbanization. As a developing country, the many small local communities have, for example, no police stations, modern courts, or other public officials, except the assembly person who does not even have an appropriate office building, let alone money to run the office (Boateng 2014). Chiefs and elders therefore remove most of the burden of government, and remain almost indispensable for

maintaining law and order and spearheading socioeconomic development.

The western-style local government system still needs the traditional political system to make it accessible and comprehensible to the indigenous African majority. The problems that have emerged from the inadequacy of this European-style system of local government in Ghana (and elsewhere in Africa) could best be addressed through formally integrating the chieftaincy institution in the national body politic.

The issue therefore is not whether the traditional and modern systems of governance are competing against each other, but how to reform and integrate the two systems more effectively in a manner that promotes modern constitutional governance. The outcome of this harmonious relationship would mean better service to citizens in representation and participation in decision making.

Way forward

Measures to enhance both sides' functions should be crafted in the form of constitutional provisions. Below are some of the measures that policy makers might wish to consider.

Chieftaincy

There is the need to find solutions to the chieftaincy disputes, particularly those pertaining to succession and land ownership. Many people in the country do not know or do not want to maintain the laws and customs governing the institution of chieftaincy (Boateng 2014). Because they are largely oral, some people apply them to their own ends, leading to protracted chieftaincy disputes. There is therefore the need to give the customary laws a modern touch by reviewing them with the aim of getting rid of outdated ones. This will require the cooperation of the traditional leadership.

There should then be a nationwide program to have all the customary laws of the various ethnic groups documented, and such written documents should state succession issues of land ownership,

inheritance, and so on. A public education campaign on the laws and customs regulating chieftaincy should be undertaken.

Chieftaincy can be effective as long as it maintains its autonomy and capacity, and traditional leaders are in a strong position to do this, relying on the capacity of mobilization, networks, financial autonomy through local taxation (from, for example, markets held on their land), and rental fees from royal properties. Parliament might also usefully consider modalities for an honorarium for chiefs (according to status), charged against their District Assembly Common Fund or Contingency Fund.

Any decentralization requires wide political and social dialogue—and bargaining. The constitution should thus be reviewed to prominently feature the chieftaincy institution to spearhead political administration in local communities.

Finally, belief in ancestors and certain practices linked to the dead (and sometimes gods) is said to be central to the institution of chieftaincy. The chief is supposed to perform regular rituals to “cleanse” the “Black Stool,” which is also said to be a deity. This aspect of chieftaincy presents the institution in an unflattering light to many people, including some royal family members who hold other faiths such as Christianity and Islam. For this reason, chieftaincy should start distancing itself from such practices, but cautiously, so that such changes do not eradicate the cultural significance of this ancient institution.

Local government

The annual national budget should strongly feature programs to make local government more efficient. With adequate budgeted funds, the government should consider putting up an office in each local community for the assembly person and heads of town councils and unit committees.

To motivate and commit local government personnel to perform well, the state should give to government functionaries a monthly allowance or remuneration. This would make modern local government attractive to young and able men and women, who have often been lukewarm to it.

For the positions of government functionaries in the local communities to be competitive, Parliament might consider enacting laws demanding that a candidate for district chief executive must have necessarily served with distinction in the position of an assembly person, town council, or unit committee member before being appointed.

Policy makers need to evaluate and possibly revise the local government program to reflect the reality on the ground. Ghana's democracy can be deepened as long as there exists strong grassroots participation in its polity.

Questions for future studies

Some questions for potential future research are: How do we understand the changing role of chieftaincy in the governance of Ghana in particular and Africa in general? Can chieftaincy promote patterns of democratic self-governance on the continent? If so, under what conditions or in what circumstances? How do we successfully harmonize customary laws with western-based statutes to ensure effective local participation, accountability, and cost-effective local government implementation? Are there examples of constitutional processes on chieftaincy that seek to strengthen citizens' participation in the affairs of local governance?

At least two common challenges from the above questions need to be explored in depth:

First is the need to understand more deeply the local and traditional governing patterns that are resilient in African society and to explore the possibilities of their adaptation in systems of democratic governance. This would require a study of traditional political institutions to comprehend weaknesses and strengths, and the methods to redress them so that African communities can derive maximum benefits from this ancient institution.

Second is the challenge to deepen the understanding of the present political dualism at local and national levels, and of how ordinary people can become

empowered through chieftaincy, for effective participation in the processes of constitutional rule.

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Acknowledgement

This knowledge series is intended to summarize good practices and key policy findings on managing for development results. The views expressed in the notes are those of the author. AfCoP Knowledge products are widely disseminated and are available on the website of the Africa for Results initiative (AfriK4R), at: www.afrik4r.org/page/resources.

This AfCoP-MfDR knowledge product is a joint work by the African Capacity Building Foundation (ACBF) and the African Development Bank (AfDB). This is part of the knowledge products produced by ACBF under the leadership of its Executive Secretary, Professor Emmanuel Nnadozie.

The product was prepared by a team led by the ACBF's Knowledge, Monitoring, and Evaluation Department (KME), under the overall supervision of its Director, Dr. Thomas Munthali. Within the KME Department, Ms. Aimtonga Makawia coordinated and managed production of the knowledge product while Dr Barassou Diawara, Mr. Kwabena Boakye, Mr. Frejus Thoto and other colleagues provided support with initial reviews of the manuscripts. Special thanks to colleagues from other departments of the Foundation who also supported and contributed to the production of this paper. ACBF is grateful to the Africa Development Bank which supported production of this MfDR case study under grant number 2100150023544.

ACBF is also immensely grateful to Dr. Peter Boateng, as the main contributor, for sharing the research work which contributed to the development of this publication. We also thank Prof. G. Nhamo, Dr. Lyimo, Dr Besada, and Dr. A. Kirenga whose insightful external reviews enriched this knowledge product. The Foundation also wishes to express its appreciation to AfCoP members, ACBF partner institutions, and all individuals who provided inputs critical to completing this product. The views and opinions expressed in this publication do not necessarily reflect the official position of the ACBF, its Board of Governors, its Executive Board, or that of the AfDB management or board.