

INTERFACING TRADITIONAL AND FORMAL GOVERNANCE AMONGST THE KASSENA, NORTHERN GHANA

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ABSTRACT

This paper examines governance of the Kassena people in northern Ghana, West Africa. It recognizes that governance is at two main structured levels (systems). These are the systems of governance practiced by the indigenous or traditional system and the system of governance practiced by formal western local governance (State/Republic). The origins, the transformations and the present realities of each of these systems are examined. An attempt is then made at interfacing these systems of governance. It is envisaged that when the core values in these two systems are blended or interfaced we would have a better governance system. Information for writing this paper was obtained through in-depth interviews with Chiefs, Earth Priests, Elders, District Coordinating Directors, Assemblymen and opinion leaders.

Keywords: Governance, tradition, state, Ghana, Chieftaincy, Land tenure

INTRODUCTION: FORMAL (LOCAL) GOVERNANCE

Setting the Stage

In 1821, the British Government took control of the British trading forts on the Gold Coast. In 1844, Fanti chiefs in the area signed an agreement with the British that became the legal steppingstone to colonial governance for the coastal area. From 1826 to 1900, the British fought a series of campaigns against the Ashantis, whose kingdom was located inland. In 1902, they succeeded in establishing firm control over the Ashanti region and made the northern territories a protectorate. These events established British governance in the Gold Coast which has metamorphosed to present day local governance in Ghana

Historical Manifestations

The enactment of an order-in-council in 1901 (which came into force in 1902) made the northern territories a Protectorate of the British Empire. This marked the beginning of the legal dominion of the British over the area and of local governance as well (Saaka, 1978).

There were two phases of modern local governance in Northern Ghana during colonial rule. There was the period of direct rule from 1899 to 1931 and the period of indirect rule from 1932 to 1951 (Saaka, 1978; Massing, 1994).

Under direct rule, three administrative districts (southern, north-eastern and north-west districts) were created. In the initial period of colonial rule all administrators were military officers who undertook periodic armed patrols round the districts. In the later part of direct rule, civilian administrators replaced military officers (Bourret, 1963; 83). The direct form of colonial rule proved more difficult than anticipated by the colonial administrators. They subsequently realized that traditional institutions had viability and significance in governing the communities. Consequently, the colonial administration universalized the institution of chieftaincy practiced by southern and some northern communities of Ghana. This was to allow the British to rule the northern territories through the local chiefs.

By the early 1930s local governance had made a transition from direct rule to indirect rule with the promulgation of a Native Administration Ordinance. In the new local government structure, the territory was divided into two Provinces (Southern and Northern). Within these provinces were districts which were further divided into Native Authority areas as basic administrative units. Chiefs were made to lead and *govern* the native authorities, although some communities were not used to the chieftaincy institution (Saaka, 1978).

In 1935 two pieces of legislation (Native Treasuries Ordinance and Native Jurisdiction Ordinance) were passed to complete the indirect rule system. By the Native Treasuries Ordinance the Chief Commissioner was given authority to establish Native Authority Treasuries and to define their sources of revenue. Customary tribute previously paid to the traditional leaders by the communities became an important revenue source for native authorities under local government. As a result, chiefs of previously non-chiefly communities were given added economic power, status and dominance within the communities.

The Native Jurisdiction Ordinance created a hierarchy of chiefs (paramount chiefs, divisional chiefs, sub-divisional chiefs, and village headmen). The ordinance made it a criminal offense to undermine the authority or position of a chief. Chiefs were

given the additional function to declare from time to time and when necessary, whatever they considered to be the prevailing customary law on a given subject within their jurisdictional areas, subject only to governor's approval (Elias, 1962; 91). In essence though, neither direct nor indirect rule purported to have been aimed at improving local governance in a participatory way and assisting traditional institutions in evolving customary rules of governance succeeded in this regard. Indeed they were nothing but pragmatic ways of cheaply maintaining colonial rule (Saaka, 1978; 26).

By the mid-1940s nationalist agitation and civil unrest had become rampant in the country (Austin, 1964; 49-102). In the face of these political upheavals the colonial government appointed an All-African Committee (the Coussey Committee, 1949) to draft a new constitution that would address the limitations of the 1946 Burns Constitution. An issue the committee gave serious consideration was local governance. For the first time, local government functions were separated from the traditional councils that operated under the Native Authorities in rural areas.

The Greenwood Commission (1960) and latter the Mills-Odoi (1967) and Siriboe (1968) Commissions of Inquiry were constituted to make various submissions that would structure local governance in Ghana. Various parts of inputs from these commissions have been incorporated into the 1969 and 1992 constitutions of the Republic of Ghana. The erstwhile PNDC government, in her attempt at empowering local communities in governance established the district assembly concept. This has been buttressed by various Local Government Laws and refined by the 1992 Constitution of the Republic of Ghana to the current version of the District Assembly concept of Local Governance.

Present Reality

Local Governance in the Kassena-Nankana District (Fig 1) is organized along the district assembly concept. The District Assembly is the highest political authority in the district, and has deliberative, legislative and executive powers. It is composed of one person from each electoral area within the district elected by universal adult suffrage. In addition to the elected members, there are some members of the assembly who are appointed to the assembly by the President of the Republic.

Navrongo (Kassena/Nankana District Assembly) is organized along three sub-divisions, viz; Navrongo town council, Pungu area council and Naga area councils. These are further divided into unit committees. But essentially these are not working due to the lack of persons interested and contesting to occupy these positions.

The district is also divided in to electoral areas. Within each electoral area is an elected assemblyman. Thirty percent of the total membership of the district assembly is appointed by government in "consultation" with local leaders. The district chief executive who is appointed by the government is the political and administrative head of the district. It is worth noting that the caliber of a large number of assemblymen is below expectation. This skews and limits discussions at the assembly to a few individuals. Indeed, although the assemblyman is on a 24-hour duty call within his electoral area, he is given only 15 Ghana Cedis (0.42680 US Dollar) per sitting of the assembly; the assembly sits four times in a year. Although a good concept, this reality on the ground limits the ability of the Assembly to deal with real developmental issues that would sustain the concept itself and effect real sustainable development in the district.

Sustainable development has been accepted as a conceptual framework for local planning. However, there continues to be difficulty incorporating the full range of its components (i.e., balanced consideration of environment, economy, and equity) into local planning in the form of policies and programs (Jepson 2004). It is important to consider the core values of traditional and formal governance that would lead to the holistic development of the people.

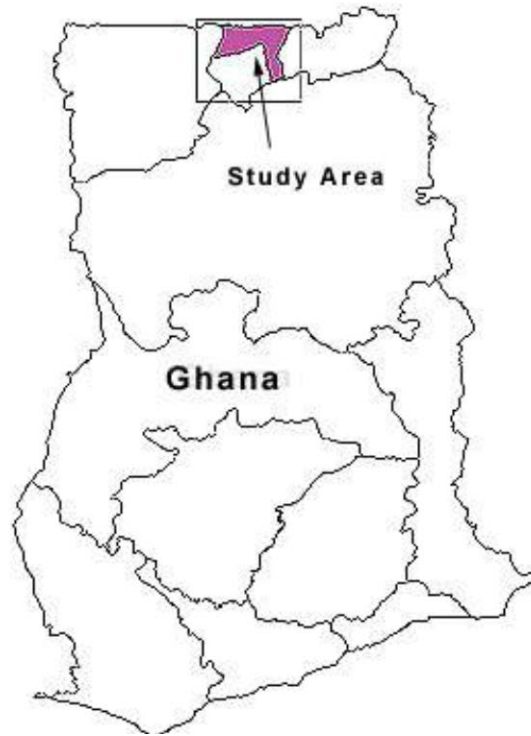


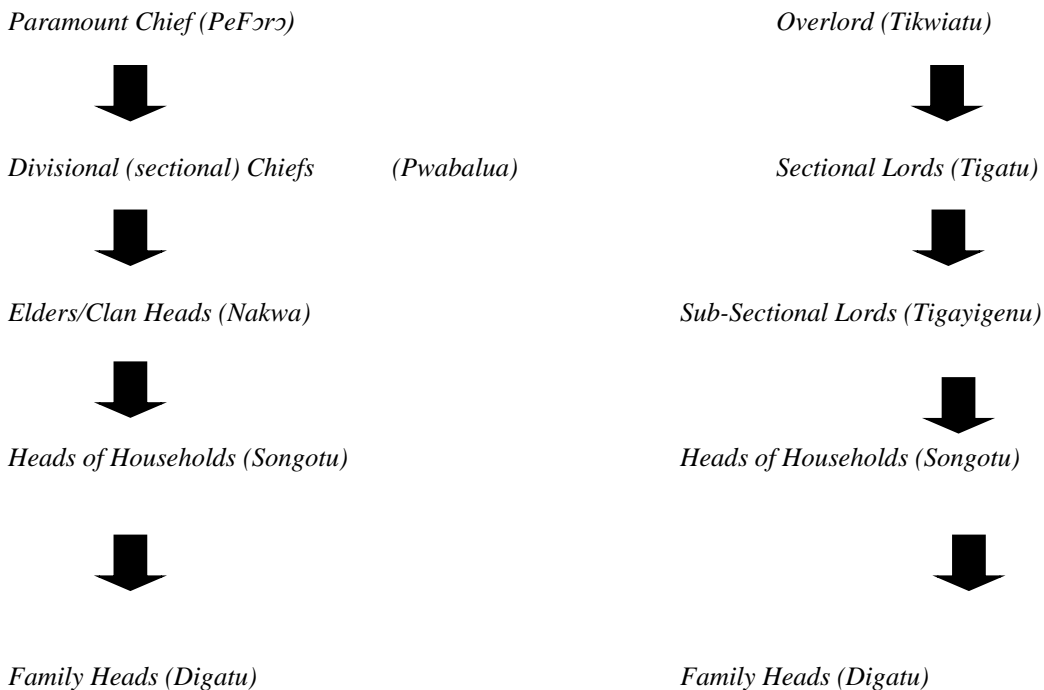
Fig. 1 Map of Ghana showing Kassena-Nankana District (study area)

TRADITIONAL GOVERNANCE

Traditional governance among the Kassenas is organized along two main leadership streams. These are the chiefly (*Pe*) stream and the earth priestly (*Tigatu*) stream.

Each of these streams is organized along the following structured leadership forms:

Structural Arrangement of Kassena Traditional Leadership



Chiefly (*Pe*) Stream

Background

Structure:

Governance by chiefs in the Kassena area is at multiple levels, starting from the family heads through compound or head of household, clan head, divisional chiefs to the paramount chief. The highest level of governance is at the paramouncy. This is situated in the *Yefue* household represented by the seven sections of Nogsenia. They constitute the *executive* of the traditional council. The traditional council is made up of the divisional chiefs.

Divisional chiefs are in two categories. The first line of divisional chiefs are those who wear the red maronette. These include: Pindaa, Yanguah, Bawolo, Pungu-Bavugunia, Yuwa, Manyoro, Natugenia and Doba. This category of chiefs are

chiefs because they were war generals during the trans-saharan invasions. They presided over the northern defense wall. The second level of divisional chiefs do not wear the red marronet. Below the divisional chiefs are the clan heads. These are not chiefs but elders.

Historical Realities

Navrongo is not *acephalous*¹. It had chiefs long before the colonizers came. The ancestor of the present day Navrongo paramouncy came from Ziko. The people of Ziko were chiefly people. Hence the young prince from Ziko introduced the chieftancy institution in Navrongo. There are however conflicting accounts (yet to be verified) on the circumstances which led to the establishment of the chieftancy institution in Navrongo. The first chief was Bakabutu (Butu) and the seventeenth chief is the current chief, Atudiku. It is noteworthy to state that there were some communities around Navrongo who did not have chiefs eg. Katiu and Kayoro.

The British tried to role the Upper Regions through the Chief of Nanlerigu, *Nayeri*, however the chief of Navrongo, Awe, resisted. That is why the *Nayeri's* rule ends in Bolgatanga and does not extend to Navrongo. The Navrongo Chief's Palace was consequently raided twice in 1898 and 1932 by the British.

Election and Installation of Chiefs:

Installation of chiefs in Navrongo is done from within by the *Kwara Yigena*. These are the people of Wuru, Nangalikenia and Yipugenia. These are the original siblings of the ancestral (first) chief. They are those who would take the sacred horn from the demised chief and keep it until a new chief is elected to prevent the *sons*² of the chiefs from fighting amongst themselves to occupy the throne.

Inheritance of the throne is through the eldest male *son* in good standing. The process of contesting the skin is only symbolic. In addition it allows the descendants of each contestant to have an opportunity to contest and win the throne in future. Not participating in the contest means your line would never have the opportunity to contest and win the throne in future. The selection process for the next chief is led by the head of the chief's palace household. He does this by organizing his *sons*³ to perform the late chief's funeral. The eldest *son* in good standing leads his siblings in the process, especially the war dance which culminates in the "breaking of the bow", *tanga borem*. Doing this creditably qualifies him to the throne. The actual enskinning process is done by the head of household following a presentation of the *kwara* to him by the *kwara yigena*.

Election and installation of the divisional-chiefs is supervised and effected by the paramount chief.

¹ *meaning limited to chieflessness*

² *Sons is used in the local context to mean all male children and their paternal cousins*

Participation:

Decision taking is mainly by consultation. Starting from the family level, the head consults all relevant persons on an issue before making his decision or judgment. This strategy runs through to the paramouncy level.

Executive, legislative and judiciary roles have all been centralized in one and the same body, chieftaincy. Therefore all decision making is central. Traditional laws seen in customs and embedded in the culture are made by the same people, interpretation of the laws is made by these same people, punishment or sanctioning is made by these same people. Apart from these they have a forth role, spiritual *leadership*; their pronouncements or curses are feared. The chief makes sacrifices to the symbol of authority, *paare kwara*. He also makes sacrifices to some shrines, *tangona*, but not to the land, *mother earth*. He makes sacrifice at the chiefs alter, the *kabure*. This is the last/highest point of sacrifice for chiefs.

Accountability:

This did not exist; the chief was not *accountable* to the people. The chief controls the resources in his jurisdiction. He is not compelled by any structures to explain how they are used. The chief controls *everything* except the *land*.

In the past and now the people do not generally hold the chief accountable. It is expected that the spiritual world would hold him accountable. This however sometimes does not take place immediately. Hence some hardy chiefs get involved in acts that compromise their positions without due regard.

Checks on The Chiefs Powers:

The chief has taken some oaths and hence as a check if you refer to these oaths when he is deviant he usually would back out. He would usually also concede if he is told that the whole town is crying due to his misdeeds. The chiefs 'grandfathers⁴' are a check. He has to listen to them. The reality however is that the chief usually manipulates these checks.

A chief has been distooled ⁵in Navrongo in the past. The 11th chief of Navrongo, Pe Nadio, was distooled because he failed to fulfill his spiritual role which led to drought and famine. Consequently the whole Navrongo, dressed in war attire came to the palace distooled him and enskinned chief Chigebe. This was done without bloodshed.

The Evolution:

The Navrongo Chiefdom started small. Indeed the chief was very poor with little material wealth but good leadership skills. Elder Juatera, the oldest living Elder of the *Yufue* skin affirms this;

⁴ Grandfather here refers to his biological grandfather and all his cousins.

⁵ Removed from the throne or skin

“Pe daama pang o ba jege goro, tankolo mo o dem lenga. Fella mo tua pa paari dem nam neeni. (The Chief did not have any thing, not even a dress. He used to wear only a skin. It is the white man who came and gave power to the chief)”. Elder Juatera

However with the skills of the chiefs and the advantage offered by the modern administration, the Navrongo Chiefdom has grown into a large and powerful paramouncy;

Since the arrival of the whiteman, the Navrongo Chiefdom has become more powerful. Navrongo now owns everything. Elder Juatera

The Present Reality

In today’s world, the chief adjudicates only cases which are traditional in nature and cannot for instance even ask that a culprit be lashed; he would be taken to court.

Issues:

- Chiefs are not properly consulted with regard to district assembly administration.
- Politicians interfere in chieftaincy affairs.
- Lands commission takes rentals from skin lands and monies (royalties) paid to the chiefs. These monies are used by the chief without an obligation to account to his people.
- The chiefs power is subservient to the formal local governance authority affecting negatively his control over his subjects

Earth Priestly (*Tigatu*) Stream

Background

The *tigatu* is the Earth priest. He is the veil that separates the seen from the unseen world. He is the link between the people (the dead, those living and the yet unborn) and Mother Earth herself. The office of the *tigatu* was the highest office held by the ‘acephalous’ people of northern Ghana. His functions transcended the spiritual to include political and socioeconomic discourses (Kirby, 2006). The *tigatu* is consequently seen as an embodiment of moral and spiritual virtue and power. The influence of ‘modern sciences’ and religion have however, affected the worldviews of the *tigatu* and his people.

Ontologically, land, its use and management are eco-culturally linked and viewed as a whole. Notwithstanding this, all lands in Ghana and their physical resources except those in Articles 257 & 267 (*Lands in the Kassena traditional area fall under this category*) of the 1992 Constitution of the Republic of Ghana (below) are vested in the President. He thus exercises political and socioeconomic control of these lands.

267 (1) All stool lands in Ghana shall vest in the appropriate stool on behalf of, and in trust for the subjects of the stool in

accordance with customary law and usage.

257 (1) *All public lands in Ghana shall be vested in the President on behalf of, and in trust for, the people of Ghana.*

(2) *For the purposes of this article, and subject to clause (3) of this article, "public lands" includes any land which, immediately before the coming into force of this Constitution, was vested in the Government of Ghana on behalf of, and in trust for, the people of Ghana for the public service of Ghana, and any other land acquired in the public interest, for the purposes of the Government of Ghana before, on or after that date.*

(3) *For the avoidance of doubt, it is hereby declared that all lands in the Northern, Upper East and Upper West Regions of Ghana which immediately before the coming into force of this Constitution were vested in the Government of Ghana are not public lands within the meaning of clauses (1) and (2) of this article.*

(4) *Subject to the provisions of this Constitution, all lands referred to in clause (3) of this article shall vest in any person who was the owner of the land before the vesting, or in the appropriate skin without further assurance than this clause.*

(5) *Clauses (3) and (4) of this article shall be without prejudice to the vesting by the Government in itself of any land which is required in the public interest for public purposes.*

Indeed Kendie and Guri capture some frustrations in land management by the lamentations of an elder from Daboase (Northern Region of Ghana) thus; “The timber people come from Accra (National Capital) with permits from the government and nobody can tell them what to do, and now that they have finished clearing the forests, the government is now coming back to tell us to protect the forests” (Kendie and Guri 2006).

Structure

Governance along the *tigatu* system is structured at multiple levels of power and functionality. The governance of the entire land of the Kassena is in the hands of the *tikwiatu*. He is the Overlord of the lands of the Kassena. The entire land is then divided into major sections corresponding to the villages in the traditional area; these lands are administered by the *tigatu*. The lands in the villages are still quite extensive for close supervision; hence they are further subdivided into sections that are headed by the *tigayeginu*. In the jurisdiction of each *tigayeginu*, the lands are divided into family lands that are headed by the family heads, *songotu*. The *songotu* ensures he allocates portions to members of his household.

Quite apart from the family lands, the *tigatu* reserves some lands that may be referred to as communal lands. Each *tigatu* has a council of elders (mainly heads of the major households/clans) who assist him in the performance of his duties. Indeed although there is an “elected” *tigatu*, it is the council of elders that takes all major decisions.

Historical Realities

The *tigatu* is the original occupant of the land. There are three main Earth Priests/ Overlords (*Tikwiatu*) among the Kassena of Ghana (Some Kassenas are also in Burkina Faso). These are the *Pungu Tikwiatu*, the *Bui Tikwiatu* (*contested*) and the *Pindaa Tikwiatu*.

The first Pungu *Tikwiatu*, Awuntinga, emerged from a hole within the earth/ land. Later arrivals in his area were given various portions of land to settle. The *Tikwiatu* performed settlement rites, *kwonim*, to legitimize the stay of these later arrivals. The rites are also performed for Mother Earth to accept these settlers. The performance of the settlement rites became more demanding when population increased and hence this function was sub-let to elders (those he settled) in the various sections. They were however required to report their activities and to seek for support on all major issues on land.

Boundaries:

The Kassena lands historically bounded the following: Kampalliyur (in Burkina Faso), Sandema, Paga Chief's Palace, Nanlerigu (around where the walls are), Bawku (around dam) and Tongo hills

First Settlers:

The first settlers in the traditional area were:

Bolga [*Attempted to settle at present location but met many deaths in his family until a nomadic Yara advised him to see the owner of the land (Pungu Tikwiatu) for the settlement rites to be performed before he had peace in his family*]

Bui [*came with his sister, Kachongo, and met Awuntinga. Awuntinga married Kachongo. Bui and his sister came from Sanga*],

Butu [*Nogse, swollen leg punctured by a squirrel (Chia); hence "naga voro" - navrongo. He came with his paare kwara - chieftaincy). Hence he was given land at nogsenia to place his kwara and make sacrifices*],

Wusungu [*Ademakeka first settled at Pindaa but his son, Wusungu, had to move to present location because his family was dying-off*],

Paga [*Came from Kampala. Settled at present location saying "a yi paga yoo mo" meaning this is where I like. Hence the name Paga.*]

Role and Functions

- Settlement of land disputes. Jurisdictional role as it relates to land and not social issues such as marriage
- Spiritual role with regard to land sacrifices
- Controls evil effects of witches
- Takes responsibility for burial of strangers
- Responsible for handling issues of stray animals
- Before the advent of the whiteman the *tigatu* was the leader of the community and was responsible for all issues of the people and land.

- Leases out land
- Settles outcasts

Election and Installation

When the *tigatu* dies, a young virgin is elected through consultation with the soothsayer, *vuru*, to perform temporal sacrifices until a substantive *tigatu* is elected.

The final funeral rites are performed after which a *kwobu* (a family relation) would lead the *vuru* in consultation. The consultation is done in the presence of all the elders. The rightful person is so elected. The *vuru* would further elect a new lady who would be responsible for presenting the *zumbia* (sacred calabash) to the elected *tigatu*. Sacrifices are then made to transfer the role of making sacrifices from the temporal elected virgin through the new elected lady (*kadikor*) to the new *tigatu*. In this process, the *zumbia* is passed through all the elders who make an oath of allegiance before it is handed to the new elected *tigatu*. The last elder to make oath is *Saabu* (a direct descendant of Kasena – Talla’s daughter) who then presents the *zumbia* to the elected *kadikor*. She finally presents the *zumbia* to the elected *tigatu*.

Present Realities

- Land jurisdiction is sent to circular courts.
- The sacred calabash which is used in solving land disputes is not recognized by the circular courts.
- Chiefs are taking advantage of the privilege to request for land to be given to strangers in the general interest to collect resources for their own economic gain before posting these persons to the *tigatu* for settlement.
- The land reforms give power to the chiefs. The chief signs land title deeds. In pungu today Kwotiga’ house (ie the Overlord’s house) does not sign the deed. The caretaker family, *kasurutu*, is made to stand surety for the land allowing the Navrongo Chief to sign the deed, excluding the *tigatu*.
- Monetary influences are affecting the performance of the *tigatu* as he sometimes condones falsehood or charges beyond the prescribed in land leases and other charges.
- No representation of the *tigatu* at the assembly and other circular administrative structures; there is need to rectify this.
- Secrecy (anonymity to persons who make reports to the *tigatu*) is no more well maintained at the *tigatu*’s palace.

CONCLUSION

Without modern democracy, the traditional system may have grown and improved (procedure, processes of good governance). As a way forward the traditional system has to be dynamic in responding to the influences of the external environment. Indeed traditional governance have been so affected by modern democratic governance that its core values and

structures have been seriously affected. It is therefore contingent that even before interfacing traditional and formal modern governance, which would lead to more sustainable and resilient governance, traditional governance is re-assessed and structured to capture the lost and applicable core values.

- We need to grow systems for greater participation in modern governance.
- There is need to have more mechanism to check abuse of power by the traditional leaders
- If we had a federal/traditional state (Ghana) it would take care of the different traditional orientations
- The chieftaincy Act in the 1992 Constitution allows traditional law. However, customary law is subservient to the constitution which can be limiting.
- Economic power limits the ability of traditional councils to operate effectively. If the *traditional leader* has to depend on government for economic empowerment, he may have to compromise custom in rather unfortunate situations.
- If we had a traditional chief executive he would have to account to both government and his people. How can chiefs/*Tigatu* administer their areas with proper and applicable modern (democratic) values?
- Chiefs are “paid” by government; there is need to pay *tigatu* as well.
- District chief executives could look for partnerships with *traditional leaders*. There may be constitutional amendment that would seek to address this situation. eg the president appoints chief executive who shall partner the tradition authority in administering the area or the *traditional ruler* has powers equivalent to the district chief executive. It important that when this done, there are checks to make the *traditional ruler* more accountable.
- We could also perceive the *traditional rulers* in a similar manner as the board of directors that makes the district chief executive (similar to managing director) answerable to the *traditional rulers*.
- The constitution should recognize the *traditional owners* of the land and accord them their due in matters relating to land administration.
- Formal (Local) governance has taken land issues to the courts instead of the *tigatu*. There is need for an interface in this arrangement
- The *tigatu* does not usually take money as levy. Local Government however collects land title deeds some of which is paid to the chief instead/or excluding the *tigatu*.
- If there are regular (eg 3 months) meetings between the traditional councils and the modern democratic government leaders it could be a good interface.

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