AFRICA'S SEARCH FOR INDIGENIZED DEMOCRACY
The case of Ghana

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SYNOPSIS

One of Africa's fundamental challenges is to set and sustain systems of good governance. In understanding this, many scholars have made strident calls for African states to indigenize their democracies, directing attention to the institution of "chieftaincy" as the silver bullet. Few scholars, however, offer detailed descriptions of how to blend traditional rule with modern systems of national government. Using a case study approach, this paper draws on the desk review of the literature and evidence from field work done by a PhD researcher who had had around 15 years' work as a government employee. is the aim is to add value to the knowledge and expertise of development for results practitioners on the African continent.

Using Ghana as a case study, , with traditional rule as a central focus, three thought provoking models of governance emerge in Ghana. They are: maintaining the dualism of chieftaincy and national government; abolishing the institution of chieftaincy; and stripping chieftancy of political power, merging the institution of chieftaincy with the modern system of national government.

The main study outcome emerging is that Ghana and other African states can consolidate democracy by reviewing and revising their constitutions to indigenize democracy, partly through prominently featuring chieftaincy in modern politics. If chieftaincy is given a modern touch, the institution will be able to play a more positive role in the nation's quest to consolidate democracy and to step up its socioeconomic development. In Ghana, it is important that institutional arrangements are made within the current 1992 Constitution to offer the institution of chieftaincy a much more prominent role in the country's politics. The Pan-African institutions are therefore called to build capacities of the African states in achieving this noble goal.

The main recommendation of the study being that the third model should be adopted as best for Ghana, given its efficacy and the extent to which it reflects the country's sociocultural environment. This "merged" model is also contextually applicable—to other African societies, whose policy makers and governance practitioners could indigenize democracy by integrating traditional rule with modern political systems.

Introduction

Establishing and maintaining systems of good governance is acknowledged by scholars and political practitioners as one of Africa's most critical challenges. Even in countries, like Ghana, said to be making progress in this sphere, the challenge is to consolidate such gains.

Sometimes descending into civil war, the mass protests that are often part and parcel of Africa's moves to democracy; the continued perception of rigged elections; and prevailing economic corruption in governance—all remain reasons for renewing interest in the effective practice of democratic governance on the continent.

One largely consensus-based recommendation from political practitioners and scholars is that the "capable state" should be brought into being, based on indigenous values and beliefs. For them, democratization is an endogenous process that has to be rooted in history, local traditions, and culture, implying that each country has to find its own path in this new democratic system, one in which there is no such thing as "universal characteristics" of good governance. There is no easy way out. Perhaps best is Claude Aké's view that:

> We do not have the luxury of neutrality in this matter ... you can be relativistic, but you must act one way or another and your silence is a choice (Aké 1990).

Among scholars who see indigenization of democracy as the ultimate vehicle for efficient democratic practice in Africa are Maxwell Owusu, Mwayila Thiyembe, and the contributor[1] himself.

Owusu (1997: 120–150), for instance, uses the concept of domestication as a horticulturist would: "a process of cultivation, replanting or transplanting of gradual but steady growth … a concern for appropriate local knowledge and condition." He stresses the use of what he terms "mixed governments" embracing traditional chieftaincies and western-style government institutions adapted

to African contexts. Mwayila Thiyembe (2001: 121) talks of "républicanisation du pouvoir traditionnel"—turning traditional power into that in a republic. Boateng (2001) recommends innovations within the 1992 Constitution of Ghana to reflect the country's social, economic, and cultural situation.

It is in response to calls for indigenized democracy that traditional rule—transforming itself for more than a century—has been vying for new political space within the modern Ghanaian governance system (and those of African states more widely). Yet despite these calls, scholars have offered very few detailed descriptions of how to blend traditional rule with the modern system of national government.

This paper thus crafts three (he hopes) thought-provoking models of governance structures for Ghana, where the fusing of the institution of chieftaincy (tradition) and democratic national government (modernity) is the central focus. He assesses the efficiency of each model and selects the best model, taking into consideration the extent to which each model reflects Ghana's sociocultural environment (and to a degree those of other African societies).

Using a case study approach, the paper mainly does desk review of the literature and evidence from fieldwork. The contributor expanded it from his own wide study for his PhD academic program and subsequent evidence obtained during his roughly 15 years' work as a government employee. His aim is to add value to the knowledge and expertise of development practitioners on the African continent.

Chieftaincy in the 1992 Constitution

Since independence in 1957, Ghana has promulgated a constitution for each of four republics: in 1960, 1969, 1979, and 1992 (the constitution for the current Fourth Republic). The Constitution of 1960 saw the chiefs relinquish many of their remaining powers to the national government, but subsequent Constitutions (1969's aside) have progressively featured traditional rule.

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[1] Peter Boateng

The 1992 Constitution, for instance, has clauses contained in the 1969 and 1979 Constitutions. For example, Articles 271, 272, 273, and 274, and their clauses, reflect the provisions of the 1979 Constitution on the National and Regional Houses of Chiefs, their judicial functions, and their advisory activities on customary law. The 1992 Constitution also provides for mandatory appointment of chiefs to some government institutions, for example:

Article 89 (2b): The President of the National House of Chiefs is to be a member of the Council of State, the highest advisory body to the President of the Republic.

Article 233(1): Two representatives of the Regional House of Chiefs are to be on the Regional Coordination Council.

Article 256 b (i): A representative of the National House of Chiefs is to be on the Regional Lands Commission.

But the 1992 Constitution departs from the previous constitutions in stating, in Article 276 (i), that chiefs must not take part in active politics and that those who wish to do so—such as standing for election to Parliament—must resign that position. This implies that the two political systems, to some extent, run parallel to each other (Kwabia 1988).

While aspects of the constitutional provisions create representation for chiefs within the national government structure—creating an administrative bond between the two political systems—there are also provisions that seek to encourage office holders of each of the two systems to keep their distance. All this suggests that such "dualism" has the semblance of a legal framework.

Nonetheless, as Boateng (2013) points out, these constitutional provisions are not comprehensive enough to effectively control and regulate actions of stakeholders within the dualism. This paper thus aims to provide clarity and direction to policy makers to devise more detailed constitutional provisions for a "political marriage" of the two sides.

Three models

The above glance at Ghana's four constitutions shows that the country has attempted to maintain some form of legal framework for indigenized democracy, where traditional leaders coexist alongside government functionaries. Yet this dualism of chieftaincy and national government, as Boateng (2013) and Ayee (2006) have observed, is not prominent in the 1992 Constitution: For example, in that constitution, "the relationship between chieftaincy and the District Assemblies and their sub-district structures is ill defined, unclear and imprecise" (Ayee 2006: 61). As a way out of the impasse, the contributor presents three models for local and national governance, recommending the third.

Model one: Maintaining the dualism of the 1992 Constitution

This model suggests keeping the dualism inherent in the 1992 Constitution, which creates two streams of power and authority: the formal authorities with the sovereign powers of state (national government) and the seemingly non-formal authority (chieftaincy).

This type of political dualism pervades Ghana's political units—village, town, district, and national. Articles 270 and 271 of the 1992 Constitution, for instance, guarantee the preservation of chieftaincy as an institution, along with its National House of Chiefs, Regional Houses of Chiefs, and Traditional Councils. This approach offers advantages and disadvantages.

Advantages. The institution of chieftaincy serves not only as the centerpiece for mobilizing people for communal development but also the link between people and the central administration (Boafo-Arthur 2001).

It also allows chiefs to make customary laws and enforce them, hence saving the national government huge sums of money in enforcing laws through formal structures, such as courts and police stations, in every community (Gyapong 2006: 185).

The service provided by the traditional court system is cheaper than the state's legal system where layers demand—and get—substantial funding. In addition, ordinary Ghanaians understand the traditional legal system (customary laws) better than the formal legal system, which requires them to navigate intellectually demanding jargon and heavy legislation, in English.

Disadvantages. As the role of traditional leader is not clearly defined, it may be possible that their actions may undermine the role of national government functionaries.

Nor is the 1992 Constitution always clear on the issues of succession and land ownership—the major factors leading to numerous chieftaincy disputes among royals and ethnic groups.

Finally, the present Constitution bars chiefs from party politics, but does not clearly define such activities.

The way forward. The paper supports a close review of the current dualism in the hope that Ghanaians will eventually adopt model three.

Model two: Abolishing the institution of chieftaincy or stripping it of political power

Model two advocates abolishing the institution entirely or completely taking away the economic, legal, and political powers of chiefs. Parliament would enact the necessary laws.

Advantages. Getting rid of the institution means doing away with customary laws. The implication therefore is that Ghana could be on the threshold of becoming a true republic with the same laws for all of its communities.

Chieftaincy, to some extent, creates ethnic enclaves and seems to undermine national integration (Gyapong 2006). Further, clashes between the two political hierarchies at local, and even national, level could be avoided.

And the numerous chieftaincy disputes, which to some extent have undermined peace in Ghana,

could be avoided if the country has the courage to strip chiefs of their political power.

Disadvantages. The institution of chieftaincy is a pillar of local governance. It would be extremely expensive for the country to set up institutional structures that assume the same responsibilities or functions performed by chiefs and traditional elders, especially in villages and small towns.

Chiefs are also regarded as custodians of the country's traditional culture, and abolishing this ancient institution could damage a significant part of the country's cultural heritage.

Where chiefs lose their political power, the position will be less attractive to royals and even non-royals. This may lead to people of questionable character assuming chieftaincy positions, thereby eroding this ancient institution's credibility.

Chieftaincy is a well-institutionalized political system that provides essential functions. For most people in rural areas, for example, it is the only visible authority in their communities, on which they depend heavily for social control and order.

Finally, chieftaincy is still cherished by many Ghanaians (and Africans), and it simply might not be feasible to abolish it. As many studies have revealed, the culture of a society rarely "dies" easily (Nukunya 2003: 1). Chieftaincy's removal would erode some key aspects of Ghanaian culture.

The way forward. Considering the importance of chieftaincy, it would be socially destructive for Ghana (and other African states) to either abolish the institution or strip chiefs of their political powers gradually acquired under the constitutions. Policy makers and Parliament should therefore consider this model unrealistic.

Model three: Merging the institution of chieftaincy with the modern system of national government

This model—the one the paper recommends—would see the creation of a new political system ending the present political dualism and integrating indigenous with national political administration.

The main issue, however, is how to change the 1992 Constitution to integrate the institution of chieftaincy into the national governance structure. The answer may involve major institutional arrangements within the 1992 Constitution, featuring the institution prominently in local and central governance.

Local governance. At this level, chiefs in villages and towns by constitutional arrangement could be made chairpersons of various unit committees and town councils, and the respective assembly people could serve as secretaries to the chiefs. For area councils, the chairperson could be chosen from the chiefs of the area, and the chair should rotate among the chiefs of the area. On a rotating basis, the assembly people may serve as secretaries to an area council.

At district level, only chiefs holding office as a "paramount chief" may assume the chair and the district chief executive (DCE) would operate as the general secretary of the District. The chair should be rotated if there is more than one paramount chief within the district.

For a metropolitan assembly, the area's paramount chief could be the chairperson while the mayor, instead of the DCE, remains the general secretary.

At regional level, the chairmanship may rotate among the regional minister and the paramount chiefs within the region, while all the DCEs and assembly people constitute the membership. The DCEs, on a rotating basis, would serve as general secretaries to the regional council.

Chiefs should automatically be made influential members of local government at regional, district, area, town, and village levels. Chiefs should therefore have strong representation on the current three-tier local government structure (regional coordinating councils; district assemblies; and town/area councils and unit committees).

Chiefs' representation on these bodies would let them discuss, at local level, the perceived needs of the people. This way, with the assembly people and the people themselves, chiefs would take ownership of policy initiatives and be committed to implementing them.

Crucially, integrating the chieftaincy within a national political system requires customary laws—as largely used by chiefs—to be documented and incorporated into the constitution.

Central governance—creating an upper house. A second chamber of parliament—the upper house—should be created with its members drawn largely from the paramount chiefs of the various ethnic groups. It could also include eminent technocrats, industrialists, and retired public officers.

As the name suggests, the upper house would be the overseer of actions of all leaders in the country, including politicians, technocrats, and officers in public institutions. The upper house should thus be a non-partisan body.

It is envisaged that the upper house would act as a check on public officers because not all the paramount chiefs would be elected or appointed, and so may not yield to pressures from those who funded or otherwise helped in their election campaigns, or those who appointed them. Rather, they are likely to yield to pressures from kin and local people who made them their traditional leaders.

Also, people chosen to be paramount chiefs consider themselves "nobles," and will want to live up to expectations—theirs and others'. Each paramount chief at the moment has a council of elders that can offer advice (or censure) when the chief abuses his (nearly all chiefs are men) office.

As a non-partisan body of traditional leaders and custodians of Ghana's cultural values, it is safe to assume that the members of the upper house would look at every bill or issue purely in the interests of the people and the moral values on which the country was founded, and not on a partisan basis. The upper house would be an effective mechanism in controlling and regulating the executive, legislature, and judiciary.

Establishing the upper house. The processes in establishing the upper house begin with setting up a commission (or committee) to fashion terms of engagement of the upper house's members to guide their actions. Apart from the paramount chiefs who are automatically upper house members, the commission would appoint as upper house members some eminent Ghanaians who have distinguished themselves in their area of endeavor. This way, the commission is to consult closely with appropriate government institutions and civil society representatives.

The 1992 Constitution would then be reviewed and revised to include the methods of operation of the upper house, following which the new draft would be promulgated, after a referendum. Once the upper house is created and is operating, its future appointments, disciplinary actions, and administrative matters would be handled by its own members. The present Council of State could be relieved of its responsibilities. A few eminent Ghanaians may be chosen to constitute an advisory body to the president and the ruling government.

Why recommend model three? Ghana's social structure is in transition (Abotchie 2008). The shift started in pre-colonial times when chiefs were in total control of their community's sociopolitical concerns. Then Europeans came and, colonizing the indigenous population, took away some of the chiefs' powers, introducing indirect rule.

With independence in 1957, the traditional system was largely superseded as the chiefs lost many of their remaining powers to the national government. Politics since then has largely been a blend of tradition (chieftaincy) and modernity (national government). As put by Nukunya (2003):

> The nature of contemporary Ghanaian society involves an interplay of tradition and change. Therefore, any study of contemporary Ghana has to take inspiration from what has gone before. Moreover, it will be wrong to think that the institutions of the past just gave way to those of today. They did not. Hence we speak of interplay of tradition and change. ... in any situation of change in contemporary Ghana it is the traditional social practices which give direction to the changes taking place (Nukunya 2003: 1).

He then concludes that "in order to fully understand the society of today, a thorough knowledge of traditional institutions is required" (Nukunya 2003: 1).

Following those lines, this paper suggests that for Ghana (and other African countries) to attain a workable national government or multiparty democracy, it must necessarily fuse some features of the two systems (see for example Boateng 2013).

In figure 1, the entire square represents Ghana as an independent political entity. The two circles "1" and "2" represent traditional and modern political systems. The areas marked by "A," "B," and "C" are the fusing process. "A" and "C" represent features of the traditional and modern systems rejected in the fusing. "B" girdles the aspects of both systems, merged—the new political system.

In a simple, logical statement, the interplay of tradition and modernity gives an end product "B," which has elements of both. "B" represents viable modern constitutional governance in Ghana. Thus in essence the 1992 Constitution should be tailored to indigenize democracy by fusing some aspects of traditional rule with the structures of national government, such that the end product reflects the country's sociocultural conditions. As Ansah-Koi (1993: 69) noted: "democracy (constitutional government) cannot thrive for long (in Ghana) if the socio-cultural matrix is not conducive to the perpetuation of democratic rule."

Advantages of the upper house. As one aspect of such "fusion," an upper house could help resolve the following long-term issues within the national polity:
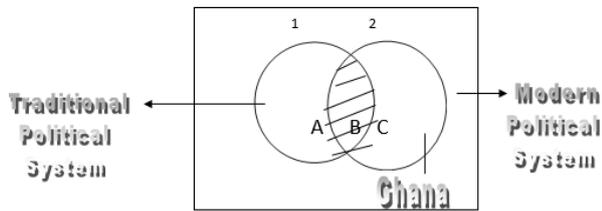
Figure 1. The fusing of the traditional and modern in Ghana

The Electoral Commission can be independent if its appointments and funding are entirely out of the official control of the incumbent president and the ruling government. Thus the upper house may be mandated to make appointments and deal with administrative issues of the Electoral Commission.

The upper house could also be responsible for appointments and financial matters of the Commission on Human Rights and Administrative Justice, of the Ministry of Justice, and of the Attorney-General. This would make the Commission and the Attorney-General more independent of government control.

In Parliament, for example, many issues are politicized along partisan lines, with decisions by Members of Parliament not always in the national interest. The upper house could serve as an avenue for the minority in Parliament (either opposition or ruling party) to block the passage of bills into laws that do not serve the nation. Thus the upper house may be given veto power to stop any law passed by parliament that is considered to have sectional or individual interest.

The upper house may provide checks and balances on the executive (politicians), whether in government or in opposition, so that the nation would not have to wait until a ruling party lost political power before political office holders were held accountable for any harmful actions (or inactions) on their part.

Ghana, like many other African countries, has persistently faced the problem of continuity of policies of previous governments when a new government comes to power. To ensure continuity,

the National Development Commission could be placed under the control of the upper house. It would then be the duty of the upper house to introduce and educate the new government on national policies, including the portions that have been executed by previous governments and those still to do. The new government would then be mandated to continue where the previous government left off.

The upper house could be very useful during a change of government, overseeing the transitional processes to avoid issues from being politicized by both incoming and outgoing governments.

Disadvantages of the upper house. Upper house members must be paid, an additional expenditure for the state. But the additional expenditure might not be heavy because all paramount chiefs are paid from state funds. Also, the 24 members of the present Council of State receive remuneration, and as the upper house would replace that Council, its expenses could be channeled to the upper house.

Almost all paramount chiefs are men, technically implying that women may not become members of the upper house. The problem may be tackled if the female traditional heads of the various paramountcies in the country (Obaahemaa or Ohemmaa) are accorded membership of the upper house.

Few traditional communities today remain headless ("acephalous"), suggesting it would be impossible for these communities to have paramount chiefs representing them in the upper house. Still, the problem could be resolved if acephalous communities elected their representatives to the upper house.

Outcomes and overall assessment

Ghana and other African democracies can consolidate democracy by reviewing and revising their constitutions to indigenize democracy, partly through prominently featuring chieftaincy in modern politics. This could be achieved by fusing certain features of chieftaincy with those in the 1992 Constitution. This suggestion is not new—per the Coussey Committee in 1949:

> *In embarking upon a new order of political life, we have chosen the British Model and have sought to blend it with our traditional institutions.*

Recalling the era of the struggle for independence, the liberal nationalists like Dr. Danquah, George Alfred Grant ("Paa" Grant), Akuffo Addo, Obetsebi Lamptey, William Ofori Atta, and Ako Adjei became highly critical of the kind of role the chiefs were then playing in the legislative and executive councils. To such nationalists, the most appropriate place of the chiefs in government was in the Traditional State Councils, in a reformed Local Government System, and in an upper house.

In 1950 Dr. Danquah was so concerned about the future of chieftaincy and, indeed, of the whole country, that he tabled a motion in the last session of the legislative council. The motion called for the urgent adoption of a Bicameral Legislature recommended by the Coussey Constitutional Committee. He was convinced that a second chamber of chiefs and elder statesmen would serve as one of the safeguards against dictatorship (Danquah 1950). Unfortunately for him, however, those who favored a unicameral system won by 21 votes to five, and so a second chamber of chiefs and elder statesmen was never established. Nonetheless, the case for such a chamber will have to be revisited, if the issue of a more meaningful political role of chiefs at the central and local levels is to be addressed to the satisfaction of all.

Conclusions

Ghana and other African states can consolidate democracy by reviewing and revising their constitutions to indigenize democracy, partly through prominently featuring chieftaincy in modern politics. If chieftaincy is given a modern touch, without destroying the basic attributes, the institution will be able to play a more positive role in the nation's quest to consolidate democracy and to step up its socioeconomic development. In Ghana, it is important that institutional arrangements are made within the current 1992 Constitution to offer the institution of chieftaincy a much more prominent role in the country's body politic. The Pan-African institutions are therefore called to build capacities of the African states in achieving this noble goal.

References

Abotchie, C. 2008. Social Change in Ghana. Accra, Ghana: Hans Publications Ltd.

Ansah-Koi, K. 1993. "The Socio-cultural Context of Multi-Party Constitutionalism in Ghana." In: Ninsin, K. A., and F. K. Drah (eds.), Political Parties and Democracy in Ghana's Fourth Republic. Accra, Ghana: Woeli Publishing Services.

Boafo-Arthur, K. 2001. "Chieftaincy and Politics in Ghana Since 1982." West Africa Review 3 (1), 1–25.

Boateng, P. 2001. The socio-cultural Milieu within which the print media perform the role of executive accountability under the Fourth Republic of Ghana. Thesis submitted in partial fulfillment of the requirements for the MPhil degree in sociology. Sociology Department, University of Ghana, Legon, June.

Boateng, P. 2013. Dualism in Local Governance: The Case of Chieftaincy and Local Government in Small Communities of Akyem Abuakwa State of Ghana. Thesis submitted in partial fullfillment of the requirements for the PhD degree in sociology. Sociology Department, University of Ghana, Legon, June.

Commonwealth Observer Group. 1992. The Presidential Elections in Ghana. Report of the Commonwealth Observer Group. London: Commonwealth Secretariat.

Coussey, J. H. 1949. Report of the Committee on Constitutional Reform. Colonial No. 248. London: His Majesty's Stationery Office.

Danquah, J. B. 1952. "Obligation in Akan Society." West African Affairs 8.

Drah, F. K. 1987. "Aspects of the Akan State System: Pre-Colonial and Colonial." In: Ninsin, K. A., and F. K. Drah (eds.), The Search for Democracy in Ghana: A Case of Political Instability in Africa. Accra, Ghana: Asempa Publishers.

Ghana Statistical Service. 2002. 2000 Population and Housing Census. Summary Report of Final Results. Accra, Ghana: Ghana Statistical Service.

Gyapong, S. K. 2006. "The Role of Chieftaincy in Ghana's Democratic Experiment." In: Odotei, I., and A. Awedoba (eds.), Chieftaincy in Ghana: Culture, Governance and Development. Accra, Ghana: Sub-Saharan Publishers.

Kwabiah, A. K. 1988. The Political Dualism in Ghana: The Indigenous Asante Government and Modern Ghana Political Administration. Thesis submitted for a degree at the University of Bergen, Bergen, Norway.

Nukunya, G. K. 2003. Tradition and Change in Ghana: An Introduction to Sociology. Accra, Ghana: Ghana Universities Press.

Owusu, M. 1997. "Domesticating Democracy: Culture, Civil Society, and Constitutionalism in Africa." Comparative Studies in Society and History 39 (1), 120–152.

Republic of Ghana. 1969. Constitution of the Republic of Ghana, 1969. Tema, Ghana: Ghana Publishing Corporation.

_____. 1971. The Chieftaincy Act (Act 370). Tema, Ghana: Ghana Publishing Corporation.

_____. 1978. Constitutional Commissions Proposals. Tema, Ghana: Ghana Publishing Corporation.

_____. 1979. Constitution of the Republic of Ghana, 1979. Tema, Ghana: Ghana Publishing Corporation.

_____. 1992. Constitution of the Republic of Ghana, 1992. Tema, Ghana: Ghana Publishing Corporation.

Thiyembe, M. 2001. Etat multinational et démocratie en Afrique: Sociologie de la renaissance politique. Paris, L'Harmattan, p. 121.

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