

CHIEFTAINCY BULLETIN

Vol. 1

No. 2



CONFERENCE ON SOURCES AND RESOLUTION OF CHIEFTAINCY AND LAND CONFLICTS IN GHANA

JULY, 2011

Published by Authority

National House of Chiefs, P.O. Box 4148, Kumasi



**CONFERENCE ON SOURCES AND RESOLUTION OF CHIEFTAINCY
AND LAND CONFLICTS IN GHANA**

at the

Kofi Annan International Peace Keeping Training Centre (KA IPTC)

15 – 16 June 2010

Conference of the

National House of Chiefs (NHC)

in collaboration with the

German Center for International Peace Operations (ZIF)

hosted by the

Kofi Annan International Peacekeeping Training Centre (KA IPTC)

TABLE OF CONTENTS

| | |
|--|-----------|
| Preface | 7 |
| Part I: Opening Remarks | 10 |
| Welcome Remarks by <i>Air Vice-Marshal Christian Edem Kobla Dovlo</i> (Commandant, Kofi Annan International Peacekeeping Training Centre) | 11 |
| Opening Remarks by <i>Wulugu Naba Pugansoa Naa Prof. John Sebiyam Nabila</i> (President, National House of Chiefs) | 13 |
| Brief Remarks by the <i>Hon. Minister Asum-Ahensah</i> (Minister of Culture and Chieftaincy) | 16 |
| Welcome Remarks by <i>Ambassador Dr. Marius Haas</i> (Ambassador, German Embassy, Accra) | 17 |
| Opening Remarks by <i>Dr. Leopold von Carlowitz</i> (Rule of Law Project Leader, German Center for International Peace Operations) | 21 |
| Part II: Keynote Address on the Theme | 24 |
| “Sources and Resolution of Chieftaincy and Land Conflicts in Ghana” by <i>Emmanuel Bombande</i> (Executive Director, West Africa Network for Peace Building) | 24 |
| Part III: Technical Papers | 39 |
| A. Chieftaincy Succession | 40 |
| A.1 “Changing Characteristics and Factors of Chieftaincy Succession and Land Disputes” by <i>Prof. Steve Tonah</i> (Head, Department of Sociology, University of Ghana) | 40 |
| Discussant Statement by <i>Daassebre Osei Bonsu II</i> (Mamponghe & Vice-President, Ashanti Regional House of Chiefs) | 54 |
| A.2 “Factors for Peaceful and Orderly Succession of Chieftaincy: A Requirement for Stable and Strong Chieftaincy in Ghana” by <i>Wulugu Naba Pugansoa Naa Prof. John Sebiyam Nabila</i> (President of National House of Chiefs) | 57 |
| Discussant Statement by <i>Dr. H.S. Daannaa</i> , (Director of Research, Ministry of Culture and Chieftaincy) | 69 |
| A.3 Outcome of Working Group Discussions | 71 |
| WG 1: Challenges | 71 |
| WG 5: Solutions and Strategies | 73 |

| | |
|---|------------|
| <i>B. Good Chiefly Land Management</i> | 75 |
| B.1 Short Introduction by <i>Prof. Friederike Diaby-Pentzlin</i> (Integrated Legal Advisor, National House of Chiefs) | 75 |
| B.2 Outcome of Working Group Discussions | 77 |
| WG 2: Challenges | 77 |
| WG 6: Solutions and Strategies | 79 |
| <i>C. Role of Judicial and Other Committees for Chieftaincy Disputes Resolutions</i> | 81 |
| C.1 “The Role of the Houses of Chiefs in the Resolution of Chieftaincy and Land Conflicts” by <i>Justice S. A. Brobbery</i> (Judge, Supreme Court, Ghana) | 81 |
| C.2 Chairman’s Statement by <i>Nana Susubribi Krobea Asante</i> (Asokorehene) | 88 |
| C.3 Outcome of Working Group Discussions | 94 |
| WG 3: Challenges | 94 |
| WG 7: Solutions and Strategies | 96 |
| <i>D. Youth and Conflicts</i> | 98 |
| D.1 “The Role of the Youth in Ethnic and Chieftaincy Conflicts” by <i>Janet Mohammed</i> (Ibis West Africa, Director, Human Rights and Democracy) | 98 |
| Discussant Statement by <i>Prof. Daasebre Oti Boateng</i> (New Juabenhene & President, Eastern Regional House of Chiefs) | 102 |
| D.2 Outcome of Working Group Discussions | 104 |
| WG 4: Challenges | 104 |
| WG 8: Solutions and Strategies | 106 |
| Part IV: Closing Remarks | 108 |
| Concluding Remarks by <i>Prof. Winrich Kühne</i> (Steven Muller Professor, Bologna Center, Johns Hopkins University, Italy) | 109 |
| Part V: Guest Contribution | 113 |
| “Chieftaincy Disputes in Ghana: Remarks from a Comparative Perspective” by <i>Prof. Manfred Hinz</i> (Faculty of Law, University of Namibia) | 114 |
| Annexes | 124 |
| A. Conference Agenda | 125 |
| B. Question Addressed in Working Groups | 129 |
| C. List of Conference Participants | 135 |

PREFACE

Ghana is often cited as one of the best functioning democratic systems in Africa. Its basis forms the Ghanaian constitution which recognizes the existence and importance of the traditional sector and grants the National and Regional Houses of Chiefs a significant role in public governance and resource management. The inclusion and co-existence of a traditional chieftaincy system inside and next to the post-colonial State contributes to the Ghanaian stability and success.

At the same time, Ghana's traditional sector is facing numerous challenges resulting from demographic developments and changing roles of chiefs. Unclear responsibilities and succession rules may lead to chieftaincy conflicts that undermine the legitimacy of the traditional institutions and their ability to mediate existing conflicts. Recent incidents involving the arrest of one chief by another, discussions in the media on traditional authorities' capacities to enforce and to abide by the law, as well as ongoing ethnic conflicts in the north of the country, demonstrate that chieftaincy conflicts can pose a threat to internal peace and security in Ghana.

On 15 and 16 June 2010, the National House of Chiefs (NHC) and the German Center for International Peace Operations (ZIF) jointly organized a conference on "The Sources and Settlement of Chieftaincy and Land Conflicts in Ghana". The conference took place at the Kofi Annan International Peacekeeping Training Centre in Accra. During the two-day event, the Standing Committee of the House analyzed and discussed with national and international experts in the fields of sociology, rule of law and peacekeeping current trends and problems relevant to Ghana's traditional authorities and searched for ways to improve and to cope with them.

The opening ceremony started with a prayer and opening remarks by the conference chairperson, the Asokorehene Nana Susubribi Krobea Asante. Short statements by the conference organizers, hosts and attending dignitaries followed before the Executive Director of the West Africa Network for Peacebuilding, Mr. Emmanuel Bombande, delivered the keynote speech for the event.

On each conference day, two sessions took place in which half-hour expert papers were presented and subsequently commented upon by a discussant and the plenary. The first paper on "Changing Characteristics and Factors of Chieftaincy Succession and Land Conflicts" was presented by Prof. Steve Tonah of the University of Ghana, Legon, and was discussed by the Mamponghe and Vice-President of the Ashanti Regional House of Chiefs, Daassebre Osei Bonsu II. Ms. Janet Mohammed, Director of IBIS West Africa's Human Rights and Democracy Programme presented a second paper on "The Role of the Youth in Ethnic and Chieftaincy Conflicts" to which the new Juabenhene and President of the Eastern Regional House of Chiefs, Daasebre Oti Boateng provided comments. The President of the NHC, Naa Prof. John S. Nabila, addressed the conference with a third paper on "Factors for Peaceful and Orderly Succession of Chieftaincy: A Requirement for Stable and Strong Chieftaincy in Ghana". The Ministry of Culture and Chieftaincy's Director of Research, Dr. H. S. Daannaa gave his views in a subsequent discussant statement. The last paper was presented by the

Hon. Justice S. A. Brobbey on “The Role of the Houses of Chiefs in the Resolution of Chieftaincy and Land Conflicts” and was discussed by the chairperson of the conference, the Asokorehene.

Discussions in four working groups complemented these sessions. In a facilitated exchange, conference participants discussed in working groups of 8 to 10 persons the present-day challenges for Ghana’s traditional sector on the first day of conference, and on the second day searched for solutions and strategies in coping with them. The four working groups focused on the topics (1) chieftaincy succession, (2) land management, (3) traditional councils and houses, as well as (4) youth and conflicts. Each working group received a set of topics and questions to be considered and presented their discussion results to the plenary at the end of each day.

The conference was moderated by Prof. Irene Odotei of the University of Ghana, Legon, who provided the plenary with recaps of each conference day. A closing ceremony concluded the conference with statements by the President of the NHC and by the former Director of ZIF, Prof. Dr. Winrich Kühne.

“Tradition is not about picking up the ashes of the past but about keeping the fire burning” was one of the last statements made at this successful event. With the intention to foster such forward-looking thinking, the NHC and ZIF decided to publish the conference proceedings in a special edition of the Chieftaincy Bulletin. The Editors of the Bulletin were assisted by two guest editors, Prof. Friederike Diaby-Pentzlin, who served the NHC as Integrated Legal Advisor from 2007-2010, and Dr. Leopold von Carlowitz, Project Leader of the ZIF Rule of Law Project which co-organized and funded the conference and this publication.

Acknowledgement

The National House of Chiefs takes this opportunity to thank the German Centre for International Peace Operations (ZIF) and the German Government for financially supporting the workshop and the publication of this second issue of the Chieftaincy Bulletin. We pray that we will continue to receive your collaboration in many other areas in future.

We also acknowledge the special roles of the Guest Editors:

Prof. Friederike Diaby-Pentzlin (Integrated Legal Advisor, National House of Chiefs)

Dr. Leopold von Carlowitz (German Center for International Peace Operations)

Editors

Daasebre Osei Bonsu II (Mamponghe, Asante Mampong)

Dr. H.S. Daannaa (Director of Research, Ministry of Chieftaincy and Culture)

A. CONFERENCE AGENDA

“Sources and Resolution of Chieftaincy and Land Conflicts in Ghana”

NHC/ZIF Conference ▪ Hosted by KAIPTC ▪ Accra ▪ 15 – 16 June 2010

Moderator: *Prof. Irene K. Odotei* (University of Ghana, Legon)

Day 1: Tuesday, 15 June 2010

08:00 Arrival and Registration of Participants at the KAIPTC

09:00 **Opening Ceremony**

- Opening Prayer
- Introduction of Chairperson
- Chairperson`s Opening Remarks by *Nana Susubribi Krobea Asante* (Asokorehene)
- Welcome Remarks by *Air Vice-Marshal Christian Edem Kobla Dovo* (Commandant, KAIPTC)
- Brief Remarks by: *Naa Prof. John S. Nabila* (President, National House of Chiefs)
Alexander Asum-Ahensah (Minister Culture and Chieftaincy)
Dr. Marius Haas (German Ambassador, Embassy Ghana)
Dr. Leopold von Carlowitz (Rule of Law Project Leader, ZIF)

Keynote Address by *Emmanuel Bombande* (Executive Director, West Africa Network for Peace Building)

10:30 *Cocoa Break*

Commencement of Technical Sessions: Sources of Chieftaincy Disputes

10:45 **Session 1**

Paper 1: “Changing Characteristics and Factors of Chieftaincy Succession and Land Disputes” by *Prof. Steve Tonah* (University of Ghana, Legon)

Discussant: *Daassebre Osei Bonsu II* (Mamponghehene & Vice-President, Ashanti Regional House of Chiefs)

12:00 **Session 2**

Paper 2: “The Role of the Youth in Ethnic and Chieftaincy Conflicts” by *Janet Mohammed*, Ibis West Africa, Director, Human Rights and Democracy Programme

Discussant: *Daasebre (Prof.) Oti Boateng*, New Juabenhene & President, Eastern Regional House of Chiefs

13:00 *Lunch Break*

14:30 **Working Groups – Day One: Identifying Challenges**

Numerous adverse contemporary influences challenge traditional authorities and their institutional set up. On day one, members of the National House of Chiefs identify and analyse sources of chieftaincy conflicts in a facilitated exchange. Four workshops focus on core issues and offer the opportunity to systematically identify factors which weaken traditional institutions and aggravate conflict. The sincere identification of key issues will inform the deliberations of:

WG 1: Changing Characteristics of Chieftaincy Succession

WG 2: Land Management and Community Tensions

WG 3: Challenges which Traditional Councils and Houses of Chiefs Face in Their Work

WG 4: Youth and Conflicts

16:00 **Plenary Session: Reports of the Working Groups**

17:00 Reception

DAY 2: Wednesday, 16 June 2010***Technical Session Continues: Resolutions of Chieftaincy and Land Disputes***

09:00 Recap of Day One by Moderator *Prof. Irene Odotei*

10:00 Session 3

Paper 3: “Factors for Peaceful and Orderly Succession of Chieftaincy: A Requirement for Stable and Strong Chieftaincy in Ghana” by *Naa Prof. John S. Nabila* (President, National House of Chiefs)

Discussant: *Dr. H. S. Daannaa* (Director of Research, Ministry of Culture and Chieftaincy)

11:00 *Cocoa Break*

11:30 Session 4

Paper 4: “The Role of the Houses of Chiefs in the Resolution of Chieftaincy and Land Conflicts” by *Hon. Justice S. A. Brobbey*, Supreme Court, Ghana

Discussant: *Nana Susubribi Krobea Asante* (Asokorehene, Prof. S.K.B Asante)

12:30 *Lunch Break*

14:00 Working Groups – Day Two: Solutions and Strategies

Solutions and Strategies focuses on identification of feasible solutions to the problems identified on day one. Traditional authorities are invited to mobilise their institutions’ time tested modes of consensus building and representation of their various communities’ interest to craft viable solutions. Policy recommendations should be addressed to the national, regional and local levels of both traditional and state institutions, thus assuring that policy recommendations can be put into practice.

WG 5: Laid Down Traditional Procedures for Chieftaincy Succession Including Queenmothers

WG 6: Good Chiefly Land Management according to Art. 36 (8) of the Constitution of Ghana

WG 7: Role of Judicial and Other Committees of Traditional Councils, Regional and National Houses of Chiefs for Chieftaincy Disputes Resolutions

WG 8: Meeting the Aspirations of the Youth Back

15:30 Plenary Session: Reports of the Working Groups

16:30 Recap of Day Two by Moderator *Prof. Irene Odotei*

16:45 Closing Ceremony

Comments by *Naa Prof. John S. Nabila* (President, National House of Chiefs)
Prof. Winrich Kühne (Bologna Center, Johns Hopkins University, former ZIF Director)

B. QUESTIONS ADDRESSED IN WORKING GROUPS

“Sources and Resolution of Chieftaincy and Land Conflicts in Ghana”

NHC/ZIF Conference ▪ Hosted by KAIPTC ▪ Accra ▪ 15 – 16 June 2010

Day One: Identifying Challenges

Numerous adverse contemporary influences challenge traditional authorities and their institutional set up. On day one members of the National House of Chiefs identify and analyse sources of chieftaincy conflicts in a facilitated exchange. Four workshops focus on core issues and offer the opportunity to systematically identify factors which weaken traditional institutions and aggravate conflict. The sincere identification of key issues will inform the deliberations of:

- WG 1:** *Changing Characteristics of Chieftaincy Succession*
- WG 2:** *Land Management and Community Tensions*
- WG 3:** *Challenges Which the Traditional Councils and Houses of Chiefs Face in Their Work*
- WG 4:** *Youth and Conflicts*

Day Two: Solutions and Strategies

Day two focuses on identification of feasible solutions to the problems identified in day one. Traditional authorities are invited to mobilise their institutions’ time tested modes of consensus building and representation of their various communities’ interest to craft viable solutions. Policy recommendations should be addressed to the national, regional and local levels of both traditional and state institutions, thus assuring that policy recommendations can be put into practice.

- WG 5:** *Laid Down Traditional Procedures for Chieftaincy Succession Including Queenmothers*
- WG 6:** *Good Chiefly Land Management According to Art. 36 (8) of the Constitution of Ghana*
- WG 7:** *Role of Judicial and Other Committees of Traditional Councils, Regional and National Houses of Chiefs for Chieftaincy Disputes Resolutions*
- WG 8:** *Meeting the Aspirations of the Youth*

1. Chieftaincy Succession

Day One: Identifying Challenges

WG 1: *Changing Characteristics of Chieftaincy Succession*

- What type of expectations do people have of chiefs and queenmothers today? How can these expectations be met? What are some of the challenges facing chiefs and queenmothers in meeting the expectations of members of their communities?
- Are the existing rules and procedures for succession adequate? What are the benefits of the current arrangements for the selection of chiefs?
- What are some of the problems facing chiefs today in the management of community resources?

Day Two: Solutions and Strategies

WG 5: *Laid Down Traditional Procedures for Chieftaincy Succession Including Queenmothers*

- How can we make the competition for chieftaincy positions orderly and peaceful? How can we ensure that the procedures for chieftaincy succession are complied with?
- How do we execute the constitutional mandate to compile customary laws and lines of succession? How can we overcome constraints in fulfilling this mandate?
- How do we manage stool revenues effectively in fulfilment of our roles as fiduciaries of the community? How on the other hand can communities be encouraged to contribute to the sustainment of stools and skins? How beneficial will increased transparency about expenditure and income accruing to skins and stools be?

Rapporteur: *Joshua Kwesi Aikins*

Experts: *Prof. Steve Tonah, Naa Prof. Nabila, Dr. Daanaa, Prof. Paul Nugent*

2. Land Management (and Art. 36 (8) of the Constitution of Ghana)

Art. 36 (8) of the Constitution of Ghana reads:

“The State shall recognise that ownership and possession of land carry a social obligation to serve the larger community and, in particular, the State shall recognise that the manager of public stool, skin and family lands are fiduciaries charged with the obligation to discharge their functions for the benefit respectively of the people of Ghana, of the stool, skin, or family concerned and are accountable in this regard.”

Day One: Identifying Challenges

WG 2: *Land Management and Community Tensions*

- What challenges do chiefs face in managing land on behalf of their communities? What problems do public demands for accountability pose to the chieftaincy institution? What are the problems associated with the distribution formula of the Office of the Administrator of Stool Lands (OASL)?
- Why is it so difficult to ensure that our management of land benefits all sections of the community particularly the youth, women and migrants?
- What do we think about Art. 36 (8) of the Constitution? Does this provision pose a problem in the practical management of land? What practical examples in the implementation of this provision can we come up with?

Day Two: Solutions and Strategies

WG 6: *Good Chiefly Land Management According to Art. 36 (8) of the Constitution of Ghana*

- How do we manage stool revenues effectively in fulfilment of our roles as fiduciaries of the community? How do we resolve the imbalance between public demand for accountability on the one hand and public silence about expenditures by chiefly office holders on the other hand? How beneficial will increased transparency about expenditure and income accruing to skins and stools be?

- What is our opinion on customary land secretariats (CLS) and customary boundary demarcation (CBD) as promoted by LAP? How can we organize more debates on CLS within the traditional system, also to enhance our influence on the details of the institutional design?
- How do we meet the constitutional mandate to harmonize customary and statutory land regulation? Can the Ascertainment of Customary Law Project (ACLP) results better our good chiefly land management? How can we best integrate the ACLP results into our good land management priorities?

Rapporteur: *Alhassan Anamzoya*

Experts: *Kumbun Na, Mamponghe, Prof. Friederike Diaby-Pentzlin*

3. Traditional Councils and Houses of Chiefs

Day One: Identifying Challenges

WG 3: *Challenges Which Traditional Councils/ Houses of Chiefs Face in Their Work*

- How long does it take to solve cases? Why does it take long sometimes? What is the public perception of the work of the committees? Are staff and decision-makers sufficient in number and qualification? To what extent do the members of the judicial committees understand the judicial technical terms of the state courts they are expected to deal with (e.g. mandamus...)? Are the committees well equipped? What are the most important problems of the Councils/Houses?
- What is the relationship between the judicial committees and the state courts? Indicate all problems involved.
- With regard to the acceptance of decisions, what are the lines of communication between chieftaincy institutions and community members (e.g. youth, “minorities”, migrants, queenmothers, non-royal women)? What are the knowledge bases in the various levels of the judicial committees? How are they linked from Traditional Councils to Regional and National Houses of Chiefs?
- What is the strategic vision of the NHC? Are the Traditional Councils/Houses of Chiefs respected by the state as partners to shape our Ghanaian future? Are the Houses of Chiefs prepared to take up such tasks? What roles can counsellors play beyond helping judicial committees of the Houses of Chiefs?

Day Two: Solutions and Strategies

WG 7: *Role of Judicial and Other Committees of Traditional Councils, Regional and National Houses of Chiefs for Chieftaincy Disputes Resolutions*

- Should the Councils/Houses get more support by the state for fast-tracking pending/outstanding disputes? Should the Attorney General provide further personal/more lawyers for the Judicial Committees, who should be responsible for their selection and assignment? Should there be a “training centre” for traditional authorities and community representatives?
- How can we improve the relationship to High Courts and the Supreme Court?
- How can the Councils/Houses become a voice of chieftaincy and of our communities? What communications strategies can be developed to ensure participation of all our people? Can the Chieftaincy Bulletin be opened for traditional deliberations?
- How can the Councils/Houses become a more influential voice in public debates and governance decisions? How can we tackle our many tasks more efficiently? Should we separate levels for political decision making more clearly from levels of technical work fit for knowledgeable employees? How can we achieve a better division of labour with our civil servants? Do we need to address such underlying structural questions and challenges of organizational development more consciously and systematically?

Rapporteur: *Tillmann Schneider*

Experts: *Hon. Justice S. A. Brobbey, Prof. S.K.B Asante, Prof. Manfred Hinz*

4. Youth

Day One: Identifying Challenges

WG 4: *Youth and Conflicts*

- What factors explain the recent resort to violence and use of small arms of our youth?
- Why is it difficult to engage the youth in meaningful activities?
- What problems do we face in letting the youth participate more in day to day governance? How do we, as traditional authorities perceive and work with the youth?

Day Two: Solutions and Strategies

WG 8: *Meeting the Aspirations of the Youth*

- How can we channel energies of traditional warriorship into positive non-violent directions? How do we learn about young people's hopes expectations and aspirations for the future and therefore the values that underpin these visions for their communities and nation?
- What would motivate young people to become more engaged in traditional governance and public life?
- What needs to change within the community and traditional institutions to encourage more active young citizenship?

Rapporteur: *Marc Obeng*

Experts: *Janet Mohammed, Prof. Winrich Kühne*