

**PAUL STACEY**

**PhD student, International Development Studies, Roskilde University,**

**Denmark**

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## **Ghanaian Chiefly Struggles for Recognition in a New District**

*Abstract; The initial stages of recent district creation in Kpandai, northern Ghana has given rise to a range of unforeseen political dynamics and agitated historically unresolved issues centred on citizenship status and the role traditional authorities should play in local government reform. Decentralisation reform has led to increased societal uncertainties due to the state appearing bias, through its bestowing of agency onto historically negotiable, contested and relatively unstable categories. Developing relations between the new assembly and the district's traditional authorities are problematic, due to dispute over how legitimate traditional authority should be defined, which present serious obstacles for the full democratic potential of both chieftaincies and local government institutions to be realised.*

### **INTRODUCTION**

This paper examines the effects of recent decentralisation reform in Ghana by looking at developing relations between traditional authorities and the state in the first couple of years after the creation of the new Kpandai district in northern region in 2008. The location is significant, because first, it has been the site of historical struggle and conflict to end colonially established power configurations that prevail and second, the area's traditional authorities have been competing internally for a number of years in order to establish a hegemonic traditional-political culture of their own. For the area's competing Nawuri chiefs, the awarding of district status has been interpreted as a break from the conflict ridden past and colonially imposed subjugation to the much larger Gonja group. What is at stake for the district's chiefs now, is not only the issue of gaining influence over the district assembly, but more so, that district creation may enable a legitimization of favourable interpretations of history, acknowledgement of a specific hierarchy of chiefdoms and not least, that state recognition would be an important step towards establishing a traditional area with territorial distribution rights over district

lands. The guiding research question for the paper is as follows; How has the attainment of district status affected local configurations of traditional authority and how can decentralisation be understood as an increase in traditional-political autonomy?

## **THE LOCATION, KPANDAI DISTRICT, NORTHERN REGION**

Kpandai is both the name of the district capital and the new district. The district covers in total some 1200 sq. km and has an estimated population of 200000.<sup>1</sup> It was carved out of the considerably larger East Gonja district in February 2008, and is situated in the south-eastern corner of the northern region, bordering Volta region to the south and east.<sup>2</sup>

Of central concern to the case is the traditional-political history, of which there are three interwoven, latent lines of tension, that can be traced to the colonial period and reflect similar features found in many other Northern Ghana locations. On a broad, regional level, the relevant traditional-political characteristics are first, the history of ranked communities with differentiated citizenship status between chiefly and non-chiefly groups. Second is the widespread emphasis placed by most northern chiefly groups on the reproduction of indigenous and settler categories that determine land allocation and rights of distribution. The final regional feature is the existence of numerous, traditional-political disputes over chiefly appointments.<sup>3</sup> The significance of the first two fault lines culminated in northern region conflicts breaking out in the 1980's

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<sup>1</sup> This (high) figure is given in the application to attain district status. Needs cross checking with census.

<sup>2</sup> Similar to many northern Ghanaian locations, the climate can be cruel. An often heard joke is that Kpandai has two seasons; flood and drought. The majority of the district population may be characterised as non-mechanised farmers with 1-2 hectares of land situated up to 10km from their homes, whose income is predominantly from yam, supplemented with cassava, peanut, corn and chilli for risk lessening and rotation. The slightly more wealthy family farmers may supplement their farm income with petty trading.

<sup>3</sup> For example those in Bimbilla, Yendi, Wa and Bawku.

and 1994/5 with estimates of some 20000 killed.<sup>4</sup> Estimates of fatalities in Kpandai itself are difficult to verify.<sup>5</sup>

In Kpandai district itself, these three broad, regional, traditional political traits have taken the form of 1. The historically non-chiefly Nawuri group being subjugated to the chiefly Gonja group. 2. Latent but continuous public attention given to native-settler categorisations, where the Nawuri forward themselves as indigenous land holders. 3. An ensuing Nawuri chieftaincy dispute that arose in the mid 1980's. This centers on internally disputed claims of the legitimacy of candidates as well as selection and appointment procedures for chiefship.

In the 1994/5 conflict, the Gonja were ejected from the area as post colonial overlords. Since then, the dominant discourse in the district promotes the minority Nawuri as the first settlers and true indigenes, with privileged rights to chiefly status and as the guardians of the land. This has brought the Nawuri's a relatively superior position regarding land allocation rights, which is generally not disputed by the main five other ethnic groups in the area (the majority Konkomba, and minority Kotokoli, Ewe, Bassare and Nchrumru). During the last 15 or so years, the Nawuri have exercised de facto land control, though the Gonja, despite their absence, insist on maintaining their status as the de jure land authorities.

It is difficult to give an accurate estimate of the ethnic make up of the district. What is clear however is that the Konkomba are by far the largest group, probably

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<sup>4</sup> Fatalities range from 2000 (DANIDA 1995) to 20000 given by USA Department of State Country Report on Human Rights, Ghana (March 1996). The conflicts were in the main between the established chiefly states and ethnic groups that since the colonial period had been politically subordinated to chiefly rule. For analysis and historical background see Bogner 2000, Talton 2003.

<sup>5</sup> Jonson writes that the expelled Gonja chief lost some 16 members of his family in the conflict. Estimates from an established Peace Negotiating Team number Gonja casualties in the area at 60. Nawuri fatalities????

numbering 70%? The remaining 30% are made up of Nawuri (numbering perhaps 15000), who dominate the capital, and the other groups. In the district capital community identification and the production of distinct ethnic groups is maintained in a number of subtle ways such as through spatial organisation of the settler communities. Ethnic spatial organisation also facilitates the construction of house hierarchies and the status of elders and headmen who solve intra communal problems. Each community may also have its own cults and fetishes. All in all, ethnic identities become reproduced through the organisation of social space which affirm moral principles of belonging to such a community. Amongst the five main settler communities in the capital and between the Nawuri and settler groups, there are generally amicable relations as well as a history of intermarriage.

## **DISPOSITION**

The next section frames the paper around relevant Ghanaian local government reform and statute in relation to chieftaincy. This is followed by a method outline, a brief literature review and a description of the location and chiefly relations. The main empirical section follows, where interrelated events are firstly described and afterwards contextualised in state society contexts. The paper finishes with a discussion addressing the central issue of relations between local government and traditional authorities which is broadened to state formation contexts.

## **DECENTRALISATION AND STATUTE**

Since 1985, the number of districts in Ghana has increased from 65 to some 140 and the Ministry for Local Government may receive dozens of applications every four years, which indicates substantial acceleration in policy ambitions over the last twenty or

so years.<sup>6</sup> Decentralisation is a cornerstone of Ghana's governance enshrined in the 1992 constitution, where Article 240 (1) states; '*Ghana shall have a system of local government and administration which shall, as far as practical, be decentralised.*'<sup>7</sup> Domestically, both sides of the NPP-NDC political party divide have supported the unabated growth of district creation, whilst internationally the policy is encouraged and linked to good governance, democratisation and civil society capacity building ambitions, voiced by IFI's, donors and NGO's alike.<sup>8</sup>

From the 1992 constitution, a district assembly (Article 240, 3) '*shall be the highest political authority in the district, and shall have deliberative, legislative and executive powers.*' Attaining district status is the goal for countless communities all over the country as it *inter alia* provides automatic access to state reserves through the Common Fund, can lead to a substantial increase in NGO operations, business development and building and infrastructure projects.<sup>9</sup> A continued improvement of grassroots accountability is stated in Article 240 (e), where; '*to ensure the accountability of local government authorities, people in particular local government areas shall, as far as practicable, be afforded the opportunity to participate effectively in their governance.*'

There is no automatic or preferential, representational avenue for traditional institutions and the latest legal framework only states that chiefs *can* play a consulting

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<sup>6</sup> Not all applications are successful. Successful petitions have to show evidence of developmental potential, market access, and a minimum of infrastructure, a reasonable production base and a minimum population of 80000 *inter alia*. President John Kufour created with Legislative Instruments 26 new districts in February 2008.

<sup>7</sup> Quoted in Ferrazzi 2006, p.3.

<sup>8</sup> This helps explain the massive spread of similar reforms taking place all over the developing world. As of 2000, the UNDP supported decentralization programmes in 95 countries. Treisman, p.4.

<sup>9</sup> Owusu 2005. The District Assemblies Common Fund was created by section 252 of the 1992 Constitution and reserves a minimum of 5% of national revenue to be shared by all assemblies on the basis of a parliament (or government?) agreed formula.

role. This is spelled out in the 1993 Local Government Act (Act 462) Section 5 (1) (d), on the composition of the assembly.<sup>10</sup> Despite democratic ambitions, the present Ghanaian formula regarding assembly membership may however be interpreted as a somewhat hybrid, ambiguous institutional constellation in terms of community influence over the make up of assembly membership; there are *ballot elections* for local politicians, *direct appointments* made by the Presidency to the powerful executive, where the incumbent MP has a non-voting membership, and finally there's the *consultive-advisory* role which can be given to local traditional authorities.

Statute today bans chiefs from participating actively in party politics which is based on the rationale that a guaranteeing of a non political space for traditional authorities will protect the institution from the gridlock of partisan and factionalist politics and hinder future politicisations of tradition. Chiefs are therefore not allowed to deliver address on party political issues, nor are they eligible to be MP's, while in a local government capacity they similarly cannot stand as candidates, although they may be appointed in an advisory capacity.<sup>11</sup>

The 1992 constitution defines a chief as; '*a person, who, hailing from the appropriate family and lineage, has been validly nominated, elected, or selected and enstooled, enskinned or installed as a Chief or Queenmother in accordance with the relevant customary law and usage.*' (Chapter 22, paragraph 277). Although the inclusion of an elected aspect reflects pressure on the institution to modernise and be accountable

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<sup>10</sup> The 1992 Constitution, chapter twenty on decentralisation and local government makes only casual reference to traditional authorities. The composition of District Assemblies (242 (D)) for example states '*other members not being more than thirty per cent of all the members of the District Assembly, appointed by the President in consultation with the traditional authorities and other interest groups in the district.*'

<sup>11</sup> For example, Article 276 states that; '*a chief shall not take part in active party politics, and any chief wishing to do so and seeking election to parliament shall abdicate his stool or skin.*'

to popular opinion, the terms ‘hailing from,’ ‘appropriate,’ ‘validly,’ and ‘in accordance with,’ all assume agreed and codified, historical community procedures and practices. Definition additionally builds on an understanding that past practices have been tried, tested and are now trusted and adhered to by the respective communities, families, lineages and chiefs.

The most relevant feature of the constitution concerning chieftaincy is how the institution is guaranteed, *‘together with its traditional councils as established by customary law and usage.’* (Chapter 22, Article 270 (i)). This aims at protecting chiefs from repeat performances of the 60’s and 70’s, where regime change was often accompanied by chiefs being ousted or reinstalled according to regime credentials.

The constitutional provisions focus thereby on proscribing party political-traditional-political overlaps and government is not allowed to pass laws which can bestow or deny chiefly status, without the prior acceptance and approval of established traditional institutions. Because the banning of chiefs from formal politics may be interpreted as effective discrimination and limitation placed on their right of association, the 1992 provisions contain an exist clause, stating; *‘...a chief may be appointed to any public office for which he is otherwise qualified.’* Institutionally the constitution subsequently allows for a personal freedom of association by differentiating between an individual as layman and as chief, in that public office may be pursued if chiefly aspirations are shelved.

Chieftaincy is an absolutely essential institution concerning land holding rights in Ghana. Article 36 (8) for example stipulates that: *‘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 managers of stool, skin and family lands are fiduciaries charged with the obligation to discharge their functions for the benefit respectively of the people of Ghana...*<sup>12</sup> The emphasis is thus on community rights, which are to be managed by traditional authorities, while in their capacity as skin managers, chiefs are assumed to be adequately able to deal with land affairs in a fair and just manner. Codification subsequently frames chieftaincy as an autonomous authority by removing it from state and partisan interests, while projecting independent, democratic standards onto related institutions. This has also meant that the status of traditional authorities and communities' proximities to them, can have considerable effect on access to resources. Chapter 4, (paragraphs 2 and 3), meanwhile states that Ghana's common law comprises of the; '*rules of customary law*' defined (somewhat) tautologically as '*... the rules of law, which by custom are applicable to particular communities...*' Customary law is thus awarded a form of objectivity, axiomised and applied in its own definition. The *particular communities* are taken to mean those engaged, willing and-or able to engage with chiefdoms, and as government is not allowed to interfere with chiefly affairs, questions of land control fill a substantial political space as an arena for contest concerned with chiefly recognition.

There is thus an emphasis placed on the protection of community rights, and an assumption that particular communities adhere to different customary laws. Custom itself is only defined implicitly; what a community does, becomes the group's customary law, which in turn defines the community membership. The institutionalised and perceived, mutually beneficial separation of the modern and traditional political persists with

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<sup>12</sup> Quoted in Kasanga 2000, pp.1-5. Mineral wealth however continued to be vested in the President; 'on behalf of and in trust for the people of Ghana.' Article 257 (6)

questions of chiefly recognition, appointment and removal being the sole jurisdiction of a hierarchy of traditional institutions that are similarly independent of government influence.<sup>13</sup>

The guardians of communities' customary law on the supra district level are the Traditional Councils that have jurisdiction over a Paramount Chief's Traditional Area, who also sits as president of the respective council. The Councils have the task and responsibility of ensuring that communities' customary law and procedures concerning chiefdoms under their jurisdiction are adhered to.<sup>14</sup> It is important to note that Kpandai continues to be under the de jure authority of the Gonja Traditional Council (GTC), which has the Gonja paramount chief as chairman. De jure practice thus stipulates that any matter affecting Nawuri traditional affairs lies ultimately under the jurisdiction of the GTC, because Kpandai remains officially part of the Gonja Traditional Area. The Nawuri have never had representation on the council due to statute demanding that council members have to be state recognised (gazetted), which can only occur through application to the appropriate traditional council.<sup>15</sup> So, as statute stands at present, Nawuri traditional authorities can only increase their formal standing, by appealing to and gaining representation from the institutions of their historical adversaries, from whom they are attempting to differentiate themselves. It is this conundrum that has influenced intense lobbying for district status in Kpandai the last twenty of so years and which finally succeeded in 2008.

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<sup>13</sup> Article 272 of the 1992 Constitution provided for the National House of Chiefs to advise on customary and chiefly matters. The High Court can only pass judgement on chiefly affairs after referral from the National House of Chiefs.

<sup>14</sup> Section 12(1) of Act 759 (the 2008 Chieftaincy Act) states that every Paramountcy has to have a traditional council. Brobbey 2008, p.21.

<sup>15</sup> Interviews with Balaiwura, NawuriParamount and Kpandaiwura. XXX

In total, although the spirit of the constitution gives a considerable, yet officially *informal* role to chieftaincy that reflects an increased expectation of chieftaincy as a democratic force, there is no automatic position for chiefs on district assemblies. Statute continues however to forward the notion of chieftaincy and custom as seamless, historically grounded principles and assumes issues of custom and tradition to be apolitical, although interpretations are vital for land holding rights and the bestowing of chiefly title. Chieftaincy is therefore an important means through which political rights and social citizenship can be secured.

## **METHOD**

Traditional authorities' interactions with the state are deemed interesting because they reveal relations between the vital, parallel governance structures of modern political and traditional-cultural domains. Interactions additionally give insight into questions of authority concerning both traditional actors' quest for recognition from the state, and a means by which chiefs can attain legitimacy from their respective communities. To quote Lund's observation relating institutional validification to the recognition of authority; *'When an institution authorizes, sanctions or validates certain rights, the respect or observance of these rights by people, powerful in clout or numbers, simultaneously constitutes recognition of the authority of that particular institution.'*<sup>16</sup>

The adopted approach is to trace a series of recent events that expose how the supposedly apolitical administrative reform becomes enmeshed in historically contentious, local traditional-political disputes over public authority and land ownership. Of central interest is to discern how and why the new district has brought forth these

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<sup>16</sup> Lund 2007, p.3.

unexpected, disputable political spaces. The approach is inspired by Gluckman's extended case method approach which focuses on social process and what is termed *cleavage* that arises from expectations of progress, cooperation and interaction between a number of actors positioned in various, often opposing social relations. The approach helps to realise how events and not least contradictions that arise from these exchanges, provide the raw material for the study of interrelationships, from which the structure of society can be abstracted, understood and discussed.<sup>17</sup>

There are three interrelated events described. The main event is the inauguration ceremony for the new district assembly, second is a meeting between the district executive and the town's traditional authorities and finally is an appointment of one of these as an advisor to the assembly.<sup>18</sup> In significant contrast to Gluckman's notebook ethnographic descriptions however, I was unfortunately not witness to any of these events. Instead, I have aimed at deciphering the importance participants give to these events and to clarify interpretations in terms of structural significance. Due to the events being instrumentalised by actors to gain recognition and displace opponents, it has therefore been important to draw out the significant lines of argument employed and rhetorical strategies for claiming legitimacy. In short, how divergent interests situate themselves and others in the series of social events, and how these exemplify dynamic social relations. Central to the adopted approach is the understanding that although interests, views and interpretations of events by participants may be opposed, participants

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<sup>17</sup> Gluckman 1940, here Frankenbery in Vincent (ed), pp.59-64, 2002.

<sup>18</sup> See Gluckman's classic study 'The Bridge' Analysis of a Social Situation in Zululand.

are nevertheless *'interrelated into a single system, which the situation creates and reinforces.'*<sup>19</sup>

On an empirical level, event analysis reveals that a significant risk to state efforts to institutionalise local government, lie in the haphazard use and reproduction of historically unstable societal categories such as chieftaincy. On broader level, analysis demonstrates how structural distinctions between modern government and chiefly, traditional affairs are reproduced. But the price paid for structural consistency is increased community resentment and institutional uncertainty, while negotiation over these categories and their emergent character prevails, as a result of state attempts to fix institutional boundaries and definition. The contradiction hereby lies in local power configurations producing increased uncertainty, following state efforts and quest to maintain powerful distinctions between state and society.

The focus is predominantly on relations between four contesting traditional authorities who all have strong interests in the district capital, and two members of the assembly executive, the District Chief Executive (DCE) and the constituency MP, who is also a Minister of State.

Data was collected from interviews with witnesses and direct participants, and with conversations with the district's local politicians, traditional authorities, the assembly executive and several prominent local community opinion leaders (a headmaster, a Catholic priest, an Imam and three settler group community headmen). The analysis of events was greatly aided by access to complaints, petitions and private

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<sup>19</sup> Gluckman 1940, here Frankenbery in Vincent (ed), pp.59-64, 2002.

correspondence between Nawuri chiefs and political figures, Ministers and Ministries.<sup>20</sup> Field work was carried out for two months in summer 2008 and two months in summer 2009, which was supplemented with archival research at Tamale Public Records Office, northern Ghana. A final two month field work period will commence this coming January. In this paper, the only traditional authorities discussed are chiefs and the two terms are therefore used interchangeably.

Literature concerning traditional authorities' role in contemporary local government reform may be divided into positive and negative analyses. More positive, Ayee for instance forwards an unproblematic chiefly role in decentralisation and writes that there is a; '*compelling case for (chiefly) institutional representation*'<sup>21</sup> The theoretical foundation in literature supporting chieftaincies' role often takes the category for granted and assumes that surrounding communities support any appointed chiefly authorities. Faith placed in chiefs as figureheads of homogenous civil society groupings, tend as well to assume agreement between different chiefs in a particular area and between their respective communities. The understanding is similar to Chazan's nascent civil society where awakened civil interests will enjoy widespread popular legitimacy.<sup>22</sup>

More critical literature focusing on traditional authorities' role in contemporary decentralisation often takes issue with the reform assumption, that any chiefly advisory role will be unproblematic. Analyses may also raise concern about latent conceptualisations of communities as apolitical, homogenous groups.<sup>23</sup> Yankson, writing on traditional authorities' consultive role (on the basis of an eight district Ghana survey),

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<sup>20</sup> I am very grateful to the Balaiwura would provided almost unlimited access to private documents.

<sup>21</sup> Ayee, p.61. in Odotei and Awedoba 2006 .

<sup>22</sup> Chazan 1994.

<sup>23</sup> For example Grischow 2008, Amanor 2006.

found that chiefs' loss of automatic assembly recognition has resulted in minimal, if existent, consultation between assemblies and traditional authorities which indicates that district creation may undermine chiefly authority.<sup>24</sup>

Concerning more the issue of contest and negotiation, Lentz (2006) writes how new districts become an; *'arena of debate over the boundaries of community and the relationship between 'local' and national citizenship (...) as integrity of chiefdoms and ethnic groups became equally influential argument in the struggles over the boundaries of the new district.'*<sup>25</sup> Here, traditional institutions digest reform as a means to substantiate their categorical uncertainty. In Lentz's case, to influence the procedure of physical mapping in order to delineate collective identities. The contemporary drawing of physical boundaries may therefore add to the plurality of historical contests that have centered on previous efforts to demarcate space, with a view to establish civic recognition for specific state-society configurations.

In a study of decentralisation reform in Benin, Bierschenk and de Sardan (2003) take a similar stance, in that reform processes triggered increased political entanglement with a developing *'ecology of games.'* Relevant to both of the above is how local government reform became inseparable from; *'the pre-existing, hybrid and composite form of local government...'*<sup>26</sup> The effect of reform on traditional authorities, depends thereby on the extent of negotiability or uncertainty in existing socio-political conditions.

In short, reform implementation may add to the miasmas of existing institutional struggles, it could weaken or strengthen chiefs' authority, and it cannot be assumed that

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<sup>24</sup> Yankson writes: *'thus most often the wishes of the traditional authorities regarding the needs of their communities were not communicated to the Assemblies.'* Yankson, in Thomi, Yankson and Zana, p.173.

<sup>25</sup> Lentz 2006, p.901.

<sup>26</sup> Bierschenk and Oliver de Sardan 2003, p.146

devolution will automatically smooth out any embedded contests, or produce more stable, local power configurations.

## **KPANDAI BACKGROUND HISTORY**

This section situates statute and the structuration of modern and traditional domains in relation to Kpandai's traditional political trajectory. Vital to an understanding of the present are the indirect rule reforms of the early 1930's where Gonja authority became backed by colonial law. This was based on a specific interpretation of Gonja history; that there was a Gonja chiefly presence in Kpandai in the pre-colonial period, which as a public authority was recognised and revered by the Nawuri.<sup>27</sup> Colonial policy subsequently protected this Gonja-Nawuri 'traditional relationship' and axiomised the notion that 'Nawuri' were naturally under 'Gonja' overlordship. Altogether, policy built on a rationale that administration should not interfere with this perceived customary and traditional relation, which inferred a Nawuri voluntary accept of Gonja superiority and a Gonja chiefly presence in Kpandai.<sup>28</sup> The objectified traditional relationship shaped the formation of the later established Gonja State Council and Gonja Traditional Council while the legitimacy of these and the history of the Gonja-Nawuri relations has been bitterly disputed by the Nawuri ever since. The struggle to put an end to Gonja supremacy culminated in the Gonja-Nawuri conflict in the mid 1990's and the expulsion of Gonja from the Kpandai area.<sup>29</sup>

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<sup>27</sup> Dixon, p.8

<sup>28</sup> Dixon, p.10

<sup>29</sup> Writers give different weight to state formation itself being a major contributory factor to the conflicts. Bogner for instance writes that the conflagrations were certainly made worse by government media rhetoric of loaded definitions and talk of primitive warfare. In 1980 for example, a leading Konkomba, Ali Kamashiegu was kidnapped and 'deported' to the 'Konkomba' town of Bimbilla, which resulted in the Nanumba Paramount intervening and 'allowing' him to return. The Ghanaian Times, on the 29th April 1995 carried the headline; '*Konkomba Taste Their Own Medicine*' that inferred war like attributes of the group. Bogner, also picks out more apolitical factors such as migration and land pressure. Bogner, in Lentz

Due to their historically marginalised Nawuri position, there are only scant references to the group in colonial period, published ethnographic and anthropological studies and their customs were not given authority nor codified. The most vital legacy for the Nawuri today, of being placed under Gonja rule in the colonial period, is their ongoing struggle to be recognised as a chiefly group.<sup>30</sup> Institutionally, besides physical confrontations, this has also meant that endeavours to define themselves as a group with a unique chiefly culture has demanded constant rhetoric confrontation, discursive battles and a reinvention of the past, to overturn the established and dominant, regional, Gonja traditional-political discourses. Gonja customary law regarding Kpandai meanwhile means traditional authority over the Nawuri and the unassailable right to rule through a Gonja chief in Kpandai, who has the non-negotiable right over the district lands. For the Gonja, any recognition of Nawuri chiefship, Paramountcy, a Traditional Council or Traditional Area, would not only mean loss of land but an end to sacrosanct, long established Gonja customs pertaining to Kpandai, which would necessitate a substantial reorganisation of Gonja divisional and sub divisional chiefdoms.

## **THE NAWURI DIVIDE**

Since the mid 1980's the striving for autonomous Nawuri group cohesion with agreed customs has agitated an internal Nawuri dispute that centres on whether appointment to paramountcy should be based on a rotational principle between villages

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and Nugent 2000, p.198. State formation is more central in Talton (xx) and Thomas (xx), who interpret the conflagrations as stemming from the denial of equal rights to non chiefly groups which came under increasing democratic pressure. Akwetey describes the period up to 1991 as a; 'spiral of suspicion, threat, arms build up and inaction on the part of the state.' Akwetey, in Olukoshi and Laakso 1996, p.128. Oelbaum writes that new found economic opportunities enjoyed by groups '*sharpened the structural misfit between a chieftaincy based political structure constructed on a 'premise of inequality.'*' The state's dilemma was that on the one hand Konkomba contributed significantly to the country's agricultural economy, but regional political control demanded that they not be allowed freehold rights over land. Oelbaum, p.6.

<sup>30</sup> Mentions by Cardinal, Tamokloe, Rattray, Evans, Ward. (...)

and the status of chiefs in villages in relation to each other. The dispute came to the fore after the 1994 expulsion of all Gonja from Kpandai, after which Gonja houses, farms and property were seized and distributed by Nawuri factions as legitimate war booty. These came under the de facto control of one of the contestants in the dispute, the Kpandaiwura. Estimates of the seized property range up to 75 houses, the majority of which are located in prime locations in the centre of the district capital itself. Today, the question of ownership of these properties, and importantly, much larger surrounding areas, has developed into bitter litigation between two main factions, which has effectively split the district capital between the so-called KpandaiNawuris and the BalaiNawuris.<sup>31</sup> Serious fighting has been very close to breaking out on several occasions during the last three or so years. On an everyday level the groups are very wary of ‘trespassers’ on their turf and gossip and rumour play a central role in mutual stigmatisation and accusation. The BalaiNawuris’ assembly representative for example is fearful of entering a section of his constituency ward that lies within the Kpandaiwura’s control.

The KpandaiNawuris are situated in the town centre and have the Kpandaiwura as head. They have at present de facto control over significant former Gonja property assets and claim de jure rights, on the basis of Gonja settlers and their chief, the Kanunkulaiwura, being expelled by them forcefully.<sup>32</sup> The opposition, consisting of the BalaiNawuris and Nkanchina Nawuris, claim that the town centre is theirs and that the

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<sup>31</sup> The other ethnic groups in the capital are not directly involved in the Nawuri dispute and consider it a very unfortunate but ultimately native affair that they do not have influence over and truly wish to stay out of.

<sup>32</sup> The Kanunkulaiwura resides now in Kpembe, outside of Salaga. According to Nawuri, Kanunkulaiwura is a Nawuri term meaning literally ‘Chief Eater of Meat Lumps.’ It has ambiguous metaphorical meanings and can imply either authority and strength, Nawuri hospitality, greed and power hunger or laziness. Interview with Balaiwura.

KpandaiNawuris are a mere settler clan who owe allegiance to them as the ‘true’ Nawuri sons of the soil.

An important factor in the internal Nawuri dispute is the division between the two sides over a Paramount Chief, who was appointed in 1995 with the backing of the Balai people. The KpandaiNawuris decried the selection and appointment as totally invalid, and their leader, the Kpandaiwura has vowed never to recognise him. The Gonja also denounced the appointment, as the notion of a Nawuri Paramount chief is pure anathema to them. This is because as the de jure traditional authority over the area, only the Gonja Traditional Council can bestow paramount status on a chief in Kpandai. Recognition of a NawuriParamount would also entail acknowledging his traditional area, which would be in direct conflict with the established de jure territory of the Kanunkulaiwura and the understanding that Kpandai is an integral part of the Gonja Traditional Area.

From the Balai perspective, the appointment and naming of their own Paramount Chief was both a provocation and outright denial of the Gonja constitution in lieu of their expulsion and an attempt to affirm BalaiNawuri land rights in the district. The traditional political objective was additionally to forward themselves as a viable traditional entity, worthy of their own traditional council and holders of a traditional area. Internally, the paramountcy appointment was further an insistence that the centre of the town was not under KpandaiNawuri jurisdiction.

Since 1995 Nawuri increased momentum for chiefly status and traditional political elite formation at village levels took place following the political vacuum left by the Gonja exit.<sup>33</sup> As reshuffles between competing Nawuri groups has taken place, the common thread for holding the group together, namely mobilization around a common

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<sup>33</sup> Up until 2007 the capital was essentially cut off from state developmental support. Jonsson, p.XX

enemy, has given way to heated, internal strife. This has left several competing, emerging Nawuri traditional authorities, who have claimed legitimacy by establishing themselves as de facto, land holding authorities over a patchwork of village, bush and farm vicinities. The vacuum left by the Gonja ejection fermented as well the orchestration of several, symbolic, customary appointments of Nawuri leaders in the mid 1990's: the Paramount chief, the Kpandaiwura and the Balaiwura inter alia. These appointments follow competing logics determined by local, sub-ethnic, socio-traditional-political contexts where today, the three authorities have overlapping arenas of de facto territorial control. None however are state recognised as chiefs. The Gonja stance is one of non interference, but they have agreed to recognise Nawuri figureheads once the internal dispute has been solved. Gonja insist however that any Nawuri chiefly ambitions have to go through the established institutional channels of the GTC. For ease of understanding, the relations between the four traditional authorities are sketched below and explained further.

	Balaiwura	Kpandaiwura	NawuriParamount	GonjaChief; <i>Kanunkulaiwura</i>
Balaiwura	-	X	++	+
NawuriParamount	++	X	-	+
Kpandaiwura	+	-	X	X+
GonjaChief; <i>Kanunkulaiwura</i>	0	0	0	-

Key  
X = hostile  
+ = recognised  
++ = allies  
0 = not recognised

As the historical overlord, the Gonja chief is acknowledged by all three Nawuri figures but they dispute en bloc Gonja claims to Kpandai territory. According to all Nawuri, Gonja control ended officially the day they were banished during the conflict, but anyhow, Nawuri have never accepted Gonja land rights in the area. The Balaiwura and the NawuriParamount however have cordial relations and have initiated several significant meetings with leading Gonja chiefs, and have adopted a reconciliatory approach towards the expelled Gonja chief. They grudgingly accept the statute demands, that any increase in Nawuri traditional-political autonomy, state recognition of Nawuri chiefs, or establishment of a Nawuri Traditional Area, has to go through the GTC first.<sup>34</sup> The Kpandaiwura is strongly against any Nawuri-Gonja negotiations because this would imply recognition of Gonja authority over Nawuri lands. He sees the new district as an automatic increase in Nawuri traditional political autonomy, a break from the Gonja supremacy and a legitimisation of his position as town chief. In his view, the GTC will always be bias and are incapacitated from forwarding Nawuri chiefly claims.

The Kpandaiwura respects the Balaiwura as a senior figure, but denounces fiercely the status claimed by the main Balai ally, the NawuriParamount. This is partly because their turfs in the centre of town overlap but more so, the Kpandaiwura has previously exerted his own ambitions of Paramountcy. The Kpandaiwura on the one side and the Balaiwura and Paramount chief on the other thereby practice mutually exclusive

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<sup>34</sup>The relevance of state recognition lies in the fact that a community's customary laws will be Constitutionally protected, chiefs appointed in accordance with their custom will enjoy allodial rights over the respective traditional area, and they will have a seat on the their respective regional house of chiefs. Gazetting can only occur through a traditional area's traditional council which in the present case means the Gonja Traditional Council.

legitimising strategies regarding respective claims to chiefship, settlement histories and interpretation of Nawuri custom.

The Balaiwura's reconciliatory approach to the Gonja is based on a pragmatic calculation, that this is the best means for attaining increased status and winning the sympathy of national politics as well. The KpandaiNawuri meanwhile dissimilarly promote themselves as victims of state, Gonja and Balai aggressions and argue bitterly of the Balai people's treachery in dealing with the Gonja. Their stance is more radical in that they reject any negotiations that suggests (continued) Gonja authority over Kpandai territory, or the return of the Gonja to Kpandai to reclaim property. Their point is additionally, that the GTC will never give up their customary privilege to hold allodial title to land in Kpandai and it's futile to plea to the GTC for improved status.

### **THE INAUGURATION CEREMONY**

After Kpandai was awarded district status in February 2008, construction commenced soon afterwards on what was to be the district's new assembly complex. Initially there were two sites short listed that were both immediately contested by the Kpandaiwura and the Balaiwura. The assembly executive held a meeting to discuss the proposed sites, where the Balaiwura was not invited to attend but the Kpandaiwura was.<sup>35</sup>

From the Balai sides perspective the assembly was clearly acting bias towards the KpandaiNawuris concerning the question of site choice. Overall however, there were three claims to the sites, composed of the above four traditional actors (the Balaiwura and NawuriParamount against the Kpandaiwura against the Gonja). After a site had been chosen, the assembly executive organised a symbolic ceremony consisting of the saying

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<sup>35</sup> The Kpandaiwura's representatives were Piki O. Yakubu, the former Kpandai assembly member for East Gonja District Council and Kojo Atorsah, brother of the Kpandaiwura.

prayers and speeches by invited dignitaries. At the earlier meeting, the DCE had advised against any customary libation pouring being carried out by anyone.

Due to the Gonja being the only state recognised traditional authorities and being still the de jure allodial land holders, the Kanunkulaiwura's senior, the Kpembewura (Chief of Kpembe) was the only traditional authority invited to officially participate by the assembly executive.<sup>36</sup>

The NawuriParamount complained afterwards about the ignoring of the Balaiwura in a letter to the Interior Minister, writing that; *'all the proposed sites are in his jurisdiction a fact I am fully aware of and which the Kpembewura himself [a senior Gonja chief] can attest to as belonging to Balai.'*<sup>37</sup> The letter also alleged that; *'a few days prior to the meeting, information had been spread by Kpandai Nawuris that the said 'Nana Atorsah' [the Kpandaiwura] had informed them that he had concluded an agreement with the Northern Regional Administration that all the Assembly projects be sited on land he considered to be his adding that the meeting was simply to endorse that agreement.'*<sup>38</sup>

The NawuriParamount interpreted the presence of the senior Gonja chief in the letter as evidence of; *'...our determined efforts at reconciling with Gonja [that]have made tremendous progress as a result (...) One could say that the thaw in relations between Nawuris and Gonja in recent times has contributed in no small way to the realization of the creation of our very own district assembly in Kpandai area.'*<sup>39</sup>

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<sup>36</sup> There were rumours circulating several days previous to the ceremony of bloodshed, if the Kpembewura honoured the invitation to attend.

<sup>37</sup> Letter from Nana Abugabah I, Nawuri Paramount chief, to the Minister of the Interior. 18 June 2008.

<sup>38</sup> Letter from Nana Abugabah I, Nawuri Paramount chief, to the Minister of the Interior. 18 June 2008.

<sup>39</sup> Letter from Nana Abugabah I, Nawuri Paramount chief, to the Minister of the Interior. 18 June 2008.

The executive's invitation to the Gonja chief, was subsequently used by the Nawuri Paramount to affirm his standing, while the Gonja chief's presence infuriated the Kpandai Nawuris. Assembly relations with the four traditional authorities concerning the new district building and ceremony were thus characterised by three different approaches; formal recognition given to the Gonja chief, acknowledgement of the Kpandaiwura's claim and the denial of the Balaiwura's authority and claim. The assembly invitation to the Gonja chief and the ignoring of the Balaiwura, was interpreted by the latter as a denial of his authority and a rejection of the de facto control he had exercised (albeit internally disputed), over Kpandai lands since the Gonja expulsion. The invitation to the Gonja chief also raised fears amongst Kpandai Nawuris that the newly attained district status would not after all result in state acknowledgement of their control over former Gonja property.

The assembly executive's view was that as the land was still under de jure Gonja control and as a sign of reconciliation, they were obliged to invite a superior Gonja chief to the inauguration. There was also assembly hesitation, in that if one, two or three Nawuri figures were invited and given centre stage, it could be interpreted as the assembly bestowing unwarranted recognition on unrecognised, contesting authorities. The official view was thus publicly, that the ceremony should not be seen as bestowing or acknowledging disputed de facto rights.

The significance of the inauguration ceremony became more contentious when Kpandaiwura supporters and family began initiating a libation pouring rite on the site,

which expectedly greatly provoked the BalaiNawuris.<sup>40</sup> According to the Kpandaiwura; *'...on the day of the cutting of sod to mark the commencement of the construction of the offices of Kpandai District, a visibly (sic) mayhem oriented Balai and Nkanchina youth besieged Kpandai.'*<sup>41</sup>

The Kpandaiwura's strategy with holding his own ceremony was to call into question both the Gonja chief's and Balaiwura's historical claims to the plot, and actively promote his own traditional credentials and right to the land. The disruption surrounding the planning and inauguration ceremony itself resulted in high levels of tension in the town during the following days. Both sides altogether felt unjustly treated by the assembly; the KpandaiNawuris by the presence of the Gonja chief and the Balai people by their lack of recognition. Additionally, both side gleaned ample rhetoric ammunition to accuse and discredit each other through letters to Ministries, of illegitimacy, treachery and deliberately inciting violence.<sup>42</sup>

A special meeting was convened by the assembly executive to discuss how best to proceed with development planning and ensure security and peace amongst the districts' traditional authorities. Here, the only Nawuri elected member on the assembly suggested

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<sup>40</sup> There is disagreement between sources as to whether libation pouring actually took place. The KpandaiNawuris (expectedly) claim it occurred, whilst the Balai talk of 'attempts' at holding a land blessing. Correspondence from Balaiwura to Kwaku Atorsah, 16<sup>th</sup> June 2008, titled: ATTEMPTS TO POUR LIBATION AND TO PERFORM CUSTOMARY RITES ON BALAI LANDS BY YOU AND YOUR AGENTS, CONTRARY TO CUSTOMARY PRACTICE.

<sup>41</sup> Letter from Kpandaiwura to Hon. Minister of Interior, 26<sup>th</sup> August 2008. Libation pouring is a vital element of traditional authorities' means of expressing right, legitimacy and proof of status as land holders. Locally there is at least one historical precedent for liberation pouring being employed for the attainment of authenticity to a party in a disputed land claim. During road construction in the early 1980's, a bulldozer got stuck in a muddy ditch. People gathered and attempted to no avail to free the machine. A chief then poured libation on the ground and the machine was pulled free. The fact that nearby communities did not dispute the chief's presence and his blessing given to the soil was afterwards used successfully by the chief as evidence that the land was rightfully his. Interviews with Chief linguist of Balia and Balaiwura.

<sup>42</sup> Balia groups' apathy towards the assembly arose already during the district's first local elections, where 18 out of 19 contestable seats were won by the Konkomba group.

that, considering the potential for communal dispute and anxieties growing amongst Balai groups, it perhaps would be better if the assembly in future detested from consulting *any* traditional authorities in district undertakings.<sup>43</sup> This indeed was anyhow what had become established practice concerning the BalaiNawuri authorities, as none had been approached regarding planning, implementation or official invitation.<sup>44</sup> The suggestion earned him a severe reprimand from the executive and the threat of a court summons, issued by the Kpandaiwura, of deliberately undermining his authority and of fermenting trouble.<sup>45</sup> The member's rationale for suggesting the bypassing of all district chiefs was however influenced by his full support given to the reconciliatory line towards the Gonja taken by the Balaiwura, and reasoning that if the Kpandaiwura was sidelined by the whole assembly, local traditional politics would fall in favour of the Balaiwura and NawuriParamount. He explained; *'the Nawuri split is holding everyone back...the different groups, the assembly, everyone...its time to move on. We have no quarrels with the Gonja anymore...we have already decided our chiefs...he has no proper position here. What's much more important is that we all have to develop together...I just thought it would be better to leave those things [chiefly affairs] aside.'*<sup>46</sup>

The heightened apprehension and infuriation surrounding the inauguration ceremony indicates how the developmental process, despite all inclusive intentions of harnessing the town together, has given opportunity for instrumentalisation by traditional authorities, to call into question the authority of opponents and reaffirm community boundaries.

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<sup>43</sup> Interview with Kastah Fatah, August 2008.

<sup>44</sup> Interviews with the NawuriParamount, the Balaiwura, the Kpandaiwura, the Kitarewura, Kabonwulewura, Ketejeliwura. All answered separately that they felt excluded from assembly matters.

<sup>45</sup> The court summons was eventually dropped. Interview with Kastah Fatah, July 2009.

<sup>46</sup> Interview with Kaster Fatah, Kpandai July 2009.

The NawuriParamount's complaint to the Interior Minister contained an urgent plea to ignore the Kpandaiwura's claimed status, writing that the latter's actions had developed into; *'...personal ambition over the years to become paramount chief of Nawuris even going to the extent of presenting himself as such in certain circles parading relatives who masquerade as chiefs (...) even though he has never been enstooled by the appropriate traditional authority as such nor is he even qualified to be enstooled.'*<sup>47</sup> It argues further that the Kpandaiwura is a *'foreigner (...) new to the area'* and a self proclaimed chief, who is against peace and reconciliation.<sup>48</sup> Whilst undermining the Kpandaiwura's legitimacy, the complaint letter assumes forthcoming GTC recognition of the NawuriParamount himself as a public authority who is expectant that near future Gonja recognition will be nothing more than a formality. The paramount writes; *'What remains now is to consolidate and finalise the reconciliation process. We recognise (...) the need for us to pay a courtesy call on the Yagbonwura at Damongo soon. We hope that our request already submitted as the constitution requires us to do will be considered by him. We are preparing for this event.'*<sup>49</sup> The letter here demonstrates one particular faction's efforts to promote an understanding that the institutional avenues they have taken to become chiefs reflect the correct Nawuri customs. The paramount's outright dismissal of the Kpandaiwura's status, on the grounds that he hasn't been state recognised (gazetted) is however taken up in the Kpandaiwura's response, written to the Minister of the Interior and forwarded to the NawuriParamount. This counter-accuses the paramount, by emphasising that; *'... 'The attention of Attara Palace has been drawn to a*

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<sup>47</sup> Letter from Nana Abugabah I, paramount chief to the Minister of the Interior, 18 June 2008

<sup>48</sup> Neither the Ministry nor the Minister replied to the complaint.

<sup>49</sup> Letter from NawuriParamount to Hon. Minister of the Interior, 18<sup>th</sup> June 2008.

*repugnant maligning and poignant petition written by Messer Raymond Asuo, a self-arrogated paramount chief of the Nawuris.*'<sup>50</sup>

On claiming himself legitimate chiefship, the Kpandaiwura writes further that; *'Culturally and historically, the Nawuri wura and his sub-chiefs do not install and destool the chief of any Nawuri settlement; neither do they determine the legitimacy and illegitimacy of the position of any Nawuri chief. Therefore it is not within the purview of the self-arrogated Nawuri-wura to determine my legitimacy as the chief of Kpandai. His claim that I masquerade as the chief of Kpandai is not only fallacious as far as the culture and history of the Nawuris is concerned, but also an affront on the cultural prerogative of Kpandai Nawuris.'* The letter also accentuates the view that the NawuriParamount's claim to paramountcy is a fabrication, *'illegal and unconstitutional'* and *'I challenge him to quote his official gazette number that indicates he is the paramount chief of the Nawuris.'*<sup>51</sup>

Nawuri traditional authorities' interpretation of the inauguration ceremony consequently rekindled the bitter historical row over chiefly legitimacy and the question of who has the right to define Nawuri custom.

Balai allegations of assembly bias towards the Kpandaiwura continued in complaints to Ministries a half year afterwards. In September 2008 for example the NawuriParamount complained about the role the Regional Minister had played in the

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<sup>50</sup> From 'Attara palace, Kpandaiwura's palace, Kpandai to Hon. Minister, Minister of Interior. 26 August 2008.' One of the biggest insults an opponent can throw, is calling competing, proclaimed Chief by their lay name, which aims to discredit the individual completely, and diminish the 'traditional authority' to the status of a commoner.

<sup>51</sup> From 'Attara palace, Kpandaiwura's palace, Kpandai to Hon. Minister, Minister of Interior. 26 August 2008'

affair writing that; *'...actions taken (by you) that clearly indicate gross disrespect for us and tantamount to interference in our Nawuri Chieftaincy matters.'*<sup>52</sup>

The letter continues; *'During the recent inauguration of the New Kpandai District Assembly, you publicly in your address highly commended Kwaku Atorsah, 'your personal friend' (...) for being the one(s) who tirelessly worked for the creation of the Kpandai District Assembly. Meanwhile sitting in the gathering were more prominent and hardworking Nawuris who tirelessly spent a greater part of their lives working and contributing to the realization (...) whose names were never mentioned nor their efforts even acknowledged. Most Nawuris present were stunned!'* It goes on; *'We still have not been able to comprehend to this day why our representative to the meeting in the persons of our divisional chief, the Nkanchinawura, Nana Okumankwe I and a representative of the Balaiwura, Nana Obimpeh I on whose land those projects were being sited were barred from attending! However Kwaku Atorsah, together with his relatives, some of whom came there masquerading as chiefs was allowed to attend the meeting to deliberate on matters that directly concerned us!'*

Forcefully repeating arguments aimed at dismantling the status claimed by the Kpandaiwura, the NawuriParamount highlights how; *'In pursuit of this burning ambition [for paramountcy] he has laid wild and unsupported claims to large portions of Balai and Nkanchina lands that border Kpandai town, some of which he and his family have already encroached upon, sold out to private individuals and pocketed the proceeds. (...)* Sir, perhaps it would interest you to learn that plans have also been hatched by him to set

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<sup>52</sup> Letter from Nana Abugaba I, Paramount chief, to northern regional minister, Ali Idris, 29 Sept. 2008, titled; PROTEST ABOUT SOME RECENT DISTURBING ACTIONS TAKEN BY THE NORTHERN REGIONAL MINISTER THAT SUGGESTS INTERFERENCE IN OUR NAWURI CHIEFTAINCY AFFAIRS

*up parallel customary administration in some Nawuri villages using some Odikros to gain support for his cause.(...) The stage therefore for strife and confrontation has been set (...) Kwaku Atorsah would be well advised to redirect his abundant energies into more productive ventures such as forging unity with us and together under the umbrella of the Nawuri Traditional Council, we build a great traditional area...'*<sup>53</sup>

The letter ends with a strong plea; *'As for differences concerning our Nawuri chieftaincy set up, these could be resolved within ourselves. What we cannot continue to tolerate however is any further interference from any quarter in our Nawuri chieftaincy matters.'*<sup>54</sup>

The delicate issue of how the state officials and the assembly should proceed with the district's competing traditional authorities continued after these events.

## **PLANNING FOR A HEALTH CLINIC**

During the year or so following the debate, recriminations and anger over the assembly plot, Kpandai experienced several instances of increased tension between youth of the different factions.<sup>55</sup> It was on this delicate background that in July 2009 (after a change of government and DCE), that the new DCE saw it wiser to consult all three Nawuri chiefs, on the question of constructing a much needed health clinic in the town centre. The DCE, a Konkomba from the district, explained that it was his firm intention not to let the traditional dispute disturb district development nor would he be dragged into

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<sup>53</sup> Ibidem.

<sup>54</sup> Letter from Nana Abugaba I, Paramount chief, to northern regional minister, Ali Idris, 29 Sept. 2008, titled; PROTEST ABOUT SOME RECENT DISTURBING ACTIONS TAKEN BY THE NORTHERN REGIONAL MINISTER THAT SUGGESTS INTERFERENCE IN OUR NAWURI CHIEFTAINCY AFFAIRS

<sup>55</sup> This came to a head in August 2009 when a complicated district court ruling was interpreted as favouring the KpandaiNawuris' claim to a number of town centre sites and surrounding areas. The news of the verdict brought large crowds into the streets, resulting in tumult and the DCE banning public gatherings for fear of security breaches. The BalaiNawuri claim that the judge did not have authority to pass verdict, as it was clearly a chieftaincy issue and not a land dispute. (more on this in another chapter).

the fracas by appearing bias.<sup>56</sup> His rationale was that he could best appear as neutral by inviting all three Nawuri heads to the meeting, to both create awareness of forthcoming projects and get their approval for construction. The logic was that Nawuri disagreements should not hinder any of them giving their consent to the assembly to build.

At the meeting the three Nawuri chiefs were asked to sign consent giving planning permission to the assembly to commence work, which significantly, all three refused to do. The DCE complained afterwards that he really couldn't do much more than keep them informed and invite them all to cooperate with the assembly. His point was that the land disputes shouldn't hold back planning and building. The chiefs' perspective however was entirely different, as the invitation to opponents from the DCE (as a Presidential appointee), carried the implication that adversaries were being recognised as equals. Their refusal to sign was further based on the fear that their signatures could be interpreted as an acknowledgment that they themselves recognised the chiefly status of the other signatories. In short, the Balaiwura refused to sign a form that named 'Kpandaiwura' (Chief of Kpandai) and the Kpandaiwura refused to sign paper where the words 'NawuriParamount' were written. Subsequently, the site of the health clinic was added to a long list of contested locations that divided the Nawuri communities.

Drawing on Lund's reference to the bestowing of recognition, the chiefs' denial of each other was due to participation at the meeting implying that the state was bestowing recognition on opponents, and opponents would have unwillingly bestowed legitimacy on each other, if they ended up signing. As it was, the fact that the DCE had consulted the three chiefs was anyhow utilised afterwards by all three as evidence that

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<sup>56</sup> Interview with DCE, August XX 2009.

each of them were the rightful, state recognised owners of the health centre plot.<sup>57</sup> The assembly's handling of this matter was moreover contradictory to the former 'state position' under the previous DCE, that was adopted at the assembly building ceremony the previous year. Here, the Gonja chief was recognised and the land respected as Gonja territory, without any outward, explicit contact made to the Nawuri traditional authorities.

### **STATUTE IN PRACTICE**

During summer 2009, latent Balai fears of assembly and state bias against them on the basis of the Kpandaiwura's NDC connections found confirmation anew. The persona of the Kpandaiwura won appointment, with the backing of the Minister of State, as a special advisor to the assembly. The Kpandaiwura himself played down widespread Balai misgivings that party political networking determined his appointment and that he had undermined Balai group's traditional representations. The Minister of State moreover was adamant that the appointment was made solely on the basis of merit, replying in an interview that; *'It's very important to understand and correct the impression (...) Nana Atorsah was not appointed as a chief and he is not representing the chiefs (...) now Nana Atorsah is a die hard NDC, honestly I can say that (...) there was use for someone who has the knowledge, who we can call institutional memory, so he's there as someone as an institutional memory, so that he can tell people this is not how it should be, this is how we did it, so let us try it in a different way, or see how we can modify it, so he was purely appointed on that, he was appointed purely on that and not as representing the chiefs.'*

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<sup>57</sup> The Kpandaiwura reasoned that *'...if I wasn't the rightful owner than why was I asked to give permission.'* Interview August 2009. Balai groups similarly reasoned that their attendance at the meeting was proof of the new DCE's recognition of the Balaiwura as the plot's true owner.

*That is not the position but of course he is a chief so other people have the right to say we have appointed him to represent chiefs, if we wanted that we would ask the chiefs...'*<sup>58</sup>

Balai opponents meanwhile, quite expectedly, put the position down to the NDC deliberately supporting the chiefly career of local patron. In all, the appointment added to resentment directed at the assembly as a whole by Balai villagers.<sup>59</sup> One Balai elder remarked angrily about the affair; '*...it's a complete disgrace what is happening here (...) this is it now, we will have nothing more to do with the assembly (...) it's run by foreigners for foreigners, they don't anyhow listen to us, nobody asks us nothing and now they've taken over everything..'*<sup>60</sup>

In August and September 2009, Kpandai experienced sporadic flooding that destroyed scores of houses. One village that was particularly badly hit was Nkanchina, the home town of the NawuriParamount. Appeals for assistance by villagers to the assembly led to the personage of the Kpandaiwura-special advisor taking charge of the affair, and he drove to the village in order to record damage and provide assistance, where his arrival enraged supporters of the KpandaiParamount and allegedly resulted in his car being stoned. His presence was interpreted as a gross violation of the NawuriParamount's authority and an act of trespassing, as he was not invited and the Paramount was not informed of his travel plans.<sup>61</sup>

## **DISCUSSION**

The purpose of this paper has been to address how traditional authorities and the district assembly executive have interacted as a result of recent district creation in

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<sup>58</sup> Interview with MP, Minister of State, Kpandai XXX

<sup>59</sup> The Kpandaiwura has in fact considerable experience of NDC networking. Interview with BBC journalist XXXX.

<sup>60</sup> Interview with elder XXXX, Balai, XXXAugust.

<sup>61</sup> Email correspondence and telephone conversations with Ben Asunki, September 2009.

Kpandai, northern Ghana. Traditional authorities have instrumentalised elements of assumed apolitical developmental processes, that demonstrate how attempts are made to translate emerging fields of action into traditional-political power registries.

The state has pursued a variety of contradictory angles of approach towards traditional authorities. In its capacity as the district assembly with a purported neutrality, the state has either recognised the de jure status of Gonja chiefs, acknowledged the de facto position of contesting Nawuri authorities, ignored or downplayed all, and finally appointed a chiefly figure, under the guise of being an expert layman. Each of these methods has contributed to the intractability and uncertainty of the Nawuri dispute, both on a sub district and supra district level. This is due to perceived ad hoc state behaviour arousing resentment amongst opponents of the adopted strategies of state-traditional authority relations. Relations and interactions have proved controversial because they raise the spectre of the validity of the historical ‘traditional relationship’ between the Gonja and the Nawuri and all this implies for citizenship and land rights. While on the sub district level, relations have been accompanied by constant accusation of state bias and party political meddling in traditional affairs.

The real representation of the state in this particular location is marked therefore not by a normative, impersonal system of government, that treats people as equal, abstract citizens, but by ambiguous manoeuvres that imply the bestowing of differentiated rights on various communal groups. In practice, there are several aspects to the case that reveal problematic relations between communities, traditional authorities and the state. First, groups interpret state behaviour as unofficial recognition of authorities that are not officially state recognised, second, that the state unofficially

invalidates authorities that are officially recognised and third, the state officially has not given adequate recognition to authorities that enjoy community legitimacy.

This has occurred as the state inadvertently has legitimised the actions of unrecognised traditional authorities that claim right over the property of state recognised authorities. And further, state strength, measured by an ability to enforce collectively binding decisions, has been undermined by developing state-traditional authority relations reproducing exclusive institutions.

The present situation has to be understood in a historical perspective, where the Nawuri's minority status has meant that contesting traditional authorities enumerate their future standing, through the prism of advancing the notion of customary exclusivity. As is apparent in the appointment of the Kpandaiwura, authority can be facilitated by accessing vertical alliances bestowed from parallel institutions. Resulting authority may also have to be enjoyed, or compartmentalised, in non-traditional spheres, but the institutionalised separation as demanded by statute, does not prohibit the pursuit of traditional ambitions and the attempted deposition of traditional opponents. This was witnessed in the special advisor's travel to the Paramount's hometown. Institutionally, the appointment of the Kpandaiwura and the strong denial that it was not based on chiefly credentials, reveals the interpretability regarding statute that demands non-encroachment by the state onto chiefly affairs. The state's insistence that such a divide (between the man as chief and man as advisor) existed, and that the appointment did not transgress the demanded separation of party politics and chiefly affairs, illustrates moreover how the state endeavours to augment certainty and stability. The de jure identity transformation however did not lessen insecurity, nor claims of absurdity, abuse of power, anger and

partiality. Structurally, the actions of both traditional authorities and the state reproduce the distinction between a traditional-modern separation but the institutional distinction made also increases community resentment because it invokes personal, political, traditional and historical disagreements.

As a study of contested categories, the development of state-traditional authority relations has resulted in communities propelling each other further away to the periphery of the purported, all inclusive ambitions of grass roots democratisation. Disputes arise from everyday interactions between the state and traditional authorities, because the devolving of power to the local level through a district assembly not only creates new, contestable institutional arenas, but gives opportunity for reaffirming previously contestable sites that remain animated.

The decentralisation policy assumes that chiefly institutions, tradition and custom reflect stable, public (apolitical) values, but the embedded interests through which administrative reform are received and filtered at a local level, are determined by local, regional and national historical and contemporary traditional-political dynamics. The issue of whom the assembly should consult and how, carries a considerable amount of value laden potential, ready to be manipulated for the redefinition and fixing of institutional claims. Consequently, interactions between the assembly and traditional authorities have unleashed contests because they invoke 1, historical relations of suppression and unfavourable, established customary values. 2, ambitions to produce viable, autonomous traditional-political customs. 3, opportunities to establish actors as imperative to district development. 4, openings for attainment and securing of property.

To conclude, developing relations between the state and traditional authorities are problematic due to emerging claims of chiefly status already existing within a state recognised, opposing chiefly institutional arena that is guaranteed by statute from political interference. In Kpandai at present this has unfortunately meant that neither chieftaincies nor local government's viability or vitality as democratic forces has been fully utilised.