

# CARVING AN HONOURABLE AND DIGNIFIED ROLE FOR CHIEFS IN GHANA'S LOCAL GOVERNANCE: A PROPOSAL.

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## INTRODUCTION

Chiefs play a pivotal role in the life of Ghanaian communities. Every post-colonial constitutional arrangement has therefore attempted to define a functional position and role for chiefs in local governance, that accords with their honor and dignity. Ghana's 1992 Fourth Republican constitution is not an exception. Like the 1969 and the 1979 constitutions before it, the 1992 constitution of Ghana guarantees the institution of chieftaincy and insulates it against interference and manipulation by elected governments. The constitution also identifies chiefs as one of the key stakeholders to be consulted by the central government in the appointment of not less than 30 percent of assembly members. Chiefs nonetheless consider themselves marginalized and excluded from the governance architecture of Ghana's Fourth Republic. Therefore, at this particular moment and momentum when IDEG's advocacy for multi-party local governance has captured sustained attention of government and the public, the issue of position and role of chiefs once again must take center stage.

### **The Fourth Republican Constitution And Position of Chiefs.**

The 1992 Constitution, following the 1969 and the 1979 constitutions guarantees the institution of Chieftaincy and preserves the National House of Chiefs, the Regional Houses of Chiefs and Traditional Councils and their roles and functions. The Constitution further allocates a number of roles to Chiefs at the national level.

The President of the National House of Chiefs is a member of the Council of State whose main role is to provide advice to the President. The Constitution also provides for a representative of the National House of Chiefs to be appointed to the Lands Commission and another to the Judicial Council. Every Regional Coordinating Council must also have two members from the Regional House of Chiefs. Things are very different at the local government level. The 1992 constitution does not provide for chiefs to be made automatic members of the District Assemblies. Instead, the constitution requires the President to consult traditional authorities when appointing not less than 30 percent of assembly members. Article 242 (d).

This constitutes a sharp reversal of a provision in the 1969 constitution which restored the pre-independence policy of reserving one third of local council seats to chiefs. The general complaint of most chiefs of today is that even the consultation in the appointment of the 30 percent of assembly members has been largely ignored. This constitutes part of the persistent complaints about exclusion and marginalization of traditional rulers from the governance arrangements of Ghana's Fourth Republic. Their involvement in governance has been largely reduced to tokenism and symbolism. Article 276 prohibits chiefs from taking part in active partisan politics.

### **Chiefs Response to Their Marginalization**

Ghanaian chiefs are justifiably opposed to being treated as politically peripheral custodians of culture and heritage not deserving of substantive integration into the modern democratic governance. They have accordingly made a number of proposals for their greater involvement in modern governance. Some of these were captured in the Constitutional Review Commission (C.R.C) Report (2011).

One proposal is that at the national level chiefs should be directly involved in the legislative process of parliament through their institutional representation. This requires seats to be reserved for chiefs in the present unicameral Parliament without the necessity of contesting elections. The Houses of Chiefs can nominate their representatives.

The National House of Chiefs (NHC) made a rather different request to the CRC for a second chamber of Parliament or Upper House to be created exclusively for chiefs. Other submissions to the CRC were to the effect that a second chamber of Parliament would be a more preferable replacement for the current Council of State.

## CHIEFS REACTION TO LOCAL GOVERNMENT REFORM

The perceived marginalization of chiefs constitutes the context in which the National House of Chiefs vehemently opposed the government proposal to implement local government reforms in 2019. On assumption of office in 2017, the government of President Akufo Addo tabled two constitutional amendments for the reform of Ghana's local governance system. The amendment of Article 243(1) would remove presidential appointment of Chief Executives and replace it with popular election. The amendment of Article 55(3) would lift the constitutional prohibition on political party involvement in local government elections. The provision on Presidential appointment of MMDCE's being non-entrenched could be amended by two thirds majority of Parliament. The entrenched Article 55(3) on chief's prohibition from local government elections is entrenched and can only be amended in a referendum in which 40 percent of registered voters turn out and 75 percent of persons voting endorsed the amendment.

The referendum slated for December 17, 2019 was cancelled after two powerful groups, first the NDC and later the NHC had issued statements declaring their intention to canvass for a "No" vote. The statement of the chiefs signed by the President of the NHC, Togbe Afede XIV and Vice President, Kwebu Ewusi VII, divided the house and the chiefs in Ghana down the middle. President of the Greater Accra House of Chiefs, Nii Okwei Okinka Dowuona VI, declared his full support for the statement issued by the President and Vice President of the NHC. Equally powerful voices of opposition came from two sources. Nana Ogyeahoho Yaw Gyebi, Chairman of the Governance Committee of the NHC and Okyenhene Ofori Panin Amoatia, President of the Eastern Regional House of Chiefs, considered the statement as the personal opinion of the two officers who signed it. It did not in any way represent the position of the House or the Chiefs of Ghana.

More substantive issues of governance separated the two opposed groups in the NHC on the proposal for multiparty local governance. The President of the House, in the statement opposing the reform articulated three main arguments. Party entry into local government would transpose the winner takes all syndrome to the district level. Party participation in local government would also bring to district politics the corruption and monetization associated with party politics at the national level. Moreover, the headquarters of the parties would control the affairs of the districts and introduce deep seated political polarization that would undermine decentralization in Ghana.

The opponents of the President argued that a statement of the eminent chiefs in the NHC on such an important national issue as the participation of parties in local government elections, would require broad consultation of chiefs and approval of the NHC. The statement issued by the President was neither discussed by the House nor discussed with the Chairman of the Governance Committee, Nana Ogyeahoho Gyebi. The Regional Houses of chiefs were also not consulted on the issue. More importantly, the two major political parties had taken opposed positions on the referendum and this would make any attempt by the chiefs to take a stance for or against the referendum appear to be chiefly involvement in partisan politics.

### **MODES FOR INCLUSION OF CHIEFS IN LOCAL GOVERNMENT**

The disagreement over the introduction of multiparty local governance still leaves open the question of specific modes of integration of Ghana's traditional rulers into the local government system. Several options for integration have been proposed.

#### **The 1992 Constitutional Position**

The 1992 Constitution does not automatically reserve seats in local government for Chiefs. Article 242 (d) provides that not more than thirty percent of members of the Assembly should be appointed by the President in consultation with traditional authorities and other interest groups in the district. Most traditional rulers agree that they are never consulted. In practical terms, this means chiefs have no significant role in local government in the Fourth Republic.

#### **Institutional Representation**

The NHC has consistently demanded institutional representation for chiefs as was the practice during the colonial government. Institutional representation entails actually reserving a proportion of the seats in local government for chiefs or traditional rulers without the necessity of contesting elections. The practice which was introduced by the colonial government continued after independence until it was abolished after the promulgation of Ghana's First Republican Constitution in 1960. From 1961 onwards

chiefs were not entitled to a place in local government. The removal from power of the Nkrumah/CPP government, however, facilitated the re-introduction of institutional representation for chiefs. The 1969 constitution reserved one-third of local council seats for traditional rulers exactly as was the practice in pre-independence period. In the Fourth Republic the main demand of chiefs is for the 30 percent of the seats set aside for government appointees to be reserved exclusively for chiefs. (CRC 2011, National House of Chiefs 2019)

Institutional representation for traditional rulers in local government originated in the colonial era and is very popular with chiefs. However, when chiefs and other citizens are put together in a debating chamber, the inevitable risk is that the chiefs could potentially lose the traditional reverence accorded them by their people, who in traditional terms are the “subjects” who should owe allegiance to them. When the multi-party local government is introduced after all the necessary constitutional amendment is passed, there could be the additional risk of chiefs being accused of partisanship, should their contributions in assembly debates get close to any party positions. In the end, the colonial origin of the idea of reserving seats for chiefs in local government could evoke feelings of public resentment in an independent and democratic republic of Ghana.

#### **Alternate Proposals for Inclusion of Chiefs**

Chiefs and traditional rulers in general play crucial roles in the social, cultural, indigenous governance and development aspects of society that it is not prudent to leave them out of modern democratic governance. All aspects of community life revolve around the chiefs, a factor that accounts for the decision of the British Colonial authorities to construct a local government system around the chieftaincy institution.

In recognition of the central role of chiefs in the lives of their people, their position in a reformed local governance system must be substantive, pragmatic, functional, honorable and respectful. Direct institutional representation in a reformed local governance system which is inclusive of parties, could expose chiefs to the risk of partisanship in debates. Any suspicion of partisanship on the part of chiefs could have the potential of eroding the reverence accorded the institution in society. Hence the alternate proposal for a Council of Local Development And Governance for each assembly.

### **Council For Local Development and Governance (CFLDAG)**

It is proposed that a Council for Local Development and Governance, a structure backed by legislation be created for every Assembly. The Council comprising mainly of chiefs and queen mothers will also have one or two local professionals, lawyers, doctors, engineers, accountants etc. as members. The Council's primary function would be to support and guide the Assembly i.e., Chief Executive and Assembly members in their development roles and take the lead in all conflict resolution. The Council will be particularly supportive in land acquisition for district development and bring traditional wisdom to bear on the development of the districts.

The Council should be fully funded by the budget of the Assembly and membership will be determined by the traditional councils within the districts.

### **Benefits of CFLDAG**

- I. The CFLDAG will offer traditional authorities dignified, honorable, substantive and pragmatic pathway to effective participation in local development and governance.
- II. The risk of direct participation in Assembly debates and the potential charge of partisanship will be significantly minimized.
- III. The CFLDAG will serve as an immediate and ready source of help and support for resolution of conflicts e.g., between MMDCEs and MPs, between MMDCEs and presiding members etc.

We conclude therefore that no reform of Ghana's local governance would be complete without a clear definition of an honourable pathway for chiefs to play a substantive role. The dangers of direct institutional representation are clear to all and sundry. A Council For Local Development would afford the chiefs of Ghana a golden opportunity to contribute to local development and governance. As we say in many Ghanaian languages, we cannot tie a knot by passing the thumb. Our chiefs are our thumb in local governance, therefore we should not by pass them.