



Understanding the Nexus between Traditional and Modern Political Orders in Ghana

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Authors' contributions

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ABSTRACT

There is some consensus among academics, policy analysts, institutionalists, and traditional rulers that the interest of Ghana will be better served if traditional and modern political orders are harmonized. The harmonization has become critical in view of the fact that modern political order has come to stay while traditional political orders have proved very resilient. Using new institutionalism as a theoretical base of the analysis, the paper identified that traditional political orders suffered some turbulence during colonialism largely as a result of the decision of colonial authorities to subsume the traditional political orders under their preferred system of government. The study revealed that attempts at state building, formation of alliances among states and between states and colonial powers to enhance their survival and independence from overbearing neighbors, ensured that colonial authorities had preponderance of influence over traditional orders. Also the decision of post-colonial governments to reward or punish traditional rulers for their roles in colonialism posed a big challenge to the traditional political orders in Ghana. The 1992 Constitution does not enhance the role of traditional orders at all; at best it only places those orders in a subservient position. The paper recommends that in view of the loyalty traditional political orders enjoy and their potential contribution to national development, efforts must be made to craft an enduring relationship between them and modern political orders beyond the symbolic arrangement contained in the 1992 Constitution.

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1. INTRODUCTION

Traditional institutions is defined as “all those forms of social and political authority which have their historical origin in the pre-colonial states and societies, and which were incorporated by British colonial rule into what is now Ghana” [1]. Viewed from this definition, traditional institutions are many and varied. They have undergone changes in many forms during the colonial and post-colonial periods. It must be emphasized that they are living institutions, not museum pieces.

Political actors organize themselves and act in accordance with rules and practices which are socially constructed, publicly known, anticipated and above all accepted. By virtue of these rules and practices, political institutions define basic rights and duties, shape and regulate how advantages, burdens and life-chances are allocated in society, and create authority to settle issues and resolve conflicts. Institutions give order to social relations, reduce flexibility and variability in behavior, and restrict the possibilities of a one-sided pursuit of self-interest or drives [2].

Constitutional provisions of Ghana have enjoined Ghanaians to incorporate traditional or customary values into the management of the country's public affairs. This demand is predicated on the assumption that our public affairs would be better managed and the interests of Ghanaians better served if public officials were informed by the value systems that underpinned Ghana's indigenous political institutions. This is largely because, traditional ideals such as respect for authority, loyalty to the legitimate rulers, patriotism, high level accountability and inherent checks and balances in the governance architecture of the traditional system were revered by the people and therefore their proper appreciation will help in striking the balance between them and the modern political order which seem to be performing poorly in these areas. The snag, however, is that there is tension between modern and traditional political values and institutions. This tension manifests itself at the local governance level where traditional leaders lock horns with elected officials because they often feel left out when major decisions that affect them are taken. Even though it is unclear which value system must be incorporated because there are a variety of them in Ghana by virtue of the multi-ethnic nature of

the country, it is still critical for an analysis of traditional political institutions, before, during and after colonialism and the synergistic relationship that ought to exist between the traditional and the modern political orders. This exposition will help us to appreciate how traditional institutions have undergone changes. This is consistent with the assertion that institutional change shapes the way societies evolve through time and hence key to understanding historical change [3]. This paper addresses a number of issues: It discusses the nuances of institutions to provide the theoretical basis of the presentation; it also examines the nature and types of traditional rule in Ghana; it explores the notions of traditional political order; it looks at the major challenges which confronted chieftaincy institution as an epitome of traditional political orders during and after colonialism with the view to identifying the synergy that has existed between the modern and traditional political orders; and explores the relationship between traditional and modern political orders in Ghana since 1992 and finally draw conclusion.

1.1 Thinking Institutionally

Institutions are the rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction [3]. In consequence, they structure incentives in human exchange, whether political, social or economic.

Institutionalism has been a very important approach within political science for decades. Outside of political theory, the core activity within political science was the description of constitutions, legal systems and government structures, and their comparison over time and across countries [4].

Institutional theory attends to the deeper and more resilient aspects of social structure. It considers the processes by which structures, including schemas, rules and norms and routines become established as authoritative guidelines for social behavior [4]. It inquires into how these elements are created, diffused, adopted and adapted over time and space, and how they fall into disuse and decline. Institutions, on the other hand, are referred to as the regular, stable, recurring pattern of behavior. They are political actors on their own [5].

Institutionalism connotes a general approach to the study of political institutions, a set of

theoretical ideas and hypothesis concerning the relations between institutional characteristics and political agency, performance and change [6]. According to Scot [7], the institutional approach in the study of government and politics is often referred to as the "historic heart" of the subject and part of the toolkit of every political scientist. Institutional approach covers the rules, procedures and formal organizations of government. It employs the tools of the lawyer and the historian to explain the constraints on both political behavior and democratic effectiveness, and it fosters the Westminster model of representative democracy.

Embedded in the definition of institutionalism is a formal structure, whose existence has both symbolic and action-generating properties [8]. In line with their symbolic functions, a variety of authors have underscored some of the key functions served by mission statements, structural arrangements, and top level members. Formal structures signal the organization's commitment to rational, efficient standards of organizing, and thus provide general social accounts [9].

In the view of Brian Levy, [10] public policies are largely built on an underpinning of social political and other state institutions, and that weaknesses in this institutional foundation could undercut any reform agenda in three fundamental ways: (a) by short circuiting efforts at policy change, (b) by failing to provide a robust platform of credibility and conflict resolution for market forces and (c) by being unable to provide complementary physical and social infrastructure. The need to build state capacity to spearhead development makes the analysis of institutional configuration all the more relevant.

1.2 New Institutionalism

While institutionalism may never really have gone away, it was perceived by the 1980s as being outside the mainstream of political science because it was largely seen as too formalistic, archaic, and reductionists [11]. The relatively new perspective on institutionalism, a term coined by James G. March and Johan P. Olsen to emphasize the theoretical importance of institutions, [12] is appropriate for this study because it clearly demonstrates the primacy of institutions in significant ways.

First, new institutionalism emphasizes that institutions do not simply represent constraints or embody opportunity for action; institutions are central makers in the process of preference formation. Additionally, institutions are involved in every dimension of politics, and they shape political process every step of the way. [13]. Secondly, new institutionalism emphasizes the relationship between institutions and actions. It suggests that actors adapt their behavior to existing institutional frameworks thereby legitimizing institutions and favoring institutional continuity. Thirdly, new institutionalism provides the analytical tools for determining institutional change. Rational choice institutionalists have adopted the utilitarian view of institutional change. They contend that institutions are demanded because they enhance the welfare of rational actors, and are transformed when they become dysfunctional or yield suboptimal results [11]. Fourthly, even though the new institutionalists return to the institutional root of political science, they also stress the importance of individual actors in the political process. Individuals are important in the normative institutional and rational choice models and make choices within institutions, but these choices are largely conditioned by their membership of a number of political institutions. In point of fact, individual's actions are affected by the values that are advanced by institutions. Fifthly, the new institutional theorists address the shortfalls in the polity. Institutions according to rational choice institutionalism are designed to overcome identifiable shortcomings in the market or the political system as a means of producing desirable outcomes. Sixthly, new institutionalism helps us to really examine the nature of institutions in a political system. The new institutionalism therefore helps us to explain the persistence of institutions and their policies [5]. It also helps us to explain the nature of those policies and institutions and why actors behave the way they do in an institutional setting. Finally, new institutionalism demonstrates the primacy of institutions. It emphasizes the origins of institutions. The rational choice institutionalists have produced an elegant account of institutions, turning primarily to the functions that these institutions perform and the benefits they provide. The theory is very helpful in explaining how existing institutions continue to exist, since the persistence of an institution often depends on the benefits it can deliver. This analytical perspective is very useful in analyzing the trajectories of traditional political institutions in Ghana.

1.3 The Nature and Type of Traditional Rule

Traditional authorities are the leaders of traditional communities. The word 'traditional' refers to historic roots of leadership, which legitimizes the execution of power. There are many existing forms of traditional leadership. In Europe, the rule of kings and nobles was the dominant governing force for a long time until it was gradually replaced by democratic structures. In Africa, Asia and Latin America, traditional authorities are mostly referred to as chiefs and elders. Traditional leadership is anthropologically defined as including "those political, socio-political and politico-religious structures that are rooted in the pre-colonial period. Understood from this perspective, traditional leaders include kings, other aristocrats holding offices, heads of extended families, and office holders in decentralized polities, as long as their offices are rooted in pre-colonial states and other political entities [14].

Pre-colonial traditional Ghanaian societies like other African societies were what have been called 'traditional'. The term 'traditional' political order used in the Weberian sense means society characterized by the type of domination based on the belief in the legitimacy of an authority that has always existed. Those exercising the authority in a traditional system do so by virtue of their inherited status. Their commands are legitimate or rightful because they are in conformity with custom [15]. People subject to the command obey out of personal loyalty or duty to the master or pious regard for his time-honored status and not out of fear or intimidation.

Sociologists and other social scientists have often attributed the slow growth of Africa and often her institutional stagnation to a number of factors including the continent's inability to effectively seek a viable synthesis between tradition and modernity. The crafting of beautiful constitutions has not produced well-functioning institutions that have the capacity to ensure socio-economic growth and development.

In Ghana, traditional rule finds expression in forms such as religious leadership, extended family leadership, and chieftaincy. It is interesting to note that chieftaincy is, however, the fullest expression of traditional rule in its institutionalized form. It encompasses the critical characteristics of prescribed kingship and lineage succession to office, awe and sacredness of

office holders, specific form of contractual relationships between chiefs and their subjects, and institutionalized procedure for decision-making and implementation at the local community and community participation and sometimes rallying support for the central government [16].

The nature and type of traditional rule in Ghana has attracted a lot of attention from academics. It must be noted that as Africa struggles to fine tune her democracy and find appropriate institutional configuration to underpin her development, it is the considered view of these writers that, the nexus between traditional and modern political order cannot be a zero-sum game. The nexus between them must be such that they play complementary roles. Significant is the issue of native rule as a historically worldwide phenomenon, and the situation in Ghana is not unique. When we talk about 'traditional' institution, it has to be taken in an ideal sense. Traditional societies everywhere in the world have come under outside influence; they have not been left unchanged by the power of European capitalist expansion, colonialism, imperialism and globalization. However, in almost all societies, there are well crafted mechanisms for the maintenance of law and order, stability and the protection of the territories against external aggression. All societies have established systems for the distribution of power and authority and the basis of political obligation. It is therefore, plausible to argue that a well-functioning social system must of necessity have well-functioning political institutions. According to sociologists, the conventional approach to the study of traditional African political systems is to classify them according to centralized and non-centralized ones. Let us now turn our attention to this classification.

1.4 Centralized and Non-Centralized Political System

Fortes and Evans-Pritchard in their study, discussed centralized and non-centralized traditional political systems [17]. Centralized political systems are those societies in which there is a chief or king whose authority is recognized throughout the territory under his jurisdiction. Such a territory is said to have a clear boundary, and the ruler's authority is supported by well-developed administrative machinery and clearly defined judicial institutions for the adjudication of disputes. The non-centralized ones are on the other hand divided

into two; namely those in which lineages provide the largest political units, and very small-scale societies in which the largest political units coincide with very small kin groups. Examples include the Bemba, Tswana, Ankole, and the Zulu. The second categories are those based on lineages in which the principal ones are the Nuer and Tallensi. The non-centralized societies include the Bushmen of the Kalahari Desert and the Pygmies who are organized in bands of closely related small family groups.

1.5 Centralized Political System

In Ghana, the Akan traditional system is clearly centralized since they have kings or chiefs who exercise considerable jurisdiction over wide areas. The Akan political units have clear-cut boundaries within which the chiefs operate well-developed administrative, legislative and judicial institutions for the governance of the territories. The same can be said of the Ga, Ga Adangme, the Ewe and other dynastic kingdoms in the northern Ghana such as the Gonja, the Dagomba, Mamprusi, and Wala etc. Other examples of centralized traditional political system in Africa include the Yorubaland of Nigeria, Zulus of South Africa, Barotse of Zambia, and Baganda of Uganda. These states were organized under well-entrenched, highly structured and sophisticated political authorities. They all had the elements of Austinian state - a politically sovereign state backed by well-organized law enforcement agencies and habitually obeyed the citizenry not out of fear but out of duty. Infractions or breaches of well-articulated legal norms normally attracted swift sanctions imposed by the officials of the state. The chief, however, ruled with his council of elders and advisors in accordance with the law, and although autocracy was not unknown, rule of law was a cardinal feature of their system of governance. The king was ultimately accountable and liable to disposition upon the violation of norms considered subversive of the entire political system. The king was highly respected because he was considered the most capable person to lead and speak on behalf of his people, based on his personal qualities as a man of valour and wisdom [18]. The political system was complemented by hierarchy of courts presided over by the king, the head chief or the village chief. These features made the system very democratic and not very different from the modern state. Interestingly, in most of these states, provisions were made for participation in the decision-making by groups of citizens either

directly or indirectly. Direct participation in decision making was usually through the various types of organizations such as the Asafo Companies of the Fantes in Ghana while indirect participation was through heads of clans or lineages or families.

Eligibility for installation as a king or chief was limited to certain royal families but among many states in Ghana, the institution of king makers was not unlike the Electoral College in some countries. The Queen mother (not necessarily the mother of the chief) played a critical role as the custodian of the royal register and the person who pronounced on the eligibility of conditions for chiefly office.

The non-centralized traditional system is the subject for discussion below.

1.6 Non-centralized Traditional Political Systems

In these states, there was no sovereign in the Austinian sense. Techniques of social control revolved around what Fortes [19] called the 'dynamics of clanship'. The normative scheme consisted of elaborate bodies of well-established rules of conduct, usually enforced by heads of fragmented segments, and in more serious or subversive cases, by spontaneous community action. Examples are the Tallensi of Northern Ghana, the Sukuma of Tanzania, the Nuer of Southern Sudan, the Ibos of Nigeria and the Kikuyu of Kenya. The characterization here may create the impression of the existence of anarchy and chaos in such communities. This is not true as in such communities; there exist well-defined norms despite the absence of a hierarchical system headed by a sovereign. These states also encourage direct and pronounced participation of the people-members of clans, segments in decision making processes, assuring a visible democratic process.

1.7 Notions of Traditional Political Orders

It is important at this juncture for us to consider some of the critical characteristics that are inherent in the traditional political orders.

Firstly, Chieftaincy springs up from the native history where there was continual warfare among the different people and tribes inhabiting the county. The choice of a king was largely informed by the possession of some near super human qualities, personal valor, intelligence, and

the capacity of the individual to lead his people in time of war to protect lives and properties. The selection was carefully done to produce a worthy leader. A second feature is that in the political system of the traditional order, recruitment to office has been by ascription. The process of recruitment has been on the basis of clan and lineage relationship. However, some exceptions do exist. For instance, there are examples of stool which are partrilineally inherited. These are known as 'Maama Dwa' (matrilineal stool) and are occupied by sons and grandsons of the stool. Examples are the stools of Ashanti Akropong near Kumasi and Adum in Kumasi. The third feature is that the behaviour pattern of the chief is hemmed throughout tradition, myths and taboos. These in turn served to validate that the exercise of his authority was mainly through myth and tradition. It is believed that the chief occupies religious and secular roles in the society; he is more than just a human being. Examples in Ghana include the Awoamefia of Anlo, and the Yagbonwura of the Gonja state. A fourth feature is the sacredness of the office, and for that matter, office bearers. Thus offices and personages are set apart from ordinary mundane phenomena. A fifth characteristic of traditional political order was the significance of age which was regarded as being related the level of wisdom that had been attained by an individual. Finally, while incumbents of office could be questioned about the way the system was manipulated, rarely did people question the structure of the society and its institutions. Let us at this junction concentrate on the challenges posed by the colonial authorities.

1.8 The Challenges to Chieftaincy in the Colonial Era

The challenges to the chieftaincy institutions were many and encapsulate attempts at state building, formulation of alliances among states and between states and colonial powers, to boost their independence from overbearing neighbors and the colonial authorities.

The mere presence of colonial authorities in the Gold Coast was a challenge to the authority of chiefs, since soon after their arrival on the coast, the Europeans succeeded in imposing political control or governance over the people on the coastal belt of Ghana. The attempt to extend their control beyond the coast, led to several clashes between them and the Asante kingdom.

Even some of the coastal chiefs who saw the presence of the British as an affront to their

authority resisted them. King Aggrey of Cape Coast for instance, criticized the governor for usurping his traditional powers of governance and adjudication and thereby undermining his authority and rule. He even petitioned the Governor Conran in 1866 over certain inroads the British were making into his area of authority. The story of the arrest and exile of King Prempeh, Yaa Akyaa, and some of his leading divisional chiefs to Sierra Leone and later to Seychelles are indications of the type of control the colonial authorities exercised over traditional authorities. The responses from the chiefs have been two-fold- collaboration or resistance.

1.9 The Challenges to Chieftaincy in Post-colonial Era

The reaction of the Convention Peoples Party (CPP) to chiefs in the immediate post-independence period could be interpreted to mean an attempt to reward or punish chiefs for their role in the colonial administration. It was to ensure that no power rivals the power of the state. The argument within the governing elite was that the power of the post-colonial state must be absolute so the autonomy of the chief must be subverted and thereby reduce their influence on the politics of the period. The statement by Kwame Nkrumah that:

"Those of our chiefs who are with us ...we do honor ... those ...who join forces with the British imperialists ...there shall come a time when they will run away fast and leave their sandals behind them" in other words chiefs in league with imperialists who obstruct our path...will one day run away and leave their *stools*" [20], indicates the general attitude of the government towards chiefs. Both the sandals and the stool are critical regalia of the chief and their denial to the chief is a sign of destoolment. Interestingly, Kwame Nkrumah himself ran away and left the institution of chieftaincy behind.

The CPP sought to tame chiefs and make them pliable and subservient to central government through a number of legal instruments. For instance, to erode the economic strength of chiefs, the government enacted the Administration of Lands Act, 1962 (Act 123) and the Concessions Act, 1962 (Act 124). Chiefs were largely the custodians of the land and to facilitate central government control of such lands and the revenue that will accrue to the chiefs; such legal frameworks were put in place to cripple the institution.

Some of the prominent and powerful chiefs were especially targeted for punishment. For instance, the enactment of the Akim Abuakwa (Stool Revenue) Act, 1958 (Act 8), the Ashanti Stool Act, 1958 (Act 28), and the Stool Lands Control Act, 1960 (Act 79), allowed the state to assume powers that were originally exercised by chiefs. The last straw that broke the camel's back was the enactment of the Chief's (Recognition) Act of 1959 that gave power to the government to accord recognition to, or withdraw same from any chief. With the economic base of chiefs totally eroded, chiefs who wanted to retain some economic muscle and also prevent being deposed had to remain silent.

The Constitutions of Ghana since independence have all assured the independence of the institution of chieftaincy. Article 49 and 50 of the 1960 Constitution provided for National House of Chiefs, with membership drawn from Regional Houses of chiefs, which had been in existence by courtesy of the 1957 and 1960 Constitutions.

In 1971, a new Chieftaincy Act, Act 37 was enacted. This Act was to amend the statute law on chieftaincy to ensure its conformity with the provisions of the 1969 Constitution. Section 3 of the Act stipulated that, "the National House of Chiefs shall be responsible for advising any person or authority charged by the Constitution or any enactment with any responsibility for any matter relating to chieftaincy".

In an attempt to control chiefs, PNDC Law 107, Chieftaincy (Amendment) Law 1985 amended the Chieftaincy Act of 1971, Act 370. Section 48 (2) of Act 370 required the name of a new chief to be inserted in the National Register of Chiefs by the National House of Chiefs not later than one month from the date of the receipt of the notification of such installation to be accorded the due recognition by all and sundry. However, section 48 of the PNDC Law 107 stated that "no person shall be deemed to be a chief...under this Act or any other enactment unless he has been recognized as such for the exercise of that function by the Secretary responsible for Chieftaincy Matters by notice published in the Local Government Bulletin".

This trend of legislative control of traditional political order in Ghana has changed under the 1992 Constitutions, but other challenges which still remain will be explored later in the work.

1.10 Modern Political Order

The origins of the nation-state system lie in the 1648 Treaty of Westphalia, which ended the Thirty years' War (1616-48) in Europe. The treaty marked the beginning of the nation-state system, in which sovereign political entities independent of any outside authorities exercised control over people residing in separate territories with officially marked boundaries. In Germany, the peace established the virtual autonomy of the German state, created equality between Protestants and Catholics, and diminished the authority of the Holy Roman Empire. It also established the ascendancy of France, the Netherlands, the power of Sweden in Northern Europe and the decline of Spain [21]. When this system was 'exported' to Africa, sovereignty remained in the hands of the occupying colonial powers.

According to Pierson [22], the modern state exhibits features such as territoriality, sovereignty, constitutionality, impersonal power, the existence of public bureaucracy, authority and legitimacy, citizenship and the monopoly over the use of legitimate violence. The modern political orders have been given precedence and have prevailed largely due to the replication of the Westphalia all over the world.

1.11 Traditional Authorities and the Modern Democratic Order in Ghana Since 1992

The enmeshment of chiefs into the modern system has presented fresh challenges. There is still the desire of the modern state to exercise unbridled control over the traditional political order to have absolute control over national affairs. Increasingly, the challenges posed by globalization and modernization, the litany of intra-ethnic conflicts in Ghana, (largely fueled by chieftaincy and land disputes), and the failure of the chieftaincy institution to deal decisively with debilitating issues have tended to bring the institution into disrepute. We hold the view that even though the values of traditional political institutions were consistent with the modern democratic ethos, the institutional weaknesses of the chieftaincy, such as succession problems, patriarchy, jurisdictional disputes, corruption and inter-tribal conflict must be vigorously resolved to allow the institution play its proper complementary role in the development of the Ghana.

The role of the chief in the social, economic and political life of the people cannot be underestimated. Although chief have been stripped of all formal powers, they continue to command traditional loyalty among most Ghanaians, particularly in the rural areas. The chief continues to play the role as a leader, mobilizes and inspires his people for the execution of development projects. Where it is properly organized, chieftaincy is an effective unifying and stabilizing factor [23].

The chief under the colonial rule, especially under the system of indirect rule was considered very critical to the success of the administration of the state. The political organization at the time revolved around the chief. The effective collaboration between the chief and colonial authorities sometimes created tension between the former and their subjects who for the most part thought that their revered chiefs had become stooges of the colonial administration. The immediate post-independence era however witnessed a very hostile attitude of Kwame Nkrumah for instance towards chiefs. This situation is not so with the current democratic dispensation in Ghana.

Under the modern democratic system, the chief has no formal adjudicating role, has little or cosmetic linkage within the central government and plays only peripheral role in local government. This underscores the ravages of change and the effects of new institutions on old institutions and values [24]. It is worth emphasizing that the social, political and economic significance of chiefs and traditional authorities have been significantly eroded by numerous chieftaincy disputes causing the state to spend huge sums of tax payers' money in restoring some minimum peace to protect lives and properties.

Chieftaincy has been described as the nucleus around which micro-administration of Ghanaian society is effectively carried. The 1992 Constitution [25] devotes one chapter (Chapter 22: Articles 270-77) to chieftaincy. Article 270 states that "the institution of chieftaincy, together with its traditional councils as established by customary law and usage, is hereby guaranteed". These provisions safeguard chieftaincy against manipulation, interference or politicization by the government. Instructively, under article 270, Parliament cannot make laws that confer the power to recognize or withdraw the authority of any individual chief. This

provision is well intentioned as it demonstrates the commitment of the framers of the Constitution to insulate the institution from the overbearing and over mighty powers of the executive. It largely informed by historical antecedents like the manipulation of the institution by colonial and post colonial authorities for selfish ends. The recognition of chiefs, or their removal from office, is the exclusive preserve of the appropriate traditional councils or Divisional councils established under the 1992 Constitution.

The National House of Chiefs and Regional Houses of Chiefs bring together about 32,000 high-status traditional rulers who exercise preponderance of influence in their respective jurisdictional areas, and even sometimes nationally. Even though the Ghanaian chief is not assigned any formal role in the administration of the state, the organic legitimacy that the chief possess, as the embodiment of the identity, history and culture of their respective communities, allows them considerable influence and power in the affairs of their local areas. The situation where a number of highly qualified individuals have been made chiefs under customary laws, has in no small measure raised the profile and status of chiefs, even though the phenomenon of 'absentee chiefs' (chiefs who live outside their jurisdictions because of other professional commitments) detracts from this significantly.

In the average rural community, which lacks a police station or a magistrate's court, or any resident governmental official of substantial standing, citizens often have no real choice but to take their civil and even criminal cases to the chief's palace (the official residence of the chief). Even jurists in the formal judicial system recognize a role for the chief in the administration of justice. There have been repeated calls for a critical study of ways in which the arbitration tribunals of the chiefs can be molded and regulated to handle minor disputes at the rural levels. Furthermore, investors seeking to lease stool land to pursue agricultural, extractive or other commercial ventures must of necessity appear before the chief and his council to negotiate for the lease.

Generally a chief serves as an intermediary between his community and the government for the community's fair share of public goods in the country. They articulate grassroots interests and perspectives. The chief also serves as the

conduit for central-community interaction. In this way, high ranking government officials and other politicians visiting a local area often have to pay a courtesy call on the chief to announce their presence in his traditional domain. These officials have generally used the platform created by the chief to reach out to the people. In the process government policies and programmes are disseminated. The chief has also been used by the central government to undertake civic education on critical national issues such as sanitation, health, environmental conservation, and education etc. There has emerged the phenomenon of developmental chiefs, who have used their leverage and influence to intervene directly in the development of their traditional areas and beyond. Cases in point are the Otumfuo Educational Trust Fund, Togbe Afede Scholarship Scheme and Okyehene Environmental Foundation.

The 1992 Constitution of Ghana [25] states in article 267 (2) that, "notwithstanding clause (1) of this Constitution (which prevents chiefs from direct participation in politics), a chief may be appointed to any public office for which he is otherwise qualified". In line with this provision, successive governments have appointed qualified chiefs to serve on constitutional or statutory commissions as well as boards of public agencies and corporations. Others have been appointed as advisors to the President and ministers.

As has been indicated elsewhere in this paper, the influence of the chief and traditional authorities are very much felt in the local areas. To enhance the role of the chief in local administration, the 1992 Constitution enjoins the President to consult with traditional authorities in the appointment of the 30% of the members of the Metropolitan, Municipal and District Assemblies. This provision has also raised some controversies as some Paramount Chiefs have complained that instead of them, their sub-chiefs have rather been consulted. Some have even suggested that 50% of the 30% reserved for the President must be given to either chiefs or their representatives. It is however, sad to relate that politicians are not positively predisposed to this proposal. Interestingly, one of the implicit advantage of decentralization is the mobilization of support for the government and therefore any dilution of powers of the central government by way of assigning any formal role to traditional orders, is often treated with indifference.

Even without any formal role in the administration of the state, chief, particularly in areas where they are considered as allocators and custodians of stool lands, are critical actors in local and community development efforts. Through the 1992 Constitution, a central government Office of the Administrator of Stool Lands is responsible for receiving and disbursing all proceeds from transactions in stool lands in accordance with a prescribed formula.

The Constitution requires that the traditional orders must be transparent and accountable to the entire community within which they exercise their authority. It is in ensuring these two cardinal principles of democracy that the Constitution stipulates in article 36 (8) that: "the state shall recognize that ownership and possession of land carry a social obligation to serve the larger community, and in particular, the state shall recognize that the managers 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 as fiduciaries in this regard". This provision imposes an obligation on tradition authorities to account for the proceeds from the sale of lands.

Chiefs also play only minimum role at the regional and national levels in the administrative machinery of the state. At the regional level the Regional House of Chiefs is expected to appoint two paramount chiefs to serve on the Regional Coordinating Council, a largely coordinating institution in the administrative set up of the state.

We can infer from the above analysis that the striking of nexus between the traditional political and modern political orders is necessary for; filling of representation gap especially at the local level, reducing the tension between the traditional rulers and elected officials, promoting the legitimacy of the modern political order because modern democratic ideals such as accountability, rule of law, patriotism, among others will be enhanced.

2. CONCLUSION

Increasingly, the impact of traditional system on the lives of the people is dwindling. The modern institutions such as the overbearing executive, the judiciary, the court system, the bureaucracy among others are assuming preponderance of influence over traditional political orders.

Most African Constitutions including the 1992 Constitution of Ghana make reference to indigenous political order, in practice; these institutions are marginalized, serving merely a symbolic rather than functional role. These institutions are seen as inconsistent with democratic principles of governance despite their presence long before colonial rule became a historical reality.

What is true but less obvious is that traditional political order has the potential to galvanize and mobilize the people for development, especially the rural areas where the central governments presence is not very much felt. Progressive traditional orders have the capacity to bridge the gap between the rural and urban settings. They can be effective partners in the development and governance process in Ghana and the rest of Africa. It should be considered that the nexus of traditional and modern political orders should not be a zero-sum game but a positive sum-game. It is worth pointing out that no concept of governance or development in Africa will be complete without acknowledging the role of traditional authorities. It is true that weaknesses exist in the traditional system; it is still a very viable partner in the development of Africa. Uniquely, the social contract between the chiefs and their people is forever and not limited to the next elections.

COMPETING INTERESTS

Authors have declared that no competing interests exist.

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