

The Trajectory of Traditional Authority in Contemporary Governance; The Ghanaian Experience

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Abstract: The role of traditional authorities in local governance has evolved steadily in different parts of Africa. It is assumed that, in most parts of the continent, traditional authorities' legitimacy enables them to play a lead role in local governance and development. This study scrutinizes the trajectory of traditional authority in contemporary governance. The objective is to review how social construction rooted in tradition is made to fit into contemporary society. Accordingly, an interpretive approach was adopted within a qualitative methodological framework which informed a case study as the research design type. Respondents were purposefully selected from the traditional council and local government functionaries in Nsawam-Adoagyiri, Suhum, and Cape Coast Municipalities in Ghana's eastern and central regions. Data were obtained through one-on-one interviews, non-participant observation, documents, and material culture analysis. The findings of this study revealed that even though the role of traditional authorities in the community has evolved, post-colonial governments have not fully incorporated it into the local governance structure thereby restricting them to mere advisors and consultants on customs and traditions. Notwithstanding, traditional authorities are highly revered within the Ghanaian society with strong social bonds providing support as partners in development at the local level. Given that, this study recommends an operative institutional framework that not only involves traditional authority in local governance but duly involves and aptly defines their mandate in the community.

Keywords: Tradition, Authority, Chief, Pre-Colonial, Community

I. INTRODUCTION

Traditional authorities have been involved in the day-to-day administration at the local level since the pre-colonial period. The chieftaincy institution that epitomizes traditional authority in most societies, especially in sub-Saharan Africa, was used by the British colonial government to implement the "indirect rule" system as administrators in local governance. By far, traditional authorities continue to play a crucial role in promoting health, education, customs, and traditions as well as fighting for social injustices and economic development in their communities.

In Ghana, the fourth republican constitution seeks to consolidate the institution of chieftaincy with an entrenched provision as stipulated in Articles 270 and 290 (1). For instance, in Article 242 (d) the president holds it a duty to consult respective chiefs before the appointments of members

to the district assembly[1]. Considering this, the involvement of the traditional authority in local governance cannot be underrated.

Notwithstanding the constitutional provisions, there is an inexplicit role of traditional authorities in local governance. As a result, there is a strained relationship between traditional authorities and local government functionaries in some communities where their mandates come into conflict and have developed an unreceptive attitude towards each other. The ensuing is ineffective participation and weak community engagements. Accordingly, this study scrutinizes the trajectory of traditional authorities in contemporary governance by addressing the following questions. First, what accounts for the involvement of traditional authorities in community administration? Second, what are the roles of traditional authorities in local governance? Third, have traditional authorities lost their usefulness with the introduction of the District Assembly (DA) system in Ghana?

II. METHODOLOGY

The study adopted an interpretive approach within a qualitative methodological framework which informed a case study as the type of research design. Even though many different approaches exist within the wider framework of this methodology, most of these have the same aim which is to explore social reality [2]. The choice of the qualitative methodology enabled the researcher to explore the evolving role of traditional authorities in local governance from the colonial to the post-colonial period using an interpretive approach by employing descriptive and exploratory case study design for an in-depth analysis [3]–[5].

A purposeful sampling procedure was used in selecting respondents for the study[4]. The sampling technique enabled the researcher to identify key traditional authorities and local government functionaries who possess a piece of in-depth knowledge about the evolving role of traditional authorities in the community.

A total of twelve respondents made up of seven traditional authorities and five local government functionaries were purposefully selected from the Nsawam/Adoagyiri, Suhum, and Cape Coast municipalities in the eastern and central regions of Ghana. The three localities were purposefully

selected due to their well-structured local government and traditional authority setup. Moreover, the researcher has lived and worked in one of the communities and is accustomed to the language and culture of the people.

Data was collected using one-on-one interviews, non-participant observation, documents, and material culture analysis.

III. LITERATURE REVIEW

3.1. Traditional Authority in Pre-Colonial Africa

Writings on pre-colonial African societies [6], [7][8] distinguish two main divisions. The first was the centralized communities which were bounded together by loyalty to one ethical superior. These were mainly chiefly monarchical societies and those linked to Islamic rule, with a strong central administration. The second was what anthropologists refer to as "Acephalous" societies. These were societies that had no centralized authority and therefore, held allegiance to no single ethical superior. Thus, the exercise of power and authority was not concentrated on one person or group of persons. These societies included Ibos in Nigeria, the Sukuma's in Tanzania, the Kikuyus in Kenya, the Nuer in southern Sudan, and the Tallensi in Ghana. It is important to note that, these categorizations were wiped off during colonization [9]–[11].

During the pre-colonial period, the centralized communities were headed by traditional authorities variously referred to as Chiefs, Monarchs, Aristocrats, Emperors, and Sultans in different parts of Africa. The traditional authority at this time exercised a considerable amount of power since their subjects perceived them as representative of sacred powers. Although traditional authorities are not directly chosen by the people, many African sayings lend credence to their legitimacy. For instance, the Ndebele of Zimbabwe has a popular saying: *"The king is the people; to respect the king is to respect oneself; he who despises our king despises us; he who praises our king, also praises us"* [12]

During this period, traditional authorities played a central role in religious matters such as the performance of rituals based on the beliefs of the people. A traditional leader was in effect regarded as a link between the living and the dead and therefore played a mediatory role in connecting the people to their ancestors on sacred matters. Traditional authorities were accorded with divine powers as in some communities, they either assume the position of a chief priest or are assigned to deal with sacred issues [13][14]. The divine powers placed the traditional leader as commander in chief of the local army. As a commander in chief, the traditional authority was responsible to declare war, make peace, and sign treaties on behalf of the people as well as mobilizing the people to defend their community in times of war or to embark on invasions to conquer and expand their territories.

Additionally, traditional authorities together with their council of elders combined legislative, judicial, and executive

powers with the singular honor to make and amend laws, statutes, and conventions as well as the authority to impose taxes and levies on the people to raise funds for the development of the community. Likewise, traditional leaders exerted significant influence not only as a symbol of authority but as the embodiment of the rich cultural heritage of the people. For instance, whenever traditional chiefs sit in state during assembly meetings and durbars, every piece of their custom portrays an aspect of the culture of the people [15].

Moreover, during the pre-colonial period, traditional leaders served as custodians of the land and natural resources located within the area of jurisdiction. The implication was that the entire land, water bodies, and air space within the jurisdictions of the chiefdom were placed in the custody of the traditional authority [10], [14].

3.2. Traditional Authority in the Colonial Period

The historical spectacle of colonization is global, and Africa was not an exception as Britain and France adopted systems of "Indirect rule" and "Association" respectively to administer their colonies on the continent [16]. The Indirect rule system adopted by the British, especially in sub-Saharan Africa was based on a reformist approach of incorporating native institutions into reestablished structures. The traditional authority setup was therefore integrated into the colonial administrative system with a redefined role at the local level to support the implementation of the colonist policies. Systematically, Indirect rule was fashioned in a decentralized form whilst Association was purely centralized as a medium by the colonial administration not only to penetrate but to manage their colonies in Africa [17], [18].

The system of indirect rule formally recognized traditional authorities, especially the chieftaincy institutions and their hierarchy as leaders of their respective chiefdoms, and made them an integral part of the colonial administration. For instance, in some parts of northern Nigeria, the Emirs and their council of elders were recognized as native authorities and given additional powers to control the affairs of the community. Native authority, therefore, became an integral part of the colonial administration in the same way as local government is fundamental to the central government in contemporary society [14], [16].

According to [18], the colonial government relied on traditional authorities administration due to its well-established hierarch and legitimacy in the African society. For instance, recognition of the chieftaincy institution which was perceived as the organic unit of the community facilitated the legitimization of colonial rule in the sub-region. As a result, the colonial administration brought with it an awakened emergence of a dual system of governance with the traditional rule on the one hand and the colonist system on the other [19], [20].

In several communities, traditional authorities who failed to adapt to the colonial system were removed and replaced with

tribal leaders whom the colonial government named “warrant chiefs” in contravention of African customs and practices. Nevertheless, the position of the “warrant chief” created by the colonial government was viewed as a necessary condition for the decentralization of their administration thereby making chieftaincy one of the most important local institutions during the period. From this time on, the various communities within the colony were grouped under chiefdoms to form an independent political unit under a paramount chief. According to [16], the colonial government later replaced arrangements with traditional authorities with decentralized local government administration even though, the social bond with chiefs had already registered and gained roots in the minds of the people.

3.3. Foundation for the Involvement of Traditional Authorities in Local Governance

Foundation for the involvement of traditional authorities in local governance took the form of constitutional reformation when the 1925 constitution, granted through the effort of the British Governor Sir. Gordon Guggisberg was instituted. The constitution established a provincial council of chiefs that elected traditional rulers for the first time into the legislative council, the highest law-making body at the time. This made it formally and legally possible for chiefs to be part of colonial government administration and officially marked the beginning of the involvement of traditional authority in local governance [19][21].

The involvement of traditional authorities in local governance was strengthened with the passage of the native administrative ordinance act in 1927 to legalize and regulate their powers and protect them by making it an offense for anybody or group of bodies to act in any way to undermine the office of the chief. The ordinance also provided for a provincial council which was made up of all paramount chiefs in the colony [17], [19]. This made it possible for the role, specific duties, and responsibilities of traditional rulers to be clearly defined and clarified. For instance, to raise funds for development projects, the colonial government established native treasuries where traditional heads, and, in some cases, warrant chiefs were appointed and given the authority not only to impose taxes but to collect, fines, fees, and levies from the traditional colonial courts. [22] points out that traditional authorities especially the chief continued to serve as custodians of customs and tradition during the colonial period. They were also entrusted with the land and other natural resources within their jurisdiction with the authority to allocate and distribute them for economic or social activities.

Additionally, traditional authorities served as consultants on customs and traditions and at the same time as a mouthpiece of the colonial government in the community. They were also consulted on policy formulation and implementation issues by the colonial government. Conversely, the grievances of the people were channeled through the chief to the colonial government while at the same

time performing sacred roles as custom demands [17]. Succeeding, constitutional developments in the colonial administration such as the Sir Allan Burns constitution of 1946, the Arden Clarke and Coussey constitution of 1951, as well as Kwame Nkrumah’s 1954 constitution gave recognition to the role of traditional authorities in local governance [18], [23].

Subsequently, Ghana’s independence constitution of 1957 and successive governments have tried at preserving the institution of chieftaincy after the establishment of the national and regional house of chiefs to serve as an appeal court on chieftaincy and customary matters[18]. The house of chiefs provides the basis for the traditional council to wield more power compared to the council of state. Nonetheless, soon after independence, traditional authorities were barred from the local council as was instituted by the colonial administration. By 1958 chiefs in Ghana had virtually no powers as the native court system was abolished and placed under the central government the constitutional powers to settle chieftaincy matters [23]. Consequently, the central government took over the administration of stool lands which were the sole responsibility of chiefs and gave powers to the regional and district commissioners to take absolute control over traditional matters. The central government’s opposition to traditional authorities declined with the institution of the chieftaincy Act of 1971 backed by the 1969 constitution which reestablished the traditional council with a reformed mandate[23].

IV. FINDINGS

Finding from this study indicates that, traditional authority is epitomized by chieftaincy institution which is deeply rooted within Ghanaian communities. The traditional leader does not only exert significant influence on the people but plays a lead role in the development of the community within the areas of jurisdiction. Among the roles that traditional authorities have been playing in the community since the colonial period include serving as custodians of customs, tradition, and natural resources, arbitration on customary issues as well as initiating, mobilizing and soliciting support for development projects.

Article 277 of the 1992 constitution of Ghana 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 queen mother by the relevant customary law and usage*”. Accordingly, the existing practice in the country is that once a person hailing from the appropriate family or lineage has been validly nominated, elected, or selected and installed as a chief following the relevant tradition and customary law and usage, it behooves him to superintend affairs of the community. As leaders of the community, traditional authorities are expected to perform, religious, and secular functions together with the sub-chiefs and council of elders who serve as administrators. As a legislator, the office of the chief codifies and interprets all customary laws and usage in the community. The chief and his

council of elders occasionally sit in state to deliberate and settle cases related to tradition, and customary matters and prescribe appropriate punishments such as fines, disbandment, restrictions on lawbreakers, and rewards for patriotism.

In Ghana, the traditional authority and decentralized local government structures operate on two parallel levels of authority. The 1992 constitution does not only recognize the traditional authority and the establishment of a national and regional house of chiefs but restricts parliament from enacting any law that interferes with the institution. Though the constitution forbids chiefs to take an active part in politics, it recognizes their advisory and consultative role in traditional matters. Traditional authorities also act as the custodians of each parcel of land or natural resources located within the area of jurisdiction. The implication is that, whenever the central government through the district assembly needs a piece of land to embark on a development project such as putting up a school building, hospital, or community center, prior approval of the traditional authority is needed before it may be proposed for the intended purpose.

In a one-on-one interview, a traditional leader in one of the sampled communities asserted that traditional authorities perform a key role in contemporary local governance. He indicated that the main role of a chief is to see the general development of the community by making sure that the basic needs of the people are met. He maintained that the chief is not just a symbol of authority but an agent of development. He mentioned some development projects including schools and health facilities in the community that was initiated by the traditional chief and completed with the support of the government and philanthropists. He claimed that:

As a chief, you serve as the physical and spiritual father of the people. You must give them what they want so that they will continue to pay homage to you. So, the chief and the elders in this community always strive to improve the lives of the people. We know what the people want, and we tell the government to provide them so they can get our support during elections.

He recounted the role of traditional authorities during the pre-colonial and the colonial periods and emphasized that the introduction of the district assembly concept has taken away many of the roles and traditional authorities. He made emphasis on the revenue collection role of the traditional council during the colonial period which to him served as their main source of income that has been taken away by the assembly, consequently crippling them financially. He lamented that:

At the time of the Whiteman, our forefathers (chiefs) collected taxes and even had the authority to impose levies and fines from the traditional courts. We used that money to develop the community and improve our living conditions as traditional rulers. These days we don't have access to that income again. The assembly is now in charge of that

and depends solely on royalties from stool land and some small allowances from the government.

Notwithstanding, he acknowledged the advisory and consultation role of chiefs to the government on customs and traditional matters. He was also happy (from his facial expressions) about the fact that traditional authorities within the communities were frequently consulted by the government before embarking on any developmental project and the appointment of some members to the district assembly. He clued up about the establishment of an educational trust fund to support the basic and secondary education of needy students in the community.

In a different community, the traditional authority on his part reiterated the role of chiefs from the pre-colonial and the colonial era and emphasized that traditional chiefs continue to serve as a link between the central government and the citizenry at the local level. He stressed that:

The work of the chief did not start today. Our predecessors once held this community together as their responsibility until the Whiteman came to the Gold Coast. Even the Whiteman did not deprive our forefathers of their role and responsibilities towards the people. Our forefathers worked with them just as we are working with the government. We know the needs of our people and only we can help the government to address them.

He further detailed how traditional authorities were relegated to the background immediately after independence but quickly punctuated that the situation has changed in the past few decades. On the functioning of chiefs in contemporary democracies, he echoed the role of chiefs as guidance of traditional heritage and customs. As a chief, he is expected to guard and maintain traditional norms, values, and principles and serve as the link between the external community and his people. He further stressed the role of traditional chiefs in the fight for the social and economic development of their people.

A traditional leader in another sampled community enumerated some of the roles played by chiefs in contemporary governance to include mobilization of the people for community development, initiating and soliciting support for development projects, and arbitration in traditional and customary matters. According to him the chief as an administrator directs all affairs within the areas of his jurisdiction. On the Arbitration role of the chief, this is what he had to say:

The judicial system in the country is so bureaucratic, and simple cases take so long to settle. We the traditional authorities play a role in alternative dispute resolution. Most customary and land dispute cases in the court are referred to the chief's house for amicable settlement and I can assure you that disputing parties have never been disappointed. See my friend there (pointing to a man) if not for the intervention of the chief, his wife would have divorced him a month ago.

He gave other instances where issues about land litigation, succession, and petty robbery have been settled amicably by the traditional court headed by the chief to forestall possible conflicts. He however pointed out that, cases that go beyond their control are sometimes referred to the regional traditional council or the appropriate judicial authority for settlement.

It, therefore, became obvious that chiefs play a significant role in maintaining peace and harmony in the community through dispute resolution and this potential could be developed and formalized through the decentralization process in the quest for law and order to prevail in the country which is key to democracy and good governance. He also pointed out that traditional chiefs continue to serve as custodians of the land and natural resources within their areas of jurisdiction with the following explanation.

Most of the people in this community depend on natural resources for their livelihood. You know the main occupation here is farming, hunting, and quarrying. As a chief and being the custodian of the natural resource holds the onerous honor of managing them sustainably to the benefit of current and future generations.

He expressed disgust about the spate of deforestation in the country and the wanton destruction of natural resources and called on all traditional authorities to help to curb the situation as these resources keep the link between the living, ancestors, and future generations. He further hinted that some customs and practices are observed in the community to preserve the natural resources such as the prohibition to hunt during certain times of the year and not visiting the local river on Tuesdays.

The assertions made by the traditional authorities were confirmed by all the local government officials. However, in a one-on-one interview the local government officials maintained that if traditional authorities restrict themselves to the customary roles as stipulated by the constitution, they can work harmoniously for the development of the community. One of the local government officials stressed that intermittent chieftaincy disputes and the undemocratic nature with which traditional authorities are selected make it difficult for them to be fully incorporated into formal structures. Nevertheless, he touted the lead role played by traditional authorities in some communities in promoting health, education, and social welfare of the people.

Despite the inconsistencies, the study observed a close collaborative effort between traditional authorities and local government structures which has contributed immensely to the development of the community. This observation is in sharp contrast to the popular perception of weak coordination and poor interactive process between traditional authorities and local government structures in Ghana.

V. DISCUSSIONS

The role of traditional authorities in post-colonial Africa has been less formal, unlike in the colonial era where they were used by the colonist to implement the indirect rule policy

in the administration of the colonies, [22]. Post-independent governments for instance in Ghana have virtually restricted the role of traditional authorities to customary issues concerning the traditional council and as advisors to the government on chieftaincy matters. Nevertheless, [15][24] asserts that the role of traditional rulers in the socio-economic and political development of the community cannot be underestimated because the chief holds an influential position in society and as such is consulted in all matters relating to local governance.

Indisputably, there is no contention over the role of traditional authority in local governance as stipulated by the 1992 constitution with the creation of the national and regional house of chiefs. Article 272 of the constitution states that the national house of the chief, a body that represents the interest of chiefs in the country shall perform the following functions.

- Advise any person or authority charged with any responsibility under this constitution or any other law for any matter relating to or affecting chieftaincy
- Undertake any progressive study, interpretation, and codification of customary law, and compile the customary laws in line of succession applicable to each stool or skin
- Undertake an evaluation of traditional customs and usages to eliminate those customs and usages that are outmoded and socially harmful
- Perform such other functions, not being constituent with any function assigned to the house of chiefs of a region, a parliament may refer to

Moreover, much can be said about the educational, infrastructural, and scholarship funds that have been initiated by some traditional authorities in Ghana such as Otumfour Osei Tutu II, the king of Asante's kingdom, Osagyefo Amoatia Ofori Panin II, the paramount Chief of AKyem Abuakwa, and Oseadeeyo Addo Dankwa III, the paramount chief of Akropong-Akuapem [22]

It is argued that the traditional authority has outlived its usefulness in contemporary governance and development considering that the state has enough institutions to steer its affairs at the national and local levels. However, this study revealed that the role of traditional authorities in local governance has evolved to ensure social stability and economic development. The traditional authorities continue to maintain significant influence in the lives of the people in the community because they cognize their inherent authority to be supported by customs and traditions to provide something worthwhile through their functioning in the development of the community.

In whichever way, one looks at it, [22] who maintains that traditional authority provides something which is "reassuring rather precisely because of its ambivalent position in what have become the disturbing discourses of failing modernity". Indeed, democratic governance in Ghana draws its strength from the traditional leadership structure and, this study holds

the view that national cohesion would not have been so effective in Ghana were it not for the impartial handling of the people in the communities by traditional authorities.

VI. CONCLUSIONS AND RECOMMENDATIONS

For many years traditional authorities in different parts of Africa have played a lead role to ensure the development of the community. In most Ghanaian societies a traditional authority is expressed in the chieftaincy institution where the chief is portrayed as a ritual figure and a symbol of authority, combining sacred and secular functions [13], [25], [26]. Even though there are vast differences in the chieftaincy institutions in Africa as they have existed until today, there are some similarities one can allude to in terms of composition, structure, and functions [27][28].

Chieftaincy has undergone significant changes over the last century and for that matter, it is keen to examine the kind of roles the institution has played during these transformation periods, especially in the process of democratization. Perhaps the resilient nature of chiefs contributed to their adaptation to the socio-cultural changes to play a lead role in the transformation of the society. During the colonial period, especially in the British colonies where the indirect rule policy was instituted, chiefs were made to function concurrently and in cooperation with the colonial administration. In these settings, the British engaged them in the implementation of the indirect rule policy by recognizing and formalizing their role in various capacities in the colonial administration. Chiefs mainly played an intermediary role between the colonial government and the people together with their traditional role as custodians of customs, and traditions.

Post-colonial structures such as the 1992 constitution of the Republic of Ghana which created the current District Assembly (DA) system did not specifically single out the functions of traditional authorities in local governance. However, it identified the consultative role of chiefs through the national house of chiefs in a legal framework rooted in chapter 20 of the constitution with support from other provisions such as the local government Act of 1993 which seeks to encourage general participation in the decision-making and implementation process.

It is considered that chiefs maintain a strong social bond with community members and more so critics of traditional authority are not convincing enough and cannot explain why members of the community still adhere to the authority of the chief. This study holds the viewpoint that traditional authorities have not outlived their usefulness. It is convinced that restricting the role of traditional authorities to mere consultants on customary and traditional matters has negative developmental implications in the communities. Accordingly, this study recommends an operative institutional framework that not only involves traditional authority in local governance but duly involves and aptly defines their mandate in the community. This will enable traditional authorities to work

harmoniously with local government structures for the development of the community.

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