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Traditional Leaders' and Local Government in Tamale Metropolitan Assembly: Land Development at the Cross Road, Ghana

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Abstract :

The concept of decentralization essentially is about public administration that is based on local government at the local level. Ghana has been practicing local governance which has been embraced generally by the citizenry. The study examined the roles traditional leaders play in local government system in the Tamale Metropolis. A triangulation approach was used for the study and both primary and secondary data were collected. Questionnaire and interview guide were used in gathering the data with a sample of 198 respondents. Tables were generated through the analysis of the data. The findings revealed that the marginalization of traditional leaders' in local level development in the Tamale Metropolis is attributable to local government in the Tamale Metropolis. It also found out that traditional leaders have not been effectively involved in the local government system, except during local elections. The study found out that the people supported that the allocation of communal lands to individuals and the rights and duties connected to land allocation are among the traditional functions of traditional authorities within the Tamale Metropolis. The study recommends that there should be a working relationship between government institutions and the local stakeholders. Therefore, opportunity must be given to all to participate in the local government system especially the traditional authorities. It further recommended that the state should take a second look at the constitution to give a mandatory representation of traditional leaders in the MMDAs.

Keywords: Traditional leaders, tamale metropolitan assembly, local government

1. Introduction

Global, there is a growing interest in local government because of its identification with benefits such as participation, accountability, and empowerment (Ayee, 1994). Local government administration in Africa to a large extent influenced by Western ideas like technocratic approach to development (Ogwo & Andranovich 2005). Ghana's local government system lack the desired to devolve power to the districts by define the roles and functions of the various actors, resulting in conflicts (Crawford 2004).

Since independence in 1957, participation of chiefs in local government in Ghana have not been effective. Currently there is one chief representing so many chiefs with deferent land holding in the Tamale Metropolis, which is inadequate. The local government system is largely influenced by Western values like technocratic approach to development and individualism. As a result, Ghana's local government system could not effectively tap into the traditional governance system, leading to frequent conflicts between the district assembly structures and traditional leaders (TL), thereby stifling local development.

Also there is no clarity as to how far Chiefs should be involved and under what conditions this could be done to optimize their benefits. Example land is fundamental to any development enterprise and land is owned by traditional leaders in Tamale Metropolis. The indiscriminate sale of lands by traditional leaders without records to local government breeds tension. For example, the people of Adaklu traditional area in the Volta region of Ghana declared public that they have disassociated themselves from the Adaklu-Anyigbe District Assembly because of disagreement over the sitting of the District capital (Dialy graphic Monday, Augus 22 2005 cited in Kessey, 2006). Also, the Northern Regional Command of the Ghana Armed Forces in 2012 demolished some houses at the Kamina Barracks in Tamale and over 50 houses were earmarked for demolition as result of conflicts between traditional leaders in the area who were claiming the land as against state agency

(Ghanaweb, Thursday, 12, January, 2012). The relationship between chiefs and local government units have been ill-defined in Ghana (Ayee, 2007). The research assesses the ineffectiveness in interactive processes between the traditional leaders, as a basis of participating in local government in Tamale Metropolis.

1.1. Legal Contradictions of Land Ownership in Ghana

The key contradiction in the legal framework for land ownership in Ghana centres on customary ownership and public administration of such lands on the other to the practical exclusion of the customary custodians and land holders. Article 267 (1) of the 1992 Republican Constitution of Ghana states that "all stool lands shall vest in the appropriate stool on behalf of and in trust for the subjects of the stool in accordance with customary law and usage". This implies that the indigenous owners take all management decisions and exercise the powers that go with ownership – the right to own, sell, receive payment, manage, decide on who is allocated a plot, terms, conditions and price for a particular grant. However, Article 267 (2) sets up the Office of the Administrator of Stool Lands (OASL) and charges the office with the collection and disbursements of all stool land revenues, defined to include all rents, dues, royalties, revenues or other payments whether in the nature of income or capital from stool lands. This sharing formula ignores customary land owners who have rights and interest in land throughout the country. It rather transfers all land management functions to the Administrator of Stool Lands. Article 267(6) further prescribes the formula for the disbursement of the moneys so collected as follows:

"10 percent of the revenue accruing from stool lands shall be paid to the OASL to cover administrative expenses and the remaining revenue shall be disbursed in the following proportions: twenty-five percent to the stool through the traditional authority for the maintenance of the stool in keeping with its status; twenty percent to the traditional authority; and fifty-five percent to the District Assembly, within the area of authority of which stool lands are situated"

Based on the formula, only 25 percent (out of 90 percent of the price money) is to be paid to the customary landowners whilst as much as 55 percent (out of 90 percent of the price money) is retained by the state. The remaining 20 percent (out of 90 percent of the price money) is paid to the traditional council (which is only an association of heads of traditional groups) where the land is situated. It is difficult to reconcile the idea of traditional rulers owning land and managing it from day to day including its defence in court and sometimes in battle and war whilst all management functions are controlled by state institutions (Kasanga, 2002).

Article 267(3) also provides that there shall be no disposition or development of any stool land unless the Regional Lands Commission of the region in which the land is situated has certified that the disposition or development is consistent with the development plan drawn up or approved by the planning authority for the area concerned. This implies that where the Lands Commission is unable to give the requisite certification then any disposition by the indigenous owners is invalid, pushing all such grants into illegality with its consequent development.

Furthermore, Article 267(5) prohibits the grant of freeholds in any stool lands however so described. It is not too clear what the full implications of this clause is, especially the extent to which it affects land rights of subjects of the landowning communities and other customary freeholders. But if the meaning of the clause is to be taken at face value, then all customary freeholders of stool lands and 'strangers' (absolute purchasers or renters) are being turned into tenants of the chiefs as landlords.

Another area where a legal contradiction exists is with respect to the control of physical development. Even though the Local Government Act, 1993 (Act 462) grants MMDAs the power to demolish unauthorized physical development, Section 9 of the National Building Regulations (LI 1630) gives a developer the power to proceed with development where approval for development is not given within three (3) months of the date of application. This provision creates some practical difficulties with the exercise of development control functions by MMDAs.

Again, while the National Development Planning (Systems) Act, 1994 (Act 479) elaborates the framework for decentralized planning in Ghana including physical/spatial planning, its provisions and plan preparation processes are at variance with the provisions in the Town and Country Planning Ordinance of 1945 (CAP 84). In addition, while Act 462 recognizes MMDAs as planning authorities within their respective areas of jurisdiction, there is no subsidiary legislation spelling out physical planning functions and standards. In the performance of planning functions, MMDAs have had to rely on CAP 84 which is outmoded and at variance with processes under Act 462.

1.2. Traditional Authorities and Local Government

In the view of Mukyala-Makiika (1998), there exists some form of duality of authority at the local level of government. One form of the authority consists of people who derive their legitimate right to govern from the fact that they have been elected and they consider the people as collection of individuals, each with a set of specific rights. The other group comprises those who derive their right to govern from inheritance and tradition and perceive people to be part of a cultural unit with collective rights. T.A belong to the latter group and continue to remain important in areas such as cultural leadership, control of natural resources, community identity and political leadership.

Arguments advanced for the institutional representation of traditional rulers in the local government system have been demonstrated by their ability to mobilise support for local level development projects. They also have the capacity to encourage participation at the grassroots level. This is evident in their democratic credentials where they are seen as the last resort when the central government and the district Assemblies have failed (Ayee, 2006). Closing the gap between the district

assemblies and the sub-district structures on one hand, and the traditional authorities on the other, has the potential of reviving the enthusiasm of the traditional rulers in the operations of the DAs and the sub –district structures. As has been explicitly expressed by Ayee (2006:57) “the moment one talks about grassroots governance one is already making overtures to chieftaincy, because in Ghana, implementing a successful programme without the involvement of the traditional authorities is nearly impossible”.

2. Methodology

The study adopted triangulation approach, using both quantitative and qualitative designs. One of the benefits to this type of design is its ability to help cross-check and provide confirmation and completeness, which brings 'balance' between qualitative and quantitative data results. The population for this study comprised of all the Assembly members, Area Council Chairpersons, Unit Committee members, the District Assembly core staff and heads of households in TMA.

A sample size of 198 was selected. Base on certain non-definitive practices among social researchers, a population of a few hundreds, a 40% or more samples is desirable. If many hundreds, a 20% would be alright. However, if a few thousands a 10% will do, and if several thousands 5% or less will do, of which 5% sample size was selected, based on social researchers (Fraenkel & Wallen, 2000).

The study employed purposive, simple random, convenience and stratified random sampling method. Questionnaire was used for the quantitative part while an interview guide was used for the qualitative part of this study. The quantitative data collected were statistically analyzed using SPSS and MS Excel. A presentation like tables and charts were used to ensure easy interpretation of data and the qualitative data were manual analyze.

3. Results and Discussion

The study determines the roles traditional leaders play by participating in local government system in Tamale Metropolis. In order to ensure comprehensive and logical output, this chapter presents the findings of the study in sections. Section one present, respondent’s characteristics such as sex, age, and educational status, Section two investigates how the Metropolitan Assembly structures and traditional leaders interact within the current local government system in Tamale Metropolis.

3.1. Existence of Conflict between Traditional Authorities and Metro Assembly Structures

Data from the study revealed that 34.2 percent of the respondents agreed that there exists conflict between Traditional Leaders and Metro Assembly Structures in TMA. It further revealed that 22.8 percent of the respondents were uncertain, and 19.2 percent of the respondents disagreed (See table 3 below). A probable explanation for this could be that the respondents’ expectation of the concept was not met. This finding is similar to the views of Ayee (2007), who argue that litigations easily arise as to who has power to decide ban on drumming within the context of religious freedom in Ghana.

| Items | Frequency | Valid Percent |
|-------------------|-----------|---------------|
| Strongly Agree | 33 | 17.1 |
| Agree | 66 | 34.2 |
| Uncertain | 44 | 22.8 |
| Disagree | 37 | 19.2 |
| Strongly Disagree | 13 | 6.7 |
| Total | 193 | 100 |

Table 1: Existence of Conflict between Traditional Leaders and Metro Assembly Structures

Source: (Munkaila & Agleby, 2018)

3.2. Decision Making Process in the Local Government Structure

The study further revealed that 66.2 percent of the respondents agreed that MCE are very important in decision making process of the decentralize structures. 64.1 percent of the respondents indicated that Assembly members are very important. 52.0 percent of the respondents indicated that Unit Committee Members are important in decision making process in their various units for that matter the Metro Assembly. 65.2 percent of the respondents indicated that traditional leaders are very important in decision making (See table 4 below).

According to the traditional leaders “the assembly is different and we are also different so we don’t need them in our business. They work for the government and we work for our people, so it’s you the educated people (Karaches) who mix up this issues and we have problems these days in selling our lands. We don’t need approval from any couthers to sale our lands, the lands belong to us and we release it whenever we feel we are ok with the transactions”.

On the part of the coordinating Director, he indicated that “we have so many challenges with regards to the involvement of the traditional leaders. Some of them before you could say jack, they have already finish selling their lands and sometime even in multiples times for the same people because of lack of records keeping and adequate planning. As soon as they realize that Tamale metropolis is getting closer to them, then they begging to sale of their lands to people without the knowledge of the Assembly”.

| Item | Very Important (%) | Important (%) | Less Important (%) | Not Important (%) | Total % |
|--------------------------------------|--------------------|---------------|--------------------|-------------------|---------|
| 1 The District Chief Executive (DCE) | 66.2 | 25.3 | 8.6 | 0.0 | 100 |
| 2 The Assembly Member (AM) | 64.1 | 33.3 | 2.5 | 0.0 | 100 |
| 3 The Unit Committee Member (UCM) | 33.3 | 52.0 | 9.1 | 5.6 | 100 |
| 4 Traditional Authority (TA) | 65.2 | 31.3 | 3.5 | 0.0 | 100 |
| 5 The Ordinary Citizen (OC) | 28.3 | 34.8 | 19.7 | 17.2 | 100 |

Table 2: Decision Making Process of the Local Government Structure
Source: (Munkaila & Agbley, 2018)

3.3. Factors Impeding Local Government Structures

This presents perspectives of respondents on the factors that affect Traditional leader's participation in local government in the Tamale Metropolitan Assembly of Northern Region. There shall be a Municipal Chief Executive for every district who shall be appointed by the President with the prior approval of not less than two-thirds majority of members of the Assembly present and voting at the meeting (Ghana's Constitution, 1992: Article 243 (1)). Data from the study revealed that 32.3 percent strongly agreed that the less representation of Traditional leaders in the municipal assembly affect local government process. 28.3 percent of the respondents were uncertain, and 23.7 percent disagreed that Unit Committee Members does not consult Traditional leaders in the development plans of their communities. 28.3 percent of the respondents were uncertain that the non-functioning of Unit Committees is due to Traditional leaders not supporting them to do their work. 30.3 percent of the respondents strongly agreed that the inability of TMA to generate internal funds is due to the lack of involvement of Traditional leaders in collection of the taxes (See table 5 below).

Also in an interview with the traditional leaders their views as to what they think is responsible for them not been part or invited to deliberate on issues surrounding development in their area of jurisdiction. The following are some of the responses they gave as to the reasons why they are not being invited to take part in decision surrounding development in their area of jurisdiction.

"We are not educated and it's for those who are educated"

"Also the assembly is for government workers who are paid to do work for the state"

"Educated people like cheating and going there to take part in their meeting will not yield good results, they will end up cheating me either through my land or any development in my area".

"One of the chiefs even use me as example that this research that you are conducting will at the end come with money but I will not call on them even to let them know that I have been rewarded with some money after interview them".

| Item | Strongly Agree (%) | Agree (%) | Uncertain (%) | Disagree (%) | Strongly Disagree (%) | Total% |
|--|--------------------|-----------|---------------|--------------|-----------------------|--------|
| Less representation of T.L. at the TMA affect local government | 32.3 | 30.3 | 16.7 | 14.6 | 6.1 | 100 |
| Unit Committee Members consult T.L. for development | 26.3 | 17.5 | 28.4 | 18.0 | 9.8 | 100 |
| Non-functioning of Unit Committees is due to Traditional leaders not supporting them to do their work. | 15.7 | 15.7 | 28.3 | 23.7 | 16.7 | 100 |
| Lack of involvement of Traditional leaders in the collection of the taxes | 30.3 | 25.3 | 27.3 | 10.6 | 6.6 | 100 |
| Lack of information or education by the stakeholders | 35.4 | 35.4 | 20.4 | 6.6 | 1.5 | 100 |

Table 3: Factors Impeding Local Government System
Source: Source: (Munkaila & Agbley, 2018)

3.4. Local Government Supports for Traditional Leaders in Local Development

The main reason why the concept of decentralization was developed as the national policy is to see the local level developed based on the participation of the local stake holders, thus ensuring that their understanding in decision making is paramount to the development of the area as whole. Table 5.6 presents the findings on the extent to which traditional leaders as a structure can relate to local level development within the Tamale Metropolis. Finding from the study revealed that 32.3 percent of the respondents agreed that Traditional leaders have the legal power to dealing with disagreements among citizens. 31.8 percent of respondents indicated that its occasionally through local government system traditional authorities are responsive or account-able to local needs as the local governments. 21.7 percent of the respondents indicated that through the local government Traditional leaders are not allow to collect taxes/levies at all. 37.9 percent of the respondents indicated that local government accept traditional authorities as the legitimate authority for development in some parts of their communities occasionally. 61.0 percent of the respondents said the allocation of communal lands to individuals and the rights and duties connected to land allocation are the traditional functions of traditional authorities (See table 6 below).

Interview from the assembly revealed that there have been consultations with the traditional leaders on issues affecting the development of their areas, example during budget preparation and also consultations on the draft plan of the assembly.

Invitations to attend assembly meetings for consultations would sometimes not reach the traditional leaders on time. The study revealed that sometimes financial constraints faced by the TMA hinders planning officers to visit the communities. The study also revealed that the time given usually for the consultations in the communities is very short.

| Item | Always (%) | Occasionally (%) | Seldom (%) | Not at All (%) | Total% |
|--|------------|------------------|------------|----------------|--------|
| Traditional leaders dealing with disagreements among citizens in his community | 32.3 | 37.6 | 6.9 | 23.3 | 100 |
| Through local government T.L. are responsive or account-able to local needs | 19.6 | 31.8 | 20.5 | 25.6 | 100 |
| Through local government T.L. are allow to collect taxes/levies | 20.7 | 17.7 | 21.2 | 21.7 | 100 |
| Local government accept T.L. as the legitimate authority for development. | 25.1 | 37.9 | 10.3 | 26.7 | 100 |
| TL. allocate lands to individuals and the rights and duties connected to land allocation | 61.0 | 25.6 | 9.7 | 3.6 | 100 |

Table 4: Traditional Leaders and Local Level Development

Source: (Munkaila & Agleby, 2018)

4. Conclusion

The study concluded that there exists conflict between Traditional Authorities and Metro Assembly Structures in TMA. It also concluded that Traditional leaders are effective in service delivery like dispute settlement in the metropolis. Effective local government cannot exist without the support of traditional leaders. Less/no representation of Traditional leaders. Assembly Members and Unit Committee Members of the Municipal Assembly do not consult Traditional leaders. The role of traditional leaders in local government system do have legal backing. Lack of involvement of Traditional leaders in the collection of taxes. Traditional leaders do not have the legal power to deal with disagreements among citizens. Traditional leaders are not allowed to collect taxes/levies for any development project in their jurisdiction.

5. Recommendation

The state should take a second look at the constitution to give a mandatory representation of Traditional leaders to the MMDAs. There is the need for some more education in the local government Process for all citizenry in the Tamale metropolis and the nation at large. District Assembly Staff, Assembly Members and Unit Committee Members should be given induction on ways to effectively involve their constituents in the local government system. Assembly members should engage more with their constituents and electorates to promote their interest in local government.

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