

**Konrad Adenauer Foundation**

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Conference on  
***50 years of Chieftaincy and Governance in Ghana***

Held at Alisa Hotel 27th - 28th February 2007

Speeches

1)

By the Resident Representative  
Of the Konrad Adenauer Foundation, Mr. Klaus D. Loetzer

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By H.E. Peter Linder, German Ambassador to Ghana

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**KAF Resident Representative**

Nana Chairman,  
Chairman of Council of State,  
Minister for Chieftaincy and Culture  
Your Excellency, Mr. Peter Linder, the German Ambassador to Ghana,  
Chairman of the Presidential Commission on Chieftaincy,  
Chairman of the National Commission on Culture,  
Distinguished Resources Persons,  
Nananom, Niime, Naamei,  
Friends from the Media,  
Distinguished ladies and gentlemen,

I am very privileged and find it opportune to be with you this morning for a conference which is linked with activities marking fifty years of Ghana's Independence.

The Konrad Adenauer Foundation (KAF) is one of meanwhile seven German Political Foundations that seeks to promote the ideals of good governance across the globe. With its activities KAF supports economic and social reforms of government, strengthens the role of Parliament, promotes broad-based participation of the citizenry in decision making through decentralisation programmes as well as the promotion of indigenous traditional institutions. KAF has been operating in Ghana in the last forty-one years to fulfil this core mandate.

The partnership between the National House of Chiefs and the Konrad Adenauer Foundation was established in 1994 when we started our civic education programme with the common objectives of promoting the rule of law, good governance and democracy in Ghana by integrating the cultural values into Ghana's democratisation process. This partnership has grown from strength to strength to the extent that chieftaincy and related programmes form more than 60% of our budget this year and it may be more next year. In the last thirteen years we have worked together in the following areas, -

*Speech by M. Klaus D Loetzer, Resident Representative of the Konrad Adenauer Foundation, at the workshop on:  
50 years of Chieftaincy and Governance in Ghana, Alisa Hotel 27th - 28th February 2007*

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- Conducting research and codification of appropriate customary lines of successions into about seventy paramount areas out of one hundred so far carried out by the National House of Chiefs.
- We have established a platform for annual tripartite meetings made up of the Executive, the Legislature and Nananom. Last year, it was on decentralisation and this year it will be the role the Chiefs play in achieving the Millennium Development Goals.
- We are also contributing to governance and management of natural resources by Nananom across the country.
- We recognise the changing trends in resource mobilisation by Nananom, in this direction, we therefore instituted a programme last year on sustainable funding for Chiefs. The programme is on-going and we will continue this year. It is our hope that at the close of the programme, we would have established the appropriate and long-lasting form of fund raising for the chieftaincy institution.
- We have held several workshops on general governance and development issues such as the New Partnership for Africa's Development (NEPAD) and its monitoring tool, the APRM, and many more.

As Ghana celebrates 50 years of independence, we found it fitting to collaborate with the Nana Kobina Nkestia IV Trust, the Centre for Indigenous Knowledge and Organisational Development (CIKOD) and the National House of Chiefs to evaluate the contribution of Ghana's traditional leaders in governance and socio-economic development of the country.

In order to have a composite and broad-based assessment of this noble institution, it is imperative to solicit varied knowledge from the length and breadth of the country. We have consequently planned five programmes across Ghana. The objective is to create a platform for chiefs and diverse experts to have candid discussions on various perspectives relating to both, the contemporary state and future of Chieftaincy as an indigenous institution within the modern state system.

Today we start with this national workshop where all the regions are fully represented. We will then move to the regions in order to have localised, critical and open discussions on the issues raised at this conference.

The theme for today's conference is resolving the duality of governance in Ghana. In other words: Discussing the existence of traditional political structures alongside the modern state system. The duality certainly has its disadvantages such as confusion of and the definition of the legitimate source of authority in the community. However, we must also examine the extent that this duality helps in advancing the realisation of the developmental objectives as a people. There is no better time to take stock and examine this governance system than now after fifty years of application of the dual system.

It is my conviction that, the follow-up activities lined up will be on track to ensure that the outcome of this meeting would not be just one more of the several workshops but a work in progress to achieve its full objectives.

The foregoing are KAF's short term objectives for 2007. Let me now advance a few ideas regarding our medium and long term programme in Ghana in connection with traditional authorities. As I have mentioned earlier, the Konrad Adenauer Foundation is a political Foundation. In post World War II Germany, political foundations were set up by the founding fathers of the Federal Republic in 1949 in order to facilitate ongoing political education, in addition to the Government's own political training programme. This was done, among others, to ensure that democratic principles would prevail and thus increase the prospects of success of Germany's second democratic experiment after the first, the Weimar Republic between 1918 and 1933, had failed and ended up in a disastrous dictatorship that lasted 12 years until 1945.

So where is the link to our today's work in Ghana? The link is the rationale of German political foundations to promote the democratisation process in their host countries. And, furthermore, where is the link to work with traditional authorities since nowadays we do not find them any more in Germany's

democratic system? There is a simple answer: The approach to democracy in Africa must not necessarily follow in all aspects westernised recipes and Northern concepts. Rather, it must be rooted in its historical-cultural, socio-economic and political setting and, for sure, at the same time be based on universal democratic principles that are not negotiable. One such universal democratic principle is accountability. Therefore, KAF's goal for future collaboration with the different structures of the Chieftaincy Institution at different levels will be geared towards its accountability.

Given the fact that traditional authorities represent an important aspect of the Ghanaian social, political and cultural landscape, the notion of social accountability comes to mind. From a social accountability perspective, traditional authorities are important both as societal power-holders that are themselves accountable to the people. And, secondly, as potential facilitators of social accountability, they can be instrumental in helping to hold modern government institutions accountable on behalf of the people.

From there it derives that KAF will assist in activities that aim at:

- (i) enhance the accountability of traditional chiefs to the people, and;
- (ii) build on the capacity of chiefs to support and check modern governance structures.

I am strongly convinced that this is a good bridge between the past and the future, between tradition and modernity.

It is within this framework of goals and objectives that KAF will choose its future partners within the Chieftaincy Institution. By thus we will assist the Institution to adjust, if not already the case, to the requirements of a modern, democratic society and add to its relevance. Because relevance to societal needs is, as we all know, the best guarantor for the Institution's survival in a changing world. In doing so, the Institution would build on its own values and strength rather than relying on foreign concepts and ideas. This implies that those in the Institution who are not prepared to be accountable will be left behind and might have to face the consequences. This would mean nothing less than an institutional existence of irrelevance and marginalised by future developments.

It is my hope that in 25 years from now when Ghana celebrates its 75<sup>th</sup> independence anniversary, the issues confronting the Chieftaincy Institution today such as legitimate succession, lack of resources and involvement in the decentralised community structures will have been resolved. And, furthermore, the way forward from now would be counted as a success story within Ghana's democratisation process and by thus the Chieftaincy Institution will have become relevant to the society as a whole.

The Konrad Adenauer Foundation will continue to support Ghana's democratic development especially the work of its traditional leaders. I wish you all successful deliberations for the next two days.

May God bless you all. Thank you.

German Ambassador



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P.O.Box 1757, Accra, Tel: 021-221311 or 241082; Fax: 021-221347

e-mail: [PR-100@accr.diplo.de](mailto:PR-100@accr.diplo.de)

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**Speech by H.E. Peter Linder, German Ambassador to Ghana, on the occasion of the Workshop on Chieftaincy Institution -Ghana @ 50 : Resolving the Duality in Governance – The Future of the Chieftaincy Institution on Tue, 27th February**

I am honoured and most happy for having been invited to give a statement for this important workshop on Chieftaincy Institution. I consider this as a very important issue.

For me as well as for other outside observers it is indispensable to understand that the Chieftaincy Institution has always had of great importance in Ghana. For hundreds of years the Chiefs were the bearers of political, military and social powers. Though, it took its time until their important role was newly determined and finally codified in the Constitution of the 4<sup>th</sup> Republic in 1992.

In my opinion the Chieftaincy system constitutes an essential component of governance in Ghana today. As there is empirical evidence that in Ghana at least 90% of Ghanaians (both rural and urban) believe in and depend on the traditional authority system for organizing their lives, it becomes clear that the Chiefs still have strong influence.

They have a constitutional role of peaceful administration of their communities and are the trustees and custodians of land which is e.g. the single most important resource to accomplish the ambitious goals of several development programmes like GPRS II. Moreover, in the rural areas, the institution of Chieftaincy has arbitrational and jurisdictional functions and is also accepted as lawmaker by the people.

Therefore, it is of great importance that traditional values, traditional ruling systems and traditional legislation interact with the structures of a modern democratic system in such a way that harmony, coexistence and complementary effectiveness are ensured.

I believe strongly that the existence of general harmony between the traditional values and structures and the so called modern world in Ghana is the main reason for the country's special role in the West African region, its internal stability and its pilot role in Africa in the NEPAD context.

As already mentioned, my Government gives credit for a harmonious collaboration between the traditional rulers and the elected members of government, because it facilitates the development of the country and ensures the traditional values written down in the Constitution.

It takes all societal forces to build a peaceful society, and the Chieftaincy is one decisive player without whose active support the peace of the land would be endangered. A peaceful society must be built from within, with elements that build national, regional or local legitimacy, identity and consensus. In order to emphasize the importance of the Chieftaincy – some of you may remember – I was the first Ambassador to visit the National House of Chiefs in 2005.

Another aspect that shows my government's attitude towards the traditional authorities and its harmonic relations to the modern democratic system is the large number of projects within the framework of German-Ghanaian development cooperation. Within the last years we have – among others – supported the following activities:

- o Legal Conflict Resolution, looking into matters of legal pluralism, training of chiefs and queen mothers in the area of mediation and alternative dispute settlement

- Ascertainment and eventual adaptation of customary law to the modern circumstances in order to achieve legal unity and peace in Ghana
- Supporting the Land Administration Project to provide certainty on land ownership and boundaries, in order to reduce disputes that disturb the peace of the land, of villages and ethnic groups, and with Government,
- Assisting the National House of Chiefs to write down the Succession Laws and collect the Precedents of the National House of Chiefs to curb on chieftaincy disputes
- Supporting the Judiciary in Alternative Dispute Resolution and in their outreach to the Regions to encourage citizens to resolve their conflicts by means of the law and not by violence

Beyond these projects, the governments of Ghana and Germany have agreed to focus development cooperation on the priority areas Food Security and Agriculture, Employment-oriented Private Sector Development and Good Governance and Decentralisation. As most of our cooperation projects are located in the rural areas, lively contacts have been established with the traditional rulers.

I should like to state here that in my opinion the fruitful working relationship with elected government officials as well as with traditional rulers positively affects the people and the development of the country.

But although the Republic of Ghana can be considered as a model for West Africa, it cannot be overlooked that there is a gap between modern legal institutions and legal norms on the one hand and legal practice governed by traditional norms on the other hand. This becomes evident particularly in the fields of family law and land ownership, especially for those people who are engaged in modern professions and who participate as global actors in the fast growing interactions of our world. They need the basis, the support and security of a reliable and internationally recognized legal framework. Another problem are the smouldering conflicts of authority between the modern democratic and the traditional system that exist particularly in the rural areas. As an example for these disputes, I want to mention the problem of custody over lands: In many areas both the local chiefs and the district administration claim to have the right to control the land and its resources, which often leads into extensive conflicts. As land is a very important factor for many development programmes, this can also present a serious problem for the progress of the country.

However, as the 1992 Ghana Constitution – which in Art 272 gives the well-known mandate to the Chieftaincy to “undertake the progressive study, interpretation and codification of customary law with the view to evolving, in appropriate cases, a unified system of rules of customary law – offers a great opportunity for the National House of Chiefs to make a historic mark as being the visionary, moderniser, and implementer of legal unity for Ghana’s lands and family relations.

For the establishment of policy and rules that are legitimate, consensual, clear, foreseeable and – most importantly – enforceable against all, it is necessary to achieve good governance and administration based on the values embraced by its people.

Furthermore, land management, and especially access to land for agro-business as well as for the rural producers require, - to ensure growth as well as poverty reduction and peaceful development -, legal certainty.

Therefore, institutionalising the land transactions process, providing long-term legal certainty on parcels of land is representing a rights-based approach and allows individuals and families to manage their land with a long-term, sustainable investment strategy.

This again means that income from the land can benefit both the citizens, the region and the chieftaincy institution.

Additionally, the local governments – i.e. both the chiefs and the district administration – have in my belief to intensify their cooperation in all political sections. This is the only way to persistently improve the people’s situation in the rural area.

All in all, the Chieftaincy Institution presents an indispensable condition for the future political and economic development of the country. So it appears to me – and I am aware of the different schools of thought on this – that the policy dialogue between Government and Chieftaincy on roles, responsibilities and resource allocation and judicial powers needs to be conducted on the highest political level to ensure an effective joining of resources and the democratization of structures and processes in all three arms of government also on the local level. A stronger impact of this dialogue should be encouraged in order to achieve a transparent and accountable coordination of these parallel structures.

I hope these remarks have provided an outline of the many aspects we might want to elaborate on further. Let me now wish you a fruitful discussion – Thank you!