

Paul Stacey
PhD student
International Development Studies
Roskilde University

NOT FOR CIRCULATION WITHOUT AUTHORS ACCEPT

Title: Constructs of authority and the state-chief contract in Kpandai, northern Ghana

Background

Ghana's enthusiasm for decentralisation reform is reflected in the accelerated pace district creation has taken in the last 20 or so years, where the number of districts has increased from 65 in 1988 to some 140 today. Attaining district status is the goal for many communities in order to attract NGO and business activities, as well as access developmental revenue through the Common Fund, which reserves a minimum of 5% of national revenue for assemblies. Reform momentum has been ensured domestically by both wings of the political spectrum, the New Patriotic Party (NPP) and the National Democratic Congress (NDC). Both domestic and international endorsement stems from the assumption, that a devolution of power is a defining element of the democratization process.¹ Besides decentralisation, Ghana has, together with many other sub-Saharan African countries, also experienced what has been termed a resurgence of traditional authorities, who have had their institutions guaranteed and are encouraged to actively promote and facilitate the objectives of decentralisation with grassroots level socio-political and economic development.² Writing how democratization has resulted in state recognition of traditional authorities in numerous sub-Saharan African countries, Kyed and Buur pinpoint three distinct but overlapping movements that have

¹ From 1994-2004 the UNDP supported decentralization programmes in 100 countries.

² For depictions of the revival of chiefs in Ghana, see for example Englebert 2002, Ray 1998.

characterised the processes in the last 20 or so years. First, bottom-up pressure has led to chiefs' political standing being increased.³ Second, informal assertions of chiefly authority have taken place where chiefs execute various state functions.⁴ Third, a top-down recognition of chiefs has occurred which enables the incorporation or a reincorporation of chiefs into state hierarchies.⁵

I contribute to research on the resurgence of traditional authorities by depicting a case that reminds us that chieftaincy is a political construct and chiefs do not comprise a homogenous group. Further, that different categories of chief have experienced considerably different relations with both the colonial and post colonial state.

I describe how debate over the status of chiefs is linked to complex contemporary struggles over property and ethnic citizenship which have come to the fore due to decentralisation and district demarcation. I argue that an understanding of the Ghanaian state-chief contract that was established in the colonial period enables an explanation of the contests today, where a resurgence of chiefs has not occurred. Accordingly, I show how groups and traditional authorities that have remained on the wrong side of a state-chief contract have produced political identities in opposition to formal state law. Social interactions between traditional authorities and state officials produce anew social boundaries between ethnic groups, categories of chiefship and differences in citizenship between autochthons and settlers become reproduced. In all, I argue that categories of legitimate traditional authority are defined in opposition to the dominate state-chief contract and therefore cannot expect, so easily, to be either incorporated into state hierarchies or enjoy the benefits of constitutional guarantees given to traditional institutions.

Method

The analysis is inspired by Tilly's understanding of episodes of contentious politics arising from social interactions. These emerge;

³ Kyed and Buur 2007. Bottom-up processes were witnessed in Congo, Uganda, Ghana, Zambia, Rwanda, Chad, Benin and the Ivory Coast. *Ibid.* p.2.

⁴ Examples of informal assertions include Congo, Sierra Leone, Namibia, Somalia and Mozambique. *Ibid.* p.2.

⁵ Examples of top-down recognition include Ghana, South Africa, Mozambique, Angola, Zimbabwe, Somaliland, Uganda, Zambia, Namibia, Cameroon and Niger. *Ibid.* pp.2-3.

When actors take action in the name of collective identities and through interactions and relations make claims on assets that are controlled by others, who, in turn, rely in the name of their own political identities.⁶

Tilly defines identities as political '*when people make public claims on the basis of those identities [and-or] claims to which governments are either objects or third parties.*'⁷ The emphasis is therefore on identity production taking place in relation to other forces and institutions. For Tilly, social interaction and the adaptive behaviours of individuals are central relational features that produce and reproduce social inequalities in terms of durable dichotomies. This means systematic inequalities that are based on distinctions between '*socially defined categories of persons.*'⁸ The approach helps to realise how events and not least contradictions that arise from interactions, provide the raw material for the study of interrelationships. From here, the structure of society can be abstracted, understood and discussed.⁹ I apply the concept of contentious politics to comprehend debate over notions of traditional authority, claims over landed property and ethnic status.

I focus on a number of different social interactions between state officials and coming traditional authorities and verbal and written exchanges between rival chiefs. Several interrelated episodes are analysed: the inauguration ceremony for the new Kpandai district assembly, meetings between the district assembly executive and the district capital's traditional authorities and finally, an appointment of a Nawuri chief as an advisor to the assembly. Data collection comprised of relevant statute and archive material, eye-witness accounts, analysis of correspondence from chiefs to ministerial figures and interviews with key participants in Kpandai.¹⁰ Primary material was collected over three visits to Ghana totalling some six months from July 2008 to January 2010.

The focus is predominantly on relations between four traditional authorities who all have strong interests in the district capital, Kpandai and two members of the

⁶ Tilly 2005. .

⁷ Tilly 2005, p.62.

⁸ Tilly 2005, p. ???

⁹ Gluckman, in Frankenberg 2002.

¹⁰ I am very grateful for permission given by the Balaiwura and Nana Atorsah to access and reproduce numerous personal documents, petitions and unpublished material.

assembly executive. This consists of the District Chief Executive (DCE) and the constituency MP who is also a Minister of State. The only traditional authorities discussed are chiefs and the two terms are therefore used interchangeably.

Road map.

The next section depicts the state-chief contract in Ghana and recent critical research on democratic decentralisation. This is followed by an outlining of historical relations between the Nawuri and the state. The main empirical section follows with a discussion of conflicting, popular interpretations given for the creation of the new district, and developing, problematic relations between state officials and rival chiefs. The summary discusses the findings in terms, on the one hand, the non-resurgence of local chiefs and the non-negotiability of the formal state-chief contract, and on the other, the emergence of local, informal arrangements between the state and chiefs which detract from formal constructions of traditional authority.

Recent literature that is critical of democratic decentralisation typically traces shortcomings to reform's neglect of pre-existing arenas of public authority that operate at the local level and which produce competing logics of organisation and institutions (termed by Lund as twilight institutions) to those of the African state. Writers have given attention to a range of often interrelated issues that feature in local level contests: debate over the administrative demarcation of new district boundaries, traditional authorities' territorial jurisdictions, competing forms of local, national and traditional citizenship, contests between categories of autochthons and settlers and competition over access to and rights to productive resources. Theoretically this corpus affirms the state does not comprise a monolithic or homogenous set of institutions as state and society are mutually constitutive.¹¹ Lund has found that chiefs' struggles for legitimacy leads to the searching out of secular state institutions (amongst others) with a view to obtain sanction of their claims.¹² Besides the focus on traditional authorities, Bierschenk and Olivier de Sardan point out the fragility of state institutions, where in Benin, democratic decentralisation reduces '*the predictability of political processes and*

¹¹ Berry 2004, Bierschenk and Olivier de Sardan 2003, Hagberg 2009, Lentz 2006, Lund (ed) 2007, Ribot 2007, Nugent 2010, Berry 2004, Kyed and Buur 2006a, 2006b.

¹² Lund 2003. For an overview of recent literature see Bergh 2004.

the accountability of local political institutions'.¹³ Studies concerned with the process of state recognition of traditional authorities draw attention to how the practices of sets of actors do not always match the categories of either 'state' or 'traditional' actor.¹⁴ Thereby, new roles taken up by traditional authorities defy explanation in terms of a retraditionalisation.¹⁵

In all, much recent research draws attention to how, on the one hand, state and local logics of organisation are mutually constitutive, while on the other, they are often antagonistic and contradictory.

In the following I endeavour to show how social interactions between state officials and traditional authorities give rise to episodes of contentious politics. These are based in the establishing of ethnically defined categories of traditional authority by the colonial state and where today, state officials reproduce different sets of relations between different groups, chiefs and the state. The force of the historically established state-chief contract is witnessed in two main processes. First, state officials (taken to mean members of the executive committee of the district assembly) abide by the codified principle of the sovereignty of chiefly affairs. In practice this has meant that powerful, *de facto* traditional authorities cannot be incorporated into local government but their claims to chiefship become informally validated, as state officials acknowledge their property claims. State officials' acknowledgment of these property claims produces social contest as they deny claims and social status of rival chiefs and attempt to uphold and entrench the sovereignty of chiefly affairs. It can be described as a pragmatic policy of inaction because officials circumscribe state power and endeavour to stay outside of matters that could affect chieftaincy while negotiating with local strongmen. The second process stems from the first, where social interactions produce a discrepancy, between the chiefs that are state recognised but lack local level legitimacy, and those that are not formerly recognised but are legitimate in the location. These two processes demonstrate push and pull aspects of the production of contentious politics as competing logics of organisation take shape from social interactions. But still, despite

¹³ Bierschenk and Olivier de Sardan 2003, p.147.

¹⁴ Kyed 2007, Oomen 2005.

¹⁵ For example by Englebert 2002.

informal acknowledgement by state officials, the chiefs do not enjoy accommodation or incorporation in their capacity as chiefs.

The Ghanaian state-chief contract

Nugent (2010) writes that the social contract established between Asante and the colonial power at the end of the 19th century gave rise to three defining features which permeate state-chief relations in Ghana today.¹⁶ First is the sovereignty of chieftaincy institutions and constitutional limitations placed on the spatial and institutional reach of formalised state power.¹⁷ Second is the vitality and superior rights conferred on autochthons and an inferior citizenship enjoyed by strangers, migrants and settlers. Third, is that the significance of chieftaincy as a social institution has meant that there are no clear cut distinctions between ethnicity and party political affiliation. These features became formed out of developing relations in the south, where '*consent was hammered out in a seemingly never ending series of negotiations over the reciprocal rights of the colonizer and the indigenous population.*'¹⁸

Nawuri-state relations

The state-chief contract was defined differently in the Northern Territories of the Gold Coast due to the Governor having ultimate jurisdiction over land matters although the same three defining features were produced. This was due to allodial (absolute or unfettered) land rights being vested in the paramount chiefs of the large chiefly states of Gonja, Dagbon and Mamprusi following conferences in 1930 and 1931. This meant that the Kpandai area claimed by Nawuri was included in the administering authority's conception of the Gonja native state that was legitimised with Gonja historical

¹⁶ In brief, the contract was forged between, on the one hand, Asante willingness to be incorporated into the Colony after defeat in wars prior to 1900, and on the other, difficulties in generating revenue and African agency not allowing the colonial power to vest land in the Crown. Nugent 2010.

¹⁷ Nugent 2010. Article 22 of the 1992 constitution explicitly recognises the rights of traditional leaders and debars government and political parties from influencing and interfering in chieftaincy matters. Article 270 stipulates: (1) *The institution of chieftaincy, together with its traditional councils as established by customary law and usage, is hereby guaranteed.* (2) *Parliament shall have no power to enact any law which – (a) Confers on any person or authority the right to accord or withdraw recognition to or from a chief for any purpose whatsoever; or (b) In any way detracts or derogates from the honour and dignity of the institution of chieftaincy.*

¹⁸ Nugent 2010.

narrative.¹⁹ This emphasized that there was a Gonja chiefly presence in Kpandai with territorial authority in the pre-colonial period that was revered by the Nawuri. The administering authority assumed conveniently that the relationship between the Gonja and the Nawuri was mutually beneficial and that it constituted a legitimate tradition that was worthy of preservation.²⁰ Formerly, this took place with the incorporation of the Kpandai area into the Northern Territories of the Gold Coast in 1931 and the Nawuri coming under the Gonja Native Authority in 1934.

As a result, Nawuri traditional authorities were never acknowledged as legitimate and their relations with the administering authority were correspondingly antagonistic. This was because validity given to the constitution of Gonja authority demanded a negation of Nawuri claims. From the early 1950s Nawuri opinion leaders initiated a campaign of complaints and petitions to attain state recognition due to misgivings about the composition of local government in 1951.²¹ At the same time their calls for autonomy from Gonja and improvement in local government representation became embroiled in the question of the future status of Togoland. Hence, opposition to the system of native rule and the aim of the colonial power and dominant political parties (the CPP and NPP) to incorporate Togoland into the Gold Coast, forged a Nawuri political identity. This came to be defined as a non-Gonja, non-northern, chief based group whose land had been lost. The preservation of the state-chief contract came to mean that any adjustments made to secular administrative delimitations, should not interfere with the (pre) conceptions of traditional constitutions that were recognised by the colonial state.

The legitimacy of the decision to place the Nawuri under Gonja rule has *ab initio* given rise to a range of contentious political issues, as groups have developed disparate relations with the colonial and post colonial states. Social boundaries have

¹⁹ Recorded by Jack Goody in 1920 and validated by A.C.Duncan-Johnstone in 1926, which became codified at the Yapai conference held in May 1930.

²⁰ Dixon 1955.

²¹ From the local government reforms in 1951, the Gonja appointed chief of Kpandai, the *Kanunkulaiwura*, enjoyed automatic chairmanship of the then Alfai Local Council and occupied the position of magistrate on the Native 'C' Court. The local council was a ward of the Gonja Volta District Council (GVDC) which similarly was Gonja dominated. The GVDC had ten places reserved for traditional members, seven of which were appointed by the Gonja Paramount Chief. None were reserved for Nawuri figures.

been reproduced and competing claims on the basis of native status have placed agency on ethnic identities. The Nawuri's quintessential objective is still to attain state recognition as an autonomous chiefly group with unfettered rights over a traditional area of their own. Institutionally, relations between the state, Gonja and Nawuri have reflected a form of social closure as the proscription of state interference in chiefly affairs means that petitions by Nawuri chiefs to attain formal recognition and autonomy are the jurisdiction of the state created Gonja Traditional Council.²²

In more recent years, marginalisation on the basis of Nawuri chiefs not being recognised has coincided with their minority status which has meant that the group has been denied influence in national politics.²³ Additionally, provisions in local government law that have historically reserved positions for traditional authorities have privileged ethnic Gonja. Contentions between Gonja and Nawuri escalated into several days of intense fighting in 1991 that resulted in the expulsion of Gonja from the area. The head of state, Flt Lt. Jerry Rawlings established a committee under Justice Ampiah, to enquire into the background of the violence.²⁴ The committee made clear recommendations in favour of establishing both an autonomous Nawuri traditional area and a new administrative district, but these were politically unpalatable in the run up to the 1992 elections, and the Ampiah report was left unpublished and unimplemented.

Due to unresolved differences, none of the present day Nawuri chiefs have obtained formal state recognition and an apparent deadlock has persisted since the conflict and the following rejection by Nawuri leaders of the Kumasi peace accords which promoted reconciliation rather than reform. Since the early 1990s, Nawuri have been divided over whether or not they should acknowledge the authority of Gonja institutions that have the formal authority to provide them with state recognition. The lack of state recognised chiefs in Kpandai and contentions between Gonja and Nawuri

²² 2008 Chieftaincy Act, in Brobbey 2008.

²³ In national politics, the Kpandai constituency has been held by the NDC since 1996 by the Konkomba MP Likpalimor Kwajo Tawiah, due to large support from the Konkomba majority. He narrowly retained the seat in the 2008 elections.

²⁴ The Gonja-Nawuri conflict is frequently analysed in the context of the broader regional fighting which occurred in the late 1980's and again in 1994-5. For example; Hughs 2003, Jonson 2007, Talton 2002, Bogner in Lentz and Nugent (eds), 2000, pp. 183-199.

sub-groups posed an immediate and thorny problem for state officials in the new district over which chiefs had the right of district assembly membership and on what basis.

The Creation of Kpandai district

Kpandai is both the name of the new district and its capital and was carved out of the considerably larger East Gonja district. It covers some 1200 sq. km and has an estimated population of 100000. About 10% reside in the capital, which is dominated by Nawuri, who number altogether approximately 14000.²⁵ The district is multi ethnic and dominated by the Konkomba, followed by the minority Nawuri. Smaller groups include the Nchrumbru, Kotokoli, Bassare, and Ewe. The new district was especially significant for the Nawuri whose chiefs reasoned that the attainment of district status would improve on their ability to influence local government affairs. Previously, the Kpandai area had had two ward seats on the former East Gonja District Council but contentions over traditional citizenship seeped into local government affairs and up to 2008 it was problematic for the single Nawuri local politician to attend council meetings in Salaga due to his alleged role in the 1991 conflict.²⁶

After the new district's first local elections held in March 2008, the assembly comprised of an assembly executive committee, chaired by a presidential appointed DCE, the constituency MP and a presiding member. Nineteen wards had produced members that were contested on the basis of adult suffrage. All of these positions were held by the majority, settler group, the Konkomba, except a single ward in the centre of town which was won by a Nawuri, a ward held by a Nchrumbru and the presiding member position, which was held by an appointed Nchrumbru.

The administrative demarcation quickly gave rise to debate over which traditional authorities should take up position on the new assembly. Regarding the assembly composition, the 1993 Local Government Act (Act 462) stipulates that besides the elected and appointed members the district assembly shall consist of:

²⁵ <http://www.ethnologue.com/show_language.asp?code=naw> (26 February 2010).

²⁶ Interview Piki Yakubu, Kpandai. 14 July 2009. Interview Kaster Fatah, Kpandai. 24 July 2009. See also Jonson 2007.

Persons not exceeding 30 percent of the total membership of the Assembly appointed by the president in consultation with the traditional authorities and other interest groups in the area.²⁷

Despite there being no automatic institutional representation for chiefs in local government, there is widespread popular view that they should be accommodated. Indeed, incorporation is a vital means for local government to increase legitimacy and improve on communities' ability to influence local affairs.²⁸ There are however no formal procedures as to how incorporation should proceed and state officials do not generally receive guidelines as to how to identify '*the appropriate family and lineage*' when working in landscapes where chiefship is contested.²⁹

Because the new Kpandai district is situated in the Gonja Traditional Area, the demarcation of the new secular administrative area was not allowed to undermine the customs of the Gonja Traditional Council and the constitution of the Gonja sub division (called Alfai) which overlapped the new Kpandai district.

Conflicting views on democratic decentralisation

Nawuri chiefs' expectations that they would be incorporated into the assembly were quickly replaced with disappointment and resentment as all were all left out of assembly affairs and discussion of district development.³⁰ The ignoring of Nawuri leaders indicated that the rationale for the new district coming into being was based more on a national political strategy rather than success in their constant lobbying efforts, as they otherwise claimed.³¹

²⁷ Although agency is placed on 'traditional authorities,' the term is most often interpreted to mean 'chief' which is defined in the constitution 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 Queenmother in accordance with the relevant customary usage.*

²⁸ Ayee, in Odotei and Awedoba (eds) 2006, Boafo-Arthur 2003, 2001, Crawford 2004, Crook 1999, Nugent 1995.

²⁹ Ferrazzi 2006. Interview with DCE, the Hon. Jasper Gyato, Kpandai, 24 December 2009.

³⁰ Based on interviews with six Nawuri chiefs in Kpandai district in Bladjai, Kitare, Balai, Kpandai, Nkanchina, Ketejeli.

³¹ In an effort to swing the constituency in favour of the NPP, the former NPP Regional Minister and MP for Saboba, Charles Bintin (a Konkomba) worked to assure the success of the application. As it was, in 2008-9, a very close contest in Kpandai forced a recount which Tawia won narrowly. In practical terms the sheer size of the former East Gonja District and a need to bring development to the Kpandai area also played a role. Kpandai district was created with some 25 others by Executive Instrument to be inaugurated on the same day, 29 February 2008.

Contest for the non-electable assembly positions became interwoven with the unresolved rivalry between Nawuri sub-groups over property, native status and relations to the expelled Gonja chief. Two contrasting Nawuri interpretations began to circulate as to whether or not the district demarcation should respect or undermine the prevailing state-chief contract. I detail below these positions in terms of pro-Gonja and anti Gonja groupings. They are important as evidence of local groups different social relations and how these crystallise into inter and intra ethnic differences. The views demonstrate radically contrasting views of Nawuri social investments in property relations, group identity and chiefly leadership.

One popular view contented that the new demarcation should mark the long hoped for diminishing of Gonja authority in the area which Nawuri had struggled for since the dawn of British rule. A contrasting Nawuri view argued that the new district should mark reconciliation and a renewal of Gonja authority in the area that ended with the 1992 conflict and the eviction of the Gonja from Kpandai.

Pro-Gonja groups emphasised the legitimacy of the social contract between the state and chiefs that conferred authority on the Gonja Traditional Council to rule in the area. This view is supported by two Nawuri sub-groups from the villages of Balai and Nkanchina under Nana Abugabah, the Nawuri proclaimed Paramount Chief and the Balaiwura respectively. The expelled Gonja Chief of Kpandai, the Kanankulaiwura, stressed the codified traditional-judicial position that the redrawing of administrative boundaries is not allowed to interfere with the Gonja traditional area. He underscored that although *'the government can demarcate for development, I am still the landlord'* and iterated his wish to return to Kpandai one day and the compatibility between local democratisation and Gonja custom.

These days nobody is treated as a slave. It's freedom. We are for individuals (...) we don't have servants again [any more]; [once] you have appointed me to be a chief, I cannot force you to work on the farm, work around the house or paint. It's only the respect. But if you don't give me the respect you are killing it.³²

The Nawuri sub-groups of Balai and Nkanchina support the view that the new district is a Gonja *sub-district* of the Gonja traditional area. Although their ultimate aim is still to attain full Nawuri traditional autonomy, they reason the best way to improve

³² Interview. Kanankulaiwura, Kpembe. 22 July 2009.

their chiefly status and secure native rights is with further development of the cordial relations they now have with the Gonja Traditional Council. The pro-Gonja view holds that the assembly has a legal obligation to consult the Nawuri Chief of Balai, who is the Gonja endorsed representative in the area. Central is that local democratisation and the reconciliation process should involve the return of scores of houses and farms that were seized from former Gonja residents during the conflict. Democratisation is equated with reconciliation and historically significant social boundaries between the groups are reduced to a symbolic reverence to Gonja authority.³³

Opposing this is an anti Gonja constellation based in the centre of Kpandai town with varying levels of support from outer lying villages. They take a more hostile and confrontational stance and provoke a revision of the customary law by framing Gonja authority as a colonial invention that has always lacked local legitimacy. Here, the new district is equated to an automatic increase in Nawuri rights over (a portion of) their homeland and the fulfilment of their long sought for traditional autonomy while the leaning toward Gonja by the other Nawuri subgroups is branded as treachery. In their view, district creation was proof that the government finally acknowledged that Gonja rule over the area was outdated and undemocratic. The new district is also interpreted as state acknowledgement of the validity of their claims over the former Gonja landed properties that were seized. The leader of the anti Gonja group of Nawuri in Kpandai, Nana Atorsah, underscored the position categorically:

Since the [colonial] system that created the anomaly and gave birth to Gonja overlordship over the Nawuri no longer exists, it stands to reason that the Gonja have no longer any prerogative and jurisdictional rights over the Nawuri.³⁴

The two distinctly opposing views of how political development should proceed have produced competing versions of (Gonja and Nawuri) historical relations that are used to substantiate present day claims of property and chiefly status. What is at stake is both prestige, power and authority, as validity given to one party by state officials would be an endorsement of a particular set of social relations and the constitution of

³³ At the time of writing it was unclear how any power sharing agreement would function in practice concerning representation on local government and Nawuri influence over the appointment of the Kanankulaiwura.

³⁴ Letter from Nana Atorsah to the Minister of the Interior. 26 August 2008.

the group. There were also pecuniary motives at stake, as a percentage of income accruing from land lease-holders is earmarked by law for traditional authorities and the District Assembly.³⁵ The Regional Minister explained the predicament linking the payment of royalties to claims of authority as follows:

If he [the DCE] pays the royalties [to the state recognised Gonja chiefs] it means that he has accepted the authority of the Gonja. If he doesn't pay he's defied the authority of the Gonja (...) So if they pay it will be considered as having sold out their people to Gonja. So it's very dicey (...) This matter has been referred to us and we have sat on it and we are still trying to find a way out without antagonizing anybody.³⁶

In all, the first months of the new district produced a complex mix of symbolic, social, local political, traditional, territorial and financial claims. These were manifested in debate over definitions of chiefship and authority, property claims and relations, social and symbolic boundaries between groups, the right to a cut in land rents, assembly membership and autochthonous status. Tying these issues together however was the question of the (il) legitimacy of the historical state-chief contract in the newly demarcated district.

Having mapped the competing positions of the subgroups and the stakes in the contest the next section discusses state officials' responses to the contest as the rival groups vied to attain state sanction of their claims.

Claims of chiefly sovereignty and state officials' reactions

The affair became pressing for state officials because of the need to obtain sites for development which demanded decision on which traditional authorities to consult as land holding institutions. Contest ensued shortly after plans were being drawn up for

³⁵ Republic of Ghana constitution 1992, Article 267 (6) states that 10% of revenue from stool lands shall be paid to the office of the Administrator of Stool Lands for administration expenses. The remaining 90% is to be divided in the following way: 25% to the stool through the traditional authority, 20% to the traditional authority and 55% to the respective District Assembly within the area of the stool lands.

³⁶ Interview. Regional Minister. Tamale, 21 January 2010. In recent years problems have persisted where traditional issues upset regional administration. This inspired the regional minister to criticise the judicial committee of the Northern Region House of Chiefs for failing to resolve chieftaincy disputes. <http://www.modernghana.com/news/231314/1/nr-minister-tells-house-of-chiefs-to-resolve-dispu.html>. Sited 10 December 2010.

the district's new assembly complex.³⁷ There were two sites short listed that were claimed by both the pro-Gonja and anti Gonja groups. The assembly executive held a meeting to discuss the proposed sites where only the Kpandaiwura, the leader of the anti Gonja group, was invited to attend. This raised accusations of assembly bias by the pro-Gonja group in complaints written to the Interior Minister, that argued '*all the proposed sites are in his jurisdiction [the Chief of Balai] a fact I am fully aware of and which the Kpembewura [the Gonja divisional Chief of Kpembe] himself can attest to as belonging to Balai.*'³⁸ In effect the letter accused the DCE of undermining the customary tenure agreement that had existed for many years between the Nawuri chief of Balai and the Gonja Traditional Council.³⁹ Resentment was directed at the assembly due to feeling that this customary arrangement was being ignored. Agitation was strengthened by rumours that the land claimed by the anti Gonja group would be respected, due to an agreement being made between them and the northern region office of administration.⁴⁰

Argument intensified and the pro-Gonja group became angered about being left out of planning meetings for the positioning of the prestigious assembly building. What was at stake were the terms on which land was to be allocated and the social relations that were implied with officials recognising one set of claims rather than another. When a site choice had been finalised the assembly executive organised a celebratory cutting of the sod with a symbolic ceremony, the saying of prayers and speeches by invited political dignitaries.⁴¹ Because of the row over who the site belonged to, stakeholders were advised for security reasons not to partake in libation pouring which otherwise is the custom on such occasions. The NPP Regional Minister also made it clear that no speeches by any traditional authorities were to be heard, lest any prominence of place be misconstrued. Both the assembly executive committee and regional state officials were hesitant of publicly endorsing any of the competing *de facto* Nawuri chiefs, due to the risk of being accused of favouring one or other of the rivals. Still, the Kanunkulaiwura's

³⁷ This was a building for the Ghana Education Service that was to also to house temporality the assembly offices. After the change of government in 2009 the construction was halted due to contracting disagreements.

³⁸ Letter from Nana Abugabah I, Nawuri Paramount chief to the Minister of the Interior. 18 June 2008.

³⁹ This delegated the right to distribute land to Nawuri authorities on the condition that Gonja authority was respected Dixon 1955, Ampiah 1992.

⁴⁰ Whether this arrangement was made or not, the group bragged of support from the regional office and unfolding events seemed to substantiate the story.

⁴¹ This took place 29 February 2008.

senior, the Kpembewura was invited to the ceremony because it was thought appropriate that a leading Gonja chief be present. Anyhow, the officials' manoeuvres to try and satisfy all parties ended up in turmoil as claims, counterclaims and accusations flew around. From the pro-Gonja viewpoint, the assembly was biased and was acknowledging the property claims and chiefly status of opponents. This was an insult to their authority and a contravention of their traditional jurisdiction because they perceived the rival group as a mere settler clan with no native rights whatsoever. The opposing, anti Gonja group was also furious, due to the presence of the senior Gonja chief, as this implied the new district would acknowledge Gonja authority in the area. As such, the planned celebration developed into an argument over area history, groups' native status, ethnic rights and the legitimacy of leaders.

Pro-Gonja groups complained about the role the NPP Regional Minister had played and of '*our extreme displeasure*' over '*actions taken by you that clearly indicate gross disrespect for us and tantamount to interference in our Nawuri Chieftaincy matters.*'⁴²

Arguing against the status claimed by Nana Atorsah, the letter emphasised that:

In pursuit of this burning ambition he has laid wild and unsupported claims to large portions of Balai and Nkanchina lands that border Kpandai town, some of which he and his family have already encroached upon, sold out to private individuals and pocketed the proceeds (...) The stage therefore for strife and confrontation has been set...⁴³

The smudge campaign directed against the leader of the anti Gonja group also focused on how the reconciliation process was being undermined.⁴⁴

Explicitly the letter appealed to more powerful institutions to validate the claims of the pro-Gonja group whilst implicitly, it contained a warning that current official practice was tantamount to the assembly undermining Nawuri traditional affairs. It

⁴² Letter from Nana Abugabah I, Paramount chief, to NPP Northern Regional Minister, Ali Idris, 29 September 2008.

⁴³ Ibid. Accusations of bias picked up on numerous issues, such as the pro-Gonja groups not being informed of the prestigious visit to Kpandai by the NPP presidential candidate Nana Addo Dankwa Akufo-Addo in June 2008 while Nana Atorsah was.

⁴⁴ Letter from Nana Abugabah I, Nawuri Paramount Chief to the Minister of the Interior, 18 June 2008.

defines the 'correct' Nawuri customs, which are to support the Gonja order of authority, and forcefully dispels the rival claims as illegal and a threat to peace.

The anti- Gonja group's counter-accusation is just as forthright and astringent. Nana Atorsah writes: '*The attention of Attara Palace [the Kpandaiwura's residence] has been drawn to a repugnant maligning and poignant petition written by Messer Raymond Asuo, a self-arrogated paramount chief of the Nawuris...*' Rebuking the claims, it continues:

Culturally and historically, the Nawuri *wura* and his sub-chiefs do not install and destool the chief of any Nawuri settlement; neither do they determine the legitimacy and illegitimacy of the position of any Nawuri chief. Therefore it is not within the purview of the self-arrogated Nawuri-*wura* to determine my legitimacy as the chief of Kpandai. His claim that I masquerade as the chief of Kpandai is not only fallacious as far as the culture and history of the Nawuris is concerned, but also an affront on the cultural prerogative of Kpandai Nawuris.⁴⁵

Here it is clear that the verbal and written warfare aimed at levering state officials to support one set of definitions rather than another, actively produced irreconcilable notions of authority and Nawuri-ness. The social relations these claims invoked illustrated the significance of linkages between constructions of identity, social relations and property. Thus, state support to one set of claims was an affront to the social institutions that legitimise the rival claims.

Native and settler prerogatives

Hostilities between the groups were fuelled by hesitation and ambiguity on the part of state officials who were influenced by the constitution of the state-chief contract. First, there was a lack of principles and guidelines that officials should follow regarding how to tackle such a contest. This was due to statute assuming that formalised chieftaincy institutions (such as traditional councils) were capable of solving chiefly disputes in their area of jurisdiction. In Kpandai this was not possible due to the

⁴⁵ Letter from Attara palace, Kpandaiwura's palace, Kpandai to Hon. Minister, Minister of Interior. 26 August 2008. It is a great insult to address a traditional authority by their lay name. These letters were exchanged between the Kpandai Paramount, the ministries, Nana Atorsah and forwarded to the Balaiwura. To the best of the Balaiwura's knowledge, none of the correspondences were acknowledged by the ministries. Interview Balaiwura, Kpandai, 22 December 2009.

jurisdiction of the traditional council not being acknowledged by a main participant. Second was that state law proscribed state officials' interference in chiefly affairs which made them very wary of being accused of interfering either in the chiefly affairs of the Gonja or one of the rival Nawuri groups. Third was that the assembly was hamstrung by being dominated by settlers.

The following expands on how the institutionalised roles assigned to social categories fed into the contest through everyday exchanges.

The argument over the planning and inauguration of the assembly building was one of the first of many that in the next couple of years transformed quite mundane undertakings into heated discussions and undermined the legitimacy of the new local government institution amongst Nawuri groups. On occasion, stand offs and street fights erupted, extra security personnel had to be called in and curfews were imposed.

The animosity that had surfaced over the inauguration ceremony inspired a special assembly meeting that was convened to discuss how best to proceed with development planning and ensure peace. Here, the single Nawuri assembly member (for Kpandai East ward) who was also a key member of the pro-Gonja group suggested it be better in future if the assembly refrained from consulting *any* traditional authorities in district undertakings. He explained afterwards that:

The Nawuri split is holding everyone back, the different groups, the assembly, everyone and it's time to move on. We have no quarrels with the Gonja anymore; we have already decided our chiefs. He [Nana Atorsah] has no proper position here. What's much more important is that we all have to develop together. I thought it would be better to leave those things [chiefly affairs] aside.⁴⁶

The pro-Gonja local politician reasoned that if Atorsah was sidelined then favour would fall to his elder, the Chief of Balai. But the framing of the dispute as a chiefly affair made it difficult for the settler dominated assembly to formulate a solution due to stigma attached to the inferior status of non-native groups. This became apparent as the settler dominated assembly and communities outside spoke of not being qualified

⁴⁶ Hostilities between the local politician and the anti Gonja group also concerned the ward seat overlapping the two groups turf in the centre of town. Interview. Kaster Fatah. Kpandai. 29 July 2009.

to venture into the dispute or pass judgment on what was discursively framed as a strictly 'native' affair.⁴⁷ An elder from the Kotokoli community expressed it as follows:

We want to get on with everyone here in both camps. We are settlers and we and they respect that. This is their problem and it's to do with their histories and customs and stuff we don't know about. It does affect us because we want peace but what can we do. They don't ask us anything. If we are asked we will help but until now it stays their affair.⁴⁸

A leading community member and catholic priest expressed a similar view:

What the district could do? Well I would advise that they can only support the peace time with resources because they are strangers. They're all strangers and don't know the situation. They only know the boiling foam on top.⁴⁹

As hostilities seeped into the assembly, the discussions reproduced symbolic boundaries that circumscribed societal categories' arenas of influence which led to inaction and hesitance on the part of state officials and settler community leaders as the sovereignty of chieftaincy was respected. All parties employed a vocabulary of active boundary making and marked differences between the authority of chief based communities as natives with land rights, as opposed to settlers without chiefs and land rights. From the perspective of local democratization this became problematic that the overwhelming majority of the settler dominated assembly deprived themselves and were deprived by others of taking initiative or contributing with meaningful suggestions to a solution. The process illustrated how the making of sub-group cultures was being facilitated not only by the actions of motivated individuals but by institutionalised relations which shaped officials' responses and which gave unanticipated consequences.

As things progressed the DCE called the leaders of the pro-Gonja and anti Gonja groups to a meeting to obtain their consent for the construction of a new health clinic. This implied to both chiefs that their property claims were being respected. The Chief of Balai however became aggrieved as he only heard of the meeting second hand and he compelled to attend, as, in his view, *'it was plain for all that the plot was under my*

⁴⁷ Local politicians as well as community leaders expressed opinion that it was extremely difficult for them to venture into what was a native affair. Interview assembly man Peter Tabir, Kpandai, 10 august 2008. Group interview, Kotokoli community members, Kpandai, 15 July 2009.

⁴⁸ Interview with Kotokoli elder and Imman. Kpandai 15 July 2009.

⁴⁹ Interview. Rev. Timothy Akanson. Kpandai. 27 July 2009.

authority.⁵⁰ At the meeting, the three Nawuri chiefs now in attendance were asked to give their permission for the construction to proceed by signing a declaration. All three refused and by all accounts, the meeting ended abruptly and very unsatisfactorily. The opponents were unwilling to acknowledge that others had a legitimate claim to the plot which their signatories side by side would have implied and argument over the identification of the appropriate land holding institution continued.⁵¹ The chiefs also rejected the initiative of a declaration because it could be read as their recognition of each other as legitimate, Nawuri traditional authorities.⁵²

Contests between the rival sub-groups continued into 2009 after the NDC (National Democratic Congress) victory in the presidential and parliamentary elections led to a change of DCE (District Chief Executive). With the change of power President John Atta Mills had raised chiefly expectations on the national level by emphasising that the membership of assemblies would aim to always respect the wishes of local chiefs.⁵³ The new DCE was a local Konkomba teacher from the district who was appointed with unanimous support from the Konkomba dominated assembly.

In the following I discuss how developing state-chief relations gave rise to productive and antagonistic developments as state officials upheld categorical differences between the de facto and de jure orders of authority. Afterwards I discuss how the emerging arena of authority amounted to an informal renegotiation of the state-chief contract.

State sanction of informal authorities

Popular opinion that favour was falling to the advantage of the anti Gonja group's property claims occurred when the persona of the Kpandaiwura (Nana Atorsah), was appointed as a special advisor to the assembly. At face value it appeared to many Kpandai residents that the appointment was based on the individual's chiefly credentials and the group's ability to attain control over former Gonja properties

⁵⁰ Interview, Balaiwura, Kpandai, 22 December 2009.

⁵¹ Interview Balaiwura, Kpandai, 22 December 2009. Interview Nana Atorsah, Kpandai, 1 February 2009. Interview Nawuri Paramount Chief, Nana Abugabah I, Kpandai, 24 December 2009. Despite the furor the construction continued.

⁵² This was the first occasion since 2006 where an attempt had been made to bring the chiefs together.

⁵³ Ghana News Agency (GNA). Sited 21 January 2009. <http://www.modernghana.com/news/199343/1/prez-mills-to-consult-chiefs-on-appointment-of-mmd.html>.

(chapter eight). But the constituency MP/Minister of State emphasised the opposite, that the appointment had been made solely on the basis of merit and political experience and had absolutely nothing to do with the individual's status as a chief. As he explained:

Maybe I have to correct this impression (...) Nana Atorsah was not appointed as a chief and he is not representing the chiefs (...) Now Nana Atorsah is a very diehard NDC, honestly I can say that (...) He has been with the revolution time up to this time so is somebody who is well known. He knows about party issues and all those things (...) There was use for someone who has the knowledge, who we can call institutional memory, so he's there as someone as an institutional memory so that he can tell people this is not how it should be, this is how we did it, so let us try it in a different way, or see how we can modify it. So he was purely appointed on that. He was appointed purely on that and not as representing the chiefs. That is not the position but of course he is a chief, so other people have the right to say we have appointed him to represent chiefs. If we wanted that we would ask the chiefs...⁵⁴

The statement reveals the logic of state organisation where legitimacy is divided between the state and chiefs. By emphasising that the appointment as special advisor was based strictly on non-traditional criteria, the Minister was enacting the limitations placed by statute on state officials' interactions with chieftaincy institutions. The denial of chiefly criteria was also evidence of a symbolic boundary being constructed between individuals as chiefs and as a party patron. In effect the Minister attempted to depoliticise and defuse the chiefly and native aspects of the contest by insisting that authority was not being conferred on a chief but on a party patron and local expert. Hence it would have been illegitimate for the assembly executive to openly confer authority on a rebel *de facto* chief on the basis of party affiliation but it was considered legitimate to confer powers on the same person in his capacity as a layman. The informal appointment was subsequently rationalised and legitimised without any reference to chieftaincy. Still, despite the assembly executive efforts to demonstrate otherwise, supporters and opponents alike emphasised that a traditional authority *had* been appointed, as the individual had for more than 20 years called himself, and was widely known, as the *Chief of Kpandai*, even though his title was disputed by other groups.⁵⁵

⁵⁴ Interview, NDC MP and Minister of State, Likpalimor Kwajo Tawia, Kpandai, 23 July 2009.

⁵⁵ The advisor also made a point of wearing traditional dress to assembly meetings.

The Regional Minister was less categorical in making a differentiation between the man as chief and a party patron who was considered an expert of local affairs and there was an open acknowledgment of the need to work with locally revered traditional authorities.

There is no assembly that can function well without proper relations with the chiefs within the assembly area. (...) It's difficult at the moment in Kpandai. It's Atorsah who is perceived as the Chief of Kpandai (...) until otherwise determined, when I go to Kpandai I will relate to only him and no other person. Because if you go to the other side you are recognizing parallel authorities and it's not good for any community. So we don't encourage parallel authorities.⁵⁶

An interesting aspect of this statement is that the '*other side*' (i.e. the pro-Gonja side) are regarded as the parallel institutions, even though these had the backing of the de jure traditional authorities. Subsequently, both the MP's and Regional Minister's responses demonstrate a pragmatic approach where the most influential traditional authority gained influence over locally sensitive issues and whom took precedence over the state recognised traditional authorities.

The practices of both state officials amounted to a pragmatic, informal renegotiation of the pre-existing state-chief contract as the de jure chiefs and their local supporters were sidelined while state officials reproduced the distinction between modern political development and traditional institutions as, in the optic of state representatives, the ambitions of the individual as chief were framed as separate from assembly affairs.

Community logic: the law is wrong!

There were two other competing logics of social organisation at play which attempted to produce and substantiate different versions of the events in order to validate different understandings of authority, identity and property. Although both groups were well aware of the demands of statute and the workings of state law, their popular interpretations instrumentalised the actions of state officials and the decisions of state institutions to build up their registry of traditional authority.

⁵⁶ Interview. NDC Regional Minister. Hon. Stephen Sumani Nayina. Tamale, 21 January 2010.

The anti Gonja group instrumentalised and popularly interpreted the events altogether, as state institutions (finally) validating their historical claims as a legitimate chiefly group with title to native land. In turn, the validity given to their property claims by the assembly and the court was a moral boost for their social relations and ambitions of attaining legitimacy for the idea of a Nawuri homeland free of Gonja authority. Recent events confirmed for the group that state institutions supported their chief. They were utilised as small but important inroads towards the establishing of a new state-chief contract. By token, the appointment of their leader as advisor was a vindication of their version of history, authority and custom.

Meanwhile, for the pro-Gonja group things were different again. They claimed their native status had been violated which undermined the authority of their leader and the social institutions that validated their property claims. Additionally, the assembly was meddling with their internal, chiefly affairs as the assembly was unjustly receiving land from *'any upstart who calls himself a chief.'*⁵⁷ State officials practices were not the operations of an impersonal and impartial system of governance but the claims of 'impostors' were being supported on the basis of party political and strong arm tactics. Accordingly, the actions of state officials and the decisions of state institutions were employed to advance traditional registers of power where it was suitable and favourable but where these were not, state officials were accused of interfering in native affairs and state institutions were dismissed as illegitimate.

The playing out of these logics showed the vitality of community linkages between property, identity, authority and social relations and how social conflict was being reproduced through interactions with state officials and the decisions of state institutions. Group construction around competing political identities also transformed and infiltrated state institutions as assembly officials informally disregarded the dominant state-chief contract. In the following I expand on the repercussions of chiefly affairs and the new arena of authority being depoliticised and discuss how this impacted on local democratisation.

⁵⁷ Interview Balaiwura, Kpandai, 15 July 2009.

In summer 2009 for example, Kpandai district experienced flash floods from a sudden rising of the Oti River that flattened scores of houses and damaged many others.⁵⁸ One village that was particularly badly hit was Nkanchina, the hometown of the pro-Gonja chief, Nana Abugabah. Appeals by villagers to the assembly resulted in the DCE, police and the special advisor, Nana Atorsah, driving to the village to record damage and provide assistance.⁵⁹ This enraged the Chief of Nkanchina, youth and supporters, who interpreted Atorsah's presence in the village as a violation of their own chief's jurisdiction. Subsequently, Atorsah's status as special advisor provided to show Kpandai residents that he had government support, influence over the distribution of assembly resources and superior traditional status to that of opponents. It was an example of traditional authority being symbolically asserted through everyday, quite banal interactions with broader power and was used to negate the jurisdiction claimed by others.

During 2010 there were several incidents where the anti Gonja group mobilised and utilised a court verdict that validated the property claims of members of the group. They set about and demolished what formerly were Gonja houses in Kpandai. In one incident, the owner had returned to Kpandai after nearly 20 years absence. In another, a Gonja woman who was planning to return to claim her father's house after his death was jostled and threatened in the town.⁶⁰ In May 2010 about 12 of the anti Gonja group were arrested following an attack on another former Gonja property, which had roof sheeting removed before being destroyed.⁶¹ The assembly strongly denounced these actions but was unable calm the anti Gonja sentiment.⁶² The group's ability to exercise coercive power was aided by the piecemeal gains they had made from formalised state institutions where the assembly had been receiving sites from the group, their leader was an advisor on sensitive issues and a court had vindicated members property claims.

⁵⁸ An assembly member reported about 70 houses as badly damaged.

⁵⁹ Email correspondence and telephone conversations with Ben Asunki, September 2009. Interviews with Nkanchina villages, Nkanchina, 22 December 2009.

⁶⁰ The Nawuri group's hostility towards returning Gonja was in defiance of a court order that had evicted ethnic Nawuri who had lived in the house since 1992 and which had ruled that the woman had the right to the property.

⁶¹ Email correspondence and telephone conversations with Kpandai residents. This last incident made the news on Radio Savannah in Tamale in May 2010.

⁶² Ubink similarly writes of the '*politics of non-interference in chiefly affairs*' as a legitimisation instrument for chiefs. Ubink 2002, p.193.

The ability to enforce control over a roughly demarcated area reproduced the notion of Kpandai as the home of Nawuri and a Gonja-free area as incidents were framed in traditional terms as acts of war. Once again, it was not about the land as such but the social implications of property relations and the competing constitutions of authority that a specific practice of land ownership invoked. For members of the pro-Gonja group who supported the idea of returning Gonja, these incidences were proof of, at best, assembly executive inaction and at worse, passive endorsement of acts of violence.

These incidences infiltrated and influenced local government practice on a number of levels. The most apparent was that the anti Gonja group was successful in retaining control over former Gonja property and in the process had developed a close working relationship with the assembly. This transformed state institutions by having to informally acknowledge the property and chiefly claims of a group and enact an informal renegotiation of the state-chief contract, while state recognised chiefs and their local supporters were undermined. Validity given to property claims was inseparable from the making and advancement of chiefly credentials of the group's leader. State sanction also aided the production of a notion of Kpandai as a locality with a specific history and customs of its own in marked relational contrast to neighbouring Gonja-land, which was framed as foreign, removed, undemocratic and anachronistic. The process also impinged on state institutions as these could not follow the letter of its own laws where the jurisdiction of state created Traditional Councils is sovereignty and outside of party political influence.

Summary

The article has traced how democratisation has given rise to a renewal of debate concerning the legitimacy of the state-chief contract that was established in the colonial period between the state and Gonja traditional authorities.

The root of the present day contest is an incompatibility between the pre-existing traditional institutions that enjoy state sanction but are illegitimate in the present day climate, and traditional institutions that do not enjoy state sanction but are currently legitimate. Accordingly, secular state institutions have to adjust their practices to everyday realities that do not fit the formalised and historically fixed order of authority.

They depoliticise the contest, but this does not solve underlying and unresolved issues. This results in the formalised understanding of tradition being implicitly undermined by state officials, as they negotiate between upholding the sovereignty of the dominant contract and adjusting administrative institutions to fit everyday realities.

This exemplifies that constructions of tradition are produced through mutually constitutive interactions between state officials and local traditional authorities. Both willingly and inadvertently, state representatives propagates a version of tradition that contrasts sharply with the official version that has been the cornerstone of rule through state sanctioned chiefs in the locality. Thus, the everyday reality of power in Kpandai challenges the historical foundations of authority and loosens up and makes more porous the enshrined social boundaries. In all, the emerging dependency relationship between state officials and informal traditional institutions opens up for local debate over historical meanings given to chieftaincy, custom, authority and identity. Hence, contemporary actions provide the fuel for the reproduction of contest over historical definitions, rather than historical practice being debated to legitimise current actions.

State officials become drawn into these contests as they need to obtain landed property for development and build up legitimacy amongst minority autochthonous groups. Powerful informal institutions obtain state sanction of their property claims. This is based on their ability to exercise coercion and assert control over landed property which produces social contest and reaffirms social boundaries to other groups. Property claims signify social investments that have been made by sub groups and traditional authorities and aim to either challenge or reaffirm the institutionalised boundaries that define the formalised state-chief contract in the area.

The state-chief contract guarantees the sovereignty of traditional institutions which makes it problematic for state officials to engage chief that openly challenge the constitutions of other, state endorsed traditional rulers in the area. To get around this, state officials reproduce the formalised prescription, where chieftaincy institutions are radically separate from modern political development, while in practice they introduce an informal renegotiation of the contract that otherwise subjects Nawuri to Gonja rule. Accordingly there is a discrepancy between the rights created by the state and those informally acknowledged.

The process of social contest is influenced by two features of the prevailing state-chief contract: the sovereignty of chieftaincy institutions and inferior citizenship conferred on settler communities. The first feature results in an informalisation of relations between state officials and a de facto chief which in turn reproduces the societal categories of settlers and autochthons, as settlers are denied, and deny themselves, meaningful influence over the struggle, which is framed as a strictly native affair. As such, participants have active interests in framing the contest as a native issue to ward off both state officials and settlers. This has been successful and enabled a high degree of influence to be enjoyed by a small subgroup in a settler dominated local government institution. It demonstrates that arenas of authority and social boundaries are produced in a piecemeal manner out of negotiation and circumventing state-law normative orders. Actors take advantage of officials' inadvertent actions and ambiguities to make advances, exercise coercive authority and impose collectively binding decisions over a roughly demarcated area. Thereby the arena has state like feature while falling outside formalised categories of authority and the prescription of the state-chief contract. Contrary to many studies of traditional authorities in Ghana, the Kpandai case is an example where a resurgence or a revival of chiefs has not occurred and, contrary to normative practice, reform practitioners cannot treat the area's chiefdoms as a legitimate base for the definition of the new district unit.

The case demonstrates several important features of contemporary political development in Ghana. First is that the political process of local democratisation has reproduced historically unresolved issues and provides new episodes of contentious politics as social boundaries between groups become reaffirmed. Second, political development has reproduced fundamental differences between the logic of state and local level constitutions of authority, based on the prescription of formal state law and political identities that are have formed in opposition to this. Third, the negotiations and contests that have taken place draw on competing understandings of democratisation and local development that are conditioned by groups' position in topographies of power. Overall, formal state law provides mechanisms and opportunities for state power, authority and sovereignty to be negotiated. On this basis it is reasonable to assume that future relations between different categories of traditional authorities and state officials will continue to produce episodes of contentious politics and completion

over constitutions of authority. Thereby, the case shows the mutually constitutive effects of modernity and traditional discourses.

References

- Ampiah, Justice A.K.B. 1991. *Report of the Committee of Inquiry into the Gonja, Nawuri and Nanjuros Dispute' to Flt. Lt. Jerry John Rawlings Head of State and Chairman of the Provisional National Defence Council*. Accra, Ghana. (unpublished).
- Ayee, Joseph R.A. 1997. *The Adjustment of Central Bodies to Decentralization: The Case of the Ghanaian Bureaucracy*. African Studies Review, Vol. 40, No.2.
- Bergh, Sylvia. *Democratic decentralisation and local participation: a review of recent research*. Development in Practice, Vol. 14, No. 6 (2004), pp. 780-790.
- Berman, Bruce., Dickson, Eyoh., Kymlicka, Will. (ed) 2004. *Ethnicity and Democracy in Africa*. James Currey Ltd. Oxford, UK.
- Berry, Sara. 2004. *Reinventing the Local? Privatization, Decentralization and the Politics of resource Management: Examples from Africa*. African Study Monographs, Vol. 25, No. 2, pp. 79-101.
- Berry, Sara. 2001. *Chiefs Know Their Boundaries: Essays on Property, Power, and the Past in Asante, 1986-1996*. Heinemann Publishing, USA.
- Boafo-Arthur, Kwame. 2003. *Chieftaincy in Ghana: Challenges and Prospects in the 21st Century*. African and Asian Studies, Vol. 2, No.2.
- !!Boafo-Arthur, Kwame. 2001. *Chieftaincy and Politics in Ghana Since 1982*. West Africa Review.
- Bierschenk, Thomas., Olivier de Sardan, Jean-Pierre. 2003. *Powers in the village: Rural Benin between democratisation and decentralisation. Africa*. Journal of the International African Institute, Vol. 73, No. 2, p.145-173.
- Binsbergen, Wim van. (ed) 2003. *The Dynamics of Power and the Rule of Law: Essays on African and Beyond, in Honour of Emile Adriaan van Rouveroy van Nieuwaal*. African Studies Centre, Leiden. LIT Verlag, Berlin.
- Brobbe S.A. 2008. *The Law of Chieftaincy in Ghana*. Advanced Legal Publications, Accra, Ghana.
- Crook, Richard. 1999. *'No-party' Politics and Local Democracy in Africa: Rawlings' Ghana in the 1990's and the 'Ugandan Model.'* Democratization, Vol. 6, No.4.
- Crawford, Gordon. 2004. *Democratic Decentralisation in Ghana: Issues and Prospects*. POLIS Working Paper No.9. School of Politics and International Studies. Univ. of Leeds.
- Dixon, J. 1955. *Dixon Commission of Enquiry; Report by Mr. J. Dixon, Administrative Officer, Class I, On Representations made to the Trusteeship Council of the United Nations Organisation Concerning the Status of the Nawuris and Nanjuros within the Togoland area of the Gonja district*. Unpublished.
- Englebert, Pierre. 2002. *Patterns and Theories of Traditional Resurgence in Tropical Africa*. Mondes en Development, Vol. 30, No. 118, pp. 51-64.
- Ferrazzi, Gabriele. 2006. *Ghana Local Government Act 1993; A Comparative Analysis in the Context of the Review of the Act. Local Government and Poverty Reduction Programme (LGPRSP)*, Accra, Ghana.
- Hagberg, Sten. 2009. *Inventing and Mobilising the Local*. APAD (Association Euro-Africaine pour l'Antropologie du Changement Social et du Developpement). Bulletin No. 31-32.
- Jonson, Julia. 2007. *The Overwhelming Minority: Traditional Leadership and Ethnic Conflict in Ghana's Northern Region*. CRISE Working Paper No.30. University of Oxford, UK.

- Kyed, Helene Maria. 2007. *State Recognition of Traditional Authorities: Authority, Citizenship and State Formation in Rural Post-War Mozambique*. PhD Dissertation, Roskilde University, Denmark (unpublished).
- Kyed, Helene Maria., Buur, Lars. 2006a. *New Sites of Citizenship: Recognition of Traditional Authority and Group-based Citizenship in Mozambique*. *Journal of Southern African Studies*, Vol. 32, No. 3, pp. 563-581.
- Kyed, Helene Maria., Buur, Lars. 2006b. *Recognition and Democratisation; 'New Roles' for Traditional Leaders in Sub-Saharan Africa*. DIIS Working Paper 2006/11. Danish Institute for International Studies, Denmark.
- Lentz, Carola. 2006. *Decentralization, the State and Conflicts over Local Boundaries in Northern Ghana*. *Development and Change*. Vol. 37, No. 4, pp. 901-919.
- Lund, Christian. (ed) 2007. *Twilight Institutions; Public Authority and Local Politics in Africa*. Blackwell, UK.
- Nugent, Paul. 2010. *State and Social Contracts in Africa*. *New Left Review*, Vol. 63, pp. 35-68.
- Nugent, Paul. 1995. *Big Men, Small Boys and Politics in Ghana: Power, Ideology and the Burden of History, 1982-1994*. Pinter Publishing, Great Britain.
- Ribot, Jesse C. 2007. *Representation, Citizenship and the Public Domain in Democratic Decentralization*. *Development*, Vol. 50, No. 1.
- Odotei, Irene K., Awedoba, Albert K. (ed). 2006. *Chieftaincy in Ghana: Culture, Governance and Development*. Sub-Saharan Publishers, Accra, Ghana.
- Oomen, Barbara. 2005. *Chiefs in South Africa. Law, Power and Culture in the Post Apartheid Era*. Palgrave, USA.
- Tilly, Charles. 1998. *Durable Inequality*. University of Berkeley, California, USA.
- Tilly, Charles. 1995. *Contentious Repertoires in Great Britain*. In. Traugott, Mark. (ed). *Repertoires and Cycles of Collective Action*. Duke University Press, USA.
- Ubink, Janine K. 2002. *Courts and Peri-Urban Practice: Customary Land Law in Ghana*. *University of Ghana Law Journal*, No. 4, pp. 25-77.