

# SEIZING OPPORTUNITIES : CHIEFTAINCY, LAND, AND LOCAL ADMINISTRATION pdf

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*1. Local politics and the dynamics of property: an introduction; 2. 'This situation is incongruous in the extreme': the history of land policies in the Upper Regions of Ghana; 3.*

What follows is merely an attempt to highlight the main features of the institution, the main factors influencing and directing it and the major land-marks in the constitutional evolution of the institution and some of the problems connected with the viability of the institution as a social-legal phenomenon contributing to the overall constitutional development of the country. The article, based in part on Chapter 2 of my LL. For detailed accounts of the institution of Chieftaincy, as it operates in specific communities in Ghana, see Obianim, S. Thesis, University of London, Kumado had its particular political forms, ranging from the closely knit and specialised administrative structures of the great states like the Asante to the loose, rudimentary and after ill-defined structures associated with the extended family and kinship groups such as the Fra Fra of the Northern Region. There were those system in which the political structure and kinship organisation were completely fused, those in which the framework of the political system was the lineage structure and those in which the political system was structured on an administrative organisation. In a typical traditional area, authority was hierarchically structured. There is a Head Chief followed by divisional chiefs, village chiefs and elders or heads of the various lineages. Continuity of government was maintained by requiring each new chief upon his installation to participate in certain ritualistic ceremonies through which the powers held by his predecessors were supposed to pass on to him and to communicate with his predecessors by offering them food and drinks from time to time. There were reasonably well-defined rules and procedures for the choice of chiefs and their removal from office. These rules combined loosely-democratic principles remarkably with ideas of royalty or primogeniture. See also Apter, op. Chieftaincy and the Law in Modern Ghana by a Council sometimes made up of elders or of the heads of other lineages within the group. In the Akan communities, the commoners had a leader who served as a filter for infusing the views of the masses in the traditional government. The Chief or the Chief-in-Council exercised the executive, legislative and judicial functions of state. Everyone knew the consequences flowing from anti-social behaviour. The society was orderly and predictable except when the gods were wronged. Government, in the Western sense of the term, was an integrated part of this whole system. The effects of the introduction into these closed ethnic communities of the money economy of the Western world, industrialisation, western religion and education, unobtrusively at first but with force and vigour towards the last quarter of the nineteenth century, struck at the heart of the traditional political system-the authority of the chief-and undermined the group solidarity. Tribal custom and the authority and loyalty retained by the Chiefs have, at many points, but especially at the local level clashed with the new institutions of government which were first introduced by the colonial government in the twentieth century. In Ghana, the British naively assumed that the traditional governmental arrangements in the various communities must all be like those found among the Akan communities. Thus, on the coast, this assumption led to the elevation of the Mantse 8 Usually the commoners select one of their more prominent members to perform this role. The traditional, religion-based sanctions governing the conduct of individuals lost their strength and because the people were slow to grasp the new secular sanctions of law and order and to adjust themselves to their new masters and sources of authority, there ensued a social disintegration of a kind the traditional set-up had not known and with which it was ill-equipped to deal. The first great inroad made into the authority of our chiefs during the colonial era was to make their position dependent upon recognition through Gazetting by the colonial government but this was not achieved in a day. The British first had to consolidate their legal hold on the country as a whole, a difficult task. In the first two decades of the 20th Century, for example, educated Ghanaians vehemently argued that the jurisdiction of the British could only be exercised as authorised by the treaties with the Chiefs. The British, however, convinced themselves that the cumulative effect of treaties like

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the Bond of and the various Annexation and Protection Orders in Council was that they had vested in them the power to administer the areas concerned. They therefore set out to modernise the indigenous institutions and mould them according to British models. Lucy Mair has defined indirect rule as the "progressive adaptation of native institutions to modern conditions. Within certain limits, traditional authorities had initiative of their own, and the extent of these limits depended on the level of sophistication of the traditional administrative organisation. In local government, he was an authority in his own right though this authority was heavily and carefully circumscribed. Secondly 11 Hailey, W. VIII at ; Field, op. Chieftaincy and the Law in Modern Ghana he was an agent of the central government, in the sense that he was required to execute decisions, within this area of jurisdiction, made by the central government. The first major piece of legislation to create a state of uncertainty with regards to some of the powers of the Chiefs was the Supreme Court Ordinance of For as Sarbah put it, "in the African i. Ghanaian mind, leadership carries with it the administration of justice. Ackinle 2 G. It must be noted that the decision in Oppon v. Ackinle note supra 17 took the view that this Ordinance also merely regulated an already existing jurisdiction vested in the traditional authorities and that it did not even impair their right to imprison offenders. On this point, see also Quacoe Koom v. Owea and Kudjoe Tainee; Amocoo v. Duker 2 G. K Kumado It initially applied only to six Head Chiefs and gave to such chiefs as were designated by Order and their Councils some limited law-making and judicial powers. But the Ordinance left the major question undecided. Did the traditional authorities possess inherent power to judge their people or could they exercise only those powers granted them in the Ordinance? So charged and strong were the discussions and protests involving what the Chiefs and the educated Ghanaian thought about the encroachments being made by the Colonial Government on the traditional authority of the Chiefs that one writer has suggested that the Ordinance might be said to have laid the foundation for the co-operation of the Chiefs and the intelligentsia when the Aborigines Rights Protection Society came to be formed. It was to certify, as valid, a concession which, in its opinion, was granted by the persons having authority to do so, providing for adequate valuable consideration and which protected the customary rights of the indigenous people living in the area. The Court was authorised to modify the terms of a concession and impose such conditions as it thought fit. Concession rents were to be paid to a treasurer appointed by the Governor and distributed to the entitled individuals. Appiah, 2 G. Kobina Annan, Kobina Nketsia 2 G. Section 2 defined a Head Chief as "a Chief who is not subordinate in his ordinary jurisdiction to any other Chief, and includes the Chiefs known as Ohen, Ohene, Manche, and Amagah. It remained the basis of Native Administration up to As Lord Hailey correctly observed about this provision, it "was only intended to render the position of a Chief unassailable in law; it did not enable the government to maintain that a Chief can exercise no legal powers till formally recognised as a Native Authority. Thus we can safely state that by the central government had, through legislation, considerably weakened the authority of the traditional rulers, the Chiefs, by making their position dependent both in law and in fact on central government prop. This was the position until the Guggisberg Constitution of Kumado recommendation on the matter. Provision was also made for the delegation of the functions of the Head Chiefs in the Provincial Council. These Provincial Councils were not intended to exercise only an elective function, ho Never. They were introduced to strengthen African authority by providing an opportunity for the discussion of matters of ethnic interest and to advise the government on any proposed legislation affecting the people. For, as Harvey has noted, "this development gave the Chiefs closer identification with the British administration and provided settings for political and governmental activity that had no basis in the traditional order. Such representative had to be one of the following: The representative enjoyed all the powers of his Head Chief. Acquah, 2 Q. Chieftaincy and the Law in Modern Ghana disputes. The Provincial Councils were also given jurisdiction over demands by sub-Chiefs for independence though the Governor was to be the final arbiter on all stool disputes and matters affecting native custom. But like the preceding Ordinance, the Ordinance did not introduce any effective measure or reform nor did it clarify existing doubts because it "did nothing to show that a State Council, as such could exercise powers only when so authorised by the government and only to the extent of

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that authorisation," and failed to control the use of stool resources or set up native treasuries. The Joint Provincial Council now had nine members and four members were also elected by the Ashanti Confederacy Council. This increased role of the Chiefs and the prominence it gave them further drew protests from educated Ghanaians. The feeling was that the Chiefs, who were mostly under British control, tended to support official policies as a price for their survival. Coussey Committee In spite of the attempts to improve native administration there were still defects in the system. These defects were dealt with in the Coussey Report and a number of recommendations were made. These recommendations were generally accepted by the government and as a result the Local Government Ordinance, No. All 40 Hailey, Native Administration, Pt. Kumado local government functions and general administration which were formerly performed by the Native Authorities were transferred to the local councils. A radical change was made in the membership of the State Councils, which were now to include largely non-traditional members. The separation of the State Councils from the local government councils was completed by the enactment of the State Councils Colony and Southern Togoland Ordinance No. Thus it can be incontrovertibly asserted that by the s, as an off-shoot of the policy of indirect rule, the Chiefs had been stripped of their traditional powers. Uncertainty had been created as to whether chiefs could only exercise those powers which were expressly granted them by statute. At the same time, the colonial regime removed for the Chiefs many of the limitations to their authority under the traditional system. Thus though under indirect rule the chief lost his sovereignty, he increased his powers over his subjects because the traditional checks and balances to the exercise of his authority were removed or at least watered down by the colonial authorities. Where traditional checks and balances tried to reassert themselves, a Chief who was on good terms with the colonial administrator could effectively neutralise the persons concerned by branding them malcontents and trouble-makers. The result of all this was to weaken the personal ties between the Chief and his subject, and this led to many destoolments and attempted destoolments, and a shift in the basis of traditional authority. Though the Chief continued to exercise most of his traditional powers, this was by specific dispensation of the colonial power enshrined in statute. This was done through the various Ordinances, Orders in Council and Proclamations. The Chiefs initially resisted colonisation and now and again teamed up with the intelligentsia to protest against encroachments on their traditional powers. But once colonial rule became a fait accompli and the chiefs who dared to oppose the colonialists openly were deposed, the efforts of most of the Chiefs became geared towards survival. They enjoyed the prominence their participation in the deliberations of the Legislative Councils had given them and they were not at all sure of their fate in an independent Ghana, Besides they were uncertain about the educated elite who considered the Chiefs to be lackeys of the colonial government. These rising intelligentsia looked on the increasing influence of the Chiefs with disfavour and tended to make derisive remarks about the Chiefs. The Chiefs who were chosen more for their legitimacy than ability, and most of whom were illiterate, began to show the strains as the demands of local self-government became more complex and more modern. Official action through legislation was by no means the only factor contributing to the weakening of the institution of Chieftaincy in colonial Ghana. As noted elsewhere in this article, commercial activity centering on the cocoa industry, increased social mobility, introduction of Christianity and the expansion of educational facilities which brought to the fore a generation of literate young men were other factors. Thus by the mid- s when Ghana was on the verge of becoming independent the position of the traditional authorities had become very much uncertain. Kumado Chiefs in the constitutional struggles immediately preceding independence in So, for example, after independence the C. The Constitution guaranteed the office of Chiefs "as existing by customary law and usage" and made other provisions for the regulation of the institution of Chieftaincy ;50 in consequence of which the House of Chiefs Act was passed ia The Governor also had power to prohibit any one from exercising the functions of a Chief and to place a residence ban on him. However, these newly-acquired legal powers did not involve the central government in the actual process of initiating enstoolment or destoolment proceedings.

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### 2: TIV and IGBO TRADITIONAL CONFLICT MECHANISMS | Charles Mezie-Okoye - [www.enganchecuba.com](http://www.enganchecuba.com)

*Get this from a library! Local politics and the dynamics of property in Africa. [Christian Lund] -- "This book provides a detailed analysis of how public authority and the state are formed through debates and struggles over property in the Upper East Region of Ghana.*

The Paramount Chief was both the Chief Administrator and defender, and settled all disputes within his Chieftdom. He was responsible for the maintenance of law and order. Over the years, this order broke down after independence. Indeed this breakdown of traditional order in the Chieftdoms gave rise to discontent and consequent unrest culminating later in a civil strife: This vital role previously played by Paramount Chiefs, contributed immensely to our stability. This gave me much insight into Chieftdom administration and Chieftaincy affairs. However, since this happened a long time ago, it is possible that I may overlook certain important aspects in my presentation which you can identify, analyse and make recommendations on in due course. However with the enactment of the Local Courts Act of , Chiefs ceased to preside over courts and this function has since been exercised by Court Chairmen, appointed under the Courts Act while Chiefs jurisdiction has been limited to land and boundary disputes. How Chieftdoms Developed 2. The towns, in expanding, developed surrounding villages, each of which was connected through certain ties. At the head of each of these separate communities was a chief who, in the old days, was essentially a warrior. During the period of the "tribal wars" many of these chiefs did not have authority that extended beyond their own towns and their environs. Over a long period of time these basic communities and towns developed, and the result is that, today, the basic political unit is a "section", made up of a number of towns and villages, and a number of sections make up the present-day chieftdom. To found a chieftdom, or the section of a chieftdom, had two implications which go together. The first involved the question of settlement. A person who opened up a new area or territory is considered to have rights over it. In the course of time, with the growth of the original area, these rights took on a form which included jurisdiction over the people living there. This explains why most people who held authority in a chieftdom were descended from the earlier settlers in the area. Influence of British Colonial Rule 3. British recognition of indigenous arrangements put the native rulers whom they recognized as "Paramount Chiefs", separate from section and other sub-chiefs. It is through this means that claimants to hereditary right as its rulers and leading officials, is based. Apart from the Paramount Chief, the other important offices in a chieftdom are those of the Speaker of the chieftdom and the section chiefs. These form the political hierarchy at the chieftdom level. The law now is that Court Chairmen preside over local Court proceedings. By independence in the issue of ruling houses was already well settled. The problem arose when politicians were later alleged to have interfered with the institution of paramount chieftaincy by the recognition of families as ruling houses even though such families were perceived as not having the right or claim to paramount chieftaincy. This created problems and unrest, and has been referred to as some of the causes of the rebel war. The family of the deceased selected the successor who was introduced to the whole Chieftdom for recognition, usually the choice was made by the dying Chief on his death bed which was kept secret for fear of harm to the successor. The choice could be the son of the late Chief; in some cases, sons of the same deceased Chief could be appointed in succession. Appointments could be independent of wealth; hence a poor man could be chosen. The rationale of the succession of brothers to the Chieftaincy in turn was based on the idea that the brothers were closer to the dead Chief than a son of the first brother who became Chief. This was based on the guiding principle of inheritance. Its primary role of maintaining law and order at the chieftdom level became badly eroded as political interference in chieftdom administration matters undermined the influence and dignity of Paramount Chiefs. The approval and enactment of the new legislation will form the basis on which Municipal, Town, District, and Rural District Council elections will be conducted this year. Therefore, Paramount Chiefs and other important stakeholders in the Local Government System are required to give their fullest cooperation and support to the Reform Exercise especially during District

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consultations on the Legislative Review. Crucial areas of consultation will include the decision on the type of local council election, that is, either partisan as it was the case in Sierra Leone or non-partisan as is done in some other countries, and whether all Paramount Chiefs are to be ex-officio members of the District Councils or on proportional representation. The new local councils will have enough authority in decision making as service providers to the people in their localities. The decentralized administration will encourage and promote grassroots participation in decision making and in the development objectives of the communities. The local elections will be a vital benchmark in the restoration of decentralized democratic governance. Such elections require resources in terms of equipment, logistics and finance. Government will need the support and assistance of the International Community and our Development Partners to conduct the elections. Council of Paramount Chiefs 6. The Council shall not have any legislative or executive role. My personal opinion is that Paramount Chieftaincy should remain an integral part of our administrative culture. It is expected that the Paramount Chiefs themselves would be able to restate and re-examine their roles against the background that I have sketched out and taking into consideration the post-conflict realities in Sierra Leone. We further believe that ways could be found to solicit and obtain the views of the adult population in the chiefdoms, as part of the consultative process. Some of those Paramount Chiefs were not democratic and administered their chiefdoms without due regard to traditional rules and the welfare of their people. That role, among others, is to encourage, foster and maintain national cohesion through upholding law and order, as well as traditional norms and values. This arrangement exists and still works well in other countries such as Guinea. According to that arrangement all adult male strangers visiting a community were required to stay with an indigene or a well-respected non-indigene in the community, who acted as his host or landlord. The landlord therefore had to ensure that the stranger behaved in conformity with the norms of the community. In that way, it became difficult for outsiders to easily infiltrate a community and later cause havoc, as the former rebels did, for example in Pujehun, Kailahun and many other places, where they had entered posing as innocent visitors or bona fide travellers. Well, we have given a lot of thought to the idea. That is why the Council is only advisory and at some stages in their work as a Council, the chiefs will be expected to hold consultation among the adult population in their chiefdoms. Questions such as customary law and practice, the role of Paramount Chiefs and the relationship between local and central government. All these issues required a consultative framework and arrangement in order to address them properly. Important because the institution of chieftaincy is a tradition for which I have the highest respect. Also of equal importance is the fact that in order to maintain peace and consolidate it after almost eleven years of war, the role of Paramount Chiefs, chiefdom elders and sub-chiefs needs to be revisited so that through our chiefs, sub-chiefs, elders and all stakeholders within the chiefdoms, government would be able to put in place a mechanism to detect early warning signs to address possible and potential conflicts before they can escalate into serious problems. The Council will be non political and will cut across ethnic, cultural and religious lines in advising Government on national issues and on chieftaincy matters. The aims and objectives of the new arrangement would be as follows: In addition to the matters I have stated herein, I would like the Council of Chiefs to consider and advise Government on the following matters: It is my view that the prevailing system of land tenure in the provinces be discussed openly to enable Government to arrive at a definitive policy position as to whether the system should remain as it is or whether some modification needs to be made in it. Thus, land cannot be alienated to any non-native unless with the consent of the Paramount Chief and his Councillors. They are the trustees of such lands. The term "Non-native" is defined to mean any person who does not belong to a provincial tribe. Therefore, the restriction on the alienation of provincial land does not apply to persons belonging to tribes in the provinces. In order to remove the obvious exclusion of persons of Western Area origin, you may say that it is necessary to expand the definition of non-natives to include all Sierra Leoneans while retaining the general restriction on the outright disposal or alienation of provincial land in any case. This may be a way of giving further meaning to our "one country, and people" policy. II Land in the Provinces is at least for now the main source of economic activity of the population. They live on it. They cannot have an income from any other source or be

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employed in any other way. Therefore land is the basis of the power or wealth of the family or community. To allow the free and outright and unconditional disposal or alienation of provincial land without providing an arrangement whereby the land owners can continue to have an interest in that land and have a living income from it would create serious social and economic problems. It will produce a class of landless and unemployed people who may not even have a place to live or any source of income. It would at the same time create a class of absentee landlords who may purchase large chunks of provincial lands and deal in it like in any other commodity. III We have seen such arrangements producing very explosive social, economic and political problems in other African countries. IV It is therefore my view that whatever you may see as the appropriate land tenure system in the provinces it may be possible to devise a system whereby provincial lands can be usefully employed to bring realistic development to the provinces, especially in the area of agriculture. The profits realized from the enterprise can be distributed in accordance with the values placed on the respective contributions to the capital of the joint venture. VI Any length of time may be prescribed for the duration of the joint venture. This will be a binding contractual arrangement between the parties and it should be valid even for attracting bank loans as in the case of other business ventures, as the entire enterprise can be used as collateral for such loans. Refinements on such arrangements could be made while we maintain the present land tenure system in the Provinces intact and still bring development to the provinces through the use of provincial lands 8. The Chieftom Councillors assist the Paramount Chief in the administration of the Chieftom and through them the authority and directives of the Paramount Chief are spread through the length and breadth of the Chieftom. They also constitute the Chieftom Council presided over by the Paramount Chief. It is for this reason that there may be the need to discourage the appointment of absentee Chieftom Councillors who reside away from the Chieftom, and who may not be easily accessible to perform their functions as Chieftom Councillors. You may say that if this practice is not discontinued it might defeat the whole purpose of having Chieftom Councillors. The reason for this was to further strengthen and maintain the dignity of the Paramount Chiefs in their Chieftoms while at the same time ensuring that justice was properly administered in the local courts without any influence or interference from the Paramount Chief. Before that, it was thought that by Paramount Chiefs presiding over local courts in their Chieftoms, their dignity would be compromised, and there was the tendency of their decisions one way or the other creating divisiveness among their subjects and potential conflicts and revolts against the Paramount Chief. It must be emphasized that the role of the Court Chairman is confined to his adjudicating role in the Local Court. This arrangement does not in other respects affect the authority of the Paramount Chief in the entire Chieftom. The Local Court Chairman is not equal to or in competition with the Paramount Chief in respect of any other matter affecting the administration of the Chieftom. I wish the Council of Chiefs to express a view on the propriety or otherwise of the present arrangement. Through the office of Tribal Headmen, the Central Government would communicate and relate with the members of the tribes resident in the Western Area. The Tribal Headmen have never had adjudicating or executive roles and all the members of the tribes resident in Freetown, for example, are subject to the laws and the judicial administrative machinery and other authorities within Freetown. Tribal Headmen in the Western Area only exist because, unlike in the Provinces, there are no Paramount Chiefs or local courts to deal with matters which are not taken cognisance of by the law or the courts in the Western Area, matters which are peculiar to the tribes. Examples of such matters may be those affecting customary marriages where both parties belong to the same tribe. There is no law establishing the position of Tribal Headmen for any town or area of the Provinces. Such positions have over the years come to exist only from informal arrangements between members of any particular tribe resident in the area or major town different from the areas from which they originate. In the course of time the Paramount Chiefs in these areas have allowed or acquiesced in the existence of these positions within their Chieftoms. In some cases the Paramount Chiefs have even dealt with these tribal headmen or given them some element of recognition by consulting them in matters affecting the members of the particular tribes.

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## 3: Chieftaincy and the Law in Modern Ghana - [PDF Document]

*The book explores particularly how state divestiture of land in encouraged competition between customary authorities and how, as a result, the institution of the earthpriest was revived. Such processes are key to understanding property and authority in Africa.*"--Jacket."

Charles Mezie-Okoye Introduction Conflict can be defined as the manifestation of a hostile attitude in the face of conflicting interests between individuals, group or states. The conflicting interests can be over resources, identity, power, status or values. It has been generally seen as a situation in which two or more parties strive to acquire the same scarce resources at the same time Wallenstein, The resulting rise in communal violence can be attributed to various factors, including: In Tivland, some of the most prominent conflicts include the following: Currently there are low-grade conflicts within Tivland that have not received any media attention justice, A. The north-central geopolitical zone of Nigeria has experienced an overwhelming number of intra- and interethnic violent conflicts since the s. This phenomenon has adversely affected stability in the zone. Astonishingly, some of these unresolved conflicts involved the Tiv, who hitherto had efficient traditional methods of mediating and resolving conflicts. However, those methods have either not been exploited to address the surging conflicts or they have proved ineffective in curbing them. This paper interrogates the trajectory of conflicts in north-central Nigeria especially those between the Tiv and their neighbors, and underscores how the Tiv people resolved conflicts in former times. It stresses the factors responsible for the continuation of conflicts in the north-central zone and proffers alternatives for facilitating peaceful coexistence in the region Moses T. Violence in this region relates to ethnicity, religion, disputes over land, traditional rulership, political authority and fears of domination and marginalization. It would seem as if virtually all the over communities in the state are swimming in one form of hostility or the other although some are still in their embryonic stage while others have become rather hydra-headed and more pronounced. The dawn of December 31, , came to the Ezillo community in Ebonyi State with a full dose of bitterness as some blood thirsty assailants invaded the village. By the time the killers departed, many souls and properties had been wasted. So, as the rest of the world celebrated the birth of with shouts of joy on January 1, Ezillo community mourned. Africa just like other societies is bound to need cohesion in order to function properly. Therefore, social control measures are established by nations and communities to prevent, manage and resolve social disorganization. Communities, prior to the slave trade era and colonialism had well-established mechanisms for peace education confidence building, peacemaking, peace building, conflict monitoring, conflict prevention management and resolution Nwolise, O. The crux of this study is to compare the traditional mechanisms of managing and resolving conflicts in Tiv, North Central and Igbo of South East Nigeria with the hope of finding a lasting peace in these communities. The incessant conflict between the Tiv and the Jukun, the concentration of poverty and low social development among the mass of the people have caused the emergence of militia groups. The presence of militias led to the use of Small Arms and Light Weapons SALWs which increased the scale and lethality, the degree of intensity, casualties, and the extent of livelihood destruction and wider developmental impacts. These militia groups cause human rights violations, extort money, seize food and other resources from the people and fuel further conflicts. Many people witnessed relatives being mutilated and killed, and hundreds of mainly women and girls were abducted. Some were raped, although this has not been well documented. There is visible post-traumatic stress syndrome, mistrust and fear among returnees long after the return of peace. The article brought to light the crisis in many communities of Ebonyi State since January 1, Also, in Edukwuachi Agbaja community in Izzi Local Government Area of Ebonyi, more than 17 houses have been destroyed, properties looted, one person seriously injured and over others displaced following another communal crisis that rocked the state in January Eyewitness account revealed that crisis erupted in the village when the community demanded for a portion of land belonging to the Nwaobegu family for the construction of the community secondary school, which the

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family objected. Controversies and debates abound as to the most appropriate mechanisms for resolving conflicts. Some scholars believe that the application of western methods in resolving conflicts in local communities may have some limited usefulness Dangibo, N. Others, however, believe that the use of traditional methods of conflict resolution would be most appropriate in addressing issues that are emanating from a socio-economic and political setting that is not completely modern. Yet, others think that a successful tackling of the conflict challenges that abound in Igboland would require a new and novel thinking that would accommodate both mechanisms by according preference to one or the other where it is most suitable Akinwale, A. According to Albert , the rising tide and persistence of conflict and violence among African societies is an indictment on the western methods. In the vein, Deng Theoretical Framework This study is based on the hypothesis that African value systems and conflict transformation systems are a viable means of resolving African conflicts today Brock-Utne: The use of modern methods of conflict resolution, more often than not, has been resounding failures. Avruch and Black They recommended cultural analysis, which seeks to understand the significance of an event within its own cultural context. Nigeria has been torn apart by extremely intense conflicts, which have resulted in thousands of deaths and countless properties destroyed. It is only when potential and actual conflicts in the area are understood in religio-cultural contexts that they can be solved. Since culture is not static, but changes over time and adapts to new circumstances, it is easy to combine traditional and modern approaches in peacemaking. In the case of Mbaduku- Udam, the conflict is between neighbours, while that of Ife-Modakeke is within and between communities Joseph S. This study adopts the position that there is much to be learned from traditional ways of peacemaking, especially land matters that are deeply rooted in the religious culture of the various groups. A very important reason for being aware of our traditions is that we may draw lessons from them for the solution of current problems. It is tempting to seek innovative approaches to conflict management in Nigeria on the assumption that the failure of modern methods is in part responsible for ongoing conflict. Traditional methods may not have outlived their usefulness, especially when adapted to modern realities. Causes of Ethnic Conflicts Economic factors have been identified as one of the major causes of conflict in Africa. Theorists believe that competition for scarce resources is a common factor in almost all ethnic conflicts in Africa. In multi-ethnic societies like Nigeria and South Africa, ethnic communities violently compete for property, rights, jobs, education, language, social amenities and good health care facilities. In his study, Okwudiba Nnoli produced empirical examples linking socio-economic factors to ethnic conflict in Nigeria. Furnival, cited in Nnoli The task of addressing these seeds of conflict planted by the British has been a complex one. The history of ethnicity and ethnic conflicts in Nigeria also traces back to the colonial transgressions that forced the ethnic groups of the northern and southern provinces to become an entity called Nigeria in Since the various ethnic groups living in these provinces were not consulted regarding the merger, this British colonial policy was autocratic and undemocratic, and thus led to conflict. Hence, poverty increased and with it, conflict over scarce resources. This was a major seed of conflict that is still troubling Nigeria today. Causes of Conflicts in Tiv " North Central Several theories have been used to explain the causes of conflict. The first involves four factors that appear repeatedly as prominent causes of conflict: Insecurity, inequality, private incentives, and perceptions. Gardner, as quoted by Justice A. These factors often work in tandem: Economic inequalities may exacerbate security concerns, and perceptions fuel incentives to initiate or support conflict. Most of the Tiv-related communal crises have their origins in the British colonialization of the Tiv, especially the very poor conception which the British had about the Tiv. The Tiv-related communal crises have much to do with 4 farmlands and the exploitation of land-related resources. The crises are therefore linked to the mode of economic production and distribution practices in the society. In the pre-colonial Tic society, land then the major means of production was community owned. Farming, hunting and fishing were collectively done and the proceeds were equitably shared. There was little surplus and therefore no exploitation. The society was egalitarian, and government was gerontocratic Hembe, G. Pre-colonial Tiv society at its communal mode of production was therefore essentially free from land disputes. The Tiv had few intra or inter-ethnic crises in

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pre-colonial Nigeria. On several occasions the Tiv abandoned former farmlands, in preference for bigger and better ones. The Tiv fought fierce battles in order to acquire or retain farmland Hembe, G. Avav and Myegba. However, the Tiv later started fighting her neighbours and took their land, and these groups painted the Tivs black before the Europeans. When the Europeans finally made contact with the Tivs with all the negative stories they have heard from non-Tivs, they hated the Tivs. The Europeans later became convinced that the Tivs are bad and began seizing their land and this made the Tivs shot and killed Europeans at several places such as Agasha, Gbereve, Tiga and Arufu Makar, The Tiv also destroyed and looted European canteens at Abinsi. Apart from the colonially induced communal crises, trouble often arose from other sources. Today, traditional farmers, civil servants, traders, urban workers are all involved in this fight to privatize what was formally communal lands. Land is seen as valuable sources not only for food cultivation but also for exploitation of aquatic and other products. Land speculation is therefore an important source of communal conflicts today. The central Nigeria or Middle Belt happens to be one of the last parts of Nigeria to be brought under central governmental control, and one of the last to be offered modern education and public services. This has made access to resources, be it access to farmland, employment or political power, fierce in the extreme NRC, The Tiv reject this view, on the basis that they too have been living there for several generations and therefore have equal rights; they complain of being marginalized and excluded in Taraba. Likewise, the Jukun minority in Benue also complain of marginalization, lack of employment opportunities, and insecurity. The Tiv therefore say they are fighting for equal rights which they believe they are entitled to as indigenes of Taraba state Ukertor Gabriel Moti. Consequently, land is a very serious issue among the Igbo since it touches both the material and the spiritual, the very essence of Igbo ontology. Thus, land is something that is worth dying for Okechukwu Ibeanu, Other sources of conflict in Igbo land include chieftaincy disputes, political differences, citing of administrative headquarters of local governments and inter-confessional differences among religious groups. Take for example, Aguleri and Umuleri, the two communities belong to the same ethnic group Igbo and to the same clan Eri and also the same Local Government Area Anambra East and the same state. At the heart of rural communal conflicts is the land question. Pressure on land resulting from a combination of expropriation, monetization, rising population density, degradation and resurgence of pre-colonial communal competition has raised land into primal *casus belli* in rural communities apart have, almost as a rule, failed to bring a lasting solution to violence Okechukwu Ibeanu, From our reflections on conflicts in North Central Nigeria, particularly the Tiv and their neighbors, Ife- Modakeke among others, it is clear that Nigeria has witnessed an unprecedented wave of various forms of conflicts over ownership and usage of land. The vigor these conflicts have assumed in contemporary Nigeria continues to threaten the continued co-existence and habitation of the different ethnic groups that make up the country. In addition, most of the bitter territorial disputes have erupted among communities that have had strong ties that bounded them together for centuries. Past efforts to control these conflicts through administrative and bureaucratic machinery, coupled with theories and methods crafted in Euro-American institutions, have failed to yield practical results.

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*Local Politics and the Dynamics of Property in Africa 4 Seizing Opportunities: Chieftaincy, Land, administration, chiefs, and politicians were extremely.*

Large-scale land acquisition in Africa has been the concern and the focus of growing global literature on land grabbing. The upswing in biofuel investments in Ghana led to large-scale land acquisitions by the private sector presided over by chiefs. This research investigates how chiefs, in playing their traditional roles in the acquisition of land and as arbitrators, were, in most instances, the cause and the solution to the ensuing conflicts in the various communities. Data was collected through interviews, use of questionnaires and focus group discussions. Some of the conflict issues include loss of farmlands or other communal lands, disagreements on the land acquisition processes, the quantum and mode of execution of compensation payments and the existence or contents of social responsibility agreements. Furthermore, the use of negotiation, mediation and courts by people in these communities relative to arbitration by chiefs is increasing. The Government of Ghana needs to strengthen the public sector land institutions and put in place stronger and binding mechanisms for resolving disputes arising from large-scale acquisitions of land to cushion the effect of the weakening confidence in the chieftaincy institution.

**Introduction** The land tenure system in Ghana is an amalgam of customary rules and recent statutory overlays [ 1 , 2 , 3 ]. Customarily, land is communally owned, and customary trustees, such as chiefs, Earth priests, clan heads and family heads, hold the allodial interest in land in trust for the people. Individual members of a land owning group derive a usufructory interest this is similar to customary freehold , which under customary law is perpetual and inheritable. The customary freeholders are allowed to use the land for farming and to build upon for their personal use. They are also able to allocate their land to non-members of the land owing community for subsistence farming under various tenurial arrangements, such as abunu one-half sharing and abusa one-third sharing in the cocoa growing areas of Ghana, or for seasonal farming of food crops, such as cassava and tomatoes. However, the allocation of land for commercial agriculture and for non-agricultural use, such as building plots, are done by the respective customary trustees, as indicated above, who receive rent and royalties on behalf of members of the land owning group. In most of southern Ghana, especially in the Akan speaking areas, chiefs have gradually attained jurisdictional and proprietary authority over land resources [ 3 ]. However, in the northern part of Ghana, the situation broadly differs. In most parts of the upper regions, the allodial interest in land is under the authority of Tendembas the Earth priests. In such areas, chiefs only exercise jurisdictional authority over the people and are therefore limited in the control exercised over land allocation. For example, among the Bimoba and many other acephalous tribes of the Northern Region, family heads rather than the chiefs have the proprietary authority to land. Therefore, land rights within any lineage are derived through gifts and inheritance and non-members of the lineage through rent, tenancies, customary mortgage and land pledging. It is imperative to also point out that through the administrative practice of the public land sector agencies in Ghana, chiefs are usually required to give consent to land transactions within their area of jurisdiction. Thus, although Earth priests, clan and family heads may allocate land, chiefs are required to give their consent to the transaction before land can be registered. On the other hand, the government can compulsorily acquire land through the invocation of the appropriate legislation, for use in the public interest [ 3 , 4 , 5 , 6 ]. The processes for land acquisition in Ghana, therefore, vary from place to place and, most importantly, are regulated by customary practices and statutes. The laws of Ghana do not allow freehold land transactions, and therefore, land may be acquired for any use through a renewable maximum lease term of ninety-nine 99 years [ 1 , 4 , 5 ]. It is important to state, therefore, that chiefs, by virtue of their traditional and statutory roles, are key players to the land acquisition process in Ghana. Not only do they facilitate the process, as the case may be, but they adjudicate over land litigations within their jurisdiction, for a customary token fee. Because of this important role chiefs play in the land sector, chiefs or the chieftaincy

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institution are guaranteed in the Constitution of Ghana. The Constitution also recognizes customary law as a source of law in Ghana and explicitly states that the management of stool lands are to be in accordance with the relevant customary laws and usage [ 4 , 7 ]. Whilst this institution is part of the traditional heritage of most societies, the roles of chiefs have, however, changed from the pre-colonial times through the colonial period of indirect rule and post-colonial administrations. Indirect rule did not only empower the chiefs, but they also took advantage of their new found powers to build empires that eroded their accountability to their subjects [ 3 ]. On the other hand, the erosion of their chiefly jurisdiction and functions as arbitrators and embodiment of the traditions of a community has been documented in our recent democratic dispensation [ 3 , 8 , 9 , 10 , 11 ]. Colonization and the prescription of Western models of leasehold and freehold tenure to promote tenure security, agricultural investment and land markets in the colonial and post-colonial administrations also reduced the influence of some of these communal traditional structures and institutions [ 2 , 3 , 12 , 13 , 14 ]. Chiefs, therefore, have a strong influence on the political economy, industrial development, agricultural productivity and the construction industry [ 2 , 6 , 17 ]. Tenure practices may vary locally according to village settlement history and population density, the availability of unfarmed land and the political authority of the chieftain [ 12 ]. In any case, traditional councils, typically comprised of a paramount chief and some village elders, are bestowed with the sole authority to negotiate and approve the allocation of customary land in accordance with the Administration of Lands Act of 1986. Amidst these land tenure challenges, the evolving roles of chiefs and conflicts, the large-scale acquisition of land for biofuels started ahead of any regulation and national policy framework on biofuels in Ghana. There was a worldwide trend in large-scale land acquisitions between 2000 and 2010 that caught up with Ghana. For example, in Cambodia, Guttal [ 18 ] describes a situation of land-grabbing in rural and urban areas, creating landlessness, homelessness and destitution on a massive scale. India established Special Economic Zones by setting aside lands for investment, which negatively affected its rural populace [ 19 ]. The Ethiopian government embarked on a development agenda leading to the award of millions of hectares ha of land to foreign and national agricultural investors [ 20 , 21 ]. Large tracts of land are still being acquired by both local and international investors, because Ghana is seen to have a good potential for agricultural investment Table 1. It is estimated that a total of 1,200,000 hectares of agricultural land was acquired by foreign companies mainly for agrofuels production [ 24 , 25 ]. These developments were widely discussed by the local media, civil society organizations and academia [ 24 , 25 , 26 , 27 , 28 , 29 , 30 , 31 , 32 , 33 ]. The predominant conflicts reported, thus far, are related to land [ 24 , 27 , 28 , 34 , 35 , 36 ]. These global developments in large-scale land acquisitions also triggered interest in land and the chieftaincy institution in Ghana. Research and publications relevant to this study are about the history of chieftaincy [ 3 , 7 , 15 , 37 ], chieftaincy and governance [ 2 , 3 , 9 , 10 , 11 , 17 , 23 , 37 ], customary land tenure and management [ 1 , 3 , 4 , 5 , 14 ] and politics and chieftaincy [ 3 , 8 , 13 ]. Relevant publications with respect to the Jatropha industry in Ghana have been on the effects of large-scale land acquisition on food security and the socio-economic lives of people [ 23 , 24 , 26 , 27 , 28 , 29 , 36 , 38 , 39 , 40 , 41 , 42 ], the rights and commodification of land [ 14 ] and conflicts [ 43 ]. Whilst most of these were newspaper publications and did not undergo any rigorous scientific review process, none of these publications discussed the roles of chiefs in the broader issue of large-scale land acquisitions and, in particular, their roles in conflicts associated with Jatropha in Ghana. Land use characteristics of Ghana [ 44 ]. However, recent literature shows that for good performance and competitive production, sufficient rainfall, nutrients and good management practices are crucial [ 45 , 46 , 47 ]. Even if marginal lands are used, the production of energy crops on marginal lands has a low energy return per area of land, and land occupation can be considerably larger than if crops were grown in high productivity sites. In any case, industrial Jatropha cultivation should be planned very carefully, so as not to exploit all potential agricultural land and probably push the cropland frontier into the already sparse and threatened natural vegetation areas [ 46 ]. Recent legal reforms have incorporated all forms of land tenure, including customary, into a single statutory and common law framework and subjected transfers to both title registration and centralized regulation by the national Lands Commission [ 6 , 34 , 37 ]. In this context, a key challenge is

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how the chieftaincy institution will continue to play its traditional roles within the context of national policies and formal state institutions and, at the same time, effectively address or manage growing conflicts over land amidst dwindling confidence, changing roles of chieftaincy and rising local and international interest in land. This is because, apart from the powers to negotiate and alienate land on a commercial scale, they are also arbitrators of traditional matters within their jurisdiction. This research therefore sought to assess the chieftaincy institution in relation to the conflicts that arose due to industrial *Jatropha* cultivation in the various communities in Ghana. Method To obtain representative information on the conflicts associated with industrial *Jatropha* cultivation in Ghana, the country was stratified into three zones to reflect the major vegetation zones, agro-ecology and political divisions. The southern and coastal zones cover the forest and coastal savannah belts of Volta, Central, Western and Greater Accra Regions. The Northern Zone covers the Savannah belt made up of the three northern regions. The data collection methods, communities and associated companies that were identified and studied are presented in Table 2. The questionnaire used for this study was a list of structured questions that were mostly closed-ended. This survey was to provide insights into what to specifically ask during the detailed interview sessions that were to follow and to further identify some important stakeholders. The sample populations were residents and traditional authorities of communities that were affected by *Jatropha* cultivation. These residents were involved in various livelihood activities, including workers of companies that had acquired land for *Jatropha* cultivation. In all, respondents were contacted from the various communities. The first contacts were usually community administrators, e. Subsequent respondents were identified by snow-balling among community members. This method was chosen, because the target respondents in each community were unknown, and snowballing provided a means of estimating the population of affected persons. The questionnaire administrators were also chosen from these communities, so that respondents felt comfortable speaking to the issues. These questionnaire administrators were given a general overview and purpose of the research and guided step-by-step through the questionnaire. Each person pre-tested a sample questionnaire in the local language, and the issues with translation were resolved at each community. Questionnaires were then administered one-on-one to the chosen respondents. Field notebooks were also provided to record any other information that a respondent provided that was relevant to the research, but not captured in the list of questions or responses. From the survey using the questionnaire, respondents who had interest and knowledge of community issues were identified as key informants for later interviews or focus group discussions. The following respondents were interviewed: *Jatropha* company representatives, District Assembly members and traditional authorities. A list of questions for the various stakeholders was prepared and used as a guide. The interview responses were recorded on tape mostly in vernacular and later transcribed verbatim into English. List of communities and the associated *Jatropha* companies with the methods used to acquire data from the various stakeholders.

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### 5: Table of contents for Library of Congress control number

*Seizing New Policy Opportunities to Help Low-Income Mothers with Depression: 4 Current Landscape, Innovations, and Next Steps screening for depression in all adults is a preventive service that is well-supported by evidence.*

Anthropology- Bangladesh In Bangladesh anthropology has an unique vicinity as the people of Bangladesh has their inimitable customs, believes, norms, values as well as the other distinctive aspects of culture. Our dream is to make this web site as a unique source of views and opinions related to cultural and social issues that we reflect ourselves with our own culture. Fisiy Introduction The recent upsurge in popular protest in most of Africa pursuant to the democratization process has refocused scholarly interest in the mechanisms of good governance. There are persistent calls for transparency and accountability in the management of public affairs. Moreover, the shift of emphasis from a development paradigm to one of democratization has led to a growing quest for alternative sources of authority and power that could be enlisted to provide more content to the democratization discourse. It is, therefore, not surprising that the holders of pre-colonial forms of authority, such as chiefs, have or claim to have new political roles within the context of the modern state. Yet, the democratization discourse, predicated on the principle of elective representation, strikes at the heart of these customary institutions which are structured on the hereditary devolution of power. However, the expectation that the chieftaincy would wither away, as elected officials assumed political power, has not fully materialized. In the colonial period, scholars were already predicting the demise of customary chiefs e. Despite such predictions, customary chiefs are still charting new spaces on the political landscape. The expectation that chiefs might function as vote banks raises the question as to whether such homogeneous political spaces really exist and, if so, can chiefs claim to speak on behalf of their people? What implications would such a scenario, with geo-political blocks, have on the democratization process? Might this be read as the segmentation of the post-colonial state into block vote areas, with the obvious implication that ethnicity lies at the heart of the political debate, despite the persistent rhetoric of national integration? However, this is not meant to imply that powerful chieftaincies are necessary crystallizing agencies for ethnic consciousness. The latter cannot be reduced to such local hierarchies. Complex and dynamic patterns of socio-political interaction have resulted in the co-existence of different institutional frameworks from which contradictory discourses and agendas emerge. New institutions have appeared, some old ones have been substantially transformed, while others have simply atrophied. The institution of the chieftaincy has shown remarkable powers of survival. What factors account for its resilience? What is the power base of the chiefs and how is this is affected by broader political and economic change? In order to understand how the chiefs mediate between the past, the present, and the future, it is necessary to understand the relation between their control over people and over resources. For most rural communities, the control and management of land is at the heart of control over people. In this paper, I focus on the chieftaincies of the North-West Province NWP of Cameroon, and the ways in which their control and management of land has provided them with the power to govern. Where such control over land has been whittled away, they have lost their grip over the people. However, in providing an alternative discourse at the local level, they have effectively obviated the imposition of state land law reforms and made the land ordinances appear subsidiary to customary tenure systems. They have effectively created a political space within which they can maintain their control over people and resources. State power is contested in the resulting legal and institutional pluralism. This has led the state to seek to co-opt and bureaucratize the chieftaincy in order to exploit the control it exercises over people and resources in order to capture local communities. To understand how this contest is negotiated, this paper starts with the general characteristics of chieftaincy, it shows how the effective use of rituals and myths are central to notions of governance in a customary setting and then examines the strategies the chiefs use as they face the state. The conclusion re-examines the question of the institution of chieftaincy as an anachronism in the democratization process. General characteristics and evolution of chieftaincy in the North-West Province The

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institution of the chief, commonly termed Fon in the NWP, derives its legitimacy from a myth of origin that confers temporal power on those repositories of traditional authority. Myth and ritual orderings give a spiritual content to the exercise of the authority of the Fon. Homage is paid to this regalia even when the person of the Fon himself is absent. The mythic construction of power has the further advantage that rulers could dispense with any socio-political negotiation of meaning. What in other circumstances would appear as ordinary discourse, open to negotiation, is simply abstracted from the arena of daily interaction and endowed with a transcendence that emanates from the primordial past. Endowed with such mythic qualities, the authority of the Fon is not contested. No ordinary individual, no matter how wealthy, can become Fon. The chiefs do not derive their authority solely from a material base but rather from ritual and moral authority supported and enhanced by a regulatory society. The threat of ritual sanctions constituted an effective safeguard against abuses of power. These various strands of authority gave meaning to the institution of chieftaincy and other traditional repositories of power. The relationship between the Fon and his subjects may be characterized as one of interdependence. It is said that the Fon is only treated as such because he has people to rule. The internal challenge comes from the elite sons of the land who wish to have a greater say in local affairs. The old institutional framework that was built on hereditary titles has been considered by some as not responding to the changing power differentials in society. Yet, a closer look reveals that beneath a rigid formal framework, local authorities have shown flexibility by creating non-hereditary titles based on merit that seek to co-opt rival sources of power. By so doing, some of the educated elite, holding office in public and corporate institutions, have been integrated into the local institutional framework. The elasticity of such recruitment even sons of former slaves can be honoured with non-hereditary titles is the price the traditional power brokers have paid to retain command over local affairs. A second and more invidious challenge comes from the State and its bureaucratic elite. This statutory provision which enshrines the pre-eminence of the Senior Divisional Officer over the local chiefs has been strongly resisted. That His Royal Highness the Fon of Nso should with effect from the date of this order report all his administrative problems to his immediate boss, the Divisional Officer for Kumbo Central Sub-Division for appropriate solutions. That any violation of this Prefectorial Order by the Fon of Nso shall lead to serious administrative sanctions against him. The population would have risen as one in support of the Fon. This prefectorial order is clear evidence that the powers of the Fon are waning. The State is whittling down the powers of local chiefs. For example, officers from those regions where chieftaincies were a colonial creation are sent to administer local communities with well-established customary chiefs. Administrators from these areas are noted for their disrespect for local chiefs. The marginalization of traditional authority has had a profound impact on the abilities of the Fon to claim ownership of all land under his jurisdiction. In the large chiefdoms, those who exercised daily administration at the local level were the sub-chiefs and other title holders with powers delegated from the Fon. Are they still loyal and accountable to the Fon? The resurgent question is: As paramount, the Fon could exact from his subjects allegiance and tribute as a sign of their submission to him. All these practices are now on the decline. The Fon can be a very lonely person in his palace since it has ceased to be the main locus of politics and diplomacy. It is clear from this that the chieftaincy has been bureaucratized and reduced to the lower ranks of the administrative ladder. Most other chiefs have been classified as Second Class or Third Class. Chiefs receive a monthly salary from the state in addition to a small commission from tax collections. This appears to be their primary source of income as tribute from their subjects is now rare. Furthermore, in order to raise money, chiefs have been very willing to confer non-hereditary titles on businessmen and civil servants. This trend clearly signals the commodification of cultural symbols and artifacts. Formerly, these were accorded mythic and ritual connotations, but have now been transformed into commodities and circulate in a broader social context. The angry comments of one educated chief shed some light on the ambivalent expectations of the rulers. Additional factors have been significant in transforming the chieftaincy. In the colonial period, the selection of chiefs laid emphasis on time-tested initiation rites and cultural values of the people and did not emphasize knowledge of Western education. Chiefs had to be literate in order to better perform the

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bureaucratic tasks expected of them. This marked a turning point in the evolution of customary law. No longer adhered to conservatively, long-standing customary tenets were subjected to strict scrutiny and eventually modified. The contemporary janus-faced ruler has to satisfy the cultural aspirations of his people while charting a new socio-political path for himself and his community. Some chiefs have sought to define a separate ritual space for dealing with communal interests, especially those associated with land tenure, while adopting an entirely different approach in dealings with the state. The chief as landlord and ruler. The Fon symbolises unity and represents the link with the past, the ancestors. Under customary law, land is viewed more as a source of sustenance rather than as a means of material accumulation Goheen and this volume. It is useful to distinguish the political rights of sovereignty that accrue to the chief as a political figure the chieftom lands, from the rights of control and management which accrue to any landlord in the area, of whom the chief might be one the lineage lands. They, in turn, are expected to pay tribute to him as their Fon and as a sign of their respect and submission to his authority. Even though these new arrivals might be given land by any of the land-owning lineages, they are still accountable to the Fon as his people. It is also in his capacity as political leader that land attributions, such as for a school or other development project, are made by the Fon in consultation with the land owning lineage. This left much land to lie fallow and so the Fon of Ndu requested that part of the unoccupied land be returned to him for redistribution. Without taking any account of customary land tenure, the Baptist mission instead claimed ownership and sought to have the land registered under the land ordinances. This dispute necessitated the intervention of the divisional administration from Nkambe. In , eight years after the dispute began, the Land Consultative Board commonly known as the Land Commission came to the site for judgment. It concluded that the Fon could no longer re-enter the property he had given to the Baptist mission. This was now the private property of the mission since it was already registered and a land certificate for it issued. It is reported that the ageing Fon now of blessed memory overtly lamented: This was a moment of great desolation. Obviously, the message the Senior Prefect and his Land Consultative Board wanted the Fon and his notables to understand is that he was no longer the undisputed owner of all the land in his jurisdiction. As the land slipped from his hands, so too did political control over the territory, and so too he is losing control over the subjects. Ten years later, in , during the period of popular unrest that shook the country, Ndu became the scene of intense state violence in a tax collecting exercise. The area came under military control and six people were killed. The local population denounced their Fon and even came to doubt whether he still represented their ancestors, the symbol of continuity with the past. At some critical moments, certain individuals called him by his name, an overt sign of dethronement.

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## 6: Local Politics and the Dynamics of Property in Africa : Christian Lund :

*Seizing Economic Opportunities in Kazakhstan and Uzbekistan the already started privatization of cotton-producing land, an initiative supported by the World Bank, the International Labor.*

Benjamin Campion Sustainability , 6 ; doi: Large-scale land acquisition in Africa has been the concern and the focus of growing global literature on land grabbing. The upswing in biofuel investments in Ghana led to large-scale land acquisitions by the private sector presided over by chiefs. This research investigates how chiefs, in playing their traditional roles in the acquisition of land and as arbitrators, were, in most instances, the cause and the solution to the ensuing conflicts in the various communities. Data was collected through interviews, use of questionnaires and focus group discussions. Some of the conflict issues include loss of farmlands or other communal lands, disagreements on the land acquisition processes, the quantum and mode of execution of compensation payments and the existence or contents of social responsibility agreements. Furthermore, the use of negotiation, mediation and courts by people in these communities relative to arbitration by chiefs is increasing. The Government of Ghana needs to strengthen the public sector land institutions and put in place stronger and binding mechanisms for resolving disputes arising from large-scale acquisitions of land to cushion the effect of the weakening confidence in the chieftaincy institution.

Introduction The land tenure system in Ghana is an amalgam of customary rules and recent statutory overlays [1â€™3]. Customarily, land is communally owned, and customary trustees, such as chiefs, Earth priests, clan heads and family heads, hold the allodial interest in land in trust for the people. Individual members of a land owning group derive a usufructory interest this is similar to customary freehold , which under customary law is perpetual and inheritable. The customary freeholders are allowed to use the land for farming and to build upon for their personal use. They are also able to allocate their land to non-members of the land owing community for subsistence farming under various tenurial arrangements, such as abunu one-half sharing and abusa one-third sharing in the cocoa growing areas of Ghana, or for seasonal farming of food crops, such as cassava and tomatoes. However, the allocation of land for commercial agriculture and for non-agricultural use, such as building plots, are done by the respective customary trustees, as indicated above, who receive rent and royalties on behalf of members of the land owning group. In most of southern Ghana, especially in the Akan speaking areas, chiefs have gradually attained jurisdictional and proprietary authority over land resources [3]. However, in the northern part of Ghana, the situation broadly differs. In most parts of the upper regions, the allodial interest in land is under the authority of Tendembas the Earth priests. In such areas, chiefs only exercise jurisdictional authority over the people and are therefore limited in the control exercised over land allocation. For example, among the Bimoba and many other acephalous tribes of the Northern Region, family heads rather than the chiefs have the proprietary authority to land. Therefore, land rights within any lineage are derived through gifts and inheritance and non-members of the lineage through rent, tenancies, customary mortgage and land pledging. It is imperative to also point out that through the administrative practice of the public land sector agencies in Ghana, chiefs are usually required to give consent to land transactions within their area of jurisdiction. Thus, although Earth priests, clan and family heads may allocate land, chiefs are required to give their consent to the transaction before land can be registered. On the other hand, the government can compulsorily acquire land through the invocation of the appropriate legislation, for use in the public interest [3â€™6]. The processes for land acquisition in Ghana, therefore, vary from place to place and, most importantly, are regulated by customary practices and statutes. The laws of Ghana do not allow freehold land transactions, and therefore, land may be acquired for any use through a renewable maximum lease term of ninety-nine 99 years [1,4,5]. It is important to state, therefore, that chiefs, by virtue of their traditional and statutory roles, are key players to the land acquisition process in Ghana. Not only do they facilitate the process, as the case may be, but they adjudicate over land litigations within their jurisdiction, for a customary token fee. Because of this important role chiefs play in the land sector, chiefs or the chieftaincy institution are

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Colonization and the prescription of Western models of leasehold and freehold tenure to promote tenure security, agricultural investment and land markets in the colonial and post-colonial administrations also reduced the influence of some of these communal traditional structures and institutions [2,3,12â€™14]. Chiefs, therefore, have a strong influence on the political economy, industrial development, agricultural productivity and the construction industry [2,6,17]. Tenure practices may vary locally according to village settlement history and population density, the availability of unfarmed land and the political authority of the chieftain [12]. In any case, traditional councils, typically comprised of a paramount chief and some village elders, are bestowed with the sole authority to negotiate and approve the allocation of customary land in accordance with the Administration of Lands Act of 1960. Amidst these land tenure challenges, the evolving roles of chiefs and conflicts, the large-scale acquisition of land for biofuels started ahead of any regulation and national policy framework on biofuels in Ghana. There was a worldwide trend in large-scale land acquisitions between 2000 and 2010 that caught up with Ghana. For example, in Cambodia, Guttal [18] describes a situation of land-grabbing in rural and urban areas, creating landlessness, homelessness and destitution on a massive scale. India established Special Economic Zones by setting aside lands for investment, which negatively affected its rural populace [19]. The Ethiopian government embarked on a development agenda leading to the award of millions of hectares ha of land to foreign and national agricultural investors [20,21]. Large tracts of land are still being acquired by both local and international investors, because Ghana is seen to have a good potential for agricultural investment Table 1. It is estimated that a total of 1,300,000 hectares of agricultural land was acquired by foreign companies mainly for agrofuels production [24,25]. These developments were widely discussed by the local media, civil society organizations and academia [24â€™33]. The predominant conflicts reported, thus far, are related to land [24,27,28,34â€™36]. These global developments in large-scale land acquisitions also triggered interest in land and the chieftaincy institution in Ghana. Research and publications relevant to this study are about the history Sustainability , 6 of chieftaincy [3,7,15,37], chieftaincy and governance [2,3,9â€™11,17,23,37], customary land tenure and management [1,3â€™5,14] and politics and chieftaincy [3,8,13]. Relevant publications with respect to the Jatropha industry in Ghana have been on the effects of large-scale land acquisition on food security and the socio-economic lives of people [23,24,26â€™29,36,38â€™42], the rights and commodification of land [14] and conflicts [43]. Whilst most of these were newspaper publications and did not undergo any rigorous scientific review process, none of these publications discussed the roles of chiefs in the broader issue of large-scale land acquisitions and, in particular, their roles in conflicts associated with Jatropha in Ghana. Land use characteristics of Ghana [44]. However, recent literature shows that for good performance and competitive production, sufficient rainfall, nutrients and good management practices are crucial [45â€™47]. Even if marginal lands are used, the production of energy crops on marginal lands has a low energy return per area of land, and land occupation can be considerably larger than if crops were grown in high productivity sites. In any case, industrial Jatropha cultivation should be planned very carefully, so as not to exploit all potential agricultural land and probably push the cropland frontier into the already sparse and threatened natural vegetation areas [46]. Recent legal reforms have incorporated all forms of land tenure, including customary, into a single statutory and common law framework and subjected transfers to both title registration and centralized regulation by the national Lands Commission [6,34,37]. In this context, a key challenge is how the chieftaincy institution will continue to play its traditional

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roles within the context of national policies and formal state institutions and, at the same time, effectively address or manage growing conflicts over land amidst dwindling confidence, changing roles of chieftaincy and rising local and international interest in land. This is because, apart from the powers to negotiate and alienate land on a commercial scale, they are also arbitrators of traditional matters within their jurisdiction. This research therefore sought to assess the chieftaincy Sustainability, 6 institution in relation to the conflicts that arose due to industrial *Jatropha* cultivation in the various communities in Ghana. Method To obtain representative information on the conflicts associated with industrial *Jatropha* cultivation in Ghana, the country was stratified into three zones to reflect the major vegetation zones, agro-ecology and political divisions. The southern and coastal zones cover the forest and coastal savannah belts of Volta, Central, Western and Greater Accra Regions. The Northern Zone covers the Savannah belt made up of the three northern regions. The data collection methods, communities and associated companies that were identified and studied are presented in Table 2. The questionnaire used for this study was a list of structured questions that were mostly closed-ended. This survey was to provide insights into what to specifically ask during the detailed interview sessions that were to follow and to further identify some important stakeholders. The sample populations were residents and traditional authorities of communities that were affected by *Jatropha* cultivation. These residents were involved in various livelihood activities, including workers of companies that had acquired land for *Jatropha* cultivation. In all, respondents were contacted from the various communities. The first contacts were usually community administrators, e. Subsequent respondents were identified by snow-balling among community members. This method was chosen, because the target respondents in each community were unknown, and snowballing provided a means of estimating the population of affected persons. The questionnaire administrators were also chosen from these communities, so that respondents felt comfortable speaking to the issues. These questionnaire administrators were given a general overview and purpose of the research and guided step-by-step through the questionnaire. Each person pre-tested a sample questionnaire in the local language, and the issues with translation were resolved at each community. Questionnaires were then administered one-on-one to the chosen respondents. Field notebooks were also provided to record any other information that a respondent provided that was relevant to the research, but not captured in the list of questions or responses. From the survey using the questionnaire, respondents who had interest and knowledge of community issues were identified as key informants for later interviews or focus group discussions. The following respondents were interviewed: *Jatropha* company representatives, District Assembly members and traditional authorities. A list of questions for the various stakeholders was prepared and used as a guide. The interview responses were recorded on tape mostly in vernacular and later transcribed verbatim into English. Sustainability, 6 Table 2. List of communities and the associated *Jatropha* companies with the methods used to acquire data from the various stakeholders. He is a member of the landowning family, a royal and is part of the council of elders in Bredi. Sustainability, 6 The focus group discussion was conducted to verify claims made in the individual interviews and questionnaires. The key informants identified and selected after administering the questionnaires and interviews were brought together for focus group discussions to bring closure on the issues that had been raised. Furthermore, focus group discussions were used in very small communities, where it was difficult to identify more than 10 respondents who had been affected by the *Jatropha* industry. Each focus group was usually made up of about 8-10 respondents of preferably the same gender and similar age range. This research was conducted between August and November Conflicts Arising from *Jatropha* Investments Historically, in all the study communities, there have been natural resources-related conflicts before the land acquisition for industrial *Jatropha* cultivation Table 3. In all of these communities, hunting, scarcity of natural resources, e. Shifting cultivation was not a conflict issue in the sampled communities. Large-scale land acquisitions for industrial cultivation of *Jatropha* had only exacerbated these existing historical conflicts in some of these communities. The specific new conflicts among chiefs, farmers and youth groups within the communities have been the loss of farmlands or other communal lands and the lack of or insufficient information flow within the community

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about the Jatropha investments. The issues of contention included the process of land acquisition, the quantum and mode of execution of compensation payments, the lack of information on terms and duration of the lease and the existence or contents of social responsibility agreements, the lack of information on the amount of money received by chiefs, the acreage of land leased, the distribution or use of proceeds from lease of land and the general distrust in the capacity and mode of negotiation by landowners and chiefs. In all of these conflict issues, chiefs of the various communities were the main actors. The specific cases as unfolded in the various communities are described in the next section. Specific Conflict Cases and Actors Biofuel Africa initially acquired hectares of land near Kpachaa in the Northern Region with plans to expand to 15, hectares. The chief who presided over the transaction is the Tjonaa Paramount Chief of Tijo. People in these communities knew nothing about the project until the company moved to the site and started land preparation. The affected community members and farmers started agitating.

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