

The Impact of State Law on Custom and Leadership
in a Post-Colonial State: A Legal Historical Case
Study of Centralised Wa and Acephalous Chakali in
Northern Ghana.

Thesis submitted to the London School of
Economics and Political Science, University of
London, for the degree of Doctor of Philosophy in
the Department of Law.

Henry Seidu Daannaa

JANUARY 1992

UMI Number: U553897

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



UMI U553897

Published by ProQuest LLC 2014. Copyright in the Dissertation held by the Author.
Microform Edition © ProQuest LLC.

All rights reserved. This work is protected against
unauthorized copying under Title 17, United States Code.



ProQuest LLC
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106-1346

AE515
9698



282179

CONTENTS

| | PAGE |
|--|------|
| Abstract | 9 |
| <u>PART 1: GENERAL INTRODUCTION AND METHODOLOGY</u> | |
| General Introduction | 10 |
| Methodology | 14 |
| <u>PART 2: A CENTRALISED GROUP SOCIETY IN THE PRE-COLONIAL PERIOD</u> | 21 |
| <u>CHAPTER 1</u> | |
| THE CONCEPT OF THE CENTRALISED GROUP SOCIETY | 22 |
| The Wala Concept of Lesiri | 32 |
| <u>CHAPTER 2</u> | |
| PRE-COLONIAL WALA SOCIETY | 39 |
| <u>CHAPTER 3</u> | |
| THE WALA POLITICAL SYSTEM | 42 |
| Nan and the Other Institutions | 42 |
| Shrines and Magic | 49 |
| <u>CHAPTER 4</u> | |
| RECRUITMENT AND DISMISSAL OF THE NA AND OTHER LEADERS | 58 |
| Dismissal of the Na | 71 |
| Recruitment and Dismissal of Other Leaders | 74 |
| <u>CHAPTER 5</u> | |
| JUSTICE AND KEEPING THE PEACE | 79 |
| Defence | 89 |
| <u>PART 3: AN ACEPHALOUS GROUP SOCIETY IN THE PRE-COLONIAL PERIOD</u> | 96 |
| <u>CHAPTER 1</u> | |
| THE CONCEPT OF THE ACEPHALOUS GROUP SOCIETY | 96 |

| | PAGE |
|--|------|
| The Chakali Tradition of Acephalous Society | 100 |
| <u>CHAPTER 2</u> | |
| THE PRE-COLONIAL CHAKALI TAO | 106 |
| Wala Muslim Settlers in the Tao | 108 |
| <u>CHAPTER 3</u> | |
| THE LEADERSHIP OF THE TAOTINA - THE POLITICAL SYSTEM OF THE TAO | 113 |
| The Spiritual Role of the Taotina | 113 |
| The Political Role of the Taotina | 118 |
| Administrative Staff of the Taotina | 126 |
| Recruitment of the Taotina | 128 |
| Remunerations of the Taotina | 129 |
| <u>CHAPTER 4</u> | |
| ADMINISTRATION OF JUSTICE AND KEEPING THE PEACE IN THE TAO | 131 |
| The Establishment of Guilt | 132 |
| The Posthumous Establishment of Guilt | 135 |
| Penal Administration | 138 |
| Convicts Executed by the Vugo | 145 |
| The Indigenous Conceptions of Peace and Justice | 147 |
| Defence | 153 |
| <u>CHAPTER 5</u> | |
| INTER-TAO GOVERNMENT? NO! INTER-TAO CO-OPERATION? YES! | 157 |
| Inter-Tao Disputes | 158 |
| The Chakali Walea | 164 |
| <u>PART 4: A CENTRALISED GROUP SOCIETY UNDER COLONIAL RULE</u> | 176 |

| | PAGE |
|---|------|
| <u>CHAPTER 1</u> | |
| WA IN THE COLONIAL DAYS | 184 |
| <u>CHAPTER 2</u> | |
| THE BRITISH COLONIAL ADMINISTRATION IN WALA POLITICS | 187 |
| The Colonial Administration and the Wa-Nabihi | 197 |
| <u>CHAPTER 3</u> | |
| THE COLONIAL ADMINISTRATION AND THE OTHER WALA GROUPS - THE MUSLIMS IN POLITICS | 202 |
| The Policy of Native Administration - a Retrospect | 209 |
| <u>CHAPTER 4</u> | |
| THE TRANSFORMATION OF THE WALA POLITICAL SYSTEM - RESISTANCE FROM THE YERIHI | 215 |
| The Wa-Na in a Predicament | 224 |
| <u>CHAPTER 5</u> | |
| BRITISH COLONIAL POLICY IN WA | 236 |
| The Policy of Enacting and Enforcing Customary Law | 243 |
| <u>CHAPTER 6</u> | |
| THE ADMINISTRATION OF JUSTICE - NATIVE AND NON-NATIVE ADJUDICATION | 256 |
| <u>CHAPTER 7</u> | |
| PARTY POLITICS IN WA | 269 |
| <u>CHAPTER 8</u> | |
| THE ACEPHALOUS PEOPLES AND THE COLONIAL POWER | 276 |
| Acephalous Chakali - A Case Study | 280 |
| From Co-operation to Power | 284 |
| <u>PART 5: THE ACEPHALOUS GROUP SOCIETY UNDER COLONIAL RULE</u> | 291 |

| | PAGE |
|--|------|
| <u>CHAPTER 1</u> | |
| CHAKALI IN THE COLONIAL DAYS | 299 |
| <u>CHAPTER 2</u> | |
| THE BRITISH COLONIAL ADMINISTRATION IN CHAKALI POLITICS | 303 |
| <u>CHAPTER 3</u> | |
| THE TRANSFORMATION OF THE INDIGENOUS CHAKALI POLITICAL SYSTEM | 312 |
| Bong-Nas and Chakali | 317 |
| The Wala Prince and the Chakali Village (Tao) | 320 |
| The Busa Gate and Chakali | 324 |
| The Coming of Western Education - Support for Chiefship but a Blow to Taotinaship | 328 |
| <u>CHAPTER 4</u> | |
| THE CHAKALI PEOPLE AND THE BRITISH COLONIAL SYSTEM | 333 |
| The Muslim Settlers | 333 |
| The Ordinary Chakali Inhabitants | 339 |
| <u>CHAPTER 5</u> | |
| THE ADMINISTRATION OF JUSTICE | 344 |
| <u>PART 6: THE CENTRALISED GROUP SOCIETY IN THE POST- COLONIAL STATE</u> | 357 |
| <u>CHAPTER 1</u> | |
| WALA SOCIETY TODAY | 361 |
| The Ahmadi and Orthodox Factions | 364 |
| <u>CHAPTER 2</u> | |
| PRESENT DAY WALA POLITICS-DISPUTES ABOUT NAN | 373 |
| Present Day Wa-Nan in Dispute | 389 |
| <u>CHAPTER 3</u> | |
| THE WA-NA AND THE GROUPS | 403 |

| | PAGE |
|--|------|
| The Wa-Nan and the Factions | 406 |
| <u>CHAPTER 4</u> | |
| THE ACEPHALOUS PEOPLES AND THE WA-NA | 412 |
| Acephalous Chakali and the Wa-Nan | 417 |
| <u>CHAPTER 5</u> | |
| THE ADMINISTRATION OF JUSTICE | 426 |
| The Upper-West Regional Public Tribunal | 426 |
| The Wa Circuit Court | 437 |
| Contemporary Dispute - Settlement Processes | 443 |
| <u>PART 7: THE ACEPHALOUS GROUP SOCIETY IN THE POST-COLONIAL STATE</u> | 447 |
| <u>CHAPTER 1</u> | |
| CHAKALI SOCIETY TODAY | 449 |
| General Outlook of Chakali | 450 |
| Chakali Today - The Intrusions of Wala Dialect and Islam | 461 |
| The Spreading of the Wala Dialect (Walii) | 462 |
| The Spreading of Islam | 469 |
| <u>CHAPTER 2</u> | |
| THE PROBLEM OF LOCAL ADMINISTRATION - THE NEW LOCAL GOVERNMENT LAW, 1988 | 474 |
| The Creation of a Local District Assembly | 479 |
| The Chakali Assemblymen and the Wala Chiefs | 484 |
| <u>CHAPTER 3</u> | |
| POLITICAL AND ETHNIC DIFFERENCES IN CHAKALI | 489 |
| Chiefships in Chakali Today | 489 |
| Wa-Nabihi - Chakali | 491 |
| The Nature of Wala Chiefly Rule | 494 |

| | PAGE |
|--|------|
| Bong-Nabihi - Chakali | 497 |
| The Nature of Native Chakali Chiefly Rule | 498 |
| <u>CHAPTER 4</u> | |
| THE PROBLEM OF LAND ADMINISTRATION | 506 |
| The Chief and the Taotina - Whose is the Right to Administer the Land? | 506 |
| Chakali Land Administration in the Future | 515 |
| <u>CHAPTER 5</u> | |
| ADMINISTRATION OF JUSTICE | 522 |
| Justice by Chiefs in Bong-Nabihi Chakali | 522 |
| Justice by Chiefs in Wa-Nabihi Chakali | 525 |
| Justice by PDC (CDR) | 527 |
| <u>CHAPTER 6</u> | |
| SURVIVAL OF TRADITIONAL INSTITUTIONS | 531 |
| <u>PART 8: CONCLUSIONS</u> | 544 |
| <u>APPENDICES</u> | |
| Appendix 1: Appendices to the Wala Constitution | 549 |
| Appendix 2: Letter from the Wa-Na to the Chieftainship Secretariat - Accra | 557 |
| Appendix 3: Definitions | 571 |
| <u>BIBLIOGRAPHY</u> | 578 |

TABLES

| | PAGE |
|--|---------|
| Table of Chiefs in Colonial Chakali | 299-300 |
| Table of Chakali Sub-Divisional Courts in the Busa Division During the Colonial Period | 346 |
| Table of Chakali Villages and Sub-Divisions in the Colonial Period | 347 |
| Chiefly Courts in Chakali During the Colonial Period | 350 |
| Tables of Sections or Wards in Present Day Wa | 362-363 |
| Table of Chakali Villages | 419-420 |
| Table of Criminal Cases Before the Wa Circuit Court, March-September 1987 | 438 |
| Table of Contemporary Wa-Nabihi Leadership Structure | 444 |
| Table of Literates in Chakali | 459 |
| Table of Walii and Bulengii | 464 |
| Table of Muslims in Tuasa | 471 |
| Table of Seats for Chakali | 481 |
| Table of Chiefships in Chakali | 489 |
| Table of Wala and Chakali Chiefs | 490 |
| Table of Wala Settlers in Wa-Nabihi - Chakali | 492 |
| Table of Wala Settlers in Bong-Nabihi - Chakali | 497 |
| List of Civil Cases Before the Wa Circuit Court for the Year 1987 | 439 |

MAPS

| | |
|---|-----|
| Centralised Wa in the Midst of Acephalous Peoples | 586 |
| Map of Acephalous Chakali | 587 |

ABSTRACT

This dissertation is based on my research into two different types of societies located in the Republic of Ghana in West Africa. These societies are: Wa, a centralised society of identifiable groups; and, Chakali, an acephalous society of autonomous village groupings. My eight part text covers the pre-colonial, colonial and post-colonial experiences of Wa and Chakali. I argue in the thesis that, in a post-colonial state, the machinery of State Law should control the customary institutions of leadership in the country. My reasons for saying this include:

- 1) that the customary institutions of authority in the post-colonial state are the remnants of indigenous institutions which were trimmed to suit the needs of the Colonial Administration during the colonial period, and which therefore, consequently lost part of their traditional validity;
- 2) in the thesis it is proven that these institutions for minority societies in the post-colonial state are often imposed practices only brought on them through colonial law and policy during the colonial period;
- 3) I conclude that in a post colonial state the state must, where national interests are at issue, intervene actively, by law, in all customary forms of leadership which bear the semblance of colonial legacies.

PART 1

A GENERAL INTRODUCTION

This thesis is a historical study of Wa and Chakali. Accordingly, its text covers the pre colonial era (the period before 1900), the colonial era (the period from 1900-1957), and the post colonial era (the period from 1957 to date). In the thesis Centralised Wa and Acephalous Chakali, which are two different types of society, are compared in the way they have responded to colonial rule.

In a post-colonial state, it is proper that there should be some amount of intervention by State Law in the local traditional customary systems of authority practised within the country. In the thesis below, I will support this hypothesis.

It is important for the post-colonial state that the central government is able to exercise legislative and judicial powers of intervention in the various local traditions and customs practised within the country. As a matter of fact, for the central government not to be able to exercise such powers, in some cases, might amount to a paradox of independence and freedom. As will be seen below, my studies about Chakali and Wa in Northern Ghana explain the nature of the paradox that might occur in the post-colonial state where traditional customary institutions of authority are left untouched, after

independence, by the central government.

During the colonial period, the acephalous society of Chakali and the centralised society of Wa were each re-stratified, and then amalgamated into a single society under the same leadership. This was done by means of colonial law and policy. The institution of chieftaincy [nan] which was one of several institutions of authority practised in Wa, was adopted and strengthened first in the Wa town, its base of authority, and subsequently, introduced to Chakali as a province. The Chakali Tao [village] which in the pre-colonial past was ruled over by the Taotina [village or land owner], was taken over by the newly appointed chief or headman during the colonial period.

In the present day post-colonial Ghanaian State, the people of Chakali and Wa find themselves beset with two types of disputes:

- a) disputes that arise between rival claimants to the office of Wa-Naship, the Wa-Chiefship, and
- b) disputes that arise between the Chakali Taos on the one hand, and on the other, the Wa Princes who occupy chiefships in Chakali.

The occurrence of these two types of disputes in contemporary Wa and Chakali leads the student of legal anthropology, or, the so-called "ethno-jurisprudence" to raise two categories of questions. In the first category the student asks: is there any relationship between the

occurrence of these disputes today, and the laws and policies which were implemented by the British Colonial Administration during the colonial period? If the answer is yes, then how great is the relationship? What is the nature of this relationship etc.?

In the second category many questions are raised too: on the assumption that the serious disputes about succession to the Wa-Naship or Wa-Nan facing present day Wa stem from traditions and customs which are no more than the arrangements of the colonial power, is it justifiable to object to the Ghanaian Central Government making new arrangements?

Considering that Nan, as an institution in Chakali, is only a product of British colonial arrangements, is it not legitimate for the central government in Ghana to intervene in disputes over Chakali land between the indigenous Chakali people and the Wa Chiefs in support of the former? Does not the government of the post-colonial state have the duty to protect small, acephalous societies from the domination of centralized neighbours who had, in the colonial days, exercised authority and power over them? Where there is a crisis in a dispute between rival claimants to traditional office, what should the courts of the central government do? Should the judges encourage the parties to the dispute to submit to the verdict of whatsoever traditional customary authority is by tradition

charged with the responsibility of choosing a successor? On the other hand, should they ascertain the relevant principles of the tradition or custom concerned, and then, proceed to apply these along the lines of general principles of justice, equity and good conscience, and choose a successor? In cases like that, of acephalous Chakali, is it not true that what is sometimes considered as "African Cultural Heritage", is indeed, indigenous cultural imposition - a mere colonial legacy? Last but not least, is it really possible for the government of the post-colonial state to succeed in achieving the modern lifestyles which the people need; the good order, freedom and justice, for which they aspire, if it has no power to pass laws and adopt policies for the innovation or abolition of undesirable traditional customary institutions, or create as an addition to existing institutions, new, desirable structures of authority, as the case may be? I have attended to these questions, as well as many others, in this dissertation.

METHODOLOGY

My research into the histories of Wa and Chakali took place in London as well as in Ghana. Firstly, during the period between April 1986 and March 1987 I carried out some research at the Public Records Office and the School of Oriental and African Studies (SOAS) Library in London. Secondly, after I returned from my field work in Ghana in October 1987, I spent 9 months (October 1987 to June 1988) doing further reading about the subject in the British Museum library and the library at the London School of Economics (LSE). The bulk of my field research in Ghana was carried out in the period between March and October 1987, during which time I travelled extensively in the Wa-Chakali area. During this period my work at the National Archives of Ghana Tamale (N.A.G.T.) also proved to be an invaluable source of information. Field data which I collected about Chakali in 1981 while I was a student in the University of Ghana, as well as field data which was collected in Chakali in 1984/85 before leaving for London have also been of immense value.

It has been my approach to avoid as much as possible asking my informants questions about sensitive local issues in public. Instead, the effort made has been geared towards collecting the views of informants about all such matters in private where possible. The fact is that sometimes the truth which the researcher seeks is completely absent from

the narrations of elders and chiefs amidst their colleagues. This problem was taken note of by J.J. Holden during his research in the Kabilas of Buna in Northern Ivory Coast. In 1970 he wrote:

"the spoken word, on the other hand, in the mouth of the acknowledged history teller of the Kabila Imam along with the learned and the curious, was clarified and qualified under questioning, and at times had a very different content when the occasion was less public. For example Abu Bakr Sidig Cissay of Imamsa (the Kabila of the Buna Imam), who was so old he was brought out to us in a wheel-barrow, spent the first public interview describing how Imamsa and the Cissays had suffered in the Samorian War, listing which Cissays had died, describing the conflict and the subsequent immigration. Alone with us in his room a week later he remarked that the previous interview had been too public, and went on to tell us, for example, that every Kabila in Buna had sent assistance to Sarankye-Mori in his expedition on behalf of Wa against the Dagaba town of Sankana".¹

It is my view that research work in the indigenous society like that of Chakali or Wa, cannot afford to ignore the views that are expressed privately by the local "history teller". In some cases, the man who narrates the history of the town or village cannot say in public certain things that happened in the past, perhaps due to his own present weak position in society. For example, in 1987 the Wa-Na, Momori Bondiri, explained at a private meeting that although the Tarikh Ahl Wala and the other local Muslim Tarikhs contain the history of Wa, they must be treated "as

¹ See J.J. Holden, "The Samorian Impact on Buna: An Essay in Methodology". In African Perspectives: Papers in the History, Politics and Economics of Africa. Presented to Thomas Hodgkin. Cambridge University Press, 1980, p. 88.

the Muslim version" of Wala history.

In collecting the information for this research, all care has been taken to ensure the sincerity and correctness of answers that were given by the various informants in reply to key questions. Such care has been very necessary because of the realisation that local informants sometimes do not have the courage or skill to answer properly important questions that are put to them by the enquirer. In fact this is not a new problem in the field of anthropological research in Northern Ghana. In 1928 A.W. Cardinall, who was District Commissioner for the Navrongo area, made a note about the appalling inability of the local natives to answer questions in his work. Below is the narrative of his experiences in his book.

Commissioner: "Are there any complaints?"

Court Interpreter (going to the door): "Who wishes to see the Commissioner?" (No answer) "Has anyone here a complaint to make?" (No answer) "The white man is going to his house. Do you wish to see him?"

There are plenty of obvious complainants sitting outside. The Commissioner rises, and then all come in at once. The Interpreter seizes one and places him in front of the Commissioner, who sits down again.

Commissioner: "Well what is your complaint?"

Interpreter: "Speak."

Plaintiff: "I wish to see the Commissioner."

Interpreter: "Speak."

Plaintiff: "I wish to see...."

Interpreter: "Speak."

Plaintiff: "Ah!"

Interpreter: "Tell the Commissioner what you want."

Plaintiff: "I wish to see him."

Commissioner to Interpreter: "What is it all about?"

Interpreter: "I don't know."

Commissioner: "Be quick and find out."

Interpreter: "Speak; the white man is getting angry."

Plaintiff: "They have stolen my cows."

Interpreter: "Who have stolen your cows?"

Plaintiff: "They have."

Interpreter: "Who have?"

Plaintiff: "Men."

Interpreter: "What men?"

Plaintiff: "The thieves."

Interpreter: "What are their names?"

Plaintiff: "Whose names?"

Interpreter: "The thieves' names."

Plaintiff: "Does the white man want to know the names of the thieves?"

Interpreter: "Yes."

Plaintiff: "Oh!" (Relapses into silence.) "Why does he want to know their names?"

Interpreter: "He is a white man."

Plaintiff: "Ah! I will tell him the names of the thieves."

Interpreter: "Be quick. The white man will get angry."

Plaintiff: "The white man will get angry. I will tell him the names of the thieves."

The Commissioner has heard all about the complaint before, and now begins to put direct questions to all of which are answered as above. Eventually the man is persuaded to speak out and is asked his name.

Plaintiff: "My name?"

Interpreter: "Yes, your name."

Plaintiff: "Ah! The white man wants to know my name?"

Interpreter: "Yes."

Plaintiff: "Akugli."

Interpreter: "Is that your name?"

Plaintiff: "Yes; Akugli."

Interpreter: "Your proper name?"

Plaintiff: "My proper name?"

Interpreter: "Yes."

Plaintiff: "Akugli is my father. He is dead."

Interpreter: "No, no! The Commissioner wants to know your proper name."

Plaintiff now is silent for some time, and then says, "Oh, my proper name! ... etc. etc."²

In order to get informants to tell me their honest opinions about key local questions, I visited them as many times as possible. I believe that by interviewing an informant on a constant basis an atmosphere of intimacy and mutual trust is developed, thereby facilitating the flow of more information from the informant to the researcher. For example, in 1981 when I asked the Taotina of Tuasa, Jabuni Daguo, about the territorial boundary between Tuasa and

² See A.W. Cardinall, Natives of the Northern Territories of the Gold Coast, London, 1928, p. 51.

Bulenga, he explained that he did not know. He suggested instead that I contact the Taotina of Bulenga about the matter. In 1984 I put to him the same question, since I really wanted to know his personal opinion. This time he told me that the boundary between the two was the place called Tuo-Muni (The Place under the Baobob tree). While interviewing him in 1987, in passing mention was made of the question about the Tuasa-Bulenga boundary. To my surprise, the Taotina suddenly began to narrate a boundary dispute which apparently has gone on for a decade or so between these two neighbouring villages in Chakali. He further admitted that although there was no confrontation between Tuasa and Bulenga, all was far from well.

In describing centralised Wa and Acephalous Chakali, I have allowed myself to be guided by the perceptions and cultural standpoints of their respective societies. In other words, it has been my endeavour to separate distinctly the actual conceptions, ideas, beliefs and values of the peoples in question, from what outsiders think about those conceptions, ideas, beliefs and values.³ So to be able to do this I have in some cases used indigenous terminologies where it came to describing indigenous institutions and practices.⁴

³ See below, Part 2, Chapter 1, p 25-27.

⁴ See below, Part 2, Introduction p 21. See also Part 3, Chapter 1, p 97.

In the preparation of this thesis, neither oral history nor Muslim Tarikhs have been taken for granted as a safe source of information. Each has been treated with a reasonable degree of caution. As will be seen below local Muslim Tarikhs in Northern Ghana in some cases can be just as misleading as oral history.⁵

⁵ See below, Part 2, Chapter 4, p 66-69.

PART 2

A CENTRALISED GROUP SOCIETY IN THE PRE-COLONIAL PERIOD

A centralised group society is one that has a centralised form of authority. This centralised form of authority for the indigenous society in Northern Ghana almost invariably is the Na (chief). The Na is a ruler who occupies his position normally by right of birth, one who acts as a mediator between the leaders of the various groups within the society. The term group refers to an identifiable group within society. It means any group of people which is identifiable by common descent, have identifiable common interests and an identifiable institution of authority by means of which it is able as a group to pursue its interest individually as well as through mutual co-operation with other groups. Groups within society generally speaking constitute communities. The definition of the term community which has been adapted for the purposes of this thesis is that found in G.P. Murdock's Social Structure - "The maximal group of persons who normally reside together in face to face association".⁶ In the indigenous society in Northern Ghana society, the group might be a community of Muslims living within a society of non-Muslims or vice versa, a community of autochthonous inhabitants who finds themselves engulfed by immigrants or vice versa, a division of a kingdom or empire, or a group which constitutes a ruling estate of society.

⁶ See G.P. Murdock, Social Structure, The Macmillan Company, New York, 1949, p.79.

CHAPTER 1

THE CONCEPT OF THE CENTRALISED GROUP SOCIETY

What is the nature of the society ruled by a Na (chief)? How do we define it? Is it a state? By what approach can the anthropologist acquire for himself the best understanding of the working of a society which is ruled over by a chief? These and other questions will be dealt with in this chapter. The society that practices Nan (chieftaincy) is one in which there are different groups of people submitting to the mediation and arbitration of one who is called the chief, with a view to achieving for themselves a peaceable community life while, at the same time, being free to follow their respective individual customs and pursue their own respective individual interests. In his essay about the Yoruba of Nigeria, P.C. Lloyd explained the essence of chiefship: "without the king there would be no town, say the Yoruba, meaning that in the absence of his mediation the descent groups could not cohere".⁷

A native Na (a Na who rules over his own people) should not be confused with a non-native Na (a Na who rules over alien subjects). Although it is true that the two positions of native Na and non-native Na are both hereditary, nevertheless, they are different from one another. For

⁷ See P. C. Lloyd, "The Yoruba: An Urban People" in Aidan Southall, Urban Anthropology, Oxford University Press, London, Toronto, 1973, p.117.

instance, indigenous West African emperors like the Mansas of Mali, the Askias of Songhai and the Alafins Oyo, were all rulers in Northern Ghana would have been native Nas of their respective societies in the first place and then became non-native Nas - that is the overlords of the chiefs of other societies in the second. When the empire breaks up, the emperor only loses his imperial loyalties i.e. the loyalties of his alien subjects. His original position as chief or native Na of his people remains intact *ceteris paribus*. Today the Asantehene in Ghana, for instance, is chief of the Asante people in spite of the fact that he no longer has an empire of conquered peoples.

In a sense native Na engenders and, in fact, promotes nationalism whereas non-native Na suppresses it. Nationalism is the common feeling of oneness which a people or groups of people show both in their dealings with one another within their own society and with others from different societies. The Na in the Wala society, for example, is the resort of all his people. People includes everyone within the society. Quite apart from the fact that his house is the common meeting place for a wide range of social activities, he, the chief, also acts as a means by which new groups become part and parcel of the microcosm of society. The ability of chiefship to weld the new to the old and to engender nationalism in both has also been touched on by P.C. Lloyd in his essay: "Subsequent immigrants, the founders of the descent groups, made pacts

with the reigning ruler defining their own position and that of their descendants in the town".⁸ "The Yoruba town had no place in its structure for the permanent stranger".⁹ Unlike the native chief, the non-native chief is a ruler who tends to suppress the nationalist feelings of his heterogeneous subject peoples. The reason for this is obvious. The heterogeneous imperial edifice can easily crumble and fall through the fever of nationalist feelings and activities. Thus, while the Wala chief looks forward to seeing his people become a peaceable community of groups and, as a society, of one people with one destiny, the Asante chief, in the past, was mostly concerned about his vassal chiefs and peoples remaining within his imperial authority.

As a social institution, chiefship, as practised in Wa, was just. Many perhaps would agree, as I do, with Brian Barry when he says "We can say that an existing institution is just or unjust. We can say that some alternative to what exists would be more just"¹⁰ "When we ask about the justice of an institution we are enquiring into the way in which it distributes benefits and burdens".¹¹ Through the mediation of the chief, the various groups which constitute

⁸ Ibid., p.117.

⁹ Ibid., p.118.

¹⁰ B. Barry, Theories of Justice, Harvester-Wheatsheaf, London, 1989, p.355.

¹¹ Ibid., p.355.

the society were able to work out for themselves how much each group was to give to the other, and how much to receive. In reconciling the divergent interests of the different group communities the chief bore in mind how much each group was able to contribute to the successful running of society. For example, a newly arrived group which was able to make many new contributions to the maintenance of the peace and good order of the society could be treated on equal footing with earlier arrival notwithstanding the general rule of tradition which says that the earlier settler is the senior. In taking crucial decisions it is for the chief to consider properly the interests of all groups, and not just the interests of his own group. In any case, it is the union of the groups that makes his chiefship and unless a chief is prepared to risk the loss of his title, he would normally not venture sacrificing the interest of the majority on the altar of his own individual group interest.

For the sake of proper understanding it is better not to regard the indigenous Wala society ruled by a Na as a state. In the first place, the term state is difficult to define exactly. Various writers in the past have, in fact, given different meanings to the word. "Every state in history", wrote F. Oppenheimer in 1926, "was or is a state of classes, a policy of superior and inferior social groups, based upon distinctions either of rank or of

property".¹² In 1940 M. Fortes and Evans-Pritchard defined a state as a society which has a centralised form of authority discharging administrative and judicial duties or, in short, a government.¹³ Writing in 1967, M. H. Fried said "A state is not simply a legislative, an executive body, a judiciary system, an administrative bureaucracy or even a government. From the point of view developed in earlier chapters a state is better viewed as the complex of institutions by means of which the power of the society is organised on a basis superior to kinship".¹⁴ The differences in meaning of the term "state" can make the student confused about what a state exactly is.

For the purposes of this thesis, there are five characteristics which any society must possess if it is to merit the term state: a) it must have a definite territory; b) it must comprise a people who are the normal occupants of that territory; c) it must have a government - a person or a body of persons in whose hands is the administration of the country; d) it must have a coercive force (a standing army or police force) for the purposes of maintaining peace; and e) it must be an independent entity capable of entering into relationships with foreign

¹² See F. Oppenheimer, The State, Huebsch, New York, 1926, p.5.

¹³ See M. Fortes and E. E. Evans-Pritchard, African Political Systems, O.U.P., London, 1940, p.5.

¹⁴ See M. H. Fried, Evolution of Political Society. Random House, New York., 1967, p.229.

countries.

The people of pre-colonial Wa were not a state, first and foremost, because they had no coercive force, and, secondly, because they had no government as such. Armies were assembled when there was trouble and disbanded after peace was restored. There was also no police force. It was indeed only with the introduction of the indirect rule system of administration by the British in 1932 that a native Wala police force was formed under the Native Authority (Northern Territories) Ordinance.

The system that the Wala operated before colonial rule was, in fact, not one of a body, or organ of individuals ruling the whole of society, but rather of different social groups under their respective traditional leaders, mutually co-operating with one another under the supervision of one of their number who, invariably, was the Wa-Na.

Indeed one doubts whether it is appropriate to apply the concept of statehood to the indigenous society ruled over by a chief. It is true "the best contribution of anthropology is, as always, to provide convincing accounts of what is happening to people in varied real life situations and to set these in a broader framework of time and space".¹⁵ It is my opinion that if we are to

¹⁵ See Aidan Southall, Urban Anthropology, O.U.P., New York, 1973, pp.3-4.

understand properly "what is happening to people in varied real life situations", then we must try as hard as we can to avoid the application of alien concepts.

Although the ends of societies might be the same everywhere, conceptually, they differ from one another. Every society - any form of organisation of human beings co-existing in peaceful community life, for instance, would like to see the end of the "war of all against all", and would be prepared "to coerce the savage who opposes organised effort to a peaceable community life". However, when it comes to the question of concept, societies do differ greatly. People who have gone through different experiences or who follow different practices naturally are bound to perceive society from different stand points. I am not sure the concept of statehood, as it is presented in the literature, forms part of indigenous African tradition. In any case as anthropologists, in our effort to understand for ourselves and to explain to others who might be non-experts the nature and working of indigenous societies, the truth is that we stand a better chance of success by applying indigenous concepts and familiarising ourselves with the experiences and practices of the local peoples rather than by applying foreign concepts of society. Paul Bohannan's views about the importance of seeing society from the indigenous standpoint are worthy of note to all anthropological researchers:

"I have tried, in this book, to translate the Tiv folk system of jural control. In order to do so,

I have had to compare it and contrast it with our own - that is with lawyers "law". But I have tried not to "explain" it in terms of our own system of "law", which would do violence to the Tiv ideas and folk systems".¹⁶

I would call the indigenous society ruled over by a chief a centralised group society rather than a state. A group society is one that is made up of various groups of people. In other words I prefer to approach the indigenous society ruled over by a chief as one that consists of identifiable groups of people having identifiable interests watched over by their respective customary forms of leadership, all of which are welded together through the common mediation of the institution of chiefship. Thus, instead of referring to the Wala kingdom as a state, I have opted in this thesis to call it a group society.

In my opinion, the concept of group union if it is accepted as a concept, is perhaps a more adequate means of studying or explaining the indigenous society than the concept of statehood. First and foremost, it presents the readers with an accurate picture of the nature and form of the indigenous society that has a chief. Writing about the Asante political system in 1951, K.A. Busia, Ghanaian anthropologist, put the matter in the following words:

"the picture presented is that of a segmentary political system in which the segments or states possessing similar social and political institutions, a common language and religion and

¹⁶ See Paul Bohannan, Justice and Judgment Among the Tiv, O.U.P., London, New York, Toronto, 1957, pp. 5-6.

bound by ties of clanship, were welded into a union by the Asantehene, whose capital was Kumasi".¹⁷

By giving us an accurate picture of the form and nature of the society run by means of chieftaincy, the concept of Group Union through the chief's mediation also enables us, as anthropologists, to realise the actual size of our task. It is, in fact, true that until the anthropologist is able to study the groups and their interrelations in addition to his study of the entire society as a corporate unit, his knowledge of his subject will, sad to say, remain incomplete. In his essay about locality power in relation to superlocal power institutions, Anthony Leeds makes one or two remarks which I think all students of society must heed in pursuing their studies:

"One needs then conceptually well-formulated anthropological descriptions of national institutions, of localities and communities, and of the arrangements of their interrelationships. Only then will we be able to develop adequate theories ...".¹⁸

Again, he says:

"Localities and superlocal structures with their respective forms of power, enter into a variety of oppositional, co-operative, complementary and other types of relationships which constitute some of the most important structures of the total society though they have largely been neglected in the literature".¹⁹

¹⁷ See K. A. Busia, The Position of the Chief in the Modern Political System of Ashanti, Oxford University Press, London, New York, Toronto, 1951, p.85.

¹⁸ See Anthony Leeds "Locality Power in Relation to Superlocal Power Institutions" in Aidan Southall, op.cit., p.36.

¹⁹ Ibid., p.36.

May I say, that as long as we continue to view chiefship societies like that found in Wa as states and the chiefly authorities that lead them as their governments, we will continue to be faced with the danger of neglecting "in the literature" the oppositional as well as co-operative relationships between the component groups, without which our knowledge of the society as a whole will be far from perfect.

It is possible for one to study and to understand adequately the structure of relationships existing between the component groups by adopting what I call the authority approach. This implies studying the groups according to how their respective traditional leaders administer them, and how these traditional leaders themselves deal with one another internally in the settlement of inter-group disputes as well as externally when it comes to war with a foreign country. Thus to get a full understanding of the pre-colonial Wala society I have studied the Nan (chiefship), not simply as the government of the Wala people but in fact as one of several institutions of authority. I have tried as much as possible to examine the Nan as an institution of authority for the Wa-Nabihi community (the princely estate) in the first place and then as a mediating institution of authority for the respective institutions of authority of the other communities.

THE WALA CONCEPT OF LESIRI

I have found that the indigenous Wala concept of Lesiri support my theory of Centralised Group Society. Lesiri is a system of shared understandings between the members of one group, or between the members of different groups which bind them together into a common social structure. The Lesiri of any Wala group is an enforceable duty of its own traditional leader, while the Lesiri of all Wala groups is the enforceable duty of the Wa-Na (chief of Wa).

In 1989 Ivor Wilks wrote about the Wala practice of Lesiri (lasiri):

"The word itself is a borrowing. The Malinke root has the true sense of 'binding together', of 'connecting', and lasiri is an act that binds together or connects people with people or people with their gods. Hence, in Malinke as in Walii to recount stories of origin is lasiri, for such stories by their very nature tell how different peoples and their gods became bound together as a community."²⁰

It is most probable that the Wala word Lesiri is a borrowing from Malinke. This is because the literate Muslims of Wa who constitute a very important part of the society are the descendants of immigrants from the Malinke centre of Mande. It is true that Lesiri "binds together". However, what must be pointed out is that when the Wala elder recounts stories of origin the most important thing to bear in mind is the reason why he is recounting the

²⁰ See I. Wilks, Wa and the Wala, Cambridge University Press, 1989, p.30.

stories. Stories of Lesiri are never told unless there is a serious issue at stake, normally involving the rights or duties of one group towards another. For instance, if one Wala group tried to usurp the rights of another Wala group, the group whose rights are being usurped would recount the story of how they acquired the rights in question. By doing this the group whose rights are being infringed would remind the offending group of the important fact - not to disturb the Wala status quo. Lesiri then is not just the recounting of stories of origin as an activity, but the assertion of rights and duties which flow from the shared understandings developed between peoples or groups of people. If anything at all the stories of origins are only recounted to justify the claims to rights.

According to this concept, the individual in dealing with others from his community, or those from other communities within the society, must put up conduct that corresponds with his position as member of his group. In other words, the individual must treat the other members of his community in a manner that is expected of him by his group leadership. Two members of the same group must show warm affection and caring love for one another. Similarly, the individual is to show warmth and hospitality to the member of the group which is regarded by the authorities of his own group as friends or allies, while he is to avoid the member of the group regarded by his group authorities to be rivals or enemies, and, if need be, start hostilities. In

brief, Lesiri to the individual Wala person means following his traditional group leadership, its injunctions and its prohibitions. For the leadership of the various groups it means their accepting the mediation and arbitration of the Wa-Na (Chief of the Wala) in inter-group disputes. To be a respectable person in society, one must conduct oneself in accordance with Lesiri. Failure to do so would mean one is irresponsible and in the extreme case, might lead the elders and leaders of one's group community to treat one as Sengsenbie (bastard).

The concept has a second meaning. It also means the duty on the part of any leader to remember the position which he occupies in all that he does. To protect the interests of all his followers and to be able to articulate and project such interests as well as upholding the image of his position are all demanded of the leader in his post. Thus, the obligation which the Wa-Na owes the member of the Wa--Nabihi group is twofold going by Lesiri. Firstly, as the incumbent of the Wa-Nan, the Wa-Na is the traditional communal leader of the Wa-Nabihi, and as such has the obligation towards all in the group to protect their interests individually and severally proceeding in that case in accordance with the group Lesiri of the Wa-Nabihi. Secondly, as the incumbent of the Nan, or Naship as we might call it, the Wa-Na is the protector of all Wala, including of course the Wa-Nabihi, as far as the Lesiri of the whole Wala society is concerned. The Lesiri of all Wala

requires the Wa-Na to perform three duties: to arbitrate in all disputes that arise between any of the component groups; to protect the interests of Wala people, individual or group or general, which conflict with the interests of foreign individuals, groups or countries; and to act as a rallying point for all the different Wala groups when it comes to the taking up of arms for defence against external aggression.

In sum, the indigenous Wala concept of Lesiri can be said to be the establishment of social relationships between leaders and their followers in such a way that any leader in society, be he the authority in charge of a community or the authority in charge of the whole society, becomes responsible for the protection of the interests of his followers, who for their part become obliged to follow his guidance.

One then asks - on what basis are Lesiri relationships established? How are they established, and why? Lesiri relationships might develop through blood relations or through association. A person who is born and bred in the Tindamba community becomes naturally the subject of the group Lesiri of the Tindamba. His right of membership of that community gives him the Lesiri duties of treating his group folk with the due respect of kinship and the Tindana the due respect as a group leader and guardian. By becoming the subject of Tindamba group Lesiri, he also becomes in

the wider sense the subject of the general Wala Lesiri, which requires him to treat all Wala people as equals in society and the Wa-Na as the leader and guardian of all Wala.

Sometimes, a person born and bred elsewhere might come to stay within the Tindamba community, initially as a stranger, but then eventually as a normal resident. Through association he or she becomes a member of the community. In the end all in the group become his people and the people of his children. The Tindana becomes his leader and guardian as well as the leader and guardian of his descendants. Once he, the immigrant, becomes accepted by the Tindamba group and the Tindana, the group leader, it follows that he also becomes acceptable to the other Wala groups and to the Wa-Na. He becomes part of both the Tindamba group Lesiri and the general Lesiri of the Wala society.²¹

The Lesiri of the whole Wala community, or the general Wala-Lesiri, is comprised of the interrelationships existing between various groups, as well as the relationships existing between each of these and the overall guardian and leader, i.e. the Wa-Na who is the incumbent of the Naship. Unlike the Lesiri of the group

²¹ It is said that a person who becomes a member of the Wala community in this way might, of course, have problems in becoming a leader. Thus, it would appear that communal membership through birth is superior to communal membership through association.



and its members, the Lesiri of the general community takes a much longer time to establish. Indeed, the establishment of a general Lesiri relationship is normally spread over the lifetime of a generation or more.

Lesiri relationships are established to ensure the good order and peaceful functioning of society. By means of Lesiri, an individual or group can achieve redress for a wrong which it has suffered in a peaceful manner thereby avoiding disorder, hoarding and savagery in society.

The establishment of Lesiri relationships helps to iron out differences between people. Not only does it provide the individual or group that has suffered a wrong the opportunity of being heard by people who have the authority to ensure fair play within the society, but also it serves as a means by which the various group communities are able to sort out for themselves what position each group is to occupy and when.

In analysing society so as to understand it, through the use of the existing body of literature and data from contemporary fieldwork, it is sometimes natural for the student to come out with new approaches and new theories. I think H.N. Fairchild is right in saying: "To protest against these tidal movements of intellect is probably as futile as to protest against the succession of day and thankful that its repeated failures are soothed by periods

of transcendental illusion until it is ready to make one more effort".²² Perhaps some might welcome my theory of group society and the authority approach which I have adopted. No matter what happens, it cannot be denied that it presents a realistic picture of the centralised indigenous African society and its institution of authority - chieftaincy.

²² See H. N. Fairchild, The Noble Savage, Columbia University Press, New York, 1928, p.510.

CHAPTER 2

PRE-COLONIAL WALA SOCIETY

Before the coming of the white man Wa was mainly known for its commercial importance in the region. The town lay on several trade routes: one road from the south linked Wa with Bole; another from the north brought traders to and from northerly urban centres like Tenkudougou, Ougoudouou and Gutugu. A third road from Wa ran west to Buna which was also an important trading centre. In the eastward direction ran perhaps the most lucrative trade route from Wa. This route linked Wa with Daboya where there was a salt mine. Salt was a most scarce commodity in northern Ghana. The other commodity to be found in the markets of Wa was the kola-nut which was brought from the forests of Ashanti on the southern route through Bole. It was in the distributive trade of salt and kola-nuts that Wa became famous as a commercial centre. There were two types of traders in Wa, those who went on trips either to import or export goods, and those who remained in the town as local dealers. Thus, in pre-colonial Wa people practised both internal and external trade.

For the people of pre-colonial Wa the horse and the donkey constituted the key means of transportation and long distance communication. There were neither lorries nor bicycles. Goods that were imported and exported were transported normally on donkeys. The horse was faster and

therefore was normally used for the purposes of communication over long distances.

With local communication the Wala people relied on the beating of drums. For instance, the chief of the town was able to rally the warriors of Wa during emergencies through the use of his talking drums. Normally, he would authorise his drummers to let the drums proclaim the emergency. The drummers would beat the drums to the Bafantuorh rhythm. All the men understood the language of the talking drums and therefore got the message calling them to take arms.

Although Wa was a commercial town its countryside comprised many villages which did extensive farming. The Fufula, Dagaba and Chakali villages which were scattered about, grew food crops like corn, millet, yam, beans, etc. which they sold to the Wala. Thus, the Wala people had a safe supply of food and these villages a safe supply of salt which they needed for their soup.

The pre-colonial town of Wa was made up of four identifiable groups of people: the Wa-Nabihi, the Limahi, the Yeri-Nabihi and the Tindanba.²³ The members of two of these groups, the Yeri-Nabihi and the Limahi practised Islam. Indeed these two groups had always been Muslim since the time they settled in Wa. The two groups together

²³ For a fuller account of the composition of these groups in Wa, see chapter 3 of this part below. p 46-49.

were known as the Yerihi or Muslims. They had a large mosque in Wa where they worshipped. They also had a school where children learnt Arabic and the recitation of the Holy Koran. In this way the Muslims in Wa were able to produce local scholars who were literate in Arabic.

CHAPTER 3

THE WALA POLITICAL SYSTEM

NAN AND THE OTHER INSTITUTIONS

In this chapter, an attempt is made to explain the origins of the institution of Nan in Wa. An effort is also made to explain and analyse the position held by the Wa-Na in Wala Lesiris as leader of leaders in Wa.

The Nan (chiefship) of the Wala was an offshoot of the Nan of the Mamprusi. Soalia, who became the first Na (chief) of Wa was a Mamprusi prince who migrated from Nalerigu to Wa.

This in no way implies that the new kingdom of Wa was a tributary kingdom of the Mamprusi. Soalia came to Wa in the seventeenth century as a migrant and with the assistance of the Tindana of Wa as well as Yamuori, the Muslim cleric, founded the Wala kingdom as an independent entity. Indeed, the Nan of Wa was created in Wa and by the Wala. At the conference of chiefs organised at Wa town in 1985 to settle differences between chiefs and princes, a representative of the Yeri-Na (chief of the Muslims) made the point that when Soalia the great ancestor of the Wa-Nabihi (Wa princes) migrated to Wa, he only did so as a "Nabia of Maprugu" (prince of Maprugu) and not a Na of Wa.²⁴

²⁴ Information received at local conference of chiefs, Wa for the settlement of the Wa chieftaincy dispute 1985.

The statement here that the Wa-Nan was an off shoot of the Nan of Maprugu only implies that it was from Maprugu that the concept of Nan as an institution of authority found its way to Wa. It may also be added that since Soalia the first Na of Wa was himself a Namprusi royal, it is not out of place to say that there was a blood relationship between the newly found Nan of the Wala and the Nan of the Namprusi people.²⁵

At first when Nan as an institution of authority was established in Wa, it was in the hands of one united Nayiri(royal House) without divisions or gates so to speak. However, as time went on this situation came to an end. By the end of the eighteenth century the Wa-Nayiri had developed divisions or gates. These gates or divisions were: Yijihi, Dzeri, Dzonyohi and Kpasa. Each of these four gates were simply named after the Na who was its founder. Tradition has it that Yijihi, Dzeri and Dzonyohi were the sons of Na-Pelpuo I who ruled Wa towards the end of the seventeenth century. Sometime after the death of Pelpuo, Yijihi, the most senior of the three sons, became Na and founded the Yijihi division. After his death, Dzeri succeeded him and also founded the division which was named after him. Dzonyohi, the youngest of the three sons, succeeded Dzeri as Na of Wa and founded the Dzonyohi gate.

²⁵ Although the historical fact of kinship ties between the Wala royal house and the Mamprusi royal lineage appears not to be in doubt, there are today hardly any ritual or physical links to be noticed between the two.

The fourth gate was founded by Kpasa who was the patrilineal cousin of Yijihi, Dzeri and Dzonyohi.²⁶ Kpasa perhaps sat on the Wa-Skin around the beginning of the eighteenth century.

Each division or gate was made up of the descendants of the founder and father. Mention of the Yijihi gate, for instance, was a reference to the descendants of Na-Yijihi. Each gate in a sense was by itself the royal house of a part of the kingdom. In other words, each of these four divisions of the Nabihi (princes) had the exclusive right to provide Nas (chiefs) for a number of villages within the kingdom. The Yijihi gate provided Nas for Nakora, Tampala and Busa while the Dzeri gate provided heirs to the Skins of Dzonga, Yeru and Kperesi. The Dzonyohi gate, for its part, provided Nas for the villages of Seng, Boli and Chansa. The villages of Guli, Konjihi and Nyagili had their Nas recruited from among the princes of the Kpasa gate.

It is not clear as to why the Wa-Nayiri became divided into these four gate segments. The popular view about the matter seems to be that these divisions developed as the kingdom increased in size. A strong Na who conquered new territories after death bequeathed them exclusively to his descendants. In other words, although newly conquered

²⁶ This perhaps explains why the three gates of Yihiji, Dzeri and Dzonyohi are closer to one another than they are to the fourth gate, Kpasa. See Ivor Wilks, Wa and the Wala, Islam and Polity in Northwestern Ghana, Cambridge University Press, Cambridge, 1989, p.199.

villages were annexed to the Wala kingdom, by and large such villages were only ruled over by the descendants of the Na who carried out the conquest. When the villages of Boli and Logu were conquered in the eighteenth century by Na-Dzonyohi they were annexed to the Wa kingdom but their Skins made the exclusive seat of Dzonyohi princes. Thus, the Skins of Boli and Logu villages have always been occupied by the members of the Dzonyohi gate.²⁷

When it came to the question of succession to the Naship the gate system (Du-Noya) was important in that any person who offered himself as a candidate for the Nan did so on behalf of his gate.²⁸ The success of a candidate in the struggle for the Nan or Naship meant the success of his gate. On the other hand, if he failed in his bid to occupy the Skins, he shared his disgrace with the entire membership of his gate. It followed, therefore, that once the elders of a gate had put forward a candidate for the Nan, all the members of that gate were duty bound to

²⁷ The village of Busa appears to be an exception to this rule. Busa was conquered and annexed before the development of the divisions or gates. It had been for a long time the seat for princes from any of the four gates. In the end it became the exclusive seat of the Yijihi princes apparently because they were continually successful in their claims for its skins anytime they were vacant. Thus in theory Busa can still be regarded as a seat for all Wa princes although in practice it is an area of exclusive Yijihi jurisdiction.

²⁸ As a matter of principle, to present oneself as a candidate for the chiefship is not a personal right of the individual as such but a right of the individual only as a member of a gate.

support their man against rival contestants from the other gates.

Just as the Nabihi (the princes) formed one estate in the Wala society, the Tindamba (sons of landowners) and Limahi (sons of Immams) formed separate social estates. Of the three it was the Tindamba who were regarded as the common estate. In every-day administration the Nabihi had more contact with the Limahi than with the Tindamba who were nicknamed Dagaba.²⁹

There was a section of the Nabihi known as Yeri-Nabihi (Muslim princes). Although this group formed part of the princely estate they were different from the ordinary Nabihi to the extent that they were not descendants of Soalia and could not aspire to the Naship. The Yeri-Nabihi, in fact, were mainly Taraore Muslims who migrated into Wa from Mande. Through long association they became related to the ruling house of Wa. The post the Yeri-Nabihi could aspire to reach in social life was the post of Yeri-Nan or Yeri-Naship (chiefship of Muslims). The post of Yeri-Naship was a vital part of the institution of the actual Naship. The holder of the post of the Yeri-Naship - the Yeri-Na, ruled over the Muslim community on behalf of the Na. Furthermore, he was the chief elder and advisor of the Na.

²⁹ The term Dagaba among the Wala means non-Muslims or infidels. The term has perhaps come about because the Dagaba people who are the immediate neighbours of the Wala are generally speaking non-Muslims.

The Nan of the Wala in a sense was a super-institution of authority. It was an institution of authority which was related to and, to a large extent controlled, lesser institutions of authority. The Na was the Sira (husband) of the Tindana (landowner) as well as the Liman (Immam).³⁰ In this way the three institutions of Nan, Tindanlun and Limanya belonged to one family. It was a family in which Nan being the husband could speak and act on behalf of the other two who were wives.

The truth of the matter, however, was that the Na, who was the head of the Nabihi estate was a *primus inter pares*. He could not coerce the Liman or the Tindana into doing things which were against their respective individual interests.³¹ Each of the three institutions of authority to some extent were independent in that they had their own interests to protect.

As a matter of fact, the Liman, Tindana, the Wa-Na and the Yeri-Na, who was in fact the advisor of the Wa-Na, were each in their own right leaders of separate groups of people in Wa. The Liman was the leader of the Limahi. His

³⁰ For the Wala, at least in a proverbial sense, all the different groups within the society constitute a family - husband (the Nabihi), two wives (the Tindamba and the Limahi). The strangers or guests of each group form part of itself and, *ipso facto*, the family of Wala groups.

³¹ In this thesis the term Liman refers to the Wa-Liman and never the Friday Liman who leads the Friday prayers.

office was the Limanya (or Limanship as it is sometimes called). The Tindana was the head of the Tindamba, his office Tindanlun or Tindanaship. The Wa-Na was the leader of the Wa-Nabihi. His office was the Wa-Nan or Wa-Naship. Lastly the Yeri-Na was the head of the Yeri-Nabihi group. His office was the Yeri-Nan or Yeri-Naship.

In a way the last group differed from the other three. Unlike the Limahi, Tindamba and Wa-Nabihi, the Yeri-Nabihi group was and still is a hotch potch of different elements. Indeed, the only two factors which bind these divergent elements together into one body is:

Firstly, despite separate ancestral origins they have the common link of Islamic history and background. Indeed this group is referred to by some as "the old Muslims."³² Secondly, all are governed by the Yeri-Na, who invariably is from the Tagarayiri section of this group. There are two sections in the group, Daa-Nayiri and Tuo-Muni, who claim to be Tindamba, but who strangely appear as wards of Yeri-Na and not the Tindana. About these two, Wilks wrote in 1989:

"There are other Tendaaba (Tindamba) groups in Wa, most notably those in Tuomuni (Tuo-Muni) and Daanayiri (Daa-Nayiri). The former, long Muslim though (we have noted) still custodians of an Earth shrine, are probably subsumed under Tagorayiri. The latter, Daanayiri, are the owners of the market, and are almost certainly

³² See Ivor Wilks, Wa and the Wala: Islam and polity in north-western Ghana. African Studies Series, Cambridge University Press, 1987, p.54.

included within Kabanya."³³

Going strictly according to Lesiri, these sections cannot remain Tindamba if they become more connected to the office of the Yeri-Na than the office of the Tindana. In this thesis the position is that Daa-Nayiri and Tuo-Muni belong to the Yeri-Nabihi group. After all, the Foroko, the head of Tuo-Muni, who performs the enrobement ceremony when making a new Wa-Na does so in the presence and on behalf of the Yeri-Na and the Muslims, who offer prayers.³⁴ As already explained the Yeri-Nabihi and the Limahi together sometimes formed a group known as the Yerihi or Muslims.³⁵ Whenever this happened it was the Yeri-Na who became the leader. Thus, in a sense the Yeri-Na was not only leader of the Yeri-Nabihi but of all the Muslim community.

SHRINES AND MAGIC

There were three shrines which represented the spiritual importance of Nan as an institution of authority among the Wala. These were:

1. The shrine of tomb-stones of the late Nas.
2. The Salimana Kolee.
3. The Sacred Stone of the Palace.

These were essentially shrines of the Nabihi estate and not

³³ See Ivor Wilks, op.cit. p.51.

³⁴ See below, Part 6, chapter 1, p 362 for table of sections or wards of the various Wala groups.

³⁵ See above chapter 2 of this part, p 40-41.

of the Wala in general.

The Shrine of tomb-stones was one which was worshipped by the Nabihi in the same way that the Gonja worshipped the Royal Burial ground of the Yagburn-Wuras.³⁶ After the burial of a dead Na, a stone was raised to mark the spot of his grave. These stones collectively were arranged in a line corresponding with the order of burial of the Nas. As more and more Nas were buried the number of tomb stones increased. This shrine was thus unique in the sense that it grew in size.

It would be wrong for one to say that the number of tomb-stones found at the burial ground in front of the Wa palace was an indicator of the number of Nas who had ever sat on the Skin. It was only Nas who died while on the Skin, who received a ritual burial. Na Gura who was removed from office around the end of the seventeenth century was not buried at the royal burial site. Na Dandun who was killed in a palace coup in the eighteenth century was also not accorded the royal rights of burial.

When the Wa-Nabihi sacrificed to their shrines of tomb-stones, they did so to seek the spiritual help of the dead Nas in the day to day administration of the kingdom. A new

³⁶ See J.R. Goody, "The Over-Kingdom of Gonja" in Force and Kaberry (eds.), West African Kingdoms in the Nineteenth Century, International African Institute and Oxford University Press, 1967, p.201.

Na would normally offer sacrifices of fowls to the shrine, asking the spirits of his predecessors to bless his reign.³⁷

The second shrine which was a spiritual symbol of the Nan or Nanship was Salimana Kolee. Salimana was a kolee (pond). This kolee is today still to be found near the village of Dorimon. Salimana Kolee according to legend contained fishes which had marks like the tribal marks of the Wa-Nabihi. When one of the Nabihi died it is said that one Salimana fish also died simultaneously.³⁸

In the days before colonial rule this was a highly regarded shrine. It was believed to be a source of spiritual power for the Nabihi. As a shrine associated with the destiny of the princely estate it was entitled to all sorts of sacrifices of thanks-giving and propitiation.

The third shrine the Wa Nabihi associated with their institution of Nan was the Sacred Stone of the Palace. This was a stone hidden beside the Palace.³⁹ Sacrifices to this stone were performed only at night and only two people could participate in these sacrifices at any one time. This

³⁷ This custom appears today to be falling fast into disuse.

³⁸ Information received at Ducie in 1981, and at Wa in 1986. See also J. C. Dougah, Wa and its People, Legon, Accra, 1986, p.105.

³⁹ See D. C. Dougah, op.cit. p.111.

shrine was considered to be the most sacred of the Nabihi and as such was never mentioned to people of any of the other two estates.

In pre-colonial Wa as a kingdom these were the three shrines which constituted the spiritual basis of the institutions of Nan. These shrines were directly under the charge of the princes who also used them to further the interests of their estate. Just as the Tindanaship of Wa as an institution had Djandjan and the other Tingbama as its symbols of spiritual power, so did the Naship in relation to these three shrines.

The shrines of the Naship, as these three shrines may now be called, were considered sacred only by the Nabihi estate and not by the other estates of society. The simple reason why other Wala social groups had little or no regard at all for these shrines was that they were not themselves Nabihi. "Those shrines have never been part of our Lesiri duties. They are the Lesiri of the Nabihi. We are not Nabihi, we are Tindamba. The Nabihi have always had their Lesiri, and we the Limahi have always had our own. We have nothing to do with those shrines".⁴⁰

Not even all the members of the Nabihi estate in fact respected the shrines of the Nan as sacred objects. As pointed out earlier the Yeri-Nabihi, who were a part of the

⁴⁰ Information received at Wa, July 1986.

princely estate, were Muslims and heirs to the Yeri-Nan and not the actual Nan. As heirs to the Yeri-Nan, the Yeri--Nabihi did not consider themselves exactly the same as the ordinary Nabihi and for that matter had nothing to do with the shrines of the Nan.

It is partly for this reason that some people think the Yeri-Nabihi occupied a rather elusive position in Wala society. The truth of the matter is that the Yeri-Nan, or Yeri-Naship, the institution of authority which the Yeri--Nabihi operated, was a hybrid of Limanship and Naship. "It is the Yeri-Na who is the go-between for the Na and the Liman".⁴¹ This role of go-between was vital for the smooth running of the Wala system of society. For the two institutions, Naship and Limanship, represented two opposing expressions of traditional worship and clerical Islam. For example, the institutions of Naship required all its heirs and subjects to revere its shrines, as well as to dance at royal ceremonies. On the other hand, the institution of Limanship instructed its heirs and subjects to abstain from shrine-worship as well as dancing at ceremonies. The institution of Yeri-Nan was able to reconcile the two by urging its heirs and subjects to abstain from worshipping shrines, but to dance at the damba and other royal ceremonies.⁴²

⁴¹ Information received at Wa Palace, August 1986.

⁴² The damba festival is held in the fourth month of the Muslim calendar. During the festival drums are beaten for chiefs and princes to dance. It is usually an

The shrines of the Nan were not the only source of spiritual support for the running of the institution of Naship. Amulets, talismans and other magical objects produced by powerful Mallams among the Limahi were also a trusted source of spiritual power.⁴³

The powerful Mallams of the Limahi estate, together with Liman, had two important functions to perform. Firstly they were required to use their superior magic of the Koran to ensure that their own institution of Limanship, which they inherited from the forefathers, was preserved and safe-guarded. In short, the first duty of the Muslim magicians was to the Muslim community and its leadership. Secondly, the Liman and those of his people who were Mallams had a duty which they had to perform to the Na, or for that matter the institution of Naship. Just as Yamuori, the first Liman, used his magical or spiritual powers to enable Soalia, the first Na, to establish the kingdom, any incumbent Liman could be called on by the Na for spiritual help in any matter which was likely to endanger the Wala status-quo. Once there was such a matter, it was obligatory by custom for the Limahi to do what they could for the Na by way of spiritual assistance. Such matters included the following: war with another tribe, rebellion within the

occasion on which subjects and lesser chiefs renew their loyalties to the Wa-Na.

⁴³ Of all the forms of magical power available to the chiefs and princes, Muslim talismans, amulets and potions (duba) would appear to have been the most important and the most valued.

kingdom, pestilence and severe drought.

The right of the incumbent of the Naship to seek the spiritual assistance of the Liman and his people was, of course, a right that could not be abused. The duty to help spiritually was only binding on the Liman if the help that was sought was in furtherance of the common good of the Nabihi as well as the Limahi. Sometimes an argument would erupt between the two estates as to whether or not a particular matter represented the common good. In such a case it was the Yeri-Na who acted as the arbiter between the two parties. It was he who was most suited to arbitrate in these matters being a Nabie (prince) and at the same time Yera (member of the Muslim community).

The earth-shrines (Tingbama) of the town which were the shrines of the third estate were also another source of spiritual power for the Nan. The Tingbama were under the authority of the Tindana who also controlled the affairs of the estate. In other words, the Tindamba estate of the Wala society was subject to the authority of the Wa-Tindanaship as an institution. The Tindana, the man in whose hands was the Tindanaship, had a duty to perform to the Na separately from his duty to administer his estate. He could be asked by the Na to call on the Tingbama of Wa through sacrificial performance in order that an imminent danger might be averted or a severe drought brought to an end.

Where the Na approached the Tindana in respect of spiritual help from the Tingbama, it was binding according to Lesiri for he, the Na, to provide the sacrificial lamb and fowl. Once the Na was able to afford the animal and fowl for sacrifice his problem was relayed by the Tindana to the Tingbama without delay.

Of course, this duty which the Tindana performed for the Na was not to be taken for granted. The Na, for his part had to give his respect not just to the Tindana personally but to the entire institution of Tindanaship. In all questions about land brought before the Na's court, it was the word of the Tindana which the Na had to uphold as the final judgment. It was the Tindana who knew the secrets of the land and as such was entitled to play the role of guardian in all matters about it. Thus, although the Tindana and the commoner estate of which he was head constituted the tail-end of the Wala social structure, they were entitled by Lesiri to the fullest respect of the Na and Nabihi. For the Tindana and his people, this respect of the Na was a valuable source of dignity and pride.

Although the Tindana could not himself refuse to invoke the Tingbama in support of the Na and his policies, he could, in fact, counter-invoke these shrines against the Na if the latter did not give him his due respect. It has always been a popular maxim among the Wala "Dagabile Tihi Na" (No matter how small the commoner it is he who is the

support of the Na). Every Na had to bear this in mind in dealing with the Tindana on behalf of all the Tindamba. A Na who became disrespectful of the Tindana or his interests would sooner or later find that he is "fallen to the ground".

Whatever spiritual power each of these identifiable groups in pre-colonial Wala society was able to wield, represented a strategic weapon which was used by the group to defend first and foremost its own position and then the general welfare of society as a whole. This general welfare of society was placed under the supervision of the Na, who was a kind of spokesman for every other authority within the society. It was in the promotion of this general welfare of society that the Na could count on the unflinching spiritual support of the Liman and the Tindana.

By separating group interests from community interests, the various peoples who formed Wala society were able to maintain their cultural identities. More importantly, by putting group interest first before community interest the Tindamba and the Limahi, as different peoples with different identifiable histories and cultures, managed to sustain a good amount of political independence from the Nabihi through the operation of their respective institutions of authority.

CHAPTER 4

RECRUITMENT AND DISMISSAL OF THE NA AND OTHER LEADERS

In this chapter we will try to examine how the Wala recruited and dismissed their Na. We will also see how the other Wala group leaders i.e. the Liman, the Yeri-Na and Tindana were recruited and dismissed.

The general principle followed by the Wala before the coming of the Europeans with regard to the recruitment of leaders was that each social group went about the making and unmaking of its own leaders independently and by its own method. However, because of the special nature of Nan as a rallying point of the other instituted authorities, the recruitment and dismissal of a Na were functions carried out by the Nabihi in conjunction with the Tindamba and the Limahi. Indeed, the Tindamba played a very important role with respect to the enskinment and the de-skinment of a Na.

The institution of Naship was the hereditary right of the Wa-Nabihi. This meant that a man from among the Tindamba could not become a Na. Neither could a person from among the Limahi be enskinned as a Na. In fact, as indicated earlier in this chapter, a person from the Yeri-Nabihi section of the Nabihi estate could also not become Na. It was only a man from among the ordinary Nabihi descended from Soalia who could be enskinned Na of Wa. It is this

group of ordinary Nabihi eligible for the Wa-Naship who were technically termed in Wala Lesiri as Wa-Nabihi.

In theory, any Wa-Nabie could become Na of Wala. In other words, any descendant of Na Soalia, the founder of the Wa-Nan, was eligible for enskinment as Na. In practice, however, only those of the Wa-Nabihi who were men of substance or individuals with strong personalities could aspire successfully to the Wa-Naship.

To turn dreams into realities, a Wa-Nabie who had the aspiration of becoming Na had to be capable of wielding strong support among the people in the town. The Nabie who were rich had brighter prospects with respect to Nan than his brother or cousin who was a man of straw. Similarly, the Nabie who was a distinguished warrior was nearer to rising to the post of Na than he who was a dastard. By virtue of their wealth and strong personalities the rich and powerful princes were able to attract more followers than their poorer and less able fellows.

When a Na died and his funeral ceremonies were all performed, a general meeting of Wa-Nabihi was convened by the elders of the four gates: Yijihi, Dzeri, Dzonyohi and Kpasa. At this meeting the Wa Skins are formally declared vacant. This information is passed on to the Yeri-Nabihi who constituted the other segment of the Nabihi estate, and the Tindamba who made up the commoner estate. It was

the Yeri-Na, head of the Yeri-Nabihi, and the Tindana, head of the Tindamba, on whom the responsibility of king-making rested. The Liman, head of the Limahi estate, was not a king-maker. However, his views mattered to the Yeri-Na in particular, as the role of king-maker which he was to play was representative of all the Muslim community, the Limahi and the Yeri-Nabihi inclusive.

While it was the duty of the Yeri-Nabihi and the Tindamba to fill the vacant Skin with a new Na, the responsibility of providing candidates for the post devolved on the Wa--Nabihi. From the day the Nan was formally declared unoccupied many consultations were held behind the scenes. The members of each gate would meet again and again until they agreed on who was to represent them in the impending contest for the Naship. In this manner, four contestants would emerge from the four respective gates.

Most of the four contestants put forward normally did not press their claims for the Na-ship. As a matter of fact in most cases the putting forward of a candidate was only meant to be a proof of the entitlement of each gate to claim the Skin. This explains why the Kpasa gate continued to renew their candidature of the Nan each time there was a vacancy, in spite of the fact that no-one from Kpasa ever actually got to the skins perhaps since

the middle of the eighteenth century.⁴⁴

As the contest for the Nan grew keener and keener, gates which did not intend to press their claims normally would withdraw their contestants, and then give their support to gates which were more determined to pursue their claims. The members of the Kpasa and the Dzonyohi gates, for example, might all rally behind a Yijihi contestant against his opponent from the Dzeri gate. In such a case the matter was referred to the Yeri-Na and the Tindana, who under normal circumstances would give the Nan to the more popular Yijihi contestant.

This arbitral role of the Yeri-Na and the Tindana in succession disputes between the Wa-Nabihi was mentioned by Princess Marie Louise in a letter which she wrote from Wa during a royal visit to the Gold Coast twenty-five years or so after the Wala came under the British. She mentioned "should a dispute arise between two parties, the Tindanas and the Chief Mallam act as judges...".⁴⁵

It must be said, however, that the role which the Tindana and the Yeri-Na had to play with regard to the choosing and the enskinning of new Nas was not just the role of arbiters. It was, indeed, also an assertion of political

⁴⁴ Information received at Wa, July 1986.

⁴⁵ See Marie Louise, Letters from the Gold Coast, London 1926, p.122.

right by Lesiri. Wala of the Tindamba estate as well as those of the Limahi estate would, of course, not obey a Na unless he was accepted and enskinned by the Tindana who stood for the Tindamba and the Tingbama and the Yeri-Na, who stood for the Limahi and Yeri-Nabihi.

Once the Tindana and the Yeri-Na accepted a man put forward by the Wa-Nabihi as a candidate for the Na-ship, and thereafter enskinned him as Na, it became binding on all the members of the two non-princely estates as well as members of the Yeri-Nabihi segment of the princely estate to obey the new Na so enskinned. A member of any of these groups who disobeyed the new Na disobeyed the instituted authority of his own group who had participated in the enskinment. In other words, every Wala man had to obey the Wa-Na just as he had to obey the authority instituted by the people of his own social and descent group. Provided that the instituted authority of one's own social estate directly or indirectly participated in the enskinment of a Na, one could not disrespect the Na's word without being a deviant in the sight of society.

Although it was more probable than not that a candidate for the Nan who had the unanimous support of the Wa-Nabihi would be accepted and enskinned as Na by the Tindana and the Yeri-Na, it would be altogether fallacious to think that the king-makers were to do just what they were told by the Wa princes. As priests of the Wala earth, the Tindamba

were the people who knew the candidate with the best luck, the one who would be acceptable to the Tingbama if made Na and whose reign ipso facto would be free from drought and other calamities. The Tindana was able to know the answer to these questions by performing sacrificial rites to the Tingbama. Writing in 1966, Mr. J.C. Dougah clearly mentioned the importance of the spiritual role played by the Tindana and his people in the process of enskinning a new Na. "The Tindamba consult their gods and spirits to find the person whose reign promises to be prosperous. They have to meet by night in secret places in the bush to decide who is to be chief. When the right person is found, they make the news known to the Yeri-Na and he, in turn, informed the Immam".⁴⁶

While not doubting the fact that to some extent the Tindana exercised a decisive influence when it came to choosing a new Na, the fact also has to be admitted that the opinion of the other king-maker, the Yeri-Na, mattered with respect to who was to be enskinned. It was not just a matter of the Tindamba meeting in the bush to decide amidst ritual secrecy the one to be given the Nan, and then making "the news known to the Yeri-Na" as was suggested by Dougah in 1966.⁴⁷ Ever since the reign of perhaps the third Na, Na Pelpuo I, Islam had been accepted by the Wa-Nabihi as an

⁴⁶ See J. C. Dougah, op.cit. p.110.

⁴⁷ Ibid.

official religion of the Nan.⁴⁸ The successive Limans and Yeri-Nas, who occupied the Wa-Limanship and Yeri-Naship respectively, had always striven to uphold the good cause of Nan by means of their superior magic of the Koran. Thus, there was a strong Lesiri-relation between the Limanship and the Yeri-Naship on the one hand and the Nan on the other. According to this Lesiri-relation the Yeri-Naship was a kind of via media between the Limanship and the Nan. The same Lesiri-relation was one which also required the Wa-Nabihi to refer the case of any prince aspiring to sit on the Skins to the Yeri-Na who, acting on behalf of the Liman as well as on his own behalf as Yeri-Na, could grant or refuse his approval.

It must not be forgotten that so far as the Muslim community was concerned, the Tindana was a Kafir (unbeliever)- For the new Na to be sure of the loyalty of Muslim Wala, his candidature had to win the approval of the Yeri-Na, who also had to participate in the enskinment process.

When it came to the question of succession to the Nan, the Wa-Nabihi who provided the candidates on the one hand, and the Tindana together with the Yeri-Na who did the enskinment on the other, were collectively expected by the

⁴⁸ See Tarikh Ahl Wala, Chapter 3, Institute of African Studies, Legon, Accra. The view is also supported by information received at the Wa Palace and elsewhere in Wa, 1987.

Wala public to ensure that the Nan was given to the Nabie who was most appealing. It was for the various gates of the Wa-Nayiri (Wa royal house) to appoint their best members as their candidates for the Naship. It was out of this group of best members from the four gates that the Na had to be chosen. Choosing a Na, in fact, was a matter of choosing the best man out of the best men. "Best man" as used here means the man who appealed most to the Wala people and their Tingbama. It is not surprising, therefore, that before accepting to enskin any candidate as Na, the Tindana and Yeri-Na would normally hold several consultations with their respective group elders.

Although it was considered ideal that the system of succession to the Na be run on a rotational basis between the four gates, this was by no means a prerequisite. In Wala thinking it was no injustice to insist that one gate forego its turn of succession to the Nan, if there was another having a better candidate. In this way, some gates were able to take over the Nan more frequently than others.

Using the Tarikh Ahl Wala and supporting field data, Ivor Wilks in 1970 estimated figures to indicate the number of rounds that each of the four gates held the Nan. According to him the Yijihi gate held the Nan thirteen times, Dzeri nine times, Dzonyohi five times and Kpasa twice only. "Since segmentation of the princely estate occurred presumably in the early to mid-eighteenth century, Busa

would appear to have held the Wa-Naship thirteen times, Peresi nine, Sing five, Guli perhaps twice only, and in any case not in the nineteenth and twentieth centuries".⁴⁹

While not underrating the value of Muslim Tariks as a source of local history and of data from field research as a source of information for historical analysis, I am not sure as to whether these can afford one the requisite precision and exactitude to justify any useful estimations.

For instance, it was the style of many Nas to bear more than one name. It might well happen that one only, or perhaps, two, of the three names borne by a Na were mentioned in a Tarikh. The other name, or names, which were not recorded in the Tarikh might be mentioned by oral historians, or perhaps by other writers without also mentioning the name or names recorded in the Tarikh. This danger is worsened by the fact that these Arabic manuscripts written by local Muslim scholars would appear in some cases to be written a long time after the death of the rulers whose reigns they purport to describe. In any case, it is a fact agreed on by both Muslim and traditional sources that the first literate Muslim, Yamuori, only arrived in Wa during the reign of Na Pelpuo I who probably was the third or so. The inevitable problem that faces the

⁴⁹ See P. Ferguson and I. Wilks, "Chiefs, Constitutions and the British in Northern Ghana", in Michael Gowder and Obaro Ikime, West African Chiefs: Their Changing Status under Colonial Rule and Independence, African Publishing Corporation, New York and University of Ife Press, Nigeria, 1970, p.354.

student is that there is sometimes much confusion and discrepancy between different Tarikhs, Tarikhs and oral histories, and different groups of oral traditions as the case may be.

This problem is one the student must be careful of. In his article about Jakpa and the foundation of the Gonja kingdom which he wrote in 1963, D.H. Jones made the point "Such confusion of mere names goes some way to explain the most serious apparent discrepancies between the account here offered of Jakpa's career and, in particular, the circumstance of his death and the version given in the manuscript which I have called the "Buipe chronicle" with more or less corroboration from the other documentary fragments published by Goody."⁵⁰ It is because of this problem, apparently, that to date, students of the Gonja kingdom do not know exactly whether there were a number of Jakpas, as has been suggested by some historians, or just one Jakpa who was also called Lanta, as is recorded in the Buipe manuscript, or that there was just one Jakpa whose other name was not Lanta but Sumaila, as is narrated by oral tradition.⁵¹

Since no Tarikh or oral tradition by itself can suffice to give us the answers to all our questions, it is vital that

⁵⁰ See D. H. Jones, "Jakpa and his foundation of Gonja", Transactions of the Historical Society of Ghana, 1962, Vol. VI, p.20.

⁵¹ Op.cit., p.26.

we are able to supplement one source with another. With sources that disagree about the mere names and, for that matter, the personalities of pre-colonial chiefs, to attempt drawing up any workable chronology of succession may be misleading.

This matter can fairly be illustrated with the case of Wa-Na Tahuna whose other names were Dangana and Borduba. Tahuna became Wa-Na in 1908 as successor of Na-Tangili (Tanele) and abdicated in 1920 due to extreme old age and its attendant infirmities.

After his research among the Wala in 1932, R.S. Rattray recorded the successor of Na-Tangili in his list of Nas as Na Borduba.⁵² In 1966 the late Dougah, who was the local District Education Officer (DEO), after many years of field work, recorded in his list of Nas that it was Na Dangana who succeeded Na Tangili in 1908.⁵³ Four years later, Ivor Wilks, who also carried out research about the Nan of the Wala, referred to the Wa-Na who reigned during the said period as Na Tahuna.⁵⁴

Thanks to the British colonial officers who were able to keep contemporary records, we are today free from

⁵² See R. S. Rattray, The Tribes of the Ashanti Hinterland, Oxford University Press, 1932, p.452.

⁵³ See J. C. Dougah, op.cit., p.115.

⁵⁴ See Ivor Wilks, op.cit., p.358.

confusion. Let us for one moment assume that Na Tahuna had reigned in the seventeenth or eighteenth century, in which case we would have had to rely on the Tarikh Ahl Wala, written in 1925, and supporting oral traditions in our effort to draw up a succession list of Nas, the inevitable danger that would have faced us in our task would have been possible confusion. Na Tahuna would perhaps have been taken for three different Nas.

Although local chronicles supported by information from the field can give us a general understanding of the past, the light which they throw on dates and names is too dim to afford us any reasonable precision; in any case they do not when it comes to estimations.

Traditional histories, we have already noted, although useful, have serious limitations. It is true that generally speaking traditional historians tend to remember the names of famous Nas much more easily than they do with respect to less successful ones. Many field researchers would perhaps also agree to the suggestion that local informants tend to remember more easily the names of past chiefs whose periods of reign were short. While admitting that it is possible to draw a rough list of Nas, I think that care must be taken to avoid using such a list for any serious analysis of the system of succession to the Nan.

The disadvantage of drawing up chronological lists of

chiefs based on field data can be seen in a comparison of the two lists provided by Rattray and Dougah. For the sake of orderliness, Rattray's list is here referred to as List 1.⁵⁵ The list prepared by Mr. Dougah is here referred to as List 2.⁵⁶

- (a) According to List 1, from the establishment of the Wala kingdom up to the coming of the Europeans there were twenty-one Nas. According to List 2 there were twenty-three and not twenty-one.
- (b) While two Nas are identified in List 2 as Nas each of whom had two names, there is nothing in List 1 to show that any Na had more than one name.
- (c) While names like Suri, Gura and Yijihi appear in List 2, they are not mentioned in List 1.
- (d) Mwankurina and Yaslogero are names which also appear in List 1 but are not mentioned in List 2.
- (e) Dzonyohi (Gyonyose) according to List 1 was the third Na while according to List 2 he was eighth in the line.
- (f) The position given to Na Kpasa in List 1 is second, while in List 2 he is placed in fifth position.

That, as at 1970, Wa had apparently seen the enskinment of twenty-nine Nas, thirteen of whom were from Yijihi, nine from Dzeri, five from Dzonyohi, and two from Kpasa, as has been suggested by Wilks, is an estimate which is not by

⁵⁵ See I. C. Rattray, *op.cit.*, p.452.

⁵⁶ See J. C. Dougah, *op.cit.*, p.115.

itself of help to satisfy our curiosity to know the past order and pattern of succession to the Wa-Naship.

DISMISSAL OF THE NA

Where there was persistent drought, pestilence or some other form of severe national disaster taking place during the reign of a Na, a decision might be taken to de-enskin him. The decision to de-enskin a Na was taken not by the Wa-Nabihi but by the authorities who enskinned him, i.e. the Tindana and the Yeri-Na. My understanding of the matter is similar to that expressed by J.C. Dougah earlier on in 1966. "The Balume (the Tindamba) conferred with the Yeri-Na and if they agreed, the chief was dismissed."⁵⁷

It would appear that the first Na to be de-enskinning was de-enskinning, however, by the Tindana and not by the Tindana and the Yeri-Na. It is probable that Na Gura was one of the earliest Nas to rule the Wala.⁵⁸ Since it is agreed by both Muslim and traditional sources that there was no Liman or Yeri-Na in Wa during the initial stages of development of the Wa-Nan, it is reasonable to accept the claim made by tradition that Na Gura was de-enskinning singularly by the Tindana.⁵⁹ In any case, like the power

⁵⁷ See J. C. Dougah, op.cit., p.110

⁵⁸ All the available sources including oral tradition suggest this.

⁵⁹ The fact that the first Na to be de-enskinning was de-enskinning singularly by the Tindana is taken by some traditionalists in Wa to be a proof of the senior position held by the Tindana in the Council of

to enskin, the power to de-enskin a Na was later shared between the Tindana and the Yeri-Na who later appeared on the Wala political scene, together with the Liman and the entire Muslim community.

The principle that they who enskinned the Na were those who had the power to de-enskin him was put to a test in the case of Na Seidu Takora. It happened that in 1897 to 1898 a French army captain and an English lieutenant colonel clashed in the Wala kingdom. While the French captain wanted to secure Wa as a colony for France, the English lieutenant colonel for his part was determined to declare Wa a protectorate of the Britannic Majesty. Wa became divided over the matter.⁶⁰ While most of the Muslim community and the Tindamba were more in favour of the English than the French, most of the Wa-Nabihi and notably the Wa-Na, Seidu Takora, preferred the French to the English.

The widespread support which the English enjoyed among the Wala was due to the strong influence and instrumentality of Mallam Isaka, whom they took as their host in Wa. According to neutral sources, Mallam Isaka, who was perhaps the most powerful and influential Mallam in Wa at the time, was the one who won over to the side of the British the

Kingmakers.

⁶⁰ Information received from Wa-Na Bondiri II, August 1987.

Wala Muslims and Tindamba as well as important village Nas like the Bulenga-Na Anjamani, Boli-Na Sunkono, and Nadoli-Na Kanlee.⁶¹ On the other hand, the man who hosted the French and on whom they relied for Wala native support against their English rivals was the Wa-Na himself. It was the determination of Na Takora to make sure that it was the French and not the British who took over his kingdom.⁶² As Wa-Na he had the support of most of the Wa-Nabihi.

The crisis eventually came to a head. Two flags were erected in the town, one for the French and the other for the English. The two European groups started preparing for a fight against one another. It soon became clear that Wa Na Takora was ready to go along with the French and fight the English.

If Wala were not to fight Wala as things were, it was urgent that the Wa-Na and the Wa-Nabihi withdrew their support for the French, or that Mallam Isaka together with the Muslims and the Tindamba withdrew their support for the British. When it became crystal clear to the Muslims and the Tindamba that Na Takora was not a man to back down, their leaders, the Yeri-Na who was Na of the Muslims and the Tindana, who was head of the Tindamba, met and agreed

⁶¹ Information received from the Nadoli-Na II at the Nadoli Palace, July 1987.

⁶² Information received from the Nadoli-Na Dasaa II at The Nadoli Palace, July 1987, and also from Wa-Na Bondiri II at the Wa Palace, August 1987.

to de-enskin Na Takora. Die-hards among the Wa-Nabihi, would not put forward any new candidates for the Nan. This did not stop the Tindana and the Yeri-Na from carrying out their decision. Na Seidu Takora was accordingly proclaimed dismissed.

The French, seeing that their host had lost his Naship, and who until then appeared to have not understood the limited nature of authority of Nan over the non-princely estates, withdrew their claim and left the kingdom.

So far as the Yeri-Na and the Tindana were concerned the Nan was vacant. They, therefore, requested the Wa-Nabihi to honour Lesiri by providing candidates for the skin. With the insistence and support of Lieutenant Colonel Northcott, the English officer who was now almost in control of the town, the Wala kingmakers threatened to make a new Na from another group if the Wa-Nabihi failed to offer any candidates for the Naship.⁶³ The response of the Wa-Nabihi to their move was swift. A prince from the Yijihi gates, by name Tangili, was offered by them as a candidate and was accepted by the kingmakers and then enskinned the Wa-Na.⁶⁴

RECRUITMENT AND DISMISSAL OF OTHER LEADERS

⁶³ Nadoli and Wa, 1987.

⁶⁴ Tangili has been referred to by Ivor Wilks as Tangili - see Ivor Wilks op.cit. p.555. The same has been referred to by R. S. Rattray as Tanele - see R. S. Rattray, op.cit., p.352.

We have seen in the case of recruitment of the Na, how the Wa-Nabihi produced candidates according to gates, and how the kingmakers, the Yeri-Na and the Tindana, on behalf of all Wala, Muslim and non-Muslim, chose and enskinned a new Wa-Na. In the case of the other Wala leaders, the Tindana, the Liman, the Yeri-Na, recruitment was just a matter between the group which made up the constituency of the leader to be, on one hand, and the Na on the other. the general rule would appear to be that each group chose its own new leader, one who, however, by Lesiri had to be recognised and proclaimed by the Wa-Na on behalf of all Wala people.

On the death of a Tindana, for instance, funeral ceremonies (komali) were performed by the Tindamba. As the wife of the Na by lesiri, the latter was normally kept abreast of every happening. The Wa-Na was in fact the first member of the public to be told of the news that the Tindana was dead. Having received the news, the Na would send a delegation to the funeral to participate in the mourning and to share in the grief of the dead leader who was proverbially speaking his wife (Poga). The Na by custom would also send gifts to the bereaved family. Rite after rite was then performed until all were satisfied that the dead had been given his due.

At this stage the post of Tindanaship which had become vacant since the death of its last occupant had to be given

to someone else of the various sections making up the Tindamba community: Kpaguri, Sokpayiri, Surigiri, Puahayiri and Bagoloyiri consulted one another on the matter. The relevant and important point about the entire process is that it was for the old men of this community to decide in their own way and style the man to be the next Tindana. Of course they had to bear in mind the fact that whosoever they decided to make their new group leader must be a man who would command the confidence and respect of the Na. It is interesting that in their considerations extreme old age was not held as a barrier against any candidate.

Once the people of any group had agreed on who was to be their new leader, it was imperative that they sent the news to the Wa-Na. For example, the Limahi would have to send word to the Na telling him of their decision to make A or B the next Liman. On receiving the news the Na would normally accept the decision and proclaim the news of the appointment formally in his palace. In this way, all the other group leaders within the town are made aware of the installation of the new Liman. The Na by custom again would send gifts to the new leader who was also proverbially speaking his Poga.

It is the hope of every Tindana, Liman or Yeri-Na to rule his people for life once installed. As has been mentioned before mere old age was no barrier to leadership or the continuation of leadership. Even where a group leader is

made too weak through the infirmities usually associated with old age to be able to discharge his duties properly, he was still able to manage by means of deputies who deputised for him at public gatherings. It was important that a leader of a group performed his leaderly rule well in the committee of the Wala leaders. A Yeri-Na for instance who proved himself to be inefficient and irresponsible might be derecognised by the Na provided that he was able to convince the Tindana and, in particular the Liman, who was a fellow Muslim, that such an action was necessary for the preservation of the common Wala interests. So as to prevent deadlock between the Yeri-Nabihi group and the other groups, the elders of the Yeri-Nabihi would normally be persuaded to remove the irresponsible Yeri-Na from power and in his place appoint a new and more dutiful person. Indeed the ability of the individual group community on one hand to adapt itself to and to agree with the other groups when it came to crises is no doubt an important factor underlying the success of the indigenous Wala system of society.

For us as anthropologists, the lesson which we must learn from Na Takora's case is that in the indigenous society, the first authority is not always the strongest. As M.H. Fried has observed, "in rank society leaders can lead, but followers may not follow."⁶⁵ In indigenous societies like that of pre-colonial Wala where there existed a number of

⁶⁵ See M. H. Fried, *op.cit.* p.133.

instituted authorities in a rank hierarchy, whether the first one is able to control the others depends on whether there is agreement. In a crisis where Authority 1 is at variance with Authorities 2 and 3, or with 2, 3 and 4 as the case may be, there is the danger that Authority 1 may lose its control over these other institutions and the social groups which they represent.

CHAPTER 5

JUSTICE AND KEEPING THE PEACE

The aim of this chapter is to examine how the Wa-Na administered justice through the settlement of disputes between the component Wala groups before colonial rule. An attempt is also made to understand how the Na was able to organise the defence of Wala in times of war against a foreign enemy.

The pre-colonial Nayiri (chief's house) of the Wa-Na was both a court of appeal and a court of first instance. Where the parties seeking justice belonged to the same social group, it was to the instituted authority of that group to whom they had to go for judgment. It was only when the authority in charge of their social group had failed to satisfy the parties that the matter was brought before the Na. With respect to these kinds of cases, therefore, the Nayiri was only a court for appeals. It was rare that two Tindamba between whom there was a misunderstanding, should bring their case as far as the Na's court. Such a misunderstanding would normally be settled by the Tindana. Similarly, it was considered a disgrace for the Liman or the Yeri-Na to refer a dispute between members of his group to the Nayiri for settlement. A good or successful communal head, be he Tindana, Yeri-Na or Liman, was one who could settle all the differences that arose between his own people. Likewise, the Wa-Na himself who was in a narrow

sense communal head of the Wa-Nabihi, was expected to be able to settle all differences between the Wa-Nabihi out of court.

By and large the kind of cases which were brought to the Nayiri as a court of first instance were those that involved parties from different communities. There was no other forum than the Nayiri at which a complaint by an aggrieved party could be heard, if the one against whom the complaint was being made belonged to a community different from that of the complainant. A dispute between one of the Yeri-Nabihi and one of the Tindamba was sure to be settled at the Nayiri. The same was true of a dispute between one of the Wa-Nabihi and one of the Limahi.

Whether as a court of appeal or as a court of first instance, the Na's court would only sit to hear a case which was brought to it through the proper channel. For example, one of the Tindamba who was dissatisfied about the judgment given by the Tindana in the case between himself and another member of the same group, would not be granted hearing by the Na's court if he brought his complaint by himself. Such a case would only be heard by the palace if it was formally referred to the Na by the Tindana. When the Tindana proved to be intransigent, it was for the party wanting the appeal to keep up pressure on him until he agreed to refer the case to the Na.

As one would expect, it sometimes happened that due to the extreme intransigence of a group authority over a matter, a quarrel would develop between a disputing party wanting appeal and the communal head of his group. Of course, the Na could not prevent quarrelling within individual sections of the town if the heads of these sections themselves were prepared to quarrel. However, where fighting broke out as a result of a quarrel within a section, the Na could intervene. He would normally summon the leader of the quarrelling group to his palace and rebuke him for not referring the dispute to his court for settlement. The leader of any Wala group could mete out justice to his own people in his own way so long as his adjudication did not lead to bitter dissatisfaction and open hostilities. Where hostilities broke out in the course of a dispute that had not already been referred to the Na for settlement, the authority in charge of the group concerned was held accountable to the palace.

A person might find him or herself involved in a dispute with another from a different community within the town. Again such a man or woman could not approach the palace directly. If he or she did the Na's court would not grant him or her a hearing. It was for any such person to report his or her case first to the instituted authority of his or her own communal head. A person from the Limahi community who found himself involved in a dispute with one of the Tindamba would, for example, report his case to the Liman.

It was the Liman who would normally bring the case before the Na. The only type of dispute which involved parties from different communities but was not brought to the palace for settlement was the type in which the disputants were related to one another through blood. Blood relations normally came about through inter-marriage. A dispute between A who belonged to the Tindamba and B who belonged to the Yeri-Nabihi would normally not come before the Na's court if A was the son of B's sister or niece. Such a dispute was sure to be settled in the house of B who was A's uncle or grand-uncle as it might be, together with other blood relatives.

Once a case had come to the palace through the proper channel, it was for the Na to convene his court. It was a court with a large panel. Although it consisted of many senior Wa-Nabihi its membership was not a princely reserve. In it were also the representatives of the non-princely estates at the palace.⁶⁶ It was not always that the full panel was required to sit in a case. Indeed, the size of the panel depended on the seriousness or otherwise of the dispute to be settled. A serious dispute was one that was likely to lead to violent conflict between different groups within the town. During a sitting every member of the panel was free to express his individual opinion about the issues

⁶⁶ Custom requires that the various groups within the town keep representatives at the palace during proceedings. These representatives are normally referred to as Na-Munjinibe ("those who sit by the chief").

at stake. The last member to speak normally was the Na himself, whose verdict constituted the ruling of the court.

In principle the Nayiri was competent to sit in any type of case or to arbitrate in any type of dispute that came before it through the proper channel. However, theft, adultery and elopement would appear to be the more frequent types of cases that were dealt with by the Na. A Wala farmer might find that one of his cattle was missing. Through rumour he might gather that it was a neighbour who stole and killed his missing cow for a festival feast. By carrying out further personal investigations the owner of the cow might come across the dried hide of his lost cow which he is able to identify, being used as a sleeping mat by that same neighbour. At this point he would report the case to his group head through whom the matter is eventually brought before the Nayiri. On the assumption that the neighbour who is alleged to have stolen the cow belonged to a different group, a messenger of the Na (Kpanbia) was sent to inform the appropriate group leader of the case being made against his ward. A day is then fixed by the Na for the case to be heard. On the appointed date the two parties would come before the court convened either inside or outside the palace. The case was heard and judgment preferred. Where the accused was found innocent, the matter ended there. However, if he was found guilty he

was required to restore the cow to its owner.⁶⁷

It sometimes happened that a man from one community might commit an adultery, or in fact elope with a married woman from another community. Accordingly the case would come before the Na.⁶⁸ During the proceedings if the offending man and his group head were able to establish that a similar elopement or adultery had been committed in the past against one of their men by a man from the complaining side, a verdict of not guilty was passed by the court. Where no such past wrong could be found by the defending side to justify their present case the verdict that was given in the end normally favoured the complainant. In that event the accused was required to pay to the complainant, if it was a case of adultery, an agreed sum of money known as pa-sani (vagina money). In a case of elopement what was required of the accused was the restoration of the woman with whom he eloped to her original husband.

Once a person was brought before the Na, or before the instituted authority of his own group it was for him to prove that the allegations levelled against him were all false. In pre-colonial Wala society it was for the accused

⁶⁷ In Wala society it is true that the man who is found innocent is always admired and praised. The guilty one, however, apart from having to restore the good if he was a chief, was also scolded and disgraced.

⁶⁸ Marital disputes were perhaps the most frequent of all the types of dispute which came before the Na.

to prove his innocence and not for the court to prove his guilt. In his effort to prove that he was not guilty of the wrongful act for which he was charged, the accused might swear an oath. While in Busia's modern Ashanti, the oath was a means by which private injuries were brought before the chief (Hene) for redress, in my pre-colonial Wala society the oath was a means by which an accused person could testify to his innocence before the Wa-Na or before his own group leader.⁶⁹ Again unlike the Ashanti for whom an oath was the allusion to some distasteful incident or tribal disaster, the Wala understood an oath to be the mention of some sacred object or shrine.⁷⁰ Thus, it was usual for an accused person or in fact any witness giving evidence during a proceeding to attest his claims by oaths sworn on the Koran or a shrine of some sort.

The swearing of an oath was readily asserted as proof of ones innocence or sincerity provided that one swore by the appropriate shrine or object. There were two types of oaths, efficacious oaths or by heart oaths. An efficacious oath was one taken by a person in the name of an object or shrine considered to be sacred by the group to which he belonged. The by heart oath was an oath sworn by a person in the name of an object or shrine not at all considered to be sacred by his group. It was the efficacious type of oath which was asserted in judicial proceedings as a tool for

⁶⁹ See K. A. Busia, *op.cit.*, p.75.

⁷⁰ See *ibid.*

testification.

It was a widespread belief among the Wala that a person, for example, who stole and yet swore by the shrine of his group as if to testify that he did not commit the particular theft was sure to be stricken by some disaster or illness. The shrine alluded to in the oath would not suffer a lie to be told in its name.

Care was always taken by whichever authority was concerned to ensure that the accused person who decided to swear swore an efficacious and not a by heart oath. As a matter of fact it is a popular saying among the Wala "pori jaa nan pori" (not all oaths are oaths). The man from the Sokpayiri section of the Tindamba for instance, who swore "n'po Djamdjam" (I swear by the shrine of Djandjan) was sure to win the confidence of any Wala judge. However, a person from this section who decided not to swear by the Djandjan shrine but by Salimana Kolee, a shrine which belonged to a different Wala group altogether, was likely to be treated as a liar, one who was only endeavouring to run away from the truth. In this way it was for members of the Tindamba community to swear all their oaths by their Tingbama shrines if they really wanted to be believed by other Wala people. The members of the Muslim community had to swear by their Korans or prayer mats whenever they had to, while the Wa-Nabihi had to swear by the shrines of their Nan when they had to testify to the authenticity of their claims. As

far as justice was concerned, the necessary rule regarding the making of oaths was that the accused should swear by something he believed in as proof to what he claimed to be the truth.

Although it was normal for an accused person who was an elder to prove his innocence by swearing an oath on the Koran or on some shrine, it was usually not the practice for the young and the middle aged against whom charges were levelled to swear by sacred symbols. The accused who was in his twenties, thirties or early forties would normally resort to some means other than oaths. Such an accused person might submit himself or herself for poha (trial by ordeal). There were many kinds of poha. The most commonly performed were boiling oil and dubihi. The first was local oil heated in a pot into which the accused dipped a hand. If he or she was guilty of the allegations made against him or her, it was believed that the spirit of the poha would cause his or her hand to be burnt in the boiling oil. Where the accused was innocent, the poha would not suffer a finger to be scalded. The second dubihi, was a number of reeds or straws held round the neck of the accused. Short verses from Muslim scriptures were then recited. Where the accused was guilty, the belief was that dubihi would strangle him until he was helpless. The accused who was guiltless had nothing to fear, Dubihi was sure not to hurt him.

It was a generally accepted view that poha only hurt the guilty. An accused person in his effort to prove his innocence might agree to be subjected to this kind of ritual. If the complaining party was convinced of the efficacy of the poha as a means of testification of guilt, then the ritual went ahead. It is relevant that before the accused was put through poha as a ritual the leadership of his group had to be informed and their assent received.

In spite of the fact that capital punishment was rare, it was not unknown. The leader of a group might find that one of his wards was an incorrigible wrongdoer. Day in and day out, this ward was a source of trouble not just for him, the leader, but for the whole group. He, the leader of the group, was continually being summoned to the Na's palace on account of wrongful deeds committed by the troublesome ward. Under such circumstances, the group leader in question would confer with the Na and if they agreed the persistent offender (Bihewu) was taken to Branjorhi where he was put to death by one means or another.⁷¹ In short, the decision to sentence a wrongdoer to death was taken by the group leader of the wrongdoer himself who also normally was his blood relative. What the Na did was simply to give his support to, or advice against, the decision taken. It was a kind of custom among the Wala that although the Na could not tell the leadership of any Wala community how to treat their offending members, he could help them carry out

⁷¹ Information received from Wa-Na Bondiri II, Wa 1987.

any penal measure against such offending members if they decided on such a measure. Of course, the community head who insisted on retaining offending members within his community did so at his own peril. He was answerable at the Na's palace for their wrongful acts against the members of other communities, should he avoid disposing of them at Branjorhi. The position of the Wala communal head in dealing with the Bibewu is very much like the position of the English land owner in dealing with a dangerous thing on his land, going by the English rule of law stated in Rylands v Fletcher.⁷²

DEFENCE

The Nan was not only the rallying point of the Wala for dispute settlement, it was also a rallying point for them when it came to the taking up of arms. This is far from saying that the Na was a major-general who could command the rank and file of his army by means of his sergeant - majors. The leader of the Wala group was no sergeant-major of the Na. Whether the Na was able to wield the command of the fighting men of all the groups in the town depended on whether the cause of the war to be fought was a common one. An army to repel the invader for instance was one that was likely to be joined by the fighting men of every group. When news came to the town in about 1888 and 1890 that an invading force led by Babatu was en route to Wa, Na Mama

⁷² (1866) E.L.R. 1 Ex. 265; affirmed (1868) E.L.R. 3 H.L. 300. Or see Street H., The Law of Torts, Butterworths London 1976, p.246.

Fuo had no problems in raising a large army from among the various groups, i.e. Limahi, Tindamba, Yeri-Nabihi (Tagirihi) and Wa-Nabihi.⁷³ An army to conquer and to expand the kingdom on the other hand was less likely to be joined by fighting men from the non-princely groups. Such an army was somehow regarded by these non-princely groups as a tool only for furthering the ambitions of the Na and the Wa-Nabihi. It is perhaps for this reason that Na Mama Fuo failed in his frantic attempt to conquer the village of Sankana.

If the Wa-Na was to have a reliable army both for defence and for offence at all times then it was necessary for him to make alternative arrangements. One such arrangement which worked out very well for the Na and which in time became institutionalised, was the creation of the Wa--Kanbonghi. The Bong-Nas were the chiefs (Nas) of the Kanbonghi.⁷⁴ The Wa-Kanbonghi was made up of three different groups. The first group was the Nasa group which was under the command of the Nasa-Na. The second was under the command of the Na of Mangwe. The third was the Bulenga group which was the largest of the three. It was commanded by the Bulenga-Na. So far as Wala Lesiri was concerned,

⁷³ Wa-Na, op.cit. See also J.J. Holden, "The Zabarima Conquest of North West Ghana" in Transactions of the Historical Society of Ghana, Legon, Accra, 1966, Vol. III, p.76.

⁷⁴ Ever since the introduction of British colonial rule in Upper-West Ghana the Wa Bong-Nas have become known as headmen under the Wa-Na.

these three chiefs, the Nasa-Na, the Mangwe-Na and the Bulenga-Na, were Bong-Nas of the Wa-Na. In other words they were allies of the Wa-Na.

The creation of the Wa-Kanbonghi did not take place overnight. Indeed it was a process of negotiation and re-negotiation which went on until working relations were established between each group of Kanbonghi led by its Bong-Na on one side and the Wa-Na at the head of the Wa--Nabihi on the other. At any rate, during the last two decades before the advent of colonial rule, the Kanbonghi institution was well enough established to be able to provide the Wa-Na with a valuable source of military might.

During the conflict between the Wala and the Sambarima, the various groups of the Kanbonghi all contributed large contingents to the main Wala army.⁷⁵ At the two ill-fated battles of Lanfia-Tuhi (Tilo-Pie) and Yeru-Nasa fought during that conflict, the Kanbonghi contingents from Bulenga and Mangwe in particular suffered miserable casualties.⁷⁶ When the Chansa-Na, Buntor, led the Wala against the Gonja in what has become known as Yagbon-Na Tahu (War of the Yagbon Chief), the resounding victory which he won over the Gonja was perhaps due to the eager support which came from the Bong-Nas. Again, when the Wala

⁷⁵ Information received at Bulenga, Mangwe and Chagu. See also J.J. Holden, *op.cit.*, p.76.

⁷⁶ Information received at Bulenga, Mangwe and Tuaha, 1987.

supported by the English soldiers made any encounter against the Soffas in 1896, the call which they made for assistance from the Kanbonghi, was readily answered.

As loyal allies of the Wa-Na in times of need, the Wa-Bong-Nas had a reward to gain. An attack by a foreign power on any of their Kanbonghi groups was regarded by the Wa-Na as an attack against his person. During the first Sambarima campaigns against Ducie and Tisa which belonged to the Bulenga Kanbonghi, the Na's men formed part of the Wala contingent which went to the battle front.⁷⁷ Besides, each Bong-Na was entitled to immunity when it came to procedure at the Wa-Na's palace. It was a rule of procedure for all to follow, prince or no prince, that to appear in the formal presence of the Na one had to remove his hat from his head and his sandals from his feet. The Nasa-Na, the Mangwe-Na and the Bulenga-Na could each, as a Bong-Na, walk right into the formal presence of the Wa-Na wearing his hat and sandals.

As I understand it, the Kanbonghi as an institution was a system of alliance, formed by the Wa-Na with various village groups to serve his special military needs. As a system of alliance it was created out of mutual need and mutual consent between the village groups on one hand and the institution of Nan on the other. It is the case of the Kanbonghi more than that of any other Wala institution

⁷⁷ Information received at Tisa, Ducie and Bulenga, 1981 and 1987.

which helps us to understand that mutual benefit and mutual consent between groups in indigenous society formed a basis of authority and social integration.

The effort that has so far been made in this Part is to view the Wala society before colonial rule through its institution of Nan and the other allied institutions of authority. It is clear from the above discussion that Wala society before the coming of the European was an agglomeration of different groups of people. I say different groups because they were identifiable by progeny and had identifiable interests which they protected with identifiable leaderships i.e. Tindanaship, Limanship, Yeri-Naship and the Wa-Naship. The last of these leaderships, the Wa-Naship, of course apart from being the customary form of authority for the Wa-Nabihi, was also in principle the overall authority in charge of the Wala. The above discussion is one that enables us to understand that in studying the indigenous society our attention must be focused on the distribution of authority among the various groups which constitute that society and their respective leaderships which exercise such authority so distributed, and not just on the group in whose hands or in whose lineage the highest authority is vested.

A proper understanding of how much authority the leading institution can exercise over the ones that follow it can also enable us to understand not only the relationships

that exist between the leading group on one hand, and their neighbours on the other, but also the relationships that exist between any two of the groups within the society. A society made up of the so-called tribe, we must remember, has its own identifiable groups in spite of the fact that all the people of that tribe may be known by one name. These groups which are normally identifiable by descent and interest, operate their own machineries of authority with which they protect their interests and identities.

In my opinion, our knowledge of indigenous societies will remain incomplete until we are able to study the group, either directly through its own instituted authority, or indirectly through the general instituted authority of the so-called tribe. The chief, who to many anthropologists is the ruler of his people, is nothing but mediator, one who reconciles the different and, in fact sometimes conflicting, interests of the identifiable groups within the society. This aspect of chieftaincy was mentioned by K.A. Busia in 1951. He wrote "The chief, on the other hand, was responsible for the whole division. He therefore had to reconcile the sectional interests of the elders."⁷⁸ "Each elder was interested in matters affecting the lineage he represented and the villages under him."⁷⁹ Indeed one wonders whether the chief had any area of exclusive jurisdiction, administrative, judicial or otherwise, which

⁷⁸ See K. A. Busia, op.cit. p.14.

⁷⁹ See ibid.

is beyond the questioning or the advice of the group leaders who invariably are his councillors. In his study about the Ashanti, Busia wrote "The chief was bound by his oath to consult the elders on matters, and to obey their advice."⁸⁰

Whether the Wala of pre-colonial times were a state, a centralised society, or a rank society, are all facts which do not afford us a proper understanding of their social system, as does the fact that they were a people whose society was modelled on the basis of mutual group co-operation. By approaching the question of the pre-colonial Wala through means of studying the Wa-Naship we are able to inform ourselves not only about the institution of Nan, but in fact the entire network of groups and their respective authorities.

⁸⁰ See *ibid.*

PART 3

AN ACEPHALOUS GROUP SOCIETY IN THE PRE-COLONIAL PERIOD

In Part 2 we saw one type of society - the centralised group society.⁸¹ In this part we will see a different type of society, the acephalous group society. It is a different type of society because, although it consists of identifiable groups, the acephalous group society has no central authority which acts or speaks on its behalf.

CHAPTER 1

THE CONCEPT OF THE ACEPHALOUS GROUP SOCIETY

An acephalous group society is one made up of identifiable groups but which has no overall authority to take charge of its day to day administration or to oversee the harmonisation of conflicts which arise in the running of its affairs. In my view the term acephalous group society describes this system of society better than any other. We cannot ascribe to it the term centralised, because it has no overall authority which coordinates its affairs. At the same time we cannot simply call it an acephalous society because it is comprised of identifiable groups of people all of which constitute viable village states. It was this type of society in which the Chakali people lived, in the era before Colonial Rule.

⁸¹ For definition of centralised group society see Part Two, Chapter One above, p 22-23.

It was a society made up of thirteen autonomous groups or village states. The expression "village state" is a reference to any small group of people who occupy a land of their own and who are effectively controlled by a leadership through the exercise of coercion and who also are able to form relationships independently with other groups of people from foreign lands. These autonomous groups, or Taos as they were called by the Chakali people, were each of them ruled by a leader known as the Taotina (owner of the Tao). Together with his council of Nihese (elders) the Vugotina of the Tao (the local priest of the cult which was recognised by the Taotina as the official cult of the Tao) and his most trusted Vorgo (diviner), the Taotina not only effectively controlled the territory of the village but also the conduct and lifestyle of its inhabitants.

Although political organisation was tolerated as far as the level of statehood by the Chakali people within the Tao, in the wider Chakali society there was no political organisation. The best one could hope to find in Chakali was social co-operation⁸². In order to explain the matter I would like to refer to one or two points made by George Silberbauer in his description of the political processes of Gwi bands. He said:

"leadership is authoritative, rather than authoritarian and what an individual strives for

⁸² For a definition of the term cooperation see Definitions below, Appendix 3, p 576.

is co-operation in the activities he or she wishes to undertake. There is available a variety of means of gaining that co-operation and the exercise of political power and leadership are only two among them, to be resorted to when circumstances make these means the most suitable choice. Power and leadership are sought neither as ends in themselves nor as habitual attributes."⁸³

Although not hunters and gatherers like the Gwi, the same could be said of the Chakali people.

Like the Tiv, the Chakali people at the inter village level of society always looked for co-operation based on expedience in all of their activities. The exercise of political power across village communities or any form of inter-Tao political organisation was adopted only as a means of last resort. Under any condition, for the Chakali people, the exercise of political power was an undesirable course of action. Because it was undesirable, every care was normally taken by all concerned to make sure that the political power was exercised only as a necessary measure. Once the emergency that necessitated the exercise of political power was over, enough was enough.

At the inter village level of the pre-colonial Chakali society there was no overall authority which took charge of administration or the settlement of disputes. Any settlement that was arrived at between the disputing

⁸³ See George Silberbauer, "Political Process in Gwi Bands" in Leacock and Lee, Politics and History in Bank Societies, Cambridge University Press, 1982, p.34.

parties from two or more Taos was arrived at on an ad hoc basis. Any dispute that arose between parties from two different Taos was, in fact, usually settled in the way considered to be most expedient and advisable by the parties concerned.

In their dealings with one another the Taos considered each other as equals. Although some Taos were large and others small, some strong and others weak and some rich and others poor, nonetheless, they were in Chakali thinking the equals of one another. Its existence or survival only was enough to put a Tao on equal footing with all the others. As equals, the defence of each Tao was in the hands of its own people. When the Chakali man speaks of the defence of a Tao being the responsibility of its people, he means not only the inhabitants of that Tao, but also some inhabitants of other Taos. Those people from the other Taos who would normally share the responsibility of defence were the Nara (people): the blood relatives, friends and associates of the Tao to be defended. Although it was not the responsibility of the Taotina of any Tao to help the Taotina of another in fighting against an enemy, it was a common understanding in Chakali that the Taotina of every Tao had the duty to protect refugees fleeing from any other Tao defeated by an attacker. This duty was to be discharged even if, in effect, that would mean war with the victorious attacker.

The Chakali people developed their tradition of village states as a safeguard of the much treasured independence and equality of their Taos. While the Taotina of a Tao could not expect the Taotinas of the other Taos to help him defend his own village he could expect them to co-operate with him, if he was able to persuade them that the authorities of a neighbour were aspiring to dominate Chakali. In indigenous Chakali thinking, the seeking of political ambitions was a social vice comparable to the bad habit of the man who always attempted to entice the wives of his fellow men. Political ambition is the strong desire to achieve political power. The Chakali society as a whole expected two things from every Tao. Firstly, it was assumed that every Tao would guard itself against falling into the temptation of aspiring to dominate other Taos which might be smaller than itself. Secondly, it was to co-operate in every way possible with others in weakening the growing strength of any Tao in Chakali, the authorities of which were believed to be politically ambitious.

THE CHAKALI TRADITION OF ACEPHALOUS SOCIETY

What then did the Chakali people think of their system of society? Although the people of the neighbouring Wala society regarded the Chakali system of non-centralisation as nothing less than gross social irresponsibility, for the Chakali people themselves their system of autonomous villages was the only sure way by which the individual group could be afforded the peace and comfort that it

needed. If all Chakali were to be formed into a centralised society under the authority of one Taotina, the whole society might become the victim of political power exercised by that one Taotina. By leaving Chakali divided up into equal and autonomous groups it was hard, if not impossible, for one Taotina to lord over all the inhabitants of Chakali. At the same time, if the leaderships or governments of the various Taos were to be broken up, the inhabitants of Chakali would suffer from all sorts of social wrongs: theft, murder, deformation of character, adultery, elopement and above all atrocities perpetrated by means of witchcraft. By retaining strong leadership or government within the Tao, the individual Chakali inhabitant was assured his peace and comfort.

For the Chakali people the "microcosm" of the society could only be made to function partly through the exercise of political power and partly through their social co-operation. Co-operation is the ability to work together with a view to achieve a common objective. As an autonomous group the people of the Chakali Tao could not dispense with the political power exercised by the Taotina as well as the members of his council of Nihese. "Without effective leadership", say the Chakali people, "the Tao will soon die."

On the other hand, the various Taos could not continue to maintain the respective different relationships that

existed between them if they were to proclaim a central Chakali government. Chakali was a segmentary society. I say it was a segmentary society because the Taos which were its component units had one type of relationship or the other which linked the people of one village to the people of another. Inter village relations often took the form of patrilineal descent-group ties (Bia), matrilineal descent-group ties (Hian), or ties of common membership of a Vugo (Cult). In the eyes of the Chakali man these inter village relationships were of the foremost importance to the smooth running of Chakali as a whole. The removal of just one or two of the Taos was likely to affect the entire network of relationships which bound the people of Chakali together. This enabled them to participate effectively in inter Tao co-operation.

Just for a moment I would like to compare my pre-colonial Chakali with Tait's Konkomba and Fortes' Tallensi, two acephalous societies to be found in Northern Ghana. I agree perfectly with Colin Turnbull in what he says about comparison: "such comparisons can probably only be made at a very general level, but that does not diminish their value. In making such comparisons we are concerned not so much with specifics, but rather with the general principles at work in two or more societies."⁸⁴

⁸⁴ See Colin M Turnbull, The Mbuti Pygmies: Change and Adaptation, New York CBS College Publishing, Holt, Rinehart and Winston, 1983, p.152.

The one area in which my pre-colonial Chakali differed from both Tait's Konkomba and Fortes' Tallensi was that the village in which the inhabitants of my Chakali lived would appear to be more properly defined as a social and political unit than the Konkomba and Tallensi villages described respectively by Tait and Fortes. As will be seen below, my pre-colonial Chakali Tao was a village the inhabitants of which were ruled over by one and the same leadership (the Taotina and his Nihese). In the Konkomba village described by Tait, one finds the "Onikpelanib" (the elders people) and the "Otindaanib" (the land owners people). The Onikpe ruled the first and the Otindaa ruled the second. In the Tallensi village described by Fortes, one finds the "Tindana" as head of the Talis and the chief as head of the Namoos.⁸⁵ Thus, unlike the Chakali village, in the Konkomba and Tallensi villages social activities and responsibilities are discharged not through one village political leadership, but rather through a sort of group co-operation.

Whereas the village in Chakali was a definite and permanent unit of society, it would appear that the village of Konkomba and that in Tallensi lacked exactitude in their respective corporate identities. About the Konkomba, Tait writes, "nevertheless, there is no Konkomba term translatable by "district". Konkomba speaks of "this land"

⁸⁵ See Meyer Fortes, The Web of Kinship Among the Tallensi, Oxford University Press, 1949, p.34.

(keteng-ke) in context which the phrase refers to the total area over which the speakers hold farming, hunting and other land rights."⁸⁶ The word "district" was the term adapted by Tait in describing the territorial unit of the Konkomba settlement. About the Tallensi, Fortes had the following to say, "...firstly, that the widest unified political community in which Tallensi participate is not a fixed group but a functional synthesis based on a dynamic social equilibrium".⁸⁷ He adds: "the equilibrium is maintained by the balancing against one another of like corporate units: by the play of the counterpoised ties and cleavages of clanship, kinship and ritual allegiance; and through the agency of complementary politico-ritual institutions."⁸⁸

The differences that arise from the comparison show that although acephalous segmentarism as a system of society has already been studied by anthropologists elsewhere in Northern Ghana, quite a lot can still be gained by the anthropologist in studying pre-colonial Chakali. Not only is the enthusiasm of the scholar aroused to find out about how these politically organised Taos co-operated with one another, but also to find out how the Taotinas exercised

⁸⁶ See David Tait, "The Territorial Patterns and Lineage System of Konkomba" in John Middleton and David Tait, Tribes Without Rulers: Studies in African Segmentary Systems, London: Routledge and Kegan Paul, 1958, p.168.

⁸⁷ See Meyer Fortes op.cit. p.3.

⁸⁸ See ibid.

the political power which they enjoyed in their respective Taos.

Perhaps most interesting of all about the Chakali people, was the fact that when in the nineteenth century the survival of their whole society became threatened by the repeated attacks of Babatu, the Sambarima conqueror, all the thirteen Taos joined hands and formed a kind of alliance that was unprecedented in Chakali history. On realising that their strength even then was inadequate for doing the task that was before them, they, the Chakali people, agreed to enter into an understanding with the Na of Wala who were also at this time suffering the painful effects of Sambarima aggression. How and in what ways did the acephalous Chakali co-operate with centralised Wa before colonial rule? Was the military co-operation between this centralised group society on the one hand and the acephalous village society on the other successful? What was the after-effect of the creation of the Grand-alliance or Wa-Kanbonghi? I have tried as much as possible to answer these questions and, indeed, many others in this Part.

CHAPTER TWO

THE PRE-COLONIAL CHAKALI TAO

The people of the pre-colonial Chakali Tao constituted just one group of people as they were all subject to one institution of authority - the Taotinaship. They believed in the same shrines which invariably symbolised the divine oneness and independence of the Tao. This sense of group was further strengthened by a sense of community. The people of each Tao knew one another and they all regarded themselves as members of the same village. As members of the same village they saw themselves as related to one another. Every Taobie (child of the village) was the Nari (relative) of another Taobie from the same Tao. Accordingly all the Taobese (children of the village) collectively formed the Nara (relatives) of any one Taobie within the village. Up to date, this is perfectly correct in Chakali thinking. The people of every Tao, thus formed one and the same group which bore the name of Tao. The people of Chagu, for instance, were called Chageh, while the people of Tuasa were called Tuasala.

Pre-colonial Chakali was a typically rural society. People of the Tao practised two main occupations, farming and hunting. The farmers grew food crops like yam, millet, beans, corn etc. They used most of their produce for food. Part of it, however, became the means by which the Chakali farmer could procure the supply of much needed salt for the

use of his household. Foodstuffs from Chakali villages, we have already said elsewhere, were supplied to Wa in the same way that salt from Wa was supplied to the villages.⁸⁹ Pre-colonial Chakali was a land rich in game. It was the duty of the men to hunt for game animals in the wild bush. Some of the commonest game animals killed included buffaloes, antelopes, the bush cow and bush pig. Hunting was considered to be a dangerous activity and only the brave man who was confident of his magical powers took part. The man who was cowardly or who had no magical protection from wild animals ran the risk of dying from fatal wounds inflicted on him by say the lion, the leopard or the wounded bush cow or buffalo. The inhabitants of the pre-colonial Chakali Tao had little means of transportation and communication. There were no lorries and no bicycles. Few people had any horses or donkeys, horses being particularly scarce and possessed only by the richest. Goods were transported by carriers. In emergencies the people of one Tao could only communicate with the people of another either by sending a runner, or by beating drums. There were in all 13 Taos in pre-colonial Chakali. These were connected to one another by footpaths.⁹⁰

⁸⁹ For more information about pre-colonial salt trade between Wa and surrounding villages, see Part 2, Chapter 2 above, p 40.

⁹⁰ For the geography of Chakali see map of Chakali (Appendix 5), p 587.

WALA MUSLIM SETTLERS IN THE TAO

There is no doubt that the practice of Islam, as a religion, existed at least in three of the thirteen Chakali Taos. Indeed, we know that there were Wala Yerihi settlers in pre-colonial Bulenga, Tuasa and Chagu.⁹¹ These Yerihi settlers were of course more than mere settlers in the Taos. They were more than mere settlers because they were, normally, the matrilineal descendants of the Taos in which they settled. In fact, for the local Chakali people who regarded matrilineal descent in the same way as they regarded patrilineal descent or Bia, the Wala Yerihi settlers were Chakali natives and not foreigners. These Wala Yerihi settlers in Chakali, or Chakali Yerihi as one might call them, were the people who brought Islam into Chakali.

It is hard to say exactly when the first Muslims from Wa settled in Chakali. At any rate, we are certain that by the beginning of the Sambarima wars against Chakali (circa 1880), there were Yerihi Muslims in Bulenga, Chagu and Tuasa.⁹² Indeed, it is said that the Yerihi men participated in fighting against the Sambarima raiders at Katua, Tisa, as well as at Ducie.⁹³

⁹¹ Interview with Yahaya of Tuasa and Sina of Bulenga, 1987.

⁹² Interview with Sina of Bulenga, 1987.

⁹³ Information received from Sina of Bulenga and Yahaya of Tuasa, 1987.

It would appear that the first Yerihi from Wa settled in Chakali were from the Wa-Limahi group. We know, for instance, that Momori Lari of Bulenga and Tahiri of Tuasa who fought for Chakali against the Sambarima at Katua were Limahi. One of the two, Tahiri, is said to have died at this battle. I was told the story by Yahaya, also known as Jieri, the eldest man of the Limahi at Tuasa:

"Katua was attacked by the Sambarima. Our grandfather Momori at Bulenga went along with the men of that village to help the people of Katua beat off the enemies. For three days fighting continued between our people and the invading Sambarima. Our grandfather Momori then sent to his brother, our grandfather Tahiri at Tuasa, asking him to come to Katua and help in the fighting. Together with other men from the Tao, our grandfather Tahiri set forth on his horse from Tuasa for Katua. He never came back to Tuasa. We tried not to remember it. Whatever Allah says will happen, has to happen. It cannot be averted. Soon after his arrival on the battlefield, our grandfather Tahiri died through a gunshot and was buried there at Katua."⁹⁴

It is interesting that the information I received from Yahaya in 1987 tallied very much with the information I had received from Jabuni Daguo in 1981. I was told by Daguo that Tahiri was a Wala Limahi Muslim settled in Tuasa; that he rode to Katua to help save that Tao from the Sambarima; and that he died in the battle and was buried there.⁹⁵

If there were any Muslims in these three Chakali villages apart from the Yerihi settlers, then they were really few in number. The local Chakali inhabitants did not allow

⁹⁴ Account narrated by Yahaya of Tuasa, 1987.

⁹⁵ Jabuni Daguo at Tuasa, 1981.

themselves to be converted to Islam. To the best of my knowledge, only one man in pre-colonial Tuasa, for instance, was converted to Islam. He was called Foga. Paradoxically, Foga was not converted by the local Chakali Yerihi but rather by some other Muslims elsewhere outside Chakali. Foga was one of the men from Tuasa who went with Tahiri to Katua to fight the Sambarima. He was captured by the enemy who sold him as a slave to Muslim Hausa traders. He had to become a carrier. As a slave, Foga had to practice Islam which was the religion of his masters. Eventually, he was able to escape and find his way back to Tuasa. He refused, however, to give up the practice of Islam, thereby becoming the first indigenous Tuasa Muslim.⁹⁶ Foga's son, Adama, also called Gangaw, practised Islam until his death in about 1965.

Although very few in number, the Muslims played a most vital role when it came to crises. For the local Chakali people, the Muslim warrior was a man of superior magic who could work wonders in battle. Even today, one can hear many stories about the wonders performed by Momori Lari in the battles against Babatu. Among other things Tangu of Katua said:

"Twice this village (Katua) was attacked by the Sambarima. In both cases it was Lari who saved the village. During the second attack fighting went on for more than three days. When it was clear that the village was going to fall to the enemy, Lari prayed to Allah who made the tired Sambarima to fall into a deep sleep. During the

⁹⁶ Account narrated by Jabuni Daguo, 1981.

sleep of the enemy everyone in Katua managed to escape. Not a single person was killed or taken captive in the process. Everyone escaped to Bulenga."⁹⁷

Jabuni Daguo of Tuasa also remembered Momori Lari:

"Momori was given his second name, Lari (axe), because with only his axe he was able to conquer men armed with all sorts of weapons: guns, swords, spears, etc. His father was one of the Yerihi settlers in Bulenga. His mother was a local Bulenga woman from the Jaman section. During his time, the people of Bulenga and in fact the whole of Chakali, did not fear the Sambarima. Lari would go on horseback to help whichever village that was attacked by raiders. We people in Chakali cannot forget Momori Lari."⁹⁸

The main concern of the Wala Yerihi settlers in the Chakali Tao before colonial rule, it would appear, was to carry on farming, i.e. growing of good crops and rearing of livestock, as well as trading in the Koranic amulets and the other magical stuff which they prepared. Thus, they were happy to allow their local Chakali kinsmen to continue with the various un-Islamic practices: keeping the Siguma, making sacrifices to the Tavoga and the Vugo etc. The matrilineal blood ties between the Yerihi settlers in the Tao on the one hand, and the local non-Muslim natives on the other, constituted a firm basis for co-operation. The Muslims respected the authority and leadership of the Taotina of the Tao.

Though they got on very well with the people of the Tao,

⁹⁷ Interview with Tangu of Katua, 1981.

⁹⁸ Information received from Jabuni Daguo, 1981.

the Chakali Yerihi in Bulenga, Tuasa and Chagu maintained their links with their parent stock, the Yerihi in Wa. Even today, the oldest man in each Yerihi family in any of the three villages can easily tell where in Wa he has his roots. Yahaya and his compound family at Tuasa, the oldest of the Wala Muslims in the village, have their roots in the Dondoli section of the Limahi community in Wa.

CHAPTER 3

THE LEADERSHIP OF THE TAOTINA - THE POLITICAL SYSTEM OF THE TAO

Every person within the Tao accepted and respected the Taotina as his or her leader. Even the day-old stranger within the village knew that he had some respect and in fact allegiance to pay to the Taotina. What then was the role of the Taotina in the political life of the Tao? How important was this role? How was he able to carry out his duties? And finally, how was he remunerated? These are questions for which we will be seeking answers in this chapter.

As leader of the Tao, the Taotina played two very important functions. Not only was he expected to lead his people along the path set out by the ancestral and earth spirits of the village, but also to reconcile the divergent interests of the various clans which made up the Tao.

THE SPIRITUAL ROLE OF THE TAOTINA

In pre-colonial Chakali thinking human society will always be free from the calamity of epidemic and of natural disaster, as long as it is able to follow the will of the super human and the super natural. One of the most important concerns of the Taotina in his capacity as leader of the Tao was therefore to ascertain what was the will of the spirits that protected him and his people. After

having found out what that will was, he would then go ahead and enjoin it upon all his people.

Every Taotina at least was able to tell what was and what was not taboo to the spirits of the Tao. The term taboo means the observance of a prohibition with a view to avoid the incurring of the wrath of the super human or a super natural power. All such secrets would normally have been disclosed to him by his predecessor during the lifetime of the latter. Sometimes, however, the people of the Tao might develop new practices which might not be acceptable to the Leilea (ancestral spirits) and the Tavago (earth shrines). The old taboo that had been passed down over generations might be broken by an irresponsible Taobie, who might not care to report the incident to the Taotina. If calamity were to be avoided in any such case then it was necessary for the Taotina to be able to have some form of communication with the Tavoga and the Leilea by which he might be alerted to the divine distaste for the newly developed practices of the people, or the hidden wrong which was perpetrated by the irresponsible citizen.

All such communications with the Leilea and the Tavago, or indeed any Vugo (cult) in the village, was effected through the Vorgo (soothsayer).

There were all sorts of Vorgos, all of which to the pre-colonial Chakali man constituted effective media for

divination. Divination is the act of telling by spiritual means things that cannot otherwise be perceived by means of mere eyesight or common logic. The commonest types of Vorgoes were:

- (i) The Vorgo of the stick - the Vorgo who performed divination by means of a stick.
- (ii) The Vorgo of the sand - the Vorgo who performed divination by means of drawing lines with the fingers on sand.
- (iii) The Vorgo of money - the Vorgo who performed the art by means of throwing and rolling money on the floor, and finally,
- (iv) The Vorgo of fire - the Vorgo who carried out his trade by means of dancing round a burning fire.

Of all the various kinds of Vorgos, the Vorgo of fire was the most highly respected in Chakali society. The Taotina of a village might request the services of a Vorgo of fire whenever he deemed it necessary. Unlike in the case of the other Vorgos, where divination was performed privately within their houses, in the case of the Vorgo of fire divination was a public ceremony. A big fire made of wood was set in any open space within the village. It was normally a big fire with flames bright enough for spectators to be able to watch the performance even when it was dark.

Once the first was ready, the beating of drums commenced. The Vorgo then would sing a tune with the crowd following in chorus. While doing this he, or she, would usually

dance round the first until he, or she, became possessed by the spirit of the Vorgo. It was then time for the divination to take place.

The Vorgo would look into the burning flames and by means of his spiritual powers begin to tell the Taotina what he, or she, was able to see in it. He, or she, for instance might be able to tell the Taotina why the Tao was suffering from a drought, which ancestral spirit or shrine it was that was provoked to anger, the name of a particular witch or wizard who was abominating the land with atrocious witchcraft or, indeed, draw the attention of the Taotina to the development of some new practice within the Tao that ought to be declared a taboo.

Once the Taotina of any Tao knew what was the will of his Leilea and Tavoga he made every effort to ensure that all the people within his jurisdiction complied with it. Men, women, boys and girls alike had to obey this will which was formulated into taboos. Eight of the most common of these taboos which, in fact, were strictly observed in every pre-colonial Chakali Tao, were:

1. No whistling within the village, one could only whistle on the farm or on the open field.
2. No quarrelling within the village, any noisy and violent exchange of insults or abuses between any two or more persons was considered a quarrel.
3. No fetching of water from the village ponds and streams during noon and at night.
4. No sweeping of houses at night.

5. No sexual intercourse was permitted except in private homes.
6. No story-telling to children was to take place during the day.
7. No appropriation by anyone, save the Taotina, of any ownerless property found within the boundaries of the Tao; all such property had to be delivered on discovery to the Taotina.
8. No practice of atrocious witchcraft - the custom of evil spells against any person or persons within the Tao.

The people of the pre-colonial Chakali Tao were an identifiable group, not just because they were subject to the undivided leadership of the Taotina, but also because they shared common beliefs of super natural protectors. Each and every one of the villages believed in the Tavoga and the Leilea as divine protectors of the Tao and its people. As a matter of fact one was not regarded as a member of the community if he were known to be an unbeliever or a blasphemist in these spiritual agencies. Obedience to the Taotina and the observance of the will of the Leilea and Tavoga as spiritual guardians were the two most important things that guaranteed anyone his place within the village community.

Any male elder who broke one of the taboos of the village was made to bear the cost of pacifying the shrine that was the subject of the provocation. When a male elder grew notorious for breaking the taboos of the Tao, he was brought before the Siguma of the village who tortured him

to the ridicule of other male elders.⁹⁹

It was the women and the children of the Tao who most of the time were the people who were given corporal punishment when they broke a taboo. Women and children who whistled in the village, went for water from the stream at night, or were caught sweeping at noon, were beaten by the Siguma.¹⁰⁰ It would appear that disciplinary measures which were effected by means of the Siguma in pre-colonial Chakali really deterred at least female adults and children from offending the taboos of the Tao. Up to the present time some Chakali women, boys and girls and some Taos, cannot help shivering with fear upon hearing the tinkling of the Siguma jingle.¹⁰¹

THE POLITICAL ROLE OF THE TAOTINA

At this point I have explained the spiritual role of the Taotina. It was he who found out by one means or another what was the will of the spirits of the land. This will was presented by him to his people in the form of taboos which they had to observe. I will now explain the physical role which the pre-colonial Chakali Taotina played in the Tao as a community.

⁹⁹ A notorious offender could be expelled from the Tao, though this was normally done as a last resort.

¹⁰⁰ *ibid.*

¹⁰¹ Information received in 1987 at Katua, Bulenga, etc...

Physically, he was the link between the various descent-groups within the Tao, the initiator of village policy as well as the judge in cases of dispute. A descent-group is the total number of descendants from one ancestor who not only see their common blood ties as a bond of unity and mutual love, but also as a force that compels them to observe the traditional practices and taboos associated with their common ancestor. The descent-group may be patrilineal (bia) - one traceable to a patrilineal ancestor, or matrilineal (hian) - one traceable to a matrilineal ancestor.

In pre-colonial Chakali there were both types of descent-groups -the patrilineal descent-group and the matrilineal descent-group. Indeed, the two descent-group systems were practised side by side. The Chakali man from Chagu, for instance, might belong to the Iso descent-group which was patrilineal and at the same time belonged to the Gaana descent-group which was matrilineal.

Because every Tao was organised along the lines of patrilinealism, it was one's patrilineal descent-group that mattered more to him than his matrilineal one. The man from Chagu who belonged to the Iso patrilineal descent-group, for example, knew that he could not continue to be a member of the Chagu community if he was rejected and expelled by the Iso descent-group-head. "When a man is rejected by his matrilineal descent-group", say the Chakali

people, "he becomes poor. When he is rejected by his patrilineal descent-group, he becomes homeless". At the same time it is also said that "it is right for every man to find his place among his father's people. However, where the place offered to a man in his father's home town is unsatisfactory, it is right for him to go to his place in his mother's home town should he find that the better of the two." As will be seen later in this chapter, the Chakali system of matrilinealism, which was widespread before colonial rule, turned out to be a means of binding together the different communities of the various Taos.

The patrilineal descent-group that made up the Tao were arranged in an order of seniority based on the chronological order of their settlement within the village. In other words, the older a descent-group was in a Tao, the more senior it was in the descent-group hierarchy. The topmost, and for that matter, the oldest of them all was normally the descent-group to which belonged the Taotinaship. The Taotinaship of any Tao usually became the entitlement of the descent-group whose ancestor was the first occupant of the Tao.

The institution of Taotinaship was hereditary. As soon as the Taotina of a Tao died, the position was at once occupied by his heir. This heir was always a member of the patrilineal descent-group. Of the many descent-groups that formed the Tao of Katua, the Iwe descent-group was the one

entitled to the Taotinaship of Katua. It followed, therefore, that any heir to the Katua-Taotinaship was always a member of the Iwe descent-group.

The position of the pre-colonial Chakali Taotina was thus one in which he, the Taotina, was head not only of his descent-group, but also of the entire Tao. These two roles of the Taotina, however, were not to be considered differently from one another; for the Taotina himself, as well as for his Nara (people within the Tao), the two were one and the same. For any member of the Katua community, for instance, the Katua-Taotina was the leader of the entire Katua-Tao. At the same time he was the Nihie (elder) of the Iwe descent-group. He was, in fact, Taotina of Katua because he was the Nihie of the Iwe descent-group. The Taotinaship belonged to the Iwe people as descent-group who placed it in the custody of their Nihie.

In what way, then, was the Taotina a link between the various patrilineal descent-groups that comprised his Tao? For the Chakali people, the term "Tao" does not only mean the soil of the village, but indeed everything within it, including the inhabitants. The Chakali term "Taotina", for that matter, implies a kind of ownership of the people within the Tao. When a Chakali man says, "I am the Taotina" (owner of the village), he is implying a kind of ownership which is suggestive of leadership or the right to exercise authority over the inhabitants. Ownership of

people is understood to mean having authority over them. At this juncture it is not difficult to see that the term "Taotina", which literally means "village-owner", is one that in fact has a deeper and perhaps a more important meaning.

By virtue of his position as the Nihie of his descent-group, the Taotina was vested with the Taotinaship, which he held in trust for all his fellow descent-group members. With the Taotinaship in his hands, all the people within the Tao became his subjects or followers. He became a link between the various descent-groups that comprised the Tao, in that he was the only man with competent authority in the village who could issue orders and instructions to fellow men outside his own descent-group. It was normal for men to issue orders or instructions to women, or to children, anywhere within the Tao. On no account could a man give orders to a fellow man outside his descent-group. It was only the Taotina who could give such orders within the village community. This extraordinary authority enjoyed by the Taotina was indeed what enabled him to link up the different descent-groups within the Tao.

According to the Chakali system of society one descent-group could not approach another descent-group within the same village with a complaint or with a request for assistance in any matter other than through the Taotina of the Tao. An individual member of a clan could give

assistance to and receive assistance from another individual member of another descent-group. Such a transaction or arrangement was private and was not likely to flout the authority of the Taotina. However, where the head of one descent-group within a village found out that there was a problem facing his people the solution of which required more than just the effort of his own people, it was for him to approach the Taotina about the problem and one other, if he was not to be accused of abusing the authority of the Taotina.

Whenever a complaint was brought before the Taotina by a descent-group against another in the Tao, it was for him, the Taotina, to relay the complaint to the accused. Whether he did so in the presence of the head of the complaining descent-group or during his absence depended on what he, the Taotina, considered to be expedient under the circumstances.

Sometimes, a descent-group might need the help of support of one or more of the other descent-groups within the Tao. It might, for instance, find itself involved in a dispute with a descent-group concerned to put the matter before the Taotina who would accordingly raise the matter in his Council of Nihese (elders).

Apart from being a link between the various patrilineal descent-groups which were the component elements of the Tao

as a community, the Taotina was also, for all practical purposes, the initiator of village policy. It was the Taotina who determined the relations of the Tao with other Taos. The Taotina of Motigu, for example, could say that Motigu regarded Katua as a friend, but regarded Tisa as an enemy.

Whether the Tao was to adopt a new Vugo (cult) or continue with its old cult was also a matter of policy that could only be decided by the Taotina. It is true that every pre-colonial Chakali Tao practised one kind of cult or the other. A cult is a secret society which has its own rules of membership as well as its own sacred symbols. For the Chakali Taotina the cult, or Vugo, as it was called was not just useful but necessary for the successful running of the Tao.

It was vital that the Taotina made the Tao the clientele of some powerful Vugo, one that had ample supernatural power to be able to suppress the activities of atrocious witches and wizards. "How could the Taotina rule the Tao if he did not commit it to the care of, say, Sonyor-Kipo, Koali or some other Vugo? He might one day give an order or a judgement in a case not liked by one of the parties who, as sometimes was the case, might be considered to be a witch or a wizard. No-one could tell who was or was not a witch with the naked eye. Witchcraft was only determinable and punishable by means of the supernatural power of the Vugo.

A Taotina who incurred the wrath of a malignant witch or wizard might become the target of evil spells if he, the Taotina, together with his Tao were not entrusted to the spiritual care of one Vugo or the other". These words are to be heard all over Chakali.

One of the important roles which the Taotina played in the day to day administration of his village was the role of adjudicator. He was the judge or arbitrator in any dispute that arose between parties from different descent-groups within the Tao. It was unusual for a dispute between two parties from the same descent-groups to be brought before the Taotina and his Council of Nihese. Such a dispute would normally be settled by the head of the descent-group concerned. This meant that whenever the Taotina was to arbitrate in a dispute between members of his own descent-group, he did so only in his capacity as head of his descent-group and not as Taotina.

A dispute between parties from two or more descent-groups was the type of case which was sure to be heard by the Taotina and his Council of Nihese. If it was a dispute involving, say, land, hunting rights, elopement or theft, the matter was likely to be viewed with the utmost seriousness by the Taotina.

The parties to the dispute were summoned to the Taotina's house early the next morning. The Chakali people

considered dispute settlement to be a task that must never be done at night. It was always carried out in the daylight of the morning. A rainy, stormy or even cloudy day was considered to be unpropitious and inappropriate for settling any dispute.

The Council of Nihese was normally composed of all the descent-group heads within the Tao. Once it was convened the Taotina announced the opening of the case. Each party was given the opportunity to narrate its own version of the events. Witnesses were then called if it was necessary to do so. Finally, the Taotina would put the issues raised in the case before the panel of Nihese. Every member of the panel was free to give his individual opinion about the issues at stake. Any member who did not wish to speak could simply remain silent.

After having heard the individual opinions of his fellow panel members, the Taotina would announce his verdict. His word was final and, distasteful though his decision might be to one of the disputing parties, it was normally accepted with respect. It was the belief of the Chakali people that disputes must not be allowed to be prolonged. "A thousand words cannot buy a horse" they say.

ADMINISTRATIVE STAFF OF THE TAOTINA

In the formulation of his policies and in the carrying out of the day to day administration of the village, the

Taotina was assisted by the Vorgo and the Vugotina.

The Vorgo, as we have already seen, was the man or woman in the village who by one means or another could communicate with the Leilea and the Tavoga of the Tao. Although it was normal to find many Vorgos in every Tao, it was usually the most reputed of them who was recruited by the Taotina as his spiritual advisor.

Vugotina (owner of the cult) was the title held by the man who was the leader of the Vugo (cult). There were two types of Vugotinas - the supreme Vugotina and the Vugotina of the Tao.

The supreme Vugotina of any Vugo was its most superior leader, who normally resided in the village where that Vugo originated. Thus, the supreme Vugotina of the Sonyor-Kipo was the Vugotina who resided at Sonyor in Gonja. The Vugotina of the Koali resided at Sogila, while the Vugotina of the Safo-Kala was to be found at Bulenga.

The Vugotina of the Tao, on the other hand, was the Vugotina who was only head of the Vugo within his own Tao. All sacrifices performed to the Vugo by people within the Tao were carried out under his supervision. The Vugotina of the Tao was consulted by his people as the agent of the supreme Vugotina, who normally resided elsewhere. The members of the Sonyor-Kipa Vugo at Ducie, for instance,

regarded their Vugotina of the Tao as an agent or delegate of the supreme Vugotina of the Sonyor-Kipo, who lived at Sonyor.

Before colonial rule, the Taotina of every Chakali Tao had one, or even sometimes two, Vugotinas in his village who helped him in various ways to decide and to implement policy by means of their supernatural powers. However, where a Taotina had two or more Vugotinas in his village he would normally appoint one with the official title of Vugotina of the Tao. Thus, though the Taotina of Motigu, for example, had a Vugotina of the Tao for Koali, he also had the Vugotina for the Sonyor-Kipo Vugo.

RECRUITMENT OF THE TAOTINA

As stated before, the institution of Taotinaship was hereditary. It was hereditary in the sense that its heir was usually a fellow clansman of its late occupant.

It was usual for any Taotina to know who was going to be his successor after his death. It was always the eldest surviving male member of the descent-group by genealogy residing in the Tao who would succeed him at Taotina. The heir-apparent normally would take over the Taotinaship as soon as it became vacant. No ritual or procedure was required. It was simply a matter of the new taking the place of the old. Where the heir-apparent to the Taotinaship was too old or too weak to be able to carry out

his duties at Taotina effectively all by himself, he would normally upon coming to office appoint the next-eldest clansman as his deputy.

The new Taotina would make sure that the funeral rites of his predecessor were well performed. The goat skin bag and the hat of the deceased leader were then given to his successor. It would be wrong to consider these articles as symbols or regalia of the Taotinaship; they were just presents given to the new Taotina because there was no one else in the Tao fit enough in Chakali thinking to possess them. The local belief was that the bag a man carried on his shoulder and the hat he wore on his head could never be carried or worn by any other man who was less in status than himself.

It was a generally accepted rule that in the discharge of his duties, the Taotina could instruct any young man of the village, no matter what clan he belonged to, to run his errands for him. Such instructions, whenever issued by him, were normally obeyed without complaint or hesitation. Any young man in the Tao who refused to obey such an instruction so issued by the Taotina was likely to be subjected to disciplinary measures.

REMUNERATIONS OF THE TAOTINA

In 1987, the Taotina of Tisa gave a detailed account about the remunerations of Taotinas in Chakali before the coming

of the European:

"Although before the coming of the white man Taotinas in Chakali were not paid as the chiefs are today, every Taotina held an idea of what to expect to receive from the people in his village. Every hunter in the village who killed a large game animal such as: a buffalo, bush pig or bush cow had to present a hindleg to the Taotina. Not to do so amounted to abusing his authority as the custodian of the village and its territories. Although the Taotina shared the meat with his Nihese he took a large part for himself. During the performance of funeral rites and the celebration of festivals in the village a hind leg of any cow killed is sent to the Taotina as a gift. For instance during big annual festivals like the Dzinbenti, the Taotina could expect to receive as many as three or four hind legs. In such cases he could keep one or two of them for himself. Any livestock or goods found in the bush with no apparent owner were all sent to the Taotina as presents. In this way good luck could bring to the Taotina: horses, donkeys, sheep, goods, guns, swords etc. All such livestock or goods were for the Taotina alone. If there were any other people who held a share in these, then it was the earth shrines of the village to which the Taotina had to sacrifice one of the animals if they were sheep or goats. During the dry season when men and women from the village got to the streams and ponds to catch fish, the biggest two fishes caught during any fishing trip were brought to the Taotina as presents. Fishes are not hind legs of animals and so these were not to be shared by the Taotina with the Nihese".¹⁰²

The speaker concluded that in the past the Taotina in the Chakali village had everything that he needed.

¹⁰² Account given by Topieh of Tisa.

CHAPTER FOUR

ADMINISTRATION OF JUSTICE AND KEEPING THE PEACE IN THE TAO

I have already mentioned in chapter 3 of this part, the taboo which people who lived in the pre-colonial Chakali Tao had to observe. They were told not to sweep houses at night or at noon, and they were told not to whistle in the Tao; the custom of harmful spells against one another by means of witchcraft was also prohibited, just to mention a few.

It was in the interests of the entire village community that these taboos were not broken by anyone. Persistent transgression against these supernatural dictates could ruin the entire Tao. The spirits of the land which might be angered by such transgression would surely smite the Tao with drought or some other form of natural disaster. The questions that come to one's mind are: how did the Chakali people of the pre-colonial era deal with individuals who were caught trespassing against these sacred prohibitions? How did the village authorities treat people accused of committing crime? A crime is a social prohibition, the breach of which implies the meting out of punishment on the offender. How is the guilt of the accused established? What was the penalty of the accused person who was found guilty and how effective was the penal system practised by the Chakali people within the village community? These and other questions will be dealt with in this chapter.

THE ESTABLISHMENT OF GUILT

In Chakali it was not the duty of anyone to prove the guilt of people accused of committing criminal offences. The onus of proof was on the accused. It was for him to prove that the allegation levelled against him was false. Until he or she succeeded in doing this, he or she was presumed guilty. A man who was accused of whistling in the village, for instance, had the duty to argue as hard as he could to prove that he was innocent of the charge made against him. If he failed to do this, he was considered to have accepted his guilt. Silence was guilt in pre-colonial Chakali justice.

Official prosecution was not a part of the criminal procedure. Whenever an allegation was made against any individual within the Tao, he or she was immediately informed by the village authorities of the accusation levelled against him or her. This was either done directly by the Taotina or indirectly through the head of the clan to which the accused person belonged.

In the case of the man who was accused of whistling in the Tao, the Taotina might directly put to him the question: "I gather from rumours that you whistled in the village. Did you?"

If the accused was content with accepting guilt, he would normally do so by making a confession to the Taotina or

simply keeping mute. The offender who accepted his guilt through expressed confession was viewed by the Chakali people as a man or woman of honour, and was usually given the minimum of his or her punishment. On the other hand, the offender who decided to accept his guilt simply by keeping mute was seen as a proud fool and, as such, was given maximum punishment.

Unlike cases of dispute between parties which could only be settled in broad day light, criminal cases could be disposed of at any time whether it was day or night. The people of Chakali appreciated the fact that criminal offences when committed affected the peace of the entire decent-living community. The committing of a criminal offence was, therefore, regarded as a matter of emergency. "Delay in punishing the offender", say the Nihese, "makes it twice as likely that there will be a second offender."

The panel of Nihese headed by the Taotina whose duty it was to settle disputes that arose between parties in the Tao, was also responsible for hearing criminal cases. It was the duty of the panel to grant hearing to any accused person who was formally informed by the Taotina of an allegation made against him, and who was determined to prove his innocence.

In that case the accused was invited to the house of the Taotina where he appeared before the Nihese led by the

Taotina himself. He, the accused, was then given the opportunity to defend himself against the allegation. He was also given the freedom to call witnesses if he had any. The Taotina would then put the matter before the Nihese for their consideration. In the end the Taotina would sum up the case making sure he told the accused whether his defence as presented was successful or not. If the Taotina was satisfied with the arguments put up by the accused, the matter ended there. However, if he expressed dissatisfaction about the arguments put forward by the accused, it meant in effect that the charge levelled against him, the accused, was still valid and indeed likely to bring punitive results for him. Again, unlike in the settlement of disputes where the entire Council of Nihese would normally have to be present, in criminal cases the Taotina, in conjunction with any one member of the Nihese, could grant audience to an accused person who wished to defend himself against criminal charges made against him. As a matter of fact, it is even said that the Taotina acting alone could hear a case if his effort to find one of the Nihese at that point in time was fruitless.

As sometimes was the case, an accused person whose plea of innocence was rejected by the Taotina might decide to press on his case. The last and final step which he could take was the swear on oath by the Vugo or Tavugo of the Tao as a testification that he was innocent. An oath was a reference made by the accused to any shrine or cult in

which he, the accused, was known to have belief. As a last resort to nullify the charge made against him, the man accused of whistling in the village might say "N-mwiesi kosi" (I swear by the earth shrines of the Tao and its bush). Once these words were heard by the Taotina from the mouth of the accused, he was bound by custom to drop the charge. The people of Chakali believed that a man could not be punished twice for the same offence. Once a man accused of whistling in the Tao decided to swear and, in fact, did swear by the Tavoga or Vugo of the Tao, he had effectively submitted himself for divine scrutiny and punishment should he be found guilty of the said accusation by the divine powers that were. For the Taotina to subject an accused person to physical punishment after that accused person had taken such an oath was, in the view of the Chakali man, tantamount to punishing the accused twice for his offence.

Furthermore, the Taotina could not order the physical punishment of any accused person who swore by the Tavoga or by the Vugo of the Tao, because for him to do so would mean that he doubted the efficacy of the sanctions meted out by the spirits which the entire Tao, including himself, believed to be extremely powerful.

THE POSTHUMOUS ESTABLISHMENT OF GUILT

I have so far explained how the accused person discharged the onus of proof which fell on him. I will now proceed to

explain what happened in the case of the accused person who as a matter of fact could not discharge this duty.

As we have already seen, the casting of evil spells by a person against another was one of the many prohibitions in force in the Tao. As soon as the Taotina had the hint that an evil spell had been cast, was being cast, or was about to be cast by a person against another in the Tao, he will at once confront that person and ask him or her whether or not he or she admitted guilt for the alleged offence. On the assumption that he or she accepted guilt, or failed to prove his or her innocence after having denied guilt, he or she was given severe punishment by the village authorities.

Although many offending witches and wizards were caught and dealt with in this manner, there were others, according to Chakali belief, who were caught and punished not by the human beings in the Tao, but rather by the powerful spirit of the Vugo. Unlike the Taotina and his Council of Nihese who normally would punish a guilty witch or wizard by subjecting him or her to torture by the Siguma of the village, or by expelling him or her from the village altogether; the Vugo was always sure to punish a criminal witch or wizard with just one type of punishment - capital punishment. Capital punishment is the putting to death of a guilty offender as a desert for his offence.

It is important at this point to explain how the Chakali

people were able to distinguish between people whose deaths were natural and those whose deaths were due to the divine execution of death sentences imposed on them by the Vugo. Just like the ordinary accused person who was presumed guilty until he or she was able to prove his or her innocence before the Taotina, every person who died in the Tao was presumed to be a guilty wizard or witch executed by the Vugo until he or she was proved innocent through a ritual performed called Vugo-piasi (asking the cult).

Vugo-piasi is a trial by chance or luck. Indeed, one might call it a trial by ordeal. As soon as an adult man or woman died in the Tao, the news was brought to the Taotina who authorised one or two of the Nihese to perform Vugo-piasi. This Nihese would ask the family of the deceased to provide a chicken for the ritual.

When this provision was made they went to the house of the deceased which usually was full of people from all over the Tao sharing grief with the bereaved family. The sacred objects which were symbols of the village Vugo to which the deceased was of course a client, were placed in the centre of the compound. Total silence was observed by all the people present in the house. The delegates of the Taotina would then put the question loudly to the hearing of everyone - "Oh Vugo, was the deceased a wizard?" or "Oh Vugo, was the deceased a witch?"

The throat of the chicken provided by the family of the deceased person was then cut with a knife by the Niheese. Having done this they left it alone to struggle and die. If it died lying flat on its back, it meant that the Vugo had answered "Yes" to the questions put to it. In other words, this implied that the deceased person was a wizard or witch found guilty of atrocious witchcraft and accordingly put to death by the Vugo.

On the other hand, if the chicken died lying with its face upon the earth it was an indication that the Vugo had answered "No" to the question asked of it. In that case, the deceased, be he man or woman, was considered innocent of evil.

PENAL ADMINISTRATION

Whenever an accused man admitted his guilt by expressed confession, or failed to establish his innocence in spite of the fact that he denied committing the offence alleged, he was sure to face one of several punishments. He could be subjected to torture and public humiliation at the hand of the village Siguma, expulsion from the Tao, or a fine.

The subjection of offenders to torture and humiliation at the hand of the Siguma, as I understand it, was a system of effecting the punishment of wrongdoers through anonymous or unidentified men. The Siguma masks collectively were the sacred symbol of the Dabantorigo Vugo. The supreme

Vugotina of this Vugo lived at Balea, its original home. In every Chakali Tao was a set of these sacred masks which were usually referred to as the Siguma of the Tao (village). The Siguma of every Tao was left in the care of the man who was Vugotina of the Tao for the Dabantorigo Vugo.

The sacred masks of the Siguma were woven from tree or plant fibres. Each set was made up of three masks. The three masks together were able to cover the entire body of a man in a way that his identity was reasonably protected. A man dressed in the sacred masks was not likely to be recognised easily by even his own wife and children.

Whenever an offender was unable to establish his or her innocence, or openly confessed his or her guilt, it was for the Taotina and the Nihese to decide how he or she was to be punished. If the punishment chosen for the offender by the authorities involved Siguma discipline every care was taken not to let the offender know of their intention. An offender who knew of such an intention might escape from the Tao and take shelter with relatives in some other Tao.

After all preparations were made by the Nihese, the offender was called by one of them as if he was going to discuss some private matter with him. On his arrival, the convict was seized. A strong man dressed in the Siguma masks then made his appearance. The Nihese immediately

would give orders for the Siguma-man to punish the offender. While carrying out the punishment the man dressed in the Siguma masks, the Siguma-man, was never to be called by his name even if he could be recognised by any of the other men present. In villages like Ducie and Bulenga where there were many Sigumas, one convict could become the victim of three, four or even five Siguma-men.

The Siguma-men had no way of punishing convicts other than by the infliction of bodily pain or physical injury. They might beat the convict with sticks or rods, hit him with stones, hands and belts or even kick him with their feet. Perhaps punishment by the Siguma-man might best be described as a short sharp shock. A short, sharp shock type of punishment is one which has a very short duration, but which, nonetheless, results in very severe bodily pain and physical injury for the person who is the subject of the punishment.

In principle any person in the Tao could be subjected to this short sharp shock administered by the Siguma-man provided he or she committed an offence. In practice, however, the Taotina and the Nihese of his council were never subjected themselves to this sort of ordeal. A fine was always the punishment likely to be imposed on one of these elders who committed an offence.

As a matter of fact, boys, young men, girls and women were

almost always the victims of the Siguma-man. With the exception of vicious witchcraft any of the other offences committed by any boy, young man, girl or woman could attract the short sharp shock sentence.

Although the short sharp shock was considered as a terrible experience by many people in the Tao, it was indeed the expulsion of offenders from the village which was viewed as the most serious and the most dreadful of all the types of punishment. It was a life-sentence. In other words expelling an offender from the Tao meant that he or she was banished for life.

If was all the more dreadful because once a person was expelled from his or her village for committing vicious or atrocious witchcraft, that man or woman stood little or no chance at all of being accepted in any other Chakali Tao. It was well established as a rule in every Tao that anyone who put up a stranger expelled from his or her own Tao on the grounds of committing vicious or atrocious witchcraft, would become liable him or herself if that stranger was ever caught committing a similar offence. In accordance with this rule people who decided to play host to relatives and friends expelled from their original villages as convicted witches or wizards did so at their own peril.

A man or woman who was expelled from his or her Tao as a person convicted of witchcraft offences normally had no

option other than to leave Chakali land altogether. He or she would travel to the land of the neighbouring Isala or Wala where he or she would begin a new life.

The order of expulsion did not affect the offenders' children, sisters, cousins, fathers, wives or husbands. I mean to say that they were under no compulsion to go along with the offending relative who was the subject of the expulsion order. They were entitled to continue living within the Tao without harassment.

It was only the Taotina or his deputy who had the power to expel an offender from the village. No other person within the Tao could legitimately claim to have such competence.

Expulsion from the Tao was not the punishment meted out to the first offender. A first offender was the offender who committed his offence only once. Expulsion orders, in fact, were issued by the authorities of the village against die-hard offenders. A die-hard offender was the one who persistently committed the same type of offence. The type of offence that was always most likely to attract expulsion from the village was the perpetration of atrocities by means of witchcraft. Thus, it was the die-hard perpetrator of atrocious witchcraft who was the kind of criminal in pre-colonial Chakali who was definitely certain to face banishment for life from his native Tao.

The procedure for expelling offenders from the Tao was simple. After a die-hard offender of vicious witchcraft was found guilty by the Taotina and his panel of Nihese, he or she was immediately told of the real likelihood that existed for his or her expulsion from the Tao. On hearing this the offending wizard or witch had only one course of action open to him or her if he or she wanted to avoid being expelled. What he or she could only do was to swear on oath by the Vugo of the Tao. As explained before, the Vugo of the Tao was the one accepted by the Taotina as the official supernatural power guiding the Tao.

If he or she did this, the Taotina was likely to drop the charge against him or her. For one reason or another, however, most offending witches and wizards were always not prepared to swear the oath which would prove by supernatural means that they were innocent. The more an offending wizard or witch showed that he or she was hesitant to make a testification by the Vugo of the Tao, the more he or she was considered by the Taotina for expulsion.

In the end, after having made up his mind, the Taotina would assemble the Nihese of the Tao and then, with their assistance effected the expulsion.

The mildest of all indigenous Chakali sentences, perhaps, was the imposition of fines. A fine is a money penalty

imposed on a convicted offender. In Chakali a fine could take the form of money, commodity or live-stock.

In Chakali all these three types of fine were imposed on offenders. With minor offences, like the telling of stories to children at noon, the Nihese were content to receive a cash fine of one hundred or two hundred cowries from the offending father, grandfather, mother or grandmother. One of the Nihese who was held liable for the casting of an evil spell against another person within the Tao was likely to be fined a goat, a sheep and a fowl. He might even be charged a fine of one or two cows.

Sing (beer) which was locally brewed was normally the fine imposed on first offenders. Sing was usually sold in small pots. Seven of such small pots full of sing were enough to pay for an average fine for a first offence.

Cash in cowries and sing which were paid as fines by convicted offenders were generally regarded by the village as the fees of the Taotina and his Nihese. At a meeting in the Taotina's house the sing was poured out for all of them to drink. The cash of cowries was shared among them.

Fines of sheep, cows and fowls received by the Taotina were not regarded as part of his fees but as the entitlement of the Vugo, the Leilea and the Tavoga of the Tao. Accordingly these animals and fowls were offered as

sacrifices to the respective shrines as propitiation of the offences committed by the convicts.

CONVICTS EXECUTED BY THE VUGO

Before going on to address the question of whether the whole indigenous Chakali system of penal administration was effective or not and whether the entire system of justice practised in the Tao was viewed by the Chakali people to be fair or unfair, I will first of all briefly explain the effect of guilt established posthumously through the Vugo-piasi on the estate of a deceased person.

We have already seen how through the ritual of Vugo-piasi a deceased person might be judged to be a guilty wizard or witch executed by the Vugo. Such guilt whenever established could have very serious consequences on the estate of that deceased person.

If the Vugo of the Tao was Panti-kala or Safo-kala all his or her property and belongings were confiscated and proclaimed to be the property and belongings of the Vugo, which carried out the death penalty. The cattle and crops of the deceased farmer whose guilt as a wizard was posthumously established through Vugo-piasi, for instance, were all seized by the Vugotina in charge of that Vugo in the Tao. Sometimes an argument would erupt between the Vugotina of the Tao and the family of the deceased about what crops and cattle actually belonged to the deceased as

a person and those which belonged to his extended family or clan as a corporate unit.

In any such case it was the duty of the Taotina to intervene. He would play the role of arbitrator and make sure that any dispute that arose was settled according to the customary procedure already described.

For the Chakali people, the posthumous expropriation of a wizard found guilty and executed by the Vugo was justice because a man who acquired his wealth by committing superhuman atrocities could not be allowed to bequeath it to his heirs. Not only was such a wizard posthumously condemned and expropriated, but in fact was also not accorded his customary funeral rights and tributes.

A contrast is to be drawn between the convicted wizard or witch who died and posthumously suffered expropriation effected by the Vugotina of the Tao and the one who was found guilty during his or her lifetime and expelled by the Taotina from the Tao. In the case of the latter, there was no expropriation whatsoever. Once he or she was expelled by the Taotina of the Tao he or she could carry all what belonged to him or her or leave it behind in the care of cousins, sons, brothers or uncles if they were willing to hold them in trust for him or her.

The local belief was that once a man was expelled from his

community all his property and belongings were also rejected. Thus, whenever a man was expelled by the Taotina from the Tao for non-physical activities not conducive to the peace of the village his cattle, sheep, goods and farm products were avoided by all the authorities of the Tao, including the Vugotina.

THE INDIGENOUS CONCEPTIONS OF PEACE AND JUSTICE

In Chakali the administration of justice was regarded as only a means of achieving peace. Peace was the social and sought by every community. The idea was expressed in Chakali sayings like: "Kuarii ye witin (justice is settlement of trouble), "winnuli waya witin" (something cannot be just if it is likely to cause trouble or suffering) etc.

Peace was not understood to mean just the absence of warfare and conflict in the community; indeed to the Chakali man it meant the absence of physical hostilities - warfare, non-physical hostilities - the casting of spells against one another, severe drought, famine or pestilence or the freedom of people from injustices. An injustice was the suffering of a person from a wrong without redress.

Witin or justice was understood to mean two things. First, it was understood by the Chakali man to mean refraining from conduct likely to breach the peace of other individuals or the entire community. Secondly, it was

understood to mean the payment of compensation by a person guilty of such conduct to the offended party or the receipt of penalty by a person who breached the peace of the community inflicted by its authorities. A man who stole the cow of another, and who was subsequently caught and brought before the panel of Nihese was sure to be asked by the Taotina and the other members to pay compensation to the original owner of the cow. For the thief not to do so was considered an injustice. Similarly, the woman or girl who went for water from the village stream after dark, if found guilty was sure to suffer punishment meted out by the Taotina and his Nihese. This had to be done if injustice was to be avoided.

Whenever an injustice was perpetrated against an individual or against the community, the understanding was that the peace of that individual or community was threatened. The man in Chagu who suffered one injustice after another and who failed to get the necessary redress from the Chagu authorities was likely to leave Chagu altogether and become resident of another Chakali Tao. His reason for emigration was in Chakali thinking a good one. He could, of course, not continue to live at Chagu because he had no peace in that Tao. On the other hand, the authorities of Motigu had no choice other than to expel the wizard or witch who again and again committed non-physical murder by means of atrocious witchcraft. By perpetrating these injustices against his or her victims, he or she was in effect

flouting the most serious taboo of the Tao. The drought, famine or pestilence which usually were the sequels of such transgressions could ruin the peace of the Tao as a whole.

Because justice was regarded as a means and not as an end no point was seen in pursuing justice if it did not serve its purpose. Justice was justice, if it brought about peace. To put the matter the other way round, the Chakali people would not insist on carrying out justice if it was likely to bring about more trouble or hardship than peace.

Although it was justice to expel people found guilty of casting spells against others within the Tao, it was in fact no justice at all to expel the Taotina, the Vugotina of the Tao, the successful Vorgo who was a member of the Taotina's administrative staff or any key member of the Nihese. For the inhabitants of the Tao the expulsion of any of these men from the village as a matter of fact would bring about the undesirable hardship and not the desirable peace. Without the Vugotina of the Tao to run the Vugo in the village, the Vorgo to act as seer or the Taotina and key members of the Nihese to oversee their affairs, normal life for the inhabitants of the Tao was considered to be impracticable.

Any of these important men who committed atrocious witchcraft was thus not expelled but rather fined or even left free altogether. In fact, fine was the penalty likely

to be imposed on any one of them who was found guilty of any of the other offences by his colleagues - the other leading men of the Tao.

Similarly, though it was a firm principle of justice strictly adhered to in the settlement of all disputes that arose between parties in the Tao that the perpetrator of an injustice against a neighbour should pay compensation to him for the wrong suffered, in some special cases the principle was not applied.

One of the physically most able-bodied young men of the Tao, for instance, might offend someone else in the Tao. He might, say, steal the fowl of a neighbour. In the dispute that would ensue he might be asked by the panel of Nihese to restore to the neighbour his fowl, or, as sometimes was the case, pay him compensation in cash of cowries.

The strong young man might persistently refuse to comply with the order of the authorities. Under normal circumstances he would be subjected to torture and public humiliation by the Siguma-man or men through the orders of the Taotina and the other leaders. However, it might well be that this particular strong young man needing the discipline was himself one of the team of able-bodied men usually dressed in the sacred Siguma masks as Siguma-men, in order to administer the short sharp shock sentence.

Making him one of the subjects of the short sharp shock might alienate him from the system and make him unwilling to participate in the carrying out of future punishments on offenders.

In the name of safeguarding the Siguma system and the peace of the village, the authorities of the Tao would normally decide not to bring the strong young man in question before any Siguma-man. They were content with rather receiving a fine from him. As in the case involving one of the village leaders, he might even be left free without punishment altogether and, at the same time, without having to redress the balance of the neighbour who suffered the theft.

For most of the inhabitants of the Chakali Tao, the system of justice run by the village leadership, including its penal measures, were not only effective but fair. Quite apart from the fact that the system made it possible for most of their disputes to be settled by peaceful means, it also assured them that most, but by no means all, dangerous wizards and witches were either caught and expelled from the Tao by the Taotina or were caught and executed by the spirit of the Vugo. What is more, it was able as a system to deter people from practices which were likely to provoke the spirits of the environment to anger and tempt them to visit the Tao with all sorts of calamities.

In spite of all that the Chakali people might say in

support of the justice or otherwise of the system that was operated by the Taotina in the Tao, for the objective outsider questions would always remain. Why were offenders found guilty of atrocious witchcraft and then expelled from the Tao, not expropriated of their property or belongings, whereas the one whose guilt was established posthumously through Vugo-piasi was so treated? If it is really true, as they say, that they, the Chakali people, did not believe in punishing an offender twice for his offence, then why was the offending wizard or witch executed by the Vugo also posthumously made the subject of expropriation from his or her estate? Finally, was it fair that after taking over the personal estate of the guilty deceased, that the Vugotina of the Tao should proclaim it the property of the Vugo - property to be appropriated by himself in conjunction with his superior, the Supreme Vugotina?

As will be seen later on in the dissertation, a dispute arose at Motigu between the Vugotina of the Tao on the one hand and the family of a deceased man who was adjudged by means of Vugo-piasi to be a guilty wizard executed by the Vugo, on the other. Unlike the other disputes of its kind this particular dispute took place at a time when British colonial rule had effectively been established over Chakali land. Before the Taotina of Motigu could settle the matter, the dispute grew out of control and local police whose duty it was to enforce the law of the Central Government, had come in. It is sufficient at least at this

stage for me to say no more than that the Chakali system of trial by chance or luck could not get along well with the notions of equity and natural justice applied by the National Court of the country.

DEFENCE

Before the development of the Wa Kanbonghi as a military institution, the defence of every Chakali Tao was in the hands of its own people. The Kanbonghi, as we saw in the chapter on the Wala, was a military organisation which came into existence during the nineteenth century. It was a military organisation based on the shared understanding between the Wa-Na on the one hand and some of the villages that surrounded Wa on the other; to the effect that any external attacker who attacked Wa or any of these villages was to be repelled by all the villages concerned as well as all Wala town's men as a collective responsibility. The Wa Kanbonghi then was a Grand Alliance of a large number of autonomous villages spread out over a large area and a centralised group society which inhabited a town.

The thirteen Taos of Chakali became a unit, the Chakali-Walea, in this Grand Alliance. The leaders of the various Taos all realised that if Babatu, the notorious slave-raider, was to be decisively beaten then it was necessary for all those whose peace was threatened by his activities to come together.

During the period before 1800 it is true that defence of the Tao was the singular responsibility of its authorities. Any man or group of men who came from one Tao to assist the people from another in beating back an enemy did so either because they were the blood relatives, friends or close associates of the people attacked. The man from Motigu who was the son of a woman from Katua would naturally offer every assistance to his matrilineal Tao if attacked by an enemy. Similarly, a man from Tuasa who belonged to the Iwe descent-group would normally dash to Tisa to help defend the Tao if attacked, the reason being that Tisa was a Tao most of whose inhabitants were members of their own descent-group - the Iwe.

In those days, if a Tao was attacked and the Taotina became convinced that the force at his disposal was too small or too weak to be able to ward off the attack, he would normally direct his people to flee to one of the larger Chakali Taos. In Chakali it was commonly understood that once the people of one Tao moved to another they became entitled to the protection of the Taotina of the host village. Although the Taotina of Ducie, for example, had no duty to help the Taotina of Balea in defending that Tao, he had the responsibility to protect the inhabitants of Balea, including even the Balea-Taotina himself once they fled to Ducie.

The principle of granting protection to refugees, or in

short political asylum, often led to the spread of conflict from one village to another. The people of small Motigu, if attacked by strong and powerful Ducie, might evacuate their Tao and fleet to Bulenga where, no doubt, they would be granted asylum. The people of Ducie might follow them up to Bulenga and unless the dispute was successfully settled amicably, fighting would commence between them and the men of Bulenga.

Because the defence of the Tao was the responsibility of its own people arrangements were always made in the Tao by the Taotina as to how the village was to be defended in the event of an attack. There was a war drum which was usually kept in the house of the Taotina. As soon as the news of an attacker was received, the Taotina would give orders for this drum to be beaten. The battle cry was raised and all the physically strong and able-bodied men of the Tao would assemble carrying guns, spears, swords, bows and arrows. Runners were dispatched with the news of the attack to those Taos where the attacked village was likely to find adherence.

It was a rule that every man, whether he was working on the farm or resting in the house, should with all haste find his way to the village centre which was usually the meeting point during such emergencies. It was at the village centre that the assembly of armed men took decisions about who was to participate in the actual fighting as well as by

what strategy they were going to drive back the enemy.

The attacking enemy was sometimes not a man or party of men, but rather wild beasts. A troop of chimpanzees, lions, hyenas or even elephants might invade the Tao. These wild beasts, if not repelled instantly, could cause considerable damage to life and property. One of two lions, for example, might account for the deaths of as many as twenty-four cows and goats as well as wound two or three or more people.

The fact that in the nineteenth century the Chakali people found it necessary to join the Chakali-Walea and the Wa Kanbonghi Alliances which assured the Taotina of every Tao of the assistance of contingents and contingents of men, suggests to one that the whole Chakali system of defence of the Tao by its own people had little to offer. The people of Chakali perhaps found their system of defence workable before the nineteenth century simply because they did not experience any major conflict with a foreign power. In my interviews with old men at Tuasa, Bulenga and Ducie I was made to understand that for Chakali the Sambarima war was the first of its kind.¹⁰³ Villages like Dambaa, Gologolo, Buotao and Kpong were wholly destroyed. It was a timely realisation on their part that united a people stands, divided that people falls.

¹⁰³ Information received at Bulenga and Tuasa, 1979. Information received at Ducie, 1981. Information received at Katua, 1987.

CHAPTER FIVE

INTER-TAO GOVERNMENT? NO! INTER-TAO CO-OPERATION? YES!

Although it is possible for us to talk of a government in the pre-colonial Tao, insofar as the entire pre-colonial Chakali society of Taos was concerned, there was no government in the sense of a group of people able to exercise effective control both over the people and over the territory in which they operate. Chakali land was made up of thirteen different Taos, each of which was independent in its own right. In Chakali thinking, every Tao was as good as another. In other words all the thirteen Taos were considered as equals of one another in spite of the fact that some were large and others small, some rich and others poor, and some strong and others weak. While Tisa was considered to be richer than Katua, nonetheless, they were equals because each was a Tao in its own right. Again, in spite of the fact that Bulenga was about ten times as large as Motigu, and perhaps several times stronger, the two were nonetheless to the Chakali man equal in right. The Chakali people did not only regard their Taos as equals of one another, but in fact also hated the whole idea of one Tao dominating the other. They were able to appreciate the fact that freedom would cease to be freedom if it was not jealously guarded. The primary aim of the Taotina of every Tao was thus to maintain the freedom and independence of his Tao from the domination of others. In this chapter an attempt is made to understand

how the Chakali people run their affairs at the Inter-Tao level.

INTER-TAO DISPUTES

What every anthropologist will be keen to know about a society structured like that of the Chakali people is how disputes that arose between two or more Taos were settled.

A dispute that arose between Taos could be settled by any one of three different methods. Such a dispute could be settled through patrilineal clan ties (Bia), matrilineal clan ties (Hian), or through the common membership of Vugo.

Whenever there was a dispute involving parties from more than one Tao, all the three methods of dispute settlement outlined above were considered and the one found to be most appropriate and acceptable to both of the parties was the one by which the dispute was to be settled. Let us say, for example, that there was a dispute between a party from Ducie and a party from Motigu. It was for each of the parties to inform the Taotina of its Tao about the dispute. Each of those two parties with its Taotina would think over the matter to see which of the three methods of dispute settlement could best be applied in the existing dispute.

If the ruling houses of both Ducie and Motigu belonged to the same patrilineal clan, one of the parties might send a message to the other putting forward the proposal that the

dispute between them be settled by Bia. The ruling house of a Tao was the clan whose members were considered to be the appropriate heirs to inherit the Taotinaship of the Tao. A good example of Taos, the ruling houses of which shared a common Bia, were Tuasa, Tisa and Katua. On the assumption that the proposal was accepted by the other party, a day was fixed and a meeting place chosen at which the disputants would meet to settle their differences under the supervision of the Taotinas of their respective Taos.

It might happen in the case of a dispute between parties from different Taos that the ruling houses of the two Taos had no patrilineal clan ties between them. In such a case Bia as a method was, of course, considered inappropriate for the settlement of the dispute. In that case the disputants if they wished to settle their differences amicably, had other options which they could look at.

Where the two disputing parties from different villages shared common matrilineal clan ties, there was the real chance that the dispute could peacefully be settled by Hian. Unlike the member of the patrilineal clan who were organised into a component unit of the Tao, the members of the matrilineal clan were dispersed all over Chakali. The members of the Zuguwalea clan which was matrilineal, for instance, were not to be found in any single Tao but rather in many Taos. In fact, each male member of the Zuguwalea would normally live in the Tao where his patrilineal clan

was to be found. Grown up female members would sometimes not be found in their patrilineal homes but elsewhere in Chakali where they might go as married women.

As is suggested by the name, membership of the matrilineal clan was achieved by one's right of birth on his mother's side. This meant that a woman of the Zuguwalea matrilineal clan born and bred at Katua and who married a Bulenga man with whom she had a son and a daughter, could rightly say that her two children belonged to the Hian of the Zuguwalea. Although the son and the daughter in that case were both legitimate members of the Zuguwalea, it was only the daughter who could extend her membership to her children no matter with what kind of man she got them.

To be found in Chakali as a whole were some six major matrilineal clans. These were: the Zuguwalea, Gana, Pingtingwalea, Nyaduawalea, Galimbalea and Kombegle.

For each of these matrilineal clans the total number of its members constituted its Hian. The Hian of each clan was headed by the Hian-Nihie (elder of the Hian). Like any other Chakali man, the Hian-Nihie of every Hian was normally to be found at his father's Tao where he would normally occupy his place among his patrilineal clansmen. As the head of his Hian, however, it was his duty to settle disputes that arose between fellow members of his Hian who lived in the different Taos. A dispute between a man from

Motigu on the one hand and a man from Chagu on the other could be settled by the Hian-Nihie of any of these matrilineal clans provided that the two parties to the dispute both belonged to his Hian. If, for example, the man from Motigu as well as the man from Chagu both belonged to the Hian of the Gana, the one who considered himself wronged by the other was likely to report the matter to the Hian-Nihie of the Gana wherever he was in Chakali. On receiving the complaint the Hian-Nihie would invite both men to his village where the dispute was settled amicably.

Every Hian had its own estate which was usually administered by the Hian-Nihie. In most cases, it was an estate made up of livestock. A member of the Hian who found himself or herself in need, could approach the Hian-Nihie for aid. After looking into his or her case the Hian-Nihie might give him or her a cow or goat from the common flock. A member of the Hian who failed to keep in touch with the Hian-Nihie or who was notorious for disrespecting his arbitral rule was always not likely to be a successful applicant for aid.

The position of Hian-Nihie was always occupied by a man and not a woman. As a matter of fact it was always occupied by the eldest surviving male member of the matrilineal clan or Hian. Not only was the appointment of the Hian-Nihie automatic, it was also for life.

On the death of the Hian-Nihie of a Hian, the next eldest surviving man from the matrilineal clan would at once take over the post. Indeed, the successor to be was normally one of the people the Hian-Nihie would send for as soon as he became ill and was convinced about the real likelihood of his passing away. In this way, the dying leader would tell his successor to be how much was left of the matrilineal estate.

Once the Hian-Nihie died and all funeral performances were completed, the new man who took his place immediately moved all the common property and belongings to his own Tao where they were to be held in trust for the Hian as a whole.

I have gone to this extent to explain what the Hian system was and how it operated because it appears to me to have been perhaps the most effective way of settling inter-Tao disputes. By Chakali custom a man and a woman of the same patrilineal clan could never marry. It therefore meant that unless a woman was able to find a suitor from one of the clans other than her own in the Tao she had no choice other than to marry a man from another Tao altogether. The more marriages there were between Taos, the more the different inhabitants of the villages found themselves becoming members of the same Hian.

There were sometimes disputes between parties from different Taos which were not settled either by patrilineal

or matrilineal clan ties, but were rather settled through the common membership of a Vugo. In a case of a dispute that arose between parties from different villages in Chakali it sometimes happened that the disputants, if they were all members of the same Vugo, might refer their dispute to the Supreme Vugotina of that cult for settlement. A party from Chagu might find itself engaged in a dispute with another from Ducie. On the assumption that both of the parties were members of the Safo-Kala the matter could be referred to the Supreme Vugotina of that Vugo who lived at Bulenga. In that case it was important that the disputing parties refer their dispute to the Supreme Vugotina at Bulenga through their respective Vugotinas of the Tao. The Vugotina of the Tao for the Safo-Kala at Chagu would act as a middleman for the disputing party from Chago while his counterpart - the Vugotina of the Tao for the Safo-Kala at Ducie, would act as a middleman for the other disputing party.

Any dispute between parties from different Taos that was to be settled by the Supreme Vugotina of a Vugo could only be settled at the Tao where he, the Supreme Vugotina, himself lived. Thus, in the case of the dispute between the parties from Chagu and Ducie who wished to appear before the Supreme Vugotina of the Safo-Kala for him to settle their dispute, it was important that any meeting which was convened for the purpose of settling that dispute should take place at Bulenga.

Any dispute could be settled by any of these methods, provided that it was found appropriate and acceptable by the disputing parties. It was not a matter of having to apply one method for this kind of dispute and that method for that kind of dispute. As long as the dispute was between parties which shared Bia or between parties which belonged to the same Hian or between disputants who belonged to the same Vugo, any of these three methods of dispute settlement could be applied irrespective of whether the dispute involved theft, elopement, defamation of character, hunting rights or land.

THE CHAKALI-WALEA

As has been said, the Chakali-Walea alliance created by the Chakali people in the nineteenth century was a type of military organisation which was unprecedented in their history. For the first time the fighting men of the various Taos succeeded in forming one large army against a common enemy. In addition, as a large army they became a component unit of a still larger military formation - the Kanbonghi. This was an arrangement which proved to be very efficient for the defence of both Chakali and Wala lands.

When I speak of an inter-Tao army, I am not implying that there was a standing army in Chakali. What I mean is that when any of the Taos were besieged by enemy forces, it became a matter for the whole Chakali and not just for the people of the besieged Tao. Once the news of the seige

reached the other Taos, groups of fighting men would march to the scene of the seige. Fighting took place and in some cases the enemies were driven away. If the army that was guarded proved to be incapable of dislodging the enemy, help was sent from Wa. Contingents of men would normally be dispatched by the Wa-Na to assist the Chakali people in repelling the attack. When the Sambarima laid seige to Katua in the nineteenth century, they were dislodged by the Chakali army. Unlike at Katua, at Ducie messengers had to be sent to Wa to ask the Wa-Na for his assistance, when the Chakali army was unable to beat Babatu and his forces.

Indeed, it was a timely realisation on the part of the Chakali people that their customary system of defence based on each Tao for itself and God for us all, as well as their principle of each Tao checking and balancing the powers of others, were altogether not workable when confronted by the forces of a determined conquerer. It was a timely realisation because, through inter-Tao co-operation and the co-operation with the other Kanbonghi allies, Chakali land was never effectively controlled by the Sambarima as it was elsewhere.

A quick glance at the activities of the Sambarima in neighbouring Isala would reveal the weaknesses embedded in the system of completely autonomous villages continually balancing and counter-balancing the powers of each other so as to maintain a peaceful equilibrium. How did the

Sambarima come to Isala in the first place? Secondly, how did they take over power?

The Sambarima first came to Isala as mercenary, horse soldiers in the service of the Na of Karaga in Dagbon, who invaded Isala with the sole aim of raiding for slaves. After having found out for themselves how lucrative the raiding for slaves among the Isala was, the Sambarima left the service of the Karaga-Na and started a business of their own in Isala.

Initially they were mere mercenaries who were hired by the people of one Isala village to fight a stronger neighbour, usually for one reason or another. The first Isala village to hire the Sambarima to fight a neighbour was Dolbizan. The neighbour in question was Navara. It was attacked, defeated and destroyed. Most of its people were sold as slaves by Dolbizan.

In his dispute over a woman which he had with Bachappon of Kwapo, Badanador of Pien called on the Sambarima to assist him in fighting his opponent. The village of Kwapo was defeated and Bachappon killed.¹⁰⁴

Similarly, the village of Prata did not hesitate in seeking the assistance of the Sambarima in their long and drawn out

¹⁰⁴ See Emmanuel Forster Tamakloe, A Brief History of the Dagamba People. Accra: Government Printing Office, 1931, p.46.

dispute with the village of Tasia. Tasia was completely defeated in the ensuing struggle. Its people were captured as slaves and its herd of cattle plundered.¹⁰⁵

As Tamakloe rightly observed: "Gradually strengthened by their Gurunshi adherents whom they armed against their own countrymen, these once pauper Zabarmas formed a large and impregnable camp in Kasana and became the terror of those disunited countries."¹⁰⁶ Rather than continuing to do their business as mercenaries, the Sambarima, first under Garjare and later under Babatu, started to build an empire of their own by conquering the many autonomous Isala villages.

At the height of their power, they were masters of all Isala. When their former master, the Karaga-Na of Dagbon, tried to stop them they defeated him. The Wa-Na who first underrated the power of the Sambarima was also later completely defeated, first at Tugilor-Pie and then at Yeru-Nasa. I agree with Tamakloe completely when he quotes the adage: "A little fire quickly trodden out, but when suffered rivers cannot quench".¹⁰⁷

As allies not only did the Chakali Taos received assistance of Wa-Na in their hour of need, they also went to the aid

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Op.Cit. p.45.

of Wa whenever the town was in crisis. At Tugilor-Pie a large force of men which was sent from Chakali to help the Wa-Na in repelling Babatu from his territory had to share in the utter defeat which the Wa-Na suffered.¹⁰⁸

It would appear that the Chakali people proved themselves to be loyal allies of the Wa-Na. Even when the war of the Wa-Na was one of offence and not defence any request for help made by him was not disregarded. In his effort to conquer Sankana, Wa-Na Mama-fuo received assistance from the Chakali members of the Kanbonghi.

For the Chakali people the creation of the Kanbonghi Grand Alliance, however, culminated in the introduction of Nan by the Wa-Na to Chakali. The institution of Nan (chieftaincy) as we saw in the chapter on the Wala, was a political system which was incompatible with the Chakali system of egalitarian groups, each of which strove as hard as it could to avoid any form of central control or domination. Between the groups of fighting men who came from the various Taos to join the Chakali army whenever a Tao was attacked, every group was equal with the other. Each group of fighting men from the same Tao regarded themselves as a unit and looked up to their own leader for commands. The Chakali army, in short, lacked a command hierarchy - chief commander and assistant commander.

¹⁰⁸ See J.J. Holden, "The Conquest of North-West Ghana", in Transactions of the Historical Society of Ghana, Legon Accra, 1966, Vol. III, p.76.

For the Wala, who were used to the system of common hierarchy, the Wa-Na, the other leaders and assistant leaders, some sort of adjustment had to be made on the part of the Chakali people, at least militarily, if the different peoples were to be able to co-operate and co-ordinate their efforts properly in the struggle against Babatu and his commanders.

For obvious reasons the ruling house of Bulenga was regarded by the Wa-Na as the Chakali authorities most likely to be able to provide Chakali with a common leader during the war. Apart from being one of the largest villages, Bulenga could also perhaps boast of more fighting men than any other Chakali village. Another fact about Bulenga was that it was strategically situated. It was the one village which was found to be easily accessible by all the other Chakali Taos and by Wa, as it lay at the junction of the Katua-Ducie-Wa roads.

An understanding was reached by which the Iya clan, the ruling house of Bulenga, assumed the responsibility of providing a Bong-Na (war chief) for the Chakali people anytime there was war. As Bong-Na of the whole Chakali, the Bong-Na of Bulenga had the authority to lead the Bong-Nas of the other Taos who would carry out his orders during war as junior commanders.

Whether or not the Chakali Bong-Nas from the very outset

were understood to be mere war chiefs, they in time established themselves as Nas (chiefs). At least, in Chakali eyes they were. After all it was hard, if not impossible, to make a clear distinction between the powers and duties of a Bong-Na and those of an actual Na.

After both the Sambarima and the Safahi (Sofas), the two conquering armies who were the common enemies of all Chakali people, were finally defeated with the assistance of the French and the English, it soon became clear that none of the other Taos were prepared to accept the Bulenga-Na as an overall authority. Every effort was made by the leaderships of the other Taos to check and to balance the dominant position of the Bulenga ruling house which had been given to it upon the insistence of the Wa-Na.

There are a number of interesting lessons that can be drawn from my study of the Chakali society. First of all the case of the Chakali shows that in a society structured by groups which regard one another as equals common interest and mutual gain are the basis of inter-group co-operation. The more the groups are threatened by a common enemy, for example, the more inter-group co-operation there is likely to be in their military organisation. This view has been expressed by earlier researchers. For instance in 1906 W. G. Sumner wrote:

"The exigencies of war with outsiders are what make peace inside, lest internal discord should weaken the we-group for war. These exigencies also make government and law in the in-group, in

order to prevent quarrels and enforce discipline. Thus war and peace have reacted on each other and developed each other, one within the group, the other in the inter-group relation. The closer the neighbours, and the stronger they are, the intenser is the warfare, and then the intenser is the internal organisation and discipline of each."¹⁰⁹

Secondly, in any such society expediency is the guiding principle of custom. Although it may be the tradition of these groups to check and to balance the powers of one another in order to prevent their domination by any single one of them, it is possible for them to set aside this tradition in favour of some kind of centralisation.

As a matter of fact, the Chakali case as elucidated by the case of neighbouring Isala shows that the whole system of independent groups checking and balancing the power of one another so as to maintain a peaceful equilibrium is only viable where there is no powerful intervention. Once a foreign power begins to intervene and to dabble in the affairs of that society it becomes a matter of either the independent groups having to unite under a strong centre, as was the case of the Chakali people, or wait to be conquered and taken over by that interventionist foreign power.

It is worthwhile to compare and to contrast the case study of the Chakali people, who are a segmentary society of

¹⁰⁹ See W. G. Sumner, Folkways, Ginn & Company, Boston U.S.A., 1906, P.12.

independent groups or village states, with the preceding case of the Wala, who are a centralised group society. The striking dissimilarity between the two is that the centralised group society of the Wala by means of its all-conciliating institution of Nan, is stable, united and peaceful, whereas the acephalous society of the Chakali people is disunited, unpredictable and weak.

In spite of whatever dissimilarities there may be between these two types of societies, the fact remains that in both of them custom can be made, or be unmade, depending on the suitability of the situation. In both Wa and Chakali the traditional practice of society was sometimes set aside in favour of the new, whenever socio-economic or political pressures demanded this.

In both types of societies custom was not followed simply because it was custom. It was followed in almost all cases because it was found to be expedient and agreeable. Indeed, any practice by means of which society was considered to be properly run both by the individuals and by the component groups was regarded as valid custom.

Perhaps it is this pragmatic view of customs which in the past was shared by the people of centralised Wa, on the one hand, and the people of acephalous Chakali on the other, that made it possible for these two different types of societies to be able to cooperate in the furtherance of

their own common interest and mutual gain.

As said before at the beginning of this Part, acephalous segmentation as a social system is not new to the anthropology of northern Ghana. Fortes again and again wrote about the Tallensi who lived in acephalous lineage system types of society.¹¹⁰ David Tait also published his work on the Konkomba of northern Ghana who are also a segmentary type of society.¹¹¹

After comparing and contrasting Fortes' Tallensi and Tait's Konkomba with my pre-colonial Chakali people, I have come to the conclusion that the latter society is distinctly different from the former societies. The village in Chakali was a definite political entity which was effectively controlled by the Taotina and the other leaders of the Tao. In short, there was a village state which was ruled over by a village government. One does not get this impression of effective control of government in Fortes' village of Talis and their Tendaana and the Namoos under their chiefs presented in his book. He writes "These two groups of clans, we learnt, never combined for defence against or attack on neighbouring "tribes". Indeed, they were the traditional enemies of one another and war sometimes broke out between Namoos and Talis in the Tongo

¹¹⁰ See M. Fortes, Op.Cit. See also M. Fortes and E. Evans-Pritchard, African Political Systems, London, 1940.

¹¹¹ See David Tait, Op.Cit. p. 167-202. See also David Tait, The Konkomba of Northern Ghana, Oxford University Press, 1961.

area".¹¹² The impression one gets is one of different lineage groups living in the same village area and cooperating with one another. Again he writes "They were acute forms of internal dissension rather than wars as we understand the term, and they immediately set on foot actions to restore the status quo ante. Thus they served to emphasise the inescapable inter-dependence of the two groups."¹¹³ Similarly the impression one gets of the Otindaa and the Onikpel of Tait's Konkomba village, presented in his book, is not one of a government but rather a mere spiritual leader - a priest of the Earth Shrines cooperating with a titular clanhead.¹¹⁴

My study of pre-colonial Chakali has revealed a type of society which was structured by village states, some of which were small and others large, some rich and others poor, and some weak and others strong. Between these village states or autonomous groups was to be found one kind of relationship or the other. Between any two of them was to be found a relationship of either patrilineal clan ties, matrilineal clan ties or ties of common membership of a Vugo as well as ties of common membership of the Chakali alliance.

¹¹² See Meyer Fortes, 1949, Op.Cit. p.3.

¹¹³ Ibid.

¹¹⁴ See David Tait Op.Cit. in Middleton and Tait, Tribes Without Rulers: Studies in African Segmentary Systems, London: Routledge and Kegan Paul, 1958, p.171. See also David Tait, 1961, Op.Cit. p.35-36.

It is tempting for the outside observer to pass the comment that the Chakali people were lovers of contradictions and diversities. While the autonomous group was content with retaining a strong political institution in the Tao, it was not prepared to recognise the jurisdiction of a permanently centralised Chakali authority. While the individual Chakali man was expected to occupy his place in his patrilineal clan, he was at the same time expected not to give up his place in his matrilineal clan or Hian. There was no fixed method to be applied in the settlement of inter-Tao disputes. Of the three methods of dispute settlement, the one that was to be applied in any dispute between two Taos depended on what type of relationship or relationships existed between the Taos concerned. If there were two or more of the relationships mentioned above existing between the disputants, then it became a matter of choice for the parties to the dispute as to which method they were going to use in settling their differences. The truth of the matter, however, is not that the Chakali people loved contradictions and diversities; rather it is that they believed that the only sure way of achieving freedom and equality in society was by avoiding any form of complete unanimity and total uniformity.

PART FOUR

A CENTRALISED GROUP SOCIETY UNDER COLONIAL RULE

Before colonial rule, the Wala were a centralised group society. Wa was made up of groups like the Wa-Nabihi, the Limahi, the Yerihi and the Tindamba. Each group had its own traditional leadership responsible for the settlement of disputes and other duties. The Wa-Nabihi were under the Wa-Na, the Limahi under the Liman, the Yerihi under the Yeri-Na and the Tindamba under the Tindana. By means of rules which established shared understanding between the groups (Wa lesiri), these different groups of people all recognised the Wa-Na as the leader of all Wala. The Wa-Na was a spokesman of the Nimbera, or council, (leaders: Na, Liman, Yeri-Na and Tindana). The Nayiri (palace) was the venue of all Nimbera meetings. The essence of authority and leadership of the Wala group society before colonial rule was inter-group co-operation, working together with a view to achieving a common aim.

During a period of about half a century of British colonial government, the centralised group society of the Wala became gradually transformed into a native state. A native state is a colonised country in which the natives or indigenous people are ruled by the colonising power by means of an established system of native authority and personnel. For further clarification of the term, let me for one moment compare and contrast the native state with

a state on the one hand, and on the other, compare it with a centralised group society. The characteristics of a state are: a definite territory, a people who are the normal occupants of the territory, a government exercising coercive force over the people in the territory, and which is independent from the control of any foreign powers. The difference between a state and native state lies in the fact that the latter is a Dependency.

A centralised group society is different from a native state in the following ways: in the former, the ruler can only act by means of authority based on co-operation with the various group leaders, whereas in the latter, the native ruler is able to act independently by means of exercising power based on his command of the native police force and where necessary the forces of the colonial government.¹¹⁵

The Wala centralised group society became transformed during colonial rule into a native state precisely because the Wa-Na had power and exercised it in the day-to-day administration of the Wala. For instance, he was able to arrest and try before his court, persons suspected of committing criminal offences, and then punish them if he found them guilty either through the imposition of fines or terms of imprisonment. Indeed, the Native Authority

¹¹⁵ For the distinction between authority and power, see Definitions below, Appendix 3, p 575 and 576.

(Northern Territories) Ordinance of 1932 and the Native Courts (Northern Territories) Ordinance of 1935 were passed by the Colonial Government to give legal basis to the powers exercised by the Paramount Chiefs of the Protectorate, one of whom was the Wa-Na.

While passing laws which conferred a vast amount of power on the Wa-Na, the Colonial Administration at the same time brought all the acephalous peoples of the north-western corner of the Protectorate under the Na's jurisdiction. In the Wala Constitution which was promulgated in 1933 by the Colonial Administration, the Dagaba, Sisala, Lobi, Chakali, Fufula and Pasala were all made divisions or sub-divisions of the Wa Native State. Thus, not only was Wa during colonial rule transformed from a Centralised Group Society to a Native State, it was also transformed from a small entity or polity into a magnificent political edifice.

On realising that they did not have to rely on the co-operation of the Wala Nimbera, i.e. the leaders of the various Wala groups, in order to act, some of the Nas during colonial rule began to disregard Lesiri, as we have said, in their conduct towards the other Wala Nimbera. Lesiri is the system of shared understandings or rules which bind together the members of each Wala group, and which furthermore bind together the leaders of the various groups under the leadership or spokespersonship of the Wa-Na. So far as the group leaders were concerned, instead of

reconciling the divergent interest of the different groups as was traditionally expected of them, some of the Nas appeared to have become selfish and self-centred in their approach. The climax of this trend of events, it would appear, was during the Naship of Pelpuo who married as many as about a hundred wives, and who found himself involved in serious quarrels with the unscrupulous young men of the town. In view of the great personal fortune made by Na Pelpuo under the British it is hard to doubt the sincerity of his affectionate letter to His Majesty George V of Great Britain in 1925 which ended with the words: "We love you, we follow you and your nation until we die."¹¹⁶

The Nan, during colonial rule, nonetheless was sometimes not an easy job for the Wa-Na. Every Na was well aware that he had to demonstrate good faith and commitment to duty toward the District Commissioner if he was to keep the position of power which he occupied. It sometimes happened however that in the effort to exhibit this good faith and commitment to duty towards the Colonial Administration, a Na ran into trouble with the Wala Nimbera. This easily happened in a case where there was sharp disagreement between the interest of the Colonial Administration, on the one hand, and the interest of the Wala Nimbera on the other.

Such was the unfortunate situation in which Na Sumaila

¹¹⁶ See IASAR - 22, Folio 15.

found himself. After 1944 it became Colonial Policy to guarantee the freedom of worship of Ahmadi Muslims in Wa. Having been founded far away in Pakistan, the Ahmadi sect of Islam spread to the Gold Coast and to Wa in the years before World War II. A fuller account of the Ahmadi faith will be given below, in Part Six. The Muslim leaders in Wa, i.e. the Liman and the Yeri-Na, feeling that their authority was threatened by the radical preaching of the Ahmadis, wanted the Ahmadi missionary expelled from Wa. Na Sumaila was in a predicament. In the end, he took the stand that it was his duty to carry out the instructions given him by the District Commissioner. Apparently, this made the Yerihi (the Muslim groups) angry with Sumaila.¹¹⁷ It would appear that the explosion heard by people in Wa in 1945, supposed to be that of a magical bomb planted against the Na, was caused by some of the angry Yerihi.

The transformation of the administrative capability of the Wa-Na from the exercise of authority to the exercise of power which was brought about by colonial legislators and administrators, rather than creating more peace and stability among the Wala, brought about the breakdown of inter-group co-operation and unity. This view is shared by Ivor Wilks who has also studied the Wala. He says:

"Clearly the colonial administration aspired to rid the Wala of ambiguities and contradictions inherent in the traditional body politic by decreeing, unambiguously and without contradiction, the

¹¹⁷ For a clearer account of Na Sumalia's case, see Wilks op.cit. p.184-185.

paramountcy of the Wa Na. It failed to do this, and significantly raised rather than lowered the potential for conflict and violence."¹¹⁸

In fact, Wilks ends his book with much emphasis being laid on this view - "Wala is in a very real sense its peculiarities; its ambiguities, contradictions, anomalies and antinomies. It is, in other words, its past."¹¹⁹

The attempt to strengthen the power and authority of the Native Paramount Chief with a view to making him the effective Native Governor of the native state, which was made in Wa during the colonial period, was part of a dominant policy pursued by the British in administering the Protectorate as a whole. Each of the Native States within the Protectorate: Wala, Dagomba, Mamprusi, Gonja and Nanumba, each had a Constitution promulgated for it by the colonial administration. In the Constitution of each Native State the Native Paramount Chief was made the Native Ruler. M. Staniland has said:

"the immediate effect of indirect rule in Dagomba was to re-establish the authority of the paramount and his court over the subordinate divisional chiefs. The effect was, of course, intended, and everything the government had done under indirect rule was meant to achieve this end. Apart from moving district headquarters to Yendi, recognising the Ya-Na as Native Authority, making his tribunal the senior court in the kingdom and setting his treasury over all the others, the administration got declarations of allegiance from the divisional chiefs and constantly encouraged the

¹¹⁸ See Ivor Wilks, Wa and the Wala - Islam and Polity in North Western Ghana, African Studies Series, Cambridge University Press, 1989, p.170.

¹¹⁹ See Ivor Wilks, op.cit., p.206.

king to assert himself in public."¹²⁰

In my criticism of British indirect rule in the Northern Territories Protectorate, i.e. British rule through the Native Paramount Chiefs of that country, I would like to make the point, however, that the evil of the policy is not in its principle but rather in the manner in which it was sometimes implemented. It is my view that in the implementation of indirect rule in Wa, some British Colonial Administrative officers made mistakes. As will be seen below in this chapter, the research that was carried out into the customs and histories of the Natives sometimes proved inadequate. The duties demanded of the Native Chiefs were also sometimes too difficult for them to accomplish. Most of all, it would appear that the Colonial Administration spent less money than was required to make the system in the Protectorate work well and smoothly. For instance, in 1901 when the Governor, Hodgson, was asked for more money for the Protectorate, he said he would not "spend upon the Northern Territories - in fact the hinterland of the Colony - a single penny more than is absolutely necessary for the suitable administration and the encouragement of the transit trade."¹²¹

¹²⁰ See Martin Staniland, The Lions of Dagbon: Political Change in Northern Ghana, African Studies Series, Cambridge University Press, 1975, p.104.

¹²¹ See Pro-Co 96-346, Confidential Dispatch, Hodgson to Chamberlain, 20th December 1988.

The principle of British indirect rule in Wa was a mark of the magnanimity of a colonial power. It was a noble principle in that chieftaincy, which was perhaps the most important indigenous institution of society, was preserved and to a large extent respected. In criticising the policies of the British Colonial Administration in Northern Ghana we must remember after all that what happened could have been a lot worse. It was not for nothing that in the decade preceding World War II more and more Lobi people from Buna, which was then under French colonial rule, crossed the boundary to settle in Wala land, then under British colonial administrators. Perhaps it was the system of indirect rule by the British compared to the direct rule system of the French which was the lesser of two evils.

CHAPTER ONE

WA IN THE COLONIAL DAYS

In the colonial days, Wa continued to be an important trading centre. The introduction to the Gold Coast of vehicles like trucks by the Colonial Administration greatly facilitated trade between Wa in the north and Kumasi in the south. More and more, kola nuts, salt, sugar and other imported goods from Europe were transported from Kumasi to Wa for sale. On the other hand large herds of cattle, goats, sheep as well as shea butter were transported from Wa to Kumasi from where it was distributed to the other market centres in the south. The market in Wa provided the peoples of the surrounding countryside with many new types of commodities brought in from Europe through Kumasi. Many Wala people became prominent in the retail trade.

One main characteristic of Colonial Wa was that it became a town for foreign settlers. Because of the increase in trade coupled with the fact that Wa was the provincial seat of Administration, many foreigners came to Wa either to trade or to work for the Colonial government. There were school teachers in Wa who were not normal residents of Wa. Apart from the native police of the Wa-Na who were normally Wala residents, there were also the police of the District Commissioner who normally were outsiders. Many Moshi people settled in Wa and became successful in the kola nut trade. To be found in Wa were also Asante people from the

south of the country. There were usually traders who came either to sell or buy goods. In 1933 the District Commissioner of Wa reported hearing a case on the 9th August between an Ashanti trader and a local man.¹²²

Local transport and communication were greatly improved. Moto-roads were constructed through the conscription of forced labour. There were moto-roads from Wa going south, north, east and west. These roads not only linked Wa with important villages in the North-West Province but also with other northern provincial capitals like Tamale and Gambaga. Thus, with improved roads, transportation and communication were facilitated. It was during the Colonial Period that the bicycle was introduced. In time it proved to be a most useful asset for the peoples of this part of Ghana. In Wa the bicycle quickly took the place of the horse and donkey. It became the means of transport for the chief's messenger.

In Colonial Wa a new type of literate appeared. In 1917 the first school was opened in the town, the experimentary primary school; by 1940 there was an increasing number of people who could read and write English. These people were to be contrasted with the Muslim Mallams who were literate in Arabic and who for generations have been the scholars of society.

¹²² See Wa District Informal Diary RAT/240, National Archives of Ghana, Tamale (NAGT).

The Colonial administration was successful in introducing Western medicine to Wa. A hospital was established in Wa which catered for the sick in the town and for the sick in the village who could travel to Wa. Thus, the Wala people got access to Western medicine which became an alternative to the magical prescriptions of the Muslim Mallams.

CHAPTER TWO

THE BRITISH COLONIAL ADMINISTRATION IN WALA POLITICS

"...His Majesty the King of Wa..." wrote Captain H. B. Henderson, commander of the unsuccessful British expedition made to Wa in 1896.¹²³ It would appear from this, that the conception of the Wa-Nan as kingship was one held by the British colonialists right from the outset.

Although this conception might appear to be accurate and proper to an outsider like Henderson, who was received in Wa by the Wa-Na "with his principal men around him"; nonetheless it is a conception which any student of the Wala people might have found to be inaccurate. My aim in this chapter is to show that the way and manner in which the Wala conceived of their Na was to a large degree different from the way and manner in which the British conceived of their king or queen.

The Nan of the Wala before colonial rule, was the leading institution of authority in society which served as a rallying point for Wala of all groups both for the settlement of disputes and for the taking up of arms against invaders. The Na's rule as leader of the Wala almost invariably depended on his being able to reconcile the different interests of the various Wala groups or, in

¹²³ Captain H. B. Henderson, "West Africa and the Empire", in The Idler, Vol. XIII, 1898, p.489-90.

short, his binding together of the various group leaderships. On the other hand, the king or queen in nineteenth century British society was a constitutional monarch.

In nineteenth century Britain, the king or queen could only exercise limited authority. The development of Parliament over the centuries as an institution of government, coupled with the establishment of the constitutional principle of parliamentary supremacy, had in fact by the beginning of the nineteenth century rendered monarchical absolutism in Britain impracticable. In fact, in 1885, A. V. Dicey explained the matter in the following words:

"All that need be noticed is that though certain powers - as, for example, the rights of making treaties - are now left by law in the hands of the Crown, and are exercised in fact by the executive government, no modern lawyer would maintain that these powers or any other branch of royal authority could not be regulated or abolished by Act of Parliament, or, what is the same thing, that the judges might legally treat as invalid a statute, say, regulating the mode in which treaties are to be made, or making the assent of the Houses of Parliament necessary to the validity of a treaty."¹²⁴

The British king, even then, still occupied a position of authority much more central in society than the Na could ever occupy in pre-colonial Wala. In Britain, the king or queen was the symbol of authority for all the nation. Unlike in pre-colonial Wala, there were no traditional groups or sectional institutions of authority which were

¹²⁴ See A. V. Dicey, Introduction to the Study of Law of the Constitution, London, 1924, 8th Edition, p.61.

parallels of the monarchy. Indeed, the reigning king or queen was by custom and convention the head of state. In other ways he or she was the customary leader for all the identifiable groups within the country: the Scottish, the Welsh, the Irish and the English. To illustrate the point I will again refer to Dicey's Introduction to the Study of the British Constitution: "The king is what the Imperial Parliament has never been, the typical representative of imperial unity throughout every part of the Empire."¹²⁵

By custom the king in Britain was the head of the Church of England. This was in direct contrast with the case of the Wala, in which the Na was only head for the Wa-Nabihi shrines and cults. The headship of the Tindamba shrines and cults was vested in the Tindana. The headship of the Islamic faith and practice was likewise vested not in the Na, but in the Liman.

In short, the pluralistic nature of authority and leadership which was found in pre-colonial Wala was by and large unknown in British society. The British king might have limited authority but he did not have to suffer from antinomy and conflict for leadership.

It was perhaps firstly because the British saw "Nan" as "Kingship" and secondly because their own conception of kingship was largely different from that of the Wala, that

¹²⁵ See A. V. Dicey, op.cit., p.XCI, n.1.

lead them as Colonial Administrators to treat Wa-Nan as the only and the legitimate customary institution of authority in Wa. In less than sixty years of British Colonial Administration the Wa-Nan became transformed from being the rallying point for the different Wala groups into being an outright superior and an unchallengeable customary institution of authority. The old pluralistic nature of customary legitimacy and leadership was by and large set aside by the British.

Nowhere is this assertion more justified than in the famous piece of legislation popularly cited as the Native Authority (Northern Territories) Ordinance.¹²⁶ The purpose of this Ordinance which was passed on the 30th January 1932 was, firstly, to provide for the appointment of native authorities and, secondly, to prescribe their powers and duties. In its fourth section, it was provided: "It shall be the duty of every Native Authority to maintain order in the area for which he is appointed and every Native Authority shall have and exercise the powers by this ordinance conferred over all natives residing or being within such area."¹²⁷ This "native authority" in the case of the Wala was the Wa-Na. It was he who was appointed and accordingly exercised "the powers by this ordinance conferred over all natives residing or being within such

¹²⁶ See Native Authority (Northern Territories) Ordinance No. 2 of 1932. Cap 84 in Laws of the Gold Coast, Vol. II, the Govt. Printing Dept., Accra, 1937.

¹²⁷ Ibid.

area."

In the constitution adopted the following year for the Wala Native Administration, there were clauses which clearly spelt out the newly-found superiority of the Wa-Nan over the Wa-Limanship, the Wa-Yeri-Naship and the Wa-Tindanaship. The Appendix "A" to the 1933 Wala Constitution said: "We the undersigned divisional chiefs of Wala do hereby acknowledge that we are the subjects of the Wa-Na and agree to serve him as Na of all Wala from henceforth."¹²⁸ As has already been explained earlier in this dissertation, for the Wa-Na to be Na of all Wala he had to go before the Tindana and the Yeri-Na as one of several candidates for the Naship. It was the Tindana and the Yeri-Na, who by Wala Lex Antigua Magna could pronounce a Na as Na of all Wala. At any rate, a pronouncement just by divisional chiefs who were by Lesiri, Wa-Nabihi, purporting to bestow the Wa-Naship on a man could in no way bring that man the loyalties of either the Muslim community or that of the Dagaba. In my view an important clause like the Appendix "A" to the 1933 Wala Constitution, a clause to mark out the position of the Wa-Na "as Na of all Wala from henceforth" ought to be signed first and foremost by the incumbents of the two customary offices - Tindanaship and Yeri-Naship. The fact that it was the divisional chiefs and not the Tindana and the Yeri-Na who in the 1933

¹²⁸ See Appendices to the Wala Constitution, Appendix "A", 15th July 1933, RAT/256, NAG, Tamale, or see Appendix I included at end of text below, p 549.

Constitution declared the Wa-Na as Na of all Wala, amounted to deliberate corroding of the old customary rule - for a Wa-Na to be, he needed the Tindana and the Yeri-Na.

The Appendix "B" to the Constitution is equally interesting. It said "I, Pelpuo III Wa-Na do hereby declare that the following chiefs and counsellors form the full Wala state council empowered to settle state affairs as at the present conference."¹²⁹ In this Appendix the Yeri-Na and the We-dana (Tindana) were mentioned just as members of the full Wala State Council, and not as legitimate customary authorities in their own right, equally in principle with the Wa-Na. Worse than this was the fact that the list of members of the full Wala State Council provided by Appendix "B" did not make any mention of the Wa-Liman. In short, the Wala State Council was made up of the Na, and other Nas who were his subordinates, the Yeri-Na and the Wa-dana as mere counsellors while excluding completely the Liman.

Another provision in the 1933 Wala Constitution which did much to enhance the power of the Wa-Na at the expense of the other Wala group leaders was its Appendix "E". It said "We, the undersigned chiefs and councillors of the Wala State Council do hereby state that the holder of a chiefship cannot by native law and custom be deprived of

¹²⁹ For appendix "B" of the Wala Constitution see Appendix I at the end of text, p 550.

his office and appointment except by death or voluntary resignation."¹³⁰ This provision in the Constitution amounted to nothing but a misrepresentation. As has been explained earlier in the chapter about the pre-colonial Wala society, a Wa-Na whose reign brought persistent pestilence, war, famine or some other form of calamity on the people could be de-enskinned by the Tindana and the Yeri-Na in accordance with the Lesiri principle - "it is only those who enskin the Na who can decide whether or not to de-enskin him."

The provision, in fact, in true Wala native law and custom was a sarcastic irony. It was giving to the Wa-Na something that native law and custom had refused to give him. What is more, it is surprising that the British did not recall the events of 1897-98.

In 1897 Wa became a bone of contention between the French and the British. The then Wa-Na, Seidu Takora, was firmly in favour of the town being under the French flag. Notwithstanding the support which the French had from Wa-Na Seidu Takora, the British with the assistance of the distinguished Mallam Isaka, who years later was to be gazetted by the British as Chief Mallam, eventually succeeded in wresting Wa from the hands of the French. After months of diplomacy and tactics Mallam Isaka and his

¹³⁰ For Appendix "E" of the Wala Constitution see Appendix I at the end of text, p 553.

British friends were able to win over the non-Nabihi groups. Finally the Wa-Nabihi themselves had to give up supporting their Na. Wa-Na Seidu Takora was de-enskinning in 1898 and Busa-Na, Mahmud Tangile, was enskinned in his place. These events do not support the claim that the holder of a chiefship cannot by native law and custom be deprived of his office and appointment except by death or voluntary resignation.

Neither does the case of Wa-Na Gura, who reigned in the latter half of the seventeenth century support this view. Gura was de-enskinning as Wa-Na by the Tindamba because his reign brought many calamities on the Wala people.

Even if one accepts Appendix "E" as a correct statement of the customary law of the Wala in respect of their Na, one soon finds out that he is faced with yet another riddle about the British colonial policy of indirect rule. Eleven years after the adoption of the Constitution under discussion, the Wa District Commissioner summarily removed Wa-Na Hamid Bomi from office after having assumed office as Wa-Na with the firm support of the District Commissioner in 1936. Na Hamid Bomi failed to live up to the expectations of the Colonial Administration. He was not an effective Na. He was not liked by the people and most of them did not even take any notice of his orders. On 12th July 1943 the then District Commissioner noted "...we discussed various likings, among others I asked them to give better

support to the Na. This they do not do, and in fact the people of Wa, speaking generally, seem to take little notice of his orders."¹³¹ Seeing that the situation was not one that was likely to improve, the District Commissioner in 1944 summarily dismissed Hamid Bomi from the Nayiri notwithstanding the 1933 Constitution. The urgency of the situation was enough to make State Councillors and Commissioners alike forget the stipulations of Appendix "E".

It is hard to understand why, in drawing up the 1933 Wala Constitution, the British Colonial Authorities failed to provide for the Wa-Tindana and the Wa-Yeri-Na as the people entitled by right of custom to "make" the Nas of Wala. About the Na-Yeribo (kingmaking) role of the Tindana and the Yeri-Na, the Constitution was silent. It cannot be argued that this failure on the part of the Commissioners who drew up the Wala Constitution of 1933 was due to ignorance. There is at least evidence to show that the fact of the Tindana and the Yeri-Na jointly being responsible for the "making" of a Wa-Na was not altogether unknown to the colonial officials at Wa.

From what the then District Commissioner Whitall told her, the visiting Princess Marie-Louise in 1926 was able to write in her letter: "should a dispute arise between two

¹³¹ See informal diary (Wa District) 1943 12th July, RAT 350.

parties the Tindanas and the Chief Mallam act as the judges, awarding the chieftainship probably to a branch other than that of the previous holder, providing always that there is sufficient support to justify their decision...".¹³²

On the 11th July 1933 the then District Commissioner in a letter to the Chief Commissioner wrote: "I decided to obtain a declaration in the above for several reasons - as I have reason to believe that Peripo III has ideas of trying to get his brother, the present Busa-Na (Na-Bisi chief) to succeed him."¹³³ One is bound to ask the question - why was the District Commissioner keen on preventing the Wa-Na from cheating the princes of the other gates of the Wa royal house, whilst, apparently, he did not care about the loss of the Constitutional Rights of the Tindana and the Yeri-Na who were leaders of completely different groups in Wala society?

Indications such as this on the part of the Colonial Administration towards the Wa-Nabihi since the beginning of the twentieth century appeared to have corrupted official judgment about the feelings of the other Wala group leaderships and, in particular, the feelings of the Yeri-Na and the Liman. Writing about Wa and the Wala, Ivor Wilks

¹³² See Princess Marie-Louise letters from the Gold Coast, London, 1926, p.122.

¹³³ See letter by Wa District Commissioner, RAT/256, NAG Tamale.

observed in 1989: "nevertheless it was a signal of the colonial administration's firm commitment to "kinship". The Commissioner's belief that the Muslims recognised the Na's paramountcy was, however, seen to be shown in need of qualification".¹³⁴

In 1916 and again in 1929, serious trouble erupted between the Na and the Muslim leaders. In fact, in 1929, the situation got out of hand. Rioting broke out and the situation was only returned to normal with the intervention of the Central Government Police.

THE COLONIAL ADMINISTRATION AND THE WA-NABIHI

For some reason, it would appear that the British Colonial Administration saw the Wa-Nabihi as their "men" among the Wala. The British were therefore firmly committed to the institution of the Wa-Nan. One form of this firm commitment of the Colonial Administration to the Wa-Nan was the insertion of Appendix "C" in the 1933 Constitution. This clause said:

"We, the undersigned chiefs and councillors of the Wala State Council do hereby agree that at present there are three gates in Wala, i.e. Na-Bisi chiefships viz: Busa, Pirisi and Sing and that these three have no seniority between themselves but all are equal and succeed in turn to the Walumship of Wala. It is further agreed that if any change is to be made in this custom it can only be done by the unanimous decision of the Wala State Council."¹³⁵

¹³⁴ See Ivor Wilks, op.cit., p.157-158, 164.

¹³⁵ Appendix "C" included at end of text below (Appendix 1), p 551.

Clearly this was a provision to safeguard the Wa-Nan from bitter succession disputes between rival claimants from the three gates. The authority of the Nan could not be a strong one if it were to become the bone of contention between different gates and probably culminating in bitter feuding.

To understand why the British Colonial Administration saw the Wa-Nabihi as their "group" in Wa it is necessary to examine closely the thinking of the Colonial Government about Native Administration in the Northern Territories since the proclamation of that country as a Protectorate of Great Britain in 1900. There is reason to think that from the outset the British chose and adopted the institution of chieftaincy as a medium for putting into practice their colonial system of government. Although this choice does not altogether surprise us, it is surprising that so much emphasis was laid on the chiefly authority of the Wa-Na.

In 1906 the acting governor of the Gold Coast and the Northern Territories, H. Bryan, in a letter to the Secretary of State for the Colonies said: "The Policy of supporting and emphasising the position of the native paramount chiefs while, at the same time, making them realise their responsibilities appears to me to be the only practicable system of administering this country."¹³⁶ At

¹³⁶ See Pro. Co. 98-AD Acting Governor (H. Bryan) to Secretary of State, 13th July 1906.

a conference which he held in 1921 the governor, Guggisberg, made the point: "Our policy must be to maintain any paramount chiefs that exist and gradually absorb under these any small communities scattered about."¹³⁷

For the Wala the effect of this policy was, by all standards, a serious one. The Wa-Na and the Wa-Nabihi who were his constituents at root became related to the British Colonial Government in a special way. Due to their policy of support and emphasising the position of the native paramount chiefs the British succeeded in developing a kind of alliance between their Government and the Wa-Nabihi group headed by the Wa-Na.

It was an alliance because each saved the interest of the other. By means of British Colonial power the Na was able to command and to overrule any other authority in Wala. On the other hand, by means of the Nayiri which was the customary rendez-vous of the Wala people, the British were able to operate their colonial system through indigenous personnel and institution.

This is not to say that the relationship that existed between the Wa-Nayiri, on the one hand, and the Colonial Government on the other was an agreement reached on equal terms. As a matter of fact, the two parties were allies

¹³⁷ See RAT 18, Confidential Diary, Entry for 19th October 1928 (Conference of Chiefs held by Governor Guggisberg in 1921) NAG, Tamale.

only in the sense that they benefited mutually from their association with one another.

This special relationship which developed between the Wa-Nabihi group and the Colonial Government, needless to say, was detrimental not just to the interest of the other Wala groups and their respective leaderships, but indeed, to the gamut of Wala customary law and practice.

The pluralistic format of pre-colonial Wala which was devolved through experience to guarantee the freedom and equality of all identifiable groups in society and to safeguard their respective traditions, practices and institutions was by and large destroyed by this new development. The Section IV of the Native Authorities (Northern Territories) Ordinance gave every "Native Authority", "the powers by this Ordinance conferred over all natives residing or being within such area." By means of this clause the Wa-Na, who was the "Native Authority" had and did exercise real power over all Wala within Wa without necessarily having to go through any group leaders.

Another provision in the above Ordinance which transformed the existing Wala arrangements was its Section V. It provided, "A Native Authority may employ any person to assist in carrying out the duties imposed upon him by this Ordinance or otherwise by law, and any person so employed may carry out and give effect to any lawful order given by

a Native Authority."¹³⁸ Under the purview of this Section of the Ordinance, the Wa-Na was able to set up the Na Kanboali (people sent by the chief to arrest). The Na Kanboali, which in fact, was recognised by the District Commissioner as the Native Police Force of Wala was responsible for carrying out the orders of the Na.

With the establishment of the Na Kanboali, the Wa-Na no longer had the need as he had done in the pre-colonial era to get the consent of, say, the Liman in order to prescribe or pronounce a severe penal measure on an offender who belonged to the Limahi community. No group leader in Wa could hinder or obstruct the Na Kanboali in their giving effect to or carrying out any lawful order issued by the Wa-Na. To have done so would mean contravening the Ordinance and thereby becoming liable for arrest by the Central Government Policy on the charge of challenging lawful authority.

By enacting the Native Authority (Northern Territories) Ordinance and its corollary the 1933 Wala Constitution into law, the British Colonial Government manifestly changed Wala from what was a group society - a society run by a person or group of persons in whose hands is effective control.

¹³⁸ See Native Authorities (Northern Territories) Ordinance Laws of the Gold Coast, Vol. II, 1927, op.cit.

CHAPTER THREE

THE COLONIAL ADMINISTRATION AND THE OTHER WALA GROUPS

- THE MUSLIMS IN POLITICS

In this chapter we will examine the colonial system of Native Administration established by the British in Wa from the point of view of the Wala group leaders, i.e. the Tindana, Liman and Yeri-Na. In particular, we will examine the position in which the leaders of the Wala Muslim community, the Yeri-Na and the Liman, found themselves under colonial rule.

Apart from the two aforementioned documents, the Native Authority (Northern Territories) Ordinance of 1932 and the Wala Constitution of 1933, there are other pieces of colonial legislation which we can point to in order to show that the colonial government for all intents and purposes considered the other Wala institutions of authority as mere subordinates to the institution of Nan.

Section 30 of the Native Courts (Northern Territories) Ordinance passed in 1935 is one such piece of legislation. It said:

"any person who shall exercise or attempt to exercise judicial powers except under the authority of and in accordance with the provisions of any ordinance or who shall sit as a member of the Native Court without due authority, shall be liable on conviction before a Magistrates Court to a fine not exceeding £50 or to imprisonment with or without hard labour for any term not exceeding six months or to both

such fine and imprisonment."¹³⁹

By virtue of the Native Authority (Northern Territories) Ordinance 1932 and the Wala Constitution of 1933 it was only the Wa-Na and his judicial counsellors who, as natives, were competent in legal terms when it came to the exercise of judicial power in colonial Wa. Indeed, in the colonial days there were two courts in Wa. There was the Native court of the Wa-Na and the Magistrates Court of the District Commissioner. The old Wala system of adjudication by group leader legally speaking did not exist.

As we saw in the Part on pre-colonial Wa, the Nayiri was only a kind of court of appeal in so far as the other Wala groups were concerned. The guiding principle was that each group leader settled the differences that arose between the members of his group. Where there was a dispute between the members of two different groups, unless the disputants were blood-relatives of one another, in which case their dispute would be settled through the effort of fellow-kinsmen, the matter would normally come before the Wa-Na. In brief, it was only when it was not possible for a group leader to settle a dispute properly alone that he became bound in Lesiri to bring the matter to the notice of the Nayiri.

¹³⁹ See Native Courts (Northern Territories) Ordinance, No. 31, of 1935, Laws of the Gold Coast, Vol II, 1937, op.cit.

The provision of the Native Courts (Northern Territories) Ordinance referred to, woefully failed to extend the brief of native judicial authority, even if only in part, to the Wa-Liman, the Wa-Yeri-Na and the Wa-Tindana. These three group leaders by law lost their customary judicial authority.

In the administration of justice as in the ordinary day-to-day administration of the town, the Wa District Commissioner discussed all important issues with the Wa-Na. No proper link was established directly between the Wa District Commissioner and the Yeri-Na or Liman or Tindana. As will be seen below, this missing link in communication between the British colonial officers and the non-Nabihi leaders would appear to have contributed to the troubles that erupted between successive Nas and the leaders of the Muslim community, i.e. the Liman and the Yeri-Na. The British Colonial Administration failed to take into account the views expressed by Captain H. B. Henderson in 1898 about the nature and behaviour of the natives of the Northern Territories.

In the narration of his experiences in the Ashanti hinterland, Henderson observed "to obtain a patient hearing is the chief desire of the natives in these parts; as long as they are granted this - and tedious work it is sometimes to listen to their ramblings - they appear to go away quite contented, whether their story is believed and the case

decided in their favour or not."¹⁴⁰ Having been refused all direct and independent contact with the District Commissioner each of the other three group heads had reason to be unhappy.

As a matter of fact, however, it was the Yeri-Na and the Liman together with their followers who really felt uncomfortable with this new arrangement. The Muslims or the Yerihi enjoyed a dominant position in Wala politics during the pre-colonial era and in particular during the decades immediately preceding the advent of colonial rule.

Through trade with other Muslim commercial centres like Daboya, Bonduga, Buna and Gutugu, the Muslims were able to acquire substantial wealth during peace time. Their literacy capabilities in Arabic made them indispensable to the Wa-Na when he had to communicate with any outside authority. Perhaps, however, most important of all was the fact that in times of crisis or conflict with a foreign power it was by and large in the Muslim leaders, i.e. the Liman and the Yeri-Na, on whom the Wa-Na and all the people counted for strategic magic and charms with which to defeat the enemy. For instance, Liman Uthman Dun is said to have prepared a charm consisting of gunpowder which was to be used by Wala gunmen against the Sambarima in order to ensure their defeat.¹⁴¹

¹⁴⁰ See Captain H. B. Henderson, *op.cit.*, p.415-416.

¹⁴¹ Ivor Wilks, *op.cit.* p.107.

In order to understand the negative reactions of the Wala Muslims to the chiefly paramountcy of the Wa-Na during the Colonial period, it is necessary to briefly recount the events of the 1890's in which years they occupied a position of strength and dominance in Wa. Between c. 1886 and c. 1891 Wa was in confusion following the utter defeat of the Wala army by the Sambarima at Nasa. The Wa-Na, Mama Fuo, being profoundly upset at the routing of his army, committed suicide. There was thus no Na. The powerful Liman Uthman Dun, who prepared the magic gunpowder for the Wala army, did not himself survive the war. Most Wala families fled to neighbouring countries which were more peaceful at the time. Some went to Daboya, some to Bole, some to Buna, and so on and so forth.¹⁴² It was a massive disintegration.

By about 1892, however, efforts were being made towards rebuilding and re-establishing the town. Many groups of people started coming back home. After a grim contest for the Wa-Nan which ended in a show-down on the battlefield, Seidu Takora, the contestant from the Dzeri gate succeeded in crushing his opponent from the Yijihi gate. This he was able to do largely due to the support of the Dagaba villages of Kaleo, Sankana, Chariya, etc...¹⁴³ Seidu Takora was the son of a Dagaba woman and, as such, received every

¹⁴² See Ivor Wilks, *op.cit.*, p.116.

¹⁴³ See Ivor Wilks, *op.cit.* p.119. Further information about Wa-Na Seidu Takora was received from the Nadoli-Na, July 1987.

support from the Dagaba warriors when it came to taking up arms in the struggle for the Wa-Naship.

Soon after the enskinment of Takora as Na, the Wala people realised that the Dagaba were taking advantage of the fact that Takora was their kin and of the fact that it was through Dagaba instrumentality on the battlefield that he became Wa-Na, to abuse the dignity of the Wala people. Dagaba men started organising surprise attacks on Wala villages and sections of the Wa town, stealing children and kidnapping women.

Of course, many Wala found this state of affairs intolerable. Something had to be done about it. Seidu Takora was most reluctant to fight a war against the Dagaba. This was due to, firstly, the fact that they were his matrilineal kinsmen and, secondly, because they were his adherents against rival Wa-Nabihi for the Nan. For him, going into battle against the Dagaba was like hitting the ball into his own net.

When it became apparent that the Wa-Na could not be counted on in the solution of the Dagaba problem, a Muslim delegation led by the scholar Mahmud Dun of Dondoli in Wa was apparently dispatched by the Muslim leaders to Sarankye-mori, the son and chief commander of Almami Samori

Toure, to solicit his assistance against the Dagaba.¹⁴⁴ Mahmud Dun, whose own brother Adamabile also of Dondoli, is said to have had his beautiful wife stolen from him by Dagaba men from Kaleo, very much impressed Sarankye-mori with many presents as well as with his own piety and learning. Without hesitation, Sarankye-mori accepted the Wala request for help and not long afterwards marched his Soffa army from Bole into Dagaba country. After fighting several battles, the Dagaba were completely defeated and hundreds and hundreds of slaves and cattle were taken as booty.

These events not only brought Dagao into the political orbit of Almami Samori and his son, but also made Wa a Protectorate, if not a colony, of the Almami. A Soffa agent by the name Ali Wangara was stationed at Wa. The Wala people effectively came under the suzerainty of a foreign power not through the will or initiative of the Wa-Na but through the drive and diplomacy of the Muslim authorities and their constituents. In the new dispensation that existed, although the Wa-Na and the Wa-Nayiri continued to be the rallying point of all the Wala groups in fact it was the Muslim leaders who actually did the steering of Wala affairs in collaboration with the Soffa representative.

¹⁴⁴ For a fuller account of the Wala mission sent to Sarankye-mori, see Ivor Wilks, *op.cit.* pp. 122-2 and 135-6.

When the Europeans, the French and the English, appeared on the Wala scene not long afterwards, the Wa-Na Seidu Takora was not able to keep the Wala behind the French. Against his will the people, directed by leading figures in the Ulama, took to following the British. The end came in 1898 when the Wa-Na himself was de-enskinned.

The events of the 1890's show that the position of the Wa-Nabihi group as the link between all the different groups within the town and yonder during pre-colonial times, did not mean ipso facto that they, the Wa-Nabihi standing with the Wa-Na, were always the driving force on Wala politics. For several reasons, the Wa-Liman and the Wa-Yeri-Na had, from time to time, managed to dominate and direct the running of the political affairs of all Wala.

The enactment into law of the Native Authority (Northern Territories) Ordinance, the Wala Constitution and the Native Courts (Northern Territories) Ordinance by the British Colonial Administration, if examined amount to nothing but the decreeing of the paramountcy of the Wa-Na. They were, in fact, obstructing by law the Customary Authority of the Muslim group leaders from playing any dominant role politically as they had sometimes done in the past.

THE POLICY OF NATIVE ADMINISTRATION - A RETROSPECT

In their choosing the Wa-Na from among the Wala leaders and

making him the "Native Authority" in charge of all Wala through whom colonial laws were to be effected, did the British colonial administrators make the best of choices?

It is my view that the British colonial government would have established a better and a more stable system of native administration in Wala if they had appointed the Wa-Na, Wa-Liman, Wa-Yeri-Na and the Wa-Tindana as equal members of a native authority council. Each of these members of the council would be made responsible for the peace and order of his group. Such a native authority council would have been collectively responsible to the District Commissioner for the peace and order of all Wala. Meeting at Nayiri, the council would have discussed all Wala affairs and in a case where one member of the council failed in his duty to keep the peace or otherwise among his group members, the other three members acting jointly would have drawn the attention of the District Commissioner to the matter.

A native police force would have been established to carry out the orders of the council which would have also played the role of a native court or tribunal. From time to time, the District Commissioner would have met the Wala native authority council and discussed matters of administration. The policy of the central government would be explained and all necessary instructions and orders issued to the council by the District Commissioner.

A native authority council like the one described would have enabled the colonial government to administer Wa without necessarily having to bind itself to the interests of the Wa-Na or the Wa-Nabihi. The groups within the town would have been afforded the opportunity of playing traditional politics as they had done before colonial rule. Whether A remained as Wa-Na or was de-enskinned, or whether it was B or C who was to become the next Wa-Na or not, were matters the colonial administration would have left completely in the hands of the native authority council provided that such matters did not threaten the peace and order of the province.

In their choosing the Wa-Na and making him the paramount over all other authorities, the colonial government erred in that they overlooked the antinomies and contradictions produced by the pluralistic structure of customary authority in Wala society. No native authority could offer the Wala a stable administration if it did not itself reflect the pluralistic and rather complex nature of the Wala body politic. I cannot disagree with Ivor Wilks in any way when he says:

"Clearly the colonial administration aspired to rid the Wala of ambiguities and contradictions inherent in the traditional body politic by decreeing, unambiguously and without contradiction, the paramountcy of the Wa-Na. It failed to do this and significantly raised rather than lowered the potential for conflict and violence."¹⁴⁵

¹⁴⁵ See Ivor Wilks, *op.cit.*, p.170.

Another area in which the British erred, in my view, was their gazetting of their friend and close associate, Mallam Isaka, as "Mohammedan Chief" of Wa. During the struggle between the French and the English for Wa, Mallam Isaka, an influential figure from the Wa-Na became a friend and close associate of the British. Both he and his father, Uthman Dabila, who was Jamii Liman (Friday Imam) stood behind the British.

He was equally instrumental in patching up relations between the Wala and the Dagaba in the aftermath of the Soffa attack on the Dagaba. For the English to be able to administer the North-West Province as a single administrative district, they needed to create peace and good relations between the Wala and Dagaba peoples. Mallam Isaka is said to have travelled from one Dagaba village to another in an effort to persuade the village leaders to accept British friendship and jurisdiction.

When it came to the time for the British colonial administration to write down the history of the Wala people it was the assiduous Mallam who they turned to. In 1922 the District Commissioner, Whitall, gave the Mallam a "bound volume" in which he was to write the history of the Wala.

Rather than merely gazetting Mallam Isaka as "Mohammedan Chief" the colonial government could have insisted on his

being appointed Wa-Liman. When Seidu Takora in 1898 tried to stand in the way of the British in the struggle for Wa, he was removed from the Wa-Nan upon British insistence, and the more pro-English Busa-Na-Tangili was enskinned as Wa-Na in his place. Once Tangili became Wa-Na he also became the customary spokesman of Wala. His new investiture of traditional authority certainly lent legitimacy and political weight to the course of the English to which he himself was committed.

If the colonial administration had insisted and had got Isaka to occupy the Wa-Limanship which was the customary institution of authority for his group, they would have put their Mallam in a better state politically speaking than the one in which he found himself. As it were, the title of "Mohammedan Chief" (Heri-Na) belonged only to the Tagarayiri Muslims. The holding of the title of "Mohammedan Chief" in fact traditionally speaking did not confer any authority on Mallam Isaka. For the Wala, Isaka only became a public authority when he became Tamii-Liman not long before his death. In fact, he never became a Wa-Liman or a Wa-Yeri-Na. Yet, as Ivor Wilks has rightly observed:

"Throughout the first decade of the century it was Ishaq b'Uthman Dabila who collaborated closely with the colonial administrators and who, more than Wa-Na and the Limans, constantly advised and assisted them. As late as 1912 Ishaq was the only Muslim authority in Wa officially recognised by the British: he was gazetted in the Gold Coast civil service lists as its "Mohammedan

Chief".¹⁴⁶

In failing to make him Wa-Liman as they had made Busa-Na-Tangili Wa-Na, the Colonial Administrators lost an opportunity by which very strong ties would have been built between the Colonial Government on the one hand and the institution of the Wa-Limanship and the Muslims on the other - just as was done in the case of the Colonial Government and the institution of the Wa-Nan and the Wa-Nabihi.

¹⁴⁶ See Ivor Wilks, *op.cit.*, p.148. See also Gold Coast Civil Service List, 1912.

CHAPTER FOUR

THE TRANSFORMATION OF THE WALA POLITICAL SYSTEM

- RESISTANCE FROM THE YERIHI

In this Chapter we will address three questions: (a) was there any change in the nature of relations between the Wa-Na and the other Wala group leaders during the colonial period? (b) if so, what was the result of this change in the nature of relations? and (c) was there any resistance to the change? As will be seen below to a large extent the Wala society became transformed. There was a breakdown of group cooperation and Lesiri which, for the Wa-Na, resulted in a serious predicament. The Muslim groups in the town stiffly resisted the position of paramountcy which the Wa-Na occupied.

The policy of giving their firm support to the positions and authority of chiefs which was pursued by the British colonial administration in the Northern Territories right from the day the Protectorate was proclaimed, on the whole, brought about disunity between the different component groups of Wa. It was, no doubt, in furtherance of this policy that the Native Authority (Northern Territories) Ordinance 1932, the Wala Constitution 1933, and the Native Courts (Northern Territories) Ordinance 1935 were all passed into law. These pieces of colonial legislation gave the Wa-Na the legal competence by which he could exercise power over all Wala. In short, he was by law the superior

of the other Wala leaders.

The restructuring of the Wala system of authority was not without consequence. As early as 1919 there was trouble between the Wa-Na Dangana, on the one hand, and the Muslim leaders, i.e. the Liman and the Yeri-Na, on the other.¹⁴⁷ One of the Na's wards took and married by force a Muslim woman from the Limahi section of the town. Accordingly, the Liman brought the matter before the Wa-Na. Being unhappy about the way in which the case was handled by the Na, the Liman reported the matter to his fellow Muslim leader, the Yeri-Na. At a meeting convened in the Mosque, the Muslim leaders came to the conclusion that the Na's conduct amounted to an abuse of his customary authority. Thereupon they started making moves towards his de-enskinment. The Muslim leaders among themselves decided that Pelpuo, who was the biological son of Na Momori Tangili, would make a better chief. They secretly met Pelpuo, blessed him and assured him of their spiritual and magical support, so as to have Dangana de-enskinned and he, Pelpuo, enskinned in his place. Being confident of the support of the Muslims, Pelpuo now started quarrelling with members of the Wa-Na's family. For instance, a quarrel occurred between Pelpuo and a son of the Na. Na Dangana, who had by this time heard rumours about the secret moves being made by Pelpuo to remove him from power, became angry

¹⁴⁷ This incident has been narrated in more detail by Wilks. See Wilks, *op.cit.*, p. 160.

when he was told about this quarrel. In a rather rash manner, he sent the staff and the skin-bag, which were part of the paraphernalia of his Naship, to Pelpuo telling him to take them and to stop worrying his children.¹⁴⁸

The Tindamba and the Muslims alike agreed that the Na's action was tantamount to abusing Lesiri. It was the Tindana and the Yeri-Na who gave the Wa-Nan to him and it was they, and they only, to whom he, Dangana as Wa-Na, could surrender these items. The District Commissioner, seeing that the political storms facing the Na were too severe made no attempts to rescue him and Dangana was asked to abdicate. Three years earlier, when Dangana found himself in a dispute with the Muslims over his refusal to provide for a cow to be used as a sacrifice, the District Commissioner stood firmly behind him and refused to listen to the Muslims.

In January 1920 Dangana abdicated and Pelpuo, also known as Yamusa, was made the Wa-Na. If, in the beginning, the Muslim leaders agreed with Pelpuo, or Pelpuo III as he became known, in the end they disagreed with him and there was trouble. To boost his image as the paramount chief of all the peoples of the Province, Na-Pelpuo married one wife after the other until he had about one hundred wives. In 1929 a group of young men from the Muslim community were beaten upon the orders of Na-Pelpuo, who alleged that the

¹⁴⁸ See Wilks, op.cit. p.161.

young men had on the evening of the previous day danced with some of his wives at a local dance. A Muslim delegation was sent to the Nabihi to protest about the attitude of the Na. Not being satisfied with the handling of the matter by the Na and the Nabihi, the Muslims went ahead to report the matter to the District Commissioner. Na-Pelpuo, who expected the matter to end within the walls of his palace, became angry about this. He thereupon ordered the war drums to be beaten. Many men with guns, bows and arrows started flowing into Wa from the villages. Tensions ran high and the District Commissioner, J. E. Miller, had to step in to order the immediate disbandment of the Na's army.¹⁴⁹

After the District Commissioner had investigated the case, he ruled in favour of the Wa-Na. The Muslim objection that the Na had, in effect, become an irresponsible Na because he had married so many wives was brushed aside not just by the District Commissioner but also by the Chief Commissioner, who argued that all Muslim men were immoral and that the Na could not be expected to be a plaster saint. To restore peace in the town, fines were imposed on the Muslim party. One of the offending young men, Abu Maidoki, was made to apologise publicly to the Na and in addition to greet him in his palace every day.¹⁵⁰

¹⁴⁹ See Wilks, *op.cit.*, p.164.

¹⁵⁰ For a more detailed account of this incident, see Ivor Wilks, *op.cit.* p.163-164.

After the death of Pelpuo in 1935, Na-Hamid Bomi became Wa-Na in 1936. Unlike the case of Na-Dangana and that of Na-Pelpuo, in the case of Na-Hamid Bomi the conflict that erupted was simply not a matter between the Na and the Muslim leaders; it was a case in which Na-Hamid failed to gain the agreement and cooperation of the other Wala leaders. Some of the Wa-Nabihi themselves, in fact, even refused him their support from the very day he entered the contest for the Na. So unpopular was he that the various Wala leaderships generally speaking were more in favour of Busa-Na Bukari becoming the Wa-Na.

From the point of view of the Colonial Administration, however, the unpopular Hamid Bomi was the more rightful candidate for the Naship. Ardron, who was the District Commissioner at the time, recorded on 11th January 1936: "The trouble is that the Busa-Na having allowed Pelpuo to snatch the rightful succession to the Nalum from him, now asserts that he should have a second chance, when he knows perfectly well, as does all Wala, that it is the turn of the Na-Haro family to succeed."¹⁵¹ Whether or not Hamid Bomi, who was the contestant put forward by the Dzeri (Naro) gate, was popular among Wala, he was, by virtue of the Appendix "C" of the 1933 Wala Constitution the rightful successor in the eyes of the District Commissioner. This Appendix provided:

¹⁵¹ RAT/272, Informal Diary Wa District 1936, Entry for 11th January.

"We the undersigned chiefs and councillors of the Wala State Council do hereby agree that at present there are three gates in Wala, i.e. Na-Bisi chiefships viz: Busa, Pirisi, Sing and that these three have no seniority between themselves but all are equal and succeed in turn to the Nalumship of Wala. It is further agreed that if any change is to be made in this custom it can only be done by the unanimous decision of the Wala State Council."¹⁵²

Between 1904 and 1920 the Wa-Naship was in the hands of Na-Dangana who was from the Sing, or Dzonyohi gate. Between 1920 and 1936 the Nan was with the Yijihi (Busa) gate, the actual title being held by Pelpuo. In view of the Colonial Government, therefore, it was by law the turn of the Dzeri (Pirisi) gate and thus, the right of Hamid Bomi of Pirisi to sit on the Wa Skin. Accordingly the Nan was given to the Dzeri gate and Hamid Bomi was duly enskinned as Wa-Na.

There was little unity and cooperation between Na-Hamid and the Wala people. Bukari, who remained as Busa-Na after his failure to capture the Wa-Naship, refused to have anything to do with Hamid. Thus, although the contest for the Nan formally came to an end with the enskinment of Bomi, it informally persisted in the form of disgruntlement, bitterness and passive disobedience. Dislike for the Na was widespread. He became nicknamed Na Kabasagiya Kababasigiya or, in short, Kabasigiya (the Na who became Na not caring whether or not the people liked him). As time went on, the situation began to get out of hand. The fact

¹⁵² See Appendix included at end of text below (Appendix I), p 551.

that the Wala were refusing to take notice of his orders made Hamid an ineffective Native Authority. The end came in 1943 when the Na was dismissed from the palace upon the instructions of the District Commissioner.

From these three cases, one fact is clear about colonial Wa. Inter-group co-operation and unity within society broke down. In view of the very close relationship that existed between all the Wa-Nas and the Colonial Administration any attempt made by the other Wala group leaderships to de-enskin any of them could not succeed if the District Commissioner present did not agree with such de-enskinment. In any case, the traditional right of the Yeri-Na and the Tindana to de-enskin Nas, the reigns of whom were unpropitious, was taken away from them by the Appendix "E" of the Wala Constitution which stipulated the non-removal of Nabihi chiefs. Finding out that their hands were no longer in the mouths of the Tindanas the Yeri-Nas they, the Wa-Nas, were more than ever before single minded in their action. The concern for programmes and policies of mutual benefit and common interest increasingly gave way to the pursuit of individual royal aggrandissment. The unprecedented number of wives married by Na-Pelpuo was a case in point. Perhaps the salary of £80 which was payed to Pelpuo from the Native Treasury was more than sufficient to make him live a grandiose life, to the annoyance of the other group leaders, who were, by actual Wala custom almost, if not precisely, his equals and yet received no

salaries as such.

Similarly, the laws that were passed by the Colonial Administration to set up the legal framework of the Colonial system, failed to acclaim the king-making rights of the Tindana and the Yeri-Na. Instead it was the District Commissioner and the members of the Wala State Council who decided among themselves all questions relating to the choice and to the enskinment of new Nas. With the proclamation of the 1933 Wala Constitution the District Commissioner, whose opinion carried most weight in all matters, began to insist that succession to the Wa-Naship was only valid if it was in accordance with the rotational principle stipulated in Appendix "C".

Behind colonial rule it was both the right and the duty of the Tindana and the Yeri-Na to choose and to enskin a new Na from among the available candidates anytime the Nan was vacant. In fact, the two important men were responsible not only for the enskinment of new Nas, but also for the de-enskinment of Nas whose periods of office became characterised by epidemics, social strife or some other catastrophic form of social decline. No Tindana or Yeri-Na liked performing the unpleasant duty of de-enskinment. While enskinment was normally an occasion for enjoyment, de-enskinment brought about misery and unhappiness in the town. To make sure that they did not have to perform this unpleasant duty, the Yeri-Na and the Tindana would normally

make sure that they chose and enskinned the man who appeared to them to be the most popular of the available candidates for the Nan. For the Wala, a prince who was popular with the people was also popular with the gods and the ancestral spirits of the land. In short, the prince who had the support of most of the Wala groups, in Wala thinking, was more likely to offer Wa a long and peaceful reign than the prince who had the support of only a few people.

For the sake of fairness, the king-makers, as much as was practicable each time, made their choice of a Na from a gate other than the previous holder of the Naship. The Nan, it was recognised, was the "collective property" of the Wa-Nabihi group. Indeed, any male member of the Wa-Nabihi group, in theory, was eligible to become a Na. In practice, however, it was the prince who most commanded respect and support in Wala society and who was most likely to appear to the king-makers as a potential Wa-Na. Although fairness to all gates was always taken into consideration when it came to making the choice of a new Wa, in the end the popularity of the candidate and his acceptability to all Wala were the factors that prevailed in the making of the final decision.

By insisting on the implementation of Appendix "C" of the Wala Constitution, i.e. rotating the Nan between the three gates, the District Commissioner, as a matter of fact, was

giving effect to a law which did not take into account the Letter and Spirit of pre-colonial native customary law and practice. This missing link between colonial legislation and pre-colonial customary law and practice was, as illustrated above, a lamentable one. The practical effect of Hamid's Nan was little. In 1943 the British Colonial Administration with much disappointment and dismay had to dismiss Na-Hamid from office rather summarily, to the amusement and laughter of the Wala people.

THE WA-NA IN A PREDICAMENT

As British colonial power became more and more stabilised in Wa, one of the results of its stability was that it placed the Wa-Na in a predicament. The Na was the Native Authority of all Wala. His power over the natives was real and substantial. He was, of course, responsible to the District Commissioner for the peace and order of Wala society. To be able to keep his position, it was necessary for the Na to show good faith, loyalty and responsibility to the colonial administration. At the same time, the Wa-Na was well aware of the fact that for his position and power to remain intact he needed the co-operation and goodwill of his fellow Wala leaders, or Nimbera, i.e. the Liman, the Yeri-Na and the Tindana. To have bad relations with the other Wala Nimbera, most Wa-Nas knew, could lead to disorder and trouble in the society, thereby making them appear as ineffective and irresponsible chiefs in the eyes of the District Commissioner. As a matter of course, the

District Commissioner would not like to deal with a Wa-Na who was unable to maintain peace and order among the natives within his own area of jurisdiction. In a nutshell, it was in the interests of every Wa-Na to have a warm relationship with the colonial administration on the one hand and the Wala Nimbera on the other. Without the support and co-operation of the latter he could not hope to remain in the good books of the former.

Where there was no sharp conflict between the interests and policies of the Colonial Administration, on the one hand, and the interests and policies of the Wala Nimbers or leaders on the other, there was, by and large, little difficulty for the Na in pleasing the two different groups of people, if he so wished. Where there was a sharp conflict between the interests and policies of the two groups, however, the situation became impossible for the Wa-Na. The trouble that erupted in 1919 between Na-Dangana and the Muslims, as well as the one which occurred in 1919 between Na-Pelpuo and, again, the Muslims, were both troubles which, on the whole, could have been avoided by Na-Dangana and Na-Pelpuo respectively if they had really wished to keep out of trouble. It was they who caused the problems, not the Muslims. For the Na's grandson to take and marry a Muslim woman by force, or for the Na to order the instant beating of young Muslim men whom, he alleged, had danced with some of his wives at a night dance as occurred in 1919 and 1929 respectively, each constituted a

provocation to the Muslim leaders who, at any rate, were uneasy about the colonial emphasis given to the authority of chiefs. It is reasonable to suppose that the Muslims, or Yerihi, challenged the authority of the Wa-Na in 1919 and again in 1929 as part of a legitimate effort to watch over their individual rights and freedoms which, otherwise, might be trampled on with impunity by the Wa-Na. If the troubles of Na-Dangana and Na-Pelpuo were predicaments then they were, in fact, predicaments of their own making.

The kind of predicament which made the Na the victim of circumstances and the mere spectator of the tragedy was the one in which Wa-Na Sumaila found himself. Sumaila sat on the Skin of Wa in 1943 after the dismissal of Na-Hamid Bomi. Unfortunately for him he took over the Naship at a time when the town was plagued with religious dispute.

The introduction of the Ahmadiya faith in Wa in the 1930's, had by the time of Sumaila, resulted in a serious dispute between Wala Ahmadis and Wala Orthodox Muslims. From Pakistan where it was founded by Mirza Ghulam Ahmad, the Ahmadiya sect of Islam was able to find its way to the Gold Coast in West Africa. In 1922 a mission post was established by the Mulvi Fadl-Ur-Rahman-Hakeem at Saltpond. The Ahmadiya movement started gaining converts in the country. Among the many who were converted were a group of Wala young men led by Salih Bn Al-Hasan. These were Wala men who had come down into the colony from the Northern

Territories Protectorate to find jobs and to earn some money. In 1933 and again in 1934 attempts made by this group of young men to preach their new faith in Wa were stiffly resisted by the local Wala Muslim Authorities, led by the Wa-Liman Mahmud Dun. So far as the Wa-Liman and the Wa-Yeri-Na were concerned, young men who go from Wa down into the colony were supposed to do so in search for jobs and not to import their own spurious version of Islam. The Wala Muslim leaders again and again appealed to the Wa-Na and to the District Commissioner to expel Salih Bn Al-Hasan who was the propagator of the new faith. In view of the growing tension, the District Commissioner rather reluctantly issued orders for the expulsion of Salih from Wa.¹⁵³

The matter did not end there. As a result of communication between Salih, the Ahmadiya missionary at the coast and the Chief Commissioner of the Northern Territories at Tamale, orders were sent to the District Commissioner at Wa making it clear that the Ahmadiya right to free worship was to be respected. After having made sure he had sufficient police reinforcements at his disposal, the Wa District Commissioner, Ardron, brought Salih Bn Al-Hasan back to Wa in August 1937.

In 1944 when Sumaila became Wa-Na the two different groups

¹⁵³ For a more detailed account of the incident see Ivor Wilks, *op.cit.*, p.179-185.

of Muslims, Ahmadi and Orthodox, were living in the town as rival factions. The Ahmadis preached against the sorcery and magic, as well as the funeral customs, practised by the Orthodox Muslims as being un-Islamic. The orthodox Muslims, for their part, treated the Ahmadis as apostates and refused to have any association with them. For instance, all intermarriages between Orthodox Muslims and the Ahmadis were prohibited by the Orthodox Muslim leadership.

Unlike Na-Hamid Bomi, his predecessor, Na-Sumaila became Wa-Na with the popular acclamation of the Wala people. He was thus determined to maintain the popularity and support which he commanded. To do this when he became Na in 1943 he made sure he avoided the Ahmadis as much as he could in order to please the Orthodox Muslims, including the Wa-Liman and his counterpart Wa-Yeri-Na. As a result of a petition made by the Ahmadis missionary, Maulvi-Mubashir, by means of hired counsel to the Gold Coast Governor Sir Alan Burns, the right of the Wala Ahmadis to worship without harassment became officially endorsed by the Colonial Government in 1944. This meant that from 1944 onwards it was the responsibility of the Wa Native Authority, i.e. the Wa-Na and the Wa District Commissioner, to protect Ahmadis within the town from any sectarian attack or harassment by the Orthodox Muslim majority.

Na-Sumaila soon found himself in an awkward situation. His

policy of pleasing the traditional Wala Muslim leaders by avoiding Ahmadis had to be stopped if he was not to contradict his colonial superiors. Thus, when the Muslim leaders again approached him to discuss with him the possibility of again expelling Salih from Wa, he, Sumaila, refused to lend them his support. If in the conflict of the interest of the Colonial Government on the one hand, with the interests of the Wa Muslim leaders on the other, Sumaila chose to follow the interest of the Colonial Government in order that he might save his own skin and position, he was soon to be disappointed.

A strange event occurred in the town in 1945. In April of that year a big explosion was heard at the town incinerator. Upon enquiry the explosion was found to have been caused by a bomb, apparently consisting of gunpowder placed between sheets of the Holy Koran and enclosed between two flat stones wrapped up in a piece of hyena skin, and then deposited at a place when it would be detonated by the hot ashes of the incinerator. This bomb, the then District Commissioner noted in his diary, was "bad medicine" for the Wa-Na.¹⁵⁴

The custom of spells and the using of charms, or "bad medicine", were practices in the Northern Territories of which the British Colonial Authorities were well aware.

¹⁵⁴ See RAT/350, Informal Diary (Wa), Entry for 2nd April 1945, NAG, Tamale.

Indeed, the Native Customs (Northern Territories) Ordinance passed as early as 1908 had provisions to protect agents of the Colonial Government from the casting of spells in the combatting of crime. According to Section Two of the Ordinance:

"Whoever directly or indirectly promotes, encourages or facilitates the worship or invocation of any fetish which it is pretended or reputed has power to protect persons in the commission of, or guilty of crime, or which has been suppressed by order or regulation under Section 3, shall be liable to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding £50".¹⁵⁵

Section 3 provided:

"The Chief Commissioner may from time to time make, and when made alter or revoke, such orders as he may deem necessary for suppressing or regulating the celebration of any native custom, rite, ceremony or worship which may appear to him to involve or to tend towards the commission or crime or a breach of the peace, and may attach to the breach of any such order a term of imprisonment with or without hard labour not exceeding three months, or a fine not exceeding £25".¹⁵⁶

These clauses, in effect meant (a) that no magical shrine, charm, etc... could be used to spell-bind any native or non-native who assisted or collaborated with any Colonial Authority in the enforcement of colonial law and (b) that any magical practice, cult or possession which was deemed by the Colonial Authorities to be undesirable and uncondusive to the maintenance of peace and order could be

¹⁵⁵ See Laws of the Gold Coast, Vol II, 1937, op.cit. Native Customs (Northern Territories), Ordinance, No. 5 of 1908, CAP 87, Section Two.

¹⁵⁶ Native Customs (Northern Territories) Ordinance, ibid. Section Three.

suppressed either temporarily or indefinitely by the Chief Commissioner of the Protectorate.

When it came to enforcement, however, provisions like these posed serious problems to the Colonial Administration. The preparation of harmful charms, or "bad medicine", was an activity which was carried on in the secrecy of private homes or hide-outs in the wild bush. Moreover, it was difficult, if not impossible, for any District Commissioner and his native chiefs to be able to distinguish accurately between hundreds, or even thousands of different types of native magic, those that were "bad medicine" on the one hand and those that were "good medicine" on the other. The end result of the matter, therefore, was that these nefarious practices were carried out by various people, the above ordinance notwithstanding.

The magical bomb which exploded in April 1945 was the type of charm known to the Wala as Lorri (something thrown against a person with a view to kill or injure). It was, apparently, planted by members of the Orthodox Muslim faction against the Wa-Na for his alleged collaboration with the District Commissioner and the Ahmadis. Unfortunately for Na-Sumaila, there was very little the colonial master could do about this. If the bomb was "bad medicine" for the Wa-Na, as the District Commissioner observed, then those who planted it were undoubtedly offenders under the purview of the Native Customs (Northern

Territories) Ordinance. It was perhaps the practical difficulties involved more than any other that made the Colonial Administration not pursue the matter further and to search for and arrest the individuals concerned. Indeed, in those days of distrust, fear and mounting tension among the Wala, it would have been a futile exercise for the District Commissioner or for the Wa-Na to try to comb the unfriendly Orthodox Muslim community for clues or for witnesses who might help with the identification of the wrong-doers.

For Na-Sumaila the problem was just not about tracking down the offenders, but also about immunising himself against whatever effects the evil explosion might have on him. Na-Sumaila was a man brought up in the traditional orthodox belief and as such he could not be expected to remain calm and unperturbed by such a serious case of supernatural attack against him. Before colonial rule, it was on the Wa-Liman and the Wa-Yeri-Na that the Wa-Na counted for supernatural assistance whenever he found himself facing an external enemy. In brief, it was they who provided for his magical and spiritual needs. The paradox of Na-Sumaila's case was that the Muslim leaders, rather than invoking the superior magic of Islam against the District Commissioner on behalf of the Wa-Nan, were in fact using it against the Na because he was the ally of the District Commissioner and the Ahmadis. Neither the British Colonial Administration nor the Ahmadi Muslims believed in the supernatural

practices and powers, as did the Na. As has been explained above, the Colonial Authorities made laws to discourage magic and sorcery and the Ahmadis preached against the superstition, sorcery and magic practised by orthodoxies.

The predicament of Wa-Na Sumaila was indeed the direct result of the very close relationship which existed between the Wa-Na, on the one hand, and the Colonial Administration, on the other. Whilst it is true that the close relations between the Na and the District Commissioner gave the former power over his fellow Wala leaders, it is also true that it took away from the Na some of the benefits he was entitled to enjoy in the traditional Wala system. In a sense, the predicament of the Na was also a predicament of the entire town. The fact that there was disagreement between the Na and the Muslim leaders, i.e. the Liman and Yeri-Na, meant that the traditional system of intergroup co-operation had failed.

The profound predicament suffered by Wa-Na Sumaila during his term in office is a case which illustrates how, in a society where social order and social unity are structured on the basis of customary authorities, customary practices and traditional values, there is likely to be little or no cohesion at all if there arises an effective authority based on law having different values and new practices. By means of time and changing circumstances, such a society may develop practices and methods by which to run its

affairs. Until it is able to do this, however, serious predicament can be the fate of those in whose hands is the customary authority of that society.

Firstly, Na-Sumaila was made Na with popular acclamation and wished to remain popular with the Wala people. He soon realised, however, that he could not tow the line of action favoured by most Wala as that would mean challenging the decision of the Colonial Administration and not the Wala majority, apparently because he believed he had more to gain from the former than from the latter. The events of April 1945 however made it clear to Sumaila just how much protection he could expect from the District Commissioner. Protection from physical attack he could be certain of receiving from the British Commissioner, but in respect of supernatural weapons like the magical bomb which exploded at the Wa incinerator in 1945 it was evident that no Commissioner could be counted on for the arrest and punishment of the assailants, let alone for the cure of any supernatural injury which he, Na-Sumaila, might sustain. Further, Na-Sumaila was well aware of the fact that in his capacity as Wa-Na he was by the Lesiri of Wa entitled to the services of the Muslim spiritual and magical consultants. At the same time he was equally aware of the fact that the sharp disagreement between himself and the Muslim leaders was not going to make it possible for him to claim this entitlement. In fact, it would have been suicidal for him to seek any supernatural assistance from

the Muslim Mallams as, to him, that would mean playing into the hands of the enemy. Probably, even though Na-Sumaila might have wished it, he could discuss problems such as these with neither the District Commissioner nor with the Ahmadi Muslims whose freedom of worship he was fighting to guarantee in the town. As a non-native the District Commissioner did not believe and probably did not even understand properly the meaning of magic in the lives of the Wala people. The Ahmadi Muslims, for their part, had nothing to offer the Na in this regard, having rejected all forms of magic as one of the articles of their faith. Though the District Commissioner and the Ahmadis might not have known it, Wa-Na-Sumaila, between the day on which the bomb exploded in 1945 and the day on which he died in 1949 probably had a lot to ponder about. It is hard to imagine the many questions he would have raised in his mind about his spiritual personal security and the spiritual security of his Naship.

CHAPTER FIVE

BRITISH COLONIAL POLICY IN WA

Only some thirteen years after Wa came under British administration, its Na became the most powerful Native Authority in the north-west of the Protectorate. Wala group customary authorities, like the Liman, the Yeri-Na and the Tindana, had to respect the paramountcy of the Wa-Na.

The policy of supporting the paramountcy of chiefs which was pursued by the British Colonial Government was not always without problems. There are a number of cases that can be cited to illustrate that the policy of "supporting and emphasising the position of the native paramount chiefs", as was recommended by the acting Governor H. Bryan in 1906, was sometimes an uphill task for some of the British Commissioners.

In 1916 a serious drought occurred in Wa. There was hardly any rain. The Yeri-Na approached the Na and asked him to provide a cow for the Muslims to perform a sacrificial ritual in order to bring rain. The two men failed to agree about the matter and Na-Dangana thereupon refused to provide any cow for the sacrifice.¹⁵⁷ The matter, however,

¹⁵⁷ The Wa-Na was by custom responsible for arranging the rituals to bring rain during drought. He could call upon either the Wala Muslims or the Wala Earth Priests (Tindamba) to offer sacrifices for this. Dangana, who was Wa-Na during this period, was a non-Muslim. Thus

did not end there. Talking continued and soon tension began to mount. Mallam Isaka, whom the Colonial Administration regarded as its "Mohammedan Chief", complained about the Na's conduct to the District Commissioner. Perhaps, partly because he did not understand how seriously this matter was being taken by the Muslims and partly because he did not wish to see the Na's authority weakened, the District Commissioner, Berkeley, rejected the call to remove Dangana from the Nan.¹⁵⁸

It is interesting that the District Commissioner, who in 1916 objected to the removal of the Na from the Nayiri, in 1919-1920 did not raise any objections when Dangana was being de-enskinning and Pelpuo enskinned in his place.

In 1929 when Na-Pelpuo ordered the beating of some Muslim men who, he alleged, had danced with some of his wives, he started a long and serious dispute between himself and the Muslims, again under Mallam Isaka. This matter was eventually brought before the District Commissioner. After having ordered the Na to disband the army he was gathering, he investigated the case and ruled in favour of the Na. To the disappointment of Na-Pelpuo however, the District Commissioner, Miller, decided to drop the charging of fines

it might well be that he refused to provide the cow simply so that the sacrifice could be carried out by Earth Priests instead.

¹⁵⁸ For a more detailed account of the case see Ivor Wilks, *op.cit.*, pp. 158-159.

against Mallam Isaka and his party, in view of the good record held by the Mallam as a friend of the Colonial Government.

It was only after the trouble started again, later on, that the fines of cattle and money were effected. It would appear that Na-Pelpuo's actual intention, for which he had gathered his warriors in 1929, was to crush all Muslim opposition and to make the Yerihi feel the affect of his authority and powers. In this, however, he was never to succeed. The disciplinary measures prescribed by the District Commissioner were, doubtless for him, not as effective as the penalties which the Na would have inflicted on his opponents, had he not been ordered by the District Commissioner to disperse his warriors.

Although Na-Sumaila took over the Nan in 1943 with the support of most Wala he soon became unpopular because he had to carry out the policy of the Colonial Government, which was disliked by the majority of Wala Muslims. In 1945 a magical bomb was planted against him in the town incinerator, apparently by some of those who were offended by his accepting and affirming the Ahmadi right to free worship in Wa. Even though the planting of such a magical bomb, or "bad medicine", constituted an offence against colonial law, the people who were responsible for the act managed to run away from justice.

In implementing the policy of supporting and emphasising the position of native chiefs, the District Commissioner in Wa naturally could not continue to sustain the authority of a chief if he, the District Commissioner, considered such sustainment of chiefly authority to be politically inexpedient. For instance, in 1919-1920 it would have been a bad mistake, from a political point of view, if the District Commissioner had tried to oppose the de-enskinment of Dangana, considering the fact that the Yerihi and the Tindamba alike were firmly in favour of taking the Nan away from him. Similarly, in 1929-1930 it would have been serious political misjudgment if the District Commissioner, by means of imposing severe penalties, had sought to bring the old friend of the Colonial Government, Mallam Isaka, right under the boot of Na-Pelpuo. It is equally reasonable to suppose that for the District Commissioner to have insisted on tracking down the perpetrators of the original bombardment of Na-Sumaila would have, in 1945, thrown the town into utter disorder.

In my opinion, the real problem about the Colonial Government's policy of supporting the authority of chiefs, as was pursued in Wa, was not that the District Commissioner wavered unduly in giving such support; but that he failed to make the Wa-Na understand that it was his duty to discharge his responsibilities towards the Wala. Bryan, one of the governors who very much recommended the adoption of this policy, did not forget to explain that

such support for the authority of paramount chiefs was to be given by the Colonial Administration who "at the same time" had to make such chiefs "realise their responsibilities". A chief who is aware of his responsibilities - in short a responsible chief - could not have been simply the one who honoured his duties towards the Colonial Administration; but, in fact, the one who honoured his duties to the District Commissioner as well as to his native subjects. It is surprising that in 1919 when a grandson of the Wa-Na coercively married a Muslim woman, the District Commissioner was unable to step in to ask the Wa-Na to restore the woman to her Muslim parents. Even more surprising is the fact that when Na-Pelpuo, after having become Na in 1920, started marrying one wife after the other until he had an unprecedented number of about one hundred wives, no orders were issued by the District Commissioner for him to put a stop to it. With such a large number of wives, the Na was bound to have trouble with unscrupulous young men in the town and in 1929 this was exactly what happened. Before colonial rule, the Wa-Na was one of four traditional leaders in town, all of them were, generally speaking, co-equals of one another. A mistake made by one was easily corrected by any one or all of the others without fear or embarrassment. During colonial rule, because the Wa-Na was regarded as the paramount Native Authority of all Wala, he had, in effect, become a proud superior and could not be counted on by his other colleagues as one who would listen eagerly to their

criticisms. Under such circumstances, there was the real need for the District Commissioner to admonish and to insist on the Na's respect for the rights and opinion of the Wala group leadership.

The failure of the Wa District Commissioners to make the Wa-Nas realise their responsibilities toward the Wala Nimbera just as they made the Nas realise their responsibilities towards the Colonial Administration, was a factor that made the colonial policy of supporting the Native Paramount Chief, at least in Wala, a paradoxical one. There were two very important duties which every District Commissioner expected the Wa-Na to perform. Firstly, it was for the Wa Na to relay orders and directives from the District Commissioner to the Wala natives and, secondly, it was for him to keep order among the natives within his area of jurisdiction. Order means peace; and the Wa-Na could not keep peace in Wa if he proved himself to be irresponsible in the eyes of the Wala group heads or Nimbera. This paradox was the main feature of the troubles that arose in Wa during the Naship of Dangana and Pelpuo.

There were, however, some cases in which frictions between the Na and some of his traditional co-equals were not caused by the irresponsibility or otherwise of the Na; they were caused by the sheer conflict of the interest and wishes of the Colonial Government, on the one hand, and the

interest and wishes of some of the Wala Nimbera on the other. For instance, Sumaila, who became Wa-Na in 1943, was not an irresponsible Na. The view taken in this thesis about the matter is that an irresponsible Na was the one who did not behave himself properly, or who did not execute his duties as expected by the District Commissioner as well as the Wala Nimbera. The friction that came about between Na Sumaila, on the one hand, and the Liman and the Yeri Na, on the other, was in fact caused by the sharp conflict between the policy of the Colonial Administration which Na Sumaila had to carry out and the wishes of the orthodox Muslims, led by the Liman and the Yeri-Na. It was after, and only after, the Wala Ahmadi right to free worship was endorsed by the Governor of the Colony and the Protectorate, thereby making it incumbent on Sumaila as Wa Na to enforce such endorsement, that relations between the Na and the Orthodox Muslims became sour.¹⁵⁹

So far as the indigenous social structure was concerned, the pursuit of the policy of supporting and emphasising the position of the Native Paramount Chief, which was pursued by the British Colonial Administration, was one that affected permanently the destruction of customary authority. In 1970 this aspect of British Colonial policy pursued in Wa was pointed out by Ivor Wilks and Phyllis Ferguson:

¹⁵⁹ For further details of the Sumaila case, see Ivor Wilks, *op.cit.*, pp. 184-185.

"In the event, as the British increased the standing of the Wa-Na, not only vis-a-vis the Muslims but also in relationship to various Dagaba and Sissala chiefs of Wa's northern hinterland who were brought firmly under his jurisdiction, so the authority of the Yeri-Na was progressively diminished".¹⁶⁰

By the time of Independence, in 1957, the Wa-Naship, by virtue of this policy which was pursued by the Colonial Administration, had evolved tremendously, and had become the undisputed institution of customary authority for all Wala. Na Pelpuo, who held the Naship from 1920 to 1935, was so pleased about British Colonial Administration in Wa, that in 1925 he wrote a letter pledging his goodwill and loyalty to His Majesty, the King of Great Britain. Having opened his letter with the words: "Thanks to Allah, who gave us a guide as a messenger, and who gave us the pen as a tongue", Na-Pelpuo proceeded to express his satisfaction about the establishment of British Colonial Administration in Wa. He ended with the words: "We love you, we follow you and your nation until we die".¹⁶¹

THE POLICY OF ENACTING AND ENFORCING CUSTOMARY LAW

One of the policies which constituted a cornerstone in British Colonial Administration of Wa was the policy of

¹⁶⁰ See Phyllis Ferguson and Ivor Wilks, "Chiefs Constitutions and the British in Northern Ghana" in West African Chiefs, edited by Crowder and Ikime, New York and University of Ife Press, 1970, p.330.

¹⁶¹ See IASAR - 22, Folios 9 and 15. Letter from Wa-Na Pelpuo III to His Majesty, George V of Great Britain, 1925.

enacting and enforcing customary law. There is evidence to suggest that the British Colonial Administration in their enacting into law Wala custom in 1933, failed to undertake a thorough research into the subject. In 1928 T.S. Thomas, the then Governor of the Gold Coast and Northern Territories Protectorate, admitted "So far as I can ascertain, this government is completely in the dark as regards the Native Administration of the Northern Territories: there seems to be no clear-cut statement of policy: we do not know what is being done and what our administration is intended to bring forth".¹⁶² But if the Colonial Government was ignorant, or "in the dark" about the entire Northern Territories as the Governor noted, it was in the event more ignorant about the Wala. R.S. Rattray, the anthropologist appointed by the Colonial Government to investigate the customary laws of the peoples of the Protectorate, apparently knew very little about the Wala. In his book The Tribes of the Ashanti Hinterland, which was published in 1932, he was unable to narrate the Constitution of Wala in spite of the fact that he gave an account of the Dagomba and Mamprusi Constitutions. Rather surprisingly, it would appear that the pluralistic nature of authority typical of the Wala social structure was unknown to Rattray. Although he talked about the Muslim community in Wa, neither the Wa-Liman nor the Wa-Yeri-Na were identified as customary leaders wielding customary

¹⁶² See RAT 1-7, Acting Governor T.S. Thomas' report on the Northern Territories, 3rd July 1928, NAG, Tamale.

authority independent of the Wa-Na.

In 1933, when the Colonial Government decided to draw up the Wala Constitution in furtherance of the Native Authority (Northern Territories) Ordinance of 1932, there was no-one other than the Wa District Commissioner on whom it could rely for an account of the constitutional theory and history of the Wala people. Unfortunately for the Government, however, the District Commissioner did not himself have the relevant information about Wala customary practice and history available for the exercise. In April 1933 when the District Commissioner convened a preliminary conference for recording the Wala Constitution, he observed: "so much of their traditional law and custom has been discarded or broken that they are shy of exposing the fact".¹⁶³ Instead of investigating the subject further, the acting District Commissioner, Dixon, nonetheless was able to present to the chiefs later that year a draft constitution for them to append their signatures.

The apparently insufficient research and the inadequate knowledge of the Colonial Government about Wala customary history and practice, together with the fact that the Wala Constitution as it was enacted failed to reflect the pluralistic structure of Wala customary authority, cumulatively leaves the student with the impression that

¹⁶³ RAT 240, Informal Diary (Wa District) April 1933, NAG, Tamale.

the Constitution was a misrepresentation. The Constitution was not an enactment of Wala customary law as such: in fact, it was Wala customary law with omissions and which, in effect, trimmed it to suit the needs of the colonial system. The rights of the Tindana and the Yeri-Na to choose the rightful candidate for the Naship, the rights of the same to de-enskin a Na whose reign they considered to be unpropitious, the rights of the Liman, the Tindana and the Yeri-Na as the legitimate customary leaders of their respective groups etc. were all omitted while, the right of the Wa-Na as the Paramount Customary Authority of all Wala, the right of any prince who became Na to be Na for life, the right of succession to the Nan as a right to be rotated between three of the four gates of Wa royal house etc., were added. Writing about the subject in 1989, Ivor Wilks argued that the Wala Constitution of 1933 was the perpetration of a fraud. By means of a careful comparison of the Wala Constitution with the Dagomba Constitution, Ivor Wilks was able to show that the former was nothing but an adoption of the latter. He wrote: "Comparison of the Wa constitution of 1933 with the Dagomba constitution of 1930 reveals the nature of the fraud that had been perpetrated".¹⁶⁴ He explained that by so doing, the Colonial Government gave the Wa-Na a superiority which contradicted the pluralistic structure of Wala traditional authority. He said: "The 1933 constitution represented Wala as, structurally, a replica of Dagomba, ignoring the

¹⁶⁴ See Ivor Wilks, *op.cit.*, p.168.

fact that the two had evolved historically in quite different ways. In particular, the pluralistic nature of authority in Wala was largely discounted".¹⁶⁵

One can only agree with Wilks in respect of his views about the Wala Constitution of 1933. It was a document designed to entrench the new-found rights of the Wa-Nabihi group vis-a-vis the Yerihi and the Tindamba. In other words, it was a legal contrivance made by the Colonial Government in the name of Wala customary law to strengthen the position of the Wa-Na as its native ally. Customary law and practice in pre-colonial Wala society was based on suitability for the situation and acceptability to the people. It was flexible and not rigid. As a matter of fact, what was law at any point in time in the pre-colonial era was comprised of the rules and procedures which appealed most to the good sense of reason of the various leaders or Nimbera. Law, for the Wala, was "Les est dictamen rationais". It was something which every level headed person could understand. For the Wala, enforcement was not a pre-requisite of law as such. Once it became apparent that this rule or that procedure was acceptable to the Wa-Nimbera, and was considered by them to be the most appropriate for Wa under the existing circumstances, such rule or procedure was law; thereupon it became the duty of all Wala to follow it. Where a person or a group of people persistently refused to follow the directives issued by the

¹⁶⁵ Ibid.

Wala authorities, speaking through the Wa-Na, they, the authorities, might or might not take punitive measures against such a person or group of people. They might punish the offenders if the offence in question was a really evil one, and if they were able to agree on a punishment. Of course, they might not punish an offender or offenders if they, the Nimbera, failed to agree on a punishment or if there should be the real likelihood that the meting out of punishment to such an offender or offenders might lead to further trouble in society. In sum, customary law in pre-colonial Wala had always been decided not just by the Wa-Na, but by all the Wala group leaders. Equally true is the fact that law and authority as projected in the Wala Constitution were different from what they used to be before colonial rule, when law did not always imply enforcement. The very fact that the rules of which the 1933 Constitution was made up were to be enforced from thenceforth by the Colonial Administration as part of colonial law and policy, notwithstanding the changing opinions of the successive Wala Nimbera, was one which was soon to make the Colonial Government question the rationale behind its policy of enacting and enforcing Wala customary law.

Only ten years after the adoption of the Wala Constitution in 1933, the Colonial Administration, on realising that the Constitutional law they were apt to enforce in Wa was simply not workable, abandoned their policy of enforcing

enacted customary law. The events that took place in Wa between 1933 and 1943 constituted a lesson to the Colonial Government and it did not lose the opportunity to learn. In 1935, only two years after the Constitution came into force, the Wa-Na Pelpuo III died. Accordingly, a new Na was to be enskinned. The various gates of the Wa royal house started putting forward candidates for the Naship. For the District Commissioner, Ardron, it was the turn of the Dzeri (Pirisi) gate to have their Nan enskinned by their promulgated constitution. The third clause of their constitution provided: "We, the undersigned chiefs and councillors of the Wala State Council do hereby agree that at present there are three gates in Wala, i.e. Na-Busa chiefships viz: Busa, Pirisi and Sing and that these three have no seniority between themselves but all are equal and succeed in turn to the Nalumship of Wala".¹⁶⁶

So far as the Constitution was concerned the District Commissioner was fully right in his opinion that it was the turn of the Pirisi gate to take over the Naship. Between 1904 and 1920 it was the Sing gate which held the Wa-Nan. In 1920 the Busa gate took it over from Sing and held it until 1936.¹⁶⁷ Going by the rotational principle

¹⁶⁶ See appendix included below, at end of text (Appendix I), p 551.

¹⁶⁷ Although Na-Pelpuo III died in 1935 it was not until 1936 that Hamid, in fact, took over the Nan. Under Wala customary law the reign of Pelpuo technically speaking did not end until the very day Hamid came to power in 1936.

stipulated by the Appendix "C" of the Constitution, therefore, it was the turn of the Pirisi gate to take over the Nan after it was declared a vacant post in 1935-36.

For the Wala, however, it was the Busa and not the Pirisi gate which was entitled to take over the Nan. Although this assertion was wrong by the terms of the Constitution, it was perfectly valid under Wala customary law and practice. Hamid Bomi, who was the candidate put forward for the Naship by the Pirisi gate was not a popular prince among the Wala out of the several candidates for the Naship. It was Bukari, the candidate put forward by the Busa gate who most appealed to the Tindamba and the Yerihi as a potential Wa-Na. Bukari was a prince who not only had the wealth, but also the respect of most Wala. It was not improper in Wala thinking if Bukari was made Na in spite of the fact that he was from Busa, the gate from which the deceased Na had come. He, Bukari, could still be enskinned as Na on account of the fact that he was the most popular and most acceptable candidate to the people. It was not the duty of the Tindana and the Yeri-Na by custom just to provide the Wala people with a Na; indeed, it was their duty to provide the Wala with a Na who was acceptable and much liked by them. For them to enskin an unpopular man as Wa-Na might mean bringing trouble upon the town. People might tell lies about a Na whom they did not like; they might abuse him; they might not want to greet him or talk with him; they might refuse to attend meetings convened at

the Nayiri; and, worst of all, they might not obey his orders. In terms of actual Wala customary law, therefore, it was Bukari of Busa and not Bomi of Pirisi who was the rightful claimant of the Naship.

As a result of the sharp disagreement between the District Commissioner and the Wala Nimbera as to who was to succeed Na-Pelpuo, the Nan continued to be vacant for about a year. For the District Commissioner, however, the delay was due only to the irresponsibility of the Nalun councillors and the chiefs. On 25th February 1936 the District Commissioner noted: "There is absolutely nothing to hinder the appointment except wilful procrastination on the part of the Nabisi chiefs and the Nalun councillors, all of whom seem quite incapable of sinking petty ambitions for the good of Wala".¹⁶⁸ Nevertheless, a clear picture of the situation can be drawn from the Commissioner's words of 11th January that year:

"The trouble is that the Busa-Na having allowed Pelpuo to snatch the rightful succession to the Nalum from him, now asserts that he should have a second chance, when he knows perfectly well, as does all Wala, that it is the turn of the Na Jaro (Pirisi) family to succeed".¹⁶⁹

At the end of the matter Hamid Bomi of Pirisi took over the Wa-Naship on the insistence of the Colonial Administration. To signal their protest, the Wala public nicknamed Bomi Na

¹⁶⁸ RAT/272, Informal Diary (Wa District), Entry for 25th February 1936, NAG, Tamale.

¹⁶⁹ Wa District Information Diary, Entry for 11th January 1936, NAG, Tamale.

"Kabasagiya" (the Na who became Na not caring whether or not his people liked him). About seven years after Bomi took office as Wa-Na, it became clear to the Colonial Administration that an unpopular prince could not be a successful Wa-Na. Talking about Na-Bomi in July 1943, the District Commissioner at the time observed: "The people of Wa, speaking generally, seem to take little notice of his orders".¹⁷⁰

Having realised their mistake, the Colonial Administration dismissed Hamid Bomi from the Wa palace that year.

It is reasonable to imagine that the decision to take the Nan away from Bomi was made by the Colonial Administration with difficulty. It was the policy of the Colonial Government to implement the 1933 Wala Constitution which, in its view, was Wala customary law enacted. In fact, it was in accordance with this enacted customary law that Hamid Bomi was appointed Wa Na in 1936. The Appendix "E" of the Wala Constitution provided: "We, the undersigned chiefs and councillors of the Wala State Council, do hereby state that the holder of a chiefship cannot by native law and custom be deprived of his office and appoint except by death or voluntary resignation".¹⁷¹ Of course, the Colonial Administrators were aware of the fact that by

¹⁷⁰ RAT/350, Informal Diary, Entry for 12th July 1943, NAG, Tamale.

¹⁷¹ See Appendix I at the end of text for Appendix "E" of the Wala Constitution, p 553.

depriving Bomi of the Wa-Naship they were breaching the very Constitution which they were supposed to be implementing as a matter of policy.

It is a true saying: "Once bitten, twice shy". When Hamid Bomi was de-enskinned in 1943 the Colonial Administration did not insist on the application of the Appendix "C" of the Constitution as it had done before in 1935-36. The rotational principle stipulated by the Appendix was quickly set aside. Thus, the Wa-Naship was awarded to the Busa gate even though it was the turn of Sing going by the rotational principle of succession to the Wa-Nan. The Busa-Na, Sumaila, accordingly was enskinned as the new Na of Wa.

The decision to dismiss Bomi taken by the Colonial Administration in 1943 marked the end of the Colonial policy of enforcing enacted customary law in Wa. When Wa-Na Sumaila died in 1949 the Wa-Naship was given to the Sing gate. It will be recalled that in 1943 the right of succession by turn conferred by the Constitution on the Sing gate was not enforced by the District Commissioner. Thus, when Koray of Sing took over the Nan in 1949 he was exercising a right, which, by the terms of the Constitution should have been exercised earlier in 1943. In 1953 Wa-Na Koray died and again the office of the Nan was vacant. If the 1938 Wala Constitution was anything to go by at this point in time then it was the turn of the Pirisi gate to take over the Nan. After all, Busa's Sumaila had taken it

in 1943 and Sing's Koray had it in 1949. When the time came for a new Na to be enskinned in 1954, however, the Colonial Administration agreed with the Wala State Councillors in awarding the Nan to Busa instead of Pirisi. Seidu of Busa was enskinned as the new Wa-Na. It was not until 1961 when Na Seidu died that the Naship came to the Pirisi gate.

The case of the Wala Constitution is very interesting. Firstly, it helps us to understand that for customary law to be enacted into good workable pieces of legislation it is necessary to carry out thorough research into the history and practice of such customary law. In the absence of thorough research, there is the real danger that the laws that are enacted will fail to reflect the actual meaning and spirit of such customary law. Once there is disagreement between what is in the Statute Book and what actually pertains in practice, custom-wise, there is bound to be disharmony culminating in a problem for those whose duty is to enforce the statute.

Secondly, the case of the Wala Constitution shows that legislation is not necessarily the solution to ambiguities in social structure or political authority. As Ivor Wilks has pointed out: "Clearly the Colonial Administration aspired to rid the Wala of ambiguities and contradictions inherent in the traditional body politic ...". Clauses were inserted in the Constitution to state unambiguously

the answers to old sensitive questions like:

- (a) how many gates in Wa were entitled to claim the right of succession to the Wa-Nan? Were there three, i.e. Busa, Sing and Pirisi, or were there four, i.e. Busa, Sing, Pirisi and Guli?¹⁷²
- (b) What was the order of succession to the Wa-Naship? Was it or was it not rotational between the various gates?¹⁷³
- (c) Who was the Wa-Na? Was he or was he not the ruler of all Wala?¹⁷⁴
- (d) Was the Na to hold his office for life?¹⁷⁵

Instead of the better understanding, reduced conflict and good order hoped for by the Colonial Administration, these clauses inserted in the Constitution brought about frustration, more conflict and more trouble for the British Administration and the Wala alike. As will be seen in the Chapters below, the 1933 Constitution, even long after Independence, was the root cause of conflict over succession to the Wa-Nan which, in the end led to an armed confrontation between princes. I am in perfect agreement with Wilks when he says: "the 1933 Constitution was a recipe for disaster".¹⁷⁶

¹⁷² See Appendix I at end of text for Appendix "C" of Wala Constitution, p 551.

¹⁷³ Ibid.

¹⁷⁴ For Appendix "A" to the Wala Constitution see Appendix I at end of text, p 549.

¹⁷⁵ See Appendix I at end of text for Appendix "E" of Wala Constitution, p 553.

¹⁷⁶ See Ivor Wilks, op.cit., pp.169-170.

CHAPTER SIX

THE ADMINISTRATION OF JUSTICE - NATIVE AND NON-NATIVE ADJUDICATION

As elsewhere in colonial Africa, the system of judicial administration that was adopted by the Colonial Government in Wa combined native and non-native adjudication. Apart from the Native Tribunal, or Native Court, of the Wa-Na, there was also the Magistrate Court of the District Commissioner. These two adjudicating authorities constituted one system of justice in the sense that they supplemented each other in the carrying out of their duties. Generally speaking the Na's Tribunal, or Court, dealt with civil cases and cases that involved less serious crime, while the District Commissioner's Court dealt with the more serious criminal offences in addition to discharging its function of hearing appeals against decisions taken by the Na. In this chapter we will, among other things, examine how and why the Wa-Na's court was seen in a different light by the Wala group leaders, on the one hand, and the District Commissioner, on the other.

There are a number of questions that must now be addressed:

- (a) How much judicial authority or power could the Wa-Na exercise?
- (b) Was the Wala group leader a judge over his group as he had been before Colonial rule?
- (c) What was the composition of the Wa-Na's Tribunal or Court?
- (d) How did the Na enforce his judgments?

It is an overstatement to say that the Wa-Na's judicial authority or power was vast so far as the Wala people were concerned. In order to be able to enforce the Native Administration (Northern Territories) Ordinance of January 1902 which provided inter alia "It shall be lawful for the Chief Commissioner to make, amend, and revoke rules with respect to ... the regulation of towns, villages and streets and the abatement of nuisances in or about towns and villages", a Wala Native Tribunal was set up in 1908 with the Wa-Na as its head.¹⁷⁷ Of course, the District Commissioner and the members of his small contingent could not be expected to be able to police all the streets and villages of Wala land themselves. Neither could they be expected to be able to hear each and every petty complaint or case in the land. Under such circumstances, when the military occupation of the Protectorate was formally brought to an end in 1908 and a civilian administration established, this Native Tribunal was set up to dispose of all those petty complaints and cases which had to be heard. There was no law spelling out the jurisdiction or otherwise of the Tribunal as such. In fact, legally speaking, it could only be said to have been validly established under the provisions of the Native Administration (Northern Territories) Ordinance already referred to.

One way by which we could get a reasonably accurate picture

¹⁷⁷ See Native Administration (Northern Territories) Ordinance No. 1 of 1902 in Laws of the Gold Coast, op.cit.

of how much judicial authority or power the Wa-Na exercised during British Colonial rule in Wa is to turn to the Native Courts (Northern Territories) Ordinance. The Native Courts (Northern Territories) Ordinance, No. 31 of 1935, was the enactment which for the first time in the history of the Protectorate spelt out in some detail the jurisdiction, the composition, etc.... of the Native adjudicating bodies.

Section 7(1) of this Ordinance provided:

"Every Native Court shall have full jurisdiction and power, to the extent set forth in the order establishing it and subject to the provisions of this Ordinance in all civil and criminal cases in which all the parties are natives and the defendant was at the time when the cause of action arose resident or being within the jurisdiction of the Court or in the case of a criminal matter is accused of having wholly or in part within the jurisdiction of the Court, committed or been accessory to the committing of an offence".¹⁷⁸

In furtherance of the indirect rule policy of administration introduced in Wa in 1932 by the Colonial Government, a Wala State Tribunal (Wa) was established. A letter from the Wa District Commissioner's Office, dated 3rd September 1932, was sent to the Chief Commissioner of the Northern Territories with the names and titles of the members of the Wala State Tribunal: "In accordance with your request I submit the names and titles of the members of the Wa State Tribunal.

¹⁷⁸ See Native Courts (Northern Territories) Ordinance in Laws of the Gold Coast, op.cit., Section 7(1).

NameTitle

Na Peripo Wala, sitting with such Wa Na chief or chiefs of the State Council as may be expedient.

| | |
|------------------------------|---------|
| Wedona Lobi | Tindana |
| Toumini Lobi | Tindana |
| Kpanyina Gonja | Tindana |
| Sokpairi Wala | Tindana |
| * Wala (head of the Muslims) | Yirana |
| Jangu Wala | Choumi |
| Lamnii Wala | Dogfa |

* Died 9th August 1932 - successor not yet appointed".¹⁷⁹

In the Appendix "B" of the Wala Constitution which came into force in July 1933 the then Na, Pelpuo III, made a declaration affirming that the following were the judicial councillors of the Wala State Council.

Judicial Councillors

We-Dana

Foriko

Salanga

Kabuydana

Ijesi dana

Yarina (office vacant)

Tandagger-Na

Sanba-dana"¹⁸⁰

Thus, what the Native Courts (Northern Territories) Ordinance did in 1935 so far as Wa was concerned, in fact, was only to give legal regularity to an already existing

¹⁷⁹ See RAT/256, Tamale. Letter to Chief Commissioner of the Northern Territories, 3rd September 1932, NAG, Tamale.

¹⁸⁰ See Appendices to the Wala Constitution, Appendix B at the end of text below (Appendix I), p 550.

native adjudicating body. The Colonial Administration, it would appear, wanted to make sure their ideal of native adjudication as was conceived was a practicable one before the time came to endorse it with the stamp of legal validity. One gets this impression because in 1933 the acting District Commissioner, Dixon, travelled over the length and breadth of Wa and all the provinces then under it explaining to people how the new system was to be operated. On 20th July 1933, the District Commissioner at Kaleo observed: "Kaleo-Na very pleased with Saturday's events and he has a tribunal more or less working. Says he won't deal with people from other divisions and sent two back only yesterday".¹⁸¹

On 25th July that year Dixon reported a visit to Bussie where he "saw Bussie-na and his headmen and councillors ... He seems to have the nucleus of a tribunal and explained to him and his people that there must be no more running direct to Wana or to Kaleo-na. Cases arising in his division must first be dealt with by him".¹⁸² Two days later the District Commissioner was at Issa and Kiyoperi where he was met by both chiefs. He "explained about tribunals and emphasised that cases arising in division. Left them to discuss formation of their tribunals and make

¹⁸¹ See RAT/240, Informal Diary (Wa District) Entry for 20th July 1933, NAG, Tamale.

¹⁸² See *ibid.*, Entry for 25th July 1933.

certain that they are properly constituted".¹⁸³ On 10th August the same year, Dixon noted: "To Bulenga. Usual propaganda about the working of tribunals, i.e. that cases must first go to the local chief and from there to Wana (Wa-Na) and then to me and not direct to either of us as in the past".¹⁸⁴ A week later he again wrote in his diary: "At Darimon usual talks about what are at present the stock subjects. The only question the Darimon-na asked was what his fees would be in his tribunal!".¹⁸⁵

All the Native Tribunals created by the District Commissioner in 1933 automatically became Native Courts with the coming into force of the Native Courts (Northern Territories) Ordinance in 1935. The Section Two of the Ordinance among other things defined a Native as: "a person of African descent: provided always that the expression shall not include any person who does not belong to a class of persons who have ordinarily been subject to the jurisdiction of Native Tribunals"; and a Native Court as: "a Native Court established under this Ordinance".

So far as the Wala people were concerned the Wa-Na was the chief if not the supreme judge. In Wa the Native Court was simply known as "The 'Wa-Na's court". The native police force which was set up under the Native Authority (Northern

¹⁸³ See *ibid.*, Entry for 27th July 1933.

¹⁸⁴ See *Ibid.*, Entry for 10th August 1933.

¹⁸⁵ See *ibid.*, Entry for 17th August 1933.

Territories) Ordinance to enforce the law within the local jurisdiction was also known as the "Na Kanboali" (people sent by the Na to arrest). The Section Three of the Native Courts (Northern Territories) Ordinance provided: "Any person who shall exercise or attempt to exercise judicial powers except under the authority of and in accordance with the provisions of any ordinance or who shall sit as a member of a Native Court without due authority shall be liable, on conviction before a Magistrates Court, to a fine not exceeding £50 or to be imprisoned with or without hard labour for any term not exceeding six months or to both such fine and imprisonment". What this meant in effect was that in Wa the Na's Court, of which the Na was president, was the only authority entitled to adjudicate in cases. The independent judicial authority or power which the Wala Group head exercised over the members of his group before colonial rule was not recognised by Colonial Law. Thus, so far as native jurisdiction in Wa was concerned, the Wa-Na was capable of exercising a vast amount of power.

Looked at from the point of view of the Colonial Administration, however, the matter was different. Section 23(1) of the Ordinance said: "The Chief Commissioner or a District Commissioner shall at all times have access to all Native Courts in the Northern Territories and to the records of such Native Courts, and may

- (a) review any of the proceedings of the Native Court, whether civil or criminal, or

(b) order the case to be tried either by the same Native Court or before any other court of competent jurisdiction."

So far as the Colonial Administration was concerned the Wa-Na's Court was a lesser court of only some amount of jurisdiction. Before colonial rule each Wala group leadership had the judicial competence by Wala Lesiri to adjudicate in all cases and disputes that arose between the members of his group. It was only when he was unable to settle the dispute, or when the dispute was one which also involved the members of a different Wala group that he, the group head, was bound to bring the matter before the Wa-Na at the Nayiri. This kind of judicial system did not appeal to the Colonial Government. The Native Courts (Northern Territories) Ordinance concentrated judicial power in the hands of the Native Court, which, in the case of the Wala, was the Wa-Na and his judicial councillors mentioned in Appendix "B" of the Wala Constitution of 1933. The Section 3(1) of the Ordinance, which has already been quoted at length, made it abundantly clear that any person who exercised or attempted to exercise any judicial power found to be unlawful was liable, on conviction, to a fine or to imprisonment with or without hard labour, or to both such fine and imprisonment. Under such circumstances, the Wa-Liman, who was the group head for the Limahi group, could not hope to exercise any independent judicial authority or power as he had done before colonial rule without

committing an offence under the aforementioned clause of the Ordinance. The Liman was not included in the list of judicial councillors provided by the 1933 constitution and was thus not a member of the Wa Native Court. Even the Yeri-Na and the Tindana, who were members of the Na's court, could not claim to have judicial powers independent of the Na. If anything at all, they could only act extra-judicially as arbitrators in disputes that arose between the members of their respective groups. Such extra-judicial right to arbitration, however, was far from the real right to adjudicate to which each of them had been entitled in the pre-colonial era. With regard to extra-judicial arbitration, the Section 3(3) of the Ordinance said: "Nothing in this Ordinance contained shall be deemed to effect the power of any native or Native Authority to act extra-judicially as an arbitrator in any dispute of a petty nature in respect of which the parties thereto consent to his so acting under native customary law; but recourse shall not be had for the purpose of enforcing the award to the power or facilities provided by this Ordinance". In the end, the truth of the matter is that if the Wala group leader in the pre-colonial days was a judge in his own right over his peoples, during colonial rule he lost his judicial powers to the Native Court presided over by the Na.

The Na's court normally sat with a membership of eight judicial councillors, in addition to the Na who acted as

president. Section 4(1) of the Ordinance provided: "A Native Court shall consist of head chiefs, sub-divisional chiefs or a sub-divisional chief, or chiefs or a chief, or any other person or persons, or any combination of any such authorities and persons". From the above quotation of the law, it can be seen clearly that the Wa-Na's Court which always consisted of a combination of chiefs and other persons, was properly constituted.

Nonetheless, there is something about the Native Court of Colonial Wa which is not altogether easy to understand. In the beginning, when the Wa State Tribunal was being established in 1932, the list of names and titles of the members which was submitted by the District Commissioner to the Chief Commissioner included the names and titles of several persons, mention of whom was not made at all in the final document, i.e. the Wala Constitution signed the following year. The District Commissioner mentioned in his letter four persons described as Tindanas: Weedana Lobi, Tuomini Lobi, Kpanyuna Gonja, Sokpairi Wala. Of the four only two, Wandana and Tamini (Foroko), were mentioned as judicial councillors in the Constitution. What is more, Lamini, who held the title of Dogba, and Jangu, who held the title of Chaumi (Chouni) mentioned by the District Commissioners as members of the Wa State Tribunal, were left out of the Constitution. Not only were their names left out but also the titles which they held. As a matter of fact, four of the eight people declared by Na-Pelpuo in

the Appendix "B" of the Constitution as the judicial councillors of Wa, it would appear, were people who were only brought into the scene later. They were: Salanga, Kabuydana, Ijesi-dana, Tandagger-Na and the Samba-dana. With the exception of the Samba-dana who was from the Dzengba-Yiri section of the Muslim community, all the people mentioned above had strong Wa-Nabihi connections. The Tandagger-Na was traditionally the man in charge of the shrine of tomb-stones of the Wa-Nas; the Ijesi-dana (Yijihi-dana) was the head-elder of the Yijihi gate etc. It is, therefore, reasonable to assume that these people were brought into Wala Native Administration by Na Pelpuo III so as to strengthen the position of his group and himself. Whatever happened, it is true that so far as the composition of the Wa Native Court was concerned an effect was made to draw its membership from the different communities and not just from the Wa-Nebihi group. In this aspect of its composition, the Wa Native Court reflected the pre-colonial Nayiri of the Wa-Na.

Unlike in the pre-colonial period, in the colonial days the Na did not have to seek the consent or opinion of any Wala group head in the enforcement of his judgments. Section 12 of the Native Courts (Northern Territories) Ordinance said:

"Every person sentenced by a Native Court to imprisonment or taken in execution of the process of such court shall be detained in a place authorised by the Chief Commissioner as a native prison; provided that where there is no such authorised native prison in which such prisoners can be detained he may be detained in a prison established under the Prisons Ordinance".

Section 15 of the Ordinance added:

"Any judgment or order given or made by a Native Court in a civil cause or matter may be enforced by seizure and sale of the property of the person condemned therein, or by such other methods of enforcing judgments and orders as may be prescribed by rules".

These two clauses of the Ordinance gave the Wa-Na all the power he needed for the enforcement of his decisions.

Even where he found out that he needed help to enforce the decision of his Court, it was, of course, to the District Commissioner he could go and not to any Wala group leader in the town. In its 38th Section, the Ordinance provided: "It shall be lawful for the District Commissioner at his discretion to carry out a lawful sentence or enforce a lawful judgment of a Native Court".

As in the other spheres of administration, the Colonial Government in the administration of justice succeeded in making the Wa-Na the exclusive fountain of Native Judicial Authority. It was not until the dawn of Independence when the Na had to relinquish most of his judicial powers to the Magistrates Court. Five years before Independence, the State Council's (Norther Territories) Ordinance, No. 5 of 1952 was passed. Its 8th Section said:

"A State Council may, in respect of any matter of a constitutional nature, impose customary constitutional sanctions and may make any customary award of a civil nature, including an award of amends to an injured person, but nothing in this ordinance shall be deemed to authorise a state council to punish any person by imposing a fine or awarding a term of imprisonment, and subject to the provisions of 14 of this ordinance

no customary award or sanction shall be made or imposed which will involve the delivery or disposal of property or the payment of money exceeding £25 in value".¹⁸⁶

With the coming into force of this Ordinance, most of the powers by which the Wa-Na was able to enforce his judgments became extinct. Although the Ordinance of 1952 contained a clause to protect the lawful power and authority of chiefs, this did not help much. Section 23(1) said: "Any person who commits any act with intent to undermine the lawful power and authority of a chief shall be guilty of an offence and shall be liable to a fine not exceeding £100 or to imprisonment for a term not exceeding one year".¹⁸⁷

¹⁸⁶ State Councils (Northern Territories) Ordinance No. 5 of 1952, Section 8. In Annual Volume of the Laws of the Gold Coast containing all legislation enacted during the year 1952 (Accra, 1953).

¹⁸⁷ Ibid., Section 23(1).

CHAPTER SEVEN

PARTY POLITICS IN WA

There are a number of questions about colonial Wa which we cannot afford to overlook in this study - when did political parties first come to Wa? How did the activities of the political parties affect the then Wala society? What actually caused the fighting and unrest in Wa in 1951? Was the trouble simply the result of the activities of the newly established political parties? In this chapter it is our aim to answer all these questions.

In a nutshell, party politics found its way to Wa during the first few years of the second half of this century during the reign of Wa-Na Mumuni Koray.

The first political party to appear in the Wala scene was the United Gold Coast Convention (U.G.C.C.). Its first senior members visited Wa in 1949, the same year Mumuni Koray became Wa-Na. The U.G.C.C. advocated a gradual transition of the country to what was called "self-government". The support of the Wa-Na was solicited by the Party, and the U.G.C.C. began gaining ground in Wa.

The Convention Peoples Party (C.P.P.) arrived in 1950. Its message to the people was "self-government now". It was thus the more radical of the two parties. Its message of immediate self-government for the country appealed to many.

In 1951, the Colonial Administration, as part of a programme to prepare the Gold Coast for self-government or independence for the first time in the history of the country organised free and fair elections. Not surprisingly the C.P.P. emerged victorious.

It is a paradox that though as in 1951 both the U.G.C.C. and the C.P.P., the two dominant parties of the then Gold Coast, had established some contact with the Northern Territories (N.T.), voting in this part of the country was not done on party basis. In the Northern Territories there were 19 seats to be filled by candidates elected by a special electoral college. About this special electoral college established in the Northern Territories, Dennis Austin writes:

"There were 120 electors in the electoral college. The 16 members of the Northern Territories Council, and 104 additional delegates chosen on a population basis by district councils based on grouped native authorities. There were thirty-four candidates for the nineteen seats.

But (as the Report on the First election noted) the members found 'considerable difficulty ... particularly illiterate electors, in deciding how they should cast the nineteen votes', for few of the candidates were known personally to all of them".¹⁸⁸

One of the nineteen candidates elected by the Northern Territories electoral college was Mumuni Koray the Paramount Chief of Wa. The Wa-Na thereupon became a member

¹⁸⁸ See Dennis Austin, Politics in Ghana 1946-1960 Oxford University Press, Amen House, London E.C.4, 1964, p.147.

of the National Legislative Assembly in Accra. Having been elected on a non-partisan basis the 19 members of the Assembly from the Northern Territories were free to associate themselves with either the U.G.C.C. or the C.P.P.

As has already been explained in the paragraph above, Wa-Na Mumuni Koray won one of the nineteen seats of the Northern Territories, thereby becoming a member of the National Assembly. There were other successful candidates also from Wa. They were the Dorimon-Na, Abudu Mumuni and the Katua-Na, Seidu. Wa-Na Mumuni Koray, with the Katua-Na and the Dorimon-Na behind him chose to associate himself with the U.G.C.C., which was the first of the two parties to make contact with Wa.

For reasons that were not altogether obvious, support for the C.P.P. in Wa, however, was beginning to grow rapidly. In June 1951, while the Wa-Na was busy carrying out his duty in the Legislative Assembly in Accra, the Wa Liman, Mahmud Saghir died. Fearing that the Wa-Na who was himself an Ahmadi Muslim might try to appoint a fellow Ahmadi as Wa Liman, the Orthodox Muslims quickly proclaimed Soribo as Liman even before Mumuni Koray could return to Wa. When the Wa-Na returned home he refused to recognise the installation of Soribo. Instead, he appointed Salih bn Alhasan, the Ahmadi preacher and leader, to the post. The Orthodox Muslims in turn refused to recognise the appointment of Salih bn Alhasan. There was a constitutional

deadlock in Wa.¹⁸⁹

Finding themselves in opposition to the Wa-Na the Orthodox Muslims began to undermine the authority of Mumuni Koray. For instance, it is said that they started organising the candidature of the Ducie-Na, Mahmud of the Yijihi-gate, for the Wa-Naship.¹⁹⁰ The fact that the members of the Yijihi gate allowed Mahmud to lead the Orthodox-inspired rebellion against the Wa-Na caused disquiet among the members of the Dzonyohi gate. As a show of their support for the Wa-Na, Mumuni Koray, who was himself their kinsman, the people of Dzonyohi began to join the U.G.C.C. and also embrace the Ahmadiya faith. The argument put forward by the Orthodox muslims in the dispute was that once there could be two Wa Limans, there could also be two Wa-Nas.

It was in further reaction against the stance of the Wa-Na that in 1951 the Orthodox Muslims came out openly and en masse in support of the C.P.P. Furthermore they proclaimed the CPP as a party for only Orthodox Muslims. In this they were lead by Mumuni Adama (Mumuni Agofo) a literate from the Dondoli section of the Limahi group. Thus, the trouble which occurred in Wa in 1951 took three forms - (a) political party against political party (UGCC against CPP);

¹⁸⁹ For a detailed discussion of the Constitutional issues of Lesiri that arose, in the conflict between Wa-Na Mumuni Koray and the Orthodox Muslims in 1951. See Part 6 Chapter 3 below, p 408 and 409.

¹⁹⁰ See Ivor Wilks, *op.cit.*, 1989, p.188.

(b) Orthodox Muslims against Ahmadi Muslims; (c) Yijihi princes against Dzonyohi princes. In respect of (a), it is true that until the death of Mumuni Koray the UGCC remained the majority party. In the case of (b) Salih Bn Al Hassan, the Ahmadi who was appointed as Liman by the Wa-Na, remained in the post until the Na's death. After the death of the Na however, he was deposed. In the third case (c), Mahmud of Yijihi was never able to take over the Nan from Mumuni Koray who held it until his death in 1953. From June to December 1951 there was unrest and tension in the town between the CPP which was comprised mainly of Orthodox Muslims on the one hand, and the UGCC which was made up of the Ahmadis and people supporting the Wa-Na on the other.

Matters came to a head when J.B. Jinsun, an Ahmadi and supporter of the UGCC, one day repeatedly challenged the speakers at a CPP rally. Violence broke out and soon developed into fighting between the two factions. Mr. R.S. Iddrisu who was the chairman of the CPP in the Northern Territories came to Wa to investigate the matter. After his investigations, he publicly took the stand that the CPP was open to all people of all religions and not just Orthodox Muslims. R.S. Iddrisu was himself an Ahmadi Muslim. For some, therefore, it was unfortunate that he should have been sent in the first place to investigate the affair.

While admitting that the coming of party politics to Wa at the beginning of the second half of this century helped to

complicate further the already complex situation of social groupings and religious rivalry among the Wala, it is hard to say that it was the political parties per se which caused the troubles in the town. The crisis had political as well as religious undertones. A trouble or dispute which has three dimensions like the one which occurred in Wa in 1951 cannot justifiably be assessed in the light of only one dimension. In order to throw more light on the subject, we will take a glance at a magazine commentary written at the time about the crisis in Wa:

"There is, however, one exception - Wa, in the North-West of the N.Ts. The CPP branch here is causing everybody a headache - not least the CPPs regional organisers. Versions of last October's disturbances differ, but, as I said in my article last week, Wa is certainly not typical of CPP branches in the NTS. Certainly it seems that the clash between the Wa-Na's followers and CPP members was really a reflection of the split between the Ahmadiyyans (of whom the Wa-Na is one) and non-Ahmadiyyans or orthodox muslims, from whom the CPP draws its main support. Another version claims that the CPP was being used by a faction anxious to remove the Wa-Na."

(The commentary continues).

"Wa is the Exception

Wa, then, is an exception to the rule that the CPP now has little difficulty in getting official permission to hold a meeting in the NTS; the branch in Wa has not permission only because a meeting may result in further disturbance though local branch members are convinced that it would not do so. The important point to note is that whereas previously a DC or Chief may have refused to grant a permit, it is now the Regional headquarters of the party itself which is the obstacle. If the DC is approached for permission to hold a meeting, he can say - what is true - that Regional headquarters does not officially recognise the Wa branch of the CPP and that the Regional Chairman has asked him to withhold permission for the time being from the branch officers to call a local meeting.

CPP members in the North have been glad to learn that the party will reimburse the officers and members at Wa who were fined in all £118 for their part in the disturbances. The Wa-Na has subsequently explained to Mr Nkrumah, as Chairman of the CPP, that he has no opposition to the CPP as a party; he was only against certain members of the CPP branch at Wa who were trying to undermine his authority. Mr. Adam, CPP Regional propaganda secretary, in fact claims that the chief has now promised his support to the party for the future, and that his followers and supporters have since joined the CPP. But when one learns that of the eight hundred or more members of the Wa branch of the CPP only nine are at the moment Ahmadiyyans and nearly all the rest are Orthodox Mohammedans, one suspects that at least the latter part of his statement is rather a hope expressed for the future than a fact. It seems that there is still too much difference in viewpoint between orthodox and unorthodox Mohammedans for them to combine in a political party".¹⁹¹

Whatever the reason for the disturbances, the CPP was involved and it was perhaps unfortunate that Mr Iddrisu, CPP chairman in the NTS, himself an Ahmadiya and therefore a potential party to the dispute, should have been sent by party headquarters in Accra to investigate and settle the trouble. Mr. Iddrisu, at Wa, said that the CPP was a purely political organisation open to people of all religions; the party was well aware too, of the value of chieftainship; however, in view of the possibility of a further clash, his ruling as Regional Chairman was that the branch should hold no more meetings in Wa unless an outside speaker should visit the town.

¹⁹¹ See "C.P.P. Finds its Feet in the North", No. 1823 of West Africa Volume XXXVI, February 2nd 1952, p.85.

CHAPTER EIGHT

THE ACEPHALOUS PEOPLES AND THE COLONIAL POWER

It has been shown above in this Part that it was the policy of the British Colonial Administration to support and emphasise the position and authority of Native Chiefs with a view to harnessing the institution of chieftaincy as a means of administering the Protectorate. It is now to be shown that even in societies where there were no chiefs, the Colonial Administration, as a matter of policy brought all such societies under the same control of those societies which had chiefs.

Before colonial rule, Wa was surrounded by several acephalous societies, i.e. societies without any centralised form of administration or government. The Dagaba, the Lobi, the Fufula, the Sisala, the Chakali and the Pasala peoples who occupied the surrounding country were all acephalous societies. After British soldiers took over Wa in 1898-99, one of the first things they did was to establish a firm control over the surrounding country.

Lieutenant-Colonel Northcott who led the British forces had to sign treaties with those villages within the acephalous societies which perhaps appeared to him to be strong independent entities. Treaties were signed at: "Wecheu 2/1/98, Dorumon 2/1/98, Issa 9/1/98, Busie 10/1/98, Wogu 10/1/98, Nadoli 11/1/98, etc." To the best of our

knowledge no Treaty was signed with any village in Chakali. What was interesting about these treaties was that each was signed supposedly by Lieutenant-Colonel Northcott who acted for the British Crown and the ruler of the village concerned. The rulers of these villages were described in the Treaties as chiefs or as kings even though the institution of chieftaincy or kingship was non-existent. Let us take the Treaty with Nadoli as an illustration:

"Treaty with Nadawle (Nadoli)
11 January, 1898

Article 1

The King, Chiefs and Principal Headmen of Nadawle, having declared that they have not made any treaty with any other Power, do hereby voluntarily place their country under the protection of Great Britain.

Article 2

Her Majesty's subject, Lieutenant-Colonial Northcott, for and on behalf of Her Most Gracious Majesty Victoria, Queen of Great Britain and Ireland, Empress of India, etc., etc., hereby takes the country of Nadawle under the protection of Great Britain.

Article 3

In consideration of the protection guaranteed by Great Britain, the King, Chiefs and Principal Headmen of Nadawle undertake to keep their main roads in good order, to encourage trade, and to give facilities to traders being British subjects; and not to cede their territory to, or enter into any agreement, arrangement, or treaty with any foreign Power, except through and with the consent of the Government of Her Majesty the Queen Empress.

Article 4

The Kings, Chiefs and Principal Headmen of Nadawle agree to refer any dispute that may arise between themselves and any chief bordering on their country, or amongst themselves, to such officer as the Commissioner and Commandant, Northern Territories, Gold Coast, shall, from time to time appoint, and to accept his decision

as final and binding."¹⁹²

The riddle about chieftaincy in Nadawle (Nadoli) implied in the above Treaty was answered in 1987 by the Nadoli-Na.

"In the beginning two English officers came to Nadoli, the first, (perhaps Captain Henderson in 1896) appointed Bapenle as chief of Nadoli. Until then there was no chief in the village. It was the Nadoli-Tindamba, the Peniyelia, who administered the village. Sometime later the second English officer arrived (perhaps Lieut.Colonel Northcott in 1898). He signed a treaty with Kanle, the son of Bapenle who was then acting as chief."¹⁹³

Until 1908 the Black Volta District, as the area was then called, was under military administration. From 1908 onwards, however, a civilian administration took the place of the military. For the Wala who were a centralised group society practising Nan, the Colonial Administration appointed in 1908 a Native Tribunal with the Wa-Na, Dangana, as its head. In the case of the acephalous peoples of the surrounding countryside, however, there was a real problem.

For the colonial government, the best way to administer the acephalous peoples was to bring them all under the effective authority of the strong chief in the region. This view of the Colonial Government was well expressed by Governor Guggisberg, fourteen years after the establishment

¹⁹² See G.E. Metcalfe, Great Britain and Ghana Documents of Ghana History 1807-1957, published on behalf of the University of Ghana by Thomas Nelson & Sons Ltd., 1964, pp. 502-503.

¹⁹³ Interview with Nadoli-Na Dalsa II, 1987.

of civilian administration in the Protectorate. He said: "Our policy must be to maintain any paramount Chiefs that exist and gradually absorb under these any small communities scattered about".¹⁹⁴

In fact, even before the views of the Colonial Government were made public at the 1921 conference, the process of absorbing scattered small towns and villages under the authority of strong chiefs had begun. Between 1900 and 1915, in a gradual way, the Chakali, Fufula, Pasala, Dagaba, Lobi and Sisala were all brought under the authority of Wa-Na Dangana, and were amalgamated into a single provincial edifice. "The apogee of Danagana's reign", says Wilks, "was indeed in 1914, when the Na's jurisdiction was enlarged to embrace the Lawra and Tumu districts, historically never part of the Wala polity".¹⁹⁵ It was like helping the Wa-Na to establish an empire. In any village where there was no one bearing the title of "chief" any man considered to be suitable for the job was appointed and then designated with the title of chief of Na. Once all such newly-established chiefships came under the Wa-Naship as subordinates it became possible for the Colonial Administration to channel orders and instructions to all these different peoples through the Wa-Na with whom the District Commissioner resided at Wa town. Indeed, by

¹⁹⁴ Conference of Chiefs held by Governor Guggisberg in 1921, cited above, p 198 and 199.

¹⁹⁵ See Wilks, *op.cit.*, p.157.

1939 the then District Commissioner was able to remark: "It does not seem out of place to remark that today the Administrative Officer keeps in touch with the whole Division by working through and in co-operation with Native Authority which, though not indigenous, is endowed with a long tradition of rule. Orders and advice can be effectively communicated to some 75,000 fairly primitive people through a system of de-centralised control based on tribal areas".¹⁹⁶

ACEPHALOUS CHAKALI - A CASE STUDY

We will now proceed to see what happened to acephalous Chakali, which is our study case. With the establishment of the Pax Britannica, all warfare between the native inhabitants of the Northern Territories Protectorate was placed under ban. In fact, there was no danger of attack from freebooters like Babatu for any town or village in the Protectorate to feel afraid of. Under such circumstances the only problems which faced the Wa-Na and for which he needed the assistance of the Chakali Kanbonghi was the sporadic and stiff opposition to his authority in Wa town by the Muslim groups. In 1928 when a dispute between the Na and the Yerihi got out of hand, the Na, Pelpuo, started the mobilisation of the Chakali Kanbonghi. Again, in 1951, when serious trouble broke out in Wa between Wa-Na Koray and the Yerihi, armed men from the Chakali Kanbonghi

¹⁹⁶ RAT/446 NAG Tamale. Annual Report for Wala District 1938/49.

villages were called in to the town.

Although in each of these cases the Wa-Na's call for military assistance was not refused by the Chakali Kanbonghi, it would appear that some of the villages did not approve of the measures adopted by the Nas. For some the duty to be performed by the Chakali Kanbonghi warriors was to fight external enemy forces attacking either Wa or any of the villages which were members of the alliance. In their view it was improper for any Wa-Na to assemble the Chakali Kanbonghi army for the purpose of fighting one of the component groups of Wa.¹⁹⁷

If, in the pre-colonial period, the Chakali villages occupied a definitive position in their relations with Wa and the Wa-Na, during colonial rule they lost it. Before colonial rule all Chakali villages, like Bulenga and Dupari, were members of the Chakali-Walea alliance, which in turn was part of Wa Kanbonghi or Wa Grand Alliance, for it comprised groups of all descriptions - village and town, Muslim and non-Muslim, horse and foot, etc.. Each Chakali village had a Bong-Na (war chief) who led the fighting men away to join the main Kanbonghi army in times of war.

¹⁹⁷ It would appear that some of the Chakali Kanbonghi warriors obeyed the Wa-Na's call to arms more out of fear than out of respect for tradition. The Wa-Na, during colonial rule, exercised real power over the villages. In 1981, long after Independence, when the Chakali Kanbonghi were called in similar circumstances to arms, most of them refused.

Definitively, each member village of the Chakali wing of the Wa Kanbonghi was an ally of the Wa-Na. In other words, it was a village that would come to the aid of the Wa-Na whenever he was at war with a foreign enemy. Thus, before the advent of colonial rule, the position of Bulenga and its Bong-Na was one in which they retained their identity as Chakali and not Wala.

During colonial rule, however, the position of the Chakali village and its Bong-Na became more and more ambiguous. Between the Wa-Na and the Bong-Na, the Bong-Na was treated as an ally and a non-Wala. However, it would appear that between the Wa-Na and the Colonial Administration, the Wa-Na presented the Bong-Na and the Chakali people as ordinary Wala people who were part and parcel of the Wa kingdom.

There is one good reason for this suggestion. R.S. Rattray, who was the official anthropologist of the Colonial Government, made no mention at all of Chakali in his book, which to the Colonial Administration was an authoritative account of the ethnography of the Northern Territories Protectorate. The book, which bore the title The Tribes of the Ashanti Hinterland, contained at least a chapter on every tribe (people) known in the Protectorate. One of the Chakali villages, Katua, was mentioned and dealt with by Rattray as an Isala (Sisala) community.¹⁹⁸ What is

¹⁹⁸ See R.S. Rattray, The Tribes of the Ashanti Hinterland, Vol. II (Oxford, 1932), p.469.

most puzzling about Rattray's work is that only Katua was taken for a Sisala village. This cannot be due to the fact that the Chakali and Sisala are similar for if it were then the other Chakali villages which all spoke Chakali dialect would all have been treated as Sisala. However, all the other Chakali villages were, apparently, taken by him to be Wala. It is more likely than not that the Colonial Administrative officer as well as the anthropologist whom they employed did not know the truth of the matter. Rattray certainly did not know that Katua, Chagu, Bulenga, Ducie, Tuasa, Motigu, etc. ... were villages which together constituted a society with the name Chakali and which spoke Chakali dialects in addition to the Wala dialect, which was fast developing into the local lingua-franca.

As a result of the indirect rule policy of administration introduced in Wa in 1932, Native Tribunals were established not just in Wa town but also in all the divisions. Unlike the other acephalous peoples, i.e. the Dagaba, Lobi and Sisala, the Chakali people had no divisions of their own. They were all part and parcel of the Wala Busa Division under the authority of a Wala Divisional Chief (the Busa-Na). What this meant in practice was that before, say, an aggrieved Chakali man could be heard by the District Commissioner, he had to pass his case through the Busa-Na who was the Wala prince in charge of the Division, then through the Wa-Na who was the paramount chief and Native Authority of all Wala and then, and only then, to the

District Commissioner. Few, if any of the complaints of the Chakali people in fact ever got as far as the District Commissioner's Court. This is because most of the Chakali complaints were complaints against wrongs suffered at the hands of people who were blood relatives or close associates of the Busa-Na or the Wa-Na. Of course, neither the Busa-Na nor the Wa-Na would bring to the notice of the District Commissioner a complaint which, if investigated, might lead to the arrest and punishment of a brother or friend. It was a vicious cycle of injustice. The more the complaints of the Chakali people failed to reach the District Commissioner the more frequent were the injustices perpetrated against them by the Wala chiefs and their associates. "In those days", said Bodai Wisa, who was Taotina of Ducie, "the Wala chiefs and princes did what they liked to Chakali men and women. The only few exceptions were those Chakali men who were strong in magic and were therefore feared by the Wala chiefs or those Chakali people who were related to the Wala chiefs either through blood or marriage".¹⁹⁹

FROM CO-OPERATION TO POWER

Before the establishment of the Colonial System, leadership in society, generally speaking, was effected through authority based on co-operation. Every group in Wa had its own customary leadership. These customary group leaders, by Lesiri, regarded the Wa-Na as the leader and spokesman

¹⁹⁹ Information received at Ducie, 1981.

for all Wala. The Na whose policies and actions were beneficial to the various groups was sure to command the strong support of the Wala Nimbera and thus was likely to be a powerful Na by Wala standards. The Na who was selfish in his actions or who did not care about the welfare of the various Wala groups, however, had little or no authority at all over the various groups. Similarly, the Chakali villages were loyal friends of the Wa-Na in the pre-colonial period precisely because it was around him, the Wa-Na, that they would rally in order to present a united front against external enemies. It was a role each Wa-Na knew he had to perform properly if he was to retain his authority as leader of the Kanbonghi alliance. Co-operation was the very essence of authority in the pre-colonial period.

In the colonial days however, leadership, but the leadership of the Wa-Na in particular, saw a shift in emphasis from authority based on co-operation to authority backed by force, i.e. power. This shift in emphasis took a gradual form and only became complete when the relevant Ordinances were passed to give legal backing to the indirect rule policy of administration that was introduced and implemented. The carrying out of the orders of the District Commissioner became the foremost concern of the Na. The enhanced authority and position which he occupied, the Native Court over which he presided and the Native Police which he had at his command, would not be sustained

by the Colonial Administration if he, the Na, did not exhibit good faith and sincere commitment to duty. In the effort to exhibit commitment to duty and good faith to the Colonial Government, however, some Nas came into trouble with some of the Wala groups. This was what happened in the case of Sumaila.

It is true that when some of the Nas realised that by means of the power they had from the Colonial Government, they could act without necessarily seeking the help or co-operation of the Wala groups or Kanbonghi villages as was the practice in pre-colonial times, they began to abuse the rights and freedoms of those groups and villages. Unlike Na Mama Fuo who reigned over a group society in which the leaders of the different groups rallied around him to discuss the common problems of society, Na Pelpuo was the paramount chief and Native Authority of a Native State. In his hands was a vast amount of power which he exercised over the native peoples within his jurisdiction. Under such favourable circumstances some of the Nas during colonial rule forgot most of their customary responsibilities not only towards the component Wala groups and their respective leadership but also the Kanbonghi villages and their respective Bong-Nas.

While it is true that the power placed in the hands of chiefs by the Colonial Government during the colonial period might have made them corrupt in the discharge of

their traditional chiefly functions, it must be borne in mind that sometimes the chiefs were themselves no better off than their subjects. Between the native paramount chief and the District Commissioner, the going was sometimes tough. Let me at this juncture quote from the account given by J.R. Goody and J.A. Braimah of Kpembewura Timu under Indirect Rule:

"The Kpembewura was addressed by the British officer as 'my good friend' but the treatment he got from him was worse than that of a slave. Practically every week carriers were demanded to take loads to Kumasi, Tamale and Kintampo. Imoru was then Leppowwa, the right hand man of the chief, and he and Chuawura Sulemana were often on horseback for twenty-four hours a day, going from village to village to conscript carriers ... The Constabulary also went round seizing men to make up the quotas demanded. Whips were constantly at mens backs and there was no-one to complain to. When carriers were required, the Kpembewura was made to sit in the sun until the number of men had been made up, even though he was a sick man who could ill stand it".²⁰⁰

The fact of the matter about the colonial system was that, whilst the British Colonial Administration lorded it over the native paramount chief, he, the native paramount chief, for his part lorded it over those who were in his power.

Drastic measures were taken by the Colonial Government against any native paramount chief who openly disagreed with the administration or who challenged its policies. For instance, the Ordinance known as "The Deportation of Yaya and Osumanu (Northern Territories) Ordinance" No. 3 of

²⁰⁰ See J.R. Goody and J.A. Braimah, Salaga: The Struggle for Power (Oxford, 1987), p.62.

1918, was passed purportedly to deport Yaya, chief of Bole and Osumanu, Court Interpreter, not just from the Bole country but the entire Northern Territories Protectorate.

Section 3 of this Ordinance said: "It shall be lawful for the Chief Commissioner of the Protectorate by an order under his hand to order the deportation from the Protectorate of Yaya, Chief of Bole and of Osumanu, Court Interpreter at Bole aforesaid (hereinafter in this Ordinance referred to as the deportees), to take such measures as he may consider proper to provide for the due execution of such order".²⁰¹ Like in Kpembe and Bole, in Wa there were sometimes difficult moments for the Na and the District Commissioner. In July 1933 the acting Commissioner, Dixon, sent a message to the Na requiring him to come and see him. The Na failed to honour this request because he was ill. Dixon thereupon sent again to the Na with the message that "he had not arranged a meeting with me nor had he fixed a date for a meeting with the chiefs and pointed out that he could not make the excuse of being sick all the time and that if he was fit for Damba festivals he was fit to see me".²⁰²

It might also be true that Commissioner Berkeley endorsed the de-enskinment of Na-Dangana in January 1920 because the

²⁰¹ See Laws of the Gold Coast (1937), op.cit., Ordinance No. 3 of 1918.

²⁰² RAT/240, Informal Diary (Wa District), Entry for 4th July 1933.

Na had been insolent to him. While giving information to Ivor Wilks in 1964, Abu Maidoki, among other things, recollected hearing from his father, Abdala, a story about an encounter between Berkeley and Dangana.²⁰³ According to the story, the Na was requested by the District Commissioner to provide carriers to take loads from Wa to Gambaga in the Southern Province of the Protectorate. The Na, who was apparently fed up with such requests for labour, asked the Commissioner whether he brought any carriers with him when he came from London.

The history of customary authority and leadership in Wa would have been different if the British Colonial Administration had implemented their policy of Indirect Rule by means of a Native Authority consisting of the Wala Nimbera with the Wa-Na only as a mere spokesman. Such a Native Authority System would have made British Indirect Rule fairer and more just for the Wala than did the System of Native Paramountcy of the Wa-Na. The State Council of Wa-Nimbera suggested here would have comprised the Tindana. Yeri-Na, Liman, Wa-Na and the District Commissioner who would have acted as its president or chairman. The Wa-Na, in addition to being a spokesman for the Wala leaders in the council in matters of their common concern, would have also served as a deputy to the presiding District Commissioner. While the Wa-Na would have been responsible for matters of common Wala concern in addition to matters

²⁰³ See Ivor Wilks, *op.cit.*, p.160.

concerning the Wa-Nabihi group, each of the other Nimbera in the Council would have been responsible for all matters concerning the people of his own group. For instance, all questions relating to matters involving the Limahi group would have been for the Liman to answer before the District Commissioner. In this way, the District Commissioner would have had more opportunity than he did to learn and to understand the peculiarities and intricacies of authority and leadership in Wala society. This better understanding of the Wala would have enabled him also to understand accurately the nature of relations between the town and the Chakali villages. The problem of Indirect Rule, in my opinion, is not the principle itself but rather in the manner of its implementation. It was the manner in which Indirect Rule was implemented in Wa, i.e. through the emphasis of chiefly power and the enactment and enforcement of misrepresented Customary Law, which, by and large, transformed a system of customary leadership and authority based on inter-group co-operation into one that was characterised by the exercise of chiefly power amidst inter-group disunity and dissatisfaction. In Indirect Rule and the Search for Justice in East Africa (1972) Morris and Read came to the conclusion: "In the search for justice in East Africa, the goal proved elusive".²⁰⁴ Among the Wala of the Northern Territories Protectorate in West Africa, the story of Indirect Rule was similar.

²⁰⁴ H.F. Morris and J.S. Read, Indirect Rule and the Search for Justice, (Oxford, 1972), p.240.

PART 5

THE ACEPHALOUS GROUP SOCIETY UNDER COLONIAL RULE

Acephalous group societies consist of identifiable groups who live in autonomous villages, but, who nonetheless cooperate through common kinship ties or some other kind of relationship linking up the villages. Autonomous segmentary acephalousness as referred to in this dissertation means three things: a) a small social unit with its own indigenous leadership; b) the ability of that unit to maintain kinship and other ties with other neighbouring small social units by means of which inter unit co-operation is effected; and, c) its ability to protect itself as a small social entity from being brought under any centralised authority. A centralised authority is authority that is exercised over many small units of society from one place which becomes the base or centre of the authority. It must be borne in mind that there is a difference between the system of autonomous segmentary acephalousness as discussed in this thesis on the one hand, and that discussed by earlier Northern Ghanaian anthropologists, M. Fortes and D. Tait on the other. Unlike the "Tallensi" and the "Konkomba" of M. Fortes and D. Tait respectively, the Chakali people, we have said, have always been familiar with the presence of a powerful ruler in the Tao or village. The distinctive feature of Chakali is that there has always been strong government locally; the growth of strong centralised authority has

never taken place.

As we have seen in the pre-colonial period, the Taotina exercised a lot of power in the affairs of the Tao. In this part it will be explained how in the colonial period the Bong-Na, who was only the war chief in the days before colonial rule, suddenly emerged as the ruler of the Tao, thereby pushing the Taotina into second place.

The rise of the Bong-Na to the first position of authority in the Tao was not the only change experienced by the people of the Tao during the colonial period. It will be seen in this part that as a result of colonial law and policy the Bulenga-Na became recognised by the colonial authorities as the chief of all the Bong-Nas or head men of Chakali, responsible for settling inter-Tao disputes, or, in short, maintaining peace and order in the area. This new found position of authority and power of the Bulenga-Na, however, was not to last for a long time. As a result of bad and irresponsible conduct on the part of Bulenga-Na Anjamani, the position of the Bulenga-Naship as a Chiefship ceased to be recognised by the Colonial Administration. The chiefly medallion which was normally presented to the incumbent of the Bulenga-Naship by the Colonial Administration was taken away by the District Commissioner from Anjamani. From being chiefs entitled to some amount of regard, the subsequent Bulenga-Nas became ordinary headmen. It is not clear why the bad conduct of only one

chief should have been used as a reason by the colonial authorities to permanently demote the Bulenga-Nan from chiefship to headmanship. Perhaps, we can find the reason in the explanation given by David Lan about the British colonial attitudes towards native chiefs:

"In the early years of the century the government attitude to the chiefs was that they were simply a tool to be used to enforce government policies. If a chief refused to cooperate he should be got rid of and, to prevent future disobedience, perhaps the chieftaincy itself should be disbanded at the same time."²⁰⁵

This was precisely what happened at Bulenga: "The chieftaincy itself" was "disbanded", leaving in its place only the usual headmanship. One result of the abolition of the Bulenga chiefship was to bring the whole of Chakali under the Busa-Na who was a Divisional Chief of Wa. Section three of the Native Authority (Northern Territories) Ordinance of 1932 made such annexation lawful:

"The Chief Commissioner may by order made with the approval of the Governor: (a) Constitute any area and define the limits thereof; (b) Assign to that area any name and description he may think fit; (c) Appoint any chief or other native or any group of natives to be a Native Authority for any area for the purposes of this Ordinance; and may by the same or any subsequent order similarly made declare that the Native Authority for any area shall be subordinate to the Native Authority for any other area."²⁰⁶

In the discharge of their duties as Native Authority of

²⁰⁵ D. Lan, Guns and Rain: Guerillas and Spirit Mediums in Zimbabwe (London, 1985), p. 185.

²⁰⁶ See Native Authority (Northern Territories) Ordinance No. 2 of 1932. CAP. 84 in Laws of the Gold Coast, Vol. II, The Government Printing Department.

Chakali, the Wala chiefs concentrated their attention on areas where their own interests lay. The most important concern in Chakali for the Wala chiefs was the fulfilment of their duties towards the Colonial Administration. Whatever carriers were needed to carry loads, or whenever labourers were needed to work on the roads or in the mines, or when it came to conscription of men into the army (as was the case during the first and second world wars), the Wala chiefs were prompt in exerting their authority and power over the Chakali people in order to get men to make up the desired quotas. The Wala chiefs were aware that failure to live up to the expectations of the District Commissioner might result in the loss of their own position and power. These chiefs were also eager to use their authority and power which they had over Chakali, to get the young men of the Chakali Taos to give them personal services. However, in the implementation of colonial laws which were passed to ensure moral fairness and justice between Natives, the Wala chiefs appeared to have paid less attention to the Chakali people. For instance, it would appear that they paid less attention to the application of the clause on natural justice or morality which was included in the Native Courts (Northern Territories) Ordinance of 1935. Section 8 of this Ordinance provided: "Subject to the provisions of this Ordinance a Native Court shall administer (a) The native law and custom prevailing on the area of the jurisdiction of such Court, so far as it

is not repugnant to natural justice or morality...".²⁰⁷ Vugo-Piasi, i.e. the posthumous establishment of guilt through ritual performance to the Vugo and subsequent conviction of the deceased, was a practice that was morally unjust by all standards of law. Nevertheless, this practice persisted in Chakali almost until the end of colonial rule, when it finally attracted the attention of the authorities of the modern Ghanaian state somewhere between 1956 and 1960.

During the colonial era, cooperation between Acephalous Chakali on the one hand, and Centralised Wa on the other, broke down. It would appear that this breakdown of intersocietal cooperation was due to the fact that those who were in control of Wala affairs, the Wa-Nabihi, easily managed without having to resort to seeking the assistance of the Chakali Bong-Nas. Apart from the fact that during the colonial period there were no slave raiders or other enemy forces, threats of whom might have urged the Wa-Na to seek allies in the acephalous countryside, there was also the fact that the Wa-Na had found a new ally, the Colonial Administration, which was alone stronger than all the native acephalous groups put together.

The indirect rule system of administration which was adopted by the British colonial government placed

²⁰⁷ See Native Courts (Northern Territories) Ordinance, No. 31 of 1935, Laws of the Gold Coast, Vol. II, 1937, Accra, Section 8.

Acephalous Chakali under the care and authority of Centralised Wa without any institution or mechanism to check Wala abuse of power. Because of this all through the colonial period the effort was made by the Wa-Nabihi and in particular those of the Busa Gate, to retain as well as strengthen Wala control over Chakali. There is no harm in placing small social units under the care and authority of larger ones if such an arrangement is administratively more convenient. However, it is important that some kind of provision be made so that those larger social units entrusted with authority and power over their smaller neighbours do not abuse such authority and power. As Sumner wrote as long ago as 1906:

"In every societal system or order there must be a ruling class or classes; in other words, a class gets control of any society and determines its political form or system. The ruling class, therefore, has the power. Will it not use the power to divert social effort to its own service and gain? It must be expected to do so, unless it is checked by institutions which call into action opposing interests and fares. There is no class which can be trusted to make society with due justice to all, not abusing its power for its own interest."²⁰⁸

I am of the opinion that although it was a sound idea to bring the Chakali under the jurisdiction of the Busa-Na and his superior, the Wa-Na, it was a bad calculation on the part of the Colonial Administration to have done so without providing some kind of mechanism by means of which irresponsible Wala chiefs, who had the bad habit of abusing

²⁰⁸ W.G. Sumner, Folkways: a Study of the Sociological Importance of Usages, Manners, Customs, Mores and Morals (1906, repr. Dover Publications, New York, 1959), p. 169.

their powers and positions, would have been exposed and dealt with accordingly by the Colonial Authorities. In my view, a useful mechanism in the colonial system would have been a Chakali Council of Taotinas established by the District Commission, who would meet with it from time to time to directly hear Chakali complaints against the Wala chiefs if there were any for the Council to tell him. It would have been useful firstly, because the Wala chiefs once they were aware of the fact that they would be reported to the District Commission if they abused their powers or positions, would do better and fairer work in Chakali; and, secondly, because the Colonial Administration would have gained a lot more information and knowledge about the Chakali and its society. Precisely because any such mechanism was never created by the Colonial Administration, it was easy for the Wala chiefs who became the Native Authority for the Chakali area to concern themselves more with strengthening and legitimising their rule over the Chakali people who were hitherto chiefless, than with implementing the principles in which the Colonial Administration itself believed.

Another weakness of the British colonial system was that some of the colonial officers sent out to the remote parts of the Empire like Wa and Chakali, failed to gain adequate knowledge about the different native peoples over whom they were appointed as administrators. With a little more knowledge and better understanding of the Natives and their

historical experiences, the British Colonial Administration would have better succeeded in its implementation of policies. It is no wonder that in 1928 T.S. Thomas, who was the governor in charge of both the Gold Coast and the Northern Territories Protectorate mentioned in his report:

"So far as I can ascertain, this Government is completely in the dark as regards the Native Administration of the Northern Territories: there seems to be no clear-cut statement of policy: we do not know what is being done and what our Administration is intended to bring forth."²⁰⁹

Malinowski long ago highlighted the importance of knowledge acquired through anthropological research:

"Last but not least, there is the subject of primitive law, the study of the various forces which make for order, uniformity and cohesion in a savage tribe. The knowledge of these forces should have formed the foundation of anthropological theories of primitive organization and should have yielded the guiding principles of Colonial legislation and administration. A fuller knowledge of the so-called savages has revealed 'Ye beastly devices of Ye heathen' as the product of firm law and of strict tradition, due to biological, mental and social needs of human nature, rather than as the outcome of unbridled passion and unfettered excess. Law and order pervade the tribal usages of primitive races, they govern all the hum drum course of daily existence, as well as the leading acts of public life, whether these be quaint and sensational or important and vulnerable. Yet of all branches of anthropology, punitive jurisprudence has received in recent times the scantiest and the least satisfactory treatment."²¹⁰

²⁰⁹ NAG Tamale RAT.1/7 3 July 1928, Citing Governor T.S. Thomas, Report on the Northern Territories.

²¹⁰ B. Malinowski, Crime and Custom in Savage Society (London, 1926), p. x.

CHAPTER 1

CHAKALI IN THE COLONIAL DAYS

The establishment of the colonial system was not without significance in the social life of the Chakali people. In a number of ways Chakali in the colonial days (1900-1957) differed from Chakali in the pre-colonial period.

First of all in the colonial days each Chakali Tao, or village, had a new type of ruler. The everyday running of affairs in the village was placed in the hands of the chief who became the most important man. The house of the village chief became the rallying point of the villagers. The Taotina became the mere subordinate of the chief.

The thirteen villages of Chakali did not all have the same type of chief. There were three types of chief in colonial Chakali.

TABLE OF CHIEFS IN COLONIAL CHAKALI

| Type of Chief -----> | Chiefs who are Wala Princes | Chiefs who are Native Chakali Princes from the Village | Chiefs who are Chakali Princes but who are not Natives of the Village |
|-------------------------------|-----------------------------------|--|--|
| The 13 Chakali Villages | | | |
| Bulenga | | * | |
| Chagu | | * | |
| Tuasa | * | | |
| Ducie | * | | |
| Katua | * | | |

| | | | |
|---------|---|--|---|
| Dupari | | | * |
| Balea | * | | |
| Sogila | * | | |
| Motigu | | | * |
| Bisikan | * | | |
| Kandia | * | | |
| Gilan | * | | |
| Tisa | * | | |

The above table shows that of the three categories of chiefs in colonial Chakali the chiefs who were Wala Princes formed the largest group (nine). It is wrong to assume that because the remaining four villages were not ruled over by Wala Princes, they were not therefore under Wala jurisdiction. In the colonial days Chakali as a whole was annexed to the Busa Division of Wa.²¹¹

Another area in which Chakali, during the colonial period, differed from Chakali before colonial rule was that of transportation and communication. Pre-colonial Chakali, we have said, was made up of thirteen villages connected to one another only by footpaths.²¹² During the colonial period three motor roads were constructed: the first from Wa to Bulenga (22 miles); the second from Bulenga to Katua (19 miles); and the third from Bulenga to Ducie (18 miles).

During the colonial period the bicycle was introduced to

²¹¹ See below Chapter 3 of this part, p 324-328.

²¹² See above Part 3, Chapter 2, p 107.

Chakali which turned out to be a great impetus to local transportation and communication. Not only were bicycles used in carting foodstuffs from farms to houses and from houses to the market, but they were also used during emergencies to send news from one village to another.

As a result of the improvement in the system of local communication and transportation, new commodities started reaching the Chakali people from Wa in abundance. For instance, sugar which was introduced to Chakali during the colonial period was always in abundant supply in the Chakali village for all who could buy. Salt, which was a scarce commodity in the days before colonial rule also became available in abundance.

Agriculture and hunting continued to be the main occupations of the people. The arrival of the European made hoe, cutlass and axe greatly facilitated farming. The people continued to depend on farming for their food stuffs and hunting in the wild bush for their meat. They sold some of their products at Bulenga where a large market developed. It was held every 6 days, and by the end of the colonial period had grown famous for its foodstuffs.

In many other areas colonial Chakali was no different from what it used to be before the advent of colonial rule. It continued to be an indigenous society. Apart from the Wala Muslims who had settled in Chakali long before the

commencement of colonial rule, there were no other non-Chakali inhabitants in the area. There were no hospitals or European type medicines. The people continued to rely on the prescriptions of the Vorgo, and the Vugo in the village for the treatment of their illnesses. Although a health centre was established at Wa the effort was not made by the people in the village to carry patients by bicycle to the town for medical treatment. There were no schools in Chakali. The few Chakali children who had to go to school were sent away to Wa. Chakali was very much a rural society and the people did not understand most of what went on either in Accra, the national capital, or in Wa, the Provincial Headquarters. For instance, when party politics arrived in Wa from Accra in 1951 the town became divided between the United Gold Coast Convention (U.G.C.C.), and the Convention Peoples' Party (C.P.P.). There was serious tension and eventually violence broke out in Wa. In Chakali, although the people voted, there were no such occurrences. The people were generally not interested in party politics. Thus, the years which are remembered in Wa for political party troubles have no significance in Chakali and are completely forgotten.²¹³

²¹³ For an account of the political party activities in colonial Wa see above, Part 4, Chapter 7, p 271-273.

CHAPTER 2

THE BRITISH COLONIAL ADMINISTRATION IN CHAKALI POLITICS

This chapter, more or less, is a survey of Chakali experiences under the Indirect Rule system of administration which was practised by the British colonial government. It highlights the way and the manner in which the Wala chiefs exercised authority over Acephalous Chakali.

Even before the passage of the Native Authority (Northern Territories) Ordinance of 1935, Chakali had effectively been subjected to the authority of the Wala Chiefs through whom orders were relayed from the District Commissioner to Chakali natives. The removal from office of Bulenga-Na Anjamani, who appeared to be the strong man of Chakali at the time, made the authority of the Wa-Na over Chakali more or less complete. The story of Bulenga-Na Anjamani, as narrated by the Bulenga people and collaborated by other sources, says that he was a powerful man who was much feared for the possession of harmful magic. It is said that he was even feared by the Wa-Na who was the Paramount Chief. In fact, it would appear that Anjamani did not get on well with the Wala Chiefs whom he was supposed to regard as his undisputed superiors by the terms of the newly-established colonial system.

It is not clear from the available information as to when,

and, during the reign of which Wa-Na, the drama of Anjamani's dismissal from office took place. I was told at the Dagaba village of Nadoli that Anjamani was Na of Bulenga at the same time that Kanle was Nadoli-Na. Kanle became Nadoli-Na after the death of his father Bapenle, who was appointed to the Nadoli-Naship apparently by Lieutenant Colonel H.P. Northcott of the British Expeditionary Force who took the area for the British Crown in about 1898. The Nadoli-Na, Dasaa II, in 1987 explained: "Nadoli-Na Kanle, Boli-Na Sunkono and Bulenga-Na Anjamani were the strong men who stood behind Mallam Isaka when he was helping the English to establish their administration over this area".²¹⁴ If the Nadoli-Na is right in what he says, then, there is little doubt that Anjamani was Bulenga-Na during the reigns of Wa-Na Tangili and Wa-Na Dangana. We know that Mallam Isaka, who was gazetted in 1910 as the "Mohammedan-Chief" of Wala, during the first decade of the twentieth century was actively involved in pacifying the acephalous peoples of the Wala countryside with a view to convincing them to accept English protection and jurisdiction.²¹⁵ According to the story of Bulenga-Na Anjamani which is still told today, as a result of bad reports received from the Wa-Na by the District Commissioner about the insubordination of the Bulenga-Na, it was decided that Anjamani be dismissed and a new

²¹⁴ Information received at the Nadoli Nayiri in July 1987.

²¹⁵ Ivor Wilks, *op. cit.*, p. 143.

Bulenga-Na appointed in his place. A candidate was agreed upon, and, the date for the event fixed. In the light of the bad reputation Anjamani had with regard to the practice of evil magic, many in the village warned the Bulenga-Na elect against evil spells that might be cast at him by the notorious rascal. At any rate, these warnings did not change the course of events. On the morning of the day appointed for the ceremony, the Bulenga-Na elect suddenly collapsed and died while about to take his breakfast. Just as the corpse was being dressed for the funeral occasion, the District Commissioner and the Wa-Na arrived at the scene where the dead man would have been proclaimed the new Na of the village and Chief in charge of all the Headmen of Chakali. After having acquainted himself with the events of the morning, the District Commissioner gave orders for the arrest of Anjamani. The attempt to arrest Anjamani, however, was unsuccessful. He escaped from Bulenga and from Chakali altogether. The District Commissioner then ordered that Anjamani's house be searched. This was done and a magical charm consisting of the tail of some animal which was placed between two flat stones was found. This magical charm was taken away by the District Commissioner, together with the chiefly medallion which had been presented to Anjamani by the colonial authorities. Rather than returning the medal to Bulenga after a new Bulenga-Na was enskinned, the District Commissioner sent it to the Pasala Village of Kundungu where it was presented to the Kundungu-Na. Thus, for the Bulenga people the Bulenga-Na

became demoted in the eyes of the Colonial Administration from the position of Chiefship to the position of Ordinary Headmanship. The only native chiefship in Chakali, which was recognised and respected by the Colonial Administration in this way began to diminish in status.²¹⁶

The horrible story of Na Anjamani, it would appear, painted a bad picture of Bulenga, and perhaps, the whole of Chakali to the colonial authorities. The magical charm found and taken away by the District Commissioner from Anjamani's house at Bulenga was precisely the kind of magic prohibited under the provisions of the Native Customs (Northern Territories) Ordinance, No. 5 of 1908. Section 2 of this ordinance, which came into force on the 2nd of September 1908 provided:

"Whoever directly or indirectly promotes, encourages or facilitates the worship or invocation of any fetish which is pretended or reputed has power to protect persons in the commission of, or guilty of crime, or to injure persons giving of the commission of crime, or which has been suppressed by order or regulation under section 3, shall be liable to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding fifty pounds."²¹⁷

By giving orders for the arrest of Anjamani under the prevailing circumstances, His Honour the District Commissioner was not acting ultra vires. Indeed, he was

²¹⁶ Information received at Bulenga 1987: and the point is also collaborated by earlier information received from Jabuni Daguo, 1981 at Tuasa; from Bulenga-Na Awuore Seidu, 1973 and Bulenga-Na Saka, 1985.

²¹⁷ See Laws of the Gold Coast, 1936. Vol. 2. Government Printing Dept. Accra. p. 1293.

implementing the provisions of the Native Customs (Northern Territories) Ordinance.

By transferring the medal which was for the colonial government the symbol of chiefship from the Bulenga-Na to the Kundungu-Na, as we have seen, the only existing Chiefship in Chakali, the Bulenga-Nan, was reduced in status from Chiefship to Headmanship. From about the end of the second decade of the twentieth century onwards, therefore, there was no Chakali native chiefship. All the native Bong-Nas in Chakali were simply Headmen. The result of this development was that in 1932, when the Native Authority (Northern Territories) Ordinance was brought into force to strengthen the position and power of chiefs, the native Chakali Headmen or Bong-Nas found themselves within the firm grip of chiefs who were foreigners. Section 3 of the Native Authority (Northern Territories) Ordinance provided:

"The Chief Commissioner may by order made with the approval of the Governor:- (a) Constitute any area and define the limits thereof; (b) Assign to that area any name and description he may think fit; (c) Appoint any chief or other native or any group of natives to be a Native Authority for any area for the purposes of this Ordinance; and may by the same or any subsequent order similarly made declare that the Native Authority for any area shall be subordinate to the Native Authority for any other area."²¹⁸

By means of this provision, the whole of Chakali together with Fufula villages like Mangwe, were constituted into

²¹⁸ See Native Authority (Northern Territories) Ordinance of 1932, in *Laws of the Gold Coast*, op. cit.

what became known as the Busa Division of the Wala State. The Busa Division was ruled over by the Busa-Na who was designated as Divisional Chief. Section 4 of the Ordinance said: "It shall be the duty of every Native Authority to maintain order in the area for which he is appointed and every Native Authority shall have and exercise the powers by this Ordinance conferred over all natives residing or being within such area."²¹⁹ What this meant in practice was that every man and woman in Chakali became subject to the power of the Busa-Na whose duty it was to maintain order in all the Taos as they were now, by law, all within his jurisdiction. In its section 5, the Ordinance provided: "A Native Authority may employ any person to assist in carrying out the duties imposed upon him by this Ordinance or otherwise by law, and any person so employed may carry out and give effect to any lawful order given by a Native Authority."²²⁰ Under this section, the Na Kanboali (Native Police of the Na) was established by the Wa-Na who was the Paramount Chief. The importance of this section, in so far as the Chakali people were concerned, was that it enabled the Wala Chiefs to appoint only their own brothers, cousins and friends as native law enforcing officers. No Chakali man was ever to become a member of the Na Kanboali.

The Native Courts (Northern Territories) Ordinance which

²¹⁹ Ibid.

²²⁰ Ibid.

came into force in 1935 added still more power to the Wala Chief. In its section 4(1) it said: "A Native Court shall consist of Head Chiefs, Sub-divisional Chiefs or a Sub-divisional Chief, or Chiefs or a Chief, or any other person or persons, or a combination of any such authorities and persons."²²¹ In short, for the Chakali people it was the good old Wala Chief who was by law regarded as "Native Court". The Native Courts (Northern Territories) Ordinance in its section 8 said:

"Subject to the provisions of this Ordinance a Native Court shall administer:- (a) The native law and custom prevailing in the area of the jurisdiction of such Court, so far as it is not repugnant to natural justice or morality or inconsistent with any provisions of any other ordinance: Provided always that in regard to criminal offenses by virtue of native law and custom such Court shall take cognizance only of such offenses as may from time to time be prescribed by order of the Governor."²²²

It would appear that in spite of this section of the Ordinance, the Wala Chiefs allowed the Chakali people to continue with the administration of local native customs which were inconsistent with, and in fact, "repugnant to natural justice or morality." For instance, people who were accused of breaking the laws of the Tao continued to suffer corporal punishment administered by the Siguma-men of the Tao. Similarly, the meting out of posthumous justice (Vugo-Piasi) continued until around the very last days of colonial rule when the matter drew the attention of

²²¹ See Native Courts (Northern Territories) Ordinance No. 31 of 1935, in *Laws of the Gold Coast*, op. cit.

²²² Ibid.

the central government. It would appear that all the Wala Chiefs i.e. the Wa-Na, the Busa-Na and the Wa-Nabihi Chiefs ruling in Chakali villages, were concerned about in Chakali, was to make sure that the people were loyal to them. Once they had the loyalty of the people, apparently, they were happy to let them go on with whatever practices of adjudication they liked, even if such practices contravened the principles of "natural justice or morality" mentioned in the Ordinance.

The State Councils (Northern Territories) Ordinance No. 5 of 1952 greatly weakened the judicial power of the Chief. Section 8 of this Ordinance provided:

"A State Council may, in respect of any matter of a constitutional nature, impose customary constitutional sanctions and may make any customary award of a civil nature, including an award of amends to an injured person, but nothing in this Ordinance shall be deemed to authorise a State Council to punish any person by imposing a fine or awarding a term of imprisonment, and, subject to the provisions of Section 14 of this Ordinance, no customary award or sanction shall be made or imposed which would involve the delivery or disposal of property or the payment of money exceeding twenty-five pounds in value."²²³

However, there were two provisions still in that Ordinance, which, apparently, were clauses intended to guarantee the Chief some amount of power. Firstly, it was provided in section 22(2): "Every person who, being required by a State Council or a Chief to assist in carrying out the duties

²²³ See State Summits (Northern Territories) Ordinance No. 5 of 1952. Laws of the Gold Coast, 1952 (Accra, 1953).

imposed upon such State Council or Chief by this or any other Ordinance or by any customary law, fails, without reasonable excuse, so to do shall be guilty of an offence and shall be liable to a fine not exceeding five pounds."²²⁴ Secondly, section 23(1) provided: "Any person who commits any act with intent to undermine the lawful power and authority of a Chief shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year."²²⁵

²²⁴ Ibid.

²²⁵ Ibid.

CHAPTER 3

THE TRANSFORMATION OF THE INDIGENOUS, CHAKALI POLITICAL SYSTEM

In this chapter, we shall examine the development of chieftaincy (Nan) in Chakali during the colonial period. We will try to understand the circumstances in which (a) Chakali came under the chiefly authority of the Wala; and (b) how chiefship took the place of Taotinaship in the Tao.

From our discussion of the pre-colonial Chakali society, it will be recalled that the Bong-Na was a strong and brave man in the Tao (village) who acted as a leader in times of war. In the period before colonial rule whenever the news of an invading army was received by the Taotina of any Tao, he, the Taotina would quickly pass the news to the Bong-Na who would get ready and lead the fighting men of the Tao to join the main Kanbonghi Army. It is common knowledge that during the Colonial period warfare between the various native peoples was not only discouraged, but in fact, strictly prohibited by law. Indeed, during the period of about half a century that the British ruled Chakali, there was no war. This development, however, did not mean that the office of the Bong-Na during Colonial rule became defunct. As a matter of fact, it became more and more important in the affairs of the Tao.

However, it must be explained that, during the colonial

period, Bong-Nas were not to be found in all the Chakali villages. As a matter of fact, around 1950, only 4 out of the 13 villages which make up Chakali had Bong-Nas. All the other nine villages were ruled over by the Wa Nabihi chiefs from the Busa Gate.

During Colonial rule, it was the Bong-Na or the Na, and not the Taotina who was regarded as the ruler of the Tao by the Colonial Administration, i.e. the Wa District Commissioner and his native authority, the Wa-Na. As the strong and brave man of the Tao, it was on him the Colonial Administration could rely for the carrying out of its orders. For instance, it was the duty of the Bong-Na assigned to him by the Colonial Administration to take charge of affairs when it came to the exacting of forced labour. Section Three of the Native Administration (Northern Territories) Ordinance, No. 1 of 1902, provided: "It shall be lawful for the Chief Commissioner to make, amend, and revoke rules with respect to:... (8) The making and maintenance of roads."²²⁶ In the colonial period, not only was the Chief required by the Colonial Administration to keep the peace of his Tao, but also to mobilise the able-bodied men of the village for work on the roads and other public projects. In fact, Section 15 of the Labour (Northern Territories) Ordinance passed in 1935 to regulate the exaction of forced labour in the protectorate provided:

²²⁶ See Laws of the Gold Coast. 1936, Vol. 2. Published by Govt. Printing Dept. Accra. p. 1336.

"A Chief may within the limits sanctioned by native customary law and subject to any regulations made under subsection 1 of section 19 exact from the natives of any town or village within his jurisdiction labour for any or all of the following purposes: - (a) The maintenance of native buildings used for communal purposes, including markets, but excluding JuJu Houses and places of worship; (b) Sanitation; (c) The maintenance and cleaning of local roads and parks; (d) the repairing of town or village fences; (e) The digging and construction of wells; (f) the provision and maintenance of local cemeteries;...."²²⁷

In a sense it could be said that the position held by the Chief in the Tao during Colonial rule superseded that which was held by the Taotina. For instance, the Chief had the legal backing to enjoy the right of being served personally. In section 6 of the Labour (Northern Territories) Ordinance of 1935, it was provided: "A Chief -

(1) May, subject to the provisions of any regulations made under subsection 1 of section 19, have the enjoyment of such personal services as are reserved to him by native law and custom."²²⁸ Although in truth, there was no existing native Chakali custom or tradition which established such personal services for chiefs, nonetheless, the Bong-Na, who for all intents and purposes was now being regarded as a Chief and not just as a war leader, seized the opportunity and made himself a master over the people of the Tao. This was true also of his counterpart, the Wala prince, who was appointed as a chief over the Chakali village. Every year,

²²⁷ See Laws of the Gold Coast. 1936. Vol. 1. Govt. Printing Department, Accra. p. 1147.

²²⁸ Ibid. p. 1144.

during the famine season, all the young men of the village were required to provide labour on the farm of the chief.

Because the Chief was the man in the Tao charged with the responsibility of keeping the peace by the Colonial Administration, he was in effect, the judge of the village. It was he who was answerable to the Colonial Administration for any trouble or disorder that occurred in the village. Whenever there was a dispute in the village, it was the chief whose opinion represented the verdict. Court fees which were charged on litigants as well as fines charged on criminal offenders in the village formed a substantial part of his remunerations. For instance it was a practice adopted by the chiefs that any person in the village wanting to sue another in the chief's court had to pay a deposit of a sum of money. The higher the sum the more weight the case was expected to carry with the chief. Once a complainant paid his deposit to the chief's court, it became the duty of the chief to summon the respondent who was bound to pay an equal sum; the case was then heard and according to the rules whichever party lost the case, also lost his deposit to the court as its fees. Power had effectively passed from the hands of the Taotina into the hands of the chief. Any hunter from the village who killed a large game animal had to present a hind leg to the chief as part of his remunerations. The Taotina had to be content with the present of a shoulder of the animal. In fact, the Bong-Na was referred to as Na (chief) or Koro

(chief) of the village. The Bong-Na of Chagu was thus, called Chagu-Na or Chagu-Koro.

Unlike in the pre-colonial period when the Bong-Na was both appointed and dismissed by the Taotina, in the Colonial era this role was taken over by the Colonial authorities. At Bulenga I was told that Anjamani, who was the Bong-Na for the village, was dismissed from his office by the District Commissioner.²²⁹ At Tuasa it was said that one Na of the Tao, Sakyi, was dismissed by the District Commissioner and a new one, by name of Bananmina, was appointed. The former Taotina of the village, Jabuni Daguo, said:

"One day, the District Commissioner paid a visit to Chakali. He was received at every Tao by the Na of the village. However, when he arrived at Tuasa he found that the Tuasa-Na, Sakyi, was absent from the village. When he asked about his whereabouts, he was told that the Na was away from his farm. The District Commissioner, thereupon, told the people of the village who were present that the Na was dismissed with immediate effect. Bananmina, one of the men who was present at the gathering, and, from whom the white man had made his enquiries was presented to the people as their new Headman. From that day onwards Bananmina became known in the village as Halimoi (Headman) or Tuasa-Na".²³⁰

Although, in the beginning the office of Bong-Na was one of merit to be held by the brave and the strong, by the end of the colonial period it had developed into a hereditary post. Only the man whose father, grandfather or forefather had in the past been a Bong-Na, could in fact claim the

²²⁹ Information received at the Bulenga Nayiri, July 1987.

²³⁰ Information received from Jabuni Daguo, the late Taotina of Tuasa at his house in 1980.

right to succession to it. Those who were descended from ancestors who had been Bong-Nas, in effect, constituted the Bong-Nabihi (princes) or Koro-Bisi (princes) of the Tao. For all matters of politics and administration, it was the Bong-Nabihi headed by the Bong-Na who were to be consulted. Although the Taotina continued to survive as a public figure of some importance in the village his place as ruler was taken over by the Bong-Na. By the end of the colonial period, the rule of the Taotina had become restricted to spiritual matters. The performance of sacrificial rites and offerings to the Tavoga (Earth-Shrines) of the village, as well as ensuring that the Vugo of the village was well administered by the Vugotina of the Tao, remained primarily his official functions.

BONG-NAS AND CHAKALI

It will be recalled that one distinctive feature of the pre-colonial Chakali society was that there was no centralised form of authority responsible for coordinating or reconciling the different and divergent interests of the autonomous villages or Taos. The system that was practised by the Chakali Taos was one in which concerted effort was made by all the Taos to ensure that no one Tao become dominant in the affairs of all Chakali. No matter how strong or how large a village was, it was nonetheless expected to treat the other Taos with equal respect. It was very important for the Chakali that each Tao retained its independence from the other Taos. This was the local

Chakali concept of society.

The establishment, in 1914, of the Wa-Na as the Paramount Chief of the entire Northwest Province of the Protectorate, by the Colonial Administration, brought about a dramatic change in Chakali society. The system of segmentary acephalousness which the Chakali practised did not suit British Colonial Policy. We have already in this thesis referred to the famous Policy Speech made by Governor Guggisberg in 1921, in which he said : "Our policy must be to maintain any Paramount Chiefs that exist and gradually absorb under these any small communities scattered about."²³¹ Not only were the "small communities" of the Chakali brought together under the authority of the Busa-Na and his superior the Wa-Na, but, they were also re-stratified into a form of centralised or pyramidical system of local authority. The Bulenga-Na became the Chief of all the Chakali Bong-Nas or Headmen as they were referred to by the colonial authorities. Bulenga itself became the capital of Chakali. It had a rest house which was built to provide accommodation for the District Commissioner anytime he was on a visit to Chakali. Thus, for the first time, one Tao had become the undisputed superior of all the other Taos.

For the Chakali people this newly established system of

²³¹ See NAG Tamale, RAT 18 Confidential Report. Conference held by Governor Guggisberg at Tamale 1921.

chiefly authority was unacceptable. First of all, the Na in the Tao was much disliked and resented by the inhabitants of the village, who saw him as the agent of a foreign authority i.e. the Colonial Administration. After all, it was he who took charge of the much hated Hanlari (forced labour). Secondly, the various Chakali villages considered the overlordship of the Bulenga-Na, and the position of Bulenga itself as the capital of Chakali, to be breaches of the fundamental principles upon which inter-Tao cooperation had been based in the past.

In the period before colonial rule, there were three possible ways by which the parties to any inter-village dispute could settle their differences amicably: (a) if the parties to the dispute belonged to the same matrilineal descent group or Hian, it was possible for them to settle their differences at the home village of the Hian-Nihie (Head of the Hian); (b) where the parties to the dispute belonged to the same Vugo, there was the possibility that the dispute between them could be settled at the home village of the Vugotina Supreme of the Vugo; and (c) if the parties to an inter-village dispute belonged to the same Bia, i.e. the same patrilineal descent group, there was the possibility that the dispute could be settled by the Taotinas of both villages the venue of the settlement being in that case the home village of the genealogically senior Taotinas. With the establishment of the colonial system, the settlement of disputes between parties from different

Taos became the reserved duty of the Bulenga-Na. The parties to any inter-village dispute would normally come to the Bulenga-Na at Bulenga where the case would be heard, and then, judgement given. If this new state of affairs was to be asserted, then, the fundamental principle that all Chakali Taos were autonomous and equal in right, would cease to exist completely. Therefore, for the Chakali people, this new state of affairs was one about which something had to be done.

THE WALA PRINCE AND THE CHAKALI VILLAGE (TAO)

In the pre-colonial period, we have said, the defence of the Chakali village was not only the responsibility of its residents, but also the people who were resident in other Taos or other societies having blood relations with it. In other words, the people of every Tao, if attacked, would expect very eager support from every man living anywhere, provided that he was the son of a woman from the village. After all, the man whose matrilineal home was a Tao, had rights in the Tao that were equal with the man whose patrilineal home was the same Tao. The emergence of Bulenga as the capital of all Chakali during the colonial period, was a factor which constituted a threat to the independence and security of the various Taos. My Tuasa informant said:

"On the Bulenga market day the Bulenga young men would pick quarrels with the young men from Tuasa, Tisa etc. Sometimes fighting would break out between the parties and in the end the matter would be brought before the Bulenga-Na. Because the Bulenga-Na was himself a Bulenga man, he was

normally quick to decide in favour of the disputing party from Bulenga village."²³²

In an attempt to check the power of the Bulenga-Na which appeared to be misused, some of the Taos appealed to their relatives who were Wa-Nabihi to come and take up their offices of Nan. In this way, a Wala prince from the Dzonyohi Gate whose mother was a Tisa woman, came to Tisa and was made the Tisa-Na. Ide of Dzeri, who was the first Wala prince to become Na at Katua, was also the son of a woman from that Tao. The Wala prince who was related matrilineally to a Chakali village, and, who was invited to come and take over the Nan of that village, first of all, made sure he had the approval and blessing of the Wa-Na before doing so. As time went on, Chakali became divided. While some of the Taos were ruled by the Wa-Nabihi Chiefs, others continued to be ruled by Bong-Nabihi Chiefs. As a matter of fact, by the end of the colonial period more than half of all Chakali villages were under the Wa-Nabihi Chiefs. Only the villages of Bulenga, Chagu, Dupari and Motigu retained their indigenous Chakali Bong-Nabihi Chiefs.

If the reason for the establishment of the Wa-Nabihi Chiefship in some of the Taos was to check the growing

²³² Information received from the late Taotina Jabuni Daguo of Tuasa, 1981. He narrated to me a case involving Bananmina of Tuasa and some Bulenga men in which Bananmina was beaten at the Bulenga Nayiri upon the orders of the Bulenga-Na himself.

power of the Bulenga-Na, then, there is no doubt that the measure was a success. The Bulenga-Na was aware of the fact that the Wala princes ruling some of the Taos in Chakali, were none other than the cousins, brothers, sons or grandsons of the Busa-Na who was in charge of the division, or in fact, possibly the Wa-Na who was the head of the whole province. He knew that any confrontation between himself and the other Bong-Nas on the one hand, and the Wala princes ruling in some of the Taos, on the other, for dominance in Chakali affairs might lead to a confrontation and a head-on clash with the Busa-Na or even the Wa-Na. Thus, in all his dealings with the Wa-Nabihi ruling in Chakali, the Bulenga-Na was normally not only polite, but also obedient.

Although, in the beginning, it was the Wala princes who protected the smaller Chakali Taos from the domination of Bulenga, in the end it was they themselves who became the oppressors. The first Wala prince to become Na in each of the Chakali Taos concerned, as explained above, normally was a man who was related matrilineally to the Tao of which he became Na. Because the people of the village were his own kin, invariably the first Na of the village was normally sincere and committed in the carrying out of his administrative duties. However, after the death of the first Wa-Nabihi Chief in the Chakali village, the princes who were appointed by the Busa-Na and approved by the Wa-Na to succeed to the Nan of the Chakali village were mostly

people not related in any way to the Chakali people. They came to occupy the post not because they were invited by the Taotina of the Tao on grounds of matrilineal kinship, but merely on grounds of their being authorised to do so by the Wala Chiefs. All objections raised, by the Taotinas of the villages concerned, to this new approach adopted by the Wala princes and chiefs were normally waved aside. So far as the Wa-Nabihi were concerned, it was axiomatic that chiefship awarded to one member of a gate, was chiefship awarded to all the members of that gate. In their view therefore, a village which awarded its Nan to a Wala prince from the Dzeri Gate on grounds of common kinship ties, implicitly awarded it to all the members of the Dzeri Gate. On the other hand, the Chakali villages concerned, took the view that the chiefship awarded to a person by reason of matrilineal descent, cannot be the inheritance of that person's patrilineal cousins. Rather, they held that it should be the inheritance of another strong man who can justify his kinship ties with the Tao either patrilineally or matrilineally.

It would appear that the Wala princes who succeeded to the chiefships of Chakali, on the whole, were hard on the villagers under their rule because they were not all Chakali blood relatives. The inhabitants of Katua and Ducie are said to have rebelled twice against the rule of the Wala princes, and, in each case when it was realised that the rebellion would not succeed, fled from Chakali

land into neighbouring Gonja territory. All my Chakali informants agree that these events actually took place during the colonial period. I was told by Mambo of Katua, who, for a long time, was the spokesman of the Katua-Na:

"At the time, the chiefs were maltreating the people. In Katua and Ducie, the chiefs were going after the wives of the men in the villages. The Ducie people came to an agreement and fled the village. Some people from Katua went along with them but others stayed behind."²³³

At Ducie, the name of Jeyenge (Jangare) is mentioned as the Na, who more than any other, maltreated the people of the Tao. It is said that during the time of Na Jeyenge, all the people of Ducie fled the village except one man, Chapari, who stayed with his family. In fact, my Ducie informant explained that at the time, the son of the chief and the chief himself were able to do all sorts of things to any Ducie man, with the exception of the man who was well-known and feared for possessing powerful magic.²³⁴

THE BUSA GATE AND CHAKALI

By the time Busa-Na Sumaila became Wa-Na in 1943, the whole of Chakali had come under the effective control of the Busa or Yijihi Gate of the Wa Royal House. What this meant was that all Chakali villages without distinction had accepted the fact that they were subjects of the Busa-Na through

²³³ Information received from Sanpuo Mambo of Katua in December 1975. Mambo's account of the event was later corroborated by narrations of the story to me by J.C. Dougah in 1980.

²³⁴ Information received from the Taotina of Ducie, Bodai Wisa in 1980.

whom instruction and orders from the District Commissioner were to be passed by the Wa-na to them, the Chakali people. The Bulenga-Na, who was the chief Bong-Na of Chakali, was in a sense a liaison between the Busa-Na on the one hand, and all the other village Nas of Chakali. Of course, although he was chief Bong-Na of Chakali, the Bulenga-Na, as we have said, could not and did not exercise any authority or power over those Chakali Nas who were Wa-Nabihi. Thus, although the Bulenga-Na was in theory the head chief of the Chakali area, his authority was only really felt by those Chakali Nas who were Chakali natives.

We have said that the chiefship of Tisa was founded by a prince from the Dzonyohi Gate, and, that the chiefship of Katua was founded by a Dzeri prince; we will now proceed to find out why and how these two villages were transferred from the Dzonyohi and Dzeri Gates to the Yijihi Gate. All the people I have spoken to in Chakali hold that the chiefships of Katua and Tisa were initially not in the hands of the Busa-Na. They also agree to the fact that the Yijihi princes only entered the politics of these two villages much later. However, no one in Chakali, at least among those I have spoken to, seem to know exactly why and how jurisdiction over Katua and Tisa came to be transferred from Pirisi and Sing, respectively to Busa. Some people take the view that the Pirisi and Sing Gates gradually lost interest in the affairs of these villages in view of the fact that Katua and Tisa were very far away from Pirisi and

Sing, respectively. Others are of the view that Katua and Tisa were simply taken over by force by the Busa-Na from the Pirisi-Na and Sing-Na. Further investigations, however, have revealed that none of the views expressed above represent the truth of the matter. In the case of Tisa, the chiefship of the village came into the hands of the Busa princes only for reasons of administrative convenience; and, in the case of Katua, the Chiefship of the Tao was literally sold by Pirisi to Busa. About the Tisa case, the Wa-Na, Momori Bondiri II, who is himself a member of the Sing Gate said:

"Tisa belonged to us in the past. However, at the time when the native tribunals were being set up it was realised that almost all the Chakali villages were under the jurisdiction of the Busa Tribunal. Tisa was an odd one among the lot. It was therefore decided by the Colonial Administration that Tisa be put under Busa."²³⁵

With regard to Katua, it appears that the Chiefship of the village was sold by Hamid Bomi of Perisi to Wa-Na Pelpuo III. Writing about the patterns of succession to Nan among the Wala, Ferguson and Wilks said:

"In or about 1922 Wa-Na Pelpuo III decided to put Katua in charge of a Wala Prince, and he offered the skin to Hamid of the Perisi Segment. Hamid, however, decided that he wished to make a bid for the Perisi Skin itself, and accordingly sold Katua back to the Wa-Na for three pounds and the promise of support in his other candidature.... In the meantime Pelpuo III offered Katua to another Prince, exchanging it for a yam farm but at the same time agreeing, in view of the unattractive nature of the office, that whoever held it should be entitled to consideration for

²³⁵ Information received at the Wa-Nayiri in July 1987.

promotion to Busa."²³⁶

This version of events contradicts an account narrated to me by Al-Haj-Asani of Dzedzereyiri who is a Wala Ahmadi leader matrilineally related to Katua, and, who as such has always followed developments in Katua affairs over the years. He told me:

"The Dzeri Prince, Ide, became the first Wala Na of Katua because his mother was from that village. He went and settled there in Katua. Then later, Ide's Babihi (patrilineal cousins) took over the Katua Nan, with the end result that it was sold to Wa-Na Pelpuo of Yijihi for three pounds. Since then the Nan of Katua has been in the possession of the Busa Princes."²³⁷

After looking at the two accounts carefully, one cannot help but come to the conclusion that the simple truth of the matter is what has been explained by Al-Haj-Asani. It is likely that the Katua-Nan had been occupied before 1922 by a Wala Prince. This Wala Prince, most probably was Ide of the Dzeri Gate. Thus, the move made by Na Pelpuo III in 1922 was an attempt to bring Katua from the jurisdiction of Pirisi to the jurisdiction of Busa, and, not to bring it under a Wala Prince as has been explained by Wilks. Besides, it is hard to understand why Na Pelpuo should have

²³⁶ P. Ferguson and I. Wilks, 'Chiefs, Constitutions, and the British in Northern Ghana', in M. Crowder and O. Ikime, eds., West African Chiefs: Their Changing Status Under Colonial Rule and Independence (Africana Publishing Corporation, New York and London, 1970), pp. 360-1. According to Ivor Wilks, Katua came into the hands of the Wala as a result of the Wala-Gonja wars during the second half of the nineteenth century. He did not, however, ascertain how or who ruled Katua during the period between the wars and 1922, when Na Pelpuo appointed a Wala prince to rule it.

²³⁷ Notes taken from conversation with Al-Haj-Dari Asani at Wa in April 1990.

had to pay money to Hamid Bomi for Katua, if Katua was in fact only then being given to Hamid. A senior chief does not have to pay money to a junior chief for a post which he had offered, but which had been rejected, and, which is being taken by the offerer. Rather, what is reasonable and understandable is that Na Pelpuo had to pay three pounds to Bomi for Katua because the title to the Nan of that village was vested in one way or the other in Bomi, who "then transferred it". Clearly, it cannot be that Pelpuo "offered the skin to Hamid of the Perisi Segment", and, when Hamid "decided that he wished to make a bid for the Pirisi Skin itself", he had to buy back the Katua skin for three pounds, as well as the promise to support Hamid "in his other candidature". The opinion held in this thesis is that Wa-Na Pelpuo III was able to take over Katua from the Dzeri Gate as a result of collaboration between Hamid Bomi and himself, a collaboration which perhaps was not obvious to the Colonial Administration.

THE COMING OF WESTERN EDUCATION - SUPPORT FOR CHIEFSHIP BUT A BLOW TO TAOTINASHIP

It would appear that it was part of British Colonial policy in the Northern Territories to educate the sons of local chiefs, with a view to ensuring that in future there would be trained literate chiefs to carry out Native Administration. This is a view which was expressed by P.A. Ladouceur in 1979:

"The main stimulus for these early educational efforts was to provide for the needs of the

administration, which hoped to train the next generation of chiefs by sending sons and chiefs to school."²³⁸

Indeed, this view is a justifiable one.

In 1973, I was told by Bulenga-Na, Awuore Seidu, who was one of the first people in Chakali to attend school, about how he got into school as a child:

"There was an order issued by the Wa District Commissioner. It was said that every chief or headman was to send at least one of his sons to the Experimentary Primary School at Wa town. My father, Seidu, was then Bulenga-Na. He therefore sent me to school. There were other Chakali boys at the school. There was Dougah from Motigu, Sakara from Tuasa and Salma from Chagu."²³⁹

This information was later confirmed by both Dougah and Sakara. In 1977 Sakara explained:

"One day, the news was received at Tuasa that the Wa District Commissioner would like the chief or headman of every village to send a son to the primary school at Wa. At the time, Tuasa had not yet been taken over by the Wa-Nabihi. Although there was a Bong-Na, Sekyi, the village was run by my senior uncle, Atta, who acted on behalf of his aged father, the Taotina of the Tao. It was said that any village chief or headman who failed to comply with the order of the District Commissioner would be severely punished. Uncle Atta had no son himself, and, so as not to be accused of non-compliance with the order, it was decided by the entire family that Atta should send me, as his ward, to the school at Wa. This was done."²⁴⁰

²³⁸ See P.A. Ladouceur, Chiefs and Politicians: The Politics of Regionalism in Northern Ghana (London and New York, 1979), p. 49.

²³⁹ Information received from the Bulenga-Na, at Bulenga August 1973.

²⁴⁰ Information received from Mr. Sakara, in Wa, August 1977.

As has been explained earlier, there were some villages in Chakali which were ruled over by Wa-Nabihi chiefs. In fact, by 1920-21 when sons of chiefs and headmen in Chakali were being sent to the primary school at Wa, villages like Ducie, Katua, Tisa, Kandia and Balea had all become the seats of Wa-Nabihi chiefs. Thus, when the order was issued by the colonial authorities requiring all chiefs and headmen in Chakali to send children to school, in the above mentioned villages the matter was recognised to be one only of concern to the resident Wala chiefs and their sons. None of the Taotinas of these villages sent any sons to school.

Of the whole Chakali, only two boys from the descent-groups of Taotinas were sent to the Wa Experimentary Primary School. These were Sakara and Dougah, from Tuasa and Motigu respectively. At Tuasa and Motigu, the reason why sons of Taotinas, rather than of chiefs, had to be sent to school apparently lay in the fact that the institution of chiefship at that time had not quite taken the place of Taotinaship, which was the traditional institution of authority and power in the Tao.

The formal education which the sons of chiefs - Nas and Bong-Nas alike - received, but which in principle was denied the sons of Taotinas, was a contributory factor to the transformation of Chakali customary leadership. To clarify this point, let us refer in some detail to the case

of Tuasa and Motigu. By 1940, both Sakara and Dougah had completed middle-school in Tamale. By 1950 both had settled down, the former employed in the Medical Field Unit (MFU) in the Ministry of Health, and the latter in the teaching service. Both of them built houses in Wa town and encouraged more and more children from their respective descent-groups in the villages, to come and stay with them in the town in order to be able to attend school. In this way, many sons of Taotinas of Tuasa came to Wa, and with the assistance of Sakara, attended school, whilst, those of the Motigu Taotinas did so with the assistance of Dougah. By the time of Independence, the two men had become "big men". They both now owned cars, and, were a great source of confidence and inspiration for their respective descent-groups and the Taotinas who were the leaders of the descent-groups.

The crucial importance of the above developments lies in the fact that unlike in Ducie, Katua, Kandia, etc., where sons of Taotinas received no formal education, in Tuasa and Motigu the authority and respect of the Taotina in the Tao was one which any Na could not overlook or disregard. Indeed, even the Wa-Nabihi chiefs who, at that time, were very much feared by Chakali people, were unable to mete out to Tuasa when they took it over in the 1940's, the type of bad treatment which they meted out to the other Taos under their chiefly power. In all of my research I have not heard of a single case of a chief flogging men in public or

openly going after other men's wives in either Tuasa or Motigu.

This fact is to be contrasted with the terrible experiences of Ducie under Wala chiefs which were narrated to me by Bodai Wisa, the Taotina in 1980-81. Among other things he told me how chiefs frequently committed adultery with other men's wives with impunity, openly flogged people, as well as confiscated the belongings of their subjects.²⁴¹ The majority of Chakali villages found themselves in a situation similar to that of Ducie. In all these villages the first children to go to school were the sons of chiefs. The coming of Western education in these Taos only further strengthened the already strong hand of the chief or headman at the expense of the Taotina. This is because the few educated "big men" were all the sons of chiefs, who were sure to support and uphold chiefship.

²⁴¹ Information received at Ducie, September 1980.

CHAPTER 4

THE CHAKALI PEOPLE AND THE BRITISH COLONIAL SYSTEM

There is one more question to be addressed about the political changes which occurred in colonial Chakali. We have already seen above, how all the people including the Muslim settlers before colonial rule respected the authority of the Taotina, and, how all were even prepared in times of war to fight for him and his Tao against their enemies.²⁴² We will now proceed here, firstly to see how the Muslim settlers reacted to the changes in Chakali leadership which took place during colonial rule, and secondly the reactions of the ordinary Chakali natives. We will look at (a) how the Chakali Muslims reacted to the transfer of power in the Tao from the Taotina to the Chief, (b) their reaction to the appointment of Wa-Nabihi as chiefs in Chakali villages, (c) their reaction to the annexation of Chakali as a whole to the Busa Division headed by the Busa-Na and (d) the reactions of the Chakali indigenous people to the whole colonial process.

THE MUSLIM SETTLERS

Although the Chakali Muslims were not opposed to the takeover of power by chiefs from Taotinas as such, they did not like the idea of Nan or Chieftaincy in the various Chakali villages being linked with the Nan of the Wa-Nabihi. The Chakali Muslims who, as we have seen above,

²⁴² See Part 3, Chapter 2 above p 108 and 111.

were the patrilineal descendants of the Muslims in Wa, were anxious that the establishment of Nan in Chakali did not provide the Wa-Nabihi with the chance of buying the area under their jurisdiction. For them, if this were to happen, the Wa-Nabihi, who, according to Wala Lesiri were their equals and not their superiors might, in fact become their superiors in Chakali just as they would be superiors over the indigenous Chakali people. In short, the Chakali Yerihi did not like the transfer of power in the village from the Taotina to the Chief precisely because they did not trust the Wala princes who constituted the apex of chiefly authority in the colonial system. This fact was made clear by Alhaj Asani from the Dzedzereyiri section of the Wa-Limahi, who is matrilineally, a descendant of the Chakali village of Tisa:

"Right from the very beginning, my senior father, Momori Lari at Bulenga, was seriously opposed to any intervention by the Wa-Nabihi in the affairs of Chakali. He said that the Wa-Nabihi were people who could not be trusted to be sincere in their treatment of the Chakali people. He described the Wa-Nabihi as "people who are not people".²⁴³

By describing the Wala princes as "people who are not people", Momori Lari implied that they make bad chiefs.

The appointment of Wala princes as chiefs in Chakali villages was more than any other, the sort of thing which made the Yerihi in Chakali suspicious of the intentions of the Busa-Na and his immediate superior, the Wa-Na. There

²⁴³ Interview with Alhaj Asani 1987.

were two reasons for this. Firstly, it was predicted by Momori Lari that if the Wala princes were allowed to become chiefs in Chakali, they would one day sell its people.²⁴⁴ According to Alhaj Asani, Momori Lari made this prediction when Ide, a Wala prince of the Pirisi State, wanted to become Chief of Katua. Momori Lari allowed Ide to take up the post of Chief in Katua because Ide, like himself, was a matrilineal descendant of Chakali. However, he insisted that this was an exceptional case. This occurred, perhaps, during the first decade of this century. In fact, in 1922 when Na Pelpuo bought Katua from Hamid of Pirisi and sold it afterwards to a fellow Busa prince for a yam farm, some saw his actions as a fulfilment of this prediction. In 1987 Alhaj Asani said: "Consider what Pelpuo and Hamid did to Katua!" "Was that not exactly what the Bigman (Momori Lari) at Bulenga predicted before his death some years earlier?" he asked.

Secondly, the appointment of Wala princes in Chakali villages was seen by the Chakali Muslims as an attempt made by the Busa-Na and the Wa-Na to make Chakali an area of exclusive jurisdiction for Nan, their institution of authority. As people of Wala - Limahi descent they, the Chakali Muslims, regarded the Wa-Limanship as their legitimate traditional leadership and not the Wa-Naship. To make sure therefore, that the Wa-Nabihi who were appointed to Chieftainships created in Chakali did not turn

²⁴⁴ Alhaj Asani 1987.

Chakali area into a zone of exclusive chiefly jurisdiction for Nan as an institution, local Limanships were also created in Bulenga, Chagu and Tuasa where there were Muslim settlers. The Limans of these villages acted as wards and subordinates of the Wa-Liman and not the Busa-Na or the Wa-Na. Of the three, the Bulenga-Liman was the Chief. In other words, the Bulenga-Liman was Chakali-Liman or Liman for the whole Chakali. The case of the Muslims was vividly summarized in an account narrated to me by Sina of Bulenga, an elderly Chakali Muslim who was born and bred in Chakali during the colonial period:

"Before the coming of the white men there were no Wala chiefs in Chakali. The Tindamba (Taotinas) were the rulers of the villages in Chakali. Anytime there was a problem in any village it was my senior uncle, Momori Lari, who helped the Tindana and his people to solve it. We the Yerihi always helped the people of Chakali because they were our blood relatives and they also respected us as such. After the coming of the white men, things changed. A new system was established by which more and more Wala princes were appointed as Chiefs in Chakali by the Busa-Na and the Wa-Na. Most of the Wala princes had no kinship ties whatsoever with the Chakali people. Indeed, most of them only accepted to be Chiefs in Chakali because they wanted to exercise chiefly power. It soon became clear that the Wala chiefs in Chakali wanted to impose themselves on all in the area. This of course, we the Muslims would not allow. They were not able to impose themselves on us. In Wala Lesiri no man follows another man's leader. Everyone follows his own leader. Accordingly, our people appointed local Limans. Once there were chiefs in Chakali, there could also be Limans in any Chakali village where there was Muslims.²⁴⁵

There is an interesting point to be noted about Chakali-Wala colonial history. It is interesting that things went

²⁴⁵ Sina 1987. Information received at Tuasa.

well between the Wala Muslim settlers and the non-Muslim Chakali Taotinas before colonial rule, whereas, things worsened during the colonial period between the Wala Muslim settlers and the newly appointed Wala chiefs, some of whom practised Islam. Furthermore, relations between the Wala princes and the indigenous Chakali people and their Taotinas were far from warm during the colonial period. Thus, it is ironic that the Wa- Nabihi who became chiefs in Chakali during the colonial period were never liked by the people of colonial Chakali. Kinship ties which were the basis of union in societies like those of colonial Chakali and colonial Wa, appear to have been largely discounted by the Wala native authorities who initiated local colonial policy. I am of the opinion that had the chiefly appointments in Chakali been limited to Wa-Nabihi who were the matrilineal descendants of the area, relations between colonial Chakali chiefs on the one hand, and the local inhabitants including the Muslim settlers on the other would have been smoother and better than they actually were. It will be shown in the next paragraph, that there were sometimes crises between the local Limans on the one hand, and the local Wala chiefs on the other, which in some cases spread to Wa where it culminated in further trouble between the Wa-Nabihi and Wala Yerihi.

So far as the Chakali Muslims were concerned, the annexation of Chakali as a whole to Busa, one of the divisions of the Wa Native Authority area, was not bad as

long as it did not mean the overlordship of the Busa-Na or the Wa-Na. Of course, if the Wa-Nabihi authorities made any attempt to impose their will on any Yerihi man in Chakali as the result of the annexation, the Chakali Muslims were not going to sit idly by. In fact, according to Sina, when the Busa-Na made one such attempt the Chakali Muslims put up a stiff resistance with the support of the Muslims in Wa. The account of Sina is presented below in full:

"We the Yerihi settled here in Chakali because the Chakali people were our relatives. The mother of our Bigman, Momori Lari, at Bulenga was a daughter of Bulenga. Again, the mother of Mallam Isaka, who was one of the most distinguished Mallams in Wa, was a daughter of Tisa. Any time one of us killed a large game animal in the back, a hind leg was presented to the Taotina and the other elders of the village. You cannot eat meat while your maternal uncles and grandfathers eat leaves. After the coming of the white man things in Chakali were put in the charge of the Wa-Nabihi authorities. All our relatives in Chakali became authorities. All our relatives in Chakali became subjects of Nan. Hunters in Chakali who killed large game animals like buffaloes were asked to surrender the hind leg of each animal to the Chief of the village. Furthermore, hunters who killed elephants were to surrender a tusk of each elephant to the Divisional Chief, the Busa-Na. He, the Busa-Na, was also entitled to all the hides of leopards and lions killed by hunters in Chakali. When these laws were made by the chiefs, we the Chakali Muslims did not care about them in the beginning.

However, something happened that changed the situation. A Yerihi man called Yahaya at Tafali, a suburb of Bulenga, killed a leopard, the hide of which he sold to some itinerant trader for money. The Bulenga-Na reported the matter to the Busa-Na, who demanded that Yahaya be summoned before him for not complying with Chiefly Regulations. A messenger was sent by the Bulenga-Na to Tafali with the news of the summons. On hearing about the charges made against him, Yahaya at once went to see the

Bulenga-Liman, and then on to see the Wa-Liman about the case. In the afternoon of the following day, as the Busa-Na sat in his house at Busa, he saw a cavalcade approaching from the direction of Wa. To his surprise, it was Yahaya of Tafali, followed by many Yerihi men from Wa. After they had dismounted from their horses the stranger said "Asalam Aleikum" to the Chief, who admitted them into his house. When the Busa-Na was told that their mission was to find out why Yahaya was being summoned, he was afraid. He refused to continue with the case. The whole matter ended there."²⁴⁶

THE ORDINARY CHAKALI INHABITANTS

Whether one talks about the takeover of power by the Chiefs from Taotinas, or about the appointment of Wa-Nabihi as chiefs in Chakali villages, or, about the annexation of Chakali to the Busa Division of the Wa paramountcy, it makes no difference for the ordinary inhabitants of colonial Chakali. For them and their traditional leaders, the Taotinas, the crucial issue that was at stake was just one, namely, the domination of the Chakali people by the Wala. Even in the villages ruled over by Bong-Nabihi, people thought that it was the question of Wala chiefly superiority which constituted their key problem during the colonial period. Below are six passages. The first two of these are extracts from interviews held with inhabitants of villages ruled by Bong-Nas about the colonial days. The remaining four passages are extracted from interviews held with inhabitants of Taos ruled by Wa-Nabihi about the same subject. The six passages read together give the reader an insight into the feelings and reactions of the Chakali

²⁴⁶ Account narrated by Sina 1985 at Tuasa.

people to the changes that took place in their leadership structure during the colonial period.

1. Bulenga:-

"Why the white man made we, the Chakali people, to serve the Wala, is a question none of us can answer. We have never been conquered by Wa. We and the Wala were friends who helped one another against foreign invaders. Many of our people, for instance, died at Tugilor-pie while fighting for Wa against Babatu. Since the time Chakali was brought under the administration of the Wala chiefs, our people have been oppressed. Be you a Taotina, a chief or whatever as long as you are a Chakali native, you are nothing. The worst part of it is that since that time they, the Wa-Nabihi, have always been the judges in all cases. Imagine a Chakali native bringing a case before the Busa-Na or the Wa-Na against a Wala. Anyone can guess the result. The introduction of Chieftaincy from Wa to Chakali right from the very outset made us people without rights. We only rely on sympathy".²⁴⁷

2. Motigu:-

"Today, educated people like you (me the researcher) can easily speak your mind about things that happen. In the colonial days educated people like us could not do that. The simple fact was that once orders were given by an authority, they were to be obeyed by all means. Everyone had to obey his chief. It was a must. At that time, when the Busa-Na gave an order no Chakali person could complain, argue or refuse to comply. If you did you ran the risk of being brought before the District Commissioner for discipline. It was in your own interest, in any case, to agree and not to disagree with your chief, for if you did you could not bring your complaint to the District Commissioner yourself. You could only do so with the knowledge of the chief himself. This procedure was avoided because it was regarded by many to be suicidal. For as long as the chief was aware of your complaint, it was within his power to frustrate your effort and, furthermore, seek revenge. In the colonial days, if a chief did something bad against you, it was better to be quiet about it

²⁴⁷ Account narrated by Mwengu from the Sangpuo Yenge section of Yogile in Bulenga, 1987.

than to speak out and fight against him. Ask the people of Katua and Ducie and let them tell you about what happened to them when they quarrelled against their chiefs. They were warned but they did not pay heed. Accordingly, severe punitive measures were taken against them. Similarly, no matter which village in Chakali you came from if you, a Chakali man, had a grievance against a Wala person, you had to be mindful of the fact that those who would pass judgement in any hearing were Wala and not Chakali people."²⁴⁸

3. Katua:-

"During the time of the white man and the chiefs there was always trouble for the young men in the village. Everyday, the Katua-Na had something new to tell the villagers. Sometimes he needed young men to work on his farm in Katua. Sometimes he would say that the white man in Wa needed people to work on the roads or construct a building in the town. In either case the Taotina would gather men in the village in an effort to meet the desired quotas. Sometimes on the way back from Wa where they did the work for the white man, the Katua young men would be stopped at Busa by the Busa-Na who was in charge of all the villages on the Chakali road and made to work for a day or two on the chief's farm. The worst part of it all was that these men who were to provide free labour throughout were not properly fed. They came back to Katua normally looking worn-out and lean. These men would complain to the Katua-Taotina about the ill-treatment given them. Any attempt made by the Katua-Taotina, however, to put the case of the labourers before the Katua-Na resulted in a quarrel between the two men. Regarding the action of the Taotina as rebellion against chiefly authority, the Katua-Na would go to Busa on horseback where he would give a very bad report about the Katua-Taotina and his people to the Busa-Na. At once, a case would then be made against Katua-Tao and summons served on the Taotina. My father, Sangpuo, who was the Taotina suffered a lot from this kind of bad treatment. There were complaints everywhere in the village against the chiefs and yet there was no-one to

²⁴⁸ Account narrated by Mr J.C. Dougah (1984) who is also the author of the book on the History of the Wa Area entitled: Wa and Its People 1966. The above book has been found to be of considerable value in the preparation of this thesis.

forward the complaints to. This was why some of the people in Katua fled with people from Ducie and Balea into Gonja territory which was not within the provincial jurisdiction of Wa".²⁴⁹

4. Tisa:-

"I remember when I was a boy staying with my grandfather, Sabaluu, who was Tisa Taotina. I used to see him quarrel everyday with the Tisa-Na. There was not a single day that the two men did not have conflict. Many times my grandfather was taken to Busa and fined. I did not know why they were always quarrelling. Sometimes, they would even insult each other openly in public. I remember for instance that, one day, the Tisa-Na insulted my grandfather: "You big head" and my grandfather retorted: "You small eyes".²⁵⁰

5. Ducie:-

"We people in Ducie are very thankful to the white man. If it were not for the white man, the Sambarima would still be attacking us today. It was the white man who drove them away permanently. Since that time there has been peace. What is bad about the white man, however, is that he believed in force. Whenever the District Commissioner wanted something to be done, we were told about it and we were to do it. We were told to do it whether we liked it or not. When chiefs were sent from Wa to rule us we did not like it but could do nothing because that was what the District Commissioner ordered. We had to accept the Wala princes. We were told we could not see the District Commissioner save through the chiefs. Whatever the white man said was relayed to us by the chiefs. It was therefore difficult for us to differentiate between orders that were issued by the chiefs themselves and those that were issued by the District Commissioner. Some of the chiefs were wicked people who did a lot of bad things here in Ducie. What could the Ducie people do? They could do nothing. If the Taotina talked about the matter he would be reported by the chief to Wa as a rebellious elder and treated as such by the Wa-Na and the District Commissioner. Twice

²⁴⁹ Account narrated by Tangu Sangpuo, 1981.

²⁵⁰ Account narrated by Kuri a literate native of Tisa, 1987.

people in Ducie fled from the jurisdiction of Wa because of too much trouble from chiefs".²⁵¹

6. Balea:-

"Things got so bad at one point that any Wala man who came to Balea and introduced himself as a messenger of the Wa-Na or the District Commissioner could get whatever he wanted from the people. The reason for this was that everyone in the village including the Taotina were afraid of being branded as rebels against authority. People were so afraid of authority that they would not even make the effort of sending messengers to the town to ascertain the verifiability of claims made by unscrupulous Wala people. People did not like the chiefly system. However, they were afraid to say so. For them, the solution of the problem was fleeing from the jurisdiction of the chiefs and this they did".²⁵²

It would appear that during the colonial period of the thirteen villages in Chakali, the three most remote were those which suffered the most oppression from the Wa-Nabihi. These three villages were: Katua (forty-one miles from Wa), Ducie (forty miles) and Balea (forty-five miles). This view is evidenced by the fact that people in each of the three villages at some point in time had to run away from their homes in the attempt to evade Wala chiefly jurisdiction.

²⁵¹ Account narrated by Bodai Wisa, the Taotina of Ducie. Bodai Wisa, whom I interviewed in 1981 provided me with a lot of historical information on Ducie village in particular.

²⁵² Account narrated by Sogili a literate native of Balea, 1987.

CHAPTER 5

THE ADMINISTRATION OF JUSTICE

Before going on to talk about the new system of justice in Chakali, let us recall the pre-colonial system. In the pre-colonial period the administration of justice in the Tao was one of the duties which devolved on the Taotina.²⁵³ In all cases that came before the village elders, it was his opinion which in effect became the verdict. It was the Taotina who decided whether a persistent offender against the laws of the village should, or should not, be tortured by a Siguma-man of the Tao. Even where the Vugotina of the Tao was to perform Vugo-Piasi in respect of a dead man or woman, it was necessary that first of all, the proceedings be initiated by the Taotina of the Tao himself. We have also said that in the pre-Colonial period disputes that arose between parties from different Taos were settled either through (a) The system of common Bia, or, (b) The system of common Hian, or (c) The system of common Vugo. How far was this pre-colonial system changed during the colonial period? This question will be our main concern in this chapter.

In this part, we have seen that during the Colonial period judicial authority and power in the Tao changed hands. The Bong-Na or Na not only became the judge, but also the effective ruler of the Chakali village. We have also seen

²⁵³ See Part 3, Chapter 2, p 106 and 3, p 113 above.

how the Bulenga-Na during the Colonial period became, at least in theory, Chief of all Headmen in Chakali, thereby becoming responsible for the settlement of inter-village disputes which arose in the Chakali area. We have also narrated at length the sad story about Bulenga-Na and Anjamani, and, have explained how the Bulenga-Naship subsequently became demoted by the Colonial Administration from being a Chiefship entitled to Medallion, to ordinary headmanship without any medals.²⁵⁴ Thus, during the fourth decade of the twentieth century, when the Native Authority System or Indirect Rule was established, the whole of Chakali was made part and parcel of the Busa Division of the so-called Wala native state and subject to the administration of the Divisional Chief, Busa-Na. All these developments resulted in serious consequences for the people of Chakali when it came to seeking justice. The colonial system of native courts which came into existence following the introduction of the Native Authority system in 1932 was not only alien but also complicated for the Chakali people.

In analysing the colonial system of justice administered in the Busa Division of Wa, J.C. Dougah mentioned the Ducie-Na, Sogla-Na (Sogila-Na), Katua-Na, Bulenga-Na and the Chagu-Na as sub-Divisional Chiefs.²⁵⁵ In other words for him, of the thirteen chiefs in Chakali, these five were

²⁵⁴ For the story of Anjamani, see above Chapter 2 of this part, p 303-307.

²⁵⁵ See J.C. Dougah (1966) Wa and Its People, Accra, Legon, p. 112.

considered to be equal in terms of jurisdiction and that each dealt with the Divisional Chief, the Busa-Na, independently in his own right. The information provided by him was inadequate, he did not say what villages belonged to which subdivision. Going by his idea the table of the court structure would be as follows:

TABLE OF CHAKALI SUB-DIVISIONAL COURTS IN THE BUSA DIVISION DURING THE COLONIAL PERIOD

HIGHER CHIEFLY COURTS IN CHAKALI

| Seats of higher courts | Court for the whole division | Court for the Bulenga sub-division | Court for the Ducie sub-division | Court for the Katua sub-division | Court for the Chagu sub-division | Court for the Sogila sub-division |
|------------------------|------------------------------|------------------------------------|----------------------------------|----------------------------------|----------------------------------|-----------------------------------|
| Busa | * | | | | | |
| Bul-enga | | * | | | | |
| Ducie | | | * | | | |
| Katua | | | | * | | |
| Chagu | | | | | * | |
| Sogila | | | | | | * |

In 1984 through conversation with the Bulenga-Na, Saka, I was able to get the information which Dougah failed to give.²⁵⁶ Thus, the table presented below provides a more elaborate picture of the judicial structure of colonial Chakali:-

²⁵⁶ The table below was prepared on the basis of information received from Bulenga-Na, Saka about the distribution of jurisdiction among chiefs in Chakali in the colonial days (December 1984).

TABLE OF CHAKALI VILLAGES AND SUB-DIVISIONS IN THE COLONIAL PERIOD

| Breakdown of Chakali into sub-divisions as assumed by the Colonial Administration | Bulenga sub-division | Ducie sub-division | Katua sub-division | Chagu sub-division | Sogila sub-division |
|---|----------------------|--------------------|--------------------|--------------------|---------------------|
| Chakali Villages | | | | | |
| Bulenga | * | | | | |
| Tuasa | * | | | | |
| Motigu | * | | | | |
| Ducie | | * | | | |
| Balea | | * | | | |
| Chagu | | | | * | |
| Bisikan | * | | | | |
| Kandia | | | * | | |
| Katua | | | * | | |
| Dupari | * | | | | |
| Gilan | | | | * | |
| Tisa | * | | | | |
| Sogila | | | | | * |

Another important question which he did not answer was whether the chiefs of villages like Tisa, Tuasa and Kandia who were Wala Princes, but who were not Sub-Divisional Chiefs served under their fellow Wala chiefs like the Ducie-Na and the Katua-Na who were Sub-Divisional Chiefs; or under native Chakali chiefs like the Bulenga-Na and the Chagu-Na who were equally Sub-Divisional chiefs. Indeed some of the villages, like Tuasa, Tisa and Gilan which were ruled over by the Wala chiefs as can be seen from the preceding table, were within the Bulenga Sub-Division ruled

over by a native Chakali Chief. In my view the breakdown of Chakali into five Sub-Divisions was nothing more than a sham. In fact, it was simply an attempt made by the Wa-Nabihi and the District Commissioner to weaken the authority of the Bulenga-Na who perhaps was seen as a threat to the survival of Wala chiefly superiority over the area.

We must not forget that Bulenga-Na Anjamani was dismissed by The District Commissioner on grounds of disobedience to the Wa-Na, and, furthermore the entire Bulenga chiefship demoted from chiefship to ordinary headmanship on account of Anjamani's conduct.²⁵⁷ The fact that the entire Bulenga chiefship remained demoted even after Anjamani, the recalcitrant chief, had been removed from office was an indication that the Colonial Authorities had a policy of weakening the position of the Bulenga-Na and Bulenga as a rallying point for the Chakali people. The sort of struggle for jurisdiction which went on between the Bulenga-Na who was a native Chakali chief on the one hand and the Wa-Nabihi chiefs appointed from Wa and Busa on the other, is one that has persisted up to date, and indeed is to be highlighted in this thesis.²⁵⁸

²⁵⁷ For a full account of the dismissal of Anjamani from office see above, Chapter 2 of this part, p 304-305.

²⁵⁸ For an account of the suspicions existing between the Bulenga-Na and the Bong Nabihi of Chakali and the Wala chiefs from Busa, see below Part 7, Chapter 3, p 490 and 491.

As a matter of fact the idea that the breakdown of Chakali into Sub-Divisions by the Colonial Chiefly Authorities was spurious, was strengthened by the fact that in many aspects Bulenga continued to be the centre of Chakali social activities and gatherings all through the colonial period. The fact that the District Commissioner, Dixon, in 1933, while touring the various Divisions and Sub-Divisions of the Province, visited Bulenga and no other Chakali village was itself enough to show that Bulenga was the centre of Chakali. The Commissioner came to Bulenga on the 10th of August of that year and spent a night during which he reported the display of the Siguma men (Sima men).²⁵⁹ Indeed Bulenga was the only Chakali village where a barracks was built for the District Commissioner to spend the night anytime he came on a visit to Chakali.

We have said that there were three types of chief in Chakali during the colonial period. Because the administration of justice in the colonial days was a chiefly affair, consequently there were three types of courts in Chakali as the chief of each village had his own village court.

²⁵⁹ See RAT/240 - Wa District. Informal Diary, National Archives of Ghana, Tamale (N.A.G.T.).

CHIEFLY COURTS IN CHAKALI DURING THE COLONIAL PERIOD

| Chakali village ↓ ✓ | Courts of chiefs who were Chakali and natives of the village | Courts of chiefs who were Chakali but not natives of the village | Courts of chiefs who were Wala |
|---------------------------|--|--|--------------------------------|
| Bulenga | * | | |
| Tuasa | | | * |
| Chagu | * | | |
| Tisa | | | * |
| Sogila | | | * |
| Dupari | | * | |
| Katua | | | * |
| Bisikan | | | * |
| Ducie | | | * |
| Balea | | | * |
| Kandia | | | * |
| Motigu | | * | |
| Gilan | | | * |

This was a matter which was not touched on by J.C. Dougah in 1966. The data presented so far in this chapter is intended to show that administration of justice in Chakali during the colonial period was rather complex and cumbersome. It is therefore not a surprise that it was difficult for complainants in Chakali to channel their complaints through to the District Commissioner who was at the apex of the local judicial system. This last point was clearly explained by Dougah, he wrote:

"Let us take for example a farmer in a remote village like Motigu. He would report his case to the headman of the village. The Motigu Na would report to his sub-divisional chief, the Bulenga Na. Then the Bulenga Na, finding the matter beyond his jurisdiction, would transfer it to Busa Na, his divisional chief. The unfortunate

farmer would then be sent to Busa through all these channels. Busa Na himself, or a representative, would send the man to his representative councillor Yijihida (Yijihidana), who would in turn direct the man, the chief of Wa and here at last he makes his complaint. His case might be tried in the Grade "A" Native Court or settled in chambers as a family affair".²⁶⁰

We will now go on to narrate the precise events which, brought the Chakali indigenous system of justice into a head-on clash with British colonial law. Between about 1956, one year before Independence, and about 1960, the year in which the First Republic was proclaimed, there was a case in Chakali involving the Vugotina Supreme of the Panti-Kala Vugo.²⁶¹ It was a case in which the police of the modern Ghanaian state had to intervene. The Vugotina Supreme of the Panti-Kala Vugo was resident at Gbanwalea, the original home and headquarters of the Panti-Kala Vugo.²⁶² From the village of Gbanwalea, Panti-Kala was exported to client villages which included the Chakali villages of Ducie, Motigu, etc. According to the facts of this case (which is hereafter referred to as the case of the Gbanwalea Vugo), a wealthy and prosperous farmer at Motigu Tao died. The Vugotina of the Tao for Motigu thereupon performed Vugo-Piasi to see if the dead man was,

²⁶⁰ See J.C. Dougah, op. cit. p. 114.

²⁶¹ The case in question has been narrated to me twice, first by Bodai Wisa, Ducie 1981 and by Manbo, Katua 1981. Both accounts tally.

²⁶² The village of Gbanwalea no more exists. Its site is now part of the Damango Game Reserve. Most of the former inhabitants of Gbanwalea are now to be found in Ducie.

or, was not a malignant wizard put to death by Panti-Kala for some supernatural atrocity. The answer that the Vugotina of the Tao had from Panti-Kala in respect of the matter, was one of affirmation i.e. that the deceased was guilty by the supernatural law of the Vugo. Accordingly, all the livestock and farm produce of the deceased were taken over by the Vugotina of the Tao. After consulting with the Vugotina Supreme at Gbanwalea, the Vugotina of the Tao for Motigu sent most, if not all of the dead man's property to his superior at Gbanwalea Village. Thereafter, nothing was heard of the goods. Some time passed during which all went well for the Panti-Kala Vugotinas. Later, however, a matrilineal relative of the deceased, who, although he was not literate was, as a result of wide travelling in the country, quite familiar with the ideas of modern civilisation and justice, arrived at the scene. The new arrival, Kuri, who was popularly known as Kamanpora, shared a common Hian with the deceased. In fact, most of the cattle of the deceased which were taken over by the Vugotinas, were apparently not for the deceased personally, but for the Hian. Thus, for Kamanporah the whole act of expropriation carried out by the Vugotinas was not a wrong committed just against the dead man and his immediate family, but against him who was a kinsman by Hian. On these grounds he reported the matter to the police at Wa who carried out investigations into the case. As a result of the investigations made by the police, for the first time in Chakali history, Vugotinas were arrested. What was

more, the main shrine of the Panti-Kala Vugo itself had to be brought before police in the course of the investigations, and, eventually the shrine was destroyed.

This case is important to us here because it marked a turning point in the judicial affairs of Chakali. During my field research in 1987, I did not have the chance to witness or in fact hear about a single Vugo Piasi. This case, it appears, not only made it clear to all and sundry in Chakali that no one was insulated against arrest by the police, but also that the whole idea of Vugo-Piasi was one that was unacceptable to the laws of the state of which they were part. The running up and down of police jeeps to and from Chakali, the sight of men in handcuffs, elders of the village, including the Taotina and Vugotina of the Tao being taken to Wa for questioning, and, the writing down of names of other people as witnesses, were difficult and unpleasant experiences people went through during the case of the Gbanwalea Vugo. It would appear that present day Chakali seeks to avoid these experiences no matter the cost. The result of this attitude has been to repudiate Vugo-Piasi and all the other practices which might bring them into trouble with the law enforcing authorities of the Ghanaian government.

There is an unavoidable question that comes to mind at this juncture. Why were the colonial authorities not able to put a stop to Vugo-Piasi during the 56 years of their

administration? How could the practice which was illegal according to colonial law have persisted for so long? It is my opinion that this happened because the Wala chiefs, the Busa-Na and the Wa-Nabihi chiefs in Chakali, in whose hands power rests in the area were only interested in safeguarding their own chiefly interests. They did not have the time for Chakali practices which were illegal but which did not threaten their chiefly authority. In a nutshell Vugo-Piasi was able to persist in Chakali because those on whom the Colonial Administration relied for the implementation of colonial law failed to carry out their duties.

In this part an attempt has been made to show how the society of acephalous Chakali villages or segments fitted into the British colonial system which was established in Northern Ghana. The Chakali people, who, before the advent of colonial rule lived in autonomous village segments ruled over by powerful Taotinas, but, with no form of centralised Chakali authority, in the colonial period were all brought under Wala Chiefly authority and power. Nan or Chiefship as an institution of authority grew up with speed in Chakali, and superceded the indigenous institution of Taotinaship.

Unlike the centralised group society of the Wala which during colonial rule occupied a dominant position in native affairs, and, which was closer in ties to the Colonial

Administration in all matters, the acephalous group society of the Chakali people not only lost its identity but also was out of effective touch with the non-native District Commissioner. The native Wala Chiefs, upon whom rested the responsibility of administering Chakali, were not implementing British Colonial law and policy per se. In fact, they only carried out those colonial laws and policies which were crucial to their own position as native authorities i.e. the recruitment of compulsory labour, the keeping of the peace, the collection of taxes, etcetera. As a matter of fact, the real concern of the Wala Chiefs and in particular, those from the Busa Gate, was to make sure that their authority over Chakali was retained as well as strengthened.

The Story of Chakali and Wa during the colonial period as narrated above shows that a centralised group society on the one hand, and the acephalous group society on the other, can only coexist and cooperate with one another, if, the two societies really have the need for one another. In the pre-colonial period, the two societies were able to cooperate with each other whenever they found themselves in trouble and really needed each other's support. During the colonial period, the Wa-Nabihi did not need the Chakali Bong-Nas as there was no more the threat of war.

The same case also shows that where an acephalous group society is placed by law under the care or authority of a

centralised group society, the probabilities are that the latter will try as hard as it can to retain as well as strengthen its position of authority over the former. The Chakali villages of Katua and Tisa are cases in point.

PART 6

THE CENTRALISED GROUP SOCIETY IN THE POST COLONIAL STATE

Using the Wala as a case study, we have so far in this thesis tried to see, firstly, how the system of the centralised group society was operated in the pre-colonial period; and, secondly, how it was adapted to suit the needs and the conditions of the colonial system of administration which lasted from about 1901 to 1957. We now consider the Wala in the post-colonial state of Ghana. As in the colonial period, when Wa was a province within the Northern Territories Protectorate of the Gold Coast, in the post-colonial Ghanaian State, Wa is an entity within the jurisdiction of the government of Ghana. From being a province of the Northern Territories Protectorate, the Wala were first reconstituted as a District within the Upper Region of Ghana, and then, later reconstituted as a District within the newly created Upper-West Region of the country.

Of interest to us here, is a point made by William A. Shack and Percy S. Cohen; "plainly, before the rise of new nation states in the 'Third World', the type of local leadership in the former dependent territories reflected, in part, adjustments to external political and economic changes. The 'introducing' power made what use it could of existing forms of leadership; sometimes the existing form was

hereditary leadership, at other times 'big-manship'".²⁶³

In the case of the Wala, the local form of leadership of which "the 'intruding' power made what use it could", was the Wa-Naship. The coming of Independence, of course, meant the end of this process. With no colonial administrators to support and emphasise the position and authority of the Wa-Na, the entire institution of Wa-Nan as a customary form of leadership in the post-colonial period found itself in a situation very much like that in which it had been in the period before colonial rule. Nan in the present Wala society is simply an institution of authority and not one of authority and power. Authority, on the one hand is the ability to lead or to direct, while power, on the other hand, is the ability to lead or to direct through the use of force or sanctions.²⁶⁴ As in the pre-colonial period, authority in Wala Society today, generally speaking, is one based on cooperation between the various groups which make up Wa. Today, the amount of authority any Wa-Na can exercise, by and large, depends on his ability to promote the cooperation between the various Wala group leaderships. Cooperation between the various group leaderships is promoted by the Wa-Na when he arbitrates in intergroup disputes, and, when he reconciles the divergent interests of the different groups by his acting as spokesman for all Wala. Intergroup cooperation is the

²⁶³ See W.A. Shack and P.S. Cohen, eds., Politics in Leadership: A Comparative Perspective (Clarendon Press, Oxford, 1979), p. 2.

²⁶⁴ See below Appendix 3, Definitions, p 575-576.

process of groups working together with a view to achieve for themselves mutual benefit in the running of the affairs of their society.

If cooperation between group leaders is the essence of Wa-Na's authority at the present time, then, what happens if there is a dispute about the office of Naship itself? In the pre-colonial period, whenever there was a dispute about the Wa-Nan, i.e. about choosing a successor to the office when it was vacant, arms were resorted to if peaceful negotiations failed to resolve the matter. Today, of course, that cannot happen. Thus, in 1979 when a dispute broke out between two contestants for the Wa-Naship, Yakubu Seidu and J.N. Momori, the result was that the matter had to be taken before the Supreme Court of the Republic. As will be seen in this part, this case which started as a result of a petition brought before the Judicial Committee of the Upper Regional House of Chiefs by Yakubu Seidu in 1980, did not end until July 1985 when it was taken up by the Supreme Court of Ghana.

The case of Yakubu Seidu is important because it highlights how important it is for the judges of the modern day courts to intervene judicially in disputes of succession to the first office of authority in the centralised group society. Although it is true that the centralised group society is able to run its affairs peacefully by means of cooperation between the member groups, it is not able to do so when

there is a dispute involving succession to its highest office. In the case of the Wala dispute, the Wa-Nan which has always been the first office of authority became vacant in 1978. Wa became divided over who was to become the new Wa-na. Yakubu Seidu of the Kpasa Gate claimed the right to succeed to the office. On the 8th of January 1979, he was nominated by the Tindana of Wa as the rightful heir to the Wa-Nan. On the 13th of the same month, Busa-Na Asani, together with other senior princes from the Yijih, Dzonyohi and Dzeri Gates nominated J.N. Momori as the rightful heir to the Wa-Naship. They contended, among other things: (a) that Kpasa was not one of the gates of the Wa Royal House entitled to succeed to Wa-Naship; (b) that kingmaking was an affair for the Wa-Nabih (Wa princes) and not for the Tindamba who are non-Royals. The dispute continued and in 1980 it developed into a crisis of military confrontation between the supporters of Yakubu Seidu, on the one hand, and the supporters of J.N. Momori, on the other. If peace is to prevail in the Centralised Group Society it is necessary for the courts of the Central Government to be able to decide on who is the rightful claimant to succession when there is a dangerous dispute such as the one which occurred in Wa. As will be seen in the text of this part the Supreme Court of Ghana failed to present the Wala people with the definite answers they sought. It is my opinion that in a society like that of the Wala, which is part of a post-Colonial state, claims to traditional office, if not properly scrutinized, may in

fact be more Colonial legacies.

CHAPTER 1

WALA SOCIETY TODAY

There are 25 sections or wards in present-day Wa, 23 of these make up the old town. In other words, 23 of the 25 sections are traditional Wala sub-divisions. All the 23 sections or wards have existed in Wa since the pre-colonial period. It would be wrong to assume that the 23 traditional wards of Wa are arranged in a definite geographical order along the lines of the four traditional groupings: Tindamba, Yeri-Nabihi, Limahi and Wa-Nabihi. For instance, Fongo, Bomi-yiri and Gombilimuni are sections which belong to the Wa-Nabihi, but lie separately from Nayiri and Yijihi. In fact, there are Limahi and Yeri-Nabihi sections in between Nayiri and Yijihi on the one hand, and the other three Wa-Nabihi wards mentioned on the other. Unlike the 23 traditional wards, the wards for strangers in Wa, Zongo and Wapani, only came into existence in the 1950's and 1960's, when the town started taking in a lot of foreign settlers.²⁶⁵ The remaining 2; Zongo and Wapani, are the sections where the strangers are found. Below is a table indicating the various sections or wards

²⁶⁵ According to Wa-Na, Bondiri II, before the coming of the white man, the areas in Wa now called Zongo and Wapani were all 'wild bush', only the 23 sections existed in the town.

which make up present-day Wala society.²⁶⁶

TABLES OF SECTIONS OR WARDS IN PRESENT DAY WA

| | (A) Wa- Nabihi | (B) Yeri- Nabihi | (C) Limahi | (D) Tindamba | (E) Strangers |
|-------------------|----------------------|------------------------|---------------|-----------------|------------------|
| Nayiri | ✓ | | | | |
| Fongo | ✓ | | | | |
| Bugulyiri | | ✓ | | | |
| Limanyiri | | | ✓ | | |
| Liman Palayari | | | ✓ | | |
| Dzedzereyiri | | | ✓ | | |
| Bomiyiri | ✓ | | | | |
| Gumbilimuni | ✓ | | | | |
| Dzangbeyiri | | ✓ | | | |
| Jabagayiri | | ✓ | | | |
| Puahayiri | | | | ✓ | |
| Wedanayiri | | | | ✓ | |
| Dondoli | | | ✓ | | |
| Tagarayiri | | ✓ | | | |
| Sandimuni | | ✓ | | | |
| Kabanya | | ✓ | | | |
| Yijihi | ✓ | | | | |
| Suriyiri | | | | ✓ | |
| Wapani | | | | | ✓ |
| Sambeleyiri | | ✓ | | | |
| Zongo | | | | | ✓ |
| Banwarayiri | | | ✓ | | |
| Sokpayiri | | | | ✓ | |

²⁶⁶ The table presented does not include the extreme suburbs of the town: Kpaguri, Kanbali, Duori, etc. These and a few others were in fact only villages under Wa.

| | | | | | |
|-----------|--|---|--|--|--|
| Tuomuni | | ✓ | | | |
| Daanayiri | | ✓ | | | |

Wala society, today is largely made up of the four traditional groupings. To be found in present day Wa are the old groups of the Wa-Nabihi, the Yeri-Nabihi, the Limahi and the Tindamba. The Wa-Naship, Yeri-Naship, Limanship and Tindanaship which have for generations been the respective institutions of authority for these groups are still in existence.

As a result of the introduction of the Ahmadiyya faith in Wa, the Wala people have developed two new groupings: Orthodox Muslims and Ahmadis.²⁶⁷ The distinguishing feature about the new groups from the old is that the new groups are factional in character. When two Wala people differentiate themselves as between Ahmadi and orthodox they are simply implying that they belong to rival sects of Islam. In my view the Ahmadi and Orthodox Muslim groupings as establishments in Wa are different from the traditionally established Wala groups. The former are only religious factions.

A religious faction is any contentious religious establishment in a state or society. The Ahmadis in Wa constitute a faction in that there is permanent contention between the traditional Wala Muslims on the one hand and

²⁶⁷ See above, Part 4, Chapter 4, p 226-228.

themselves on the other. Some 57 or so years after the introduction of Ahmadiyya in Wa, disagreement and conflict between Ahmadis and orthodox Muslims is far from over.²⁶⁸ The two Orthodox and Ahmadi, have become permanent factions. Today, the differences between the two groups of Muslims in the town are still so serious that intermarriage between Ahmadi and orthodox is virtually not practicable. The Ahmadi contend that the preparation and use of amulets as well as other magical charms practised by the traditional or orthodox Muslims are contrary to Islamic teaching. They also contend that the traditional Muslim practise in Wa by which various funeral rights including the preparation of mwema (local fried cakes) are carried out by bereaved families is one that is not in accordance with Islam. The orthodox Muslims for their part, reject outright any suggestion that the Ahmadis are Muslims. For them, Muslims are those who believe and follow the revelations and practices of Prophet Mohammed who is regarded as the last prophet. In their view, therefore, the Ahmadis are not Muslims precisely because they believe and follow the teachings of Ahmad Ghulam who was an 18th Century Prophet.

THE AHMADI AND ORTHODOX FACTIONS

We will now go on to explain why the Ahmadis in Wa are not a group in the traditional Wala sense. In this thesis, we

²⁶⁸ For the history of the Ahmadi Faith in Wa, see above Part 4, Chapter 4, p 226-228.

have said, a group is any group of people having a common history and culture, and whose common interests are projected and protected by some form of customary leadership. The Wa-Nabihi, the Limahi, the Yerihi or Yeri-Nabihi, and Tindamba are all examples of such groups of people.

For two very good reasons the Ahmadis (Tubahi) cannot be said to be a group in the above context. Firstly, they do not all share the same cultural and historical ties. As Ivor Wilks has rightly pointed out: "The Ahmadiyya number many Nabihi among their converts, and not a few Tendaanba (Tindamba)."²⁶⁹ The fact that the Ahmadis include in their number the members of more than one group, means that it is a new type of grouping. In fact, the Ahmadis are made up of people from the various traditional Wala groups all of whom, today, still regard themselves as members of such traditional groups. Every Ahmadi in Wa, both culturally and historically, is connected with the group of which he is a member. For instance, a member of the Limahi community who becomes an Ahmadi is still a member of that community by reason of common descent and way of life.

Secondly, the Ahmadis have no established form of customary leadership as such. In other words, there is no customary institution of leadership which is able to wield its authority over all Ahmadis in Wa. Although there is a

²⁶⁹ Ivor Wilks, op. cit, p. 204.

leader (the Areshi) who settles petty disputes between Ahmadis, his authority over the Ahmadi community is not comparable with that of the Liman or the Tindana over his constituents. The Ahmadi man might find himself torn between loyalty to his traditional group leadership on the one hand, and loyalty to the Ahmadi leadership on the other. In the end, the authority of the Ahmadi leader is only a binding authority if the Ahmadis of the different Wala groups are prepared to accept it as such.

For most of the Ahmadis from the Limahi community, however, the authority of the Ahmadi leader or leadership is one that is always regarded as legitimate and binding. The Limahi-Ahmadis, who are mostly from the Dzedzereyiri section of the Limahi community, perhaps, if anything at all, are the Ahmadis who regard the local Ahmadi leadership as the authority responsible for projecting as well as protecting their interests. The Dzedzereyiri section is completely Ahmadi. Besides this the men who have led the Ahmadiyya in Wa, on the whole, have all been members of this section. It is natural therefore, that the authority of the Ahmadi leadership should be very much respected in this section. Indeed, for Dzedzereyiri, the idea of having a leader to project and protect its own interests was not at all a new one. Again, as Ivor Wilks has well explained, factionalism among the Limahi has existed throughout the generations. There has been constant rivalry for dominance between Dondoli and Dzedzereyiri both of whom are sections

of the Limahi. For instance, under Mallam Isaka (Ishaq b. 'Uthman Dabila') the Dzedzereyiri occupied a dominant position not only among the Limahi but in Wa as a whole.²⁷⁰ Similarly, under the leadership of Mahmud Dun, Dondoli more than once achieved a dominant position in the politics of the entire town.²⁷¹ Although these two sections of the Limahi group were both of common descent, and, both under the customary authority of Liman, each of the two in its own way pursued its own sectional interests and policies by means of sectional or factional leaders. With the advent of Ahmadi in Wa further vent was given to this sectional or factional rivalry between Dzedzereyiri which became Ahmadi, on the one hand, and Dondoli which remained orthodox on the other.

Unlike the Wala of the pre-colonial period, the Wala of today live in a society that is not only an agglomeration of groups, but an agglomeration of groups and factions. To be exact, Wa is today a society of four groups and two factions. For example, two members of the Tindamba community might agree that they are one and the same because they both belong to the Tindamba: nevertheless, they might also agree that they are different from one and other in that one of them is Ahmadi, and, the other

²⁷⁰ See above Part 2, Chapter 4, p 72-74 for the importance of Mallam Isaka in pre-colonial Wala politics.

²⁷¹ For more information about Mahmud Dun in the politics of Wa, see above Part 4, Chapter 3, p 207. See also Part 4, Chapter 4, p 227.

orthodox.

As the Ahmadi-orthodox factionalism became more and more stabilised in Wala society, it paved the way for another form of factionalism which was political in character. In 1951, elections to the Gold Coast national assembly were held for the first time. The Convention Peoples Party (CPP) and the United Gold Coast Convention (UGCC), were the two dominant political parties destined to become the roots for permanent factionalism after independence in Wa²⁷². Of the two political parties, it was the UGCC which found its way first to Wa. Wala people of all descriptions gave it their support. Then, the CPP arrived. The orthodox Muslims who were anxious not to associate themselves with the Ahmadis in any way, embraced the CPP as their party. Of course in their efforts to do this, trouble between them the orthodox and Ahmadis who wanted to join the CPP was inevitable. The CPP was a mass political party the membership of which was open to all and sundry. For the Wala orthodox faction to try to preserve the local wing of the CPP exclusively for themselves, was thus unacceptable both to the top party hierarchy as well as Ahmadis in Wa who wished to become members of the CPP.²⁷³ For some time there was trouble about this matter in Wa in 1951-52.²⁷⁴ In the end, however, the CPP in fact, in Wa became more or

²⁷² See Part 4, Chapter 7 above, p 271-273.

²⁷³ Ivor Wilks, *op. cit.*, p. 187.

²⁷⁴ *Ibid*, pp. 188-189.

less the party for the orthodox, and the UGCC the party for the Ahmadi. This is not to say that there were no orthodox at all in the UGCC, or that there were no Ahmadis, in the CPP in 1951: the idea simply is that the majority of orthodox Wala Muslims voted for the CPP, whilst the majority of the Wala Ahmadi Muslim voted for the UGCC.²⁷⁵ This unstable state of affairs was to repeat itself in 1969. In the general elections of that year, the bulk of the orthodox faction supported the National Alliance of Liberals (NAL) which was largely descended from the CPP, whilst the bulk of the Ahmadi faction supported the Progress Party (PP) which was an offshoot of the UGCC.

Experience has shown that political factionalism is rife during the administration of elected civilian governments. It dies out during military regimes. During the administration of an elected civilian government Wa is usually divided between the supporters of the Government party on the one hand and those of the opposition party or parties on the other. The most difficult times for Wa are normally the times for elections. For instance, during the 1969 elections the town became divided with two rival factions between PP and NAL. Families became divided and old friendships were broken because of loyalty to different political parties. In a nutshell, political factionalism for the Wala is sporadic in nature. It is not a permanent feature of society. Sometimes it comes to the fore of Wala

²⁷⁵ See Part 4, Chapter 7 above, p 272 and 273.

affairs and at other times it dies out completely.

Unlike political factionalism, religious factionalism as symbolised in the Ahmadi and orthodox factions of Islam in Wa, is a permanent feature of society. Its effects on society are both widespread and lasting. Whether the National Government in Accra is civilian or military, there is generally speaking no difference in the situation in Wa between the Ahmadi orthodox factions. Although these two factions are not always up in arms against one and other, each of them conducts its own affairs separately and free from the participation or intervention of the other. Among the Wala, indeed, it is the Ahmadi-orthodox factionalism more than any other type of factionalism which represents a menace to the structure of the society.

In a sense, this type of factionalism represents a test for the traditional Wala group leader who is required to show his leadership qualities expected of him by Lesiri. In no group is this more apparent than in that of the Limahi. The age-old Dzedzereyiri-Dondoli factionalism has assumed even higher proportions as a result of the development of the Ahmadi and orthodox factions in the town. This has to a large extent weakened the authority of the Liman as a customary leader of the Limahi group. Writing about the Ahmadis in 1989, Wilks wrote: "Reverting to older Dzedzereyiri factional policy, they appear to have distanced themselves from the affairs of the Wa Nam (Nan)

and, we have said, looked to the Ahmadiyya Amir in Saltpond for leadership."²⁷⁶ This assertion is not wholly right. It must be pointed out, that looking to "the Ahmadiyya Amir in Saltpond for leadership" does not symbolise the distancing of the Ahmadis from traditional Wala authorities, and neither does it represent a move by the Ahmadis to isolate themselves from Wala politics.

There is a completely different approach by which we could explain the entire drama of the breakdown of co-operation and unity between Ahmadi Limahi on the one hand, and orthodox Limahi on the other. By the rules or laws of Lesiri, it is the duty of a customary leader to maintain the unity of his followers. It is the leader who binds together the people of his group. In fact, it is on account of this fact that the Wala group leader is authorised by Lesiri to invite the parties to any dispute within his group to his house where the matter is settled amicably. These rules of Lesiri are well expressed into Wala proverbs: a) "it is because of disputes that people need leaders;" and b) "if a father has a disobedient child, it is for him to train the child and not to drive him away." In contravention with these principles of Lesiri, the successive Limans of Wa in lieu of reconciliation have opted for the repudiation of the Ahmadi members of the Limahi group. For instance, Liman Mahmud Dun during whose tenure of office the Ahmadiyya faith was introduced in Wa,

²⁷⁶ Ivor Wilks, op. cit., p. 204.

did everything in his power to have the Ahmadi missionary, Salih Bn Alhasan, banished from Wa. It will also be recalled that it was because Na Sumaila refused in 1945 to support the Orthodox call for the expulsion of Salih Bn Alhasan from the town, that apparently, made him the target of a magical incendiary device. The essence of customary leadership for the Wala group is the promotion of co-operation between its members; and in this the Limans have failed. In my opinion when we talk of factions in Wala society today, we are referring to none other but the Ahmadi and the Orthodox faction of Muslims. Because of its serious and lasting consequences on both the people and the structure of the society, religious factionalism, unlike political factionalism in Wa is today always a burning issue in almost all aspects of Wala affairs.

CHAPTER 2

PRESENT DAY WALA POLITICS - DISPUTES ABOUT NAN

There are three important questions about Nan in Wa today for which there appear to be no clear-cut answers. These questions are: a) how many gates are there in the Wa Royal House entitled to the succession of the Wa-Nan? b) who among the Wa-Nabihi are the individual princes qualified to sit on the Wa Skin? and c) are there any kingmakers in Wa? If yes, who are they? Accordingly, these questions will be examined in some detail in this chapter.

It cannot justifiably be said that the value of custom or tradition is diminished if it is interpreted by judges alongside the general principles of justice. The strength of tradition lies in its being linked with history. In other words, for tradition it is the past that constitutes its authority and value. The greater the past, the more authority and value a tradition has. However, as we have said, the custom of today receives a lot of strength if it agrees with tradition. In short, the value or authority of custom to a large extent is derived from history. About the past and history, Walter Benjamin said: "As flowers turn towards the sun, by dint of a secret heliotropism the past strives to turn towards that sun which is rising in the sky of history. A historical materialist must be aware of this most inconspicuous of all transformations. The

true picture of the past flits by. The past can be seized only as an image which flashes up at the instant when it can be recognised and it's never seen again."²⁷⁷ The fact that the past lends a lot of support to the authority of present day customary forms of leadership, makes it necessary for judges to interpret custom and to do so in the light of fairness and justice whenever there is a dispute involving customary leaders. What was just and lawful in the colonial period or before, might not be just and lawful after Independence. Those who make claims on the past must not only justify their claims, but, must also be seen to be justifying them fairly. It is because "the true picture of the past flits by", that every effort must be made to follow the safe path of clear reasoning, fairness and justice, if we are not to be deceived in the name of custom or tradition.

The importance of the questions raised in this chapter in the affairs of the Wa Nan were highlighted in the dispute between Yakubu Seidu of the Kpasa family on the one hand, and J.N. Momori and Busa-Na Asani, who had the support of the Yijihi, Dzonyohi and Dzeri families, on the other. In February 1980 the above questions were brought before the Judicial Committee of the Upper Regional House of Chiefs. Momori, who was not satisfied with the answers given by the Judicial Committee for the questions, appealed to the

²⁷⁷ W. Benjamin, Illuminations (Fontana, Glasgow, 1973) p. 257.

Judicial Committee of the National House of Chiefs. His appeal was dismissed by the Committee, and Momori then brought the case before the Supreme Court of Ghana. Even though the case came as far as the highest court in the country, it is doubtful whether the clear and satisfactory answers needed by the Wala for the questions raised were found.

My own view about the matter is firstly that the traditional Wala system of choosing a new Na did not work between 1979 and 1985 because the Kpasa Gate whose right of succession to the Nan impliedly was nullified through the enactment of the 1933 Wala Constitution by the colonial administration, was now awakened by the realisation that its rights ought to be restored after Independence. The Constitution clearly stated that there were only three gates which had the right of succession to the Wa-Nan - Yijihi, Dzonyohi and Dzeri.²⁷⁸ Secondly and rather unfortunately, the Supreme Court of Ghana was unable to choose a Na for the Wala in 1985 for fear of being blamed for opening a Pandora's Box. The previous two attempts made by the Judicial Committee of the Upper Regional House of Chiefs and the Judicial Committee of the National House of Chiefs respectively to proclaim one of the two contestants as Wa-Na had brought about trouble in Wa.

²⁷⁸ See part 4 above, Chapter 2, p 197 and 198 and Chapter 4, p 219 and 220.

Although the wise judges of the Supreme Court were able to bring the dispute to an end, by, among other things, spelling out who were the kingmakers of the Wa Skin or Nan, and then directing them to nominate and enskin accordingly the new Wa-Na, it is nonetheless regrettable that they were not able to take an even stronger judicial initiative to end the dispute. In my opinion the judges should not have asked the kingmakers to nominate and to enskin a Wa-Na, when for six good years they, the kingmakers, themselves had failed to agree on who was to become the new Na. By agreeing to disagree when their traditional duty required them to agree on the choice of one candidate for the post, the Wa kingmakers had failed in the discharge of their customary and traditional duty. In that case the judges should have diligently found out what were the correct customary principles of succession to the Wa-Nan, and then, proceed to see if these principles were correctly applied by any of the factions of the kingmakers. If it was the Tindamba and the Kpasa who, in the view of the court, applied the correct customary law of succession to the Naship, then, a verdict in favour of Yakubu Seidu should have been delivered. On the other hand, if it was the Wa-Nabihi faction of kingmakers who, in the view of the court applied the correct interpretation of the customary rules at stake, then, a verdict in favour of J.N. Momori should have been delivered. Indeed, there is nothing to hinder the court from ruling in favour of the candidate or party to the dispute, even where it is found out that none of

the factions of the kingmakers applied the correct interpretation of the customary rules at stake. In the interpretation of custom it is better for a people to rely on judicial integrity than on the integrity of customary leaders, if there is the fear that such customary leaders would interpret custom to suit their own advantage. This selfish aspect of leadership was touched on by Shack and Cohen: "But what is of even greater, general interest, is the importance which can be attributed to a leader's interpretation of what the changed circumstances of the people require. Such changes come about not because some required 'needs of society' exert their pressure on institutions, but because individuals, especially those with the power and authority to do so, interpret the circumstances of the time in a particular way and act accordingly. It is only later, when such decisions have been accepted, modified, rejected, or even evaded - depending on the powers to implement or to resist them and on the availability of norms and acceptable reasons of one kind or another to which justificatory appeal can be made by contending parties - that such changes are explained as having been inevitable as part of a so-called 'total process of social transformation'.²⁷⁹ "Tradition is a publicly acknowledged value: everybody holds that it is a Good Thing," says M. Staniland.²⁸⁰ However, he also

²⁷⁹ See Cohen and Shack, op. cit, p. 5.

²⁸⁰ M. Staniland, The Times of Dagbon: Political Change in Northern Ghana (Cambridge University Press, 1975), p. 173.

observes: "It involves manipulation of a diverse, unfamiliar, and unstable set of interests and connections, often by indirect and unreliable means in a setting which is wide and, at its limits, remote."²⁸¹ So far as the strength and validity of normative values are concerned, tradition and custom complement each other. Their complementing each other, however, causes much confusion in understanding customary issues. Because of the continual and uninterrupted flow of time it is not easy to separate the present from the past. Not only do I agree with these writers about the matter under discussion, but also think that there is no reason why, in a case of a dispute before a court of law, the judges cannot interpret and apply rules of custom and tradition if those whose traditional function it is, decide to manipulate, or, appear not to understand the compounded principles of tradition and custom in the context of modern social realities.

Before going on to discuss the opinions of the chiefs and the judges, let us first of all, see what the facts of the case were. In 1978, the Wa-Na, Sidiki Bondiri II died. After all his funeral-rite performances were carried out, it became imperative for the Wala to enskin a new Na. At a meeting held by the princes and Tindamba on the 8th of January 1979 to discuss the matter, the Wedana (Tindana) announced the election of Yakubu Seidu as Na. Busa-Na Asani, who convened the meeting, disagreed with the Wedana

²⁸¹ Ibid, p. 174.

about this. The meeting dispersed. On the 11th of the same month Busa-Na Asani convened another meeting which was not attended by the Wedana, and announced the domination of Ide Bukpale, the Sing-Na, for the post of the Wa-Nan. Ide Bukpale, who was present at the meeting, publicly announced that he was passing on the post to J.S. Momori, the Chansa-Na. The situation was thus one in which there were two Wa-Nas elected. Tensions began to mount. The tree gates of Bosa, Sing, and Perisa, as well as the bulk of the Wala public, all supported Momori. Yakubu Seidu, on the other hand, had most of his support from the Kpasa gate, to which he belonged, and the Tindamba group.

It was under these circumstances that Yakubu Seidu, also known as Yakukpan, brought a petition before the Judicial Committee of the Upper Regional House of Chiefs at Bolgatanga. The purpose of his petition was to seek a declaration by the Judicial Committee to the effect that he, Yakubu Seidu, was by custom entitled to be nominated and was so nominated as Na of the Wala people.

The issues before the Committee were: 1. Whether or not under existing Wala customary law they raise a fourth gate called Na Kpasa Gate, from which the petitioner could ascend to the Wa Skin; 2. whether or not the petitioner is entitled, under Wala customary law, to be elected Wa-Na; 3. Whether or not there are kingmakers of the Wa Skin and, if so, who these are; and 4. whether or not the petitioner was

elected by the kingmakers on the 8th of January 1979.

The Committee ruled in favour of the petitioner. Momori thereupon appealed to the Judicial Committee of the National House of Chiefs in Kumasi. After losing the case again, Momori brought the matter before the Supreme Court of Ghana in Accra. In July 1985, the Supreme Court set aside the judgment of the National House of Chiefs. Unlike the judges of the Lower Courts, the five appeal judges refrained from pronouncing either of the two aspirants, Yakubu Seidu or J.S. Momori, as being the rightful claimant to the Wa Skin. The Supreme Court simply restricted itself to other findings; 1. that none of the two aspirants had been properly elected; 2. but that Kpasa or Guli Gate had legitimate claims to the succession of the Wa-Naship; 3. that the rotation of succession to the Wa-Nan between the four gates of the Wa Royal House was a fair and just method of resolving the problems that arise in succession to the Wa-Nan; and 4. that there are kingmakers in Wa; and, that these are: the Tendana, the Wa-Nabihi, the Yeri-Na and the Foriko. For the Supreme Court, therefore, the Skin of the Wa was still vacant and was yet to be occupied by one to be elected accordingly. In August 1985, a meeting of the kingmakers was convened in Wa at which J.S. Momori was elected and enskinned accordingly as Wa-Na. Apparently, fearing some kind of treachery, the other aspirant, Yakubu Seidu, did not at all show up at the meeting place. J.S. Momori who was enskinned as Na Momori Bondiri II has been

up to the present time the Na of the Wala.

The case of Yakubu Seidu v J.N. Momori is important in that it highlights serious questions about the Nan of the Wala today. One of the points on which the Lower and Upper Houses of Chiefs as well as the Supreme Court all agreed, was that the number of gates in Wa legitimately entitled to claim succession to the Wa-Naship was to be four, and not three. In the light of the facts of Wala history, it is hard for any student of the Wala people to contradict the opinion of the judges about the matter. The Kpasa Gate was founded by Wa-Na Kpasa in the same century and in the same way as the Yijihi Gate was founded by Wa-na Yijihi, the Dzeri Gate by Wa-Na Dzeri and the Dzonyohi Gate by Wa-Na Dzonyohi. To say that the Kpasa branch of the Wa Royal House is at present not entitled to succeed to the Wa-Nan simply because no prince from that Gate has, since the time of Na-Kpasa actually sat on the Wa Skin, is an unjustifiable position to take. The ability to capture a Skin is quite a different thing altogether from the right to claim it. If the ability to capture Nan were to be confounded with the right to claim it, then non-princes, who do not have the right to claim Nan but who nevertheless are capable of capturing it, might seize Nan from Nabihi, and apparently do so with justification.

The right of a family to be royal is derived from its ancestry and not from the achievements of its members.

This is an exposition of customary law given by the Judicial Committee of the National House of Chiefs in its judgement of the case in question: "Customarily it is axiomatic that once a Royal always a Royal unless one is barred by the same custom. Not ascending to a Stool for a long time does not barr a branch from being Royals. If this is allowed it will multiply contestants to a Stool because anytime a Stool or Skin becomes vacant those who have not occupied it for some time would strive to occupy it for fear that they would be barred through affluxion of time, and there would be chaos. There must be a customary reason other than lapse of time".²⁸² In my view, this is a correct exposition of Wala customary law made by the National House of Chiefs.

There is evidence that suggests that the idea of the lapse of time being a bar to the Royal rights of a family is one that found its way into the Constitution of the Wala from the Colonial Administration of the British. In paragraph 4 (6) of a letter written by the District Commissioner of Wa in 1933, and which was submitted by Momori as an exhibit to the Judicial Committee of National House of Chiefs, it said; "I do not think the claims of the Na-Kpaha [Kpasa] family should be encouraged for, as I pointed out at the meeting if the thousands of English people who can trace descent from English kings of hundreds of years tried to

²⁸² Azani Zei and J.N. Momori versus Yakubu Seidu, Judicial Committee of the National House of Chiefs, reports for 1980.

enforce their claims the result would be chaos".²⁸³ What the author of this letter failed to realize was that the English institution of kingship was completely different from the Wala institution of Nan. Enough has already been said in this thesis about the difference between the monarchy of Great Britain on the one hand, and the Nan of the Wala on the other. In short, the Wa-Nabihi Group to be found in Wa is made up of people who are all descended from Wa-Nas. The term Wa-Nabihi in fact means "Children of Wa-Nas". In principle therefore all members of the Wa-Nabihi group are Royals. In neighbouring societies like that of the Dagomba, female Nabihi do sit on some Skins. In Wa, however, the practice is unknown. Thus, the right to become Na, and perhaps the Wa-Na, is a male entitlement. It is true that in each of the four gates of the Wa-Nabihi, there are today many males who regard themselves, and who are also regarded by others within the same gate, as members of that gate, although the grandfathers or even the forefathers of such males might not at all have sat on any Skins during their lives. For Wala thinking it is a good thing to have hundreds or even thousands or potential heirs to the kingship of a country. Suitability of the candidate and his acceptability to the people, are for the Wala, the most important factors to be considered when it comes to the choosing of a new Na. For the Wala, therefore, it is not just a good thing, but in fact, a prerequisite for

²⁸³ Letter by Wa District Commissioner, 1933, unlimited as exhibit. Ibid.

making a proper choice of Na, to have hundreds or perhaps thousands of potential heirs from among whom the most suitable and the most acceptable would be chosen for the post by the kingmakers.

The second important question about the Nan of the Wala which we must now address is: By what formula is the succession to the Wa-Naship effected? It is an established rule that succession to the Wa-nan must be rotated between the various gates of the Wa-Nabihi? Clearly, the judges of the Supreme Court are right when they say that the rotational principle of succession is a just and fair way of resolving problems of succession. However, whether this just and fair way is practicable in Wala politics or not, is a matter about which the student of Wala has much doubt.

For the Wala, every generation has its own Na. What this means is that in at least one of the four gates at any point in time, there is to be found a prince who is popular and much liked by the Wala, and, has all the charisma and material wealth to make a great Wa-Na. Whenever the occasion arises for a new Na to be enskinned, the opportunity is given to all the gates of the Wa-Nabihi for them to put forward the most potential of their members as candidates for the post. In this way, it is hoped that the man who is Na of the generation i.e. the contemporary prince equipped with all those qualities outlined above, would be brought forward by his Gate as a candidate for the

Wa-Naship. Once the Na of the generation is brought forward as a candidate for the post, it is for the kingmakers to choose and enskin him as Wa-Na even if the gate to which he belongs has already had its turn of succession. In a nutshell, firstly, it is the duty of the various gates of the Wa-Nabihi to put forward respectively their best members for the job, and secondly, it is the duty of the kingmakers to make sure that the candidate chosen and enskinned from among the many aspirants is the best of the best princes. Whether or not a gate is able to have its turn of succession first and foremost depends on whether it is lucky enough to have the best contemporary aspirant for the Nan. The rotation of succession to the Nan between the gates, it is agreed, is a just and fair way of resolving issues about succession. It is, however, one that appears to rob the Wala generation of its best Na. It is relevant to recall the case of Bosa-Na Bukari which has already been dealt with in full in this thesis. In 1935, the Wa-Na, Pelpuo II died. A new Wa-Na was to be chosen and enskinned. The various gates respectively brought forward their aspirants. The Yijihi or Bosa Gate to which the late Na Pelpuo belonged, presented Bosa-Na Bukari as its aspirant. In fact, Bosa-Na Bukari was the brother of the late Na. However, it so happened that among the several aspirants from the various gates, the Bosa-Na, Bukari, was considered by virtually all Wala to be the most qualified prince to succeed to the Wa-Naship. However, because the Wala Constitution which had been promulgated

two years earlier contained a provision stipulating that succession to the Wa-Nan was based on the principle of rotation between the gates, the then District Commissioner overruled the choice of Bukari for the post.²⁸⁴ The District Commissioner said: "The trouble is that the Bosa-Na having allowed Peripuo (Pelpuo) III to snatch the rightful succession to the Nalun (Nan) from him, now asserts that he should have a second chance, when he knows perfectly well, as does all Wala, that it is the turn of the Na Jaro (Dzeri) family to succeed".²⁸⁵ Upon the insistence of the District Commissioner, Hamid Bomi, the Dzeri or Persi candidate was made Wa-na in 1936. Although the principle of rational succession implemented by the District Commissioner in this case, was on the whole fair and just as between the Yijihi Gate on the one hand, and the Dzeri Gate on the other, nonetheless it resulted in troubles and difficulties for the Colonial Administration. After about eight years in office as Wa-Na, Hamid Bomi was suddenly dismissed by the then District Commissioner who observed: "The people of Wa, speaking generally, seem to take little notice of his orders".²⁸⁶ After the dismissal of Hamid Bomi in 1943, Radadan insisted that the Naship be given to the Dzonyohi Gate as was in accordance with the

²⁸⁴ See Wala Constitution in Appendix 1 at the end of text, Appendix C, p 551.

²⁸⁵ NAG Tamale RAT. 1/272. Informal Diary, Wa District Commissioner, entry for 11 January 1936.

²⁸⁶ NAG-Tamale. RAT. 1-350, Informal Diary, Wa District, entry for 12 July 1943.

principle of rotational succession entrenched in the Wala Constitution of 1933, the District Commissioner acquiesced to the appointment of Bosa-Na Sumaila from the Yijihi Gate. The principle of rotational succession which before had been regarded by the Colonial Administration as a sacrosanct rule of Wala custom, was by now, in effect, fast falling into disuse.

Last but not least is the question of kingmakers. Are there any kingmakers in Wa? If so, who are they? For the first part of the question there is a clear answer about which there is no doubt. There are kingmakers in Wa. About the second part of the question, however, there is debate. While on the one hand, the Judicial Committees of the Lower and Upper Houses of Chiefs both took the view in the case between Yakubu Seidu and J.S. Momori, that the Tendana are the kingmakers of the Wa Skin, on the other, the judges of the Supreme Court in the same case found that the kingmakers of the Wa Skin included: the Tendana, the Yeri-Na, the Wa-Nabihi Gates, and the Foriko. It is my humble submission that although the people enumerated by the learned judges as kingmakers of the Wa Skin, are all people who are involved in one way or the other with the enskinment of a Wa-Na, it is the Tendana and the Yeri-Na who are the actual authorities responsible, by Lesiri and according to history, for the making and the unmaking or dismissal of Nas in Wa. It is true that before the Tendana and Yeri-Na can be called upon to discharge their duties,

the various gates of the Wa-Nabihi must first of all offer their respective candidates for the Naship. It is equally true that after the Tendana and the Yeri-Na have asserted and confirmed a candidate for the Naship as the Wa-Na elect, it is the Foriko who becomes responsible for carrying out the enrobement ceremony. The role of the Wa-Nabihi who put forward the candidates, and that of the Foriko who carries out the enrobement, however, are procedural rather than substantive. The Tendana and Yeri-Na are in fact the substantive kingmakers of the Wa Skin. The kingmakers of a Skin are those on whom rests the responsibility of nominating someone to sit on that Skin whenever it is vacant, or taking it away from an occupant who is adjudged to be a bad leader. The reason why a prince cannot be a kingmaker is that every prince i.e. every male member of the Wa-Nabihi group, has a legitimate claim to Nan. If one of the Wa princes were to be a kingmaker of the Wa Skin, he would choose himself or his closest relatives for the top post of Naship anytime it was vacant. Indeed, it is not for nothing that the Tendana and the Yeri-Na are being designated here as the substantive kingmakers of the Wa Skin. On the one hand, the Wa-Tindana, apart from being the leader of the Tindamba group, also represents the traditional non-Muslim arm of Wala spiritual life, while on the other, the Wa-Yeri-Na, for his part represents all categories of Muslims in addition to his role as leader of the Yeri-Nabihi Group. Thus, when a candidate for the Nan is accepted by the Wa-Yeri-Na or his

deputy, and, the Wa-Tindana or his deputy, that candidate is in effect accepted by the bulk of the Muslim community including all the Yeri-Nabihi and Limahi, the Tindamba, and, last but not least, the Wa-Tingbama (F-Shrines of Wa). In the same way, when a Wa-Na who is adjudged to be a bad leader is condemned by the Wa-Tindana and the Wa-Yeri-Na or their respective deputies, he is condemned by all the people.

PRESENT DAY WA-NAN IN DISPUTE

We have identified three important questions about contemporary Nan in Wa, questions which only a few years ago were brought before the highest Court in Ghana for judicial solutions. The question that we must address is: have the Wala found the clear and satisfactory answers they need to know concerning their Nan at the present time? In other words, have the findings of the learned judges of the Supreme Court succeeded in answering the questions which, today, are a source of potential conflict in Wa?

In the pre-colonial Wala society, we have said, it was the non-Wa-Nabihi estates of Tindana and Yerihi who made the Nas of Wa.²⁸⁷ In other words, it was the Tindana and the Yeri-Na who had the joint responsibility of choosing and enskinning as Wa-Na the best available candidate put forward by the various Wa-Nabihi Gates. In a sense this kingmaking role of Tindana and the Yeri-Na was an arbitral

²⁸⁷ See above Part 2, Chapter 4, p 60.

one. It was an arbitral role in that by making the final decision as to who was to be the new Na in their capacity as neutral persons, they minimised the potential for disagreement and conflict between the rival gates of the Wa-Nabihi. Once in a while, it sometimes happened that these kingmakers of the Wa Skin failed in performing this important arbitral role. For instance, they, the kingmakers themselves, the Tindamba and the Yerihi, might fail to agree on who was to become the new Wa-Na. Once the kingmakers themselves became divided, the way was opened for further division between the Wa-Nabihi. This kind of unsavoury state of affairs, twice in the history of the Wala brought about armed confrontation between rival claimants to the Nan and their respective supporters. For example, in about 1890 there was a military struggle between Seidu Takora of Dzeri and a Yijihi contestant for the Wa-Naship. After the terrible defeat of the Wala army in about 1886 by the Sambarima led by Babatu the then Wa-Na, Mama Fuo, committed suicide. Wa was entirely thrown into chaos for some three or four years. In about 1890, many Wala who had fled the town started to come back and to resettle in Wa. A new Wa-Na was to be enskinned to take the place of Mama Fuo. It soon became clear that two contestants, one from the Yijihi Gate, and the other from the Dzeri Gate, each had a strong following among Wala. While the aspirant from Busa was largely supported by the Wa Yerihi or Muslims, the aspirant from Perisi was for the most part supported by the Tindana who were non-Muslims.

As the crisis deepened, more and more non-Muslim men from the Dagaba villages of Kaleo, Sankana etc. came to strengthen further the camp of Seidu Takora, the Perisi candidate, who also happened to be the son of a Dagaba woman. In the military struggle that ensued, Seidu Takora or Dzeri Gate was victorious, and thus was enskinned as the Na of Wa.

During the Colonial period, the resort to arms as a means of resolving issues of succession to the Nan was strictly prohibited by law. It was a breach of the imperial peace for any group of natives to make war against another group with a view to force them to agree to the enskinment of their favourite prince as Wa-Na. Indeed, during the Colonial period, whenever it became apparent to the Colonial Administration that there was growing disagreement about an issue of the Naship between two factions, the District Commissioner, who was also District Magistrate, would investigate the matter, and then, rule in favour of one of them. In 1916, as a result of a dispute between the Yeri-Na, Kulendi on the one hand, and the Wa-Na, Dangana on the other, the former tried to de-enskin the latter. The matter came before Berkeley, who was then the District Commissioner. After hearing the case, Berkeley ruled in favour of the Wa-Na and told him to carry on his duties of Naship. In 1919, a dispute arose between Na Dangana and Pelpuo, whom the Na accused of undermining his authority. The matter again came before the District Commissioner.

After his investigations he ruled against Na Dangana, whom he politely encouraged to abdicate. Dangana abdicated in early 1920. During the Colonial period, whilst the Colonial Administration became aware that the Wala were unable to agree on an important issue about the office of Nanship, and that the situation was a potential source of trouble in the town, the District Commissioner was prompt to hear the case, and then, gave his ruling in favour of the party, who in his wise opinion, applied the correct principle of Wala custom.

After Independence, the Government of the Ghanaian Republic proclaimed in 1960, which took the place of the British Colonial Administration, also enacted laws which in effect prohibited warfare between rival contestants for chieftaincy. For instance, any attempt by a Yijihi contestant for the Nan and his supporters to wage war against a rival from, for example, the Dzeri Gate and his supporters, would constitute an offence under the Criminal Code of Ghana spelt out in the Act, No. 29 of 1961.²⁸⁸ Unlike the Colonial Administration, however, the power to adjudicate in disputes that arise from the succession of Nan, has always been left in the hands of the regional and the National Houses of Chiefs, and not the District Commissioner, or District Secretary, as he is sometimes called. Of course, a party to a dispute who is not satisfied with the ruling of the National House of Chiefs,

²⁸⁸ See the Criminal Code of Ghana, Act 29 of 1961.

can take his case to the Supreme Court, which sometimes is reconstituted as the Appeal Court. When J.N. Momori lost his case at the National House of Chiefs, as we have seen, he brought an appeal before the Supreme Court. The learned judges were able to identify four categories of people who together constituted the kingmakers of the Wa Skin: the Tindana, the Yeri-Na, the four Gates of the Ya-Nabihi and the Foriko. In the wise opinion of the judges therefore, the nomination of J.N. Momori for the Naship on the 11th January 1979 was not valid as it was done without the participation and agreement of the Wa Tindana. Similarly, the nomination of Yakubu Seidu on 8th January 1979 was also held to be unlawful as it was carried out without the participation and agreement of three of the Wa Nabihi Gates as well as the Yeri-Na and Foriko. Supposing the Wa kingmakers in 1985 had failed to agree on the choice of a candidate as they had done in 1979, what would the Supreme Court have done about the matter? Suppose further fighting had broken out in August 1985 between the Tindamba and the Wa Nabihi of the Kpasa Gate who supported Yakubu Seidu on the one hand, and the other kingmakers enumerated by the Supreme Court who also supported J.N. Momori on the other, would it not have been the result of insufficient judicial initiative and intervention in the dispute? As a matter of fact, the only reason why further fighting did not break out in Wa in August 1985 when J.N. Momori was enskinned as Wa-Na, was the fact that Yakubu Seidu and his supporters had not yet recovered from the heavy losses

which they had sustained in 1980 when they found themselves in an armed confrontation against their opponents. More than twenty of their number were killed and some of their houses burnt down. Realising that his strength was weakened, and sensing treachery, Yakubu Seidu, in August 1985, refused to attend the meeting of kingmakers even though he was invited to do so.

In my opinion, the Supreme Court should not have directed the Wa kingmakers to perform their traditional duty of providing the Wa Skin with a new occupant. By agreeing to disagree about the choice of a candidate, even though they knew perfectly well that there was only one skin to be occupied by just one chosen candidate, the Wa kingmakers had proved themselves incapable of discharging their traditional function. I beg to submit that the Supreme Court should have enquired into Wala traditional customary law to see the principles along the lines of which Wala kingmakers nominate candidates for the Wa-Naship. After diligently finding out the principles of custom in question, the learned Judges of Appeal should have then examined the case to see whether any of the two factions of the Wa kingship body had applied the correct principles of Customary Law. If, say, upon examination of the case, the court found out that it was the Tindamba and the Kpasa Gate who applied the correct principles of succession to the Nan, then a verdict in favour of Yakubu Seidu would be passed. On the other hand, however, if it was found out

that the position taken by the other kingmakers i.e., the Yeri-Na, the Foriko, as well as the three Gates of Yijihi, Dzonyohi and Dzeri, was the proper interpretation of the customary rules of succession at stake, then judgement would be delivered in favour of J.N. Momori. The essence of kingmaking lies in the observance of the rules or principles of the tradition which is the source of the kingship. By finding out through meticulous examination the precise rule of tradition to be applied, and then actually applying it, the court would no doubt be doing a great service to the Wala people. Irresponsible kingmakers, whose wish it is to bend tradition and custom so as to enable them to nominate their favourite prince for the Naship, would be effectively prevented from doing so.

More importantly, it is only through such strong judicial initiative and intervention that the potential for violence in Chieftaincy disputes would be effectively minimised. The kingship of Nan among the Wala is like the fatty bone which a hundred dogs will grab at. Let all Justices of the Peace beware, that in a dispute about Nan rivalry and enmity between princes and their respective supporters can be limitless. Under such serious circumstances, we cannot afford to take risks.

Although the judges have the duty to preserve the traditional rules and the principles of custom, and the discharge of their judicial functions in disputes over

chieftaincy, it is not improper for them to set justice and fairness first before tradition and custom. Going by Wala tradition and custom, it is a rule to enskin as Na, the candidate who is most suitable and most acceptable to the people, no matter whether or not he is from the gate whose turn it is to succeed to Wa-Naship, however, if in the opinion of the court, the principle of rotational succession between the gates is the only way by which justice could be achieved, there is no reason why the principle cannot be applied. In fact, in 1936 this principle was applied by the then district commissioner in the case between Busa-Na Bukari of Yijihi and Hamid Bomi of Dzeri.²⁸⁹ The point that must be made clear about the 1936 case, is that the district commissioner in that case was applying the principle of rotational succession with the mistaken view that it was Wala custom. He was not applying it for the sake of fairness and justice per se. Hamid Bomi won and was enskinned as Na. If fairness and justice had been the main reasons for the application of the principle in the 1936 dispute, the Colonial Administration would have most probably applied it again in 1943 when a new Na was to be nominated. As it was, the principle was abandoned after the dismissal of Bomi of Dzeri, the Na-ship was taken over by Yijihi thereby robbing the Dzonyohi Gate of their turn of succession. At least in one case, the Colonial Administration showed that the spirit of fairness and

²⁸⁹ For the case of Busa-Na Bukari and Hamid Bomi see above Part 4, Chapter 5, p 249-252.

justice superseded tradition and custom. By means of a hired council, the Ahmadi mission at Saltpond in 1944 won a petition brought before the governor of the Gold Coast on behalf of the Wala Ahmadis. The effect of winning this petition was that the right of the newly converted Wala Ahmadis to practice their faith freely without harassment was guaranteed by the colonial government. That the Ahmadi faith contradicted traditional Wala Islam and the authority of the Wala customary Muslim leadership, were facts that were both set aside by the Colonial Administration. In the war between free worship and customary orthodoxy the fair and just principle of free worship was the victor. It is important at the present time, that in all disputes involving questions about Nan, issues are tackled on the basis of customary theory and practice, alongside the general principles of fairness and justice cherished by the modern court of law. Not to proceed along such lines might result in irresponsible kingmakers, kings and princes manipulating tradition and custom to their own advantage, but to the disadvantage of the people they are supposed to administer. As an example let us refer to a petition written by an unknown Dagomba citizen during the colonial period to the Chief Commissioner of the Northern Territories Protectorate in 1947, about irresponsible conduct and bad behaviour of Dagomba leaders when it came to kingmaking. Although written during the colonial period; the petition below has relevance to current happiness:

24 December 1947

This petition lies from an unknown Dagomba citizen to His Honour the Chief Commissioner, Northern Territories.

1. Your humble petitioner begs to state, with an undaunting trust, that though he chooses to conceal his name, you will take his plain facts, which a white man can never know among African, as a guide to the management of native affairs within Dagbon; - ...

7. That if the white man stands out and say we are left to our custom many of us are suffering a great deal within the British rule, a thing of course unknown to the British blood. What was formerly known in Dagbon was that when a Ya-Na chose a village needing a chief and stayed in the chief's house waiting for the Ya-Na to bring his favourite - the result was war. But during this time such cannot be. Therefore an agreed arrangement should be made, ignoring the former constitution written down, when Dagomba was still very dark, and when poor interpreters were a cause to some mistakes. When Na Yakubu chose Sunson-Na Yahaya (Kundawumda) for Karaga, Adama seized the chieftainship of Karaga from him after a war.

8. That for the fact, that no grandson has ever aspired to Yendi skin does not mean it does harm to the state or the people, but no chance has yet fallen again after the reign of one grandson. For our present generation we as Dagombas, are not going to be silent to be ruled by unable

princes, if there happens to be a sensible and able grandson. History tells us that Nanumbas, Mamprusis and Dagombas come from the same Na Gbewa. Well, in the case of Nanumbas there has been a period of not less than fifty years when grandsons have been ruling without any harm. This is the reason why the Dagomba paramount chiefs fear to appoint grandsons to higher chieftainships to eliminate the happening in Nanumba. This of course is mere selfishness; and the selfishness will certainly retard our progress on the principle of modern civilisation.

9. I hope after reading this petition His Honour the Chief Commissioner and the District Commissioner will on due consideration investigate and put things right at their earliest convenience expedient before worse comes to worst.

I have the honour to be, Sir,

Your humble petitioner

AN UNKNOWN DAGOMBA CITIZEN²⁹⁰

Although Nan as practised in Dagbon is not exactly the same as Nan practised in Wa, the issues raised in the above petition, for all intents and purposes, are the same type of issues that have been raised again and again in present day Wala traditional politics.

It would be wrong to assume that judicial intervention or

²⁹⁰ Cited in M.Staniland, op. cit., pp. 179-181.

review of custom in disputes involving customary authorities would amount to minimizing the customary legitimacy and traditional importance of such customary authorities or the institutions which they represent. The Wa-Tindanaship, the Wa-Yueri-Naship, the Wa-Limanship and, above all, the Wa-Naship are all customary forms of leadership which in the past, either directly or indirectly, were affected by judicial decisions taken by the Colonial Administration. A customary form of leadership is one which, by and large, is developed over a long period of time by the indigenous members of a society. If judicial or even legislative intervention in custom or, intervention by Accra in disputes occurring in Wa, were to be regarded as an act which destroys the legitimacy or otherwise of customary authority in indigenous Wala society, the various customary forms of leadership outlined above would all, perhaps, have ceased to merit the title customary long before now. How customary the authority of a leader is does not necessarily depend on his ability to resist and to isolate the affairs of his leadership from the affairs of the central government. To a large extent, it depends on how much he is able to keep alive the memories of the common ancestor, and to link his authority with the authority of tradition. I agree with Ilse Hayden when she says: "Timelessness and goodness are often identified in the human mind. The archaic confounds the authority of the present regime with the authority of

tradition; it has been sanctified by time."²⁹¹ A tradition is any long established belief or practice. A custom, on the other hand, is any distinctive practice or convention of a people or locality. However the two are similar, if not identical, in that they rest upon the past. It is not only true that tradition validates and strengthens custom, but it is also true that tradition would be meaningless if it was not maintained by the customs of today. Unlike in the colonial period, today it is not the policy of central government to support the paramount position and authority of the Wa-Na over the other Wala group leaders. As we have seen in this part, in many respects the situation today is like that of the pre-colonial period. Affairs of the group society are on the whole run on the basis of inter-group cooperation under the spokesmanship of the Wa-na. It is hard, if not impossible, for groups to cooperate with one another when there is a dispute between them and, it is precisely for this reason that they need the judicial opinion of courts whenever there is a crisis resulting from a dispute. The Centralised Group Society, which is administered by means of authority based on cooperation between groups, clearly has the need for judicial settlement in disputes which are likely to plunge the disputants into open confrontation. Indeed, for the Centralized Group Society not to have clear and unambiguous judicial opinions pronounced in the Courts of the central

²⁹¹ I. Hayden, Symbol and Privilege: the Ritual Context of British Royalty (University of Arizona Press, Tuscon Arizona, 1987), p. 33.

government and enforced by the government in power in the country, would by all means result in a process which could be highly dangerous to the principle of modern statehood. Above all, in cases of customary dispute, justice must not only be done, but must manifestly be seen to be applied in all circumstances, irrespective of the traditional character of the parties involved.

CHAPTER 3

THE WA-NA AND THE GROUPS

What has been the nature of the relationship between the Wa-Na and the other group leaders since Independence? What is the actual standing of the Na in present day Wala politics? These and other questions are answered in this chapter.

Ever since the State Council's (Northern Territories) Ordinance, No. 5 of 1952, came into force in the Protectorate, the Wa-Na, like all the other Paramount Chiefs within the Northern Territories, began to lose the powers which he had enjoyed under British indirect rule.

Section 8 of the Ordinance said:

"A State Council may, in respect of any matter of a constitutional nature, impose customary constitutional sanctions and may make any customary award of a civil nature, including an award of amends to an injured person, but nothing in this ordinance shall be deemed to authorise a State Council to punish any person by imposing a fine or awarding a term of imprisonment, and, subject to the provisions of section 14 of this ordinance no customary award or sanction shall be made or imposed which will involve the delivery or disposal of property or the payment of money exceeding twenty five pounds in value."²⁹²

Instead of reaffirming the judicial and other powers of the Chief, the Ordinance rather encouraged him to act extra-judicially and to arbitrate in disputes in accordance with customary law. Section 21 of the Ordinance provided:

²⁹² Ordinance No. 5 of 1952, Laws of the Gold Coast, 1952, p. 41.

"Nothing in this Ordinance contained shall be deemed to affect the power of any chief to act extra-judicially as an arbitrator in any dispute in respect of which the parties thereto consent to his so acting under customary law."²⁹³

In 1958, the Local Courts Act, no. 23 of 1958 was passed.

Section 4 subsection 1 of this act said:

"Subject to the provisions of subsection (1) of section 16 of this Act, any Native Court having jurisdiction over an area in which a Local Court is established under this Act shall, as from the date on which the instrument establishing the Local Court comes into force, cease to function in respect of that area."²⁹⁴

The affect of these provisions on the powers of the Wa- Na in Wa was profound. By the beginning of the First Republic in 1960, the Na Kanboali or Na's Police, as well as the Na's Court had all disappeared and were forgotten.

Unlike the Colonial period during which the Wa-Na was regarded by the British Colonial Administration as ruler of all natives within Wa, in the period after Independence the situation was different. After Independence the appointees to the post of District Commissioner were themselves natives. The Wa-Na was thus not the most important native in the town. If anything at all, he was the second most important. The Wa District Commissioner was the man in charge of the Wa District. He was the local representative of the Central Government whose seat was in Accra. In effect therefore, when Isifu of the Yeri-Nabihi group

²⁹³ Ibid, p. 46.

²⁹⁴ Acts of Ghana, 1958, p. 163.

became District Commissioner during the First Republic, it was he and not Sidiki, the Wa-Na, who exercised real power in Wa.

With no Colonial Administrator to prop up his power and authority as had been the case during the Colonial Period, the Wa-Na lost his dominance and control over the groups and their leaders. Today, the situation is to some extent comparable with the system that existed before the advent of Colonial rule. For example, there is evidence to suggest that like the pre-Colonial era, today the Muslim groups in Wa cannot be controlled or overruled by the Wa-Na. In 1987 the Wa-na, Momori Bondiri II, told me that it was the Yeri-Na whose word and advice he has to pay close attention to in carrying out his duties as Na: "It is the Muslims and not the Tindamba the Na has to consult. The Yeri-Na is the spokesman of the Muslims and as such his advice must be heeded and taken seriously by the Na in making decisions. Every year the Muslims by custom perform divination-rituals by which they are able to foretell the events of the coming year. If they foresee evil occurrences, they come to the Na and tell him what he has to provide and what sacrifice he has to perform in order to avert or minimise the effects of the coming evil. In such a case, it is for the Na to do as he is told. The Muslims are capable of rebelling against the authority of the Na and his refusal of important pieces of advice given him by

the Yeri-Na might lead him into trouble."²⁹⁵

THE WA-NA AND THE FACTIONS

Nan for the Wala, we have said, is a customary institution of authority which relates different groups of people to one another with a view to reconciling their different interests by arbitrating in disputes, as well as providing a forum for discussion and solving issues which threaten the peace of the society. At first sight one would expect that the two opposing factions i.e. Orthodox and Ahmadi, existing in Wa today, would be reconciled to one another by means of the Wa-Nan. However, this has not been the case. For the most part, the reason for this failure has not been the fault of the Nas. If anything at all, the failure has been due to the unpreparedness of the majority faction, the Orthodox, to be reconciled or to be associated with the Ahmadis.

In our examination of the Wala under Colonial rule, we have seen how trouble developed between Wa-Na Sumaila and the Orthodox faction because the former refused to support the call by the latter for the expulsion of Salih Bn Al Hassan,²⁹⁶ the Ahmadi preacher from Wa. A year after Sumaila became Na in 1943, it became the policy of the Colonial government to guarantee the freedom of worship of

²⁹⁵ Information received at the Wa Nayiri (Palace), July 1987.

²⁹⁶ See Part 4, Chapter 4 above, p 229.

Ahmadis in Wa. As Native Authority of Wa, Sumaila was by duty bound to respect the right of Salih Bn Al Hassan to live and preach his faith in Wa freely without harassment. He therefore found the request of the Orthodox unsupportable. Na Sumaila subsequently was regarded by the Orthodox as an enemy. Regarding him as one inclined towards the Ahmadis, the Orthodox disassociated themselves from the Na. In fact, as we have said, it would appear that the incendiary device of magical gunpowder identified by the then District Commissioner in his diary as "bad medicine" for the Wa-Na, was a magical missile fired and directed at Sumaila. As a matter of fact, there is little reason for us to doubt the fact that Sumaila's magical assailants were from the Orthodox faction. The preparation of magical ammunition from gunpowder was a practice historically associated with the Dun family of Dondoli who were committed to suppressing Ahmadiyya in Wa. In the 19th Century Liman Uthman Dun prepared magical gunpowder for use by Wala gunmen against the Sambarima.²⁹⁷ During the fourth decade of the twentieth century, Ahmadis in Dzedzereyiri were attacked by Orthodox from Dondoli upon orders issued by Liman Mahmud Dun, son of Uthman Dun. Under such circumstances it was virtually impossible for Wa-Na Sumaila to succeed in reconciling the Orthodox with the Ahmadis. Try as he might have, he was bound to fail because the Orthodox had an inordinate hatred for their opponents.

²⁹⁷ Ivor Wilks, op. cit., p. 107.

For further clarification of why the Wa-Nan has been unsuccessful up to the present time in reconciling the two Muslim factions in Wa, it is necessary to refer in some detail to the case of Na Koray, who reigned during the last years of colonial government.²⁹⁸ According to lesiri the Liman, like the Tindana, is, proverbially speaking, the poga (wife) of the Na. What this means is that although the Liman and the Na might not be blood relatives of one another, nonetheless, they are related on account of lesiri as if the two were a married couple. By custom, normally it is not for the Na to tell the Limahi who is and who is not to be appointed a Liman when the Limanship is vacant. However, by virtue of the fact that he is the husband to be of the new Liman, the Na by custom, has the right to know of the appointment of a Liman first, before anyone else. For the Limahi group to proclaim a man as Liman without first communicating their choice to the Na, is, in terms of lesiri like blessing a marriage in which the husband does not know the wife. In short, a Liman cannot be properly installed without at least the knowledge of the Na, customarily speaking. However, it happened that while Na Koray was discharging his duties at the National Legislative Assembly in Accra in June 1951, Liman Mahmud Saghir died. Fearing that Na Koray, who was an Ahmadi Muslim, might come back home to lobby for the installation of a fellow Ahmadi as Liman of Wa, the Orthodox Muslims as

²⁹⁸ See above Part 4, Chapter 7 for a narration of the difficult circumstances of Wa-Na Koray, p 269-274.

Ivor Wilks puts it - "moved rapidly to fill the vacancy" and installed Seidu Soribo as the new Liman of Wa. Customary theory and practice were abandoned in order to outwit factional opponents.²⁹⁹ When Wa-Na Koray returned from Accra he refused to recognise Seidu Soribo as Liman. Furthermore, he appointed the Ahmadi preacher, Salih Bn Al Hassan to the post of Liman. Here again it was virtually impossible for the Na to succeed in any attempt at reconciling the Orthodox and Ahmadi factions. The policy of the Orthodox not to associate or co-operate with the Ahmadis was fundamental. So fundamental was this policy that they were prepared, as a faction, to set aside the lesiri of the entire society, if by doing so they were likely to secure the obstruction of the Ahmadi faction from getting some kind of advantage. There are two reasons that come to mind to explain why Na Koray refused to recognise Soribo as Liman, and instead, appointed a fellow Ahmadi to the Limanship. Firstly, for the Na to have recognised Soribo as Liman would have meant agreeing to a marriage which he was to consummate without any form of courtship or engagement. Secondly, Na Koray appointed a fellow Ahmadi as the new Liman of Wa to show the Orthodox that he was not a man they could outwit. By appointing Salih Bn Al Hassan as Liman, he did precisely what the Orthodox Muslims had contrived to prevent from happening.

²⁹⁹ See Part 4, Chapter 7, p 271-273 above for more detail about the conflict between Na Koray and the orthodox Muslims in 1951.

Against this background of problems facing Nas when it came to factional issues, the Wa-Nas of the post-Independence period have been very careful in their dealings with factional matters. It would appear that the Orthodox are today still far from happy about co-operating or associating themselves with Ahmadis. Indeed, as late as 1963, a leading member of the Orthodox faction was able to tell researchers confidently that they, the Orthodox, warred with the Ahmadis. Ivor Wilks has reported in his book on the Wala that he spoke to Al-Haji Tamimu of Dondoli in 1963. Among the many things the distinguished Orthodox Muslim scholar told Wilks was a statement about Orthodox-Ahmadi relations; "The 'vlama' of Wa are the Sunni [orthodox], but this does not include the Ahmadiyya Muslims. We war with the Ahmadiyya".³⁰⁰

In 1989 during the local Century Celebrations of the foundation of the Ahmadiyya Fifth, the Ahmadis in Wa came to greet and pay respect to the Na, Momori Bondiri II. However, instead of receiving their respects and greetings himself, the Na did so through a deputation.³⁰¹ It would appear that the problems that faced Na Sumaila and Na Koray, problems which resulted from religious factionalism, have managed to survive Independence and time. If Na Momori Bondiri II had not acted in the way he did in 1989, he might have been adjudged by the majority faction, the

³⁰⁰ Ivor Wilks, op. cit., p. 194.

³⁰¹ Information received at Wa, April 1990.

Orthodox, as being a close associate, if not a collaborator, with the Ahmadis.

Religious factionalism is a problem that faces the Na today in carrying out his duties. In fact, this situation is likely to remain in Wa in the foreseeable future. The difficulty of the Na's task in reconciling the two factions with one another is not likely to minimise until the Ahmadi faction is large enough in numbers, and so powerful in Wala affairs, that the Orthodox would accept the inevitability of co-operation between the two factions. It is only when the need for inter-factional co-operation is realised by both factions, that the Na can successfully perform his role as spokesman and arbitrator in disputes between Ahmadis and Orthodox. I am optimistic that one day in the future, this need for inter-factional co-operation will be realised by Ahmadi and Orthodox alike. There is an end to every war. After all, no matter how bad the situation is today, it is true that it is not as bad as it was some five decades ago when Orthodox leaders were openly calling for the banishment of Ahmadi preachers from Wa. Until the need for mutual co-operation between the factions overrides factional tendencies and inclinations inherent in Wala Muslims, the situation of the Na is likely to remain hopeless. It is a proposition too clear to be contested, that there can be no peaceful settlement of disputes between two parties if one of the two, and in particular the stronger one, is fundamentally unprepared to be

reconciled in any way with the other disputing party.

CHAPTER 4

THE ACEPHALOUS PEOPLES AND THE WA-NA

Before going on to sum up our story about the evolution of the Wala indigenous society and its customary leadership, it is important that we take a look at the Provincial Wa i.e. those acephalous peoples who were annexed to central Wa by the Colonial Administration. The Dagaba, the Lobi, the Fufula, the Sisala, the Chakali and the Pasala, we have said above, were all brought under the power of the Wa-Na who became the paramount chief of the whole North-West province.³⁰²

Although Ghana became independent from the British crown in 1957, these acephalous societies have continued to be under the chiefly paramountcy of the Wa-Na, to whom the idea of their independence have been unwelcomed. For instance, the attempt made by the Dagaba to have the chiefships of some of their villages like Nadoli (Nadawli), and Kaleo upgraded to paramountcies has not been welcomed by the Wa-Na. In 1987, while talking about the villages under his jurisdiction, the Nadoli-Na, who that year became a paramount chief, referred to this matter. He said that the Dagaba were happy with the fact that they had eventually established independence from the Wala, although the Wala

³⁰² See above Part 4, Chapter 8. p 279.

of course were not.³⁰³ Indeed, in the Regional House of Chiefs created in 1987 for the newly established Upper West Region of Ghana, the Kaleo-Na and the Nadoli-Na are paramount chiefs each in his own right. In other words they are no less than equal to the Wa-Na. For the Wa-Na, all the Dagoba chiefs which were under him during the Colonial Period do "not qualify to be redesignated" as paramount chiefs for the precise reason that they are subservient to the Wa Skin. In order to present a complete and clear picture of the nature of the dispute going on between the Wa-Nabihi in Wa on the one hand, and the village chiefs or village headmen of the acephalous societies on the other, we will refer to the letter written by the Wa-Na in 1985 to the Chieftaincy Secretariat about claims made by some Dagaba chiefs to paramountcy.³⁰⁴

There are questions about this letter which must be addressed.

1. It says in paragraph 4

"It is an established historical fact that at the time the British or for that matter any other European power appeared on the scene in what is now Northern Ghana, the only known Native States were those of the Gonja, Dagomba, Mamprusi, Nanumba and Wala kingdoms. These states had clear constitutional arrangements with armies to compel obedience from subjects".

Is this really true? It is not true that before Colonial Rule all these kingdoms: Dagomba, Mamprusi, Nanumba, Gonja

³⁰³ Interview held with Nadoli-Na Dasa II, July 1987.

³⁰⁴ For full text of letter, see Appendix 2 below, p 557-570.

and Wala were native states like the ones they later became during the Colonial Period. Gonja was certainly not a native state or a kingdom before colonial rule. As J.R. Goody has explained it was an "over-kingdom" (many kingdoms loosely related to one another).³⁰⁵ Similarly, before colonial rule Wa was not a native state. As has been shown in this thesis it was a centralised group society (different groups of people under different forms of leadership living together through inter-group cooperation).³⁰⁶

2. It says again in paragraph 4

"Indeed the Northern and North-Eastern sectors beyond the Wahabi River of the present Upper-West Region contained such independent tribal entities who were not fully under the suzerainty of either the Wala or Mamprusi kingdoms which border the territories of those entities. Those entities, which were more like "village states" managed through ad hoc alliances to ward off the expansionist incursions of the armies of the known kingdoms from time to time which was the only guarantee of the individual independence".

Does this mean that before colonial rule there were no other "independent tribal entities" within the area now known as the Upper-West Region? The truth of the matter is that before colonial rule centralised Wa was surrounded by different acephalous peoples. If the peoples of the surrounding countryside had been under the suzerainty of

³⁰⁵ See Goody J.R. "The Over Kingdom of Gonja" in Forde and Kaberry. West African Kingdoms in the Nineteenth Century, International African Institutes and Oxford University Press, 1967.

³⁰⁶ See above, Part 2, Chapters 1, p 29-31 and 2, p 40-41.

Wa, then, why did the British find it necessary after they took over the town to send their local agent, Mallam Isaka (Ishaq-B-Uthman Dablla) to Dagaba villages to pacify the people with sugar and salt and make them friends of the British Crown?³⁰⁷

3. It is said in paragraph 10

"It was in the course of the implementation of indirect rule that most of the Treaties of Protection and Friendship between so-called "Treaty Kings" and the British were found to be of no consequence at all. Some treaty kings were found to have no territories at all to the extent of having nothing to do even with the nearest village neighbours. Others were found to be subjects of other chiefs".

Is it really true that the treaties in question were rendered valueless because the British found out the true state of affairs? The truth of the matter is that the Indirect Rule system of administration which was established during the colonial period could not be practicable if there were very many independent small kings. We have seen in this thesis that it was the policy of the Colonial Administration to support and strengthen the power of existing paramount chiefs over the small communities scattered about.³⁰⁸

4. The letter says in paragraph 13

"From all indications any claims to 'paramountcy' grounded in the Treaties aforementioned cannot be

³⁰⁷ See Ivor Wilks "Wa and the Wala" op cit p. 142.

³⁰⁸ See above, Part 4, Chapter 2, p 198 and 199.

seriously canvassed as it has been demonstrated in earlier paragraphs in the pre-1892 history after the proclamation of a protectorate over the N.T.s. that the British found most of the treaties to be of little or no consequence in determining to whom allegiance was owed".

At the same time in paragraph 16 it says

"For the Dagarties or Dagaaba in general, three treaties were signed at Wa in Dagarti country by one Seidu Batakatiesa the 22nd Wa Naa from Sonla, 10/6/94, 4/5/94 and 9/3/97. These definitely could be the source of Wa-Na's suzerainty over the Dagarties or Dagaaba."

Is this not a contradiction? If a Treaty of Friendship is a valid source of suzerainty for the Wa-Na over the Dagaaba, of course, it can be a source of valid claim to paramountcy for the Dagaaba chief if that status was accorded to him in the Treaty of Friendship.

5. How come those Treaties which were signed by a Wa-Na, in Wa were not described as Wala but as Dagaba? Clearly, it is strange for a king who is signing a treaty with another king, to present himself as his vassal or subject. My view is that Wa-Na Seidu Batakatiesa (Seidu Takora) did this precisely to make the British think that he was ruler of the Dagaaba whereas in fact he was not.

As part of our effort to understand the nature of the dispute going on today between the Wa-Na on the one hand, and the acephalous peoples of the Upper-West region on the other, we will at this juncture look at Chakali, the study case for this thesis. So far as the Dagaba, the subject of the Na's letter are concerned, suffice to say that, the

chiefs of some of their villages like Kaleo and Nadoli were promoted to paramount chiefs in 1987.

ACEPHALOUS CHAKALI AND THE WA-NAN

For the Wa-Nabihi who are appointed as Nas in Chakali villages, their Nan is one that must be distinguished from the Nan of those chiefs who are Chakali natives. So far as the Wa-Nabihi chiefs in Chakali are concerned, the Bulenga-Na, the Chagu-Na, etc. who are normally Chakali natives, are not Nas but Bong-Nas (war chiefs). Any mention of the term Na in Chakali to them is a reference to one who is a member of the Wa-Nabihi group appointed to one of the Chakali village skins.

The Chakali people, including the Bong-Nas themselves, however, consider all Nas in Chakali to be the same. The distinction between Na and Bong-Na is less apparent to them. Today, the Chakali man distinguishes between the two categories of chiefs in Chakali by referring to the Bong-Nas as Chakali-Nabihi (princes of Chakali) on the one hand, and on the other, the Wa-Nabihi (princes of Wa).

It would thus seem that Nan as an institution of authority in present day Chakali, is not at all properly defined. It is surrounded by ambiguity in that whereas the native Chakali chiefs are regarded by the Wa-Nabihi only as Bong-nas, they are regarded by the indigenous Chakali not just as Bong-Nas, but in fact, as Nas. Indeed, the Chakali man

refers to the native Chakali chief by the title "Na", the same title by which he refers to the Chakali chief of Wala descent. For instance, the chief of Bulenga is referred to by the Chakali people as Bulenga-Na, in the same way that the Chief of Ducie, who is normally a Wala prince, is referred to as Ducie-Na. Furthermore, it is not clear as to the principle along which the Busa-Na, and, ipso facto the Wa-Na, considers some villages in Chakali to have skins for Busa princes, while the others remain seats for Chakali Bong-Nas.

In 1987 I asked the Wa-Na, Momori Bondiri II the question: why are some villages in Chakali ruled by Wa-Nabihi from Busa, while others are ruled by indigenous Chakali princes?

The Na replied:

"It all depends on whether the Wa-Nabihi are able to control or exercise authority over a Chakali village, and, appoint for it a Na from Wa or Busa. Some of the Chakali villages are strong and as such are difficult for the Busa-Na to control. Those are the villages that are ruled by their own chiefs".

He further explained "In the past when there were wars to be fought by the Wa-Na it was these villages who proved to be valuable allies of Wa on account of their military capabilities". The Na accepted the fact:

"there is no fixed principle to be followed regarding which Chakali villages are or are not to receive their chieftains from Busa. In the past, the village of Tisa was a seat for indigenous princes. Later it became the seat for princes of the Sing Gate of the Wa Royal house. In the 1930's when the tribunals were established by the colonial administration, for the reason of geographical contiguity and administrative convenience Tisa was put under Busa. The Busa-Na

appointed a prince from Busa to be Na of Tisa when that office was vacant after independence the colonial system was abolished. However, the Busa-Na has succeeded in retaining Tisa as a seat for the Wa-Nabihi from Yijihi Gate".³⁰⁹

The Na's account has been corroborated by information received from Tuasa.

"In truth it is with the Dzonyohi Gate of the Wa-Nabihi that Tisa and its people have a relationship. It was the people of Tisa who agreed and who asked a Dzonyohi prince who was their nephew to come and become Tisa-Na".³¹⁰

Let us now look at the part of Chakali ruled by Bong-Nas. The villages in question are: Bulenga, Chagu, Dupari and Notigu. In other words, only four out of the thirteen villages in Chakali (about 30%) can be said to enjoy some sort of independence.

TABLE OF CHAKALI VILLAGES

| | Wa-Nabihi Chakali | Bong-Nabihi Chakali |
|---------|----------------------|------------------------|
| Bulenga | | ✓ |
| Chagu | | ✓ |
| Tuasa | ✓ | |
| Motigu | | ✓ |
| Bisikan | ✓ | |
| Kandia | ✓ | |
| Ducie | ✓ | |

³⁰⁹ Information received at the Wa Nayiri, July 1987.

³¹⁰ Information received from Jabuni Daguo at Tuasa, 1980.

| | | |
|--------|---|---|
| Gilan | ✓ | |
| Dupari | | ✓ |
| Balea | ✓ | |
| Sogla | ✓ | |
| Tisa | ✓ | |
| Katua | ✓ | |

TABLE 4. VILLAGES IN CHAKALI, Bong-Nabihi and Wa-Nabihi. For geographical distribution of villages see Map 2 at the end of text.

The chiefs of Bulenga, Chagu, Dupari and Notigu, can each walk into the presence of the Wa-Na in his palace without having to remove his sandals. This is a privilege traditionally conferred on chiefs who are not Wa-Nabihi. Of course, these chiefs also perform their traditional duties to the Wa-na as they had done in the pre-colonial period, when he acted as their Chief in Command. On the enskinment of a new Wa-Na for instance, it is for these chiefs to carry him shoulder-high into the palace after the completion of the enskinment ritual. The remaining 70% of Chakali villages continue to be the direct subjects of Wala chiefs totally contrary to the pre-colonial status-quo, but in accordance with the British colonial system which itself came to an end in March 1957. It is in respect of these villages more than all others that a real paradox occurs when we come to talk about the authority of the Wa-Na today.

It has been shown above that in the pre-colonial period the

Chakali Kanbonghi was a war time organisation.³¹¹ The acephalous villages of Chakali were brought together as allies of the Wa-Na. Contingents from the villages concerned were expected to join the allied army under the leadership of the Wa-Na whenever there was a threat of attack by a foreign power. In the colonial period, as we have seen, the villages of Chakali, like those of the many other acephalous societies of the region, as a result of new administration arrangements made by the colonial authorities, became annexed to Wa as direct subjects of the Wa-Na.³¹² In fact, with the coming into force of the native authority (Northern Territories) ordinance passed in 1932, the Wa-Na became the Paramount Chief and Native Authority of all Wala. Wala in 1932, of course, included all the acephalous peoples who had been annexed to Wa earlier on in 1914.³¹³

After Independence, the administrative arrangements made in the colonial situation in respect of Chakali villages continued to exist. For instance, the appointment of Wala princes from Busa to take up chieftainships in some Chakali villages has continued to this day. Tisa, Katua, Ducie etc are all villages in Chakali which are ruled by Wala princes appointed by the Wa-Na. From the trend of events

³¹¹ See above, Part 3, Chapter 5, p 164 and 165.

³¹² See above, Part 4, Chapter 8, p 279.

³¹³ See part 4, Chapter 8, p 276-290 above for further discussion of Provisional Wa under colonial rule.

summarised below in this paragraph one is able to draw up a picture in one's mind of the state of affairs existing between the Wa-Na on the one hand, and in particular Chakali villages directly ruled by Wa on the other. After Independence, the Wa-Nan lost most of his power over the people in Wa town. The Wa-Na has found it important that he tries as much as possible to maintain his effective authority over any villages who are not able to resist the superiority of the Wa-Nan. Obviously, of all the acephalous peoples, the 9 Chakali villages which have been under the direct rule of Wala chiefs since the colonial establishment of Native Administration are the villages that appear to the Wa-Na to be the strongholds of his authority. For two reasons it is these villages more than the others that are more likely to be considered by the Wa-Na and his group, the Wa-Nabihi, as villages which would submit to his authority. Firstly, the peoples of these villages are, generally speaking, considered to be timid by the Wala town-dwellers; the villagers are always afraid to come forward even when they feel aggrieved. Secondly, unlike the non-royal groups in the town who are economically as sound, or perhaps even better-off than the Wa-Nabihi themselves, the inhabitants of these Chakali villages more than all others are poor farmers who only practice subsistence farming. To put it simply, these villagers lack both the psychological strength and financial resources without which they appear to the Wa-Na and the Wa-Nabihi as soft options.

The authority which the Wa-Na exercises over the Chakali people ruled over by Wa-Nabihi cannot be said to be based on tradition and custom. As a matter of fact, the authority of the Wa-Na in the Chakali villages ruled by the Wala chiefs is simply based on the ability of the Wa-nabihi to cling on to a position of power which they only occupied during the colonial period. I think Na Bondiri is right when he says that the main reason why some Chakali villages are not ruled by Wa-Nabihi chiefs, is that those villages are strong and therefore difficult for the Wa-Nabihi to try to control.³¹⁴ This view is however, not one that is acceptable to those Wa-Nabihi who hold chiefships in Chakali, namely those of the Busa or Yijihi Gate. In their view, to have held political authority in any Chakali village since the colonial period is enough legitimate justification for their claim to the chiefship of any such village. In fact they object violently to any suggestion that Wala chiefships established in Chakali during the colonial period lack legitimacy. In 1987 the Katua-Na told me that by becoming chief in Katua he was merely taking up an inheritance and not breaking new ground.³¹⁵ For the people of the Chakali villages concerned, however, this position is both unjustifiable and unacceptable. For them, claims such as the one made by the Katua-Na are spurious. In their objections against continued Wala jurisdiction, they are supported by their fellows in the Chakali villages

³¹⁴ Information received at the Wa Nayiri, July 1987.

³¹⁵ Information received from the Katua-Na, Tangili.

ruled over by the Bong-Nas. People in the latter villages see the presence of Wala chiefs in Chakali as a sign of continued domination or even oppression.

Part of the reason for the apparent success of the Wa-Na in maintaining his authority over the present day Chakali villages can be explained in the light of the weaknesses of the acephalous village society itself. The Chakali people have for generations lived in adjacent village societies. As the village societies of Chakali became more and more closely knit with the centralised group society of Wala, during the colonial period, the Wa-na and his Wa-Nabihi were seen by weaker Kanbonghi villages as potential allies who would help them to counter-balance or counter-check the power or influence of their stronger Kanbonghi folk. This assumption, however, proved to be a double edged sword. The matter is well illustrated in this thesis by the Chakali.

The Wa-Nabihi, who are sometimes seen by those Chakali villages ruled over by Wala chiefs, as protectors against rough treatment by the other Chakali villages ruled by indigenous Chakali chiefs, are nonetheless also sometimes regarded by those very villages, ruled over by Wala chiefs, as their oppressors. Although the small villages like Tisa, Sogila and Katua have always been unhappy with the authority of the Wa-Na, and would like their independence, they are nonetheless also careful about the danger of

larger neighbours like Bulenga and Ducie dominating their affairs. As explained above, for the people of any Chakali village, what is of foremost concern is for them and their Tao to be treated by the other Chakali Taos as an independent village entitled to equal rights and respect.³¹⁶ In the urge by each Tao to preserve its position of independence and respect in the Chakali society, as we have said, two or more Taos might come together as allies against another Chakali village which represents a potential threat to their respective freedoms.³¹⁷ With the appearance of the Wa-Nabihi and the institution of Nan in the Chakali scene, the Taos in which offices of Nan have been created by the Busa-Na, from time to time rely on the strong arm of the Wa Royal House when they find themselves engulfed in disputes with those Taos ruled over by Bong-Nas. For the Chakali Bong-Nas, the presence of the Wa-Nabihi in Chakali is one that has always been disliked but must be tolerated. Until Independence the presence of the Wa-Nabihi in Chakali was part of the colonial local government system and could not be challenged.³¹⁸ After Independence the situation saw little change. Indeed, during the dispute between Tisa and Motigu, over cattle, which occurred between 1977 and 1978, the Bulenga-Na was not allowed by the Busa-Na to arbitrate between the parties. In the view of the Busa-Na, because

³¹⁶ See above, Part 3, Chapter 5, p 157.

³¹⁷ See above, Part 3, Chapter 1, p 100.

³¹⁸ See Part 5 above, Chapter 2, p 307.

Tisa was the seat of a Wala chief it was beyond the jurisdiction of the Bulenga-Na.³¹⁹

CHAPTER 5

THE ADMINISTRATION OF JUSTICE

In this chapter we will be looking at three things: the Upper West Regional Public Tribunal, the Wa Circuit Court and the dispute settlement processes of the Wala elders. There are interesting questions about all three needing examination - what is the nature of the trial at the Public Tribunal? What is the nature and extent of the Tribunal's jurisdiction? Is the Public Tribunal a better court than the ordinary law court of judicature? What type of cases are brought before the Wa Circuit Court? Why are the Wala not happy to take their disputes to the Circuit Court, or, for that matter to any of the other courts of the Ghana Superior Courts of Judicature? How do the Wala people settle the bulk of their disputes? In settling disputes between their wards, what methods do the traditional Wala group leaders adopt? Do they follow the pre-colonial practices? These questions and in fact many others are to be examined below.

THE UPPER-WEST REGIONAL PUBLIC TRIBUNAL

One of the things that the Provisional National Defence Council (P.N.D.C.) did in Ghana after it took over power in

³¹⁹ Information received from the Bulenga-Na, Saka.

1981 was the establishment of Public Tribunals. Section 2(1) and (2) of the Public Tribunals Law gives the Public Tribunals Board sole and exclusive power to establish public tribunals at the National, Regional, District and Community levels.

In accordance with this law, the Upper West Regional Public Tribunal was set up at Wa, the Upper West Regional capital by the Tribunals Board.

To get an insight into the nature of the trials held by the Public Tribunal, let us look at a summary of Section 13 of the P.N.D.C.L. 78 herein also referred to as the Public Tribunals Law.

- (1) The Public Tribunal can regulate its own proceedings.
- (2) Its proceedings, where possible, shall be recorded.
- (3) Although the proceedings shall be held in public, the Tribunal may decide otherwise if it considers it to be in the public interest.
- (4) A Public Tribunal shall ascertain the plea of the accused to the charges against him.
- (5) The Special Public Prosecutor or the People's Public Prosecutor must present the case against the accused.
- (6) The accused must be able to put his defence.
- (7) He has the right to be present, but if he fails to appear the proceedings may continue.
- (8) The accused shall not be convicted on hearsay evidence alone.
- (9) Every witness before a Public Tribunal shall testify on oath or affirmation or otherwise give an undertaking to speak the truth.
- (10) Both parties may address the Public Tribunal before its decision in a case.

(11) A Public Tribunal shall, in its proceedings and decisions, be guided by the rules of natural justice.

(12) In receiving evidence, the Tribunal may waive rules of evidence in the interests of justice.³²⁰

Provision 22 is also of interest; it says that all decisions may be by majority except the death penalty which must be unanimous and confirmed by the P.N.D.C.³²¹

In presenting the above provisions of the enactment, as an elucidation of the trial held by the regional public tribunal, we must, however, sound a note of warning to all about their ambiguities and inconsistencies. For instance, S.13(11) stipulates that the rules of natural justice must guide all proceedings. At the same time S. 13(17) stipulates that non-compliance with the rules governing the mode of trial does not render a trial invalid. Indeed, it is like telling a court of law to observe the due process of law, while at the same time, allowing it to pass judgements which do not comply with the same due process of law.

One controversial aspect of the nature of the trial held by the Public Tribunal is that it permits trial of accused people in absentia, ie. during their absence. The matter is dealt with in S.14 of the law.³²²

³²⁰ See P.N.D.C. L. 78 - Public Tribunals Law, 1984, Printed by the Ghana Publishing Corporation (Printing Division) Accra-Tema, Ghana p. 1.

³²¹ See P.N.D.C.L. 78, op cit p. 9.

³²² Ibid.

In fact, Section 15 of the Law takes up the matter further:

"S.15(1) Where a person is tried, convicted and sentenced in his absence under section 14 of this Law and he fails to appear to serve his sentence-

(a) all his assets and bank accounts shall be deemed to have been confiscated to the State and shall be taken over forthwith by the confiscated Assets Sub-Committee of the National Defence Committee...."³²³

There is a disturbing question that arises here: let us assume that there are two persons accused of the same offence who have been found guilty and convicted in absentia by the Tribunal. Both accused people refuse to present themselves for the purposes of serving their sentences. One of the two has a bank account as well as other assets. In accordance with S.15 of the Tribunals Law all these assets are confiscated to the State. The other accused person has no bank account nor indeed any other property. As a result this second convict has nothing confiscated to the state, the Tribunals Law notwithstanding. In such a case are the Law and the State not being unfair to the first accused person? If the confiscation of property to the State is the only way of punishing offenders convicted in absentia, it would be more just in my opinion not to try or sentence accused people who for any reason cannot be brought to justice. In the administration of punishment against offenders it is important that the State is seen to be just. It must be remembered- *Justitia firmatur solium* (Justice strengthens

³²³ Ibid.

the throne).

While we are presenting the above provisions of the Public Tribunals Law as a source of insight into the way and manner the Tribunal Panel conducts its trials, we have to exercise caution about what impressions they give us. Indeed, we have already referred to a provision in the Law itself which makes it possible for the panel to set aside the rules of procedure. S.13(17) of the Public Tribunals Law says:

"Non-compliance with the rules governing the mode of trial shall not render a trial invalid unless a substantial miscarriage of justice has been occasioned".³²⁴

The question that must be addressed here is, whose right is it to determine what constitutes "a substantial miscarriage of justice"? Since the Public Tribunal is not subject to the ordinary Court of Law, it means that it is the Tribunal itself in effect which is to determine this question.

To understand the nature and extent of the jurisdiction exercised by the Upper West Regional Public Tribunal, we will for a moment take a look at S.4 of the Public Tribunals Law:

"(1) The National Public Tribunal shall have original jurisdiction -

(a) to try criminal offences discussed or arising out of the report of any commission of inquiry;

(b) to review the findings of any

³²⁴ P.N.D.C.L. 78, op cit p. 8.

commission upon the presentation of a petition, except that it shall not have power to review any order of the Citizens Vetting Committee established under The Citizens Vetting Committee Law, 1982 (P.N.D.C.L. 1);

(c) without prejudice to the provisions of paragraph (d) of this subsection, to try offences under sections 124, 131, 146, 149, 158, 159, 239, 249, 250, and B13A of the Criminal Code, 1960 (Act 29);

(d) without prejudice to the provisions of paragraph (b) of this subsection, to try any offence under any enactment which may be referred to it by the Council.

(e) without prejudice to the generality of the provisions of paragraph (d) of this sub-section, to try any offence relating to price control, rent control, exchange control, government revenue (whether central or local government) or import or export;

(f) to try any offence created by this Law; and

(g) in respect of matters under section 25 of the Provisional National Defence Council (establishment) Proclamation (Supplementary and Consequential Provisions) Law, 1982 (P.N.D.C.L. 42).

(2) The National Public Tribunal may in the exercise of its original jurisdiction take over either on its own initiative or by directive of the Board or the Council as the case may be any case pending (even if hearing has already commenced) before a Regional, District or Community Public Tribunal, where the case is of public importance and interest.

(3) A decision of the National Public Tribunal, The Board or the Council in the exercise of its discretion under subsection 2 of this section shall be final and shall not be subject to any appeal".³²⁵

³²⁵ P.N.D.C.L. 78, op cit p. 1-2.

It is not clear as to why the enactors selected only ten out of the three hundred and nineteen sections of Act 29 of 1960 (The Criminal Code) herein after referred to as the Criminal Code, for the purposes of the Public Tribunals Law 1984. The ten sections of the Criminal Code in question are: S.124 (stealing), S.131 (fraud), S.146 (dishonesty and receiving), S.149 (robbery and extortion), S.158 and 9 (forgery), S.239 (corruption), S.249 (giving false certificates), S.250 (destruction of documents by a public officer), S.131A (sending false telegrams). If the intention was to protect the state, and its people then, why did they not include all the sections of the Criminal Code since all of them protect the public interest? Perhaps, their aim was to protect state interests which were economic in character. This view becomes evident as one reads S.4(1)(e) ie.:

"without prejudice to the generality of the provisions of paragraph (d) of this subsection, to try any offence relating to price control, rent control, exchange control, government revenue (whether central or local government) or import or export;"³²⁶

If the guiding principle in delimiting the area of jurisdiction of the Public Tribunal was to protect economic interest of the state alone, then it is rather unfortunate. It is my view that any state organ which has been set up for the purpose of administering justice must be allowed to do justice wherever necessary even if the interest at stake is state economic interest, state political interest or

³²⁶ Ibid.

individual personal liberty. It is reasonable that sometimes what is national interest be placed before what is individual interest. However, we must remember that justice will not be justice if only what is considered to be the foremost interest of the state is made the concern of law to the exclusion of all others. It is relevant at this point to refer to the words of Justice Holmes:

"The most fundamental of the supposed preexisting rights - the right to life - is sacrificed without a scruple not only in war, but whenever the interest of society, that is, of the predominant power in the community, is thought to demand it. Whether that interest is the interest of mankind in the long run no one can tell, and as, in any event, to those who do not think with Kant and Hegel it is only an interest, the sanctity disappears".³²⁷

There is one very important aspect of the Public Tribunals jurisdiction which we must now examine. A decision of the Upper West Regional Public Tribunal for example, which was set up under the Public Tribunals Law once reached could not be questioned lawfully by any court in Ghana. In fact, the matter is stated in very clear language in the S.24(1) of the Public Tribunals Law:

"No court or other tribunal shall have jurisdiction to entertain any action or proceedings whatsoever for the purpose of questioning any decision, finding, ruling, order or proceeding of a Public Tribunal set up under this law; and for the removal of doubt, it shall not be lawful for any court to entertain any application of an order or writ in the nature of habeas corpus, certiorari, mandamus, prohibition, quo warranto, injunction or declaration in respect of any decision, order, finding, ruling

³²⁷ See O.W. Holmes The Dissenting Opinions of Mr Justice Holmes - The Vanguard Press, New York, 1929 p. xvi.

or proceeding of any such Public Tribunal".³²⁸

The argument here against the Public Tribunal is not a condemnation of its independence from the supervision of the ordinary courts of law in the country. Rather, the submission is that because the verdict of the Public Tribunal is not questionable by any court of law in Ghana it is imperative, as we have said, that the Tribunal adheres to the courts of justice in every respect as much as is possible. The fact that the Public Tribunal is not answerable to the ordinary courts of law in the country means that it is a kind of supreme court in its own right; and, if this is so it must have the fullest competence to deal with all types of cases so as to gain the confidence of the public. For instance, the Tribunal could have the jurisdiction to hear all cases involving offences committed under any of the sections of the Criminal Code.

One serious question we must grapple with at this point is, is the Upper West Regional Public Tribunal a better court than the Wa Circuit Court? Is the establishment of the Public Tribunal by the government of the P.N.D.C. justifiable? From the point of view of the lawyer it is tempting to come to the conclusion that the Public Tribunal as established under the Public Tribunals Law of 1984 ought not to be established in the first place. The fact that the Public Tribunal is not subject to the jurisdiction of

³²⁸ P.N.D.C.L. 78, op cit p. 15.

the Appeal Court of Ghana undermines the strength and authority of the Ghanaian legal system which has been in existence for over a hundred years. As we have seen in S.24(1) The Public Tribunals Law prohibits the Superior Court of Judicature from exercising "jurisdiction to entertain any action or proceedings whatsoever for the purpose of questioning any decision, finding, ruling, order or proceeding of a Public Tribunal...".³²⁹

However, through careful consideration of the matter one realises that the Public Tribunals were not set up for no reason. Writing about the knowledge of State Law in Ghana in 1984, G.R. Woodman came to the conclusion:

"The lack of integration of State Law with society is a contributory cause of current moves to restructure the state and to create a new legal system".³³⁰

"A new judicial order of tribunals" he observed "is being constructed, with a view to competing with if not replacing the old courts by avoiding their technical obscurantism and other perceived defects".³³¹ While agreeing to the view that "the lack of integration of state law with society" adversely affects the administration of justice by the ordinary law courts with "their technical obscurantism", one however is not sure as to whether the Public Tribunals

³²⁹ Ibid.

³³⁰ G.R. Woodman, "Knowledge of State Law in Ghana: Aspects of a Third-World Social Ordering", in La Connaissance du droit en Afrique 1984, p. 320.

³³¹ Ibid.

as established under the Public Tribunals Law provide the relevant remedy. It is my view that ridding the ordinary courts of "their technical obscurantism and other perceived defects", and then allowing them to continue with their ordinary duties is perhaps a better and easier way of bringing the law and justice of the State closer to the layman than the establishment of new institutions to compete with the old. The view taken here is that the dual system of Tribunals and Courts is likely to confuse rather than enlighten the lay people. Besides, the new Tribunal system cannot win the confidence of the layman since crimes like the ones below do not come under its jurisdiction: abetment of suicide (S.57 of the Criminal Code), abortion (S.58), causing harm to a child at birth (S.60), use of offensive weapons (S.70), threat of death (S.75), kidnapping (S.89), and child stealing (S.93).

It would appear that the Public Tribunals are not able to recruit all the lawyers they need. In 1987 the Upper West Regional Public Tribunal at Wa had no lawyer of its own to act as chairman. Indeed, the Chairman for the Northern Regional Public Tribunal at Tamale, Mr Simon Suribaria, had to travel from time to time to Wa to chair the Upper West Regional Public Tribunal in addition to chairing the Upper East Regional Public Tribunal at Bolgatango. Thus, it is not surprising that in 1987 for a period of 4 months (June, July, August, September) the Public Tribunal at Wa could not sit. At least in Wa, it is true to say that the Public

Tribunal as established under the Public Tribunals Law of 1984 is far from being a court of everyday business.

THE WA CIRCUIT COURT

In Ghana what is a Circuit Court? It is a court presided over by a Circuit Judge which administers a circuit or division. The Circuit Court in Ghana came into existence in 1966 after the enactment of the Courts Decree [N.L.C.D. 84]. It is a court which comprises a Justice of Appeal or High Court Judge nominated by the Chief Justice. Its jurisdiction is limited to only causes or matters which arise within its circuit or division.

A Circuit Court has original jurisdiction in both civil and criminal matters. It has no appellate jurisdiction in either of the two. In a nutshell our circuit court in Wa, therefore, is essentially a local court in that it administers only the Wa Circuit. However, it has the competence to hear both criminal and civil cases.

Unlike the Upper West Regional Public Tribunal at Wa which seldomly sits to hear cases, the Wa Circuit Court is much more active in the town. We will now proceed to look at the list of cases before the Court in 1987. By doing this it is hoped that the peculiarities of the Wala system will be elucidated.

Table of Criminal Cases before the Wa Circuit Court March-
September 1987

| | March | April | May | June | July | Aug- ust | Sept- ember | Total |
|---------------------------------------|-------|-------|-----|------|------|-------------|----------------|-------|
| Murder | | | 1 | | | | | 1 |
| Rape | | 1 | | | | | | 1 |
| Assault | 2 | 2 | 2 | 1 | 2 | | 1 | 10 |
| Fraud | 2 | | | 2 | 1 | | | 5 |
| Death Threat | | | 1 | | | | | 1 |
| Public Order | | | 3 | 2 | | | | 5 |
| Unlawful Damage | | | | 2 | | | | 2 |
| Conspiracy to commit crime | | | | | 1 | | | 1 |
| Unlawful Entry | | | 1 | | | | | 1 |
| Theft | 7 | | 2 | 8 | | | 2 | 19 |
| Dishonest Receiving | | | | | | | 1 | 1 |
| Escape From law- ful custody | | | | 1 | 1 | | | 2 |
| Traffic | 1 | 7 | 7 | 6 | 1 | | 1 | 23 |
| Fishing | 2 | | | | | | | 2 |
| Totals | 14 | 10 | 17 | 22 | 6 | 0 | 5 | 74 |

From the above table it will be seen that the commonest type of crime in the Wa area is the traffic offence (31%). In fact, most of the vehicles are hardly roadworthy. Sometimes vehicles are driven without any lights on village market routes after dark. Under such circumstances it is no surprise that there are many traffic offences. The

least offence is murder (1%). The figures also show that theft is the second commonest offence (25%).

List of Civil cases before the Wa Circuit Court for the Year 1987

- E 1. Christine Agebenenu (House No. C. 149, Wapani Wa) vs. Gertrude Daku (Wa).
- C 2. Mallam Kaasim Anudu (Sawla) vs. Issah Mohammed (Sawala).
- C 3. Chando Nyofози (Gongo near Dorimo) vs. Anthony Dapila (Bora village near Dorimo).
- C 4. Cypriano Bonsedong (Daffiama) vs. Philip Yelaliola (Daffiama).
- C 5. Tefele Sulantey (Taning-Naha village near Puoyentenga) vs. Ninpari Dagarti (Danigo-Tiri) and Toresema Krangnii (Dariyifi).
- D 6. Alhaji Iddiisu Tiajan (Tagrayiri sed., Wa) vs. Produce Buying Co., GCMB, Wa.
- D 7. Alhasi Dauli Suleman (Dandoli Sedi Wa) vs. Produce Buying Co., GCMB, Wa.
- E 8. Kosia Nyarku (Kumasi) vs. Janet Serwaah (Zongo Sect, Wa).
- B 9. Fuseni Abubakari (Jenbeyiri sect, Wa) vs. Ounfaah Bili (Charia Village near Wa).
- A 10. Ibrahim Seidu (Wapani Sect, Wa) vs. Dramani Seidu (Wapani Sect, Wa).
- C 11. Nyinasah Sei (Naha Kordanyina village near Wa) vs. Kofi Jorlang (Kekiyasi Village).
- C 12. Osmani Banyera (Ndouli near Wa) vs. Mahama Oilbilo (Nadouli near Wa) and Simon Dabilo (Abogha Mankomah near Bula).
- F 13. Gertrude Akos Oaku (Dobile Sedi, Wa) vs. Awusara Abudu (Wapani sect, Wa)
- F 14. Sangsunne Sulia (Public Works Dept., Wa) vs. Augustine Nana (Ghana Leprosy Service, Wa)
- A = Traditional Wala against Traditional Wala
B = Traditional Wala against people from non-traditional Wala villages

C = People from non-traditional Wala villages against people from non-traditional Wala villages
D = Cases involving individuals against the state
E = Cases between parties who are foreigners but residing in Wa
F = Foreigners against Traditional Wala.

Their statistics show that in Wa the local Court of Law is called upon to judge more criminal cases than civil cases. In fact, whereas it had to deal with 74 criminal offences during a period of only seven months (March-September 1987) in the sphere of civil litigation it dealt with as few as 14 cases for the whole of 1987.

According to the list out of the 14 suits filed at the Wa Circuit Court in 1987 only one involved a traditional Wala person against another traditional Wala. This leads us to ask the question - Why are the Wala people not happy to take their suits to court. Today, the aggrieved Wala man has two courses of action open to him; a) he can seek redress for the wrong suffered in the Wa Circuit Court; or b) he can seek redress through traditional channels. Of the two courses of action, it is the second that is normally chosen by the people in the town. The Wala people say that a Teng-Bie (son of the town) does not take another Teng-Bie to court. A dispute between a Teng-Bie and a fellow Teng-Bie is settled not in the court but rather by the Wa-Na or one of the Wa Nimbera.

For the Wala, court litigation is a dangerous practice. This is because it can lead to division, tension and

bitterness between groups within the town. The Wala people are aware of the weaknesses of their system. The group as a unit in Wa is today still very strong. In Wala thinking it is difficult to talk of the individual group-member separately from the group to which he belongs. Thus for one Wala man to sue another could easily result in trouble between the group or section of the complainant and that of the respondent. This matter is best illustrated by a case which occurred in Wa in March 1990 during my third visit to the area.

The facts of the case, which is here after referred as the Daramani case were as follows: Daramani, was a young man of about twenty five. Although he was born to a Chakali father at Bulenga, he was brought up in Wa (Nayiri) the home of his mother. Not only did Daramani regard himself as a Wala person he was also regarded as such by his matrilineal relatives.

In 1986 he successfully seduced and married the wife of Mr Augustin, a Dagaba man from Nandor. In 1987 the latter brought a suit before the Wa Circuit Court against Daramani for the recovery of his wife.

To my surprise, I found the court room flooded with crowds of people in an unprecedented manner on the day the Daramani case began. Virtually everybody at the Nayiri section of Wa came to the court. There were also relatives

from other Wa-Nabihi wards in the town as well as other parts of the town. As the case proceeded into its second and third day feelings began to run high in the town not just against Augustin but all Dagaba. People walking on the streets began hurling abuse and insults at Augustin and against the Dagaba.

For his part Mr Augustin also had some support. As a result of his long stay in Wa he developed a close association with people at the Limanyiri section. He had, in fact, become converted to Islam as an Ahmadi Muslim. There were people in Limanyiri, therefore, who saw Augustin as their man. Before long, the trouble between Daramani and Augustin was beginning to assume the character of an Orthodox-Ahmadi factional crisis.

Eventually the court gave judgment in favour of Augustin. Furthermore, the court directed that an amount of 400,000 (cedis) be paid by Daramani to Augustin as damages. Again, rather surprisingly, the said amount was raised through contributions made partly by the Orthodox Muslims and partly by the relatives of Daramani.

If a case between two men neither of whom was Wala in the traditional sense could generate such high feelings and sentiments, it is my view that a case between two traditional Wala inhabitants could easily destabilise the town. It seems to me that the Wala people are unhappy to

sue one another in court because they fear the consequences and effects of such suits on their society.

CONTEMPORARY DISPUTE-SETTLEMENT PROCESSES

If the Wala are unhappy to sue one another in the law courts, how then do they settle their differences? In short, disputes in Wa are settled by sectional elders. For the purposes of clarification let us take the Wa-Nabihi group as a study case.

The Wa-Na, we are aware, is the traditional leader of the Wa-Nabihi in addition to his role as spokesman for all the Wala groups. In spite of the fact that they constitute one identifiable group in Wa, the Wa-Nabihi however do not all live in the same quarter of the town. In fact, the Wa-Nabihi are to be found in four different sections each of which has its own sectional head or elder. The sectional elder, normally the most senior man in the patrilineal line of genealogy, takes care of all petty disputes and minor differences which arise within the section. It is only when the situation is beyond his control, or, when the dispute is one that involves people outside his jurisdiction that the matter is brought before the Wa-Na as Head of all Wa-Nabihi. The four wards of the Wa-Nabihi in the town belong to the four branches of the Wa-Nabihi group respectively: Yihiji, Dzonyohi, Dzeri and Kpasa. All things being equal, a dispute that arises between the members of one of these wards is settled by the elders of

that section and does not go as far as the Wa-Na's palace.

Table of Contemporary Wa-Nabihi Leadership Structure

| Wa-Nabihi leaders | Fongo | Nayiri | Bomiyiri | Gombilimuni |
|---------------------------------|-------|--------|----------|-------------|
| Kpasa-Na | * | | | |
| Yijihi-Na (Fijoli-Na) | | * | | |
| Dzonyohi- -Na (Danga -Na) | | | | * |
| Dzeri-Na (Kagu-Na) | | | * | |
| Nabihi-Na (Wa-Na) | | * | | |

The above table shows that there are two Wa-Nabihi authorities at the Nayiri section. These are the Yijihi-Na and the Wa-Na. While the first is only head of the Yijihi Gate, the second is head of all the Wa-Nabihi. Thus, it is not the case that every dispute arising in Nayiri is brought before the Wa-Na. Most in fact are brought before the Yijihi-Na. The Nayiri section is made up of members of the Yijihi Gate. Most of their quarrels and petty squabbles occurring in Nayiri would normally be brought before the Yijihi-Na who is the leader of the Yijihi Gate. To boost his own pride and ego the Yijihi-Na would do his best to settle all the disputes that come before him without having to turn to the Wa-Na for assistance or supervision, moreso if the incumbent Wa-Na is not a Yijihi Prince. The result of this decentralisation of authority which is typical of all the other component groups of the

town is that in contemporary Wa it is not always easy to say who will settle a particular dispute. Many of the differences or disputes that arise between parties never go as far as before the group leader let alone before the Wa-Na.

In settling differences and disputes that arise between their followers Heads of the sections or groups in Wa are aware of the fact that some of the measures that were adopted in the pre-colonial times by the traditional authorities against people for the redress of wrongs which they committed against their neighbours, are unacceptable under the conditions of present day society. All such punitive practices have long been discontinued. About one of these practices, Na Bondiri explained in 1987:

"In the past, if any man from any section of the town committed adultery with one of the Na's wives, the Na would cause the Jamalehi drums to be beaten. All the able bodied men of the Wa-Nabihi would assemble, and then proceed to plunder the section of the town in which the offending man lived. Because things have changed in our society, today, the Nabihi cannot do this".³³²

It is understandable why such a practice is considered to be impracticable in present day Wala society. Today, the Wala are part and parcel of the Ghanaian state and are bound to conduct their affairs along lines that are compatible with the Law of Ghana. Clearly, the "Jahibo" (plundering) described to me by the Na in 1987 is an act

³³² Interview with the Wa-Na, Momori Bondiri II, 1987 at the Palace.

prohibited by Ghanaian Law. Plundering here means the stealing of valuable things by force either during riot or war. There is no doubt that "Jahibo" in the above context will constitute an offence under the Ghanaian criminal code.³³³ Indeed, so also is the practice of Poha (trial by ordeal), described in earlier parts, which was carried on in the pre-colonial past. S.315 of Act 29, 1960 clearly states:

"(1) The trial by the ordeal of sasswood, eseve bean or other poison, boiling oil, fire, immersion in water, or exposure to the attacks of crocodiles or other wild animals, or by any ordeal which is likely to result in death of or bodily injury to any party to the proceeding is unlawful.

(2) Any person who directs or controls or presides at any trial by ordeal which is unlawful shall be guilty of second degree felony".³³⁴

In this chapter we have explained, it is hoped, that although there is a law court in Wa, the Wala people rarely file legal suits against one another. To a large extent the Wa Circuit Court rather unfortunately was to spend most of its time dealing with criminal cases, a task which is also tackled by the Upper West Regional Public Tribunal. Group consciousness, loyalty and sense of group belonging in the people make them think that suing one another in court in order to get damages for wrongs suffered will tear their dedicated Lesiri apart.

³³³ See S.196-S.202, The Criminal Code of Ghana (Act 29 of 1960) Printed by the Government Printing Department, Accra, Ghana.

³³⁴ See the Criminal Code of Ghana, op cit, p. 118.

Part 7

THE ACEPHALOUS GROUP SOCIETY IN THE POST COLONIAL STATE

What we are going to do in this Part, is to examine the experience of Chakali, our Acephalous Group Society, in the period after Independence. Indeed, the post-colonial history of Chakali, as presented below in this Part points to a number of facts. First of all, it helps us to realise that the policy of subjecting acephalous societies to the institutions of authority of neighbouring centralised ones which was pursued by the Colonial Administration, is today one that is frowned upon by the Ghanaian Government. As will be seen below, in a dispute which occurred in 1987 over the Kapsi Lands in Chakali, the Ghanaian State Authorities in Accra sided with the indigenous Taotinas of Chakali against the Wa-Nabihi chiefs in the area. Unlike in the colonial period, the Wala chiefs were unable to use the traditional institution of chieftaincy as a means to overrule Chakali.

We will try to answer a number of questions, for example, why were the Wala chiefs able to overrule the Chakali people during the colonial period? Was it because "British administrators set about inventing African tradition for Africans" as has been said by Terence Ranger?³³⁵ In a nutshell, the view presented in the text below is that the British did not "invent" or create new traditions, as such,

³³⁵ See Terence Ranger, "The Invention of Tradition in Colonial Africa" in Eric Hobsbawn and Terence Ranger, The Invention of Tradition, New York, 1983, p.212.

in Chakali. The fact was that they set out to use existing indigenous institutions to serve their colonial administrative needs. However, in the course of doing this three situations emerged: (a) they made bad mistakes in their assessment of what were really the existing traditional practices of the people; (b) their mistakes were further compounded by the fact that they transformed their mistaken views about local customs and tradition into written law. As Ranger himself says: "They set about to codify and promulgate these traditions, thereby transforming flexible custom with hard prescription";³³⁶ and (c) the Wa-Nabihi chiefs whose Nan was tailored by the Colonial administration to suit the needs of the Colonial system, also used the Colonial system to enhance their own position and power. As will emerge below the text of this part helps us to understand that in order to rectify the past mistakes and their consequences which characterised the colonial period, the law of the post-Colonial state must provide adequately in respect of any matter which has the semblance of a colonial legacy.

³³⁶ See *ibid.*

CHAPTER ONE

CHAKALI SOCIETY TODAY

Today, nine out of the thirteen villages which constitute Chakali are ruled over by chiefs who are Wa-Nabihi. In other words, about 71% of all Chakali can be referred to as Wa-Nabihi-Chakali. The villages in question are: Ducie, Tisa, Katua, Bisikan, Sogla, Tuasa, Balea, Kandia and Gilan. All the above named villages are ruled over by Wala chiefs. Three of them (Tisa, Ducie and Bisikan) are ruled over by absentee-chiefs or chiefs who are absent. The chiefs of Tisa, Ducie and Bisikan are men staying either in the Wa town or some other town in the country, leaving behind their day-to-day chiefly duties to be performed by relatives who act as regents or caretaker chiefs in the Taos. The remaining four of the thirteen villages of the Chakali people (the remaining 29%) are ruled over by Bong-Nabihi chiefs. The four villages are: Bulenga, Chagu, Motigu and Dupari. The chiefs are all Chakali natives.

In this chapter an effort is made to describe the society to be found in Chakali at the present time. To do this, an attempt is made firstly to explain the general conditions of Chakali, i.e. conditions that are common both to Bong-Nabihi-Chakali and Wa-Nabihi-Chakali, and secondly, to elucidate the existing areas of difference between the two categories of Chakali villages.

GENERAL OUTLOOK OF CHAKALI

Whether ruled over by Wa-Nabihi or Bong-Nabihi, the villages that make up Chakali have very little difference between one another in the area of social life. As a society, Chakali is completely rural. It is on the whole, still not affected by the development of modern infrastructure and technology which are at present widespread in most urban areas of Ghana. There is only one motor road which links the whole of Chakali with the outside world. This motor road (the Wa-Bulenga road) is only a good one by local Chakali standards for it is used by motor traffic all the year round. In Chakali itself, there are two roads. One runs south east-west from Bulenga to Ducie, while the other runs directly east from Bulenga to Katua. These two roads are of a lower grade, and the first one, in particular, is hardly motorable during the rainy season.

There are few foreign settlers in Chakali. Out of about fifty family compounds at Tuasa, only six (12%) are occupied by foreign settlers. Four of the six, in fact, belong to immigrant Dagaba farmers. The remaining two are the homes of immigrant Fulani who have been hired by the people of Tuasa to take charge of their cattle.³³⁷ Bulenga and Chagu are the only other villages where there are

³³⁷ The Fulani are professional cattle herdsmen found all over Northern Ghana. They are regarded as immigrants. Originally they are from Mali, Burkina Faso and the other Sahelian Republics of West Africa. They are hired by local Ghanaian farmers to look after their cattle, while they themselves concentrate their attention on farmwork.

foreign settlers but the percentage is much lower. In Bulenga it is about 5% and in Chagua only 2%. To be found in the remaining ten Chakali villages are only indigenous Chakali people.

Transport and communication in Chakali is poor by modern standards. Even at Bulenga, which is more or less the gateway to Chakali land, there can be delays of up to two days for a Chakali individual wanting to travel by lorry to Wa. For men travelling from one village to another in Chakali, the fastest means of transport is the bicycle. A man who does not possess a bicycle of his own would normally borrow one from a neighbour if he urgently needs to travel to another village. In 1987 only six men had roadworthy bicycles in Tuasa. For women travelling from one village to another there is no alternative other than to go on foot. In 1987 each time I asked the question why women did not travel by bicycle, I realised that the suggestion brought laughter from men. Upon closer enquiries about the matter I was given good reasons why. No man would lend his bicycle to a woman.³³⁸ One reason was that a woman could not pay for repair of a bicycle if she spoilt it. In Chakali there is no guarantee that the husband will pay for the costs of repairs of somebody else's bicycle which has been spoilt by his wife. It is therefore considered safer by men possessing bicycles not to lend them to women. The second reason I received was that the lending of bicycles to women might aid them, if

³³⁸ Conversation with Bayon in 1987 at Tuasa.

they are married or betrothed to men in the village, to run away with men from other villages. Thus, during the rainy season when the Bulenga-Ducie road cannot at all be used by lorries, the women from Ducie have no alternative other than to walk the eighteen mile journey to Bulenga in order to procure salt and other viands which the family needs.

Communication through the beating of drums is practised in all the villages. When a death occurs, for instance, the drums are sounded in a particular way to tell people in the surrounding Taos of the event. In a nutshell, so far as transport and communications are concerned, for the Chakali people the bicycles and the drums are the most important assets.

In all the villages farming has survived as the main occupation of the people. In fact, there has been an increase in the percentage of Chakali people involved in farming. In the past, there was at least one hunter in every family compound of two or more men. The hunter hunted for game in the wild bush while the other men in the compound did the farmwork. It used to be a common saying in Chakali -

"When the elders of a Tao are hungry they must blame the farmers for their hunger; but when the soup in their bowls has no broth, they must blame the hunters for their lack of appetite".³³⁹

Today, there are hardly any hunters. The two main hunting

³³⁹ Stories about the past in Chakali narrated by Ninsala of Motigu at Tuasa.

grounds of Chakali to be found in the extreme east of Chakaliland have become part of the government-owned game reserve. Chakali men who are caught poaching animals in the reserve are arrested by the game rangers. I was told by Dinluona Jabuni, a hunter at Ducie of how he has, on three occasions, been arrested while trying to poach game in the reserve. After having been arrested the third time as a poacher, Dinluona Jabuni decided to end his career as a hunter.³⁴⁰ Apart from the two areas which have become part of the game reserve today, there is unfortunately nowhere else in the whole of Chakali for a hunter to hope to find large game animals.

The result of this development has been a reduction in hunting activity. At present there is no active hunter at Tisa. Jabuni Baga, the only active hunter at Tuasa, died in 1985. Since 1980 no large game animal has been killed by anyone at Sogla. The last large game, a buffalo, was killed in 1980 by Daboh. While talking with Tangu, the Taotina of Katua, I heard him lament in a murmur:

"Katua is ruined. When I was a child Katua had more than ten hunters two of whom could each boast of killing an elephant. Today, Katua has no hunters. All that we see is children chasing rats and rabbits. It is not only hunger that can kill; lack of appetite can also kill."³⁴¹

With the practice of hunting fast on the decline, the practice of farming has increased. Thus, since about 1920

³⁴⁰ Interview with Dinluona Jabuni at his house in Ducie, 1984.

³⁴¹ Interview with Tangu at his home in Katua, 1984.

when Tangu was only about ten, the percentage of farmers at Katua has risen from 80 to 99 if not 100. In fact, in 1987 I did not come across any man in Chakali who did not have a farm of some sort. Even the immigrant Fulani hired by the Chakali people to take care of their cattle had small farms.

Trade in Chakali is only a part-time activity. Sometimes a woman might decide to do some trading in the village. She might, for instance, decide to prepare and sell her fried cakes (kansa) made from bean flour which are a common sight in Chakali. She would communicate her decision to her husband who would normally give her a basket full of beans with which to start the job. The beans are sent to the grinding mill to be ground into flour. In 1987 I counted three operational grinding mills in the whole of Chakali: one was at Bulenga, one at Tuasa and the third at Ducie. At Katua there is no grinding mill. In order to turn grain into flour, the women of the Tao have to use millstones. This perhaps explains why one is less likely to find fried cakes being sold in the streets of that village. Once the woman who has decided to do business has bean flour in her possession, the only other commodity that she needs for the preparation of kansa is a bowl of the local shea-butter oil. Every Chakali woman can get shea-nuts by simply picking them from the wild bush. Thus, the local businesswoman has no problem in getting her bowl of shea-butter oil usually processed from shea-nuts. With both necessary items in hand, the woman can begin her

business.

At about five o'clock in the morning, she would start frying her cakes. By about eight o'clock, she stops frying, and then carries what cakes she has been able to prepare around the village advertising them to the public. Normally, about three-quarters of her customers are men who are about to leave for their farms and therefore might want kansa for breakfast. In Chakali, while supper is a formal meal, breakfast and lunch are not. Thus, she must be able to sell all her wares before midday by which time all the men in the village will have left for their farms. If by midday a large part of her goods are still not sold, it means that she has made a loss. Unsold fried cakes end up constituting a feast for the small boys and girls in their family compound.

The wives of the few immigrant Dagaba men to be found at Tuasa, Bulenga and Chago have become reputable brewers and sellers of the local beer (pito). In 1987, for a whole week during which I was at Tuasa, there was no day on which pito was not on offer in at least one of the four compounds of the Dagaba.

As a part-time activity a Chakali man might become a butcher. He might kill a goat, a sheep or a cow. He makes sure he sells the meat either in the morning before all the men leave for their farms, or in the evening after they have come back home. Trade is a part-time activity open to

anyone who wishes to trade and has the time and resources. Indeed, everyone has engaged in trade at one point in their life.

Only four of the thirteen villages in Chakali have markets. These are: Motigu, Ducie, Katua and Bulenga. Markets in Chakali are held every six days. The market at Bulenga which is in fact the largest of the four is held in an open space just outside the village. On the Bulenga market day, people come from all over Chakali with their wares: fowls, eggs, yams, tomatoes, millet, corn, beans, etc. One or two trucks full of traders normally would come to the market from Wa. The Wala traders bring along goods such as: salt, sugar, soup, tinned sardines, cloth and sandals. At this market, the Chakali people would sell their foodstuffs to the Wala, who in turn would sell their sugar, salt, sandals etc. to the Chakali people.

There are no modern medical facilities in Chakali. There is no established hospital or clinic. The Roman Catholic mission, which is based in Wa has started running a mobile clinic on a weekly basis at Chagu and Balea. People from the other Taos who wish to attend the clinic have to travel to Balea or Chagu on the correct date. In 1987, I met five women on the Tuasa-Bulenga road, walking the six-mile journey from Tuasa to Chagu for clinical treatment. Normally, when a person is ill, his family would first try traditional healing methods before turning to hospital or clinical treatment. As a matter of fact, if it is a mild

illness, the elders of the family might merely prescribe the use of herbs commonly known to be of medicinal value. However, if the illness is considered to be serious, the family normally would go to a local specialist in herbs or even to the Vugotina of some Vugo for his spiritual advice. For instance, it is a well known practice for the families of persons suffering from mental disorders to go straight away to the authorities of the Koali-Vugo for herbs that are believed to be the best medicine for insanity.

It is only when the family of the sick person realises that the traditional medicine applied is, in fact, not bringing about any improvement in the condition of its ward, that the first suggestions are made about taking the sick person to, say, the hospital at Wa. The great costs and immense expenditure involved in transporting the patient from the village to the hospital in Wa and having to stay in the town to look after him or her until recovery, constitute too daunting a problem for a Chakali family to contemplate. It is therefore not surprising that it is very seldom that any sick person is brought from Chakali to the hospital in Wa. The last sick person, a man called Zian, to be transported by lorry from Tisa to Wa was in 1978.³⁴² As of December 1988 the latest case of a seriously ill person being brought from Ducie to Wa involved a woman with serious ante-natal problems. This, I was told, happened in

³⁴² Information received from Mr J B Loga (Tisa literate), 1987.

1985.³⁴³ The Chakali practice of trying traditional healing methods before bringing patients to hospital, of course, in many cases does not help the patients. The longer these patients are delayed by their families and local herbalists, the more complicated their conditions become. It is no wonder that the Tisa man who was brought to Wa in 1978 and the Ducie woman brought in 1985 both died in the Wa government central hospital.

In Chakali, the rate of illiteracy is high. For the sake of better understanding, literate people whom the Chakali illiterate man might contact for help have here been divided into four categories: (A) literates who are resident in the village and are natives of the village; (B) literates who are resident but are natives of other Chakali villages; (C) literates who are residents of the village but are not at all natives of Chakali; (D) literates who are natives of the village but who reside in Wa from where they continue to play a dominant role in village affairs.³⁴⁴ Unlike literates who are natives of, say Tisa but are residents inside Chakali at, say Accra, the literates of Tisa who are residents in Wa play a more dominant role in the affairs of Tisa when it comes to

³⁴³ Information received from Mr T Bauom (Ducie literate) 1987.

³⁴⁴ The figures used here are rough estimates received from the local literate folk in 1987: Mr K Iddrisu (Bulenga), Mr Seidu Adama (Bulenga), Mr A B Sakara (Tuasa), etc.

politics of the entire Wa district.³⁴⁵

TABLE OF LITERATES IN CHAKALI

| | A* | B** | C+ | D++ |
|--|----|-----|----|-----|
| <u>Chakali villages</u> | | | | |
| Bulenga | 5 | 3 | 4 | 3 |
| Tuasa | 1 | 1 | 0 | 7 |
| Chagu | 1 | 0 | 0 | 2 |
| Katua | 0 | 0 | 1 | 1 |
| Bisikan | 0 | 0 | 0 | 0 |
| Tisa | 0 | 0 | 0 | 1 |
| Motigu | 1 | 0 | 0 | 3 |
| Sogla | 0 | 1 | 0 | 0 |
| Ducie | 2 | 1 | 1 | 1 |
| Balea | 0 | 0 | 0 | 0 |
| Kandia | 0 | 0 | 0 | 0 |
| Dupari | 0 | 0 | 0 | 0 |
| Gilan | 0 | 0 | 0 | 0 |
| <p>* Literates who are residents of the village and who are natives of the village</p> <p>** Literates who are residents of the village but are natives of other Chakali villages</p> <p>+ Literates who are residents of the village but are not at all natives of Chakali</p> <p>++ Literates who are natives of the village but who reside in Wa from where they continue to play a dominant role in village affairs.</p> | | | | |

From the table above it will be seen that in 1987 there were 22 literates resident in Chakali, six of whom were

³⁴⁵ In 1984 Mr K Sangkuan, a Tisa literate resident in Wa, admitted that he was consulted on almost every matter of the village by the Tisa people.

foreigners. Four of the six were teachers, the fifth an employee of a local Cotton Development Board, and the sixth an employee of the Road and Highway Authority. There were eighteen people from Chakali who were literates residing in Wa. Thus, in all, there were 40 people both in Chakali and Wa, with whom the Chakali illiterate might be familiar, and in whom he or she could hope to place trust, when it came to translating words from speech to writing or from the local vernacular to the English language. With only 40 people being literates within local Chakali circles, the ratio of literates to illiterates is as low as 1:252.³⁴⁶

Today in Chakali there are people who, in spite of the fact that they are illiterate, are regarded by the local people as being enlightened. The man who has once stayed in a large town like Wa, Kumasi or Accra, for instance, is regarded by the people within the village as one who is enlightened even if he is not literate. Such a man might at some point in time have been employed as a watchman or as a labourer. Normally, he is a man who is able to speak at least one of the more common local languages in Ghana. In fact most enlightened illiterates, as they may be called, are able to speak either Hausa or Twi in addition to the local Wala and Chakali dialects. Although he is not able to speak English, the enlightened illiterate is able to say one or two words in so-called "broken English". It would appear that these enlightened illiterates in Chakali

³⁴⁶ Information received from Mr J.B. Loga (Tisa Literate), 1987.

are sometimes responsible for the spreading of misinformation in the villages. In 1984 I was told a story by Abudulai Nachina, a one-time local activist in the People's National Party (PNP), the government of which was overthrown by Flight-Lieutenant J. J. Rawlings on the 31st December 1981:

"Some days after the coup occurred I was arrested at Bulenga from where I was taken to Wa. There I was put in the police cell. Later, I was released. I was told to report to the police daily. As a result, I had to spend some time in Wa. When all was over and I became a free man again, I returned to Bulenga. I realised that my return to the village caused a stir amongst the people. It soon became clear that no-one in the village had actually expected to see me back again. From what I could gather, sometime after my arrest news reached Bulenga that I had been executed by firing squad. Upon enquiries I found out that the news came to Bulenga, not from Wa, as one would have expected, but rather from Ducie. I tried to find out who at Ducie was responsible for this misinformation but could not. All that I was able to get was that someone at that village heard about my death in the news bulletin broadcast by Radio Ghana. This is why, when people ask me how the rumour came about, I tell them it came about because the Ducie radio failed to pick the correct signal from the Accra radio."³⁴⁷

By "Ducie Radio" Abudulai Nachina was referring to the enlightened illiterates of that village.

CHAKALI TODAY - THE INTRUSIONS OF WALA DIALECT AND ISLAM

In this chapter, we have seen the sort of society there is in contemporary Chakali. In many ways the society of contemporary Chakali is different from that of pre-colonial Chakali described in Part III above. In present-day

³⁴⁷ Conversation with Mr Abudulai Nachina of Chagu in Wa, in 1984 and 1987.

Chakali, chieftancy has been introduced from Wa and also the Taos have been divided in two - those enjoying some sort of home rule, and those under the direct administration of Wala princes. The effect of Wala chiefly rule on Chakali has been the superimposition of Wala institutions and practices. In our pre-colonial Chakali described above, there was nothing of the sort.³⁴⁸ Similarly in this chapter we have seen foreign settlers in Chakali: Dagaba, Fulani and more than all the others, Wala. Chakali today, then, has a mixed population which it did not have before colonial rule. In Part III we saw no foreign settlers in pre-colonial Chakali. In a nutshell, Chakali before colonial rule was just one society made up of independent Taos each of which had a Taotina, Vugotina, Nihese, Siguma-men, Vorgos and a Bong-Na who could only act as a military commander.³⁴⁹

Our main concern here now is to answer the question whether the process of change which Chakali has undergone both socially and politically, is one still in progress. To answer this question, we will be looking particularly at two things in Chakali today i.e. the spreading of the Wala dialect, and the spreading of Islam.

THE SPREADING OF THE WALA DIALECT (WALII)

That Chakali, as a society, is today still undergoing

³⁴⁸ See Part III of thesis, p 96-175.

³⁴⁹ The Yerihi from Wa who settled in the Chakali Taos in the pre-colonial period were not foreigners as such. See Part III, Chapter 2 above for details, p 108.

change is a fact that is proven by the continuing spread of Wali in the Chakali area. It is difficult to say precisely how much of this change took place during the colonial period. However we can say that it is reasonable to suppose that this process of change from Chakali to Wala dialect began with the establishment of the colonial system. The traditional dialect of the Chakali people, Chakalii, is continually giving way to Walii, the dialect spoken in Wa. In 1989 this linguistic change-over was observed by Ivor Wilks:

"The Chakalle (Chakali) villages lie to the southeast of Wa. A number of them, clustering around Bulenga, are now Walii-speaking; other around Ducie are bilingual in Walii and Chakalle" (Chakalii).³⁵⁰

It is true that Chakalii is nowadays not spoken in Bulenga and in its neighbouring villages: Chagu, Bisikan, Dupari etc. What is not completely true is the claim made by Wilks that these villages are "Walii-speaking".³⁵¹

There are substantial differences between the original Walii spoken in Wa and the new dialect developed and spoken in villages such as Bulenga. Below is a table which illustrates the dissimilarity between the two dialects:

³⁵⁰ See Wilks, 1989, op.cit. p.17.

³⁵¹ *ibid.*

TABLE OF WALII AND BULENGII

| | <u>Wa</u> | <u>Bulenga</u> |
|-----------|-----------|----------------|
| Sandals | naktia | nataba |
| Urine | durin | fiinii |
| Dirt | degiri | donge |
| House | dewu | duu |
| Aunt | pureh | hand |
| Father | ba | sa |
| Leg | gberi | naari |
| Yam | worh | nyuri |
| Groundnut | janii | sinkang |
| Run | jo | je |

From the above table the truth becomes obvious. The new dialect developed and spoken in and around Bulenga (Bulengii), though akin to Walii, is indeed not the dialect itself.

Bulenga and its neighbours clearly intended a linguistic change over from Chakalii to Walii. What they have achieved in reality, however, is not a change to Walii but to what one might call a new dialect. Here we are confronted yet again by one of the many paradoxes of Chakali.

It is interesting that most of the people of the villages in which Walii is spreading at the present time, speak the original Walii as is spoken in Wa, whereas most people in Bulenga and its surrounding villages continue to speak

Bulengii or what we perhaps could call Bulenga-Walii. One of the villages where people still speak Chakalii and where Walii is also becoming popular with the villagers is Ducie. During the electioneering campaign of 1979, people from Wa who went to hold rallies in Ducie had to get interpreters to translate their speeches from Walii to Chakalii.³⁵² In 1981 when I was in the village, I found that Sumaila, the Ducie-Na, was a Wala prince who could not speak Chakalii. At village gatherings, the Ducie-Taotina, Bodai-Wisa, who could speak both Chakalii and Walii acted as interpreter for the chief. In 1984, however, when I was at Ducie I realised at a funeral gathering that some of the people who spoke Walii did not do so through interpreters. In 1987, I attended a local dance while at Ducie. Eight of the twelve songs (about 66%) sung during the occasion were in Walii. The situation at Ducie, thus, is one in which most people in the village are bilingual though not everyone in the village is. The Walii one hears in Ducie is the original Walii dialect as spoken in Wa. What this means then is that the ordinary Ducie man is not only able to speak his traditional Chakali dialect well but also the Wala dialect quite well, whereas the ordinary Bulenga or Chagu man has to content himself with Bulengii or Bulenga-Walii and perhaps Walii itself.

No matter what one might see to the contrary, it is true that the process of change from Chakalii to Walii is gathering more and more momentum. As to whether Chakalii

³⁵² Interview with Bedai Wisa, 1981.

as a dialect would one day in the future die out completely or not, is a question we cannot answer at the present time. What we can only do in the present situation is to make predictions. Although predictions are not and cannot be by themselves the answers for questions like the one above, they can of course serve as a useful clues for those of us interested in further research on the subject. I am of the opinion that although Chakalii as a dialect is likely to live on for the next generation or two, its days are surely numbered.

Nothing else justifies the above view more than the fact that drumming practices in Chakali are fast changing. As the people of Chakali change their speech from Chakalii to Walii, their drums for instance which constitute a key means of local communication, also begin to talk in Walii when they are beaten. I heard the drum-message for calling men to arms, narrated to me by two local drum messengers.³⁵³ It was all in Walii. Below is the full text of the drum-message as was narrated to me, followed by its interpretation in English:

"Jo malan, jo malan, jo malan malan malan

Daba kpehior, daba kpehior!

Jora jora kungo, jora jora kungo!

Buin di worh hori!

Jo malan, jo malan, sa ko malin ko!

Daba Kpetuor, daba kpehor!

³⁵³ Interviews with Dani and Dakuri, 1981 and 1984 respectively. There is little differences between the accounts of the two men.

Buin di kubo ka dari won jo!
Daba kpetuor, daba kpetuor"
Lengari do silah gongo!
Jo malan, jo malan wa nye!
Daba kpetuor, daba kpetuor!
Samani budawu ban kuun che kpi!
Dabu kpehuor, daba kpehuor!
Dawu che bileh!
Daba kpetuor, daba kpetuor!
Ahior, Ahior, Ahior!³⁵⁴

"Run quickly, run quickly, run quickly, quickly,
quickly!

Warriors be armed, warriors be armed!
Make haste to the rescue, make haste to the rescue!
Warriors be armed, warriors be armed!
The ear of the elephant is in flames!
Come, if even the rain clouds are gathering in
multitudes and multitudes!
Warriors be armed, warriors be armed!
Let the rocks and stones rage with fire and the
news of the deed will make the trees and
shrubs flee!
Warriors be armed, warriors be armed!
There is the shrewd sitting on top of the kapok
tree, the place where the hawk must perch!
Come quickly and see things for yourself!
Warriors be armed, warriors be armed!

³⁵⁴ Dani, 1981.

The male goat which refuses to hide itself in the
bush is not unaware of its possible death at
the hand of the butcher!

Warriors be armed, warriors be armed!

A brave man is a brave man, talk of size or age is
besides the point!

Warriors be armed, warriors be armed!

Be armed, Be armed, Be armed!

The above drum-message is locally known in Chakali as bafamtuorh. It is the one tune or rhythm the drummers are not to beat on their drums unless expressly ordered to do so by the chief and his elders. The chief together with the elders of the village, for their part, would only give orders for the talking-drums to announce bafamtuorh in the most serious type of situation. The type of case in which the chief and his elders would order the drums to announce bafamtuorh occurred in Bulenga in January 1989, a narration of which is given below by Mwangu, the elder in charge of the section where the trouble began:

"Last night two of our boys left the village for the bush. They told us they were going to hunt for rabbits. We had no suspicions about their movement because hunting for rabbits is a common activity for boys. When we woke up this morning, however, we became concerned about the fact that only one of the two boys returned to the village. He is Gbontongbongli. I was personally very unhappy about this situation because Gbontongbongli is a very bad boy. We asked him the whereabouts of his cousin, but he would not tell us. By midday Gbontongbongli was still refusing to say anything about what happened to his colleague. I reported the matter to the Bulenga-Na. The elders of Bulenga gathered as a matter of emergency. Everyone tried to get Gbontongbongli to say why his colleague failed to return from the bush but he would not. By the

time the Muslims of Bulenga were saying their afternoon prayers (around 2 o'clock p.m.), Gbontongbongli was still refusing to utter a word. Thereupon, the Bulenga-Na ordered the talking-drums to be beaten and the bafamtuorh message announced. The drums were brought out to the streets and beaten again and again at short intervals. All the men in Bulenga started to assemble at the chief's house bearing all sorts of arms. Gbontongbongli had his hands and feet bound up and then threatened with instant decapitation if he persisted in his refusal to answer the questions thrown to him about his colleague. It was then, and only then, that the rascal told us to go to the farm of a man called Lari if we wanted to know what happened to his cousin. Armed men were at once dispatched to Lari's farm where they found the missing boy caught up in a snare for thieves. The two boys had apparently not gone for rabbit hunting but to steal yams in Lari's farm. The missing boy was found lying unconscious, wounded and bleeding heavily. Were he to remain in the snare until this time (about 7 p.m.), he would have been dead."³⁵⁵

THE SPREADING OF ISLAM

The fact that Islam from Wa is spreading in Chakali at the present time signifies that the process of change from Chakali to Wala institutions continues unabated.

For two reasons the practice of Islam is today on the increase in Chakali. One reason for this trend is inter-marriage between Muslims and non-Muslims in the villages. The other reasons, and in fact the more important one, is the earnest effort made by the Wala Muslim settlers in Chakali to gain converts to Islam.

Whereas Muslim men in Chakali can expect non-Muslim women

³⁵⁵ Interview with Mwengu of Sangpuo-Yenge in Bulenga, 1989.

to adopt Islam if they, the Muslim men marry them, the non-Muslim men cannot expect Muslim women to tolerate let alone adopt their non-Muslim practices. Thus, the ordinary non-Muslim Chakali man who perhaps has two sons and three daughters, might find that two of his three daughters have become Muslims through marriage to Muslim men and one of his sons has also become Muslim through marriage with a Muslim woman. The Chakali non-Muslims do not like this trend and can sometimes be heard murmuring among themselves about it. In 1981 the Taotina of Tuasa lamented over this trend:

"a time will come when all the people in Chakali will be Muslims. We the non-Muslims allow our daughters to practice Islam when they marry Muslim men. The Muslim, however, refuse to allow their daughters to follow our non-Muslim practices if they marry us. Instead they force you, the prospective husband, to accept Islam as a condition for the marriage. This practice takes away many of our young men and daughters from us and our traditions."³⁵⁶

The Yerihi effort to convert the local people to Islam accounts for many of the conversions in present day Chakali. Sometimes, and particularly during the funeral performances of Muslims, Islamic sermons are held in public. The message of Islam is preached by the Yerihi on these occasions to large gatherings of people.

Na Muslims who attend these funeral gatherings listen to the Holy Word and sometimes, after reflection, might decide to embrace the Faith. Kuri at Tuasa is one such convert. He became a Muslim after hearing the preaching of the Yerihi.

³⁵⁶ Jabuni Daguo, Tuasa, 1981.

There is hard evidence to show that the practice of Islam is fast spreading in Chakali as a society. Let us take the village of Tuasa as a case study. Below is a table of Muslims in Tuasa.³⁵⁷

MUSLIMS IN TUASA

| | 1981 | 1987 |
|-----------------------|------|------|
| Yerihhi Muslims | 38 | 40 |
| Converted Inhabitants | 17 | 44 |
| Wa-Nabihi Muslims | 12 | 9 |
| Total No. of Muslims | 67 | 93 |
| Total population | 207 | 221 |

From the above table it will be seen that 26 people became Muslims in Tuasa between 1981-87 (an increase of 38%). In fact, the rate at which Islam spreads, at least in Tuasa, is faster than the rate of population growth. The above table shows that the population of the villages which was 207 in 1981 increased to 221 in 1987 (an increase of only 6%). Even in villages like Ducie where there are few practising Muslims, it has become fashionable for the non-Muslim young men of the village to adopt Muslim names for themselves. In 1987 I realised that boys in Ducie like Mwengu, Kala and Dantu preferred to be called by their newly adopted Muslim names: Sumaila, Adamu and Iddrisu

³⁵⁷ The figures used in this table are based on estimates which were taken in 1981 by Abulai, the Tuasa Liman and, in 1987 by the Tuasa schoolteachers Buti and Mumuni.

respectively. For them, having the traditional Chakali name was out of fashion.

The current rate at which Islam is spreading in Chakali is a matter of concern for the Chakali elders; many of them see this trend of affairs as a threat to the survival of Chakali traditions. At Tuasa for instance the Vugotina of the Siguma Vugo, Adu, lamented sourly about the harm the practice of Islam was causing to Chakali traditions:

"It is very important for any village in Chakali which claims to be a village to have a siguma. But having a siguma does not mean merely keeping it. You must use it. Today, we cannot use the siguma. The young men who are strong and can act as siguma men claim they cannot do so because they are Muslims. Sometimes you the elder might wish the siguma in the village to act but they you have no one to carry out your wishes. My own son who in the past acted as a good siguma man turned to Islam a few years ago. How do you, a Vugotina, complain about the deviance of other people's children when your own child is also refusing to follow the Vugo?"³⁵⁸

However, for the Yerihi in Chakali the process of Islamization currently going on in the area is a welcome development. They are happy to see the local inhabitants of Chakali swell the ranks of Islam. Once a local inhabitant becomes a Muslim he or she accepts the Liman of the village, if there is one, as his or her religious leader. Thus, in Tuasa as well as Bulenga and Chagu where the number of converted inhabitants increases almost yearly, the Limans are becoming more and more influential. Every year after doing the fasting in the Ramadan the

³⁵⁸ Interview with Adu, the elder in charge of the Tuasa Vugo in 1987.

Muslims in each of these three villages would send their Sarika (alms) to the local Liman. In 1987 the Sarika of the Tuasa Muslims present to the Tuasa Liman took the form of three large bags of grain. The Yerihi in the village do not appropriate all of the Sarika by themselves. At least part of it is sent by the Liman to the Yerihi authorities in Wa. The situation at present in Chakali, therefore, is that during the Wala Royal Festival, the Damba, every chief collects from his people yams for his superiors at the palace in Wa, and, after Ramadan every Liman also collects grain from his congregation for his superiors, the Yerihi at the mosque in Wa.

CHAPTER 2

THE PROBLEM OF LOCAL ADMINISTRATION - THE NEW LOCAL GOVERNMENT LAW, 1988

Our primary concern in this chapter is to answer three main questions: what sort of administrative arrangements does Chakali have today? Is the local government system established by the new local government law able to solve the problem of local administration in Chakali? And, what is the nature of relations existing between the Chakali members of the District Assembly on the one hand and the Wala chiefs in Chakali on the other?

From the year Ghana became independent (1957) to the year the Local Government Law was promulgated by the Government of the Provisional National Defence Council (1988), for all practical purposes Chakali continued to be under a system of local administration which was more or less the same as the system of Indirect Rule instituted in 1932 by the Colonial Administration.³⁵⁹ The chiefs, the administrative and judicial powers of whom had diminished remarkably with the coming of Independence of Wa itself, nonetheless, continued to see themselves as the link between the Chakali people and the Government of the country as it was under the colonial system.³⁶⁰ The Wala traditional council included no native Chakali in its membership even though Chakali was considered to be part of the Wala traditional

³⁵⁹ See Part 5, Chapter 2 above, p 303-311.

³⁶⁰ See Part 4, Chapter 8, p 283 and 284.

area.

It is hard to explain the legal basis of Wala chiefly authority over Chakali in the post-colonial situation. Chakali became legally annexed to Wa in 1932 after the passage of the Native Authority (Northern Territories) Ordinance. The specific clause withIN the Ordinance which formed the basis of annexation of the Chakali area to Wa was s.3:-

"3. The Chief Commissioner may by order made with the approval of the Governor:-

(a) constitute any area and define the limits thereof;

(b) assign to that area any name and description he may think fit;

(c) appoint any chief or other native or any group of natives to be a Native Authority for any area for the purposes of this Ordinance; and may by the same or any subsequent order similarly made declare that the Native Authority for any area shall be subordinate to the Native Authority for any other area."³⁶¹

Thus, by making Chakali part of the new Busa Division which he proclaimed, the Wa District Commissioner was acting in accordance with the wording of the above section - i.e. (a) constitute any area and define the limits thereof; (b) assign to that area any name and description he may think fit."

In their preparation of the country for Independence, the Colonial Administration in 1952 passed the State Councils (Northern Territories) Ordinance which was purported to diminish the vast amount of power exercised by chiefs. Section 5 of the Ordinance in particular restricted the

³⁶¹ See Laws of the Gold Coast Vol.II, The Government Printing Department, Accra, 1936, chapter 84, p.1269/70.

jurisdiction of state councils, of which chiefs were members, to matters of a constitutional nature. A matter of a constitutional nature was defined by s.2 of the Ordinance as:

"A cause, matter, question or dispute relating to -

(a) the election, appointment of installation of any person as a chief or the claim of any person to be elected, appointed or installed as a chief;

or

(b) the tenure of office or abdication of any chief; or

(c) the right of any person to take part in the election, appointment or installation of any person as a chief; or

(d) the recovery or delivery of skin property in connection with any such election, installation or abdication; or

(e) political or constitutional relations under customary law between chiefs.³⁶²

What the State Councils (Northern Territories) Ordinance should have, but failed to do in 1952 was to remove, or at least diminish the exercise of chiefly power in those native areas where the practice of chieftaincy was unknown but which were made constituencies of very powerful chiefs. Because this was not done Colonial Divisional Chiefs like the Busa-Na who ruled over ethnic groups who were not their own managed, after Independence, to retain their positions against the will of such subjects.

³⁶² See Laws of the Gold Coast Annual Volume for the year 1952, The Government Printing House, Accra, 1952. Ordinance No. 5, p.38.

It is hard to say what duties the Chakali chiefs performed in Chakali after the attainment of Independence. During the Colonial Period, it was the duty of the Wala chiefs in Chakali to recruit forced labour for the construction and maintenance of roads and other public works. It was also their duty to keep the colonial peace in the area, i.e. to judge the people in their disputes.³⁶³ After Ghana became independent in 1957 there was no more forced labour, and as such the Wala chiefs in Chakali had no duty to recruit labourers. Similarly after Independence the power to administer justice passed from the hands of the chiefs to the courts. The chiefs were only left with the power to arbitrate. Thus, unlike during the colonial period when the Wala chief in Chakali presided over a local native court which was part and parcel of the colonial judicial system, after Independence the Wala chief in Chakali became entitled to only arbitral power.

Arbitration by Wala chiefs in Chakali after Independence, however, has turned out to be a duty performed by the WaNabihi against the will of their indigenous Chakali subjects. The fact is that the attainment of Independence has brought about the rise of one serious question: is it compulsory for the indigenous Chakali people to submit their differences to the Wala chiefs ruling them as they had done during the colonial period? As will be seen below in this part of the thesis, whereas the indigenous Chakali

³⁶³ For a fuller account of the duties of Wala chiefs in Chakali during the Colonial Period, see above part 5, Chapter 3, p 313-315.

people like to settle their own differences in accordance with their pre-colonial concepts of Hian, Bia and Vugo, the Wala chiefs in Chakali for their part do not like them to do so. For the indigenous Chakali people to do that would mean denying them, the Wala chiefs, the fees charged for arbitrating in Chakali disputes.³⁶⁴

It is true that Wala chiefs have become a problem in the local administration of Chakali today because after Independence the people who brought into existence the new Ghanaian law on chieftaincy apparently either did so on one wrong assumption or decided to turn a blind eye to the plight of acephalous peoples. The Ghanaian legislators perhaps assumed that all that had been native states during the colonial period were the actual traditional areas of jurisdiction of the chiefs who ruled over them. One gets this impression, for instance, from the Chieftaincy Act 1961; s.11 states:

"11. A traditional area is the area within which a Paramount Chief or, in the case of the Kumasi traditional area, the Asantehene exercises jurisdiction and which is specified in the Chiefs List as a traditional area; and such areas shall no longer be known as States."³⁶⁵

From our studies of acephalous Chakali and centralised Wa we can say that during the Colonial Period there were at least some acephalous societies which were incorporated

³⁶⁴ For more information about Wala chiefly justice in Chakali, see below chapter 5 of this part, p 525 and 526.

³⁶⁵ See Ghana New Acts Vol. II, The Government Printing House, Accra, 1961 - Act 81, Chieftaincy Act s.11., p.6.

into larger centralised ones to form native states.³⁶⁶ Insofar as such acephalous societies are concerned therefore, there was nothing traditional about the native state in the colonial days and, because it was not traditional then, it cannot be traditional now after Independence. Nonetheless s.11 of the Act quoted above designated the colonial native state as a traditional area. If it is the case that they turned a blind eye then what Ghanaian legislators must bear in mind is that the law cannot continue to be silent about the exercise of centralised chiefly power in traditionally acephalous societies, thereby giving the impression that the institution of chieftaincy has always been the traditional establishment of the acephalous society; more so if the exercise of such power is against the will of the acephalous people. In such a case the Ghanaian law, at best, could proscribe the exercise of centralised chiefly power over acephalous societies altogether, and at worst delimit the powers and duties of Paramount Chiefs who continue to rule over acephalous peoples.

THE CREATION OF A LOCAL DISTRICT ASSEMBLY

The enactment of the local Government Law (P.N.D.C.L. 207) represented a complete change in the local administration of Chakali. Although the PDC's, or CDR's as they later became known, which were formed in Chakali after the 1981 Revolution for the first time created a link between

³⁶⁶ For more information about the creation of the Wa Native State see above part 4, Chapters 2, p 187-201, 6, p 256-268 and 8, p 276-290.

Chakali and the Upper West Regional Administration outside the sphere of chiefly authority, they did not actually incorporate the Chakali area into the regular mainstream of local government in the Wa District. For the first time in the history of the area Chakali men had the opportunity to participate directly among Wala in discussing and shaping local policies affecting the district at meetings held in Wa. The Local Government Law of 1988 created a District Assembly for each district in Ghana. Section 2 of the Law provided as follows:

"s.2(1) The Secretary shall, with the prior approval of the Council by legislative instrument establish a District Assembly for each district, which Assembly shall constitute the highest political authority in the District.

(2) Subject to the provisions of this Law, the instrument establishing a District Assembly shall specify -

(a) the name of the Assembly and the area of authority of the Assembly;

(b) the number of persons to be elected to the Assembly and the number of persons to be appointed to the Assembly by the Council;

(c) the place where the principal offices of the Assembly are to be situated;

(d) such other matters as are required by the Law to be included in the instrument or are consequential or ancillary thereto."³⁶⁷

When the Wa District Assembly was accordingly established it had 7 seats for Chakali.

³⁶⁷ See Local Government Law (P.N.D.C.L. 207) CPC Printing Division A & O Presses, (A/P) Dated of Gazette Notification: 11th November 1988, p.6.

TABLE OF SEATS FOR CHAKALI

| VILLAGES | SEATS | | | | | | |
|----------|-------|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Katua | | * | | | | | |
| Kandia | | * | | | | | |
| Bulenga | * | | | | | | |
| Tuasa | | | | * | | | |
| Motigu | | | | | * | | |
| Balea | | | | | | * | |
| Tisa | | | | * | | | |
| Sogila | | | | | * | | |
| Bisikan | | | | | | | * |
| Dupari | | | | | | | * |
| Gilan | | | | | | | * |
| Chagu | | | * | | | | |
| Ducie | | | | | | * | |

Let us now address the question of the duties and functions of each of the occupants of the 7 seats. The position of the Local Government Law on the matter is to be seen in s.17(i):

"s.17(1) A member of a District Assembly shall as appropriate -

- (a) maintain close contact with his electoral area, consult his people on issues to be discussed in the District Assembly and collate their views, opinions and proposals;
- (b) present the views, opinions and proposals to the District Assembly;
- (c) attend sessions of the District Assembly and meetings of sub-Committees of which he is a member;

(d) appoint at least one day in every two weeks for a meeting with the people in his electoral area who may wish to see him;

(e) report to his electorate the general decisions of the Assembly and its Executive Committee and the actions he has taken to solve problems raised by the residents in his electoral area;

(f) draw attention in general debate to national policies which are relevant to the subject under discussion;

(g) actively participate in the work of the sub-Committees of the Executive Committee;

(h) bring to bear on any discussion in the Assembly the benefit of his skill, profession, experience or specialised knowledge.

(i) maintain frequent liaison with organised productive economic groupings and other persons in the District;

(j) take part in communal and development activities in the district;

(k) within three months after his election or appointment declare his assets to the Auditor-General."³⁶⁸

On the whole, the duties and functions which fall under s.17(1) (c) - (k) are performed by the Chakali members of the Assembly without much difficulty. In April 1990 I was told by Seidu Adama, the Assembly-man (member for Assembly) of Bulenga that they, the Chakali Assembly-men, were always travelling to and from Wa attending the meetings of the Assembly as well as the meetings of its sub-committees.³⁶⁹ In order to keep in continuous touch with their electors the Chakali Assembly-men would sometimes have to travel by the village market tracks to the villages in an attempt to

³⁶⁸ See Local Government Law, op.cit., p.12-13.

³⁶⁹ Meeting with Seidu Adama, Tuasa, April 1990.

honour appointments with constituents who wished to see them. In 1990, Tangu Bayon, the Assembly-man for the Ducie area, one of the remotest in Chakali, successfully cycled when there was no track by which he could go to the village to report to the people about his work and to hear their views.³⁷⁰ A. B. Sakara, the Assembly-man for the Tuasa area, who was at one time a member of the National Assembly in Accra played a vital role in the running of the Wa District Assembly. On account of his experience as a member of the National Assembly he served in several sub-committees of the Wa District Assembly. He also acted as the leader of the Chakali group of Assembly-men. As part of their effort to "take part in communal and development activities in the district", the people of the Tuasa area under the supervision of A. B. Sakara, their Assembly-man, established a large farm of grain crops. I was told by A. B. Sakara that the programme was a success.³⁷¹

The duties and functions spelt out under (a) and (b) of s.17(1) of the Local Government Law, however, presented the Chakali Assembly-men with a problem. In short, under these above-mentioned paragraphs of the said Law, the Assembly-man is expected to "maintain close contact with his electoral area" and "consult his people on issues to be discussed". He is also to "present the views, opinions and proposals to the District Assembly."³⁷² A number of

³⁷⁰ Meeting with Tangu Bayon, Wa, April 1990.

³⁷¹ Meeting with A. B. Sakara, Wa, April 1990.

³⁷² Local Government Law, op.cit., p.12-13.

questions arise in the Chakali village when it comes to the implementation of these clauses. Is the Assembly-man to consult the people directly for their views, or, indirectly through the chief? In other words, has the assembly-man the right to consult, organise or direct the people within his electoral area by himself? On the assumption that he, the Assembly-man, has that right, does it contradict the traditional rights of the chief in Chakali? From the point of view of the Assembly-men, they are entitled to direct the affairs of the people who elected them directly, and that the chiefs in Chakali had no legitimate reason to challenge their authority. However, for the chiefs and in particular the Wa-Nabihi chiefs in Chakali, the activities of the Assembly-men undermined their traditional authority. Be that as it may, it is true that the Local District Assembly created by the Local Government Law of 1988 has at last tackled the problem of local administration in Chakali. Not only this, but it has done so with some success.

THE CHAKALI ASSEMBLYMEN AND THE WALA CHIEFS

No matter what differences there are between the Assembly-men on the one hand, and themselves on the other, the chiefs in Bong-Nabihi-Chakali for their part consider the elected representatives more as allies than as rivals. The differences between a chief and an Assembly-man in Bong-Nabihi-Chakali are minor and can only be gleaned from the local political situation in the village. In fact such differences hardly impair the working relations between the

village chief and the village assemblyman. We have already seen, for instance, that in the District Assembly elections of 1989 Seidu Adama of Bulenga-Yogileh was chosen by his section to challenge the candidate proposed by Bulenga-Nayiri.³⁷³ Local sectional politics in Bulenga became intertwined with membership of the District Assembly. Seidu Adama who eventually won the contest and became the Assembly-man for Bulenga was seen as an official who would be more inclined to favour the Yogileh section. In other words, he would use his position and authority to protect the sectional interests of the Yogileh people if the Bulenga-Na attempted to use his chiefly authority to overrule them. Thus, there is a difference between the Bulenga-Na and the Bulenga Assembly-man in that whereas the former is supposed to be more inclined to favour Nayiri, the latter is more inclined to favour Yogileh.

The Bulenga-Na has no problems in working with the Assembly-man for his village. Indeed, for the Bong-Nabihi chiefs in general it is true that the Assembly-men are regarded as useful allies in the struggle to rid Chakali of Wala chiefly domination. The Bulenga-Na explained that there are some things which the Chakali Assembly-men can say, but which they the Chakali princes cannot say without arousing the swift reaction of their Wa-Nabihi superiors.³⁷⁴ Rather than clashing with the Assembly-men over the exercise of jurisdiction or otherwise in the

³⁷³ See Part 7, Chapter 3 below, p 500 and 501.

³⁷⁴ Bulenga-Na Saka, April 1991.

villages, the Bong-Nabihi chiefs are happy to allow and even support direct consultation between the Assembly-men and the villagers

Matters are of course different when we come to talk about Wa-Nabihi Chakali i.e. those Chakali villages ruled over by Wala chiefs. Here, there is serious disagreement verging on conflict between the Chakali Assemblymen and the chiefs who are Wala. Right from the very beginning, the idea of having Chakali natives as members of the Wa District Assembly was seriously opposed by the Wala chiefs. For instance, the Katua-Na is reported to have on one occasion accused the Chakali Assembly-men "of taking their appointments to the District Assembly too seriously and over-estimating their own importance."³⁷⁵ For the Katua-Na and the other Wala chiefs whatever there is to be done by the Assembly-men in Chakali must be done through them as chiefs. No to do so would mean disregarding their chiefships which they were entitled to by traditional right. It would appear that the Wa-Nabihi chiefs in Chakali are afraid of the fact that the newly established District Assembly might become a source of authority and power for Chakali natives by means of which they might throw off Wala chiefly rule.

The position taken by the chiefs in Wa-Nabihi-Chakali about how the Assembly-men must conduct their duties is not at all accepted by the Chakali Assembly-men themselves. The

³⁷⁵ Tangu Bayon, Wa, January 1989.

latter see the position of the chiefs as nothing less than a blatant interference in their work. Inevitably, this difference in viewpoint existing between the Assembly-men and the Wala chiefs creates difficulties in the current administration of the area. One of the Wa-Nabihi chiefs in Chakali, the Tisa-Na, is a member of the Wa District Assembly. In fact he is in the Assembly as a nominee of the Wa Traditional Council headed by the Wa-Na to look after the traditional interests of the Wala. Not surprisingly, the Tisa-Na would argue with the Chakali Assembly-men on every matter that is brought before the Assembly if he considers such a matter as one that affects the chiefly overlordship of the Wa-Nabihi in the Chakali area. About this attitude of the Tisa-Na, A. B. Sakara who is the leader of the chakali group in the Wa District Assembly said:

"The trouble between the Tisa-Na and us, the Chakali members, has become more or less an open confrontation. Whatever suggestion or proposal that is put forward about Chakali by one of us is sharply criticised by him. This is especially so in respect of myself. The Tisa-Na has something to say against virtually every suggestion of mine."³⁷⁶

When asked whether the Tisa-Na gave reasons for objecting to his suggestions, A. B. Sakara explained:

"The Tisa-Na's argument is always that we should not do things that will destroy the traditional system existing in Chakali."³⁷⁷

According to A. B. Sakara many of the objections of the Tisa-Na are waved aside by the presiding members of the

³⁷⁶ A. B. Sakara, April 1990.

³⁷⁷ A. B. Sakara, April 1990.

Assembly. According to s.4(1) of the Local Government Law:

"(1) There shall be a Presiding Member of each of the District Assemblies who shall be elected from among the members of the Assembly by at least two-thirds of all the members of the Assembly.³⁷⁸

³⁷⁸ Local Government Law, op.cit., p.7.

CHAPTER THREE

POLITICAL AND ETHNIC DIFFERENCES IN CHAKALI

CHIEFSHIPS IN CHAKALI TODAY

Table of Chiefships in Chakali

Categories of Chiefs:

| | A Chiefs who are Chakali, and natives of the village | B Chiefs who are Chakali, but not natives of the village | C Chiefs who are Wala |
|------------|--|--|-----------------------------|
| Bulenga-Na | X | | |
| Tuasa-Na | | | X |
| Chagu-Na | X | | |
| Ducie-Na | | | X |
| Sogila-Na | | | X |
| Balea-Na | | | X |
| Motigu-Na | | X | |
| Katua-Na | | | X |
| Gilan-Na | | | X |
| Dupari-Na | | X | |
| Bisikan-Na | | | X |
| Kandua-Na | | | X |
| Tisa-Na | | | X |

The above table if compared with the table of chiefships in Chakali during the colonial period, clearly shows that the three categories of chiefs or chiefships which exist in Chakali today are the same as those that existed in the

colonial period.³⁷⁹

What has to be explained is that although there are these three categories of chiefships in Chakali, when the Chakali or Wala man comes to talk about chieftaincy in the area he talks only of Wa-Nabihi chiefships and Bong-Nabihi chiefships. In other words, the chiefship which is occupied by the Chakali prince who is not a native of the village is categorised together with the chiefship held by the Chakali prince who is a native of the village. The categorisation of chiefs simply follows ethnic lines - Wala and Chakali (Na and Bong-Na).

TABLE OF WALA AND CHAKALI CHIEFS

| | A | B |
|------------|------------------|--------------------|
| | Wa-Nabihi chiefs | Bong-Nabihi chiefs |
| Bulenga-Na | | X |
| Tuasa-Na | X | |
| Tisa-Na | X | |
| Motigu-Na | | X |
| Dupari-Na | | X |
| Katua-Na | X | |
| Kandia-Na | X | |
| Gilan-Na | X | |
| Sogila-Na | X | |
| Balea-Na | X | |
| Bisikan-Na | X | |

³⁷⁹ For table of chiefships in Chakali during the colonial period see above part 5 Chapter 1, p 299 and 300.

Ducie-Na X

Chagu-Na X

The above table enables us to understand that in Chakali the theory of chieftaincy has given way to ethnic and political reality. In no respect is this more evident than in state occasions when chiefs hold durba in Wa. On such occasions the chiefs of the 13 Chakali villages come in two groups. One is made up of the 9 Wala chiefs who occupy village chiefships in Chakali. They sit in company with the Busa-Na among the other Wala chiefs headed by the Wa-Na. The other group is made up of the remaining 4 chiefs in Chakali who are native Chakali princes. They sit, not among Wala chiefs, but by themselves.³⁸⁰

WA-NABIHI-CHAKALI

In Wa-Nabihi-Chakali, there are hardly any strangers, not even Wala.³⁸¹ Apparently, the Wa-Nabihi chief in Chakali is not at all happy about Wala people who are themselves not Wa-Nabihi settling within his area of jurisdiction. In particular the members of the Limahi or Yeri-Nabihi groups within the Wa town are normally far from welcome to Wa-Nabihi Chakali. To safeguard their complete control over power in these villages, the Wa-Nabihi chiefs are careful not to introduce the pluralistic structure of authority from Wa to Wa-Nabihi Chakali. The table below shows the

³⁸⁰ Information received from Bulenga-Na Saka, December 1984.

³⁸¹ For details see tables of Wala settlers in Wa-Nabihi-Chakali and Bong-Nabihi Chakali below in this chapter.

number of compound families in each Wa-Nabihi Chakali village who are (a) Wa-Limahi, (b) Yeri-Nabihi, (c) Wa-Nabihi, and (d) Wa-Tindamba.

TABLE OF WALA SETTLERS IN WA-NABIHI-CHAKALI

| | A Wa-Limahi | B Yeri-Nabihi | C Wa-Nabihi | D Wa-Tindamba |
|---------|----------------|------------------|----------------|------------------|
| Tuasa | 3 | 3 | 3 | 0 |
| Katua | 0 | 0 | 1 | 0 |
| Bisikan | 1 | 0 | 1 | 0 |
| Tisa | 0 | 0 | 1 | 0 |
| Sogla | 0 | 0 | 1 | 0 |
| Ducie | 0 | 0 | 1 | 0 |
| Balea | 0 | 0 | 1 | 0 |
| Kandia | 0 | 1 | 1 | 0 |
| Gilan | 0 | 0 | 1 | 0 |

From the table above it is clear that the total number of compound families in the whole of Wa-Nabihi-Chakali who are Wala but who are not Wa-Nabihi (8) is less than the number of Wa-Nabihi compound families (11).

If the Wa-Nabihi chiefs in Chakali do not welcome non-Wa-Nabihi Wala settlers in their villages, it is not without reason that they do so. At Tuasa, the only village in Wa-Nabihi-Chakali with a sizeable Wala element, there is a Tuasa-Liman and a Tuasa Yeri-Na just as there is a Tuasa-Na. The Tuasa Liman and the Tuasa Yeri-Na look to the Wa-Liman and the Wa-Yeri-Na respectively for leadership in the same way as the Tuasa-Na looks to the Wa-Na. In fact, it

is not at all surprising that sometimes there are bruising encounters between the Tuasa Wa-Nabihi and the Tuasa Wala Muslim settlers. In 1981, Alhaj Seidu Kampaha-Na narrated to me a story about an encounter between himself and Jakong, a brother and close associate of the Tuasa-Na:

"Because these Nabihi are able to do what they like to local Chakali people, they also think they can do the same to us Yerihi. This is a mistake on their part. We will never keep quiet if they wrong us. One day, an incident occurred in this village which brought about a confrontation between myself and Jakong. It was during the rainy season when the young boys of the village had to take out the cattle for grazing. The arrangement about this had always been that if the young boys from the chief's house looked after the cattle of the corral, which belonged jointly to the Nabihi and the Yerihi, it became the duty of the young boys of the Moslems to take charge of the cows the following day. However, on this particular day the young boys from our compound were being asked by their counterparts in the chief's compound to take care of the cattle, notwithstanding the fact that our boys had already discharged this duty consecutively for three days. Our young boys refused to comply because this did not tally with the convention. The young boys in the chief's house reported the matter to Jakong, who at once became furious and started to chase Saka and the other boys who were our wards. When I heard about this matter, I rushed out of the house and challenged Jakong. We exchanged insults. Jakong, who felt he was too big to be challenged, rushed back to his house and returned charging me with his cutlass in his hand. I quickly dashed to my house and got my axe which I hung over my shoulder. I then rushed back to meet Jakong. Jakong shouted "I, Jakong will chop off your head with my cutlass." I, Seidu, replied that I would chop off his head before he chops off mine. Thanks to Allah the Almighty that Niana and the other elders of Tuasa rushed to the scene in time to avert bloodshed. If they had come a little later, Allah forgive us, one of us would have decapitated the other."³⁸²

When I spoke to Daguo and Tiani, two elders of Tuasa, in

³⁸² Conversation with Alhaj Seidu Kanpaha-Na at Tuasa in 1981.

1981, they both agreed that what Seidu Kanpaha-Na narrated to me was correct. Furthermore, they were both of the opinion that the Moslems were in the right and Jakong in the wrong. They explained, however, when treatment wrought on the Moslems has always in fact been meted out to them, the Chakali people in the village, but then they cannot challenge the chiefly authority of the Wa-Nabihi. My own view is that the Tuasa Moslems are able to challenge the authority of the Tuasa Wa-Nabihi with confidence, because they have no doubt about the support of their kinsmen, the Yeri-Nabihi and the Limahi in Wa. Thus, the interesting scenario one finds in present-day Chakali is that the very small groups of Wala-Moslem settlers are able to fight for their rights and freedoms against the Wala chiefs in Wa-Nabihi-Chakali, whereas the indigenous Chakali majority cannot. Again, one sees a paradox.

THE NATURE OF WALA CHIEFLY RULE

In Wa-Nabihi-Chakali people have little liking for chiefs and the institution of chieftaincy. There are many reasons for the dislike. First of all, in their administration of the Taos the Wala chiefs are too demanding. Anyone who kills a large game animal, say a buffalo, must give one of its hind legs to the chief of the village. In theory this means that the person who kills ten buffalos must give ten hind legs to the chief. For the local Chakali hunter this is unthinkable. In practice however, as we have seen above

there are few buffaloes left to be hunted.³⁸³ Below is a story or a case which clarifies the issue:

"Some time ago there was trouble between the Ducie-Na and Lobie-Na. The whole trouble was that after I had managed to acquire for myself a single barrelled shotgun, I was able to kill a buffalo. I presented a hind leg to the Ducie-Na. Not long afterwards, I killed another buffalo. Again, I presented the hind leg of the animal to the chief. However, when I succeeded in killing a third buffalo I decided not to give the Ducie-Na any hind leg. It is not possible for me to continue giving a hind leg to the chief each time I kill a buffalo. This is because the hind leg that is given is not shared between himself and the people of the Tao, but between himself and his kinsmen back at Busa or Wa. As a result of this, the shoulder of the animal has to be given to the Taotina to be shared out among the villagers. With a hind leg and a shoulder of the animal gone, there is little of the buffalo left for me to sell so as to be able to get money for purchasing cartridges as well as the other necessities for hunting. A quarrel broke out between the chief and myself after I refused to give him any part of the third buffalo I killed. He sent for me a number of times asking me for what he called his share of my buffalo. Each time my reply to him was that he should go to Zanhiasi, the place where I killed my buffalo, if he really wanted buffalo meat and not to come to my house."³⁸⁴

"Each time the chief of the village was in need of labour to do a job on the farm, it became obligatory for every young man in the village to go to the chief's farm on the appointed day to help do the job. Indeed, they are not just there to work, but to work the whole day long. At Sogla, Lanan, one of the young men of the village, was given a slap on the cheek in addition to a fine when he one day left the chief's farm before it was evening."³⁸⁵

³⁸³ See above part 7 Chapter One, p 452 and 453. In fact the demise of the large game animal has made it necessary for the chief to demand foodstuffs like yams and not meat normally during the yearly Damba festivals.

³⁸⁴ Interview with Lobie-Na at Ducie, 1981 and at Tuasa in 1987.

³⁸⁵ Incident narrated by Lanan at Sogla in 1981, and by Jabuni Daguo at Tuasa in 1987.

Greetings for the chief are a show of loyalty. Anyone in the village who receives a stranger must at once take that stranger to greet the Chief. In 1981 when I visited Katua, Bakuri, who was my host, was anxious and insistent that I greet the chief even before I had my bath. He explained that to delay the greetings might offend the Katua-Na. On his return to the village after making a journey, the chief expects all the elders of the Tao to come and greet him in his house. About this point there was a quarrel between the Ducie-Taotina and the Ducie-Na in 1979. The story was narrated to me by the Taotina:

"The Na paid a visit to Wa. Some days after his return to Ducie, he sent a message to me enquiring to know why I had not come to greet him in his house. I sent back asking him the following questions - Who must first greet the other? Is it the one who has returned from a journey or the one who has all the time been at home? If the man from a journey does not greet the man who has been at home, how can the latter know that the former has in fact returned from his journey?"³⁸⁶

It is true that chieftaincy on the whole, is considered by the local inhabitants to be a bad institution. I was told by the Taotina of Ducie that it is a bad institution because it enables some groups to maltreat and oppress others.³⁸⁷ Chieftaincy is hated by the inhabitants partly because they have no means available to them by which to get rid of an irresponsible chief. The divisional and paramount chiefs, both of whom are themselves Wa-Nabihi, hardly make any effort to punish or to dismiss from office

³⁸⁶ Interview with Bodai-Wisa in his house at Ducie in 1981 and confirmed by Mr. T. Bayon in 1984.

³⁸⁷ Bodai Wisa (Ducie, 1981).

subordinates who are irresponsible towards their Chakali subjects. I have heard no story in Chakali about a Wala chief who has been removed from office for chiefly misconduct towards the villagers. Before his death in 1982, Bodai Wisa, the Taotina of Ducie had been brought before the Wa Na a total of three times, and before the Busa-Na an unknown number of times, in each case accused of challenging the Ducie-Na's authority. In most of the cases he was found guilty and fined by the senior chiefs. In the few cases where he was found innocent, however, the reaction of the senior chiefs was not to punish or dismiss the Ducie-Na, but rather to abuse and insult him.³⁸⁸

BONG-NABIHI-CHAKALI

Unlike the Wa-Nabihi Chakali, in Bong-Nabihi-Chakali there are residents who are associated or related to each of the groups that make up Wa: Wa-Nabihi, Yeri-Nabihi, Limahi and Tindamba. It is interesting that here there are many Wala who are not Wa-Nabihi. The table below shows the number of compound families in each Bong-Nabihi-Chakali village who are (A) Wa-Limahi, (B) Yeri-Nabihi, (C) Wa-Nabihi, and (D) Wa-Tindamba.

³⁸⁸ Bodai Wisa (Ducie, 1981).

TABLE OF WALA SETTLERS IN BONG-NABIHI-CHAKALI

| | A <u>Wa-Limahi</u> | B <u>Yeri-Nabihi</u> | C <u>Wa-Nabihi</u> | D <u>Wa-Tindamba</u> |
|---------|-----------------------|-------------------------|-----------------------|-------------------------|
| Bulenga | 7 | 3 | 0 | 1 |
| Chagu | 3 | 3 | 2 | 1 |
| Motigu | 0 | 0 | 0 | 0 |
| Dupari | 1 | 0 | 0 | 0 |

From this table, it can be seen that 17 out of 21 Wala compound families in Bong-Nabihi-Chakali are descendants of the Wala Yerihi (Muslims).

THE NATURE OF NATIVE CHAKALI CHIEFLY RULE

The two preceding tables read together present us with another paradox about Chakali. It is a paradox in that one finds more people of Wala extraction who are not Wa-Nabihi (17 compound families) in the villages ruled over by Chakali natives, than in those villages ruled over by chiefs (8 compound families) who are themselves Wala. For one good reason, the chief of the Bong-Nabihi-Chakali village considers his relations with these Yerihi related families to be of great importance to his chiefship. The members of these families, for instance, act as mediators in conflicts that arise in the village between the chief's section and one of the other sections. This mediatory role is played by the Muslim settlers in Bulenga and Chagu in particular. As we have said, the villages that make up Bong-Nabihi-Chakali can be categorised into two: on the one hand, there are the villages that are ruled by Bong-Nas

who are themselves not just Chakali men but in fact natives of the villages under their control (Bulenga and Chagu); and, on the other are those that are ruled by Bong-Nas, who though Chakali men, are not natives of the villages over which they rule (Motigu and Dupari).³⁸⁹ It is in the former category of villages that the Yerihi play an important mediating role. In both Bulenga and Chagu there is continual disagreement between the chief's section on the one hand, and the strongest of the other sections of the village. The trouble is that the people in these sections are anxious about the chiefly power exercised by the chief of the village. What things can the chief do? What things can he not do? Are the members of the chief's section, i.e. the section made up of the descendants of Bong-Nas the superiors of the members of the other sections? Questions such as these easily come to the fore in village matters. The local people are always concerned that the institution of chieftaincy, which has found its way from Wa into Chakali, is not used by the chief of the village who is himself a native, to further the interests of his section at the expense of the interests of the other sections. The Muslims, who are settlers, are regarded as neutral people in the struggle between the sections, and thus can act as mediators between the chief and his subjects.

It would be wrong, however, to assume that the Muslims,

³⁸⁹ For types of chiefship in Chakali see Table of Chiefships in Chakali Today above in this chapter.

through a role of mediation are always able to sustain a cordial relationship between the chief's section and those sections that are opposed to his authority. Indeed, a quick glance at the situation in Bulenga reveals nothing more than very poor working relations between Bulenga-Nayiri (the chief's section) on the one hand, and Bulenga-Yogileh (the largest section in the village and the one most opposed to the authority of the Bulenga-Na) on the other. In 1987 I found two dancing groups each with its own local dance band in Bulenga. One belonged to Nayiri and the other to Yogileh. Upon enquiry I was told that the two groups were in the past one. The division came about as a result of persistent quarrelling between Yogileh members of the group and their Nayiri counterparts.³⁹⁰

There are two schools in Bulenga. One is a Muslim school for teaching Arabic and the holy Koran, and the other, a local authority (L.A.) primary and middle school. It is interesting that the former was established by the people of Yogileh after they realised that the Bulenga-Na and his wards were being rather bossy when it came to matters about the L.A. primary and middle school. Thus, the interesting scenario one finds in Bulenga is that the Yogileh man sends his child to the Arabic school to practice Koranic recitations, not because he prefers it as such to the secular lessons taught in English at the L.A. school, but because he wishes to express his objection against the bossy attitude of the chief's section.

³⁹⁰ Interview with Mwangu in Bulenga, 1987.

During the District Assembly elections of 1989 a common decision was reached at a meeting of all Bulenga elders which called on the Bulenga-Na, Saka, to choose a candidate who would represent Bulenga at the Wa district assembly without opposition. However, after the chief announced his choice of candidate (a member of Bulenga Nayiri), the people of Bulenga Yogileh suddenly and unilaterally announced their own candidate (a member of Yogileh) to oppose the Nayiri candidate. Accordingly, voting took place in the village, and Seidu Adama, the Yogileh candidate was declared the winner of the contest.

From the table above showing Wala settlers in Bong-Nabihi-Chakali one also sees that there are hardly any Yerihi settlers in Motigu and Dupari, the two villages which are ruled over by non-native Chakali princes. There is thus no talk of Yerihi in the politics or otherwise of these villages. As we have already seen in Part 5 above, Motigu and Dupari have both since 1932, been ruled over by princes from Bulenga.³⁹¹ The present chief of Motigu, Yaya, as well as the present chief of Dupari, Kansega, are both princes from Bulenga and are responsible to the chief of Bulenga. As a non-native of the village, the Bulenga prince in Motigu or Dupari is considered by the villagers to be a neutral person when it comes to inter-sectional rivalries and jealousies. Thus, unlike the Bulenga Na who is seen by the other sections of Bulenga to be a biased man

³⁹¹ See Part Five, Chapter One, p 299 and 300 (including table).

in favour of the Nayiri section against all the others, the Motigu Na is not so regarded by any section of Motigu. In the rivalries that go on between the section of the Motigu-Taotina on the one hand, and the section of the Motigu-Vugotina on the other, Motigu-Na Yaya is the mediator and is treated as such by the rival groups.

If the fact of his being a stranger is one that makes the Motigu-Na or the Dupari-Na an impartial party in inter-sectional politics within the village, it is of course also a fact he must count as a serious disadvantage. There are people in Motigu, for instance, who are not happy about the continued monopoly of their Motigu chiefship by stranger princes. As I was told by a literate native of Motigu in 1984,

"the people of Motigu are happy that Bulenga princes are sent to rule them. However, if by that, they the Motigu people are completely ousted from their own chieftaincy, then they regret it."³⁹²

Although there are people in all the four Bong-Nabihi villages who, for one reason or another, do not like their chiefs, one would be mistaken to think that there is strong dislike for the institution of chieftaincy and its heirs as is the case in Wa-Nabihi-Chakali. There are obvious reasons why anti-chief feelings are less in Bong-Nabihi-Chakali: first of all, it is true that the chiefs in the former are more permissive and softer towards their subjects than their counterparts in the latter. In the

³⁹² Conversation with Mr. K. Iddrisu.

Bong-Nabihi-Chakali village the man who receives a strange guest is not obliged to take his guest to greet the chief. He does this only if he pleases. I was myself once in Bulenga where I stayed three days without going in to greet the Bulenga Na. My host, Bankori, showed no uneasiness or anxiety as did my Katua host; in Bulenga there were no worries about what the chief might do if I did not call on him.

Whereas in Wa-Nabihi-Chakali tribute to the chief is for the chief and the princes alone, in Bong-Nabihi-Chakali portions of any tribute paid to the chief have to go to the key elders of the village. Any hind leg of an animal presented to the chief in the Bong-Nabihi-Chakali village has to be shared out in such a way that the eldest man of each section gets a piece. The matter was explained to me in 1987 by Mwangu of Bulenga:

"When people say that the hind leg of any animal killed in the village is for the chief they do not imply that it is for the chief alone to eat. Indeed, it is for the chief only in name. Every hind leg of an animal presented to the chief of Bulenga, for example, is shared out among the top elders of the village. If this is not done the chief will lose support. The chief who eats alone will not be liked by his people."³⁹³

Unlike the chief in Wa-Nabihi-Chakali, the chief in Bong-Nabihi-Chakali is reluctant to report subjects who challenge his authority to Busa. In fact, the tendency is rather to try to win back the loyalty of such subjects through negotiation or other peaceful means. Hardly does

³⁹³ Interview with Mwangu in Bulenga 1987.

the Chagu-Na talk about troubles between himself and his section (Chagu-Nayiri on the one hand, and the people of Chagu-Gudaayiri on the other) nor, does the Bulenga Na report the countless cases of insubordination towards him and his section by Yogileh to the Divisional Chief, the Busa Na. Normally the chief or one of the elders from his section would approach the elders of the section in disagreement with the chief, either directly or through the Muslims in order to negotiate terms. In fact, it is said that one day things got so bad between Nayiri and Yogileh that the Yogileh men hatched a plot to fight against the chief and his people in Nayiri. However, before this could be carried out an important elder in the chief's section who was a matrilineal descendant of Yogileh heard of the plot and, in camera, sent a handful of Kola-nuts to his matrilineal kinsmen as a token of his earnest plea to them not to go to war against the Bulenga-Na. An imminent intra-village confrontation was thus averted and cordial relations between the two parties gradually restored.³⁹⁴

If anti-chiefly feeling in Bong-Nabihi-Chakali is less than in Wa-Nabihi-Chakali today, that does not mean however, that the anti-Wala passions of the Bong-Nabihi villagers have disappeared. The question of Wala domination which constituted a key problem for the Bong-Nabihi villages as well as the Wa-Nabihi villages in Chakali during the colonial period, is today as alive as ever. People in Bulenga, Chagu, Motigu and Dupari think that until all the

³⁹⁴ Interview with Bulenga-Na in Wa 1987.

13 villages in Chakali are free of Wa-Nabihi rule, they cannot themselves enjoy the freedom of pre-colonial times.

In 1985 the Bulenga-Na remembered:

"It is said that although Chakali has 13 villages, whenever a durbar of chiefs is held in Wa there are only 4 men who appear in the scene as Chakali people: the Motigu-Na, Chagu-Na, Dupari-Na and myself. The 4 of us sit together in a group as the chiefs from Chakali. You do not need to ask me about the chiefs of the other 9 villages; they sit together with the Busa-Na, and the other Wala chiefs as a group. It is most distressing to be only 4 in number in a heterogeneous crowd, when you know quite well that your actual number is 13."³⁹⁵

Sometimes alien settlers are settled in neighbouring Wa-Nabihi villages by the Wa-Nabihi chiefs. Disputes break out between these settlers and the local inhabitants of Chakali, throwing the entire Chakali society into confusion and mess. A typical dispute which led to a serious conflict involving all the Chakali people began in 1987 when immigrant Fulani cattle herdsman were settled in Chakali by the Katua-Na and the Tisa-Na.³⁹⁶

³⁹⁵ Interview with Bulenga-Na Saka while attending the Royal durbar in Wa January 1985.

³⁹⁶ See Chapter 4 of this part below, p 508-510.

CHAPTER 4

THE PROBLEM OF LAND ADMINISTRATION

THE CHIEF AND THE TAOTINA - WHOSE IS THE RIGHT TO ADMINISTER THE LAND?

Our concern in this chapter is to examine land administration in contemporary Chakali. It will be recalled that in the pre-colonial era it was the Taotina who was the authority administering all the land in the village. To acknowledge his authority over the land, any hunter who killed a large game presented a hind leg to the Taotina as a gift.³⁹⁷ It will also be recalled that during the Colonial period the chief appeared in the village scene as a Native Agent of the Colonial Administration. As a sign of respect for the chief as the foremost authority in the village, any inhabitant who killed a large game animal gave a hind leg to him and not the Taotina, who now had to content himself with a shoulder of the animal presented to him by the hunter.³⁹⁸ The important questions here are: which of the two authorities in the Chakali village today, the Chief or the Taotina, has the traditional right to tile over land in the village? Has the chief in Chakali the right to give away land to new settlers? Does the power which chieftaincy has wielded since the Colonial period in Chakali endow chiefs with administrative rights over land in present-day Chakali? As will become clear in the succeeding paragraphs there is sharp disagreement over all

³⁹⁷ See part 3, Chapter 2 above, p 129 and 130.

³⁹⁸ See part 5, Chapter 3 above, p 315.

three questions between the Chakali Taotinas on the one hand and the Wala chiefs of the area on the other. The text below is intended to help us get answers to three questions as well as to understand the nature of the problem of land administration existing in Chakali today.

As a result of Colonial rule, some customs which in the pre-colonial period were incontestable, have today, in Chakali, become serious sources of clear disagreement and ambiguity. Clearly it is necessary to scrutinise the claims of the people to title of land or political office in the name of custom and tradition. Such scrutinies are necessary if bogus claims are not to be confounded with authentic and genuine ones. The position taken here is not that everything done by the colonialists should be undone by the post-Independence government of Ghana. Rather, it is that where a person or a group of people acquired a right or privilege through the law and policy of the colonialists, and continued to abuse that right or privilege after Independence, such a person or groups of people should not be allowed to continue doing this wrong behind the cloak of tradition. It is possible for a practice that was instituted by the colonialists to have developed in time into a custom for the people of the area where such practice was instituted. However, if as a result of the greed and corruption of a chief or other traditional authority, a practice established by the colonialists in the end turned out to be no custom but an imposed practice, it would be imperative in that case for

the government of the post-colonial state to destabilise it immediately.

First of all, it is important to explain that in villages like Bulenga, Dupari, Motigu, etc. where there are indigenous Chakali chiefs, ownership of the land is not at all an issue of disagreement. Ownership of land is the ability or power to transfer or give away legitimately, part or all of the land. It is clearly known to all in the villages mentioned above that the Taotina is the owner of all the lands that belong to the Tao. Of course, what this means is that he has the right of ownership to the village lands only as a trustee and has to account to the members of his descent-group for any piece of land which he gives away to any stranger for any purpose. In these villages, the chief cannot give away land. What he can do is to approach the Taotina and appeal to him to provide land for any purpose or for any stranger whose cause he, the chief, might have support.

It is in the Taos which are ruled over by Wa-Nabihi chiefs that the question of ownership to land actually arises. Never has the issue about land come to the fore of Chakali affairs more than in 1987. During that year, the villages of Tisa and Katua became involved in a dispute against their respective Wala chiefs i.e. the Tisa-Na and the Katua-Na. In the end, virtually the whole of Chakali was drawn into the dispute in support of the inhabitants of Tisa and Katua. In fact, by August 1987, being there

during the dispute, I witnessed it take on the appearance of a Chakali-Wala conflict.

The facts of the dispute, which is hereafter referred to as the Kapisi lands dispute, were as follows: in early 1987, a group of Fulani cattle herdsman were settled by the Tisa-Na and the Katua-Na on the Kapisi lands which belonged to Tisa and Katua.³⁹⁹ According to the chiefs, before settling the immigrants in Kapisi, they had first of all respectively sought permission from the Taotinas of the villages concerned. The authorities of these villages, Tisa and Katua, did not deny the fact that they were approached by the chiefs about the matter. However, they made clear the point that the Tisa-Na and the Katua-Na never really indicated that the new settlers had such large numbers of cattle. Thus, they were themselves surprised in the end to find that about some 7,000 or more cows had been driven into Kapisi.

It soon became clear that the herds of cattle of the new settlers were a menace to the farming activities of the local people. Millet plants, young seedlings, kassana, etc. which were on the farms of the local inhabitants, were eaten up by cows. Calls were made by the inhabitants of Tisa and Katua as well as the inhabitants of neighbouring villages, who were affected by the serious development, for the Fulani cattle herdsman to be expelled from Chakali. To

³⁹⁹ Tisa and Katua regard themselves as sister villages. Tisa, Katua and Tuasa in fact belong to the same Bia (patrilineal descent group).

the dismay of the local inhabitants, the Tisa-Na and the Katua-Na who were Wa-Nabihi chiefs refused to give ear to the complaints made against the Fulani cattle herdsman.⁴⁰⁰ The next thing that happened was that a meeting of all Chakali Peoples' Defence Committees (PDCs) and village elders was convened at Bulenga by the Bulenga-Na. A Peoples' Defence Committee is a group of local residents elected by the people of the locality to protect their rights against the abuse of power by Government as well as Traditional Authorities in accordance with the principles of the 1981 Revolution and the Government of the Peoples' National Defence Council (PNDC) which has been in power in Ghana ever since the revolution took place. At this meeting, it was decided that a petition should be presented to the Government in Accra about the harmful effects of the activities of the Fulani herds of cattle. Accordingly, a petition signed by the people from the various villages was presented to the Office of the National Defence Committee Secretariat at Accra. As a result, officials were sent to Wa to investigate the dispute. By August 1987, as a result of the findings of the investigating committee, the Fulani cattle herdsman were ordered by the Ghanaian Government to leave Chakali. The Wa-Nabihi chiefs had in effect failed in their effort to settle the Fulani on the Kapsi lands.

Before going on to examine in detail the question about

⁴⁰⁰ There were allegations that the Tisa-Na and the Katua-Na refused to listen to their local subjects because they were bribed by the Fulani cattle herdsman with cows.

title to land today in Chakali, it is necessary for us to go through the facts of the Gbedembilisi Valley dispute which occurred in Builsa, a society which, until the beginning of colonial rule, was also acephalous in character. The Gbedembilisi Valley dispute is important to us here because it helps in giving a fuller understanding of the Kapisi lands dispute. The facts of the Gbedembilisi Valley dispute as presented in this thesis are based on facts as narrated by Piet Konings in 1984.⁴⁰¹ It is said that in 1973 a number of Sisala farmers were welcomed to Gbedembilisi by the Regent of the village who gave them land for farming purposes. The consent of the Builsa Paramount Chief, the Sandemnab, was not sought before the farming land was given to the Sisala strangers. In 1975, the Sisala farmers succeeded in getting the Regent of Gbedembilisi to demarcate the land on which they were farming amongst them. No long afterwards, four newcomers were allowed to farm on as yet uncultivated land within the recently demarcated area by the Regent of Gbedembilisi. The Sisala farmers who were unhappy about this new development, pointed out that their future expansion possibilities were being obstructed. A quarrel soon began between the Sisala farmers on the one hand, and the newcomers on the other over the matter. The Regent of Gbedembilisi supported the newcomers, and asked the Sisala farmers to leave the valley. He accused the Sisala farmers of being greedy. Instead of seeking redress from the

⁴⁰¹ See P Konings, 'Capitalist Rise Farming and Land Allocation', Journal of Legal Pluralism and Unofficial law, No. 22 (1984).

Sandemnab, the Paramount Chief of Builsa, the Sisala farmers took the matter before the Regional Commissioner, Colonel Acquaye-Nortey. After having gone through a report on the dispute prepared for him by the Builsa District Chief Executive, the Regional Commissioner ruled that the Sisala farmers had acquired the land on which they were farming through the Regent of Gbedembilisi, and that this was in accordance with Customary Law. He objected to the quit order which had been issued by the Regent of Gbedembilisi to the Sisala farmers, as being detrimental to the Government's policy of "achieving self-sufficiency in food production." The dispute was still unresolved when Major Ofori-Akuomoah replaced Acquaye-Nortey as Regional Commissioner. The new Regional Commissioner took up the matter with the newly appointed Gbedembilisi chief. Rather than waiting to see the findings of an investigatory body which was appointed by Sandemnab, the Paramount Chief, to look into the dispute, Ofori-Akyomoah instructed the Regional House of Chiefs to take up the matter. The House appointed a committee headed by the Wellembele-Kuoro who was himself a Sisala. The Builsa Traditional Council (BTC) headed by the Sandemnab, refused to abide by any findings of the committee appointed by the Regional House of Chiefs. Among other things, the BTC and the Builsa Youth Association (BYA) argued that the matter was one about Builsa land and should be settled by the Builsa traditional authorities in accordance with Builsa custom. They accused the Regional Administration of condoning with the Sisala farmers who were interfering unduly in Builsa customary

land practices. Accordingly a meeting was convened by the Sandemnab of all Builsa traditional authorities including the Gbedembilisi chief and Tengnyono (land owner). I should explain that the Tengnyono is the Builsa equivalent of Taotina. It was the Tengnyono in pre-colonial Builsa who was the authority in charge of the administration and other matters of the village. It was commonly agreed at the meeting convened by the Sandemnab that all Builsa should take concerted action to protect the Gbedembilisi Valley lands which were part and parcel of Builsa land, from undue interference from strangers. In practical terms, what this meant was that the local Builsa inhabitants were not going to allow the Sisala farmers to continue to farm in the Valley. It is sufficient to say here that the dispute went on for a long time without being resolved until eventually the matter was brought by a Builsa delegation before the then Ghanaian head of state, General I.K. Acheampong, who reproached the Regional Administration, and then proceeded to settle the matter.

* * * * *

The facts of the Kapisi land dispute read together with the facts of the Gbedembilisi Valley dispute, clearly leaves the student with an impression: the student realises that the dispute which occurred between the chiefs and their Wa-Nabihi supporters on the one hand, and the Taotinas and their Chakali supporters on the other, took place not because the two institutions of Taotinaship and Chiefship

were incompatible types of authority per se, but rather, because one of the two was family held by people who were foreigners and who were prepared to use the authority in their hands to promote activities which were beneficial to their interests but harmful to the interests of Chakali. It is important to note that in the Gbedembilisi Valley dispute, because the chiefs and the Tengnyonos of the area were all indigenous Builsa, it was easy for them to cooperate with one another in pursuance of common Builsa interests against Sisala and other foreign intruders. Unlike in the case of acephalous Chakali which was left under the authority of the Paramount Chief of Centralised Wa during colonial rule, in the case of acephalous Builsa the many independent villages were all brought together by the Colonial Administration under the authority of the Sandemnab, a Builsa village headman raised to the status of Paramount Chief. Although chiefship as an office of authority was established in Builsa by the Colonial Administration during the colonial period, the fact that the office was placed in the hands of indigenous Builsa people themselves, lessened the potential for conflict between the Tengnyono and the Chief. It is interesting to recall that in the Kapsi lands dispute the Bulenga-Na who was himself a Chief, did not support the Fulani cattle herdsman as did the Tisa-Na and the Katua-Na. As an indigenous Chakali man, the Bulenga-Na was prepared to throw his full support behind the Taotinas of Tisa and Katua so as to free Chakali land from the harmful activities of the Fulani herds of cattle.

There is something in the Kapisi Lands dispute which shows that Chakali of today is very different from Chakali of the colonial period. When it was realised by the people of Chakali in 1987 that the Wa-Nabihi chiefs were prepared to sacrifice the interest of Chakali, perhaps for their own selfish gains, they resorted to the PDCs as the structure by means of which they could channel their grievances right to the very top of the Central Government. During the colonial period there were no PDCs. Indeed, there were no structures or structure in Chakali by means of which the indigenous people could channel a complaint against the misuse of power by Wa-Nabihi chiefs to the District Commissioner, let alone to the Chief Commissioner or the Governor.

CHAKALI LAND ADMINISTRATION IN THE FUTURE

We have explained above the Kapisi Lands dispute of 1987, which was, more or less, a struggle for control over land between the Tisa-Na, the Katua-Na and their Wa-Nabihi supporters on the one hand, and the Taotinas of Tisa and Katua as well as their Chakali supporters on the other. We would now proceed to consider the question: which of the two authorities in Chakali today has legitimate entitlement to land? Does it lie with the Taotina or the chief? In this dissertation, it is asserted that in the pre-colonial period, title to land was vested in the Taotina. Land here means all the lands that belong to the Tao including streams, ponds, rivers, trees, bushes etc. Hunting, farming, fishing, etc. on the land were all activities

controlled and directed by the Taotina. The Taotina was the man approached by people who wanted to take up careers in farming, fishing, etc. As the man in charge of the land, the Taotina was entitled to receive presents or some kind of tribute from his clients. For instance, the hunter from Motigu who succeeded in killing a buffalo would normally present a leg of the animal to the Taotina of Motigu. Not to do so was regarded as disrespect for the Taotina as the authority in charge of the land.

During the colonial period, the Na appeared in the scene the Chakali village politics. In fact he replaced the Taotina as the first authority of the village in matters of day-to-day administration. Like the Taotina, the Na also claimed part of the venison which the hunter brought from the bush. Thus, the situation was one in which say the hunter from Tisa who killed a bush cow had to present a leg to the Tisa-Na as the first authority, and a shoulder to the Taotina of Tisa.

We must now refer to a piece of legislation passed in 1931 by the Colonial Administration in respect of lands in the Northern Territories, which of course included Chakali lands. This piece of legislation was the Land and Native Rights (Northern Territories) Ordinance. Section 4 of the Ordinance provided:

"All native lands and all rights in and over the same shall as from the commencement of this Ordinance be under the control and subject to the disposition of the Governor, and shall be held and administered for the use and common benefit, direct or indirect, of the natives; and, subject

to the particular reservations set forth in section 3, no title to the occupation and use of any such lands shall be valid without the consent of the Governor."⁴⁰²

As a result of this Ordinance, all lands in Chakali like all other lands in the Northern Territories protectorate were vested in the Colonial Governor.

After the attainment of independence in 1957 the state of affairs in relation to lands in the Northern part of the country explained in Part X above remained unchanged for some years. Indeed, it was in 1979, the year in which the Third Republic was proclaimed, that steps were taken with a view to re-vest lands within Northern Ghana in the traditional authorities, from whom respectively titles to the aforementioned lands were taken away by the colonial authorities. The steps that were taken took the form of constitutional provisions which were entrenched in the 1979 Constitution of Ghana. Article 188(3) stated: "For the avoidance of doubt it is hereby declared that all lands in the Northern and Upper Regions of Ghana which immediately before the coming into force of this Constitution were vested in the Government of Ghana are not public lands within the meaning of clauses (1) and (2) of this article."⁴⁰³ The matter was taken up further by the subsection that immediately followed: "Subject to the

⁴⁰² Land and Native Rights (Northern Territories) Ordinance (1931), CAP.121. In The Laws of the Gold Coast (4 Vols., Accra, 1937), Vol. II, pp. 1480 ff.

⁴⁰³ See Article 188(3) of the Constitution of Ghana, 1979 (Accra, Temo, 1979), p.140.

provisions of this Constitution, all lands referred to in Clause (3) of this article shall vest in any such person who was the owner of any such land before any such vesting or in the appropriate skin without further assurance than this clause."⁴⁰⁴

It cannot be argued that the Chief was the owner, or, authority in whom title to land was vested in Chakali, before the enactment of the Lands and Native Rights (Northern Territories) Ordinance of 1931. Chiefs were only appointed in Chakali during the colonial period by the Colonial Administration to help enforce government law and policy. For instance it was the duty of the Na in the Tao to recruit labourers for work on the roads as well as maintain peace and order within the village. As a matter of fact, in no colonial legislation were chiefs in the Northern Territories vested with title to land, or designated as the landowners in their areas of jurisdiction. In short, at no time in the history of Chakali has the Na or Koro of the Tao been the landowner. The rule that every hunter who killed a large game animal should present a leg to the chief of the village was only followed in acknowledgement of the fact that he, the chief, was the Administrator. Let us assume that before the passage of the Lands and Native Rights (Northern Territories) Ordinance, title to land had actually been vested in chiefs by the colonial authorities by means of a separate piece of legislation: would that fact have today

⁴⁰⁴ ibid. Article 188(4).

made the chiefs in Chakali the rightful authorities to be revested with title to land in accordance with the aforementioned provisions of the Third Republican Constitution of Ghana? The answer to this question is no. In fact, it would be a paradox if title was revested in the chiefs in that case. The paradox of the matter lies in the fact that title to the lands concerned would be taken away from the Central Government with a view to breaking away from the nasty colonial past, but then, at the same time, vesting in chiefs that very title disregarding the same nasty colonial past. It is the Taotina who is the authority entitled to revestiture of title to the land of the Tao.

In 1987 voices were raised in Chakali by many against the Wa-Nabihi chiefs and the Fulani cattle herdsman, apparently because the Fulani herds of cattle were destroying the farms of the local inhabitants. On closer examination of the matter, however, it is seen that the problem is one that involves much more than it appears to. In the past, land in the Northern part of Ghana, generally speaking, was considered to be a commodity in abundant supply. Almost everyone who needed land got as much of it as he desired. Over the years, however, this state of affairs has changed slowly but steadily. Not only has the number of people increased but also, because of the arrival in the country of modern agricultural implements like tractors, farmers have been encouraged to make farms of unprecedented size in this part of the country. The rice farms of the

Gbedembilisi Valley mentioned in the case of the Gbedembilisi Valley dispute are a case in point. The need for land has further been strengthened by the fact that more and more cattle herdsman from the drought-stricken Sahelian state of Burkina Fasso which lies immediately to the north of Ghana, from time to time managed to find their way into Northern Ghana in order to escape the harmful effects of serious droughts. It will be recalled that in 1987 a group of Fulani cattle herdsman made an unsuccessful attempt, with the backing of the local chiefs, to settle down in Chakali. Today, unlike in the past, it is true that land in Northern Ghana is fast becoming a scarce commodity. Who owns land? Whose right is it to give away land to strangers? Whose word is final when it comes to farming, fishing, hunting and other rights? Is it the Chief or the Taotina? These questions and many others arise today in Chakali. Things are not taken for granted as was the case in the past when the supply of land was apparently in excess of the demand for it. For the Chakali people to be careless about what happens to their land could mean a catastrophic future. In order to illustrate this point, I would like to cite the case of the Wa-Tindamba as an example. Of all the groups which make up Wa, the Tindamba were the first to settle in the area. As the first settlers, they became the Tindamba (land owners). Today, however, it would appear that land in Wa, generally speaking, has been taken over by the Wa-Nabihi, Limahi and Yeri-Nabihi groups. The principle that the Tindamba are the land owners because they were the first settlers in the

area is retained, but, alas, only in theory. In practice, land as well as authority over the people are both out of the control of the Wa-Tindana and the members of his group. It is for this reason that Ivor Wilks in 1989 described the Tindamba (Tendaanba) of Wa as "the Landless Landowners."⁴⁰⁵ The Taotinas of Chakali and their Taos might suffer a similar if not worse fate than that of the Wa-Tindamba, if they sit aloof and unconcerned about whatever the Wa-Nabini chiefs are doing with their land.

⁴⁰⁵ I. Wilks, Wa and the Wala, p.198.

CHAPTER FIVE

ADMINISTRATION OF JUSTICE

We will try in this chapter to explain how justice is administered in Chakali today. This objective, of course, leads us to examine three types of justice administered in present-day Chakali. These are: justice administered by Bong-Nabihi chiefs in Bong-Nabihi Chakali, justice administered by Wa-Nabihi chiefs in Wa-Nabihi Chakali and, justice administered by the Committees for the Defence of the Revolution (People's Defence Committees) which have been created in all Chakali villages. In the text that follows, an attempt is made to explain and illustrate the different types of problems that face the Chakali people when it comes to seeking justice today.

JUSTICE BY CHIEFS IN BONG-NABIHI CHAKALI

Sometimes, trouble will occur in one of the villages ruled over by the Chakali princes. For instance, there might be a quarrel between two or more elders. In such a case the dispute will normally come before the chief of the village where the trouble occurred. There was such a case in 1989 in Bulenga which highlighted the nature of chiefly justice in this part of Chakali.

In January 1989 a case came before the Bulenga-Na which involved a dispute over cattle. The aggrieved party complained about cattle straying onto their farm. A lot of damage was caused to crop. The case came before the

Bulenga-Na because the offending cattle-farmer was resident in Bulenga. Tahiri, the defendant, was notified by the Chief accordingly of the case made against him. A date was fixed by the Bulenga-Na, on which the aggrieved party came to Bulenga from Tuasa. At a gathering in front of the Chief's house, the Chief asked Janbewu, the man whose crops had been destroyed by Tahiri's cattle, to state his case against Tahiri. The complainant thereupon narrated how he went to his farm in the morning to find stray cows eating his crops. He explained that he would have killed the cows had it not been for the new rule that no-one was to kill a cow straying onto his land, but rather drive the cows to their lawful owner, who would then have to pay compensation. He concluded that having driven the cows to the Bulenga-Na, as well as showing him exhibits of destroyed yams, he was entitled to compensation from Tahiri. The defendant admitted guilt but insisted that he would only pay Janbewu a sum of money he could afford. Speaker after speaker told the gathering his individual opinion about the matter. Most were in support of Janbewu. Tahiri maintained that he would not accept the terms set by the Tuasa party i.e. paying 100 Cedis for every yam seedling damaged. When the Chief finally spoke, he said:

"In Chakali we gather to settle disputes not to cause more trouble. If this matter is to drag on there will be no settlement of the dispute. In fact, there will be more trouble. I do not want to impose fines on any party in the dispute. I do not want trouble. What I want is the restoration of peace and not the payment of fees. Janbewu and myself belong to the same Hian. He is my matrilineal nephew and I have authority over him. On the other hand, Tahiri is my subject and a relative. Rather than encouraging litigation between them, I intend to settle this

dispute."⁴⁰⁶

The Chief thereupon turned to Janbewu:

"My son I am asking you to leave this matter.
And do not pursue the matter any further."⁴⁰⁷

Rather than attempting to settle the disputes that arise within his jurisdiction through the actual exercise of chiefly-power, the Bong-Nabihi chief in chakali tends to resort to resolving disputes along the lines of pre-colonial indigenous dispute settlement processes. For instance, in the Janbewu case just cited the Bulenga-Na resolved the dispute that arose before him by applying the indigenous principles of Hian. For the Bong-Nabihi chiefs local disputes are easier to settle through the processes of Hian, Bia and Vugo.

The adoption of such a procedure in practical application appears to be popular. In 1989 I observed that although Janbewu did not receive any compensation for his damaged yams, he was nonetheless content with the settlement. He said:

"That day Tahiru was really disgraced. No one supported him. In fact, people were laughing at him. Everyone in the gathering understood the matter. I could have pressed for compensation, but did not out of respect for the elders. He is the loser and not I."⁴⁰⁸

Utilising Hian or Bia procedures in resolving disputes is a practice that finds favour with many Chakali elders. In

⁴⁰⁶ Bulenga-Na Saka, January 1989.

⁴⁰⁷ Bulenga-Na Saka, January 1989.

⁴⁰⁸ Janbewu, Tuasa, January 1989.

1989 Agafe, a Tuasa Elder was happy that a dispute which had arisen between two groups of boys at a funeral ceremony was resolved by the elders present, and was not referred to any chief. He explained:

"When there were no chiefs in Chakali, in the old days, Chakali people settled their own disputes. This is why it is not proper to send all our cases to the chiefs. We can settle some of them on our own."⁴⁰⁹

However, the adoption of the Hian and other indigenous methods in disposing of cases must come before his court, results in the Bong-Nabihi chief making a sacrifice, because he loses his court fees. In the Janbewu case because actual judgment was not given by the chief, the respondent was not found guilty. As payment of compensation to the complainant was not affected, Janbewu was not expected to pay anything to the chief as "greetings."

JUSTICE BY CHIEFS IN WA-NABIHI CHAKALI

Unlike in Bong-Nabihi Chakali where traditional Chakali ways of resolving disputes are sometimes adopted by the chief in settling disputes between his people, in Wa-Nabihi Chakali an attempt to resolve a dispute by any way other than by the chiefs' adjudication is considered by the chief as a threat to his position and authority. Not only have the parties to a dispute in the village to agree to submit their case to the chief for his verdict, but also they have to expect to pay the costs of the hearing or 'greet' the

⁴⁰⁹ Agofo, Tuasa, July 1987.

chief, so to speak. The party to a dispute found guilty by the chief automatically loses his deposit which he pays into the court before the case has begun. In a case where compensation is paid by the respondent to the complainant, the latter must pay a fee to the chief for making possible the payment of the compensation. The picture of Wa-Nabihi Chakali present here is best elucidated by the case of Sakara Songo. The case occurred in 1978 and was narrated in 1984 by Sakara Songo himself at Ducie:

"A quarrel occurred at a funeral ceremony in our village between a matrilineal cousin of mine from Katua on the one hand, and my junior brother on the other. As a result of this quarrel, the two of them fought one another. My brother threw a stone at my cousin wounding him in the head. As soon as I heard of the trouble I rushed to the spot. After stopping the fighting between the two boys, I put some medicine on my cousin's sore in order to stop the bleeding. I then called together the elders of Luyoribani, our Section, so that the differences between the two boys which resulted in the fight could be settled amicably. My cousin, my brother, myself, as well as other relatives present all agreed that it was better for us to settle the dispute on our own than to take the matter before the Ducie-Na, Somaila. We believed that if we took the matter to the chief, in the end moneys would have to be paid by either cousin or brother to the chief as fees. For us these were expenses which we could conveniently avoid incurring. We therefore settled the matter in the house. However, early the following morning, I was called by the chief to his house where he charged me with offending the authority of his chiefship. According to the Ducie-Na, I Sakara Sombo, was the one who prevented the case from coming before his court. According to him, I was utilising my position in the village to incite people not to respect his chiefly authority. I tried to explain to the Ducie-Na that because both of the parties to the dispute belonged to the same Hian, they were by Chakali traditional practice entitled to settle their differences along the lines of their common blood ties. He refused to accept my explanations insisting that Ducie was ruled by means of Chieftaincy and not Hian. A quarrel consequently broke out between the Chief and myself. He asked me to apologise to him for abusing his authority.

I refused to render any apologies because in my view I had not offended him. The Ducie-Na thereupon threatened to report the elders of Luoribani to Busa if they failed to make my apologise to him. Realising the elders concerned were very afraid and worried about the threats issued by the chief, I agreed to present cola nuts to Somaila. Upon the advice of the elders of Luoribani, a few days afterwards I left the village for Obuasi in the south of the country where I remained until the death of Ducie-Na Somaila in 1983."⁴¹⁰

It is clear from the case presented above that the practice of chieftaincy which was introduced in Chakali by the colonial administration has effectively taken the place of Hian as the local traditional custom. In Wa-Nabihi Chakali people appear before the chiefs for the settlement of their differences, not because they always wish to do so, but because they have to, so that the Wa-Nabihi chiefs ruling the villages can earn their incomes.

JUSTICE BY PDC (CDR)

In 1987 I found a PDC in each of the thirteen Chakali villages. Each PDC comprised of members appointed from the various sections of the village. Thus, the PDC in Bulenga had seven members while the one in Tuasa had four.

Each of the PDC's in Chakali has its own chairman in the village. The chairman has two main duties to perform. Firstly, he is to convene PDC meetings whenever the people in the village bring complaints to him. Halimai, the chairman of the Tuasa PDC, sometimes convenes as many as three meetings in a week. Secondly, it is the duty of the

⁴¹⁰ Interview with Sakara Songo, Ducie, March 1984.

chairman to attend all general PDC meetings of the Chakali area held at Bulenga at least once in a month. At the general meeting, the chairmen of all the PDC's in Chakali consult with one another as to how to solve the common problems of the area. This meeting is usually held under the chairmanship of the Zonal Co-ordinator of PDC's who is resident at Bulenga. Indeed it was at one such meeting in 1987 that the decision was taken to write a petition to Accra about the dispute that arose between Chakali natives and Chakali chiefs on the one hand, and the Wa-Nabihi chiefs and Fulani immigrants on the other.⁴¹¹

Ever since the formation of the PDC's in Chakali, after the revolution of 1981, they have served as useful instruments for resolving certain types of disputes which arose in the villages. The PDC in the Chakali village has been instrumental in dealing with most cases. People who steal yams from farms or goats from the fields are reported to the nearest PDC member available, who in turn will bring the matter to the notice of the Chairman.

The PDC's in Chakali are known for their prompt and drastic action. The chairman convenes the meeting early the next morning once a matter is brought to his notice. The accused is summoned and all the relevant witnesses. The case is then heard after which each of the members speaks his mind about the matter. The chairman is always last to speak, and although he must be guarded not to impose his

⁴¹¹ See above, part 7, Chapter 4, p 509 and 510.

views over the others, his opinion inevitably carries weight. Where the accused is found guilty he is pardoned if it is his first offence. However, if the offence for which the accused is found guilty is his second or third, he is whipped by the members of the committee. In either case the stolen property is restored to the lawful owner. A typical case is the one of Muni narrated below.

According to Halimai, the chairman of the Tuasa PDC, Muni had been the most elusive and successful thief in the village for quite sometime.⁴¹² One day in 1984 he stole yams from the Dakuri's farm. He was about to sell the stolen yams in the village when the alarm was raised by Dakuri about the theft. Muni was apprehended red-handed. After the case was heard the next morning it was decided that Muni should be whipped and the yams returned to Dakuri. Because Muni was from Halima's section of the village, he had to initiate the whipping. After Hamilai had given Muni three lashes with his cane, the other members then joined in. Muni had to return the yams to Dakuri's farm and to ensure that he did so the members followed him, whipping him along the way. Since then Muni has not committed any thefts. In this way PDC members in Chakali have assumed a role which in the pre-colonial times was played by the Siguma-men of the Tow.

There are many types of cases in Chakali which are not referred to the PDC's. In fact, the bulk of disputes that

⁴¹² Information received from Halimai, Tuasa, August 1987.

arise are brought before the chiefs - marital disputes, physical fights and disorderly conduct, sectional rivalry and disputes involving livestock. The main differences between the PDC's and the chiefs is that while the chiefs are content to impose fines, the PDC's inflict corporal punishment but not fiscal.

There is one basic difference between the PDC in Bong-Nabihi Chakali and the PDC in Wa-Nabihi Chakali. The latter conducts all its activities in the village with the knowledge of the chief, while the former sometimes does not. Indeed in 1987 the PDC chairman of Katua was the personal friend of the Katua-Na. All the affairs of the Katua PDC had to be mutually discussed and approved by the chief. Such a situation was unthinkable in Bulenga, Chagu or Motigu.

In Chakali there is hardly any talk of taking disputes to the Circuit Court in Wa. In fact, as the table of civil cases presented above illustrates, there was no suit from Chakali before the Circuit Court in the whole of 1987. All disputes are settled locally.⁴¹³

⁴¹³ See above, part 6, Chapter 5, p 439 and 440 for list of civil cases before Wa Circuit Court.

CHAPTER SIX

SURVIVAL OF TRADITIONAL INSTITUTIONS

The purpose of this chapter is to answer two questions: (a) which is the priority, the survival of traditional institutions in the country or, the promotion of peace and economic development for the people? And (b) in view of the fact that during the colonial period the colonial authorities trimmed indigenous, traditional institutions to suit the needs of the colonial state, is it not imperative that after Independence the government in charge of the country re-trim indigenous, traditional institutions in this case to suit the current and future needs of the post-colonial state? To answer these questions we will try below to analyse the post-colonial experiences of Chakali, our case for study.

The above text about Chakali shows that the Peoples' Defence Committees (PDCs) which have been in existence ever since the government of the Provisional National Defence Council (PNDC) took over power in 1981, can really be effective and beneficial in some situations.⁴¹⁴ It would appear that the creation of new institutions in the country, however, is an idea that does not appeal to some Ghanaian intellectuals. In other words, some Ghanaian scholars are keen to retain traditional institutions

⁴¹⁴ See Section 3 of the Provisional National Defence Council (Establishment) Proclamation (Supplementary and Consequential Provisions) Law, 1982, printed by Ghana Publishing Corporation, Accra-Tema, [1982], pp. 17-19.

because they constitute a cultural heritage. They object to the copying of models from the outside world, but rather, would like to see progress within the framework of existing traditional institutions and ideas. One such scholar is S.K.B. Asante. In 1975, he said: "Many 'educated' Africans instinctively brand traditional African values as backward; years of exposure to Euro-American culture have instilled in them a nagging notion that the reception of Euro-American institutions is the only true index of progress, and that the African cultural heritage has little of enduring value to offer modern Africa. The rise of nationalism and the rejection of western Colonialism have not really erased this attitude to African ideas. Thus, few African intellectuals conceive of development in terms of building on the solid foundations of indigenous institutions. Having ruled out the possibility of profiting from the African heritage, many decision-makers spare themselves the task of subjecting African ideas to a critical appraisal. A rigorous introspection becomes unnecessary where progress is seen as a process or indiscriminate copying of 'civilised' models from without."⁴¹⁵

These views, as expressed above, can be misleading and unrealistic in the sense that they do not take into account the grim realities of the post-colonial state. The situation in which the post-colonial state finds itself is

⁴¹⁵ S.K.B. Asante, Property Law and Social Goals in Ghana, 1844-1966 (Accra, 1975), p.291.

one that requires those in charge of administration, to undertake policies and to streamline social activities as well as practices in order to achieve for the citizens a satisfactory standard of living. It is also the duty of the Government of the post-colonial state to achieve for the people the dear goals of freedom and justice for which the struggle against colonialism was undertaken in the first place. One recalls that freedom and justice constitute the Code of Arms of Independent Ghana. To achieve a satisfactory standard of living economically as well as the cherished ideals of freedom and justice, it is necessary for the government of the post-colonial state to be pragmatic and realistic when it comes to choice of policies. It is a fact that cannot be denied that for the post-Independence government of Ghana to indulge in "indiscriminate copying" of Euro-American or other foreign institutions would be sheer foolishness. However, the question that we must ask ourselves is: What is the meaning of indiscriminate copying? In my opinion, it means doing for oneself something which someone else has done for him or herself, without taking into consideration its consequences as well as ones own peculiar circumstances. While admitting that some mistakes might have been made by Governments after Independence in Ghana with regard to the adoption of new institutions, it is my opinion, generally speaking, that Government action in this field has been worthwhile. Rather than describing the steps taken by the successive governments in this direction as "indiscriminate copying", I would describe them as pragmatic and realistic

approaches. If there is anything to complain about the various new institutions or innovations that have been made in respect of structures, in my view, it is their lack of continuity. As a result of the several coups d'etat that have taken place in Ghana after Independence, there have been serious and harmful inconsistencies between institutions, practices and policies adopted by the successive Governments.

In deciding whether to retain indigenous traditional institutions, or, to create new institutions altogether in the country, a post-colonial state like Ghana must allow itself to be guided by its national economic and other goals. In fact, if the country is to grow into a great nation, attention should be focused on the tasks ahead and not the preservation of indigenous traditional institutions in the name of cultural heritage. There is nothing wrong for Ghana to adopt practices or institutions from other parts of the world if by so doing the country stands the chance of realising a higher quality of life for its citizens. The importance of such institutions or practices so adopted lies in the fact that they suit Ghanaian needs and not simply because they are taken from Europe, America or Russia. To illustrate the point, I would like to refer to a local Ghanaian proverb which says: "If you do not know something when you think you should, you have to learn it from other people." For instance, it would be hard if not impossible for Ghana to become a rich industrialised capitalist state without adopting effectively the laws

relating to land, labour, enterprise, etc., which are suitable for capitalist industrialisation. It must not be forgotten that the traditional institutions in the post-colonial state which are referred to as cultural heritage, in fact, are institutions that have in some cases been trimmed only to suit the colonial system. The hegemony of chieftaincy over acephalous segmentarism as a practice of society in Northern Ghana is a case in point. As will be seen in this part, it is true that certain traditional practices and institutions have little or no merit at all for present-day social conditions in some localities within the post-colonial state.

There is something else to be learnt from the post-colonial experience of the Chakali people. We must always remember to subject to judicial scrutiny all dubious claims which are made to the control over land or political office on the basis of custom and tradition. To be passive about such claims, which are made by some people, it seems to me, is like to tread the path that is fraught with danger and uncertainty. We are likely to become the victims of manipulation of tradition and custom by greedy chiefs or other traditional authorities in such a case.

The point about the dubious nature of some of the customary and traditional claims that are made, has in fact, already been touched on in this thesis during the discussion of the case involving the Wala Chieftaincy Dispute between Yakubu Seidu of the Kpasa Gate on the one hand, and J.N. Momori of

Dzonyohi on the other.⁴¹⁶ People must be able to repose their full trust in the judicial ability and integrity of the courts whenever bogus claims are confounded with authentic ones in the area of tradition, thereby making important questions of customary law difficult to answer. The difficulties that arise in the ascertainment of customary law should not deter the courts in the effort to develop custom as part of the law of the land which they are duty-bound to interpret. This point about customary law was made in 1960 by A. Allott. He wrote: "The ascertainment of customary law as if it were a matter of fact or of foreign law to be proved by evidence has many practical disadvantages; it may work injustice between the parties, and it is juristically inelegant. In the early, formative stage of customary law as applied by the courts, the proof of customary law as fact may be an inescapable necessity but the goal must be to place customary law on an equality with the rest of the body of law that the courts are empowered to administer, i.e. apt to be judicially noticed as part of the law of the land."⁴¹⁷

It is interesting that customary law as developed by the courts of the post-colonial state in Africa has been criticised as being unjust. In 1985, Martin Chanock described the rules of what I call judicial customary law

⁴¹⁶ See above, Part 6, Chapter 2, p 374-381 for a detailed discussion of the case of Yakubu Seidu.

⁴¹⁷ A. Allott, Essays in African Law (with special reference to the Law of Ghana) (London, 1960), pp. 88-89.

as being derived "from the inequities of the colonial situation which currently find acceptance on the basis that they are essentially and traditionally African."⁴¹⁸ According to Martin Chanock, what would be equitable is for the post-colonial state to adopt either traditional customary law, or, formulated rules of law. For a better understanding of Chanock's views, let us quickly refer to the matter as presented in his own words: "For the colonisation of Africa by western legal forms and institutions continues under the aegis of the growing legal profession, which, in other circumstances, has been among the most verbally ardent of the opponents of colonialism. This process, however, is partly being legitimated by its presentation as a development of a customary law which is essentially African, a recapturing of a pre-colonial dynamic. Yet if it is rules that the legal systems of the successor states require in the areas in which the customary law now operates, it would be possible to formulate far more equitable ones than those deriving from the inequities of the colonial situation which currently find acceptance on the basis that they are essentially and traditionally African. If it is 'custom' that is wanted, in the sense of a system which was living principles in flexible and popular disputing processes, one could have this without the oppressive and authoritarian legalism of the neo-traditional customary law."⁴¹⁹

⁴¹⁸ M. Chanock, Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia (Cambridge, 1985), p.238.

⁴¹⁹ *ibid.*, p.238.

The first of the options as presented by Martin Chanock i.e. the adoption of "customs", in my view, is one that is impracticable for the post-colonial state. In other words, it is hard to see how "a system which uses living principles in flexible and popular disputing processes", can successfully be operated by the post-colonial African state. There are several serious questions that arise here: (a) on the assumption that such a customary system of living principles to be applied in flexible and popular disputing processes is adopted by the post-colonial state in place of the judicial customary law as developed by its courts of judicature, which institutions are going to take charge of its operation? Should each be the same national courts of judicature? (b) if the answer to the above question is no, then, which other institutions should be put in charge of operating the system so adopted? Should the operation of the system be left in the hands of the respective local traditional authorities like chiefs, in which case each ethnic group or the so-called tribe would be left to itself by the Central Government to handle its own disputes independently? If this were to be the case, would disorder not result from conflict and confrontation between disputing parties where the local traditional authorities themselves are unable to settle their local disputes amicably? (c) if the answer to question (a) is yes, does it mean that the courts of the Central Government, in applying the living principles of a locality in a dispute, should refrain from being guided by the general rules of natural justice and the conscience? In

view of the fact that the judiciary of the modern post-colonial state is not part of the traditional set up of the indigenous local ethnic group, it is really likely to succeed as a mere arbitrator in a mere customary system of popular dispute settlement? In my view, such a system of 'custom' as suggested by Martin Chanock, is not a feasible one.

The other option which he has put forward i.e. the adoption of formulated rules in place of judicial customary law, is a more practicable idea. It is possible for rules to be formulated through legislation to take the place of judicial customary law as it exists at present. However, one wonders whether such a system would be any better than that of the customary law as developed by the judges and lawyers. This is because any time there is a coup d'etat, there is the real likelihood that such rules so formulated would be changed again by law, perhaps just to suit the ethnic, tribal or sectional interests of those in power. All things considered, there is no harm in the post-colonial state retaining judicial customary law as part of the national legal system. After all, we must remember that no matter who it is who formulate the rules which are to be operated in lieu of judicial customary law, it is the judges who are more likely than not going to be the people who interpret them.

In my opinion, wherever people who put up claims by custom or tradition for a title to land or political office, those

who object to their claims must have the right and access to the ordinary courts of law of the land in the post-colonial state. It is not only advisable but also necessary for the judges in such a case of dispute, to apply tradition and custom as refined by themselves along the lines of general principles of justice, equity and good conscience. In this way, the various local ethnic societies in the country would be insulated against bitter civil strife and armed confrontation even where they are themselves unable to settle their local disputes peacefully. Furthermore, aggrieved parties to local disputes in which the integrity of the traditional authorities in doubt, would be able to benefit from the justice of the law courts which must abound to all citizens. It is important for the peace of the post-colonial state that the justice which flows out from its courts of law actually reaches those within the country who feel bitter about wrongs that they have suffered.

There is little difference, if any at all, between what Chanock calls "neo-traditional customary law" on the one hand, and what he calls "formulated rules" on the other. In fact the two systems are both useful tools for refining and elucidating custom and tradition. Thus, one finds it hard to agree with him when he says: "In either case the customary law appears to offer the worst of both worlds: masquerading as stemming from African communities, it preempts their more fruitful participation in this area of

national life."⁴²⁰

Judicial customary law in the post-colonial state is, no doubt, a useful form of a necessary contrivance to deal with the peculiar circumstances of legal pluralism under which the new African state finds itself after Independence. In Ghana, the system has not done too badly, and, provided Ghanaian judges and legal practitioners are able to familiarise themselves with the customs and traditions of the various localities, with a view to intervening effectively in disputes which come before the courts, there is little reason for one to doubt the merit of judicial customary law as a system.

Last, but not least, is the fact that the text above also gives us a clue as to the important role legislation or written law can play in the post-colonial state. The question of lands in Northern Ghana which was addressed in the 1979 Constitution of Ghana illustrates that; where the rights or entitlements of a people were taken away by legislation during the colonial period, it became a matter of necessity after Independence, for the government of the country to restore all such rights or entitlements to the individuals or groups from whom they were taken away in the first place. If the Ghanaian experience is anything for us to go by, then, such rights or entitlements must be restored by enacted law for the straightforward reason that they were taken away in the first place by enacted law. In

⁴²⁰ ibid., pp. 238-9.

my view, this method of enactment for enactment would be simpler, safer and easier to follow than waiting on the judiciary to take up the matter. Whereas an act or a decree can be passed within a matter of days, a judicial rule of customary law cannot be so made. Ever since the case of Angu v Attah in 1916, it has become established that judicial customary law has to be proven in the first instance by calling witnesses acquainted with the native customs of the area, until the particular customs through frequent proof in the courts, become so notorious that the courts will take judicial notice of them.⁴²¹

The argument here is not to deny judicial customary law modern legal sanctity; rather, it is to show that we might find it less easy through judicial pronouncement to repair damage done to custom through legislation. It must not be forgotten that judicial customary law is not the same as traditional customary law or simply tradition and custom. Whereas judicial customary law is articulate and refined in terms of general principles of justice and fairness, traditional customary law is simply what has been handed down over the generations and is still practiced effectively. In short, the latter is crude, unrefined and rather elusive. When S. Diamond says: "The relation between custom and law is, basically, one of contradiction, not continuity", he is, in fact, in my view, referring to traditional and not judicial customary law. To illustrate this view, I would like to quote the words of Diamond at

⁴²¹ Allott, Essays, p.92.

some length: "The customary and the legal orders are historically, not logically related. They touch coincidentally; one does not imply the other. Custom, as most anthropologists agree, is characteristic of primitive society, and laws of civilisation."⁴²² Judicial customary law has all the concomitants of civilised justice: morality, equity, natural justice, good conscience, etc. and cannot be denied the sanctity of modern law.

The study of Acephalous Chakali in post-colonial Ghana as presented here in this Part helps us to understand that, when we talk of enacting laws to rectify past legislative injustices, we must focus our foremost attention on whether or not the laws so enacted are really put into force. In other words, the requisite institutions or structures must be erected to facilitate the implementation of the laws enacted. As has been shown above, the Peoples' Defence Committees (PDCs), the District Defence Committees (DDCs), the Regional Defence Committees (RDCs), and the National Defence Committee (NDC) which have been created in Ghana under the Provisional National Defence Council (PNDC) Establishment Proclamation Law, appear to be effective and beneficial for societies like acephalous Chakali which has for a long time been under the authority of a centralised group society.⁴²³

⁴²² S. Diamond, 'The Rule of Law versus the Order of Custom', Social Research, V.38, No. 1 (Spring 1971), pp. 44-45.

⁴²³ For PNDC Establishment Proclamation Law see citation on p 531 above.

CONCLUSIONS

"In the attempt to understand the growth of institutions it is true to say that an ounce of history is worth a pound of theory."⁴²⁴ If this is true then what are the gains that we have made in terms of anthropological knowledge, theory or philosophy, as a result of our research into the history of state law and its effects on custom and leadership as institutions of society in Northern Ghana? State law, as understood in this dissertation, consists of: rules that are directly enacted into law over a state by a government, rules that are formulated by a government in furtherance of an enactment and, rules that are formulated by the courts in administering justice.⁴²⁵ In other words, state law is the body of rules which consists of enactments, executive instruments and orders, as well as judicial pronouncements. A distinction is made between judicial customary law on the one hand, which refers to that part of state law consisting of rules, indigenous tradition and custom judicially refined and proclaimed by judges in court, and traditional customary law on the other, which refers to rules of indigenous tradition and custom in their natural and unrefined form.⁴²⁶ A definition of the term, leadership,

⁴²⁴ W. Seagle, The Quest for Law (New York), 1941.

⁴²⁵ For definition of state law, see Appendix 3, p 573 below.

⁴²⁶ See below, Appendix 3, p 573-575.

as it is understood in this thesis has also been provided.⁴²⁷ It means authority. Leadership consists of their ability to lead and to direct, or else it means the people in whose hands is such ability. In this thesis some humble gains have been made in the field of understanding state law and customary institutions of authority. This research has helped us to understand that in the post-colonial state it is necessary and important for the national government to intervene legislatively, executively and judicially in the customs and traditions of the indigenous local societies. It is particularly important that there is government intervention in disputes over leadership and authority in the local traditional law systems within the country.

There are normally two options open to the post-colonial state after the proclamation of Independence: (a) a re-establishment by law of all traditional customary institutions and practices which were de-stabilised by law during the colonial period, with a view to recapturing the pre-colonial status quo; or (b) the adoption of laws and policies which would continue the process of re-stratifying the indigenous traditional customary society, a process which was started by the colonialists but, in a way that such re-stratification would serve the needs, interests and goals not of the overthrown colonial power but rather of the independent state. It is justifiable in theory, for a post-colonial state to take to any of these two options.

⁴²⁷ See below Appendix 3, p 575.

However, taking into consideration the hard facts or dire realities of the modern world in which the post-colonial state finds itself, it is my submission that of the two options the second is to be preferred.

If the independent state were to return to the pre-colonial situation i.e. to dissolve itself into kingdoms both large and small, societies both centralised and acephalous which either cooperate with one another, or war with one another, it would sooner or later be realised that some kind of organisation along the lines of modern statehood would be inevitable. Statehood is an important attribute for every society today in the sense that there is no society which is not part of some kind of state. The state is the standard society of the modern age. Rather than reverting to their pre-colonial situation, it is better for the post-colonial state to retain and then develop further its present form of statehood.

However, what is an unjustifiable option for the post-colonial state to take, in my humble opinion, is the attempt to conserve traditional customary institutions in the form in which they were handed over by the Colonial Administration at Independence, objecting in such a case to all elements of state law which appear prima facie to affect such institutions. Is it justifiable to say that the government of a post-colonial state cannot adopt laws and policies which affect the structure and authority of traditional customary institutions in its effort to achieve

national objectives, when previously, the Colonial Administration had adopted similar laws and policies for the achievement of the colonial objective? The answer to the above question is, of course, no. Indigenous cultural heritage cannot be used as a reason to justify opposition to state laws and policies which appear not to be conducive to traditional customary interests, if such laws and policies are crucial to the socio-economic well-being of the modern post-colonial state. Indeed, to attempt doing so would be ridiculous. This is because what is referred to as indigenous cultural heritage in the post-colonial state, is in some localities indigenous cultural imposition which has resulted from colonial arrangements in the first place.

What those who are ardent about conserving indigenous cultural heritage must bear in mind is the apparent swiftness with which the indigenous traditional society and its leaders have developed their taste and desire for comfortable western lifestyles. One of the results of European colonialism in Africa has been that the indigenous traditional African society has, not only eaten from the tree of state law but also the tree of material wealth and comfort. For instance, the man in the remotest part of Ghana at least has some expectations of being able to travel by modern means of transport, have modern medical treatment, live in a zinc-roofed house etc. But to achieve for Traditional Africa the material gains or comfort of the modern Capitalist World, it is important that the

government of the post-colonial state has the power to re-stratify and streamline all existing institutions in the country to the extent that it is necessary for efficient administration and economy.

It would be unrealistic for a post-colonial African state like Ghana to conceive of real modern economic development, if as a matter of policy it decides to conserve and protect the colonial legacy from government interference. For, until state laws and policies which emphasise the accountability of traditional leaderships, the practice of legal justice, the maximisation of profit through efficient production, the protection of individual ownership of property etc. are enforced throughout the country, their much sought after comfort and better life would remain largely illusory.

APPENDIX 1

WALA CONSTITUTION

APPENDIX "A"

WE, THE UNDERSIGNED SUB DIVISIONAL CHIEFS OF
WALA, DO HEREBY ACKNOWLEDGE THAT WE ARE THE
SUBJECTS OF THE WA-NA, AND AGREE TO SERVE HIM AS
NA OF ALL WALA FROM HENCEFORTH.

Their Marks

| | |
|-------------|---------|
| Busa-Na | Bukari |
| Pirisi-Na | Hamidu |
| Sing-Na | Nagra |
| Absent sick | |
| Dorimon-Na | Yagbe |
| Wechiau-Na | Gomma |
| Kojoperi-Na | Bonbia |
| Funsi-Na | Kofi |
| Kulbaga-Na | Njuon |
| Kaleo-Na | Jabuni |
| Issa-Na | Donyaga |
| Daffiama-Na | Sugulo |
| Bussie-Na | Yiengu |
| Nadawle-Na | Mama |

Before me at Wa in the kingdom of Wala, this 15th
day
of July, 1933.

DISTRICT COMMISSIONER.

Interpreter and Witness to marks.

APPENDIX "B"

I, PELPUO III WA-NA DO HEREBY DECLARE THAT THE FOLLOWING CHIEFS AND COUNSELLORS FORM THE FULL WALA STATE COUNCIL EMPOWERED TO SETTLE STATE AFFAIRS, AS AT THE PRESENT CONFERENCE.

Divisional Chiefs

Busa-Na
Pirisi-Na
Sing-Na
Dorimon-Na
Wechiau-Na
Kojoperi-Na
Fungsi-Na
Kulbaga-Na
Kaleo-Na
Issa-Na
Daffiama-Na
Bussie-Na
Nadawle-Na

Judicial Councillors

We-dana
Forike
Salanga
Kabui-dana
Ijesi-dana
Yarina, (office vacant)
Tandagger-Na
Somba-dana

Signed in the presence of, and agreed to by all the above chiefs except Yarina (office vacant).

..... His
mark.

Before me at Wa, this 15th day of July, 1933.

DISTRICT COMMISSIONER.

Interpreter and Witness to marks.

APPENDIX "C"

WE, THE UNDERSIGNED CHIEFS AND COUNCILLORS OF THE WALA STATE COUNCIL DO HEREBY AGREE THAT AT PRESENT THERE ARE THREE GATES IN WALA I.E. NA-BISI (SONS OR DESCENDANTS OF CHIEFS) VIZ: BUSA, PIRISI AND SING AND THAT THESE THREE HAVE NO SENIORITY BETWEEN THEMSELVES BUT ALL ARE EQUAL AND SUCCEED IN TURN TO THE NALUMSHIP OF WALA. IT IS FURTHER AGREED THAT IF ANY CHANGE IS TO BE MADE IN THIS CUSTOM IT CAN ONLY BE DONE BY THE UNANIMOUS DECISION OF THE WALA STATE COUNCIL.

MEMBERS OF THE STATE COUNCIL

..... His

mark.

| <u>Divisional Chiefs</u> | <u>Their</u> | <u>Judicial Council</u> |
|--------------------------|--------------|-------------------------|
| Busa-Na | Bukari | We-dana |
| Pirisi-Na | Hamidu | Forike |
| Sing-Na | Nagra | Salanga |
| (absent sick) | | |
| Dorimon-Na | Yagbe | Kabui-dana |
| Wechiau-Na | Gomma | Ijesi-dana |
| Kojoperi-Na | Bonbia | Yarina, (office vacant) |
| Funsi-Na | Kofi | Tandagger-Na |
| Kulbaga-Na | Njuon | Somba-dana |
| Kaleo-Na | Jabuni | |
| Issa-Na | Donyaga | |
| Daffiama-Na | Sugulo | |
| Bussie-Na | Yiengu | |
| Nadawle-Na | Mama | |

marks.

Before me at Wa, this 15th day of July, 1933.

DISTRICT COMMISSIONER

Interpreter and Witness to Marks.

APPENDIX "D"

WE, THE UNDERSIGNED DO HEREBY STATE AND AGREE THAT THE FOLLOWING ARE THE CORRECT RULES GOVERNING APPOINTMENTS TO THE RESPECTIVE DIVISIONAL CHIEFSHIPS OF WALA.

The Chiefships are divided into two classes:-

- (1) Na-Bisi (sons or descendants of Wala)
- (2) Nimbera (elders)

1. List of Divisional Na-Bisi Chieftainships.

Busa
Pirisi
Sing

Appointment is by rotation from these three ruling families. The Wa-Na must approve of the selection of any claimant to a Na-Bisi chiefship.

2. List of Divisional Nimbere Chiefships:-

Dorimon
Wechiau
Kojoperi
Fungsi
Duasi-Kulbaga
Kaleo
Issa
Daffiama
Bussie
Nadawle

Holders of these chiefships may not aspire to a higher chiefship than those they hold, i.e. can never aspire to Wa. Appointment is by selection from descendents of ruling family.

..... His

mark.

APPENDIX "E"

WE, THE UNDERSIGNED CHIEFS AND COUNCILLORS OF THE
WALA STATE COUNCIL, DO HEREBY STATE THAT THE
HOLDER OF A CHIEFSHIP CANNOT BY NATIVE LAW AND
CUSTOM BE DEPRIVED OF HIS OFFICE AND APPOINTMENT
UNLESS BY DEATH OR VOLUNTARY RESIGNATION.

Divisional Chiefs

Judicial Councillors

..... His

mark.

Their

Their

Busa-Na Bukari
Pirisi-Na Hamidu
Sing-Na Nagra
(absent sick)
Dorimon-Na Yagbe
Wechiau-Na Gomma
Kojoperi-Na Bonbia
Fungsi-Na Kofi
Kulbaga-Na Njuon
Kaleo-Na Jabuni
Issa-Na Donyaga
Daffiama-Na Sugulo
Bussie-Na Yiengu
Nadawle-Na Mama

We-dana Namu
Forike Dagadmo
Salanga Abudu Zongu
Kabui-dana Seidu
Ijesi-dana Salinba
Yarina, (office vacant)
Tandagger-Na Seidu
Somba-dana Issa

marks.

marks.

Before me at Wa, this 15th day of July, 1933.

DISTRICT COMMISSIONER.

APPENDIX "F"

WE, THE UNDERSIGNED CHIEFS OF WALA, HOLDING SUB
DIVISIONAL NIMBERA CHIEFSHIPS, DO HEREBY AFFIX
OUR MARKS TO THIS DOCUMENT IN THE CORRECT ORDER
OF PRECEDENCE.

Their

| | |
|-------------|---------|
| Dorimon-Na | Yagabe |
| Wechiau-Na | Gomma |
| Kojoperi-Na | Bondia |
| Funsia-Na | Kofi |
| Kulbaga-Na | Njuon |
| Kaleo-Na | Jabuni |
| Issa-Na | Donyaga |
| Daffiama-Na | Sugulo |
| Bussie-Na | Yiengu |
| Nadawle-Na | Mama |

marks.

Before me at Wa, this 15th day of July, 1933.

DISTRICT COMMISSIONER.

Interpreter and Witness to marks.

APPENDIX "G"

WE, THE STATE COUNCIL OF WALA, HEREBY AGREE AND STATE THAT -

(1) At the death of any chief from Wa, administrative affairs of Wala and Court are temporarily in the hands of the Na-Bikpon, ie. his senior son, except in cases of mental incapacity.

(2) In absence, illness, or for other good reason a chief may appoint any elder whom he may think fit, to exercise his powers and perform the duties of his office for such period as occasion may demand.

..... His

mark.

Their

Their

Divisional Chiefs

Judicial Councillor

Busa-Na Bukari
 Pirisi-Na Hamidu
 Sing-Na Nagra
 (absent sick)
 Dorimon-Na Yagbe
 Wechiau-Na Gomma
 Kojoperi-Na Bonbia
 Funsu-Na Kofi
 Kulbaga-Na Njuon
 Kaleo-Na Jabuni
 Issa-Na Donyaga
 Daffiama-Na Sugulo
 Bussie-Na Yiengu
 Nadawle-Na Mama

We-dana Namu
 Forike Dagadmo
 Salanga Abudu Zongu
 Kabui-dana Seidu
 Ijesi-dana Salinba
 Yarina, (office vacant)
 Tandagger-Na Seidu
 Somba-dana Issa

marks.

marks.

Before me at Wa in the Kingdom of Wala, this 15th day of July, 1933.

DISTRICT COMMISSIONER

APPENDIX "H"

WE, THE UNDERSIGNED JUDICIAL COUNCILLORS OF WALA,
DO HEREBY STATE THAT WE FORM, UNDER THE WA-NA,
THE WALA JUDICIAL COUNCIL AND COURT OF APPEAL
FROM DIVISIONS AND THAT OUR ORDER OF PRECEDENCE
IS AS FOLLOWS:-

Judicial Councillors

Their

| | |
|-------------------------|-------------|
| We-dana | Namu |
| Foriko | Dagadow |
| Salanga | Abudu Zangu |
| Kabui-dana | Seidu |
| Ijesi-dana | Selimba |
| Yarina, (office vacant) | |
| Tandagger-Na | Seidu |
| Samba-dana | Issa |

marks.

..... His

mark.

Before me at Wa, this 15th day of July, 1933.

DISTRICT COMMISSIONER.

Interpreter and Witness to marks.

APPENDIX 2

LETTER FROM THE WA-NA

"Sir, Notwithstanding any conclusions the Research Committee of the House might have reached on the issue, and whatever views the Wala Traditional Council must have presented on the same, I wish to call your attention to two pertinent documents attached hereto which provide the only appropriate and conclusive answer to the enquiry viz: The Constitutional Declaration of 15th July, 1933 (Extracts from File No. 73/1943. Item ADM 1/256 National Archives of Ghana, Tamale) Re Wala Native Authority marked 'A' and (extract) Gold Coast Head Offices 1934-1935 published by the Native Affairs Office Gold Coast-Northern Province at page 8 marked 'B'. These documents have been current for over half a century now with statutory force and validity. Any claims, therefore to suzerainty outside these documents will necessarily entail a more detailed research into the local constitutional arrangements in the Wa area or for that matter anywhere else before the advent of British Colonial Rule, that is, the period immediately preceding 1892 being the year the British ever made contact with what is now Northern Ghana.

3. I dare say in all sincerity that the result of such a search will not be worth the time and trouble and will not serve any useful purpose as far as it is meant to establish membership of Regional Houses of Chiefs or for any other purpose of national interest. To demonstrate the magnitude

of such a research and the ultimate futility of such an exercise I shall present, as far as is historically known the pre-1892 State of Native Affairs in Northern Ghana in general and particular developments since the advent of British rule up to and resulting in the 1933 Local Constitutional Declaration.

4. It is an established historical fact that at the time the British or for that matter any other European power appeared on the scene in what is now Northern Ghana, the only known Native States were those of the Gonja, Dagomba, Mamprusi, Nanumba and Wala kingdoms. These states had clear constitutional arrangements with armies to compel obedience from subjects. They had also territorial boundaries with other known neighbouring kingdoms while engaging in wars of conquest to extend their suzerainty over those neighbours who were independent tribal or settlement entities. Indeed the Northern and North Eastern sectors beyond the Wahabi river of the present Upper-West Region contained such independent tribal entities who were not fully under the suzerainty of either the Wala or Mamprusi kingdoms which border the territories of these entities. These entities, which were more like "village states" managed through ad hoc alliances to ward off the expansionist incursions of the armies of the known kingdoms from time to time which was the only guarantee of the individual independence.

5. Then came the slave raiding parties (sofas) of Samore Toure from the West (Guinea) and Babatu from the North East. Civil wars arising out of dynastic disputes plagued the known kingdoms with inter-tribal feuds pestering the village states. The kingdoms started disintegrating. Gonja could not defend her kingdom to the west ie. Bole against the Sofas. With the Kabache war waging in the east, Mamprusi could not defend her Bulsa, Gurinsi and Kasena territories against the Babatu raiders. This was the type of turmoil in which Northern Ghana was in when the British appeared for the first time in 1892.

TREATIES OF FRIENDSHIP AND PROTECTION

6. As the intention of the British in going up North was clearly to extend its sphere of influence and rule as against the French who were then advancing from the North and the Germans from the East, her initial task was to rid the territories of Samore's slave raiders and those of Babatu. This the British did effectively and thereafter began concluding formal Treaties of Friendship and Protection with the liberated chief and people. These documents were in fact primarily meant to dispute any future claims to the same territories by either the Germans or French. As the native chiefs who were parties to these treaties claimed they were independent and ruled over considerable territory they were described in the Treaties as "Kings".

7. After gaining extensive territories by these treaties

Britain proclaimed in 1897 a sort of protectorate over the N.T.s., with Lt. Col. H.P. Northcott as Commissioner and Commandant, who went round and concluded a last round of Treaty signing in 1898. Armed thus Britain entered into International Agreements on sphere of influence with France on 14/6/1898 and Germany on 14/11/1899 over territories to the North of Ashanti, now Northern Ghana, made up of three regions.

8. The region was then annexed to the then Gold Coast in 1901 by virtue of an order-in-council under the British Foreign Jurisdiction Act of 1890 effective on 1st January 1902.

9. Having thus established secure international boundaries to the North, West and East, the political administration of the Protectorate became the subject of a policy for the colonisers more or less exclusively. Consequently the Protectorate was divided into provinces and then districts and divisions, and a policy of indirect rule through chiefs was embarked upon more particularly from 1907 when a purely civilian machinery replaced the military one of 1901 to 1907.

10. It was in the course of the implementation of indirect rule that most of the Treaties of Protection and Friendship between so-called "Treaty Kings" and the British were found to be of no consequence at all. Some treaty kings were found to have no territories at all to the extent of having

nothing to do even with the nearest village neighbours. Others were found to be subjects of other chiefs. These absurdities were particularly true of the treaties signed with entities outside the known kingdoms mentioned earlier on as independent "village states" with no definite or secure territory.

11. The British therefore had the task of establishing more correctly the status of each claimant to chieftaincy in those areas of the Protectorate where overall suzerainty was either non-existent or disputed. In the course of this exercise numerous terms descriptive of the status of individual chiefs cropped up - "King", Paramount Chief, Principal Chief, Head Chief, Head Chief of a Division of Sub Chiefs, Sub Chief, Sub Divisional Chief and Headman.

12. Having given the historical sketch leading to the documents hereto attached, and marked 'A' and 'B' the claims to "Paramountcy" of the chiefs listed under paragraph 2(2) can now be examined. These claims, from documents available to the N.H.C., appear to be founded on two main contentions namely (1) That treaties of Protection and Friendship concluded with the British constitute a fact of independent and autonomous existence of the native signatory as head of state and (2) that their predecessors were at one time listed as "Head Chiefs" in a Gold Coast Civil Service list of 1913, and therefore their present status as Divisional Chiefs is a misnomer. They then robe themselves with the definition of "Headchief" under the

Native Courts (N.T.s.) Ordinance of 1935 to entitle them to "Paramountcy" titles.

13. From all indications any claims to "paramountcy" grounded in the Treaties aforementioned cannot be seriously canvassed as it has been demonstrated in earlier paragraphs in the pre-1892 history after the proclamation of a protectorate over the N.T.s. that the British found most of the treaties to be of little or no consequence in determining to whom local allegiance was owed.

14. In fact the claims of the signatories to suzerainty of extensive areas and people were found to be in most cases false and unreliable. Cases in point are those of:

- a) Bole on 13/6/92 King Potaporo
- b) Daboya 8/17/92 King Adama
- c) Trugu (Bole) 1/6/92 Jaro as King
- d) Trugu (Tulevi) 31/8/94 at Pembi Jaro as King
- e) Salaga 1/9/94 Isafa King of Salaga
- f) Debre 22/9/94 Kankanfu as King
- g) Buipe 29/9/94 Adama as King
- h) Daboya 5/10/94 - 12/10/94 Daramani as King
- i) Bunsunu 5/10/94 - Yahaya Donyenwoli as King
- j) Dagarti 4/5/94 Seidu Batakatieso as King
- k) Boussa 16/3/94
- l) Dagarti 9/1/97 Seidu the King
- m) -do- 10/12/97 Kaleo King, Sankana King and Zang King
- n) Wechaeu -- 2/1/98
- o) Dorimon -- 2/1/98
- p) Issa 9/1/98 Tafara as King
- q) Busie 10/1/98 Busuma the King
- r) Wogu 10/1/98 Lemna the King
- s) Nadawli 11/1/98 Kali the King
- t) Gbelu 4/2/97 Tanjai King and 9 others
- u) Tumu 8/2/97 Wogorie King and 2 others
- v) Kpan 10/2/97 Dobijan King.

15. In the case of (a) to (i) they were under the King of Gonja before the white man came and are still under the

Yagbun-Wura who is their Paramount Chief. They were not paramount chiefs, neither do their successors claim to be paramount chiefs like the Yagbun-Wura.

16. For the Dagarties or Dagaaba in general, three treaties were signed at Wa in Dagarti country by one Seidu Batakatiesa the 22nd Wa Naa from Sonlia - 10/6/94, 4/5/94 and 9/3/97. These definitely could be the source of Wa Na's suzerainty over the Daragarties or Dagaaba. Having signed the last treaty with the Wa-Na Seidu the French also moved into Wa and attempted concluding treaties with Wa. The British fearing possible treachery by Wa Na Seidu began tactically signing separate treaties with the Dagarties, then Busa, Wuchaiu and Dorimon purely to circumvent the French more. Consequently, a treaty with Kaleo was signed on 10/12/97 describing the signatories of Kaleo, Sankana and Zang each as "King". The others were Charria, Ora Chief, Rapoo Chief and Kartula Chief. How can Kaleo today claim to be the only "King in the area with Sankana and Zang subordinate to him?

17. The Treaty with Dorimon on 2/1/98 with one Meri as King covered tiny villages such as Masobi, Kara, Kong, Pala, Paseo, Busa and Boro. But the Wala chiefship (dynasty) had Soalia at Wa, Denga at Dorimon and Bundari at Bona now in the Ivory Coast. How can Dorimon today claim to be Paramount because of a treaty with the British?

18. The treaty with Boussa on 16/3/97 has not given him

equal status with the Wa-Na. Busa is a Divisional Chief who only aspires to Wa Na upon a vacancy.

19. The Treaty with Issa was signed on 9/1/98. One Tafari signed as king and the only other signatories were the heir to the kingdom and a headman.

20. On 10/1/98 at Busia, one Basuma signed as king with 3 others Zanigi, Vwobu and Bewa each described as "Chief or Busine". How can there be 3 chiefs of a village with another as a "King" of the same place?

21. On 10/1/98 Nadawli signed by Kali the king, then the heir of Nadawli, Bakari, a chief and Naye the son of the king.

22. From the foregoing it is clear that the TREATIES per se cannot form the basis for any claims to Paramountcy at all. In the National Archives of Ghana the Document marked MFA 4/2 (collection of Treaties with chiefs etc. in West Africa No. 1010) will demonstrate more vividly the true purpose of the Treaties of Protection and Friendship. They were never meant to establish as a fact the autonomous existence of the native parties as states. Therefore any attempt to rely on them in order to confer paramountcy status on chiefs of today will only be opening the floodgates to several protests and objections by people of whole villages and even tribes who have never been subject to the suzerainty of such chiefs. It is not worthwhile

stirring up such a hornet's nest. After all, it should be borne in mind that it was the British who took the initiative to propose the treaties in the first instance. The facts of history must have proved to them later that the other Treaties entered into with some divisions of Dagarti were inconsistent with those signed earlier with Na Seidu Batakatiesa as King of the Dagaabas, for and on their behalf in Dagarti country. Hence their inability in 1932 or at any other time to establish a confederacy of equal chiefs in the Wala Traditional area as was done for the four equal chiefs in Lawra District.

23. For similar reasons the numerous treaties concluded in ignorance with certain Gonja chiefs enumerated in paragraph 14 did not entitle those chiefs then, or at any other time, to a change in status from that of subject chiefs to equals of the Yagbun-Wura their suzerain and overlord.

24. The other ground on which the claim to paramountcy is based is the interpretation of "Headchief" under S.2 of the Native Courts (N.T.s.) Ordinance 1935 viz "The person whose election and installation as such in accordance with Native Law and Custom is recognized by the Governor and who is not subordinate to any other chief or Headchief". The chiefs listed under your para. 2(3) all say that they are not under any other chief and therefore should be titled "Head Chief".

25. This claim is nullified by an earlier constitutional

Declaration of 15/7/33 under the Native Authorities (N.T.s.) Ordinance 1932 to which the predecessors of each and every one of the claimants was a signatory. They cannot be claiming from one statute while denying their one act and deed under another. If they were Headchiefs they would have been recorded as such in "The Gold Coast Head Offices 1934-1935 published by the Native Affairs Office of the G.C. - Northern Province".

(Extract attached and marked) The Constitutional Declaration of 1933 and the Headchiefs list of 1934-1935 were not arrived at out of nothing.

26. By the year 1914 the flood of confusion over title and status of chiefs generally in the N.T.s. was overcome and in the records at the National Archives can be traced specific instances of the approval by the Wa Naa of election to the chiefships of Kaleo, Nadawli, Dorimon, Issa, Wachaiu, Busie, Dafiama among many others between 1914 and 1932. Where the Wa Na refused approval the candidate could not be installed at all. This fiat of the Wa Naa could not have been by decree of the British. This authority as can be seen is not inconsistent with the provisions of the Treaties of 4/5/94, 10/6/94 and 9/1/97 signed by the then Wa-Na Seidu Batakatiesa for the Dagarties or Dagaaba at Wa in Dagarti country. Of course if the developments which have led to the present local constitutional set up of each area are thrown overboard, then a return to the times of hordes of feuding entities will be the result. Indeed there will be no Ghana and no

Gold Coast at the end of the day.

27. For an example let us examine some of the confusion that will arise should the present local constitutional set up be reversed to accommodate all those going by the title of "Headchief" under the Gold Coast Civil Service List of 1913 (N.A.G. ADM 6/1/16 pages 379 to 388).

28. In what is now Wala Traditional area there were as many as 13 persons other than the Wa Na listed as "headchiefs" as follows:-

Wa Division

Wa, Headchief
Wuchaiu (Town)
Dorimon (Village)

Grunsi Issa Division

Funsi, Headchief
Kundungu, Headchief
Kudjopere, Headchief

Lobi-Dagarti Division

Tangsia, Headchief
Cheripon, Headchief

Dagartis Division

Nadawli, Headchief
Issa, - do -
Busie, - do -
Kaleo, - do -
Sankana, - do -
Toppo (Takpo) - do -

29. From the above, how can Kaleo now claim Paramountcy under the 1913 list to the exclusion of Sankana and Takpo? Similarly how can Nadawli by Paramount to the exclusion of Tangsia and Cheripon?

30. It is also significant to note that in this 1913 list, all the other title bearers under these Headchiefs were

headmen, except a few under the Wa Division. Definitely a "Headchief" over chiefs and headmen cannot be the same in status as one over headmen only.

31. Going by the same list there will be 11 (eleven) Headchiefs (Paramount Chefs as is being claimed) in what is now the Tumu Traditional Area:

- | | |
|-------------------------------|--|
| (1) Kanjarga Issala Division: | Santijan - Headchief Santi |
| (2) Grunsi Issala Division: | Tumu - Headchief - Wagade |
| (3) Galibagala Division: | Wahabu - Headchief - Lemnan Abudlai |
| (4) Grunsi Issala Division: | DU; Headchief - Darkwi. |
| (5) | Sakai - Headchief - Beggu |
| (6) Grunsi Langba: | Golu - Headchief - Hama |
| (7) | Bullu - Headchief - Mama |
| (8) | Dasima - Headchief |
| (9) Grunsi Awuna: | Kwapo - Headchief |
| (10) | Bathiasan - Headchief |
| (11) | Zinni - "Paramount Chief". |

32. It is of great interest to note that in this 1913 List Wellembele Koro and Pulima Koro who are claiming paramountcy were definitely "Headmen" under the then Headchief of Sakai by name Beggu.

33. From the above it is quite clear that the title "Headchief" in the 1913 list did not confer conclusively any paramount status. This view is supported by the fact that Kawsawgu, Yagbun (Bole) - Mo (Banda) Kpembu, Buipe and Daboya were also listed as "Headchiefs" even though it is only Yagbun who has been and is always the Paramount chief in Gonja.

34. So has it been with Dagomba where Karaga, Kobia, Galwanye, and Savelugu, through listed as "Headchiefs" have never been or are Paramount Chiefs.

35. However be it as it may, if the 1913 list must be resorted to in answer to the petitioners, then the National House of CHIEFS will have to consider:-

- (a) Reversing all chiefs to the titles of the predecessors in 1913 in which case all the petitioners under your paragraph 2(1) of NH/UR.9/Vol.2/57 will be noting more than ordinary chiefs i.e. Navropio, Chianapio, Pagapio, Minglepio, Ciripio, Kologupio, Kateapio and Nakopio.
- (b) Allowing all chiefs in the three regions of Northern Ghana whose predecessors went by the title "Headchief" in 1913 to be Paramount chiefs. This will then mean making those Paramount Chiefs (Headchiefs) who in history have been and are still the overlords of the affected "headchiefs", super-paramount in their "Kingdoms" ie. Paramount chiefs category "a" as appropriately allocated to the Asantehene by our laws. In this wise Yagbun-Wura, Ya Na, Nayiri and Wa Na to mention a few, would automatically classify as Paramount Chiefs "a".

CONCLUSION

36. I have discussed so far in the hope that a more

serious research should be done into the present claims to paramountcy in order to set a firm precedent of guidelines for the future. The search must be a real enquiry in every aspect. Oral testimonies must be heard and cross-checked with records available on the N.T.s. at the National Archives of Ghana, Repository No. 1, shelf No. 14 and MFA 4/2 African (West) No. 1010 (Collections of Treaties with Native Chiefs etc. in West Africa. Any hasty conclusions will endanger the very future of the Institution of Chieftancy. Indeed surveys may have to be undertaken to determine the extent of territory each new paramountcy can ever rightfully claim. Failure to carry out such an exercise will be laying firm foundations for endless land litigation and possible local fight-outs.

37. In the interest of the time tested institution of Chieftancy and in the greater interest of our effort to build a Nation, the N.H.C. should view with the greatest concern these last ditch claims to paramountcy. Besides opening up squabbles over who was who a century ago, it weakens the foundations upon which Ghana has been built over the past colonial era as well as during our independence era. My hope is that since the National House of Chiefs must be deemed to have had knowledge of all the Treaties mentioned herein as well as the contents of Appendixes "A" and "B" hereto attached, my comments on the same will not be considered late.

.....

N. A. Momori Bondiri II

DEFINITIONS

Below are the definitions of some of the more key terms or terminologies to be seen in this dissertation:

Law: the question 'What is law?' is one to which the lawyer cannot give a precise answer. Various authors have given various definitions of the term. Several of these were quoted by W. Seagle in his 1941 study:

"Demosthenes: 'that is law, which all ought to obey for many reasons, and especially because every law is an invention and gift of the Gods, a resolution of wise men, a corrective of errors intentional and unintentional, a compact of the whole state, according to which all men who belong to the state ought to live.'...

Blackstone: 'A rule of civil conduct prescribed by the supreme power in a state, commanding what is right, and prohibiting what is wrong.'...

Tolstoi: 'Rules established by men who have control of organised power and which are enforced against the recalcitrant by the lash, prison, and even murder'.

Russian Penal Code, Article 590: 'Law is a system of social relationships which serves the interests of the ruling classes and hence is supported by their organized power, the state.'⁴²⁸

For me, law is any rule or rules which people obey in the conduct of the affairs of society. What is it that makes people obedient to the law? Is it through the persuasive instincts of people, or, the exercise of power over society that law is obeyed? The above question was properly answered by Simon Roberts in 1979:

~~"While some see compliance with mutually accepted rules as being at the root of order in any~~

⁴²⁸ See W. Seagle, Quest for Law, New York, 1941, p. 4.

society, others lay much greater stress on the exercise of power as the means through which societies are held together. However, the examples which we have been considering suggest that what purport to be rival explanations of social order in fact rely upon different, but complementary, features found in all societies. Thus, whatever importance agreement as to rules may take on, the clashes of interest emphasized by conflict theorists are also inevitable concomitants of social life; and however obtrusive the exercise of power or the pursuit of interests may seem these may take place in any society within the context of some normative framework".⁴²⁹

It is wrong for us to exclude customary rules when we are defining law. Indeed, the position taken here represents a rejection of the view that custom is beyond the realm of law. This rather narrow definition of law was adopted by L. Pospisil in 1967.

"It is an opinion of the present writer, who differs with Llewellyn and Hoebel (1941:286) on this point, that a religious taboo 'with no officials to enforce it' is not law, but a strictly religious phenomenon. If we were to include such taboos (where the privileged party is not represented by living people) in the legal field, this field would cease to exist because any kind of custom could creep in and break down its boundaries".⁴³⁰

It is important that any definition of law should be made as broad as possible. Once it has been given a broad meaning, it should then be broken down into different branches or categories ie. customary law, enacted or statutory law, people's law, state law etc. By adopting this approach, we would be afforded the advantage of being

⁴²⁹ See Simon Roberts, Order and Dispute. An Introduction to Legal Anthropology, Published by Richard Clay (The Chaucer Press) Ltd, Bungay Suffolk, 1979, p. 168

⁴³⁰ See Leopold Pospisil "The Attributes of Law" in Paul Bohannan Law and Warfare. The Natural History Press - Garden City, New York 1967, p. 36.

able to study closely and carefully the many different and intricate aspects of the subject. The point made by A. Allott and G.R. Woodman in 1985 about the need to redefine law is here supported. They wrote:

"The jurists concerned with the definition of law and of its normative prescriptions will, with the advancing study of folklore and legal pluralism, be obliged to expand and refine their theory to accommodate the incidents of folk systems, as well as those of the state systems which legal thinkers, guided by Bentham on one hand and Napoleon on the other, have tended to regard as the sole valid forms of law".⁴³¹

STATE LAW

State law is the body of rules, or, that branch of law which consists of enactments, executive instruments or orders, as well as judicial pronouncements. It is true to say that basically, people are made to obey State Law through the exercise of state power derived from the coercive forces of the state. It is perhaps also the most widespread form of law in the contemporary world. In 1985, A Allott and G.R. Woodman rightly made the point:

"Every society now known has, whether through colonial impact, the transfer of institutions and ideas, or participation in the wider world, eaten the apple of state law, so that a pure folk system is hard to find".⁴³²

CUSTOMARY LAW

There are two types of customary law ie. judicial customary

⁴³¹ Anthony Allott and Gordon R. Woodman, People's Law and State Law: The Bellagio papers, Dordrecht:Forjs Publications, 1985, p. 7.

⁴³² See Anthony Allott and Gordon R. Woodman, Op cit, p. 6.

law and traditional customary law. On the one hand, judicial customary law is that part of state law which compromises rules of custom and tradition judicially refined and pronounced by judges in court. On the other hand, traditional customary law is the body of customary rules which has been handed down by past generations to the present. In short, it is law simply derived from tradition and custom. While traditional customary law is unrefined and rather crude, in terms of general principles of law and modern justice, judicial customary law is not.

A similar distinction between the two types of customary law was made by G.R. Woodman in 1984. He referred to judicial customary law as "lawyers' customary law". Traditional customary law, on the other hand, was referred to as "folk law". About traditional customary law he wrote:

'Within each ethnic group a body of norms is generally accepted as providing an appropriate ordering of social relationships. These norms, or some of them, are a type of law. This is often called "customary law", but for convenience it will be called here "folk law"'.⁴³³

He also drew our attention to the fact that the same is sometimes called "people's law, indigenous law, traditional law, and practised customary law".⁴³⁴ About judicial customary law, on the other hand, Woodman said:

'Ever since the establishment of state courts in Ghana more than a century ago, those courts have

⁴³³ See G.R. Woodman, "Knowledge of State Law in Ghana: Aspects of a third-world social ordering", in La Connaissance du droit en Afrique, 1984, p. 315.

⁴³⁴ Ibid.

been required to apply what the courts statutes earlier called "native law and custom", and now call "customary law". To determine the content of this law the courts take account of various sources of information about folk law, and then declare the rules of "customary law" in the judgements. When a rule has been thus declared, the judgement becomes a precedent for the future, and so a case law of customary law has been developed. Today that case-law is extensive. Parts have been described and discussed in scholarly writings. Since it is officially called "customary law", and has been made by lawyers, and is part of their professional learning, it may be referred to as "lawyers' customary law".⁴³⁵

CUSTOM

It is a distinctive practice of a people or locality.

TRADITION

It is a practice which as been handed down by past generations to the present.

LEADERSHIP

It means the ability to lead and direct, as well as those in whose hands is such ability. In short, leadership is authority.

POWER

It means the ability to lead and direct people through force or the threat of force. Power, it must be borne in mind, is not the same as authority. While power involves the ability to lead and direct people through force or the threat of force, authority simply means the ability to lead

⁴³⁵ Ibid.

and direct others. In other words authority is simply authority whereas power is authority backed by force or the threat of sanction. My distinction of power from authority is similar to that made by M.H. Fried in 1967:

'"Authority " is taken here to refer to the ability to channel the behaviour of others in the absence of the threat or use of sanctions. Power is the ability to channel the behaviour of others by threat or use of sanctions'.⁴³⁶

CO-OPERATION

It means working together with a view to achieving a common objective or objectives. Co-operation implies mutual or common consent of all the individuals or groups concerned. It is devoid of force or compulsion.

GROUP

A group, or, social group is any identifiable group of people in society who have common historical or cultural ties, and, who have an identifiable interest or interests which are projected as well as protected by a customary form of leadership. There is a difference between group, or, social group, on the one hand, and descent-group, or, clan on the other. Whereas the former has a customary institution of authority placed in the hands of a customary leader who is recruited and designated with a title, the latter has no such institution of authority.

TABOO

It means a prohibition which derives from a supernatural

⁴³⁶ See M.H. Fried, The Evolution of Political Society, Random House: New York, 1967, p. 13.

power or powers and for a breach of which a person is liable to suffer either physical or divine punishment.

MONARCHY

It means a government in which a monarch or king exercises power. There are two types of monarchy ie. absolute monarchy and constitutional monarchy. Whereas the first involves a monarch who exercises the supreme power in the land, the second involves a monarch who exercises only a part of that power the limits of which are effectively laid down by law.

CHIEF

A chief is any person in society who binds together the different sections or groups of the people through arbitration in disputes which arise between them, and, who also acts as the leader and spokesman for that society. In fact, there are two elements which make up chiefship: a) the arbitral rule of the chief in dispute that threatens the unity of the people; and b) the position of the chief as the leading figure, rallying point or spokesman of the whole society.

HEADMAN

A title given to the lesser native chief by British Colonial Authorities during the colonial period.

B I B L I O G R A P H Y

ALLOTT, A., (1960), Essays in African Law (with special reference to the Law of Ghana), London

ALLOTT, A. & WOODMAN, G.R., (1985) People's Law and State Law:
The Bellagio Papers, Dordrecht: Forjs Publications

ASANTE, S.K.B., (1975), Property, Law and Social Goals in Ghana 1844-1966, Accra

AUSTIN, D., (1964), Politics in Ghana 1946-1960, Oxford University Press, Amen House, London

BARRY, B. (1989), Theories of Justice, London, Harvester & Wheatsheaf

BENJAMIN, W., (1973) Illuminations, Glasgow, Fontana

BOHANNAN, P., (1957) Justice & Judgment Among the Tiv, London and New York, Oxford University Press

BUSIA, K.A. (1951), The Position of the Chief in the Modern Political System of Ashanti, London and New York, Oxford University Press

CARDINALL, A.W., (1928), Natives of the Northern Territories of the Gold Coast, London

CHANOCK, M., (1985), Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia, Cambridge

DIAMOND, S., (Spring 1971), "The Rule of Law Versus the Order of Custom", in Social Research vol. 38, No.7

DICEY, A.V., (1924), Introduction to the Study of the Law of the Constitution, 8th edn., London, Macmillan

DOUGAH, J.C., (1966), Wa and Its People, Accra, Legon

FAIRCHILD, H.N., (1928), The Noble Savage, New York, Columbia University Press

FERGUSON, P. & WILKS, I., (1970), "Chiefs, Constitutions and the British in Northern Ghana", in Crowder, M. & Ikime, O., eds. West African Chiefs: Their Changing Status Under Colonial Rule and Independence, New York, and Ile-Ife, Africana Publishing Corporation and University

of Ife Press

FORTES, M., (1949), The Web of Kinship Among the Tallensi,
Oxford University Press

FORTES, M. & EVANS-PRITCHARD, E., (1940), African Political
Systems, London

FRIED, M.H., (1967), The Evolution of Political Society,
New York, Random House

GOODY, J.R., (1967), "The Over-Kingdom of Gonja", in Forde
& Kaberry, West African Kingdoms in the
Nineteenth Century, International
African Institute and Oxford University
Press

GOODY, J.R., & BRAIMAH, J.A. (1967), Salaga: The Struggle
for Power, Oxford, Oxford University
Press

HAYDEN, I., (1987), Symbol and Privilege: The Ritual
Context of British Royalty, Tucson,
University of Arizona Press

HENDERSON, CAPT. H.B. (1898), "West Africa and the Empire",
in The Idler, vol. XIII

HOLDEN, J.J., (1966), "The Conquest of North-West Ghana",
in Transactions of the Historical
Society of Ghana, Accra, vol. III

HOLDEN, J.J., (1970), "The Samorian Impact on Buna: An
Essay in Methodology" in African
Perspectives: Papers in History,
Politics and Economics of Africa,
Presented to Thomas Hodgkin edited by
C. Allen and R. W. Johnson, Cambridge
University Press

HOLMES, O.W., (1929), The Dissenting Opinions of Mr.
Justice Holmes, The Vanguard Press, New
York

KONINGS, P., (1984), "Capitalist Rice Farming-Land
Allocation" in Journal of Legal
Pluralism and Unofficial Law, No. 22

JONES, D.H., (1963), "Jakpa and the Foundation of Gonja",
in Transactions of the Historical
Society of Ghana, vol. VI, Legon, Accra

LAN, D., (1985), Guns and Rain: Guerillas and Spirit
Mediums in Zimbabwe, London

LEEDS, A., (1973), "Locality Power in Relation to
Supralocal Power Institutions" in A.

Southall, Urban Anthropology, London
and New York, Oxford University Press

LLOYD, P.C., (1973), "The Yoruba: An Urban People?" in A.
Southall, Urban Anthropology, London
and New York, Oxford University Press

MALINOWSKI, B., (1926), Crime and Custom in Savage Society,
London

MARIE-LOUISE, H.M. PRINCESS (1926), Letters from the Gold
Coast, London

METCALFE, G.E., (1964), Great Britain and Ghana Documents
of Ghana History 1807-1957, Published
on behalf of the University of Ghana by
Thomas Nelson & Sons, Ltd.

MORRIS, H.F. & READ, J.S., (1972), Indirect Rule and the
Search for Justice, Oxford, Oxford
University Press

MURDOCK, G.P., (1949), Social Structure, New York,
Macmillan

OPPENHEIMER, F., (1926), The State, New York, Huebsch

POSPISIL, L. (1967), "The Attributes of Law" in P. Bohann
an, Ed., Law and Warfare, The Natural

History Press, Garden City, New York

RANGER, T., (1983), "The Invention of Tradition in Colonial Africa" in E. Hobsbawm & T. Ranger eds., The Invention of Tradition, New York, 1983

RATTRAY, R.S., (1932), The Tribes of the Ashanti Hinterland, 2 Volumes, Oxford, Oxford University Press

ROBERTS, S. (1979), Order and Dispute. An Introduction to Legal Anthropology, Penguin Books, Harmondsworth

SEAGLE, W. (1941), The Quest for Law, New York

SHACK, W.A. & COHEN, P.S., eds., (1979), Politics in Leadership: A Comparative Perspective, Oxford, Clarendon Press

SILBERBAUER, G. (1982), "Political Process in Gwi Bands", in Leacock & Lee, Politics and History in Band Societies, Cambridge University Press

SOUTHALL, A. (1973), Urban Anthropology, New York, Oxford University Press

STANILAND, M. (1975), The Lions of Dagbon: Political Change in Northern Ghana, Cambridge University Press

STREET, H. (1976), The Law of Torts, London, Butterworths

SUMNER, W.G. (1906), Folkways: A Study of the Sociological Importance of Usages, Manners, Customs, Mores and Morals, New York, reproduced in 1959 by Dover Publications

TAIT, D. (1958), "The Territorial Pattern and Lineage Systems of Konkomba", in Middleton & Tait, Tribes Without Rulers: Studies in African Segmentary Systems, London, Routledge & Kegan Paul

TAIT, D. (1961), The Konkomba of Northern Ghana, Oxford University Press

TAMAKLOE, E.F., (1931), A Brief History of the Dagamba People, Accra, Government Printing Office

TURNBULL, C. (1983), The Mbuti Pygmies: Change and Adaptation, New York, CBS College Publishing, Holt, Rinehart & Winston

WILKS, I. (1989), Wa and the Wala: Islam and Polity in Northwestern Ghana, Cambridge, Cambridge University Press

WOODMAN, G.R. (1984), "Knowledge of State Law in Ghana: Aspects of a Third-World Social Ordering" in La Connaissance du Droit en Afrique, Symposium in Brussels, 1983

MAP OF CHAKALI

KEY

B-N = BONG - NABIH
W-N = WA - NABIH

