

ABIBISEM

JOURNAL OF AFRICAN CULTURE AND CIVILIZATION

*A Publication of the Department of History
University of Cape Coast, Ghana*



VOL. 5, 2012 & 6 2013

425.02

ABIBISEM

JOURNAL OF AFRICAN CULTURE AND CIVILIZATION

A Publication of the Department of History
University of Cape Coast, Ghana



Volume 5, 2012 and Volume 6, 2013

© Department of History,
University of Cape Coast, Ghana

Incarceration of Chiefs: A Colonial and Post-colonial Tool for the Destruction of the Sanctity of the Chieftaincy Institution in Ghana?

Augustine Duah OSEI

Abstract

Using predominantly primary historical documents, supplemented by the appropriate secondary historical records, this paper examines political detention or the incarceration of chiefs as a measure or a tool employed by both colonial and post-colonial authorities to weaken and to eventually destroy the chieftaincy institution in Ghana. The paper evaluates the circumstances leading to the arrest and detention of the chiefs who suffered such fate. It analyses the socio-cultural impact of such detentions on the paramountcies affected and on the institution of chieftaincy in Ghana as a whole. Based on the findings of the study, the paper concludes that under both colonial and the immediate post-colonial eras, a big blow was dealt to the institution of chieftaincy in Ghana which helped shrink the power and status of the institution in the country.

Key words and phrases: Political detention, incarceration of chiefs, chieftaincy

Introduction

Under both colonial and post-colonial regimes in Ghana, many chiefs were detained without trial, in some cases even without charge. Most of the detentions under the colonial period took place during the period of entrenchment of British authority, a period in which the British colonial authorities found dealing harshly with “uncooperative” chiefs in the Gold Coast and elsewhere in Africa as shrewd political strategy for confronting opposition to their rule. Many of the post-colonial detentions of chiefs occurred under the First Republic, where circumstances surrounding the struggle for independence led the Nkrumah government to repeat many of the colonial schemes against the chieftaincy institution. This article examines the detention of chiefs under both colonial and post-colonial regimes in Ghana. Based on the use of both primary and secondary sources, the article describes the history of the use of detention without trial as a tool for assaulting many individual chiefs and the chieftaincy institution as a whole. It tells the story of a grave invasion of the civil liberties of chiefs in colonial and independent Ghana. By the end of the colonial era, many stools had been left vacant with the detention of their occupants whilst others were plagued with unending succession disputes as a result of the attempt to replace detained chiefs by circumventing customary rites. Significantly,

some chiefs suffered political detention in independent Ghana too, though not on the same magnitude as in the colonial era. To achieve the purpose of this article, the author has avoided the question of whether or when detention can be justified in this paper. Although they are pertinent questions, there is inadequate relevant data for addressing them in this paper.

Political Detention

There are as many definitions of political detention as there are political scientists. The *Encarta World English Dictionary* defines detention as “an act of keeping somebody in custody or the state of being kept in custody”.³ The *Cambridge Learners Dictionary* also defines detention as “when someone is officially kept somewhere and not allowed to leave”,⁴ whilst the *Webster’s-Encyclopaedic Dictionary* defines detention as “the act of detaining or the state of being detained; forced stoppage, a keeping in custody, confinement or the withholding of what belongs to or is claimed by another.”⁵ Detention, thus, refers to the act of holding a person in a particular area either for interrogation, as punishment for a wrong or as a precautionary measure while investigating a potential threat posed by that person or to that person. The term can also be used with reference to the holding of a person’s property for the same reasons. Political detention, however, even without qualification is used to describe a situation where a person is detained for reasons either political or connected with national security or public safety or when a person is arrested without an official charge and without a subsequent trial taking place. Political detainees may be sent into exile in an isolated part of the country, made to do forced labour, or sentenced to life or long-term imprisonment. It is mostly employed when the authority concerned is unable to prove a charge against the apprehended person. In the case of the Gold Coast, detainees were mostly kept first in the castles and subsequently deported to other British colonies to continue their detention.⁶

The Chieftaincy Institution

Prior to colonial rule, chiefs were the sole political heads of states and societies in Ghana. Chieftaincy can be said to be the most visible and prominent form of political system among all the ethnic groups in Ghana

³ *Encarta World English Dictionary* (London: Bloomsbury Publishing Plc, 1999).

⁴ *Cambridge Learners Dictionary* (London: Cambridge University Press).

⁵ Webster Noah, *Webster’s Encyclopaedic Dictionary* (USA: The English Language Institute of America, 1973-1974).

⁶ See Augustine Duah Osei. *Political Detention in Ghana, 1850-1966*, an M.Phil thesis submitted to the Department of History, UCC, 2010.

and perhaps elsewhere in Africa. The chief is usually considered as the first citizen of the village, town or state, as the case may be. He is viewed as the source of all traditional authority because he is regarded as representing the founding fathers of the state.⁷ In other words, the chief is the one who stands in the shoes of the ancestors as the visible representative based on the blood relationship between him and the ancestors of the clan. This makes the office of the chief a sacred one because he is regarded as the earthly representative of the ancestors.⁸ In view of this, the enstoolment/enskinment of a chief is normally preceded by divination and other rituals such as pouring libation (a traditional method of offering of prayers) and sacrifices meant to help the *Ohemaa* and the king-makers to select a candidate who is acceptable to the people and the ancestors. The stool on which the chief sits symbolizes the link between him and the founding ancestors. The stool, therefore, becomes a sacred location or the temple that represents the abiding presence of the founding ancestors. Further, being the true representative of the ancestors in the traditional area makes the chief, in a formal sense, the custodian of the ancestral authority required for exercising legitimate political power to rule.⁹ Abraham Akrong, a theologian with deep knowledge in indigenous African institutions, confirms this divine nature of chiefs. "The sacred nature of kingship", he asserts, "is based on the belief that the king's divine status as the mediator of the divine power enables him to perform the necessary rituals capable of sustaining and protecting the society from chaos."¹⁰ This, therefore, makes it sacrilegious to even challenge the authority of a chief and explains why in most indigenous societies, the chief is accorded the greatest respect and obedience. As an African philosopher, Kwame Gyekye points out, "The taboos relating to his (chief) conduct and mannerisms are all intended to remind him, his subjects, and others that the position he occupies is sacred. The stool (or throne) he occupies is believed to be an ancestral stool."¹¹ It is within this context that the writer sees chieftaincy as a significant torch-bearer institution which sustained, and continue to sustain, the social, cultural and political life of Ghanaians.

⁷ Amankona Diawuo Felix, *The Chieftaincy Institution, Lessons from Our Ancestors and Tradition*, <http://www.africanexecutive.com>. Retrieved on September 15, 2012.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Abraham Akrong, *Religion and Traditional Leadership in Chieftaincy in Ghana* (Accra: Sub-Sahara Publishers, 2009).

¹¹ Kwame Gyekye. *African Cultural Values, an Introduction for Senior Secondary Schools* (Accra: Sankofa Publishing Co. Ltd, 1998).

Incarceration of Chiefs

Some political analysts have insisted that chiefs were ultimately agencies of the colonial government. Some of the early twentieth century nationalists held the same view, a situation which led to constant rift between the educated elite and the chiefs in the Gold Coast. A poet and a novelist, Kofi Awoonor, in a rather harsh manner asserts that the “chiefs became paid agents of the colonial government”.¹² He continues that “the charge that this very financial dependence turned them inevitably into stooges was not far-fetched.”¹³

To be a paid agent denotes being instructed or set to do certain services in the interest of the paymaster. Paid agents are mostly psyched up to see the interest of the paymaster as the only option. It is somewhat uncharitable to describe a chief as a paid agent and much worse as a paid agent of a colonial power. A chief acting as a paid agent of a colonial authority could only be engaged in an exercise of self-destruction. Such a generalized view is inapt and cannot be a factual reflection of the situation.

It is an undeniable fact that there was some kind of collaboration between some chiefs and the colonial authorities. For some chiefs, an alliance with the Europeans was an avenue for consolidating their position. A case in point is the famous episode of Sir Apollo Kaggwa of Uganda. He is on record to have played a significant role in negotiating British overrule in the Buganda Kingdom. Whether he did that consciously or not is unclear, but in appreciation of his services to the British monarchy, Apolo Kaggwa was made an honorary member of the Order of the British Empire, becoming perhaps the first African to be knighted.

On the other hand, the colonial authorities were often willing to collaborate with some chiefs perhaps owing to their assumption that chiefly power was certainly the only guarantee of what they deemed as law and order. Further, colonial authorities were motivated to collaborate with the chiefs because of their erroneous impression that chiefs were centres of economic power, and that by ruling through them, it would be easier to gain access to land and the people who worked on the land.¹⁴ With this mind-set, the colonial authorities created chiefs even in areas where there were no ‘recognized’ chiefs. Such chiefs were referred to as ‘warrant chiefs’ because they were given warrants to represent the British among the local peoples. This state of affairs led to the colonial government functionaries taking over

¹² Kofi Awoonor, *Ghana, A Political History* (Accra: Sedco and Woeli Publishing Service, 1990), p. 83.

¹³ *Ibid.*

¹⁴ Kofi Larbi, *The Castle and the Palace: Chieftaincy and Politics in Ghana*, retrieved from www.kofilarbi.wordpress.com.

most of the roles of the chief within the community and this somewhat reduced the chief to a ceremonial head more or less.¹⁵

That situation was part of the reasons for the unhealthy relations between the educated elites and the chiefs in the 1920s and 1930s. When Governor Guggisberg in the 1920s decided to give Africans a hand in the administration of the Gold Coast via the African representatives on the Legislative Council (chiefs), the educated elite thought they were the ones who deserved that privilege because they had seen how the British system worked. Most of the elite had been educated in the imperial metropolis and had returned home with the view that they were better placed to lead than the chiefs. In the Legislative Council debates, we find the elite going head to head with the chiefs over who held the right to represent the people. The main proponents in this struggle were Dr. J. B. Danquah, representing the elite, and Nana Sir Ofori Atta, representing the chiefs. By a twist, these two great men were cousins. That an unhealthy relation was also manifested in the opposition of the chiefs to the National Congress of British West Africa (NCBWA) founded by Casely Hayford and other educated elite. The chiefs, led by Nana Ofori Atta, saw the Congress as yet another attempt to discredit them and so they continued to oppose the Congress till its collapse in 1930. This struggle continued prior to independence and even after independence.¹⁶

Even though Awoonor's description of chiefs under colonial rule appears harsh and uncharitable, it has some merit. It would be instructive to consider the reasons why the colonial masters heaped praises on some chiefs to the extent that some were even knighted (the Nana Sirs). Whatever the reasons, the situation presupposes that those chiefs did something unusual or extraordinary for the colonial masters.

Notwithstanding, it is difficult to accept the generalization made by Awoonor for there were many chiefs who genuinely became involved in long-term struggles with the colonial authorities to prevent further encroachment on the freedom of action they claimed to enjoy by tradition as a right.¹⁷ Some chiefs of Cape Coast, Elmina, Wassa Amenfi, Akyem Abuakwa and Asante were classic examples of chiefs who fiercely resisted colonial rule and suffered detention for their 'intransigence'.¹⁸ King Aggrey of Cape Coast, in a letter written to Richard Pine on 16 March 1865, seriously criticized Maclean for the predicaments of the chiefs in the Gold Coast. He stated:

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Duah Osei, M.Phil. Thesis.

¹⁸ Interview with Supi Kobina Minnah, Aged 70 years, Akrampa No. 6 Asafo Company, Cape Coast.

Governor Captain Maclean in a very peculiar, imperceptible and unheard of manner wrestled from the hands of our chiefs and headmen their power to govern their own subjects. The Governor, placing himself at the head of a handful of soldiers, had been known himself to travel to the remotest parts of the interior for the purpose of compelling kings, chiefs and headmen to obey His Excellency's decrees. A blow was thus firmly, slowly and persistently struck, and the supreme authority, power, and influence of the kings, chiefs and headmen, gave way to the powerful Governor Maclean¹⁹

This statement from the chief clearly showed his desperation and determined desire to see the situation changed. It is, therefore, very unfair to lump all chiefs together and describe them as paid agents and stooges.

King Aggrey was the first chief to have openly challenged the British jurisdiction in the Gold Coast after the signing of the Bond of 1844. The king, with the support of some educated elite confronted the colonial government over the use of British jurisdiction in Cape Coast and made conscious efforts to assert his independence through deputations to England and on some occasions through confrontation. By 1866, the confrontation between Aggrey and the colonial authorities had reached a point where the latter felt that the only way to stem the tide of his threat to their continued presence in the Gold Coast was to ruthlessly deal with him. The British not only sent King Aggrey to detention in Sierra Leone, but they also made efforts to destool him and install someone who in their view would subject himself to the colonial domination.²⁰ Consequently, Kwesi Ata was installed not as chief of Cape Coast, but as a headman on 5th April, 1867, an act that clearly contravened the customs and traditions of the people of Cape Coast. Major Blackall, the Governor-in Chief, further explained that the duties of the headman were to be confined to passing on information from the Colonial Government to his people. In the words of Erskine Graham, Kwesi Ata's duties led him to become a puppet king or a stooge to the British administration. As a result he had very little or no influence on the people.²¹

The King Aggrey episode was a classic example of the determination by some bold African chiefs to preserve their independence, authority and dignity. It also showed the extent to which British officials were prepared to go to cow such chiefs into submission and in the process degrade their stools.

¹⁹ Tachie Menson, *Osabarima Kodwo Mbra V* (Cape Coast: Falcon Productions, 2000), p. 18.

²⁰ Supi Minnah.

²¹ *Ibid.*

Another case was the detention of Nana Kobina Gyan of Elmina. It must be emphasized, however, that Nana Kobina Gyan's situation was not directly an attack on colonialism or the colonial government. He resisted the transfer of Dutch territories in Elmina to the British which he considered was done without the consent and interest of the people of Elmina. Charles Bannerman in one of his articles captures the feelings and concerns of Nana Kobina Gyan. Bannerman stated:

It is quite a mistake on the part of the Whiteman to suppose that, natives of this country are willing to allow themselves to be bartered away like casts of palm oil or barrels of beer. European governments should not be too hasty in entering treaties which provide for exchange of territory in West Africa without first taking the trouble to ascertain the disposition of the inhabitants in respect of any arrangement proposed to be made which may affect their interest.²²

It is worthy of note that, for this comment, Bannerman was himself arrested and imprisoned by the colonial government.²³ The king of Elmina, Nana Kobina Gyan, when invited to sign the oath of allegiance was reported to have refused. An attempt by the British authorities to compel the king to swear an oath of allegiance to the British also proved unsuccessful. The king was reported to have retorted: "I am not afraid of your power, you may hang me if you like, I will not sign any paper. Myself and some of the people of Elmina have taken an oath to oppose the English Government coming to Elmina and we have not broken the oath."²⁴ The refusal of Nana Kobina Gyan to endorse the oath of allegiance led to his arrest which consequently generated pandemonium in parts of Elmina.

Although Nana Kobina Gyan's resistance was not exactly against the British authorities, it was a grave offence to arrest and incarcerate him. Nana Kobina Gyan's case was in connection with the exchange of forts between the British and the Dutch between 1868 and 1872 and his determined efforts to champion the interest of his people by resisting the transfer of the Elmina Castle from the Dutch to the British. For the British, such an act had the tendency to impede their efforts at becoming the sole European trading power in the Gold Coast. The British action against Nana Kobina Gyan appeared equivocal. What, for instance, was precisely the status of the chief in both colonial and post-colonial Ghana? Furthermore,

²² Ruth Hiyob Mollé, "The Bannerman Papers", B.A Dissertation, submitted to the University of Ghana, 1977.

²³ Interview with Dr Anthony Annan Prah, a native of Elmina and Lecturer at the School of Agriculture, University of Cape Coast,

²⁴ Interview with Nana Eduful, Aged 60 years, Nifahene, Edna Traditional Council.

one may ask what the rationale behind the reference to the chiefs as 'Natural Rulers' was. That phrase denoted some sense of artificiality and illegitimacy of colonial governance. Was such a designation just for convenience or was meant to work on the psyche of the chiefs and people of the Gold Coast? These questions remain as knotty today as they were in the colonial era. Indeed, over five decades of self-rule, many people still see the position of the chief as merely ceremonial. Nevertheless, for this alleged obstruction to British expansion in the Gold Coast, Nana Kobina Gyan was also deported to Sierra Leone as a political prisoner in 1872.²⁵

Although the detention of Nana Kobina Gyan was expected, considering his level of 'intransigence', his situation was one of the most obnoxious cases of the detention under the colonial government. He was arrested and detained in the Elmina Castle for a while before being sent to Sierra Leone on 11th June, 1873. He was later transferred from Sierra Leone to the Seychelles Island where he was to continue his detention till March 1898. Forced to denounce his claim to the Elmina stool after his repatriation, Nana Kobina Gyan struggled to adjust himself to the society. Even after repatriation, he suffered a kind of quasi-detention as he was placed under close surveillance by the colonial government to the extent that he constantly complained bitterly about his situation. In one encounter between Nana Kobina Gyan and the Governor (W.E. Maxwell) on 25th July, 1898, this was what transpired:

Governor: Ask King Kobina Gyan whether he has anything that he wishes to say to me.

King: I have something to say to Your Excellency. I was sent to Sierra Leone as a political prisoner and since my return here I am still considered as a political prisoner. I do not understand.

Governor: You are not a political prisoner.

King: Since my return I am watched and I do not understand the reason. I consider that as I am being watched I am a political prisoner.

Governor: By whom are you watched²⁶

It is worthy of note that Nana Kobina Gyan died barely two and a half years after his repatriation. Possibly his detention and post-detention controlled life contributed greatly to his early death.

Just like the case of King Aggrey, the British authorities declared Nana Kobina Gyan destooled whilst efforts were made at replacing him. The British authority chose sub-chiefs such as Chief Andoh and Chief

²⁵ *Ibid.*

²⁶ *Ibid.*

Kwame Mensa to act only as regents. Certainly, this was in sharp contradiction to the customs and traditions of the Edna State.²⁷

This same act, aimed at weakening the chieftaincy institution, was used in Wassa Amenfi when King Ennemil Quouw was sent to detention in Lagos in 1875. Although the colonial government cited contravention of the Slave Dealing Ordinance of 1874 as the reason for the detention of the chief, it was obvious that it was an attempt by the British to consolidate their authority over the area since the chief had been a thorn in the flesh of the colonial government because of his efforts at asserting his authority over Wassa.²⁸ Prior to the arrest of King Ennemil, the British had requested that he submit to them, but he steadily refused and this led to his arrest and detention. Apart from the detention, Ennemil was also to pay a fine of 100 ounces of gold to the colonial government. To add insult to injury, when Ennemil was due to return home in 1879, the colonial government ordered his further detention because he had not been able to pay the fine. In the absence of Ennemil, the Governor, Stratham, elected one Kwame Oppira to occupy the stool of Wassa. This aroused the hostility of the people of Wassa. As Agbodeka argues, what irritated the people most was not the severity of King Ennemil's punishment but the fact that their king, Ennemil, 'is to be deposed from his stool, which is to be given to a nominee of His Excellency while there are other members of the said Royal Family in direct succession to the said King'. In a petition to the Governor, they wrote that:

they are, and have been perfectly satisfied with the rule of the said King whilst he has been on the stool and they could not recognize any other person outside the members of the said family as their lawful king, while there are some of them living who are in direct succession to the said King, who is the hundredth in direct descent from Geythuya Manso, the first King of Wassa.²⁹

According to them, a man by name Addo Poku and several women, who were in direct succession to the king, were then living in Wassa. This action showed the people's determination to resist any act that contravened their customs and traditions and any attempt at demeaning the chieftaincy institution.

Another outrageous instance of detention of a chief in the colonial period was the case of Nana Amoako Atta of Akyem Abuakwa. The

²⁷ Francis Agbodeka, *African Politics and British policy in the Gold Coast 1868-1900* (Trondheim: Northwestern University Press, 1971), p. 105.

²⁸ *Ibid.*

²⁹ Robert Addo-Fening, *Akyem Abuakwa 1700-1943, from Ofori Panin to Sir Ofori Atta* (Trondheim: Norwegian University of Science and Technology, 1997), pp. 56-87.

background to the detention of King Amoako Atta I was the strained relationship between the church (Basel Mission) and the state.³⁰ In Akyem Abuakwa, the church-state problem arose as a result of the church's attempt to segregate its converts from the Abuakwa society and more importantly the attempt by the church to convert slaves of the royal household as well as state functionaries to Christianity. The issue of the mere conversion to Christianity was not the beef of Nana Amoako Atta. The gravamen of the situation was the strenuous efforts by the Basel Mission to segregate their converts from the main township to the mission stations known as *salem* or *oburonikrom* (Whiteman's town). The concern of the King was that segregation of Christians might end up creating a state within the state. Much to the chagrin of the traditional authorities, the missionaries began to interfere in the administration of justice in the states. Addo-Fening for instance cites an incident in 1868 when a convert called Doku was brought before the Okyenhene's court on a charge of assaulting the king. But Eisenschmid, head of the Basel mission in Kyebi interfered with the trial and threatened to have the Okyenhene punished by the British government at Cape Coast "if any harm should come to Doku". Clearly this threat was a rude interference in the affairs of the traditional authorities which further heightened the growing tension between the state and the church.³¹

From 1870 onwards, converts to Christianity were inclined to discontinue the performance of their traditional social and political obligations, a situation that worsened the relationship between the church and the state. In 1870, for instance, when Sakyi, a state drummer, became a convert and, as part of his Christian obligation, refused to continue to play the drums.³² Therefore to prevent a repetition of such a situation, the Asafo Company of Kyebi of which Sakyi was a member fined Sakyi two sheep. Immediately, the missionaries insisted on freedom of worship in Akyem. Nana Amoako Atta I, sensing danger to his authority, for the first time openly retorted:

Must I let my horn-blowers, drummers, pipers, sword-bearers, executioners, hammock-carriers, etc become Christians? No, if I do then I can no longer carry out my ceremonies, nor can I receive foreign embassies worthily. Whoever has an obligation to serve me will never be allowed to become a Christian.³³

³⁰ *Ibid.*

³¹ *Ibid.*

³² See Kofi Affrifah, "The Impact of Christianity on Akyem Abuakwa 1852-1877", *Transactions of the Historical Society of Ghana*, XVI (1975), pp. 67-82.

³³ *Ibid.*

The speech of the Okyenhene clearly indicates that he was not against proselytization of his people as a whole, but he specifically objected to the conversion of state functionaries and slaves in the royal household who performed duties considered crucial to the political, social and spiritual well-being of his state. Clearly, the nature of the issue appeared to be something that did not concern the colonial authority. However, the colonial government openly threw its weight behind the church against the state. In 1880, Nana Amoako Atta was accused of contravening the Slave Dealing Abolition Ordinance and was summoned to appear before the governor. The king arrived in Accra in January 1880 accompanied by Kofi Apeakorang, Kwame Atia, and Amo, the chief of Asiakwa. The king was kept waiting for forty days, and when he asked for audience with the Governor, he was told that he was "lying under the gravest charges."³⁴ Consequently, he would not be allowed to see the governor till he had cleared himself of the accusations. On May 4, 1880, they were sent to Lagos as political prisoners only to be repatriated in 1885.³⁵

Still within the decade of the formal declaration of the Gold Coast as a British colony, two chiefs, Nana Asafo Agyei of Dwaben and King Tackie Tawiah, the Ga Mantse (ruler of Ga) were also arrested and detained by the colonial government in 1877 and 1880 respectively. Circumstances surrounding the detention of the two chiefs show clearly that, it was done to consolidate British colonial authority in the respective territories of the two chiefs. Nana Asafo Agyei was first detained in the Elmina Castle and later deported to Lagos where he died as a political detainee in 1886. In the case of King Tackie Tawia, he was first detained at the Ussher Fort and later sent to the Elmina Castle.³⁶

The case of Prempeh I, the Asantehene in 1896 was perhaps the most infamous. Circumstances surrounding the arrest and detention have been well recorded in many history books and need not be repeated here. However, there is an aspect that needs to be emphasized. Following Prempeh's refusal to accept the dubious offer of 'protection' (which was very much in the mafia sense of the term), in 1896 an English army was sent to Kumasi under Sir Francis Scott. Not desiring the destruction of his state, the King together with his mother in a humiliating manner prostrated before the British officials and begged for mercy, but all to no avail. Prempeh was arrested and detained first at Elmina Castle and later to the Seychelles Island.³⁷ Those deported with the King were Nana Yaa Akyaa, the king's mother and Queen mother of Asante; Nana Appiah Osokye-the

³⁴ *Ibid.*

³⁵ Duah Osei, M.Phil Thesis, pp. 41-49.

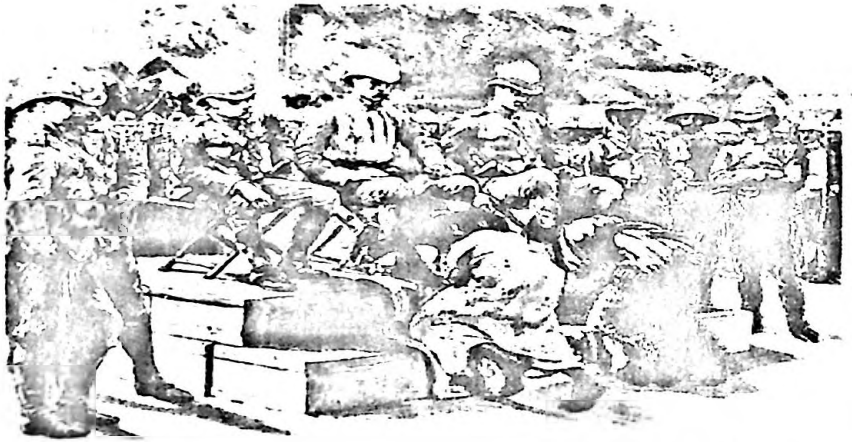
³⁶ Interview with Opanin Osei Kwadwo, Aged 73 years; Curator, Manhyia Palace Museum.

³⁷ *Ibid.*

Mamponhene; Nana Kwadwo Kwawu, the Offinsohene, Nana Kofi Afrane, the Edwesohene; Nana Kwame Amankwaatia II, Bantamahene; Nana Asafo Boakye, chief of Asafo; Nana Kofi Subri, Akyempemhene; and other family members of the chiefs numbering about 55. After the detention of Nana Prempeh, and later his exile Governor Hodgson convened a meeting with the chiefs of Kumasi on 28th March, 1900, at which he made a statement that indicated that the Asantehene had been destooled. According to the Governor, "neither Nana Prempeh nor Atwereboana will ever return to Kumasi. Asante will be ruled by the government's resident representative."³⁸ The inhumane manner in which Prempeh was treated and the determination to remove him from his jurisdiction, clearly show their desire to remain at all cost, the sole colonial power and exploiter of the resources of the Gold Coast. And there is much evidence to support this view. In fact, the entrance into African affairs by other European countries, particularly the newly unified Germany under Bismarck- threatened the established position of Britain, the dominant world power in the 19th century whose merchants controlled the bulk of Africa's external trade. So too did the new policy of France, which in the early 1880s gave its military commanders in Senegal free rein to extend territorial control inland while encouraging its agents elsewhere to secure treaties with local rulers. Thus, the claim that European mission in Africa was to civilize a backward, benighted people was far-fetched. Clearly, there was the desire to exclude rivals from potentially lucrative regions in Africa. For this reason, Prempeh and Asante had to be subjugated by any means possible.³⁹

³⁸ John Parker & Richard Rathbone, *African History. A Very Short Introduction* (Oxford: Oxford University Press, 2007), pp. 94–96.

³⁹ Kojo B. Maison, *Nana Kobina Nketsia IV: The Spirit of Positive Action* (Lagos: Trust House Publications, 1995). K.B. Maison, also known as Nana Kobina Nketsia V, is the successor to Nana Nketsia IV.



The submission of Prempeh I, Supplement to *The Graphic*, 29 February 1896

Source: *The Graphic* (February 29, 1896)

The Prempeh episode appeared to have sealed the subjugation of chiefs in the Gold Coast. Detention of chiefs also appeared to have been suspended and only revived during the heat of the struggle for independence in the 1950s. During the period chiefs who were actively involved in the events that preceded independence were also punished through detention. The case of Nana Kobina Nketsia IV, Omanhene of Essikado, is a classic example. Nana Nketsia is deemed to have been the one who stoked the fire of 'Positive Action' in Sekondi by defying a curfew imposed by the colonial government. He was arrested for his involvement in the violence that took place in Sekondi over the attempt by the colonial government to quell the Positive Action strike. He was perhaps the only chief to have been physically abused as a result of his commitment to the 'Positive Action' strike in January 1950. Apart from him being physically assaulted; his entire palace was vandalized by the colonial police.⁴⁰

Under colonial rule, therefore, political detention appeared to be the bane of the chieftaincy institution. Unfortunately, independence did not end the arrest and detention of chiefs and acts that denigrated the chieftaincy institution.

Post-colonial Era

The nature of the independence struggle and certain events that characterized the struggle led to the Nkrumah government also portraying a

⁴⁰ See the editorial of the *Evening News*, January 5, 1950.

hostile attitude towards some chiefs especially those who openly supported the opposition party. Like the situation in the 1920s, independence also propelled the educated elite like Kwame Nkrumah and his associates into popularity. These elites in one way or another further pushed the chiefs into the periphery. More importantly, Nkrumah and his colleagues appeared to have been stimulated by the views sympathetic to republicanism. For such republican advocates, the continued existence of chieftaincy in the age of modern liberal democracy in many African countries was anachronistic and therefore must be abolished. These were the factors that led to the obviously threatening statement Nkrumah reportedly made in the *Evening News*, of which he was, himself the publisher, that; *Those of our chiefs who are with us... we do honour ... those... who join forces with the imperialists... there shall come a time when they will run away fast and leave their sandal behind them.*⁴¹

These verbal threats were echoed later by some leading members of the Convention Peoples Party. J. Hagan, a CPP Member of the Legislative Assembly is reported to have said during a debate at the Assembly in June 1957 that, *"For 107 years our chiefs have been exercising their rights ... but that privilege has been abused ... our confidence is now gone ... their future is doomed ... we want them to abstain themselves from politics and wash their hands of financial matters.*"⁴² Perhaps this sour relation between the chiefs and the leaders of the Nkrumah government is what culminated in a clauses in the various Ghanaian constitutions restraining chiefs from partisan politics. Apart from the 1969 Constitution that gave some concession to chiefs by granting them participation in local government, the 1979 and 1992 Constitutions completely bars chiefs from active partisan politics.

Soon after independence, the issue went beyond verbal threats to actual victimization of some chiefs. On 16 October 1957, the government announced that it had withdrawn its official recognition of the Okyehene, Nana Ofori Atta II who was a staunch supporter of the National Liberation Movement. Subsequently, a commission of enquiry chaired by John Jackson was set up to investigate the administration of the Akyem Abuakwa State.⁴³ It is not clear whether the constitution granted such powers to the government. Following the unfavourable report of the Jackson Commission, the government went further to declare the Okyehene destooled and later placed under a kind of restricted internal movement, which could be described as detention in disguise. The bizarre case of the Okyehene brings

⁴¹ Richard Rathbone, *Nkrumah and the Chiefs: The Politics of Chieftaincy in Ghana 1951-60* (Athens: Ohio University Press, 2000), p. 102.

⁴² *Ibid.*, p. 116.

⁴³ See *Daily Graphic*, 12 August 1957.

to the fore the issue of government 'recognition' which was used to deal with some chiefs. In August, 1957, the minister for Local Government reaffirmed the issue of government recognition when he made a comment that, "what the chiefs forget is that a chief is a chief partly because the government recognises him as such."⁴⁴ The minister had earlier been quoted as saying at Kade that, "we are only accountable to God and the people and not to those who continue to classify themselves as occupants of this or that stool."⁴⁵ The Joint Provincial Council of Chiefs (JPC) found the statement very distasteful and openly expressed their displeasure. In the view of the JPC, that statement only showed that the government's ultimate aim was the final liquidation of chieftaincy.⁴⁶ Indisputably, the issue of government recognition was an alien practice that was used to deal with chiefs who were known to have supported opposition parties. Obviously, the current practice whereby chiefs have to be gazetted is an offshoot of that alien practice.

The year 1959 also saw the arrest and detention of Nana Baffour Osei Akoto, occupant of the Butuakwa Stool and chief linguist of the Asantehene. The grounds for his detention clearly indicated that he was detained for his role in the political violence in parts of Asante between 1954 and 1956. The Preventive Detention Act, on this occasion was used for punitive purpose and not for preventive purpose. After his detention, his stool, the Butuakwa stool, was abolished by the Asantehene.⁴⁴ It was not until the overthrow of the CPP government that the Asantehene revealed that he was coerced to take that decision. According to the Asantehene, that decision was made under duress. The Asantehene is reported to have revealed that: 'soon after the defunct CPP government had gone into power, the deposed President Kwame Nkrumah issued a decree to the effect that it was obligatory on the Asantehene either to discontinue to entertain Baffour Akoto as his linguist or sack him from office otherwise the Asantehene would himself be detained without compunction'.⁴⁷ This revelation indicates that the PDA was used to intimidate some chiefs especially those who were seen as supporters of opposition parties. Baffour Akoto's woes did not end there. Even after his release from detention, he was banned from entering Asante for fear that he might engage in political intrigues against the CPP government.⁴⁸

In 1959, Chief Asigri Wirikambo of Bawku was arrested and detained in Navrongo for his involvement in political violence in the north.

⁴⁴ Rathbone, p. 110.

⁴⁵ *Ibid.*

⁴⁶ Baffour Osei Akoto, *Struggle Against Dictatorship* (Kumasi: Payless Printing Press, 2000).

⁴⁷ *Ibid.*

⁴⁸ Opanin Osei Kwadwo.

His son was also arrested and detained in Tamale for the same reasons. Futher, following the report of an alleged coup plot by R.R. Amponsah and Benjamin Awhaitey, Nana Kwadwo Ampim Darko, the chief of Nkonya Ahundwo in the Volta Region was arrested and detained. The Kulugungu bomb attack in 1962 opened the woes of some chiefs in the north. Following that unfortunate incident, a number of people were arrested and detained in a barbed wire fence created at the outskirts of Bawku. In the account of AlhajiMumuniBawunia, Northern Regional Commissioner under the First Republic, among those arrested were chiefs. He, however, indicates that most of those detentions were the machination of Ayeebo Asumda, the Upper Regional Commissioner, and it was in part facilitated by the tribal conflict between the Mamprusi and the Kusasi. The most serious aspect of the Bawku detentions was that the chiefs and the people detained were left at the mercy of the sun and rain for some months.⁴⁹

These acts of detention and arbitrary destoolment of chiefs contributed greatly to weakening the legitimacy, influence and dignity of the institution. In the Akan social charter, prison (afiase or aban mu) was considered as an unclean place and this made anybody who had been to prison unclean. Thus, when a person was released from prison, there were rituals to perform in order to cleanse or purify the person before he was accepted back into the society. In most coastal communities, for instance, a person coming from prison was cleansed in the sea before he became fit to enter the community.⁵⁰ The case of detained chiefs was even more serious. . First of all, imprisonment of a chief logically and customarily, meant his destoolment, for in most Ghanaian indigenous societies, an ex-convict cannot be enstooled as a chief. The arrest and detention of chiefs, therefore, was a serious slur not only on the chieftaincy institution, but the socio-cultural norms of the communities involved.⁵¹

Furthermore, in most indigenous Ghanaian societies, the right to destool a chief was customarily vested in only the people of a traditional area and not any external authority. The grounds for destooling a chief include such acts as adultery, public drunkenness, use of physical violence on people, neglect to perform appointed ritual functions, use of foul language in public, dissipation of public funds, abuse of power, arbitrariness and such other acts that could undermine just and good governance. In August, 1874, for instance, Nana Kofi Karikari was destooled after the

⁴⁹ Interview with Mr. Clement Kubindiwo Tedam, Aged 84 years. Mr. Tedam was a member of the Gold Coast Legislative Assembly from 1954 to 1956 and from 1956 to 1957. He was also a Minister of State between 1977 and 1978. Mr. Tedam was a member of the Council of State from 2001 to 2008 and currently a member of the Council of Elders of the New Patriotic Party (NPP).

⁵⁰ Supi Minnah.

⁵¹ *Ibid.*

Sagranti War, for removing gold ornaments from the royal mausoleum at Bantama. According to oral sources, Nana Karikari did not seek permission from his people before giving orders to the keepers of the royal mausoleum to collect gold dust, trinkets, and other things from their repository to replenish the Asante treasury that had been exhausted as a result of the numerous wars he embarked on. Nana Karikari's action may not have been done with bad intentions, because those numerous wars which financially ruined the state were fought for the interest and survival of Asante. However, in the sight of the people, the chief did not constitutionally possess absolute power and authority such as to enable him to act in such an arbitrary manner. It was only based on a conduct such as that of Nana Kofi Karikari, which the people felt was contrary to accepted customs could a chief be destooled.⁵²

Therefore, to remove or destool a chief or a king against the wish of the people is to weaken public authority and to subvert the political and cultural rights of the people. Further, to break a public council is to strike at the root of what supports the liberty of the subject, and to destroy the free institutions of the people. The Public Council occupies the most prominent position in the constitution of indigenous polities and to suppress it is to destroy the best, safest, and surest means for ascertaining the views of the public, as well as for influencing and instructing them in matters relating to their welfare and good governance.⁵³

It appears that conscious efforts were made by the colonial authority to replace customary laws with British law in areas where 'unco-operative' chiefs had been detained. In places where there had been periods of interregnum as a result of the detention of a chief, there were smart moves to operate British laws in place of customary laws in order to weaken indigenous authority. In Cape Coast, for instance, the detention and destoolment of King Aggrey led to an interregnum of over 21 years, where there was no state tribunal. The subordinate chiefs of Cape Coast such as Amoa, Menya, Gyepi, Kwesi Ata, Sekyi (Sackey), James Thompson and others heard and decided cases in their private homes, while the majority of cases were taken to the British courts. According to an informant, it was at that time that the saying "Fako Abanm" meaning "take it to the castle" came into being. During this period, the British Government introduced several ordinances to help sustain British authority. For instance, the British established direct government by District Commissioners in place of the indigenous government.⁵⁴

⁵² Opanin Osei Kwadwo.

⁵³ John Mensah Sarbah, *Fanti National Constitution* (London: Frank Cass & Co. Ltd., 1968), p. 11.

⁵⁴ Supi Minnah.

In Akyem Abuakwa, the detention of King Amoako Atta I led to a period of interregnum for about five years. According to Addo-Fening the detention created an atmosphere in which the missionaries treated the authority of the chiefs with disdain, whilst they turned the *salem* into a kind of a state within a state. Addo-Fening further asserts that during the period of interregnum, Amoako Atta's brother who was to take charge of affairs showed signs of inexperience and impulsiveness and he led the royal family and the royal court into disarray. This resulted in a serious weakening of indigenous authority in Akyem Abuakwa and the bonds of solidarity in the state.⁵⁵

Conclusion

It is very clear that under both the colonial and the immediate post-colonial eras, many individual chiefs and the chieftaincy institution witnessed a very serious assault from the central government. Through detention without trial, attempts were made to quell the power and sanctity of the institution. Obviously, there was the existence of two contending powers which could not synchronize, and so one had to adopt whatever tactics it deemed appropriate to overshadow the other. It must be noted, however, that considering the importance of the chieftaincy institution to the country, there must be a clear balance between the central government and the chieftaincy institution or between what some describe as modernity and tradition.

⁵⁵ Addo-Fening, *Akyem Abuakwa*.