

Implications and Dynamics of the Chieftaincy Conflict on Development in Winneba-Ghana

Charles Ohene-Amoh

National Peace Council, Effutu Municipal Secretariat, Winneba, PO box 1, Winneba, WB PO 1, Ghana

Abstract

Understanding the social context of the conflict is essential for developing efficient responses. The purpose of this study was to examine the impact of chieftaincy conflicts on development and to map a road towards a peaceful resolution of conflict using the human need theory. The non-probability sampling technique was used to decide on respondents for the study. A total of 400 respondents were interviewed and made to fill a 20-item structured questionnaire. The findings show that the Municipality is enjoying negative peace in spite of the Appeal court ruling on the chieftaincy dispute and this is affecting the development of the town. To resolve this conflict there will be the need for government, political parties, the Municipal Assembly and all stakeholders to show a high sense of morality and refrain from exploiting ethnic sentiments for electoral favours. Again a lot of public education on peace targeting the youth of the area must be started immediately. Peace clubs must be started at the basic schools level to defuse possible breaches of the peace. The study finally concluded that observing Human Needs Theory could effectively give new insights into finding strategies which may work for both *Gartey* and *Ayirebi Acquah* Families.

Keywords: Chieftaincy, festival, conflict, peace, court, development

1.0 Introduction

Ghana appears to be a haven of peace in an unstable sub-region. The country has a reputation as a peaceful, stable and democratic state in the West African. However, beneath this international recognition, there are more than 200 internal conflicts around Chieftaincy, festivals, land and politics (Pul, 2003). These conflicts have left communities polarized by grief, hatred, and mutual mistrust leading to a cycle of violence and revenge. Ghana's competitive multi-party political environment has also created a fertile ground for the politicization of these conflicts, further deepening the divide in communities.

In Ghana, the struggle to become a "Chief" may turn violent: when the historical, political, economic and social circumstances around the establishment of the chieftaincy institution in a traditional state become contested; when the rules of succession become unclear; when successive national governments and political parties support one group against the other in a bid to serve their own parochial political interest; and when there are small and light weapons available to the factions in the dispute (Lund, 2003). Chieftaincy in Winneba, has been contested between two family units or gates; the *Ghartey* gate and the *Ayirebi-Acquah* gate. The rotational system of succession has been to ascend to the stool. However, this system has been abused to the extent that one gate never trusts and accepts that the other gate must succeed upon the stool becoming vacant.

The people of Winneba also have an annual festival (the *Aboakyir*) in which the chief and his elders plays a prominent role in its celebration. This has extended the chieftaincy dispute to the celebration of the festival. The annual Deer Hunt (*Aboakyir*) festival of Winneba has therefore been marred with conflicts. This continues to confound the individuals, elders and chiefs of that land. Until recently, *Aboakyir*, which translates literally as "animal catch," had been known as the nation's most important traditional festival. But this has begun to change. A recent survey depicts that the *Aboakyir* festival has decreased in importance. This ongoing violence has generally pushed people away from celebrating the *Aboakyir* festival, including commercial companies that once offered financial and administrative assistance. It is important to note here that, the two leaders from the *Ghartey* and *Ayirebi Acquah* gates were debarred by the District Security Council from attending the 2014 edition of the festival.

The "Aboakyir" festival which is an important tourist attraction in the Winneba traditional area has lost much of its significance due to the continuing rivalry between the two disputing gates. Even though one of the key functions of the chieftaincy institution is to serve as a unifier against divisive tendencies, years of rivalry have rather divided the people in the *Effutu* traditional area.

1.1 Statement of the Research Problem

For the past five years, festivals in the Effutu traditional area have been greeted with disputes and conflicts including political intrusions and chieftaincy crisis. The two *Asafo* companies, *Tuafo Number One* and *Dentsefo Number Two* hunt for a live deer in a competition in which the first to catch a deer is declared the winner which more often than not, leads to conflict.

It is worrying to say that the once splendid annual festival has been dogged by sharp differences and disputes between the two rival factions of the Effutu Stool. To prevent any unpleasant circumstances and clashes in 2013 edition of the festival, the Ghana Police Service sought an order for an interim injunction at the *Agona*

Swedru Circuit Court to restrain the *Aboakyir* Planning Committee and all members of the Effutu State from celebrating the festival.

The conflict situation sometimes leads to the loss of human lives and property aggravating poverty in the municipality. Governmental and non-governmental organizations seem to be frustrated because they see their efforts at improving the lives of people repeatedly disrupted if not destroyed by the cycles of intra ethnic violence. There is the need to find a sustainable way of engaging the gates in conflict and building their capacity for conflict analysis and resolution. This calls for research into the nature and driving forces behind the conflicts.

1.2 Objectives of the Study

The main objective is to examine the causes of the chieftaincy conflicts in Winneba, and how it affects the development of Winneba.

The specific objectives are:

1. To assess the causes of the chieftaincy conflicts in Winneba.
2. To examine the effects of the conflicts on livelihoods, education, and health services of inhabitants of Winneba.
3. To make recommendations on how the conflict can be resolved/managed peacefully on a permanent basis

1.3 Research Questions

1. What are the causes of the chieftaincy conflict in of Winneba?
2. What are the effects of the conflicts on livelihoods, education, and health services of inhabitants of Winneba?
3. What recommendations can be made on how the conflict should be resolved/managed peacefully on a permanent basis

2.0 The Aboakyir Festival

The Festival is celebrated by the *Efutu* of Winneba Traditional area along the Coast of Ghana. It is one of the most popular and important festivals celebrated in the Central Region of Ghana. Deer hunting is organised in honour of the tribal god of the people of Winneba called "*Penkye Otu*". The god receives an annual sacrifice of a deer from the people. It is usually celebrated in the month of May.

2.1 The History

The festival is believed to have originated about three hundred years ago when Effutu people occupied their present home along the Coast. It is again believed that the people were able to establish their present settlement through the instrumentality of their god, *Penkye Otu*. The Tribal god still helps and protects the people of Winneba; hence the people hold the festival to express their gratitude to him. Initially, human beings from the royal family were used for the sacrifice for *Penkye Otu*. Looking that the royal family is dying out, they pleaded with *Penkye Otu* to accept a live leopard instead of human beings. The god agreed and for some time, live leopard was caught and offered to the god.

However, the live leopard still claims the life of human beings and many people were heavily wounded. In view of this, the people had to appeal to the god to accept a deer as a substitute for the leopard. It is explained that *Penkye Otu* accepted the deer because its stripped skin looks like that of a Leopard skin. Others believed that, the deer was accepted as a substitute for the Leopard because its blood and that of leopard, is similar to that of a man. The festival involves the two *Asafo* companies, *Dentsifo* and *Tuafo* in Winneba who compete among themselves to catch their deer first.

2.2 Mode of Celebration

The festival begins mostly in the evening around 7pm with a march through the major streets of Winneba accompanied by a brass band. It is followed by an entertainment in the night like singing and dancing. On the next day, rituals are performed. Libation is poured, prayers said and guns fired. The officials and men of the two *Asafo* companies go to the beach to purify themselves by bathing in the sea. *Penkye Otu* is smeared with special oil and covered with new piece of Calico. The priests shave their hair and also smear themselves with some of the oil used in smearing *Penkye Otu*.

During the beginning of the deer hunt, members of each *Asafo* company offer sacrifices to the ancestral spirits to help them in their deer hunt the next day. In the morning the following day, all the members of the *Asafo* Companies march to *Penkye Otu*'s residence for a mixture of roots and herbs to be sprinkled on them. This is to ensure their safe return from the hunt. Members in the group smear themselves with clay, wear charms and amulets. After seeing the *Omanhene*, they set off to hunt for the deer.

The first group to go is the *Tuafo* Company since their field of operation is far away than the other group. No weapons are used except clubs. The company that makes the first catch rushes back home with war songs and

shout of victory the deer is presented to the *Omanhene* who places his bare right foot three times on it. He bids the group well done and retires to his seat to await for the others. Distinguished guests sit at Humphrey's Park to witness the return of the companies with their deer.

Besides, the deer is lifted up and carried through the principal streets of the town with singing and dancing to the shrine of *Penkye Otu*. Custom however forces the *Omanhene* and his elders to remain seated at Humphrey's Park till the last person has safely returned. The *Omanhene* joins the procession after all the people involved had returned.

The members of the two Asafo Companies dressed up (put on their best cloths) with the winners in front march through the main "streets of the town, singing and dancing, whilst the omanhene sits in the Palanquin and follows at the rear. They are usually joined by their women in such a joyous mood.

On the last day, the two Asafo Companies come together before *Penkye Otu* and the deer is sacrificed to the god. Divination is also performed to know what lies in store for the town in the year ahead. Finally, the people of the *Efutu* believe that, if Number one (No. 1) Company that is; *Tuafo* group wins the contest, then there will be peace and prosperity in the coming year but if Number two (No. 2) wins, that is *Dantsifo* then the coming year will be a year of famine and war. It is of interest to note that, the priest of *Penkye Otu* stays in the shrine till it rains. For that ensures the successful end of the festival (Ghananation.com).

3.0 Literature Review

3.1 Conceptual Framework

Most conflicts and protracted political crises today do not occur between sovereign states but are of an internal or regionalised type. Of the 27 major armed conflicts that occurred in 1999, all but two took place within national boundaries (Collier, 2000).

There are a number of different theoretical frameworks for analysing contemporary conflicts. This is based upon a multidisciplinary approach which uses a number of different analytical 'lenses' to examine and develop responses to violent conflict. Important recent advances in the understanding of conflict come from the 'political economy' approach. This focuses on the political and economic interests of those engaged in conflict and draws attention to those who might see an advantage in using conflict for their own ends. If the political economy of war brings opportunities, there will be strong interests in perpetuating and managing war for purposes of personal gain. Interventions which ignore these interests risk fuelling the conflict (Goodhand, 2000).

According to DFID, (2002) the above approach has been developed into an analysis of the causes of war in terms of 'greed' (meaning opportunities for predatory accumulation) and 'grievance' (meaning the negative reactions of those who are disadvantaged). While the greed and grievance framework usefully highlights economic agendas in war, it is only one of a number of ways of looking at conflict and should be complemented by other analytical lenses, in particular social, anthropological and gender analysis.

Comprehensive conflict analysis should combine an analysis of structures and actors and how the two interact with one another. Structural analysis focuses on the institutions (political, economic, social and military) which may predispose a country to violent conflict. Actor oriented analysis involves a 'fine grained' analysis of individual incentives and motivations. Conflicts are about perceptions and the meanings that people attribute to events, institutions, policies and appeals for public support (DFID, 2002).

Contemporary conflicts are complex and multi-leveled. Often we are talking about several conflicts that have become entwined with one another and which may be part of a regionalised conflict system. Analysis therefore needs to encompass the international/regional, national and local dimensions of conflict (DFID, 2002).

Finally, the notion that the 'beginning' and 'end' of a conflict can be identified is inappropriate in contemporary conflicts. Conflict is a dynamic social process in which the original structural tensions are themselves profoundly reshaped by the massive disruptions of war. Therefore 'root causes' may become decreasingly relevant in protracted conflicts which have led to the transformation of the state and society (Bush, 1998).

Underpinning the conflict assessment methodology, therefore, is the supposition that there is no single explanatory framework for looking at such complex conflict systems and the challenge is to blend different conceptual elements. The conflict assessment methodology used in these guidelines attempts to do this by systematically analyzing the structures, actors and dynamics of conflict using a multidisciplinary approach (DFID, 2002).

Developing effective responses to such conflicts needs to be based on a rigorous and systematic prognosis. Development instruments may be well placed to address a number of the structural factors that increase risks of conflict such as bad governance or increasing economic inequalities. But development assistance is just one lever. There is a need to develop comprehensive and coherent approaches, which link development assistance to other policy instruments. Conflict assessments will therefore be most effective when conducted by development and other actors in collaboration (Berdal & Malone, 2000).

3.2 The Role of Perception

Human perception also plays an essential role in conflict resolution. Culture, education and societal influences shape our minds and our perceptions. Enemy images are created, convincing groups and individuals that certain needs can only be met by certain strategies and that other groups are intrinsic obstacles to their needs being met. While a certain ethnic group's needs for identity, autonomy, protection and equality may be met through a range of strategies, lack of trust and enemy images of the "other" may convince the group that the only acceptable or possible solution is a separate state. Building trust, deconstructing enemy images and fostering cooperation are therefore key elements in human needs-based conflict resolution (Danielsen, 2005).

3.3 Needs vs Strategies or Satisfiers

Rosenberg (2005) and Max-Neef (1989) both mention the importance of distinguishing between needs and strategies or satisfiers. In mediation, strategies and satisfiers are referred to as positions. While needs are universal and non-negotiable, strategies/satisfiers are cultural, contextual, specific and negotiable. They also point out that needs are always compatible, while strategies or satisfiers may not be. This concept is key to the human needs approach, as it implies that all conflicts are resolvable when we focus on human needs. What seemed to be an irresolvable conflict between Egypt and Israel in the 1960s, was indeed resolvable when needs were taken into account. While both states wanted the Sinai Peninsula (their strategies/satisfiers/positions were incompatible), their underlying needs were compatible (Danielsen, 2005).

According to Danielsen, (2005) while Egypt's need was integrity and identity (due to Sinai's historical importance), Israel needed protection and security. Clarifying their needs through the Camp David negotiations, new compatible strategies were discovered. Egypt kept the Sinai Peninsula and Israel was allowed to place troops there. In a conflict, it is essential to become clear on all unmet needs, and find strategies which will meet both or all parties' needs. Draganova (2005) also emphasized that Max-Neef also mentions that some satisfiers, while satisfying one need, may well hinder or impede another need from being met. These are then inhibiting satisfiers. Other satisfiers can satisfy several needs, or needs of several persons, at the same time, and are considered synergic satisfiers. He also refers to pseudo-satisfiers, violators and destroyers

3.4 Impact of Conflicts

Conflicts exacerbate the inequalities that exist in different forms and to varying degrees. Women and girls are usually raped and sometimes forced into sexual servitude. For survivors, physical and social dislocation, injuries and trauma take a toll that may last a lifetime. Until recently, rape and sexual violence against women were regarded as an inevitable aspect of conflict, and seldom if ever were the culprit's prosecuted (Draganova, 2005).

The right to life is the supreme human right from which no derogation is permitted, even in time of war or public emergency (Lund, 2003) however during conflicts people lose their lives. In Article 69(1) of the International Covenant on Civil and Political Rights, Article 4 of the African Charter of Human and Peoples' Rights only prohibit the arbitrary deprivation of life, without defining which type of killing would be non-arbitrary. Article 2 of the European Convention of Human Rights is more precise, as it only prohibits intentional deprivation of life unless it results from the use of force which is no more than absolutely necessary in defense of any person from unlawfully taken for the purpose of quelling a riot or insurrection, and in other to effect a lawful arrest or to prevent the escape of a person lawfully detained.

Torture is a particularly barbaric violation of the right to physical and mental integrity, and presents a direct attack on the core of the human personality. It was, therefore, abolished from criminal procedure during the Age of Enlightenment, and is prohibited, without exception even in emergency situations by present international law, both treaty-based and customary (Nowak, 1994). The United Nations Convention against Torture of 1984 amongst scores of articles prohibits cruel, inhuman and degrading treatment or punishment. It is equally prohibited by Articles 7 and 10 of the International Covenant on Civil and Political Rights and the African Charter of Human and Peoples' Rights. Again, the lawful interference of the individual's property rights must also pass the test of legitimacy, in other words it only needs to be pursued in the general or public interest.

3.5 Relations between Conflict and Development

Violent conflicts result in insecurity, which is characterized by a breakdown of law and order, increase in crime rate and impunity. Violent Conflict creates insecurity, retards self-improving activity, stretches the resources of the state, and leads to underdevelopment and poverty. Both conflict and development have to do with the satisfaction of needs. Development is the ability to meet such needs and conflict is the effort to satisfy the needs of different parties (Richani, 2007). Expenditures on security are therefore an essential component of the development process. For instance the usage of resources to strengthen a country's borders will check smuggling. Therefore where the ability to meet needs is expanded (development) little effort would be used to satisfy individual needs. In times of conflict, competing groups and individuals use their energies unproductively to contain their opponents, rather than use them productively to improve life.

4.0 Methodology

4.1 Profile of Winneba

Winneba is traditionally known as Simpa, it is the principal town of the Effutu State founded around 1530 AD. According to history, the name Winneba originated from sailors who plied along the Atlantic Coast and who were often aided along the bay by a favourable wind. From their constant use of the words “windy bay” the name Winneba was coined (EMA, 2013).

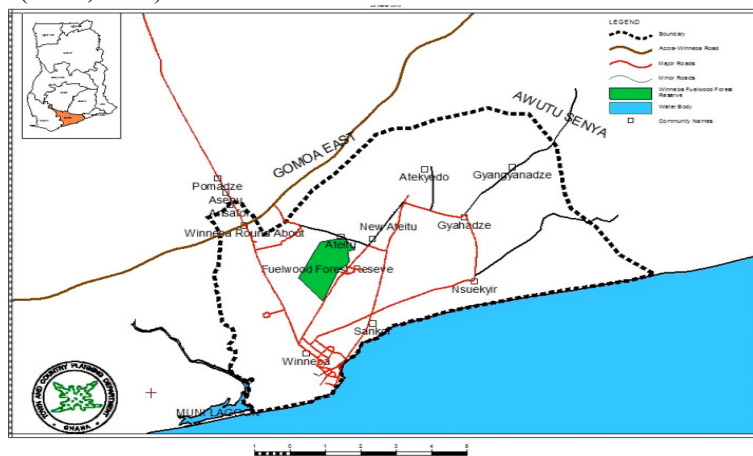


Figure: 1: A Map the Winneba Metropolis.
Source: Town and Country Planning, Winneba

4.1.1 Area of Coverage

The Effutu Municipality is one of the 216 districts in Ghana and one of the 17 districts in the Central Region. It was carved from the then Awutu- Effutu-Senya District Assembly and it covers a total land area of about 64 square kilometers. It is about 60km from Accra, the capital of the Republic of Ghana and about 40 minutes travelling time from the regional capital. It is located between latitudes 5°16' and 20.18"N and longitudes 0°32' and 48.32"W of the eastern part of Central Region (EMA, 2013).

4.2 Study Design

The study adopted the exploratory mixed method approach to data collection. For Creswell, (2007) exploratory research is the initial research into a hypothetical or theoretical idea. This is where a researcher has an idea or has observed something and seeks to understand more about it. Both quantitative and qualitative research methods were adopted to address the problem. Using both quantitative and qualitative designs allow the researcher to explore a complex social or human problem, builds a complex holistic picture, analyses words, reports detailed views of informants, and conducts the study effectively.

4.3 Population and Sampling Procedure

Purposive with simple random sampling techniques was used to select respondents for this study. All persons 18 years and above who considered themselves to be *Effutu* Native or have resided in the areas of study for at least three years and understand the Winneba chieftaincy dispute were part of the individual sample frame. We selected individuals by choosing the person who has the next birthday. This has been determined to for all practical purposes be a random variable. A total of 400 respondents were carefully drawn with the criteria that they have witness at least three of the *Aboakyir* festivals. After observing the initial subject of *Garthey* and *Ayeribi Aquah* gates, the researcher asks for assistance from the subject to help identify people with a similar trait of interest. The chain referral process (Snow ball) allows the researcher to reach populations that are difficult to sample when using other sampling methods.

4.4 Research Instrument

The main research instruments used were questionnaire, observation and interview because of the nature of the study and the study participant involved.

4.4.1 Interviews and Participant Observation

The in-depth non-scheduled structured interviews were designed for key personalities who the researcher believed would have a good knowledge of the causes and implications of the chieftaincy conflict on the development of the Municipality. The interview guide had questions that were strictly based on the objectives of the study for easy categorization. The researcher observation on the field was very helpful in this study.

4.5 Data Collection

Secondary sources of data were used to complement the primary data. The secondary data involved an intensive research from books, journals, magazines, newspaper reports, radio interviews, articles, Internet materials and unpublished works related to the study.

4.6 Data Analysis

The analysis of the qualitative data obtained from fieldwork was done to uncover and understand the issue being investigated. This was done to describe the phenomenon and what it means. Responses from the structured qualitative interview tapes were played several times until the full transcription of each participant was obtained. The results were entered into a computer in order for it to be coded, counted and analyzed. Content analysis was done for the categorization of verbal or behavioural data, for purposes of classification, summarization and tabulation.

Quantitatively, the research summarized the mass of data that has been collected on the field and presented the results in a way that communicates the most important findings or features. The analysis involved the use of the following:

1. Frequencies and percentages of variables
2. Statistical tests designed to estimate the significance of the results and the probability that they did not occur by chance

Content analysis involving coding and classifying data, (categorizing and indexing) was effectively done with the aim of making sense of the data collected and to highlight the important messages, features or findings obtained from respondents.

5.0 Findings and Discussions

5.1 Source of Conflict in the Municipality

Some of the respondents during the fieldwork argued that the politicization of the Winneba Conflict is a major source of conflict in the municipality. This finding relates Christian Lund's observation that almost every government in Ghana has played the "political game" with the Winneba Conflict (Lund 2003).

Sources of Conflict	Number of Respondents	Percentage of Respondents (%)
Colonial factor	40	10
Land Issues	80	20
Festivals	100	25
Political Interference	120	30
Media	60	15
Others	0	0
Total	400	100

Table 2: Causes of Winneba Conflict.

Source: Fieldwork, 2014.

The data above shows that a greater number of people believe that political interference in chieftaincy and the Aboakyir festival are the major source of conflict in Winneba. This could raise questions about the institution of chieftaincy in Winneba. This seems more so since the 1992 Constitution of Ghana debar chiefs from active politics: "a chief shall not take part in active party politics; and any chief wishing to do so and seeking election to parliament shall abdicates his stool or skin" (Article 276(1)).

According to information from one key informant, politics has creep into in the Winneba chieftaincy dispute. The two gates are supporters of different political parties. She has this to says:

The Aboakyir festival starts first week in May but tension start rising between February and March. The two gates know who the right chief is but are deliberately refusing to accept. It is unfortunate that politics has now aggravated the conflict with NDC and NPP supporting one faction or the other for votes. It has made the festival not enjoyable. The clash is now recurring and there is always police intervention. The conflict is always violent that it has led to people losing their lives and property. (REC-4)

It was also revealed that a campaign promise made during the 2008 general election nearly caused mayhem during the celebration of the festival. This situation called for the cancellation of the festival to save lives and properties since the people were expecting the MP to fulfil his promise. A respondent had this to say:

In fact political interferences have taken away the beauty of our festival for the past five years. For instance, a former Member of Parliament (MP) promised us in his campaign message that he would ensure the destoolment of the paramount chief of the area when given the nod. This promise he could not fulfill. (REC-8)

5.2 The Narrations of the Conflict

The history of this conflict as told by the *Ayirebi-Acquah* and *Ghartey* factions goes as follows:

5.2.1 *Ayirebi-Acquah* Faction

The chief warrior of the *Efutus* during the British colonial administration was *Ayerebi*. After they returned victoriously from a war he was asked by the people to be their chief. He therefore became the first king of *Efutus* with the medal of office given by the colonialists. According to *Ayirebi-Acquah* faction, inheritance must be through the royal family and not wealth. To the *Ayirebi-Acquah* faction, the *Ghartey* factions who are contesting them for the stool are doing so from the influence of money rather than legitimate royal connections. The *Ayirebi-Acquah* faction claim the ancestral roots of *Ghartey* gate lay in one *Gyete Acheampong* (a rich businessman) who used his wealth to earn recognition and to find his way into the *Ayirebi* family and was made chief when they (*Ayerebi-Acquah* family) did not have a man 'of age' at the time the stool became vacant to assume the paramount. Because of his wealth and influence, he was allowed to represent the people of Winneba at meetings of the *Fante* Confederacy. He was in due course made chief by the British Colonial Government. Instead of the *Ghartey* family giving the stool back to the rightful owner when a matured male emerged from their family they refused.

5.2.2 *Ghartey* Faction

The history of this conflict as told by the Ghartey faction goes as follows:

It was through King *Ghartey* that the black stool of *Efutu* was created. There have always been spiritual dimensions to the organisation of society in all African societies including *Effutu*. The deities have been important sources for consultation as to where secession must go. *Ghartey* mistakenly placed the *Effutu* stool in his mother's house of the matrilineal societies and not his father. However, *Effutus* are not Akan but Guans and therefore Patrilineal. When *Ghartey* died he was wrongly succeeded by a nephew (*Ayirebi-Acquah*) and not his son because there was no elderly son in the father's house who could ascend to the throne. This left the stool at the maternal line and this process of succession had been upheld for some time without dispute. However when a son came up to take over the stool, the *Ayirebi-Acquah* side refused to hand over. The case was sent to Central Regional Judicial Committee for judgement. *Ghartey* Faction obtained judgment from the Judicial Committee of the Central Regional House of Chiefs on June 30, 1977. It is therefore strange that the *Ayirebi-Acquah* family is now claiming legitimacy to the throne.

5.2.3 Allodia Title

Allodia title has to do with holding land in trust for a community, family, clan or group of people. The holders of such a title in Ghana are simply that of trust holders. Ultimately, the allodia greatest interest in land is vested in the communities as represented by stools, sub-stools and skins. Stools and skins perform judicial, governance and land management functions. In the Who holds the Allodia title in Winneba?

***Ayirebi-Acquah* faction:** There is one strong argument put out by the *Ayirebi-Acquah* faction that appears to make them the rightful occupant. According to them, they possess the documents to the stool lands of Winneba. It is ambiguous that a person who is considered not to be the genuine owner of the land possesses documents to the land. Chiefs are custodian of the land, the ruler who possesses the documents to the land has the authority.

***The Ghartey* faction:** According to the *Ghartey* faction possessing the documents to the Winneba land does not in any way give right to *Ayirebi-Acquah* family to rule. To them the *Ayirebi-Acquah* faction got the land documents from the matrilineal side but the *Effutus* are not matrilineal. According to them, when King *Ghartey* died and there was no adult male child to succeed him. *Ayirebi-Acquah* who was a nephew was allowed to succeed and he advantage of that and took the documents from his mother. To them the Central Regional Judicial Committee considered all these before passing in 1977. They also said that *Ayirebi-Acquah* faction must be forced to release the land documents.

The rolling chieftaincy conflict in Winneba has created a problem in the administration of stool land. For instance, it is on record that the neighbouring ethnic group (the *Gomoa*) has been progressively settling in and claiming lands belonging to Winneba. The *Ghartey* family ruling the area do not have document to the stool lands therefore cannot tell exactly boundaries of the land.

5.3 The Aboakyir Festival and Violence

Respondent who knows the background to the conflict said;

The Winneba conflict has been going on since the second half of the twentieth century. However, the current dimension of violence that is gradually becoming a permanent feature started in the year, 1996. I was then a student of Winneba Secondary. It was on our way back home that we were attacked and severely beaten up some fisher-folks. When we got home and informed our parents about the assault we suffered in the hands of some fisher-folks, they told us that there was a misunderstanding between the *Ghartey* and the *Ayirebi* families in the morning of the attack on us. (REC-24)

Another respondent agreed to what the respondent above said, to her:

The Winneba conflict has been going for years, but, it has taken a different form since 1996. It

is now gradually becoming a permanent feature. I was then young lady when the violence broke up in 1996. (REC-14)

The response of another respondent from the other side also confirmed what has been said earlier:

It was after school when I was on my way back home that I was attacked and severely beaten up some people who know my parents. We heard that people from my family had attacked their children and they were revenging. When I went home, my parents told me that there was a misunderstanding between the Ghartey fisher-folks and their Ayirebi family counterparts. (REC-8)

Another respondent recounted what caused the spilt and an event that happened in 2011, he said:

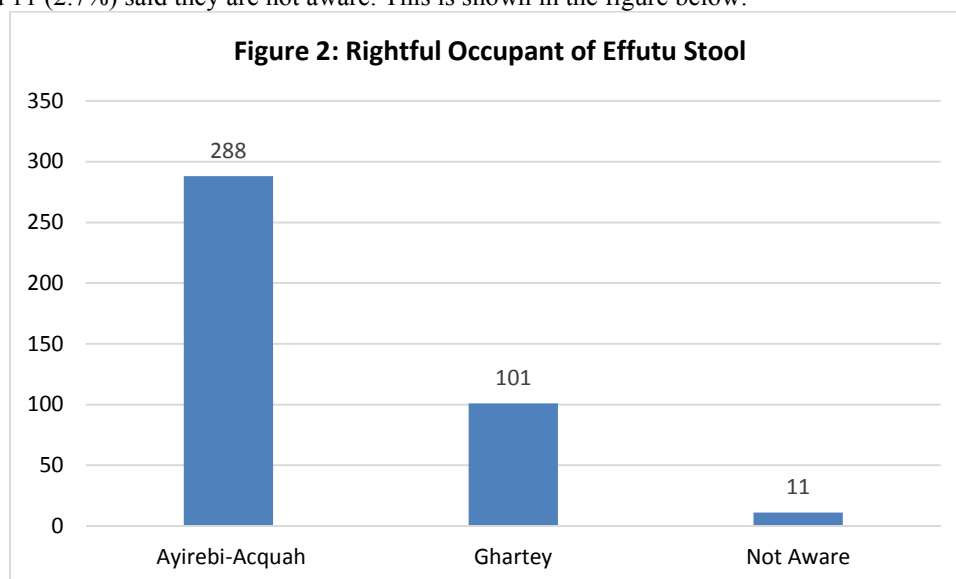
The festival has been characterized by chieftaincy conflicts in the past years; in 2011 it was boycotted by the Paramount Chief of the area, Neenyi Ghartey. The two main Asafo companies, Dentsi and Tuafo split as a result of the chieftaincy problem, which have existed since 1970s. (REC-32)

Eight respondents totally rebutted the views of those who claim violence is becoming a permanent feature of the Aboakyir festival

It is not true that there is a chieftaincy conflict in Winneba the Aboakyir festival is always peaceful and Winneba is a very peaceful town. It is some people who do not want the town to develop who spread this information to scare people from the celebration of the splendid festival. The High court has settled the misunderstanding between the *Ghartey* and *Ayirebi Acquah* families and there is no problem again. (REC-16)

5.4 Rightful Occupant of Effutu Stool

The respondents were asked for their opinion on family that is the rightful occupant of the Effutu stool, 101 (25.3%) were of the view that *Ayirebi-Acquah* faction are the rightful occupant of the stool, 288 (72%) mentioned *Ghartey* faction and 11 (2.7%) said they are not aware. This is shown in the figure below:



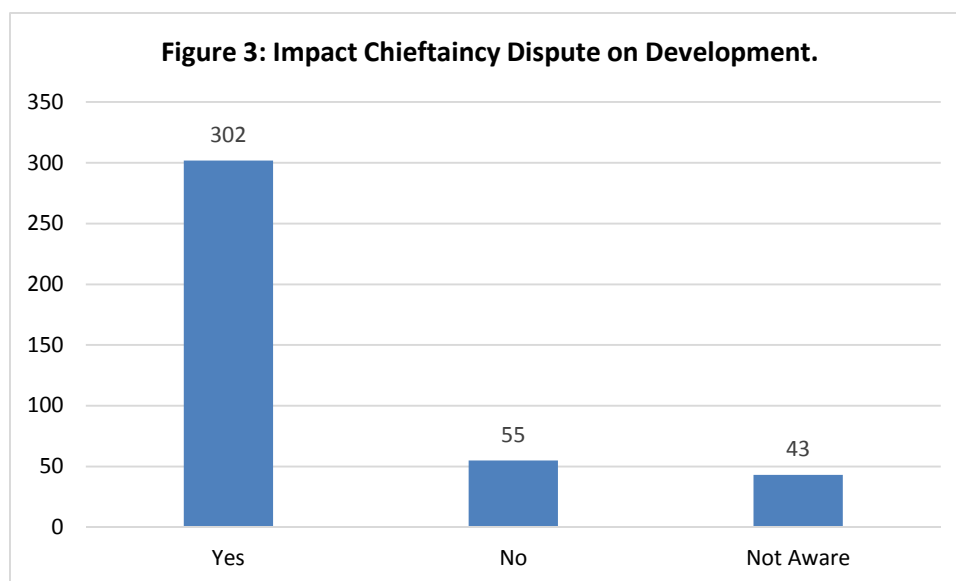
Source: Fieldwork, 2014

5.5 Actors of the Conflicts

The next step has been to pinpoint critical actors who influence or who are affected by conflict. This complements the structural analysis which looks at the long term factors underlying violent conflict with an actor-oriented analysis focused on the shorter term incentives and interests which often cause latent conflict to become open conflict. All the respondents interviewed were of the view that actors to consider in the chieftaincy dispute include: traditional and community leaders and the natives of the two disputing gates. The local media, student groups, security forces, civil servants, conflict mediators etc. do not take part in the chieftaincy dispute.

5.6 The Impact of the Chieftaincy Dispute

302 (75.5%) of the respondents were of the view that the Chieftaincy dispute in Winneba has some impact on the development of the community. However, 55 (13.8%) were of the view that the festival has no impact on the development of the community. 43 (10.7%) were not aware of the impact of the Chieftaincy Dispute. This is shown in the figure in the next page:



Source: Fieldwork, 2014.

5.6.1 Arbitral Arrest

According to consistent information from respondents, between 2003 and 2013, the two factions have engaged in a bloody fight during the festival. Sometimes it took the police hours to contain the situation and arbitral arrests were sometimes made. Some respondents are questioning the impartiality of the police in the disturbances of the area.

An eye witness to the conflict had this to say:

During the 2003 edition of the festival, I and eight others were arrested and taken to the Winneba police station. We were told the arrest was on the request of the *Neenyi Ghartey VII*. Even though we were not charged formally for any crime, I and the other eight were detained. (REC-26)

5.6.2 Interruption of Academic Calendar

The right of a child to education is one of the most critical of all rights because education plays an important role in enabling an individual to secure other rights. Yet this right is systematically violated in most communities of which winneba are not an exception. Any time there is a chieftaincy dispute especially during the celebration of the festival, the children in the community are prevented from going to school.

A respondent asserted that:

The head teacher of the school my wards attend closed the school earlier on Monday after 2012 celebration of the festival due to the conflict. He also told them not to come to school for the rest of the days in the week. The attack and subsequent threats on people including students and pupils living at Winneba affect the academic work of our children some even drop out of school due to the conflict. (REC-31)

Article 26 (1) of UDHR states: “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.” In addition to being enshrined and outlined in international law and core treaties as shown above, the right to quality education is also referred to in articles 28 and 29 of CRC, and the second and third Millennium Development Goals, which lay down important standards and goals concerning its enjoyment. The chieftaincy dispute in Winneba is affecting the right of pupils and students to quality basic and secondary education.

One assembly man has this to say:

In 2012, most of the teachers in Winneba left the area for some weeks due to the chieftaincy dispute. They however returned when peace was restored. Even there was information that some teachers posted to the area at that time too were reluctant to accept posting due to the situation at that time. This might have contributed to the poor performance among our students and pupils. However, the situation is now better and teachers are even applying to be transferred to Winneba. (REC-37)

The chieftaincy dispute in Winneba denies pupils and students the right to quality teachers. However according to Barker & Gump (1964), people especially girls and boys in school have a right to a quality learning environment and to effective and continual teaching processes so that they can develop their personality, talents and physical and mental abilities to their fullest potential. Article 29 (1) of CRC and Section 9 (1) of the Children’s Act of Ghana, not only adds to the right to education recognized in article 28 but also a the right to participate in sports,

or in positive cultural and artistic activities or other leisure activities which violent conflicts can deny children from enjoying.

5.6.3 Fear and Panic

Fear and panic are some of the effects of violent conflicts. People with panic disorder have sudden and repeated attacks of fear when there is a conflict. Sometimes symptoms may last longer. These are called panic attacks. Panic attacks are characterized by a fear of disaster or of losing control even when there is no real danger. A person may also have a strong physical reaction during a panic attack. It may feel like having a heart attack. Panic attacks can occur at any time especially when violence occur, and many people with panic disorder worry about and dread the possibility of having another attack.

An eye witness to the conflict, who was a student during the 2012 Aboakyir festival, had this to say:

On the Friday afternoon I and some students of UEW were at the lecture room when we heard sporadic and indiscriminate gun shots from the street of the town. No sooner had we heard the initial firing of guns than we heard an acute wailing and screaming of almost the entire township. I together with my friends walked to ascertain what was going on. After some few metres steps onto the street, we were told in sobbing voice that the town was under sedge by some identifiable men. They added that the chief's of one family was also under attack and they feared the chief was murdered in cold blood. (REC-30)

A civil servant who was also an eye witness to one of the conflict had this to say:

I and many residents live in constant fear for our lives any time the Aboakyir festival approaches. In 2013, our movements to Accra and its suburbs are restricted by the actions and activities of some residents. They sometimes lay armed bush for us on our journeys to Accra and other places. The Winneba lorry-station or terminal where all the residents pick vehicles to other towns and cities of Ghana was under siege. (REC-9)

Confirming the above report, another respondent who was also an eye witness to the conflict had this to say:

I was coming home in the late afternoon of Sunday afternoon after church when I was attacked by group of very unfamiliar individuals who were with guns and clubs at the edge of the town. Before I reach a place where I could get a taxi, I saw a large crowd walking in the town. When I got closer to the town, three unfamiliar faces met me and demanded money. I was hesitant and refused to give them the money. One of them pointed a gun at me. As he clocked the trigger and fired, all the bullets poured onto the ground. Few minutes after that bad experience one of them held me by the back and others hit me severally with clubs at my back. (REC-6)

Another respondent who was also an eye witness to the conflict had this to say:

On the Saturday afternoon of the festival I was attacked by a group of men from the town. The reason was that I lived in a house belonging to a man that support one gate. To them, I am one of the children of the man they were searching for when assailants got to me; they jumped on me and started hitting me with clubs. (REC-11)

Other respondents expressed different views denying that there is a chieftaincy conflict in Winneba and that the Aboakyir festival causes fear and panic in the municipality. He said:

It is not factual that during the festival people are put in the state of fear. This is a lie. We all join in the celebration; even class one children take part. There is nothing to fear at all, the little problems that came up some time ago have been solved by the authorities and the town is very peaceful. The fact is that there is no chieftaincy conflict in Winneba and the Aboakyir festival is always peaceful. (REC-19)

Another respondent who was also of the view that the Municipality is peaceful and that there is no chieftaincy conflict in Winneba and the Aboakyir festival is always peaceful blame Christians as those spreading false information about the festival. He had this to say:

The Appeal court at Cape Coast has settled the misunderstanding between the Gharthey and Ayirebi Acquah families and there is no problem again. I believe Christians in this town are spreading false information about the festival. They see it as fetish and wish the government outlaw the celebration of the Aboakyir. (REC-2)

5.6.4 Torture and Murder

The life of a person is very important and crucial to the survival of all persons. Causing the death of another as a result of being denied their right to bail, thus resulting in death is therefore against their fundamental human rights. Torture is a particularly barbaric violation of the right to physical and mental integrity, and presents a direct attack on the core of the human personality. It was, therefore, abolished from criminal procedure during the Age of Enlightenment, and is prohibited, without exception even in emergency situations by present international law, both treaty-based and customary (Lund, 2003). The land disputes are abusing the rights of the residents through torture and murder.

Much worse, acts of aggression have been committed by both sides and reported to the Winneba Police,

according to police sources. But much worse, one group is pointing accusing fingers at the security agencies for allegedly supplying ammunition to the other side. Some of the residents are also accusing the traditional leaders of ordering the murder of people.

A respondent who was an eye witness to the conflict said that:

We were going to visit a relative who was sick, as we got very closer to the chief's residence; we saw a large group of men with cutlasses and clubs. We became afraid and run back home as quickly as we could (REC 50)

Interview with a respondent who was suffered injuries as a result of the dispute in Winneba has this to say:

On Saturday, of the 2012 festival, I together with my cousin was attacked with guns and clubs by a group of twenty men when we were on our way to the Winneba town from farm. Some of the assailants were familiar to the two of us. We were ambushed so when we got to where they were my cousin was hit with a club at the neck by one of the land guards. I saw my cousin fall instantly on the ground screaming for help at the hit. As some were firing the riffle, one of the assailants attacked me with a cutlass. He succeeded in cutting off the tips of my third fourth left-hand fingers. (REC-38)

When I was hit with the club hard, its severity made me fall onto the ground. When they saw me fall, they thought perhaps I was dead as they quickly left the scene. I got up few minutes after they had gone only to see blood oozing from the right thigh of my brother. He was injured to the extent that he could not get up. (REC-38)

A respondent who sustained severe injuries as a result of the land conflict gave the following account of what happened to him:

I became only conscious after one month at the Korle-Bu Teaching Hospital where I spent fifteen weeks on admission. Had it not be timely intervention of a local herbalist, I would have lost the effectiveness of that part of my body. The government should see the enforcement of the existing Court rulings on the conflicts between the communities.

I often feel pains around my waist, which was the most target of the attack. To reverse all these attacks and avert further loss of lives the government should see to it that both parties involved in this protracted boundary conflicts adhere to the existing state sponsored demarcated boundary between them. (REC-22)

A student respondent gave his accounts of how he was tortured during one of the conflicts.

While I was groaning on the ground, four others walked on me. Two of them held me by the legs and the other two by my arms. The four together lift and let me hit the ground hard lying prostrate. One of them cut my right ear that I had had stitched at the Winneba Hospital. But for a woman who saw from a short distance how I was being manhandled and raised alarm that I was being killed, the assailants would have killed me (REC-17).

Another respondent who was also an eye witness to the conflict had this to say:

I always take part in the celebration of the *Aboakyir* festival but I have never suffered any harm as a result of the celebration. I sometimes hear that people are injured during the celebration but I think they are those who act irresponsibly during the occasion. Some of the youth get drunk and misbehave in the public such people are those I suppose are hurt during the celebration. (REC-30)

According to the literature, the right to life is the supreme human right from which no derogation is permitted, even in time of war or public emergency (Symonides, 2000). Article 69(1) of the International Covenant on Civil and Political Rights, Article 4 of the African Charter of Human and Peoples' Rights only prohibit the arbitrary deprivation of life, without defining which type of killing would be non-arbitrary. Article 2 of the European Convention of Human Rights is more precise, as it only prohibits intentional deprivation of life unless it results from the use of force which is no more than absolutely necessary in defense of any person from unlawfully taken for the purpose of quelling a riot or insurrection, and in other to effect a lawful arrest or to prevent the escape of a person lawfully detained. The chieftaincy dispute in Winneba is abusing the right of the ordinary residents through torture and abusing their right to life.

Article 13 of the 1992 constitution states that; (1) No person shall be deprived of his life intentionally except in the exercise of the execution of a sentence of a court in respect of a criminal offence under the laws of Ghana of which he has been convicted. Unfortunately, there are instances, particularly during periods of military regime where mere suspects of crime were denied bail and often brutalized severely leading to their untimely deaths.

5.6.5 Destruction of Property

The review of provisions of international instruments, regional treaties and national constitutions reveal the universal recognition of the human right to property. It appears that generalized and consistent State practice and

opinio juris reflect the customary nature of the first paragraph of Article 17 of the UDHR “everyone has the right to own property alone as well as in association with others”. If land disputes leads to loss of properties then Article 17 if the UDHR has been infringed upon. From the data, a respondent interviewed has this to say:

In 2003 during the festival, my home was under attacked: the building was reduced into rambles; other personal belongings running into thousands of Ghanaian Cedis were burnt into ashes by the assailants. My wife’s hairdressing salon which served as her major source of livelihood was not spared at all as it was also burnt down. (REC-16)

Confirming the above report, another respondent who was also an eye witness to the conflict had this to say:

Another respondent who was also an eye witness to the conflict had this to say:

In the morning of 2003, I was told by a colleague that my beer bar was on fire. When I reached the site, I saw my bar burn down. The destruction of the bar had shut the door on my source of daily bread. The destruction made me personal belongings running into thousands of Ghana Cedis. (REC-32)

The right to property has been enshrined as a human right in international law – both conventional and customary-through universal and regional treaties and national constitutions. The right to property recognizes everyone’s right to peacefully enjoy their property, be it comprised of existing possessions or assets acquired by law or claims which raise a legitimate expectation of obtaining effective enjoyment. The right protects individual property, as well as, at least in the case of communal property. Limitations of the right are permissible, provided that they respect the principles of legality and proportionality and that they are directed towards assuring or advancing the public or general interest. Human rights law recognizes both positive and negative state obligations to protect the right to property. Any act that destroys the property of people abuse the right to own property.

5.6.6 Economics and Tourism

Festivals have contributed immensely to the economic and infrastructural development of many nations (Braithwaite, 1993). It was discovered during the study that during the days that the festival was celebrated peacefully, a lot of tourists travel from far and near to witness its celebration. All guests to the festival were very satisfied to see the rich culture of the *Effutus* of Ghana. And trading was very brisk during the period. However majority of the respondents were of the view that since the conflict became recurrent, patronage has reduced affecting the development of the area.

A respondent who was interviewed had this to say:

My mother used to make a lot of money from the sale of smoked fish during the celebration of the *Aboakyir* festival. A week before the festival she will smoke a lot of fish and keep them for sale during the celebration. It was her “cocoa harvest season”. But now because of the low patronage of the festival due to the conflict, they don’t buy the fish. (REC-40)

Another respondent agreed that the conflict had devastating effects on the development of the municipality. He asserted that:

The youth waste their time to fight and destroy properties during the conflict. Fishermen don’t go to the sea during that time. Either they are afraid or they are busy taking part in the conflict. Market women and traders stay in-doors and many people don’t open their stores to sell. (REC-28)

5.7 The 2003 *Aboakyir* Festival

The current dimension of violence that is gradually becoming a permanent feature started in the year, 1996 but became more violent during the 2003 *Aboakyir* festival where there was a violent confrontation between the police and the youth of the town at the shrine of *Apa Sekum* at *Tsetse Guado*.

Speaking at a press conference in Accra on 14th May, 2003, Nana Otubua Siripi II (Tufuhene of Winneba and leader of Twafo Asafo No.1 and Dentsifo Asafo No. 2) explained the circumstances, which led to the violence at the 2003 *Aboakyir* festival at Winneba. At the press conference were Nana Gyankumah V, Adotenhene and Acting President of Efutu Traditional Council, Nana Gyaaben, Nyimfahenekuma, Nana Annobil Twafohene, Ama Takyiwah, Chief Priestess and Agatha Koomson -Counselor Effutu Traditional Council. The Tufuhene accused Neenyi Ghartey VII of influencing the police in the area to terrorize them. He said since Daniel Kobina Borstie Ghartey (Neenyi Ghartey VII) "illegally and illegitimately installed" himself as the Omanhene of Winneba in 1996, it has caused a split in the Asafo companies. He said one faction, Saayo group are in support of the Omanhene and the faction referred to as Amanfo does not recognize him.

He said following the split, the people of the Amanfo faction have always boycotted any festivals presided over by Neenyi Ghartey VII. He explained that the Amanfo faction has failed to recognize him Neenyi Ghartey VII as their Omanhene because his installation was not done in accordance with the proper Effutu customary rites and usage. He is considered customarily

unclean and therefore a source of ill omen.

He alleged the chief has ignored the existing Traditional Council to "constitute a parallel Traditional Council in direct breach of the 1992 Constitution and Chieftaincy Act, 370 of 1971". Nana Otubua Siripi II said owing to the differences, when the people of Amanfo sent their catch (antelopes) to the Abosomba where the actual rituals on Aboakyir are done, the Saayo group sent their catch to "an unknown place". He described as false the statement by Neenyi Ghartey VII that the place the Amanfo sent their animals for ritual performances is a defunct place.

He said it was during the ritual process at Abosomba when "the police were sent under the instructions from the Chief to go and disperse the crowd at 'Tsetse Guado' because it was not his faction that was performing the rituals".

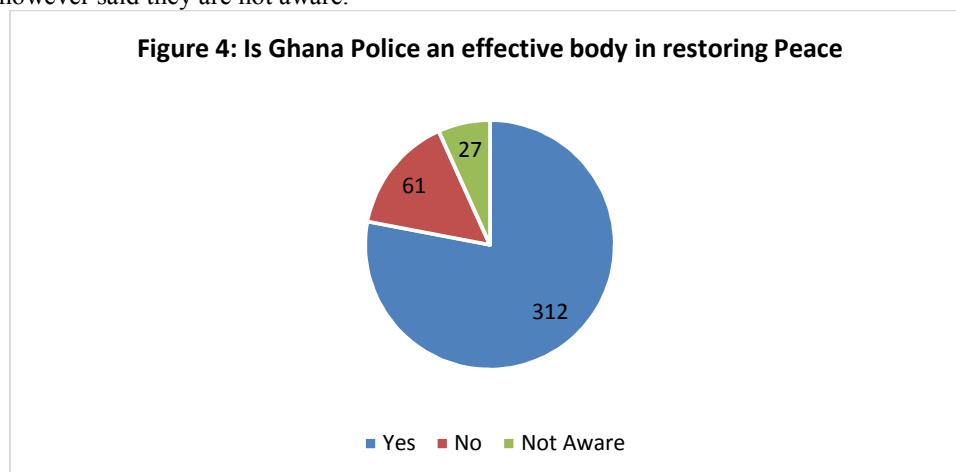
He said the police upon the arrival, went ahead to take away the slaughtered animals with force, the youth present there then resisted the police. He said this resulted in the police "firing tear gas and live ammunition into the teeming crowd gathered to witness the rituals." The youth then started throwing stones as a means of defending themselves leading to the violence.

5.8 Responses to the Chieftaincy Disputes

Every member of society has the right to protection. The government has a responsibility to protect all member of the state," the Ghanaian Constitution of 1992 says that, " all have a right to be protected in the enjoyment of life, liberty and property." When contacted, a source in the office of the Winneba Police Command confirmed that the police have investigated the criminal aspects of the complaint about Winneba Chieftaincy disputes.

5.8.1 The Police

Respondents were asked whether the Ghana Police is an effective body in restoring law and order before, during and after the Aboakyir festival. 312 (78%) held that the police are very effective in maintaining law and order in Winneba during the celebration of the festival. 61 (15.3%) disagreed with the police are effective during the festival. 27 (6.5%) however said they are not aware.



Source: Fieldwork, 2014

A respondent who was a victim of the conflict showed how he sought help from the security agencies and how the case was handled:

A formal complaint on the gun-shot attack on us was reported at the Ghana Police Service. The Police did not show much interest in the case and for that matter, we never had a fair handling of the complaint. (REC-28)

Another respondent who was also attacked during the conflict had this to say:

An attack on some friends was reported to the Ghana Police Service but not even a single individual was arrested. (REC-34)

The *Tufuhene* in a press conference accused *Neenyi Ghartey VII* of influencing the police in the area to terrorize them.

He said during a ritual process at Abosomba in 2003, the police were sent under the instructions from the Chief to go and disperse the crowd at 'Tsetse Guado' because it was not his faction that was performing the rituals". According to the *Tufuhene* the police upon the arrival, went ahead to take away the slaughtered animals, when the people present there opposed them it resulted in the police "firing tear gas and live ammunition into the teeming crowd gathered to witness the rituals." The youth then started throwing stones as a means of defending themselves. (LIT-2)

Another respondent who was also an eye witness to the conflict however praised the police for a good work. She

had this to say:

The Winneba police must be praised for their role in maintaining peace before, during and after the festival. Various malpractices were reported to the Ghana Police Service and they were able to arrest the perpetrators. Their presence gave confidence to all participants that they are safe at the durbar ground. (REC-17)

Prior to the 2014 edition of the Aboakyir festival, the Municipal Office of the National Peace Council paid a visit to the District Commander of Police (DCOP) at his office. The DCOP had this to say:

We are ready to ensure law and order at the festival and things are under our control to ensure peaceful celebration. Peace will be maintained during and after the celebration so there is no reason for any panic in the municipality. Any person who goes against the rules and regulations will be dealt with according to the law. Now it's our duty whenever we are in need of the National Peace Council we will call you.

5.8.2 Court's Rulings

In Article 33 (1) of the 1992 constitution of Ghana, where a person alleges that a provision of the human rights and freedoms in the constitution has been, or is likely to be contravened in relation to him, then without prejudice to any other action that is lawfully available, that person or group of persons may apply to the court for redress. In common law jurisdictions, courts interpret law, including constitutions, statutes, and regulations.

5.8.2.1 High Court's Ruling

Agona Swedru High Court on 28th June 2013 dismissed an application brought by the Head of Tumpa Anona family of Winneba, Nana Kow Mensah-King in a longstanding chieftaincy dispute. The Ghartey lineage (Otuano Royal House) had obtained judgment from the Judicial Committee of the Central Regional House of Chiefs on June 30, 1977, as the sole traditional 'set up' with the capacity and right to enstool and destool the paramount chief of Winneba.

However, plaintiff in the case Nana Kow Mensah-King brought the matter to the High Court to have the 1977 judgment set aside on the main ground that his Ayeribi-Acquah lineage (Tumpa Anona family) was not heard on the case that went before the Judicial Committee.

Responding to the case, the defendants, Otuano Royal House of Winneba contested the position taken by the plaintiff and filed an application to have the action struck out or dismissed under Article 274 (2) of the 1992 Constitution and section 28 of the Chieftaincy Act, 2008 (Act 759).

The court presided over by Justice Anthony Yeboah in its ruling disagreed with defendant's application that it lacked the jurisdiction to dabble in chieftaincy matters and that the Court of Appeal having confirmed the decision of the Judicial Committee of the Central Regional House of Chiefs, the High Court could not overturn the 1977 judgment. Touching on the facts pleaded by the plaintiff, the court said the Tumpa Anona family was very much aware of the proceedings before the Judicial Committee involving Kow Gyan-Panin and Tufuhene Ankwandoh and others.

It said the plaintiff was very much aware of the issues before the Judicial Committee which included the plaintiff's own pleading for the court to determine as to "whether or not the Royal Stool House of Otuano is the stool house entitled to perform the customary rites for estoolment and destoolment of the Omanhene of Effutu Traditional Area. "Whether or not the Otuano Royal Stool house is the only institutional set-up entitled by custom to perform rites in respect of the destoolment of Nana Ghartey V." The court indicated the plaintiff was clearly aware of the pendency of the proceedings before the Judicial Committee, "the issues for determination and evidence before the Judicial Committee". It pointed out that the two issues, which the plaintiff pleaded, were definitely determined by the Judicial Committee in the 1977 judgment whereby the Otuano Royal House became the sole royal house responsible for the enstoolment and destoolment of the Paramount Chief of Winneba, adding "these are res judicata." The plaintiff, the court maintained, was not able to show that Tumpa Anona family was unaware of the proceedings neither was he able to show that his family had any evidence to put before the court "which did not exist in or about 1977 when the judgment of the Judicial Committee was delivered and which evidence, with due and reasonable diligence, the Tumpa Anona family could not have come by".

Striking out the plaintiff's case, the trial judge stated he had thoroughly read the 1977 judgment, emphasizing that "I have nothing in the statement of claim that demonstrate to me that the judgment is wrong."

Before the ruling, the court had declared Article 274 (2) of the 1992 Constitution and section 28 of the Chieftaincy Act, 2008 (Act 759) as irrelevant and proceeded to hear the case under Order 11 (18) of the High Court (Civil Procedure) Rules, 2004, CI 47, particularly Rule 18 (1) (d) on abuse of the process of the Court.

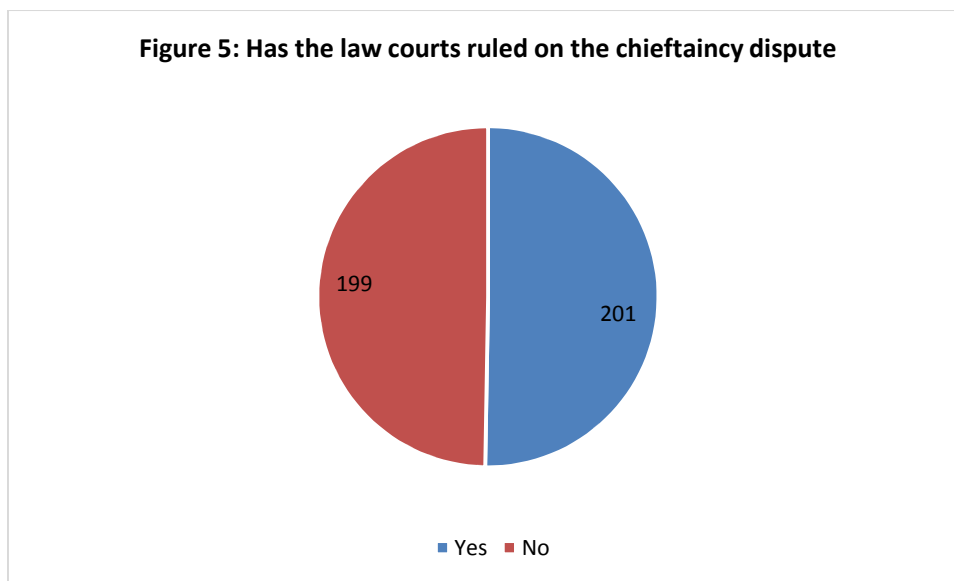
The rule, according to the court, required that the judicial power must not be used improperly and must always be used bona fide and properly. (Source: dailyguideghana.com)

5.8.2.2 Appeal Court's Rulings

The Court of Appeal on June 25 2014 dismissed the order to set aside the judgment of the Judicial Committee of the Central Regional Houses of Chiefs delivered in favour of the Otuanu Royal Family in Winneba in 1977. The three-member Cape Coast Court of Appeal presided over by Justice Honyenuga, dismissed an order to set aside the judgment of Judicial Committee of the Central Regional House of Chiefs, ruled in favour of the Royal House of Otuanu in Winneba.

The Nifahene of the Efutu Traditional Area, Neenyi Kofi Takyi the fourth, has stated that the dismissal of an Order to set aside the judgment of the Judicial Committee of the Central Regional House of Chiefs by the Appeal Court in Cape Coast, filed by Ayirebi –Acquah's Family against Opanyin Kyikyibi Gyan of the Otuanu Royal Family, should end the long-standing chieftaincy dispute lingering on in Winneba. According to the Nifahene, the ruling will pave way for absolute peace, truth and development that had eluded the people in the Effutu Traditional Area for over two decades.

Addressing a press conference in Winneba to throw more light on the ruling, Neenyi Takyi called for co-operation, understanding and unity among the people to promote development in the area. He said Winneba had suffered for far too long, and it is time to give peace a chance to ensure the socio- economic advancement of the town. Respondents were asked whether they are aware that the law courts have ruled on the chieftaincy dispute in favour of the Ghartey gate. 201 (50.3%) upheld the view; it was strange to find that 199 (49.7%) of the respondents did not know that the courts have ruled in favour of the Ghartey family. This is shown in the figure in the preceding page:



Source: Fieldwork, 2014

Commenting on the court ruling, a civil servant had this to say:

Our presence in the environment is all because it is the source of our livelihood. To reverse and avert all these attacks on individuals and group of individuals, and their properties and make the festival peaceful, the stakeholders should see to it that the two parties adhere strictly to the existing Court decisions. (REC-20)

The Nifahene of the Efutu Traditional Area, Neenyi Kofi Takyi the IV, also stated that:

The dismissal of an Order to set aside the judgment of the Judicial Committee of the Central Regional House of Chiefs by the Appeal Court in Cape Coast, filed by Ayirebi-Acquah's Family against Opanyin Kyikyibi Gyan of the Otuanu Royal Family, should end the long-standing chieftaincy dispute lingering on in Winneba. (LIT-1)

5.8.3 Regional Security Council

Information received during the field work indicated that the Central Regional Security Council had a very tough

time trying to intervene to ensure total peace and stability, months before the celebration 2013 Aboakyir festival. In order to ensure peace before, during and after the festival, the Regional Security Council, in collaboration with the Effutu Municipal Security Council, had to compel the various factions in Winneba and its environs to sign an undertaking. It was also resolved that the stepping on the deer caught by the Asafo companies would not be performed at the 2013 Aboakyir festival.

Due to the constant chaos that characterizes the celebration in the past, the Regional Security Council (REGSEC) and the Winneba Peace Initiative (WPI) deploy about 270 fully armed security officers from the Police, Ghana National Fire Service, Ghana Prison Services and Ghana Immigration officers to ensure peace and order during the 2014 Aboakyir festival.

5.9 Road Map to 2014 Peaceful Aboakyir Festival

There was high tension prior to the 2014 Aboakyir festival; there were various media publications of an impending violence in Winneba. To diffuse any element of nervousness associated with the Aboakyir 2014 celebration, Mr. Alex Peter Acquah (Chairman of the Aboakyir Planning Committee) dispelled fears and called on Ghanaians particularly the people of Winneba to treat the publication with utmost contempt that it deserves.

According to him, the publication which was put out there by the so-called members of Edwinfo, Apagyafa Asam, Etibafo Asam of the Dentsifo and Tuafo Asafo companies of the Effutu State in the Effutu Municipality was unfounded and completely malicious. Mr. Acquah also described the publication as a grand calculation to destroy the already peacefully planned Aboakyir festival which was launched on April 1 2014 and graced by the full presence of the two Asafo companies in Winneba.

He explained that after the launching and to a ensure sound and peaceful festive occasion the Chairman of the Aboakyir Planning Committee, Alex Peter Acquah represented by vice Neenyi Kojo Beedu (V) and Mr. Ghanney were summoned to the office of the Regional Police Commander, Moses Ninson in Cape Coast on Monday 7th April 2014 together with the Tufohen of Winneba.

At the said meeting, we all resolve never ever to deny the citizenry of the Effutu State their long standing heart desire to celebrate this year's Aboakyir with oneness and soundness of mind."Again on Tuesday 8th April, 2014 at the office of the Effutu Municipal Assembly, the presiding member Very Rev. Eldad Bonney a minister of the Methodist Church, Ghana and the lecturer at the University of Education, Winneba had separate meetings with the personnel present.

First with the Tufohen of Winneba, and thereafter met with the two Abaatan Kweku Armah-Sekum of Tuafo No.1 and Kweku Baiden of Dentsifo No.2. Also present at the meeting were Divisional Police Commander Supt. Ahmed Issah Yakubu and the Winneba Fire Service Commander. At end of the day, Mr. Acquah revealed that the Abaatan as well as the Supis for the two Asafo companies all declared their togetherness to celebrate the festival without any trace of rancor that would mar the beauty of this wonderful festive occasion.

As if all did not go down well with the Tufohen, the Divisional Police Commander, Supt. Ahmed Issah Yakubu reconvened yet other separate meetings in his office at Swedru on Thursday 10th April, 2014. This time the two Abaatan were each accompanied by two other members (making six-member committee) of three elders of Tuafo Asafo Company and three elders of Dentsifo Asafo Company."

At the end of the meeting held at Swedru, the Divisional Commander of Police, Supt. Almed Issah Yakubu requested from the two Abaatan a copy of the programme of activities for the Aboakyir 2014," he said. He could not understand why the two Asafo groups which have openly declared their willingness and readiness to celebrate the 2014 Aboakyir festival in grand style to be planning to stop the celebration.

He however indicated that the two Abaatan and their accompanied Supis disassociated themselves from the said reportage by declaring that nobody had held any meeting or press conference with the two Asafo companies let alone infiltrate their camps to cause mayhem and confusion among the peace-loving people of Winneba. Looking at the issues as they unfold, who is spilling milk and who in his own small way is muddying the waters upstream and trying to apportion blame downstream, he averred.

The chairman for the 2014 Aboakyir Planning Committee reiterated the committee's position on celebrating this year's Aboakyir festival and cautioned the media to desist from using their platforms for people whose actions will discredit the work of the Aboakyir 2014 Planning Committee.

He stressed, "I wish to stress here that you do not in any way grant interviews, press conferences or otherwise to any identifiable or unidentifiable group outside this August Body." Mr. Acquah also called on the

people of Ghana to treat any material or article coming from such people with the highest contempt. He cautioned the media to stop the habit of using their good offices to honour any information that is not endorsed by the Aboakyir Planning Committee Chairman and treat any such material as a trash (Source: Ghana News Agency, 2014).

5.10 Reasons for Low Patronage of 2014 Festival

Some people, who spoke to the researcher, attributed the low patronage of the festival to the massive police presence at the durbar grounds, a situation they said scared visitors and natives away from the grounds. Others indicated that people thought they would be injured as it happened in 2012 when some people were stoned after confusion erupted between the feuding factions. According to some residents, the low patronage of the festival was due to the fact that Neenyi Ghartey announced on various radio stations that he would ensure that the festival was cancelled.

6.1 Summary of Research Findings

1. The findings with respect to the general effects of the chieftaincy conflict in Winneba are that all aspects of individual and communal livelihoods in the Municipality have been negatively affected.
2. The conflict has led to the militarization of the youth, indiscipline, political chaos and insecurity. The violence and insecurity has in turn retarded the socio-economic development of the Municipality.
3. With regard to the municipal economy the research found that the general insecurity has made the Municipality unattractive to business people. Thus many businesses have relocated to relatively peaceful parts of the country. The violence discourages heavy investment in all three economic sectors.
4. The economic sector is generally dominated by small-scale family ventures that employ only few people, leading to high unemployment rates in the Municipality; the poverty level has worsened.
5. The violent conflict has led to the loss of assets, valued at several millions of Ghana cedis. The destruction of assets has affected people on both sides indiscriminately through arson, lootings, and gun battles.
6. The right to education of children in the two communities are affected since they are not able to attend classes during the period of conflict.
7. The resultant insecurity diverts the attention of government and the Municipal Assembly from tackling pressing developmental issues relating to the restoration of peace and order. Meager state resources are spent to maintain peace and order, and to give immediate social relief to victims of the perennial violence.

6.2 Conclusion

Aboakyir has been known as the main traditional festival of the Effutu, but this has begun to change. Analysis of most recent celebrations indicate that the *Aboakyir* festival has lost its value and importance to people of Effutu and tourists, both local and foreigners alike.

For the past five years, the Aboakyir Festivals have been greeted with disputes resulting in some violent conflicts with accompanying deaths. It is worrying to say that the once splendid annual festival which used to attract several tourists and well-wishers has been bogged by disputes between the two rival factions of the Effutu Stool. To prevent any violent eruption of the conflict in the 2013 edition of the Aboakyir Festival, the Municipal Security Council (DISEC) acting through the Ghana Police Service got a Court Order from the Agona Swedru Circuit Court and restrained the Aboakyir Planning Committee and all members of the Effutu Traditional Authorities from celebrating the festival.

This sharp shift from peaceful to violent in the way the Aboakyir festival is celebrated is due to a variety of developments. One of this is the arguments between practitioners of traditional religion and those who have converted to Christianity on the significance of the festival. Divisions between age groups, with elders in the vicinity remaining committed to Aboakyir and the youth desiring the Fancy Dress Festival. Again, national political parties seem to have great interest in the festival, thereby politicizing aspects of it.

The underlying causes of the conflict that has destroyed the celebrations of Aboakyere festival is due to a variety of developments:

One of the reasons for the conflict is the different priorities placed on the significance of the festival between practitioners of traditional African religion and those of Christianity

A second driving factor for the conflict, is that the elderly place a high value on the Aboakyir Festival while the upcoming youth do not eagerly participate in the Aboakyir, but rather celebrate another festival called the '*Fire Festival*' also referred to as the '*Fancy Dress Festival*,' which is celebrated in December of each year.

Again, national political parties seem to have politicized the two festivals. It is indirectly observable that members of the National Democratic Congress (NDC) support one gate while members of the New Patriotic Party (NPP) support the other gate. It is clear that most residents now put their energies into celebrating the Fancy Dress Festival. This festival was started in the 1920s but was little known until recently has almost replaced the Aboakyir which for many years has been the most popular.

Complicating this further is an ongoing chieftaincy dispute within the Effutu royal family, where the *Ghartey* lineage is contesting the *Ayirebi Acquah* lineage over succession to the late Effutu paramount chief. The ongoing conflict within the Effutu Royal houses has diminished public participation in the Aboakyir festival. Some businesses in the immediate past used to sponsor advertisements and donated their resources in support of the festival, but in recent years have withheld their participation.

In addition to the ban on attending durbars for the Aboakyir Festival, the two feuding chieftaincy heads have been banned from wearing any form of regalia that portrays them as chiefs. It's expected that with some public sensitization in addition to the ongoing stakeholder consultations, the Effutu Municipality would have a peaceful Aboakyir.

Politicians, chiefs, public servants and the people of Effutu must build on present efforts to harvest the benefits of peace by finding a lasting solution to the protracted traditional and chieftaincy disputes. Confidence building measures through stakeholder consultations must be strengthened by both the public institutions such as the National Peace Council and civil society to promote the development of the two festivals side by side to boost tourism which comes with greater benefits to both businesses and job creation.

Posterity would not forgive the present generation of Effutus if they fail to use the opportunities created by the conflict to advance the needs of future generations.

6.3 Recommendations

How can the negative effects of the conflict in the Winneba be resolved peacefully or be managed in a prudent manner to mitigate its effects? The recommendations made in this section are based on my research findings as well as on suggestions made by some of the respondents.

6.3.1 Recommendations from Respondents

Respondents gave varied and divergent views on how the conflict can be managed or resolved successfully. Their recommendations are:

1. The need for the chieftaincy to be rationed between the *Ghartey* gate and the *Ayirebi-Acquah* gate. When the one on the throne die his successor must be from the other gate.
2. Other respondents also suggested that dialogue was the best way to help resolve the conflict. These respondents argued that both *Ayirebi-Acquah* and *Ghartey* leaders should be dragged to the dialogue table by a higher authority. They stressed that the "mouth" is a key weapon on itself to bring peace and not the law court.
3. Some respondents also suggested that, the patriarchal and patrilineal culture in the Winneba is the major underlying factor contributing to most of the sources conflict. These respondents suggested that there should be some changes in the institution of chieftaincy in the municipality, allowing the Matrilineal line to become chiefs as it is done in Ashanti.
4. Political parties should stop interfering in the chieftaincy conflict
5. The Regional House of Chiefs or the National House of Chiefs are the appropriate authorities to resolve the conflict
6. The need for education and understanding can help restore peace.
7. Some respondents argue that the conflict cannot be resolved and recommended that the two sides should be allowed to fight until one faction emerges victorious and asserts dominance.

6.3.2 Recommendations based on the Findings

1. To resolve this conflict there will be the need for government, political parties, the Municipal Assembly and all stakeholders to show a high sense of morality and refrain from exploiting ethnic sentiments for electoral favours.
2. A lot of public education on peace targeting the youth of the area must be started immediately. Peace clubs must be started at the basic schools level to defuse possible breaches of the peace.

References

- Barker, R. & Gump, P. (1964). *Big School, Small School: High School Size and Student Behaviour*. Stanford, CA: Stanford University Press.
- Bell, J. (2004). *Doing your research project: A guide for first time researchers in education and social sciences*. Berkshire UK: Open University Press.
- Berdal, M. & Malone, E. (2000). *Greed and Grievance Economic Agendas in Civil Wars*; Lynne Reinner, Boulder, Colorado.
- Braithwaite, N. (1993). *Tourism and Agriculture; Harmony not Conflict*, *Spore*, 43 (7), 7-17.
- Burton, J. W. (1993). Conflict Resolution as a Political Philosophy. Summary by Mariya Yevyukova. In *Conflict Resolution Theory and Practice: Integration and Application*. Ed. Dennis J.D. Sandole and Hugo van der Merwe. Manchester and New York: Manchester University Press, Pp. 55-64.

- Bush, K (1998). A Measure of Peace: Peace and Conflict Impact Assessment of Development Projects in War Zones. In *The Peace-building and Reconstruction Programme-Initiative*. Ottawa: IDRC.
- Collier, P. (2000). *Doing Well out of War: An Economic Perspective in Berdal and Malone*. Op: cit.
- Creswell, J. W. (2007). *Qualitative inquiry and research design: Choosing among five traditions* (2nd Ed). Thousand Oaks, CA: Sage.
- DFID, (2002). *Conducting Conflict Assessment*; DFID Policy Statement.
- Galtung, J. (1997). International Development in Human Perspective, in *Burton Conflict: Resolution and Provention*, pp.301-335. Manchester: Manchester University Press.
- Goodhand, J. (2000). *Strategic Conflict Assessment, Nepal*; INTRAC report prepared for CHAD/DFID. (Internal document).
- Lund, C (2003): “Bawku is still volatile: ethno-political conflict and state recognition in Northern Ghana” page 587-610 in *Journal of African Studies* 41, (4). Cambridge University Press.
- Maxwell, J. (1997). *Designing a qualitative study*. In L. Bickman & D. J. Rog (Eds.) *Handbook of applied social research methods* (pp. 69-100). Thousand Oaks, CA: Sage.
- Richani, N. (2007). *Systems of Violence and their Political Economy in Post Conflict Situations*; [online]-URL:<http://siteresources.worldbank.org/INTCONFLICT/Resources/RichaniRvsd2007.doc>
- Rosenberg, M. B. (2005). *Speak Peace in a World of Conflict: What You Say Next Will Change Your World*. Puddledancer Press. p. 240
- Silverman, D. (2005). *Doing Qualitative Research*. Second Edition. London: Sage Publication Limited.

A. International Human Rights Provisions

1. Universal Declaration of Human Rights (1945)
2. International Covenant on Civil and Political Rights (1966)
3. International Covenant on Economic, Social and Cultural Rights (1966)
4. The African Charter on Human and Peoples Rights (1981).
5. The United Nations Charter, (1945)

B. National Legal Documents Cited

1. The Constitution of the Republic of Ghana (7th January, 1992) Ghana.
2. The Criminal Code (1960), Act 29
3. Criminal Procedure Code of Ghana (1960), Act 30