INTERNATIONAL

RESEARCHERS

TRADITIONAL GOVERNANCE IN THE GAMBIA:
CHIEFTAINCY ROLE IN MODERN PARTY POLITICS

Aboubacarr Abdullah Senghore, Frederick Ugwu Ozor

THE INTERNATIONAL RESEARCH JOURNAL "INTERNATIONAL RESEACHERS"

www.iresearcher.org

INTERNATIONAL RESEARCHERS is peer-reviewed, supported by rigorous processes of criterion-referenced article ranking and qualitative commentary, ensuring that only intellectual work of the greatest substance and highest significance is published.

INTERNATIONAL RESEARCHERS is indexed in wellknown indexing diectories

with ICV value 5.90

and moniter by

TRADITIONAL GOVERNANCE   IN THE GAMBIA: CHIEFTAINCY ROLE IN MODERN PARTY POLITICS

Aboubacarr Abdullah Senghore, *LLB, MCL, PhD* (Pakistan & Malaysia) [1], **Frederick Ugwu Ozor** *Pr FIGA, DPFM, PhD* [2]

[1]Faculty of Law, the University of the Gambia,
[2]St. Clements University, Turk and Caicos Islands, British West Indies

(THE GAMBIA; BRITISH WEST INDIES)

[1]aasenghore@utg.edu.gm, [2]f_oz_or@hotmail.com

ABSTRACT

This paper examined traditional governance in pre-independence Gambia and discussed chieftaincy structures of traditional governance and their role in modern political decision making processes within the framework of party politics. The paper sought answers to key research questions of: what were the traditional roles of chieftaincy in governance. Do chieftaincy structures, which exist outside democratic governance structures in post independence Gambia, promote or retard democratization process of the country? What elements of traditional governance could be incorporated into modern democratic rule in the Gambia?

KEYWORDS: Traditional governance, chieftaincy, legitimacy, democratization, justice administration

1. INTRODUCTION

Traditional institutions were involved in governance in pre-colonial Gambia and chiefs played a crucial and leading role in most communities. The advent of colonial rule introduced western forms of governance, which over the years were modified incorporating modern political and administrative structures at the national and regional levels. However, at the district and community levels central political institutions share the responsibility of governance with traditional authority, mainly that of the chiefs. Within rural communities however inadequate infrastructure and poverty tend to hamper access to modern state agencies of security, justice and health. In such a situation, chieftaincy institution assumes a very critical role in serving the people, being therefore, a vital and strategic partner for development. Under colonial and post colonial governments, traditional institutions of governance suffered erosion of political authority. In fact, colonial penetration fired by European economic and political interest completely overhauled the indigenous African traditions and decreased the relevance of traditional rule system. Kinship system, which was the institutional framework of traditional governance, gave way to chieftaincy, an alien title clothed in diminished authority and power role. In some African jurisdictions, remnants of traditional governance structures remain relevant only in local government administration.

In the Gambia, the colonizers introduced chieftaincy in the later part of the 19th century. The colonial authority downgraded Gambian kings known as 'Mansa', or 'Bur', and appointed chiefs where kings were not found in consonance with the indirect rule system. Perceiving the traditional governance institutions as primitive, the colonial administrator Bathurst Governor Llewellyn in 1894 stated that the unsatisfactorily native customs in The Gambia were to be reformed. Subsequently the promulgated protectorate ordinances of 1894 divided the protectorate into districts and convenient groups of villages supervised by appointed headmen and head chiefs introducing thereby the chieftaincy system in The Gambia.

However, now that traditional chiefs and 'appointed' chiefs involved in local government administration and the people are rising to the challenges of modernization and democratization, the role of the chieftaincy instrument of governance is becoming a subject for scrutiny by researchers and governance experts. In this context, a key research question is what elements of traditional governance, which is sensitive to the culture and history of the

Gambia, could be incorporated into modern democratic rule to improve governance? This paper further examined the traditional roles of chieftaincy in governance and sought to answer the question of whether chieftaincy structures, which exist outside democratic governance structures in post independence Gambia, promote or retard democratization process of the country. The preceding section discussed methodology and data collection design, and in section 3 the paper discussed traditional governance institutions and practices in the Gambia. Section 4 examined chieftaincy structures in post independence Gambia. Subsection 4.1 looked at the changing roles of chiefs in the context of political developments in the Gambia. It further analyzed archival and qualitative data and discussed results. The paper ends with a conclusion.

2.   METHODOLOGY AND DATA COLLECTION DESIGN

The methodology or strategy of inquiry is case study, which determined the use of multiple data collection tools, procedures and method. Hence, employing seven interview protocols and a focus group discussion, this work generated primary qualitative data, which it inductively and qualitatively analyzed, though further secondary and complementary data and information came from institutional sources in the Gambia including already published works in relevant literature. The paper presented key findings in narratives of respondents, though reduced to standardized format and followed by more indebt discussion of results.

Colonial penetration considerably eroded traditional governance structures existing in The Gambia, which pre-date modern governance structures and the young generation tend not to be quite knowledgeable about these structures. Thus, in order to obtain deeper insight into these traditional structures and changes thereafter, the data collection instrument targeted both serving and retired Chiefs and elderly people in selected parts of the country. It was felt that the historical perspective of traditional governance institutions was essential for a better understanding of how these structures functioned in the past and their relevance today. The survey team adopted an indebt interview approach in order to capture views of respondents on this issue and sampled respondents based on their knowledge of traditional governance issues and social status within their communities. Interviewees included district chiefs, ex-chiefs, prominent community leaders and persons living in villages that had chieftaincy stools in the past, career politicians, historians and scholars on Gambia history. Besides, a focus group discussion followed in order to share the findings of the fieldwork with a view to deepening the write up and results. The focus group consisted of five persons selected based on their knowledge of traditional governance in The Gambia. Secondary data came from already published works on traditional governance institutions from the historical perspective and their relevance in the modern political setting.

3.   TRADITIONAL GOVERNANCE INSTITUTIONS AND PRACTICES

Since the management of societal affairs by state institutions in traditional Gambian societies involved the participation of key stakeholders, this section begins with conceptual clarifications of the terms government and governance. Government refers to the machinery and institutional arrangement for the exercise of sovereign powers in serving the internal and external interests of the communities of the State. Government and governing are often associated with authoritative exercise of power and control sometimes arbitrarily. "Governance is a broader notion than government, state and regime and it is the interaction between formal institutions and those in civil society" (Mander and Asis, 2004: 11). The term **governance** applies generally to a variety of issues, relationships and institutions concerned with managing public and private matters. Governance covers all that governing bodies must pay attention. The United Nations Development Program (UNDP), in its 1997 policy paper, defined governance as "the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences". The World Bank defined governance as the method through which power is exercised in the management of a country's political, economic and social resources for development. As the Bank realized that a major part of the crises in developing countries derives mainly from governance, most of its development packages began to emphasize governance issues, particularly the issues of accountability and transparency. For this reason the Bank developed a new way of looking at governance, which is broader than government or governing. Pierre, (2000) defined governance along this broad line as "sustaining coordination and coherence among a wide variety of actors with different purposes and objectives...It is globalization

and rationalization". These actors include political and institutional players as well as interest groups, civil society, non-governmental and transnational organizations. According to the British Council, governance involves interaction between formal institutions and those in civil society. Governance therefore refers to a process whereby elements in society wield power, authority and influence and enact policies and decisions concerning public life and social advancement. Peters and Pierre (2000) offered a more state-centric definition of governance and argued "governance relates to changing relationships between State and society and declining use of coercive policy instruments. The author asserted that the State possesses dominant political power and plays a leading and steering role in governance, making priorities and determining objectives. Further, Hirst, (2000) defined governance as the means by which an activity (or group of activities) is controlled or directed, such that it delivers an acceptable range of outcomes according to some established criteria. These definitions embody notions of governance that go beyond the meaning of such related concepts as government, state, regime, and good government. They imply that good government is an integral part of governance, and governance is an approach to governing. They further imply the related concepts of organizational effectiveness in terms of policy formulation and policy in action, accountability, transparency, participation, openness and the rule of law or non- arbitrariness. This approach to conceptualizing governance emphasizes responsiveness, accountability, openness, and participation of other actors other than the central authority in policy making and policy taking. Governance therefore is not about dominant management and administrative hierarchy but about partnerships involving other actors the policy process. Governance is the process whereby societies, or organizations, make important decisions, determine whom they involve, and how they render account (Institute of Governance, Canada, 2002). Governance is not about routine administration, it is about collaborations, the ''formalization of the relationships among partners, combined with mechanisms for accountability of the collaborative enterprise for its actions'' (Thomas, 2000:6).

Hence in the context of this understanding of governance, traditionally, rulers were the custodians of African culture and heritage and steered the process of governing. They were the symbols of people's voice and authority and involved key stakeholders in governance. Their prime task was to see that people and their subjects lived together peacefully, smoothly and harmoniously as one family. Traditional chiefs presided over cases of disputes involving landownership and distribution, marriage, inheritance, divorce, religious ceremonies, and administered justice in accordance with the principles of customary law. Traditional authorities and institutions were instituted, rulers installed, recognised and obeyed and the entire governance process progressed in accordance with norms and principles of customary law. However, with the advent of Islamic rule in The Gambia around the Eight Century AD, the teachings of Islam heavily influenced traditional governance systems of the people in almost every aspect of socio-economic, cultural and political life. Today many of the practices described as traditional governance practices in The Gambia are actually Islamic practices. However, traditional rulers and officials even in Islamic period drew their legitimacy from the support of the people who expected them to function according to popular will. Thus the legitimacy of traditional rulers derived not from an act of appointment by a sovereign political authority but from the general acceptance and the will of the people.

In the Senegambia region, the situation was the same as traditional rulers were also the custodian of people's culture, heritage and authority. The subjects willingly subjected themselves to the authority of their rulers and gave their total support. According to Mahoney (1982: 19), this high level of support and loyalty to traditional rulers attracted the attention of the eighteenth century English trader, Francis Moore who observed ' If a person wants anything to be done by a good number of people, the best thing is to apply to the "al cade (the village head) to make despatch with it; but if a factor (trader) does not take care to keep in with the al-cade, he will seldom or never gets things done as they ought to be". Thus, this traditional governing process characterized as good governance demonstrate significant contradiction with government and governing of rulers of most modern African sovereign states who do not enjoy commensurate legitimacy and honest support of the ruled.

In the conventional governance system with elements of formal institutional and organizational structures for decision making, the principal governance actors often included the state, civil society and the private sector. (Mander and Asis, 2004), argued that governance model that creates inclusive governing environment, which permits unhindered participation of key actors, would likely result in good governance. Since governance embraces all methods that societies use to distribute power, manage all the affairs of the people in general and manage resources and problems in particular, it may be characterised as "good" or "bad". According to UNDP, governance cannot be sound or good

unless it sustains human development, and without good governance human development remain un-sustained. In this context, it evident from the foregoing discussions that traditional governance institutions and practices, characterized as 'good governance', anchored on the following principles:

- Governance processes should be responsive to the critical needs of the people and sustained by legitimacy
- The grassroots people and the masses must be involved in the process in order to ensure responsiveness. This is "The bottom-up approach" to governance.
- The outcome of this responsive and participatory approach could be sustainable economic growth, which reaches out to all in society.

4.0 CHIEFTAINCY STRUCTURES IN POST INDEPENDENCE GAMBIA

There appears to be a smooth working relationship between traditional and modern state institutions. In post independence Gambia, local government assumed greater responsibility in the administration of local affairs. At village level, the Alkalo chosen by the people, endorsed by the chief and confirmed by the regional Governor, presides over village matters. In the context of representative democracy, the political and administrative structures include Village Development Committee at the village level, the ward development committee supervised by the ward councillor at the district level, and the ward councillor who represented the ward at the Area Council of the given region. Today, local authorities handle collection of taxes, levies and dues, which were first under the prerogative of the chiefs in the colonial era. However, traditional authorities/chiefs continue to fulfil their role as custodians of traditional customs and cultural heritage. The constitution recognized the institution of chieftaincy as the symbols of traditional laws and customs with the overriding responsibility on matters affecting land ownership and distribution, issues involving family dispute such as marriage, divorce, and inheritance, communal disputes including a broad range of adjudicatory authority except murder cases (e.g. presiding over District Tribunals or courts). Their role as intermediaries between the central government and the local people created by the colonialists continued to be relevant in the local government system of modern Gambia.

4.1 CHIEFTAINCY INSTITUTION IN THE CONTEXT OF POLITICAL DEVELOPMENTS IN THE GAMBIA

This subsection examined the institution of chieftaincy and the changing roles of chiefs in the context of political developments in the Gambia. Analysis of archival and qualitative data produced the following results:

- The colonial government retained the institution of chiefs and village heads, which existed prior to the colonial era. The colonial government used these existing structures as a tool to ease the administration of the colonies. Through indirect rule, the colonial government administered the regions using Chiefs and village heads. These traditional rulers in addition to representing the colonial government in the regions and villages also collected revenue from their subjects. They also played a key role in law enforcement and the administration of justice as well as in promoting the cultivation of cash crops meant for export such as peanuts and cotton.
- Legislation on local government provided for most of the traditional governance institutions. The Local Government Act of 2002 provided for traditional institutions such as Chieftaincies and the village heads (i.e. Alkalolu). The immediate post independence constitution used these structures as an arm of central government, mainly for the purpose of taxation and the administration of justice. In the absence of modern governance structures at the village level, village heads continued to collect rates and taxes within their communities, which revenue collectors often based within the district Chiefdom later collected. This arrangement enabled local government authorities to monitor compliance in the payment of rates and taxes.
- The 1997 Constitution of the Gambia provides for the involvement of the office of the Chief in the dispensation of justice. Chiefs are largely empowered under this constitution to adjudicate in civil matters relating to marriages, inheritance and land disputes. Since a number of these cases hinge on traditional norms and values, a group of wise-men (Council of Elders) assisted the chiefs in the dispensation of justice. The Gambia being predominantly Muslim and the country's legal system premised on English common law, local customary, Islamic and modern laws, this group of elders advises the chief during court proceedings and even adjudicates in cases before the district tribunals. District tribunals are higher courts of arbitration. The Council of Elders further plays active role in resolving disputes on such matters as land and marital issues.
- In the area of development, the Government of the Gambia recognises the need for community ownership of development initiatives. In a quest to promote ownership of development programmes, government often sought inputs from communities in the planning of development project through the Village Development Committees (VDCs). These committees work with the chieftaincy structure at all levels of development endeavour. Traditional

institutions also work with the central government in sensitizing their communities on national development initiatives.

- As de facto representatives of government in the districts, the chiefs have since independence been largely allied to government. This is because, though elected officials in most cases, the power of the executive to install and remove chiefs compels occupants of this office to be subservient to the executive. Nevertheless, chiefs remain significant players in the governance of The Gambia. In the first republic of the Gambia, chiefs had a representative in parliament as nominated Member of Parliament. However, the representation of chiefs in parliament discontinued since 1994, although they continue to play an active role in national politics. During electioneering campaign, chiefs are involved in canvassing for votes for the incumbent party candidates and have been quite influential in rallying support for the governing political party.

A plausible explanation for the support of chiefs for the government (i.e. incumbent political party) in electioneering campaign is their colonial experience. This view egos the argument in literature that the provincial governors that replaced the white commissioners used coercion and patronage system in dealing with chiefs. They were forbidden to support the opposition and were either to keep out of politics or support the ruling PPP even in the immediate post independence era. Chiefs therefore became the losers in their traditional and customary heritage (Wright 2004). Either out of sheer habit, conditioned learning, or intimidation, a serving chief could support an opposition candidate only in secret for fear of reprisals from the executive. Support for incumbent political party and non support for the opposition continued during the first and second republic, and traditional authorities tend to marginalize members of their communities who support opposition parties. Opposition parties in view of their influence on the electorate have often queried the involvement of chiefs in party politics. These results suggest that the involvement of chiefs in party politics could also cause the populace to lose confidence in them as impartial arbitrators of justice, particularly where litigants or defendants identify with opposing political parties. Such questions of impartiality might dissuade the populace from seeking redress from the district tribunals. Due to the increased politicization of the office of chief even elders nominated to the district tribunals might be persuaded to identify with the ruling party. The outcome of politicization of chieftaincy structures of governance is losing of legitimacy. This suggestion supports the findings by Wright, (2004) that in the first republic (1969-1993), some chiefs' outright support to United Party (UP) eroded their sense of impartiality and compromised their status as traditional rulers. They suffered political intrigues and intimidation by the newly formed PPP government in 1965. Rural political elites usurped their customary and statutory powers by giving them little say in rural political and development activities. Political coercion and close monitoring of the activities of traditional rulers in the second republic further compromised their status as traditional rulers. The 1997 Constitution empowered the President to appoint and fire chiefs, which further weakened chieftaincy governance structures so much so that chiefs today are no longer the mouthpiece of the people but of the ruling party big wigs. Besides, in dealing with the research question of whether chieftaincy structures of governance promote or retard the progress of democratization in the Gambia, it is reasonable to assert that the non insulation of traditional rulers from politics undermines the legitimacy, which is the bedrock strength of traditional governance. For this reason, loss of popular confidence in traditional institutions and declining public support could negatively affect the democratization process.

Though chiefs could exercise their voting rights, the executive has the power to hire and fire them. The role of Seyfolu and Alkalous as mediators and arbitrators in dispute resolution and crime management as well as symbols of people's voice require them to maintain a non partisan political life style. As important appendage of state apparatus, they have to preside over all sorts of state functions at district and village level. Their role as judicators required them to respect diverse political opinions in a democratic system. Their traditional role expects them not to participate in politics or accept political position, or even have any political ambition or cloud. It is thus evident that chieftaincy structures of governance exist outside democratic governance structures. The principle of cultural moral and ethical order dictates that chiefs do not participate in political activities. The implication is that chiefs derive and sustain the acceptance and support of members of their political communities from the characteristics of non partisan, impartiality and custodians of tradition and custom. They were the mouthpiece of the rural majority. They held a rendezvous with the people. However, this legitimacy is significantly missing from the contemporary African governance. In this context, democratic governance structures could significantly improve by reviving and infusing legitimacy laden instruments of traditional governance into modern democratic governance in the Gambia. Rather than politically coerce and keep chiefs out of democratic governing structures, chieftaincy could be structured into the governing process as key stakeholders in ways that allow political officeholders to benefit from traditional popular support for chiefs. While politicization of chieftaincy is to be avoided, they could constitute important advisory bodies at local and

national levels whose views count on key local and national issues. There could be regional and national committee or council of traditional rulers and chiefs nominated on the basis of traditional ruling family or founding lineage of a settlement and insulated from political manipulation. In this context, this paper recommends the reformation of existing association of traditional rulers in the Gambia in ways that empowers it to take more significant role in political decision making process. Such bodies of traditional rulers could exercise veto legislative powers, which of course the representatives in parliament could override. The political benefit is that apart from lending legitimacy to the governing process, the incorporation of tradition chieftaincy structures into modern democratic governance could introduce the necessary caution in the management of state affairs.

5. CONCLUSION

In concluding, this paper suggests that the basic assumptions and principles, which sustained traditional governance institutions and practices in the Gambia characterized as 'good governance' are first, governance processes should be responsive to the critical needs of the people and sustained by legitimacy and grassroots people and second, the masses must be involved in the process in order to ensure responsiveness. A third assumption is that the outcome of this responsive and participatory approach could be a sustainable economic growth, which reaches out to all in society.

However, this study established that the colonial government retained the institutions of chiefs and village heads, which existed prior to the colonial era using these existing structures as a tool to ease the administration of the colonies. The immediate post independence constitution retained chieftaincy structures as an arm of central government, mainly for the purpose of taxation and the administration of justice. In the absence of modern governance structures at the village level, village heads continued to collect rates and taxes within their communities. The 1997 Constitution of the Gambia provides for the involvement of the office of the Chief in the dispensation of justice. Chiefs are largely empowered to adjudicate in civil matters relating to marriages, inheritance and land disputes. Chieftaincy institution is currently instrumental in achieving the goals of community developments and works with the central government in sensitizing their communities on national development initiatives. Further, the study established that chiefs, as de facto representatives of government in the districts, have since independence been largely allied to government. Chiefs are involved in canvassing for votes for the incumbent candidates during elections remaining quite influential in rallying support for the governing political party. This is because, though elected officials in most cases, the power of the executive to install and remove chiefs compels occupants of this office to be subservient to the executive. Nevertheless, chiefs remain significant players in the governance of The Gambia.

A key contribution of results of analysis is the suggestion that the involvement of chiefs in party politics could cause the populace to lose confidence in them as impartial arbitrators of justice, particularly where litigants or defendants identify with opposing political parties. Thus in this context, the outcome of politicization of chieftaincy structures of governance is losing of legitimacy, and loss of popular confidence in traditional institutions and declining public support could possibly retard the progress of democratization in the Gambia. Since legitimacy is significantly missing from the contemporary governance at the centre, performance of democratic governance structures could significantly improve by reviving and infusing legitimacy laden instruments of traditional governance into modern democratic governance in the Gambia.

REFERENCES

Bakindo, B. et al. (1994). *Africa and the Wider World 3 African states since the Scramble*. Legon: Longman Nigeria, Plc.

Buah F.K. (1986). *A History of West Africa from AD1000.* London: Macmillan Publishers

Constitution of The Gambia, 1997

Crowder, M. (1977). *West Africa: An Introduction to its History*. London: Longman Group Ltd.

Curtin, P. D. (1975). *Economic change in Pre-colonial Africa: Senegambia in the Era of the slave Trade*. London: University of Wisconsin Press

Gailey, H. A. (1987). *Historical Dictionary of the Gambia.* London: The Scarecrow Press Inc

Gray, G. M. (1966). *History of the Gambia*. London: Frank Cass Ltd.

Hirst, P. (2000). Democracy and Governance. In Pierre, Jon (Ed.), *Debating Governance: Authority, Steering and Democracy*. Oxford University Press

Hughes, A. and Perfect, David (2006). *A Political History of the Gambia 1816 – 1994*. Suffolk: University of Rochester Press.

Local Government Act of The Gambia, 2002

Mahoney Florence (1982). *Stories of Senegambia.* Banjul: Government Printer

Mander, Harsh and Asis, Mohammed. (2004). *Good Governance Resource Book*, Banglor, Books for Change

Mbai, F. E. (1992). *Senegambia Insight*. Surrey: Unwin Brothers Ltd.

Peters, B. Guy and Pierre, J. (2000). *Governance, Politics and the State.* New York: St. Martin's Press

Pierre, Jon, ed. (2000). *Debating Governance: Authority, Steering, and Democracy*. Oxford: Oxford University Press.

Searing, J. (1988). Aristocrats, slaves and peasants: Power and Dependency in the wollof states 1700-1850. *The International journal of African Historical Studies*, 21(3)

Southern, L. (1952). *The Gambia – The Story of the Groundnut Colony.* London: George Allen Ltd.

Thomas, C. (2000). *Global Governance, Development and Human Security.* London: Pluto

United Nations Development Program (1997) *Governance for sustainable human development*, A UNDP policy Document, Retrieved from http://mirror.undp.org/magnet/policy/chapter1.htm#b

Webster, J. B. (1980). *The Revolutionary Years West Africa since 1800.* London: Longman Group Ltd.

Wright, Donald R. (2004). *The World and a Very Small Place in Africa – A History of Globalization in Niumi, the Gambia.* London: ME Sharpe