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Providing Peace, Security and Justice in Ghana: The Role of Non-State Actors

Nancy Annan

RECOMMENDATIONS:

- Improve collaboration between the non-state and state judicial and security institutions.
- Capacity building and training must be provided to non-state groups by the police, judiciary and other law enforcement agencies to enhance their skills in security and justice administration.
- Increase the role of women by including them in the planning and implementation of security and justice programmes.
- The state's oversight and regulatory mechanisms regarding non-state groups must be strengthened for improved accountability.

Introduction¹

Conventionally, the provision of peace, security and justice has always been perceived as the mandate of the state. Majority of the population look to the state to ensure social justice and peace through its formal institutions such as the police, military, judiciary, paramilitary organizations and other law enforcement agencies. However, growing debates on the state's ability to adequately provide for the security of its citizens and the constant accusations against the former for neglecting the poor and favouring elites in society, have necessitated investigations into existing

alternative forms of security and justice provision in Africa, including Ghana.²

“Non-state” actors dealing with peace, security and justice are local non-statutory forms of security and justice providers that exist in most African communities. Their existence forms a fundamental element of security and justice for people, particularly those in rural communities where state institutions are often unable to reach. Across sub-Saharan Africa and indeed Ghana, these actors to a larger extent have contributed to peace, security and justice but their roles are often overshadowed by those of state security mechanisms. Thus, a better understanding of these actors and their roles in the provision of security is essential support for durable peace and sustainable development. This policy brief examines the role of non-state actors in the

¹ This article is in support of the AUSAID funded project with KAIPCT and University of Queensland on “Understanding and working with local sources of peace, security and justice in West Africa”. The author would like to thank the partners of the KAIPCT for their support to the Centre and its activities.

²Badong, P.A. (2009). Security provision in Ghana: what is the role and impact of non-state actors? *ALC Research Report No. 5*. August.

provision of peace, security and justice in Africa, with a primary focus on Ghana, by first highlighting the local sources of security and justice. The policy brief proceeds to outline the roles of these actors, and elucidate the relationship between non-state and state actors in the provision of peace and order. It further highlights some of the challenges of these non-state groups and concludes with some recommendations.

Local Sources of Peace Security and Justice Provision in Ghana

Ghana, although a relatively peaceful country, continues to experience pockets of conflicts and criminality within and around its borders. Since gaining independence from British rule in 1957, provision and administration of peace, security and justice has been the mandate of the state. Constitutionally, the Ghana Police Service (GPS), Ghana Armed Forces (GAF), Ghana Immigration Service (GIS), Prisons Service, Customs, Excise, and Preventive Service (CEPS), the judiciary and the Bureau of National Investigation (BNI) are the state institutions mandated to provide security and justice within and around the borders of the country.³

Local alternative actors in the area of security and justice were in existence before colonial rule and continue to contribute significantly to the maintenance of order and the protection and safety of people, particularly in rural communities where the state has failed to reach.⁴ Despite the risk of insecurity that may be caused or associated with these non-state groups, mainly due to their unstructured and informal nature, the importance of their role cannot be overemphasized.⁵ They

provide needed security and restorative justice to local people who otherwise may not be able to access such services from the state.⁶ These non-state actors include but are not limited to: chiefs and community leaders, community watch groups, religious bodies and civil society organizations.

The Role of Non-State Actors to Peace, Security and Justice

Traditional Chiefs and Community Leaders

Generally, the existence of chiefs and community leaders in Ghana has helped to ensure social peace and order as well as regulate the conduct of people. In the Ghanaian traditional setting, chiefs and community leaders are often held in high esteem probably due to their long-term existence and the perception that they are the symbol of wisdom and leadership within communities. Hence their decisions are mostly respected. They settle diverse non-criminal issues ranging from land, chieftaincy and family disputes to petty quarrels. For example, in most parts of northern Ghana, land disputes are settled by the *Tindama* (custodians of the land), and their decisions are respected by the community. Furthermore, these traditional leaders have their established mechanisms for arbitration. For instance, the majority of chiefs have their courts and prisons where offenders are tried and sentenced. For example, the King of Ashanti Kingdom (also known as Asantehene), Otumfuo Osei Tutu, and his paramount Chiefs and elders sit twice a month in their traditional court to settle cases.⁷ Decisions made by these courts must be respected; any breach attracts fines or additional punishment. The legitimacy and authority of these traditional leaders is linked not only to their credibility among the communities they serve but also to the 1992 Constitution of Ghana and the Chieftaincy Act, 2008 (Act 759).

³Aning, K. and Lartey, E. (2009) Parliamentary Oversight of the Security Sector: Lessons from Ghana. New York: Centre on International Cooperation.

⁴Badong, *op. cit.*

⁵For more information, see Ulimwengu, J., The Role of Non-State Actors. Available at www.afrimap.org/english/images/documents/AGFVII-

[Paper5-TheRoleofNon-StateActors.pdf](#), [Accessed on 16 November 2013].

⁶ Ibid.

⁷Bimpong-Buta, S.Y. (2013). Essential requirements of customary arbitration. *Daily Graphic*, 14 November, p. 10.

Community Watch Groups

Most communities have resorted to self-help mechanisms to secure their safety and development due to limited access to state security provisions. Over the years, youth groups, Neighbourhood Watch Committees (NWCs) among others, have been established to protect the safety of community members. These groups provide security services to prevent various forms of crimes such as thefts, drug peddling and armed robbery. Often made up of young people, these groups patrol the community at night, provide intelligence, lobby for development projects and protect the human rights of vulnerable groups in the community.⁸ For example, in Busua, a small tourist town in Ghana's Western Region, with the recent rise in ritual killings in the community, the youth group has been providing escort services at night to protect their family and friends against such attacks.⁹ In Aboabo, a predominantly Muslim community in Kumasi, there is a Crime Combat and Peacebuilding Committee which has been established by the residents to prevent people in the community, especially the youth, from engaging in violent politics. It also helps prevent crime in the community.¹⁰

Religious Bodies

Religious heads among the Christians, Muslims and Animists provide conflict resolution and judicial services to their members through counseling and appeasement of the gods in order to restore order and security in their communities. For example, the Catholic church provides development and dispute resolution assistance in some communities across the country.

In the northern part of Ghana, the *Tindama* also serve as religious heads linking the communities to their ancestors. They adjudicate in some cases involving criminals and offenders of communal norms. In Kalsegra, a small community in the Upper West Region, there is an annual event called *duomaale* where the *Tindama* perform rituals to pacify the gods with regard to the sins of the community. They also prescribe punishment for social offenders.¹¹ Punishment may include fines (monetary, or a number of fowl, cattle, goats, etc.) and other actions, as directed by the gods.¹² The people respect and believe in the judgment of the *Tindama* who were regulating the conduct of people long before colonial rule.

Other forms of religious justice and security provision include sorcery and witchcraft, popularly known as *juju*. However, this is often discouraged due to its harsh punitive methods.

Civil Society organizations

The contributions of civil society organizations (CSOs) towards conflict resolution, crime prevention and delivery of justice are worth mentioning. They engage in research, training, conflict management, alternative dispute resolution, human rights activism and legal assistance programmes to ensure peace, security and stability in the country.¹³ Civil society groups and institutions such as the West Africa Network for Peacebuilding (WANEP), Kofi Annan International Peacekeeping Training Centre (KAIPTC) and West Africa Civil Society Institute (WACSI) provide, among other things, training in conflict prevention, management and resolution, as well as in advocacy campaigns. WANEP, for instance, has been engaged in the resolution of the Dagbon chieftaincy dispute and the Bawku crisis.¹⁴ Moreover, in October 2012, the colloquium on "Ensuring Peaceful Elections in Ghana" which was organized by the KAIPTC, coupled with the Centre's training

⁸ For more information see Badong (2009) *op. cit.*

⁹ KAIPTC Field Research in Busua. This forms part of the ongoing two-year Ausaid funded project on "Understanding Local Sources of Peace, Security and Justice in West Africa: The Cases of Ghana and Liberia (2013-2015)". It is a collaborative project between the KAIPTC and the University of Queensland, Australia. Interviews were conducted in Busua, Kumasi and Kalsegra in Ghana.

¹⁰ Interview in Kumasi, 2013.

¹¹ Interview in Kalsegra, 2013.

¹² *Ibid.*

¹³ Badong, *op. cit.*

¹⁴ *Ibid.*

programmes on conflict prevention and election observation, contributed in the prevention of potential post-electoral violence in the country.¹⁵

Furthermore, due to the high cost of legal services in Ghana, some CSOs such as Women in Law and Development in Africa (WILDAF) and the International Federation of Women Lawyers (FIDA) provide legal assistance to the general public, especially people who can in no way afford legal services. This ensures that justice is accessible to the poor.

Relationship between State and Non-state Actors: Mutual Respect or Antagonism?

The underlying tensions between state and non-state actors continue to hinder their effective collaboration towards security and justice provision in Ghana. The growing feeling among non-state groups and the public that the state security forces and the judiciary are corrupt and unresponsive to citizens is a probable factor accounting for the strain in relationship. Police personnel especially are perceived to be “*troublemakers instead of peacemakers*” and are often accused of engaging in bribery and corrupt activities.¹⁶ The state institutions, on the other hand, in turn accuse non-state actors of lacking punctuality and making demands for allowances during meetings.¹⁷ These differences have limited collaboration between the two groups.

Nevertheless, there are some collaborative initiatives between the police, judiciary and some non-state groups such as chiefs, religious leaders and NWCs which is worth noting. The NWCs, for example, have a cordial relationship with the police. They collaborate on several activities, including the organization of stakeholder meetings and sensitization programmes since their work is in line with the community policing concept of the GPS which was launched in 2002.

Challenges

Lack of Accountability: One of the main challenges in the operation of non-state groups is lack of accountability. A majority of these groups often do not have accountability measures and oversight mechanisms which ensure that their actions are regulated both by the state and the populace. Although the role of chiefs is outlined in the 1992 Constitution and the Chieftaincy Act, 2008 (Act 759), there are limited mechanisms to hold them accountable if their actions are unacceptable. Most chiefs, including the Asantehene, are not accountable to the state and their followers. The Asantehene, for example, is seen as doing no wrong, he cannot be imprisoned and is answerable only to God.¹⁸ Similar challenges exist among most youth groups and religious bodies which do not have institutional accountability mechanisms. This raises concern as their activities have the potential to create tensions and insecurities.

Lack of Training: Most of the community watch groups often do not receive formal training on the effective methods of providing security for their communities.¹⁹ Hence, they sometimes tend to use unconventional methods that can be illegal or aggressive, aggravating insecurity. Some may resort to illegal arms, cutlasses and other harmful objects for protection. A case in point is the youth group in Busua, many of whom carry sharp cutlasses and knives to mete out instant justice to attackers and suspected criminals.²⁰

Low Participation of Women: Noticeably, the participation of women in the provision of security and justice has been nominal. They are often dominated by men in most non-state groups. While women play some role in conflict resolution in the southern part of the country, the converse is the case in the north where women are often deprived of any voice in the affairs of the community. The exclusion

¹⁵ For more information, see www.kaiptc.org.

¹⁶ Interview in Kalsegra, 2013.

¹⁷ Ibid.

¹⁸ Interview in Kumasi, 2013.

¹⁹ Badong, *op. cit.*

²⁰ Interview in Busua, 2013.

of women impedes the equitable and sustainable provision of peace and justice within communities.

Conclusion and Recommendations

Providing peace, security and justice requires the contribution of all stakeholders. The role of non-state providers of peace, security and justice is fundamental to constructive governance, sustainable development and the safety of Ghanaians. Nonetheless, for the role of non-state actors to be effective, there is need for better collaboration and partnership with state institutions.

The following are some recommendations to strengthen the role of non-state actors and effective collaboration:

- Improve collaboration between the non-state and state judicial and security institutions through exchange of knowledge and expertise, joint workshops and stakeholder forums.
- Capacity building and training must be provided to non-state groups by the police, judiciary and other law enforcement agencies to enhance their skills and understanding in crime prevention, conflict management and alternative dispute resolution mechanisms;
- Increase the role of women by including them in the planning and implementation of security and justice programmes;
- State oversight and regulatory mechanisms must be strengthened for improved accountability of non-state groups.

About the Author

Nancy Annan is a Researcher with the Conflict, Peace and Security Programme at the Faculty of Academic Affairs and Research (FAAR), Kofi Annan International Peacekeeping Training Centre (KAIPTC) Accra, Ghana. Ms. Annan holds a BA in Social Work with Psychology and an MPhil in Social Work with a specialization in Conflict Management and Resolution from the University of Ghana.

Nancy.Annan@kaiptc.org

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